

Trial Hearing

(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

1 International Criminal Court
2 Trial Chamber X
3 Situation: Republic of Mali
4 In the case of The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag
5 Mahmoud - ICC-01/12-01/18
6 Judge Antoine Kesia-Mbe Mindua, Presiding, Judge Tomoko Akane and
7 Judge Kimberly Prost
8 Trial Hearing - Courtroom 3
9 Tuesday, 8 June 2021
10 (The hearing starts in closed session at 9.33 a.m.)
11 THE COURT USHER: [9:34:32] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE MINDUA: [9:34:50](Interpretation) The Court is in session.
15 Court Officer, please call the case.
16 THE COURT OFFICER: [9:35:11] Good morning, Mr President, your Honours.
17 This is the situation in the Republic of Mali, in the case of The Prosecutor versus
18 Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud, case number
19 ICC-01/12-01/18.
20 And for the record, we are in closed session.
21 PRESIDING JUDGE MINDUA: [9:35:30](Interpretation) Thank you, Court Officer.
22 Good morning, everybody.
23 As usual, we will start with the introductions, starting with the Office of the
24 Prosecutor.
25 Mr Prosecutor.

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1 MR DUTERTRE: [9:35:47](Interpretation) Good morning, Mr President. Good
2 morning, your Honours. Our team has not changed: Yayoi Yamaguchi, Lucio
3 Garcia, and Mousa Allafi. And I would also like to welcome everybody, the other
4 parties and the interpreters. Thank you.

5 PRESIDING JUDGE MINDUA: [9:36:16](Interpretation) Thank you, Mr Prosecutor.
6 Defence, Ms Taylor.

7 MS TAYLOR: [9:36:20] Good morning, Mr President. Good morning
8 your Honours. Good morning to everyone in the courtroom. The Defence for Mr
9 Al Hassan is represented today by Ms Sarah Marinier-Doucet, Ms Dolly Chahla, and
10 myself, Melinda Taylor. Thank you.

11 PRESIDING JUDGE MINDUA: [9:36:41](Interpretation) Thank you, Ms Taylor.
12 Legal Representative of Victims.

13 MR LUVENGIKA: [9:36:52](Interpretation) Good morning, Mr President. Good
14 morning, your Honours. The representatives are represented by Claire Laplace,
15 Ms Ludivine Tixier-Dunet, and myself, Maître Nsita. I'm not used to doing it, but I
16 would like to take the opportunity to welcome everybody here today, including the
17 Prosecution, who always forget us in their greetings.

18 PRESIDING JUDGE MINDUA: [9:37:26](Interpretation) Thank you. That's very
19 kind of you.

20 And now counsel for the witness.

21 [REDACTED] [9:37:31](Interpretation) Good morning, Mr President, your Honours.

22 [REDACTED] counsel to [REDACTED] the witness in this
23 case, appearing here as Rule 74 counsel, Rule 74 of the Rules of Procedure and
24 Evidence. Thank you, Mr President.

25 PRESIDING JUDGE MINDUA: [9:37:55](Interpretation) Thank you, [REDACTED].

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1 This morning we will continue to hear the 36th Prosecution witness.

2 Mr Witness, good morning. Are you well?

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

4 (The witness speaks Arabic)

5 THE WITNESS: [9:38:16](Interpretation) Good morning, your Honours, to you and
6 to the honourable two judges besides you. I am very well, thank you.

7 PRESIDING JUDGE MINDUA: [9:38:30](Interpretation) Thank you, Mr Witness.

8 On behalf of the Chamber, I wish -- I welcome you here once again, and I would like
9 to thank you once more for your cooperation. I would remind you that, as you are
10 aware, you are still under oath and that you must speak the truth, the whole truth,
11 and nothing but the truth. And you also know how we need to ensure that there are
12 breaks in between our various interventions.

13 So without further ado, I will hand the microphone to the Prosecutor to pursue his
14 examination-in-chief.

15 Mr Prosecutor.

16 MR DUTERTRE: [9:39:17](Interpretation) Thank you, your Honours.

17 QUESTIONED BY MR DUTERTRE: (Continuing)(Interpretation)

18 Q. [9:39:21] Good morning, once more, Mr Witness.

19 A. [9:39:29] Good morning.

20 Q. [9:39:39] Yesterday, we started dealing with the video 0069-3710, which has
21 already been formally submitted. And Mr Witness had told us who appeared on the
22 screen and where it was. I'd now like to play it with sound, and I would now like to
23 ask the interpreters to read it into the transcript. Transcript 0078-4629, which is
24 0078- -- which is -- sorry, tab 1449.

25 And I will give the interpreters time to find the transcript. And perhaps they will let

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1 me know when they have done that.

2 So it's in binder number 8 for the interpreters.

3 If we can put it on evidence 2.

4 Okay. So I will play the video.

5 (Viewing of the video excerpt)

6 THE INTERPRETER: [09:42:47] (Interpretation of the video excerpt)

7 "Here are the rest of the cases.

8 Which case ...

9 The crimes -- this is what we see. If you had come the first days, we were only
10 sleeping for one or two hours every evening. And our cars ... we filled the cars with
11 petrol, the morning and in the evening because they were already empty. There
12 were all sorts of crimes, robbery and exaction, and ... but thank God now we are
13 working ... we only see one or two new cases per day, cases of disputes between
14 neighbours about unimportant things, social cases between couples or maybe -- but
15 the cases of theft have dropped, thank goodness, as well as the cases of sins
16 committed in the street because people have got used to this.

17 Most ..."

18 The interpreter would like to point out that she's not entirely sure where we are in the
19 transcript because I can't see where the French is coming.

20 Now the Arabic booth is reading what I've just read out to you. Apologies for this.

21 (Interpretation of the video excerpt)

22 "Unknown Person: Most of the cases that you get, for example, what sort of case are
23 they? Problems of theft or ...?"

24 Al Hassan: Yes, we have social problems of all types, a woman who gets divorced
25 and a man who wants to get his wife back, all sorts of things, social problems we get

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1 here. We even deal with conflicts about land and private problems like those
2 between farmers and cattle farmers of all types.

3 Unknown: I've understood. How do you resolve these social problems, what
4 means do you use to deal with them?

5 Al Hassan: Of course we send the social problems to the tribunal, we need to send
6 social cases to the tribunal, we don't deal with them here. We deal with minor
7 problems such as resolving debts, that's something the police deals with. If, for
8 example, we see that the case is dragging on a bit after one or two months and it's still
9 not been resolved, then we send it to the tribunal.

10 Unknown: Like the people who have already passed through here.

11 Al Hassan: The people whom we've accorded a simple delay of a month, they pay,
12 or a person who promises to pay within a month, that's fine. If the month -- if it goes
13 over the month and the person still hasn't paid, we give them a paper which sends
14 them to the tribunal.

15 Unknown: Aha, and for cases of theft, for example, for most of them, it's you who
16 discover them or is it the citizens who come and complain to you?

17 Al Hassan: Most of the cases of theft, for example, like those -- like the one whose
18 hand was cut off, that was a thief, for example, who robbed a house, and it was the
19 inhabitant who contacted us. * Then we went and inspected the house, carried out our
20 investigation, and checked everything. And we found the thief, and it was simply
21 a neighbour. We found the goods of the complainant in the house itself of his
22 neighbour. Do you understand? For most cases of theft, it's people who report
23 them to us.

24 Unknown: And did the thief admit the habit or -- does the thief usually admit?

25 Al Hassan: A great majority admit, let's say between 90 and 100 per cent of the

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1 people.

2 And they admit themselves?

3 Al Hassan: By themselves. By themselves, yes, most of them admit by themselves
4 because they know us. They know that we apply the law of Islam in the most parts
5 of cases, and so the person admits that he ..." (Overlapping speakers)

6 MR DUTERTRE: (Overlapping speakers)

7 THE INTERPRETER: [9:48:44] We are not at the end of the transcript.

8 PRESIDING JUDGE MINDUA: Maître Taylor.

9 MS TAYLOR: [9:48:48] Thank you, Mr President. I apologise for interrupting, but
10 the English interpreter is still continuing. So I think it would be helpful to have that
11 being put on the transcript before the Prosecutor starts questioning.

12 PRESIDING JUDGE MINDUA: [9:49:04] (Interpretation) You are absolutely right,
13 Ms Taylor.

14 THE INTERPRETER: [9:49:08] (Interpretation of the video excerpt)

15 So continuing:

16 "Al Hassan: By themselves. By themselves. Most of them admit by themselves
17 because they know us, they know that -- well, we apply Islamic law in most cases,
18 and so the person admits straightaway that they needed to steal, that they have no
19 work, for example, and they do what they need so that we let them go. Understand?

20 Unknown: Who are the other cases that you have resolved by the tribunal? The
21 sins for example.

22 Al Hassan: For example, the cases of traditional healers and the charlatans, those we
23 send directly to the tribunal. And of course theft -- thieves, fornicators, major sins,
24 and those who drink alcohol.

25 Unknown: Have you made a resume of this type of case?

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1 Al Hassan: Yes, they exist.

2 Unknown: You found some?

3 AL HASSAN: Yes, we found lots, but thank God their number has reduced. * Now
4 with the rules that we have imposed, a lot of sins have reduced, particularly the major
5 offences such as adultery, alcohol and other major sins. The things here have
6 improved distinctly. Salamu Alaikom. {inaudible}."

7 MR DUTERTRE: [9:50:55](Interpretation)

8 Q. [9:50:57] Mr Witness, we -- were you able to follow what was said on the video?

9 Was it audible to you?

10 A. [9:51:11] It was.

11 Q. [9:51:21] Right at the start, in which language -- right at the start, which
12 language was being spoken?

13 A. [9:51:30] It was in the Tamasheq language.

14 Q. [9:51:39] And then the following exchanges, what language were they in?

15 A. [9:51:48] It was the Arabic dialect that the Mauritians
16 Spoke, as well as the Azawadi Arabs.

17 Q. [9:52:02] [REDACTED]

18 [REDACTED]

19 A. [9:52:15] [REDACTED]

20 Q. [9:52:26] Mr Witness, in the French transcript in the translation, lines 17 and 56
21 later, there is mention of "sins committed in the street" and later "major sins".

22 According to your experience and knowledge of the armed groups in Timbuktu in
23 2012, 2013, what were the major sins committed in the street by the population?

24 A. [9:53:10] When prohibitions are described as "high prohibitions," that's
25 a description that would apply to fornication, alcohol drinking, and highway

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1 thuggery, which is highway thuggery with the use of weapons, in addition to
2 a certain level of theft.

3 As to light thefts, that do not -- that do not amount to a sentence of hand amputation
4 such as offences such as smoking or not respecting the outfit requirements, these are
5 likewise prohibitions, but they are not high prohibitions.

6 High prohibitions also include what people do around graves, things that the
7 jihadists would deem non-monotheistic.

8 Q. [9:54:42] And what did the people do around the tombs? Could you tell us a
9 little more about that, what they did which constituted sins.

10 A. [9:54:59] The jihadists classified practices around graves to three types: The
11 first type they called allowed practices, and that includes Sharia-compliant visits,
12 which is to salute graves, to recite Koranic verses, and to make a prayer for the dead.
13 These are the things they deem allowed. This is what to them is a Sharia-compliant
14 visit.

15 Then they have the second type, which is what they call the nonconformist visit. It's
16 a prohibition. It's a -- an objectionable act. It's a nonconformist act which is for the
17 visitor to touch the grave with his hands, to kiss the grave with his lips, to -- to
18 hug -- sorry, to take some soil from around the grave as a form of blessing or to take
19 certain belongings from the grave for the purpose of further blessing in the future.

20 This is what they call nonconformist visit, and they deem that objectionable and
21 prohibited.

22 Then the third type, what they call a high offence and a non-monotheistic act, is for
23 the visitor to ask the person buried in the grave to achieve something in -- for him in
24 life. For example, if the visitor asks the deceased to give him blessing for his
25 children or to give him financial development or any other request that a visitor may

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1 ask from the buried person. To them, this is an objectionable act and a high offence,
2 a high prohibition committed.

3 Q. [9:57:42] Do you know - and perhaps you could explain how - do you know
4 what Al Hassan's attitude was to practices of the second and third types that took
5 place at the mausoleums?

6 A. [9:58:07] Yes, I do know Al Hassan's stance on this, and I know that he agrees on
7 these things. But Al Hassan, his assignment made him unconcerned with what
8 happens to the -- around the graves because other people were responsible for that.

9 But Al Hassan supported and was delighted with these things 
10 
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12

13 Q. [9:58:59] Mr Witness, moving on to the next point, line 21 of the French
14 transcript of this video, it talks of social cases such as a man who wants to get his wife
15 back. 

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17 A. [9:59:45] 
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1 Q. [10:01:13] [REDACTED]

2 A. [10:01:18] [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 Q. [10:01:49] To the best of your knowledge, Witness, could women be detained at
6 the Islamic police station?

7 A. [10:02:06] All I know with regards to the detention of women pertains to the
8 actions of the *Hesbah* under the leadership of Mohamed Moussa. But to me, it
9 doesn't seem far-fetched that such thing might have happened within the police as
10 well.

11 MR DUTERTRE: [10:02:43](Interpretation) Your Honour, I would like to keep the
12 video in evidence 2. However, I'd ask the usher to help the witness with binder
13 number 4, tab 744, 0068-4678. Translation can be shown on evidence 1,
14 tab 745, 0069-4647.
15 So on evidence 1, 0069-4647.

16 I'll wait for that to be shown before asking the questions
17 Witness, what is this document?

18 A. [10:05:22] This is a document of khula. It is a court decision by the Islamic
19 court of Timbuktu.

20 Q. [10:05:38] Could you state the date you read on this document.

21 A. [10:05:45] This is September 18, 2012.

22 Q. [10:06:00] And at the bottom of the document, what is the name of the person?

23 A. [10:06:15] Judge Sheikh Mohamed Bin-el-Houssein, aka Houka Houka.

24 Q. [10:06:29] And this decision, this khula decision, what exactly does it mean?

25 A. [10:06:40] This court decision states that this lady mentioned by name here had

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1 requested khula from her husband. And khula means that the wife disavows her
2 husband for a financial sum. She had requested this several times from the court,



9 Q. [10:08:07] [Redacted]

10 A. [10:08:20] [Redacted]



16 THE ARABIC INTERPRETER: [10:09:12] Inaudible part. Inaudible.

17 MR DUTERTRE: [10:09:17](Interpretation)

18 * Q. [10:09:19] Do you know if there were any female guards at the Islamic Police,
19 to the best of your knowledge?

20 A. [10:09:40] I know that there are no women within the ranks of the Islamic police.

21 Q. [10:10:00] And is it normal for a woman to be detained by men?

22 A. [10:10:11] That is authorised in Sharia, but after ensuring certain safeguards and
23 reservations.

24 Q. [10:10:30] Could you explain to the Chamber what these safety and reservations,
25 safety elements and reservations are.

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1 A. [10:10:50] According to jurisprudential scholars, situations that may lead to
2 seeing a woman, for example, medical practice, such activities should be carried out
3 by women. But when necessity requires, a man could also do the job. But it has to
4 be an elderly person and more than one person needs to be present. The same can
5 be said about prisons that -- which require inspection and looking at people and so on
6 and so forth, women should do the job. But in the absence of women, it is permitted
7 for man to do the job on the condition of being elderly and of being more than
8 many -- of having many persons, which means more than one person at least.

9 PRESIDING JUDGE MINDUA: [10:11:56](Interpretation) Mr Prosecutor, please
10 excuse me.

11 Witness, to answer the Prosecutor's question, on the transcript in French, I see and I
12 heard that you said according to jurisprudence.

13 For you, jurisprudence, what is jurisprudence?

14 THE WITNESS: [10:12:14](Interpretation) Jurisprudence is Sharia elements extracted
15 from the Koran and the prophetic tradition. These are statements regarding men's
16 actions in life, in the daily lives of human beings. This is, to the jihadists, is the
17 constitution of daily lives and is the -- and the way affairs should be handled.

18 PRESIDING JUDGE MINDUA: [10:13:02](Interpretation) Very well. Last question:
19 How do you know or how did the jihadists know that daily cases were being dealt
20 with? What means did they have to know that?

21 THE WITNESS: [10:13:20](Interpretation) The jihadists have a number of people
22 who are entirely dedicated to issuing fatwas on these matters based on a collection of
23 sophisticated jurisprudential sources, scholars who have already reached opinions on
24 these matters and have compiled them in books. So some jihadists are well-learned,
25 so they would sit down and tell people about what the content of those books say and

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1 would impose on the people the application of what those books contain. I am
2 happy to give you some names of -- some names of these books and some names of
3 people within jihadist groups who were concerned with speaking in the name of
4 those books.

5 PRESIDING JUDGE MINDUA: [10:14:36](Interpretation) Thank you very much.

6 For the moment, that's enough. Thank you.

7 Prosecutor.

8 MR DUTERTRE: [10:14:42](Interpretation) Thank you, your Honour.

9 Q. [10:14:44] So just on terminology, page 13 in the French transcript, it says: "In
10 practice, medical acts should be carried out by men." I think there's a translation -- I
11 think it's precisely the opposite of what the transcript says.

12 PRESIDING JUDGE MINDUA: [10:15:02](Interpretation) Indeed, that's correct.

13 MR DUTERTRE: [10:15:10](Interpretation)

14 Q. [10:15:12] Just a couple of follow-up questions, Witness. You indicated that
15 you knew the -- about the detention of women because of what the *Hesbah* was doing
16 under the leadership of Mohamed Moussa. So what do you know in this regard?

17 A. [10:15:37] 

18 

19 THE ARABIC INTERPRETER: [10:16:10] Inaudible part.

20 THE WITNESS: [10:16:13](Interpretation) Mohamed Moussa announced that it was
21 not sufficient for women to put on a head scarf. They needed to cover themselves
22 up using one robe which is sometimes called in Arabic the sari outfit. It's a long
23 piece of cloth that a woman would cover her entire body with. So Mohamed
24 Moussa imposed on women to buy this piece of clothing, and he also ordered the
25 merchants in the Timbuktu market to reduce their profit margin when selling this sort

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1 of clothing to women.

2 Many women did not comply with this piece of advice, and Mohamed Moussa

3 punished them and imprisoned some of them. So there was an argument among the

4 jihadists themselves about the imprisonment of women, whether that's -- whether it's

5 something they would do or that they would just let them free and what Sharia

6 permits in that regard and what Sharia says in that regard.

7 [REDACTED] the conclusion was that, in

8 principle, we have to imprison women. That's in principle, which means it is

9 possible to imprison women if it is proven that they committed something that

10 requires imprisonment. But Mohamed Moussa's recommendation, that there was no

11 appropriate place for imprisoning women and that the place he was running was

12 inappropriate for imprisoned women. [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 MR DUTERTRE: [10:18:37](Interpretation)

17 Q. [10:18:39] There are several points, Witness. At the start of your answer, you

18 indicated - and here I'm reading the French transcript and, namely, lines 10 to 12

19 thereof. [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 THE INTERPRETER: Corrects the interpreter.

23 MR DUTERTRE: [10:19:22]

24 Q. The rest of the sentence wasn't heard by the interpreter. Could you repeat

25 what you said about the imprisonment of women.

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1 A. [10:19:31] Something happened at the women's prison in this period.

2 Q. [10:19:49] Could you state precisely what happened.

3 A. [10:19:58] I said Mohamed Moussa imprisoned some women and I laid out the
4 reasons that led to that, which is that he imposed a certain clothing on them, et cetera,
5 et cetera.

6 Q. [10:20:18] Where was this women's prison, Witness?

7 A. [10:20:29] It was at the first office of the police station, which later turned into
8 the *Hesbah* office when -- once the police moved to their second office, and that
9 pertains to the same rooms I've previously described. Those very -- those same
10 rooms are the rooms where women were locked up.

11 PRESIDING JUDGE MINDUA: [10:21:11](Interpretation) Ms Taylor.

12 MS TAYLOR: [10:21:12] Thank you, Mr President. I apologise for interrupting, but
13 I believe that the translation might not be accurate on page 17, line 12. The English
14 says: "Something happened at the women's prison in this period."

15 And my understanding is that it was -- should actually be that the women's prison
16 happened. So that's quite a difference, and that might explain the bit of confusion
17 there.

18 THE ARABIC INTERPRETER: [10:21:43] Note from the interpreters: The
19 gentleman used an expression that we -- a strange phrasing that we do not recognise
20 in standard Arabic. The best rendering of that would be either what we said or what
21 Ms Taylor just said.

22 PRESIDING JUDGE MINDUA: [10:22:00](Interpretation) So how are we going to
23 resolve that? Maybe you could put the question to the witness so he can clarify that,
24 Prosecutor.

25 MR DUTERTRE: [10:22:06](Interpretation) Yes. Yes. It's complicated to clarify

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1 that, but I will try.

2 Q. [10:22:09] Witness, Ms Taylor has referred to a possible translation issue. In the
3 transcript in English, which I don't have in front of me, it said something happened at
4 the women's prison during this period.

5 Is that what you said, or did you say that women were in prison? There was
6 a translation issue there.

7 PRESIDING JUDGE MINDUA: (Interpretation) Ms Taylor.

8 MS TAYLOR: [10:22:41] I apologise, but that's not actually what we said. We said
9 the women's prison happened. So that was my understanding. "The women's
10 imprisonment happened."

11 PRESIDING JUDGE MINDUA: [10:23:01](Interpretation) Very well.

12 Witness, could you explain to us.

13 THE WITNESS: [10:23:13](Interpretation) What I said is that women were
14 imprisoned in that period.

15 MR DUTERTRE: [10:23:25](Interpretation) That's clearer. Thank you.

16 Q. [10:23:27] Now, you spoke -- and this is still a translation issue. It said that the
17 recommendation of Mohamed Moussa. Is it -- was that the recommendation of
18 Mohamed Moussa or the recommendation given to Mohamed Moussa?

19 A. [10:23:47]



24 between the Shura counsels regarding the topic of imprisoning women. The
25 conclusion reached by the group is that the imprisonment of women is authorised.

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1 Mohamed Moussa was allowed to imprison women, in principle, in general. That's
2 the general principle in Sharia. But the emirs advised Mohamed Moussa about the
3 necessary criteria or standards for the imprisonment of women was -- were not met
4 with the prison where he had locked up women indeed.

5 * Q. [10:25:15] So you indicated that they were imprisoned because they didn't
6 wear the veil as envisaged at the time by Mohamed Moussa. Is that correct?

7 A. [10:25:37] Yes, that is correct.

8 Q. [10:25:53] And in a general way, could you explain why or on what grounds
9 you can imprison a woman. At that time in Timbuktu, obviously.

10 A. [10:26:11] I did not have previously examples of this before looking at this khula
11 document. I did not have examples in mind about the imprisonment of women,
12 apart from what Mohamed Moussa did. And I know that Mohamed Moussa thinks
13 that the women he imprisoned, he described them as stubborn women and that they
14 have repeatedly disobeyed his orders. And for that, he imprisoned them.
15 This argument is the common argument that jihadists would use to punish anyone
16 among the population of Timbuktu because they have what they call their special
17 policy whereby they would be first lenient, and then they would give the person the
18 chance to comply with the orders and the directives. Then they would identify those
19 who are stubborn and who refuse the directives and would punish them. That's
20 what Mohamed Moussa did.

21 Women were given many directives, which we have spoken about already in these
22 hearings, which is to dress in a particular manner that meets certain conditions which
23 is for the outfit not to be transparent, see-through or tight, tight on the body and
24 displaying parts of the body, and other requirements.

25 Q. [10:28:10] Now, Witness, on page 16 of the transcript today, and this is at lines 5

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1 to 8. * So witness, on page 16 of today's transcript from lines 5 to 8 you say that there
2 was no appropriate location to imprison women and that the location Mohamed
3 Moussa was in charge of wasn't appropriate to imprison women. So what do you
4 mean by the fact that the place where Moussa imprisoned women was not
5 appropriate?

6 A. [10:28:45] Yes. We said that the imprisonment of women should be something
7 that other women run. And there were no women, neither at the *Hesbah* nor at the
8 police. And in the cases where women could be replaced by elderly men, in these
9 cases, it should also be limited to necessity. And the *Hesbah*, as well as the police, in
10 such case should prove that the imprisonment of women is of absolute necessity in
11 order to be entitled to this -- to this exceptional entitlement, which is the replacement
12 of women by elderly men, which was not authorised as per the rules, neither at the
13 hands of Mohamed Moussa, nor at the police station.

14 Q. [10:29:57] So you said there were no women in the *Hesbah*, no women in the
15 police. Were any women members of the Islamic court?

16 A. [10:30:24] No, there weren't.

17 Q. [10:30:32] Can you explain why there were no women at all -- not at the tribunal,
18 not at *Hesbah*, and not at the Islamic police?

19 A. [10:30:49] With regards to the police, it is not known in Islamic history -- nothing
20 is known in Islamic history for these people to believe that women have the right to
21 work in police. But with regards to the *Hesbah* and the judiciary, it is possible for
22 women to be even heads of the -- to be a head of the *Hesbah* and also to be an assistant
23 judge, but not as principle judge, nor as a member of the general judicial bench. This
24 is in theory.

25 But when it comes to restrictions imposed by the jihadists groups on women and

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1 the -- and their affirmation of diminishing women's role to what they deem is more
2 suitable to her psychological state of mind and to be as independent from the -- free
3 from the ideas of modern foreign countries as possible, these people would be very
4 prudent to promote women in these positions. So they believe that in theory, it is
5 not possible for them -- for women to take part in many of these activities.

6 Q. [10:32:27] Could you please explain what you mean when you say the jihadist
7 groups want to restrict the role of -- diminish a woman's role to what they deem is
8 more suitable for her psychological state of mind. Could you please explain what
9 you mean by that.

10 A. [10:33:14] Let me correct the expression. When I said -- I said more suitable for
11 a woman's state of mind. And I was referring to their perception of women as being
12 suitable for certain activities and not for other activities and that women were created
13 to carry out certain activities in life. Such activities are limited to running the
14 household, raising the kids in their early stage -- in the early stages of life, and also
15 a woman's bodily makeup, given her period and her pregnancy, are elements that
16 weaken her -- factors that weaken her and make her unsuitable to take part in certain
17 activities. And if we have her take part in these activities, we are being unfair to
18 women. And it would an instance of changing the natural rules of the human race.
19 That's their perception.

20 Q. [10:34:23] And is that what the jihadist group -- groups believed in Timbuktu
21 during this period of 2012, 2013?

22 A. [10:34:47] Yes, and that's what I've been explaining. 

23 

24 

25 Q. [10:35:10] And did you see any woman at all in the jihadist groups in Timbuktu

1 between April 2012 and January 2013? By which I mean as a member of the group.

2 A. [10:35:39] All the women of the jihadists, especially the old-timers among them,
 3 are considered members of these groups. First of all, they agree ideologically with
 4 the ideas that are being brought up in the -- in their daily lives. And in many
 5 instances, women can be used in -- for practical purposes, especially in war time.
 6 For example, a woman can be permitted to -- to guard or to be in the back ranks and
 7 also to protect -- to guard women, to provide first aid assistance and treatment to
 8 women, and for also back assistance. And there are many things that Islamist
 9 groups believe women can do once things get tough and once the battle intensifies.

10 And [REDACTED] there was a special battalion of women, especially the women
 11 who -- whose husbands died in war time, and they had weapons. They were armed.

12 Q. [10:37:13] And in Timbuktu itself, between April 2012 and January 2013, did you
 13 see any woman officially in charge of any activity in the institutions that had been
 14 established?

15 A. [10:37:41] No, never. I know that there weren't any. To affirm the answer to
 16 your question, I know that there was no woman holding an official position in any of
 17 the institutions that were in Timbuktu in that time period you just mentioned.

18 Q. [10:38:03] I would now like to return to the video we saw earlier [REDACTED]
 19 which is still on evidence 2. On page 39 of the French transcript, it is mentioned that
 20 "We cut the hand of a thief." Line 39. Can you tell us what you know about this
 21 amputation.

22 A. [10:38:59] I don't know, [REDACTED]
 23 [REDACTED] I don't know a lot about this case.

24 Q. [10:39:31] [REDACTED]

25 [REDACTED]

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1 PRESIDING JUDGE MINDUA: [10:39:44](Interpretation) Ms Taylor.

2 MS TAYLOR: [10:39:45] Thank you very much, Mr President. Mr Al Hassan
3 would respectfully like to be able to be given authorisation to use the restroom.

4 PRESIDING JUDGE MINDUA: [10:39:56](Interpretation) Of course, Ms Taylor. He
5 may leave us for a moment.

6 Security officer, please.

7 (Mr Al Hassan exits the courtroom)

8 (Pause in proceedings)

9 (Mr Al Hassan enters the courtroom)

10 PRESIDING JUDGE MINDUA: [10:43:01](Interpretation) Mr Prosecutor,
11 Mr Al Hassan has returned. Please continue.

12 MR DUTERTRE: [10:43:14](Interpretation) Thank you, your Honour.

13 Q. [10:43:17] [REDACTED]

14 [REDACTED]

16 A. [10:43:36] [REDACTED]

17 Q. [10:43:45] [REDACTED]

18 [REDACTED] What did you hear
19 about this case of amputation?

20 A. [10:44:09] First of all, regarding the amputation of a hand, it falls in the context
21 of the enforcement of *hudud*, which I have previously commented on. And I
22 mentioned that that marks a major victory for the armed group that the world knows
23 that they enforced the *hudud* of God as per the Koran.

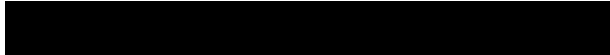
24 But during the -- throughout the period beginning from April until this date, which I
25 believe was in October, there were repeated thefts in Timbuktu and its surroundings.


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1 These thefts were handled by the police first. They released some people before
2 referring them to court because the thefts were minor. But others they referred to
3 the court, and the court would either release them or convict them. And these
4 judgments were judgments decided at the discretion of the judge, which is different
5 from *hudud*. This is what we call *ta'zir*. 

6 
7 The armed group was hoping that an incident would occur, an incident that the
8 judges -- where the judges cannot exonerate the defendant from a hand amputation
9 sentence. Until this incident happened, where it was clear for the judges that all
10 proof and necessary inculpatory elements were there to cut off his hand as per the
11 Sharia that they believed in.

12 Let me clarify something regarding the inculpatory factors. These factors is through
13 consisting witnesses and confessions. As to the other considerations, these are
14 certain excuses that the judges would resort to to prevent the amputation of the hand,
15 and they pertain to the financials and also the -- the thief, also the money.

16 For example, if the money was given up by the original owner and then the thief took
17 that money, then the hand is not amputated. If the money is suspected in terms of
18 its ownership - it might have been jointly owned - then also the hand is not
19 amputated in that case either. If the thief is a member of the same family or if he's
20 a domestic servant, in that case, also the hand is not amputated. If the thief was in
21 desperate need for that or if he's mentally retarded. And the list goes on and on of
22 excuses that the judges would rely on to prevent the amputation of a hand.

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[REDACTED]

[REDACTED]

And so the enforcement happened, and the people were very happy. And there was rain on that -- in that evening. So the jihadists said that it was a blessing for the amputation of that person's hand. This is what they disseminated among the public.

Q. [10:49:24] Point of transcription, French transcript. [REDACTED]

[REDACTED]

A. [10:50:03] [REDACTED]

Q. [10:50:16] [REDACTED]

[REDACTED]

A. [10:50:42] [REDACTED]

[REDACTED]

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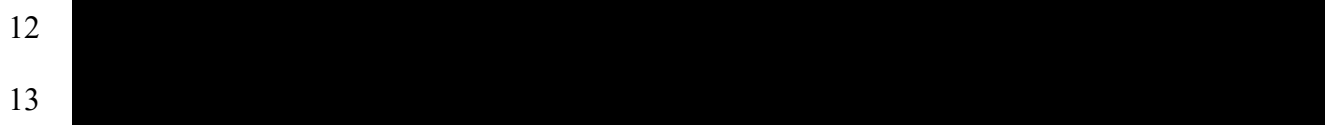
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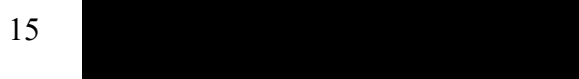
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11 Q. [10:52:48] [REDACTED]



14 A. [10:53:06] [REDACTED]



16 Q. [10:53:27] And you also said on page 25, lines 13 to 15 in French, the armed
17 group hope that there would be an incident where the judges were unable to prevent
18 the sentence of amputation being applied. Why did they hope that that would be
19 the case?

20 A. [10:53:59] I think you said exactly what I said, but you left out the last part. I
21 said that the Islamist group were wishing for a theft case to happen whereby the
22 judges -- in which the judges would not be able to prevent the amputation of a hand.
23 This applies to the example we've been discussing which occurred on a date that I
24 think was in October.

25 Q. [10:54:50] But why were they hoping that, and how do you know of this?

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1 A. [10:55:00] I've also explained that. I said that to manifest the enforcement of
2 *hudud* in Timbuktu was of paramount importance for the radical Islamist group
3 because that would stand as proof for the outside world that they were indeed
4 enforcing God's Sharia in any land that was under their control.

5 Q. [10:55:49] [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 A. [10:56:13] [REDACTED]

10 [REDACTED]

11 Q. [10:56:37] I think it would be simpler, Mr Witness, if you were to write his name
12 down on a piece of paper for us.

13 PRESIDING JUDGE MINDUA: [10:57:23](Interpretation) There we are. It's now on
14 evidence 1.

15 Court Officer, could this document please be given a number.

16 THE COURT OFFICER: [10:57:32] Your Honours, the document will be assigned
17 exhibit number MLI-REG-0001-0065.

18 PRESIDING JUDGE MINDUA: [10:57:43](Interpretation) Thank you,
19 Mr Court Officer.

20 Mr Prosecutor.

21 MR DUTERTRE: [10:57:48](Interpretation) Thank you, Mr President.

22 Q. [10:57:51] Mr Witness, two further points of clarification before the break. On
23 26 of today's French transcript, lines 15 to 18, you said, and I quote: "And so, the
24 application of this sentence took place and people were very happy. And the
25 jihadists said it was a blessing, the amputation of the hand of this person."

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1 When you say the people were very happy, to which people do you refer?

2 PRESIDING JUDGE MINDUA: [10:58:43](Interpretation) Ms Taylor.

3 MS TAYLOR: [10:58:48] Thank you, Mr President. I believe -- I'm not sure if it's an
4 issue with the French transcript, but in the English, there was a reference to rain, and I
5 didn't see that in what Mr Duterte just read out. It was, and it rained and the
6 jihadists said that the rain was a blessing, or that was the logic. So I believe that the
7 quote should have the full reference.

8 MR DUTERTRE: (Overlapping speakers)

9 PRESIDING JUDGE MINDUA: [10:59:24](Interpretation) I seem to recall that the
10 witness said there was rain and that was a blessing, in French. We can check that.
11 What do you want us to do, Ms Taylor? Do you want us to ask the witness the
12 question? Or what are you looking for?

13 MS TAYLOR: [10:59:43] No, Mr President. It's just that when Mr Duterte read out
14 the quote, I didn't see the reference to rain.

15 MR DUTERTRE: [10:59:55](Interpretation) That may be a problem in the translation
16 to English. I don't see it in the French transcript. But given the time, I think I will
17 ask the question after the break. Perhaps that's best.

18 PRESIDING JUDGE MINDUA: [11:00:20](Interpretation) Maybe this can be found
19 in the transcript, Ms Taylor. What -- what do you think? Should -- should we leave
20 it at that, Ms Taylor? Should we stop there now?

21 MS TAYLOR: [11:00:30] I don't have any fixed position on this. I was just -- when
22 we saw the transcript, I didn't see Mr Duterte having the quote with the reference to
23 rain. But I believe that that's now been corrected in any case quite fully.

24 PRESIDING JUDGE MINDUA: [11:00:48](Interpretation) We are going to resolve
25 this once and for all.

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1 Could you please ask the witness to say what he said.

2 MR DUTERTRE: [11:01:05](Interpretation) I -- it's in black and white in the French
 3 transcript. I have no intention to mislead anybody by cutting the sentence. It's on
 4 page 29 of the French transcript, lines 23 to 28.

5 Q. [11:01:25] But I -- I was saying, Mr Witness, that on page 26 of today's French
 6 transcript, lines 15 to 18, you said, and I repeat this again: "And thus, the
 7 implementation of the sentence took place and the people were very happy. And it
 8 rained on that day, and the jihadists said that this was a blessing, the amputation of
 9 the hand of this person." End of quote.

10 So my question was as follows: The people were very happy, who were "the
 11 people"?

12 A. [11:02:07] Indeed you've just reiterated what I said. By "people," I was
 13 referring to the members of the jihadist group who were enthusiastic about the
 14 enforcement of *hudud*.

15 PRESIDING JUDGE MINDUA: [11:02:33](Interpretation) Right. That's now
 16 completely clear.

17 And it's 11:02 so we will take our half-hour break, and we will recommence at 11.30.

18 The hearing is suspended.

19 THE COURT USHER: [11:02:54] All rise.

20 (Recess taken at 11.02 a.m.)

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

22 THE COURT USHER: [11:30:59] All rise.

23 Please be seated.

24 PRESIDING JUDGE MINDUA: [11:31:18] (Interpretation) The Court is in session.

25 Prosecutor, you have the floor.

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1 MR DUTERTRE: [11:31:34](Interpretation) Thank you, your Honour, your Honours.

2 Q. [11:31:44] Witness, just before the break, you mentioned, and here I quote, the
3 people I'm -- "By 'people,' I'm referring to members of the jihadist group who were
4 very enthusiastic concerning the implementation of the *hudud*."

5 "By 'people,' I was referring to members of the jihadist group who were enthusiastic
6 about the enforcement of *hudud*."

7 [REDACTED]

9 A. [11:32:27] [REDACTED]

10 [REDACTED]

12 Q. [11:32:51] [REDACTED]

13 [REDACTED]

15 A. [11:33:16] [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

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[REDACTED]

Q. [11:35:10] [REDACTED]

[REDACTED]

A. [11:35:37] [REDACTED]

Q. [11:35:54] [REDACTED]

A. [11:36:03] [REDACTED]

Q. [11:36:10] And when you say that the members wanted to see with their own eyes the difference between the Muslims and the tyrants, who are the tyrants?

A. [11:36:27] "Tyrants" is a label that jihadists assigned to any non-jihadist government and any government that is not part of the radical Islamist groups.

Q. [11:36:59] Did you find out who was physically present during the amputation of this thief that we spoke about?

A. [11:37:11] No, not in detail. But I know that as per the rules, the court would issue a decision, the police would enforce that decision, and there would be spectators coming over from the people and spectators from the -- among the members of the group. And also the *Hesbah* would be present, if certain measures are required by the -- for the *Hesbah* to undertake.

Q. [11:37:55] A last question by way of clarification. You indicated - and this is on page 25 of the French transcript, lines 6 to 8, and here I quote:

"These thefts were firstly dealt with by the police," comma, "they freed certain people

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1 before sending them to the court because these thefts were minor thefts."

2 Could you explain what you mean by "minor thefts."

3 A. [11:38:44] First of all, the police patrol heavily the city, around 24 hours. So
4 whenever they arrest people who were about to commit theft but who have not yet
5 committed theft, they would deal with them, interrogate them, and usually release
6 them. But when the police learn about a case where people did actually steal certain
7 belongings or hid certain belongings somewhere, in that instance, they would refer
8 the case to a judge. The judge would assess the value of those things and would
9 thus determine whether his -- what his sentence on those stealers would be. That's
10 how things happened.

11 Q. [11:39:48] Perhaps my question wasn't formulated well, but you spoke about
12 "minor thefts." What are "minor thefts"?

13 A. [11:40:07] What I said regarding minor thefts, it's the theft of belongings that are
14 not expensive, such as windows and doors of homes, also household -- some
15 household tools. These were widespread thefts in the first period when Timbuktu
16 was under occupation.

17 Q. [11:40:40] And thefts that were not minor, what would they be?

18 A. [11:40:51] A theft is weighed by the judges as per the value of the stolen object
19 and as per the level of the stealer's treachery. For example, some people stole electric
20 generators. These are of high value. Some people stole a whole bundle of
21 mosquito nets, which are also of a remarkable value, and so on and so forth. So the
22 theft is weighed on the basis of the value of the stolen object and also on how much
23 treacherous the thief was. Was he entrusted with protection of the merchandise and
24 he betrayed that trust, or was it something under a subject of disagreement and so on
25 and so forth. So that is how the value of the theft is weighed.

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1 Q. [11:42:00] Very well. We understand it better. So was there a distinction
2 between public and private which comes into the classification of minor and
3 non-minor thefts?

4 A. [11:42:22] Yes, and that's one of the criteria, because of which a person can be
5 exonerated from amputation, when he steals public funds, because public funds are
6 more or less something owned by the people, and the people may consider that's
7 something that is part of their ownership.

8 Q. [11:42:47] Thank you. Now, Witness, line 45 of the French transcript of the
9 video, [REDACTED]
10 [REDACTED]
11 [REDACTED]

12 A. [11:43:47] [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
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[REDACTED]

Q. [11:46:39] [REDACTED]

[REDACTED]

A. [11:47:06] [REDACTED]

Q. [11:47:16] [REDACTED]

[REDACTED]

A. [11:47:26] [REDACTED]

Q. [11:47:34] [REDACTED]

[REDACTED]

A. [11:47:47] [REDACTED]

Q. [11:47:58] [REDACTED]

A. [11:48:06] [REDACTED]

[REDACTED]

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1 Q. [11:48:35] [REDACTED]

2 [REDACTED]

3 A. [11:48:43] [REDACTED]

4 [REDACTED]

5 Q. [11:49:09] [REDACTED]

6 [REDACTED]

7 A. [11:49:20] [REDACTED]

8 [REDACTED]

9 Q. [11:49:34] [REDACTED]

10 [REDACTED]

11 A. [11:49:56] [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 MR DUTERTRE: [11:50:58](Interpretation) Your Honour, I'm just noting that the
19 answer in French is complete. The English is complete. So it doesn't matter. We'll
20 correct the French.

21 Q. [11:51:22] Witness, still within the same video, lines 54 of the video, 0069-3710,
22 line 54, French version, so "the sins, for example, of the marabouts and charlatans."
23 What in Timbuktu in 2012 to 2013, what were the sins committed by the marabouts
24 and charlatans between April 2012 and January 2013? Could you shed light on that
25 for the Chamber, starting by defining what's a marabout and a charlatan.

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1 A. [11:52:28] Magic is a religious term. It's known in Islam, first of all. But the
2 Islamist group added other characteristics and restrictions which made the general
3 definition of magic in Islam different from its definition for the Islamist group.
4 Magic in the original concept recognised by all Muslims is of -- is of several types
5 bound by the following description I will just lay out: It's the ability of a person to
6 show to people things that are different in appearance from their actual truth or for
7 a person to have the ability to deal with devils. That's what a magician is in the
8 general Islamic sense of the term.

9 But the Islamists added to that those who practice *roqya*, exorcism, which they call
10 nonconformist *roqya* or non-monotheistic *roqya*. And that's different from the belief
11 held by the original people of Timbuktu. In Timbuktu, all scholars write verses of
12 the Koran, prophetic traditions, certain prayers, prophetic tradition inspired prayers,
13 and also tables with symbols which they believe are codes for God's holy names or
14 codes for ancient Sufi words. Whoever bears these with them will have either
15 a blessing or a protection from God for simply hanging these papers. This is what
16 the Islamist group in Timbuktu considered magic and was thus prohibited.

17 Q. [11:54:55] So the people who wrote these verses, they were the marabouts? Is
18 that it?

19 A. [11:55:11] Yes. Their definition afterwards then, in the eyes of the occupying
20 group of Timbuktu, is that they are magicians.

21 Q. [11:55:32] This is a word we often hear, but could you explain to the Chamber
22 what a marabout is. I think that we all believe we know what it is, but could you
23 explain what a marabout is.

24 A. [11:55:52] The word "marabout" never meant a magician until the Islamist group
25 came to Timbuktu. Marabout is originally something we call a Sheikh or a Koran

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1 teacher, and it can also be assigned to a Christian believer in Timbuktu, these people
2 are -- if they are preaching to people and if they are preaching the Christian faith.

3 Q. [11:56:40] [REDACTED]

4 A. [11:56:45] [REDACTED]

5 [REDACTED]

6 MR DUTERTRE: [11:57:08](Interpretation) your Honour, your Honours, I'd like to
7 go to -- I'd like to show another video, 0069-3712, tab 1450, binder 8. There's
8 a translation, and I have to say it was already formally submitted, as well as the
9 translation. 00 -- 0078-4567, tab 1451. And the translation, 0078-4633, tab 1452.
10 And the video and the transcript have all been -- the video, the transcription and
11 translation have all been formally submitted. Just one moment.

12 So I'm going to show it. Perhaps during that time, the interpreters can prepare for
13 the transcript, which is at tab 1452.

14 THE INTERPRETER: [11:58:59] If the transcript could also be displayed on
15 evidence 1.

16 (Viewing of the video excerpt)

17 * MR DUTERTRE: [11:59:22] (Interpretation) So I'm just stopping at 00:00:15:24.

18 Q. Witness, who is the person that you can see on the screen?

19 A. [11:59:36] This is Al Hassan Ag Abdoul Aziz.

20 Q. [11:59:54] Do you know where this was shown -- or where it was filmed?

21 THE INTERPRETER: Corrects the interpreter.

22 THE WITNESS: [12:00:03] (Interpretation) Yes. This is his office at the police's
23 second office.

24 MR DUTERTRE: [12:00:16](Interpretation) I would now like to show it with sound,
25 and the interpreters have the transcript or the translation. So this should work. So

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1 I will start it in a moment.

2 (Viewing of the video excerpt)

3 THE INTERPRETER: [12:00:46] (Interpretation of the video excerpt):

4 "Khaled ... Khaled ...

5 Khaled: [Incomprehensible]

6 Al Hassan: What news? What news?

7 Nothing.

8 Al Hassan: So okay. Tell Khaled, yes ... the desert ... tell him to come to see me.

9 There's something urgent. Do you understand?"

10 MR DUTERTRE: [12:01:22] (Interpretation) I can't hear anything in my headphones,
11 not in French and not in English.

12 THE INTERPRETER: [12:01:34] But I hope you were hearing it in English.

13 MR DUTERTRE: (Interpretation) Apparently there was a mix-up with French.

14 Right. So we'll go back to the beginning.

15 THE INTERPRETER: [12:01:54] (Interpretation of the video excerpt)

16 "Al Hassan: Khaled, Khaled.

17 Khaled: [Incomprehensible]

18 Al Hassan: What -- what news? What news?

19 Khaled: Nothing.

20 Al Hassan: Okay. Tell Khaled, yes ... the desert ... tell him to come and see me.

21 There's something urgent. Understood? Tell Khaled to come and see me.

22 Khaled: [Incomprehensible]

23 Al Hassan: There are thieves near Ber. The people are calling us. They have to be
24 arrested.

25 Khaled: ...

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- 1 Al Hassan: He said there are thieves and the people have caught thieves near Ber.
- 2 Khaled: ...
- 3 Al Hassan: Okay. The important thing is for you to come now. Unknown:
- 4 Thieves?
- 5 Al Hassan: Huh?
- 6 Unknown: Ber ...
- 7 Al Hassan: Yes, thieves here, near the village of Ber.
- 8 Unknown: ...
- 9 Al Hassan: Thieves ... it seems that thieves have stolen livestock, a certain number of
- 10 livestock, near Arabella, behind the river, a bit further away from here, maybe 60
- 11 kilometres. And they've taken them to the Souk in Ber to sell them to the Arabs in
- 12 order to take them to Algeria. And the thieves have been caught by people, people
- 13 have arrested them and called us. They called me here on my number so that we
- 14 send the car to collect the thieves.
- 15 Unknown: When they come here, you will [inaudible]
- 16 Al Hassan: Yes, they'll bring them here and we will put them in prison.
- 17 Unknown: Here, you have a prison here for the arrest ...
- 18 Al Hassan: Huh?
- 19 Unknown: You have a prison [incomprehensible]
- 20 Al Hassan: We have a prison here to interrogate people and we have the general
- 21 prison.
- 22 Unknown: And usually when ...
- 23 Al Hassan: Huh?
- 24 Unknown: [Incomprehensible]
- 25 Al Hassan: 24 hours in prison, no longer than that, the inquiry doesn't go -- the

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1 investigation doesn't go beyond 24 hours. Afterwards, we will transfer them, if
2 necessary, for example, that the person remains in prison while waiting judgment. If
3 they have to stay here a few days, we send them to the general prison because there,
4 there's comfort and monthly lessons to learn the Koran and the words of the prophet
5 Hadith. One can learn a lot.

6 Unknown: What are the rules that you have imposed since you arrived in ...

7 Al Hassan: Huh?

8 Unknown: What are the rules that you have imposed since you arrived

9 [incomprehensible]

10 Al Hassan: We have applied the rules on adultery, women not being veiled, and
11 those who drink alcohol, on thieves by cutting off their hand and on
12 criminals -- killers, of course. Well, that's what we've applied.

13 Unknown: You collaborate with the social partners?

14 Al Hassan: Firstly, firstly, we cooperate with the imams, the imams of Timbuktu,
15 and the Islamic scholars or the Muslim scholars. That's first. Then there's a perfect
16 cooperation between us, God willing. We know that a part of the population has
17 perhaps fled to Bamako and some, like politicians, have gone and support the
18 impious. Those have gone, of course, and that provokes conflict with us. Thanks
19 be to God the true Muslims have stayed with us. Thanks to God they are aware of
20 the law of God, the Almighty, the law of miscreants, which has reigned for 120 years,
21 since France arrived, 120 or 122 years in Mali. Now these 120 years are finished,
22 a black page. Inshallah, we will be -- we are here to apply Islamic law and to defend
23 Islamic law to the death. Inshallah, we will only apply Islamic law here because at
24 the basis for so long, it's the Islamic law that's been applied. And then France came
25 and applied its own laws, the laws of miscreants of course. We are not French, nor

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1 miscreants, nor Christians, nor Jews. We are Muslims.

2 Unknown: [Incomprehensible]

3 Al Hassan: Huh?

4 Unknown: Mali after France.

5 Al Hassan: Yes, of course France has left in Mali a second France. It has taken our
6 children, the children of the whole of Africa, from Senegal, Mali, Burkina, all the
7 African countries, Mauritania. It took our children and taught them -- and taught
8 them its laws and rules. Children, from their very first year at school until they get
9 their diplomas, only learn non-Islamic laws and only know the laws that they are
10 taught. For example, I know older people who are 60 or 70 years old and who don't
11 know how to pray. They obtained a doctorate, and they've studied a lot, et cetera,
12 et cetera. But they don't know how to pray and don't know the Koran. They know
13 nothing of the Koran. They drink alcohol, and they still believe and smoke and don't
14 say anything against Islam. That person is, firstly, an enemy of Islam, and his father
15 is a sheikh. Thanks to God, we are now in peace and in safety, the Muslim -- the
16 Muslim state is full of benefits.

17 Unknown: [Incomprehensible]

18 Al Hassan: Salam Aleikom, Salam Aleikom."

19 MR DUTERTRE: [12:08:54](Interpretation)

20 Q. [12:08:54] Mr Witness, were you able to hear the video sound?

21 A. [12:09:06] Yes.

22 Q. [12:09:11] Which language was being spoken during these exchanges?

23 A. [12:09:18] It was the Arabic dialect spoken by the Azawad Arabs and
24 Mauritians.

25 Q. [12:09:30] I've got two questions. I am at 00:01:21:15, and we see that

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1 Al Hassan is wearing a watch on his right hand. What is the significance of wearing
2 your watch on your right hand, if you know?

3 A. [12:10:04] This is a custom. It's a custom among jihadists. It's not basic
4 education that a person receives, and it's -- it's not problematic that someone violates
5 that. But they have gotten accustomed to that as a better practice because it gives
6 the person a characteristic that God ascribes to the people of the heavens. When he
7 called them the people of the right are the people of the right. So when someone
8 puts a hand on the right -- a watch on the right hand, it is for the purpose of gaining
9 that characteristic given to them.

10 Q. [12:11:11] We saw a number of videos of Mr Al Hassan. According to your
11 knowledge, of the groups and the way things worked in Timbuktu between April
12 2012 and January 2013, can you say why it's Al Hassan who's being asked about the
13 police?

14 A. [12:11:39] I have approximately answered this question in previous answers.
15 First of all, Al Hassan is a respected person within the ranks of the police in general.
16 Second, he is a local, a well-known dignitary, local dignitary. He is known from the
17 famous Kel Ansar tribe. His father is a known -- is a known doctor, and he speaks in
18 the local languages. And so he had the characteristics necessary to speak to the
19 Azawadis or to the police who were running things in the Azawadi area.

20 THE INTERPRETER: [12:12:56] A significant part of the gentleman's answer was
21 inaudible.

22 MR DUTERTRE: [12:13:06](Interpretation)

23 Q. [12:13:07] Mr Witness, did you say that his father was a doctor? Is that correct?

24 A. [12:13:14] His father was a veterinary doctor, a retired one in this case, in this
25 period.

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1 Q. [12:13:36] And, Mr Witness, the interpreters have said that after the bit about his
2 father being a known doctor and he speaks in the local languages and so on, there
3 was an element that was inaudible. Could you please repeat that.

4 A. [12:14:00] I said that his father was a famous veterinary doctor, and Al Hassan is
5 someone who spoke the local languages in Timbuktu. As you saw, he spoke -- he
6 speaks Arabic, and I also think he understands Songhai.

7 * Q. [12:14:26] So, Mr Witness, in this video, there's talk of thieves arrested at the
8 market in Ber. Could we please put up the map we've used before, 0007-0418. If
9 you could please put it up, court officer. And then we can try and find the village of
10 Ber, at least approximately. I imagine it will come up on evidence 1.

11 Is it well centred? Is the size suitable, or do we need to adjust that, Mr Witness?

12 A. [12:15:51] If we could zoom in further.

13 I know that Ber is 70 kilometres east of Timbuktu on the northern bank of the Niger
14 River, but I do not see the name here. So I will only put a mark where I believe its
15 70 kilometres east of Timbuktu, in this place.

16 Q. [12:16:54] Understood. And to your knowledge, Zarho is between Timbuktu
17 and Ber, or is it beyond Ber?

18 A. [12:17:14] Zarho is 25 kilometres east of Ber.

19 Q. [12:17:28] Thank you.

20 MR DUTERTRE: [12:17:29](Interpretation) Mr President, could we please have
21 a code for this.

22 PRESIDING JUDGE MINDUA: [12:17:34](Interpretation) Court officer.

23 THE COURT OFFICER: [12:17:35] Your Honours, the map will be assigned exhibit
24 number MLI-REG-0001-0066.

25 PRESIDING JUDGE MINDUA: [12:17:45](Interpretation) Thank you very much,

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1 court officer.

2 Mr Prosecutor.

3 MR DUTERTRE: [12:17:50](Interpretation) Thank you, your Honours.

4 Q. [12:17:52] Mr Witness, a second point mentioned in this video, 0069-3712, lines
5 38-39 of the French translation, it refers to a general prison.

6 What can you tell us and what can you explain to the Chamber about what you know
7 about prisons in Timbuktu, including this general prison.

8 In transcript 49, you said that the idea of establishing a prison came from the Islamic
9 police. And this was the French transcript 89, page 67, line 14 or thereabouts.

10 A. [12:19:11] Yes. I mention the prison and I say that the prison is one of the
11 institutions that were set up at a late stage. [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 But at the -- but at the same time in parallel, defendants were still being locked up at
15 the police station and at the *Hesbah* for some time. The public prison, I said, was
16 near the camp, the city's camp, and near the second office of the police. [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 Q. [12:20:26] Because -- while we're talking about locations, please could we have
20 the other map we've before, which is 0019-0290, which is at tab 1271. Could we
21 please have this on evidence 1.

22 Mr Witness, we're in your hands when it comes to pointing us towards the general
23 direction of the place to locate.

24 A. [12:21:29] We can zoom in on the circle we call Al Farouk under the arrow
25 you're pointing with.

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1 That is good.

2 Q. [12:21:54] Could you please mark a large red cross at the prison location.

3 A. [12:22:29] The prison was very close to this mark I've just put.

4 Q. [12:22:44] Thank you, Mr Witness.

5 MR DUTERTRE: [12:22:46](Interpretation) Could we have a code number for this
6 document please.

7 PRESIDING JUDGE MINDUA: (Interpretation) Court officer.

8 THE COURT OFFICER: [12:22:52] Your Honours, the map will be assigned exhibit
9 number * MLI-REG-0001-0067.

10 PRESIDING JUDGE MINDUA: [12:23:05](Interpretation) Thank you, court officer.
11 Mr Prosecutor.

12 MR DUTERTRE: [12:23:09](Interpretation) Thank you, your Honours.

13 Q. [12:23:10] I know this is some considerable time ago, but during what period
14 roughly was this prison open? You can perhaps refer it to the Ramadan [REDACTED]
15 [REDACTED] some other useful time that would aid you in doing this.

16 A. [12:23:41] [REDACTED]
17 [REDACTED]
18 [REDACTED]

19 [REDACTED] So I think
20 this happened in June of 2012.

21 Q. [12:24:30] Thank you. We'll come back to this in a moment.

22 [REDACTED]
23 [REDACTED]

24 A. [12:24:52] [REDACTED]
25 [REDACTED]

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[REDACTED]

Q. [12:26:07] [REDACTED]

[REDACTED]

A. [12:26:25] [REDACTED]

[REDACTED]

Q. [12:26:56] You mentioned a guard [REDACTED]

[REDACTED]

What was the name of this person?

A. [12:27:23] His name, Mohamed. His name is Mohamed Motlek (phon). Later on we called him "Mohamed the jailer".

Q. [12:27:52] I think when I asked the question, it went into Arabic as "president." But could you please explain exactly what this person's function was within the prison.

A. [12:28:09] He is the guard-in-chief of the prison, the warden. Because you can have many guards at the prison. But this one was the person running the prison and coordinating between the prison and the police.

Q. [12:28:36] Could you please, as usual, put his name down on a sheet of paper.

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1 Thank you.

2 PRESIDING JUDGE MINDUA: [12:29:07](Interpretation) There. We have the
3 document on evidence 1.

4 Court Officer, please, could we assign it a number.

5 THE COURT OFFICER: [12:29:17] Your Honours, the document will be assigned
6 exhibit number MLI-REG-0001-0068.

7 PRESIDING JUDGE MINDUA: Thank you very much.

8 Prosecutor.

9 MR DUTERTRE: [12:29:37] (Interpretation)

10 Q. And what precisely did his work consist of?

11 A. [12:29:42] First of all, he's a member of the police. When he occupied that
12 position, it was the police supervising the prison indeed. And so the police
13 appointed one of its members to be a warden of the prison. I don't know the details
14 of the matter, but the most important things worth -- that could be mentioned is
15 the -- guarding the prisoners, providing them with food, with mattresses, blankets,
16 and so on and so forth.

17 Q. [12:30:34] [REDACTED] did he
18 have subordinates who worked with him?

19 A. [12:30:45] Yes. There were people working with him, so much so that he
20 wouldn't be all the time in prison. Other people would guard the prison in his place,
21 on his behalf.

22 Q. [12:31:09] Where did this man come -- this Mohamed come from? From which
23 village?

24 A. [12:31:23] Mohamed is from the Zarho village.

25 Q. [12:31:36] Did he have any kind of family relationship with Mr Al Hassan?

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1 A. [12:31:43] Yes, they are relatives.

2 Q. [12:31:52] Are you able to be more precise as to the family relationship between
3 them?

4 A. [12:32:07] From the same family. I don't know whether he was a cousin. I
5 don't know how closely or remotely their kinship is.

6 Q. [12:32:28] Did the prison guards have a uniform, Witness?

7 A. [12:32:40] I remember that they had vests on. I don't -- I forgot if these were the
8 Islamic police vests or whether these were vests with the -- with "prison" written on
9 them. I forgot.

10 Q. [12:33:05] I'm now going to show an eight-second video, your Honour, your
11 Honours, which has the ERN 0041-0616, tab -- tab 1229, binder 7, with transcript
12 0080-2064 -- 2070, tab 1230, and a translation, 0080-2074 in French. 2074 --

13 THE INTERPRETER: [12:34:27] 72 corrects the interpreter.

14 MR DUTERTRE: (Interpretation) 0080-2072. Tab 1231.

15 I'm now going to show it without the sound.

16 (Viewing of the video excerpt)

17 MR DUTERTRE: [12:35:38](Interpretation)

18 Q. [12:35:41] Were you able to see this video, Witness?

19 A. [12:35:45] Yes.

20 Q. [12:35:57] Were you able to identify people in this video, Witness?

21 A. [12:36:03] Yes.

22 Q. [12:36:12] I'll come back to that in a moment ago. But you -- were you able to
23 say in what circumstances this video was filmed?

24 A. [12:36:22] I am not 100 per cent sure, but I think we were waiting for the
25 beginning of the event where an enforcement of the *hadd* on fornication was going to

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1 take place at the Sankore Square.

2 Q. [12:36:57] Sometimes we hear the word "*hadd*"; sometimes we hear the word
3 "*hudud*." Are they the same, a synonym, or are they different?

4 A. [12:37:12] It's the same word. The singular form is *hadd*. The plural form is
5 *hudud*.

6 Q. [12:37:25] That's very clear. Thank you. So I'm now on 00:00:00:00. Who is
7 the person who is seated on the left in white with a brown turban?

8 A. [12:37:42] This is Mohamed Moussa Al Souki.

9 Q. [12:37:58] [REDACTED]
10 [REDACTED]

11 A. [12:38:16] [REDACTED]

12 Q. [12:38:28] [REDACTED] there's
13 somebody with camouflage trousers, and he's got a turban covering his mouth and
14 his head. It's dark sandy colour. Who is that person, Witness? Here, I'm
15 at 00:00:06:12.

16 A. [12:39:07] That's Mohamed the jailer, the one I have been speaking about when I
17 talked about the prison and the guarding of the prison.

18 Q. [12:39:28] So I'm going to continue, and I'll ask you to raise your hand when you
19 recognise other people. Sorry. We're at 00:00:10:24.

20 A. [12:39:56] The person that comes after Mohamed the jailer is Mohamed Ag
21 Ghadi (phon).

22 Q. [12:40:20] [REDACTED]
23 [REDACTED]

24 A. [12:40:39] [REDACTED]

25 Q. [12:40:52] [REDACTED]

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1 A. [12:40:58] [REDACTED]
2 [REDACTED]
3 [REDACTED]

4 Q. [12:41:17] [REDACTED]

5 A. [12:41:23] Mohamed Ag Ghadi (phon), this one, was not a believer in the radical
6 Islamist groups' vision. [REDACTED] but he did want to leave
7 the group. So he went to his hometown.

8 Q. [12:41:54] So he was able to leave the group? He was freely able to leave the
9 group in Timbuktu; that's it?

10 A. [12:42:06] It was not clear to the group that he has completely left them, but he
11 avoided all activities and responsibilities that the group imposed. So he went
12 somewhere where he could not be seen at all times.

13 Q. [12:42:33] Could you write his name on a piece of paper, Witness.

14 PRESIDING JUDGE MINDUA: [12:43:27](Interpretation) The document's on
15 evidence 1.

16 Court officer, could you give it a number, please.

17 THE COURT OFFICER: [12:43:35] Your Honours, the document will be assigned
18 exhibit number MLI-REG-0001-0069.

19 PRESIDING JUDGE MINDUA: [12:43:47](Interpretation) Thank you very much,
20 Court Officer.

21 Prosecutor.

22 MR DUTERTRE: [12:43:54](Interpretation) Thank you very much, your Honour.

23 * Q. [12:43:56] Witness, we're going to continue. And please let me know when you
24 identify somebody. Okay. We're -- we're listening to you. There is a person in light
25 blue with a brown headscarf, a person with a dark blue headscarf dressed in beige.

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1 And we are at 00:00:15:19. His turban is not blue. This is Al Hady Ali Mochahri
2 (phon.).

3 Q. [12:44:55] You're referring to which person? The person in the middle with a dark
4 brown turban and a light blue boubou?

5 A. [12:45:08] Indeed. That is Al-Hadi from the Imoshar tribe.

6 Q. [12:45:20] We're going to write his name, but what was his role in Timbuktu
7 between April 2012 and January 2013?

8 A. [12:45:29] This person is among the learned scholars in Timbuktu. He did not
9 join any institution that belongs to the groups, and he did not join the groups. But
10 whenever there was a problem, he could be present like other local dignitaries such as
11 the crisis committee. So he is a local dignitary, but he does not represent anything
12 that pertains to the armed group.

13 But he was a supporter from -- back supporter of Mohamed Moussa because he was
14 one of the people who embraced him.

15 Q. [12:46:26] So in the translation, Witness, you said it was a person who had
16 embraced Mohamed Moussa. Perhaps there is a problem with the translation. For
17 the -- could you maybe repeat what you said.

18 A. [12:46:58] I did not use that Arabic expression, but I said he is one of the
19 supporters of Mohamed Moussa and one of the beloved associates. He's also an
20 in-law of him and a supporter of his.

21 Q. [12:47:25] So did he have a lot of supporters within the jihadist group between
22 April 2012 and January 2013, Mohamed Moussa?

23 A. [12:47:40] Mohamed Moussa had many supporters because the radical Islamist
24 group supported him when he joined them. And his strong tribe, the great tribe
25 Kel Essouk also supported him. And also the tribe of his in-laws, the great tribe of

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1 Imoshar, also supported him. So he is a major dignitary.

2 Q. [12:48:16] To the person on the right of the picture, is that somebody that you
3 know?

4 A. [12:48:25] I saw him many times, but I cannot comment on him.

5 Q. [12:48:36] So I'll continue playing. And just put your hand up when you
6 recognise someone.

7 (Viewing of the video excerpt)

8 MR DUTERTRE: [12:48:55](Interpretation)

9 Q. [12:48:56] Yes, Witness?

10 A. [12:49:00] I recognise the three people that appear on the right side of the
11 picture.

12 Q. [12:49:10] So we can see two people who are seated and then another person on
13 the far right. We're going to start with the first person sitting down dressed in
14 yellow. Who is that person, Witness?

15 A. [12:49:26] This is Daoud Al Jomaa, the one I mentioned, the imam, the Jomaa,
16 Friday imam of the mosque [REDACTED] But he did not
17 officially join the Islamist group, nor did he believe in the ideas of the group.

18 Q. [12:49:55] [REDACTED]
19 [REDACTED]

20 A. [12:50:15] [REDACTED]

21 Q. [12:50:32] So the person who's seated in dark blue with a white turban, crossed
22 legs, who is that person?

23 A. [12:50:48] This is Imam Essayouti, the grand imam in the city of Timbuktu, the
24 imam of the grand mosque of Djingareyber in Timbuktu.

25 Q. [12:51:16] Understood. And the last person whose head we can see just jutting

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1 out from Imam Ben Essayouti, who is that person, Witness?

2 A. [12:51:30] This is Alfadi Wangara, one of the scholars of Timbuktu,
3 a well-learned person and the right-hand man of Essayouti.

4 Q. [12:51:55] I'll continue to play it, and just stop me if you identify anybody else,
5 Witness.

6 (Viewing of the video excerpt)

7 * MR DUTERTRE: [12:52:22](Interpretation) So I've finished with this video. Your
8 Honour, your Honours, we don't have a lot more time, but I'm going to continue with
9 a document, MLI-OTP-0018-1154. It's at tab 1110, binder 6. There is a translation
10 0078-9840, at tab 1111, also in binder 6.

11 Q. [12:54:02] Can you see this picture on evidence 1, Witness?

12 A. [12:54:10] Yes.

13 Q. [12:54:13] Can you tell us what this jacket or vest is worn by the person whose
14 back is to us.

15 A. [12:54:25] Yes. This is the vest of the prison guards. I now remember. I
16 recognise it now. [REDACTED]

17 [REDACTED].

18 Q. [12:54:47] So the English is more precise, but "I saw him in reality and in the
19 photograph", but that word's missing in the French.

20 Could you read what's written in Arabic on this vest for the purposes of the transcript,
21 Witness.

22 A. [12:55:25] Yes. The "Islamic Prison Guards."

23 * Q. [12:55:40] Thank you very much. So, Witness, we are going to continue with this
24 video or the video that we were on of the interview of Mr Al Hassan. Mention was
25 made of the population: "part of the population may have fled towards Bamako and

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1 some, such as the politicians, have left and are supporting the non-believers." This is
2 contained in lines 60 and 62 of the French transcript of this video, being 0069-3712.
3 So what I would like you to tell us is what you know about the fleeing of some of the
4 population of Timbuktu.

5 A. [12:56:58] I've previously commented, when I was describing the events at the
6 beginning of my testimony here, by saying that the Malian military withdrew. But
7 the -- but also the -- those holding governmental positions, they too, withdrew.
8 Some governmental officials stayed in Timbuktu and changed their military outfit or
9 their official outfit. So some people stayed in Timbuktu, and they were not
10 prosecuted or looked for. It was sufficient to the jihadists for these to surrender and
11 to no longer carry out any governmental duties. This is as far as the jihadists'
12 perspective of the government officials. But in reality, most politicians and most
13 government representatives fled Timbuktu, left Timbuktu.

14 Q. [12:58:15] Now, apart from the members of the administration and the
15 army -- so it was part of the population, or some of the population fled. What do
16 you know regarding the population itself?

17 A. [12:58:42] I don't know the population per se, but I know the nature that led to
18 this division, to this classification whereby some people fled and others stayed. In
19 fact, those who stayed, it wasn't because they loved to stay or that they loved the city
20 once it became Islamist or that they loved the Sharia brought by the Islamists. It is
21 the fact that these could not leave their locations, these are the ones who stayed.
22 And also those who preferred to exercise patience while remaining in their homeland,
23 these ones also stayed.

24 As to those who were clear in their support of the Islamist group, it is people who
25 already have an ideological background that preceded the arrival of the jihadists.

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1 They had already embraced Wahhabist ideas, or it is people who had racial bias.
2 They believed that the Malian government was a government of the blacks or of the
3 Bambara, those who were not entitled to run the northern part of the country.
4 And some of them also had revolutionist ideas pertaining to hatred towards the
5 government and the fight against the Malian government. So these people had ideas,
6 either this racial hatred or ideological ideas or Wahhabism. It is these who were
7 quick to support the new occupiers, to support the Islamist group. As to the other
8 inhabitants, some of them were able to flee. Some others were not able to flee. So
9 they stayed in the city, and they just went along, played the game with the new
10 occupiers.

11 PRESIDING JUDGE MINDUA: [13:01:19](Interpretation) Very well.

12 Prosecutor, you see that it's 1 o'clock. I think that we're going to suspend. We are
13 going to take our lunch break now, which will last for one and a half hours, as usual,
14 and we will come back at 2.30.

15 Court is adjourned.

16 THE COURT USHER: [13:01:41] All rise.

17 (Recess taken at 1.01 p.m.)

18 (Upon resuming in closed session at 2.30 p.m.)

19 THE COURT USHER: [14:30:33] All rise.

20 Please be seated.

21 PRESIDING JUDGE MINDUA: [14:30:55](Interpretation) The Court is once more in
22 session.

23 Mr Prosecutor, you have the floor.

24 MR DUTERTRE: [14:31:08](Interpretation) Thank you, Mr President.

25 Q. [14:31:13] I hope you had a good break, Mr Witness.

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1 A. [14:31:22] Yes. Thank you very much.

2 Q. [14:31:27] We're just going to finish off the point that we were discussing earlier.

3 Page 56 of today's transcript in French, 12 to 16, you mentioned a scholar, Mohamed

4 Moussa. And in the transcript, the name is Al-Hadi, but I'm not entirely sure

5 whether that's spelt correctly.

6 Could you please put his name on a sheet of paper.

7 PRESIDING JUDGE MINDUA: [14:32:56](Interpretation) The document is on

8 evidence 1.

9 Court Officer, please could it be assigned a number.

10 THE COURT OFFICER: [14:33:06] Your Honours, the document will be assigned

11 exhibit number MLI-REG-0001-0070.

12 PRESIDING JUDGE MINDUA: [14:33:20](Interpretation) Thank you, Court Officer.

13 Prosecutor.

14 MR DUTERTRE: [14:33:25](Interpretation) Thank you, Your Honour.

15 Q. [14:33:26] So, Mr Witness, so looking at the question of means, how many

16 people, to your recollection, were members of the Islamic police?

17 A. [14:33:44] I don't know.

18 Q. [14:33:51] But are we talking about a dozen, 20, 30, 40? Can you give us some

19 sort of order of magnitude? I don't need a precise figure but an order of magnitude,

20 if you can recall.

21 A. [14:34:09] I can say that there were more than 20 but less than 30.

22 Q. [14:34:22] And to the best of your recollection, how old was the youngest

23 member of the Islamic police?

24 A. [14:34:35] I don't know the ages exactly, but I know that some people might

25 have aged 15 or 16 at the time, and above.

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1 Q. [14:35:09] Mr Witness, in some images we have already seen that members of
2 the Islamic police had Kalashnikovs or similar weapons. Can you explain why they
3 had war -- weapons of war rather than the sort of weapons usually carried by the
4 police.

5 A. [14:35:38] The personal weapon that was used by most of the members was the
6 Kalashnikov or a small machine gun, and a small number of the group had guns.
7 And any -- any weapons that are bigger than Kalashnikov were only for the people
8 who fight. So it was -- the normal weapon used was the Kalashnikov. Anything
9 above that was for the -- the fighters. And what is less than that was used by a very
10 small number of people.

11 Q. [14:36:42] You have told us that Al Hassan went to the airport with a police
12 vehicle.

13 Do you recall how many police vehicles the Islamic police had in Timbuktu during
14 this period from April 2012 to January 2013?

15 A. [14:37:24] The vehicles of the battalions were not specific to one institution
16 rather than the other. They just used to call it as common equipment to everyone.
17 So the police had the right to take any vehicle that was owned by the group and to
18 use it in whatever mission that they wanted to achieve, so -- and the *Hesbah* also had
19 the same rights. [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 Q. [14:38:40] And just to clarify this, when you talk about "many missions on
23 a daily basis," could you give us a little more of an explanation of that, please.

24 A. [14:39:13] Patrols. And the police were responsible to listen to the people's
25 complaints. So whenever there is a case that comes to the police, a car gets sent to

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1 the location that is -- where it's needed.

2 Q. [14:39:40] Were the -- did the vehicles used by the Islamic police have any
3 distinctive sign?

4 A. [14:39:58] No, not at all. The -- all vehicles of all battalions were very similar.
5 They were all of the Toyota model, open ones. And there was something else that
6 we call Hilux, which is a different type of Toyota other than the 4x4. But there was
7 also the -- a closed car used by the police, and there was also a car used by Mohamed
8 Moussa, and there was a car used by Abou Zeid, which was a small black one. And
9 there was the car of the *Hesbah*. These were the known four cars. But other than
10 that, all the other vehicles looked the same.

11 Q. [14:41:11] I'm now going to put a screenshot on evidence 2, which comes from
12 0 -- video 0018-0407, which is at tab 1600. And I'm at 00:00:30:02.

13 And I would like to know whether you recognise this white vehicle that we see on the
14 right.

15 A. [14:41:59] Yes, yes. This is what I refer to as a police car.

16 Q. [14:42:21] The closed vehicle, is that the one?

17 A. [14:42:21] (No interpretation)

18 Q. [14:42:30] I note that it's not a very good quality image, but are you able to read
19 what's written on this panel on the rear right-hand window of this vehicle?

20 A. [14:42:53] Yes. I think it's the phrase: "There is no God but Allah."

21 Q. [14:43:06] Thank you. And there was no answer to the previous -- no answer
22 to the previous question when I asked the witness whether it was a closed vehicle,
23 and his reply was not captured. 67, line 21 in French.

24 PRESIDING JUDGE MINDUA: [14:43:38] (Interpretation) Yes, I see that. But is the
25 reply in the English transcript? If not, then perhaps the best thing is to ask the

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1 witness the question once again.

2 MR DUTERTRE: [14:43:56] (Interpretation)

3 Q. Your reply was not there. So if you could you please repeat it.

4 THE ARABIC INTERPRETER: [14:44:20] The interpreter still didn't capture the
5 answer. Can we ask the witness to repeat, please.

6 PRESIDING JUDGE MINDUA: [14:44:33](Interpretation) Mr Witness, if you could
7 please repeat it. The Arabic interpreter didn't capture it. I know it's a little tiresome,
8 but if you would be so kind as to do so. Thank you.

9 THE WITNESS: [14:44:52](Interpretation) Yes, sir. I said that this photo that I see
10 here, the vehicle in this photo is what I refer to as the police closed car, and I also
11 called it in a different occasion as the closed Toyota.

12 PRESIDING JUDGE MINDUA: [14:45:22](Interpretation) Indeed. Thank you very
13 much, Mr Witness.

14 Mr Prosecutor.

15 MR DUTERTRE: [14:45:28](Interpretation)

16 Q. [14:45:28] Mr Witness, do you also know the building which is in the
17 background, just while we're here?

18 A. [14:45:42] Yes, I know it.

19 Q. [14:45:48] And what is this building?

20 A. [14:45:53] The car here in front of me, behind it, there is a building which is
21 showing at the front of the car, and this is the Sankore Mosque. While the other
22 building on the left, this is the area where the house of the imam of the Sankore
23 Mosque lives, where the house is located.

24 Q. [14:46:44] Mr Witness, could you please tell us at what time of day the Islamic
25 police patrols took place.

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1 A. [14:47:04] In the beginning of the events, the patrols happened 24 hours a day,
2 but then that was reduced gradually. The patrols during the day aimed to make
3 sure that people are adhering with the Islamic rules, while patrols during the night
4 aimed at keeping peace and security and making sure no crime is committed and no
5 theft is committed.

6 Q. [14:47:56] And to your knowledge, who assigned their objectives to the patrols?

7 A. [14:48:14] The commissioner of the police. That was his task.

8 Q. [14:48:22] And when you speak of the commissioner of the police, to whom do
9 you refer?

10 A. [14:48:35] I'm talking about Adam and Khaled and Al Hassan. [REDACTED]
11 [REDACTED]
12 [REDACTED]

13 Q. [14:49:08] [REDACTED]

14 A. [14:49:17] [REDACTED]
15 [REDACTED]
16 [REDACTED]

17 Q. [14:49:59] Well, I would like to show a video, 0069-3731, at tab 1239 in binder
18 number 7. With a transcript 0078-3893, which is at 1240 of binder 7.
19 And I would like to ask the interpreters to grab the transcript for when the time
20 comes.

21 I shall be playing the video excerpt.

22 * And, Mr Witness, do you know - before we start to play it - where we are in this
23 video, on this square with Coca-Cola in the background to the right of the image and
24 a green door. Do you know where this is?

25 A. [14:52:00] I'm still not sure.

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1 Q. [14:52:10] I'm going to play the video.

2 (Viewing of the video excerpt)

3 MR DUTERTRE: [14:54:18](Interpretation)

4 Q. [14:54:20] Mr Witness, when you watched this video, did you recognise the
5 location?

6 A. [14:54:30] Yes, 100 per cent.

7 Q. [14:54:35] And could you tell us exactly where it is.

8 A. [14:54:40] This is the north-eastern corner of the big market in Timbuktu.

9 Q. [14:54:55] And to which organ does the person driving the motorbike here at
10 00:00:00:00 belong?

11 THE ARABIC INTERPRETER: [14:55:30] Message from the interpreter: The
12 channel was occupied when the witness answered. If we can ask the witness, please,
13 to pause before he goes ahead and answers.

14 MR DUTERTRE: [14:55:49](Interpretation)

15 Q. [14:55:49] Mr Witness, could you please repeat your answer because the channel
16 was in use when you spoke.

17 A. [14:56:03] The Islamic police.

18 Q. [14:56:18] So we'll now show it again with sound, and I would ask the
19 interpreters to read the transcript for the record, please. And they will let me know
20 when they're ready.

21 PRESIDING JUDGE MINDUA: [14:56:45](Interpretation) It seems that we're ready.

22 MR DUTERTRE: [14:56:49] (Interpretation) I can't see behind me. Let's play it.
23 (Viewing of the video excerpt)

24 THE INTERPRETER: [14:56:56] (Interpretation of the video excerpt)

25 "[A view of two men, one armed, on a motorbike and driving and they stop at a stand

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1 where there is a veiled woman, speak to her, and she adjusts her veil]

2 Salam.

3 Salam.

4 What did you say to them?

5 I told them to cover their heads and put their veil correctly."

6 MR DUTERTRE: [14:58:56](Interpretation)

7 Q. [14:58:58] Mr Witness, when asked, the policeman said that he told the women

8 to put -- to adjust their veil so it was correct or normal. What does this mean

9 precisely?

10 A. [14:59:22] I don't know what this officer meant by put it normally, and I don't

11 think that this is related to any religious term in a specific way. I don't know what

12 he meant exactly.

13 Q. [14:59:51] I have paused from 00:00:01:12.

14 (Viewing of the video excerpt)

15 THE INTERPRETER: Correction: From 00:01:18:12.

16 MR DUTERTRE: [15:00:31] (Interpretation) And I have stopped at 00:01:32:11.

17 Q. [15:00:44] To your knowledge, why does this lady sitting on the ground put

18 a piece of material over her head when the police arrive?

19 A. [15:00:54] Yes. It was one of the objectives of the patrols. If they see a woman

20 with her head uncovered, they ordered her to cover her head, and that was

21 compulsory on her. But I don't know what he meant by the word "normal" in his

22 previous sentence or phrase that he said.

23 Q. [15:01:41] I am now at 00:00:27:18. There is a sign on this or in this square.

24 Are you in a position to read what is written there, or is it too vague, Mr Witness?

25 A. [15:02:06] I can't really tell what is written. I think it says: "We work together

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1 for the rest."

2 Q. [15:02:36] Well, if you can't read it, it doesn't matter.

3 A. [15:02:46] I've just realised that actually I read this before. I think it says:

4 "We work together to uphold the testimony of there is no God but Allah."

5 PRESIDING JUDGE MINDUA: [15:03:12](Interpretation) Can we zoom in on it?

6 Not possible?

7 MR DUTERTRE: [15:03:17](Interpretation) I do have another similar panel or sign at
8 a later stage, Mr President, but it was an opportunity.

9 Q. [15:03:23] Now who had set up these placards, Mr Witness, these signs?

10 A. [15:03:39] I don't know who did exactly, but it was the Islamic group. Which
11 institution exactly or which person and who exactly wrote the signs or drew them, I
12 don't know.

13 Q. [15:04:02] Very well. So what you're saying is that it was installed in the period
14 April 2012 to January 2013?

15 A. [15:04:19] Yes. All of these signs were there already, but different things were
16 written on them. But they were changed. So the Islamists removed the previous
17 slogans and put new ones.

18 Q. [15:04:39] And do you know whether there were many similar signs in
19 Timbuktu at that time?

20 A. [15:04:55] Yes. I know that there were at least another two. One on the
21 western gate and one on the southern gate of the city. And there is, I think, a third
22 one. Yeah, I think there were other placards in the city.

23 Q. [15:05:30] I shall now play another video, 0069-3745, at tab 1241 of binder
24 number 7, with the transcript 0078-0338 at tab 1442.

25 And I would also ask the interpreters to get a hold of the transcript.

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1 And I shall play it.

2 (Viewing of the video excerpt)

3 MR DUTERTRE: [15:07:12](Interpretation) So I've stopped at 00:00:26:05.

4 Q. [15:07:41] Could you tell us, Mr Witness, at which location the patrol is arriving
5 here? It's the same patrol, obviously.

6 A. [15:07:54] Yes. The patrol went back to the police station, the second one.

7 Q. [15:08:24] So I'm now going to be playing it with the sound. And I'm waiting
8 for the interpreters to make a little sign at me. There we go.

9 (Viewing of the video excerpt)

10 THE INTERPRETER: [15:08:54] (Interpretation of the video excerpt)

11 "So this is the inside of the Islamic police, and those are the brothers sitting there.

12 And you have ... sorry ...

13 You give them time -- you give them the time to cover their face with the veil.

14 Whatever the case may be, you're the one that I'm filming, not them. So how did the
15 patrol go? Was it okay?

16 It was fine. The women, they were well-veiled. There was security in the market,
17 *hamdoullah*. Mashallah, we didn't come across any difficulties, Mashallah, it was
18 very good.

19 Are you tired or not?

20 *Hamdoullah*, I'm fine. I am not tired.

21 You're not tired?

22 No. I'm not tired."

23 End of excerpt.

24 MR DUTERTRE: [15:10:01](Overlapping speakers)

25 THE WITNESS: [15:10:19](Interpretation) What is meant here by "security" is the

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1 continuous guarding so that theft and crimes are avoided. That's what they meant
2 by safeguarding the market or protecting the market.

3 MR DUTERTRE: [15:10:46](Interpretation)

4 Q. [15:10:49] I'm now going to be playing a video to be found in binder 6 at
5 tab 1108 -- 1109 --

6 THE INTERPRETER: Corrects counsel.

7 MR DUTERTRE: [15:11:16] (Interpretation) Binder 6. And the video is
8 0018-0443 -- 0483, correction. In English, 0018-0483. And a transcript to be
9 found 0069-0475.

10 (Viewing of the video excerpt)

11 MR DUTERTRE:

12 * Q. [15:13:23] Mr Witness, do you know where this was filmed?

13 A. [15:13:34] It's most likely that it is on the edge of the small market, close to the
14 previous or the first police station.

15 Q. [15:13:52] And I am at 00:00:21:01. We can see a man standing and a man seated.

16 Which organ do these men belong to?

17 A. [15:14:06] (No interpretation)

18 THE INTERPRETER: [15:14:21] The English interpreter did not have the
19 microphone for quite some time. Could everything please be repeated. She could
20 not get her microphone to work.

21 PRESIDING JUDGE MINDUA: [15:14:39](Interpretation) Ms Taylor.

22 MS TAYLOR: [15:14:40] Thank you, Mr President. It might not be apparent in the
23 French transcript, but there was an issue with the microphone for the English
24 interpreter. So she's asked if the things could be repeated. Thank you.

25 THE INTERPRETER: Message from the English booth: To be read into the English

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1 record. My channel was blocked by somebody else, and I could not interpret.

2 PRESIDING JUDGE MINDUA: [15:15:03](Interpretation) So, Mr Witness, please

3 could you repeat your answer.

4 THE WITNESS: [15:15:16](Interpretation) About the two men, one of them is sitting

5 and the other is standing, they belonged to the Islamic police.

6 PRESIDING JUDGE MINDUA: [15:15:30](Interpretation) Thank you very much.

7 Mr Prosecutor, please.

8 MR DUTERTRE: [15:15:35](Interpretation) Thank you, Mr President.

9 Q. [15:15:38] And, Mr Witness, could you explain to the Chamber what those two
10 gentlemen are doing there precisely.

11 A. [15:15:47] Monitoring all movements in the market and working to keep the
12 security of the market.

13 MR DUTERTRE: [15:16:06] I am now going to play 14 seconds of a video to be
14 found in binder number 6 again, Mr President, your Honours, tab 1027. 1028 for the
15 transcript. 1029 for the translation. This is the video 0015-0495, of which the
16 transcript is 0033-5189, the translation 0033-5288.

17 And I shall be going to timestamps 00:27:26:08 to 00:27:31:11.

18 I am at 00:27:21:13, and I shall be playing the video without the sound.

19 (Viewing of the video excerpt)

20 MR DUTERTRE: [15:19:02](Interpretation)

21 Q. [15:19:02] I am now at 00:27:49:10.

22 Are you able to tell us where this image was filmed, Mr Witness?

23 A. [15:19:20] Yes, I recognised this place before. It is the north-eastern part of the
24 big market in Timbuktu.

25 Q. [15:19:43] And can you tell us what we can see here on the screen with the

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1 pickup and the motorbike behind it.

2 A. [15:20:00] We can see the Islamic police patrolling the city with this kind of
3 appearance. This is one of the patrols that used to take place to make sure that the
4 population are adhering to Sharia, and they were trying to show off their power and
5 to scare the population so that they comply with all the rules.

6 Q. [15:20:56] I'm going to come back to a point of clarification with regard to
7 something that you said a little earlier for us to understand things properly. That
8 was page 67, line 28, and page 68, lines 1 to 10. And I had asked you, open quotation
9 marks: "And when you talk about the 'commissioner,' who are you referring to?"
10 question mark.

11 To which you answered: "I'm talking about Adam and Khaled and Al Hassan. [REDACTED]

12 [REDACTED]
13 [REDACTED]
14 [REDACTED]

15 A. [15:22:05] When Khaled was the police commissioner, it was supposed that
16 Khaled was the one to make sure that vehicles and money and equipment are
17 available for the police and that he was the one to organise the patrols, especially the
18 patrols that went to outside of the city. [REDACTED]

19 [REDACTED] Al Hassan was taking care of all
20 these missions without needing Khaled. And I am talking here specifically about the
21 patrols. Al Hassan sometimes needed Khaled in order to organise patrols outside
22 the city.

23 Q. [15:23:14] I'm just consulting the transcript. One moment, please.

24 [REDACTED]
25 [REDACTED]

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1 A. [15:23:52] Khaled, as the police commissioner, I said that he was the one
2 responsible for supplying the police with equipment, vehicles and ammunition.
3 And he was responsible for coordinating between the police and Abou Zeid, who was
4 the leader of Timbuktu at the time. And I don't know if the patrols were the mission
5 of the police commissioner, but I only said that [REDACTED]
6 Al Hassan was responsible for some of the tasks that were supposed to be done by the
7 commissioner such as investigations and also organising patrols. I also spoke about
8 the regular patrols that used to go around all the different neighbourhoods of
9 Timbuktu.

10 Al Hassan organised that, but he needed the help of Khaled in order to organise
11 a patrol outside the city. But when Al Hassan became the commissioner, he covered
12 all of these missions.

13 Q. [15:25:29] I would like to now come back somewhat to what happened when the
14 police would find somebody who was breaking the rules whilst on patrol. Can you
15 describe to us what would then happen.

16 A. [15:26:06] I mentioned what all the jihadists used to do, whether the security
17 battalion or the police or the *Hesbah*, during the patrols in the city, I said that if they
18 observe any kind of violation of the rules, they -- they command people to abide by
19 the rules such as they ask women to cover their heads. They ask people to stop
20 listening to music or hanging pictures.

21 But what happened is that some people didn't abide by the rules. They might stop
22 during the patrol, but then they go back to the same practice again, and then another
23 patrol will go around and will command them to stop these practices.

24 And that's what the jihadists used to call as stubbornness. They used to describe
25 people who keep repeating the same acts over and over again as a stubborn person,

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1 and they used to beat that person. And that's something that happened many times
2 in the last few months of the rule of the group over Timbuktu.

3 Q. [15:27:53] And did the police arrest anybody in the streets?

4 A. [15:28:12] Yes. Smokers used to be arrested, and their cigarettes got confiscated.
5 And also some people got searched when some people used amulets, and also these
6 amulets got confiscated at times. Cars were searched on the gates of the city as well.

7 Q. [15:28:57] And were those arrested individuals taken back to the police station?

8 A. [15:29:11] Well, that depends on the assessment of how big -- how big the case is.
9 Sometimes the patrol will stop somebody who is smoking and they will take their
10 cigarettes away and they will just advise him with few words and then leave him.
11 And sometimes smokers were stopped and beaten in the small market. So it
12 depended on the assessment of the officer dealing with the problem.

13 Q. [15:30:07] [REDACTED]
14 [REDACTED]

15 A. [15:30:57] [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]

21 Q. [15:31:55] [REDACTED]
22 [REDACTED]

23 A. [15:32:20] [REDACTED]
24 [REDACTED]
25 [REDACTED]

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[REDACTED]

Q. [15:33:12] And when you say usually when they were arrested, what exactly do you mean by "usually"?

A. [15:33:25] I mean that's how things usually happened in many occasions.

Q. [15:33:49] So in that case, the people did not know why they were arrested. Are you talking about the period in Timbuktu from April 2012 to January 2013?

A. [15:34:05] Yes.

Q. [15:34:20] [REDACTED]

[REDACTED]

A. [15:34:40] [REDACTED]

[REDACTED]

Q. [15:35:56] [REDACTED]

[REDACTED]

A. [15:36:29] Yes. Only people who were present at the time can understand that. The policy that was drawn by the emirs was to force the population to adhere to Islamic Sharia but with avoiding any kind of clash with the population. This was advice that the leaders of all -- of the group gave to the heads of the institutions like the police and the *Hesbah*. But implementing this policy was in the hands of the

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1 commissioners of the police and the *Hesbah*. So the commissioners had to interpret it
2 in their own way and implement it according to their own understanding because the
3 superiors didn't explain these policy in details. They had specific objectives, and as
4 long as these objectives were achieved and met, they didn't really interfere in the
5 details. This is what I mean when I say that the policy didn't cover all the details.
6 They just wanted to force the population to comply with the Sharia law according to
7 the group's interpretation of it.

8 Q. [15:38:23] So once they were at the police station, these people who had been
9 arrested were under whose authority? Who had authority over them during their
10 detention?

11 A. [15:38:40] The police. The police.

12 Q. [15:38:52] And within the police, who exactly had authority over detention?

13 A. [15:39:05] The commissioner of the police. But we have to note here that
14 members of the group, some took action without following the -- following the
15 commands given to the commissioner of the police. So sometimes they will just do
16 certain things without following the commands followed generally by the
17 commissioner.

18 Q. [15:39:45] Could you please clarify what you've just said, that some members of
19 the group acted without following the commands given to the -- given to them by the
20 police commissioner.

21 A. [15:40:19] I refer here to a -- something that I have already mentioned before in
22 my previous answer, which is the leader of Ansar Dine, Abou Zeid, used to give
23 general instructions, not detailed ones. He just wanted a -- the city to be ruled in
24 a certain way, but he left the details to people to deal with. So people followed their
25 own thoughts and understanding of these general instructions and implemented it in

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1 their own way. So there was no policy drawn in details to the police members, for
2 example. So they had an open opportunity to interpret the policy in their own way.
3 So they chose the language to use and the Islamic phrases to use, although the leader
4 never instructed them to do so. So it was left to them to act in their -- on their -- in
5 their own way according to their own understanding and interpretation. And for
6 the leader, they were only concerned that they are following the general instructions.
7 There were no specific commands given to those members.

8 Q. [15:42:14] [REDACTED]
9 [REDACTED]

10 A. [15:42:42] [REDACTED]
11 [REDACTED]

12 Q. [15:43:06] [REDACTED]
13 [REDACTED]
14 [REDACTED]

15 A. [15:43:28] [REDACTED]
16 [REDACTED]

17 Q. [15:43:49] [REDACTED]
18 [REDACTED]

19 A. [15:44:18] [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

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[REDACTED]

Q. [15:45:47] [REDACTED]

[REDACTED]

A. [15:46:30] [REDACTED]

[REDACTED]

Q. [15:46:51] [REDACTED]

[REDACTED]

A. [15:47:22] [REDACTED]

[REDACTED]

Q. [15:47:58] [REDACTED]

[REDACTED]

A. [15:48:33] [REDACTED]

[REDACTED]

Q. [15:48:51] [REDACTED]

[REDACTED]

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1 A. [15:49:14] [REDACTED]

2 [REDACTED]

3 Q. [15:49:45] [REDACTED]

4 [REDACTED]

5 A. [15:50:09] [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 Q. [15:51:29] And do you know what the population of Timbuktu said about all of
12 this?

13 A. [15:51:52] Which -- which matter are you talking about here?

14 Q. [15:52:14] The conditions of the detention at the Islamic police.

15 A. [15:52:30] I never heard anyone from the people complaining about the
16 detention conditions when I talk about men specifically, but I remember listening to
17 the crisis committee talking about the detention conditions for women, and they
18 spoke about the fact that it was very bad, that the women were detained in very bad
19 conditions.

20 Q. [15:53:11] And these people from the crisis committee, what were they saying
21 exactly about these poor conditions for the women?

22 A. [15:53:38] One of them said that one of the women who spent a night in the
23 detention of Mohamed Moussa, that was in the first police station, he said that the
24 woman was -- suffered a lot at night because of the heat and how hot the room was
25 and that the woman was assaulted sexually and harassed in general terms.

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1 Q. [15:54:18] Do you recall the name of the person who conveyed this information?

2 A. [15:54:37] [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]

6 Q. [15:55:16] [REDACTED]
7 [REDACTED]
8 [REDACTED]

9 A. [15:55:52] [REDACTED]

10 PRESIDING JUDGE MINDUA: [15:55:57](Interpretation) Ms Taylor.

11 MS TAYLOR: [15:55:58] Thank you, Mr President. Again, it's a bit too late. But
12 I'd again invite the Prosecutor not to use leading questions but to ask the witness
13 openly as concerns when things happened.

14 PRESIDING JUDGE MINDUA: [15:56:18](Interpretation) Very good.

15 Prosecutor.

16 MR DUTERTRE: [15:56:21](Interpretation) I was trying to save time.

17 Q. [15:56:21] [REDACTED]
18 [REDACTED]
19 [REDACTED]

20 A. [15:56:43] [REDACTED]
21 [REDACTED]
22 [REDACTED]

23 Q. [15:57:16] [REDACTED]
24 [REDACTED]

25 A. [15:57:40] [REDACTED]

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1 [REDACTED]

2 Q. [15:58:08] Mr Witness, do you know what access to sanitary facilities, to toilets
3 was available to detainees, to women, at the first Islamic police station?

4 A. [15:58:29] I think so, because I didn't hear any complaints about the toilets.

5 MR DUTERTRE: [15:58:48](Interpretation) Mr President, I see there are two minutes,
6 and I will finish this line of questioning.

7 PRESIDING JUDGE MINDUA: [15:59:03](Interpretation) But if you're not going to
8 finish it in the time, then I suggest that we stop. And we will call a stop to this for
9 today.

10 Mr Witness, as you're aware, your testimony has not finished. So I would like to
11 thank you for what you have done today and ask you to return tomorrow at 9.30. In
12 the meantime, as you know, you must not discuss your testimony with anyone at all.
13 That's clear.

14 Before closing the session, I would like to thank again all the parties and participants.
15 I would also like to thank the court reporters and the interpreters. And finally, our
16 security officers.

17 I would like to wish everybody an excellent evening. Rest and we will meet again
18 tomorrow morning.

19 The hearing is suspended.

20 THE COURT USHER: [16:00:14] All rise.

21 (The hearing ends in closed session at 4.00 p.m.)

22 CORRECTIONS REPORT

23 The following corrections, marked with an asterisk and not included in the
24 audio-visual recording of the hearing, are brought into the transcript.

25 "Page 5, lines 19-20:

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1 "Then we went, and we went and inspected the house, and we sent patrols around,
2 all around the place." Is corrected to

3 "Then we went and inspected the house, carried out our investigation, and checked
4 everything."

5 Page 7, lines 3-6:

6 "Now with the rules that we have imposed, a lot of sins have reduced, particularly
7 the major sins such as adultery, alcohol and other major sins. The things here have
8 improved distinctly.""

9 is corrected to

10 "Now with the rules that we have imposed, a lot of sins have reduced, particularly the
11 major offences such as adultery, alcohol and other major sins. The things here have
12 improved distinctly. Salamu Alaikom. {inaudible}.""

13 Page 11 lines 18-19:

14 " Q. [10:09:19] Do you know if there were cases or -- cases of women at the Islamic
15 police?"

16 is corrected to:

17 "Q. [10:09:19] Do you know if there were any female guards at the Islamic Police, to
18 the best of your knowledge? "

19 Page 17 lines 5-6:

20 "Q. [10:25:15] So you indicated that they were imprisoned because they didn't wear
21 the veil as envisaged by Mohamed Moussa."

22 is corrected to:

23 "Q. [10:25:15] So you indicated that they were imprisoned because they didn't wear
24 the veil as envisaged at the time by Mohamed Moussa. Is that correct? "

25 Page 18 lines 1-3:

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1 "Now, you say that there was no appropriate place to imprison women and the place
2 that they -- that Mohamed Moussa made wasn't appropriate to imprison women."

3 is corrected to:

4 "So witness, on page 16 of today's transcript from lines 5 to 8 you say that there was
5 no appropriate location to imprison women and that the location Mohamed Moussa
6 was in charge of wasn't appropriate to imprison women."

7 Page 35 line 17:

8 "MR DUTERTRE: [11:59:22] (Interpretation) So I'm just stopping at 00:00:15:22"

9 is corrected to:

10 "MR DUTERTRE: [11:59:22] (Interpretation) So I'm just stopping at 00:00:15:24."

11 Page 41 lines 7-8:

12 "Q. [12:14:26] So, Mr Witness, in this video, there's talk of thieves arrested at the
13 market in Ber. Could we please put up the map we've used before, 0004-0418."

14 is corrected to Page 41 line 7:

15 "Q. [12:14:26] So, Mr Witness, in this video, there's talk of thieves arrested at the
16 market in Ber. Could we please put up the map we've used before, 0007-0418. "

17 Page 48 line 23 t page 49 line 4:

18 "Q. [12:43:56] Witness, we're going to continue. And please let me know when you
19 identify somebody. Okay. We're -- we're listening to you. There is a person with a
20 blue -- he's wearing a brown -- he's wearing a brown turban. There's also a person
21 who is dressed in beige. And we are 00:15:19.

22 A. [12:44:34] And his turban is not blue. This is Al-1 Hadi Aymushagi.

23 Q. [12:44:55] You're referring to which person? The person in the middle with a dark
24 brown turban and a clear boubou?"

25 is corrected to:

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1 "Q. [12:43:56] Witness, we're going to continue. And please let me know when you
2 identify somebody. Okay. We're -- we're listening to you. There is a person in light
3 blue with a brown headscarf, a person with a dark blue headscarf dressed in beige.
4 And we are at 00:00:15:19. His turban is not blue. This is Al Hady Ali Mochahri
5 (phon.).

6 Q. [12:44:55] You're referring to which person? The person in the middle with a dark
7 brown turban and a light blue boubou?"

8 Page 51 lines 7-10:

9 " MR DUTERTRE: [12:52:22](Interpretation) So I've finished with this video. Your
10 Honour, your Honours, we don't have a lot more time, but I'm going to continue with
11 a document, MLI-OTP-0018-11 -- that's in binder number 6. So OTP-0018-1151. It's at
12 tab 1110, binder 6. If the court officer could show it on evidence 1, tab 111. And that's
13 binder number 6. If he could zoom in on the picture where it's contained in the
14 document."

15 is corrected to:

16 "MR DUTERTRE: [12:52:22](Interpretation) So I've finished with this video. Your
17 Honour, your Honours, we don't have a lot more time, but I'm going to continue with
18 a document, MLI-OTP-0018-1154. It's at tab 1110, binder 6. There is a translation
19 0078-9840, at tab 1111, also in binder 6."

20 Page 51 line 25 to page 52 line 4:

21 "Q. [12:55:40] Thank you very much. So, Witness, we are going to continue with this
22 video or the video that we were on of the interview, Mr Al Hassan. And there was an
23 issue about the population, or some of the population had fled Bamako and some as
24 politicians -- or this is in lines 60, 62, French transcript for this video, so 0069-3712."

25 is corrected to:

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1 "Q. [12:55:40] Thank you very much. So, Witness, we are going to continue with this
2 video or the video that we were on of the interview of Mr Al Hassan. Mention was
3 made of the population: "part of the population may have fled towards Bamako and
4 some, such as the politicians, have left and are supporting the non-believers." This is
5 contained in lines 60 and 62 of the French transcript of this video, being 0069-3712."

6 Page 58 lines 22-24:

7 "And, Mr Witness, do you know where we are in this video, in this -- before we do
8 this, do you know where we in this video, on this area with this green building
9 behind?"

10 is corrected to:

11 "And, Mr Witness, do you know - before we start to play it - where we are in this
12 video, on this square with Coca-Cola in the background to the right of the image and
13 a green door. Do you know where this is?"

14 Page 63 line 12-16:

15 "Q. [15:13:23] (No interpretation)

16 A. [15:13:34] It's most likely that it is on the edge of the small market, close to the
17 previous or the first police station.

18 MR DUTERTRE:

19 Q. [15:13:52] (No interpretation)"

20 is corrected to:

21 "Q. [15:13:23] Mr Witness, do you know where this was filmed?"

22 A. [15:13:34] It's most likely that it is on the edge of the small market, close to the
23 previous or the first police station.

24 Q. [15:13:52] And I am at 00:00:21:01. We can see a man standing and a man seated.

25 Which organ do these men belong to?"

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- 1 The following correction, marked with an asterisk and included in the audio-visual
- 2 recording of the hearing, is brought into the transcript.
- 3 Page 43 line 7-8:
- 4 "MLI-REG-0067" is corrected to: "MLI-REG-0001-0067"