

Trial Hearing
WITNESS: MLI-OTP-P-0547

(Open Session)

ICC-01/12-01/18

1 International Criminal Court
2 Trial Chamber X
3 Situation: Republic of Mali
4 In the case of The Prosecutor vs Al Hassan Ag Abdoul Aziz Ag Mohamed Ag
5 Mahmoud - ICC-01/12-01/18
6 Presiding Judge Antoine Kesia-Mbe Mindua, Judge Tomoko Akane and
7 Judge Kimberly Prost
8 Trial Hearing - Courtroom 3
9 Wednesday, 27 October 2021
10 (The hearing starts in open session at 9.31 a.m.)
11 THE COURT USHER: [9:31:25] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE MINDUA: [9:31:58](Interpretation) Court is in session.
15 Good morning, everyone.
16 Court officer, kindly call the case.
17 THE COURT OFFICER: [9:32:10] Good morning, Mr President, your Honours.
18 This is the situation in the Republic of Mali, in the case of The Prosecutor versus
19 Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud, case reference
20 ICC-01/12-01/18.
21 And for the record, we are in open session.
22 PRESIDING JUDGE MINDUA: [9:32:28](Interpretation) Thank you very much,
23 court officer.
24 As is the case every morning, we will now proceed with introductions, beginning
25 with the OTP.

Trial Hearing
WITNESS: MLI-OTP-P-0547

(Open Session)

ICC-01/12-01/18

1 Madam Prosecutor.

2 MS YAMAGUCHI: [9:32:46] Good morning, Mr President, your Honours. As
3 yesterday, the Prosecution is represented today by Gilles Dutertre and myself,
4 Yayoi Yamaguchi.

5 PRESIDING JUDGE MINDUA: [9:33:02](Interpretation) Thank you very much,
6 Madam Prosecutor.
7 Defence. Counsel.

8 MS SUTHERLAND: [9:33:08] Good morning, Mr President, your Honours. The
9 Defence for Mr Al Hassan is today represented by Ms Mélissa Beaulieu Lussier,
10 Ms Sarah Marinier-Doucet, Ms Melinda Taylor and myself, Kirsty Sutherland.

11 PRESIDING JUDGE MINDUA: [9:33:30](Interpretation) Thank you very much,
12 Counsel.
13 And now Legal Representatives of Victims. Counsel.

14 MR LUVENGIKA: [9:33:40](Interpretation) Good morning, your Honours. The
15 victims are represented by Prisque Dipanga and myself, Fidel Nsita Luvengika.

16 PRESIDING JUDGE MINDUA: [9:33:52](Interpretation) Thank you very much,
17 Counsel.

18 This morning we shall continue with the testimony of Prosecution Witness P-547.

19 I now wish to address the witness.

20 Good morning, Madam Witness. How are you?

21 WITNESS: MLI-OTP-P-0547 (On former oath)

22 (The witness speaks Songhai)

23 THE WITNESS: [9:34:17](Interpretation) Good morning. Thanks be to God,
24 everything is *fine.

25 PRESIDING JUDGE MINDUA: [9:34:22](Interpretation) Thank you very much,

Trial Hearing

(Open Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0547

1 Madam Witness.

2 On behalf of the Chamber, I welcome you once again and I remind you that you are
3 still under oath. You must say the truth, the whole truth and nothing but the truth.

4 THE WITNESS: [9:35:11](Interpretation) I have taken the oath and that is what I
5 shall do up until the last day.

6 PRESIDING JUDGE MINDUA: [9:35:19](Interpretation) Thank you very much,
7 Madam Witness.

8 I would like to remind you that we all should speak slowly, clearly and we should
9 pause from time to time.

10 Without any further ado, I will hand over to Madam Prosecutor for continuation of
11 her examination-in-chief.

12 Madam Prosecutor.

13 MS YAMAGUCHI: [9:35:57] Thank you, Mr President.

14 QUESTIONED BY MS YAMAGUCHI: (Continuing)

15 Q. [9:36:01] Good morning, Madam Witness. How are you today?

16 A. [9:36:17] I am very well. I have no problems.

17 Q. [9:36:23] I'd like to take up where we left off yesterday.

18 Madam Witness, yesterday when I asked you to tell us what happened after you had
19 arrived at the BMS, you mentioned, and I quote: "... I was taken to a little room
20 where there was a mat on the floor."

21 And I refer to yesterday's transcript, English, real-time version, page 32, line 18 to 22.

22 A. [9:37:25] A mat. It was a mat.

23 Q. [9:37:36] Yes, there may have been a misinterpretation when I -- in my question.

24 Now, was this little room close to the small door through which you enter the
25 building, do you recall?

Trial Hearing

(Open Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0547

1 A. [9:38:18] No. The room and the little door to enter the building were not so far
2 away from each other.

3 Q. [9:38:36] You also mentioned yesterday that, and I quote: "There were three
4 people there, two the same age as myself, and the other one was younger than all of
5 us."

6 And I refer to transcript page 31, line 14 to 16.

7 PRESIDING JUDGE MINDUA: [9:39:24](Interpretation) I beg your pardon,

8 Madam Prosecutor. I'd like to check something with Mr Dutertre.

9 On the English transcript I see "mat" twice. In French, there's one mention of
10 "mattress" and one of "mat".

11 What is all that about? There's a difference, isn't there?

12 MR DUTERTRE: [9:39:47](Interpretation) Thank you. I just have the French, not
13 the English. But I believe that the witness did correct the record by saying that it
14 was a mat, a mat on the floor.

15 PRESIDING JUDGE MINDUA: [9:40:05](Interpretation) It's not very clear judging
16 by the English transcript.

17 What is the difference between a mattress and a mat?

18 MR DUTERTRE: [9:40:21]*Mr. President, indeed, in French... in English, it's twice
19 "mat", I just checked. Perhaps it's just a translation issue. Perhaps the interpreters in
20 the English booth could check, under the control of the Defence of course.

21 PRESIDING JUDGE MINDUA: [9:40:36](Interpretation) If we could have the correct
22 interpretation, please.

23 THE INTERPRETER: [09:40:43] Message from the English booth: The French word
24 that was used was *natte*, which is -- *natte*, which is mat in English. The interpreters
25 will check -- listen to the audio and make any corrections needed.

Trial Hearing
WITNESS: MLI-OTP-P-0547

(Open Session)

ICC-01/12-01/18

1 PRESIDING JUDGE MINDUA: [9:41:17](Interpretation) Madam Prosecutor, please
2 go ahead.

3 MS YAMAGUCHI: [9:41:19] Thank you, Mr President.

4 Q. [9:41:22] Now, Madam Witness, so when you refer to three people there, just to
5 make sure I understood you correctly, were you referring to people who were inside
6 this little room you were taken?

7 A. [9:42:05] Yes. It was the room that was I taken to. That's where the three
8 people were.

9 Q. [9:42:15] Do you recall the ethnicity of those three women?

10 A. [9:42:44] I think they were all Songhai people because we were all speaking
11 Songhai.

12 Q. [9:42:55] And did they tell you when they had arrived there at the BMS?

13 A. [9:43:22] Actually, I didn't really ask questions like that, but I think we had all
14 come on the same day. I think we had all got there on the same day.

15 Q. [9:43:41] While you were detained in this little room, did you receive any food
16 or water?

17 A. [9:44:00] No. We weren't given anything to eat and nothing to drink.

18 Q. [9:44:17] Was it possible to go outside of this little room?

19 A. [9:44:35] I don't think it was possible for anyone to leave that little room because
20 there was only one door.

21 Q. [9:44:55] Was that door locked from outside?

22 A. [9:45:09] Yes.

23 Q. [9:45:16] Was there any window in this little room?

24 A. [9:45:46] I didn't notice any window there. I don't remember whether there
25 was electricity there or not. But the light that came in was through the window in

Trial Hearing
WITNESS: MLI-OTP-P-0547

(Open Session)

ICC-01/12-01/18

1 the door which was broken. That's how light got into the room.

2 Q. [9:46:11] And during your detention, were you able to contact your family or
3 anyone outside?

4 A. [9:46:43] In the place where we had been put, we couldn't see anyone. None of
5 our family members saw us. We couldn't see one another.

6 Q. [9:46:59] Were you able to hear or see what was happening outside?

7 A. [9:47:40] Yes. From where we were -- well, the young girl who was with us just
8 cried, and it really bothered us. But when she was quiet, we could hear the call to
9 prayer.

10 Q. [9:48:01] Do you know why this younger girl was crying?

11 A. [9:48:37] No. I don't know. I don't know. *When I got there, she was crying.
12 I didn't ask *her. Each person was worried. *No one knew what could happen to
13 her, *so I didn't ask her.

14 Q. [9:49:01] What do you mean by "what could happen" to you or them?

15 A. [9:49:53] Well, I don't know, but I wasn't familiar with the prison. Going to
16 prison is something I wasn't familiar with and there were people who didn't hesitate
17 to whip people right in the middle of the street. So if those people take you and take
18 you to prison, well, that was what I was worried about.

19 MS YAMAGUCHI: [9:50:23] Now, Mr President, I would now like to go into private
20 session briefly to seek your guidance regarding whether the next topic I intend to
21 address can be -- should be in private session or open session. And once we go into
22 private session, I request that the Songhai interpretation for the witness be stopped.

23 PRESIDING JUDGE MINDUA: [9:50:54](Interpretation) Indeed.

24 Court officer, private session and please cut off the interpretation into the Songhai
25 language.

Trial Hearing

(Private Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0547

1 (Private session at 9.51 a.m.)

2 THE COURT OFFICER: [9:51:09] We're in private session, Mr President.

3 PRESIDING JUDGE MINDUA: [9:51:14](Interpretation) And you also cut off the
4 interpretation into Songhai?

5 THE COURT OFFICER: [9:51:42] Your Honours, we could ask the witness to take
6 off her headset and ask the interpreters not to interpret.

7 PRESIDING JUDGE MINDUA: [9:51:58](Interpretation) Yes, indeed. Go ahead,
8 court officer. If you could see to that.

9 Or we could ask madam witness to leave the courtroom for a few moments. That
10 would be easier.

11 (The witness exits the courtroom)

12 PRESIDING JUDGE MINDUA: [9:53:05](Interpretation) Madam Prosecutor.

13 MS YAMAGUCHI: [9:53:07] Thank you very much, Mr President.

14 Now, I intend to ask the witness about the alleged sexual violence that was
15 committed against her during her detention. And our understanding is that her
16 husband is aware of what happened -- sorry, the witness's husband is aware that she's
17 testifying as a witness in this Court. This is probably also the case for her children,
18 some of whom are already teenagers. And we are not entirely sure whether the
19 witness has told this particular aspect of her experience at the BMS to the husband or
20 other family members.

21 So, just to protect the privacy of the witness, we would like to seek the Chamber's
22 guidance as to whether we should proceed on this topic in private session or in open
23 session.

24 PRESIDING JUDGE MINDUA: [9:54:14](Interpretation) Just one moment. This is a
25 sensitive matter. I'm going to confer with my colleagues.

Trial Hearing

(Private Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0547

1 But first of all I'll ask the Defence what they think. Ms Sutherland.

2 MS SUTHERLAND: [9:54:25] Mr President, we're also sensitive to the sensitivity of
3 the matter and don't object to this being dealt with in private session, in the event that
4 your Honours so agree.

5 PRESIDING JUDGE MINDUA: [9:54:46](Interpretation) Thank you very much,
6 Ms Sutherland.

7 (Trial Chamber confers)

8 PRESIDING JUDGE MINDUA: [9:57:04](Interpretation) Madam Prosecutor,
9 obviously this is very sensitive. We don't know whether the husband and the
10 children are aware, so I think it would be best for us to go into private session. If we
11 knew that they were aware, we could be in open session, but that does not seem to be
12 the case.

13 MS YAMAGUCHI: [9:57:49] Just to clarify, in the statement she mentioned that she
14 told her husband what had happened, but we don't know exactly what she said.

15 And as for the children, we have no idea what she said.

16 PRESIDING JUDGE MINDUA: [9:58:08](Interpretation) Very well. We will remain
17 in private session.

18 For how long, Madam Prosecutor, so that I can let the public know?

19 MS YAMAGUCHI: [9:58:18] This will obviously depend on how the witness would
20 answer, but I believe I would probably need 15 to 20 minutes in private session.

21 PRESIDING JUDGE MINDUA: [9:58:43](Interpretation) Very well. We will go
22 ahead.

23 Court officer, please bring the witness back into the courtroom.

24 (The witness enters the courtroom)

25 PRESIDING JUDGE MINDUA: [9:59:43](Interpretation) Madam Witness, thank you

Trial Hearing

(Private Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0547

1 for being so patient. We had some technical matters to deal with.

2 THE WITNESS: [10:00:00](Interpretation) Okay, I understand.

3 PRESIDING JUDGE MINDUA: [10:00:02](Interpretation) Madam Prosecutor.

4 MS YAMAGUCHI: [10:00:06]

5 Q. [10:00:06] Madam Witness, just to let you know, we are now in private session
6 so the public will not be able to hear what you say.

7 A. [10:00:28] Very well.

8 Q. [10:00:30] Now, we all know this may be difficult, but could you please tell us
9 what happened to you while you were in detention at the BMS.

10 A. [10:01:02] Yes, indeed I can, yes.

11 I remember the day when I was taken to the BMS and I found other people there.

12 I don't know what happened to them. We went there. I had no idea what time it
13 was and I didn't know what the weather was like. We were stopped and if we were
14 tired, we sat down until a gentleman arrived.

15 When the gentleman arrived, it was his footsteps that we heard and we all stood up.

16 THE INTERPRETER: [10:02:40] Correction from the English booth: We had been
17 arrested and when we were tired, we sat down.

18 THE WITNESS: [10:02:52](Interpretation) And when we heard his footsteps, we all
19 got to our feet and we all approached the door and we gathered around the door
20 thinking that he had come to release us, for us to be able to go home.

21 I know that the gentleman has -- had black skin and he was tall. I noticed that. He
22 pulled me out and closed the door on the others. He put something around my eyes.

23 I don't know whether it was a turban or something else. We walked somewhere and
24 we arrived somewhere. I think it was a room or a corner. I'm not sure. When we
25 got there, he started touching me and I said "What's this?" And he carried on

Trial Hearing

(Private Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0547

1 touching me until he reached the pearl that I had around my waist and I asked him
2 what was going on. And he cut the pearl that I had around my waist. And we
3 carried on like this until he pushed me and I lay on my back.

4 When he pushed me, I asked him what he was going to do to me and I said "Please
5 don't do this to me because I'm a married woman."

6 And he said that he knew that I had children and that he didn't -- if I didn't accept, he
7 would kill me and make orphans of my children. And the gentleman laid down on
8 me and I am a married woman.

9 PRESIDING JUDGE MINDUA: [10:06:13](Interpretation) Madam Prosecutor, I think
10 we can leave the witness to have a little rest now.

11 Mr Courtroom Officer, please.

12 (The witness exits the courtroom)

13 (Pause in proceedings)

14 PRESIDING JUDGE MINDUA: [10:09:19](Interpretation) Mr Courtroom Officer,
15 could you please send Madam Usher to see what's going on with the witness.

16 (The witness enters the courtroom)

17 PRESIDING JUDGE MINDUA: [10:11:10](Interpretation) Madam Witness, thank
18 you very much for your patience and your courage.

19 I'm going to once again hand over to the Office of the Prosecutor.

20 MS YAMAGUCHI: [10:11:31]

21 Q. [10:11:33] Madam Witness, are you okay to continue?

22 A. [10:11:43] Yes.

23 Q. [10:11:47] I would like to come back to some aspects of what you said.

24 You mentioned that the -- this gentleman who came to take you out of the little room
25 had black skin. How could you tell that he had black skin?

Trial Hearing

(Private Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0547

1 A. [10:12:31] I knew that he had black skin. It was by looking at his eyes that I
2 knew that he was black and of Bambara ethnic origin.

3 Q. [10:12:53] Do you remember what he was wearing in terms of clothing?

4 A. [10:13:18] He had the same attire, that is the khaki clothes and a turban around
5 his face. And how did I know that he was Bambara? Well, it was the way he talked
6 to me. He spoke Arabic with an accent, a Bambara accent.

7 Q. [10:13:59] You said he had a turban around his face. Were you able to see more
8 than his eyes?

9 A. [10:14:22] No, I just saw his eyes. And from the way that he was speaking to
10 me, I understood that he was black and of Bambara origin by the way that he spoke to
11 me. Because I am in a position to make the distinction between an Arab speaking
12 Arabic and a Tamasheq speaking Arabic. I can make that distinction.

13 Q. [10:15:19] And was he armed?

14 A. [10:15:33] Yes, indeed. When he approached us, he had a weapon.

15 Q. [10:15:45] And did he keep his weapon with him when you -- when he took you
16 to another room or corner?

17 A. [10:16:22] Upon approaching us he had a weapon. And when he took me away,
18 he also had a weapon. He pointed the weapon -- he was not able to point the
19 weapon at my head and he could not do to me what he did to me and he -- one
20 cannot speak in the presence of a weapon. One cannot react in the presence of a
21 weapon.

22 THE INTERPRETER: [10:16:58] The witness's answer is unclear.

23 MS YAMAGUCHI: [10:17:08]

24 Q. [10:17:11] I'm not sure whether your answer was correctly interpreted. I'm
25 going to read what has been transcribed and let us know if it's correct what has been

Trial Hearing

(Private Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0547

1 noted.

2 You said: "He pointed the weapon -- he was not able to point the weapon at my
3 head and he could not do to me what he did to me and he -- one cannot speak in the
4 presence of a weapon."

5 A. [10:18:23] I said that if a weapon is pointed at you, you cannot do anything.
6 You cannot react or do anything when a weapon is pointed at you.

7 Q. [10:18:52] And do I understand correctly that that's exactly what he did to you?

8 A. [10:19:21] Yes, indeed. He pointed a weapon at me. We talked for a long time
9 because where I come from when you're married, you should not give yourself to
10 another man.

11 Q. [10:19:38] And you said the man started touching you. Could you clarify
12 exactly which part of your body he started to touch?

13 A. [10:20:18] Yes, when he started to touch me, my eyes were closed, but I do know
14 that he started from my hip and went downwards all the way.

15 PRESIDING JUDGE MINDUA: [10:20:55](Interpretation) Madam Prosecutor, I don't
16 want to intervene in your questioning, but is there -- if there is a means of avoiding
17 the details that are not strictly necessary for your case, then there is a means of
18 avoiding them.

19 MS YAMAGUCHI: [10:21:18] If the Defence would agree that a form of sexual
20 violence has been committed, we can certainly skip the details.

21 PRESIDING JUDGE MINDUA: [10:21:37](Interpretation) Of course you are right in
22 so saying. I'm turning to the Defence now. Ms Sutherland.

23 MS SUTHERLAND: [10:21:47] Mr President, I fear that this discussion must take
24 place outside the presence of the witness. The Prosecution's request is a very serious
25 one. It requires consideration and ought not to be conducted in front of the witness.

Trial Hearing

(Private Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0547

1 PRESIDING JUDGE MINDUA: [10:22:27](Interpretation) I'm going to confer with
2 my colleagues, Ms Sutherland.

3 (Trial Chamber confers)

4 PRESIDING JUDGE MINDUA: [10:24:36](Interpretation) Ms Sutherland, generally
5 speaking, you are cooperative. Here you seem somewhat complicated, but it doesn't
6 matter.

7 Madam Prosecutor, because I wouldn't like to have the witness shown out and shown
8 back into the courtroom, to and froing constantly. That's the problem.

9 Now your case, if I have understood correctly, Madam Prosecutor, is to establish that
10 sexual violence has occurred. So put some questions without going into too much
11 detail, in order to reach some balance or strike some balance without being too
12 intrusive towards the witness and also meet the concerns of the Defence.

13 So please go ahead.

14 (Counsel confers)

15 MS YAMAGUCHI: [10:26:00]

16 Q. [10:26:07] Madam Witness, you mentioned earlier that the gentleman "laid
17 down on me". I'm sorry to have to ask you this, but could you explain a little bit
18 more what you meant by that?

19 A. [10:26:50] When I say, "He laid down on top of me", it is because he made love
20 to me.

21 MS YAMAGUCHI: [10:27:15] Would the Defence accept that by making love to her,
22 it means penetration in the sense of the elements of the crime of rape had occurred?

23 PRESIDING JUDGE MINDUA: [10:27:30](Interpretation) Ms Sutherland.

24 MS SUTHERLAND: [10:27:31] The Defence can accept that she means that there was
25 sexual intercourse. Not that it happened, but that that is what she means.

Trial Hearing

(Private Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0547

1 PRESIDING JUDGE MINDUA: [10:27:54](Interpretation) Madam Prosecutor,

2 I believe it's acceptable.

3 Very well, thank you very much. Please continue.

4 MS YAMAGUCHI: [10:28:06]

5 Q. [10:28:09] Now, just coming back to what happened before he made love to you.

6 You said the man reached the pearl that you had around your hip -- around your

7 waist. Could you describe what it is, this pearl?

8 A. [10:28:48] It is a pearl that we attach around our waist on the end of a chain.

9 Q. [10:29:13] And do you know why he cut it?

10 A. [10:29:34] He cut it because he said that it was *haram*. It was forbidden for a
11 woman to wear it around her waist.

12 Q. [10:29:51] And when he was touching you and he fell on you, did he still have a
13 weapon?

14 A. [10:30:30] The way the -- he took me to the room and he had his weapon with
15 him up until then. When he attacked me, I don't know because my eyes were
16 bandaged. I don't know where he put it. You see, I had something covering my
17 eyes.

18 Q. [10:30:56] And can you describe what happened afterwards?

19 A. [10:31:32] Once he was done with me, he was the one who took me and took me
20 from that place where he had lay on top of me. And he took me back to the room
21 and --

22 PRESIDING JUDGE MINDUA: [10:31:48](Interpretation) I think it's time for us to go
23 back into open session, Madam Prosecutor.

24 MS YAMAGUCHI: [10:31:56] Yes, indeed.

25 PRESIDING JUDGE MINDUA: [10:32:01](Interpretation) Court officer, open session,

Trial Hearing
WITNESS: MLI-OTP-P-0547

(Open Session)

ICC-01/12-01/18

1 please.

2 (Open session at 10.32 a.m.)

3 THE COURT OFFICER: [10:32:14] We are back in open session, Mr President.

4 PRESIDING JUDGE MINDUA: [10:32:19](Interpretation) Thank you very much,
5 court officer.

6 Madam Prosecutor.

7 MS YAMAGUCHI: [10:32:24] Thank you, Mr President.

8 Q. [10:32:28] And Madam Witness, we are now back in open session so the public
9 can hear what you say. So please be careful not to mention what we just discussed.
10 Now, when you got back to the little room, were there anyone there still?

11 A. [10:33:29] When I got back to the room, there were people there. They asked
12 me what had happened and I told them that they had asked me some questions.

13 Q. [10:33:43] And how long were you detained in this little room?

14 A. [10:33:55] We were there from the morning when we were taken there, and we
15 stayed until the evening, until the dusk fell. And then we were released. And also
16 the community leaders from the neighbourhood had come to beg them.

17 And they asked these notable people, these community leaders to go, and they said
18 when it was time to free us, they would free us. And why they took us.

19 Q. [10:35:20] How do you know that notable people, these community
20 leaders -- sorry, "the community leaders from the neighbourhood had come to beg
21 them"?

22 A. [10:36:05] When we got home, the notable people had come and that's when we
23 found out that they had been there.

24 Q. [10:36:22] And do I understand correctly that the other three women were also
25 released at the same time as you?

Trial Hearing

(Private Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0547

1 A. [10:37:00] Yes. We were all released at the same time. Two of them went with
2 me one way, and one other person went in another direction. I think she went
3 towards the Sans-Fil neighbourhood, which is in the direction of the camp.

4 Q. [10:37:28] So you said, "Two of them went with me one way." Did you talk to
5 these two other women while you were heading home?

6 A. [10:38:01] No.

7 Q. [10:38:16] And when you arrived home, was your husband there?

8 A. [10:38:31] Yes.

9 MS YAMAGUCHI: [10:38:36] Mr President, I would like to just briefly go into
10 private session.

11 PRESIDING JUDGE MINDUA: [10:38:43](Interpretation) Very well. Court officer.
12 (Private session at 10.38 a.m.)

13 THE COURT OFFICER: [10:38:54] We are in private session, Mr President.

14 PRESIDING JUDGE MINDUA: [10:39:00](Interpretation) Thank you very much.
15 Madam Prosecutor.

16 MS YAMAGUCHI: [10:39:02] Thank you, Mr President.

17 Q. [10:39:07] When you got home, did you tell your husband about what happened
18 during your detention?

19 A. [10:39:47] Yes, I explained to him that I had done something that should not be
20 done that day. And he understood that it was something that was -- that it was
21 against my will. He understood that.

22 Q. [10:40:09] Did you tell any other members of your family about what happened?

23 A. [10:40:30] No. It is a kind of shame that you can't tell anyone about.

24 Q. [10:40:41] You mentioned earlier that when you returned to that little room and
25 the three women asked you what happened, you told them that "they had asked me

Trial Hearing

(Private Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0547

1 some questions." Can you explain why you told them that?

2 A. [10:41:33] Yes, I told them that. Why? Because if I had told them what
3 actually had happened, and then after all of that people would always be singling me
4 out. Because it is truly something shameful.

5 Q. [10:42:00] You said "when we got home, the community leaders came" to your
6 house. Do you recall the name of these community leaders?

7 PRESIDING JUDGE MINDUA: [10:42:24](Interpretation) Still in private session,
8 Madam Prosecutor?

9 MS YAMAGUCHI: [10:42:28] Yes, I have one, two more questions I would like to
10 pose in private session.

11 PRESIDING JUDGE MINDUA: [10:42:38](Interpretation) Very well. Go ahead.

12 THE WITNESS: [10:43:12](Interpretation) Yes, I remember Hamadou Belle (phon),
13 who came, and Baba Boyba (phon). Those were the notables, the leaders from our
14 neighbourhood who came.

15 MS YAMAGUCHI: [10:43:32]

16 Q. [10:43:32] Could you please repeat the name for the record.

17 A. [10:43:53] I said that one is called Amadou Belle and the other one is called
18 Baba Boyba (phon). Amadou Belle.

19 Q. [10:44:09] After the incident, did you seek any medical treatment?

20 A. [10:44:34] The following day I went to the hospital. The main hospital, the big
21 hospital. I told them that I wanted to visit the doctor to see if I had any illnesses. I
22 didn't want to explain exactly what happened. They did some tests and they
23 confirmed that I didn't have any illness or disease.

24 Q. [10:45:32] Did you have any pain at that point?

25 A. [10:46:02] It was sore around my belly button. And a person who you don't

Trial Hearing

(Open Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0547

1 know, you don't know if they're sick or not.

2 MS YAMAGUCHI: [10:46:17] I would like to go back to open session.

3 PRESIDING JUDGE MINDUA: [10:46:25](Interpretation) Court officer, open session,
4 please.

5 (Open session at 10.46 a.m.)

6 THE COURT OFFICER: [10:46:32] We are back in open session, Mr President.

7 PRESIDING JUDGE MINDUA: [10:46:37](Interpretation) Thank you very much,
8 court officer.

9 Madam Prosecutor.

10 MS YAMAGUCHI: [10:46:42]

11 Q. [10:46:45] After your detention at the BMS, did you have any other problems
12 with the Islamists?

13 A. [10:47:28] Yes, nothing else happened except on the 27th day of the month of
14 Ramadan, shaba washarin (phon), that is an opportunity for people to inform others
15 about marriage and then you go.

16 On that 27th day, I went out to go to the marriage of one of my friend's children who
17 was supposed to get married. She was supposed to have the religious ceremony.

18 In the evening, I went out. I was in the street and I heard some screaming and two
19 people were whipping some other people. As they were whipping people, they
20 whipped two young girls and one went to see an old lady -- correction, an old man,
21 and they whipped the old man with the *girl. And actually that old man did
22 not recover. He ultimately passed away.

23 Since that time, I've understood that I could no longer stay at that place, so I became a
24 refugee in Mauritania.

25 Q. [10:50:00] Thank you, Madam Witness. You mentioned that they whipped two

Trial Hearing
WITNESS: MLI-OTP-P-0547

(Open Session)

ICC-01/12-01/18

1 young girls. Do you know any of these young girls who got whipped on that day?

2 A. [10:50:39] I know -- well, I know both of them. They were both from our
3 neighbourhood.

4 Q. [10:50:54] Do you recall what the two Islamists looked like?

5 A. [10:51:32] Yes, the Islamist, it was the Islamist who was there at that time.

6 There were all kinds of people amongst them, Tuareg people, Bambara people, Arabs,
7 all -- there was a little bit of -- well, all kinds of people there, and they only wore
8 khaki-coloured clothing. They all wore the same kind of clothing.

9 Q. [10:52:05] (Microphone not activated)

10 THE INTERPRETER: [10:52:08] Microphone, please.

11 MS YAMAGUCHI: [10:52:11] Sorry.

12 Q. [10:52:12] Do you know why they were flogging people on the street?

13 A. [10:52:31] Only God knows. They were powerful and they did whatever they
14 wanted to do.

15 Q. [10:52:43] You said you knew both two girls who were whipped on that day.

16 Could you tell us their names?

17 A. [10:53:08] The one who was whipped, one was [REDACTED] and then the other one was

18 [REDACTED]

19 Q. [10:53:35] Could you repeat those two names, please?

20 A. [10:53:49] One was called [REDACTED] and the other one was called [REDACTED]. And it
21 wasn't just one or two people who were whipped. They whipped everyone they
22 came across in the street. Some of those people I knew. Others I didn't.

23 Q. [10:54:20] And you mentioned the old man who got whipped did not recover,
24 he ultimately passed away. Can you explain how you know this?

25 A. [10:55:04] Yes, it happened right in front of me. I was in the street and I was

Trial Hearing

(Open Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0547

1 going down the street and I saw it. I was spared because I went into a house.

2 Q. [10:55:21] And how do you know this old man passed away subsequently?

3 A. [10:55:46] The old man, I actually went to his funeral.

4 Q. [10:55:55] Do you remember the name of the old man?

5 A. [10:56:09] His name was Banya.

6 Q. [10:56:19] Could you repeat his name.

7 A. [10:56:31] Banya was his name.

8 Q. [10:56:39] Do you know if anything else happened to the two girls whom you
9 knew afterwards?

10 A. [10:57:16] Yes. One of them actually was even married by an Islamist, but they
11 didn't stay together. They divorced.

12 Q. [10:57:37] How did you learn about her marriage to an Islamist?

13 A. [10:57:59] Everything that happens in our area people know about. People talk
14 to each other.

15 Q. [10:58:15] And which of the two girls this concerned?

16 A. [10:58:47] [REDACTED] was married, an Islamist married her. [REDACTED] as well.

17 MS YAMAGUCHI: [10:59:07] I see the time. I think this is an opportune moment
18 to have a break.

19 PRESIDING JUDGE MINDUA: [10:59:18](Interpretation) Yes, indeed,

20 Madam Prosecutor.

21 How much time do you have left? How much time do you need to finish?

22 MS YAMAGUCHI: [10:59:30] I believe I would probably need around 30
23 to 40 minutes.

24 PRESIDING JUDGE MINDUA: [10:59:43](Interpretation) Very well. Thank you
25 very much.

Trial Hearing
WITNESS: MLI-OTP-P-0547

(Open Session)

ICC-01/12-01/18

- 1 So it is 11 o'clock. We shall now take a break for half an hour and resume at 11.30.
- 2 The hearing is suspended.
- 3 THE COURT USHER: [10:59:57] All rise.
- 4 (Recess taken at 10.59 a.m.)
- 5 (Upon resuming in open session at 11.34 a.m.)
- 6 THE COURT USHER: [11:34:04] All rise.
- 7 Please be seated.
- 8 PRESIDING JUDGE MINDUA: [11:34:31](Interpretation) Court is in session once
- 9 again and over to the Prosecution for the continuation.
- 10 Madam Prosecutor, please.
- 11 MS YAMAGUCHI: [11:34:43] Thank you, Mr President.
- 12 Q. [11:34:45] Madam Witness, just before we took a short break, you mentioned
- 13 that [REDACTED] was married, an Islamist married her.
- 14 [REDACTED] as well.
- 15 And I refer to the transcript at page 24, line 25 to page 25, line 1.
- 16 Could you tell us how you learned [REDACTED] marriage to an Islamist?
- 17 *A. [11:35:55] [REDACTED] and we saw her braid her hair...
- 18 And we asked her what was going on because of the braid.
- 19 If a woman is not married, she does not make this braid.
- 20 This is how I came to ask her.
- 21 It wasn't anyone else who asked her,
- 22 it was me who asked her and she said that she was married.
- 23 MS YAMAGUCHI:
- 24 Q. [11:36:57] My question actually related to [REDACTED] the other girl's marriage to an
- 25 Islamist. How did you learn about her marriage?

Trial Hearing

(Open Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0547

1 A. [11:37:17] In the case [REDACTED] [REDACTED] And

2 I was in attendance at her wedding. I was there until the moment when her
3 husband came to take her.

4 Q. [11:38:10] Just to be clear, did you see the man to whom [REDACTED] married?

5 A. [11:38:37] No, I do not know her husband. All that I do know is that her
6 husband is an Islamist.

7 Q. [11:38:49] Do you know where she went after the marriage with this Islamist?

8 A. [11:39:18] No, I do not know where. It was a long time after that that I heard
9 that she was at the *Gouvernorat*.

10 Q. [11:39:38] Do you know where the *Gouvernorat* is located?

11 A. [11:39:54] The *Gouvernorat* is in the Sans-Fil area.

12 Q. [11:40:09] Do you know how [REDACTED] at that time?

13 A. [11:40:24] No.

14 Q. [11:40:30] What did she do for a living?

15 A. [11:40:39] She [REDACTED].

16 Q. [11:40:54] Do you know where she lives now?

17 A. [11:41:19] No, I do not know where she lives now. We haven't seen each other
18 for a long time. [REDACTED] we have not seen each other again.

19 Q. [11:41:35] Did you have any contact, for example, by phone with her after she
20 [REDACTED]?

21 A. [11:42:10] No, I got news of her through her little sister. And since then, I have
22 not had any news.

23 Q. [11:42:25] Do you recall [REDACTED]

24 [REDACTED]?

25 A. [11:42:59] Yes, that was when [REDACTED] That was

Trial Hearing
WITNESS: MLI-OTP-P-0547

(Open Session)

ICC-01/12-01/18

1 when I did indeed [REDACTED] yes.

2 Q. [11:43:12] And just to come back to her marriage, you said you do know that her
3 husband is an Islamist. Could you tell us how you know that?

4 A. [11:43:54] Well, I came to know that because when she left to come back to the
5 family, she was dressed all in black and all covered up.

6 Q. [11:44:12] And did you yourself see her dressed all in black and all covered up?

7 A. [11:44:34] Yes, indeed. And we even communicated.

8 Q. [11:44:48] And what did she say when you communicated with her?

9 A. [11:45:28] Well, I was going to her house because since she got married she had
10 left and we hadn't seen each other again. [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 Q. [11:45:58] Do you know any other case of forced marriage -- sorry, other case of
14 marriage between a local woman and an Islamist?

15 A. [11:46:32] I really didn't delve into that. I won't lie.

16 Q. [11:46:57] Just to come back [REDACTED] marriage, you mentioned you were in
17 contact with her sister. Could you give us her name?

18 A. [11:47:31] The name of her younger sister is [REDACTED]

19 Q. [11:47:44] You indicated that you don't know the age of [REDACTED] Can
20 you tell whether she was younger or older than you?

21 A. [11:48:27] I believe that she's older than me. She must be older than me. But
22 if you see us together, you will see that she is an average woman.

23 THE INTERPRETER: [11:48:44] Unclear in the French. *Femme moyenne.*

24 MS YAMAGUCHI: [11:48:52]

25 Q. [11:48:53] Could you tell us what you mean by average woman, or in French

Trial Hearing
WITNESS: MLI-OTP-P-0547

(Open Session)

ICC-01/12-01/18

1 *femme moyenne*?

2 A. [11:49:23] A *femme moyenne* is as I am now. I'm not old and I'm not young.

3 THE INTERPRETER: [11:49:32] The interpreter presumes she means middle-aged.

4 MS YAMAGUCHI: [11:49:41]

5 Q. [11:49:41] I know it's been a long time ago, but can you recall when she was
6 married to an Islamist? Was it before or after Ramadan that year, for example?

7 A. [11:50:29] I can't remember now. I won't lie. I can't remember when it
8 happened.

9 Q. [11:50:42] Before we move on to the next topic, I would just like to clarify a few
10 points we discussed yesterday.

11 First, according to yesterday's transcript of your testimony, when I asked how long
12 after the arrival of the Islamists they wanted to impose these rules about how women
13 should be dressed -- and I will pause for now for interpreters.

14 You said and I quote: "Yes, this happened a short while after. It happened a long
15 time after, but -- but they just started by saying one day that men wear short trousers
16 and they told people what to wear as well."

17 And I refer to transcript page 19, line 11 to 17.

18 There may have been interpretation issue here, but could you please clarify
19 whether -- when exactly the Islamists started to impose these rules?

20 A. [11:52:43] It was the time when the Islamists talked about the Sharia. It was
21 just after their arrival and that's when they defined their principle of the Sharia.

22 Q. [11:53:40] Thank you, Madam Witness.

23 I have one more point I'd like to clarify from yesterday.

24 You referred to an incident that occurred in your street that led to the arrests of many
25 people, including an old man.

Trial Hearing

(Private Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0547

1 A. [11:54:21] Yes.

2 Q. [11:54:23] Transcript reference is page 24, line 21 to page 25, line 11. Now,
3 could you tell us how you learned about this incident.

4 A. [11:55:07] This happened during the night in our street, just behind our street.

5 We came out of our house when we heard the noise. We all came out.

6 When the young man was brought the next day, he told us what had happened there.

7 Q. [11:56:02] Just to make sure we understood you correctly, did you see the scene
8 of the arrest with your own eyes?

9 A. [11:56:42] It happened at night and when something happens under the cover of
10 darkness, we could see a little bit of what was going on with the lights from their cars.

11 Q. [11:57:09] Thank you, Madam Witness.

12 Mr President, I would like to go into private session for approximately five minutes,
13 probably less than five minutes, as the issues I'm going to ask might reveal her
14 identity.

15 PRESIDING JUDGE MINDUA: [11:57:27](Interpretation) Mr Courtroom Officer,
16 please.

17 (Private session at 11.57 a.m.)

18 THE COURT OFFICER: [11:57:37] We're in private session, Mr President.

19 PRESIDING JUDGE MINDUA: [11:57:40](Interpretation) Thank you very much,
20 Mr Courtroom Officer.

21 Madam Prosecutor.

22 MS YAMAGUCHI: [11:57:46] Thank you, Mr President.

23 Q. [11:57:48] Madam Witness, this -- earlier this morning you mentioned that after
24 this incident of the 27th day of Ramadan, and I quote: "I've understood that I could
25 longer stay at the place so I became a refugee in Mauritania." End of quote. And I

Trial Hearing

(Private Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0547

1 refer to the transcript page 22, line 22 to 23.

2 A. [11:58:33] Yes.

3 Q. [11:58:48] Do you recall approximately when you left Timbuktu for a refugee
4 camp in Mauritania?

5 A. [11:59:17] I know that before seeking refuge in Mauritania, I did go to Algeria.
6 No, Mauritania.

7 THE INTERPRETER: [11:59:38] Correction from the Songhai booth.

8 MS YAMAGUCHI: [11:59:54]

9 Q. [11:59:54] Just for the record, so you went to Mauritania, not Algeria; that's
10 correct?

11 A. [12:00:14] That is the truth. I didn't go to Algeria. I've never been to Algiers.

12 Q. [12:00:24] And do you remember approximately how much time had passed
13 after that incident of the 27th day of Ramadan when you went to Mauritania?

14 A. [12:01:19] I don't want to say something wrong. I couldn't tell you how much
15 time it was between the 27th day of fasting and the time that I went to Mauritania.

16 Q. [12:01:38] And when you went to Mauritania as a refugee, did any of your
17 family members stay in Timbuktu?

18 A. [12:02:13] My husband and my mother-in-law stayed behind with the family.
19 As for my family, my entire family went to Mauritania. I was the only one who
20 remained on the mother's side of the family.

21 Q. [12:02:59] Just to make sure I understood you correctly, you said, "My husband
22 and my mother-in-law stayed behind with the family."

23 Was that when you became a refugee in Mauritania or the previous trip to
24 Mauritania?

25 A. [12:04:03] The people from my family left on Friday, the day that the white

Trial Hearing

(Private Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0547

1 person was killed in front of the door of Sahara Passion. That is when my entire
2 family left.

3 THE INTERPRETER: [12:04:29] Interpreter correction: The place mentioned was
4 Sahara Passion.

5 MS YAMAGUCHI: [12:04:43]

6 Q. [12:04:50] And do I understand correctly that when your entire family left on
7 Friday, you yourself stayed with your husband and your children in Timbuktu?

8 A. [12:05:40] It wasn't Friday. It was the week of Friday, the day that the white
9 person was killed in front of the door of Sahara Passion. It was during that week
10 that my family left. I stayed with my children and with my mother-in-law.

11 Q. [12:06:08] And do you recall when this incident of the white person being killed
12 in front of the door of Sahara Passion occurred?

13 A. [12:07:02] I don't remember the month. What I do remember, it was a Friday.
14 Nor do I remember the time of year. What I do remember is that it was a Friday
15 around the time of the Friday prayer. Around the time of the Friday prayer, around
16 that time.

17 Q. [12:07:34] Just to understand the chronology correctly, is it correct that you
18 stayed with your husband and children in Timbuktu and then your detention at the
19 BMS occurred and then you became a refugee in Mauritania with your family, with
20 your husband and children?

21 A. [12:08:28] Yes.

22 Q. [12:08:33] And after you left for Mauritania as a refugee, did you go back to
23 Timbuktu at any point?

24 A. [12:08:58] Yes, I went back to Timbuktu. Of course.

25 PRESIDING JUDGE MINDUA: [12:09:04](Interpretation) Madam Prosecutor, must

Trial Hearing

(Open Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0547

1 we remain in private session?

2 MS YAMAGUCHI: [12:09:08] Apologies. Yes, we can go back to open session.

3 PRESIDING JUDGE MINDUA: [12:09:16](Interpretation) Court officer, if you could.

4 (Open session at 12.09 p.m.)

5 THE COURT OFFICER: [12:09:26] We are back in open session, Mr President.

6 PRESIDING JUDGE MINDUA: [12:09:31](Interpretation) Thank you very much,

7 court officer.

8 Madam Prosecutor.

9 MS YAMAGUCHI: [12:09:35] Thank you, Mr President.

10 Q. [12:09:41] Madam Witness, do you recall when you came back to Timbuktu?

11 A. [12:10:16] Of course. I went back and re-established myself in Timbuktu. All
12 the authorities came back.

13 Q. [12:10:30] When you came back, were there any Islamists left in Timbuktu?

14 A. [12:10:58] No, I didn't see them again. The reason was that I was in Mauritania
15 twice. I went first without being a refugee. Then I went back a second time and
16 then I was a refugee. The reason was that when I left to go to Mauritania, the very
17 day that I came back was the day that they killed a young man who was accused of
18 having killed a fisherman.

19 Q. [12:12:05] Just to clarify this incident of the killing of a young man accused of
20 having killed a fisherman, was this after your first visit to Mauritania?

21 A. [12:12:43] That was the first time that I went to Timbuktu for the funeral.

22 MS YAMAGUCHI: [12:13:10] In the English transcript, there it says "I went to
23 Timbuktu". But I see in French it says Mauritania. And I believe the witness said
24 Mauritania.

25 THE INTERPRETER: [12:13:23] Interpreter correction: The witness said as follows:

Trial Hearing

(Open Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0547

1 "It was the first time I went to Timbuktu" - the witness corrects himself -- herself - "in
2 Mauritania for the funeral."

3 THE WITNESS: [12:13:46](Interpretation) Yes, I said Mauritania. I didn't say
4 Timbuktu. I did say Mauritania, indeed.

5 MS YAMAGUCHI: [12:13:53]

6 Q. [12:13:55] After your return to Timbuktu, did you talk to anyone about what the
7 Islamists had done to you at the BMS?

8 A. [12:14:23] No.

9 Q. [12:14:29] So when you spoke to ICC investigators in 2017, was it the first time
10 you spoke to someone about what happened other than, of course, your husband?

11 A. [12:15:10] No, I didn't tell anyone.

12 Q. [12:15:16] Do you recall having talked to a judge in Mali?

13 A. [12:15:51] Yes, I spoke to the judge. I spoke to the judge and I even had
14 witnesses to prove that I spoke to the judge. I even have witnesses.

15 Q. [12:16:10] Do you remember when you spoke to the judge?

16 A. [12:16:44] Well, you know, I am not educated, so when it comes to dates, I can't
17 really distinguish between the days. I know that I went to Bamako. That is my
18 problem in actual fact, the problem is with dates.

19 Q. [12:17:10] Do you remember if you met the judge before or after the interview
20 with the ICC investigators?

21 A. [12:17:39] I think, I think that it was after met the ICC investigators. That was
22 when I met the judge, unless I'm mistaken.

23 Q. [12:18:15] When you met this judge in Bamako, do you remember in which
24 language the conversation was conducted?

25 A. [12:18:30] We talked about what had happened to me and he asked me what

Trial Hearing
WITNESS: MLI-OTP-P-0547

(Open Session)

ICC-01/12-01/18

1 had happened. That is what we talked about.

2 Q. [12:19:11] Was there an interpreter?

3 A. [12:19:24] Yes.

4 Q. [12:19:31] After the meeting was finished -- well, were they taking notes of what
5 you were saying?

6 A. [12:19:50] They took notes.

7 Q. [12:19:55] And did they read back those notes to make sure that it's accurate?

8 A. [12:20:31] We sat down, we talked. And once we were done they gave me a
9 paper which I signed. That's all.

10 Q. [12:20:49] Now, I just have a few last questions.

11 You already described to us the pain you felt after what happened at the BMS. Now
12 it's been several years. Can you describe how you feel about what the Islamists did
13 to you?

14 A. [12:22:14] What I felt was when it happened to me, I was helped with some holy
15 water. Otherwise, I would have had real pain in my mind. That really helped me
16 forget many things that had happened. But up until now, there are things, when I
17 think of them, those things -- when I think of those things, I get headaches.

18 Q. [12:23:18] My last question: Could you explain to the judges why you decided
19 to testify as a witness in this Court.

20 A. [12:23:51] What led me to testify was that the man -- when a man is shaken up,
21 he doesn't want to terrorise and he doesn't want other people to suffer, so I wasn't
22 forced or given anything. I came of my own free will. The reason is that I know no
23 one else can defend me, only justice, the judges. They are the only ones who can
24 help me.

25 I say that because what happened to me, I wouldn't want that to happen to anyone

Trial Hearing

(Open Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0547

1 else. I hope that -- I hope that justice can be done for me. Because you are the ones
2 who can tell the difference between the truth and lies. The reason -- that is the
3 reason why I'm here before you today.

4 Q. [12:26:10] Thank you very much, Madam Witness, for answering my questions.

5 MS YAMAGUCHI: [12:26:15] Mr President, this concludes my examination-in-chief.

6 And I apologise for taking a bit more time than I had promised.

7 PRESIDING JUDGE MINDUA: [12:26:35](Interpretation) Thank you very much,

8 Madam Prosecutor.

9 I now turn to Mr Nsita.

10 After listening to the examination-in-chief, do the LRVs wish to intervene?

11 MR LUVENGIKA: [12:26:53](Interpretation) Thank you for allowing me to address

12 the Court. I would like to ask a few short questions just to elicit some specific

13 information. And it won't take me a lot of time, as usually is the case.

14 PRESIDING JUDGE MINDUA: [12:27:16](Interpretation) Thank you very much.

15 I now turn to Ms Sutherland. What is your response?

16 MS SUTHERLAND: [12:27:21] Mr President, as usual we don't object in principle,

17 but in the event that the question so warrants it, I reserve the right to make an

18 intervention if necessary.

19 PRESIDING JUDGE MINDUA: [12:27:36](Interpretation) Thank you very much,

20 Ms Sutherland.

21 Madam Witness, the Legal Representatives of Victims will be putting a few questions

22 to you, namely, Mr Nsita Luvengika will be asking you questions.

23 MR LUVENGIKA: [12:27:59](Interpretation) Thank you, your Honour.

24 Given the delicate nature of the first two questions I'd like to put to the victim,

25 I would like to ask if we could go into private session.

Trial Hearing
WITNESS: MLI-OTP-P-0547

(Private Session)

ICC-01/12-01/18

1 PRESIDING JUDGE MINDUA: [12:28:15](Interpretation) Indeed. Court officer,
2 private session.

3 (Private session at 12.28 p.m.)

4 THE COURT OFFICER: [12:28:23] We are in private session, Mr President.

5 PRESIDING JUDGE MINDUA: [12:28:28](Interpretation) Thank you very much,
6 court officer.

7 Mr Nsita.

8 QUESTIONED BY MR LUVENGIKA: (Interpretation)

9 Q. [12:28:40] Good day, Madam Witness.

10 A. [12:28:42] Good day.

11 Q. [12:28:42] As you've heard from the Presiding Judge, my -- I am the lawyer
12 representing the victims in this case and I would like to ask you a few questions about
13 what happened to you.

14 A. [12:29:17] All right.

15 Q. [12:29:18] Now, according to your testimony, what we've understood is that
16 your story, you did not tell your story to many people. You haven't confided in
17 other people, except for national and international courts and your husband. So my
18 questions are in this particular area.

19 Could you explain more clearly to the judges what attitude your husband took to you
20 after what happened to you at the BMS.

21 A. [12:30:45] When my husband looked at him, I understood from his face, from
22 the look on his face, that he was hurt. But there are certain things that you can do
23 nothing about. There are certain things that you can do nothing about. And he
24 knows that, that this is not something that I did willingly.

25 Q. [12:31:51] I thank you, Madam Witness.

Trial Hearing

(Private Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0547

1 To the extent possible, could you please explain to the judges whether what
2 happened to you shook up your family life and your life as a couple.

3 A. [12:32:52] Yes. Things changed a great deal because from my point of view,
4 I can see that people look at me differently. They see me as somewhat belittled.
5 The fact that I have been in prison, I am seen as someone who is belittled.

6 Q. [12:33:24] Thank you, Madam Witness.

7 Mr President, we could now move into open session for the rest of my questions,
8 please.

9 PRESIDING JUDGE MINDUA: [12:33:32](Interpretation) Mr Courtroom Officer,
10 open session, please.

11 (Open session at 12.33 p.m.)

12 THE COURT OFFICER: [12:33:39] We're back in open session, Mr President.

13 PRESIDING JUDGE MINDUA: [12:33:44](Interpretation) Thank you very much,
14 courtroom officer.

15 Maître Nsita.

16 MR LUVENGIKA: [12:33:48](Interpretation)

17 Q. [12:33:50] Yes, Madam Witness, we are now in open session so be careful with
18 the answers that you're going to be providing me with.

19 My first question to you is to ask you whether you received any support from
20 associations or human rights organisations subsequent to what happened to you.

21 A. [12:35:01] I did not receive any help from any association, apart from the time
22 when I left and I was given a small amount of assistance.

23 MR DUTERTRE: [12:35:20](Interpretation) Mr President, maybe we should be a little
24 bit careful on this point because we're going to delve into matters that are not
25 anyone's business and I think we need to be very careful with -- in this regard.

Trial Hearing
WITNESS: MLI-OTP-P-0547

(Open Session)

ICC-01/12-01/18

1 PRESIDING JUDGE MINDUA: [12:35:41](Interpretation) Maître Nsita, I believe you
2 have understood.

3 MR LUVENGIKA: [12:35:47](Interpretation)

4 Q. [12:35:50] So you are saying that you did not receive any support from any
5 associations. Have you heard of WILDAF or of DEMESO?

6 A. [12:36:31] Yes, I did hear about WILDAF. That is where we did our training.
7 We spent a week of training subsequent to which we were paid. We were given our
8 diplomas.

9 Q. [12:37:02] If I understand you correctly, this is training on a specific -- in a
10 specific area, but it wasn't training with regard to what had happened to you.

11 A. [12:37:41] In fact, it was training which brought all the victims together with a
12 view to providing them with training.

13 PRESIDING JUDGE MINDUA: [12:37:54](Interpretation) Ms Sutherland.

14 MS SUTHERLAND: [12:37:55] Mr President, I would ask that Mr Luvengika desist
15 from asking quite such leading questions.

16 PRESIDING JUDGE MINDUA: [12:38:23](Interpretation) Well, I'm not going to
17 enter into that discussion. The question has already been put, Ms Sutherland. Let's
18 move forward.

19 Maître Nsita.

20 MR LUVENGIKA: [12:38:38](Interpretation)

21 Q. [12:38:45] Madam victim, you said at an earlier stage, in response to a question
22 put to you by the Office of the Prosecutor, that you went to see a judge, a Malian
23 judge. Was it an association or organisation who took you there or did you go under
24 your own steam?

25 A. [12:39:31] It was an organisation that took me there.

Trial Hearing

(Open Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0547

1 Q. [12:39:34] Could you please tell us which organisation that was.

2 A. [12:40:02] I do not know the name of the organisation, but I know the name of
3 the individual who took us to the organisation. It was the person who took us there,
4 the person who took me there, it was the judge from Bamako and it was before him
5 that I told my story.

6 Q. [12:40:52] And that is the individual who was an interpreter for you during your
7 meeting with the judge?

8 A. [12:41:05] Yes, that's right.

9 MR LUVENGIKA: [12:41:11](Interpretation) Thank you, Madam Witness. I have
10 no further questions.

11 Mr President, that concludes my questions for the witness.

12 PRESIDING JUDGE MINDUA: [12:41:19](Interpretation) Thank you very much,
13 Maître Nsita.

14 So we have 20 minutes before us. I believe that we can directly start with the
15 cross-examination, Ms Sutherland.

16 There we are, I can see that you're nodding with your head.

17 So, Madam Witness, we shall now start the cross-examination with the Defence
18 lawyers.

19 THE WITNESS: [12:42:12](Interpretation) All right. They are welcome.

20 PRESIDING JUDGE MINDUA: [12:42:18](Interpretation) You have understood.

21 So I would ask you to answer with a good deal of goodwill, as you did with the Office
22 of the Prosecutor.

23 THE WITNESS: [12:42:41](Interpretation) All right.

24 PRESIDING JUDGE MINDUA: [12:42:42](Interpretation) Thank you very much,
25 Madam Witness.

Trial Hearing
WITNESS: MLI-OTP-P-0547

(Open Session)

ICC-01/12-01/18

1 Ms Sutherland.

2 MS SUTHERLAND: [12:42:45] Thank you very much, Mr President.

3 QUESTIONED BY MS SUTHERLAND:

4 Q. [12:42:50] Madam Witness, you remember that we met a few days ago with my
5 learned assistant Ms Beaulieu. I explained to you then that in the event that
6 anything I say is unclear, please just let me know immediately.

7 A. [12:43:32] All right.

8 Q. [12:43:35] Madam Witness, this morning or this afternoon you've been
9 discussing the wedding of somebody called [REDACTED]

10 And the transcript reference is the English real-time transcript 152 at page 26, line 19.

11 A. [12:44:07] Yes.

12 Q. [12:44:08] We understand correctly from what you told us that you know of
13 only two cases of women marrying men you describe as Islamists in Timbuktu in
14 2012.

15 A. [12:44:57] The two people I spoke about are the two that I know. Otherwise,
16 such marriages are frequent. After they arrived, if they liked somebody, they would
17 marry them.

18 Q. [12:45:25] But these are the only two that you know of directly?

19 A. [12:46:12] Yes. With regard to those two marriages, I know what happened.
20 For one, I was even there for the marriage. And for the other, it was the person in
21 question who talked to me about it.

22 As for the other marriages, they did go on, but those which do not concern you, do
23 not concern you. Otherwise, there were many such cases.

24 Q. [12:46:37] And regarding the wedding that you did attend, is it correct that that
25 woman lived in the same neighbourhood as you?

Trial Hearing

(Private Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0547

1 A. [12:47:10] Indeed, [REDACTED]

2 MS SUTHERLAND: [12:47:16] Mr President, I have two very short questions about
3 the names of the neighbourhood. But out of an abundance of caution I would need
4 to ask to go into private session for that very discrete matter.

5 PRESIDING JUDGE MINDUA: [12:47:33](Interpretation) Mr Courtroom Officer,
6 private session, please.

7 (Private session at 12.47 p.m.)

8 THE COURT OFFICER: [12:47:41] We're in private session, Mr President.

9 PRESIDING JUDGE MINDUA: [12:47:45](Interpretation) Thank you very much.

10 Ms Sutherland.

11 MS SUTHERLAND: [12:47:48]

12 Q. [12:47:49] Madam Witness, I recognise that you've covered this very briefly, but
13 just to confirm this is Abaradjou?

14 A. [12:48:14] Yes, indeed it was in Abaradjou that it happened. Because I shall not
15 lie. As for the other neighbourhoods, I do not know what happened there. But I do
16 know about what happened in my neighbourhood.

17 Q. [12:48:43] Do you know which neighbourhood [REDACTED] lived in?

18 A. [12:49:01] [REDACTED] in Abaradjou.

19 Q. [12:49:09] Thank you very much.

20 Mr President.

21 PRESIDING JUDGE MINDUA: [12:49:15](Interpretation) Mr Courtroom Officer,
22 open session, please.

23 (Open session at 12.49 p.m.)

24 THE COURT OFFICER: [12:49:23] We're back in open session, Mr President.

25 PRESIDING JUDGE MINDUA: [12:49:31](Interpretation) Thank you very much,

Trial Hearing
WITNESS: MLI-OTP-P-0547

(Open Session)

ICC-01/12-01/18

1 Mr Courtroom Officer.

2 Ms Sutherland.

3 MS SUTHERLAND: [12:49:34]

4 Q. [12:49:35] Madam Witness, you've told us you attended one wedding. So it's
5 correct that a celebration was held?

6 A. [12:50:21] Can one hold a ceremony? Even somebody coming to your house is
7 an issue, so can you imagine actually conducting a ceremony.

8 Q. [12:50:30] Well, Madam Witness, you told us that you attended her wedding.
9 So do we understand that you attended a celebration?

10 A. [12:51:28] In fact, I talked about a ceremony because it was her younger sister
11 who came to inform me that her sister was getting married, and that's when I went to
12 the family. Otherwise, there wasn't a ceremony as such, because even if you were
13 found playing with a telephone or playing music on a telephone, it's taken away from
14 you. Or if you have a memory card in it, it's taken away from you. But I just went
15 because I knew -- or heard that she was getting married.

16 Q. [12:52:04] And it was her family who were telling people about the marriage?

17 A. [12:52:26] [REDACTED]

18 [REDACTED] But the event itself was not
19 published as such.

20 Q. [12:53:05] Madam Witness, we understand from what you previously told the
21 Prosecution - and the reference there is OTP tab 1, MLI-OTP-0039-0861-R02 at 0875,
22 paragraph 51 - that this occurred on a Friday. Is that correct?

23 A. [12:53:50] On a Friday, is that what you're saying?

24 Q. [12:53:54] Yes, Madam Witness. I'm asking you if it's correct that this occurred
25 on a Friday.

Trial Hearing

(Open Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0547

1 A. [12:54:29] No, I shan't lie. I didn't talk of a Friday. I don't remember the day.

2 I'm here to speak the truth and nothing but the truth. And it is the truth that will

3 win in the end. I can't lie.

4 Q. [12:54:49] Madam Witness, perhaps I could seek the judge's permission to

5 refresh her memory on a very, very discrete portion of this paragraph.

6 PRESIDING JUDGE MINDUA: [12:55:08](Interpretation) Please go ahead,

7 Ms Sutherland.

8 MS SUTHERLAND: [12:55:11] Thank you.

9 Q. [12:55:12] Madam Witness, in the record of your interview --

10 MR DUTERTRE: [12:55:19](Interpretation) Mr President.

11 PRESIDING JUDGE MINDUA: [12:55:20](Interpretation) Mr Prosecutor.

12 MR DUTERTRE: [12:55:22](Interpretation) When we're talking here about a very

13 brief excerpt, we need to be prudent and put it in context. We can't just take a

14 sentence and give it out of context to the witness hoping that it will be useful. We

15 need a little bit more than that. And that is, after all, the directives of the Chamber

16 or the guidelines of the Chamber.

17 PRESIDING JUDGE MINDUA: [12:55:43](Interpretation) No problem. We'll see.

18 Ms Sutherland.

19 MS SUTHERLAND: [12:55:46] Mr President, we're perfectly happy to read the

20 entirety of the paragraph. It was solely to save time. But we're happy to read it. I

21 will ask my francophone colleague to do so.

22 THE INTERPRETER: [12:56:00] Message from the English booth: Could we have

23 the source of the paragraph, please.

24 PRESIDING JUDGE MINDUA: [12:56:07](Interpretation) Please go ahead.

25 MS SUTHERLAND: [12:56:08] It's OTP tab 1. That's MLI-OTP-0039-0861-R02 at

Trial Hearing

(Open Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0547

1 0875 and it's paragraph 51.

2 THE INTERPRETER: [12:56:19] Thank you kindly.

3 MS BEAULIEU LUSSIER: (Interpretation) "The Islamists could marry anybody that
4 they found of interest because they would do what they wanted to do. They were
5 the ones to decide."

6 PRESIDING JUDGE MINDUA: [12:56:43](Interpretation) Please observe pauses for
7 the interpretation.

8 MS BEAULIEU LUSSIER: [12:56:50](Interpretation) Yes, indeed, Mr President.

9 "The Islamists could marry anyone that they found interesting because they did what
10 they wanted to. They were the ones who decided. There were girls that they
11 would marry even for --"

12 PRESIDING JUDGE MINDUA: [12:57:16](Interpretation) No. You are -- you don't
13 have a headset on. You can't hear what people are saying in French. So please
14 keep your headset on and let's start again.

15 MS BEAULIEU LUSSIER: [12:57:43](Interpretation) "The Islamists could marry
16 anybody they found interesting because they did what they wanted to."

17 THE WITNESS: [12:57:58](Interpretation) That is the truth. That is the truth.

18 MS BEAULIEU LUSSIER: [12:58:04](Interpretation) "They were the ones who
19 decided."

20 THE WITNESS: [12:58:10](Interpretation) Yes.

21 MS BEAULIEU LUSSIER: [12:58:11](Interpretation) "There were girls that they
22 would marry even for a duration of less than a week."

23 THE WITNESS: [12:58:26](Interpretation) That was how it was done.

24 MS BEAULIEU LUSSIER: [12:58:30](Interpretation) "This was the case of one of my
25 friends [REDACTED] She was followed to her house by an Islamist

Trial Hearing

(Open Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0547

1 who asked for her hand in marriage."

2 THE INTERPRETER: [12:58:56] Message from the English booth: Overlapping
3 speakers.

4 MS SUTHERLAND: [12:59:01] Madam Witness, please wait until the paragraph has
5 been read to you.

6 MS BEAULIEU LUSSIER: [12:59:20](Interpretation) "This girl was a friend who was
7 ■ years old at the time. When we heard of the marriage from her family, we went
8 to congratulate her. That is our custom. When he came to get her the man refused
9 that an elder accompany the bride as it is -- as is our custom."

10 THE INTERPRETER: [13:00:18] The interpretation into Songhai has already
11 happened.

12 PRESIDING JUDGE MINDUA: [13:00:26](Interpretation) Is that the end,
13 Ms Sutherland?

14 MS SUTHERLAND: [13:00:32] I'm afraid not, Mr President.

15 MS BEAULIEU LUSSIER: [13:00:36](Interpretation) "He took her to the *Gouvernorat*.
16 As for the case -- as was the case for other buildings in the city, the Islamists had
17 established themselves at the *Gouvernorat* located on the road to Kabara. The
18 governor had left with the soldiers. The next week we heard that he had left her.
19 He took her home. He had married her on a Friday, and before the following Friday
20 he told her that they were divorced. They had spent -- they had spent three days
21 together and had shared the same bed and then he had stopped sleeping with her.
22 She did not tell us whether they had had sexual relations. We didn't ask any
23 questions. She left Timbuktu that same week. She said that she was afraid that her
24 husband would revisit his decision and that he would come looking for her. She has
25 not returned to Timbuktu since. I only know of these two cases where girls were

Trial Hearing
WITNESS: MLI-OTP-P-0547

(Open Session)

ICC-01/12-01/18

- 1 married to Islamists. I have not heard about any others."
- 2 End of sight translation.
- 3 THE WITNESS: [13:03:27](Interpretation) Okay.
- 4 PRESIDING JUDGE MINDUA: [13:03:30](Interpretation) Ms Sutherland, it is three
- 5 minutes past 1. I believe we can stop here for lunch and reconvene at 2.30.
- 6 So we shall now suspend.
- 7 The hearing is suspended.
- 8 THE COURT USHER: [13:03:47] All rise.
- 9 (Recess taken at 1.03 p.m.)
- 10 (Upon resuming in open session at 2.31 p.m.)
- 11 THE COURT USHER: [14:31:19] All rise.
- 12 Please be seated.
- 13 PRESIDING JUDGE MINDUA: [14:31:49](Interpretation) Court is in session.
- 14 The Defence has the floor to continue with their cross-examination. Ms Sutherland.
- 15 MS SUTHERLAND: [14:32:04] Thank you very much, Mr President.
- 16 Q. [14:32:08] Madam Witness, I hope you had a good rest over lunch.
- 17 A. [14:32:23] Yes, a bit.
- 18 Q. [14:32:27] Earlier we were reading you quite a lengthy paragraph. As you saw,
- 19 it's difficult for the interpreters.
- 20 In the event that you are giving a long answer, if I raise my hand like this, I mean no
- 21 disrespect, I just -- I'm asking you to pause for the sake the interpreters.
- 22 A. [14:33:17] Very well.
- 23 Q. [14:33:19] Thank you very much, Madam Witness.
- 24 The passage that was read to you, did that refresh your memory?
- 25 A. [14:33:46] Yes, that refreshed my memory.

Trial Hearing

(Open Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0547

1 Q. [14:33:53] So it's correct that you went to congratulate [REDACTED] her marriage?

2 A. [14:34:22] Yes, I went, not to her house but to the family.

3 Q. [14:34:29] And the marriage lasted less than a week?

4 A. [14:35:01] Well, I said a week. For me it was a week. Because when she left
5 and when she came back it wasn't a lot of time, it didn't last for a long time. And
6 that's why I said that. Because if you speak about a marriage and then it doesn't last
7 one or two years, they say that you just -- it just lasted a week.

8 Q. [14:35:52] And you told the Prosecution previously that they spent three days
9 together, correct?

10 A. [14:36:25] She told me herself. I didn't force her to tell me anything. She was
11 the one who told me.

12 Q. [14:36:50] And when the marriage was over, we understand correctly that her
13 husband brought her home?

14 A. [14:37:27] What happened was her husband brought her, or she said that her
15 husband had told her to stay there for three months.

16 Q. [14:37:37] But we understand correctly that she was brought back to her parents'
17 house?

18 A. [14:38:11] She was brought to her house. That was the day when she told me
19 what happened to her. I didn't force her to tell me anything, but we were just
20 chatting and that's when she told me that. She told me that the man who divorced
21 her didn't say that he had divorced her or anything, and I stayed there until she saw
22 another lady there.

23 Q. [14:39:07] In your statement to the Prosecution you said that he told her they
24 were having a divorce?

25 A. [14:39:52] Yes, that was the time when the woman, she saw herself that the man

Trial Hearing

(Open Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0547

1 was not sleeping with her in the same bed anymore and she was alone. And she told
2 me herself that. I didn't ask her.

3 Q. [14:40:14] We understand correctly that after she returned home, she then left
4 Timbuktu in the -- the next week or the same week?

5 A. [14:41:01] Yes. After that, she went to Timbuktu. Because I left for Mauritania
6 and it was afterwards that [REDACTED]

7 Q. [14:41:22] Madam Witness, I just want to advise you that we're currently in open
8 session, so please be careful about giving locations.

9 A. [14:41:49] Yes, I'd forgotten. Because there are these questions you don't
10 answer exactly as you should, and then if you -- if you don't answer exactly as you
11 should, people will say that you lied.

12 Q. [14:42:21] Please be assured that we have the means to make redactions to
13 answers that are given in open session. We just have to keep them to a minimum.
14 So please don't worry about saying what you said openly.
15 But could I ask what you mean by giving answers ...

16 A. [14:43:17] Very well. I've understood. If I forget something, sometimes I
17 remember it later and I will say.

18 THE INTERPRETER: [14:43:32] Message from the Songhai booth: Your Honour,
19 with your leave, we would like to ask the question.

20 PRESIDING JUDGE MINDUA: [14:43:43](Interpretation) What is the question,
21 Interpreter?

22 THE INTERPRETER: [14:43:49] The question of the Defence. Because we explained
23 that she shouldn't worry, that the parts which shouldn't be said would be redacted.

24 PRESIDING JUDGE MINDUA: [14:44:01](Interpretation) Yes, you want to explain
25 that to the witness?

Trial Hearing
 WITNESS: MLI-OTP-P-0547

(Open Session)

ICC-01/12-01/18

1 THE INTERPRETER: [14:44:05] In fact, that's already been explained. But just
 2 afterwards there was a question which we didn't have time to ask.

3 PRESIDING JUDGE MINDUA: [14:44:15](Interpretation) Very well. So you would
 4 like the counsel to repeat the question?

5 THE INTERPRETER: [14:44:20] That's correct.

6 PRESIDING JUDGE MINDUA: [14:44:22](Interpretation) Counsel.

7 MS SUTHERLAND: [14:44:23] Thank you very much.

8 Q. [14:44:24] Madam Witness, what do you mean when you say there are these
 9 questions you don't answer exactly as you should, and if you don't answer exactly as
 10 you should, people will say that you lied? What do you mean by "answer as you
 11 should"?

12 A. [14:45:52] What happened in Timbuktu at that time, I was -- needed blessed
 13 water to forget certain things and that's the reason why I said that often there are
 14 things that I forget. When it -- when I remember, then I will say it exactly as it
 15 happened.

16 Q. [14:46:24] Thank you very much. Earlier you explained that you [REDACTED]
 17 [REDACTED] And the reference is real-time English transcript 152,
 18 page 27, lines 18 to 21.

19 A. [14:47:06] Yes. The day in which they asked me, [REDACTED]
 20 [REDACTED]

21 Q. [14:47:31] You were also talking earlier -- and this time the reference is English
 22 real-time transcript 152, page 34, lines 20 to 22. Earlier, Madam Witness, you were
 23 talking about going to Mauritania.

24 A. [14:48:04] I went to Mauritania, yes.

25 Q. [14:48:08] You also explained you went on two different occasions, but were you

Trial Hearing

(Open Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0547

1 living with people from Timbuktu when you were there?

2 PRESIDING JUDGE MINDUA: [14:48:33](Interpretation) Mr Prosecutor.

3 MR DUTERTRE: [14:48:34](Interpretation) Your Honour, could the question be

4 clarified? I don't think it needs translating, but to live with people, to visit people,

5 something else. So when my colleague puts a question, is she referring to the first

6 trip or the second trip, the first trip and what's the time? You don't live in a country

7 if you're travelling. And the second trip was when she had left as a refugee. So if

8 we could clarify that, so there's no confusion for the witness.

9 PRESIDING JUDGE MINDUA: [14:49:07](Interpretation) Indeed.

10 Ms Sutherland.

11 MS SUTHERLAND: [14:49:11]

12 Q. [14:49:17] Madam Witness, in either of the times that you were in Mauritania,

13 were you with people who were from Timbuktu -- with other people from Timbuktu?

14 A. [14:49:56] My entire family was there, all of them. I went there when these

15 things happened.

16 Q. [14:50:09] Please forgive me for coughing.

17 Apart from your family, were there other people from Timbuktu there?

18 A. [14:50:31] Yes, there were other people from Timbuktu and there are still people

19 from Timbuktu there.

20 PRESIDING JUDGE MINDUA: [14:50:38](Interpretation) Madam Prosecutor.

21 MS YAMAGUCHI: [14:50:40] Thank you, Mr President. I believe Witness's

22 answers are proceeding without clarifying exactly on which occasion she's referring

23 to. Was it during her first visit to Mauritania, or was it after she went to Mauritania

24 as a refugee?

25 PRESIDING JUDGE MINDUA: [14:51:08](Interpretation) Ms Sutherland, could you

Trial Hearing

(Open Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0547

1 clarify that with the witness?

2 MS SUTHERLAND: I can ask if it's both.

3 Q. [14:51:13] On both occasions were there many people from Timbuktu, or was it
4 only on your first visit or on the second visit?

5 A. [14:52:00] During all my visits there were people from Timbuktu there. And
6 there were a lot of people there from other countries. It was in the refugee camp.

7 Q. [14:52:16] And were people talking about what was going on back in Timbuktu?

8 A. [14:52:38] Yes, of course, people were talking about that. There's no question of
9 asking everything that was going on. Everybody spoke about that.

10 Q. [14:52:52] So we understand that everyone was sharing the news?

11 A. [14:53:16] When it comes to sharing information about what happened, that's
12 something you know. But you would speak to somebody and they would say what
13 they think.

14 Q. [14:53:35] Sorry, so you mean people were sharing their opinions as well as
15 news?

16 A. [14:54:15] People shared information. They said things. Because when
17 somebody has to leave to a place, people advise you, when you go to that place, this is
18 what you have to be careful about. Particularly if you go to a place where you could
19 cause harm to somebody.

20 What happened in Timbuktu, everybody was aware of that. There isn't a country in
21 the world where people aren't aware of what happened there, particularly us, those of
22 us who were in Timbuktu.

23 Q. [14:55:16] And you were receiving news on the television and videos?

24 A. [14:55:58] Yes, videos. There are things that happened in front of us as well.

25 What I saw in the videos was floggings, that the first time that I saw that, that was in

Trial Hearing

(Open Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0547

1 a video of France 24. Afterwards, people had it on their phones.

2 Q. [14:56:24] Was it a lot of people who had it on their phone?

3 A. [14:57:00] Yes, there were a lot of people who had those videos because people
4 were sharing them. And particularly, something that came out on France 24, France
5 24. Particularly on France 24. It's not on your phones that you can see that.

6 Q. [14:57:22] Forgive me for asking what may seem like a very simple question, but
7 it's for the purposes of the record. How did you know that many people had these
8 videos on their phones? Were you receiving them from them or seeing them on
9 many different people's phones?

10 A. [14:58:51] *We didn't search on other people's phones, but there were people
11 who would come and they would show us videos. So it was on a lot of people's
12 phones, but we didn't go and search the phones of other people. *There were even
13 videos that we watched so much that it affected us and we couldn't really get over it.

14 Q. [14:59:22] Madam Witness, you mentioned people who would come and show
15 you the videos. Who were these people?

16 A. [14:59:50] For example, my friends. And even on my own phone there were
17 bits where somebody was being flogged, and the young lady, and they ended up
18 marrying her.

19 Q. [15:00:08] And when you saw this video for the first time, was this on -- the first
20 time you were in Mauritanian or in the second time?

21 A. [15:00:45] I do not know. I will not lie. I really don't know. I shan't lie. I
22 don't know whether it was on the first occasion or on the second occasion. I shan't
23 lie.

24 Q. [15:00:57] I appreciate it's difficult to remember. But it's correct that you learnt
25 about things that happened because people showed you or sent you videos?

Trial Hearing

(Open Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0547

1 A. [15:01:49] According to my recollection is that the video containing the flogging
2 was on -- it was on France 24 that I saw it for the first time. And then subsequently I
3 saw it on telephones.

4 Q. [15:02:12] Madam Witness, previously you told us that you find it a little bit
5 difficult to remember what the different flags looked like.

6 And the reference is the English real-time transcript 151, page 13, lines 4 to 6.

7 Including the colours that they are -- or were.

8 A. [15:02:58] No, I didn't say that I could not make the distinction between the flags.
9 But I said that I did not remember the colours, but I do know that there were three
10 colours.

11 Q. [15:03:28] Madam Witness, I was just asking really if you find it easier to
12 remember what you've seen on video after all this time?

13 A. [15:04:07] I didn't understand.

14 Q. [15:04:11] Forgive me. Do you find it easier to remember things that you've
15 seen on videos after all this time?

16 PRESIDING JUDGE MINDUA: [15:05:01](Interpretation) Mr Prosecutor.

17 MR DUTERTRE: [15:05:02](Interpretation) Mr President, your Honours, the -- this
18 question is so general in nature that I don't see what the answer could serve as a
19 purpose. This was a general question that we have let pass, and it is repetitive, and I
20 don't see what we're driving at with such a general question and I am objecting to it
21 as a result.

22 PRESIDING JUDGE MINDUA: [15:05:23](Interpretation) Yes, Ms Sutherland, I am
23 in agreement with the Prosecutor. You're asking her whether she finds it difficult to
24 remember things that she's seen on videos and there's another question where you
25 ask if she has seen many things in videos. It really is very broad in scope. Please

Trial Hearing

(Open Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0547

1 try and pinpoint it somewhat.

2 MS SUTHERLAND: [15:05:54] Thank you, Mr President.

3 Q. [15:06:00] Madam Witness, earlier you were explaining that you find it difficult
4 to remember precisely which colours the flags were. I'm not asking -- I'm not testing
5 you on it, I'm just noting that it's difficult to remember after all this time.

6 PRESIDING JUDGE MINDUA: [15:06:31](Interpretation) Mr Prosecutor.

7 MR DUTERTRE: [15:06:33](Interpretation) I do not know whether Ms Sutherland is
8 testifying or commenting, but it wasn't a question. So I believe that we can plead
9 this at a later date.

10 Furthermore, to come back to the transcript with regard to the flags, I think it was a
11 flag, a flag that we were talking about and not flags in the plural. We should be
12 more specific and this is commentary being made.

13 PRESIDING JUDGE MINDUA: [15:07:02](Interpretation) Yes, Ms Sutherland,
14 I believe that it was, rather, commentary. So put the question more specifically or
15 move on to something else.

16 MS SUTHERLAND: [15:07:15]

17 Q. [15:07:29] Do you find it easier to describe flags that you've seen on videos?

18 A. [15:08:03] Recognising flags, how? The flags that I saw and that I recollect
19 were the flag with -- was the flag with a -- a black flag with a white inscription in the
20 background and white inscription at the top of the flag as well. Because there were
21 two flags that were with us there. There was the MNLA flag and there was the
22 Islamists' flag. And any flag that we saw with white inscriptions, we -- it was said
23 that it was the Islamists' flag.

24 Yes, and we had also heard that Boko Haram had come and when they came, they
25 were in a convoy.

Trial Hearing

(Open Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0547

1 Q. [15:09:36] And it's correct that the Prosecution showed you videos of a flag
2 with -- a black flag with white writing on it?

3 A. [15:10:05] Yes. Even if they hadn't shown it to me, it was the flag that was
4 there, all over Timbuktu.

5 Q. [15:10:19] And do you -- are you able to describe the flag of the Arab militia?

6 A. [15:10:45] No, I wouldn't be able to do that. I don't know.

7 Q. [15:10:57] Just a quick question on a completely different subject,

8 Madam Witness. Could I ask you to turn to Defence tab 14, MLI-OTP-0080-3497.

9 And for the benefit of the *greffières*, this should not be shown publicly.

10 Madam Witness, can you see the photograph?

11 A. [15:12:16] I can see it, but it's not very clear.

12 Q. [15:12:20] I apologise for that, but do you know this man? Are you able to
13 recognise him?

14 A. [15:12:43] No, I don't know. I don't know him.

15 Q. [15:12:55] Madam Witness, earlier today -- sorry, forgive me, yesterday - and the
16 transcript reference is, English real-time, 151, page 21, lines 1 to 2 - you mentioned
17 that information was shared across the city. You then told us - and that's at page 21,
18 lines 20 to 23 - that everything that was said at the market is amplified and repeated
19 everywhere.

20 A. [15:14:03] Yes, I did say that.

21 Q. [15:14:05] Do we understand correctly that you (Overlapping speakers)

22 A. [15:14:06] Yes, I said that at the market there were people flogging people and
23 they were the ones who gave the information, and from the butchers, right to the back
24 of the market, they would flog people and give information.

25 And it wasn't only black people or fair-skinned people. There were all sorts of

Trial Hearing
WITNESS: MLI-OTP-P-0547

(Open Session)

ICC-01/12-01/18

1 people.

2 Q. [15:15:10] When you said that everything is repeated everywhere, did you mean
3 that word would spread and people would talk about the events in the market or
4 everywhere?

5 A. [15:15:59] Yes, as to what happened in the market, as I said, everything that
6 happened there was what I told you. I told you what happened in front of my very
7 eyes. As to saying things to other people, I don't know.

8 And I do not know this individual.

9 Q. [15:16:27] You heard people talking about the BMS before your alleged arrest?

10 A. [15:16:50] Yes, I did hear that because they arrested people well before they
11 arrested me. I had a friend who was arrested by Hamed Moussa himself and she
12 told me. I asked her why Hamed Moussa had arrested her, and she said that she
13 was just attaching her sari when Hamed Moussa was going by and he was outside
14 their door and arrested her.

15 Q. [15:17:45] And your friend was arrested by Hamed Moussa before you were
16 allegedly arrested?

17 A. [15:18:07] Yes.

18 THE INTERPRETER: [15:18:10] The answer is unclear. Could it please be repeated
19 by the Songhai interpreter.

20 Message from the English booth: The interpretation into French from the Songhai
21 interpreter was not clear. Could it please be repeated?

22 Could this please be relayed by the French booth to the Songhai interpreters.

23 PRESIDING JUDGE MINDUA: [15:19:17](Interpretation) Yes, Songhai-French
24 interpreter, could you please repeat the answer.

25 THE WITNESS: [15:19:26](Interpretation) Yes, my arrest had not yet taken place.

Trial Hearing

(Open Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0547

1 THE INTERPRETER: [15:19:31] Message from the English booth: Thank you.

2 That's much clearer.

3 MS SUTHERLAND: [15:19:43]

4 Q. [15:19:44] Madam Witness, I apologise for the difficulty we've been having with
5 the interpretation. It does slow things down a little bit.

6 Just for complete clarity, your friend was -- your friend told you that she had been
7 taken to the BMS by Hamed Moussa before you were arrested. We understand that
8 correctly?

9 A. [15:20:50] Yes, that was the case. It was a lady whose husband had returned
10 from a journey and she had gone out. And when she'd gone out -- she had gone out,
11 she was just tying her sari. Hamed Moussa was going by and he arrested her.

12 Q. [15:21:21] And talking about -- or moving on to your alleged arrest, this
13 happened during the day?

14 MR DUTERTRE: [15:21:37](Interpretation) Mr President.

15 PRESIDING JUDGE MINDUA: [15:21:39](Interpretation) Mr Prosecutor.

16 MR DUTERTRE: [15:21:40](Interpretation) This is three times that I hear "alleged
17 arrest." I've let this pass, but it is a commentary that is inappropriate. Either the
18 Defence confronts the witness head on or -- to repeat "alleged arrest" is not acceptable
19 in front of the witness. If she has a case to make, then she should put it correctly,
20 clearly as the conduct of proceedings invites her to do so.

21 PRESIDING JUDGE MINDUA: [15:22:13](Interpretation) Yes, indeed, I do agree
22 with the Prosecutor because Madam Witness has sworn an oath and she is testifying
23 before the Chamber. So if you have a case to put to her, then put it to her. But
24 when you make comments, it is not appropriate.

25 MS SUTHERLAND: [15:22:30] Mr President, forgive me, I meant no disrespect to

Trial Hearing

(Open Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0547

1 the witness, but in the absence of a judicial determination to that effect, it is still an
2 allegation.

3 But I will continue without using it.

4 Q. [15:22:56] Madam Witness, in keeping with the instruction I've just received
5 from the Chamber, I'd just like to explain to you that we do dispute that you were
6 arrested, but for the purposes of this -- the rest of this hearing, we will just use the
7 term "arrested".

8 A. [15:23:48] If I've understood correctly, are you saying that the fact that I was
9 arrested is a lie or what?

10 I shall never lie. And nobody forced me to come here. I came here to speak the
11 truth.

12 I shall say nothing further than the truth. I shall only say the truth. Even if today is
13 my last day on earth, I will ask God not to take me before I have had the chance to say
14 the whole truth.

15 Q. [15:25:00] Madam Witness, I'm going to ask you a series of questions about your
16 time at the BMS. And for the -- for those questions we will assume, for the sake of
17 argument, that your account is true.

18 So your arrest happened during the day?

19 A. [15:26:09] What do you mean "two days"?

20 Q. [15:26:09] Forgive me, Madam --

21 A. [15:26:09] I said that I was taken on the same day. I spent the day there and it
22 was at dusk that I was released.

23 And when they released me, I was not alone. All those in the cell were released
24 along with me.

25 Q. [15:26:40] Madam Witness, I fear it's an issue with interpretation. I was asking

Trial Hearing

(Open Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0547

1 specifically about the time that you were arrested. This was in the morning during
2 daylight.

3 A. [15:27:11] (No interpretation)

4 PRESIDING JUDGE MINDUA: [15:27:15](Interpretation) Madam Prosecutor.

5 MS YAMAGUCHI: [15:27:16] Thank you, Mr President. This specific question as
6 to the time of the day her arrest occurred was something I posed during my
7 examination-in-chief and she said this was in midday. And I refer to transcript from
8 yesterday, T-151, English version.

9 MS SUTHERLAND: [15:27:45] Mr President, I'm not contesting this. I'm trying to
10 establish a foundation for the question.

11 PRESIDING JUDGE MINDUA: [15:28:01](Interpretation) Yes, indeed.

12 No, Madam Prosecutor, we have understood.

13 Even on the transcript in French the question was that the arrest was today, that is in
14 the same day, but madam thought that it was two days. That wasn't the case.

15 MR DUTERTRE: [15:28:25](Interpretation) If I can just bring some clarification.

16 The question from the Defence was that it was still during the day, which would
17 make us believe that it was the evening. But the witness testifies to the fact that it
18 was midday. But if you want to put something to the witness, we take the transcript,
19 we quote it and we put a question. But it's misleading, as was misleading the fact
20 that -- to say that videos had been shown to her. But --

21 THE INTERPRETER: [15:28:57] Overlapping speakers.

22 PRESIDING JUDGE MINDUA: [15:28:59](Interpretation) Very well.

23 Ms Sutherland, maybe you need to rephrase the question to be more specific.

24 MS SUTHERLAND: [15:29:03]

25 Q. [15:29:04] Madam Witness, speaking specifically about when you were arrested,

Trial Hearing

(Open Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0547

1 not at the BMS, not after you were released, but when you were arrested, it's correct
2 that this was in broad daylight?

3 A. [15:29:47] Yes, it was in the day. It was at the time when in general the
4 butchers would kill their -- their animals and we would say that it was, generally
5 speaking, midday. And even though I do not know how -- the difference between
6 the times, I know that work starts from 8 o'clock. The day and the night is not one
7 and the same thing.

8 Q. [15:31:03] And there was a -- you mentioned a vehicle. This was outside your
9 house; is that correct?

10 A. [15:31:34] You mean the vehicle in which I was taken to the BMS, or what?

11 Q. [15:31:41] Yes, Madam Witness.

12 A. [15:31:58] Yes. The vehicle was outside because I don't have a garage through
13 which a -- through which a vehicle can enter.

14 Q. [15:32:13] So your neighbours were aware of what was happening; is that
15 correct?

16 A. [15:32:41] Yes, they knew. Somebody who had been locked up in prison, they
17 knew. Unless they didn't want to know. But whenever the Islamists arrested
18 somebody, that was to take them directly to prison, men -- man or woman. It was to
19 take them directly to prison. It wasn't even worth asking about.

20 Q. [15:33:23] And the men who arrested you, you didn't know any of them?

21 A. [15:33:50] No. I didn't know. Because there were people who were
22 completely covered up. You could only see their eyes. You can't know.
23 It's true that there were people -- we knew some people before they joined up. But
24 there were others, when we saw them we asked people who they were, because I'm a
25 very curious person myself.

Trial Hearing

(Open Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0547

1 Q. [15:34:55] Madam Witness, I'd like to ask you to turn to Prosecution tab 6, and
2 the document is MLI-OTP-0006-1873.

3 Can you see the image, Madam Witness?

4 A. [15:35:52] Yes.

5 Q. [15:35:54] The road that we see --

6 A. [15:36:12] I can see two of them. I don't just see one road.

7 Q. [15:36:17] Can you tell us which -- where they're going, these roads?

8 A. [15:36:31] Yes. The road towards my right is when you leave towards
9 Djinguereber. And the road on the left is towards Yobou Tao. Yobou Tao.

10 Q. [15:37:43] If you were travelling between Djinguereber and Yobou Tao,
11 you would pass this building; do I understand correctly?

12 A. [15:38:04] Not necessarily. If you're in Abaradjou you don't pass there. Those
13 who were towards the camp to get to Yobou Tao, they are the ones who would pass
14 there.

15 Q. [15:38:44] Sorry, Madam Witness, this is my geography. Between Yobou Tao
16 and Djinguereber, you would pass this -- if you were going between the two, you
17 would pass the building?

18 PRESIDING JUDGE MINDUA: [15:39:10](Interpretation) Madam Prosecutor.

19 MS YAMAGUCHI: [15:39:12] (Microphone not activated)

20 THE INTERPRETER: [15:39:14] Microphone.

21 MS YAMAGUCHI: [15:39:16] The exact same question has already been asked and
22 answered.

23 PRESIDING JUDGE MINDUA: [15:39:28](Interpretation) I agree with Madam
24 Prosecutor. Please let's make some progress, Ms Sutherland. What's the relevance
25 of this question ultimately? We don't see it.

Trial Hearing

(Open Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0547

1 MS SUTHERLAND: [15:39:45]

2 Q. [15:39:46] Madam Witness, this was a building that you passed; is that correct?

3 A. [15:40:07] How? This is a house that I was made to enter.

4 PRESIDING JUDGE MINDUA: [15:40:13](Interpretation) Madam Prosecutor.

5 MS YAMAGUCHI: [15:40:14] (Microphone not activated)

6 THE INTERPRETER: [15:40:17] Microphone, please.

7 MS YAMAGUCHI: [15:40:18] Excuse me. Could the Defence counsel please

8 specify exactly when she was passing by this building. It was very general question.

9 MS SUTHERLAND: [15:40:27] Mr President, perhaps I could refresh the witness's
10 memory by reference to her preparation log.

11 PRESIDING JUDGE MINDUA: [15:40:45](Interpretation) Please go ahead. But I
12 don't see the relevance to this point.

13 Q. [15:40:50] Madam Witness, if I could ask you to turn to Defence tab 16, that's

14 MLI-OTP-0080-4372-R01. And the page is 4378, paragraph 14.

15 Madam Witness, this is a record of the meetings that you had with the Prosecution a
16 few days ago. When shown this picture the note says: "When asked if she
17 recognised the building in this photograph, the Witness noticed that -- noted that this
18 showed the BMS."

19 I'm pausing for interpretation. Please wait until I've finished the paragraph.

20 A. [15:42:32] Yes. It's the BMS. I know it. I can even say that it's a building that
21 was built in Abaradjou, in Abaradjou when I was in Abaradjou. And there what I
22 want to say, it wasn't when I passed by to go to Yobou Tao. From Abaradjou to
23 Yobou Tao, I don't frequently go via there. Otherwise, I know it very well.

24 It's also a place the name which everybody knows. I was never there to put money
25 or to withdraw money. But I do know the place very well.

Trial Hearing

(Open Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0547

1 A place that's in your town, even if you don't go there, you know about that place.

2 For example, the *Gouvernorat*, I know the *Gouvernorat*. I was never there, but I know

3 that it is there and I know the house of the governor, leaving towards Kabara.

4 Q. [15:44:29] And you knew all of these places before the Islamists arrived; is that
5 correct?

6 A. [15:45:04] Yes. I knew these places well before the Islamists entered into the
7 town. I was at home. I didn't think that one day the Islamists would come. So I
8 knew these places.

9 I didn't even know that one day the Islamists would come and destroy the country.

10 Q. [15:46:06] Madam Witness, yesterday, and the transcript reference is real-time
11 English transcript 151, page 31, lines 1 to 2, you said that you passed by the front of
12 the BMS before. You had passed by the front of the BMS before. What's the front?

13 A. [15:46:59] Yes. That was when I passed by to go to Koiromé or to Kabara
14 whenever the boat came or I would go to take articles to sell. There were a lot of
15 things. And when I went to get these things going to Koiromé, then I went via there.
16 So the route I went didn't let me know how many rooms there were inside there or
17 what was inside, anything like that. I couldn't know that from outside.

18 Q. [15:48:49] And indeed I would like to ask you a few questions about the inside.
19 If I could ask you to turn to Defence tab 26, and that's the document that you marked
20 yesterday, MLI-REG-0001-0212.

21 Do you see the image clearly?

22 A. [15:50:05] Yes.

23 Q. [15:50:06] This was the -- where you've put the mark, that's where you entered;
24 is that correct?

25 A. [15:50:24] Yes.

Trial Hearing

(Open Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0547

1 Q. [15:50:30] Could you please walk us through where you were taken upon
2 arrival at the BMS. I'm speaking strictly about when you arrived.

3 A. [15:51:26] All I know is that I was made to go through there. And when they
4 got me to go through there, they took me to a room. And then, as to where I was
5 taken, I can't say.

6 THE INTERPRETER: [15:51:41] Message from the Songhai booth, your Honour:
7 Madam Witness is explaining with gestures, but we are not able to see them.

8 PRESIDING JUDGE MINDUA: [15:51:55](Interpretation) Don't worry, we can see
9 them.

10 Have you finished with your interpreting?

11 THE INTERPRETER: [15:52:07] Interpreter: Yes.

12 PRESIDING JUDGE MINDUA: [15:52:12](Interpretation) Ms Sutherland.

13 MS SUTHERLAND: [15:52:14]

14 Q. [15:52:15] Madam Witness, for the benefit of the interpreters who can't see your
15 gesticulation, and also for the record, please can you use words to describe what
16 you're trying to tell us.

17 A. [15:52:53] What I was saying was that I entered through there, but then where I
18 went when I was taken in I don't know. And the people were taken there by force,
19 by people with power. Are they going to spend time remarking the premises that
20 they are taken to or to ask to be allowed to have a look at the premises?

21 Q. [15:53:39] Madam Witness, we were not there, but -- but you were. How far
22 did you walk when you were taken in?

23 PRESIDING JUDGE MINDUA: [15:53:54](Interpretation) Yes, Madam Prosecutor.

24 MS YAMAGUCHI: [15:53:56] Again, asked and answered. During my
25 examination-in-chief this morning, in fact the first question I asked was the distance

Trial Hearing

(Open Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0547

1 between the small door she entered and the little room she was taken to. And she
2 said it was not so far away from each other. And I refer to transcript page 4,
3 line 9 to 12.

4 PRESIDING JUDGE MINDUA: [15:54:29](Interpretation) Very well. Thank you,
5 Madam Prosecutor. But I think the witness has already answered the question. We
6 had interpretation.

7 THE INTERPRETER: [15:54:44] Your Honour, the question hadn't been answered,
8 your Honour.

9 PRESIDING JUDGE MINDUA: [15:54:50](Interpretation) Madam Witness, could
10 you answer this first question of the Defence?

11 THE WITNESS: [15:55:28](Interpretation) What I think I remember is -- I don't
12 remember the two areas well, but it's not far from the door. And even where the
13 man took me, that wasn't that far away, not far from there.

14 PRESIDING JUDGE MINDUA: [15:55:47](Interpretation) I think you've got the
15 answer, Ms Sutherland. The witness doesn't know how to describe the rooms. She
16 said that she wasn't able at the time, but there was a certain distance that separated
17 them. So I think we're sufficiently edified in this regard.

18 MS SUTHERLAND: [15:56:09]

19 Q. [15:56:12] Madam Witness, are you able to indicate with a pen - I believe you
20 have in front of you on the screen - roughly where you may have been held?

21 PRESIDING JUDGE MINDUA: [15:56:46](Interpretation) Madam Prosecutor.

22 MS YAMAGUCHI: [15:56:47] (Microphone not activated)

23 THE INTERPRETER: [15:56:50] Microphone, please.

24 MS YAMAGUCHI: [15:56:52] This photo only shows the outside, one part -- one
25 side of the building and it is not fair to request the witness to mark which room she

Trial Hearing

(Open Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0547

1 was taken to, which obviously is inside of the building.

2 MS SUTHERLAND: [15:57:11] Mr President, I believe that it may assist the witness
3 to be able to give an estimate of how far down the corridor she went or something
4 like that. I don't know. If the Prosecution, as they say, are interested in where she
5 was taken, then I think this helps everybody.

6 PRESIDING JUDGE MINDUA: [15:57:38](Interpretation) I note that it was in the
7 building, so I don't know how the witness is going to mark this place, but as you've
8 asked, we will try. But we shouldn't insist on this.

9 Madam Witness, can you mark approximately where the room was you were taken
10 to?

11 THE WITNESS: [15:58:30](Interpretation) How can I say that? What I see in front
12 of me is the entrance which I indicated. Now, how many steps I took to get to the
13 room, I couldn't tell you that. Even where I am, I can't tell you that. Even where
14 I am at the moment, the number of steps that I took to come in or leave right here,
15 there's no weapon pointed at me here.

16 PRESIDING JUDGE MINDUA: [15:59:16](Interpretation) Very well. Thank you,
17 Witness. I think we've finished with this point.

18 MS SUTHERLAND: [15:59:21] Mr President, I also notice that's it's 4 o'clock, so it
19 may well be an appropriate point at which to break.

20 PRESIDING JUDGE MINDUA: [15:59:33](Interpretation) Indeed. How much time
21 do you estimate you still need, just to provide us with that, if you would be so kind?

22 MS SUTHERLAND: [15:59:47] Well, echoing Ms Yamaguchi, it is difficult to
23 estimate, but I -- I hope that the next parts of my cross-examination will proceed more
24 rapidly and that we'll be finished by the end of the morning. If I provide an estimate
25 of approximately two hours, that would mean that we would comfortably conclude

Trial Hearing

(Open Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0547

1 within the morning sessions tomorrow. And would be also less -- less time than has
2 been taken. I don't intend to use all of the time available.

3 PRESIDING JUDGE MINDUA: [16:00:53](Interpretation) I would be very grateful if
4 you could summarise as much as possible to avoid detailed questions, as I already
5 said.

6 Very well. Madam Witness, it is 4 o'clock. We have come to the end of our day. I
7 know that the day has not been easy for you, but you've answered the questions very
8 well. It's now time for you to rest, but we will be back tomorrow morning at 9.30.

9 THE WITNESS: [16:01:59](Interpretation) Very well.

10 PRESIDING JUDGE MINDUA: [16:02:01](Interpretation) On behalf of the Bench,
11 I would like to thank you sincerely for having answered all the questions.

12 Please don't forget that you are prohibited from speaking about your testimony with
13 anyone, with members of your family, friends, with anyone at all.

14 THE WITNESS: [16:02:38](Interpretation) Yes, very well. I understand. I won't
15 tell anybody.

16 PRESIDING JUDGE MINDUA: [16:02:45](Interpretation) Thank you very much,
17 Witness.

18 So before adjourning, I would like to thank most sincerely all the parties and
19 participants, our court reporters and our interpreters, our security guards who ensure
20 our and everyone's safety, and I would like to thank our public as well. So I wish
21 you all a very good evening, and until tomorrow morning.

22 Court is adjourned.

23 THE COURT USHER: [16:03:19] All rise.

24 (The hearing ends in open session at 4.03 p.m.)

25 CORRECTIONS REPORT

Trial Hearing

(Open Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0547

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

3 Page 2 line 24
4 "find" Is corrected to "fine"

5 Page 4 lines 18-20
6 "Mr. DUTERTRE: [09:40:21] Mr. President, indeed, in French... in English, it's twice
7 "mat", I just checked. Perhaps it's just a translation issue. Perhaps the interpreters in
8 the English booth could check, under the control of the Defence of course." Is
9 translated and added.

10 Page 18 line 21
11 "young girls" Is corrected to "girl"

12 Page 21 lines 17-22
13 "A. [11:35:55] ██████████ is -- is from another neighbourhood, from another
14 neighbourhood.

15 THE INTERPRETER: [11:36:07] Inaudible.

16 THE WITNESS: [11:36:09](Interpretation) And we asked her what was going on.
17 Because there is a braid from there and if it is not a married woman, then she does not
18 have this braid." Is corrected to

19 "A. [11:35:55] ██████████ and we saw her braid her hair...
20 And we asked her what was going on because of the braid. If a woman is not married,
21 she does not make this braid."