

Trial Hearing  
WITNESS: MLI-OTP-P-0520

(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 Thursday, 21 October 2021  
10 (The hearing starts in open session at 9.34 a.m.)  
11 THE COURT USHER: [9:34:47] All rise.  
12 The International Criminal Court is now in session.  
13 Please be seated.  
14 PRESIDING JUDGE MINDUA: [9:35:17](Interpretation) Court is in session.  
15 Court officer, please call the case.  
16 THE COURT OFFICER: [9:35:26] Good morning, Mr President, your Honours.  
17 This is the situation in the Republic of Mali, in the case of The Prosecutor versus Al  
18 Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud, case reference ICC-01/12-01/18.  
19 And for the record we're in open session.  
20 PRESIDING JUDGE MINDUA: [9:35:49](Interpretation) Thank you very much,  
21 court officer.  
22 Good morning, everyone. As usual we're going to start with the appearances, firstly  
23 with the Office of the Prosecutor. Madam Prosecutor.  
24 MS SARDACHTI: [9:36:04](Interpretation) Good morning, your Honour, good  
25 morning, your Honours. The Prosecution this morning is represented by

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1 Lucio Garcia, senior trial lawyer, and myself, Marie-Jeanne Sardachti, also senior trial  
2 lawyer.

3 PRESIDING JUDGE MINDUA: [9:36:17](Interpretation) Thank you very much,  
4 Madam Prosecutor.

5 I now turn towards the Defence counsel. Counsel.

6 MS SUTHERLAND: [9:36:24] Good morning, Mr President, your Honours.

7 The Defence for Mr Al Hassan is this morning represented by Ms Melissa Beaulieu  
8 Lussier, Mr Iain Edwards, Ms Melinda Taylor and myself, Kirsty Sutherland.

9 PRESIDING JUDGE MINDUA: [9:36:44](Interpretation) Thank you very much,  
10 Maître Sutherland.

11 I now turn to the Legal Representatives of Victims.

12 Counsel.

13 MR LUVENGIKA: [9:36:55](Interpretation) Good morning, your Honour,  
14 your Honours. The victims are represented today by Madam Claire Laplace and by  
15 myself, Maître Nsita Luvengika. Probably in the second session Maître Julie Goffin  
16 shall join us. Thank you very much.

17 PRESIDING JUDGE MINDUA: [9:37:15](Interpretation) Thank you very much,  
18 Maître Nsita.

19 This morning we're going to hear Witness -- Prosecution Witness P-0520. And I turn  
20 towards the witness, who is not present in the courtroom but is following us from  
21 afar.

22 Good morning, Madam Witness. How are you?

23 WITNESS: MLI-OTP-P-0520

24 (The witness speaks Songhai)

25 (The witness gives evidence via video link)

- 1 THE WITNESS: [9:37:53](Interpretation) Very well. Thank God.
- 2 PRESIDING JUDGE MINDUA: [9:37:58](Interpretation) Thank you very much,
- 3 Madam Witness.
- 4 On behalf of the Chamber I would like to welcome you. You are going to testify
- 5 with a view to helping the Chamber establish the truth concerning Mr Al Hassan.
- 6 Madam Witness, protective measures have been put in place such that your identity is
- 7 not revealed to the public.
- 8 Whenever you need to give details, which could reveal your identity, we will speak in
- 9 closed session.
- 10 As such, nobody other than the people in this courtroom can hear you.
- 11 Madam witness, I'm now going to take your solemn undertaking under Rule 66(1) of
- 12 the Rules of Procedure and Evidence.
- 13 Please repeat after me: I solemnly declare.
- 14 THE WITNESS: [9:40:27](Interpretation) I solemnly declare.
- 15 PRESIDING JUDGE MINDUA: [9:40:29](Interpretation) That I will tell the truth.
- 16 THE WITNESS: [9:40:32](Interpretation) That I will tell the truth.
- 17 PRESIDING JUDGE MINDUA: [9:40:38](Interpretation) All the truth.
- 18 THE WITNESS: [9:40:44](Interpretation) All the truth.
- 19 PRESIDING JUDGE MINDUA: [9:40:46](Interpretation) And nothing but the truth.
- 20 THE WITNESS: [9:40:54](Interpretation) And nothing but the truth.
- 21 PRESIDING JUDGE MINDUA: [9:40:56](Interpretation) Thank you very much,
- 22 Madam Witness.
- 23 You are now under oath. The representatives of the VWU and the Prosecution
- 24 representatives have already explained to you what that means.
- 25 THE WITNESS: [9:41:47](Interpretation) Yes.

- 1 PRESIDING JUDGE MINDUA: [9:41:47](Interpretation) I now have some practical  
2 instructions for you for taking the floor.
- 3 THE WITNESS: [9:42:00](Interpretation) Very well.
- 4 PRESIDING JUDGE MINDUA: [9:42:02](Interpretation) Throughout your testimony,  
5 you must remember that everything that is said in the courtroom is transcribed by  
6 court reporters and simultaneously interpreted into several languages by interpreters.  
7 It's therefore important to speak clearly and slowly.  
8 Do not start speaking until the person who is putting a question to you has finished  
9 putting that question.  
10 Of course, if you have a question please raise your hand to indicate that you wish to  
11 intervene.
- 12 THE WITNESS: [9:43:40](Interpretation) Very well.
- 13 PRESIDING JUDGE MINDUA: [9:43:41](Interpretation) And if you want to have  
14 a break, please let me know.  
15 So you'll firstly have questions put to you by the Office of the Prosecutor and  
16 thereafter by the Legal Representatives of Victims and thereafter by the Defence.  
17 Without further ado, I now give the floor to the Office of the Prosecutor.  
18 Madam Prosecutor.
- 19 MS SARDACHTI: [9:44:38](Interpretation) Thank you, your Honour.
- 20 QUESTIONED BY MS SARDACHTI: (Interpretation)
- 21 Q. [9:44:43] Good morning, Madam Witness.
- 22 A. [9:44:46] Good morning.
- 23 Q. [9:44:50] My name is Marie-Jeanne Sardachti. We have already seen each other.  
24 And yesterday as well.  
25 On behalf of the Prosecutor, I'm going to put questions to you on behalf of the Office

1 of the Prosecutor.

2 I'm going to start by asking questions about your identity in closed session or in  
3 private session, and thereafter I'll put questions to you about what happened to you.

4 As much as possible I will put questions to you in open session.

5 A. [9:46:02] Very well.

6 MS SARDACHTI: [9:46:08](Interpretation) Your Honour, your Honours, I would  
7 like to go into private session for approximately 10 minutes.

8 PRESIDING JUDGE MINDUA: [9:46:15](Interpretation) Very well.

9 Court officer, please take us into private session.

10 (Private session at 9.46 a.m.)

11 THE COURT OFFICER: [9:46:27] We're in private session, Mr President.

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

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1 (Open session at 10.00 a.m.)

2 THE COURT OFFICER: [10:00:22] We're back in open session, Mr President.

3 PRESIDING JUDGE MINDUA: [10:00:28](Interpretation) Thank you very much.

4 Madam Prosecutor.

5 MS SARDACHTI: [10:00:37](Interpretation)

6 Q. [10:00:40] Madam Witness, I'm going to be starting by putting questions to you  
7 about Timbuktu in the year 2012.

8 A. [10:00:53] Very well.

9 Q. [10:01:01] Could you please tell us what happened in Timbuktu in 2012?

10 A. [10:01:25] Well, what happened in Timbuktu in 2012, or what happened to me in  
11 Timbuktu in 2012? I didn't understand.

12 Q. [10:01:45] Yes, you do well to have me pinpoint this because it was rather  
13 a broad question.

14 What happened to you in the year 2012?

15 A. [10:02:34] What happened to me in 2012 was that I was just a -- a tradesperson.  
16 I was just selling my wares until a day that I went into a place and I found some  
17 people there.

18 When I found those people there, I didn't speak to them, nor did they speak to I -- to  
19 me. I thought that they were people who didn't speak to others. (Redacted)  
20 (Redacted)

21 And that is how, three days after that, those people approached me. But I don't  
22 know whether it was them or not. They came to say to me that their chief had said  
23 that he loved me. And it's when he said that to me - I don't know whether it was  
24 the chief or not because I didn't see his face - I answered him saying that that wasn't  
25 my thing.

1 And at night-time they came in a group, four or five individuals. They came.  
2 I didn't know them. But it was one of them that I did manage to recognise and he  
3 said that he was part of the group.  
4 And that's when he said, "Well, how can you say that you don't like us whilst it is we  
5 who are controlling everything here? We are the boss here, and he is our chief, and  
6 he says that he loves you."  
7 And I said, "Well, even if I have to die, I don't love him."  
8 And that's when they insisted until one of them got his weapon out and pointed it at  
9 me, saying "You're going to accept what we're saying to you or we're going to take  
10 you away forcibly."  
11 And at that time (Redacted) and I was frightened that something  
12 would happen to her, so I felt obliged to follow them and do what they said.  
13 \* And that's when they gathered together, saying that they would conduct a religious  
14 marriage ceremony. I would not be there, my parents would not be present. And they  
15 left when they said that they did that. But still, none of us was there. And I... they  
16 didn't give me a single franc. I didn't see a single franc.  
17 THE WITNESS: [10:07:39](Interpretation) That is how they put me in their vehicle  
18 and they took me away. I don't remember where they took me because I didn't even  
19 raise my eyes to see where we were going, nor did I recognise them because they  
20 were all dressed in such a way that I couldn't recognise them.  
21 They were turbaned.  
22 And then they drove to a place that looked like (Redacted) neighbourhood, and that is  
23 when the person got out of the vehicle. I didn't recognise him because he had -- his  
24 face was covered, and then he got out of the car. He bought some meat and some  
25 fish and some drink, after which we came back to the (Redacted) neighbourhood  
26

1 where he got me to go into a house, (Redacted) neighbourhood.  
2 And it was in that house that we found two other individuals whom I could not  
3 recognise either because they were wearing turbans. And then we went into  
4 the house and we went into a room in the house.  
5 And that is when we sat down. I sat down on a chair and he was speaking. He  
6 spoke a great deal. He said that I am his wife. And I answered saying, "Well, how  
7 can I be your wife when there was no religious ceremony, as far as I'm aware?  
8 There's no date that's been set. I am not your wife."  
9 THE INTERPRETER: [10:10:30] Correction from the English booth: There has been  
10 no dowry exchanged.  
11 THE WITNESS: [10:10:42](Interpretation) \* He said ... and that is when he asked  
12 me... we were... we were sitting in that room, in the living room. And then he asked  
13 me to go into the bedroom. And I said, "No, I'm not going to go into the bedroom.  
14 You have forcibly brought me here. I'm not going in there."  
15 And he remained seated for quite some time, after which he got to his feet - and really  
16 this was somebody that I was very afraid of - and he got to his feet and pushed me  
17 into the bedroom.  
18 And when he pushed me into the bedroom, he did what he did -- what he wanted to  
19 do to me without my consent because he was strong. I didn't want him to do it.  
20 And until today I have tried to find out who he is, but I don't manage to recognise  
21 him or haven't managed to recognise him.  
22 And he would come and go. He would come back in the morning. What he would  
23 do to me at night, whether I was consenting or not, he just carried on doing it.  
24 I couldn't say anything. He would repeat saying that I am his wife. And I would  
25 say, no, I'm not his wife. And I told him that I was married without my consent.

1 My family had not provided their consent.

2 And my family, nobody would speak to me. Even my father-in-law said to

3 me -- well, he forbade me from coming back into the home. He said to my mother

4 she can leave. And he had his children who were in the house.

5 THE INTERPRETER: [10:14:24] Unclear.

6 Correction from the English booth: He said to my mother that she could also leave

7 and join me.

8 \* THE WITNESS: [10:14:41](Interpretation) And that is how the situation happened to

9 me. It wasn't something that I wanted. I didn't seek it out. I didn't love him. That's

10 just how it happened.

11 MS SARDACHTI: [10:14:58](Interpretation) Q. [10:15:00] Madam Witness, if you

12 would like, I can ask for us to take a break. Would that be agreeable to you?

13 A. [10:15:18] Very well.

14 MS SARDACHTI: [10:15:21](Interpretation) Mr President, could we take a brief

15 break, please.

16 PRESIDING JUDGE MINDUA: [10:15:26](Interpretation) Yes, indeed. We are in

17 private session.

18 We are going to suspend the hearing for a few moments. The hearing is suspended.

19 THE COURT USHER: [10:15:45] All rise.

20 (Recess taken at 10.15 a.m.)

21 (Upon resuming in open session at 10.24 a.m.)

22 THE COURT USHER: [10:24:34] All rise.

23 Please be seated.

24 PRESIDING JUDGE MINDUA: [10:25:03](Interpretation) Court is in session once

25 again. Handing over to the Office of the Prosecutor.

26 Madam Prosecutor.

- 1 MS SARDACHTI: [10:25:09](Interpretation) Thank you, Mr President.
- 2 Q. [10:25:15] Madam Witness, do you feel a little better?
- 3 A. [10:25:23] Yes, I'm all right.
- 4 Q. [10:25:27] You gave us a great deal of information before the break.
- 5 A. [10:25:37] Yes.
- 6 Q. [10:25:39] So I'm going to be putting questions to you revisiting what you told
- 7 us.
- 8 A. [10:25:51] Okay.
- 9 Q. [10:25:53] And I would like to apologise in advance if I have you repeat
- 10 something you've already said. So I'm reading from the transcript, page 10, lines 25
- 11 to 28.
- 12 A. [10:26:40] All right.
- 13 Q. [10:26:43] "Until the day that I went inside a place where I found --"
- 14 PRESIDING JUDGE MINDUA: [10:26:48](Interpretation) Mr Courtroom Officer?
- 15 THE COURT OFFICER: [10:26:50] Apologies for interrupting. I'm informed that an
- 16 interpretation request to have the second to last question repeated, please.
- 17 MS SARDACHTI: [10:27:16](Interpretation)
- 18 Q. [10:27:17] So, Madam Witness, I'm going to reread some excerpts of what you
- 19 told us before the break.
- 20 A. [10:27:44] We parted ways when I was talking about the story with my family.
- 21 Q. [10:28:14] So, Madam Witness, I shall be revisiting that point at a later stage.
- 22 A. [10:28:28] All right.
- 23 Q. [10:28:30] But for the time being I'm going to be seeking clarification with regard
- 24 to everything that you've just told us.
- 25 A. [10:28:49] Yes.

- 1 Q. [10:28:50] Is that all right with you?
- 2 A. [10:28:55] I have understood.
- 3 Q. [10:29:03] So I'm going to be rereading part of the transcript.
- 4 A. [10:29:11] Yes.
- 5 Q. [10:29:15] Page 10, lines 25 to 28.
- 6 A. [10:29:28] Okay.
- 7 Q. [10:29:35] You said: "Until the day when I went somewhere, into a place where I  
8 found some people".
- 9 A. [10:29:49] Yes.
- 10 Q. [10:29:51] "and when I found them I didn't speak to them, nor did they speak to  
11 me".
- 12 A. [10:30:03] Yes.
- 13 Q. [10:30:05] "and I even thought that these were people who did not speak to  
14 others".
- 15 A. [10:30:17] Yes.
- 16 Q. [10:30:28] So if we take as point of departure the arrival of the armed groups in  
17 Timbuktu, when did that encounter happen?
- 18 A. [10:31:03] I'm not aware of that because I wasn't there. When the soldiers came  
19 to Timbuktu I was not there.
- 20 Q. [10:31:23] So we'll try to take another time point, for example, Ramadan. Did it  
21 occur before or after Ramadan in 2012?
- 22 A. [10:31:57] I do not know because when they came I just wasn't there. I'm not  
23 aware of it.
- 24 Q. [10:32:15] So if we take a point of reference the first time you heard people speak  
25 about them, how much time afterwards?

1 A. [10:32:53] I don't know. I'm not aware of that. I don't know. I don't  
2 remember.

3 Q. [10:33:07] What were they doing the first time that you met them?

4 A. [10:33:28] In terms of what I was wearing?

5 Q. [10:33:38] I think there was a problem either with understanding or with  
6 the interpreting.

7 These people who you met, what were they doing when you met them?

8 A. [10:34:19] I wouldn't be able to tell you what these people were doing. These  
9 aren't people who that I -- these are not people who I was looking at sufficiently in  
10 reality.

11 Q. [10:34:41] To the best of your memory, were they on foot? Were they in  
12 a vehicle?

13 A. [10:35:03] They were in a vehicle, but I don't know the type of vehicle that they  
14 were in.

15 Q. [10:35:23] Could you describe it to us, to the best of your memory.

16 A. [10:35:41] What do I have to describe to you now?

17 Q. [10:35:50] The first day that you saw them, could you describe their vehicle.

18 A. [10:36:14] I can't describe the vehicle. I didn't see it well.

19 Q. [10:36:34] Was there a flag on the vehicle?

20 A. [10:36:50] Yes. Even if there was a flag, I didn't see it well. It could be the case  
21 that there was a flag, but I didn't see it well.

22 Q. [10:37:05] What language did they speak?

23 A. [10:37:28] They were often speaking Arabic, often Tamasheq. They didn't just  
24 speak one language. Generally it was Tamasheq and Arabic that they spoke.

25 Q. [10:37:49] So if I've understood you well, you're speaking about this in general

1 terms. But the day that you met them, what language were they speaking in on  
2 the day that you met them?

3 A. [10:38:25] I heard them speak Tamasheq. And others were replying in Arabic.  
4 But these were the two languages that were being spoken.

5 Q. [10:38:58] Could you describe these people.

6 A. [10:39:45] In fact, normally there would be three or four of them. And  
7 generally too, there would be one person as well. I didn't know his name. I hadn't  
8 been asked that.

9 Q. [10:40:20] Do you remember how they were dressed?

10 A. [10:40:41] In fact, even if I remember, I don't remember much because it was  
11 a long time ago. I don't remember.

12 Q. [10:41:17] You told us that they came to your house.

13 A. [10:41:32] (Overlapping speakers)

14 Q. [10:41:32] How did they come? What type of transport did they use?

15 A. [10:41:52] When they came, they came in a vehicle. But when it comes to  
16 the type of vehicle or whether there was a flag on it, that's something I don't know.

17 Q. [10:42:18] Were they armed?

18 A. [10:42:28] They were armed.

19 Q. [10:42:37] Do you remember what type of weapon they had, to the best of your  
20 memory?

21 A. [10:42:53] In the name of God, I didn't see well, but what I know is that they did  
22 have a weapon.

23 Q. [10:43:09] So in your account you spoke to us about a person who is their chief  
24 or leader.

25 A. [10:43:40] Yes. In fact, the three to four people or four to five people who were



1 together, I heard them say who the chief was, but I don't know if he was the chief or  
2 not.

3 Q. [10:44:09] When you say they came back, was it the same people as the first  
4 time?

5 A. [10:44:52] Those who came back, I couldn't tell you if it was the same group  
6 because they're always wearing turbans. But the one who came to my house, if I saw  
7 them I would recognise them. It's the same person who left who would come and  
8 go.

9 Q. [10:45:24] Who was at home, at your house, when they came back?

10 A. [10:45:53] Generally, it was my mother who was at home. And my  
11 father-in-law, since the events he no longer stays at home and he can't bear to be with  
12 me. And the children too, they are at the house.

13 Q. [10:46:30] So I was asking you to be precise because in the transcript -- in  
14 the transcript it says "generally".

15 On that day, your mother was there, your father-in-law.

16 A. [10:47:14] Yes, generally they were the ones who were there, but when they  
17 came, my stepfather, he would leave. And generally it was my mother who would  
18 be there with the children. And generally they didn't speak to him unless they were  
19 addressing me directly.

20 Q. [10:48:04] Perhaps you already said this, but could you tell us what they said  
21 when they arrived.

22 A. [10:48:44] When they came, generally they would address me. They said a lot  
23 of things. I don't remember them. And since they came I haven't spent enough  
24 time at home because they took me away with them. And also, when -- they took  
25 me away so I didn't stay at home.

1 Q. [10:49:19] In your account you told us that your mother was afraid. Do you  
2 know why?

3 A. [10:49:50] My mother was concerned. She was concerned for me with regard  
4 to my situation. But they didn't speak to her. She was concerned about me. She  
5 was afraid.

6 Q. [10:50:17] What was she afraid of exactly?

7 A. [10:51:00] She was afraid because she was concerned with me -- about what  
8 happened to me. And if I had my telephone she could also get information from my  
9 friends about what could happen. But she was afraid for me with regards to what  
10 could happen to me. I had my telephone, but I didn't call her.

11 Q. [10:51:33] You also told us that you were afraid. Why were you afraid?

12 A. [10:51:57] Yes, I was afraid because I saw my situation with this man and  
13 I didn't know if I was going to get out of it or not. But thanks to God I'm still here.

14 Q. [10:52:34] You told us in your account that they insisted until one of them -- this  
15 is on page 11, 20, "they insisted". Why did they insist?

16 A. [10:53:18] Who insisted?

17 Q. [10:53:26] Those who came back to your house.

18 A. [10:53:50] Those who insisted, well, when I left for the other side, they came two  
19 or three times to the house. Otherwise, they didn't come back. And I didn't return  
20 home myself.

21 Q. [10:54:29] So I'm going to reread part of it. This is page 11 from line 20  
22 onwards: "And it's there that they insisted until the moment when one of them got  
23 his weapon out and pointed it -- and pointed it at me."

24 A. [10:55:04] Yes.

25 Q. [10:55:14] "And said to me, you're going to accept or we're going to take you

1 away by force."

2 A. [10:55:25] Yes.

3 Q. [10:55:26] What did they want?

4 A. [10:55:56] Yes. When they insisted, they said they wanted to marry me. And I  
5 said that I wasn't available. And (Redacted)

6 (Redacted), and they said that they were going to marry me. And they went  
7 outside, they did what they had to do, and afterwards they came back and took me  
8 and put me into the vehicle.

9 Q. [10:56:32] You told us, "I'm not in." What does that mean, "I'm not in"?

10 A. [10:57:05] I wasn't in. I wasn't for marriage. I wasn't available or up for  
11 a marriage without consent. When you accept a dowry, you accept marriage.  
12 When you love a man, you accept the dowry and you accept marriage.

13 Q. [10:57:30] Before going back to what happened to you, I wanted to put a general  
14 question to you.

15 A. [10:57:45] Very well.

16 Q. [10:57:50] Before the arrival of the armed groups, what marriage is like in  
17 Timbuktu.

18 A. [10:58:15] I don't know. I just heard people speak about getting married, and  
19 that was it. But how the marriages were, that's not something I know.

20 Q. [10:58:37] I'm now going to go back to what happened to you.

21 Your Honour, is this a good time to take the break, or should I continue?

22 PRESIDING JUDGE MINDUA: [10:58:58](Interpretation) We've still got two  
23 minutes. Perhaps we can take advantage of that time for one question.

24 MS SARDACHTI: [10:59:13](Interpretation)

25 Q. [10:59:17] You said they put you in their vehicle.

- 1 What time of day did that happen?
- 2 A. [10:59:42] I don't remember the day.
- 3 Q. [10:59:56] Was it the morning, afternoon, evening, if you remember? If you  
4 don't remember it's not a problem.
- 5 A. [11:00:14] Yes. That was the day I was taken away. That was towards dusk  
6 that I was taken away.
- 7 PRESIDING JUDGE MINDUA: [11:00:23](Interpretation) Very well,  
8 Madam Prosecutor. It's now 11 o'clock.  
9 So we are going to break for half an hour and we will be back at 11.30.  
10 Court is suspended.
- 11 THE COURT USHER: [11:00:36] All rise.  
12 (Recess taken at 11.00 a.m.)  
13 (Upon resuming in open session at 11.33 a.m.)
- 14 THE COURT USHER: [11:33:42] All rise.  
15 Please be seated.
- 16 PRESIDING JUDGE MINDUA: [11:34:09](Interpretation) Court is in session once  
17 again and over to the Prosecutor.  
18 Madam Prosecutor, please.
- 19 MS SARDACHTI: [11:34:16](Interpretation) Thank you, Mr President.  
20 Now, for the record of the hearing, I'd like to inform you that a third member of the  
21 Office of the Prosecutor has just joined us, Madam Paola Sacchi.
- 22 PRESIDING JUDGE MINDUA: [11:34:30](Interpretation) Thank you very much,  
23 Madam Prosecutor, for that detail. And welcome.
- 24 MS SARDACHTI: [11:34:42](Interpretation)  
25 Q. [11:34:44] Madam Witness, before taking the break -- before taking the break

1 you spoke to us of the fact that you were put in a vehicle, the moment in time when  
2 you were put in a vehicle.

3 And they took you towards (Redacted).

4 A. [11:35:27] Yes.

5 Q. [11:35:33] Did the chief speak to you in the vehicle?

6 A. [11:36:19] Well, I don't know who was the chief in their midst. I heard them  
7 saying "chief, chief", but I didn't know who was the chief amongst them. It was he  
8 who always took me for his wife. And were I to recognise him or were I to meet him  
9 again, I would be able to recognise him, even though I didn't stare at him too much.  
10 But as to who the chief was in their midst, I wouldn't be able to say. They -- or he  
11 would always cover his face with his turban, which meant that his face wasn't very  
12 visible.

13 Q. [11:37:10] So the people that you were with in the car, did they speak to you?

14 A. [11:37:41] No, they did not speak to me when we left. And what is more,  
15 the two others got out of the vehicle before we got to the Serie road (phon). And it  
16 was when we got to the Serie road that the gentleman who said he was my husband  
17 got out to buy some meat, and he only spoke to me once we got to the house when we  
18 got into the bedroom when it was just the two of us. That's when he spoke to me.

19 Q. [11:38:27] Can you describe that house to us? What was it like?

20 A. [11:39:01] The house is a house built out of limestone. It's a large house with  
21 a veranda, a living room and a bedroom inside. It's a little bit run down these days.

22 Q. [11:39:32] Was it multi-storied?

23 A. [11:39:51] The first house where we were was just a simple one-storied -- or,  
24 house.

25 Q. [11:40:08] Did you know that location?

1 A. [11:40:23] No, I do not know that place. All that I know is that it's between

2 (Redacted)

3 (Redacted)

4 MS SARDACHTI: [11:40:48](Interpretation)

5 Q. [11:40:49] Once you had arrived at that location you said that the gentleman  
6 who said that you -- that he was your husband spoke to you. Do you remember  
7 what he said to you?

8 A. [11:41:50] When we arrived we found two people at the door. When we  
9 entered, there was the living room and the bedroom. So he only spoke to me when  
10 he asked me to go into the bedroom and I said to him, "What am I going to be doing  
11 in a bedroom? Because you haven't married me. And forcing me to do this is not  
12 a marriage. I'm not going to go into that bedroom." And then he forcibly pushed  
13 me into bedroom.

14 Q. [11:42:39] When you say he "forcibly pushed me in", did he touch you?

15 A. [11:42:58] Of course he touched me.

16 Q. [11:43:18] So, Madam Witness, you said to us, transcript page 13, line 7, I shall  
17 read, I shall read lines 7 to 9:

18 "When he pushed me into the bedroom, he did to me what he wanted to do to me.  
19 He did it without my consent. He did it because he had the strength to do so."

20 A. [11:44:14] Yes.

21 Q. [11:44:15] Now, I know it's difficult for you to talk about this, but can you tell us  
22 what you mean by "he did to me what he wanted to do to me".

23 A. [11:45:10] Well, as I said, it happened as I said. He forced me, he lay on top of  
24 me without my consent. I have no other way of putting it. Because he spoiled  
25 everything for me. He made a mess of everything for me. When somebody does

1 something to you against your own will, then he spoils everything for you. It's  
2 something that's not difficult to -- that's not easy to recount. It's vulgar. I can't put  
3 it in any other words. This is how I can tell you it.

4 PRESIDING JUDGE MINDUA: [11:45:55](Interpretation) Ms Sutherland, please.

5 MS SUTHERLAND: [11:45:57] Thank you, Mr President. We're very mindful of  
6 the directions that were given regarding this witness's vulnerability and we wish to  
7 avoid any unnecessary re-traumatisation, as I'm sure the whole court does. To that  
8 end, we're prepared to accept that we know what she means when she says what she  
9 does. Not that it happened, but that we understand her meaning.

10 PRESIDING JUDGE MINDUA: [11:46:28](Interpretation) Thank you very much,  
11 Ms Sutherland. On the part of the Defence that really is truly good cooperation on  
12 your part.

13 Madam Prosecutor.

14 MS SARDACHTI: [11:46:42](Interpretation) Could we just ask the sound to be cut  
15 off to the witness, please.

16 PRESIDING JUDGE MINDUA: [11:46:45](Interpretation) Mr Courtroom Officer,  
17 could you please cut off the sound to the witness.

18 THE COURT OFFICER: [11:46:50] Your Honours, the sound has been cut off.

19 PRESIDING JUDGE MINDUA: [11:46:53](Interpretation) Thank you very much,  
20 Mr Courtroom Officer.

21 Madam Prosecutor.

22 MS SARDACHTI: [11:46:57](Interpretation) Yes, just to clarify this admission that  
23 has just been made for the record, that in the terms used by Madam Witness, "he lay  
24 down on top of me and he spoiled everything for me", it means that there was  
25 penetration in the sense of the elements of crime for rape.

- 1 PRESIDING JUDGE MINDUA: [11:47:47](Interpretation) Thank you very much,  
2 Madam Prosecutor. I think that all the parties are in agreement and the Chamber is  
3 sufficiently edified.
- 4 MS SARDACHTI: [11:47:59](Interpretation) We can put the sound back on.
- 5 PRESIDING JUDGE MINDUA: [11:48:02](Interpretation) Mr Courtroom Officer,  
6 please.
- 7 THE COURT OFFICER: [11:48:12] Your Honours, the sound has been re-established.
- 8 PRESIDING JUDGE MINDUA: [11:48:16](Interpretation) Thank you very much,  
9 Mr Courtroom Officer.  
10 Madam Prosecutor, please.
- 11 MS SARDACHTI: [11:48:25](Interpretation)
- 12 Q. [11:48:27] I would like to come back somewhat. You spoke to us about two  
13 individuals who were there when you arrived in the house.
- 14 A. [11:49:02] Yes.
- 15 Q. [11:49:10] Do you remember what they were wearing?
- 16 A. [11:49:29] I didn't see them very well. All I know is that there were two people.  
17 But as to what they were wearing, I didn't see that properly.
- 18 Q. [11:49:47] Were they armed?
- 19 A. [11:49:58] Well, I didn't see them carrying any weapons.
- 20 Q. [11:50:14] And the man who said that he was your husband, when he pushed  
21 you into the bedroom, was he armed?
- 22 A. [11:50:41] Well, the weapon, when he had it on him, he would put it to one side.  
23 When he -- when he pushed me in the house he was not armed.
- 24 Q. [11:51:05] Do you remember how long you stayed in that house?
- 25 A. [11:51:28] Are you asking me how many days we spent in that house, or are you



1 talking about the number of hours?

2 Q. [11:51:44] Whatever you remember, Madam Witness. If you can tell us  
3 approximately how many days.

4 A. [11:52:07] Well, I believe that the house that he took me to first of all, we spent  
5 three or four days there.

6 Q. [11:52:27] And during those three or four days, did he once again lie on top of  
7 you?

8 A. [11:52:45] Yes.

9 Q. [11:53:00] What would you do during the daytime in that house?

10 A. [11:53:21] I wouldn't do anything in the house. I would either be sitting down  
11 or lying down. I had no activities in that house.

12 Q. [11:53:36] Did you have anything to eat and drink?

13 A. [11:54:03] Well, he would bring water with him, and often he would come back  
14 with some meat or bread. But the truth be told, I didn't really eat there. But if it  
15 was just up to me, I wouldn't have eaten, even though I often felt like eating.

16 Q. [11:54:32] Were you free to leave?

17 A. [11:54:44] No, I was not free to leave.

18 Q. [11:54:53] Did you try to run away?

19 A. [11:55:11] Where we were at first, I didn't try to run away because the door was  
20 closed.

21 Q. [11:55:28] So you said to us, page 30, lines 2 and 3: "I didn't want to eat, but if it  
22 was up to me, I wouldn't have eaten at all."

23 A. [11:55:56] Yes.

24 Q. [11:55:58] Why do you say that?

25 A. [11:56:23] Well, I didn't like the food that there was there. But also, because

1 I was obliged to stay there, well, I didn't want to eat there. I didn't even want to stay  
2 there, nor to eat there.

3 Q. [11:56:52] Did you receive any visitors during those three or four days?

4 A. [11:57:05] No, nobody came to see me.

5 Q. [11:57:19] And did you see any other people in the same position as you were in  
6 that house?

7 A. [11:57:34] No.

8 Q. [11:57:43] What happened next?

9 A. [11:57:56] What do you mean "next"? In that house or what? I didn't really  
10 understand you.

11 Q. [11:58:09] You are right to make me place events in time, once again.

12 I am referring to page 29, line 16: "Yes, the house that he took me to first of all,  
13 I believe that we spent three or four days there."

14 A. [11:58:54] Yes.

15 Q. [11:58:56] So after that, what happened?

16 A. [11:59:08] Well, do you mean what happened in the house or what?

17 Q. [11:59:16] Well, I'm trying to understand what happened. After those three or  
18 four days, did you go to another location?

19 A. [12:00:01] Well, after those three or four days, we left that place and we went to  
20 another house. It was a new house, (Redacted). That is what people said.  
21 I don't know myself.

22 Q. [12:00:22] How did you go to this other house?

23 A. [12:00:38] They picked me up in a vehicle to take me to the other house.

24 Q. [12:00:54] When you say "he", is that the person who said he was your husband?

25 A. [12:01:10] The person who said he was my husband, he is the one who took me

- 1 to the house, the new house.
- 2 Q. [12:01:27] Was he armed?
- 3 A. [12:01:35] I saw that he had a weapon.
- 4 Q. [12:01:46] Were there other people in the vehicle?
- 5 A. [12:01:54] No, he was alone.
- 6 Q. [12:02:02] So you said that you were taken to a house that people called
- 7 (Redacted)
- 8 A. [12:02:17] Yes.
- 9 Q. [12:02:20] Could you describe this house to the best of your memory.
- 10 A. [12:02:47] In fact, it's a white house with two to three floors.
- 11 MS SARDACHTI: [12:03:04](Interpretation) Your Honour, could we cut the sound
- 12 to the witness, please, for a moment.
- 13 PRESIDING JUDGE MINDUA: [12:03:12](Interpretation) Indeed.
- 14 Court officer, please cut the sound.
- 15 THE COURT OFFICER: [12:03:17] Your Honours, the sound has been cut off.
- 16 PRESIDING JUDGE MINDUA: [12:03:23](Interpretation) Thank you, court officer.
- 17 Madam Prosecutor.
- 18 MS SARDACHTI: [12:03:27](Interpretation) Yes, this is a question for
- 19 the interpreters.
- 20 How did she say (Redacted) Did she put other words with it?
- 21 THE INTERPRETER: [12:03:44](Interpretation) She said a white house with two to
- 22 three floors.
- 23 MS SARDACHTI: [12:03:50](Interpretation) Did she say (Redacted)
- 24 (Redacted)
- 25 THE INTERPRETER: [12:04:04](Interpretation) She said this was the house that

1 people called (Redacted)

2 MS SARDACHTI: [12:04:13](Interpretation) Very well. That's clear. We can put  
3 the sound back.

4 PRESIDING JUDGE MINDUA: [12:04:20](Interpretation) Court officer.

5 THE COURT OFFICER: [12:04:25] Your Honours, the sound has been re-established.

6 PRESIDING JUDGE MINDUA: [12:04:30](Interpretation) Very well. The sound's  
7 been re-established with the witness.

8 That's correct. Thank you, court officer.

9 Madam Prosecutor.

10 MS SARDACHTI: [12:04:47](Interpretation)

11 Q. [12:04:48] What happened in this house?

12 A. [12:05:27] The same thing that was done to me in the (Redacted)  
13 house, he continued to do that in the same new house.

14 And the problem with all that is that I wasn't able to see his face, which meant that  
15 even today, if I see him, I couldn't recognise him.

16 I wouldn't be able to see -- say with certainty that it was him because I was never able  
17 to see his face in a clear way, and -- and that's what creates the most problems for me,  
18 somebody whose face you can't even decipher.

19 MS SARDACHTI: [12:06:28](Interpretation) Could we briefly go into private  
20 session.

21 PRESIDING JUDGE MINDUA: [12:06:31](Interpretation) Court officer, please take  
22 us into private session.

23 (Private session at 12.06 p.m.)

24 THE COURT OFFICER: [12:06:40] We're in private session, Mr President.  
25 (Redacted)

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17 (Open session at 12.14 p.m.)

18 THE COURT OFFICER: [12:14:35] We're back in open session, Mr President.

19 PRESIDING JUDGE MINDUA: [12:14:41](Interpretation) Thank you very much,  
20 court officer.

21 Madam Prosecutor.

22 MS SARDACHTI: [12:14:47](Interpretation)

23 Q. [12:14:50] How long did you stay there for, if you remember?

24 A. [12:15:20] We stayed quite a while there. After there, we didn't go anywhere  
25 else. Everything that he did to me he did it to me there. After that, we didn't see

1 each other anymore. From there, we left each other. I never went looking for him

2 again. I finished up looking for him.

3 Q. [12:15:59] Madam Witness, before putting other questions to you, I just want to  
4 go over a point with you.

5 A. [12:16:18] Okay.

6 Q. [12:16:20] Now, in private session you gave us a name of the person who said  
7 that he was your husband.

8 A. [12:16:40] Yes.

9 Q. [12:16:43] As we are in open session, I would ask you not to say his name.

10 A. [12:16:52] Yes.

11 Q. [12:16:54] You can call him "the man" or the person who said he was your  
12 husband. If you say "the man" we know who you're talking about.

13 A. [12:17:22] Okay.

14 Q. [12:17:26] To go back over what you've just said, you said that it lasted for some  
15 time.

16 A. [12:17:45] Yes.

17 Q. [12:17:53] That's on page 36, line 17. When I asked you if you remembered  
18 how long you stayed there, you answered: "We did stay there for quite some time."

19 A. [12:18:25] Yes.

20 Q. [12:18:26] Approximately, in the number of days or weeks, how long did you  
21 stay there for?

22 A. [12:18:51] That was 20 days I spent there.

23 Q. [12:19:04] And what were you doing during the day?

24 A. [12:19:40] During these 20 days, I didn't do anything. I was locked up  
25 the whole time in the house. He would come and go. What we did for the three to

1 four days during the 20 days when I was at (Redacted), that continued. So it was  
2 20 to 24 days, including both locations.

3 Q. [12:20:23] So I'm trying to understand. When you say "34 days", is that  
4 the total time of your relationship with the man?

5 A. [12:21:03] What I want to say is that what we did -- well, it was 24 days. That's  
6 the time we spent together. Not 34, it's 24 days.

7 Q. [12:21:28] That's very precise, 24 days. How were you able to determine that it  
8 was 24 days?

9 A. [12:22:16] When you go from (Redacted) to the -- to the other location, that was  
10 four days, and at the (Redacted) we spent 20 days there. It's not that I was counting  
11 the time, as such, but there was six days left before a month would have passed.  
12 That is to say, the end of the month. There were six days remaining before the end  
13 of the month.

14 Q. [12:22:52] Thank you very much for your answer.

15 Could we briefly go into private session.

16 PRESIDING JUDGE MINDUA: [12:23:00](Interpretation) Indeed, Madam

17 Prosecutor.

18 Court officer, please take us into private session.

19 (Private session at 12.23 p.m.)

20 THE COURT OFFICER: [12:23:13] We're in private session, Mr President.

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- 16 (Open session at 12.25 p.m.)
- 17 THE COURT OFFICER: [12:25:29] We're back in open session, Mr President.
- 18 PRESIDING JUDGE MINDUA: [12:25:35](Interpretation) Thank you very much,
- 19 court officer.
- 20 Madam Prosecutor.
- 21 \* MS SARDACHTI: [12:25:40](Interpretation)
- 22 Q. [12:25:43] During the entire period when you
- 23 stayed in the second location---
- 24 A. [12:25:56] Yes.
- 25 Q. [12:25:59] --- were you able to drink or to eat?

1 A. [12:26:25] Whenever he would come, he would come with something to eat.

2 But I didn't want to eat. I didn't eat in his presence. And when he left, if I was

3 hungry, I would eat. If I wasn't hungry, I wouldn't eat.

4 Q. [12:26:50] Were you able to leave?

5 A. [12:27:13] Well, you couldn't just leave like that. There were times when there  
6 was nobody there. But when you felt that he came back, everybody would return to  
7 their place.

8 Q. [12:27:39] You said on page 40, lines 15 and 16: "There are moments when  
9 nobody is there when you can leave."

10 Did you leave?

11 A. [12:28:26] I left, but it wasn't in the same house. In that house, I wasn't the only  
12 person. I found that there were other people there.

13 Or I left, but it was about being in the same house. I wasn't alone. I found that  
14 there were other people there.

15 Q. [12:28:58] Could you tell us who these other people were.

16 Before answering I would ask the Presiding Judge to take us into private session.

17 PRESIDING JUDGE MINDUA: [12:29:13](Interpretation) Indeed,

18 Madam Prosecutor.

19 Court officer, please could you take us into private session.

20 (Private session at 12.29 p.m.)

21 THE COURT OFFICER: [12:29:31] We're in private session, Mr President.

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20 (Open session at 12.39 p.m.)

21 THE COURT OFFICER: [12:39:15] We're back in open session, Mr President.

22 PRESIDING JUDGE MINDUA: [12:39:20](Interpretation) Thank you very much,  
23 Mr Courtroom Officer.

24 Madam Prosecutor.

25 MS SARDACHTI: [12:39:24](Interpretation)

1 Q. [12:39:26] Madam Witness, I'm going to be carrying on putting questions to you  
2 on the subject of this little girl, but please do not say her name because we are in open  
3 session.

4 A. [12:39:58] Very well.

5 Q. [12:40:09] What did you see with regard to this little girl?

6 A. [12:40:30] Well, I didn't see anything. I don't know anything about that little  
7 girl. I don't know anything about her situation.

8 Q. [12:40:45] And if you remember, did you hear anything about her situation?

9 A. [12:41:11] Well, I didn't hear anything because I didn't talk to anyone. She  
10 herself was not able to tell me anything, so I couldn't glean anything, and I just saw  
11 her and carried on with my business.

12 Q. [12:41:34] And when you saw her, where was she exactly in the house?

13 A. [12:41:57] She was opposite me. There was a small distance between the two of  
14 us.

15 Q. [12:42:15] When you say that "she was opposite me" does that mean to say that  
16 she was in a bedroom?

17 A. [12:43:02] In fact, we were on the storey where there was a living room and  
18 the bedrooms were opposite each other. It is possible that we did exchange some  
19 words, but I no longer remember what was said because it was quite some time ago  
20 now.

21 She was in another bedroom opposite mine. I no longer really remember whether  
22 we said anything to each other. It is possible that we did, but I can't recall.

23 Q. [12:43:48] And from your room, could you hear what was going on in the other  
24 bedrooms?

25 A. [12:44:03] No.

1 Q. [12:44:10] Still if you can recall, did you see anyone going in and out of her  
2 bedroom?

3 A. [12:44:36] I didn't see anything of the sort. I didn't notice.

4 Q. [12:44:48] According to your knowledge, was she in the same situation as you?

5 A. [12:45:15] Well, I don't know. It is possible that I asked. But if I did ask, I no  
6 longer recall because there are many details that I have forgotten.

7 Q. [12:45:56] So you said that you no longer recall. Can you tell us what  
8 happened during the night.

9 A. [12:46:40] Well, I don't remember what happened at night-time (Redacted)  
10 (Redacted). I forgot not to mention the names of people.

11 Q. [12:47:04] Madam Witness, as I explained to you during the preparation session,  
12 we shall remove the name that you just uttered. We have 30 minutes to do so, so we  
13 shall make this request. Do not worry, this name will not appear.

14 A. [12:47:42] All right.

15 Q. [12:47:43] But, yes, please call her "the little girl".

16 A. [12:47:55] Very well.

17 MS SARDACHTI: [12:47:59](Interpretation) Mr President, could we please cut  
18 the sound off to the witness.

19 PRESIDING JUDGE MINDUA: [12:48:03](Interpretation) Mr Courtroom Officer,  
20 could you please cut the sound off to the witness.

21 THE COURT OFFICER: [12:48:08] Your Honours, the sound to the witness has been  
22 cut off.

23 PRESIDING JUDGE MINDUA: [12:48:10](Interpretation) Thank you very much.  
24 Madam Prosecutor.

25 MS SARDACHTI: [12:48:17](Interpretation) Mr President, I would like to have

1 authorisation to refresh the witness's memory. She has said on a number of  
2 occasions that she does not recall and so I would like to have her read out  
3 a paragraph of her statement, with your leave.

4 PRESIDING JUDGE MINDUA: [12:48:38](Interpretation) Yes, indeed, you do have  
5 the authorisation of the Chamber.

6 MS SARDACHTI: [12:48:44](Interpretation) In order to refresh her memory, I  
7 believe that it would be better for us to be in private session.

8 PRESIDING JUDGE MINDUA: [12:48:54](Interpretation) Indeed.  
9 We are in?

10 So we've cut the sound off to the witness and now we're going to move into private  
11 session, please, Mr Courtroom Officer.

12 (Private session at 12.49 p.m.)

13 THE COURT OFFICER: [12:49:18] We're in private session, Mr President.

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- 15 (Open session at 1.01 p.m.)
- 16 THE COURT OFFICER: [13:01:15] We're back in open session, Mr President.
- 17 PRESIDING JUDGE MINDUA: [13:01:20](Interpretation) Thank you very much,
- 18 Mr Courtroom Officer.
- 19 It is 1 minute past 1 and we shall now be rising for lunch. And we shall reconvene at
- 20 2.30.
- 21 Court is suspended.
- 22 THE COURT USHER: [13:01:40] All rise.
- 23 (Recess taken at 1.01 p.m.)
- 24 (Upon resuming in open session at 2.33 p.m.)
- 25 THE COURT USHER: [14:33:03] All rise.

1 Please be seated.

2 PRESIDING JUDGE MINDUA: [14:33:34](Interpretation) Court is once again in  
3 session and I'll turn over to the OTP for continuation and the end of  
4 examination-in-chief.

5 MS SARDACHTI: [14:33:49](Interpretation) Thank you, your Honour. I would like  
6 to continue putting my questions in private session.

7 PRESIDING JUDGE MINDUA: [14:33:54](Interpretation) Court officer, private  
8 session, please.

9 (Private session at 2.34 p.m.)

10 THE COURT OFFICER: [14:34:07] We're in private session, Mr President.

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- 10 (Open session at 2.50 p.m.)
- 11 THE COURT OFFICER: [14:50:42] We're back in open session, Mr President.
- 12 PRESIDING JUDGE MINDUA: [14:50:47](Interpretation) Thank you very much.
- 13 Madam Prosecutor.
- 14 MS SARDACHTI: [14:50:52](Interpretation)
- 15 Q. [14:50:54] Madam Witness, I'd like us to hark back to what happened to you at
- 16 the second place.
- 17 A. [14:51:13] Okay.
- 18 Q. [14:51:17] How were you treated there?
- 19 A. [14:51:44] I haven't understood. How they treated me there, do you mean food
- 20 or drink? I haven't understood.
- 21 Q. [14:51:55] You're correct to ask me. It was rather -- a rather broad question.
- 22 So I'll put some more specific questions to you.
- 23 When he lay on top of you, did he say anything to you?
- 24 A. [14:53:01] He lay on top of me. He did what he had to do. And if I refused, it
- 25 became something else. And I couldn't say no because he would force me to do it.



1 And he didn't even talk to me.

2 Q. [14:53:27] Other than the sexual -- the forced sexual relations, did he do  
3 anything else violent to you?

4 A. [14:53:54] (Overlapping speakers)

5 PRESIDING JUDGE MINDUA: [14:54:01](Interpretation) Ms Sutherland.

6 MS SUTHERLAND: [14:54:03] Forgive my interruption, and I hope that the sound  
7 can be cut to the witness, please.

8 PRESIDING JUDGE MINDUA: [14:54:13](Interpretation) Court officer, if you could.

9 THE COURT OFFICER: [14:54:19] Your Honours, the sound to the witness has been  
10 cut off.

11 PRESIDING JUDGE MINDUA: [14:54:22](Interpretation) Thank you very much.  
12 Ms Sutherland.

13 MS SUTHERLAND: [14:54:25] Mr President, the question just last asked by my  
14 learned friend where she asks, "The forced sexual relations, did he do anything else  
15 violent to you," that presupposes violence and is extremely leading. And for that  
16 reason I would ask that it be rephrased.

17 PRESIDING JUDGE MINDUA: [14:54:55](Interpretation) The difficulty is, I imagine,  
18 Madam Prosecutor, try to find the right wording. Try to rephrase, if you could.  
19 Go ahead.

20 MS SARDACHTI: [14:55:18](Interpretation) Actually, we just have a little technical  
21 problem. The witness was answering a question when I -- we were interrupted.  
22 Could the Songhai interpreters translate the witness's last reply.

23 THE INTERPRETER: [14:55:38] The Songhai booth: Could the witness be asked to  
24 repeat her reply.

25 MS SUTHERLAND: [14:55:45] Mr President, I was objecting to the question that

1 elicited that response, and it's only by virtue of the technical circumstances that we're  
2 in that I was unable to interject before the answer was given. I don't think it's  
3 appropriate to receive the answer to a faulty question.

4 Ms Sardachti can ask the question again, elicit an -- appropriately and receive a new  
5 answer.

6 PRESIDING JUDGE MINDUA: [14:56:23](Interpretation) It is true that  
7 the witness -- it is true that the witness answered, but we didn't hear her reply. So  
8 I'm going to ask the Prosecutor to reformulate.  
9 Rephrase, please.

10 MS SARDACHTI: [14:56:38](Interpretation) Has the sound been restored or not? If  
11 not, I'd like to add something.

12 PRESIDING JUDGE MINDUA: [14:56:49](Interpretation) Please --

13 THE INTERPRETER: [14:56:57] Overlapping.

14 \* MS SARDACHTI: [14:56:59](Interpretation) Yes. So, I understand what my learned  
15 friend is saying, and I will do my best to rephrase in accordance with your  
16 instructions, Your Honour. But I would just like to stress that in order to ensure that  
17 the proceedings and the determination of the truth go quickly, and given the profile  
18 of the witness, sometimes we have to put some specific questions. So that was my  
19 concern. But I will go about this another way if these are your instructions.

20 PRESIDING JUDGE MINDUA: [14:57:16](Interpretation) Yes, that is the problem.  
21 Court officer, please re-establish the sound.

22 THE COURT OFFICER: [14:57:25] Your Honours, the sound to the witness has been  
23 re-established.

24 PRESIDING JUDGE MINDUA: [14:57:32](Interpretation) Thank you very much,  
25 Madam Prosecutor.

- 1 MS SARDACHTI: [14:57:34](Interpretation)
- 2 Q. [14:57:36] Madam Witness, as part of your account, you told us about forced  
3 sexual relations because he forced you, that he pushed you.
- 4 A. [14:58:24] Yes.
- 5 Q. [14:58:26] Were you injured?
- 6 A. [14:58:43] He pushed me, and so, yes, I was injured. That's how I was injured.
- 7 Q. [14:58:55] Injured or hurt in what way?
- 8 A. [14:59:10] I had scratches on my back because of that. Scratch marks.
- 9 Q. [14:59:29] Other than pushing you and forcing you to have sexual relations, did  
10 he do anything else to you?
- 11 A. [14:59:53] I don't remember. I don't remember. I don't remember anything  
12 else now.
- 13 Q. [15:00:06] What caused the scratches?
- 14 A. [15:00:31] The injuries on my back, I don't know whether it was a wire or  
15 a thread. I don't know. But he pushed me down and I -- I fell down. But  
16 I don't -- I don't remember. I don't know.
- 17 Q. [15:01:01] "I don't know whether it was a -- a wire or a thread." Did you see  
18 something like that?
- 19 A. [15:01:27] Not that. I didn't say wire or -- I said I might have fallen on  
20 something.
- 21 Q. [15:01:40] Madam Witness, did you fall pregnant as a result of these forced  
22 sexual relations?
- 23 A. [15:02:02] No, I don't remember.
- 24 Q. [15:02:12] During the period in which you were at the second location, did you  
25 have access to medicine?

1 A. [15:02:41] Yes. I took tablets, or the pills that women take. But I hadn't taken  
2 enough of them.

3 Q. [15:02:59] What do you mean by "I took the pills that women take."

4 A. [15:03:29] Somebody gave them to me to protect me. But these are pills that  
5 I didn't like, that's why I took some of them but left the rest.

6 Q. [15:03:47] And what would they protect you from?

7 A. [15:04:08] For not to get pregnant. When these things happen, you're afraid of  
8 getting pregnant.

9 Q. [15:04:22] And the man, did he know that you were taking this type of tablets,  
10 pills?

11 A. [15:04:56] Yes, he saw one or two that were left in my things, or in my clothing.  
12 And he spoke a lot about that on that day, said that I was killing his children. And I  
13 said "what children?"

14 Q. [15:05:26] And what happened afterwards?

15 A. [15:05:57] After that, he took a whip and he flogged me with it. He said,  
16 "Somebody who does this sort of thing needs to go to prison and a hundred lashes."  
17 But I didn't get the lashes, but I did go to prison. And one day, one day and one  
18 night.

19 Q. [15:06:30] Where was this prison?

20 A. [15:06:50] It's there. I can't remember exactly where it was.

21 Q. [15:07:03] Do you remember the name?

22 A. [15:07:18] Frankly, I've forgotten the name of the place and I don't remember.

23 Q. [15:07:41] Could you describe it.

24 A. [15:07:53] Frankly, I can't describe it. I don't remember now.

25 Q. [15:08:09] And so the neighbourhood, you don't remember the neighbourhood

1 either?

2 A. [15:08:21] I really don't remember.

3 Q. [15:08:32] So, Madam Witness, I would just like to go back a bit. The second  
4 place, I asked you if you could leave.

5 A. [15:09:13] No.

6 Q. [15:09:19] So in fact that's what I wanted to clarify. So I'll put the question  
7 again. You said that you couldn't leave, that's your answer.

8 A. [15:09:42] In the first or the second place?

9 MS SARDACHTI: [15:09:47](Interpretation) I'm going to ask to go back into private  
10 session again because I just want us to be sure that we're speaking about the same  
11 location?

12 PRESIDING JUDGE MINDUA: [15:09:55](Interpretation) Court officer.

13 (Private session at 3.10 p.m.)

14 THE COURT OFFICER: [15:10:07] We're in private session, Mr President.

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Trial Hearing  
WITNESS: MLI-OTP-P-0520

(Private Session)

ICC-01/12-01/18

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8 (Open session at 3.12 p.m.)

9 THE COURT OFFICER: [15:12:31] We're back in open session, Mr President.

10 PRESIDING JUDGE MINDUA: [15:12:38](Interpretation) Thank you very much.

11 Madam Prosecutor.

12 MS SARDACHTI: [15:12:48](Interpretation)

13 Q. [15:12:50] In this place, did you receive visits?

14 A. [15:13:06] Nobody, nobody asking to see me, apart from one of my friends who  
15 came.

16 Q. [15:13:17] And did you try to flee?

17 A. [15:13:35] Yes, I tried. But I wasn't able to. But that was in the last remark.

18 Q. [15:13:51] You're right, Madam Witness. So I'm going to go back a bit, if you  
19 would allow me.

20 You said, when I asked you the question about visits, you answered: "One of my  
21 friends who came."

22 Before asking you who it was, I'm going to ask for leave to go into private session.

23 PRESIDING JUDGE MINDUA: [15:14:48](Interpretation) Court officer.

24 (Private session at 3.14 p.m.)

25 THE COURT OFFICER: [15:14:58] We're in private session, Mr President.

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- 16 (Open session at 3.17 p.m.)
- 17 THE COURT OFFICER: [15:17:18] We're back in open session, Mr President.
- 18 PRESIDING JUDGE MINDUA: [15:17:25](Interpretation) Thanks very much.
- 19 Madam Prosecutor.
- 20 MS SARDACHTI: [15:17:28](Interpretation)
- 21 Q. [15:17:30] So you spoke to us about prison. You spent a day and a half there, if
- 22 I remember well.
- 23 And what happened afterwards?
- 24 A. [15:18:16] Afterwards he took me and took me to the house.
- 25 Q. [15:18:33] When you say "the house", we agree we're talking about the second

- 1 location?
- 2 A. [15:18:41] Yes, it's the second location.
- 3 Q. [15:18:49] And what happened after?
- 4 A. [15:19:03] It's the same thing that happened, same thing as happened before.
- 5 Q. [15:19:16] How did things finish with him?
- 6 A. [15:19:39] There were a lot of words. I don't remember everything now.
- 7 What I know is that I was there for 20 days. And after that, I did everything that I
- 8 possibly could to find myself.
- 9 Q. [15:20:22] What does that mean, "I tried to find myself"?
- 10 A. [15:20:58] Yes, to try to -- you want to find out what I mean. You can't leave
- 11 yourself. You have to have means to do it. And one day they left the gate open and
- 12 I took advantage of that occasion to leave.
- 13 Q. [15:21:33] And that was the last time that you saw him?
- 14 A. [15:21:51] Yes, the same day that I left. And then I never returned there.
- 15 Q. [15:22:03] Do you know why the gate was open?
- 16 A. [15:22:19] Frankly, I don't know why it was open. All I know is that on that
- 17 particular day it was open.
- 18 Q. [15:22:35] You said you didn't see him after that, but did you get any news
- 19 about him? Or did he give you any news?
- 20 A. [15:22:57] After that I never saw him again. And I never tried to get any news
- 21 about him.
- 22 Q. [15:23:13] When you fled, were armed men still in the town of Timbuktu?
- 23 A. [15:23:38] I left them there.
- 24 Q. [15:23:54] If I understood, you never returned to the house?
- 25 A. [15:24:07] No.



1 Q. [15:24:16] Do you know what happened to him?

2 A. [15:24:40] Things were a bit confused. I didn't -- didn't understand what it was  
3 about. I hope you can understand me. Things are a bit mixed up in my head with  
4 somebody who is armed.

5 Q. [15:24:54] You're right, Madam Witness. I put two different questions to you.  
6 When you left the second location, were there still armed men in the house at that  
7 time?

8 A. [15:25:32] Yes. No, no.

9 PRESIDING JUDGE MINDUA: [15:25:45] Maître Sutherland.

10 MS SUTHERLAND: [15:25:46] Forgive me, obviously the question has already been  
11 answered, but I don't believe there's any testimony that says that there  
12 were -- concretely that there were armed men in the house.

13 PRESIDING JUDGE MINDUA: [15:26:06](Interpretation) Madam Prosecutor.

14 MS SARDACHTI: [15:26:08](Interpretation) So we'll have to have a few minutes to  
15 get the reference, but I think that she spoke about armed people who left their  
16 weapons outside the house. \* So perhaps not inside the house itself, but within the  
17 confines of the building, if that's simpler.

18 PRESIDING JUDGE MINDUA: [15:26:34](Interpretation) Ms Sutherland, right at the  
19 start of the testimony she had the -- she stated -- well, I did hear it earlier.  
20 The Prosecutor can find it.

21 MS SUTHERLAND: [15:26:46] Forgive me, my understanding is that -- and again  
22 we'd have to look as well, but that she said that she didn't see any arms and then ...  
23 Oh, sorry, Mr President, I believe the witness is still linked. If the sound could be cut.  
24 It has been cut.

25 PRESIDING JUDGE MINDUA: [15:27:09](Interpretation) Court officer.

1 THE COURT OFFICER: [15:27:13] Your Honours, the sound to the witness has been  
2 cut off.

3 PRESIDING JUDGE MINDUA: [15:27:14](Interpretation) Please cut the sound.  
4 Thank you very much.

5 MS SUTHERLAND: [15:27:21] My understanding is that there is nothing from  
6 the witness that confirms that there were men in the house who were armed at any  
7 point.

8 PRESIDING JUDGE MINDUA: [15:27:45](Interpretation) Ms Sutherland, I want to  
9 discuss with the Prosecution if not right at the start of the testimony I heard that. So  
10 perhaps she has to find the reference.

11 MS SARDACHTI: [15:28:01](Interpretation) Well, we have several different  
12 references.

13 At the time we asked, page 54, line 17, "Was he armed?"

14 "Yes, I saw that he had a weapon with him."

15 But if you reformulate you could just say "people".

16 MS SUTHERLAND: [15:28:50] Mr President, the remaining part of that passage that  
17 my learned friend has just indicated in fact says, "but not inside".

18 PRESIDING JUDGE MINDUA: [15:29:13](Interpretation) Let's move on.

19 Madam Prosecutor, reformulate.

20 Is that okay?

21 Please go ahead.

22 MS SARDACHTI: [15:29:21](Interpretation) Yes, I will reformulate. But just to  
23 quote the passage: "In fact, when they come to this place they don't keep their  
24 weapons, but they can have it without me knowing inside."

25 So that's not exactly what was said. But we'll reformulate it. Let's be more simple.

- 1 PRESIDING JUDGE MINDUA: [15:29:42](Interpretation) Please do.  
2 Court officer, please re-establish the link.
- 3 THE COURT OFFICER: [15:29:49] Your Honours, the sound to the witness has been  
4 re-established.
- 5 PRESIDING JUDGE MINDUA: [15:30:00](Interpretation) Thank you very much.  
6 Madam Prosecutor.
- 7 MS SARDACHTI: [15:30:04](Interpretation).
- 8 Q. [15:30:06] When you left this second place, were there still people in the house?  
9 A. [15:30:33] I don't know. I don't know. People can be inside the house but  
10 I don't know. I left. But people could be inside.
- 11 Q. [15:30:52] Madam Witness, I'm going to go on to another subject.  
12 A. [15:31:02] Okay.
- 13 Q. [15:31:05] After the violence you were subjected to, did you receive any medical  
14 care?  
15 A. [15:31:31] I didn't go to the hospital.
- 16 Q. [15:31:42] Today, do you have any physical marks or scars or signs of what you  
17 were subjected to?  
18 A. [15:32:14] Yes, the scar on my back has remained. All the others faded away.
- 19 Q. [15:32:29] Madam Witness, I'd like to show you two documents.  
20 These are confidential documents that cannot be shown to the public.  
21 I'll begin with the document at tab 4. (No interpretation).
- 22 A. [15:34:00] Very well.
- 23 THE COURT OFFICER: [15:34:07] My apologies to counsel. Would you kindly  
24 confirm the ERN. Thank you.
- 25 THE INTERPRETER: [15:34:23] English booth: Tab 4, MLI-OTP-0060-9512,

1 I believe was said.

2 MS SARDACHTI: [15:35:09](Interpretation) Tab 4. ERN number

3 MLI-OTP-0060-9511.

4 Q. [15:35:39] Can you see the document, Madam Witness?

5 A. [15:35:49] I can see it.

6 Q. [15:35:58] What is it?

7 A. [15:36:05] That is me. And that's the scar I was telling you about. I still have  
8 it.

9 Q. [15:36:26] Could you tell us what this scar is all about.

10 A. [15:36:52] It is the scar of the one who found me there, either when I was  
11 whipped or when I fell, something like that. I think it was when I fell down. That's  
12 when I got it.

13 Q. [15:37:20] Was it the man who caused the injury?

14 A. [15:37:49] That's what it was, either when he hit me or when he pushed me and I  
15 fell on something. But, truly, something I am asking -- well, the man, I don't know.  
16 And if he is there, I would really like to see him.

17 Q. [15:38:16] I will show you a second document now.

18 And this is at tab 4, MLI-OTP-0060-9512.

19 Can you see the document?

20 A. [15:39:08] Yes. It's the same scar, the same scar that I have on my back.

21 Q. [15:39:29] Madam Witness, after you fled from the second place, did you have  
22 an opportunity to go back home?

23 A. [15:39:58] I wasn't able to go back home. If I went there, they would know  
24 where I was. But that was the last -- that was the last word.

25 Q. [15:40:14] Yes, Madam Witness. We are talking about the last words. Soon

1 we will be finished.

2 So could you tell us about what you refer to as the last words or the last part.

3 A. [15:41:03] When I left or -- are we in private session or are we in open session?

4 Q. [15:41:18] Madam Witness, I'll put you a more -- a more specific question to you.

5 I'd like to hark back to what you said during the previous session.

6 But we are still in open session, just so you know that.

7 A. [15:41:46] Okay.

8 Q. [15:41:55] Page 13, lines 24 to 28 of the transcript:

9 "And my family, no one talked to me. And even my stepfather, he said what he said  
10 to my mother, what his daughter had done, and he would not allow her to come -- he  
11 would not even allow me to come back. He would not even allow me to go back to  
12 the house."

13 A. [15:42:56] Yes.

14 Q. [15:43:00] My question is this: After these events, did you have any  
15 opportunity to go back to your house?

16 A. [15:44:15] If you mean that my mother and my stepfather don't want me to come  
17 back, it's because they're afraid. They're afraid that maybe I'm being followed and  
18 people might come all the way to the house. My mother will never let me down.  
19 And the others left as well. I didn't know them. Others came after. They had  
20 a flag on their vehicle. But I didn't know them. When I left, there were others who  
21 came, but I wasn't aware.

22 I was in a family. I didn't know the people of that family.

23 Q. [15:45:17] Page 72, line 17, you said that people were following you to go to -- all  
24 the way to the house. Who are these people you're talk --

25 PRESIDING JUDGE MINDUA: [15:45:47](Overlapping speakers)

1 THE WITNESS: [15:45:49](Interpretation) The same people who came. They were  
2 the ones who came and got me out. I'm talking about them.

3 MS SUTHERLAND: [15:45:59] Mr President -- sorry. Ms Sardachti has -- has asked  
4 a question presupposing that the witness was followed by asking, "You said that  
5 the people were following you to go all the way to the house." But the transcript that  
6 I can see says: "My mother and my stepfather -- if you mean that my mother and my  
7 stepfather don't want me to come back, it's because they're afraid. They're afraid  
8 that maybe I'm being followed and people might come all the way to the house,"  
9 which is wholly different.

10 So I would ask again if the question could be rephrased.

11 PRESIDING JUDGE MINDUA: [15:46:54](Interpretation) Madam Prosecutor.

12 MS SARDACHTI: [15:46:59](Interpretation) I think I'm going to abandon this  
13 particular line of questioning because Madam Witness is tired. We've heard quite  
14 a bit of her account.

15 PRESIDING JUDGE MINDUA: [15:47:12](Interpretation) I think you are correct.  
16 Drop the question, Madam.

17 MS SARDACHTI: [15:47:19](Interpretation)

18 Q. [15:47:19] I soon will be finished with my questioning, Madam Witness. And  
19 I'll be asking you some questions about the effects of these events on your current life.

20 A. [15:47:50] Okay.

21 Q. [15:47:52] Do you still think about these things today?

22 A. [15:48:13] Honestly, those things I -- I can't remember them. They've -- they've  
23 left. I don't remember everything. It's gone out of my mind.

24 Q. [15:48:31] And how do you feel about that today?

25 A. [15:48:52] When?

1 Q. [15:48:57] What happened to you with the man. Today, how do you feel in  
2 your mind?

3 A. [15:49:38] What I have in mind -- what I have in mind, that's what I told you.  
4 Everything else I don't remember.

5 Q. [15:49:50] I have finished my questioning for today, Madam Witness.  
6 And I know that this has been a very tiring day for you and I would like to thank you  
7 for being so patient.

8 This concludes examination-in-chief, your Honour.

9 PRESIDING JUDGE MINDUA: [15:50:26](Interpretation) Thank you very much,  
10 Madam Prosecutor.

11 I see that you have kept your word and you have finished within the timeline that  
12 was set and the Chamber is grateful.

13 Now I turn to the Legal Representative of Victims.

14 We have received your filings and I would like to know whether you would like to  
15 still put some questions to our witness who is -- quite likely is rather tired.

16 Mr Nsita.

17 MR LUVENGIKA: [15:51:00](Interpretation) Thank you for allowing me to address  
18 the Court. In light of the examination led by the Office of the Prosecutor and  
19 the vulnerable state of the witness, the Legal Representatives of Victims will not be  
20 putting questions to the witness. And I thank you.

21 PRESIDING JUDGE MINDUA: [15:51:22](Interpretation) Thank you very much,  
22 Mr Nsita. We are very grateful to you because your decision is in keeping with  
23 the recommendations from the Victims and Witnesses Section, given the special  
24 situation of today's witness.

25 Well, we have come to the end of our hearing today and I would now like to speak to

1 Madam Witness.

2 Madam Witness, we have come to the end of today's hearing, but unfortunately your  
3 testimony is not yet over, because even though the Legal Representatives of Victims  
4 decided that they did not want to put questions to you, there still is the Defence.  
5 Interpretation, please.

6 You will now rest and it is only on Monday that Defence will be putting questions to  
7 you.

8 On behalf of the Chamber, I thank you most sincerely for your contribution to today's  
9 hearing. I bear tribute to your courage and the clarity with which you answered our  
10 questions.

11 Until Monday, allow me to remind you that you are not allowed to talk about your  
12 testimony to anyone at all. Not to friends, not to family members.

13 Before adjourning, as usual I would like to thank everyone who took part in today's  
14 hearing, the parties, the participants, the court reporters and interpreters, our security  
15 officers and our public as well, of course.

16 Tomorrow we shall not sit, as you already know. It is Friday. And we shall resume  
17 on the 27th, on Monday, at 9.30 in the morning.

18 In the meantime, I wish you a pleasant evening, and somewhat early on I'm wishing  
19 you a pleasant weekend as well.

20 We shall now adjourn. The hearing is now adjourned.

21 THE COURT USHER: [15:55:23] All rise.

22 (The hearing ends in open session at 3.55 p.m.)