

Trial Hearing
WITNESS: MLI-OTP-P-0431

(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 Monday, 22 February 2021
10 (The hearing starts in open session at 9.49 a.m.)
11 THE COURT USHER: [9:49:26] All rise.
12 International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE MINDUA: [9:49:55](Interpretation) Court is in session.
15 Good morning to everyone.
16 Madam courtroom officer, could you please call the case.
17 THE COURT OFFICER: [9:50:06](Interpretation) Good morning, your Honour.
18 Good morning, your Honours.
19 Situation in Mali against Mr Al Hassan, ICC-01/12-01/18.
20 And we are in open session.
21 PRESIDING JUDGE MINDUA: [9:50:22](Interpretation) Thank you very much,
22 courtroom officer.
23 As usual, we shall start by introducing the various teams. Firstly the Office of the
24 Prosecutor, please.
25 MS MARTIN SALGADO: [9:50:37] Good morning, your Honour. I'm here today,

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1 my name is Elena Martin Salgado, appearing for the Prosecution. Together with me
2 is Gilles Dutertre, senior trial lawyer, and Lucio Garcia, trial lawyer.

3 PRESIDING JUDGE MINDUA: [9:50:57](Interpretation) Thank you very much,
4 Madam Prosecutor.

5 Now I turn to the Defence.

6 MS SUTHERLAND: [9:51:02] Good morning, Mr President. Good morning, your
7 Honours. Here for the Defence today are Ms Melinda Taylor, Ms Molly Thomas,
8 Ms Laura Ferri, and myself, Ms Kirsty Sutherland.

9 PRESIDING JUDGE MINDUA: [9:51:22](Interpretation) Thank you very much,
10 Ms Sutherland.

11 Now over the Legal Representatives for Victims.

12 MR LUVENGIKA: [9:51:39](Interpretation) Good morning, Mr President.
13 Good morning, your Honours. The victims this morning are represented by
14 Madam Biyéké Prisque and by myself, Maître Fidel Nsita. Thank you.

15 PRESIDING JUDGE MINDUA: [9:51:55](Interpretation) Thank you very much,
16 Mr Luvengika.

17 Today we shall be hearing the testimony of the 22nd Prosecution witness. This is
18 Witness P-0431. Is that correct? Very well.

19 Good morning, Mr Witness. Can you hear me?

20 WITNESS: MLI-OTP-P-0431

21 (The witness speaks French)

22 (The witness gives evidence via video link)

23 THE WITNESS: [9:52:24](Interpretation) Good morning. I can hear you perfectly.

24 PRESIDING JUDGE MINDUA: [9:52:31](Interpretation) Madam courtroom officer,
25 the image of the witness has disappeared from my screen. Oh, here it is. It's come

1 back. Thank you.

2 Mr Witness, on behalf of the Chamber I would like to welcome you. You shall be
3 testifying with a view to helping the Chamber to cast light upon certain matters in the
4 case of the Prosecutor versus Mr Al Hassan.

5 MS SUTHERLAND: [09:53:17] Mr --

6 PRESIDING JUDGE MINDUA: [09:53:21](Interpretation) I think there's a problem
7 with -- is that all right? Very well.

8 Mr Witness, protective measures have been put in place with a view to protecting
9 your identity from the public.

10 Yes? Ms Sutherland.

11 MS SUTHERLAND: [9:53:33] Mr President, I'm so sorry to interrupt. I am afraid I
12 have the same problem. I can't see the witness on my screen. And I'm pressing the
13 button I've been told to press and it's not working.

14 MS MARTIN SALGADO: [9:53:48] We are facing the same issue, your Honour.

15 PRESIDING JUDGE MINDUA: [9:53:51](Interpretation) Yes, I can see that this
16 problem is rather general.

17 So, madam courtroom officer, could you please take the appropriate measures.

18 THE COURT OFFICER: [9:54:04](Interpretation) Yes, Mr President. I am indeed,
19 as we speak, trying to take care of the issue. I am aware of it.

20 PRESIDING JUDGE MINDUA: [9:54:12](Interpretation) Thank you very much
21 indeed.

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

1 (Redacted)

2 Your Honours, can you see the clear view on your respective screen? Yes.

3 I see one of the Chamber staff not either. And I see the screen switched off now
4 again. So I'm going to ask assistance, unfortunately.

5 The interpreters just informed the Registry that they can see the clear view of the
6 witness.

7 And now it's -- I'll see what's happening.

8 On VTC channel 1, could you please -- could everyone please -- it's working for the
9 Judges but (Overlapping speakers)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 MS MARTIN SALGADO: [9:58:04] We can see him on one screen. Not in the
22 middle one, but we can see him on our --

23 THE COURT OFFICER: [9:58:07] And the Legal Representative of Victims?

24 MR LUVENGIKA: [9:58:15](Interpretation) I don't see anything at all.

25 THE COURT OFFICER: [9:58:19] And the Defence, the person questioning the

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1 witness?

2 MS SUTHERLAND: [9:58:21] I'm afraid not. I can't see anything. Just a blank
3 screen.

4 THE COURT OFFICER: [9:58:28] I'm going to call for assistance and apologies for
5 the inconvenience.

6 (Pause in proceedings)

7 THE COURT OFFICER: [9:59:11] Could parties and participants press
8 "Witness/VTC1". Yeah, now it's working. I'm informed it's working.

9 MS SUTHERLAND: [9:59:22] I'm afraid it's not working. I'm pressing the button
10 and nothing happens.

11 (Pause in proceedings)

12 THE COURT OFFICER: [10:01:10] So now if everyone can see the clear view of the
13 witness on their respective screen, we can maybe go ahead.

14 MS SUTHERLAND: [10:01:16] I'm afraid it seems that we're losing -- we're losing
15 screens at this side.

16 (Pause in proceedings)

17 PRESIDING JUDGE MINDUA: [10:02:02](Interpretation) Is it working now for the
18 OTP? Defence?

19 MS SUTHERLAND: [10:02:08] It's not working for me but it is working for my
20 colleague, so I think we propose that we switch seats.

21 PRESIDING JUDGE MINDUA: [10:02:16](Interpretation) Yes, please. Please
22 switch places and then we can proceed.

23 MS SUTHERLAND: [10:02:23] Magically, it now works.

24 PRESIDING JUDGE MINDUA: [10:02:32](Interpretation) Marvelous. Very well.

25 MR LUVENGIKA: [10:02:56](Interpretation) It's not stable at all.

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- 1 PRESIDING JUDGE MINDUA: [10:03:01](Interpretation) Not stable.
- 2 MS MARTIN SALGADO: [10:03:03] I'm afraid we have also lost the view of the
3 screen with the witness.
- 4 MS SUTHERLAND: [10:03:09] As have we.
- 5 (Pause in proceedings)
- 6 THE COURT OFFICER: [10:04:02] Okay, so both screens need to be switched off, so
7 that's normal if you don't see the clear view of the witness because of the Plexiglas
8 reflection. However, everyone should be able to see the clear view of the witness on
9 their respective screen, so we can move on. And this is not the case on the OTP side
10 and on the Defence side, I see.
- 11 PRESIDING JUDGE MINDUA: [10:04:30](Interpretation) Madam Prosecutor, do
12 you have the image on your side of the courtroom?
- 13 MS MARTIN SALGADO: [10:04:37] I'm afraid we don't, your Honour.
14 We do now, your Honour.
- 15 THE COURT OFFICER: [10:05:06] I see this is working now for the OTP.
16 And for the Defence team?
- 17 MS SUTHERLAND: [10:05:11] Yes. He did flash away for a moment, but he's
18 returned.
- 19 THE COURT OFFICER: [10:05:19] Perfect.
20 And I hope for the Chamber it's still working. So we can now move on.
21 Thank you.
- 22 PRESIDING JUDGE MINDUA: [10:05:26](Interpretation) Thank you very much,
23 madam courtroom officer. We shall now proceed.
- 24 Mr Witness, I was speaking to you and I was saying that protective measures have
25 been put in place so that your identity (Redacted)

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1 (Redacted)

2 (Redacted)

3 I stopped because the image of the witness has disappeared from my screen.

4 THE COURT OFFICER: [10:06:26](Interpretation) Your Honour, can you see the
5 witness now?

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 MS MARTIN SALGADO: [10:06:51] Mr President, I'm afraid we have yet again lost
13 sight of the screen with the witness.

14 MS SUTHERLAND: [10:06:58] I'm afraid we have as well.

15 PRESIDING JUDGE MINDUA: [10:07:25](Interpretation) Prosecutor.

16 MS MARTIN SALGADO: [10:07:25] Your Honour, perhaps we can look at that
17 screen and try to look at both the transcript -- oh, I'm sorry, it has now gone.

18 PRESIDING JUDGE MINDUA: [10:07:42](Interpretation) I would have liked us to
19 look at that particular screen, but unfortunately the image has disappeared.

20 THE COURT OFFICER: [10:07:50](Interpretation) Yes, indeed. My colleagues have
21 explained to me the small -- the small screen is reflected on the Plexiglas and this
22 could represent a risk.

23 PRESIDING JUDGE MINDUA: [10:08:06](Interpretation) This means we cannot use
24 the small screen.

25 THE COURT OFFICER: [10:08:12](Interpretation) Indeed, I've been advised not to

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1 use the small screen.

2 PRESIDING JUDGE MINDUA: [10:08:18](Interpretation) Very well. That's what
3 we'll do and we will just make do with what we have.

4 Ms Sutherland, can you see the image?

5 MS SUTHERLAND: [10:08:27] Mr President, my colleague has made a suggestion
6 which has helped me and may perhaps help others in the courtroom, if you press
7 "Live TV" and then the button, that seems to resolve the issue.

8 PRESIDING JUDGE MINDUA: [10:08:50](Interpretation) Very well. Let us follow
9 Ms Sutherland's advice. Is that all right for everyone?

10 Great. We'll now continue.

11 Mr Witness, can you hear me?

12 THE WITNESS: [10:09:14](Interpretation) Yes, I can hear you.

13 PRESIDING JUDGE MINDUA: [10:09:17](Interpretation) Thank you.

14 I will now proceed with the solemn undertaking under 66(1) of the Rules of
15 Procedure and Evidence. On your table I'm sure you have a piece of paper. Do
16 you see that there?

17 THE WITNESS: [10:09:38](Interpretation) Yes.

18 PRESIDING JUDGE MINDUA: [10:09:40](Interpretation) Very well. That is the
19 solemn undertaking in which you swear that you will tell the truth and the whole
20 truth. Please read out what is on that sheet of paper, please.

21 THE WITNESS: [10:10:00](Interpretation) I solemnly declare that I shall tell the truth,
22 the whole truth and nothing but the truth.

23 PRESIDING JUDGE MINDUA: [10:10:15](Interpretation) Thank you very much,

24 Mr Witness. You are now under oath. The staff from the Victims and Witnesses

25 Section and the representatives of the OTP have already explained to you what that

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1 means.

2 Now I do have some practical suggestions for you: Please remember while giving
3 testimony that everything that is said in this courtroom is being transcribed by court
4 reporters and interpreted simultaneously into several languages by the interpreters.

5 Thus, it is important for you to speak clearly and slowly. Begin to respond only after
6 the person putting a question to you has finished putting his question. You might
7 even want to count to three in your mind before you give your answer. This pause
8 is necessary so that your answers can be properly recorded.

9 If you have any questions, put up your hand to indicate that you'd like to say
10 something.

11 Have you understood?

12 THE WITNESS: [10:11:59](Interpretation) Yes, your Honour.

13 PRESIDING JUDGE MINDUA: [10:12:02](Interpretation) Thank you very much,
14 Mr Witness. You will be questioned by the parties and possibly by the Chamber.
15 I will now ask the OTP to begin their examination-in-chief.

16 Madam Prosecutor.

17 MS MARTIN SALGADO: [10:12:21] Thank you, Mr President, your Honours.

18 QUESTIONED BY MS MARTIN SALGADO:

19 Q. [10:12:32] Good morning, Mr Witness.

20 A. [10:12:36] Good morning.

21 Q. [10:12:39] My name is Elena Martin Salgado and I will be asking you questions
22 on behalf of the Office of the Prosecutor.

23 If at any point you do not understand my question, please say so and I will clarify.

24 Now, today I will be questioning you on six topics. I will first ask you some

25 questions about your background. Second, I will ask you about the importance of

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1 Malian cultural heritage, especially that of Timbuktu. Third, I will ask you about the
2 legal regimes of protection concerning the cultural heritage of Timbuktu. Fourth, I
3 will ask you questions about your position during the events in Timbuktu in 2012 and
4 2013 and about your source of knowledge of those events. Fifth, I will ask you about
5 the reactions of the local and international communities in relation to what happened
6 to the cultural heritage in Timbuktu. And finally, I will ask you to look at some
7 documents in connection with the previous topics.

8 Now, Mr Witness, as you've been informed, you have been given in-court protective
9 measures to protect your identity from being revealed to the public, so we will
10 request to go into private session when we need to discuss information that may lead
11 to your identification.

12 MS MARTIN SALGADO: [10:14:51] Your Honours, I have sought to group
13 identifying questions at the beginning and at the end of my questioning in the first
14 and final topics. However, at the same time, I have tried to organise my questioning
15 in a chronological order to make the testimony easier to follow, particularly since it
16 also involves a certain number of documents. And this means, your Honours,
17 that I will need to have recourse very briefly to private session for the sake of the
18 fourth topic relating to the witness's position during the events in Timbuktu in
19 2012 and 2013.

20 Q. [10:15:49] Mr Witness --

21 PRESIDING JUDGE MINDUA: [10:15:52](Interpretation) That's just fine.

22 Madam courtroom officer, private session, please.

23 MS MARTIN SALGADO: [10:16:09]

24 Q. [10:16:10] Mr Witness, just before --

25 THE COURT OFFICER: [10:16:13] Please hold on.

- 1 (Private session at 10.16 a.m.)
- 2 THE COURT OFFICER: [10:16:17] We are now in private session. Thank you.
- 3 (Redacted)
- 4 (Redacted)
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- 18 (Open session at 10.37 a.m.)
- 19 THE COURT OFFICER: [10:37:24](Interpretation) We are once again in open session,
- 20 Mr President.
- 21 PRESIDING JUDGE MINDUA: [10:37:29](Interpretation) Thank you very much,
- 22 courtroom officer.
- 23 Madam Prosecutor, over to you, please.
- 24 MS MARTIN SALGADO: [10:37:34]
- 25 Q. [10:37:36] Mr Witness, since we're now in public session, please be careful not to

1 reveal information about your identity.

2 Now, as an expert, could you please briefly explain to us the importance of the Malian
3 cultural heritage?

4 A. [10:38:07] Malian cultural heritage in general terms is extremely rich and
5 extremely diversified and covers a number of history -- or, a number of periods
6 within the history of Mali. This patrimony or heritage is so important and diverse,
7 as I said, that it is extremely interesting and also very heavy going to work on this
8 heritage.

9 In order to get to know it properly, essential activities should be as follows: To make
10 an inventory of the site, to make proposals for property to be classified and listed as
11 national heritage. Because within the community itself, each element that
12 contributes to the definition of the identity of the cultural heritage is important. We
13 are in a country here that is multifaceted and we need to cover all these aspects of
14 national heritage.

15 As far as I am aware, in addition to Timbuktu, we have three other sites that are listed
16 as world cultural heritage. We have joined all of the UNESCO conventions on
17 cultural heritage with a view to covering in our protection activities all the elements
18 that are covered in these conventions, whether it be physical or tangible or intangible
19 heritage.

20 PRESIDING JUDGE MINDUA: [10:40:46](Interpretation) Madam Prosecutor, of
21 course I am completely blown away by the erudition of our witness, he has a great
22 deal of knowledge, but when I look at the time that you have given over to this, I see
23 that you only have about 50 minutes. How much time do you have for your
24 examination-in-chief?

25 MS MARTIN SALGADO: [10:41:11] Your Honours, we have two hours. This is

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1 because our Rule 68(3) application was denied and we were taken back to our original
2 two hours.

3 PRESIDING JUDGE MINDUA: [10:41:38](Interpretation) Just one minute, please,
4 Madam Prosecutor.

5 (Trial Chamber confers)

6 PRESIDING JUDGE MINDUA: [10:42:55](Interpretation) Madam Prosecutor, you
7 were saying that you requested 68 -- Rule 68(3) and that this was denied you; is that
8 correct? This is what I am trying to check.

9 MS MARTIN SALGADO: [10:43:12] Yes. Your Honour, I'm happy to give you the
10 reference. The decision is ICC-01/12-01/18-1267-CONF. All right?

11 PRESIDING JUDGE MINDUA: [10:43:38](Interpretation) Very well. Please
12 continue, Madam Prosecutor. I would like to merely draw your attention to the fact
13 that the witness was becoming somewhat expansive in his answers. So just be
14 mindful of this when managing your time.

15 MS MARTIN SALGADO: [10:43:58] Thank you, your Honour.

16 Q. [10:44:00] Mr Witness, you have heard Mr President. We are going to make an
17 effort to be very concise in our questions and responses so that we can get the
18 maximum of the information you can provide.

19 Mr Witness, you mentioned the richness and diversity of the Malian cultural heritage.
20 Does it also play a socialisation function?

21 A. [10:44:48] Thank you, Madam Prosecutor. Most of Malian cultural heritage can
22 be grouped into sites and cultural practices and this is very important in terms of
23 socialisation. If you take the sites or look at them in general terms, their preservation
24 is undertaken using traditional practices. You have, for example, the roughcasting
25 of the mosques in Djenné, Timbuktu and Gao. These are social cohesion and

1 connection activities that are taken -- undertaken together.

2 And the same can be said for intangible cultural heritage where, whenever the
3 community comes together, they do so for the purposes of practices or rites that are
4 socialising in themselves. And in its diversity, all of cultural heritage is important in
5 the definition of identity in the socialisation of individuals and in social cohesion
6 itself.

7 Q. [10:46:42] Thank you, Mr Witness. I'm going to move on now specifically to
8 Timbuktu. Can you tell us very briefly what's its importance in the context of
9 Malian cultural heritage?

10 A. [10:47:10] Timbuktu is very important in the context of the Malian cultural
11 heritage, to the extent that Timbuktu is a town that is extremely charged, in historical
12 terms. And this importance in terms of history started with the foundation of the
13 town between the Maghreb and sub-Saharan Africa. It was a point of connection in
14 terms of activities between these two major poles. So this is important in terms of
15 heritage because, through the listed cultural heritage and through the sites in
16 Timbuktu such as Sidi Yahia, Sankoré mosques and the mausoleums, really reflect the
17 major periods in history of Timbuktu in the intellectual world and as a part of the
18 expansion of Muslim -- of the Muslim world throughout western Africa.
19 Throughout all of these elements that are listed we can see the glorious history of
20 Mali. The town has witnessed many successes, many turbulent times. And it is
21 also a beacon of Malian history, in that the mosques and the mausoleums, the
22 manuscripts and all the history of Timbuktu is a very important site and that is why it
23 has been listed as a world cultural heritage site.

24 Q. [10:50:09] Thank you, Mr Witness. And we will come back to the legal
25 protection in a moment, but before that, you have mentioned the mausoleums.

1 Could you please tell us, briefly explain, what exactly are the mausoleums?

2 A. [10:50:38] The mausoleums of Timbuktu are the tombs of saints. These are
3 saints who served and worked in the various schools of the time and these are saints
4 who were doctors or erudite individuals in Muslim faith. Generally speaking, these
5 are well-known and important individuals in terms of Muslim faith and in terms of
6 the knowledge of Muslim cultural heritage. And these saints have been laid to rest
7 in these mausoleums.

8 Q. [10:51:54] Thank you, Mr Witness. And can you give us, briefly, details about
9 the importance of these mausoleums for the local community in Timbuktu?

10 A. [10:52:19] For the local community of Timbuktu the mausoleums are first and
11 foremost sacred sites, in that this is where saints have been laid to rest. And these
12 sites are also locations for prayer, for contemplation and also places where one may
13 make wishes. The community is very attached to these mausoleums for this second
14 reason.

15 The third reason being that the mausoleums -- or, might I say, the community of
16 Timbuktu sees these locations as a type of benediction for the protection of Timbuktu
17 against any evil. And that is why these mausoleums are very important for the
18 community of Timbuktu. These are the places where the saints have been laid to rest,
19 they are a place of contemplation, of prayer to show ones faith, and also to show one's
20 attachment to Muslim culture through the undertakings of the priests in promoting or
21 furthering this faith.

22 Mausoleums are also associated with this label of Timbuktu, if you like. The town of
23 the 333 saints, as it is so-called.

24 Q. [10:54:32] Thank you, Mr Witness. And to conclude that topic, who is in
25 Timbuktu locally in charge of maintaining and conserving the mausoleums?

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1 A. [10:54:59] The maintenance and conservations of the mausoleums is essentially
2 undertaking by the families who are attached to those saints who have been laid to
3 rest in these mausoleums. And with the inscription of Timbuktu on the list of world
4 cultural heritage, the Cultural Mission of Timbuktu has intervened to advise these
5 stakeholders and these families taking care or maintaining these mausoleums as how
6 to do so. So on the one hand, the community maintains the mausoleums, and also
7 the Cultural Mission provides advice for these conservation activities.

8 Q. [10:56:18] Thank you, Mr Witness.

9 MS MARTIN SALGADO: [10:56:21] Your Honour, I'm about to broach my third
10 topic regarding the legal protection of Timbuktu cultural heritage, but I just wanted to
11 know whether we will be breaking at 11? Or later?

12 PRESIDING JUDGE MINDUA: [10:56:44](Interpretation) Madam courtroom officer,
13 maybe this has implications in terms of cleaning, et cetera. What should we do?
14 Do we stop at 11 o'clock?

15 THE COURT OFFICER: [10:57:00](Interpretation) Indeed, Mr President, everything
16 has been organised according to the timetable. We can take the break now or take it
17 at 11 o'clock, according to the schedule.

18 PRESIDING JUDGE MINDUA: [10:57:13](Interpretation) So Madam Prosecutor,
19 I believe that there are three minutes remaining so I don't think you can move on to
20 your next point now. Shall we stop now and reconvene at 11.30?

21 MS MARTIN SALGADO: [10:57:24] Thank you, your Honour. That would suit us.

22 PRESIDING JUDGE MINDUA: [10:57:31](Interpretation) We shall rise therefore.
23 Court is suspended.

24 THE COURT USHER: [10:57:36] All rise.

25 (Recess taken at 10.57 a.m.)

1 (Upon resuming in open at 11.32 a.m.)

2 THE COURT USHER: [11:32:04] All rise.

3 Please be seated.

4 PRESIDING JUDGE MINDUA: [11:32:31](Interpretation) We shall now resume the
5 hearing.

6 Let us continue with examination-in-chief by the Office of the Prosecutor.

7 Madam Prosecutor, please proceed.

8 MS MARTIN SALGADO: [11:32:44] Thank you, Mr President. I'm turning now to
9 the next topic, which is the legal protection of Timbuktu cultural heritage.

10 Q. [11:32:59] Mr Witness, can you tell us if the mosques and mausoleums of
11 Timbuktu are protected under Malian national law?

12 A. [11:33:17] Thank you, Madam Prosecutor. The mausoleums and mosques of
13 Timbuktu are protected by Malian legislation. Insofar as -- as part of the
14 implementation of law 85-40 as amended, Timbuktu, the old town of Timbuktu is
15 classified as part of the national cultural heritage. This area is part of the old town
16 that includes the three mosques - Djingareyber, Sankoré, and Sidi Yahia - but also a
17 number of mausoleums. In addition to this classification as part of national cultural
18 heritage, Timbuktu is truly considered to be heritage and is thus covered by national
19 legislation.

20 Q. [11:35:12] Thank you, Mr Witness. And I am interested in that national
21 legislation. What are the principal national legal texts affording protection? And
22 you've already mentioned law 85-40. Are there others?

23 A. [11:35:39] There is also the *décret de classement*, the classification decree for the
24 old town of Timbuktu.

25 Q. [11:35:52] Thank you, Mr Witness.

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WITNESS: MLI-OTP-P-0431

(Open Session)

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1 Ms Court Officer, could we please show MLI-OTP-0009-1607, turning directly to page
2 1609. And that is in tab 110 of the court binder. And that can be displayed publicly
3 from that page.

4 Do you have it before you, Mr Witness? Do you see it?

5 MS MARTIN SALGADO: [11:37:00] I'm sorry, I'm not getting interpretation.

6 THE WITNESS: [11:37:09](Interpretation) I apologise. I do see the document.

7 This is law 85-40 of 26 July 1986. This is legislation having to do with protection and
8 promotion of national cultural heritage.

9 I was saying earlier that this legislation was amended by law 10-064 of
10 30 December 2010. So the initial legislation is still in force and a number of
11 amendments were made by way of the second piece of legislation, legislation 10-061
12 of 30 December 2010.

13 MS MARTIN SALGADO:

14 Q. [11:38:22] Thank you, Mr Witness.

15 Ms Court Officer, can we please turn to page 0009-1614.

16 And, Mr Witness, you said this law was adopted, as least as I heard it in
17 translation -- can we, can we scroll down a bit please, Ms Court Officer.

18 A. [11:38:58] Amended.

19 Q. [11:38:59] Before we move on to the amendment, could you please look at the
20 date in that page. Is that the date of adoption of that law?

21 A. [11:39:17] 26 July 1985, indeed.

22 Q. [11:39:27] Thank you, Mr Witness.

23 Ms Court Officer, could we turn now to page 0009-1615.

24 Do you see it in front of you, Mr Witness?

25 A. [11:40:06] Yes, I can see it just fine.

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1 Q. [11:40:09] Is that the law you were referring to as amending the previous law?

2 A. [11:40:24] Yes, indeed, Madam Prosecutor.

3 Q. [11:40:27] And if I read out, that is law number 10-061 of 30 December 2010; is
4 that right?

5 A. [11:40:42] Indeed, that is correct, Madam Prosecutor.

6 Q. [11:40:46] So was law 85-40, as amended by this law of 2010, in force at the time
7 of the 2012-2013 events?

8 A. [11:41:17] Once the legislation was passed in 2010, in 2012 already it was in
9 effect. Because, as I said earlier, the legislation merely strengthened the earlier
10 legislation.

11 Q. [11:41:47] Thank you, Mr Witness.

12 Ms Court Officer, can we now turn to page 0009-1630.

13 Is that the decree of classification of the old town of Timbuktu?

14 A. [11:42:48] Exactly, yes, it's that decree, decree 92-245.

15 Q. [11:42:59] Ms Court officer, can we move to page 0009-1632.

16 You see the date in that page, Mr Witness?

17 A. [11:43:29] 18 December 1992.

18 Q. [11:43:33] And so was decree 92-245 in force at the time of the events in
19 Timbuktu in 2012-2013?

20 A. [11:43:52] Yes, quite so. It was in force. This was a government order for the
21 classification of the areas as part of the country's heritage, with all the various rules
22 that go along with that, for protection, for promotion, for outreach and so on and
23 so forth.

24 Q. [11:44:19] And while we are in that topic, Mr Witness, what is the effect or
25 consequence of the national protection of those sites?

1 A. [11:44:46] The effect or the consequences of a site being classified as part of the
2 national cultural heritage is as follows: Not only is the site protected at the domestic
3 level, but also the site is in accordance with the principles of the conventions ratified
4 by Mali. By this I mean it is always important to ensure that a site is properly
5 protected by way of domestic legislation. So, you see, the provision is still in effect
6 and it adds to or goes along with the conventions already ratified by Mali.

7 Q. [11:46:11] Mr Witness, and when you say "properly protected", can you tell us
8 what this protection is about?

9 A. [11:46:32] Could you kindly repeat your question?

10 Q. [11:46:37] Yes. You have explained that it's important that these sites are
11 properly protected. And I'm trying to ask you -- or I'm asking you, sorry, about the
12 practical consequences of that protection. What does that mean for the site?

13 A. [11:47:03] The consequences of the classification of a site or any other cultural
14 item or asset is to protect its representative nature as part of Malian culture and, as
15 such, one must protect its integrity, one must ensure that the item or object retains all
16 the value for which it was classified. And thus, in this manner, you can see in the
17 provision that it is forbidden to make any changes to an item if it has been classified.
18 One must not make any changes or alterations to the item without notifying the
19 various organisation -- the various units responsible for heritage protection, be it at
20 the local or national level.

21 Q. [11:48:25] Thank you, Mr Witness.

22 Ms Court Officer, if we could just please turn back in that document to
23 page 0009-1630.

24 And, Mr Witness, if you can look at that page.

25 If we can scroll to the bottom, please.

1 You see Article 2 in that page?

2 A. [11:49:16] Yes.

3 Q. [11:49:18] And, Ms Court Officer, could we move to the next page, 0009-1631.

4 And can you see the continuation of Article 2 at the top of that page?

5 A. [11:49:44] Yes.

6 Q. [11:49:48] So on the basis of this, what does the decree say is classified at the
7 national level with regard to Timbuktu?

8 A. [11:50:10] According to the domestic legislation, the content within this
9 particular article is classified. In general terms I would say the entire old area of the
10 medina, that is to say the old town of Timbuktu, and we are talking about 16 hectares
11 with Djinguereber, Sareïkena and Badjindé, those neighbourhoods.

12 In addition, in addition to those four neighbourhoods that make up the old town or
13 the medina of Timbuktu, and which include mausoleums as well, there are other
14 mausoleums outside the walls, outside the protected area and they too are classified
15 and are considered or classified as part of the old town; Sidi Mahmoud mausoleum,
16 Alpha Moya mausoleum and Sheikh Mouhamed Tamba Tamba mausoleum and the
17 well. So when people talk about the old town of Timbuktu, they are talking about
18 the various items that are set out in Article 2.

19 Q. [11:52:02] Thank you, Mr Witness.

20 And for the sake of the record, and this might be an issue with perhaps the English
21 translation, you said the old part of the town is encompassed by four quarters, but in
22 the English we only heard the name of three. Could you please repeat those four
23 quarters.

24 A. [11:52:39] I said that there was the Sankoré neighbourhood, the Djinguereber
25 neighbourhood, Sareïkena neighbourhood, and the Badjindé neighbourhood.

1 Q. [11:52:55] Thank you, Mr Witness.

2 Now, you've explained the national protection of those sites. Are any of those sites
3 also protected at the international level?

4 A. [11:53:14] The sites that are protected at the international level are the ones that
5 have been placed on the UNESCO World Heritage List under the heading Timbuktu
6 (Mali). Under this heading Timbuktu (Mali), we find the four major mosques,
7 Djinguereber, Sankoré, and Sidi Yahia.

8 In addition to the three major mosques, we find on the UNESCO World Heritage List
9 16 mausoleums. And taken together, that is the three mosques, Djinguereber,
10 Sankoré, and Sidi Yahia, and the 16 mosques and the 16 mausoleums of saints
11 altogether, this is considered to be the Timbuktu Mali cultural property.

12 Q. [11:54:44] Thank you, Mr Witness.

13 MS MARTIN SALGADO: [11:54:49] Mr President, your Honours, I'm going to move
14 to my next topic, and for that I request that we briefly go into private session in order
15 to deal with it as it relates to the role of the witness during 2012-2013. And I
16 calculate I'll need about five, a bit more, minutes.

17 PRESIDING JUDGE MINDUA: [11:55:15](Interpretation) Private session, please,
18 courtroom officer.

19 (Private session at 11.55 a.m.)

20 THE COURT OFFICER: [11:55:21](Interpretation) We are in private session.

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Trial Hearing
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(Open Session)

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5 (Open session at 12.09 p.m.)

6 THE COURT OFFICER: [12:09:20](Interpretation) We are back in open session,
7 your Honour.

8 PRESIDING JUDGE MINDUA: [12:09:27](Interpretation) Thank you very much.
9 Madam Prosecutor, please.

10 MS MARTIN SALGADO: [12:09:32]

11 Q. [12:09:32] Now, Mr Witness, please remember to be careful not to reveal
12 information about your identity.

13 Mr Witness, you mentioned the destruction of monuments in Timbuktu. According
14 to the information that you received, what happened to the cultural heritage sites in
15 Timbuktu during the occupation in 2012 and 2013?

16 A. [12:10:13] During the occupation in the years 2012 and 2013 what happened in
17 Timbuktu was, essentially speaking, the destruction of the mausoleums. In addition
18 to the destruction of these mausoleums, there was also the destruction of the private
19 museums, and it was especially this. As far as we were concerned, we really needed
20 to ascertain what was going on or happening to the listed cultural property sites and
21 we needed to agree on what needed to be done with the international community and
22 Timbuktu.

23 Q. [12:11:30] Mr Witness, to your knowledge, how did the local population react to
24 the destruction of the mausoleums in Timbuktu?

25 A. [12:11:54] The local population reacted essentially in protest. They were

1 protesting against the destruction. Right from the very first instance of destruction,
2 there was -- there were people who came to show their faith at these sites and they
3 really reacted to what was going on, to the destruction. This was a state of affairs
4 that was beyond their control. And during the protests there was a lot of clashes,
5 discussions, arguments as to what was going on with regard to the destruction of the
6 mausoleums because people could no longer go there for their habitual
7 contemplation.

8 Q. [12:13:19] Thank you, Mr Witness. How did the Malian authorities react
9 based -- sorry, based on your knowledge, how did the Malian authorities react?

10 A. [12:13:43] The entire Malian authorities reacted in the same way, that is to say,
11 they showed their surprise in the face of these events. And then, immediately, they
12 turned to those of good will amongst the international community, the technical
13 services at a national level and within Timbuktu to really launch the reparations or
14 repairs and rapid reconstruction of the mausoleums in Timbuktu. Also, they wanted
15 to give Timbuktu back its true universal value as UNESCO cultural heritage site.

16 Q. [12:14:56] Mr Witness, as far as the international reaction is concerned, are you
17 aware of a meeting of the 36th session of the World Heritage?

18 (Redacted)

19 (Redacted)

20 Q. [12:15:48] And do you -- and what do you know about the reaction of the
21 representatives at that meeting regarding the destruction of the mausoleums in
22 Timbuktu?

23 (Redacted)

24 (Redacted)

25 (Redacted)

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 Q. [12:17:35] Are you aware if there was a declaration made during that meeting?

5 A. [12:18:01] Yes, according to what we heard, a declaration was made during that
6 meeting, the declaration of the permanent ambassadors to UNESCO to support Mali,
7 that was, through the destruction of these mausoleums, going through a difficult
8 period. The aim was to support Mali and to express their availability to help as best
9 they could these ambassadors, to help the universal exceptional value of Timbuktu to
10 be restored.

11 Q. [12:18:59] Mr Witness, are you aware of a meeting in Johannesburg in South
12 Africa around that period?

13 A. [12:19:23] Yes, there was also a meeting in Johannesburg in South Africa. It
14 was a meeting, according to what we were able to ascertain, of the ministers of culture
15 and the experts in cultural heritage who wanted to think about how one could build a
16 future for African cultural heritage and live with it.

17 Now, the meeting had to focus on the destruction of the mausoleums in Timbuktu
18 and those ministers present called for solidarity, they made a call for solidarity for
19 Mali in order to assist in the reconstruction of these mausoleums in Timbuktu.

20 So in addition to thinking about the issue at hand, the African ministers of culture
21 also made a special declaration on Mali in keeping with their call for international
22 solidarity with Mali in order to save cultural heritage.

23 Q. [12:21:20] Thank you, Mr Witness. Now, I will be showing you a number of
24 documents and asking you very specific questions about them. I will ask that these
25 documents are not shown to the public. But because I will be asking you questions

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(Open Session)

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1 in public session, please listen carefully and answer the question asked.

2 And, your Honour, in this way, it will allow me to remain in public session.

3 Ms Court Officer, could you show on the screen, but not broadcast publicly,

4 MLI-OTP-0037-0029 at page 0030. And that is in tab 4 of your binder.

5 Could you scroll down a bit, please. Thank you.

6 Mr Witness, is this a report you prepared?

7 A. [12:22:52] Yes, indeed. I prepared this report subsequent to the convening of
8 the meeting in St Petersburg of the ministers for cultural heritage.

9 Q. [12:23:13] Mr Witness, we're going to move on to another document, but I ask
10 that you do not mention in public anything other than my -- the answer to the
11 question that I will be directly posing.

12 Ms Court Officer, could you please show -- or rather, put on the screen

13 MLI-OTP-0037-0064 at 0065. It is a confidential document. It is at tab 5 of the court
14 binder. It should not be broadcast publicly.

15 Mr Witness, did you provide this document to the Office of the Prosecutor?

16 A. [12:24:22] Yes, indeed.

17 Q. [12:24:26] Ms Court Officer, could you please put on the screen MLI-OTP-0037
18 at 0070. It is a confidential document. It is at tab 7 of the court binder.

19 Mr Witness, is this a document that you provided to the Office of the Prosecutor?

20 A. [12:26:02] Yes, indeed.

21 Q. [12:26:07] Ms Court Officer, could you please show 0004-0566 at 0566. Again
22 it's a confidential document not to be broadcast. It is in tab 16 of the court binder.

23 Mr Witness, is this a document that you presented?

24 A. [12:27:19] Yes, indeed.

25 Q. [12:27:23] Thank you, Mr Witness.

1 Your Honours, Mr President, for the final part of my questions dealing with related
2 material, could we please go into private session. I expect to be around 10 to
3 15 minutes.

4 PRESIDING JUDGE MINDUA: [12:27:55](Interpretation) Madam courtroom officer,
5 could we move into private session, please.

6 (Private session at 12.28 p.m.)

7 THE COURT OFFICER: [12:28:06](Interpretation) We are in private session,
8 Mr President.

9 (Redacted)

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(Private Session)

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- 8 (Open session at 1.06 p.m.)
- 9 THE COURT OFFICER: [13:06:45](Interpretation) We are once again in open session,
- 10 Mr President.
- 11 PRESIDING JUDGE MINDUA: [13:06:50](Interpretation) Thank you very much,
- 12 madam courtroom officer.
- 13 Madam Prosecutor.
- 14 MS MARTIN SALGADO: [13:06:54] Mr President, your Honours, that concludes my
- 15 questioning of this witness.
- 16 Thank you, Mr Witness, for answering my questions.
- 17 And thank you, your Honours, for your patience.
- 18 PRESIDING JUDGE MINDUA: [13:07:13](Interpretation) Thank you very much,
- 19 Prosecutor.
- 20 Now, as we have gone over time, we shall take a break of an hour and a half and
- 21 reconvene at 2.30.
- 22 Court is suspended.
- 23 THE COURT USHER: [13:07:35] All rise.
- 24 (Recess taken at 1.07 p.m.)
- 25 (Upon resuming in open session at 2.30 p.m.)

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- 1 THE COURT USHER: [14:30:32] All rise.
- 2 Please be seated.
- 3 PRESIDING JUDGE MINDUA: [14:30:58](Interpretation) Court is in session.
- 4 The hearing shall now continue with testimony from the 22nd Prosecution witness.
- 5 We have concluded examination-in-chief and now I would like to ask the Legal
- 6 Representative of Victims whether he wishes to intervene after hearing the
- 7 examination-in-chief by the Prosecution.
- 8 MR LUVENGIKA: [14:31:40](Interpretation) Thank you very much, your Honour.
- 9 The Legal Representative of Victims would like to put a number of questions to the
- 10 witness under the supervision of the Chamber, owing to the fact that the witness is an
- 11 expert, even though he did not live in Timbuktu. That is our request, your Honour.
- 12 PRESIDING JUDGE MINDUA: [14:32:01](Interpretation) Thank you very much,
- 13 Counsel.
- 14 And now Defence, any objection, Ms Sutherland?
- 15 MS SUTHERLAND: [14:32:12] No objection in principle, but subject to the
- 16 reservation that we may object to the questions as they arise.
- 17 PRESIDING JUDGE MINDUA: [14:32:29](Interpretation) Thank you very much,
- 18 Counsel.
- 19 The Chamber grants your request, Counsel. Please put your questions.
- 20 QUESTIONED BY MR LUVENGIKA: [14:32:40](Interpretation)
- 21 Q. [14:32:43] Good afternoon, Mr Witness.
- 22 A. [14:32:45] Good afternoon.
- 23 Q. [14:32:47] I introduced myself this morning, but once again, I am Mr Luvengika
- 24 and I am one of the Legal Representatives of Victims in this case. I do have a
- 25 number of questions for you and, as I said a few moments ago, these questions are

1 put under the supervision or the monitoring eye of the Chamber, given that you did
2 not live in Timbuktu at the time of events.

3 Now, my first question has to do with the image that you were shown this morning,
4 namely a photograph. And in the photograph you recognised a person who was in
5 meditation, who was in contemplation in front of a destroyed mausoleum. My
6 question is general in nature. Do you know what impact the prohibitions on cultural
7 and religious practices may have had as well as the destruction of the mausoleums,
8 what was the impact on the community in Timbuktu and the community of Mali
9 in -- generally speaking?

10 A. [14:34:10] Thank you for your question. What we do know about the impact of
11 the prohibitions on religious and cultural practices in Timbuktu at that time is that,
12 generally speaking, the prohibitions were a form of trauma. The trauma was
13 expressed during a number of meetings and gatherings, for example, when the results
14 of the remote consultations were shared. We were not actually on site in Timbuktu,
15 but we were working with resource people and that -- people who were working
16 within other government bodies, and they testified to the trauma experienced. A
17 few key themes emerged. For example, some people said that without the religious
18 practices that the people of Timbuktu were used to, and without the cultural practices,
19 in particular the cultural practices of various professions, for example, the masons,
20 the butchers, the farmers, without the social aspect associated with the events,
21 Timbuktu had become an empty shell.
22 That was one of the expressions that came up a number of times.
23 The people of Timbuktu felt empty, robbed of their cultural identity.
24 This prohibition on religious and cultural practices in Timbuktu also had an influence
25 in other regions of Mali. For instance, some people were alarmed, concerned

1 because of the difficulties in Timbuktu and so they changed some of their ways of
2 demonstrating cultural practices, for instance. Truly it was expressed or -- at that
3 level.

4 Q. [14:38:01] Thank you, Mr Witness. Now, once again, generally speaking, do
5 you think the jihadists who had committed these crimes had done so in a
6 premeditated -- well, no -- in a premeditated fashion, in a deliberate manner, knowing
7 that that would be the impact on the community?

8 A. [14:38:38] In relation to the jihadists, I must say during the meetings that we had,
9 there were no jihadists specifically. There was a general statement to the effect that
10 the jihadists prohibited this or that and during our meetings with people, what came
11 out was -- that came out, but I must say no specific or individual jihadists were
12 mentioned.

13 Q. [14:39:42] Thank you for your reply.
14 This morning in response to a question about the person in the photograph - and this
15 is today's transcript, page 53, line 4 - you said the mausoleums of Timbuktu have
16 families that are associated with them. When you said that, did you know whether
17 the mausoleums of Timbuktu provided an economic or financial contribution to the
18 families in question, or to the community in general, at the community level?

19 A. [14:40:42] Financial contribution of the mausoleums? I must say right from the
20 very start that mausoleums in Timbuktu were not designed to provide financial
21 spin-offs. Rather, they were symbols, religious symbols, a symbol of the
22 community's connection to the saint in question. They were a form of affection and
23 were places for prayer and contemplation.

24 As for the financial impact for the entire community, one must begin with the interest
25 of Timbuktu being placed on the list of World Heritage, which could have a

1 tourist -- which could have an impact on tourism and thus having tourists visit the
2 city could generate resources for the community in general, particularly for the city of
3 Timbuktu.

4 Other than that, I have no knowledge of financial direct spin-offs for the families that
5 are associated with the mausoleums. These are places where people demonstrate
6 their religious faith. They are places where people show their connection to the
7 saints that are there, and this for the entire community, giving the community a sense
8 of protection, a sense of -- a religious impact.

9 Q. [14:43:05] Thank you for your answer.

10 I'd now like to put my final question to you and this has to do with the mausoleums
11 once again.

12 Do you think that the reconstruction of Timbuktu - which was very fast, by the
13 way - was able to help the community heal? Were the souls of the communities
14 healed because of this speedy reconstruction of the sites that had been profaned, did
15 the reconstruction make it possible to sooth the souls of Timbuktu?

16 A. [14:43:53] The reconstruction of the mausoleums and the various repairs and
17 renovations, yes, they did do that for two reasons.

18 First of all, the -- there was the international solidarity that we saw, the waves of
19 support from the international community. And then the reparations and the
20 rebuilding of the mausoleums occurred with the masons and the guild of masons in
21 Timbuktu.

22 In Timbuktu there is a masons' guild for all these families and for these tombs.
23 Given that the reconstruction remobilised these traditional masons and given that
24 since the masons had the support of all the families and since the families were
25 involved in all the various activities that were necessary to rebuild the structures,

1 I think that Timbuktu did benefit from the rebuilding of the mausoleums and
2 religious sentiment did grow again. Afterwards there was a great deal of prayer and
3 this was to reestablish what you referred to earlier as the soul of Timbuktu.

4 Q. [14:46:16] Thank you, Mr Witness. That was my last question.

5 MR LUVENGIKA: [14:46:21](Interpretation) Your Honours, I have concluded my
6 questioning.

7 PRESIDING JUDGE MINDUA: [14:46:27](Interpretation) Thank you very much,
8 Mr Luvengika.

9 I believe the time has now come for cross-examination by the Defence. I can see that
10 the OTP has not asked to take the floor for any reason, for any objection, so I will now
11 ask Ms Sutherland to address the Court.

12 MS SUTHERLAND: [14:46:57] Thank you, Mr President.

13 Mr President, your Honours, I've sought to structure this cross-examination so as to
14 be conducted as openly as possible. However, given the specificity of the witness's
15 expertise, it may be necessary on occasion to dip in and out of private session.

16 Obviously I'll try and keep that to a minimum.

17 PRESIDING JUDGE MINDUA: [14:47:30](Interpretation) Quite so, Ms Sutherland.

18 QUESTIONED BY MS SUTHERLAND:

19 Q. [14:47:40] Mr Witness, given the -- Mr Witness, are you able to hear me
20 properly?

21 A. [14:47:47] Yes, I can hear you, Counsel.

22 Q. [14:47:51] Thank you. Mr Witness, given the information you have provided to
23 us today, is it fair to say that you would agree that you are familiar with UNESCO's
24 engagement with the cultural property of Timbuktu?

25 A. [14:48:33] UNESCO's engagement in relation to Timbuktu, I would say that that

1 engagement right from the beginning was demonstrated by the reconstruction of
2 Timbuktu. The engagement also was expressed through the acceptance of placing
3 Timbuktu on the List of World Heritage in Danger so as to provide an opportunity to
4 mobilise the international community to reestablish the exceptional universal value of
5 this item of cultural property. So to my mind this engagement or commitment was
6 unwavering, as UNESCO provided assistance to Mali with a view to reconstructing
7 the mausoleums.

8 Q. [14:49:53] Mr Witness, I was speaking actually more specifically about
9 UNESCO's historic engagement with the cultural property of Timbuktu dating from
10 when it first designated the three mosques and the 16 mausolea in 1988. Are you
11 familiar with that?

12 A. [14:50:27] In 1988?

13 Q. Yes, Mr Witness.

14 A. [14:50:34] Are you talking about -- I apologise, are you talking about the -- about
15 inscription being placed on the list?

16 Q. [14:50:44] Mr Witness, earlier today - and for the reference for the Court, it's
17 transcript 62, page 20, line 8 - you explained that Mali had joined all UNESCO
18 conventions, all relevant UNESCO conventions. Do you remember?

19 A. [14:51:12] Yes, I remember that Mali had ratified most of the UNESCO
20 conventions relating to the protection and promotion of cultural heritage.

21 Q. [14:51:30] And do you recall that the three mosques and 16 mausolea, and in fact
22 only the three mosques and 16 mausolea were inscribed on the list of World Heritage?

23 A. [14:51:57] Yes, Counsel, in that the cultural items of Timbuktu as recorded by
24 UNESCO relate to the three major mosques and 16 of the many mausoleums in
25 Timbuktu. It is this group that is referred to as the Timbuktu Mali cultural heritage.

1 Q. [14:52:36] So because of that and because of your specific expertise, is it correct
2 to say that you are familiar with UNESCO's engagement with the cultural property of
3 Timbuktu dating back before the period in question?

4 A. [14:53:05] Yes, by way of inscription on the World Heritage List, to my mind,
5 UNESCO is certainly committed to the protection and promotion of these cultural
6 items.

7 Q. [14:53:29] Well, Mr Witness, I would like to explore the relationship and -- well,
8 UNESCO's engagement with Timbuktu since the inscription of the sites of Timbuktu
9 on the World Heritage List. So to that end, could I ask you to turn to Defence tab 8,
10 which is the 1994 World Heritage Committee report. And the MLI number is
11 MLI-D28-0004-4847 and specifically at pages 4878 to 4879.

12 Mr Witness, do you have that in front of you? We can pull it up if necessary.

13 As I understand, it's visible on evidence channel 2?

14 THE COURT OFFICER: [14:55:12] Evidence channel 1, it takes a bit --

15 MS SUTHERLAND: [14:55:18] Channel 1.

16 THE COURT OFFICER: [14:55:19] -- of time.

17 MS SUTHERLAND:

18 Q. [14:55:26] Mr Witness, at the first paragraph of that section on Timbuktu
19 it states that:

20 "The three mosques of Djinguereber," and please forgive my pronunciation "Sankoré
21 and Sidi Yahia were placed on the List of World Heritage in Danger in 1990. These
22 properties are threatened by obvious, precise and imminent dangers:

23 a) serious alteration of the mud construction materials

24 b) serious alteration of the structures

25 c) the climatic factor of desertification."

1 Mr Witness, are you able to explain what is meant by the reference to "serious
2 alteration of the mud construction materials"?

3 A. [14:56:49] This is a document -- could you remind me of the date? 1994 I think
4 you said?

5 Q. [14:56:57] Yes, that's right.

6 A. [14:57:09] I must say that -- right off the bat that I don't remember seeing this
7 document. And if the date of 1994, at that time I was not yet very active in the field
8 of heritage conservation. So I'm really not in a position to explain to you what the
9 expression means "serious alteration" in relation to the mosques.

10 Q. [14:58:26] Are you able to tell us anything about UNESCO's concerns regarding
11 the way in which the mosques had been treated immediately prior to issuing this
12 statement?

13 A. [14:59:12] Well, I'd like to provide much the same answer, because in 1994, I'm
14 not particularly familiar with the context, so I can't really give you a specific answer.

15 Q. [14:59:34] Thank you, Mr Witness. I fear this may also be outside your
16 knowledge, but moving to Defence tab 9, which is the 1995 World Heritage
17 Committee report, and the number is MLI-D28-0004-4898, that's pages 4932 -- at 4932.

18 Mr Witness, I'll read you the first paragraph.

19 It states that:

20 "The Mali authorities have submitted a preliminary report on the first phases of the
21 pilot project for the preservation of the three mosques inscribed on the List of World
22 Heritage in Danger [that's] (Djinguereber, Sankoré and Sidi Yahia), providing
23 information on the seasonal maintenance work on the mosques. Furthermore, an
24 awareness programme among the local populations and religious authorities has
25 been carried out concerning the risks which threaten these mosques during this

1 seasonal work effected by the local population who are not skilled in elementary rules
2 of conservation."

3 Mr Witness, are you in a position to explain to us what steps the Malian authorities
4 took to ensure local awareness of the threats to the mosques?

5 A. [15:01:34] There too, this is a document that I don't know a lot about. I was
6 going to say I didn't know it. Now, where it concerns -- when it concerns in a
7 general way, when it comes to raising awareness or outreach -- now concerning the
8 other activities which are highlighted, I really don't remember because I don't
9 remember the context. I wasn't in the context to be able to remember the
10 awareness-raising activities related to the threat that it was under.

11 Q. [15:02:40] Are you in any position to explain the lack of local skills?

12 A. [15:03:00] Lack of local skills. I don't know, I don't know at what level one
13 should speak about a lack of competences or skills at local level. I don't really -- I'm
14 not able to place myself within the context of the document which would make it
15 possible for me to give clear answers --

16 Q. Mr Witness --

17 A. [15:03:50] -- to these -- to this -- to this issue of a lack of local skills. That's it.
18 We (inaudible) really look at the specific context here. I would have to have a lot
19 more explanations.

20 Q. [15:04:16] Mr Witness, are you familiar with the development projects in --

21 A. (No interpretation)

22 Q. [15:04:32] Forgive me, Mr Witness?

23 Mr Witness, are you familiar with projects in Timbuktu in 1997?

24 A. [15:05:09] Projects in Timbuktu in 1997.

25 Q. Mr Witness, if you --

1 A. [15:05:36] I don't have a precise knowledge of them. Yes?

2 Q. [15:05:37] (Overlapping speakers) Mr Witness, let me -- allow me to try to
3 invigorate your memory.

4 Turning to Defence tab 10, that's the 1997 World Heritage Committee report. And
5 the number is MLI-D28-0004-4980 at 4992. The second paragraph reads:

6 "This in situ conservation action falls within the framework of the training strategy for
7 sub-Saharan Africa which was adopted by the 20th session of the Committee. The
8 pilot workshop was concerned with three mosques and permitted the local teams
9 (traditional masons responsible for the maintenance of the mosques, as well as higher
10 level personnel: management committees, national, regional and local services of Mali)
11 to strengthen their practical maintenance knowledge, launch complementary
12 activities concerning the revitalization of the City and permit the inclusion of
13 Timbuktu as a 'Historic Cities' project, financed by a World Bank loan which foresees
14 the restoration and safeguarding of the mosques, the revitalisation of cemeteries and
15 mausoleums situated outside the city and the development of the tourist
16 infrastructure."

17 Are you in a position to explain what is meant by "revitalisation of the cemeteries and
18 mausoleums situated outside the city"?

19 A. [15:07:22] The mosques and mausoleums situated outside the city, I don't know
20 them physically.

21 Q. [15:07:40] (Overlapping speakers) what the World Bank loan financed -- sorry
22 I'll repeat that in case the microphone didn't catch all of it.

23 Are you aware what the World Bank loan financed?

24 A. [15:08:03] Once again, I don't know about this funding. My activities at the
25 time weren't in -- were only on cultural heritage. I don't know these financing

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1 coming from the World Bank.

2 Q. [15:08:37] Mr Witness, turning to something you've already told us --

3 MS SUTHERLAND: [15:08:51] Mr President, I'll have to ask to go briefly into private
4 session. Although if you'll permit me, I can redact one tiny portion of what I'm
5 going to read out and then I would have -- I would be able to avoid going into private
6 session.

7 PRESIDING JUDGE MINDUA: [15:09:23](Interpretation) Very well, please go ahead,
8 Ms Sutherland.

9 MS SUTHERLAND: [15:09:27]

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 PRESIDING JUDGE MINDUA: [15:10:08](Interpretation) Very well. To save time,
15 I think we can go into private session.

16 Court officer, please take us into private session, if you would be so kind.

17 (Private session at 3.10 p.m.)

18 THE COURT OFFICER: [15:10:28] We are now in private session. (Redacted)

19 (Redacted)

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23 (Open session at 3.17 p.m.)

24 THE COURT OFFICER: [15:17:30] We are now in open session.

25 MS SUTHERLAND: [15:17:33] Forgive me.

1 PRESIDING JUDGE MINDUA: [15:17:36](Interpretation) Please wait a moment,
2 Ms Sutherland.

3 Okay, now we're ready.

4 Ms Sutherland, over to you.

5 MS SUTHERLAND: [15:17:44]

6 Q. [15:17:44] Mr Witness, regarding the methodology that was employed at this
7 time, are you able to tell us which communities within Timbuktu were spoken to,
8 how they were identified?

9 A. [15:18:08] The methodology was set up in a general framework. For those who
10 went to Timbuktu, how did they carry things out? Well, that's something I wouldn't
11 be able to tell you. What I do know is that the regions in which I was for this activity
12 in those communities, they defined that with the regional services and subregional
13 services, basically the regions that we covered. And I said that I wasn't in Timbuktu
14 myself, so I don't know if the methodology was followed and even how it was
15 defined.

16 Q. [15:19:12] Mr Witness, Mr Witness, we are under time constraints, so I would
17 ask you, if possible, to keep your answers as concise as you can so that we can cover
18 as much ground as possible.

19 Regarding the methodology -- the general methodology you referred to, you've
20 explained earlier - and the transcript reference, although it may have changed a little
21 bit from editing, is transcript 62, page 19, lines 18 to 20 - you stated this morning:
22 "Malian cultural heritage in general terms is extremely rich and extremely diversified
23 and covers ... a number of periods within the history of Mali."

24 Given that, in your methodology, how did you ensure that you captured the views of
25 all communities?

1 A. [15:20:19] I'm sorry, could you put your question again. I haven't understood it
2 well.

3 Q. [15:20:23] You explained earlier the great diversity of cultural heritage within
4 Mali. How did you ensure that you captured the views of all communities?

5 A. [15:20:48] All the communities in Mali?

6 Q. [15:20:52] Yes. Yes, Mr Witness.

7 A. [15:21:00] Yes, the heritage of all the communities, well, we are talking about a
8 country with very diverse heritage and you know that when it comes to the
9 conservation of heritage, according to the heritage categories and in accordance with
10 the conventions that have been ratified, and in line with the law 85-5 (sic), the law
11 fundamentally protects by identifying the elements, making a list of the heritage sites,
12 and then they are written into the list of heritage and then there's a last analysis and
13 then they are classified.

14 To go further now, in relationship with UNESCO, you have registration on the list,
15 either the World Heritage List or the list of UNESCO or other lists as well. But all
16 these activities constitute a process which is a continual process. And so you can't
17 cover all the categories of heritage in all communities. At a certain time, you are
18 working on a heritage topology and at that time your work with -- you work with
19 those who are concerned.

20 And so everywhere where there is a need to have an inventory and to register sites, of
21 course you work necessarily with the communities. And whenever you have to set
22 up a programme, a protection to protect the heritage, then we work with the
23 communities to do so. And then we have to say that it is a continual process.

24 Q. [15:23:37] Mr Witness, how do you identify who is concerned?

25 A. [15:23:53] How do you identify who is concerned by the conservation of a

1 particular cultural heritage good? Well, you have to identify the stakeholders, start
2 by identifying the persons who are concerned with the conservation of the property
3 or good in question.

4 (Redacted)

5 (Redacted)

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19 Q. [15:27:53] Mr Witness, do you accept that there was multiplicity of views
20 amongst the different stakeholders?

21 A. [15:28:09] On what subject? I'm sorry.

22 Q. [15:28:12] Regarding Timbuktu's cultural property.

23 A. [15:28:24] On cultural heritage in Timbuktu?

24 Q. (Overlapping speakers) yes, Mr Witness.

25 A. [15:28:30] All these stakeholders were in agreement to conserve it, to conserve

1 the mosques and conserve the mausoleums.

2 Q. [15:28:47] Going back a little bit in time, I'd ask you to turn to Defence tab 11,
3 which is the 2003 World Heritage Committee report, and that's MLI-D28-004-4995,
4 at 5017 and 5018.

5 Mr Witness, the first substantive paragraph on page 5018 -- just go down a little bit.
6 5018. I think that's 5007. Thank you.

7 Mr Witness, I'll read that to you:

8 "The mosques of Timbuktu are one of the World Heritage sites that have been
9 evaluated during the periodic reporting exercise for Africa. The three mosques of
10 Sankoré, Djinguereber and Sidi Yahia were placed [on] the List of World Heritage in
11 Danger in 1990. While in situ actions have been ongoing since 1994 to improve their
12 state of conservation, the old city of Timbuktu continues to face tremendous urban
13 development pressures, insufficient awareness of urban heritage values, and
14 difficulties in promoting tourism."

15 At the end of the next paragraph, UNESCO -- the UNESCO mission noted,
16 "Insufficient awareness programmes among local population and religion authorities
17 on urban heritage conservation" and recommended "rehabilitation and improvement
18 of access to mausoleums and cemeteries."

19 Mr Witness, in your position as an expert, are you able to explain to us what the
20 Malian authorities were doing to protect the mosques from urban development?

21 A. [15:32:15] I don't quite understand the question. What the Malian authorities
22 were doing to protect the mosques from urban development?

23 Q. [15:32:34] Mr Witness, the -- Mr witness, UNESCO has expressed a concern
24 that --

25 A. [15:32:38] Yes.

1 Q. [15:32:39] -- the city of Timbuktu continues to face tremendous urban
2 development pressures. I'm asking you in your position as a -- as an expert whether
3 you can tell us what steps the Malian authorities were taking.

4 A. [15:32:56] Okay. The measures taken by the Malian authorities to my mind
5 were to ensure that urban development not damage the cultural heritage, in
6 particular, the inscribed cultural heritage. Within the context of urban development,
7 before our activities turned towards heritage, there was a major project. I don't
8 know where the funding came from and it was called the PDUD, urban development
9 project, the PDUD.

10 The sites were supposed to be measured as part of that initiative and, generally
11 speaking, as I was saying earlier, management of heritage is always an ongoing
12 process within the development that continued over the years. Mali got into the
13 habit of establishing buffer zones and urban planning, proper urban plans alongside
14 these inscribed sites.

15 When you talk about 2003 and Timbuktu which had been put on the List of World
16 Heritage in Danger, I can say that all the following development activities, in
17 particular the PDUD, led to the conclusion a few years later in 2006 when some urban
18 planning measures were taken and we saw that protection of the three major mosques
19 was being taken into account. The site was deemed to be in danger as of 2006.

20 So for all of those reasons, the management plan was drawn up to take note of the
21 progress made in terms of protection, mobilisation and finally awareness-raising of
22 the protection of Timbuktu.

23 Q. [15:36:56] (Overlapping speakers) we'll come to 2006 in a moment, but in
24 2004 -- and again, this is at Defence tab 12, it's the World Heritage Committee report,
25 and the number MLI-D28-0004-5032 at pages 5054 to 5055.

1 Mr Witness, this tells us that from 25 to 29 August 2003 heavy torrential rains
2 continuously fell on the city of Timbuktu. Do you remember that?

3 A. [15:37:39] Yes, I remember those rains which caused damage in Timbuktu
4 (Overlapping speakers)

5 Q. [15:37:47] Mr Witness, did -- Mr Witness, did these damage the mosques and the
6 mausoleums?

7 A. [15:37:59] The downpours of 2004 affected residential dwellings.

8 Q. [15:38:24] Thank you, Mr Witness. At -- this morning at transcript 62, page 46,
9 lines 17 to 24, we were discussing photographs.

10 I believe we were in private session at that time so it may be potentially identifying.

11 But, Mr Witness, these photographs that were included in the conservation and
12 management plan of Timbuktu for 2006 to 2010, and that's MLI-OTP-0007-0002, and
13 that's -- I'm not sure which tab that is. At page 0012 of that we can see a signature
14 and it's dated 26 June 2006. Mr Witness, would you agree, therefore, that the
15 photographs contained therein cannot be dated after 2006?

16 Mr Witness, I'm talking about the conservation and management plan of Timbuktu
17 for 2006 to 2010. Do you agree that the photographs contained therein cannot be
18 dated after 2006?

19 A. [15:40:55] Dated later than 2006. I think that for this management plan, no, of
20 course not. But these photographs were used not only to draw up the management
21 plan, at times they were shared, so I don't know whether there might have been some
22 confusion because of that. But I agree, the photographs used to draw up the
23 management plan were taken at two major stages of coverage. So if one of the
24 photographs from the plan was used after -- was dated after 2006, you would have to
25 really wonder. But the management plan contains all the photographs that were

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1 taken at the time.

2 Q. [15:42:27] And when you say "two major stages", what do you mean?

3 A. [15:42:38] What I mean is that there were missions. There was the first mission
4 for photographic coverage, and then a second mission which also ensured
5 photographic coverage.

6 Q. [15:42:54] And when was the -- and when was the first mission?

7 A. [15:43:05] Oh, I must say I don't remember exactly what date it was. Maybe if I
8 were to look at the originals of the photographs, I might be able to give you a date.

9 Q. [15:43:21] Did it coincide with the period when Timbuktu's sites were removed
10 from the World Heritage in danger list?

11 A. [15:43:41] It was after the management plan, after it was accepted, that was
12 when they were taken off the danger list.

13 Q. [15:43:59] So turning to that period in Defence tab 14, the 2006 World Heritage
14 Committee report, and the number is MLI-D28- --

15 MS MARTIN SALGADO: [15:44:13] I'm sorry, your Honour. Excuse me, I --

16 PRESIDING JUDGE MINDUA: [15:44:20](Interpretation) Prosecutor.

17 MS MARTIN SALGADO: [15:44:20] I apologise. I did not want to interrupt earlier,
18 but it's just that in the transcript at page 5, line 5 -- oh, I'm sorry. Sorry, I apologise
19 for that. The transcript at page 75, line 5, the question posed relates to the rains of
20 2003 whilst at page 75, line 13, the answer, at least in the English version, refers to
21 2004. And I wonder if that could be clarified with the witness, if possible.

22 PRESIDING JUDGE MINDUA: [15:45:09](Interpretation) The French transcript says
23 2004 as well. Page 75, line 13. 2004.

24 MS SUTHERLAND: [15:45:21]

25 Q. [15:45:22] Mr Witness, earlier I asked you about the rains in -- the heavy rains in

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1 Timbuktu in August 2003 and you responded -- forgive me, I think the lines may have
2 changed. And you responded referring to the downpours of 2004. Are these two
3 (Overlapping speakers)

4 A. [15:46:02] No. You said 2003.

5 It was -- in 2004 I was talking about a workshop about the World Heritage sites. But
6 I do know that the rains did cause a number of dwellings in Timbuktu to crumble.
7 And Mali was able to mobilise emergency measures with a number of partners so as
8 to rebuild those dwellings. I am aware of that activity.

9 Q. [15:46:44] Mr Witness, the confusion is arising because the date that the
10 UNESCO document gave for the rains was 25 to 29 August 2003, but in your response
11 you said "The downpours of 2004 affected residential dwellings." Are you referring
12 to two separate incidents of excessive rain or does this relate to the same incident?

13 A. [15:47:29] It was the same incident. You began to make mention of it and you
14 began with the date of 2003, 2003. And (Redacted)
15 (Redacted). So I think you have to
16 separate these two things.

17 Before you raised the issue of these heavy rains, I was well aware of the rains and I do
18 know that at the time people were mobilised at the national level and at the
19 international level for the emergency measures to do something about these
20 dwellings.

21 So other than this confusion about the dates, there was heavy (Redacted)
22 (Redacted)
23 (Redacted) So I wanted to make that clarification.

24 Q. [15:48:57] Thank you, Mr Witness.

25 You've already touched on concerns regarding urban development in 2006, but

1 I would like to ask you to turn to Defence tab 14, which is the 2006 World Heritage
2 Committee report, MLI-D28-0004-5126, and it's at pages 5223 to 5225.

3 At the bottom of page 5223, the first substantive paragraph, reads:

4 "At its 29th session [in] (Durban, 2005), the Committee, although having decided to
5 remove the property from its List of World Heritage in Danger, also decided that if
6 substantial progress was not made in drawing up a management and rehabilitation
7 plan for the preservation and sustainable development of the old city of Timbuktu,
8 the property would be reinscribed on the List of the World Heritage in Danger at its
9 30th session ..."

10 And turning to page 5224, the last substantive paragraph, the World Heritage
11 Committee states:

12 "The centre and ICOMOS were informed in December 2005, by letter from a civil
13 servant, of a future construction project for the new Ahmed Baba Centre, which could
14 be built on the land facing the Sankoré Mosque. This project, a joint initiative of the
15 Presidents of South Africa and Mali, aims to safeguard the manuscripts, the oldest of
16 which are thought to date from the 9th century, by providing the city of Timbuktu
17 with an architectural complex which would house in one place a large library as well
18 as archive and research area" --

19 THE COURT OFFICER: [15:51:08] Can I please ask the Defence to slow down a bit.
20 Thank you very much.

21 MS SUTHERLAND: [15:51:13] Sorry.

22 "The Centre's mission also analysed the impact that this future construction project
23 might have on the Sankoré Mosque. From an analysis of the architectural
24 documents and the information gathered following the meetings with the authorities
25 of the Ministries of National Education and Culture, the mission concluded that the

1 present architectural project could affect the universal value of the World Heritage
2 property. Indeed, the architectural project indicates that the construction would be
3 carried out in the buffer zone. Its dimensions, topology, and the materials envisaged
4 for its construction, do not provide a guarantee of the integrity and authenticity for
5 Which Timbuktu was inscribed on the World Heritage List in 1988."

6 Mr Witness, how did the Malian authorities react to the concern that building the
7 Baba Ahmed Centre would undermine the universal value of the Sankoré mosque?

8 A. [15:52:46] The reaction of the Malian authorities to this project and to the
9 problems of the impact upon the Sankoré mosque was the same, both from the
10 ministry of culture and from the ministry of education, where a request was made to
11 the partners involved in the construction of the new centre to take corrective
12 measures so as to minimise the possible harmful impact on the visibility of the
13 Sankoré mosque.

14 So the Cultural Mission at the location had already pulled the alarm bell and there
15 was an -- ICOMOS carried out an assessment mission at the site so as to take stock of
16 the situation and also to draw up a list of possible corrective measures. And
17 I believe that, thanks to those corrective measures, it was possible to continue
18 construction of that building.

19 Q. [15:54:36] During this process were local people consulted about the project?

20 A. [15:55:00] As far as what I know, the local community was consulted according
21 to the reports. There was a mission on site and a report on the consultations -- or,
22 rather, an account of the consultations with the stakeholders.

23 Q. [15:55:34] Do you know if the imam of Sankoré was consulted?

24 A. [15:55:54] At that time regarding the construction of the new centre, the
25 Ahmed Baba Centre, it was revealed that all the stakeholders had been consulted.

1 Q. [15:56:22] In 2007 the World Heritage Committee expressed its regret that the
2 State Party has indeed undertaken construction work. And the reference for that is
3 MLI-D28-0004-5377 at 5492 to 5495.

4 In its draft decision the World Heritage Committee urges -- urged Mali to urgently
5 transmit technical documents showing the modifications made to the architectural
6 project and to halt construction work in order to allow for an analysis of the impact of
7 the envisaged modifications.

8 Why did Mali proceed with the construction at this time?

9 A. [15:57:59] I must say that your question goes beyond my area of responsibility.

10 Q. [15:58:15] Were you concerned by the risk of this building returning the
11 world -- returning Timbuktu's sites to the World Heritage in danger list?

12 A. [15:58:56] At the time the curators were working with the partners so as to
13 ensure that the corrective measures were respected. So given the impact of the
14 building, the possible impact of the building, possible corrective measures were
15 identified so as to avoid stopping the project. So there was an attempt to take into
16 account the visibility of this World Heritage site located adjacent to the project.

17 MS SUTHERLAND: [16:00:00] Mr President, I'm very, very mindful of the time. I
18 have one last question on this point and then -- so it might be more appropriate for
19 me to ask that and then conclude.

20 PRESIDING JUDGE MINDUA: [16:00:16](Interpretation) Go ahead, Ms Sutherland.

21 MS SUTHERLAND: [16:00:19]

22 Q. [16:00:20] Mr Witness, you've told us that corrective measures were identified
23 and indeed taken in order to protect the site. But can I ask you to turn to Defence
24 tab 16, which is the 2008 World Heritage Committee report, that's MLI-D28-0004-5644,
25 at 5648 to 5654.

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1 Therein at page 5653 -- sorry, 56 -- 5649, the World Heritage Committee says:
2 "After very careful consideration of the structures so far built and of the technical
3 drawings, the mission concluded that the structure of the Ahmed Baba Centre reacted
4 adversely on the outstanding universal value of the Sankoré Mosque, to which it is
5 adjacent."

6 On page 5653 to 4, they "Request moreover the State Party to submit to the World
7 Heritage Centre, by 1 February 2009, a progress report on the state of conservation of
8 the property" --

9 THE COURT OFFICER: [16:01:50] Please slow down because the interpreters cannot
10 catch up. Thank you.

11 MS SUTHERLAND: [16:01:53] My apologies.

12 Q. [16:01:59] At page 5653 to 4, they "Request moreover the State Party to submit to
13 the World Heritage Centre, by 1 February 2009, a progress report on the state of
14 conservation of the property and on the implementation of the above corrective
15 measures for examination by the World Heritage Committee at its 33rd session
16 in 2009, with a view to considering, in the absence of substantial progress, the
17 possible inscription of the property on the List of World Heritage in Danger."

18 Mr Witness, do you still maintain that corrective steps were taken by the Malian
19 authorities?

20 A. [16:02:53] Remediation measures? I'm trying to understand.

21 PRESIDING JUDGE MINDUA: [16:03:25](Interpretation) Could you perhaps
22 rephrase, Ms Sutherland. The witness has not understood the question.

23 MS SUTHERLAND:

24 Q. [16:03:37] Mr Witness, earlier you just told us that corrective measures were
25 identified and were taken in order to avoid stopping the project. Given the World

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1 Heritage Committee's reaction, as I've just outlined, do you still maintain that these
2 corrective measures were taken?

3 A. [16:04:20] I know that at the time corrective measures, after having been
4 identified, their implementation had begun and the local service close to the -- that is
5 to say, the Timbuktu Cultural Mission did monitor the implementation of these
6 corrective measures. And it was the mission in Timbuktu that was supposed to
7 provide the report on the implementation so that the World Heritage Committee
8 would be assured that the measures had been put in place and that the site would not
9 be put -- would not be put back on the list of heritage sites in danger.

10 Q. [16:05:24] Thank you, Mr Witness.

11 MS SUTHERLAND: [16:05:27] Mr President, I do have further questions, so I'm
12 afraid I'll have to go over into tomorrow morning. The witness was originally
13 scheduled for two days.

14 PRESIDING JUDGE MINDUA: [16:05:44](Interpretation) Very well, Ms Sutherland,
15 you're right.

16 So we are now going to end today's hearing.

17 I now turn towards the witness.

18 Witness, we have come to the end of this day's hearing. However, your testimony
19 has not yet finished. You will continue with your testimony tomorrow. Between
20 then, please do not forget that you are prohibited from speaking about your
21 testimony to any person, neither to members of your family nor to friends, should
22 you be in contact with them this evening.

23 Have you understood me well?

24 THE WITNESS: [16:06:48](Interpretation) Yes, I have understood you well,
25 your Honour.

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- 1 PRESIDING JUDGE MINDUA: [16:06:51](Interpretation) Thank you very much,
- 2 Witness.
- 3 Now, I would just like to, as usual, thank the parties and participants. I would like
- 4 to also thank the court reporters and the interpreters, and of course I don't forget our
- 5 security officers and our public in the gallery and the public watching us from afar.
- 6 We will be back tomorrow at 9.30 as usual. From then, I would like to wish
- 7 everybody a very pleasant evening.
- 8 We are now going to adjourn the session. Thank you.
- 9 THE COURT USHER: [16:07:43] All rise.
- 10 (The hearing ends in open session at 4.07 p.m.)