

1 International Criminal Court  
2 Trial Chamber X  
3 Situation: Republic of Mali  
4 In the case of The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag  
5 Mahmoud - ICC-01/12-01/18  
6 Judge Antoine Kesia-Mbe Mindua, Presiding, Judge Tomoko Akane and Judge  
7 Kimberly Prost  
8 Trial Hearing - Courtroom 3  
9 Monday, 27 September 2021  
10 (The hearing starts in open session at 9.46 a.m.)  
11 THE COURT USHER: [9:46:35] All rise.  
12 The International Criminal Court is now in session.  
13 Please be seated.  
14 PRESIDING JUDGE MINDUA: [9:46:52](Interpretation) The hearing shall now  
15 commence.  
16 Good morning, everyone, and best wishes for the week that is just beginning.  
17 Courtroom officer, kindly call the case.  
18 THE COURT OFFICER: [9:47:23] Good morning, Mr President, your Honours.  
19 This is the situation in the Republic of Mali, in the case of The Prosecutor versus Al  
20 Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud, case reference ICC-01/12-01/18.  
21 And for the record, we are in open session.  
22 PRESIDING JUDGE MINDUA: [9:47:37](Interpretation) Thank you very much,  
23 courtroom officer.  
24 We will -- we are beginning today with a 16-minute delay because of a number of  
25 technical issues.

1 We will now move to introductions, as usual, beginning with the Office of the  
2 Prosecutor.  
3 Madam Prosecutor.  
4 MS LUPING: [9:48:05] Good morning, Mr President. Good morning, your  
5 Honours.  
6 Appearing on behalf of the Prosecution this morning is the same team for the  
7 Prosecution, that is, Mr Gilles Dutertre, Marie-Jeanne Sardachti, and myself, Dianne  
8 Luping.  
9 PRESIDING JUDGE MINDUA: [9:48:19](Interpretation) Thank you very much, Ms  
10 Luping.  
11 And now the Defence counsel.  
12 MS TAYLOR: [9:48:26] Good morning, Mr President. Good morning,  
13 your Honours. Good morning to everyone in the courtroom.  
14 The Defence for Mr Al Hassan is represented today by Maître Melissa  
15 Beaulieu-Lussier and myself, Melinda Taylor. Thank you.  
16 PRESIDING JUDGE MINDUA: [9:48:47](Interpretation) Thank you very much,  
17 Ms Taylor.  
18 And now the turn of the Legal Representative of Victims. Mr Kassongo.  
19 MR KASSONGO: [9:48:57](Interpretation) Thank you, your Honour. Good  
20 morning, your Honours. Good morning, everyone.  
21 The victims are represented today by Claire Laplace, who is seated behind me, and  
22 myself, Mr Kassongo. And we thank you, your Honour.  
23 PRESIDING JUDGE MINDUA: [9:49:14](Interpretation) Thank you very much,  
24 Mr Kassongo.  
25 And now I turn to the witness.

1 Good morning, Mr Witness. How are you today?

2 WITNESS: MLI-OTP-P-0641 (On former oath)

3 (The witness speaks Songhai)

4 (The witness gives evidence via video link)

5 THE WITNESS: [9:49:31](Interpretation) Good morning.

6 PRESIDING JUDGE MINDUA: [9:49:34](Interpretation) Welcome, once again,

7 Mr Witness. And I remind you, you are still under oath.

8 THE WITNESS: [9:49:51](Interpretation) Yes.

9 PRESIDING JUDGE MINDUA: [9:49:57](Interpretation) Thus you must tell the truth,

10 the whole truth, and nothing but the truth.

11 THE WITNESS: [9:50:12](Interpretation) Yes.

12 PRESIDING JUDGE MINDUA: [9:50:14](Interpretation) I would also like to remind

13 you that we must all speak slowly, clearly, and we should regularly allow for some

14 breaks in -- or pauses in our remarks.

15 THE WITNESS: [9:50:39](Interpretation) Yes.

16 PRESIDING JUDGE MINDUA: [9:50:42](Interpretation) This morning, we must

17 continue with the testimony of OTP Witness P-0641. The Chamber has received

18 a request from the Legal Representative of Victims. He would like to make

19 a number of observations and my response is that we are already dealing with a delay.

20 The witness has been here for several days, and we must do all we can to finish his

21 testimony so he can be on his way.

22 So we would like to ask the Legal Representative of Victims to make a written

23 submission to the Chamber and copy to the other parties, and then we will be able to

24 deal with that quickly and -- over the course of the day.

25 I will now turn over to the Office of the Prosecutor.

- 1 Madam Prosecutor.
- 2 MS LUPING: [9:51:43] Thank you, Mr President.
- 3 QUESTIONED BY MS LUPING: (Continuing)
- 4 Q. [9:51:49] Good morning, Mr Witness.
- 5 A. [9:51:53] Good morning.
- 6 Q. [9:51:54] Now, Mr Witness, on Friday, just before we had our break, I was  
7 asking you questions about an organisation called ADVERMA.  
8 My first question is this: To the best of your knowledge, did ADVERMA work with  
9 any victims of events in Timbuktu of 2012 to 2013?
- 10 THE INTERPRETER: [9:53:34] Message from the Songhai booth: The Songhai booth  
11 believes that the witness may not have heard what was just said.
- 12 PRESIDING JUDGE MINDUA: [9:53:44](Interpretation) Please repeat the question  
13 to the witness.
- 14 THE WITNESS: [9:54:12](Interpretation) In what way?
- 15 MS LUPING:
- 16 Q. [9:54:34] Mr Witness, you said on Friday - that's at transcript T-138, French  
17 realtime, at page 94, lines 7 to 11 - when I asked you what was the work of  
18 ADVERMA, you responded: (Interpretation) "ADVERMA is a group of people, an  
19 association."  
20 (Speaks English) Who were members of this group of ADVERMA? Who were  
21 members of ADVERMA?
- 22 A. [9:55:09] What I remember at this time is that there was Fodé, Wang, (indistinct).  
23 There also was al-Jum'at Ag Aghaly, Al Housseyni Ag Al Jومات.
- 24 Q. [9:56:35] You -- you stated that ADVERMA would take information from people.  
25 Did ADVERMA take any information from victims of the events in Timbuktu of 2012

1 to 2013?

2 A. [9:58:12] Well, some people would speak to them, but some people had suffered  
3 a lot and didn't want to tell anyone about what had happened to them. Some people  
4 went directly to the head of the association to tell them what had happened to them.

5 Q. [9:58:42] And do you know what is the name of the person who's the head of  
6 this association?

7 A. [9:58:51] Hadji Garba is the president.

8 Q. [9:59:20] Now, Mr Witness, you stated at page 5, lines 2 to 4:

9 (Interpretation) "Some people would speak to them, but some people had suffered  
10 a great deal and did not want to tell people about what had happened to them.

11 Some people would speak -- well, would go directly and see the head of the  
12 association to tell him what had happened to them."

13 (Speaks English) Now, what -- what types of victims were there that would speak to  
14 ADVERMA about what happened to them?

15 PRESIDING JUDGE MINDUA: [10:00:42](Interpretation) Ms Taylor.

16 MS TAYLOR: [10:00:45] Thank you very much, Mr President.

17 I would respectfully submit that that question is far too broad. I believe that the  
18 witness should either be asked who spoke to him or what his knowledge is. At the  
19 moment, it's being phrased as a very abstract principle, which calls on him to  
20 speculate.

21 So I would request that the Prosecution rephrase it to either ask the witness what he  
22 himself heard or to be more direct as to what specific information she's eliciting from  
23 him.

24 PRESIDING JUDGE MINDUA: [10:01:25](Interpretation) Madam Prosecutor.

25 MS TAYLOR: [10:01:25](Overlapping speakers) Mr President, I'm conscious of the

1 Chamber's instructions to try to remain in open session as much as possible. At this  
2 stage, I don't think it's inappropriate question simply to ask - and, the witness can  
3 simply respond if he's able to - what type of witnesses spoke to -- what type of victims,  
4 rather, spoke to ADVERMA about what had happened to them.

5 I will be going into closed session -- that is going to be some follow-up questions I'll  
6 be asking. But for now I was seeking to simply see what could be elicited first in  
7 public session.

8 PRESIDING JUDGE MINDUA: [10:02:01](Interpretation) Yes, Ms Taylor. I think  
9 it's valid what the Prosecutor says, because if not, we are going to have private  
10 sessions all the time.

11 MS TAYLOR: [10:02:11] Thank you very much, Mr President.

12 The Prosecution's already elicited names in open session, but I do believe it's  
13 appropriate to be more specific as to whether she's asking the witness to answer on  
14 behalf of what he himself heard or someone else, because ADVERMA is an  
15 organisation. At this point in time, to ask what ADVERMA heard has no evidential  
16 value. That's pure speculation.

17 PRESIDING JUDGE MINDUA: [10:02:42](Interpretation)

18 Madam Prosecutor, please reformulate.

19 MS LUPING:

20 Q. [10:02:48] Mr Witness, based on what you saw or what you heard, what type of  
21 victim spoke to ADVERMA about what had happened to them?

22 A. [10:03:53] Well, the situation was such that everybody who are victims, they  
23 didn't want to speak about it with people publicly, but some people did go to see the  
24 president directly in order to say what happened to them.

25 But there is a case that I remember, somebody who came from Niafunké, a man from

- 1 Niafunké, Mohamed Oye. They -- he said that he'd been beaten by them.
- 2 Q. [10:04:50] Mr Witness, you've referred to a person. In the French, it's been  
3 captured as "Mahamane Oye" and in English as "Mohamed Wey" (phon).  
4 Could you repeat his name, please.
- 5 A. [10:05:32] Mahamadou Oye.
- 6 Q. [10:05:51] And you stated at page 7, that's lines - sorry - lines 7 to 8, that  
7 Mahamadou Oye had said:  
8 (Interpretation) "He said that they had beaten him."  
9 (Speaks English) First of all, did he say who beat him?
- 10 A. [10:06:31] "I was unloading a lorry" -- he said, he was unloading a lorry, and, at  
11 that time, when he was unloading the lorry, ... "We are not in agreement with  
12 Ansar Dine." And when armed people, the Islamists came, "They beat me at that  
13 time" and -- that's what he told me. And he said that his back was hurting.  
14 So when he was unloading the lorry at that time, he was singing, "We are not in  
15 agreement with Ansar Dine. We are not in agreement with Ansar Dine."
- 16 Q. [10:08:18] Did he say, to the best of your knowledge, what part of or what group  
17 within the Islamists did this to him, that -- who beat him?
- 18 A. [10:08:31] He didn't tell me exactly which group. However, what he was  
19 singing, "We don't want Ansar Dine," he said, "We don't want Ansar Dine" in his song.  
20 And those who beat him said that they were tarnishing the name of Ansar Dine, and  
21 that's the reason why they beat him.
- 22 Q. [10:09:49] And do you know where -- where he was beaten, what place?
- 23 A. [10:09:55] It was at Niafunké.
- 24 Q. [10:10:13] And from what you can remember, when these -- event -- that event  
25 occurred, were the police still based at the BMS or at the *Gouvernorat*?

1 A. [10:10:26] It was at the BMS.

2 MS LUPING: [10:10:56] Mr President, with your leave, I'd like to ask for  
3 authorisation to briefly go into private session.

4 PRESIDING JUDGE MINDUA: [10:11:07](Interpretation) Private session, please,  
5 court officer.

6 (Private session at 10.11 a.m.)

7 THE COURT OFFICER: [10:11:16] We are in private session, Mr President.

8 (Redacted)

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Page redacted – Private session.

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10 (Redacted)  
11 (Open session at 10.21 a.m.)  
12 THE COURT OFFICER: [10:21:47] We are back in open session, Mr President.  
13 PRESIDING JUDGE MINDUA: [10:21:56](Interpretation) Thank you very much,  
14 court officer.  
15 Madam Prosecutor.  
16 MS LUPING: [10:22:01] Thank you, Mr President.  
17 Q. [10:22:03] Mr Witness, at page 10, lines 1 to 2, you stated:  
18 (Interpretation) "There are others who speak about their daughter who was given  
19 away in forced marriage."  
20 (Speaks English) Could you provide more details about what you heard about these  
21 forced marriages?  
22 A. [10:22:31] (No interpretation)  
23 PRESIDING JUDGE MINDUA: [10:23:07](Interpretation) Ms Taylor.  
24 MS TAYLOR: [10:23:10] Thank you very much, Mr President. Could the sound be  
25 cut off to the witness.

1 PRESIDING JUDGE MINDUA: [10:23:19](Interpretation) Court officer, please cut  
2 the sound.

3 THE COURT OFFICER: [10:23:25] Your Honours, the sound has been cut off.

4 PRESIDING JUDGE MINDUA: [10:23:30](Interpretation) Thank you very much.  
5 Ms Taylor.

6 MS TAYLOR: [10:23:33] Thank you very much, Mr President.

7 Now, my objection is raised on two prongs. First, now we are obviously venturing  
8 into the territory of anonymous secondhand hearsay. That's incredibly prejudicial  
9 for the Defence to elicit such evidence given the absolute impossibility of responding  
10 to it.

11 Two, the Chamber was clear before the trial commenced that the Prosecution would  
12 not be permitted to conduct further investigations throughout the trial. Now, the  
13 Prosecution has met this witness twice in preparation sessions, and we are concerned  
14 that now that he's on the stand, they are now eliciting further information and details  
15 that are not in his statement.

16 Now, given the particular nature as well, this is obviously highly prejudicial. And  
17 there's key issues of prejudice and notice if the Prosecution is given a free reign to  
18 elicit through anonymous hearsay this type of detail.

19 PRESIDING JUDGE MINDUA: [10:24:49](Interpretation)  
20 Madam Prosecutor, what's your answer?

21 MS LUPING: [10:24:51] Very briefly, Mr President, your Honours.

22 First of all, as your Honours are very aware, you do have the ability clearly to freely  
23 assess and admit evidence under Article 69(3) and (4) and Rule 63 of the Rules of  
24 Procedure. Secondly, there is no issue of lack of notice. And I would refer to  
25 paragraph 138 of this witness's statement where he speaks of forced marriages and

1 rapes. And I'm not going to -- I'm not going to read it out because we're in public  
2 session, but there is no issue of lack of notice. This is simply a case of a follow-up  
3 question, following up what the witness himself has already stated, which we're quite  
4 entitled to do, as Defence counsel is aware.

5 Now, I am concerned, because this is the second time that there is an objection. And  
6 I -- I would venture to say, the witness has already provided a response which has not  
7 been interpreted. And there are difficulties in ensuring that we can get a fluid  
8 response from the witness, and I believe that this is -- this is obstructing the work that  
9 we're trying to do, your Honours, and in as timely a manner as possible.

10 PRESIDING JUDGE MINDUA: [10:26:00](Interpretation) No, Ms Taylor. We have  
11 to move on.

12 First of all, the witness has given an answer, which hasn't yet been interpreted. The  
13 Prosecutor is right. And then you talked about hearsay. And it's true that we have  
14 to -- we have to know what the witness saw and heard himself. But when it comes  
15 to hearsay, that's not completely prohibited. The Chamber will evaluate what the  
16 witness is saying, even if he heard it from others.

17 Now, with regards to forced marriages, that's already in the witness statement and,  
18 there, the Prosecutor is right to follow up on it.

19 So let's try and move on here.

20 Court officer, please re-establish the sound.

21 THE COURT OFFICER: [10:26:54] The sound has been re-established.

22 PRESIDING JUDGE MINDUA: [10:27:03](Interpretation) Thank you very much,  
23 court officer.

24 Madam Prosecutor, the witness is answering. Do you want the answers, or do we  
25 move on?

1 MS LUPING: [10:27:14] Absolutely, Mr President. I would like the witness's  
2 response to be -- I'd like the interpretation from the Songhai interpreter of what the  
3 witness responded before the interruption. Thank you.

4 THE WITNESS: [10:27:33](Interpretation) No, I don't know, but these are facts  
5 which happened. And they had children with her -- they had children with them.

6 THE INTERPRETER: [10:27:54] Corrects the interpreters.

7 MS LUPING:

8 Q. [10:27:59] And from what you heard, who did these victims have forced  
9 marriages with?

10 PRESIDING JUDGE MINDUA: [10:28:20](Interpretation) Ms Taylor.

11 MS TAYLOR: [10:28:21] Thank you very much. Could the sound be cut off to the  
12 witness.

13 PRESIDING JUDGE MINDUA: [10:28:30](Interpretation) Ms Taylor, we're going to  
14 cut the sound, but we're not going to continue like this. We have to finish with this  
15 witness.

16 Nevertheless, Court Officer, please cut the sound.

17 THE COURT OFFICER: [10:28:41] Your Honours, the sound has been cut off.

18 PRESIDING JUDGE MINDUA: [10:28:50](Interpretation) Thank you very much,  
19 court officer.

20 Ms Taylor.

21 MS TAYLOR: [10:28:54] Thank you very much, Mr President.

22 I would firstly like to note how inappropriate it is to be accused of obstruction, given  
23 that the delay was due to the fact that the Chamber did not see the Defence.

24 Therefore, we were not given an opportunity to object in a timely manner. So we do  
25 take offence at that.

1 Secondly, the witness has said, "I don't know."

2 Now, before proceeding to asking more specific details, we need a foundation. If he  
3 said, "I don't know," and he said in his statement that he has no knowledge of  
4 particular cases, we need a foundation before going into very specific questions.

5 PRESIDING JUDGE MINDUA: [10:29:43](Interpretation)

6 Madam Prosecutor.

7 MS LUPING: [10:29:44] Mr President, my question was to ask if he could provide  
8 details, to which he responded:

9 (Interpretation) "No, I don't know, but there are events -- they are events which  
10 happened, indeed, and they even had children with them.

11 (Speaks English) And not wanting to repeat --

12 Please, I have not completed my submission.

13 -- I had also elicited, as your Honours is aware, the source of this information in  
14 private session. I'm not going to repeat it. We're simply following up,

15 your Honours. I just want to ask the next follow-up question as to who he had heard  
16 forced these women to be married. That is all. It's a follow-up question, which is  
17 quite appropriate, your Honours.

18 PRESIDING JUDGE MINDUA: [10:30:44](Interpretation) Ms Taylor.

19 MS TAYLOR: [10:30:47] Thank you very much, Mr President.

20 Now, this Prosecutor has repeatedly objected to questions that they say call for  
21 speculation. If you have a witness who says he does not know, any further question  
22 on this subject will be calling for speculation. So we do believe that once a witness  
23 has said he does not know, any further questioning on this is simply calling for  
24 speculation.

25 Now, if the Prosecutor wanted to ask about the conversations he heard, then that

1 should've been done in private session. But the principle of publicity is not an  
2 excuse for derailing due process.

3 PRESIDING JUDGE MINDUA: [10:31:36](Interpretation) Ms Taylor, this is not  
4 speculation because the witness made mention of this in his statement. The  
5 Prosecutor is following up. So let us allow the Prosecutor to finish her work.  
6 Madam Prosecutor.

7 MS LUPING: [10:31:54] Thank you, Mr President. If I could ask that the sound be  
8 reconnected to the witness.

9 PRESIDING JUDGE MINDUA: [10:32:06](Interpretation) Because -- Maître  
10 Taylor -- we do have the witness's statement, paragraph 138, the passage that deals  
11 with forced marriage. (Overlapping speakers)  
12 *Monsieur le greffier.*

13 THE COURT OFFICER: [10:32:17](Overlapping speakers) Your Honours, the sound  
14 has been re-established.

15 PRESIDING JUDGE MINDUA: [10:32:20](Interpretation) Thank you very much.  
16 Madam Prosecutor.

17 MS LUPING: [10:32:23] Thank you, Mr President.

18 Q. [10:32:25] Mr Witness, I'm just going to repeat the question that I asked you,  
19 which is, based on what you heard, with whom were these victims forced to marry?  
20 Who did -- who did they have to marry?

21 A. [10:32:42] I don't know the victims. As I was saying, I don't know the victims,  
22 just -- they would go see the head of the association and they would tell him what  
23 had happened to them. They didn't want people to know what had happened to  
24 them.

25 Q. [10:33:48] Mr Witness, I'm going to rephrase my question.

- 1 From what you were told, what group -- to what group did the men belong to?
- 2 MS TAYLOR: [10:34:24] Mr President --
- 3 THE WITNESS: [10:34:27](No interpretation) (Overlapping speakers) ...
- 4 PRESIDING JUDGE MINDUA: [10:34:31](Interpretation) Ms Taylor?
- 5 MS TAYLOR: [10:34:34] The Prosecution has now asked exactly the same question
- 6 just in different words.
- 7 Now, again, if the Prosecutor is entitled to object on the basis of asked and answered,
- 8 we should be able to too. We shouldn't have different rules for objections between
- 9 the Prosecution and the Defence.
- 10 PRESIDING JUDGE MINDUA: [10:34:59](Interpretation)
- 11 Madam Prosecutor, hasn't the witness already answered this question several times?
- 12 MS LUPING: [10:35:11] Mr President, we just don't note -- we haven't had an
- 13 answer yet to my question as to what group the men belonged to. I'm simply
- 14 rephrasing my question, because it's possible it wasn't clear enough. That is all I'm
- 15 asking to do.
- 16 Again, it's a follow-up. It's not asked and answered. There isn't an answer. I'm
- 17 just asking -- I am asking the witness to please respond to the question.
- 18 I will repeat what he -- I asked. The first question, his response was: *Bon ... les*
- 19 *victimes* (Overlapping speakers)
- 20 MS TAYLOR: [10:35:45] The sound should be cut off.
- 21 PRESIDING JUDGE MINDUA: [10:35:49](Interpretation) Do not intervene unless I
- 22 give you the floor.
- 23 Now, we are checking the questions and answers. Madam Prosecutor asked
- 24 a question, and the witness said that he did not know the victims, but the victims
- 25 spoke to the leader of the association. Then there was a question about who the ...



- 1 THE INTERPRETER: [10:36:19] Excessive speed.
- 2 PRESIDING JUDGE MINDUA: [10:36:24](Interpretation) We have to finish with this  
3 witness.  
4 Courtroom officer, is the witness with us?
- 5 THE COURT OFFICER: [10:36:32] The sound is still available to the VTC location.
- 6 PRESIDING JUDGE MINDUA: [10:36:45](Interpretation) Very well.  
7 Madam Prosecutor, please repeat your question. The witness will answer, and then  
8 we will move on.
- 9 You're asking about the people responsible for these pregnancies or these children, I  
10 forget exactly how it was phrased.  
11 Go ahead.
- 12 MS LUPING: [10:37:05] Thank you, Mr President.
- 13 No, my -- my first question is different. I'll be coming on to the children next.
- 14 Q. [10:37:13] Mr Witness, I'm afraid the answer that you were giving has not been  
15 interpreted, so I'm going to ask you to repeat it. I'll repeat my question first and then  
16 ask you to repeat your response.
- 17 From what you were told, the men who forced these -- or who these women were  
18 forced marry, to what group did these men belong to?
- 19 A. [10:37:37] The same ones who -- the Islamists. That's what we understood, that  
20 it was the Islamists.
- 21 Q. [10:38:18] And you stated at page 15, that's line 17 to 18:  
22 (Interpretation) "And they even -- they had children with them."  
23 (Speaks English) Can you explain from what you saw or what you heard, who were  
24 these people who had children with the Islamists in any of these forced marriages?
- 25 A. [10:38:50] The Islamists. The Islamists had children with them.

- 1 Q. [10:39:34] Do you know of any examples?
- 2 MS TAYLOR: [10:39:52] Mr President?
- 3 PRESIDING JUDGE MINDUA: [10:39:54](Interpretation) Yes, Ms Taylor.
- 4 MS TAYLOR: [10:39:55] This has also been asked and answered. The witness has  
5 already responded on this point. And, again, my earlier objection about conducting  
6 investigations on the stand, in light of the paragraph 138, stands.  
7 Now, the witness has responded on this point several times.
- 8 PRESIDING JUDGE MINDUA: [10:40:25](Interpretation) Yes.  
9 Madam Prosecutor.
- 10 MS LUPING: [10:40:28] Mr President, I have not asked a single follow-up question  
11 about the pregnancies. My questions to date have been precisely about the forced  
12 marriages. This is the first follow-up question I'm asking.  
13 Now, if counsel would like to show the transcript and the precise line where I have  
14 asked a follow-up question. Here he has stated:  
15 (Interpretation) "And they even had children with them."  
16 (Speaks English) Now I'm asking for the examples of any information he has of  
17 examples of people who had children with them. It's an appropriate follow-up  
18 question, Mr President. And I would like to have the specific line where I have  
19 asked the witness for examples of forced pregnancies, because it doesn't exist.
- 20 MS TAYLOR: [10:41:25] Mr President, if I may?
- 21 PRESIDING JUDGE MINDUA: [10:41:28](Interpretation) Go ahead.
- 22 MS TAYLOR: [10:41:29] I do believe that the sound should be cut off to the witness  
23 very briefly.
- 24 PRESIDING JUDGE MINDUA: [10:41:39](Interpretation) Courtroom officer.
- 25 THE COURT OFFICER: [10:41:43] Your Honours, the sound has been cut off.

1 PRESIDING JUDGE MINDUA: [10:41:50](Interpretation) Thank you very much.  
2 Ms Taylor.

3 MS TAYLOR: [10:41:55] Now, Mr President, what the witness said about children  
4 was in the context of forced marriages. He has said repeatedly he does not know of  
5 any cases of forced marriages. To use the issue of children, to go above and beyond  
6 what he has already said about not knowing of any specific cases, is disingenuous.  
7 Now, the children come from the women. If he doesn't know the cases of forced  
8 marriages, he cannot have any foundation for knowing of the children coming from  
9 these forced marriages.

10 It's asked and answered. And it's just the Prosecutor using a different tact to attack  
11 the same issue from a different direction.

12 He said in his statement, "I don't know any particular cases." The Prosecution at no  
13 point during the interviews asked him about whether he knew of cases of children of  
14 forced marriages. This is a new issue that they are using to reopen evidence that's  
15 already been given by this witness.

16 A, it's conducting investigations on the stand, and B, it's asked and answered in the  
17 sense he has said quite specifically he does not know of any cases.

18 PRESIDING JUDGE MINDUA: [10:43:13](Interpretation)  
19 Well, Madam Prosecutor, what is your final response?

20 MS LUPING: [10:43:16] Mr Witness -- I'm sorry, Mr Witness --  
21 Mr President, the witness responded to a question about details relating to the forced  
22 marriages that he didn't have details or the facts in relation to those.  
23 He stated: (Interpretation) "I don't know, but these are events that did occur,  
24 and -- and they're even -- they even had children with them."  
25 (Speaks English) Now, my question, your Honours, is simply a follow-up question in

1 response to this witness's testimony. I'm just simply asking now the witness to  
2 explain his basis of knowledge so that your Honours can then assess his response  
3 appropriately.

4 PRESIDING JUDGE MINDUA: [10:44:12](Interpretation) Well, there you have it.

5 Madam Prosecutor has read out the answer from the witness, and it is valid. So we  
6 shall now continue.

7 Go ahead, Madam Prosecutor.

8 MS LUPING: [10:44:24] Thank you, Mr President, your Honours. If I could ask  
9 that the sound be re-established to the witness.

10 PRESIDING JUDGE MINDUA: [10:44:35](Interpretation) Courtroom officer, if you  
11 could.

12 THE COURT OFFICER: [10:44:39] Your Honours, the sound has been re-established.

13 PRESIDING JUDGE MINDUA: [10:44:41](Interpretation) Very well.

14 Madam Prosecutor, please move ahead.

15 MS LUPING:

16 Q. [10:44:46] Mr -- Mr Witness, I'm going to repeat the question that I asked you.  
17 You stated - and this was in relation to women you had heard had been forcibly  
18 married:

19 (Interpretation) "And they even had children with them."

20 (Speaks English) From what you saw or what you heard, can you give any examples  
21 of the pregnancies that any of these women had?

22 A. [10:46:17] I don't know those women, but I did learn that the ones who came to  
23 help people took those children and took them to the place so that they be cared for.

24 THE INTERPRETER: [10:46:36] Correction: Take -- took them to the south so that  
25 they would be cared for.

1 MS LUPING: [10:46:54]

2 Q. [10:46:55] Thank you, Mr Witness. I'm now going to switch to a different topic.  
3 From what you saw or what you heard, do you know if there was any damage to  
4 places where people sold alcohol?

5 A. [10:47:07] I heard what happened, but I didn't go there.

6 Q. [10:48:00] And can you give us examples of (Overlapping speakers) places  
7 where the alcohol -- the places were damaged?

8 A. [10:49:15] What I heard, there was a place in Sankoré at the house of Baba ...

9 And ... I beg your pardon, Alogit (phon) and then Alassane's place, and also another  
10 place that belonged to a soldier. That's what I remember.

11 THE INTERPRETER: [10:49:56] Interpreter correction: The first name in the  
12 witness's reply was Baba Tibabou.

13 MS LUPING: [10:50:12]

14 Q. [10:50:13] Now, Mr Witness, recorded in -- at least in the French and in the  
15 English, there's a reference also to *chez* Al Hassan. Who is this person whose place  
16 was also damaged where alcohol was sold?

17 A. [10:50:37] The person, the owner was Alassane Al Hadji Hamdja. Alassane  
18 Hadji Hamdja.

19 Q. [10:51:40] And do you know a person called Dédéou?

20 A. [10:51:52] Yes.

21 Q. [10:51:58] And do you know if anything happened to his business?

22 A. [10:52:05] Yes. The place -- he had a spot. The place belonged to him and his  
23 apprentice. And since that time, he left the city and went to another place, to Ségou,  
24 and he has not come back.

25 Q. [10:53:09] And from what you learnt, who damaged these people's places where

1 alcohol was sold?

2 A. [10:53:18] I told you it was the Islamists. The Islamists were the ones who  
3 spoiled those places. They torched them. And you could hear bottles exploding.  
4 Boom! Boom! Boom!

5 Q. [10:54:06] Now, Mr Witness, do you know if anything happened to the work of  
6 local artists as well?

7 A. [10:54:15] Right now I can't remember.

8 Q. [10:54:52] Mr Witness, do you know a person called Madou Secret?

9 A. [10:55:11] Yes.

10 Q. [10:55:14] And do you know if anything happened to Madou Secret during 2012  
11 to 2013?

12 A. [10:56:05] Him, it was later they learned of him -- they learned about the  
13 existence of his place. And then they went to open up the place and they found  
14 some paintings, some sketches, and they began to destroy everything there.

15 Q. [10:56:35] And who destroyed everything there? Who?

16 A. [10:56:59] It was the Islamists, of course.

17 Q. [10:57:03] And did you hear about this, or did you see this with your own eyes?

18 A. [10:57:13] I heard about it. I heard about it. Some people saw what happened,  
19 and -- and they said that the place had been destroyed, and that some items had been  
20 thrown outside and were scattered on the ground.

21 Q. [10:58:01] And did you ever speak directly to Madou Secret about it? Did he  
22 speak to you about it?

23 A. [10:58:17] No, I never asked because he wasn't there anymore. Once they had  
24 destroyed his spot, he was no longer there.

25 Q. [10:58:46] Mr Witness, could you describe what economic or financial impact

1 there was of the occupation on the people living in Timbuktu from what you yourself  
2 heard or saw?

3 A. [10:59:06](No interpretation)

4 PRESIDING JUDGE MINDUA: [11:00:16](No interpretation)

5 THE WITNESS: [11:00:18](Interpretation) It was terrible for the city. People were  
6 all doing their various kinds of work, and people would come and destroy everything  
7 or keep people from doing their work. And so it was a real -- it was disastrous.  
8 Each person is free to do his or her own work, and it's God who judges.

9 PRESIDING JUDGE MINDUA: [11:00:55](Interpretation) It is 11 o'clock, Madam  
10 Prosecutor. My question is, of course, when do you think you'll be finished?

11 MS LUPING: [11:01:08] Mr President, I believe that there is less than 10 minutes left.  
12 It's -- I -- I leave it to your decision. I could just simply have that extra 10 minutes,  
13 and I believe I -- we could be finished, or we could resume after the break. I -- I  
14 leave it in your hands.

15 PRESIDING JUDGE MINDUA: [11:01:28](Interpretation) No. You have another 10  
16 minutes, and then we can finish, and then have our break. Please continue.

17 MS LUPING: [11:01:38] Thank you.

18 Mr President, could we just briefly go into private session for me to ask one question  
19 of the witness.

20 PRESIDING JUDGE MINDUA: [11:01:51](Interpretation) Court officer.

21 (Private session at 11.01 a.m.)

22 THE COURT OFFICER: [11:01:57] We're in private session, Mr President.

23 (Redacted)

24 (Redacted)

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20 (Open session at 11.05 a.m.)

21 THE COURT OFFICER: [11:05:47] We are back in open session, Mr President.

22 PRESIDING JUDGE MINDUA: [11:05:51](Interpretation) Thank you very much.

23 Madam Prosecutor.

24 MS LUPING:

25 Q. [11:05:55] Mr Witness, I'm now going to show you a series of images. They're



1 a combination of video screenshots and photographs. If you recognise the person,  
2 can you just say -- just simply just say their name. And the first image is on  
3 evidence channel 2 and the ERN is 0022-0471.

4 Do you recognise this person, and, if so, what is the person's name?

5 A. [11:06:23] Abou Dzar. I know him.

6 Q. [11:06:55] And I'm going to be showing the next image. Again, just simply  
7 state the name if you recognise this person. And the ERN is 0022-0475 (Overlapping  
8 speakers).

9 I'm going to repeat the ERN. That's 0022-0475.

10 Who is this person?

11 A. [11:07:22] Ahmad Al Faku (phon) -- Ahmad Al Faqi.

12 Q. [11:07:41] And this is -- the next one is 0022-0482.

13 Who is this person?

14 A. [11:07:49] That is Al Hassan.

15 Q. [11:08:08] And the next ERN, that is, 0012-1844.

16 Who is this person?

17 A. [11:08:20] Demba Demba.

18 Q. [11:08:33] And the next person -- it's a screenshot from video 0015-0495, time  
19 stamp 00:36:39:17.

20 Do you recognise any person on this image?

21 A. [11:08:54] I can see Abdoul Djalil with a turban.

22 Q. [11:09:21] What colour turban?

23 A. [11:09:24] He's wearing a black turban and a blue tunic.

24 Q. [11:09:42] And is that the person to the right of the screen or the left of the screen?

25 I'm putting my arrow on the right of the screen. Which person is it?

- 1 A. [11:09:55] It is where the arrow is.
- 2 Q. [11:10:22] I'm just noting for the record that that is on the right of the screen.
- 3 I have two more photographs. It's 0022-0478.
- 4 Do you recognise this person?
- 5 A. [11:10:45] That is Abou Zeydi.
- 6 Q. [11:11:01] And next photograph was 0022-0480.
- 7 Do you recognise this person?
- 8 A. [11:11:10] That is Talha.
- 9 MS LUPING: [11:11:30] Mr President, I've noticed actually that the -- the last item I
- 10 want to show to this witness, it is 40-seconds' long and it requires interpretation.
- 11 What do you prefer? I envisage then it will probably take an additional two
- 12 minutes.
- 13 PRESIDING JUDGE MINDUA: [11:11:55](Interpretation) Please go ahead.
- 14 MS LUPING: [11:11:56] Thank you.
- 15 And I note for the record, the next item is at tab 94. It's 0001-7037. I'm starting from
- 16 time stamp 00:19:30:17. I'm first playing without sound the first second or two
- 17 seconds, but I will be asking for interpretation from the interpreters. It's at
- 18 tab -- transcript is at tab 95, 0024-2962, from page 2977, line 511, to page 2979, line 551,
- 19 and the translation is 0024-2910. It's at page 2927, line 516, to page 2928, line 556. I
- 20 believe the interpreters have also received the relevant excerpts in advance.
- 21 PRESIDING JUDGE MINDUA: [11:12:54](Interpretation) Sorry. Before counsel
- 22 proceeds, is the item to be played in public session?
- 23 MS LUPING: [11:12:59] Yes. And the item can be played publicly and the sound
- 24 can be heard publicly.
- 25 Q. [11:13:05] Now, first of all, Mr Witness, I have -- I've got without sound. Sorry.

1 It went on too far. Sorry. I've got to get back to my -- the relevant time stamp. I'm  
2 stopping at 00:19:30:23.

3 Mr Witness, do you recognise this location?

4 A. [11:13:44] (No interpretation) *Oui. Bien sûr, ici, c'est Yoboutao.*

5 Q. [11:13:56] And I'm playing on, and I stopped at 00:19:34:09. Do you recognise  
6 this person?

7 A. [11:14:08] (No interpretation) *Oui, bien sûr, celui-là, c'est Oumar.*

8 Q. [11:14:17] I would now like to ask to play the whole of the clip, starting from  
9 19:30. I'll just find the right part. I'm going to go back.

10 (Viewing of the video excerpt)

11 MS LUPING: [11:14:42] And I'm starting from 00:19:30:22, and I'll be playing -- it's  
12 approximately 30 seconds, and with sound, and I request interpretation, please.

13 THE INTERPRETER: [11:14:55] What's the line number? Sorry.

14 MS LUPING: [11:14:58] It should be the final lines at numbers given. I think it's  
15 line 532 to line 556 in the translation.

16 (Viewing of the video excerpt)

17 THE INTERPRETER: [11:15:11] (No interpretation)(No interpretation of video  
18 excerpt)

19 MS LUPING: [11:15:53] I've stopped at 00:20:11:23.

20 Q. [11:15:56] Now, Mr Witness, you stated at transcript 137 -- it's the French  
21 transcript ET, at page 12, lines 8 to 15, you stated regarding Omar, (Speaks French).  
22 You confirmed it was at Yoboutao *marché* and that you were present.

23 Now, this video excerpt that you saw, were you present when Omar was speaking?

24 A. [11:16:30] I wasn't there. But when you see -- when you see these places, you  
25 can see straightaway.

1 Q. [11:17:18] Mr Witness, I'm sorry if I -- I went too far in my time stamp. I'm  
2 talking about the clip with Omar Ould Hamaha, not the last scene. Sorry. I'll go to  
3 the correct clip.

4 So I'm -- I'm talking about the excerpt where we saw Omar Hamaha speak, and you  
5 confirmed it was at Yoboutao. You previously said that you were present when he  
6 spoke at Yoboutao.

7 Were you present when he spoke in this clip that we just saw?

8 A. [11:18:16] Yes, yes, I was there.

9 MS LUPING: [11:18:42] Mr President, your Honours, I have no further questions for  
10 the witness.

11 And I would just like to say, thank you very much, Mr Witness. I have no further  
12 questions for you.

13 PRESIDING JUDGE MINDUA: [11:19:01](Interpretation) Thank you very much,  
14 Madam Prosecutor, for your cross-examine -- for your examination-in-chief.

15 I now turn towards Maître Kassongo.

16 Having heard the Prosecution, do you keep to your request?

17 MR KASSONGO: [11:19:19](Interpretation) Thank you, your Honour,  
18 your Honours.

19 Having heard the Prosecution, the legal representatives would like to ask just one  
20 question to the witness, with your leave, of course, for -- not to go much further.

21 And this question would require a private session due to the context with the witness,  
22 and it could be put after the break, if you so consider.

23 Thank you very much.

24 PRESIDING JUDGE MINDUA: [11:19:58](Interpretation) Ms Taylor?

25 MS TAYLOR: [11:20:01] Thank you, Mr President.

1 Our objection will obviously depend on the content of the question. We would ask if  
2 we could have the full 30-minute break as we do need to test the -- the computers and  
3 laptops before we start our cross-examination.

4 PRESIDING JUDGE MINDUA: [11:20:29](Interpretation) Ms Taylor, I haven't  
5 understood. You need a half-hour after the question of the legal representatives of  
6 the victims or from now?

7 MS TAYLOR: [11:20:37] No, Mr President. It's just to clarify that we are hoping to  
8 have a normal 30-minute break and not to have a curtailed one just because we do  
9 need to test certain things during the break.

10 PRESIDING JUDGE MINDUA: [11:20:56](Interpretation) Very well. We're,  
11 therefore, going to have a normal break. It's 11.20. We'll be back at 11.50.  
12 Court is suspended.

13 THE COURT USHER: [11:21:12] All rise.

14 (Recess taken at 11.21 a.m.)

15 (Upon resuming in open session at 11.51 a.m.)

16 THE COURT USHER: [11:51:37] All rise. Please be seated.

17 PRESIDING JUDGE MINDUA: [11:51:54](Interpretation) Court is in session.

18 I would just like to remind the public in the gallery that when the judge enters, the  
19 public also rises in the gallery because I noted that the public remained seated.

20 Now, I would like to announce to the parties that the Chamber is going to sit until  
21 1.15 in order to try to catch up on the 15 minutes which we lost this morning with  
22 technical matters. Now, Maître Kassongo, you have the floor for your questions.

23 MR KASSONGO: [11:52:58](Interpretation) Good morning, your Honour, and  
24 your Honours, and thank you.

25 Good morning, Witness.

1 I would like to address the Chamber to ask for a private session, a private session  
2 with a view to putting the context to the question for the witness. And thereafter, I  
3 would like to go back into open session in order to put the question with a view to  
4 avoiding any risk of identification.

5 PRESIDING JUDGE MINDUA: [11:53:30](Interpretation) Of course,

6 Maître Kassongo.

7 Court officer, please take us into private session.

8 (Private session at 11.53 a.m.)

9 THE COURT OFFICER: [11:53:40] We are in private session, Mr President.

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16 (Open session at 11.59 a.m.)

17 THE COURT OFFICER: [11:59:41] We are back in open session, Mr President.

18 PRESIDING JUDGE MINDUA: [11:59:51](Interpretation) Thank you very much,  
19 court officer.

20 Maître Kassongo.

21 MR KASSONGO: [11:59:57](Interpretation) Thank you, your Honour,  
22 your Honours.

23 Q. [12:00:01] Witness, having experienced the spectacle of flogging of this woman,  
24 without speaking about precise people, could you describe the impact of this scene on  
25 the public who were minors or the young people in the public who were present



1 during this scene - if you can describe it, if you can describe what you saw.

2 A. [12:02:16] In actual fact, the flogging caused a great deal of impact because  
3 already we -- myself, it really broke my heart. And as for the children who were  
4 there, they shouldn't even have seen such things, an adult being struck and parts of  
5 her bodies popped out. Children shouldn't have had to see that. It really disgusted  
6 everyone. And it really affected us.

7 It affected us a great deal.

8 Q. [12:03:10] Thank you very much, Mr Witness.

9 This question leads me to asking for additional -- more specific information. So I  
10 would like to ask for more information about the other categories of victims, if the  
11 Chamber grants leave.

12 PRESIDING JUDGE MINDUA: [12:03:34](Interpretation) Go ahead, Mr Kassongo.

13 MR KASSONGO: [12:03:38](Interpretation)

14 Q. [12:03:38] Mr Witness, could you tell us in your own words what you heard or  
15 saw about the return of this woman who had been flogged to her family - or, in the  
16 case if there had been multiple women flogged, how did these women go back to  
17 their families?

18 A. [12:05:15] In actual fact, it really affected them. It really did them harm. Even  
19 their parents had a hard time seeing it. Others left the city because they didn't want  
20 to have to carry that shame. So some actually, out-and-out left the city.

21 Q. [12:05:46] Thank you very much, Mr Witness, for that additional information.

22 One final question to conclude, just one minor thing.

23 Now given this suffering and the impact of this suffering on the population, in  
24 general terms, could you tell us whether the -- whether the inhabitants of Timbuktu  
25 continued to go to their mausoleums.

1 That's my final question, and I thank the Chamber.

2 A. [12:06:59] Now people go there. Thank God.

3 Q. [12:07:09] Thank you very much, Mr Witness, for all that information. On  
4 behalf of the entire team, we wish you a good continuation of your testimony.

5 MR KASSONGO: [12:07:25](Interpretation) We thank the Chamber as well for their  
6 patience.

7 Your Honours, the Legal Representatives of Victims have concluded.

8 PRESIDING JUDGE MINDUA: [12:07:32](Interpretation) Thank you. Thank you  
9 very much for your questions. And you kept your word. You were not long.

10 I now turn to the witness, first of all.

11 Mr Witness, the Defence will now begin cross-examination. So please be patient and  
12 show goodwill as you have done with the Office of the Prosecution.

13 Ms Taylor, please go ahead.

14 QUESTIONED BY MS TAYLOR:

15 Q. [12:08:36] Good morning, Mr Witness. My name is Melinda Taylor. I'm the  
16 counsel for Mr Al Hassan. And as the Presiding Judge explained, my role is to put  
17 questions to you. The Defence also investigates and collects evidence, and we call  
18 witnesses as well concerning the evidence that's heard in this court.

19 Now, Mr Witness, I'm going to start in open session - and, I don't believe my  
20 questions will be identifying - but if you do believe that we need to go into private  
21 session to answer them, if you could kindly raise your hand.

22 Now, Mr Witness, I'm going to start asking you questions concerning a time period  
23 that's before 2012.

24 Specifically in the 1990s, was there a rebellion in the north of Mali?

25 A. [12:10:44] Yes, there was a rebellion.

1 Q. [12:11:19] And during this rebellion, were certain groups targeted by the Malian  
2 army?

3 A. [12:12:00] What kind of group?

4 Q. [12:12:04] Any particular ethnic groups or any ethnic groups targeted by the  
5 Malian army during this rebellion?

6 PRESIDING JUDGE MINDUA: [12:12:43](Interpretation) Yes, Mr Witness?

7 MS TAYLOR: [12:12:48] Mr President, we may need to go into private session.

8 PRESIDING JUDGE MINDUA: [12:12:56](Interpretation) Courtroom officer, if you  
9 could.

10 (Private session at 12.12 p.m.)

11 THE COURT OFFICER: [12:13:02] We are in private session.

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13 (Open session at 12.21 p.m.)

14 THE COURT OFFICER: [12:21:06] We are back in open session, Mr President.

15 PRESIDING JUDGE MINDUA: [12:21:14](Interpretation) Thank you very much.

16 Ms Taylor.

17 MS TAYLOR: [12:21:19]

18 Q. [12:21:19] Now, Mr Witness, did the rebellion create any tensions in Timbuktu  
19 as concerns individuals who were suspected to be -- to be associated with the rebels?

20 A. [12:22:22] It just so happened that I was still very young at that time, so I really  
21 can't say much. But after when -- when Alph- -- president -- at the time of Alpha  
22 Oumar Konaré, the president, I remember there was the flame of peace. There was  
23 social cohesion. People got along.

24 In other words, there was peace.

25 Q. [12:22:56] Mr Witness, when did you yourself arrive in Timbuktu?

1 A. [12:23:24] A long time ago, a very long time ago. I don't know now. It's been  
2 a long time.

3 Q. [12:23:33] Now, in the years before 2012, did you hear anyone complain about  
4 a lack of support or funding from the government in Bamako?

5 A. [12:23:47] Well, I didn't hear about that. What's more, I really didn't pay any  
6 attention to that kind of information.

7 Q. [12:24:37] Now, Mr Witness, turning to 2012, did you hear or learn of anything  
8 concerning an Arab group called the FLNA? That is, the *Front de libération nationale*  
9 *de l'Azawad*.

10 A. [12:25:20] Yes. We heard about that. The group was in existence. We did  
11 hear about it.

12 Q. [12:25:35] And do you know an Arab individual called Mohamed Lamine Ould  
13 Sidatt?

14 A. [12:26:17] It was just the other day that we learned that he had died. I did  
15 know the name, and we learned that he had been a mayor.

16 Q. [12:26:37] Was this individual, Mohamed Lamine Ould Sidatt, the secretary  
17 general of the FNLA?

18 A. [12:27:17] I don't know anything about the FNLA, and I don't know anything  
19 about that association. I know that it does exist. I've heard of it. I know the name,  
20 but other than that, I don't know anything about that organisation.

21 Q. [12:27:35] Mr Witness, you've said you've heard of it.

22 Did you hear of it in April 2012 in Timbuktu?

23 A. [12:28:17] Yes. Everyone says it like that. Everyone saw -- even as they went  
24 by in their vehicles, we would see FLNA (sic) written on their vehicles. And at one  
25 point, they were working with the Malian authorities. That was before the crisis.

1 Q. [12:28:43] Mr Witness, at transcript 137, edited, page 9 to 10, lines 22 to 1, you  
2 said:

3 "There were groups -- there was one group that was set up by the authorities. It was  
4 a militia."

5 Mr Witness, this militia that you referred to, was this an Arab militia?

6 A. [12:30:03] They were Arab groups. It was -- they were different to the FLNA  
7 (sic), but they spoke the same language. So you couldn't distinguish them -- you  
8 couldn't tell one from the other, but they were the ones who knew. They knew  
9 which group was which group. They knew which militia was which militia.

10 Q. [12:30:35] Now, Mr Witness, speaking specifically of this Arab group, are these  
11 also referred to as the Berabiche Arabs?

12 A. [12:31:21] Yes. They had a lot of names. They were called by a lot of names.  
13 I don't know too much about it, but these Arabs were called by lots of different  
14 names.

15 Q. [12:31:37] And in this first month, in April 2012, did this Arab group take any  
16 weapons and cars from the military camp?

17 A. [12:32:12] Yes, of course. They took them, and they took a lot of materials from  
18 offices as well. Everybody knew that.

19 Q. [12:32:27] You've said that they took a lot of materials from offices.  
20 Did they also take a lot of materials from private buildings?

21 A. [12:32:56] Just for the authorities at the start.

22 Q. [12:33:08] Mr Witness, can you explain what you mean by that. You said:  
23 (Interpretation) "Good. It's just for the authorities at the start."

24 A. [12:33:51] What I was saying, at the start when the town was taken, it was just  
25 where the authorities were. Those places were affected. The materials, the vehicles,

1 they took those from the authorities.

2 Q. [12:34:23] Now, Mr Witness, I'd like to turn to a group called the "MNLA."

3 Were the MNLA calling for an independent Azawad?

4 A. [12:35:27] Well, they spoke about the independence of Azawad. We didn't

5 think that's what it was because people who speak about the independence of

6 Azawad, they attack public buildings and offices and departments. These are

7 people -- these aren't the people who want to occupy Azawad.

8 What you will find in a place that you want to keep -- if you -- you don't destroy it at

9 all if it's somewhere you want to keep. If you have to occupy the place,

10 you're -- you're going to take it without harming it.

11 Q. [12:36:41] Mr Witness, is it correct, based on what you yourself heard, that not

12 everyone in Timbuktu supported the idea of separation, that is, for Azawad to

13 become a separate state?

14 A. [12:37:02] Yes. It's true. There were people from Timbuktu who didn't agree

15 with these people. When it came to taking a decision, there was the population.

16 You had to get the viewpoint of the population. But some people had their intention

17 to do that, but they didn't consult. They didn't ask anybody's point of view. They

18 did that with their own initiative.

19 PRESIDING JUDGE MINDUA: [12:38:27](Interpretation)

20 Madam Prosecutor.

21 MS LUPING: [12:38:28] Mr President, it's not a objection but a request for greater

22 clarity by asking what time period we're talking about. There is nothing here about

23 any time period from the question. It was a very general question with no specific

24 time period. We can't -- we don't know whether it relates to the temporal period of

25 the charges, before or after.



1 There's just no context for it without a time period included.

2 PRESIDING JUDGE MINDUA: [12:38:59](Interpretation) Ms Taylor.

3 MS TAYLOR: [12:39:01] Thank you, Mr President.

4 I had actually put a time period earlier when we started speaking about the Arab  
5 groups. I can put a time period, but I do have follow-up questions to this witness.

6 PRESIDING JUDGE MINDUA: [12:39:20](Interpretation) Please, if you could  
7 specify the time frame.

8 MS TAYLOR: [12:39:22]

9 Q. [12:39:22] Now, Mr Witness, I'm speaking specifically about the beginning of  
10 April in 2012.

11 Did you hear anything about the MNLA committing exactions in Timbuktu?

12 A. [12:40:32] In 2012, I don't remember exactly. But according to what people said,  
13 there were a lot of atrocities that were committed. A lot of things were destroyed.  
14 People spoke about it a lot. I don't remember exactly.

15 Q. [12:40:51] Mr Witness, we can turn to your statement. It's OTP tab 1,

16 MLA- -- MLI-OTP-0072-0143. At page 0150, paragraph 32.

17 And if that could be displayed for the interpreters.

18 I'll read it out.

19 THE COURT OFFICER: [12:41:25](Interpretation) Would counsel kindly confirm  
20 which redacted version should be displayed. Thank you.

21 MS TAYLOR: [12:41:34] R-04.

22 Q. [12:42:07] Mr Witness, I'll read it out for you. This is in a section concerning  
23 the arrival of the armed groups in Timbuktu. And it states, in your declaration:  
24 (Interpretation) "The Arab militia was first of all attached to the government army.

25 It took advantage of the retreat from Timbuktu to pillage weapons and vehicles found

1 at the military camp of public property and private property such as project vehicles,  
2 banks. Satar, who was one of the leaders of this militia at the time, was assassinated  
3 the year before in Koiratao when he was playing cards. The MNLA, who say that  
4 they're fighting for the independence of Azawad, entered into the town on the same  
5 day towards 11 o'clock. The men from the militia then had rumours circulating  
6 saying that the MNLA was committing atrocities in the town. And still on the same  
7 day, the Islamists arrived in their turn towards the early evening. They entered the  
8 town crying, '*Allah Akbar ! Allahou Akbar !*'"

9 (Speaks English) Mr Witness, do you recall giving this information to the Prosecution?

10 (Overlapping speakers)

11 A. [12:45:42] Yes.

12 Q. [12:45:44] And, Mr Witness, do you recall giving this information to the  
13 Prosecution?

14 A. [12:46:06] Yes.

15 Q. [12:46:07] Now, Mr Witness, I'm just going to read a sentence from this.

16 (Interpretation) "The men in the militia allowed rumours to circulate saying that the  
17 MNLA was committing atrocities in the town."

18 Can you explain what you meant by that.

19 A. [12:46:59] People said what was happening. That's it. People said what was  
20 happening, if something was happening in town, they would say it. But it was  
21 a long time ago now. But people were saying what was happening. It was later  
22 that we discovered what was happening.

23 Q. [12:47:26] Now, Mr Witness, this was said -- talking about rumours that the  
24 MNLA was committing atrocities, what type of atrocities were being described in  
25 these rumours?

1 PRESIDING JUDGE MINDUA: [12:48:34](Interpretation)

2 Madam Prosecutor.

3 MS LUPING: [12:48:36] Mr President, it's just a question of interpretation actually  
4 from French into English. I note that the passage from the statement, the word used  
5 is "*des exactions*", but in English it's being interpreted as "atrocities", which is  
6 a different meaning. And I -- I note -- I note that the Defence counsel's using the  
7 word from the English transcript, but I would just ask that the correct translation be  
8 given so that when it's put back to the witness, he has the correct word from his actual  
9 statement.

10 PRESIDING JUDGE MINDUA: [12:49:22](Interpretation)

11 Madam Prosecutor, you are speaking about paragraph 32 of the statement; is that  
12 correct?

13 MS LUPING: [12:49:29] Correct, in French, because it's a French  
14 statement -- sorry -- a statement in French. The word that was used by the witness  
15 was "*des exactions*".

16 Now, the Defence counsel has repeated the word instead as "atrocities" --

17 PRESIDING JUDGE MINDUA: [12:49:44](Interpretation) Indeed.

18 MS LUPING: [12:49:46] -- because that was the interpretation, I believe, being given  
19 by the interpreter. But I would ask that the witness instead be -- that the word be  
20 used is relating to exactions, "*exactions*", and not atrocities, because that is  
21 a misinterpretation of the word from the statement.

22 PRESIDING JUDGE MINDUA: [12:50:12](Interpretation) Yes, Ms Taylor, in the  
23 paragraph 32, it uses the word "the MNLA were committing exactions."

24 THE INTERPRETER: [12:50:28] Which can also be translated as abuses, says the  
25 interpreter.

1 MS TAYLOR: [12:50:33] Mr President, I'm not sure if you just heard the interpreters.  
2 They just said that "exactions" can also be translated as "abuses". So that's what the  
3 English interpreter has just said.  
4 We don't have the Songhai. So I have no idea what he said in Songhai. But I don't  
5 believe there's a substantive difference here. I read out "exactions" to start with.  
6 I've used "exactions" twice. I believe that the witness -- his answer that he just gave  
7 should be allowed to be read into the record, as the witness did answer.  
8 And as a native English speaker, there is not a significant difference between  
9 exactions and abuses. So I don't believe it's worth wasting time on this issue.

10 PRESIDING JUDGE MINDUA: [12:51:24](Interpretation) Very well. I'm not an  
11 Anglophone. I'm a Francophone. But I think that "abuses" is "exactions", but it's  
12 not "atrocities" in French. That's all.  
13 Very well. So I think we are all in agreement. Let's continue. Ms Taylor.

14 MS TAYLOR: [12:51:43] If -- if the interpreters could please interpret what the  
15 witness said.

16 PRESIDING JUDGE MINDUA: [12:52:06](No interpretation)

17 THE INTERPRETER: [12:52:10] Message from the Songhai booth: Could the witness  
18 go back over his answer.

19 PRESIDING JUDGE MINDUA: [12:52:19](Interpretation) Very well.  
20 Witness.

21 THE WITNESS: [12:52:29](Interpretation) I said that I don't remember exactly the  
22 date. But a lot of things happened, but I don't remember the exact dates.

23 MS TAYLOR:  
24 Q. [12:52:55] Thank you, Mr Witness. I wasn't asking for the specific date. I was  
25 referring to the fact that in your statement you referred to the -- I'll read it out exactly

1 in French.

2 (Interpretation) "The militia had rumours circulated that the MNLA was committing  
3 exactions in the town."

4 (Speaks English) What type of exactions did you hear of in these rumours?

5 A. [12:54:15] Well, I remember the case of a man whose name is Moussa. It was  
6 said that he raped women and he killed people. So when the Islamists came, they  
7 came and arrested him and ...

8 THE INTERPRETER: [12:54:54] Neither the English interpreter nor the French  
9 transcript fully understood the last sentence pronounced by the interpreter.

10 MS TAYLOR: [12:55:04] Could the Songhai interpreter please repeat the last  
11 sentence. It seems that the English and French interpreters did not hear it.

12 THE SONGHAI INTERPRETER: [12:55:16](Interpretation) Yes. They shot at the  
13 best cattle that people had.

14 MS TAYLOR: [12:55:32]

15 Q. [12:55:33] Now, Mr Witness, at transcript 138, page 20, you described  
16 a conversation with Abdoul Djalil, the French Islamist. And when you testified  
17 about this conversation at transcript 138, page 20, lines 3 to 7, you said:  
18 "The first exchanges I had with Abdoul Djalil, that was on a Sunday. When he came  
19 with his wife, he [...] had heard that the MNLA was raping people and doing that.  
20 [...] but he" had -- "he said he had seen nothing of that."

21 The Prosecution then showed your statement, which was written six years after this  
22 conversation, which had the word "Islamists".

23 Mr Witness, when you described this conversation with Abdoul Djalil about these  
24 rumours, did you intend to refer to the rumours concerning the MNLA?

25 A. [12:57:37] What am I meant to attribute to him?

1 MS TAYLOR: [12:57:43] Was my full question interpreted to the witness? I didn't  
2 hear it being interpreted.

3 THE COURT OFFICER: [12:57:58] Your Honours, there was a brief loss of  
4 connection. Perhaps counsel could repeat the question. Thank you.

5 MS TAYLOR: [12:58:07] Thank you. Just a message to the Songhai interpreters.  
6 To make this easier, I'm going to read out a first part of the question and break for  
7 you to interpret it and then continue. But if the witness could be instructed not to  
8 respond until I have finished.

9 Q. [12:58:54] Now, Mr Witness, at transcript 138, page 20, lines 3 to 7, you stated:  
10 "The first exchanges I had with Abdoul Djalil, that was on a Sunday. When he came  
11 with his wife, he said he had heard that the MNLA was raping people and doing that.  
12 And he -- but he said he had seen nothing of that."

13 If that could be interpreted.

14 Now, after this, the Prosecution showed you your statement, which was written six  
15 years after this conversation with Abdoul Djalil, which had the word "Islamists".

16 My question, Mr Witness, is, when you described this conversation to the  
17 investigators, did you mix up the MNLA and the Islamists? Did you mean to refer  
18 to the rumours that concerned the MNLA at this time?

19 A. [13:01:12] Yes, I made a mistake. Of course, it was the Islamists. It was the  
20 Islamists, because Auld (phon) told me that it was the Islamists because, ultimately,  
21 he joined in with them.

22 THE INTERPRETER: [13:01:31] Abdoul Djal (phon) was the name mentioned in this  
23 response. Abdoul Djilal -- Djalil.

24 MS TAYLOR:

25 Q. [13:01:42] So, Mr Witness, you are saying that Abdoul Djalil arrived on the first

1 day in Timbuktu, and he told you he heard on this first day in Timbuktu of rumours  
2 concerning the Islamists committing sexual violence? The Islamists, not the MNLA.

3 THE INTERPRETER: [13:02:42] Message from the Songhai interpreter: We cannot  
4 hear what the witness has said.

5 MS TAYLOR:

6 Q. [13:02:49] Mr Witness, can you repeat what you just said.

7 A. [13:03:10] Yes. I was saying, is, that was what Abdoul Djalil was telling me.  
8 That's what he told me at that time.

9 Q. [13:03:21] Now, at page 35 of the same transcript, that's transcript 138, lines 24 to  
10 25, you said, this conversation happened on "The same day that the country fell.  
11 Nobody knew who was who."

12 Now, when Abdoul Djalil spoke to you, did he at this point know the different  
13 groups and the difference between them?

14 PRESIDING JUDGE MINDUA: [13:03:54](Interpretation) Miss Prosecutor.

15 MS LUPING: [13:03:56] Objection, Mr President. Could I ask that the sound be cut  
16 off to the witness.

17 PRESIDING JUDGE MINDUA: [13:04:07](Interpretation) Courtroom officer, if you  
18 could.

19 THE COURT OFFICER: [13:04:09] Your Honours, the sound has been cut off.

20 PRESIDING JUDGE MINDUA: [13:04:13](Interpretation) Thank you very much.  
21 Madam Prosecutor.

22 MS LUPING: [13:04:17] Mr President, I'm objecting to the way this question is being  
23 put to this witness. The question was: Now, when Abdoul Djalil spoke to you, did  
24 he at this point know the different groups and the difference between them?

25 Now, with all due respect, your Honours, this witness is being asked to speculate as

1 to what Abdoul Djalil did or did not know at that time. He's not in a position to  
2 know what was in the mind of some other person regarding what he knew. This is a  
3 entirely inappropriate question.

4 PRESIDING JUDGE MINDUA: [13:04:54](Interpretation) Ms Taylor.

5 MS TAYLOR: [13:04:56] Mr President, I think the words "entirely inappropriate" are  
6 quite an exaggeration here. I can reformulate, but he is describing a conversation. I  
7 can ask him whether, on the basis of this conversation, it would appear to him that he  
8 understood the different groups or that he was aware of the different groups.

9 PRESIDING JUDGE MINDUA: [13:05:20](Interpretation) That wording seems to be  
10 more appropriate to me.

11 So there you have it.

12 Courtroom officer, if you could.

13 THE COURT OFFICER: [13:05:36] Your Honours, the sound has been re-established.

14 PRESIDING JUDGE MINDUA: [13:05:41](Interpretation) Thank you very much.  
15 Ms Taylor.

16 MS TAYLOR:

17 Q. [13:05:45] Now, Mr Witness, going back to this conversation, did Abdoul Djalil  
18 indicate whether he knew of the MNLA or the FNLA or the Berabiche militia?

19 A. [13:06:25] No, he didn't say that to me.

20 PRESIDING JUDGE MINDUA: [13:06:28](Interpretation)

21 Madam Prosecutor.

22 MS LUPING: [13:06:31] Mr President, the witness has now answered, but I was  
23 going to object because it was a compound question and rather confusing. But the  
24 witness has responded, and we will leave it at that.

25 PRESIDING JUDGE MINDUA: [13:06:47](Interpretation) Very well.



1 Ms Taylor, please continue.

2 MS TAYLOR:

3 Q. [13:06:54] Now, Mr Witness, it's correct, isn't it, that Abdoul Djalil decided to  
4 join Ansar Dine after this conversation took place?

5 A. [13:07:41] No, it was later. It was later on. That is when he joined that group.  
6 It was later. One fine day, he came to see me, and in ... He came by, and it was at  
7 a later time.

8 Q. [13:08:04] Now, speaking of this first period after the Malian authorities  
9 withdrew, based on what you saw or heard, did any bandits or locals take advantage  
10 of the situation to settle scores?

11 A. [13:09:13] The people of Timbuktu who wanted to get back -- I haven't  
12 understood. How? I haven't understood.

13 Q. [13:09:44] It might be a matter of language.

14 After the Malian authorities left, did any of the locals take advantage to settle  
15 accounts, to *régler des comptes personnels ou faire du mal aux autres* ?

16 PRESIDING JUDGE MINDUA: [13:10:38](Interpretation) Interpretation?

17 THE INTERPRETER: [13:10:42] Message from the Songhai interpreter: We lost the  
18 connection momentarily.

19 THE COURT OFFICER: [13:11:05] Your Honours, the connection is re-established.

20 PRESIDING JUDGE MINDUA: [13:11:10](Interpretation) Ms Taylor, the witness  
21 may not have understood the question. There is no answer so far.

22 MS TAYLOR: [13:11:21] Yes, I'll repeat the question. I just wanted to make sure we  
23 had a connection.

24 Q. [13:11:26] My question, Mr Witness, speaking of these first couple of days in  
25 April, did any of the locals take advantage of the situation to (Interpretation) "settle

1 personal scores"?

2 A. [13:12:14] Yes. Towards the bush, towards the bush, that's where it happened.

3 Q. [13:12:36] You said, "Towards the bush," this is where it happened. What  
4 happened towards the bush?

5 A. [13:13:16] The exactions you mentioned a few moments ago. Because in rural  
6 areas, there was no longer any authorities, so people looted from one another  
7 everywhere.

8 Q. [13:13:37] Do you know or did you hear anything about a dispute between the  
9 tribe of Imam Daoud and Hamed Moussa?

10 A. [13:14:38] That's what I heard. They said that in their village they killed two  
11 people, one with a weapon -- one with a weapon and the other one was drowned.

12 MS TAYLOR: [13:15:04] Mr President, I see it's 1:15.

13 PRESIDING JUDGE MINDUA: [13:15:12](Interpretation) Yes, indeed, Ms Taylor.  
14 So I believe you have an observation for the Chamber in relation to today's  
15 programme. You'd like to end a little early today; is that correct?

16 MS TAYLOR: [13:15:29] Mr President, I think it will depend. I might not  
17 necessarily do so, but there was a section of my questioning, which I'm not going to  
18 describe in front -- in court right now. But if things proceed very quickly,  
19 I would -- I believe it's appropriate to address that section tomorrow.

20 PRESIDING JUDGE MINDUA: [13:15:53](Interpretation) Very well. We will now  
21 suspend for our lunch break and resume at 2.30.

22 The hearing is suspended.

23 THE COURT USHER: [13:16:03] All rise.

24 (Recess taken at 1.16 p.m.)

25 (Upon resuming in open session at 2.31 p.m.)

- 1 THE COURT USHER: [14:31:26] All rise. Please be seated.
- 2 PRESIDING JUDGE MINDUA: [14:31:44](Interpretation) The hearing shall now  
3 resume.
- 4 Ms Taylor, please proceed with your cross-examination.  
5 Courtroom officer?
- 6 THE COURT OFFICER: [14:32:09] We are trying to reconnect to the interpreters at  
7 the VTC location at this moment. It should take a few seconds. Thank you.
- 8 MS TAYLOR: [14:32:19] Mr President, if I might use this -- this time to raise  
9 something regarding the schedule for tomorrow. I note that we're scheduled to sit  
10 between 2 o'clock and 3.30. So I would like to respectfully request that for the  
11 second session, we sit from 11.30 to 1:10 and then we start at 2:10 until 3.30. So it  
12 will be exactly the same time, but obviously it will allow for Al Hassan to pray.
- 13 PRESIDING JUDGE MINDUA: [14:33:00](Interpretation) Would you mind  
14 repeating, Ms Taylor.
- 15 MS TAYLOR: [14:33:04] Certainly, Mr President. We're currently scheduled to sit  
16 tomorrow from 9.30 to 11, then 11.30 to 1, and then from 2 to 3.30. So we what we're  
17 asking is if we can sit from 11.30 to 1:10 and then from 2.10 to 3.30. So it will be  
18 exactly the same content.
- 19 PRESIDING JUDGE MINDUA: [14:33:41](Interpretation) Very well. Apparently  
20 there's no problem. Everything's fine. Yes.
- 21 MS TAYLOR: [14:33:47] And while I'm at this housekeeping matter, I do apologise.  
22 But would it be possible for the Registry to alert someone that the lift isn't working  
23 and -- given we're on the 6th floor, it's quite difficult for us.
- 24 THE COURT OFFICER: [14:34:12] Your Honours, the connection with the  
25 interpreters has been re-established.

1 PRESIDING JUDGE MINDUA: [14:34:20](Interpretation) Thank you very much.  
2 And I do hope you took note of the problem with the lift. Very well.  
3 Ms Taylor.  
4 MS TAYLOR: [14:34:28]  
5 Q. [14:34:29] Good afternoon, Mr Witness.  
6 How are you?  
7 A. [14:34:33] Yes. I'm fine. I'm fine.  
8 Q. [14:34:53] Now, Mr Witness, just to emphasise, we are in open session. And as  
9 per my previous instruction, if you need to give a name or a detail that you can't give  
10 in open session, please raise your hand.  
11 Now, my question concerns this first period after the arrival of Ansar Dine.  
12 Did any of the members of Ansar Dine ask the local population to say what they  
13 thought about the arrival of Ansar Dine?  
14 A. [14:36:23] Well, I don't really have much to say about that. When they arrived,  
15 they did what they had to do. That's all.  
16 Q. [14:36:35] Mr Witness, do you know a tourist guide called "Sana"?  
17 A. [14:36:46] Yes.  
18 Q. [14:37:02] Did he speak out in favour of the arrival of the Islamists?  
19 A. [14:37:38] Yes. He said that they came so that people -- so that things would  
20 not happen between people. That's what he said.  
21 Q. [14:37:53] I'm going to play a video. It's Defence tab 46. It's  
22 MLI-OTP-0011-0263. It's a video dated 8 April 2012. I'm going to play it without  
23 sound from 1:12 to 1:29 on evidence 2.  
24 (Viewing of the video excerpt)  
25 MS TAYLOR: [14:38:47] If we go back to 1:12.

- 1 Q. [14:39:13] Mr Witness, did you recognise any of the individuals in this section?
- 2 A. [14:39:20] I recognise some.
- 3 Q. [14:39:41] Who do you recognise?
- 4 A. [14:40:04] I think I recognise Sana and another young fellow called Cinq (phon)
- 5 who worked at Savana. He is wearing a black turban. And the other one looks like
- 6 Sanda. He is wearing the yellow turban, unless I'm mistaken.
- 7 Q. [14:40:44] Now, Mr Witness, we're currently at 1:12.
- 8 Do you -- are any of these individuals currently on the screen?
- 9 A. [14:40:55] Sana is the one with the blue turban.
- 10 Q. [14:41:28] And is he wearing a white boubou?
- 11 A. [14:41:34] Yes.
- 12 Q. [14:41:44] I'm going to play the extract with sound and the -- for the interpreters,
- 13 the transcript is tab 47, 0- -- MLI-OTP-0056-0644. The English translation is tab 48.
- 14 That's MLI-OTP-0061-1188. And it's from page 1190, lines 38, to page 1191, line 49.
- 15 The French transcript is tab 51. That's MLI-OTP-0078-1910 at 1911, lines 47 to 48.
- 16 And if the interpreters could kindly indicate if they're ready.
- 17 THE INTERPRETER: [14:42:45] The interpreters are ready.
- 18 MS TAYLOR: [14:43:02] We'll play it now.
- 19 (Viewing of the video excerpt)
- 20 MS TAYLOR: [14:43:20] I'm going to stop. I don't hear any sound.
- 21 (Viewing of the video excerpt)
- 22 "Sana: We are very happy for --"
- 23 THE COURT OFFICER: [14:43:43](Overlapping speakers) ... Thank you.
- 24 MS TAYLOR: [14:43:50] Apologies for that, we've gone back to 1:12, and we'll start
- 25 again with sound:

- 1 "Sana: We are very happy for the arrive [sic] for these people. When they didn't  
2 coming [sic] ... we are very fry [phon].
- 3 US: [Voice-over] Afraid?
- 4 Sana: Afraid. When they ..."
- 5 MS TAYLOR: [14:44:03] I apologise. Is there something?
- 6 THE COURT OFFICER: [14:44:06] Is it okay to play it publicly?
- 7 MS TAYLOR: [14:44:12] Yes. It's a public video. So we'll start again.
- 8 (Viewing of the video excerpt)
- 9 "Sana: We are very happy for the arrive [sic] for these people. When they didn't  
10 coming [sic] ... we are very fry [phon].
- 11 US: [Voice-over] Afraid?
- 12 Sana: Afraid. When they come ... they said for the people, "We are here for us, for  
13 you, we are here for peace."
- 14 MS TAYLOR: [14:44:43]
- 15 Q. [14:44:45] Now, Mr Witness, did you hear whether Sanda promised that  
16 Ansar Dine would provide any free electricity and services?
- 17 A. [14:45:08] They had said that they were the ones who were the authorities.  
18 They would take care of things. They would take things in hand.
- 19 Q. [14:46:00] And by taking "things in hand," did they provide for free electricity  
20 and services?
- 21 A. [14:46:10] Yes. Just electricity that they gave free. Other than that, what else  
22 was there. There wasn't any activity, and people weren't working. And they sent ...  
23 they sent their cheque to Mopti so that they could get the money.
- 24 Q. [14:47:13] Now, Mr Witness, did Ansar Dine also provide the locals with  
25 vehicles that they could use?

1 A. [14:47:42] As far as I'm concerned, I didn't see that.

2 Q. [14:47:48] Okay, Mr Witness. I'm going to turn to your statement. It's OTP  
3 tab 1. It's MLI-OTP-0072-0143-R04, turning to page 0153. I'm going to read  
4 paragraph 48.

5 If that could be put on the screen for the interpreters. I'll read it out.

6 It says, Mr Witness:

7 (Interpretation) "The Islamists also took measures to ensure security. They ensured  
8 the security of all public places, hospitals. For example, if a woman was about to  
9 give birth, one could ask for a vehicle from the Islamists. They recovered the private  
10 vehicles or the vehicles that belonged to NGOs and gave them back, the ones that had  
11 been taken earlier by the Arab militia. That is the case of the vehicles that belonged  
12 to the Gao emergency preparedness for people and the Goundam hospital. The  
13 Islamists took measures to ensure that there would be no robberies. Now people  
14 regret that they have left because of the lack of security."

15 PRESIDING JUDGE MINDUA: [14:50:30](Interpretation)

16 Madam Prosecutor?

17 MS LUPING: [14:50:33] Mr President, I -- I believe that the Songhai interpreter is  
18 actually reading out in Songhai the following paragraph, paragraph 49, and not  
19 paragraph 48. I can hear words being mentioned that are appearing in paragraph 49.  
20 So I -- I'm not certain that the interpreter is actually reading out the correct paragraph  
21 to the witness.

22 MS TAYLOR: [14:50:56] We thank the Prosecutor for pointing that out. And if we  
23 could have clarification as to which paragraph was read to the witness. And if the  
24 interpreters could be directed to read out paragraph 48, not 49.

25 PRESIDING JUDGE MINDUA: [14:51:21](Interpretation) Go ahead, Ms Taylor.

- 1 Check with the interpreters.
- 2 MS TAYLOR: [14:51:26] Could the Songhai interpreters please clarify which  
3 paragraph they read.
- 4 THE INTERPRETER: [14:51:34] Message from the Songhai interpreter: We were at  
5 paragraph 49.
- 6 PRESIDING JUDGE MINDUA: [14:51:57](Interpretation) Yes -- no. Actually, it is  
7 paragraph 48.
- 8 THE SONGHAI INTERPRETER: [14:52:07](Interpretation) We have received the  
9 message.
- 10 MS TAYLOR: [14:52:10] Before -- before this is read out, I'm just going to direct the  
11 witness to ignore what was just read out to him because otherwise it will be confusing.  
12 And I would ask the witness be told that we're going to start again and he should  
13 ignore what was read out to him previously.
- 14 Q. [14:54:13] Mr Witness, do you recall saying this to the Prosecution?
- 15 A. [14:54:24] Yes, indeed. That was done. That was done.
- 16 Q. [14:54:46] So, Mr Witness, did the Islamists allow for their vehicles to be used to  
17 take people to the hospital?
- 18 A. [14:55:30] Yes. Those were the vehicles that they got back from the bandits,  
19 and they made them available to the hospitals so that they could go get people who  
20 were ill. That's what happened.
- 21 Q. [14:55:48] And did they take measures against banditry?
- 22 A. [14:55:57] Yes. Even at the beginning, they even gave a green number which I  
23 never used, but they asked people to call if something had been taken from them or if  
24 they had been attacked. They had said that.
- 25 Q. [14:56:40] And, Mr Witness, this last sentence says:



1 (Interpretation) "Today people say that they regret their departure in light of the lack  
2 of security."

3 (Speaks English) Mr Witness, is it correct that this is something that you heard?

4 A. [14:57:41] That was in 2013. When the liberation occurred in 2014, then  
5 problems occurred: Holdups, assassinations, the Barkhane forces. All the exactions  
6 continued, and that's when people started to say that they regretted their departure.

7 Q. [14:58:10] And, Mr Witness, speaking of this first period, after the arrival of  
8 Ansar Dine, was there a phase of calm and security?

9 A. [14:59:05] There was a bit of a lull and no -- people no longer expected ... Then  
10 later, there was some attacks. There was no work.

11 Q. [14:59:21] Mr Witness, just to be clear, when you say there was a "bit of a lull,"  
12 are we speaking about the period in 2012 after the arrival of Ansar Dine?

13 A. [15:00:00] Yes. That was when they took a number of measures so that no one  
14 would attack others. I'm talking about that short period of time.

15 Q. [15:00:15] Now, Mr Witness, you've referred to someone called "Adama."  
16 Did he speak Arabic and French?

17 A. [15:00:26] Yes.

18 Q. [15:00:44] In what language did you converse with him?

19 A. [15:00:49] We spoke in French.

20 Q. [15:01:07] Did he take steps to help the local population?

21 A. [15:01:40] Yes. The people were -- trusted him. And when he -- when they  
22 left, he asked them -- he sorted things immediately.

23 Q. [15:01:59] Did he make vehicles available to the locals to use?

24 A. [15:02:38] Yes. Everyone who was able to get close to him to explain things to  
25 him, he was able to sort out what they needed.

1 Q. [15:02:52] Mr Witness, you said, "Yes."

2 Is it correct that he made vehicles available to the locals to use?

3 A. [15:03:42] Yes. Everyone who got to him was able to explain the problem. He  
4 sorted the problem. If the person needed to go somewhere, they were taken.

5 Q. [15:03:59] ... it says, "*S'il doit l'amener quelque part il l'amène.*"

6 Which vehicles did he use for this?

7 A. [15:04:14] A white Hilux.

8 Q. [15:04:33] Now, Mr Witness, you've referred to a white van. What did the  
9 windows of this white van look like?

10 A. [15:05:11] It's a Hilux. It was a -- white. And as to the windows, I -- I don't  
11 know.

12 Q. [15:05:27] Mr Witness, just to be clear, I'm not referring to a Hilux here. I'm  
13 referring to a white *fourgonette*. Do you recall referring to a *fourgonette*?

14 A. [15:05:48] The *fourgonette* I talked about belonged to the police, the Islamic  
15 police.

16 Q. [15:06:14] And what did the windows of that *fourgonette* look like?

17 A. [15:06:24] I don't know whether they had put plastic film on them or not.

18 Q. [15:06:42] Well, Mr Witness, could you see through these windows?

19 A. [15:07:14] That's things that one doesn't pay much attention to. And as  
20 a vehicle drives past, that's really not something you pay any attention to.

21 Q. [15:07:31] Did Adam give locals money if they needed it?

22 A. [15:07:38] Yes. If people asked him for it -- people said that they were given  
23 some. Yes, there were people who said that.

24 Q. [15:08:11] Did he give people food?

25 A. [15:08:34] Yes, he gave them food. And there were others who also said that

1 he'd given them rice.

2 Q. [15:08:49] Now, Mr Witness, speaking of the locals that you have spoken to  
3 yourself, did they tell you that they appreciated Adama's actions?

4 A. [15:09:43] Yes. Because when you don't have much yourself and there's  
5 somebody who organises things for you, you can explain things to, and they're sorted,  
6 that's -- that's -- that's good. There's no one other than God that can arrange that,  
7 and that's -- that's a good thing.

8 Q. [15:10:14] Now, Mr Witness, after the departure of the Islamists, did Adam  
9 return with presents?

10 A. [15:10:51] Yes -- well, Adam -- Adama, we -- we didn't ever see him again.  
11 He -- we never saw him anymore.

12 Q. [15:11:05] When he died, do you know if anyone was upset or sad that he had  
13 died?

14 A. [15:11:49] Yes. There -- his death was announced, but that wasn't true. And  
15 then he came back and he bought wood, but in fact he was the one who -- who mixed  
16 things up.

17 THE INTERPRETER: [15:12:17] Correction from the Songhai booth: You yourself  
18 muddled things.

19 MS TAYLOR:

20 Q. [15:12:40] So, Mr Witness, perhaps if you could clarify things for us. What do  
21 you mean when you say, "I muddled things" or "We've muddled things"?

22 A. [15:13:45] By asking whether he was dead. Because at that time, he wasn't  
23 dead. And then you asked about after the Islamists had gone. He wasn't dead.  
24 He came back. And when he came back, he bought wood for heating.  
25 So he wasn't dead at that point.

1 Q. [15:14:10] Thank you for that clarification.

2 In terms of this wood he bought for heating, was that for the locals that he bought it  
3 for?

4 A. [15:14:44] Yes, he brought it for the people close to him. He brought it for them.  
5 And when somebody came from a journey and brings -- if somebody comes back  
6 from a journey and brings you something, even if it's just a date, well, that's a very  
7 nice thing.

8 Q. [15:15:10] Do you know where Adama lived?

9 A. [15:15:36] No, I don't know where he lived. But he would pass, and whenever  
10 he passed, people will shout, "Adama, Adama."

11 Q. [15:15:50] Now, Mr Witness, speaking of this initial phase, were you aware  
12 whether Adama was the emir of the Islamic police?

13 A. [15:16:34] It -- Adama had been there for quite a long time. He had opened the  
14 office, and things were not always clear initially. And then the people said, "Adama  
15 is an Islamist. Adama is an Islamist," and that's how it was.

16 Q. [15:17:00] And when Adama was there, in the BMS, would he hear complaints  
17 from locals?

18 A. [15:17:56] At that time, there were not complaints from people. It was just if  
19 somebody wanted to -- was going to be attacked or -- but -- but there weren't many.  
20 I didn't hear talk of complaints.

21 THE INTERPRETER: [15:18:21] Correction: If somebody was attacked.

22 MS TAYLOR: [15:18:24]

23 Q. [15:18:25] So, Mr Witness, I'm going to turn to Al Hassan. Is it correct that you  
24 yourself were not in a position to know if there were any chiefs or supervisors above  
25 him?

1 A. [15:19:12] Well, I don't know whether he had superiors, but all I know is what I  
2 heard was -- and that was that he was in the office at that point.

3 Q. [15:19:29] Now, Mr Witness, you spoke of a dispute concerning a goat.  
4 Was this dispute between a local woman and a local Arab?

5 A. [15:20:10] Yes. These were people from the local population.

6 Q. [15:20:20] And just to be clear, the goat was given to the woman and not the  
7 Arab man?

8 A. [15:20:44] Yes. It was given to the woman, to the woman.

9 Q. [15:20:52] Now, at transcript 137, page 38, you spoke of a dispute concerning an  
10 electricity bill.

11 Did this dispute concern a Tamasheq noir who had stopped providing electricity to  
12 a local Arab because the local Arab had not paid the bill?

13 A. [15:21:41] Yes.

14 Q. [15:21:45] And is it correct that it was the Arab who was told to pay the money  
15 he owed to the Tamasheq noir?

16 A. [15:22:30] When -- yes. When they came, they said that the money had to be  
17 paid. And that was a problem that existed in the time of Mali - and that actually  
18 everything that confirmed the time of Mali, they -- they weren't considered -- they  
19 weren't concerned with.

20 But -- but from that time, he should have the electricity put back because they were  
21 going to take this on themselves. They were going to be responsible for the  
22 electricity.

23 Q. [15:23:16] I'm just going to show a video, Mr Witness. It's Defence tab 37. It's  
24 MLI-OTP-0012-1813. It's a video dated 15 December 2012. And we'll play it  
25 without sound. And we'll stop at 1:08.

1 (Viewing of the video excerpt)

2 MS TAYLOR: [15:26:04]

3 Q. [15:26:04] Now, Mr Witness, do you know what this location is?

4 A. [15:26:22] Yes. It's the Islamic police.

5 Q. [15:26:27] Now, Mr Witness, can you see on the right-hand side of the photo  
6 a window with metal grilles? It's just -- and it has a car parked in front of it.

7 PRESIDING JUDGE MINDUA: [15:26:55](No interpretation)(Overlapping speakers)

8 THE WITNESS: [15:26:57](No interpretation)(Overlapping speakers)

9 MS LUPING: [15:27:00] Mr President, I -- could I just ask that the sound be cut off  
10 to -- to the witness.

11 PRESIDING JUDGE MINDUA: [15:27:13](Interpretation) Court officer, please.

12 THE COURT OFFICER: [15:27:15] Your Honours, the sound has been cut off.

13 PRESIDING JUDGE MINDUA: [15:27:17](Interpretation) Thank you very much.  
14 Madam Prosecutor.

15 MS LUPING: [15:27:19] Mr President, your Honours, if I am -- I believe I'm correct  
16 that this is actually a film footage of the BMS building at the time of the *Hesbah*. My  
17 concern would be not to mislead the witness. I mean you can't actually see what the  
18 sign is on the building for the clip that he's been shown. And I would just want to  
19 ensure that he's -- he's not induced or led into any kind of error on this because I do  
20 believe that this is a similar footage to what was shown to a previous witness where  
21 the -- when you see the full sign, you can see that it has the sign for the *Hesbah*.  
22 But Defence counsel can clarify and confirm, but I -- I don't think this is the BMS at  
23 the time of the Islamic police.

24 MS TAYLOR: [15:28:06] Mr President, if I may?

25 PRESIDING JUDGE MINDUA: [15:28:15](Interpretation) Yes. Please proceed,

1 Ms Taylor. But I have the impression that you were finding it difficult to show us  
2 this video.

3 MS TAYLOR: [15:28:25] Thank you, Mr President. It was difficult to get that exact  
4 point.

5 Now, the Prosecutor may have heard. I gave the date of the video, which was 15  
6 December 2012. I specifically gave that date. Now, I have a very specific question  
7 to the witness, and it's necessary for me to play a video with this date for this reason.  
8 And I do ask that we be allowed to put questions to the witness without premature  
9 objections.

10 Now, the Prosecutor, I believe, has itself not followed a specifically clear line of  
11 questioning with this witness when it comes to the BMS. So I don't believe that I  
12 should be using words such as "*Hesbah*" when they're not the words that are being  
13 used by the witness himself.

14 So I would ask that we don't have any objections when I haven't even put a question.  
15 I haven't asked him to identify the building. I have a very specific question.

16 PRESIDING JUDGE MINDUA: [15:29:30](Interpretation)

17 Madam Prosecutor.

18 MS LUPING: [15:29:31] Mr President, if I look at page 70 at lines 17 to 18 -- and this  
19 is the way it's certainly been translated also for the witness.

20 (Interpretation) "Mr Witness, do you know where this place is?" (Speaks English)

21 The witness responded:

22 (Interpretation) "Yes, it's the Islamic police."

23 (Speaks English)(Overlapping speakers) My concern is simply that just simply stating  
24 the date of the video may not be sufficient for this witness. He's asked to look at the  
25 video. And knowing this footage and being familiar with who filmed it, this is at the

1 time of the *Hesbah*. This witness has actually made reference to the *Hesbah*  
2 occupying the BMS and that the police moved to the *Gouvernorat*. He has explicitly  
3 used the word "*Hesbah*." That's why I'm using the word "*Hesbah*."  
4 In fairness to this witness, I do believe he needs to be informed that this is at the time  
5 of the *Hesbah*.

6 A date is not sufficient for this witness. It will be too confusing for him.

7 MS TAYLOR: [15:30:43] Mr President, if I may?

8 PRESIDING JUDGE MINDUA: [15:30:50](Interpretation) Court officer, did you cut  
9 the link to the witness?

10 THE COURT OFFICER: [15:30:56] It's still cut off.

11 PRESIDING JUDGE MINDUA: [15:31:00](Interpretation) Very well. Ms Taylor.

12 MS TAYLOR: [15:31:02] Mr President, my line of questioning, if I had been allowed  
13 to pursue it, specifically concerns the writing underneath that window. I was  
14 intending to ask the witness if he's aware when that writing was put there. Now,  
15 that line of questioning I should be allowed to pursue. I didn't ask the witness who  
16 was occupying the building at this time. He was the one that described it as the  
17 police Islamic. Now I really do ask that I be allowed to put this line of questioning to  
18 the witness without any premature objections which appear to be of testimonial  
19 nature.

20 PRESIDING JUDGE MINDUA: [15:31:53](Interpretation) Ms Taylor, you can't turn  
21 down all the objections.

22 Madam Prosecutor, I think this is a bit premature this time. Let Ms Taylor put her  
23 question again.

24 Ms Taylor.

25 MS TAYLOR: [15:32:10] Mr President, if the sound could be established for the



- 1 witness so that I can put the question to the witness.
- 2 PRESIDING JUDGE MINDUA: [15:32:20](Interpretation) Of course. Courtroom  
3 officer, if you could.
- 4 THE COURT OFFICER: [15:32:24] The sound has been re-established.
- 5 PRESIDING JUDGE MINDUA: [15:32:29](Interpretation) Thank you very much.  
6 Ms Taylor.
- 7 MS TAYLOR: [15:32:31]
- 8 Q. [15:32:33] Mr Witness, can you see a window with metal grilles and a car parked  
9 in front of it?
- 10 A. [15:33:15] Yes.
- 11 Q. [15:33:17] Mr Witness, do you know when that writing was put there?
- 12 A. [15:33:35] What's written there?
- 13 Q. [15:33:41] Mr Witness, there's writing underneath the -- the window, and it says,  
14 "Police." Do you know when that writing was put on the wall?
- 15 A. [15:33:57] No. No, I don't know.
- 16 Q. [15:34:17] Mr Witness, as I mentioned, this video is dated December 2012. Do  
17 you know if this writing was on the wall for the time when the Islamists were in the  
18 building?
- 19 A. [15:35:12](No interpretation) (Overlapping speakers)
- 20 PRESIDING JUDGE MINDUA: [15:35:14](Interpretation)  
21 Madam Prosecutor.
- 22 MS LUPING: [15:35:16] Mr President, perhaps if I could ask that the sound be cut  
23 off to the witness.
- 24 PRESIDING JUDGE MINDUA: [15:35:25](Interpretation) Courtroom officer, please  
25 cut the sound.

1 THE COURT OFFICER: [15:35:31] Your Honours, the sound has been cut off.

2 PRESIDING JUDGE MINDUA: [15:35:36](Interpretation) Thank you very much.

3 Madam Prosecutor.

4 MS LUPING: [15:35:39] Three quick points, Mr President.

5 First, what we see on the screen has P-O-L-I-C. I believe that, first of all, it's

6 a question of -- I mean, it possibly is "police", but we can't actually see fully what is

7 actually written there. And on this point, we would say that the Defence is actually

8 testifying on the point. That's the first point.

9 The second point is, he was asked explicitly by Defence counsel if he knows when it

10 was written on the wall. And he stated very clearly, "No. *Non, je ne sais pas.*"

11 (Interpretation) "No, I don't know."

12 (Speaks English) (Overlapping speakers) He was asked that question, and he clearly

13 said he doesn't know.

14 Now we are having a second question, and the question is:

15 "Do you know if this was written during the period that the Islamists were in the

16 building?"

17 I mean, it's -- it has been asked. It was answered. Now we have a question which

18 is extremely unclear, because we know that there was more than one group within

19 the building. We had the police, we've had *Hesbah* -- the witness has testified to that.

20 So now this is not only asked and answered, but it's also an extremely unclear and

21 unfair question for the witness.

22 PRESIDING JUDGE MINDUA: [15:37:02](Interpretation) Ms Taylor, I'm somewhat

23 doubtful about the question you're putting to the witness about this exhibit. I have

24 the document here from the Victims and Witnesses Section that says that the witness

25 does not know how to read very well. So he doesn't even know what's written on

1 the wall, and then you're asking him questions about various series of dates. I'm not  
2 so sure he'll be able to reply.

3 So, clearly, we have some problems here.

4 What do you think?

5 MS TAYLOR: [15:37:44] Mr President, this witness has been called by the  
6 Prosecution due to their case as concerns what he could see and observe taking place  
7 at this building during the course of 2012.

8 I haven't asked him to read the words. But as someone who was present in front of  
9 the BMS, the question is whether he recalls when it was put on the BMS and if  
10 it was -- that wording was there the entire time.

11 Now, as the Prosecution may recall, a video was shown with P-55, which dates from  
12 June 2013 where you can clearly see P-O-L-I-C-E. So it's not in dispute that it was  
13 there. The question is the witness's powers of observation.

14 And I do believe that I didn't actually ask the same question twice. It wasn't  
15 interpreted correctly in the French. The second question was whether it was there  
16 for the time -- the entire time that the Islamists were there. I wasn't asking when it  
17 was put there for a second time.

18 Now, the witness has answered. I believe we can move on. I was actually about to  
19 move on when the Prosecution objected. So we lose a lot of time for objections that  
20 are not relevant because I was actually moving on.

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

22 Madam Prosecutor, Ms Taylor would like to move on to something else. What  
23 would you like to add?

24 MS LUPING: [15:39:24] If -- if Defence counsel is moving to a wholly different  
25 question and is not going to seek to have the interpretation of an answer that we

1 believe is unfairly put -- put on the record, then we would indeed have no further  
2 objection to that. It was just simply that the witness has been asked, he has  
3 answered, and the last question was extremely unclear.

4 But if Ms Taylor is not going to simply say, as soon as the correction is made, "I now  
5 want the interpretation of the response," then, indeed, we -- we would be happy for  
6 us to continue.

7 PRESIDING JUDGE MINDUA: [15:40:05](Interpretation) Understood.

8 Ms Taylor, please move forward.

9 MS TAYLOR: [15:40:10] Thank you, Mr President. I'm not changing topics. I'm  
10 asking new questions. But it doesn't concern this specific video.

11 PRESIDING JUDGE MINDUA: [15:40:25](Interpretation) Very well. Go ahead.

12 MS TAYLOR: [15:40:27] Has the sound been established with the witness?

13 PRESIDING JUDGE MINDUA: [15:40:35](Interpretation) Courtroom officer?

14 THE COURT OFFICER: [15:40:39] Your Honors, the sound has been re-established.

15 PRESIDING JUDGE MINDUA: [15:40:42](Interpretation) Thank you very much.

16 Ms Taylor.

17 MS TAYLOR:

18 Q. [15:40:45] Now, Mr Witness, at transcript 137, page 18, lines 2 to 6, the

19 Prosecution said:

20 Question: "And -- so, to be clear, was Mohamed Moussa working with *Hesbah*?"

21 Answer: "Well, it's the same thing. Like the gendarmerie, the police, it's the same  
22 thing, in fact.

23 When he left there -- when he left the justice centre, when he came to the BMS to  
24 [the] -- for the police."

25 Mr Witness, did Hamed Moussa work for the police at the BMS?

- 1 A. [15:42:11] Yes, he worked there. He worked there.
- 2 Q. [15:42:15] Now, Mr Witness, did the people working for Mohamed Moussa  
3 wear a vest?
- 4 A. [15:42:40] Yes, they did.
- 5 Q. [15:42:43] And what did those vests look like?
- 6 A. [15:43:04] Blue. And there was writing on the vests in both Arabic and French.
- 7 Q. [15:43:16] Did anyone tell you what the writing meant?
- 8 A. [15:43:51] That's what everyone said, that it -- it was written "police". That's  
9 "police" in French and in Arabic. That's what people said.
- 10 Q. [15:44:07] Mr Witness, is it correct that you don't know what the word "*Hesbah*"  
11 means?
- 12 A. [15:44:32] No, I don't. That's how it was written, but I didn't ask.
- 13 Q. [15:44:42] Mr Witness, was it difficult for you to distinguish between the  
14 different Islamists and the different sections they worked for?
- 15 A. [15:45:16] We don't know, but everyone called them the "Islamists". And that's  
16 all.
- 17 Q. [15:45:26] Now, speaking still of Hamed Moussa - or Mohamed Moussa - did  
18 you hear originally or initially -- that is, at the beginning of the events, that he was  
19 with the MNLA?
- 20 A. [15:46:29] Yes. Basically it was one of his colleagues who had said that the  
21 soldier -- the Malian soldiers had slit their throats. If they saw them, they would slit  
22 their throats. And afterwards, he went into Ansar Dine.
- 23 Q. [15:47:01] Now, Mr Witness, did you hear or learn that Hamed Moussa had  
24 wanted the Islamists to leave Timbuktu?
- 25 A. [15:47:44] Yes, at the beginning when they came and there was all those things.

1 But afterwards, he rallied them.

2 Q. [15:47:58] Now, speaking of the beginning, did you hear or learn that Hamad  
3 Moussa had said that he would do what he could to make the Islamists leave  
4 Timbuktu?

5 A. [15:48:56] Yes. Those were the two remarks, the two cases. That's what he  
6 said about the soldiers and the Islamists. That is what he had said. And at the end,  
7 he -- he joined their group, and the other one went to look.

8 Q. [15:49:35] Mr Witness, in the transcript, French, we have:  
9 (Interpretation) And the other one went to look.

10 (Speaks English) Is that what you said, or did you refer to a name?

11 A. [15:50:16] Yes. Well, I didn't give a person's name. The person who told this  
12 story ... It's the person who told the story. It's him, and he is the one who didn't  
13 want to tell it, in fact, when he joined the others.

14 Q. [15:50:41] What is the name of this person who told the story?

15 MS TAYLOR: [15:51:01] Mr President, if we can go into private session.

16 PRESIDING JUDGE MINDUA: [15:51:07](Interpretation) Courtroom officer.

17 (Private session at 3.51 p.m.)

18 THE COURT OFFICER: [15:51:12] We are in private session, Mr President.

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Open session at 3.55 p.m.)

24 THE COURT OFFICER: [15:55:41] We are back in open session, Mr President.

25 PRESIDING JUDGE MINDUA: [15:55:46](Interpretation) Thank you very much.

1 Ms Taylor.

2 MS TAYLOR: [15:55:50]

3 Q. [15:55:51] Now, Mr Witness, at transcript 138, page 8 to 9, you refer to an  
4 individual called Al Housseyni, and you said he became mad.

5 Was Al Housseyni arrested in 2013?

6 A. [15:56:35] Yes. He was caught, but apparently they did release him, but he  
7 went crazy now.

8 Q. [15:56:44] I'm going to play a video without sound. It's Defence tab 52. It's  
9 MLI-D28-0004-0003. I'm going to play it without sound from 21 seconds until 38  
10 seconds on evidence 2.

11 (Viewing of the video excerpt)

12 MS TAYLOR: [15:57:23]

13 Q. [15:57:25] Mr Witness, did you recognise anyone in these scenes?

14 A. [15:57:40] Yes.

15 Q. [15:57:43] Who did you recognise?

16 A. [15:58:04] The one wearing the white turban.

17 Q. [15:58:09] Who is that individual?

18 A. [15:58:21] Seydou is his name.

19 Q. [15:58:27] We'll scroll back to get the time stamp.

20 (Viewing of the video excerpt)

21 MS TAYLOR: [15:58:47] I'm stopping at point 35.

22 Q. [15:58:47] Is this the person you referred to as Seydou?

23 A. [15:59:17] Yes.

24 Q. [15:59:20] Is his full name Seydou Baba de Kounta?

25 A. [15:59:44] Yes.



1 Q. [15:59:46] Were you present on this day when this man was taken from the  
2 building?

3 A. [16:00:09] No. I wasn't there.

4 Q. [16:00:14] Do you know who this man was?

5 PRESIDING JUDGE MINDUA: [16:00:31](No interpretation)

6 THE INTERPRETER: Overlapping.

7 MS LUPING: [16:00:37] Mr President, I'd just ask that the sound be briefly cut from  
8 the witness.

9 PRESIDING JUDGE MINDUA: [16:00:47](Interpretation) Officer, courtroom officer,  
10 if you could.

11 THE COURT OFFICER: [16:00:51] The sound has been cut off.

12 PRESIDING JUDGE MINDUA: [16:00:54](Interpretation) Thank you very much.

13 Madam Prosecutor

14 MS LUPING: [16:01:00] Mr President, the witness was asked if there's any  
15 individuals that he recognised in this footage. He's named one person whom he's  
16 identified as the person with the white turban. Now, we appear to be -- to be talking  
17 about a completely different person as the person who was taken from the building.  
18 And it's very unclear because the footage has not been shown to the witness of the  
19 person who was apparently taken from the building.

20 If this proposition is going to be put to the witness, he should at least, in fairness to  
21 him, be shown the correct part of the video so that he can understand who Defence  
22 counsel is referring to. He's already also stated that he wasn't actually there when it  
23 was taken. But to ask -- then to ask, Do you know who this person is, when he's  
24 already said he didn't recognise anybody in the footage, it's all very unclear.

25 MS TAYLOR: [16:01:50] I'm happy to play it again, Mr President. But I'm also

1 noting it's now two past four. So rather than playing it -- we'll lose time I believe.  
2 If I can just play it tomorrow.

3 PRESIDING JUDGE MINDUA: [16:02:03](Interpretation) Yes, indeed. I think that's  
4 the best solution. So we are going to re-establish the sound.  
5 Courtroom officer?

6 THE COURT OFFICER: [16:02:13] Your Honours, the sound has been re-established.

7 PRESIDING JUDGE MINDUA: [16:02:29](Interpretation) Thank you very much.  
8 Mr Witness, it's two minutes past four, so our day has come to an end.  
9 Unfortunately, your testimony is not yet over. We shall resume tomorrow at 9.30.  
10 On behalf of the Chamber, I thank you very much for being so patient and for being  
11 so clear in your answers.

12 THE WITNESS: [16:03:29](Interpretation) I thought we were going to finish today.

13 PRESIDING JUDGE MINDUA: [16:03:34](Interpretation) That is why I said  
14 "unfortunately." So please be patient, if you could, and I hope that we will conclude  
15 tomorrow. In the meantime ...  
16 Yes, please, interpretation.

17 In the meantime, as you already must realise, you are not allowed to talk about your  
18 testimony to anyone at all. Thank you very much.  
19 Before adjourning, I would like to thank all parties and participants. I thank the  
20 court reporters and interpreters, and I have not forgotten our security officers or our  
21 public.  
22 I would like to wish everyone a very pleasant evening, and we will see one another  
23 tomorrow at 9.30.  
24 We are now going to adjourn.  
25 The hearing is now adjourned.

Trial Hearing  
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(Open Session)

ICC-01/12-01/18

- 1 THE COURT USHER: [16:04:58] All rise.
- 2 (The hearing ends in open session at 4.05 p.m.)