

Trial Hearing
MLI-OTP-P-0099

(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 Friday, 15 October 2021
10 (The hearing starts in open session at 9.33 a.m.)
11 THE COURT USHER: All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE MINDUA: [9:34:14](Interpretation) Court is in session.
15 Good morning to all.
16 Mr Courtroom Officer, could you please call the case.
17 THE COURT OFFICER: [9:34:37] Good morning, Mr President, your Honours.
18 This is the situation in the Republic of Mali, in the case of The Prosecutor versus Al
19 Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud, case number ICC-01/12-01/18.
20 And for the record, we are in open session.
21 PRESIDING JUDGE MINDUA: [9:34:52](Interpretation) Thank you very much,
22 Mr Courtroom Officer.
23 As every morning, we shall verify the composition of the various teams, starting with
24 the Office of the Prosecutor.
25 Madam Prosecutor, please.

1 MS LUPING: [9:35:02] Good morning, Mr President. Good morning,
2 your Honours. Appearing on behalf of the Prosecution this morning are Mr Gilles
3 Dutertre, Sandra Schoeters, and myself, Dianne Luping.

4 PRESIDING JUDGE MINDUA: [9:35:26](Interpretation) Thank you very much,
5 Madam Prosecutor. I'm going to now turn to the Defence.
6 Counsel.

7 MS PRADHAN: [9:35:34] Good morning, Mr President, your Honours. On behalf
8 of Mr Al Hassan, myself, Alka Pradhan, Madam Melinda Taylor, Ms Julia Basile, and
9 Mr Shan Patel. And I want to wish everyone a good morning.

10 PRESIDING JUDGE MINDUA: [9:35:51](Interpretation) Thank you very much,
11 Ms Pradhan, and welcome back to The Hague.

12 I'm now turning to the Legal Representatives for Victims.

13 Maître.

14 MR LUVENGIKA: [9:36:13](Interpretation) Good morning, Mr President.

15 Good morning, your Honours. The victims are represented at this hearing by
16 Madam Claire Laplace, and by myself, Maître Fidel Nsita Luvengika.

17 And I would like to take the most of this opportunity -- make the most of this
18 opportunity to greet everyone in the courtroom this morning and it's a real pleasure
19 to see everyone again after a few days of absence.

20 PRESIDING JUDGE MINDUA: [9:36:39](Interpretation) Thank you very much,
21 Maître Nsita. You are right in so saying, namely, that this Chamber did not sit for
22 four days.

23 Now, our witness is assisted by counsel, according to Rule 74, the Rules of Procedure
24 and Evidence, and I would call upon the counsel for the witness to please introduce
25 himself.

1 MR CANTIER: [09:37:00](Interpretation) Good morning, Mr President. Good
2 morning, your Honours. Good morning, everyone. My name is François Cantier.
3 I am a lawyer. And this is the very first time that I have the honour to appear before
4 your Court in this assistance role for the witness, that I shall fulfil to the best of my
5 abilities.

6 And thank you very much.

7 PRESIDING JUDGE MINDUA: [9:37:34](Interpretation) Thank you very much,
8 Maître Cantier.

9 This morning we shall be commencing the testimony of Witness P-0099 of the
10 Prosecution. I'm going to now turn of course to the witness.

11 Good morning, Mr Witness. How are you?

12 WITNESS: MLI-OTP-P-0099

13 (The witness speaks French)

14 THE WITNESS: [9:37:59](Interpretation) Good morning, Mr President. Good
15 morning, ladies and gentlemen. May I introduce myself. (Redacted)
16 (Redacted) and I hope that my testimony will assist in establishing the truth.

17 PRESIDING JUDGE MINDUA: [9:38:10](Interpretation) Thank you very much, Mr
18 Witness. You can remain seated when you are addressing the Court.

19 Mr Courtroom Officer, you know what you need to do.

20 Mr Witness, I would like to welcome you to the Court. You shall be testifying with a
21 view to assisting the Chamber in establishing the truth in the case against Mr Al
22 Hassan.

23 Mr Witness, protective measures have been put in place with a view to making sure
24 that your identity is not revealed to the public. And you will understand, of course,
25 that when we are in open session, you are not able to provide details that might run

1 the risk of identifying you, namely, your name et cetera.

2 THE WITNESS: [9:39:01](Interpretation) Yes.

3 PRESIDING JUDGE MINDUA: [9:39:03](Interpretation) So on each occasion that
4 you need to provide details that might reveal your identity, we shall speak about this
5 in closed session and, as a result, nobody, with the exception of those present in this
6 courtroom, will be in a position of hearing what you have to say.

7 Have you understood?

8 THE WITNESS: [9:39:27](Interpretation) Yes, I have understood well. Thank you.

9 PRESIDING JUDGE MINDUA: [9:39:30](Interpretation) Thank you very much,
10 Mr Witness.

11 I shall now undertake the oath under Rule 66(1) of the Rules of Procedure and
12 Evidence.

13 On your table you certainly have a document on which the solemn undertaking is
14 written. Is that correct?

15 THE WITNESS: [9:39:58](Interpretation) Yes.

16 PRESIDING JUDGE MINDUA: [9:39:59](Interpretation) Very well.

17 So this undertaking by which you swear to speak the truth and the whole truth, I
18 would request, please, that you read it out to us and thereby everyone will be able to
19 hear what you have to say.

20 Please go ahead, Mr Witness.

21 THE WITNESS: [9:40:20](Interpretation) So I solemnly declare that I shall speak the
22 truth, the whole truth and nothing but the truth.

23 PRESIDING JUDGE MINDUA: [9:40:30](Interpretation) Thank you very much,
24 Mr Witness. You are now under oath.

25 The VWS, the representatives of the Victims and Witnesses Section, as well as the

1 OTP, have explained to you what this means, so I shall not reiterate.

2 I have a few practical pieces of advice to give you.

3 You must bear in mind throughout your testimony that everything that is said here in
4 the courtroom is transcribed by court reporters and interpreted simultaneously into
5 several languages by interpreters. It is therefore important for you to speak clearly
6 and slowly.

7 You should only start to speak once the person who is putting a question to you has
8 finished putting said question to you, especially those who speak the same language
9 as you, namely, French. You should attempt to observe pauses between the
10 questions and the answers.

11 Of course, if you have a question, please raise your hand in order to indicate that you
12 would like to address the Chamber.

13 Have you understood?

14 THE WITNESS: [9:42:15](Interpretation) Yes.

15 PRESIDING JUDGE MINDUA: [9:42:17](Interpretation) Thank you very much,
16 Mr Witness. So questions will be put to you by the parties, starting with the Office
17 of the Prosecutor, and then by the Legal Representatives of Victims, and finally by the
18 Defence. And the Chamber might have questions to put to you. We do not know
19 at this stage.

20 Now, without any further ado, I shall hand over to the Office of the Prosecutor for the
21 beginning of the examination-in-chief.

22 Madam Prosecutor Luping.

23 MS LUPING: [9:42:50] Thank you, Mr President.

24 QUESTIONED BY MS LUPING:

25 Q. [9:42:54] And good morning, Mr Witness. As you know, my name is Dianne

1 Luping, and I'm going to be asking you questions on behalf of the Prosecution.

2 MS LUPING: [9:43:03] Mr President, I will be asking some questions now related to
3 the witness's background that may be identifying. And I ask that we -- I have
4 authorisation to go into private session. I think the questions should take no more
5 than 10 minutes.

6 PRESIDING JUDGE MINDUA: [9:43:25](Interpretation) Very well.

7 Mr Courtroom Officer, could we go into private session, please. Madam Prosecutor
8 just said that it will be for approximately 10 minutes.

9 (Private session at 9.43 a.m.)

10 THE COURT OFFICER: [9:43:38] We are in private session, Mr President.

11 (Redacted)

12 (Redacted)

13 (Redacted)

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1 (Redacted)

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5 (Open session at 10.07 a.m.)

6 THE COURT OFFICER: [10:07:59] We're back in open session, Mr President.

7 PRESIDING JUDGE MINDUA: (Interpretation) Thank you very much, Court
8 officer.

9 Madam Prosecutor.

10 MS LUPING: [10:08:17] Thank you, Mr President.

11 Q. [10:08:18] Mr Witness, what did you learn about the -- when the armed groups
12 entered Timbuktu city in 2012, what did you hear about that?

13 A. [10:08:39] Could you be more specific.

14 Q. [10:08:41] I'll ask you a more specific question.

15 From what you heard or saw or what you learnt, which armed groups took over
16 Timbuktu in 2012?

17 A. [10:09:06] Yes. Well, going by what I saw and especially what I heard, it was
18 the MNLA that entered first. The MNLA allegedly engaged in some looting, and the
19 Arabs of Timbuktu apparently called the AQIM groups to come and defend them in
20 Timbuktu. So AQIM came into Timbuktu. * They drove out the MNLA towards
21 the airport and they began policing.

22 *In the meantime, between the MNLA and the AQIM, some Arab tribes looted the
23 barracks, which had been deserted the day before by the Malian soldiers, and the city
24 hall had been deserted as well, the banks as well on the previous evening.

25 Q. [10:10:21] And you've referred to the group, AQMI. Do you recall if there was

1 another armed group that also entered Timbuktu?

2 A. [10:10:40] Yes. I think there were combatants from Ansar Dine.

3 Q. [10:11:01] And starting with AQMI, do you recall what ethnicities and
4 nationalities they came from? The members of AQMI.

5 A. [10:11:16] AQMI was made up of *a group of Algerians at first, but a very -- that
6 was a very small group, maybe 15 people. And then they -- some Tuareg people
7 allied themselves with them in Kidal. And then in Timbuktu, some people came
8 from Tunisia, from Morocco, and from Egypt and from Burkina Faso, and, I don't
9 think I've forgotten anyone.

10 Q. [10:12:28] And do you recall, in addition to these nationalities, if there were
11 people also from Europe?

12 A. [10:12:33] Yes, there were some French people. And as well, there was an
13 American who was of *Nigerien origin.

14 Q. [10:12:42] And from what you saw or what you heard, what school of Islamic
15 thought did most members of AQMI belong to?

16 A. [10:12:56] It's difficult to define their brand of Islam. I can't describe them as
17 Salafist Muslims because they do live in a modern way with portable phones, with
18 cameras, *with diesel fuel, and so on and so forth. And even when it comes to their
19 practices, I can't
20 really say that they're true Salafists.

21 Q. [10:14:04] And you've just stated that they're not "true Salafists."
22 But from what you saw or what you heard, what school of thought did you hear them
23 say that they belonged to?

24 A. [10:14:17] I think they thought of themselves as Salafists.

25 But unfortunately, the only -- the only thing that they really engaged in at the time

1 was barbaric acts.

2 In other words, they were very Salafist when it came to administering punishments *.

3 Q. [10:15:02] Now, when you say: "[...] *ils on fait à une certaine époque, ce n'est que de*
4 *la barbarie.*" (Interpretation) "But what they did --"

5 (Overlapping speakers)

6 MS LUPING: [10:15:16]

7 Q. [10:15:016] -- could you explain what you mean by that?

8 (Overlapping speakers)

9 THE INTERPRETER: [10:15:17] "-- at a certain time was only barbaric acts."

10 MS LUPING: [10:15:19]

11 Q. [10:15:20] What did you mean by that?

12 A. [10:15:25] Well, what I mean is that even the time of the Prophet of Islam, such
13 punishments were really exceptional, applied very rarely.

14 Q. [10:16:00] And can you elaborate then, what you meant when you
15 said that -- when you used the word "barbary."

16 A. [10:16:10] *"Barbarie", in the meaning -- what I mean is looking for guilty people
17 to administer barbaric punishments to.

18 Q. [10:16:27] Who are you saying were committing barbaric acts?

19 A. [10:16:43] Well, that's somewhat difficult. There was a hierarchy. There was a
20 hierarchy. In other words, there was a judge. It would go through a judge, and the
21 judge would hand down a punishment. And the deputy of the judge would make
22 the arrangement so that the punishment would be carried out, and, so, as you can see
23 on most of the video footage, I think it was usually the head of the police and his
24 deputy who actually administered the punishment.

25 Q. [10:17:38] And when you referred to "*le châiment*," can you give us examples of

1 what types of punishments you're talking about.

2 A. [10:17:46] There were three kinds of punishment:

3 There was a punishment of people who were married and who had engaged in
4 adultery; that was the harshest punishment.

5 * Then there was the punishment of those who engaged in adultery without being
6 married. And that was 100 lashes, and then the punishment of criminal acts. And
7 that was the death penalty at the request of the family of the victim.

8 MS LUPING: [10:18:29]

9 Q. [10:18:31] And to your knowledge, did these types of punishments occur in
10 Timbuktu?

11 A. [10:18:45] I didn't see them. I didn't actually see what happened. I'm a person
12 who can't bear to see such barbaric acts.

13 Q. [10:19:06] And you've stated: "I'm a person who can't bear to see such barbaric
14 acts."

15 Did you hear about them? Did anybody tell you that such acts occurred in
16 Timbuktu?

17 A. [10:19:21] Well, I heard people talk about hands being cut off, but I thought that
18 hadn't happened in Timbuktu. I had information, but it was not -- I was not told
19 whether it was in Timbuktu or Gao. I didn't see that in Timbuktu. * I didn't think
20 anything like that had happened.

21 But on the other hand, there was death -- one case of the death penalty being handed
22 down for a crime, and I think there were several -- several times, a hundred lashes
23 were administered for cases of adultery outside of marriage.

24 Q. [10:20:19] And you talked about cases of adultery outside of marriage and the
25 punishment for that.

1 Do you remember the year that you heard this happened in Timbuktu?

2 A. [10:20:36] You mean, in the cases of adultery outside of marriage?

3 Q. [10:20:50] Yes. Just what you heard when it happened.

4 A. [10:20:53] Yes, yes. I -- I do know full well that -- that that happened twice.

5 When I was doing my errands, I saw some people who had gathered together. And

6 I asked people on the street, and they said that someone was being whipped for

7 adultery. And I went along my way. I didn't go and -- actually go see directly

8 what was going on.

9 Q. [10:21:22] Was this in the same year that you went to live in Timbuktu city?

10 A. [10:21:27] Yes.

11 Q. [10:21:38] Now, to the best of your knowledge, do you recall how many

12 members of AQMI there were in Timbuktu in 2012 to the time they left in 2013?

13 Do you recall the numbers?

14 A. [10:22:00] I think that at the time, I think *500 fighters, I believe.

15 Q. [10:22:15] Can you recall if AQMI had any kind of flag that they used in

16 Timbuktu? And if you can describe it.

17 A. [10:22:27] Yes. They were using a flag that had something written on it,

18 "*Lahilah Illalah*," with a white circle in the middle, and it also read, "*Mohamed is his

19 Prophet."

20 Q. [10:22:57] (Overlapping speakers) And the individuals from AQMI, can you

21 remember in Timbuktu the type of clothing that you saw them wear?

22 A. [10:23:06] Yes. They wore sort of a beige/khaki kind of clothing, trousers and a

23 rather long shirt. Some wore a vest, depending on what their job was.

24 Q. [10:23:28] You've also mentioned a group called Ansar Dine.

25 To the best of your knowledge, do you know what ethnicity or ethnicities individuals

1 in this group had?

2 A. [10:23:44] Just Tuareg people.

3 Q. [10:24:05] And do you remember the kind of clothing that the members of Ansar
4 Dine wore?

5 A. [10:24:11] Not exactly. * The clothing was green, somewhat darker than...
6 somewhat greener, somewhat more khaki and darker than AQMI.

7 Q. [10:24:32] Now, turning first to Ansar Dine, can you remember names of leaders
8 of Ansar Dine?

9 A. [10:24:49] * The only leader whose real name I knew was Iyad Ag Ghaly.

10 Q. [10:25:10] And what do you know of Iyad Ag Ghaly?

11 A. [10:25:14] I beg your pardon.

12 Q. [10:25:20] (Overlapping speakers) Can you explain what you know, if anything,
13 of Iyad Ag Ghaly.

14 A. [10:25:26] *What I know is that he used to be the Malian ambassador in Saudi
15 Arabia or somewhere in the -- elsewhere in the Emirates, and he took part in all --
16 well, in the struggle for independence. Well, he had been involved in the struggle for
17 independence for a very long time. I don't know the exact date. He headed a group
18 called, at the time ... not the MNLA but, I..., the...M...MN... there is one letter that
19 changes, I no longer recall precisely which letter, but it's not the MNLA it was the
20 MNPA. I no longer recall. *And once he was back from the Emirates or Saudi Arabia,
21 he found this new group, the MNLA. And the leader was another Tuareg person.
22 And everyone says that that is why he created the new group, Ansar Dine, adding
23 Sharia to the quest for independence and by striking an alliance with AQMI.
24 Q. [10:26:48] And when you say, "adding Sharia to the quest for independence,"
25 what do you mean by that?

1 A. [10:27:01] *I mean with the agreements that he had entered into with AQMI, the
2 military agreements. At the same time -- well, I think AQMI had asked him to
3 introduce Sharia law, if independence were attained for the Azawad.

4 Q. [10:27:23] And when you state: I think AQIM had asked them to introduce
5 Sharia law, how did you hear that? Or how did you learn that?

6 A. [10:27:40] I heard it from fighters, and even from important members of AQMI.

7 Q. [10:28:09] And you said or you referred to having heard it even from important
8 members of AQMI. Can you give us their names.

9 A. [10:28:22] Well, to begin, first of all it was Yahia, the emir of AQMI. *Sanda.
10 He was an important merchant in Timbuktu and I think he also had some power
11 when it came to the administration of Timbuktu. Then -- then Abou Dhar; Abou
12 Hafs -- Alou -- Alou (sic) Hafs; [...] Abou Darda; Abou Haris, whom I met whilst
13 training; Youssouf, he was in charge of communications (Redacted)
14 (Redacted)

15 Q. [10:29:38] And just to clarify, when you spoke to these people about this, was
16 that also in the same year that you moved to Timbuktu with your family?

17 A. [10:29:59] Yes. Between late June 2012 and January 2013.

18 Q. [10:30:19] Now, you have mentioned a person called Yahia who you said was
19 the emir of AQMI. Could you describe him for us. Can you recall what he looked
20 like?

21 A. [10:30:54] I'm not very talented at describing people. But what I know is that
22 he had a problem with his left foot - I believe it was his left foot - and he limped.
23 Otherwise, he's slightly taller than I am. And you should know that most of them
24 would wear turbans, so it's difficult to describe them.

25 Q. [10:31:35] And at the time in Timbuktu do you remember roughly how old he

1 was?

2 A. [10:31:41] I would say he was about 45/50. In between 45 and 50.

3 Q. [10:31:56] And do you know what his nationality was?

4 A. [10:32:00] Yes. He was an Algerian.

5 Q. [10:32:07] (Redacted)

6 In the time he was in Timbuktu, do you know what his role was?

7 A. [10:32:20] Well, he was the emir of AQIM. That means to say that he headed
8 up everything, the AQMI group, the group of combatants, that is.

9 Q. [10:32:42] And you said: (Interpretation) "[...] he'd headed up the entire AQMI
10 group, that is to say, the combatants."

11 (Speaks English) Did this group of combatants have a particular name?

12 A. [10:33:12] His group was called Al Fourqane.

13 Q. [10:33:29] And at this time in Timbuktu, do you remember where Yahia was
14 based, where he was living?

15 A. [10:33:45] Yes. Yahia was living in an administrative building which was the
16 tax office, I believe. There was a safe in that building.

17 Q. [10:34:04] You also described a person called Sanda *who you said was a
18 *commerçant* of Timbuktu originally.

19 Do you know what his role or functions were in Timbuktu at the time?

20 A. [10:34:30] Sanda was somebody who was doing business with terrorist groups
21 out in the desert. So he is alleged to have been arrested by the Malian authorities
22 and put in prison and is alleged to have been exchanged for another hostage, a lady,
23 thanks to Yahia. Yahia and *Sanda were very close. But *Sanda behaved a little bit
24 like the mayor of Timbuktu before the arrival of the groups in Timbuktu.

25 Q. [10:35:15] And just focusing on the time when the armed groups were in

1 Timbuktu, so in the time period between 2012 and 2013, do you know what his
2 functions were? What was his job for the groups at that time?

3 A. [10:35:36] *Are you talking to me about Sanda?

4 Well, I always saw him in the company of Yahia. I believe that he was Yahia's
5 right-hand man for everything regarding the management of Timbuktu. But he did
6 not have a particular function as such.

7 Q. [10:36:09] Now, you've mentioned a person called Abou Dhar. Do you know
8 what institution he belonged to with the groups when they were in charge of
9 Timbuktu? Do you know what institution he worked with?

10 A. [10:36:26] No. I never understood whether Abou Dhar had a specific role or
11 not, apart from the fact that he spoke both French *and the local dialects because he
12 was Malian. He would approach the local population and he also approached me to
13 put me in touch with Yahia, et cetera.

14 And I believe, because we can see him in the videos on the occasion of some
15 punishments - I don't understand what his role was - but he might have been an
16 intermediary between the Malians and the Tuaregs who do not speak the same
17 language.

18 MS LUPING: [10:37:55] Mr President, could I ask if we could briefly move into
19 private session, please.

20 PRESIDING JUDGE MINDUA: [10:38:04](Interpretation) Mr Courtroom Officer,
21 could we move into private session, please.

22 (Private session at 10.38 a.m.)

23 THE COURT OFFICER: [10:38:10] We're in private session, Mr President.

24 (Redacted)

25 (Redacted)

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- 8 (Open session at 10.48 a.m.)
- 9 THE COURT OFFICER: [10:48:42] We're back in open session, Mr President.
- 10 PRESIDING JUDGE MINDUA: [10:48:45](Interpretation) Thank you very much,
- 11 Mr Courtroom Officer.
- 12 Madam Prosecutor, please continue.
- 13 MS LUPING: [10:48:49] Thank you, Mr President.
- 14 Q. [10:48:56] Now, Mr Witness, you've mentioned -- you've mentioned a person
- 15 called Abou Hafs.
- 16 Could you -- or do you remember what his ethnicity was?
- 17 A. [10:49:08] He was Algerian.
- 18 Q. [10:49:16] And to the best of your knowledge, do you know what his role was
- 19 in -- within the armed groups?
- 20 A. [10:49:26] Well, he was a simple combatant.
- 21 Q. [10:49:43] And when you interacted with him, do you remember roughly how
- 22 old he was at the time?
- 23 A. [10:49:51] Well, I never knew his true age. Nobody told me, but he must have
- 24 been 30 or 35 years old, maximum.
- 25 Q. [10:50:07] And you've mentioned a person called Abou Darda.

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1 Do you know where he came from, what his nationality was?

2 A. [10:50:29] No.

3 Q. [10:50:32] And do you remember what kind of job he did with the armed groups
4 in Timbuktu?

5 A. [10:50:44] Well, mainly he was in charge of Radio Timbuktu.

6 Q. [10:51:00] And do you remember the name of that radio station?

7 A. [10:51:04] Radio Bouctou.

8 Q. [10:51:10] Do you remember hearing Abou Darda speak on the radio? And if
9 so, what was he talking about?

10 A. [10:51:27] I have no recollection of Abou Darda in particular. I remember
11 people who were providing explanations of the Koran in the French language. I
12 remember an Islamic scholar who was allegedly in prison in Saudi Arabia whose
13 name I do not know.

14 And there we are.

15 Q. [10:52:17] Do you remember hearing anything being said on the radio about
16 women?

17 A. [10:52:21] I no longer recall.

18 MS LUPING: [10:52:27] Mr President, I would like to ask a few follow-up questions
19 that might be identifying. Could I ask to go into private session for about five
20 minutes.

21 PRESIDING JUDGE MINDUA: [10:52:39](Interpretation) Yes, indeed,
22 Madam Prosecutor.

23 Mr Courtroom Officer, please.

24 (Private session at 10.52 a.m.)

25 THE COURT OFFICER: [10:52:46] We are in private session, Mr President.

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24 (Open session at 10.59 a.m.)

25 THE COURT OFFICER: [10:59:03] We're back in open session, Mr President.

1 PRESIDING JUDGE MINDUA: [10:59:10](Interpretation) Thank you very much,
2 Mr Courtroom Officer.

3 MS LUPING: Thank you, Mr President.

4 PRESIDING JUDGE MINDUA: [10:59:16](Interpretation) Madam Prosecutor.

5 MS LUPING: [10:59:18]

6 Q. [10:59:19] Now, Abou Hafs, do you know to what armed group he belonged?

7 A. [10:59:25] *Abou Hafs was part of the Yahia's Al Fourqane group.

8 Q. [10:59:32] Abou Darda, do you know to what armed group he belonged?

9 A. [10:59:38] Abou Darda was also part of the Al Fourqane group.

10 Q. [10:59:45] Now, Mr Witness, I have one more question of you before the break.
11 You described Abou Hafs as - and I'm going to quote you from the French:
12 (Interpretation) "He was somebody who was very intransigent, very radical, very
13 barbaric, and, possibly, very dangerous." (Speaks English) End of quote.
14 Could you explain why you describe him like that.

15 A. [11:00:21] Well, because he told us that he was in charge. Well, he often left
16 Timbuktu with order -- in order to go to the Ifoghas, that is, the mountains to the
17 north of Timbuktu where there were weapons, where there were hostages, certainly.
18 But also, we were told that he allegedly decapitated somebody. Some time ago, a
19 long time before Timbuktu, that he had decapitated somebody.

20 MS LUPING: [11:01:05] Mr President, I just note the time. I can break in my
21 questions now.
22 Thank you, Mr Witness.

23 PRESIDING JUDGE MINDUA: [11:01:14](Interpretation) So it is one minute past 11.
24 We shall rise for half an hour and we shall reconvene at 11.30.
25 Court is suspended.

1 THE COURT USHER: All rise.

2 (Recess taken at 11.01 a.m.)

3 (Upon resuming in open session at 11.32 a.m.)

4 THE COURT USHER: [11:32:36] All rise.

5 Please be seated.

6 PRESIDING JUDGE MINDUA: [11:32:40](Interpretation) The hearing shall now
7 resume, and the Prosecution may continue with their examination.

8 MS LUPING: [11:33:02] Thank you, Mr President.

9 Q. [11:33:02] Mr Witness, I'm going to refer to a passage from today's transcript.
10 It's the French transcript, at page 18, lines 17 to 27. The question was, translated into
11 French: (Interpretation) "According to you, who committed these barbaric acts?"
12 Answer: "Well, that's a bit difficult to say. There was a hierarchy. There was a
13 hierarchy, that is to say, it would go by way of a judge. The judge would
14 depend -- decide about the punishment, and the deputy to the judge would make the
15 arrangements for the punishment to be administered. * And , as can be seen on most
16 of the videos, I think -- so it was the head of the police and his deputy who would
17 actually carry out the punishment." End of quote.

18 (Speaks English) Now, my first question is this, Mr Witness: You've mentioned a
19 "*chef de la police et son adjoint*".

20 To the best of your knowledge, where was -- this *chef de la police et son adjoint*, where
21 was the first base? Where was the first headquarters of the police in Timbuktu?

22 THE WITNESS: [11:35:02] (Microphone not activated)

23 PRESIDING JUDGE MINDUA: [11:35:04](Interpretation) Microphone, please,
24 Mr Witness.

25 MS LUPING: [11:35:05]

1 Q. [11:35:06] I apologise, Mr Witness. Because the microphone was off, we
2 couldn't hear your response. Could you please repeat what you were saying.

3 A. [11:35:20] So the Islamic police initially were at the BIM bank in the centre of
4 Timbuktu. At the time, I didn't have any contact with the head of the police. * I
5 started to have contact with the young people who worked at the -- for the police and
6 with the chiefs when the police was at the governor's palace.

7 So at first, there was Adama. And he was replaced by -- by Mr Hassan. And
8 Hassan was the second-in-command, and he was replaced by Khalid at that time.

9 Q. [11:36:33] And you said: "I started to have contact with the young people who
10 worked at the -- for the police and the head when they were at the governor's palace."
11 So just to understand correctly, they moved then from the bank to the governor's
12 palace. Is that what you mean?

13 A. [11:36:57] Yes, that's right. They had the -- they let that place go to the morality police.

14 *Q. [11:37:15] And when you said: (Interpretation) "They left that place and
15 handed it over to the morality police," could you be a little clearer, please? What was
16 this place that they handed over to the morality police?

17 A. [11:37:36] At one particular point in time, the bank, the BIM, was occupied by
18 the morality police led by Mohamed Moussa, and the Islamic police had been
19 transferred to the governor's palace with Mr Hassan as their leader there.

20 Q. [11:38:17] And starting first with when the police *Islamique* were located at the
21 bank, do you remember the type of work they did at that time, to the best of your
22 knowledge, if you can remember?

23 A. [11:38:43] They would go around in the streets and in a way they were keeping
24 an eye on people. Sometimes they might hit someone with a stick. For example, in
25 the souk, if a woman was in their opinion improperly dressed, sometimes they would

1 bring people back to the police station. I even saw some pregnant women who were
2 locked up unfortunately. And -- oh, yes. I wanted to add that they were not
3 Islamic practices in any event. In Islam, there are many conditions. There are
4 many forms of pardon, and I don't know if they were carrying out the forms of justice
5 as ordered by the Prophet of Islam.

6 Q. [11:39:59] And when you said - and I'm going to quote you from the French:
7 (Interpretation) "Yes, I wanted to add that they were not Islamic practices in any
8 event". (Overlapping speakers)

9 (Speaks English) Could you explain what do you mean by that?

10 *A. [11:40:34] I can give you some examples from the life of the Prophet. In the case
11 of adultery outside of marriage, the Prophet several times had to deal with such a
12 situation and he recommended to those people to ask for forgiveness from God, once
13 they knew that there would be no witness or that those actions were not known to
14 people around them. And in the Koran it says that if no one knows about what you
15 have done, God will forgive you or he will punish you.
16 So God does pardon people for these kinds of things.

17 Q. [11:41:43] Now, I'm still talking about the police *Islamique*. You said that they
18 went to the *palais du gouverneur*.

19 To the best of your knowledge, do you know what type of work the police *Islamique*
20 were doing when they were at the *palais du gouverneur*?

21 A. [11:42:22] No.

22 Q. [11:42:22] Now, you have mentioned Adama.
23 Do you know what nationality he was?

24 A. [11:42:34] Adama, I don't really remember what nationality he was.

25 Q. [11:42:40] Was he Malian?

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1 A. [11:42:43] I don't know.

2 Q. [11:43:03] And Hassan, do you know what ethnicity he was or he is, rather?

3 A. [11:43:07] I think he's a Tuareg. Yes.

4 Q. [11:43:10] You mentioned a person called Khalid who you said - and, I'm going
5 to quote:

6 (Interpretation) "Hassan was the deputy and I think he was replaced by Khalid at that
7 time." (Overlapping speakers)

8 (Speaks English) Do you know what nationality Khalid is or was?

9 A. [11:43:48] I no longer recall. He wasn't Tuareg. I don't think so.

10 Q. [11:44:15] You also mentioned a person called Mohamed Moussa.

11 Do you know what his ethnicity is?

12 A. [11:44:26] He was a Tuareg person. *He was the imam of a mosque. And it
13 seems to me that Hassan lived not very far away from Mohamed Moussa in the same
14 neighbourhood.

15 MS LUPING: [11:44:58] Mr President, I'm going to be asking a few questions
16 in -- that might be identifying. I request authorisation to move for some minutes
17 into private session.

18 PRESIDING JUDGE MINDUA: [11:45:14](Interpretation) Quite so.

19 Court officer, private session, please.

20 (Private session at 11.45 a.m.)

21 THE COURT OFFICER: [11:45:20] We are in private session, Mr President.

22 (Redacted)

23 (Redacted)

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10 (Open session at 11.54 a.m.)
11 THE COURT OFFICER: [11:54:02] We're back in open session, Mr President.
12 PRESIDING JUDGE MINDUA: [11:54:12](Interpretation) Thank you very much.
13 Madam Prosecutor.
14 MS LUPING: [11:54:35]
15 Q. [11:54:36] Now, Mr Witness, at page 37, lines 11 to 15, I asked you if you could
16 remember the type of work done by the Islamic police. You responded:
17 (Interpretation) "They would go about the streets, there was a kind of surveillance or
18 they were keeping an eye on people. And sometimes, they would hit someone with
19 a stick, (inaudible) women who they thought were improperly clothed. Sometimes
20 they would take people back to the police station." (Speaks English) End of quote.
21 Now, could you explain what you meant that they -- that women, who, in their
22 opinion, were badly dressed could be hurt. Could you explain what you mean by
23 that.
24 *A. [11:55:37] First of all, that was the morality police. They were a group of three
25 or four -- I'm talking about the morality police led by Mohamed Moussa.

1 Q. [11:56:00] And can you give any examples of instances that you know where
2 women were hit in this way.

3 A. [11:56:16] No, not at all. I didn't see anything like that. But some AQMI
4 people told me that the companions of the Prophet did such things in the souk, in the
5 marketplace.

6 MS LUPING: [11:56:34] Mr President, could I please go into private session for a few
7 minutes to ask some questions of an identifying nature.

8 PRESIDING JUDGE MINDUA: [11:56:47](Interpretation) Court officer, please, if
9 you could.

10 (Private session at 11.56 a.m.)

11 THE COURT OFFICER: [11:56:52] We're in private session, Mr President.

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17 (Open session at 12.07 p.m.)
18 THE COURT OFFICER: [12:07:41](Interpretation) We're back in open session,
19 Mr President.
20 PRESIDING JUDGE MINDUA: [12:07:44](Interpretation) Thank you very much,
21 court officer.
22 Madam Prosecutor.
23 MS LUPING: [12:07:52]
24 Q. [12:07:52] Mr Witness, you've referred to a person called Abou Zeid. Could
25 you explain who he is or who he was?

1 A. [12:08:08] When I was in Timbuktu, Abou Zeid had the function of
2 administrator of the town of Timbuktu.

3 Q. [12:08:17] And when you say he was the administrator of Timbuktu, could you
4 explain what that means in concrete terms?
5 What did he do in that role?

6 A. [12:08:28] He was responsible, in particular, for the houses which had been
7 requisitioned. He was also responsible for the requisition of vehicles. I found that
8 out because once there was somebody from Timbuktu who came to complain to me,
9 telling me that Abou Zeid had requisitioned vehicles of public works belonging to a
10 private company, and, normally, this was forbidden, prohibited, under Islam.

11 (Redacted)

12 (Redacted)

13 MS LUPING: [12:09:46] Mr President, if we could go briefly into private session, and
14 then I'll - I need to make some comments to the witness and then we can return. But
15 for just a few minutes.

16 PRESIDING JUDGE MINDUA: [12:10:01](Interpretation) Court officer.

17 (Private session at 12.10 p.m.)

18 THE COURT OFFICER: [12:10:04] We are in private session, Mr President.

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7 (Open session at 12.14 p.m.)

8 THE COURT OFFICER: [12:14:38] We are back in open session, Mr President.

9 PRESIDING JUDGE MINDUA: [12:14:51](Interpretation) Thank you very much.

10 Madam Prosecutor.

11 MS LUPING: [12:14:55]

12 Q. Now, Mr Witness, you spoke about the schools being closed, *les écoles étaient*
13 *fermées*.

14 Could you tell us what you know about the closing of schools in Timbuktu?

15 A. [12:15:21] I don't know a lot about that. I know that there was a director *of a
16 school who also had friendly relations with members of AQIM, and his aim was to
17 find a means of reopening his school. And I think that he was a victim of exactions
18 when the Malian army arrived in Timbuktu.

19 Q. [12:16:10] And just to have an idea of time, was this before or after you had
20 moved to Timbuktu?

21 A. [12:16:18] Well, what I just mentioned, this was not long before the French
22 intervention -- the French intervention and the departure from Timbuktu, when I'm
23 speaking about the school director, that is. However, when I speak about the
24 teachers, that was when I was in the second house, when I was in Timbuktu town
25 centre.

1 Q. [12:16:51] Now, Mr Witness, you described Abou Zeid as having the function of
2 the administrator of the town of Timbuktu.

3 Do you know what his nationality is or was?

4 A. [12:17:12] I didn't really know when I was there, but I found out later from the
5 media, above all. I think he was Algerian from close to the Libyan border.

6 Q. [12:17:38] And you also referred to a person called Abou Talha. Can you
7 explain what you know of him?

8 Where is he from?

9 *A. [12:17:46] He comes from Libya, according to what I was told in the desert after
10 I had left Timbuktu. He left Libya because he was threatened by Libyan justice for
11 serious crimes and he had behaviour in Timbuktu, which was very psychopathic, I
12 would say. He married a young girl, a girl who was quite young. (Redacted)
13 (Redacted) * Abou Talha, he had tied her up, handcuffed her,
14 and he had bizarre practices with her and they separated. He put her in handcuffs.
15 But he refused to accord her a divorce, that is to say, that he left her in a situation
16 where she was no longer free.

17 And this was very bad for her. And there, I wasn't able to do anything about that.

18 Q. [12:19:27] Now, you stated, in reference to Abou Talha:

19 (Overlapping speakers)

20 (Interpretation) "He married a young girl. She was quite young."

21 (Overlapping speakers)

22 (Speaks English) To the best of your memory, do you recall how old she was?

23 A. [12:19:46] I am sure that she was not 18 years old. Fourteen, 15, 16. I don't
24 know exactly.

25 Q. [12:19:59] And this young girl, was this marriage in Timbuktu?

1 A. [12:20:19] Yes. It was indeed.

2 Q. [12:20:23] And do you remember her age? I'm sorry. Her name, rather.

3 A. [12:20:28] No. No, not at all. (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 Q. [12:21:32] And this young girl who was married to Abou Talha, were
12 they -- were they from Timbuktu? Were they local people from Timbuktu?

13 A. [12:21:52] Yes, yes. These were local people from Timbuktu indeed.

14 Q. [12:22:00] And do you remember her ethnicity, the young girl who was married
15 to Abou Talha?

16 A. [12:22:27] I hesitate. I'm hesitating. I think that it was an Arab family, but I'm
17 hesitating. It could have been Tuareg, but I think rather that they were Arabs,
18 subject to reservations.

19 Q. [12:23:31] And in terms of this marriage with Abou Talha, do you remember
20 what year this was?

21 Was this the same year that you moved to Timbuktu?

22 A. [12:23:46] Everything happened when I was in Timbuktu, yes.

23 Q. [12:23:58] And from what you heard or what you saw, do you know if the girl or
24 her family had agreed to the marriage to Abou Talha?

25 A. [12:24:17] Yes. I think so. They accepted to the marriage -- they accepted the

1 marriage. It was afterwards that they perceived that there were problems.
2 They -- there was a marriage act, a marriage document, in accordance with the norms.

3 Q. [12:24:48](Overlapping speakers) And other than this case of Abou Talha, did
4 you learn of other instances where members of the armed groups married local
5 women?

6 A. [12:25:01] Yes. There were lots of young people who got married with young
7 local girls. I heard that Abou Yahia gave them money to help them with the dowry
8 issues. However, when AQIM left Timbuktu, it made them leave Timbuktu without
9 any kind of coverage or anything, women who had babies at a low age.

10 Q. [12:26:17] Now, other than Abou Talha, do you remember any other examples
11 where local people had marriage issues with members of the groups? And if so, you
12 can give an example.

13 *A. [12:26:45] Not in particular. Somebody spoke to me about a judge from Gao.
14 Apparently, the judge, as they have the right to four wives, would regularly make a
15 time-limited marriage, and would end the marriages regularly and every week or
16 every two weeks, he would marry another wife.

17 Q. [12:27:25] And could you explain, what do you mean by "*mariage à temps*"?

18 A. [12:27:36] Well, there's this notion in the Koran of a time-limited marriage.
19 Certain Muslims do not accept this passage. It said that you can marry a woman,
20 paying the dowry, putting conditions from the start, saying that this marriage is not
21 forever but for a defined period. A bit like a working contract for a fixed-time
22 period. And you can be separated afterwards without any problem, without a
23 divorce, without anything, under the condition that neither the man or woman have
24 lovers or take lovers. These are liaisons that are done through love and not through
25 vice, of course.

1 Q. [12:29:18] Now, you mentioned a person -- no, sorry. That's a different person.

2 Do you remember a person called Abou Hamza?

3 A. [12:29:36] Yes.

4 Q. [12:29:39] And what do you remember about him?

5 A. [12:29:44] Unfortunately, I didn't see him too much in the photos given to me.

6 *I don't know if I've seen him. All I can say is that he was the right arm of Abou

7 Talha. (Redacted)

8 (Redacted)

9 (Redacted).

10 Q. [12:30:35] And do you remember him having any role in marriages in

11 Timbuktu?

12 A. [12:30:44] No. I didn't hear anything along those lines. But I should specify, as

13 I did in *my statements, that Abou Talha had the authority over Mohamed Moussa,

14 that is to say, he would report what the -- to Yahia about what the morality police

15 were doing.

16 Q. [12:31:34] Now, to the best of your knowledge from what you saw or what you

17 heard, do you know who appointed Abou Talha?

18 A. [12:31:53] Abou Talha? No. But Abou Zeid was the administrator of

19 Timbuktu. So I think he was the one who chose people, maybe listening to the

20 advice of Abou Yahia, but he was the one who decided who would get a particular

21 position.

22 Q. [12:32:24] And you stated that:

23 (Interpretation) "I think that Abou Zeid, being the administrator of Timbuktu, was the

24 one who would choose, * and he may have listened to the advice of Abou Yahia, but I

25 think he was the one who decided who got such-and-such a job or position."

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- 1 * THE WITNESS: [12:33:02] (The witness coughs) (Interpretation) I apologise.
- 2 MS LUPING: [12:33:10] Please -- sorry, court usher, can the witness be given some
- 3 water.
- 4 THE COURT USHER: [12:33:11] He has water.
- 5 MS LUPING: [12:33:12] Oh, he has. Okay.
- 6 *Q. [12:33:15] Please, take your time, Mr Witness. If you would like to take some water.
- 7 (The witness coughs)
- 8 A. [12:33:49] I'm sorry. Could you repeat the question?
- 9 Q. [12:33:56] Certainly. I had just -- I was referring to a passage of what you'd
- 10 said:
- 11 (Interpretation) "Abou Zeid, being the administrator of Timbuktu, I think he was the
- 12 one who chose, maybe he listened to the advice of *Abou Yahia, but I think he was the
- 13 one who would decide who would take such-and-such a position."
- 14 (Speaks English) End of quote.
- 15 My question is -- first question is this: Why do you think it was Abou Zeid who
- 16 decided on positions?
- 17 A. [12:34:34] Because Abou Zeid was very close to the group of Mauritaniens,
- 18 Mauritaniens, *seven or eight of them: Youssouf, Abou Talha -- well, he wasn't
- 19 Mauritanian, but he was part of that group. Abou Talha, Abou Hamza, Abou Haris,
- 20 Youssouf. And he -- he did like to be surrounded by those people. They too were
- 21 rather radical people.
- 22 Q. [12:35:22] And you said: (Interpretation) "Who were also rather radical
- 23 people." (Overlapping speakers)
- 24 (Speaks English) What do you mean by that?
- 25 A. [12:35:33] Well, people who didn't have any allegiance and who --

1 THE INTERPRETER: [12:35:48] Correction: No indulgence.

2 THE WITNESS: [12:35:51](Interpretation) -- and who were watching people, finding
3 them guilty of things and punishing them. What's more, as I've already stated, these
4 were people who thought that the Muslim religion belonged to them and (Redacted)
5 was going to take the Muslim religion by force and for all his life.

6 MS LUPING: [12:36:43]

7 Q. [12:36:44] And when you stated: (Interpretation) "who will take the Muslim
8 religion with force," (Speaks English) what do you mean by that?

9 A. [12:36:57] Well, I meant that the person will practice the Muslim religion
10 properly and forever, all the time.

11 Q. [12:37:11] And from what you saw or what you heard, what was Abou Talha's
12 role within the group?

13 A. [12:37:29] I'm sorry, I didn't quite hear the name you mentioned.

14 Q. [12:37:42] Talha.

15 A. [12:37:51] You mean his role? He -- he was a member of AQMI who led the
16 morality police. So all those duties had been given to local people, in particular,
17 Tuareg people. And I think that above each Tuareg person, they had a AQMI
18 member who supervised or oversaw all of that. So I think the ones who were
19 over -- who had oversight over the morality police, certainly it was Abou Talha.
20 And then for the Islamic police, there were people like Abdallah, who I mentioned in
21 my statement as well, but I didn't know exactly what that was all about.

22 Q. [12:39:10] Now, you've referred to a person called Abdallah.
23 Do you recall any other names for Abdallah?

24 A. [12:39:22] I just knew him by Abdallah. I knew him (Redacted)
25 (Redacted), the emir *Abou Yahia was not

1 actually present in Timbuktu. He had left Timbuktu. He had been away for a week
2 and he had delegated his authority to Abdallah, this person called Abdallah.

3 Q. [12:40:14] And, again, to the best of your knowledge, do you recall what role
4 Abdallah had within the group?

5 A. [12:40:23] When I met him, I had the impression that he had oversight, or, rather,
6 he was responsible for communications. He was with Youssouf at the
7 telecommunications centre beside the Abou Yahia centre.

8 Q. [12:41:04] And, again, to the best of your knowledge, what did this involve?
9 This supervision of communication.

10 A. [12:41:13] (Redacted)
11 (Redacted). So I can't tell you more than that. I
12 don't know.

13 Q. [12:41:34] Mr Witness, I'd just like to remind you that your testimony is what
14 you state to the Judges and not what you said before in your declaration. The Judges
15 will not be looking at your declaration.
16 So could you please state for the Judges, to the best of your knowledge, what this
17 involved, this role of Abdallah?

18 A. [12:42:09] (Redacted)
19 (Redacted). So I was at the communications centre, and I don't -- for that, I was
20 dealing with Abdallah for the most part, Abdallah, with Abdallah and Youssouf.

21 MS LUPING: [12:42:42] Mr President, if I could please request that we move into
22 private session. I'm just going to be asking some clarification questions. It will be
23 for a few minutes.

24 PRESIDING JUDGE MINDUA: [12:42:56](Interpretation) Court officer, if you could.
25 (Private session at 12.43 p.m.)

1 THE COURT OFFICER: [12:43:04] We are in private session, Mr President.
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3 (Redacted)
4 (Redacted)
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- 17 (Redacted)
- 18 (Open session at 12.56 p.m.)
- 19 THE COURT OFFICER: [12:56:20] We're back in open session, Mr President.
- 20 PRESIDING JUDGE MINDUA: [12:56:34](Interpretation) Thank you, court officer.
- 21 Madam Prosecutor.
- 22 MS LUPING: [12:56:36] Thank you.
- 23 Q. [12:56:37] Now, Mr Witness, you were describing negotiations that took place.
- 24 And I'm going to quote how you described it:
- 25 (Interpretation) "For the recognition of the independence of the state of Azawad."

1 (Speaks English) And you describe the participation of both *Sanda and Iyad Ag
2 Ghaly.

3 My question is this: Do you remember when these negotiations took place? Was
4 this before, during, or after the occupation by the armed groups of Timbuktu?

5 A. [12:57:29] Yes. Most of the major negotiations were the ones before the Sevare
6 attacks and Diabaly attack. I was a bit more aware of that because (Redacted)

7 (Redacted)

8 (Redacted)

9 So up until then, there had been an agreement between the armed groups of
10 Timbuktu and those in Gao and the Malian authorities, an agreement not to go below
11 the line of the river, that is to say, Mopti, Léré. They couldn't go below that line.

12 So that was decided -- that was the separation line between the state of Timbuktu,
13 which, at the time, unfortunately, a no-go zone, because Captain Sanogo was
14 recognised by no one, and the area above the line, which was also a no-go zone, the
15 area above the river, a no-go zone occupied by armed groups.

16 At one point, Iyad Ag Ghaly broke - and, that's when I really heard about this - he
17 broke the agreements with the Malian authorities. (Redacted)

18 (Redacted)

19 (Redacted). And, at the end, Iyad Ag Ghaly broke the agreements and said that
20 he was getting ready to break the agreement and go down towards Bamako.

21 PRESIDING JUDGE MINDUA: [13:00:18](Interpretation) Madam Prosecutor, it
22 is 1 o'clock.

23 MS LUPING: [13:00:21] Yes, indeed, Mr President. I may ask the witness some
24 follow-up questions, but I can do that after the break.

25 PRESIDING JUDGE MINDUA: [13:00:33](Interpretation) Very well.

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1 Court officer, we are in private or open?

2 Very well. Mr Witness, we will now stop for the lunch break and we shall resume

3 at 2.30.

4 THE WITNESS: [13:01:00](Interpretation) Yes.

5 PRESIDING JUDGE MINDUA: [13:01:02](Interpretation) So we shall now suspend.

6 The hearing is now suspended.

7 THE COURT USHER: All rise.

8 (Recess taken at 1.01 p.m.)

9 (Upon resuming in open session at 2.30 p.m.)

10 THE COURT USHER: [14:30:32] All rise.

11 Please be seated.

12 PRESIDING JUDGE MINDUA: [14:30:46](Interpretation) Court is in session. Good

13 afternoon to you all.

14 The floor is with the Office of the Prosecutor to follow up with the

15 examination-in-chief.

16 Prosecutor, the floor is yours.

17 MS LUPING: [14:31:13] Thank you, Mr President.

18 Q. [14:31:16] Mr Witness, just before the break, you stated, and I'm going to quote

19 from your -- the transcript of today at page 65, lines 15 to 20:

20 (Interpretation) "So that was decided as the line of separation between the state of

21 Timbuktu, which, at the time, was unfortunately not a state with a rule of law because

22 Captain Sanogo was not recognised by anyone, and the zone above the river, which

23 was also a state without the rule of law because it was occupied by armed groups."

24 (Speaks English) Now, just a -- my question relates to the following phrase:

25 (Interpretation) "[...] and the area above the river, which was also was a state without

1 the rule of law, because it was occupied by armed groups."

2 (Speaks English) My question is this, Mr Witness: Could you please explain what
3 you meant by that.

4 A. [14:32:30] Well, a country without the rule of law is a country where there is no
5 authority which is recognised internationally. So there isn't an authority which has
6 been accepted or chosen by the people.

7 Q. [14:33:18] Okay. I'm now going to change topics. And I'm again referring to a
8 passage from your testimony this morning. It's at page 37 of today's French realtime
9 transcript. The question was as follows:

10 (Interpretation) "Starting with the Islamic police that was situated at bank, what type
11 of work -- what was the type of work that he did at the time, to the best of your
12 knowledge?"

13 Your response: "So, they were moving around in the streets, they were carrying
14 out surveillance. And sometimes, they could hit people with a baton, * Should be
15 the women who in their view were badly dressed; and sometimes, they brought
16 people to the police station. Well, I even saw women who were pregnant who were
17 locked up unfortunately." End of quote.

18 (Speaks English) Now, Mr Witness, my -- my question relates to the end part of that
19 where you said:

20 (Interpretation) "I even saw women who were pregnant who were locked up."

21 (Speaks English) Could you explain what you saw of pregnant women imprisoned.
22 Can you explain what you saw.

23 A. [14:34:51] Yes. Well, it was more serious than that. They were not put in a
24 prison.

25 They were -- well, they were held *for a day or two, but they were put in a place

1 which was part of the building in question, and there, I'm talking about the morality
2 police, the ones who in the last instance set themselves up in the bank.

3 *So, there was a little room which was used for storing gas bottles, possibly, that
4 might have been slightly larger than one square metre, and they had squeezed at least
5 three or four or five women in there, of whom several were pregnant.

6 Q. [14:35:46] And did you see this with your own eyes?

7 A. [14:35:50] Well, in the evening, I went past the gendarmerie, and I saw that this
8 room was full of women. It was very tight. It was very close, a narrow space.

9 And it was Omar with the red beard who intervened to get them out. But he came
10 in a very authoritarian way, and he got them out immediately, because he had more
11 power than I did.

12 Q. [14:36:40] And this time when you saw women in this place, to the best of your
13 knowledge, do you know why they were held by the *police des mœurs*? For what
14 reason?

15 A. [14:37:02] I don't know exactly why, but I think it was because of the way they
16 were dressed, which wasn't correct.

17 Q. [14:37:09] Now, you've referred to a person called Omar:

18 (Interpretation) "Omar, the person with the red beard."

19 (Speaks English) Do you know the full name for Omar?

20 A. [14:37:35] No.

21 Q. [14:37:37] And do you know with what group he belonged?

22 A. [14:37:42] I think he was in MUJAO, the other part of AQIM, which was in Gao.
23 There was a problem. So he left them to join Ansar Dine. And then there was a
24 second problem in his media statement, which meant that, ultimately, he left Ansar
25 Dine. And just before the French intervention, he created a group -- well, he joined *

1 Djebel Arabiya (phon), the armed Arab groups, and he created Ansar Sharia.

2 Q. [14:38:47] And how do you know that, Mr Witness? How did you learn about
3 all of this, this information relating to Omar?

4 A. [14:38:54] Well, I don't know exactly. But I was told that he had made a media
5 statement saying that he had responsibility with regards to the hostages, and that
6 didn't please the people above him. They considered that he had no authority. He
7 wasn't recognised by anyone. So he left the entire organisation to create a new
8 group with his combatants.

9 Q. [14:39:38] And you stated, and this is at page 68, lines 21 to 23: (Interpretation)
10 "But he intervened in a very authoritarian way, he got them out immediately, because
11 he had more power than I did."

12 (Speaks English) Can you recall when this was, when he intervened to let them leave?
13 And please wait for the interpretation, Mr Witness.

14 A. [14:40:15] Yes. So when he left Ansar Dine, at that time, he came back to
15 Timbuktu; whereas, he never would come. And I met him at that time in Timbuktu.
16 I don't think he said it to me directly, but we spoke about it at that time. *He had
17 lived in a house in Timbuktu next to Gaddafi's palace, which, according to what
18 people said, was the house of his uncle called Bina, somebody who's very rich in the
19 region. And often people say that he does drug trafficking. People say about him
20 that he does drug trafficking.

21 Q. [14:42:01] Mr Witness, I'm just reading the French transcript, and I'm -- I'm not
22 sure if there's a -- if it's clear. I'll just repeat it:

23 (Interpretation) "So he left Ansar Dine. At that time, he came to Timbuktu, well, he
24 never used to come. I met him at that time in Timbuktu."

25 (Speaks English) Mr Witness, could you clarify, when you -- sorry -- what exactly you

1 said.

2 After he left Ansar Dine, did he return to Timbuktu or not?

3 A. [14:42:45] Yes. First of all, he left AQIM and then Ansar Dine, and then he
4 came after that to Timbuktu, and he asked for permission to set himself up with his
5 combatants in that house.

6 And, as it was apparently in -- from his family, they let him set up the house there,*
7 but he -- he left a few days later for the desert. And later, he joined Djebel Arabiya
8 (phon).

9 Q. [14:43:26] Now, I'm going to be changing topics to another topic.

10 And for that, Mr President, I would ask if I can go for a few minutes into private
11 session, please.

12 PRESIDING JUDGE MINDUA: [14:43:47](Interpretation) Court officer, please take
13 us into private session.

14 (Private session at 2.43 p.m.)

15 THE COURT OFFICER: [14:43:51] We're in private session, Mr President.

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15 (Open session at 2.48 p.m.)
16 THE COURT OFFICER: [14:48:37] We are back in open session, Mr President.
17 PRESIDING JUDGE MINDUA: [14:48:45](Interpretation) Thank you very much,
18 court officer.
19 Madam Prosecutor.
20 MS LUPING: [14:48:50] Thank you, Mr President.
21 I will now be showing a video excerpt from video MLI-OTP-0015-0495. And the
22 time stamps are starting from 00:35:40:08. I'll first be playing it without sound for
23 approximately a minute. And I would like -- for the information of the interpreters, I
24 will be playing it again with sound, and I'll be asking interpretation.
25 The transcript is found at tab 263. That's 0033-5189. It's page 5193, line 131, to page

1 5194, line 158, of the transcript. The translation is at tab 264, and that is 0033-5288,
2 from page 5293, line 146, to page 5294, line 181. And this excerpt can be played to
3 the public. It can be shown to the public.

4 Q. [14:50:26] So, Mr Witness, just to explain again, I'll be showing it first without
5 sound, and I'll be asking you if you recognise anybody in the location.

6 (Viewing of the video excerpt)

7 MS LUPING: [14:51:30]

8 Q. [14:52:33] Now, Mr Witness, I'm going to first ask if you know what group this
9 person here who is talking belongs to.

10 A. [14:52:01] I think this is one of the only times that I saw this person at the
11 mosque. I think he was in AQIM, but I don't know his name or anything about him.
12 I have no information about him.

13 Q. [14:52:14] I'm going to be carrying on playing without sound.

14 (Viewing of the video excerpt)

15 MS LUPING: [14:52:44] Mr President, could I ask if we can go into private session,
16 please.

17 PRESIDING JUDGE MINDUA: [14:52:48](Interpretation) Court officer, private
18 session, please.

19 (Private session at 2.52 p.m.)

20 THE COURT OFFICER: [14:52:52] We're in private session, Mr President.

21 (Redacted)

22 (Redacted)

23 (Redacted)

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11 (Redacted)
12 (Open session at 2.54 p.m.)
13 THE COURT OFFICER: [14:54:34] Your Honours, we are back in open session.
14 PRESIDING JUDGE MINDUA: [14:54:55](Interpretation) Thank you very much.
15 Madam Prosecutor.
16 MS LUPING: [14:54:57] I'm going to stay -- start playing this with this sound from 00:35:40:15.
17 (Viewing of the video excerpt)
18 "[Muezzin:] Allahu Akbar, Allahu Akbar, Allahu Akbar.
19 [Reporter:] On Friday, the Muslim holy day, worshipers flocked through a mosque
20 run by Al-Qaïda, turning the streets into a parade ground for moudjahiddin, from all
21 over NORTH AFRICA and the SAHEL, drawn by this beacon of Islamic law."
22 THE INTERPRETER: [14:55:47](Interpretation of the video excerpt)
23 *Almighty God has asked women to wear the veil. They shall not speak in a seductive
24 manner or with a sweet voice. They must not make tinkling sounds when they walk.
25 They must not embellish themselves and must wear clothes that cover their bodies

1 completely. Our Almighty God ordered women to wear the veil. On this Friday, the
2 sermon was delivered by Abu AL BARAA, one of Al-Qaïda in the Islamic
3 MAGHREB's top Islamic scholars: "What does our God tell them? He tells them, "stay
4 at home and do not expose yourself the way women did before Islam." That is what is
5 happening today, God forbid. The secular, the concupiscent and those that have been
6 led astray respond to God's words - stay at home, God forbid. " It's a woman's prison,
7 this is what shackles a woman's freedom." Who knows best, you or God?"

8 MS LUPING: [14:56:43] Now, I've stopped playing at 00:37:07:10.

9 Q. [14:57:11] Mr Witness, do you recall what this speech was about that this person
10 was giving in the mosque?

11 A. [14:57:23] Yes. I think it was about the way women dressed. But I don't agree
12 completely with him because in the Koran, it said that the women who are devoted to
13 God, so that they can be recognised, that they should wear a hijab. A bit like the
14 sisters in the Christian religion, like nuns; so that they can be recognised in the street.
15 And that people have a sort of attitude towards them that is different to -- attitude
16 towards others, and, there, I have a criticism to make to them. When all women are
17 wearing a hijab, there's a problem. In particular, (Redacted), and, in Morocco, there
18 are women who wear hijabs to carry out prostitution to be less easily targeted and
19 found by the police.

20 Q. [14:58:32] I'm now going to remove this particular video excerpt from the screen.
21 I'm going to be showing another video excerpt, but without sound this time. And
22 this time, I'm showing an extract from video 0009-1749. I'll be playing the excerpt
23 without sound from 00:08:43:23.

24 Now Mr Witness, I'm going to be asking you if you recognise anybody or the location.
25 (Viewing of the video excerpt)

1 MS LUPING: [15:00:13] All right. I paused at 00:09:00:20.

2 Q. [15:00:19] Do you recognise this person?

3 A. [15:00:22] Yes. Well, it's the same mosque, and this is the gentleman who I
4 called Abdallah, who, on one occasion, replaced Abou Yahia.

5 Q. [15:00:38] And he replaced Abou Yahia in what position?

6 A. [15:00:44] In the position as emir, whilst Yahia had gone away for
7 approximately 10 days, I believe.

8 Q. [15:00:59] Is this the same Abdallah you mentioned before who worked with
9 communications? Or is this a different Abdallah?

10 A. [15:01:08] It is he, yes.

11 Q. [15:01:17] I'm now going to be playing another seven seconds.

12 (Viewing of the video excerpt)

13 MS LUPING: [15:01:28] I'm stopping actually at 00:09:06:24.

14 Q. [15:01:34] And the person in white clothing next to Abdallah, who is that?

15 A. [15:01:41] The person wearing white is the official imam of the mosque, that is to
16 say that, at a given moment in time, the person giving the lesson has to leave their
17 place. The mujahideen were then called to prayer, and he will leave the place to the
18 imam to make his traditional speech for Friday's prayer.

19 Q. [15:02:15] Do you recall the name of this imam?

20 A. [15:02:19] No. No, not at all. I was never aware of his name.

21 Q. [15:02:25] I'm going to now remove this video from the screen.

22 I'm now going to be showing another short video extract, and it is 0011-0085. The
23 video itself is at tab 146. I will be asking for a short passage to be interpreted, the
24 first two minutes, four seconds. The tab reference for the transcript is 147. That is
25 0078-4884. The extract is at page 4885, lines 1 to 22. The translation at 0078-4888

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1 can be found at page 4890, again, from lines 1 to 22.

2 I note that I'm first at time stamp 00:00:06:06.

3 Mr Witness --

4 MS LUPING: [15:04:20] Sorry. I should ask that this video not be shown to the
5 public, and I'll be asking that we please move into private session for this particular
6 clip.

7 PRESIDING JUDGE MINDUA: [15:04:43](Interpretation) Mr Courtroom Officer,
8 please.

9 (Private session at 3.05 p.m.)

10 THE COURT OFFICER: [15:05:01] We are in private session, Mr President.

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16 (Open session at 3.25 p.m.)
17 THE COURT OFFICER: [15:25:03] We're back in open session, Mr President.
18 PRESIDING JUDGE MINDUA: [15:25:07](Interpretation) Thank you very much,
19 Mr Courtroom Officer.
20 Madam Prosecutor, please.
21 MS LUPING: [15:25:18] Thank you, Mr President.
22 Q. [15:25:19] Now, Mr Witness, you've referred at page 85, lines 4 to 6, to a training
23 that took place. You referred to:
24 (Interpretation) "In the barracks of the gendarmerie."
25 (Speaks English) Could you describe, from what you know, who -- like who took this

1 training, members of which groups, group or groups.

2 A. [15:26:01] Most of the groups that I saw in attendance at the training were often
3 young Tuaregs, very young Tuaregs, who hailed from villages surrounding Timbuktu
4 on most occasions, not from Timbuktu itself, and who visibly had the intention of
5 wreaking revenge for acts of violence that they had been the victims of from the
6 Malian army * from the Africans. I saw the groups coming. And when they were
7 told that they had to follow religious teachings, they left immediately. They had
8 only come to learn how to handle weapons.

9 *You should know that in Mali, there is a great thirst for vengeance between the
10 Tuaregs and the Arabs, between the Arabs and the blacks, and between the Tuaregs
11 and the blacks, and the Bambara especially, especially after the end of colonisation.

12 Q. [15:27:39] And, first of all, you stated:

13 (Interpretation) "... and who visibly had the intention of wreaking revenge for the
14 violent acts that they had suffered, especially at the hands of the Malian army, I
15 believe." (Overlapping speakers)

16 (Speaks English) Could you elaborate on that, on what you mean, by the -- in
17 particular:

18 (Interpretation) "... they had the intention of wreaking revenge for the acts of
19 violence."

20 A. [15:28:17] Well, personally speaking, I know Mali, and I have crossed or traveled
21 across that region. And at the time, I was 21 years of age. So I was very interested
22 in what was going on in that region.

23 So from that age of 21, that is to say, in -- from the year 1975/'76, I heard a great deal
24 spoken about crimes levelled against women and children of Tuareg extraction,
25 against small villages in their entirety. I can't really know, but I believe that the

1 authorities must be in the know about such things.

2 More specifically, in 1982, I believe - and this was broadcast by the media - there was
3 an instance where the Tuaregs stated that there had been 400 victims in their midst.
4 And at that time, the French embassy had stated that there were only approximately
5 50 victims.

6 Q. [15:30:04] And I'm just going to refer to another passage at lines 9 to 13, at page
7 87, where you stated: *(Interpretation) "You should know that in Mali, there is a
8 great thirst for revenge between the Tuaregs and the Arabs, between the Arabs and
9 the blacks, and between the Touaregs and the blacks, and especially the Bambara,
10 since approximately the end of colonisation."

11 (Speaks English) You referred to this "... *grand contentieux de vengeance entre les*
12 *touaregs ... et les Noirs, les Bambara surtout.*"

13 Could you explain a bit more about that, this conflict between Tuaregs and, you said:
14 (Interpretation) "The blacks, the Bambara."

15 A. [15:31:07] Well, the ethnic groups who live in this part of the desert -- who live
16 in the desert -- you have the Peulh, who are the blacks. But as you know, the Peulh
17 have also been subject to terrible violent acts, even recently in the region of Burkina
18 Faso. And since the -- 1982, [...] they've been subject to a lot of violent acts. They're
19 a lot -- far less numerous than they are -- than they were in this region.

20 And you have the Tuaregs *who live in the desert.

21 But, according to what I have seen, the ethnic groups in the southern Mali, they aren't
22 adapted to living in the desert. When they come from Bamako, in the desert, that's
23 to cut trees and take heating wood home. It's not to live there. *Whereas, the
24 Tuareg, they do have the rights of the land. They have a lifestyle adapted to the
25 desert. And most of them don't have the right to Malian nationality.

1 There were a lot of Tuaregs in the desert who have no country.

2 *They are stateless.

3 Q. [15:32:57] And you spoke of (Interpretation) "a major dispute with vengeance"
4 (Speaks English) between the Tuaregs and *les Noirs, les Bambara*.

5 Could you explain what you meant by that.

6 A. [15:33:34] Well, there's also a certain form of racism, among other things. Yes,
7 that's possible. But the Tuaregs, the dispute that they have is that all the violent acts
8 they've suffered from the Malian army, in principle. And the Malian army, for the
9 most part, these are people from Bamako, * they come from the other side of the Niger
10 River, to the south of Timbuktu.

11 Q. [15:34:13] When you talked about (Interpretation) "... a certain type of racism,
12 among others" -- (Overlapping speakers)
13 (Speak English) What did you mean by that?

14 *A. [15:34:24] There are forms of racism between them, between the whites, that's
15 to say the Tuaregs and the Arabs and the blacks.
16 Furthermore, when I -- what I was shown the video, where people are flogged, I also
17 felt a type of racism at that level as well.

18 Q. [15:34:51] Now, going back to the training, and I'm referring to page 87, lines 7 to 8:
19 (Interpretation) "[...] they had to undergo religious training."
20 (Speaks English) Could you explain what kind of religious training was given.

21 *A. [15:35:25] Yes. Religious teaching was, above all, the teaching of the tawhid,
22 as it is called in Arabic, namely the knowledge of 'Lahilah Illalah' which means that
23 there is no other God but God himself.

24 THE INTERPRETER: [15:35:44] Says the witness in Arabic.

25 THE WITNESS: [15:35:46](Interpretation) So there's a very theoretical training, of

1 course. An ideological training as well.

2 MS LUPING: [15:35:57]

3 Q. [15:35:58] (Overlapping speakers) And, to *your knowledge, who was giving
4 this type of training, religious training?

5 A. [15:36:13] Well, there are lots of different people involved. I can't really
6 remember who, but whatever the case, they were the ones who gave lessons using a
7 book, a book, a scholarly book.

8 Q. [15:36:29] And, to the best of your knowledge, do you know if there was any
9 particular school of Islamic thought that was being used when they did this religious
10 training?

11 A. [15:36:43] Well, in the teaching, in the second training where all the foreigners
12 came, they were teaching from a scholar, if my -- from the 1400, who spoke a lot
13 about -- from the 1300 or 1400s, who spoke about *tekfir*, that is to say, judging such a
14 person, an atheist, a *kuffar*, as they say in Arabic. Whereas, in the Koran, it's not for
15 us to judge whether a person is an atheist or is a believer.
16 So they set up a form of recognition for those who is the enemy, if you like, of the
17 believer. I've forgotten the name of the scholar in question. This is an ideology that
18 is also there in Saudi Arabia. It is common at the moment.

19 Q. [15:38:21] And you stated: (Interpretation) "This is an ideology which is
20 coming back at the moment in Saudi Arabia, *moreover." (Overlapping speakers)
21 (Speaks English) Is this a particular Islamic school of thought?

22 A. [15:38:37] No. I don't think so. No.

23 Q. [15:38:48] And I'm still talking about the first training.
24 Was there also any training --

25 A. [15:38:54] Yes (Overlapping speakers)

1 Q. [15:38:55] -- on weapons during the first training?

2 A. [15:38:58] Well, the first training, this was just done to get used to using a
3 Kalashnikov and become familiar with it. And then there was also training in street
4 fighting.

5 Q. [15:39:41] And what do you mean, "*la progression du combat ... de rue*"?

6 A. [15:39:49] That means you make progress, you make progress in a town by
7 trying to always protect yourself with something, maybe by a wall. Always trying to
8 protect yourself.

9 Q. [15:40:08] And again to the best of your knowledge, do you recall how many
10 were being trained during this first training?

11 A. [15:40:21] Well, in the period where I was there, I was there with a group and *
12 these groups changed regularly.

13 *As far as the duration is concerned, I once noted that the duration of the training
14 mainly depended on the requirements of the AQMI leaders for soldiers to be assigned
15 to a given military post or guard's post. On one occasion Abou Talha came by and
16 said to Abou Haris, "Can I have ten people? Abou Haris answered, "But they aren't
17 trained," and he said, "Yes, but it's urgent, I need 10 people, so you have to choose 10
18 people."

19 So some groups were there for 10 days, some people were there for a month, some for
20 two months, I think.

21 Q. [15:41:34] And to the best of your knowledge or memory, do you know who
22 were the trainers during this first training?

23 A. [15:41:44] Well, I did see Youssouf and Abou Haris. These are the only ones
24 that I really remember.

25 Q. [15:42:15] Do you recall a person called Abou Anas?

1 A. [15:42:20] Abou Hamas or Abou Anas?

2 Q. [15:42:25] Abou Anas.

3 A. [15:42:28] Well, this is the person that I called Abou Hafs. Somebody said that
4 he was called Abou Hafs, but he was a French person of African origin. I don't
5 know if he was Malian, but he was a -- he was a French person of African origin.

6 Q. [15:42:51] (Overlapping speakers) And did he have any role to play at this
7 training?

8 A. [15:42:57] I no longer remember him in the training.

9 Q. [15:43:16] And do you recall the name Abou Oussama?

10 A. [15:43:22] Yes.

11 Q. [15:43:23] And who was he?

12 A. [15:43:24] Abou Oussama, well, he did training in Afghanistan apparently. So
13 he trained Abou Haris and others. He's said to have trained most of the instructors
14 who were in the training centre.

15 THE INTERPRETER: [15:43:49] "Training centres," corrects the interpreter.

16 MS LUPING: [15:43:52]

17 Q. [15:43:52] You've referred to a second type of training on heavy weapons. Do
18 you recall when that training took place?

19 A. [15:43:59] Yes. I think it started in the month of November 2012.

20 Q. [15:44:08] And where did that take place?

21 A. [15:44:12] It took place in the Gaddafi centre, an administrative centre, which
22 had been built by Gaddafi to recruit I think Malian workers or Malian labourers to
23 work in Libya.

24 Q. [15:44:38] And was this still in Timbuktu city?

25 A. [15:44:42] Yes. So it was close to Gaddafi's palace and it was built along the

1 canal, which was also built by Gaddafi, the canal which brought water to Timbuktu.

2 Q. [15:45:06] And to the best of your recollection or knowledge, do you know
3 roughly how many people were being trained during that second training?

4 A. [15:45:29] Well, when it comes to the second training, it was just once, from
5 November to December, because it was just afterwards that the French interventions
6 started et cetera, et cetera. And it was also next to the place where I met Abou Zeid,
7 next to the place where Abou Zeid was staying. It was a place where there were lots
8 of lorries. I don't know if it was public, but I think it was public.

9 Q. [15:46:08] Mr Witness, I'm not sure if my question was clear. I was asking if
10 you could remember how many people received this training.

11 A. [15:46:31] Oh, yes. I'm sorry. I apologise. I think approximately -- or
12 maximum, approximately a hundred combatants.

13 Q. [15:46:53] And do you remember what countries or ethnicities the people were
14 who attended this training?

15 A. [15:47:09] There were people who joined AQIM, and, as I said, there were
16 people from North Africa, Egypt, Libya, Algeria, Tunisia, Morocco, mainly, or for the
17 most part. There were also people from Africa, Burkina Faso, perhaps also from
18 Nigeria. Also people from African countries, but only foreigners in Timbuktu who
19 had come there a lot later.

20 Q. [15:48:13] And in addition to these people from foreign countries, were there
21 also Malians who undertook this heavy weapon training?

22 A. [15:48:29] Yes. There were some people who I already knew from Timbuktu.
23 Yes.

24 Q. [15:48:35] And do you remember their ethnicities, ethnicity or ethnicities?

25 A. [15:48:41] For the most part, I think they were Arabs, yes.

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1 Q. [15:49:00] And do you recall any names of trainers for this, this second training
2 we're talking about?

3 A. [15:49:15] No, not at all. * Firstly, they were people whom I didn't know, and I
4 now remember that there was a Tuareg who explained the subject of these tubes
5 which were used to launch small missiles. Yes. I think it was a Tuareg who was an
6 instructor in that area.

7 Q. [15:49:40] Now, Mr Witness, I'm now going to change to a different subject.
8 During your time in Timbuktu, did you learn anything about damage to any of the
9 mausoleums in Timbuktu?

10 *A. [15:50:07] I heard about the most important instances, namely about the two
11 large mosques containing tombs, the mosques where there were already imams from
12 Timbuktu -- before the arrival of AQIM, there had already been important imams --
13 important wise men or imams from Timbuktu who refused to pray in those mosques
14 due to the tombs that were there. That's something I heard about at the time of the
15 destruction, but it was particularly in the media that I heard about it. The first that
16 were destroyed much earlier were made of far simpler construction materials, namely
17 earth and stone. They were amongst them. I went into two of the cemeteries whilst
18 they were doing it. And because it was at the beginning, I was in Timbuktu, I went in
19 and watched what was happening. There we have it.

20 MS LUPING: [15:52:08] Mr President, I would ask that I go into private session for
21 some minutes, please.

22 PRESIDING JUDGE MINDUA: [15:52:14](Interpretation) Court officer.
23 (Private session at 3.52 p.m.)

24 THE COURT OFFICER: [15:52:21] We're in private session, Mr President.

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20 (Open session at 4.00 p.m.)

21 THE COURT OFFICER: [16:00:17] We're back in open session, Mr President.

22 PRESIDING JUDGE MINDUA: [16:00:27](Interpretation) Thank you very much,
23 court officer.

24 Witness, we are coming to the end of our day. It's now 4 o'clock. Of course you
25 will have understood that your testimony is not yet finished.

- 1 THE WITNESS: [16:00:51](Interpretation) Yes.
- 2 PRESIDING JUDGE MINDUA: [16:00:52](Interpretation) So you are of course -- you
- 3 will have to come on Monday at 9.30.
- 4 THE WITNESS: [16:00:59](Interpretation) Very well.
- 5 PRESIDING JUDGE MINDUA: [16:01:00](Interpretation) In the meantime, on behalf
- 6 of the Chamber, I would like to thank you very sincerely for having answered very
- 7 clearly and precisely the questions that were put to you by the Prosecution. And
- 8 once again, thank you very much.
- 9 THE WITNESS: [16:01:21](Interpretation) Thank you.
- 10 PRESIDING JUDGE MINDUA: [16:01:21](Interpretation) I would like to wish you a
- 11 very good weekend.
- 12 THE WITNESS: [16:01:28](Interpretation) Thank you.
- 13 PRESIDING JUDGE MINDUA: [16:01:29](Interpretation) But please remember that
- 14 you are prohibited from speaking of your testimony with anyone.
- 15 THE WITNESS: [16:01:39](Interpretation) Very well.
- 16 PRESIDING JUDGE MINDUA: [16:01:40](Interpretation) Thanks very much.
- 17 So before ending the session, as usual, I would like to express my recognition to
- 18 everybody who has participated in the success of our day, that is, of course, the
- 19 parties, the participants, the court reporters and the interpreters, our security guards,
- 20 and of course I'm also thinking of our public.
- 21 So I wish all of you a very good weekend.
- 22 Please take care of yourselves and see you on Monday.
- 23 Court is adjourned.
- 24 THE COURT USHER: [16:02:24] All rise.
- 25 (The hearing ends in open session at 4.02 p.m.)