

Trial Hearing
WITNESS: MLI-OTP-P-0654

(Open Session)

ICC-01/12-01/18

1 International Criminal Court
2 Trial Chamber X
3 Situation: Republic of Mali
4 In the case of The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag
5 Mahmoud - ICC-01/12-01/18
6 Presiding Judge Antoine Kesia-Mbe Mindua, Judge Tomoko Akane and
7 Judge Kimberly Prost
8 Trial Hearing - Courtroom 3
9 Wednesday, 8 September 2021
10 (The hearing starts in open session at 9.42 a.m.)
11 THE COURT USHER: [9:42:18] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE MINDUA: [9:42:50](Interpretation) The hearing shall now
15 begin.
16 Good morning, everyone.
17 Courtroom officer, kindly call the case.
18 THE COURT OFFICER: [9:42:59] (Microphone not activated)
19 PRESIDING JUDGE MINDUA: [9:43:09](Interpretation) Microphone.
20 THE COURT OFFICER: [9:43:10] My apologies for that.
21 Good morning, Mr President, your Honours.
22 This is the situation in the Republic of Mali, in the case of The Prosecutor versus
23 Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud, case reference
24 ICC-01/12-01/18.
25 And, for the record, we are in open session.

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1 PRESIDING JUDGE MINDUA: [9:43:33](Interpretation) Thank you very much,
2 courtroom officer.

3 As is the case every morning, we will now proceed with introductions, starting with
4 the OTP.

5 Madam Prosecutor.

6 MS LUPING: [9:43:44] (Overlapping speakers) Good morning, Mr President. Good
7 morning, your Honours. Appearing on behalf of the Prosecution this morning are
8 the same people as yesterday. That's Mr Duterte, Mr Sandoval, and myself, Dianne
9 Luping.

10 PRESIDING JUDGE MINDUA: [9:44:09](Interpretation) Thank you very much,
11 Ms Luping.

12 And now the Defence. Counsel.

13 MS TAYLOR: [9:44:15] Good morning, Mr President. Good morning, your
14 Honours. Good morning to everyone in the courtroom and around. The Defence
15 for Mr Al Hassan is represented today by Ms Julia Basile and myself, Melinda Taylor.
16 Thank you.

17 PRESIDING JUDGE MINDUA: [9:44:28](Interpretation) Thank you very much,
18 Ms Taylor.

19 And now Legal Representatives of Victims. Counsel.

20 MR KASSONGO: (Interpretation) Good morning, your Honours. Thank you.
21 Good morning, everyone. The Representatives of Victims are represented by
22 Ms Dipanga and myself, Mr Kassongo. And I thank you.

23 PRESIDING JUDGE MINDUA: [9:44:49](Interpretation) Thank you very much,
24 Counsel.

25 And now the witness.

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- 1 Good morning, Mr Witness. How are you this morning?
- 2 WITNESS: MLI-OTP-P-0654 (On former oath)
- 3 (The witness speaks French)
- 4 (The witness gives evidence via video link)
- 5 THE WITNESS: [9:45:00](Interpretation) Good morning, your Honour.
- 6 PRESIDING JUDGE MINDUA: [9:45:01](Interpretation) I remind you that this
- 7 morning we continue with hearing the testimony of Witness P-0654, a Prosecution
- 8 witness. And we are still in the process of examination-in-chief.
- 9 Mr Witness, once again, I welcome you.
- 10 THE WITNESS: [9:45:29](Interpretation) Thank you.
- 11 PRESIDING JUDGE MINDUA: [9:45:31](Interpretation) And I remind you, you are
- 12 still under oath, and you must tell the truth, the whole truth and nothing but the
- 13 truth.
- 14 I remind you as well of the instructions that I gave you about addressing the Court.
- 15 Now, before handing over to the Prosecution, I would like to remind parties and
- 16 participants that this morning we will just be sitting for two hours, and we have
- 17 already -- we are already behind. And so we will be actually going until 11.40 this
- 18 morning. And this will be our only session today.
- 19 Without any further ado, I hand over to the Prosecution.
- 20 Madam Prosecutor.
- 21 QUESTIONED BY MS LUPING: [9:46:17] (Continuing)
- 22 Q. [9:46:20] Good morning, Mr Witness.
- 23 A. [9:46:21] Good morning, Counsel.
- 24 Q. [9:46:23] Mr Witness, I'm just going to start this morning by referring to a
- 25 passage from your testimony yesterday. That was from transcript 128. It was the

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- 1 French real-time transcript, where you referred to -- and I'm going to quote:
2 (Interpretation) "I know that the Crisis Committee had submitted a number of
3 complaints about Iyad." End of quote.
4 (Speaks English) And one of the examples you gave related to examinations for
5 students.
6 And you went on to explain, and this is now at page 5, lines 3 to 9: (Interpretation)
7 "And as such, the conditions were set to reopen the schools. The first prerequisite
8 was to separate the boys from the girls. And the second was that" --
9 THE INTERPRETER: [9:47:28] Inaudible.
10 MS LUPING: [9:47:32]
11 Q. (Interpretation) "That was the main prerequisite in actual fact. There could not
12 be boys and girls together in the same classes. That was the main reason." End of
13 quote.
14 (Speaks English) Mr Witness, I'm now going to show to you a series of video excerpts
15 that can be played in public. I am going to first play at -- one excerpt without sound.
16 It requires no interpretation. It's found at tab 183. That's MLI-OTP-0012-1584.
17 (Viewing of the video excerpt)
18 MS LUPING: [9:48:29] And I stopped at 00:00:00:18.
19 Q. [9:48:37] Mr Witness, do you recognise this location?
20 A. [9:48:40] Yes.
21 Q. [9:48:41] And where is that?
22 A. [9:48:45] It's in Timbuktu at the *lycée*.
23 Q. [9:49:05] And what is the significance of the excerpt that we -- that -- of this
24 image that we see here?
25 A. [9:49:15] This illustrates one of the prerequisites of the occupiers in 2012. The

1 boys and girls were not to be in the same classes. The boys are together, and the
2 girls are together.

3 MS LUPING: [9:49:36] I'm now going to play this with sound, but no interpretation
4 is necessary. It's a very short clip.

5 (Viewing of the video excerpt)

6 MS LUPING: [9:49:50] My apologies. The ERN is, in fact, 0012-1580. And I just
7 note that I've played the entirety of that excerpt.

8 Q. [9:50:19] And, Mr Witness, could repeat the name of the *lycée*, and if you could
9 spell it for the record. It hasn't been captured.

10 A. [9:50:27] The *lycée* Mahamane Alassane Haïdara. I will spell it out.

11 Mahamane, M-A-H-A-M-A-N-E. Then Alassane, H -- correction, A-L-A-S-S-A-N-E.

12 And then Haïdara, H-A-I-D-A-R-A, two little dots over the I.

13 Q. [9:51:34] Thank you. I'm now going to show you another extract.

14 It can also be shown publicly. The ERN is 0012-1578. I'm going to first be playing it
15 without sound.

16 (Viewing of the video excerpt)

17 MS LUPING: [9:51:52] And I have stopped at 1 second.

18 Q. [9:51:52] Mr Witness, do you recognise the location?

19 A. [9:51:54] Yes. This is the same place, the same *lycée*.

20 Q. [9:52:01] And what is the significance of this image that we see?

21 A. [9:52:11] This is a perfect illustration of one of the prerequisites of the occupants
22 at the time, namely, that the girls had to be separated from the boys in the classrooms.

23 Q. [9:52:28] I'm now going to be playing it with sound.

24 (Viewing of the video excerpt)

25 MS LUPING: [9:53:28] We now have another extract. That's 0012-1579. And this

1 can be shown in public. I'm going to be playing first without sound.

2 (Viewing of the video excerpt)

3 MS LUPING: [9:53:50] And I've stopped at 00:00:00:14.

4 Q. [9:53:51] Mr Witness, can you confirm the -- whether this is the same location.

5 A. [9:53:58] Yes. That is the same school, the *lycée*.

6 THE INTERPRETER: [9:54:01] Overlapping.

7 MS LUPING: [9:54:08]

8 Q. [9:54:09] (Overlapping speakers) -- explain the significance of what we're seeing
9 here?

10 A. [9:54:15] This illustrates -- shooting from behind, this illustrates how all the girls
11 were dressed in the classroom. And this too was one of the prerequisites. The girls
12 had to be well protected with veils. Those who didn't have veils had to wear
13 headscarfs so as to protect (Overlapping speakers)

14 Q. [9:54:41] And can you clarify that these were prerequisites of which organisation
15 or group?

16 A. [9:54:51] Yes. The occupants, the Islamists at that time. One of the main
17 conditions was separating the boys from the girls in the classroom. Then there were
18 other minor prerequisites such as the clothing of the students, particularly the
19 young girls. They had to cover themselves up, dress properly with veils, traditional
20 veils, or that sort of thing.

21 MS LUPING: [9:55:26] I'm now going to play it with sound. No interpretation is
22 necessary. I'll be showing the entirety of this very short excerpt.

23 (Viewing of the video excerpt)

24 MS LUPING: [9:55:41] Again, we have another short excerpt. It is 0012-1586. I'll
25 be playing it without sound.

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1 (Viewing of the video excerpt)

2 MS LUPING: [9:56:19]

3 Q. [9:56:20] And what do we see in this image before us?

4 I've stopped at 01:15.

5 A. [9:56:29] This is the main entrance to the *lycée* itself, the Mahamane Alassane

6 Haidara *lycée*.

7 MS LUPING: [9:56:56] Mr President, if we could briefly go into private session,

8 please.

9 PRESIDING JUDGE MINDUA: [9:57:01](Interpretation) Courtroom officer, private
10 session, please.

11 (Private session at 9.57 a.m.)

12 THE COURT OFFICER: [9:57:05] We are in private session, Mr President.

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

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6 (Redacted)

7 (Open session at 10.20 a.m.)

8 THE COURT OFFICER: [10:20:13]We're in open session, Mr President.

9 PRESIDING JUDGE MINDUA: [10:20:15](Interpretation) Thank you very much,
10 Mr Courtroom officer.

11 Madam Prosecutor.

12 MS LUPING: [10:20:20] Thank you, Mr President.

13 Q. [10:20:20] Now, Mr Witness, unfortunately, I do not have the French transcript
14 to be able to check your precise words in front of me, and I believe there may have
15 been a problem with interpretation.

16 But just to repeat what was captured in the English transcript where you stated -- and
17 that's at page 17 from line 13 of today's transcript. Firstly, the schools were a target
18 for the shipments at that time who did not want Western subjects to be taught." End
19 of quote.

20 Could you explain again, Mr Witness, what you actually said.

21 The schools were a target for who or what at the time?

22 A. [10:21:22] Firstly, the Islamists were not in agreement with the principles
23 underlying the teaching in our schools. Firstly, the subjects taught were not
24 compatible with religion. Secondly, the attitudes of the pupils was not compatible
25 with society, and these are reasons that encourage the Islamists not to accept the

1 modern form of school and this is why schools became a target and they were
2 automatically closed. For the final-year students to have catch-up classes had to be
3 negotiated and there had to be conditions laid down and, as I said, one of which was
4 to separate girls and boys. Another condition was the attire to be worn by the
5 young girls at school. So that is how I can explain to you the attitude of the Islamists
6 towards classical schools.

7 Q. [10:22:43] Mr Witness, you've explained that the Islamists were not in agreement
8 with the principles underlying the teaching in your schools, the example given that
9 the subjects taught were not compatible with religion.

10 Could you explain what you mean by that?

11 A. [10:23:11] Well, in their mind, a Malian pupil, and especially the pupils of
12 Timbuktu, had to be taught what is in the Koran. So the Koran teaches many
13 subjects without referring to Western culture, nor to any Western language either.
14 So that was one aspect.

15 On the other hand, it was not well-seen for girls and boys to share the same classroom,
16 and that is why I said precisely that.

17 Q. [10:24:19] You also stated that the student said, "... her fellow pupils [should] no
18 longer feel fearful and it is no longer the occupation and that they should feel secure
19 and come back to school." End of quote.

20 Why were the students fearful during the occupation?

21 A. [10:24:49] They were fearful because the schools had been closed.

22 PRESIDING JUDGE MINDUA: [10:24:53](Interpretation) Ms Taylor, please.

23 MS TAYLOR: [10:24:55] Thank you, Mr President.

24 The witness has on an earlier occasion used the word "occupation" to refer to two
25 periods of time, the period during 2012 and also the period in 2013. So I believe it

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1 would be more helpful for the Prosecution to frame the question in a way which
2 makes very specific the year that's being referred to.

3 MS LUPING: [10:25:19] Mr President?

4 PRESIDING JUDGE MINDUA: [10:25:22](Interpretation) No, Madam Prosecutor.
5 Please don't answer immediately.

6 I would like to say to you that from the interpreters there has been a complaint
7 because you have not been waiting for the interpretation into English. So you need
8 to give the interpreters the time to do their job properly, please.

9 Now, you can answer the concern of Ms Taylor now, please.

10 MS LUPING: [10:25:51] Apologies, Mr President. The problem is I'm listening in
11 French and that is why I'm not giving sufficient time for the interpreters. I will try to
12 remember my pauses.

13 (Redacted)

14 (Redacted). He has stated -- could I please

15 actually request, before my colleague stands on her feet again, if I request the
16 microphone to the witness to be cut off.

17 PRESIDING JUDGE MINDUA: [10:26:32](Interpretation) Mr Courtroom Officer,
18 could you please cut the link off with the witness.

19 THE COURT OFFICER: [10:26:43]Your Honours, the sound has been cut off at the
20 VTC location.

21 PRESIDING JUDGE MINDUA: [10:26:49](Interpretation) Thank you very much.
22 Madam Prosecutor.

23 MS LUPING: [10:26:52] If I could ask my colleague, please, to give me the courtesy
24 of letting me finish what I'm saying before standing.

25 PRESIDING JUDGE MINDUA: [10:26:56](Interpretation) No, Madam Prosecutor.

1 Please, not talk to -- but please talk to me. (Overlapping speakers)

2 Please continue.

3 MS LUPING: [10:27:07] What I was stating is that in my submission, your Honours,
4 it is extremely already clear to what occupation the witness is referring. He has
5 made it clear that (Redacted) about the period in
6 2013 and he speaks and he uses the word "occupation" when he's referring to events
7 in 2012.

8 Unless my colleague is able to point to me where he has used the specific word
9 "occupation", he has not used the word "occupation" for the period in 2013. He uses
10 a word "reconquest" or "reconquered", which is a different term altogether. I don't
11 believe there's any need to qualify or clarify and it's already also -- I'm simply quoting
12 what he said in the transcript itself.

13 THE INTERPRETER: [10:28:08] Message from the English booth (Overlapping
14 speakers)

15 MS LUPING: [10:28:12] (Overlapping speakers) -- don't appreciate that when I am
16 making my submissions, that there is not the normal courtesy of sitting while I am
17 speaking to give each speaker a turn to speak.

18 THE INTERPRETER: [10:28:24] Message from the English booth: The
19 English booth interpreter misspoke and said (Overlapping speakers)

20 PRESIDING JUDGE MINDUA: [10:28:30] (Interpretation) Over to you, Ms Taylor.

21 MS TAYLOR: [10:28:32] Thank you, Mr President. I'm just going to give that
22 reference, but I do believe the English booth wanted to interject. The reference
23 was -- and this is the only reason why I'm intervening, was that there appeared to be a
24 confusion about the use of the word "occupation". It was page 15, lines 19 to 21.
25 And when asked to say when the witness prepared this article, he said it was the

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1 second month of the occupation. That's in the month of February. And the word
2 "occupation" was being used to describe the events in 2013.

3 Now, it may be an issue of interpretation, but certainly the word "occupation" was
4 used in connection with 2013, which is why I'm suggesting that it might be clearer to
5 use the words -- the years to avoid any issues of confusion that might arise in the
6 future.

7 THE INTERPRETER: [10:29:23] The English booth would like to intervene. The
8 English interpreter misspoke. She meant to say "reconquest" instead of
9 (Overlapping speakers)

10 PRESIDING JUDGE MINDUA: [10:29:32](Interpretation) I think the remark on the
11 part of Ms Taylor is relevant.

12 Madam Prosecutor, please continue.

13 MS LUPING: [10:29:41] Mr President, what I will do once the witness is reconnected,
14 I'll simply ask him to clarify the word used. Unfortunately, because we
15 don't -- didn't at the time have the French transcript, I cannot verify what he precisely
16 stated. Once we have the French back, I can check that.

17 PRESIDING JUDGE MINDUA: [10:30:00] (Overlapping speakers)

18 THE INTERPRETER: [10:30:02] Overlapping speakers again.

19 MS LUPING: [10:30:05] (Overlapping speakers) -- I do notice before reconnection, I
20 see that (Overlapping speakers) --

21 PRESIDING JUDGE MINDUA: [10:30:11](Interpretation) Just a moment.

22 MS LUPING: [10:30:14] I see now, actually, that on Page 23 of the establish
23 transcript, at line 7, the English booth has intervened. The English interpreter
24 explains she misspoke. She meant to say "reconquest". So there we have it,
25 Mr President. There is simply a misinterpretation of the French into English. The

1 witness had not said "occupation", he had said "reconquest". I will not need to ask
2 the witness to clarify that. It's simply an error in the -- in the transcription.

3 PRESIDING JUDGE MINDUA: [10:30:56](Interpretation) Ms Taylor, did you hear
4 that?

5 MS TAYLOR: [10:30:58] Yes. (Overlapping speakers) That's exactly what I just said;
6 that, again, because there may be issues of interpretation, I, again, suggest it's just
7 clearer to use the year so we don't have these issues, particularly given that we don't
8 have the French transcript. That avoids any possible confusion in future questions.

9 PRESIDING JUDGE MINDUA: [10:31:17](Interpretation) Very well. Madam
10 Prosecutor, we shall re-establish the link with the witness.

11 THE COURT OFFICER: [10:31:33] Your Honours, I'm afraid that the sound was
12 re-established, perhaps, a minute and a half ago. So the witness has had the
13 deliberations that have gone on for the last minute and a half. And to confirm that
14 we have the French transcript working. Thank you.

15 PRESIDING JUDGE MINDUA: [10:31:50](Interpretation) Thank you very much,
16 Courtroom Officer. It's not all that serious. We will continue.

17 We have our video link with the witness. And, Madam Prosecutor, you may
18 proceed.

19 MS LUPING: [10:32:00] Thank you, Mr President. If I could just be given a few
20 seconds to reconnect to the French transcript rather than the English. It's easier to
21 follow.

22 Apologies. I -- there is a problem still, I believe, with the French transcript. I can't
23 move it. I'm going to have to disconnect and reconnect with English.

24 I just want to note for the court officer there is a problem at my desk with connecting
25 to the transcriptions. I will try to see if I have any luck with the English, but the

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- 1 French is not working for me. I'll have to sort that out at the break.
- 2 PRESIDING JUDGE MINDUA: [10:33:42](Interpretation) Yes, Courtroom Officer.
- 3 Yes, my French transcript is frozen.
- 4 THE COURT OFFICER: [10:33:58] We have a technician coming by shortly to assist.
- 5 Thank you.
- 6 MS LUPING: [10:34:03]
- 7 Q. [10:34:03] I'm now going to -- Mr Witness, I'm now going to repeat the question
- 8 I had stated before the interventions. Sorry, I just had it and now it's gone. I think
- 9 my -- the transcripts were being rebooted.
- 10 You stated - and I'm going to quote what you had stated - that "The student said her
- 11 fellow pupils should no longer feel fearful and it is no longer the occupation and that
- 12 they should feel secure and come back to school." End of quote.
- 13 My question was this: "Why were the students fearful during the occupation?"
- 14 You responded: "They were fearful because the schools had been closed."
- 15 Could you please continue with your explanation.
- 16 THE INTERPRETER: [10:35:31] No sound from the remote location.
- 17 MS LUPING: [10:35:45] Mr President, I don't know if there was a problem with the
- 18 microphone. The witness doesn't appear to have heard me.
- 19 Has he -- has he been reconnected?
- 20 THE COURT OFFICER: [10:35:55] Your Honours, yes, he has. I have just
- 21 confirmed as well. And I believe maybe asking the same question could resolve this.
- 22 MS LUPING: [10:36:03]
- 23 Q. [10:36:03] Mr Witness, can you hear me?
- 24 A. [10:36:07] I can hear you.
- 25 Q. [10:36:11] All right. I'm going to repeat my question for you. I'm going to

1 quote back to you what was stated and ask you a question.

2 You stated, and I quote, that "The student said that her fellow pupils should no longer
3 feel fearful and that it is no longer the occupation and that they should feel secure and
4 come back to school."

5 I then asked the question: "Why were the students fearful during the occupation?"

6 You started to respond. You stated: "They were fearful because the schools had
7 been closed." End of quote.

8 Could you please continue with your explanation.

9 A. [10:37:02] The schools had been closed in their time by the occupants, by the
10 Islamists, and -- so, as I had said, they didn't -- they didn't want this kind of education.
11 But the students couldn't know that because they -- they closed the schools. They
12 didn't know the reason for that. So that created panic, and many people took their
13 children elsewhere to continue their education. Some students wanted to stay and
14 see how things would pan out.

15 Q. [10:37:50] And you say that some people took their children elsewhere to
16 continue their education. Where did people go to?

17 A. [10:38:26] Many of them went to the rest of the unoccupied territory: Mopti,
18 Ségou, Bamako. I couldn't tell you the exact places, but they scattered throughout
19 the unoccupied region. That was in 2012.

20 Q. [10:38:59] Now I'm going to switch to a different topic. And this can still be in
21 public session.

22 Yesterday you spoke about a couple who were flogged, and you also confirmed that
23 you were present during that.

24 I'm going to show you a first video excerpt. I'll be playing it first without sound.

25 (Viewing of the video excerpt)

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1 MS LUPING: [10:40:31] And that is at tab 432. It's 0041-0615. And I stopped
2 at 1:02.

3 Q. [10:40:49] Mr Witness, do you recognise anybody in this image?

4 A. [10:40:54] Yes. I recognise three people. First of all, in the middle, the Islamic
5 judge.

6 THE INTERPRETER: [10:41:15] Inaudible.

7 THE WITNESS: [10:41:17](Interpretation) He's wearing white, and he has -- he's
8 holding a Kalashnikov. To his left, the great imam of Timbuktu, Ben Essayouti.
9 He's wearing white -- correction -- blue clothing. And then to the right, a young
10 person. That's the imam of Bellafarandi, one of the *assesseur* judges, sort of an
11 assistant to the Islamic judge.

12 MS LUPING: [10:41:52] I'm now going to play the entirety. I'm going to note what
13 the transcript and translation references are. I will be requesting playing with sound
14 and interpretation. The transcript is at tab 433.

15 Court officer. Sorry.

16 THE COURT OFFICER: [10:42:14] If -- if this document, if this video is confidential,
17 do you confirm that we can play it publicly (Overlapping speakers)?

18 MS LUPING: [10:42:21] It can be played publicly. My apologies.

19 THE COURT OFFICER: Thank you.

20 MS LUPING: The transcript is 0078-1334. The translation is at tab 434. That's
21 0078-1346.

22 (Viewing of the video excerpt)

23 MS LUPING: [10:43:16] I just want to note for the record that in the
24 French transcript, the witness referred to Houka Houka. It has not -- it doesn't
25 appear to have been captured in the English transcript at this stage.

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- 1 THE INTERPRETER: [10:43:29] Message from the English booth: Could the
2 translation be inserted later?
- 3 MS LUPING: [10:43:46] (Overlapping speakers) I'm now going to ask, Mr President,
4 if I could just briefly go into private session.
- 5 PRESIDING JUDGE MINDUA: [10:43:47](Interpretation) Private session, please,
6 Mr Courtroom officer.
7 (Private session at 10.43 a.m.)
- 8 THE COURT OFFICER: [10:43:52] We are in private session, Mr President.
9 (Redacted)
10 (Redacted)
11 (Redacted)
12 (Redacted)
13 (Redacted)
14 (Redacted)
15 (Redacted)
16 (Redacted)
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7 (Redacted)

8 (Open session at 10.59 a.m.)

9 THE COURT OFFICER: [10:59:38] We are back in open session, Mr President.

10 PRESIDING JUDGE MINDUA: [10:59:47](Interpretation) Thank you very much,
11 courtroom officer.

12 Ms Prosecutor.

13 MS LUPING: [10:59:53]

14 Q. [10:59:54] Mr Witness, you have described both -- both yesterday and today
15 how there were rules as to how females were supposed to dress, and you've
16 explained that these rules were applied to the females in Timbuktu.

17 Could you explain if these rules existed before, where women -- where women had to
18 follow the -- a specific dress code.

19 A. [11:00:48] Yes. Firstly, a woman from Timbuktu is somebody who dresses in a
20 decent manner. Now, the dress code that was imposed by the Islamists was to wear
21 a black robe where only the eyes are visible. So this attire seemed somewhat strange
22 for these women who were not used to it and for young girls as well. They did their
23 very best. Even if they did not necessarily wear the robe, they would put a veil over
24 their entire body, including their head. There we are.

25 Q. [11:01:41] And do you remember any incidents where women or girls were

1 punished for breaking the rules that were applied by the occupiers?

2 A. [11:01:58] Yes. (Redacted) were victims of this

3 because they were chased by combatants, a patrol led up by Marcel (phon). And

4 they went into the house in order to drive out these two girls and take them back to

5 the morality brigade.

6 Now, (Redacted), I didn't want to get involved in this. I didn't want to

7 intervene. (Redacted)

8 (Redacted)

9 Q. [11:02:52] Mr Witness, I'm sorry to interrupt you, but we are in public session.

10 Mr President, could we briefly go into private session.

11 PRESIDING JUDGE MINDUA: [11:03:08](Interpretation) Courtroom officer, private
12 session, please.

13 (Private session at 11.03 a.m.)

14 THE COURT OFFICER: [11:03:13] We are in private session, Mr President.

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

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24 (Redacted)

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14 (Redacted)

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16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Open session at 11.13 a.m.)

22 THE COURT OFFICER: [11:13:34] We are back in open session, Mr President.

23 PRESIDING JUDGE MINDUA: [11:13:48](Interpretation) Thank you very much,

24 Mr Courtroom Officer.

25 Madam Prosecutor, please.

1 MS LUPING: [11:13:53] Thank you.

2 Q. [11:13:55] Mr Witness, you have described an incident where two young females
3 were detained for not wearing the right clothing.

4 Do you know of any other examples of females from Timbuktu who were detained
5 for not wearing the right clothing?

6 A. [11:14:12] Well, that is what I experienced with my very own and saw with my
7 very own eyes, the case of those two girls.

8 Furthermore, I know that in other neighbourhoods it was said that similar cases had
9 existed where girls were taken to the detention cells because their heads were not
10 covered.

11 And I also saw on one occasion a combatant chasing a lady down a side road quite
12 simply because the woman did not have her head covered. She didn't have a veil to
13 cover her head with. She ran away, and I believe that the combatant didn't manage
14 to find her. That is a scene that I can testify to because it happened before me.

15 But as to what other people talked about, I can't confirm that. But there were
16 not -- lots of young girls in the detention cells at the morality brigade.

17 Q. [11:15:46] And you described seeing a combatant chasing a female down a side
18 road because she did not have her head covered.

19 Do you know to what institution that combatant belonged? Can you recall?

20 A. [11:16:24] This combatant was also from the morality brigade. He was a
21 combatant that I also saw on the occasion of the destruction of the mausoleums. He
22 had a red beard. He was called Khalil or Jelil. There we are.

23 Q. [11:16:58] And do you remember when this was and where it was?

24 A. [11:17:07] This was on the main tarmacked road going from the police station to
25 the main Timbuktu market.

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1 Now, as to the month, we're still talking about the month of June.

2 Q. [11:17:31] And are we still talking about the same year? Was that still in 2012?

3 A. [11:17:37] Absolutely.

4 Q. [11:17:50] Now, you explained that they were taken to the detention cells at the
5 BMS. Can you describe the cell that girls were being taken to or females were being
6 taken to.

7 A. [11:18:11] I wouldn't be in a position to describe it because I haven't been there.

8 And I know that the custody cell is a cell located just to the right when you enter.

9 PRESIDING JUDGE MINDUA: [11:18:23](Interpretation) Ms Taylor.

10 MS TAYLOR: [11:18:24] Thank you, Mr President.

11 I would just like the Prosecution to give the reference where the witness said "BMS".

12 MS LUPING: [11:18:34] Yes. There are two references.

13 The witness stated that: "Lots of young girls were in the detention cells at the
14 morality brigade." That is, first of all. And that is at page 42, lines 5 to 6, and
15 at -- I'll just find the other reference. And at page 39, lines 1 to 3, the witness has
16 described a cell at the BMS at the centre for the recommendation for respectability
17 and prohibition of the reprehensible. There's two references to a cell of the morality
18 brigade.

19 PRESIDING JUDGE MINDUA: [11:19:23](Interpretation) Ms Taylor.

20 MS TAYLOR: [11:19:24] Thank you, Mr President.

21 I think, given that the Prosecution is aware of different locations, we should be very
22 precise when we refer to locations rather than leading to a very specific location.

23 The morality brigade was in different locations. So I think we -- it's very important
24 to be specific before leading to a very precise location.

25 PRESIDING JUDGE MINDUA: [11:19:53](Interpretation) Very well. I think that

1 has been understood.

2 Madam Prosecutor, please continue.

3 MS LUPING: [11:19:59] Mr President, I can do so.

4 I would ask though that Defence counsel, next time when such an intervention is
5 made, not make such an intervention in front of the witness.

6 Q. [11:20:12] Mr Witness, could you clarify at which location the cell was that you
7 mentioned of the morality brigade?

8 A. [11:20:37] The cell at the morality brigade, as I said, is inside the BMS. When
9 you go inside, to the right, there is a bench for everyone who arrives to sit on and wait.
10 And on this bench, the young girls were seated for the entire duration. And as I said,
11 it wasn't directly the detention cell. They were there like others were there at the
12 same time, but I wouldn't be able to identify it for you because I did not go there
13 myself. It was madam who went to see them, and the elderly gentleman gave me his
14 version as well. I wouldn't be able to confirm nor deny.

15 Q. [11:21:45] And you described the cell being at the BMS and that many females
16 were detained at the cell. How well known was this, that females were being held at
17 the cell?

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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2 (Redacted)

3 MS LUPING: [11:24:21] Mr President, could I please ask that we briefly go into
4 private session.

5 PRESIDING JUDGE MINDUA: [11:24:28](Interpretation) Mr Courtroom Officer,
6 private session, please.

7 (Private session at 11.24 a.m.)

8 THE COURT OFFICER: [11:24:34](Interpretation) We are in private session,
9 Mr President.

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

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15 (Redacted)

16 (Open session at 11.34 a.m.)

17 THE COURT OFFICER: [11:34:04] We are back in open session, Mr President.

18 PRESIDING JUDGE MINDUA: [11:34:10](Interpretation) Thank you.

19 Prosecutor.

20 MS LUPING: [11:34:14]

21 Q. [11:34:14] Mr Witness, could you explain what you meant, and I'm going to
22 quote you -- sorry, I was -- sorry, I've already provided you the quote. I'm not going
23 to repeat it in public. Could you explain what was meant.

24 A. [11:34:33] When Hamar Mossa's team started, there was a true revolution by the
25 women starting with the women from Bellafarandi neighbourhood. A march was

1 organised to speak out against the attitude of Hamar Mossa and his brigadiers. So
2 they spoke -- during the peaceful march that they organised, they were speaking out
3 against this, and they spoke of this cell that was impossible for women to stay in.
4 They also spoke out against the barbaric attitude of Hamar Mossa towards women.
5 And there was just too much pressure being put on the women, so they put on this
6 march. By organising this march, well, they thought that the conditions would be
7 lightened so that there would be less pressure on women. Unfortunately, the
8 situation did not change, despite the peaceful march.

9 Q. [11:36:13] So how long after this peace march, peaceful march, were women
10 released from this cell?

11 A. [11:36:28] Yes. When the red-bearded man one day learned that many women
12 were being held in this room, he had returned from a trip, and he found out
13 automatically. And he went to the morality brigade where the leader -- well, the
14 leader was not there. So he himself took the initiative of breaking down the door
15 and freeing the women who were being held in this cell. And so that was the first
16 time that women had recognised that they had had some support from the occupiers,
17 particularly from Oumar.

18 And that happened while the women had organised a march to attract the attention
19 of Oumar and the brigade members from the morality brigade. But as I said, the
20 conditions were not lessened and up until the day that he freed these women who
21 had been detained. And I believe that the two leaders saw one another and that
22 helped lessen the tensions of this ...

23 PRESIDING JUDGE MINDUA: [11:38:12](Interpretation) Mr Witness.

24 THE WITNESS: [11:38:16](Interpretation) Yes.

25 PRESIDING JUDGE MINDUA: [11:38:18](Interpretation) I think Madam Prosecutor

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1 asked how much time it was before the women were freed, and you didn't give us
2 that information. You mentioned someone coming back from a trip.

3 But how much time had elapsed?

4 THE WITNESS: [11:38:35](Interpretation) How much time they spent in the cell?

5 PRESIDING JUDGE MINDUA: [11:38:38](Interpretation) Exactly.

6 THE WITNESS: [11:38:40](Interpretation) Oh, I don't know that. Some women had
7 come -- been there just one day. Others had been there two days. I don't know.

8 But when he found out that the women were being stuffed into that cell together, he
9 took the initiative and freed them.

10 PRESIDING JUDGE MINDUA: [11:38:59](Interpretation) Thank you.

11 Madam Prosecutor.

12 MS LUPING: [11:39:05]

13 Q. [11:39:06] And, Mr Witness, at page 23, line 16, of the French transcript, you
14 stated "*la cellule qui était intenable pour les femmes.*" Could you explain what you mean
15 by the -- what was meant by "*intenable*".

16 A. [11:39:26] Well, that room -- it was a very small space for a certain number of
17 people who were shoved in there, crowded into that place like sardines. It was
18 impossible, for example, a woman who was pregnant or a woman who was nursing a
19 baby. The conditions were untenable.

20 Q. [11:39:57] And I'm going to briefly show another exhibit. I would ask if we
21 could just go into private session for me to show it. And then I will ask a -- possibly
22 one or two additional questions about it before in public again.

23 PRESIDING JUDGE MINDUA: [11:40:15](Interpretation) Private session, courtroom
24 officer.

25 (Private session at 11.40 a.m.)

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1 THE COURT OFFICER: [11:40:30](Interpretation) We are in private session,
2 Mr President.
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1 (Open session at 11.43 a.m.)

2 THE COURT OFFICER: [11:43:13]We are in open session, Mr President.

3 PRESIDING JUDGE MINDUA: [11:43:17](Interpretation) Thank you very much.

4 Madam Prosecutor.

5 MS LUPING: [11:43:27]

6 Q. [11:43:28] Mr Witness, whose priority was it in the application of Sharia to have
7 the change in (Speaks French)? Whose priority was that?

8 A. [11:43:44] Yes. The Islamists, the occupiers. And as I had said, one of their
9 priorities to show that Sharia was being applied in Timbuktu was that --

10 THE INTERPRETER: [11:44:10] Inaudible.

11 THE WITNESS: [11:44:13](Interpretation) -- amongst women. Why women -- well,
12 the way they dressed. As I said earlier, henceforth, they were supposed to wear
13 clothing that would cover their entire bodies from head to toe. So it was the
14 morality brigade that was responsible for ensuring that this -- that this practice was
15 complied with, was implemented.

16 MS LUPING: [11:44:56] Thank you, Mr President. This is a good moment to break.

17 PRESIDING JUDGE MINDUA: [11:45:02](Interpretation) You are absolutely right,
18 Madam Prosecutor.

19 Mr Witness.

20 THE WITNESS: [11:45:14](Interpretation) Yes.

21 PRESIDING JUDGE MINDUA: [11:45:15](Interpretation) As you know, we have
22 come to the end of your testimony for today. We are only having one session today.
23 So you will be coming back tomorrow morning at 9.30.

24 On behalf of the Chamber, I would like to, once again, thank you for answering our
25 questions so clearly. And I thank you for being so patient. We will continue

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- 1 tomorrow with examination-in-chief by the Prosecution.
- 2 Before we adjourn, I would like to thank the parties and participants, the court
- 3 reporters and interpreters, as well as the security officers. And, of course, I thank the
- 4 people who are listening to the proceedings.
- 5 The hearing is adjourned.
- 6 THE COURT USHER: [11:46:16] All rise.
- 7 (The hearing ends in open session at 11.46 a.m.)