

Trial Hearing
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 Judge
7 Kimberly Prost
8 Trial Hearing - Courtroom 3
9 Thursday, 9 September 2021
10 (The hearing starts in open session at 9.30 a.m.)
11 THE COURT USHER: [9:30:47] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE MINDUA: [9:31:05](Interpretation) The hearing shall now
15 commence.
16 Good morning, everyone.
17 Courtroom officer, kindly call the case.
18 THE COURT OFFICER: [9:31:30] 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: [9:31:49](Interpretation) Thank you very much,
23 courtroom officer.
24 We will now begin naturally with introductions. First of all, the Office of the
25 Prosecution.

1 Madam Prosecutor.

2 MS LUPING: [9:32:03] Thank you. Good morning, Mr President. Good morning,
3 your Honours. Appearing again on behalf of the Prosecution are the same team,
4 Mr Duterte, Mr Sandoval and myself, Dianne Luping.

5 PRESIDING JUDGE MINDUA: [9:32:16](Interpretation) Thank you very much,
6 Madam Prosecutor.

7 And now the Defence. Counsel.

8 MS TAYLOR: [9:32:23] Good morning, Mr President. Good morning,
9 your Honours. Good morning to everyone in the courtroom and anyone around the
10 courtroom. The Defence for Mr Al Hassan is represented today by Maître Julia
11 Basile and myself, Melinda Taylor.

12 Thank you very much.

13 PRESIDING JUDGE MINDUA: [9:32:41](Interpretation) Thank you very much,
14 Ms Taylor.

15 Legal Representatives of Victims.

16 MR KASSONGO: [9:32:49](Interpretation) Thank you, your Honour. Good
17 morning, everyone. The victims are represented today by Biyéké Dipanga, who is
18 assisting me, and myself, Mr Kassongo. And the team thanks you, your Honour.

19 PRESIDING JUDGE MINDUA: [9:33:07](Interpretation) Thank you very much,
20 Mr Kassongo.

21 This morning, we continue with the testimony of P-0654, who is a Prosecution witness.

22 I now address the witness.

23 But I see the Madam Prosecutor. Just one moment.

24 Good morning, Mr Witness.

25 WITNESS: MLI-OTP-P-0654 (On former oath)

- 1 (The witness speaks French)
- 2 (The witness gives evidence via video link)
- 3 THE WITNESS: [9:33:37](Interpretation) Good morning. I am well.
- 4 PRESIDING JUDGE MINDUA: [9:33:39](Interpretation) Thank you very much. On
- 5 behalf of the Chamber, I would like to once again welcome you.
- 6 THE WITNESS: [9:33:47](Interpretation) Thank you.
- 7 PRESIDING JUDGE MINDUA: [9:33:47](Interpretation) And I remind you that you
- 8 are still under oath, and you must tell the truth, the whole truth and nothing but the
- 9 truth. Of course, you must remember the practical instructions that I gave you about
- 10 testifying. Please speak slowly, clearly, and include some pauses so that our court
- 11 reporters and interpreters can do their work properly.
- 12 Madam Prosecutor, please proceed.
- 13 What did you want to say?
- 14 MS LUPING: [9:34:30] Thank you, Mr President.
- 15 QUESTIONED BY MS LUPING: (Continuing)
- 16 Q. [9:34:34] And good morning, Mr Witness.
- 17 A. [9:34:36] Good morning, Counsel.
- 18 Q. [9:34:39] Mr Witness, before I start, I would ask the court usher or court officer
- 19 who is with you to assist in ensuring that you have your binder with you and open.
- 20 I will be asking you to look at an item at tab 91 of your binder.
- 21 But before I do, yesterday, you spoke of a -- a peaceful demonstration where women
- 22 were demonstrating about what was happening to them.
- 23 Can you remember, after the occupation, if there was any need for some kind of
- 24 a support or assistance for women and children?
- 25 A. [9:35:32] Yes. After the recapturing of the city, humanitarian organisations

1 provided support to the people to help these vulnerable women who, at one
2 particular point in time, had been facing problems and even the -- and even survival.
3 The Red Cross and other organisations provided assistance to ease the suffering of the
4 women and children.

5 THE INTERPRETER: [9:36:33] Interpreter correction: These vulnerable families.

6 MS LUPING: [9:36:38]

7 Q. [9:36:40] (Overlapping speakers) Can you recall the types of problems that they
8 were encountering?

9 A. [9:36:47] First of all, given the crisis which had kept women from carrying out
10 their usual activities and restricted young people's ability to find employment, people
11 found themselves in a very precarious situation. If people did not have support,
12 people would even leave, and, suddenly, a number of charitable organisations had
13 understood the situation and immediately they provided assistance to these people to
14 help them become more resilient and also to encourage them to remain at
15 home -- remain where they were.

16 MS LUPING: [9:37:52] Mr President, could I request to briefly go into private
17 session.

18 PRESIDING JUDGE MINDUA: [9:37:59](Interpretation) Private session, please.
19 (Private session at 9.38 a.m.)

20 THE COURT OFFICER: [9:38:05] We are in private session, Mr President.

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- 10 (Open session at 9.42 a.m.)
- 11 THE COURT OFFICER: [9:42:33] We are back in open session, Mr President.
- 12 PRESIDING JUDGE MINDUA: [9:42:42](Interpretation) Thank you very much.
- 13 Madam Prosecutor.
- 14 MS LUPING: [9:42:48] Thank you, Mr President.
- 15 Q. [9:42:49] Mr Witness, we were discussing an NGO called AWECO, and you had
- 16 explained -- or you had stated, and I'm going to quote:
- 17 (Interpretation) "... promises to return in the days to come and intervene, particularly
- 18 within the framework of providing psychological support to women and children
- 19 who were the first victims of the occupation."
- 20 Could I ask you, what kind of psychological support were you talking about?
- 21 A. [9:43:25] First of all, AWECO, the NGO, had, as its main mandate, the
- 22 assessment of the security level. And then, it intended to take stock of the
- 23 psychological situation of the people who had been victims of the occupation and
- 24 thus ... So their intent was to return and help encourage people, raise their spirits.
- 25 And they said that they would return, and, that this time, they would provide

1 psychological assistance to the women and the children who had been the first
2 victims of the occupation.

3 This psychological support consisted of giving new hope to these women who had
4 stopped some of their activities and to young people.

5 Given that the administration had returned, many of these young people had been
6 left to their own devices -- no work, nothing to do, and so these young people had
7 had difficulties because of the lack of employment.

8 So the NGO decided to provide psychological assistance to such people.

9 Q. [9:45:17] And When you -- apologies.

10 When you stated that they were victims or the first victims of the occupation, what
11 did you mean by that?

12 A. [9:45:30] I'm referring to the occupation, and such an occupation of that nature
13 targeted primarily women.

14 If you were looking at my statement, I think you would say that women were
15 targeted because of the clothing that they were wearing. They were not to be seen in
16 the street. And so, they could not conduct their usual activities and that became
17 a problem for them. So they were victims.

18 As for the children, if the mother is affected, the children also become collateral
19 victims. As for young people, I gave an account of how there was very little
20 employment.

21 You see, so fewer and fewer people had any sort of possibilities to find employment;
22 so people's situation became more and more precarious.

23 That is why I talked about women and children being the first victims.

24 Q. [9:47:17] And you stated -- and I'm going to read what you stated in the French:
25 (Interpretation) "Women were not supposed to be seen in the street, as usual." End

1 of quote.

2 What -- what did you mean by that? Why could they not be seen in the streets?

3 A. [9:47:43] Women used to work as vendors. They would walk around with
4 supplies, foodstuffs on their heads. They would take part in distribution of goods
5 and supplies; so they had many activities just like men.

6 But with the occupation, that was impossible because it was officially prohibited.

7 The occupiers thought that women should stay at home, and they should be
8 accompanied by their husband if they were to leave the house. They were supposed
9 to be properly dressed.

10 And so, you see, it was different to before the occupation when women were free to
11 move about. Go wherever they liked. Come back to the house whenever they
12 wanted to.

13 MS LUPING: [9:49:05] Mr President, could I just briefly go into private session.

14 PRESIDING JUDGE MINDUA: [9:49:13](Interpretation) Private session, please,
15 courtroom officer.

16 (Private session at 9.49 a.m.)

17 THE COURT OFFICER: [9:49:19] We are in private session, Mr President.

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24 (Open session at 9.54 a.m.)

25 THE COURT OFFICER: [9:54:02] We are back in open session, Mr President.

1 PRESIDING JUDGE MINDUA: [9:54:05](Interpretation) Thank you very much,
2 courtroom officer.

3 Madam Prosecutor.

4 MS LUPING: [9:54:09]

5 Q. [9:54:10] Mr Witness, you stated that the women were dressed in the colours of
6 their preference and that they, and, I quote:

7 "[...] ne sont pas restées en marge [...]" End of quote.

8 Could you explain what you were talking about and what you meant by that?

9 A. [9:54:29] Just after the recapture of the city of Timbuktu, the young people and
10 the women decided to organise a folkloric activity that would bring together all the
11 various groups from within their culture. So there were the masons, the farmers, the
12 butchers. Everyone had come out and gathered at Sankoré square to thank the
13 Malian army and the French army.

14 So the women did not want to be on the sidelines on this great day. They wanted to
15 express their gratitude by providing support; namely, in the form of foodstuffs to the
16 Malian soldiers.

17 As for the French soldiers led by Colonel Gese at the time, they wanted to praise them
18 and express warm greetings to them, because already much of the French army was
19 preparing ...

20 You see, this was part of Operation Serval, and many of these soldiers would be
21 replaced by MISMA forces.

22 Q. [9:56:22] And you stated:

23 (Interpretation) You mentioned that the women were wearing their favourite colours.

24 (Speaks English) What were you referring to there?

25 A. [9:56:43] Yes. During the occupation, they were obliged to wear black clothing.

1 Is black the favourite colour of women?

2 In this particular case, in such -- at such an event, nothing was imposed upon the
3 women. They could wear the clothing that they preferred. The colours that they
4 wanted to -- white, multiple colours.

5 They were free to wear their favourite clothing.

6 Q. [9:57:21] Now, Mr Witness, yesterday, and the day before, in fact, you spoke of
7 a man called Bocha (phon) who had been punished for allegedly raping or trying to
8 rape a woman from Timbuktu.

9 Do you recall hearing any other instances of rapes of women or girls by members of
10 the armed groups in Timbuktu?

11 A. [9:58:06] That was the case of Bocar, who was ... quite clear about that. And
12 everyone kept a close eye on that case on how it developed.

13 I don't go by what people were saying. It was the only case that I knew about
14 officially. The only case that -- for which there was an actual complaint and
15 punishment.

16 There were many complaints as well. I did not attend any official trial or anything
17 like that or any punishment. So I couldn't really tell you about that.

18 PRESIDING JUDGE MINDUA: [9:59:13](Interpretation) Ms Taylor.

19 MS TAYLOR: [9:59:15] Thank you, Mr President. It seems that the Prosecution has
20 now gone on to a new line of questioning. And I just note that with regard to tab 79,
21 we had a few isolated sentences read out.

22 But I think it's necessary to elicit information concerning the date of this publication,
23 what the publication was. So far, we have no information on that point and I think it
24 is necessary to put that in the record.

25 PRESIDING JUDGE MINDUA: [9:59:42](Interpretation) Indeed, Madam Prosecutor.

1 Tab 79 and what --

2 MS LUPING: [9:59:56](Overlapping speakers) I will return to that. I'm going to do
3 that in private session. I have a grouping of additional questions to ask and I was
4 simply wanting to be able to elicit specific information first in public session, but I
5 was proposing to return to that.

6 PRESIDING JUDGE MINDUA: [10:00:15](Interpretation) Thank you very much.

7 MS LUPING: [10:00:26]

8 Q. [10:00:26] Now, before we were interrupted, Mr Witness, you were
9 explaining - and I'm going to quote you:

10 (Interpretation) "A lot of them also complained." (Speaks English) My question is
11 what -- or who were, rather, making these many complaints?

12 A. [10:01:07] Well, I don't want to go much further than what I said. These were
13 rumours that were circulating. People were talking and there were rumours that
14 women had been raped, but I've got no proof of that.

15 And, officially, I didn't take part in any debate around this question, nor in a sanction
16 of a third party with regards to a rape.

17 MS LUPING: [10:01:37] Mr President, could we now return to private session.

18 PRESIDING JUDGE MINDUA: [10:01:44](Interpretation) Court officer.

19 (Private session at 10.01 a.m.)

20 THE COURT OFFICER: [10:01:49] We are private session, Mr President.

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22 (Open session at 10.29 a.m.)

23 THE COURT OFFICER: [10:29:20] We back in open session, Mr President.

24 PRESIDING JUDGE MINDUA: [10:29:33](Interpretation) Thank you very much,
25 court officer.

1 Prosecutor.

2 MS LUPING: [10:29:38] Thank you, Mr President. Thank you, court officer.

3 Q. [10:29:45] Mr Witness, you described the combatant Gilles Le Guen, as - and I'm
4 going to quote ... Sorry. I -- I will just simply restate: As useful to the population
5 for having denounced the inhumane attitude of Mohamed Moussa.

6 Could you explain, Mr Witness, how Mr Le Guen's denunciation --

7 A. [10:30:28] (Overlapping speakers)

8 Q. [10:30:29] -- if I just finish the question. I apologise. How the leaders of the
9 group responded to his denunciation of Mohamed Moussa's attitude.

10 PRESIDING JUDGE MINDUA: [10:30:50](Interpretation) Ms Taylor.

11 MS LUPING: [10:30:53] Excuse me, Mr President. If I could ask that the sound be
12 cut off --

13 (Overlapping speakers)

14 MS TAYLOR: [10:30:5] Yes, I was going to do that.

15 MS LUPING: [10:30:55] -- if it's substantive.

16 PRESIDING JUDGE MINDUA: [10:30:59](Interpretation) Ms Luping, when I give
17 the floor to Ms Taylor, you are not to speak.

18 You are not allowed to speak.

19 Ms Taylor.

20 MS TAYLOR: [10:31:14] Thank you very much, Mr President. And I was, in fact,
21 going to ask for the sound to be cut.

22 It will be brief.

23 PRESIDING JUDGE MINDUA: [10:31:21](Interpretation) Courtroom officer, please
24 cut off the contact.

25 THE COURT OFFICER: [10:31:27] The sound has been cut off at the VTC location.

1 PRESIDING JUDGE MINDUA: [10:31:30](Interpretation) Thank you very much.
2 Ms Taylor.

3 MS TAYLOR: [10:31:33] Thank you very much, Mr President.
4 Now according to this article, it simply says -- it refers to Gilles Le Guen having
5 denounced an attitude. There's absolutely no information about the context of that
6 denunciation. We don't know to whom that denunciation was made. We don't
7 know if it was a public denunciation or a private denunciation.
8 For that reason, the Prosecution must first lay a foundation as concerns the context of
9 that denunciation before the Prosecution can put questions to the witness, assuming
10 that leaders of the group were aware of this denunciation.
11 The Prosecutor's question was predicated on the leaders of the group being aware of
12 a particular denunciation from Gilles Le Guen.
13 That leap has not yet been made. So we simply suggest that the Prosecutor should
14 first, openly ask for information about what the witness is referring to when he refers
15 to a "denunciation," and only if there's a foundation can they then go to the leaders of
16 the group.

17 PRESIDING JUDGE MINDUA: [10:32:49](Interpretation) Thank you very much,
18 Ms Taylor.
19 Ms Luping, I think Ms Taylor is correct. This is in keeping with the instructions that
20 we have issued.
21 Go ahead.

22 MS LUPING: [10:33:00](Overlapping speakers) Mr President, I don't have a problem
23 indeed with -- with doing that. I was making reference though to previous
24 information that the witness has already given about the denunciation made by Gilles
25 Le Guen. He testified about it yesterday. He testified about how Gilles Le Guen

1 had denounced and provided information to Oumar Ould Ham- -- Hamama relating
2 to the treatment of women in the detention cells. And it was as a result of Gilles Le
3 Guen's intervention that the women were released. He -- he's already testified on
4 this point. I'm happy, however, Mr President, indeed, to make it absolutely clear
5 that when he's referring to it a second time, that that is indeed -- you know, what
6 indeed is he referring to. There's no problem with that.

7 PRESIDING JUDGE MINDUA: [10:33:52](Interpretation) Very well. Thank you
8 very much, Madam Prosecutor.

9 Courtroom officer, please re-establish contact.

10 THE COURT OFFICER: [10:34:03] Your Honours, the sound has been re-established
11 at the VTC location.

12 PRESIDING JUDGE MINDUA: [10:34:07](Interpretation) Thank you very much.
13 Madam Prosecutor.

14 MS LUPING: [10:34:13] Thank you, Mr President.

15 Q. [10:34:14] Mr Witness, I will now repeat what you had stated. You said it was
16 useful for the population that Gilles Le Guen had denounced the inhumane attitude
17 of Mohamed Moussa.

18 Could you please clarify what event you were referring to here that Gilles Le Guen
19 had denounced.

20 PRESIDING JUDGE MINDUA: [10:34:46](Interpretation) Ms Taylor, I don't know
21 what you have to say.

22 Don't you think you should let the Prosecutor do her work? What is going on?

23 MS TAYLOR: [10:34:59] Thank you, Mr President.

24 Again, the text does not refer to an event. Can we just stick to the text and ask the
25 witness to clarify what he means.

1 PRESIDING JUDGE MINDUA: [10:35:14](Interpretation) Ms Prosecutor, reform.

2 MS LUPING: [10:35:20]

3 Q. [10:35:20] Mr Witness, when you said that Gilles Le Guen was useful for the
4 population for having denounced the inhumane attitude of Mohamed Moussa, could
5 you explain what you meant by that.

6 A. [10:35:41] I had said that Gilles Le Guen had provided a great deal of assistance,
7 not just for the Islamic movement, because he proved his technical abilities by helping
8 with the power station that was not in service and -- that was the first thing.

9 And then secondly, he was closer to the people. He had easy access to the young
10 people. He would preach to them. He could show his muscles.

11 And thirdly, he himself noticed that many women were in this small room that I
12 referred to yesterday. And he was the one who reported that information to Oumar
13 Ould Hamaha, and he said that women were crammed into a room like sardines. So
14 Oumar went to the morality brigade. He did not find the leader there, and, he,
15 himself, broke down the door to free these women.

16 (Redacted)

17 MS LUPING: [10:37:37] Mr President, if I could briefly go into private session.

18 PRESIDING JUDGE MINDUA: [10:37:43](Interpretation) Courtroom officer.

19 (Private session at 10.37 a.m.)

20 THE COURT OFFICER: [10:37:51] We are in private session, Mr President.

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10 (Open session at 10.45 a.m.)
11 THE COURT OFFICER: [10:45:21] We are back in open session, Mr President.
12 PRESIDING JUDGE MINDUA: [10:45:29](Interpretation) Thank you very much,
13 courtroom officer.
14 Madam Prosecutor.
15 MS LUPING: [10:45:38]
16 Q. [10:45:46] Now, Mr Witness, you described how Sanda explained that there was
17 going to be a sensibilisation in Timbuktu for the *bon comportement des musulmans*.
18 Could you clarify whether there were any rules put in place about how things were
19 done at the local mosques. And, if so, could you explain what happened at the
20 mosques.
21 (Redacted)
22 (Redacted)
23 (Redacted)
24 (Redacted)
25 (Redacted). Official prohibition of bars

1 being opened or any establishments where dancing occurred in Timbuktu. They
2 were formally banned. A formal ban on the selling of cigarettes. The -- the young
3 people walking down the street and doing all kinds of things, that was not allowed.
4 People found caught red-handed engaging in adultery. Any form -- any woman
5 who did not dress in accordance with the Muslim religion would be punished as well,
6 or her spouse would be punished.

7 So those were the messages that were passed on in the sermons at the mosques. All
8 the imams were asked to pass on these messages to all Muslims.
9 So that was the strategy that they adopted.

10 Q. [10:48:55] And from what you --

11 PRESIDING JUDGE MINDUA: [10:49:19](Interpretation) I beg your pardon, Madam
12 Prosecutor.

13 Mr Witness, you just said that the message was intended for all Muslims or for all -- I
14 think you said, "all Muslims"?

15 THE WITNESS: [10:49:31](Interpretation) Exactly.

16 PRESIDING JUDGE MINDUA: [10:49:33](Interpretation) But was the code of
17 conduct intended only for Muslims or for all citizens of the city?

18 THE WITNESS: [10:49:44](Interpretation) When I said "Muslims," I meant -- well,
19 that was the expression they used with me. What is more, the mosque was
20 frequented by Muslim people. So that was the context. That is why I'm focusing on
21 the word "Muslim."

22 PRESIDING JUDGE MINDUA: [10:50:06](Interpretation) So my last question about
23 this is: Were there -- what about the followers of other religions? What do you
24 know about that? What can you tell us about that?

25 THE WITNESS: [10:50:24](Interpretation) Well, the way I read the situation, for

1 them, no one from another religion, other than the -- those who followed the Muslim
2 religion. The proof of that was that during their awareness-raising campaign, they
3 never made any mention of non-Muslims, not even incidentally. Because the
4 churches had already been ransacked and the crosses had been removed and the
5 Muslim community in Timbuktu had already left.

6 So the people who remained were Muslims, and the messages were intended for
7 these Muslim people.

8 PRESIDING JUDGE MINDUA: [10:51:18](Interpretation) You said the Muslim
9 community that was in Timbuktu had already left the city. The Muslim?

10 THE WITNESS: [10:51:29](Interpretation) Christian.

11 PRESIDING JUDGE MINDUA: [10:51:31](Interpretation) Oh, Christian. I see.
12 Thank you very much, Madam Prosecutor.

13 MS LUPING: [10:51:38] Thank you, Mr President.

14 Q. [10:51:42] Now, there are a number of points I want to follow up here,
15 Mr Witness.

16 First, you stated that at the mosques, the imams were asked to -- in their sermons to
17 pronounce on a number of points. And you've explained those points.

18 My first question is: From what you saw or you heard, what was the reaction of the
19 imams to the fact that these announcements were to be made in the mosques by
20 them?

21 A. [10:52:30] They had no other reaction than passing on the message. And,
22 above all, there was no contradiction with the usual -- well, with the sermons before
23 the prayers. It was a matter of providing the information of the time, and that was
24 going on. If the government had a message to get across and they addressed the
25 community, the mosque was one way to get the message across, and it was an easy

1 way to get the message to the target groups.

2 So it was the same technique being used by the occupants of that time to get their
3 awareness-raising messages across.

4 Q. [10:53:38] And to your knowledge, could an imam disagree to make the
5 pronouncement or not?

6 A. [10:54:05] Well, I did not see or hear of any imam opposing any such
7 announcements. What is more, an imam who opposed the pronouncement of the
8 sermon by one of the combatants, that did happen in one neighbourhood of
9 Timbuktu.

10 The imam objected to the gentleman speaking before the group, and the combatant at
11 the time had summoned the imam to the -- before the head of the morality brigade,
12 Mohamed Moussa. And he automatically summoned the imam and said to -- he
13 should come to be heard. And since -- well, before the occupation, there had been
14 a dispute between this imam and the head of the morality brigade. The imam grew
15 frightened thinking that this would -- well, that -- settle -- that scores would be settled.
16 And so ultimately, he took off. He disappeared. He left the mosque, the faithful,
17 and the city.

18 When I received the information, I automatically alerted the prominent people, and I
19 told that an imam had just fled, facing Muslim people -- like him, and that there was
20 no explanation for that.

21 So he had been affected by his peers, that is to say, his counterparts from other
22 mosques through the high Islamic council, the highest regional institution of the
23 imams and the Muslims.

24 Furthermore, he was already in the region of Mopti. He was told to drop everything
25 and to return. And, that same week, he came back to Timbuktu. So there you have

1 it.

2 Q. [10:57:16] And what is the name of that imam?

3 A. [10:57:21] His name was Imam Boyni. I'll spell it out. B-O-Y-N-I. And the
4 mosque where he prayed was Hammabangou mosque.

5 THE INTERPRETER: [10:58:05] Hammabangou.

6 MS LUPING: [10:58:06]

7 Q. [10:58:07] And do you recall when that happened? That the imam was taken to
8 the morality brigade and then fled Timbuktu. Do you remember the time period
9 that this happened?

10 A. [10:58:17] I didn't follow up on his return to the brigade. I said that when he
11 was summoned, he got frightened. He was thinking that -- that a score would be
12 settled. And when the local -- the prominent local people were alerted, they called
13 upon him to return. And he returned to Timbuktu. And I couldn't tell you what
14 happened after that, but he continued at the mosque, and he cohabitated in the same
15 city with the same person, Mohamed Moussa, and the same commander.

16 THE INTERPRETER: [10:59:15] Correction: The same combatant.

17 MS LUPING: [10:59:21] Mr President, I see there is only one minute. If we could
18 turn to private session for just one question for now. I obviously have additional
19 questions.

20 PRESIDING JUDGE MINDUA: [10:59:41](Interpretation) Very well. Private
21 session, please, courtroom officer.

22 (Private session at 10.59 a.m.)

23 THE COURT OFFICER: [10:59:50] We are in private session, Mr President.

24 (Redacted)

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5 (Open session at 11.02 a.m.)

6 THE COURT OFFICER: [11:02:30] We are back in open session, Mr President.

7 PRESIDING JUDGE MINDUA: [11:02:36](Interpretation) Thank you very much,
8 courtroom officer.

9 It is 11.02. We will now suspend for about half an hour and resume at 11.30.

10 The hearing is suspended.

11 THE COURT USHER: [11:02:51] All rise.

12 (Recess taken at 11.02 a.m.)

13 (Upon resuming in open session at 11.31 a.m.)

14 THE COURT USHER: [11:31:21] All rise. Please be seated.

15 PRESIDING JUDGE MINDUA: [11:31:38](Interpretation) Court is in session.

16 Prosecutor, you have the floor to continue your examination-in-chief.

17 MS LUPING: [11:31:57] Thank you, Mr President. Could I ask that for the next two
18 questions or so that we go into private session.

19 PRESIDING JUDGE MINDUA: [11:32:07](Interpretation) Court officer, private
20 session, please.

21 (Private session at 11.32 a.m.)

22 THE COURT OFFICER: [11:32:18] We are in private session, Mr President.

23 (Redacted)

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7 (Open session at 11.57 a.m.)

8 THE COURT OFFICER: [11:57:53] We are back in open session, Mr President.

9 PRESIDING JUDGE MINDUA: [11:57:59](Interpretation) Thank you very much.

10 Madam Prosecutor.

11 MS LUPING: [11:58:04] Thank you.

12 Q. [11:58:06] Mr Witness, I'll refer to page 32, line 26, to page 33, line 3, of the

13 French transcript. You referred to various *interdictions*.

14 (Interpretation) Prohibitions.

15 (Overlapping speakers)(Speaks English) I'm just going to list them again, and then I'll

16 have one question.

17 (Interpretation) A formal ban on opening bars and dancing bars in Timbuktu.

18 (Speaks English) So the first question I have there, before this *interdiction*, what was

19 the situation in Timbuktu? Were there bars, and was there dancing?

20 A. [11:58:55] Yes. Before the occupation, there was bars, and there was dancing.

21 Q. [11:59:11] And at the bars, was there alcohol or not before the occupation?

22 A. [11:59:26] Alcohol was served.

23 Q. [11:59:37] Next, you referred to:

24 (Interpretation) formal -- formal prohibition on the sale of cigarettes.

25 A. [11:59:49] Yes. The sale of cigarettes was formally prohibited. Any person

1 caught smoking would be sanctioned.

2 Q. [12:00:02] And -- before --

3 A. [12:00:04] That's it.

4 Q. [12:00:06] Before the occupation, was it possible to openly sell cigarettes or not
5 without punishment?

6 A. [12:00:20] Yes. Before the occupation, cigarettes were amongst the various
7 items that were sold. And the proof of that was that the state even had an agency
8 that supplied cigarettes. It was called the SONATAM, National Company for
9 Tobacco and Matches of Mali. And they had a shop in Mali.

10 Q. [12:00:56] You referred to *débandade des jeunes dans les rues est aussi formellement*
11 *interdite*.

12 A. [12:01:15] Yes. Before the occupation, you might see young boys and girls
13 walking together. But with the occupation, that was prohibited.

14 Q. [12:01:34] And I just note that the French transcript is missing the word *la*
15 *débandade* before *des jeunes dans les rues*.

16 And what I said in French is entirely missing from the English transcript and I
17 assume that that will be corrected.

18 You next stated:

19 (Interpretation): Any person caught red-handed in the -- in adultery, committing
20 adultery.

21 A. [12:02:31] Yes. Before the occupation, as I had said, you wouldn't be surprised
22 to see men and women, young girls, young boys, who were up against a wall or out
23 in the dunes or alongside the river.

24 So those were -- those attitudes were prohibited, and any person caught in such an act
25 would be punished.

1 Q. [12:03:17] And then finally, you stated:

2 (Interpretation) Any woman not dressed in accordance with religion will be punished,
3 or her spouse will be punished.

4 A. [12:03:39] Yes. Indeed. During the occupation, all women were
5 recommended to a black veil or dress, a black robe that would cover the entire body
6 from head to toe. That was recommended to women.

7 Now, if some women were opposed to that clothing, they could be punished. For
8 example, there was the case of the lady that I mentioned to you earlier. Her spouse
9 tried to justify her clothing, and he was actually lashed. Whipped.

10 Q. [12:04:57] And before the occupation, could women or their spouses be
11 sanctioned in this way?

12 A. [12:05:07] No. Women were free to wear whatever kind of clothing they
13 wanted to. They -- and their husbands did not have to intervene, and there would
14 be no punishment. No women were free.

15 Q. [12:05:31] Now, you stated before the break that these new rules were
16 transmitted not only in the mosques, but also by the -- by two private radio stations.
17 And you have named Radio Bouctou and Radio El Farouk.

18 My question is this: Who was transmitting these messages on Radio Bouctou and
19 Radio El Farouk?

20 A. [12:06:19] Well, both radio stations had someone in charge, and Abou Dardar
21 was his name. He was the person in charge of those radio stations. Now, the
22 messages that he would broadcast or that were given to him, I don't know how it
23 worked because I didn't work with those radio stations.

24 Q. [12:06:51] And can you explain, who is Abou Dardar?

25 A. [12:06:57] Abou Dardar was a combatant who had also come as part of the

1 movement of the occupation by the Islamists. And apparently he was Tunisian
2 originally. I couldn't confirm that or not, but I did have good contacts with him.

3 Q. [12:07:43] And do you know to which institution of the Islamists he belonged
4 to?

5 A. [12:08:00] Well, I don't know which institution he belonged to, but I do know
6 that he was a member of the -- a member of the media commission.

7 Q. [12:08:48] Now, Mr Witness, also before the break, at page 34 - it's is starting
8 from line 4 - in response to a question from our Presiding Judge, you stated -- and I
9 quote: (Interpretation) "Right from the first day, the churches and the crosses had
10 already been ransacked." End of quote.

11 (Speaks English) My question is this: Who ransacked the churches and the crosses?

12 A. [12:09:44] Well, it didn't happen in front of me. But the following day, I went
13 by the three churches that I knew and the crosses were no longer at the top. So I said
14 to myself they must have destroyed those crosses. I didn't see any images. I didn't
15 ask, but they were somewhat hostile to crosses or crucifixes. The proof of that was
16 that when the Malian Red Cross wanted to intervene, the cross -- the symbol was
17 officially prohibited and they were not allowed to enter Timbuktu, so I refer to that.
18 But I didn't actually see the destruction by anyone whatsoever. And, as I said, every
19 day I would go about the city. I would set myself a particular objective, and that day
20 I did notice that the crosses had disappeared.

21 Q. [12:11:29] Now, at page 51, line 2, of the French transcript you said:

22 (Interpretation) They were the ones who destroyed the crosses.

23 (Overlapping speakers)(Speaks English) Who is "them"?

24 A. [12:11:59] In which sentence? I haven't quite understood the sentence.

25 Q. [12:12:07] You said:

1 (Interpretation) "And so I said to myself, they were the ones who destroyed the cross."

2 (Overlapping speakers)

3 (Speaks English) Who did you think had destroyed the crosses?

4 A. [12:12:25] The Islamists.

5 Q. [12:12:32] And do you -- you said -- sorry, you said:

6 (Interpretation) "Right from the very first days."

7 (Overlapping speakers) (Speaks English) That the -- from the first days, the

8 crosses -- that the churches and the crosses had been ransacked.

9 When did you notice that the churches and the crosses had been ransacked? From
10 what days?

11 A. [12:13:05] I was saying the -- the -- on the second, the Islamists entered
12 Timbuktu, and on the third, there was an initial operation and that was to destroy all
13 the places where beer or alcohol were being served or sold. During that operation as
14 well, the crosses of the churches -- I didn't say really the -- the churches, but the
15 crosses of the churches were destroyed.

16 So that was during the same operation, and the -- that was right after they occupied
17 the city. That was one of the very first things that they did.

18 The proof of that is the -- that same week, cartons of cigarettes were seized as well at
19 the SONATAM - that government outlet - and those cigarettes were burnt in front of
20 everyone behind Hotel Bouctou.

21 Q. [12:14:45] And you stated that the emblem of the cross of the Malian Red Cross
22 was formally forbidden to enter Timbuktu. Who forbade the cross of the Malian Red
23 Cross to enter Timbuktu?

24 A. [12:15:30] Sanda himself spoke to the president of the Red Cross because I was
25 really at the very heart of the operation that was underway. A delegation from the

1 high Islamic council was supposed to arrive in Timbuktu and they would be
2 accompanied by a delegation from the Malian Red Cross.
3 And the day before, just before the Islamists of Timbuktu received the information to
4 the effect that Red Cross vehicles were already crossing Mopti, headed towards
5 Timbuktu, so they said they didn't want to see those vehicles in Timbuktu with the
6 emblem of the Red Cross.
7 Automatically, the members of the Red Cross took a number of measures to conceal
8 the crosses and the red markings. So those vehicles were turned into ordinary white
9 vehicles. You couldn't read anything on them. You couldn't read anything that
10 would be seen as hostile to the occupants of that time.
11 So that is how they managed to get to Timbuktu.

12 Q. [12:17:14] I'm going to ask you more questions about that in private session, but
13 first, before the break, at page 34, lines 5 to 12, you stated that, "The Christian
14 community had already left the town of Timbuktu."
15 My question is this: From what you heard or -- or saw, do you know why the
16 Christian community had already left Timbuktu?

17 A. [12:17:58] I don't know. But I said to myself it would have been out of fear.
18 They would have feared for their lives thinking that, if they were followers of another
19 religion, they would be assaulted or treated differently. And that is why the
20 community saw what was on the horizon and left.
21 And yet, I saw with my own eyes at the regional hospital, I did see an NGO -- an
22 international NGO that had come to support the hospital. And within that
23 organisation, there were some people who were not Muslim. And yet, they were
24 never worried at that time, not a single day. So I'm talking about
25 Solidarity International. That was the NGO.

1 It included Africans following other religions and they spoke with the Islamic leaders.

2 But the doctors told me that they were never worried about their religion.

3 Q. [12:19:59] And what was the name of this international NGO?

4 A. [12:20:04] I said Solidarity International.

5 MS LUPING: [12:20:18] Mr President, could we briefly go into private session.

6 PRESIDING JUDGE MINDUA: [12:20:25](Interpretation) Courtroom Officer.

7 (Private session at 12.20 p.m.)

8 THE COURT OFFICER: [12:20:30] We are in private session, Mr President.

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1 (Open session at 12.35 p.m.)

2 THE COURT OFFICER: [12:35:14] We are back in open session, Mr President.

3 PRESIDING JUDGE MINDUA: [12:35:25](Interpretation) Thank you very much,
4 Court officer.

5 Madam Prosecutor.

6 MS LUPING: [12:35:30]

7 Q. [12:35:31] Mr Witness, you described how people were reticent to go pray in the
8 mosques because they were fearful. Can you say who they were fearful of?

9 A. [12:35:51] On the first Friday, without the Islamists, Djingareyber mosque, the
10 great mosque, was assaulted by its population and that's why -- well, there are two
11 reasons why. The first reason, during the occupation, people think that at any time
12 there could be attacks within the mosque and that's why some of them were reticent.
13 Second reason, a lot of the faithful were trying to put some distance between the
14 Islamists and themselves to not be humiliated, and that's why a lot of them were
15 reticent when it came to going to pray in the mosque. And the faithful who went
16 there, you could count on -- on one hand.
17 Those are the two main reasons.

18 Q. [12:37:23] And when you state that the faithful were trying to put some distance
19 between the Islamists and themselves to not be humiliated, what did you mean by
20 that?

21 A. [12:37:40] Well, when a father sees that there's a small boy and how he behaves,
22 often it's shocking. He says to an adult to pull his trousers up, or he will say it's up
23 to him to learn religion. Sometimes -- well, in order to not react badly in front of this
24 combatant, people prefer not to give them any occasion to do so. That's -- that's it,
25 basically.

1 Q. [12:38:38] And when you say that a small boy says to an adult to pull his
2 trousers up, what small boys are you referring to?

3 A. [12:38:58] When a 15-year-old, 16-year-old, 18-year-old combatant tells a person,
4 who's 60 years old, to pull their trousers up, then -- or roll their trousers up, then the
5 education, the upbringing is changing the direction. Now, it's the child that's
6 bringing up or educating the adult; whereas it should come from the parent. They
7 should -- parents should be the one who teach the proper conduct to the children.

8 Q. [12:39:46] And combatants of which group were doing this?

9 A. [12:39:53] These were the Islamists.

10 Q. [12:40:01] And whose rules were they applying to pull up the trousers?

11 A. [12:40:09] These were the measures that were taken -- the trousers. Trousers
12 were formally prohibited, even if I didn't state that specifically.

13 So sometimes there would be a patrol from the morality police. They would come
14 with scissors. And if you didn't do that, they would just cut the legs so that
15 they -- they would resemble shorts.

16 And I was told that if I wanted to get on with them, no longer to wear my long
17 trousers. And so I made special clothing because I had the intention of doing my
18 work with shorts, with a boubou, with short sleeves as well. And there, I -- I
19 conformed with them.

20 And when you have somebody who doesn't understand that - they cannot
21 understand how a young person is teaching them lessons - that creates points of
22 divergence. And if you ever go there and you see that there's a young person who
23 has received instructions that have to be applied, if you refuse, you risk having
24 sanctions meted out against you by the Islamists.

25 Q. [12:42:07] And you stated:

1 (Interpretation) "This was among the measures that were taken."

2 (Speaks English) Whose measures were those?

3 A. [12:42:33] I haven't understood the question.

4 Q. [12:42:34] You said -- you described the rules about the trousers. Whose rules
5 were they?

6 A. [12:42:41] These were the rules of the occupiers, the Islamists.

7 Q. [12:42:54] And you gave examples of young combatants telling adults what they
8 should be wearing. Did you ever learn or see of any such examples of that
9 happening?

10 A. [12:43:06] Regularly. That's what I often saw.

11 Once I was sitting in a group, and two young people arrived. We knew that they
12 didn't -- they weren't 20 years old. I knew that. Two of them came, and they found
13 the group who were sitting down, and one of us were wearing some jeans and they
14 were down to the ground. They came. They were very respectful. They greeted
15 him, and they told the man to shorten the trouser leg, otherwise he would be make
16 them dirty. He wouldn't be able to shorten them. And before making the proposal,
17 they explained that trousers dragging on the ground could prejudice prayer.

18 So the man, he said, no. It was his choice, and he wanted to leave it like that -- leave
19 them like that.

20 So one of the young men got out some scissors, and I intervened to say to the man,
21 "You have to roll up your trouser legs. It doesn't cost you anything to fold them up
22 and leave it like that in order to avoid a useless conflict."

23 And that's a case that happened; that I saw in front of me.

24 In another case, there was another day in the market with an elderly person. We
25 were speaking. Abdel (sic) Kalil, he was. He's no longer alive. And there was

1 a team who had come with a pickup, and a second individual came out. They went
2 up to this old man. They greeted him first, and then they told him to shorten his
3 trousers legs. And he was wearing a boubou, but he was wearing trousers
4 underneath. The boubou was in three different items. And he was reticent. He
5 didn't want to do so.

6 And myself, I addressed him to tell him to shorten his trouser legs, to roll them up,
7 and he said -- and he -- "Leave me, and let the people continue with their work."
8 No -- well, what he wanted, he wanted to resist, but I showed him, no, it's not
9 necessary.

10 And those are two cases where I was present, and that was my reaction that I can
11 mention to you.

12 MS LUPING: [12:46:32] Mr President, could I just briefly go into private session to
13 ask for the names of these individuals.

14 PRESIDING JUDGE MINDUA: [12:46:48](Interpretation) Court officer, please take
15 us into private session.

16 (Private session at 12.46 p.m.)

17 THE COURT OFFICER: [12:46:53] We are in private session, Mr President.

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- 17 (Open session at 12.52 p.m.)
- 18 THE COURT OFFICER: [12:53:09] We are back in open session, Mr President.
- 19 PRESIDING JUDGE MINDUA: [12:53:11](Interpretation) Thank you very much,
- 20 court officer.
- 21 Madam Prosecutor.
- 22 MS LUPING: [12:53:15]
- 23 Q. [12:53:16] Yes. Mr Witness, in the short video excerpt that we watched, we can
- 24 hear somebody asking the imam or saying to him:
- 25 (Interpretation) "I think that also in your preaching, you preach for a tolerant Islam."

1 Now, from what you have heard or what you saw, what did you understand the
2 imam to mean by an Islam *tolérant*?

3 A. [12:54:00] Firstly, in -- Timbuktu had a tolerant Islam, because with the
4 occupation of 2012, that wasn't the first time, despite -- despite how old it is, it's
5 been occupied many times by many different communities and ethnic groups. But
6 the only message that prevailed was to accept and to tolerate. That was a message
7 which came with the foundation of the town and remains to this day. And the proof
8 of the Moroccan occupation, where one of the most-renowned scholars with an
9 unparalleled reputation, Ahmed Baba, was deported to Morocco. When he
10 returned, 14 years afterwards, after the day of his freedom, he asked the Timbuktu
11 population not to harm their Moroccan brothers. And it's this spirit which was
12 cultivated by the people in Timbuktu all the time.

13 So the imam is referring to this message, which was made, and which the people of
14 Timbuktu also accepted. The Christians work there -- the Christians live there
15 peacefully. With festivals, you have Muslim and Christian festivals. They're
16 celebrated by everyone. You would be surprised to go to Timbuktu and look at the
17 Christian community. In Tabaski, they eat sheep, as well as the Muslims. When
18 you have the feast at the end of the year, that is celebrated with Christians in
19 Timbuktu. If they say Jesus, the Muslim community renders homage to the prophet,
20 Isa.

21 So it's this spirit, which means that there has never been a religious confrontation.
22 You have tolerant Islam, which is what I've just shown, and that's why the imam
23 made reference to it. For example, the example I gave where the Christian
24 community also slaughter sheep in their families.

25 Q. [12:57:26] Now, Mr Witness, I'm moving to a different exhibit I'm going to be

1 showing now.

2 It can be shown publicly. I do not require -- I won't be playing it with any sound. It
3 requires no interpretation.

4 Mr Witness, you should see it on evidence channel 2 in front of you. It's tab 417, it's
5 MLI-OTP-0015-0495. I'm going to start from 00:35:52:24. And it's without sound.
6 And I'll be asking you whether you recognise a specific individual.

7 (Viewing of the video excerpt)

8 MS LUPING: [12:59:03] For the record I have stopped at 00:36:39:14.

9 Q. [12:59:13] Mr Witness, do you recognise any individuals in this image?

10 A. [12:59:19] Well, I recognise the man with the black turban, Gilles Le Guen, alias
11 Abdel Jalil.

12 Now, with regard to what mosque it is, I couldn't tell you that. But at the start of the
13 pictures, I saw people who were entering, and that type of limestone you can only see
14 in Timbuktu. So I would say it's in Timbuktu town.

15 Q. [13:00:04] And you said you recognise a man with a black turban as Gilles Le
16 Guen. Can you describe what colour his clothing is?

17 A. [13:00:24] He's wearing a blue boubou, black turban.

18 Q. [13:00:36] Is he the person on the left or the person on the right?

19 A. [13:00:41] He's the one facing me on the right, opposite.

20 MS LUPING: [13:00:50] Mr President, I can stop here. I'm just going to take the
21 excerpt off the screen (Overlapping speakers)

22 PRESIDING JUDGE MINDUA: [13:00:59](Interpretation) Indeed, Madam

23 Prosecutor. Indeed. It's 1 o'clock, Madam Prosecutor. We are going to interrupt
24 our session for lunch and we will be back at 2.30 as usual.

25 Court is suspended.

1 THE COURT USHER: [13:01:25] All rise.

2 (Recess taken at 1.01 p.m.)

3 (Upon resuming in open session at 2.36 p.m.)

4 THE COURT USHER: [14:36:42] All rise.

5 Please be seated.

6 PRESIDING JUDGE MINDUA: [14:37:05](Interpretation) Court is in session once

7 again.

8 Before handing over to the Office of the Prosecutor, I would like to hand down a brief

9 oral ruling.

10 Mr Courtroom Officer, could you please cut off the sound with the witness.

11 THE COURT OFFICER: [14:37:37] Your Honours, I can confirm that the sound has

12 been cut off at the VTV location.

13 PRESIDING JUDGE MINDUA: [14:37:44](Interpretation) Thank you very much,

14 Mr Courtroom Officer.

15 Before continuing with the testimony of P-0654, I would like to briefly provide some

16 guidelines from the Chamber. I would like to remind you -- remind the Office of the

17 Prosecutor that pursuant to the instructions on the conduct of proceedings, any

18 questioning of the witness must be led in an appropriate and targeted manner. The

19 topics relevant to the charges must therefore be broached in a precise and succinct

20 manner.

21 To date, the Chamber has observed that the Prosecutor has repetitively put questions

22 to Witness P-0654, questions which, in the opinion of the Chamber, have given rise to

23 excessively detailed responses, going to topics that have been sufficiently covered

24 since the opening of the proceedings.

25 So, I would like to underscore the fact that despite the fact that 19 hours have been

1 given over to the examination-in-chief of this witness, the Office of the Prosecutor is
2 not obliged to entirely use up this time. And I would like to remind you that the
3 management of the proceedings is, in a final instance, up to the Chamber, and, as a
4 result, I shall not hesitate to limit the time given over to the Prosecution, were it to
5 prove necessary.

6 There we are with the oral hearing (sic).

7 Now, I had already raised this matter of the time available with the Defence as well,
8 and if a time is allocated to one party or another, of course this is the maximum
9 amount of time, which does not mean that you necessarily need to use all of that time,
10 and you can stop before that time has elapsed.

11 Now, Madam Prosecutor, it's over to you. We shall now establish -- or re-establish
12 the link with the witness.

13 Mr Courtroom Officer, please.

14 THE COURT OFFICER: [14:41:30] Your Honours, the sound has been re-established
15 at the VTV location.

16 PRESIDING JUDGE MINDUA: [14:41:36](Interpretation) Thank you very much,
17 Mr Courtroom Officer.

18 Now, Mr Witness, once again, I would like to ask you to excuse the Chamber, we had
19 a few domestic matters to sort out.

20 Madam Prosecutor, over to you.

21 MS LUPING: [14:41:52]

22 Q. [14:41:54] Mr Witness, you had been discussing before the break the issue of an
23 individual called Imam Boyni and how he had fled Timbuktu.

24 I'd now like to ask the presiding judge if I can please go into private session.

25 Sorry, before I do, Mr President, I obviously just wanted to note, your Honours, that I

1 have taken due note of your decision, and obviously I will be seeking to not simply
2 repeat what other witnesses have dealt with and I will be focusing on the materials
3 pertinent to this witness. I wanted to be clear about that.

4 PRESIDING JUDGE MINDUA: [14:42:51](Interpretation) Thank you very much,
5 Madam Prosecutor, for your understanding.

6 Now, how long will this private session be? Because we do have people in the
7 public gallery and we need to tell them. Mr Courtroom Officer, are we in private
8 session, are we?

9 THE COURT OFFICER: [14:43:23](Overlapping speakers) No, we're not. We're in
10 open session.

11 PRESIDING JUDGE MINDUA: [14:43:26](Interpretation) Very well.

12 So Madam Prosecutor, how many minutes, approximately?

13 MS LUPING: [14:43:32] Mr President, I am asking to briefly go into private session.
14 I'll repeat the request. Thank you.

15 PRESIDING JUDGE MINDUA: [14:43:41](Interpretation) Very well.

16 Mr Courtroom Officer, private session, please.

17 (Private session at 2.43 p.m.)

18 THE COURT OFFICER: [14:43:50] We are in private session, Mr President.

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23 (Open session at 2.48 p.m.)

24 THE COURT OFFICER: [14:48:12] We are back in open session, Mr President.

25 PRESIDING JUDGE MINDUA: [14:48:16](Interpretation) Thank you very much,

1 Mr Courtroom Officer.

2 Madam Prosecutor.

3 MS LUPING: [14:48:23] Thank you, Mr President.

4 Q. [14:48:27] Mr Witness, you had described a meeting that took place with "Iyad
5 Ag Ghaly, Yahya Ould Hammam" and other leaders of the movements Ansar Dine,
6 AQMI, and MUJAO. And you referred to 100 vehicles with combatants that also
7 came with these leaders.

8 My first question is, did this meeting take place in Timbuktu? Just so I understand
9 clearly what you meant.

10 PRESIDING JUDGE MINDUA: [14:49:15](Interpretation) Ms Taylor.

11 MS TAYLOR: [14:49:18] Thank you, Mr President.

12 I do think it's quite prejudicial to read out extracts from this document in
13 a piecemeal manner. I do believe that the Prosecutor is going to put this to the
14 witness. Out of fairness, the first two paragraphs should be put to the witness.

15 MS LUPING: [14:49:39] Mr President, with all due respect -- (Overlapping speakers)

16 PRESIDING JUDGE MINDUA: [14:49:46] (No interpretation)

17 MS LUPING: [14:49:48] -- with all due respect, Mr President, your Honours, the
18 witness has had an opportunity to -- to review the exhibit in question. I'm not going
19 to make more comments about his connection to the exhibit for obvious reasons.

20 He is -- I'm asking for specific information related to this. He's is able to look at the
21 exhibit himself. It's -- it's before him.

22 I am simply asking very -- a specific question about a meeting that took place.

23 PRESIDING JUDGE MINDUA: [14:50:22](Interpretation) Ms Taylor, I'm in
24 agreement with what Madam Prosecutor just said. There are two points. In terms
25 of fairness, the witness is already familiar with this item. We've already talked about

1 it. And what is more, this item of evidence is before the witness and he can consult
2 it. And, secondly, for security reasons, we are not going to start reading through it
3 again.

4 Now, Madam Prosecutor, please continue.

5 MS LUPING: [14:50:51] Thank you.

6 Q. [14:50:51] Mr Witness, I'm going to repeat my question.

7 I noted that you had referred to a meeting with various leaders of the movements
8 Ansar Dine, AQMI, and MUJAO, including, Iyad Ag Ghaly and Yahya Ould
9 Hammam, and there had -- or been a reference as well to about 100 vehicles of
10 combatants who were also there.

11 My first question is -- is to clarify where precisely this meeting took place.

12 A. [14:51:46] This meeting took place in Farach, in the *cercle* of Goundam,
13 Timbuktu region, but not Timbuktu city.

14 Q. [14:52:16] And when you spoke of the population of Timbuktu, who were you
15 referring to? Population of what part of Timbuktu?

16 A. [14:52:33] After this meeting, this large-scale meeting that was held in Farach,
17 the return was spectacular. These vehicles, with their combatants, and these major
18 figures of occupation, and it was during this meeting that Iyad was chosen as the
19 supreme leader of the movement, unanimously, without any contestation. And
20 upon returning to Timbuktu, this news had to be delivered, and that's why I talked
21 about hundreds of vehicles entering the city of Timbuktu. From Farach, they came
22 to Timbuktu city, but the meeting itself was not held in Timbuktu.

23 Q. [14:54:04] And on the return to Timbuktu, were any of the leaders of these
24 movements also entering Timbuktu?

25 A. [14:54:18] These leaders came from everywhere -- Kidal, Gao, and Timbuktu,

1 and it was from there that we understood that there were Ansar Dine elements and
2 elements from AQMI and MUJAO. But the three entities, unanimously, during this
3 meeting, decided to designate the Ansar Dine movement as the leader movement in
4 order to apply Sharia in the north of Mali.

5 Q. [14:55:18] And do you recall when this meeting took place?

6 A. [14:55:24] I don't remember the precise period, but it was at the height of the
7 occupation in 2012.

8 Q. [14:55:45] And do you recall if it was the beginning, the middle or the end of the
9 occupation? Roughly when during the occupation?

10 A. [14:56:03] I find it difficult to place this in time. I just know it's during the
11 occupation. It wasn't at the beginning. I wouldn't be able to tell you whether it's in
12 the middle or towards the end.

13 Q. [14:56:28] And when combatants returned to Timbuktu after the meeting, do
14 you know which leaders returned with them to Timbuktu city?

15 A. [14:56:43] I saw images of it, but I was not at the meeting myself. I saw some
16 pictures, images, in which I recognised Iyad because he was being held up
17 to -- because of his victory. I saw Mokhtar Belmokhtar --

18 THE INTERPRETER: [14:57:15] The interpreter missed one name.

19 THE WITNESS: [14:57:19](Interpretation) -- I saw Oumar Ould Hamaha in those
20 images. So I wouldn't be able to comment on what I saw. (Redacted)

21 (Redacted), the spectacular return with the combatants

22 crying "Allah Akbar." This was at the end of a general assembly in Farach.

23 MS LUPING: [14:57:59]

24 Q. [14:58:00] And you said you saw images of these leaders. These images were
25 taken of them where?

1 A. [14:58:11] On the sites. On the -- on the -- on the sites of the meeting.

2 THE INTERPRETER: [14:58:21] Says the witness.

3 MS LUPING: [14:58:23]

4 Q. [14:58:25] And I'm not sure if there has been a misunderstanding, but my
5 question was a different one.

6 On the return to Timbuktu city, were there any leaders that returned with the
7 combatants -- that you saw returning to Timbuktu city?

8 I'm not talking about Farach at the moment.

9 A. [14:58:55] Yes. Upon arriving in Timbuktu, each chief would then take
10 over -- be in charge of their region, and then they continued on Kidal.

11 Belmokhtar -- Mokhtar Belmokhtar to Gao, and the others returned to Timbuktu.

12 Otherwise, they all came back to Timbuktu before going back to their various
13 respective regions.

14 Q. [14:59:35] So which chiefs were returning to Timbuktu, so we are clear?

15 A. [14:59:42] Iyad came back to Timbuktu before going on to Kidal. He had come
16 back to Timbuktu and remained. Mokhtar Belmokhtar stayed -- came to Timbuktu,
17 stayed, and then went on to Gao because he had stayed quite some time before
18 continuing on to Gao. But Iyad, the very next day, after his appointment, I believe
19 that he went on.

20 MS LUPING: [15:00:25] Mr President, if we could go into private session.

21 PRESIDING JUDGE MINDUA: [15:00:31](Interpretation) Private session, courtroom
22 officer, please.

23 (Private session at 3.00 p.m.)

24 THE COURT OFFICER: [15:00:42] We are in private session, Mr President.

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1 (Open session at 3.17 p.m.)

2 THE COURT OFFICER: [15:17:49] We are back in open session, Mr President.

3 PRESIDING JUDGE MINDUA: [15:17:57](Interpretation) Thank you very much.

4 Madam Prosecutor.

5 MS LUPING: [15:18:01]

6 Q. [15:18:02] Yes. Now, Mr Witness, you have made mention of an individual
7 called Oumar Ould Hamaha. Could you explain which institution he worked for in
8 Timbuktu?

9 A. [15:18:20] Oumar was from the army, but he also was in Ansar Dine. In actual
10 fact, he came in with AQIM. I was somewhat familiar with the path he had taken,
11 and I know that he came via AQIM, but, you know, AQIM, MUJAO, all those
12 movements in the territory were under the Ansar Dine banner, so to speak. He was
13 an officer responsible for exterior security within the movement of the Islamists in
14 Mali.

15 MS LUPING: [15:19:19] Mr President, could I request that we go into private session.
16 It -- it will be (Overlapping speakers)

17 PRESIDING JUDGE MINDUA: [15:19:30](Interpretation) Private session.

18 (Private session at 3.19 p.m.)

19 THE COURT OFFICER: [15:19:36] We are in private session, Mr President.

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22 (Open session at 3.42 p.m.)

23 PRESIDING JUDGE MINDUA: [15:42:07](Interpretation) Thank you very much, Mr
24 Courtroom Officer.
25 Madam Prosecutor.

1 MS LUPING: [15:42:11]

2 Q. [15:42:11] Mr Witness, can you recall when Oumar Ould Hamaha left

3 Timbuktu?

4 A. [15:42:19] Well, Oumar was one of the last actors to resist the Serval attacks in
5 Timbuktu during that period.

6 Q. [15:42:49] And do you recall the movement that he created, a new movement?

7 And if so, what was the name of that movement?

8 A. [15:43:03] Just after those first attacks that targeted Islamist movements in the
9 area, not in Timbuktu city, there was a first march of the -- on the part of the Arab
10 community to ask France to stop these attacks that could cause harm to the
11 population because there already had been attacks in Diabali, and Léré. So there
12 was a peaceful march that took place in Timbuktu to request that these attacks stop.
13 After this march, Oumar started a movement called Ansar Sharia, and one afternoon
14 in Timbuktu, we saw vehicles with combatants, for the most part, Arabs, and this was
15 said to be the new movement that had been created. There we are.

16 Q. [15:44:25] And do you recall when that was?

17 A. [15:44:29] That was in the month -- it was the first week of December when the
18 strikes started in Diabali and Konna.

19 MS LUPING: [15:45:05] Mr President, I'd ask if we can briefly go into private session.
20 It will not be for a very long time.

21 PRESIDING JUDGE MINDUA: [15:45:16](Interpretation) Mr Courtroom Officer,
22 private session, please.

23 (Private session at 3.45 p.m.)

24 THE COURT OFFICER: [15:45:39] We are in private session, Mr President.

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12 (Open session at 3.51 p.m.)
13 THE COURT OFFICER: [15:51:33] We are back in open session, Mr President.
14 PRESIDING JUDGE MINDUA: [15:51:46](Interpretation) Thank you very much,
15 Mr courtroom officer.
16 Madam Prosecutor, please.
17 MS LUPING: [15:51:53]
18 Q. [15:51:55] Mr Witness, you -- I'm switching to a completely different topic now.
19 You described how the two radio stations at Timbuktu were Radio Bouctou and
20 Radio Al Farouk, and you said --
21 PRESIDING JUDGE MINDUA: [15:52:19](Interpretation) Ms Taylor.
22 MS TAYLOR: [15:52:21] Thank you, Mr President.
23 I'm intervening because the Prosecutor has indicated they're moving to another topic.
24 We have the rough time period of what we just saw, but not what it purports to be.
25 The Prosecutor hasn't elicited any evidence as to what we just saw. In particular, if

1 it's -- I'm not going into any further details. But as was the case with other
2 documents, similar documents, that was a necessary question.

3 PRESIDING JUDGE MINDUA: [15:52:53](Interpretation) Madam Prosecutor.

4 MS LUPING: [15:52:55] Mr President, I cited the relevant part, and I asked when it
5 was created, and the document is very clear as to what it contains. I do believe the
6 document does speak for itself. If the Chamber would like to hear some answers
7 or -- more information about it, I'm happy to go back into private session to do so.
8 But I do believe the document does speak for itself and he has indicated the
9 information necessary, as far as the Prosecution's concerned.

10 PRESIDING JUDGE MINDUA: [15:53:32](Interpretation) Ms Taylor. We are in open
11 session, Ms Taylor. Please go ahead.

12 MS TAYLOR: [15:53:39] Yes. Certainly, Mr President. I'm very aware of that.

13 But I don't believe it's appropriate to say that a document speaks for itself as there are
14 obviously different types of documents and there are obviously different levels of
15 how documents are used and that impacts upon the reliability and the authenticity.
16 So we do believe that as was the case with other documents, this is an issue that could
17 be elicited in private session, but it should indeed be done so.

18 PRESIDING JUDGE MINDUA: [15:54:10](Interpretation) Ms Taylor, well, Madam
19 Prosecutor says that she is satisfied and that she obtained the response that she
20 wanted and that she's not going to use these items in any other manner.

21 So do you want us to go back into private session for the rest?

22 MS TAYLOR: [15:54:27] Thank you, Mr President.

23 If you say that it's not going to be used, is it -- if it's going to be submitted into
24 evidence, we do need some basic indicia of what this is.

25 PRESIDING JUDGE MINDUA: [15:54:44](Interpretation) Madam Prosecutor.

1 MS LUPING: [15:54:45] Mr President, we don't have any problem with asking
2 the -- the witness a very simple question, but we would need to -- indeed to return to
3 private session to do so. Because obviously this is an item that we want to have
4 submitted as evidence.

5 PRESIDING JUDGE MINDUA: [15:54:59](Interpretation) Very well. Mr courtroom
6 officer, private session, please.

7 (Private session at 3.55 p.m.)

8 THE COURT OFFICER: [15:55:07] We are in private session, Mr President.

9 (Redacted)

10 (Redacted)

11 (Redacted)

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4 (Open session at 3.58 p.m.)

5 THE COURT OFFICER: [15:58:55] We are back in open session, Mr President.

6 PRESIDING JUDGE MINDUA: [15:59:03](Interpretation) Thank you very much,

7 Mr Courtroom Officer.

8 Madam Prosecutor.

9 MS LUPING: [15:59:13] Mr President, it seems I have only time for -- it's only one
10 minute before the session ends. I was switching topics. I can ask one question
11 before the break, as -- it's as you prefer. It's a completely new topic.

12 PRESIDING JUDGE MINDUA: [15:59:33](Interpretation) Very well. So put your
13 question, and then we'll continue tomorrow. Put that first question.

14 MS LUPING: [15:59:42]

15 Q. [15:59:42] Mr Witness, you described how Abou Dardar was in control at the
16 radio stations, Radio Bouctou and Radio Al Farouk.

17 Could you explain from when he was the one in control at these two radio stations.

18 A. [16:00:06] Well, from the first hours of the occupation, it was Adama who was
19 controlling everything. So over time, things were put in place and the officials were
20 put in position at each level. Now, Abou Dardar, for the private radio, was the first
21 in charge. The media committee was -- the permanent member was Radwan.

22 There was Abou Dardar and Sanda and Oumar all on this media committee because
23 they were expressing themselves on behalf of the movement. And they immediately
24 automatically became members of this media committee.

25 Nobody is allowed to speak without the authorisation of this committee in charge of

1 media affairs. Now, if you want to interview a combatant, you automatically need
2 to have the permission for this individual to speak. There we are.

3 PRESIDING JUDGE MINDUA: [16:01:31](Interpretation) Very well, Madam
4 Prosecutor. It is 16:01. So I think it is time for us to rise for today.
5 Mr Witness.

6 THE WITNESS: [16:01:54](Interpretation) Yes, Mr President.

7 PRESIDING JUDGE MINDUA: [16:01:55](Interpretation) On behalf of the Chamber,
8 I would like to, once again, very sincerely thank you for having answered these
9 questions with a lot of clarity and patience.

10 Unfortunately, your testimony is not yet over. So you shall be back tomorrow at 9.30
11 a.m. Until then, as you are aware - but I'd like to remind you of it again - you are not
12 allowed to speak of your testimony to anybody at all, whether it be friends or
13 members of your family. There we are. Thank you very much.

14 So all my gratitude, of course, to the parties and the participants, to the court
15 reporters and to the interpreters, and to our security guards. And to our public who
16 are always by our side, I thank you very much indeed.

17 And I wish you all a pleasant evening and see you all again tomorrow morning.

18 Court is adjourned.

19 THE COURT USHER: All rise.

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