

Trial Hearing
WITNESS: MLI-D28-P-0315

(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 Kesia-Mbe Mindua, Judge Tomoko Akane and Judge Kimberly Prost
7 Trial Hearing - Courtroom 3
8 Monday, 20 June 2022
9 (The hearing starts in open session at 9.34 a.m.)
10 THE COURT USHER: [9:34:24] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE MINDUA: [9:34:49](Interpretation) The hearing shall now
14 commence.
15 Good morning, everyone.
16 Court officer, kindly call the case.
17 THE COURT OFFICER: [9:35:03] Good morning, Mr President. Good morning,
18 your Honours.
19 This is the situation in the Republic of Mali, in the case of The Prosecutor versus
20 Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud, case reference
21 ICC-01/12-01/18.
22 And for the record, we're in open session.
23 PRESIDING JUDGE MINDUA: [9:35:27](Interpretation) Thank you very much,
24 court officer.
25 As is the case every morning, we shall now have introductions from the various

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1 teams, beginning with the Office of the Prosecution.

2 Madam Prosecutor.

3 MS LUPING: [9:35:43] Thank you. And good morning, Mr President. Good

4 morning, your Honours. Appearing on behalf of the Prosecution this morning,

5 Yayoi Yamaguchi, Gilles Dutertre, and myself, Dianne Luping.

6 I also just wanted to note, Mr President, the Prosecution's just observed that the

7 accused is not in the courtroom. We're not aware of the reasons, but we assume that

8 that will be noted in the record. Thank you.

9 PRESIDING JUDGE MINDUA: [9:36:16](Interpretation) Thank you very much,

10 Ms Luping, for putting that out, indeed. The accused asked not to be in attendance

11 and the Chamber excused him. I was going to make that point when the Defence

12 was to make its introduction.

13 So I now turn to the introduction -- to the Defence for introductions.

14 MS TAYLOR: [9:36:43] Good morning, Mr President. Good morning,

15 your Honours. Good morning to everyone in and around the courtroom.

16 The Defence for Mr Al Hassan is represented today by Maître Mohamed Youssef and

17 by Maître Maouloud Al Ansary in Bamako.

18 And as noted by the Prosecutor, Mr Al Hassan is not currently present because he

19 was -- he informed the Defence that he was feeling unwell this morning. He has

20 indicated that he is willing to waive his right to be present. Thank you very much.

21 PRESIDING JUDGE MINDUA: [9:37:20](Interpretation) Thank you very much,

22 Ms Taylor. As I just said, the Chamber was informed of this and authorised

23 Mr Al Hassan to not be in attendance.

24 And now Legal Representatives of Victims.

25 MR KASSONGO: [9:37:40](Interpretation) Good morning, your Honours. Good

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1 morning, everyone. The team of Legal Representatives of Victims has
2 Mademoiselle Tovia Vila Romane, who is a new member of our team, and myself,
3 Mayombo Kassongo. And we extend our thanks to everyone.

4 PRESIDING JUDGE MINDUA: [9:38:04](Interpretation) Thank you very much,
5 Mr Kassongo.

6 Today we will now hear D-0315. And I turn to the witness now.

7 Good morning, Madam Witness. How are you?

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9 (The witness speaks Tamasheq)

10 (The witness gives evidence via video link)

11 THE WITNESS: [9:38:37](Interpretation) Good morning. I'm very well.

12 PRESIDING JUDGE MINDUA: [9:38:42](Interpretation) Welcome to the court.

13 THE WITNESS: [9:38:59](Interpretation) Thank you.

14 PRESIDING JUDGE MINDUA: [9:39:02](Interpretation) You will be now giving
15 testimony so as to help the Chamber determine the truth in the case of Mr Al Hassan.

16 THE WITNESS: [9:39:24](Interpretation) Yes.

17 PRESIDING JUDGE MINDUA: [9:39:28](Interpretation) Madam Witness, protective
18 measures have been put in place so that your identity is not revealed to the public.

19 THE WITNESS: [9:39:51](Interpretation) That's good.

20 PRESIDING JUDGE MINDUA: [9:39:54](Interpretation) Each time you have to
21 provide details that could reveal your identity, we will go into private session.

22 THE WITNESS: [9:40:23](Interpretation) I've taken note of that.

23 PRESIDING JUDGE MINDUA: [9:40:26](Interpretation) That way no one outside of
24 this courtroom will be able to hear what you are saying.

25 THE WITNESS: [9:40:38](Interpretation) Noted.

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- 1 PRESIDING JUDGE MINDUA: [9:40:43](Interpretation) Very well. I will now
- 2 proceed with your solemn undertaking under 66(1) of the Rules of Evidence and
- 3 Procedure.
- 4 Please repeat after me.
- 5 Interpreter, if you could give the witness an explanation.
- 6 THE WITNESS: [9:41:36](Interpretation) Very well.
- 7 PRESIDING JUDGE MINDUA: [9:41:39](Interpretation) I solemnly declare that I
- 8 shall tell the truth.
- 9 THE WITNESS: [9:41:54](Interpretation) I solemnly declare that I shall tell the truth.
- 10 PRESIDING JUDGE MINDUA: [9:42:00](Interpretation) The whole truth and
- 11 nothing but the truth.
- 12 THE WITNESS: [9:42:09](Interpretation) The whole truth and nothing but the truth.
- 13 PRESIDING JUDGE MINDUA: [9:42:16](Interpretation) Thank you very much,
- 14 Madam Witness. You are now under oath.
- 15 THE WITNESS: [9:42:27](Interpretation) Yes.
- 16 PRESIDING JUDGE MINDUA: [9:42:30](Interpretation) The staff of the Victims and
- 17 Witnesses Section and the Defence team have already explained to you what that
- 18 means.
- 19 THE WITNESS: [9:42:57](Interpretation) Yes.
- 20 PRESIDING JUDGE MINDUA: [9:43:00](Interpretation) I now have some practical
- 21 instructions for you.
- 22 THE WITNESS: [9:43:17](Interpretation) Yes.
- 23 PRESIDING JUDGE MINDUA: [9:43:18] (Interpretation) Please remember
- 24 throughout your entire testimony that everything that is being said in this courtroom
- 25 is being transcribed by court reporters and interpreted either consecutively or

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1 simultaneously by several interpreters.

2 THE WITNESS: [9:43:58](Interpretation) Yes.

3 PRESIDING JUDGE MINDUA: [9:44:00](Interpretation) Therefore, it is important to
4 speak clearly and slowly.

5 THE WITNESS: [9:44:16](Interpretation) Yes.

6 PRESIDING JUDGE MINDUA: [9:44:20](Interpretation) Only begin speaking once
7 the person who is asking you a question has finished his question.

8 THE WITNESS: [9:44:40](Interpretation) Duly noted.

9 PRESIDING JUDGE MINDUA: [9:44:44](Interpretation) Naturally, if you have a
10 concern, if you're worried about something, raise your hand to indicate that you
11 would like to say something.

12 THE WITNESS: [9:45:10](Interpretation) Noted.

13 PRESIDING JUDGE MINDUA: [9:45:13](Interpretation) Thank you very much.

14 You will first be questioned by the Defence, then by the Office of the Prosecutor, and
15 then by the Legal Representatives of Victims.

16 THE WITNESS: [9:45:39](Interpretation) All right.

17 PRESIDING JUDGE MINDUA: [9:45:42] (Interpretation) Without any further ado, I
18 will hand over to Ms Taylor, whom you certainly know already.

19 THE WITNESS: [9:46:10](Interpretation) Fine.

20 PRESIDING JUDGE MINDUA: [9:46:11](Interpretation) Ms Taylor, you have the
21 floor.

22 MS TAYLOR: [9:46:15] Thank you very much, Mr President.

23 QUESTIONED BY MS TAYLOR:

24 Q. [9:46:20] Good morning, Madam Witness. How are you today?

25 A. [9:46:29] I am well. I'm very well.

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1 Q. [9:46:37] I'm glad to hear.

2 Now, Madam Witness, the Presiding Judge has informed you of the importance of
3 having pauses. I will put up my hand if I see that your answer is getting too long to
4 translate. So if I put up my hand, that is if you could please make a pause so we
5 don't lose your response.

6 And to start with, Madam Witness, I have some questions about your identity. So
7 we will be going into private session, which means that the public can't hear your
8 responses, but we'll be quite brief.

9 MS TAYLOR: [09:47:44] With your permission, Mr President, could we go into
10 private session.

11 PRESIDING JUDGE MINDUA: [9:48:00](Interpretation) Certainly.

12 Mr Court Officer, if you could.

13 (Private session at 9.48 a.m.)

14 THE COURT OFFICER: [9:48:23] We're in private session, Mr President.

15 PRESIDING JUDGE MINDUA: [9:48:27](Interpretation) Thank you very much,
16 court officer.

17 Ms Taylor.

18 MS TAYLOR: [9:48:32]

19 Q. [9:48:33] Madam Witness, can you please give your name for the record.

20 A. [9:48:57] (Redacted) is my name, (Redacted).

21 Q. [9:49:04] Are you known by any other names?

22 A. [9:49:22] No. Those are my names.

23 Q. [9:49:25] Is it correct that you were born in 1957 in (Redacted)?

24 A. [9:49:47] That's correct.

25 Q. [9:49:50] And is it correct that you used to be a teacher at the (Redacted)

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- 1 at (Redacted)?
- 2 A. [9:50:17] That is correct.
- 3 Q. [9:50:19] And (Redacted)?
- 4 A. [9:50:32] Yes.
- 5 Q. [9:50:35] And is it correct that in 2012 you lived in (Redacted)?
- 6 A. [9:50:54] That is correct.
- 7 Q. [9:50:56] Madam Witness, we are going to go into open session. I'm going to
- 8 refer to the location of (Redacted) as "Tadabayte". And if I need to refer to you in the
- 9 third person, you'll be referred to as "Madam T". Is that clear?
- 10 A. [9:51:44] Yes.
- 11 MS TAYLOR: [9:51:48] Mr President, if we can go into open session.
- 12 PRESIDING JUDGE MINDUA: [9:51:55](Interpretation) Court officer, open session,
- 13 please.
- 14 (Open session at 9.52 a.m.)
- 15 THE COURT OFFICER: [9:52:10] We're back in open session, Mr President.
- 16 PRESIDING JUDGE MINDUA: [9:52:17](Interpretation) Thank you very much.
- 17 Ms Taylor.
- 18 MS TAYLOR: [9:52:20]
- 19 Q. [9:52:21] Madam Witness, is your father alive today?
- 20 A. [9:52:38] No, he is no longer alive.
- 21 Q. [9:52:42] When did he die?
- 22 A. [9:53:02] He died in 1991.
- 23 Q. [9:53:10] Madam Witness, can you explain to the Chamber what happened?
- 24 A. [9:53:35] What happened when?
- 25 Q. [9:53:38] Madam Witness, can you explain to the Chamber how your father

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1 died?

2 A. [9:54:03] Yes.

3 Q. [9:54:11] Please do so, but take pauses.

4 A. [9:54:35] All right. May I begin?

5 Q. [9:54:48] Yes, Madam Witness.

6 A. [9:55:12] That year, my father was not the only one who died. Several people
7 died that year. That year, there was a rebellion in Timbuktu. There was a conflict.
8 There was a conflict, and then the soldiers arrived. They arrested people. Anyone
9 whose name was given to them, they arrested. One day we were seated, and all of a
10 sudden the soldiers came in and they brought my father and my brother, who was
11 nine. And I was nearly at the end of my pregnancy. So they -- they took them
12 away. I thought they were just going to lock them up. Then I lost consciousness.
13 And once I woke up, I was at the maternity hospital in Timbuktu.
14 When I regained consciousness, I realised I was at the hospital, and I was surrounded
15 by people. I was lying down. I was lying down, and people were talking. No
16 doubt, they thought -- people thought I was sleeping, so they started to talk. And
17 going by what they heard, I was able to make out that -- that between Kabara and the
18 city at the checkpoint, the soldiers had shot. Some passersby saw the scene. They
19 buried them.

20 When -- once I was better, I went back. I had treatment and I went back. So ... (No
21 interpretation)

22 PRESIDING JUDGE MINDUA: [9:59:28] (No interpretation)

23 THE INTERPRETER: [9:59:42] Message from the booth: Could the witness be
24 asked to shorten her answer.

25 MS TAYLOR: [9:59:53]

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1 Q. [9:59:54] Madam Witness, would you like a little pause, and then we can -- if
2 you could continue, but in short responses. Would you like some water?

3 A. [10:00:30] Yes, I've got water beside me.

4 MS TAYLOR: [10:00:36] Mr President, can we have a short break for the witness?

5 PRESIDING JUDGE MINDUA: [10:00:45](Interpretation) Indeed. We'll have a
6 short break, but we'll stay in the courtroom, Ms Taylor.

7 MS TAYLOR: [10:00:54] And perhaps if we can cut the visual feed to the witness.

8 PRESIDING JUDGE MINDUA: [10:01:01](Interpretation) You're right.

9 Court officer, please cut the visual image.

10 THE COURT OFFICER: [10:01:35] Your Honours, the broadcast to the country office
11 has been cut.

12 MS TAYLOR: [10:01:50] I apologise. I had meant to cut it so that we don't see the
13 witness, not that she doesn't see us, to give her some privacy.

14 PRESIDING JUDGE MINDUA: [10:02:11](Interpretation) Indeed, court officer. We
15 misunderstood.

16 Court officer, could you cut the picture for the moment.

17 THE COURT OFFICER: [10:02:39] Your Honours, the broadcast into the courtroom
18 has been cut as well.

19 PRESIDING JUDGE MINDUA: [10:02:47](Interpretation) Thank you very much.

20 (Pause in proceedings)

21 PRESIDING JUDGE MINDUA: [10:03:21](Interpretation) Ms Taylor, I think that we
22 can continue.

23 Interpreters, please ask the witness if we can continue. Thank you.

24 THE WITNESS: [10:03:43] (No interpretation)

25 PRESIDING JUDGE MINDUA: [10:03:44](Interpretation) Very well.

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1 Court officer, sound and image, and then we will continue. Thank you.

2 THE COURT OFFICER: [10:04:17] Your Honours, the broadcast has been
3 re-established.

4 PRESIDING JUDGE MINDUA: [10:04:29](Interpretation) Witness, the Chamber
5 would like to thank you for your courage. Please be strong, and we will continue
6 with your testimony.

7 Ms Taylor.

8 MS TAYLOR: [10:04:46] Thank you, Mr President.

9 Q. [10:04:50] Madam Witness, I know this is distressing for you, so I'll keep my
10 questions to a minimum on this topic so we can move on to a different topic.

11 Now, Madam Witness, you stated that your father and your brother of nine years old
12 were taken. Is it correct that they were killed by the soldiers?

13 A. [10:05:45] Yes, that's correct.

14 Q. [10:05:49] And you said that people had given names to the soldiers. Do you
15 know why these names had been given to the soldiers?

16 A. [10:06:49] (No interpretation)

17 Q. [10:06:59] Madam Witness, I apologise.

18 A. [10:07:05] So at that time, during the rebellion, when the rebellion started, the
19 soldiers went to people's houses in order to arrest them, and specifically the ones with
20 light skin. And it was the case that whenever there was a person who detested
21 another person, that person would state the name to the soldiers because he detested
22 that person, that person would be arrested. And in the case of the old man, he was
23 very old. He was suffering. He couldn't do a lot. And that happened in
24 Tin Ag Elhaj (phon) commune.

25 THE INTERPRETER: [10:08:01] Correction: There was the conflict at the time in

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1 the -- there was a conflict at the time in the commune of Tin Ag Elhaj.

2 MS TAYLOR: [10:08:28]

3 Q. [10:08:28] Madam Witness, you referred to "*le vieux*". Were you referring to
4 your father; that's correct?

5 A. [10:08:50] Yes.

6 Q. [10:08:51] And do I understand correctly that you have referred to
7 President ATT?

8 Our case manager has heard that in Tamasheq.

9 Is that correct, that you referred to President ATT?

10 A. [10:09:36] Yes. I said that because he was the one who calmed down the
11 situation at the time. He came to stabilise it.

12 Q. [10:09:46] Madam Witness, did anyone in your family have any links to the
13 rebels or any armed groups at that time?

14 A. [10:10:24] We didn't know them. We didn't know the rebels at this time. It
15 was my younger brother who was written on the wall of the school, and it was at that
16 time, during that period, that he left.

17 Q. [10:11:01] Madam Witness, this is my final question: When you say your
18 younger brother, this is the nine-year-old that you were referring to earlier?

19 A. [10:11:35] I didn't see it, but that's what I was told. That's what was announced
20 to us. And that's the reason why they came to our house.

21 MS TAYLOR: [10:11:51] I understand that the witness had said the brother had
22 written on the school walls that the rebels are coming. So there might have been an
23 interpretation issue, but we can correct that afterwards.

24 Q. [10:12:05] Now, Madam Witness, I'm going to move on to a different topic. I'm
25 going to be speaking about the village of Tadabayte in the period before 2012.

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1 Now, Madam Witness, we spoke of a school in Tadabayte. Did this school have
2 sufficient funding in the -- in the years before 2012?

3 A. [10:13:19] Sufficient funds to do what?

4 Q. [10:13:23] To function effectively, to stay open, to be able to teach everything.

5 A. [10:14:08] It didn't receive anything. They didn't receive anything.

6 THE INTERPRETER: [10:14:22] Corrects the interpreter.

7 THE WITNESS: [10:14:46](Interpretation) So there was a time when they got 180,000
8 and they got 120,000, so that was the equivalent of 300,000, which was meant for
9 buying different equipment for the functioning of the school.

10 MS TAYLOR: [10:15:12]

11 Q. [10:15:13] And what happened with that funding? Did it continue?

12 A. [10:15:43] No.

13 Q. [10:15:45] And what was that funding supposed to be used for?

14 A. [10:16:27] Yes. It was aimed for chalk and -- because there was the rules -- for
15 compasses as well and rulers, and there was other money which was aimed for the
16 teachers.

17 Q. [10:16:46] So if I understand correctly, that money was not given. So was there
18 enough teachers?

19 A. [10:17:17] No.

20 Q. [10:17:19] And what was the attendance rate like for children? Did the children
21 attend school throughout the year?

22 A. [10:17:58] No.

23 Q. [10:17:59] Were there certain months when the children would not show up to
24 school?

25 A. [10:18:24] Yes, there were. The children often went to school to go to the

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1 canteen to receive something to eat.

2 Q. [10:18:42] And was food available at this canteen all year?

3 A. [10:19:41] So there wasn't a canteen in all the schools at the time. So the parents
4 of the children brought wood and condiments as well for the canteen. And it was
5 the women who brought oil.

6 Q. [10:20:10] Madam Witness, were you continuing your answer?

7 A. [10:21:00] Yes. So you've understood, I said that it was the women who did
8 everything. There weren't canteens in every school. So often there were strikes,
9 and it was told to the children or to the teachers.

10 Q. [10:21:38] Madam Witness, you said that at some schools, the canteen got food
11 from the World Food Programme. Did that include the school in Tadabayte?
12 I think there's an error in the transcript. It should be "World Food Programme" and
13 not "women."

14 Madam Witness, is it correct that you were saying that the World Food Programme
15 would provide food to the canteens and not women?

16 A. [10:22:51] Yes.

17 THE INTERPRETER: [10:22:53] The interpreter notes that in the French transcript it
18 said "*femmes*."

19 MS TAYLOR: [10:22:59]

20 Q. [10:23:02] Are you familiar with an entity called PAM, that's *Programme*
21 *alimentaire mondial*?

22 A. [10:23:36] Yes.

23 Q. [10:23:38] Was this programme supposed to provide food to the canteen at the
24 school in Tadabayte?

25 A. [10:24:20] Yes, they were the ones who provided it. They would bring it by car

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1 to the school.

2 Q. [10:24:28] And did they always provide this food, or were there times when they
3 did not provide this food?

4 A. [10:25:27] Whatever the case for the school, Tadabayte, they were the ones who
5 provided food to the school. Each one or two months, they would resupply, and
6 then afterwards, they would come back to supply again.

7 Q. [10:25:46] And during the year, were there ever food shortages?

8 PRESIDING JUDGE MINDUA: [10:26:15](Interpretation) Madam Prosecutor.

9 MS LUPING: [10:26:19] Mr President, I haven't wanted to object previously to either
10 leading questions or even the topics being led, as obviously this is a strategy for
11 Defence counsel. But at this point in time, the Prosecution is really struggling to
12 understand the relevance of the continued nature of these questions. We seem to be
13 delving into various issues that are outside the scope of anything that we can
14 understand relates to this case.

15 PRESIDING JUDGE MINDUA: [10:27:01](Interpretation) Madam Prosecutor, you
16 know that the Chamber -- Ms Taylor, I'm going to give you the floor.

17 Prosecutor, the Chamber also have difficulties following the line of questioning of the
18 Defence and even the relevance thereof, but I imagine that it's in the Defence's
19 strategy.

20 So, Ms Taylor, is it possible, perhaps, to proceed with the understanding of the Office
21 of the Prosecutor? Is it possible to ask leading questions to try and advance, taking
22 into account the vulnerability of the witness? I think that the Office of the Prosecutor
23 will not be opposed to that.

24 MS TAYLOR: [10:27:52] Thank you, Mr President. I believe that might be best
25 given that there have been issues with interpretation. We have got a bit lost because

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1 of the terms being used.

2 PRESIDING JUDGE MINDUA: [10:28:05](Interpretation) Madam Prosecutor, we're
3 going to proceed in this way, and then we'll make progress and we will understand
4 the relevance.

5 MS TAYLOR: [10:28:22]

6 Q. [10:28:23] Madam Witness, is it correct that there were certain months in the
7 year where the canteen at the school at Tadabayte did not have access to sufficient
8 food?

9 A. [10:29:00] That happened a lot. That was often the case, that they didn't have
10 what they needed to make the canteen function, until the PAM would bring -- the
11 World Food Programme would bring new supplies.

12 Q. [10:29:16] And in these periods where there were no -- there was not enough
13 food, is it correct that the children would not attend school?

14 A. [10:29:43] Yes, they didn't come.

15 Q. [10:29:46] And was there a difference between the harvest time and the
16 non-harvest time? That is, children were less likely to attend school during the
17 non-harvest time.

18 A. [10:30:37] During harvesting time, some children would help their parents.
19 And during that time, they would get food at home. And the ones who didn't go to
20 school would stay at home. During the summer, they would help their parents in
21 the fields, and then after that, they would come back.

22 THE INTERPRETER: [10:31:27] Interpreter correction: Those who didn't like
23 school would not go.

24 Correction from the Tamasheq booth: In the summer, there was not enough to eat at
25 home, so the parents would send them to school.

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1 MS TAYLOR: [10:31:53]

2 Q. [10:31:54] So, Madam Witness, if I understand correctly, there were various
3 reasons why the schools would not function and children would not attend school
4 before 2012?

5 PRESIDING JUDGE MINDUA: [10:32:16](Interpretation) Madam Prosecutor.

6 MS LUPING: [10:32:20] I believe this has been asked and answered. This has been
7 a very time-consuming exercise. I believe that the witness has answered repeatedly
8 questions related to reasons why schools may have been under-resourced, why
9 children may have not had access to food. This has been asked and answered
10 repeatedly now.

11 PRESIDING JUDGE MINDUA: [10:32:53](Interpretation) I agree with the Prosecutor
12 on this point. This is becoming repetitive. Try to move forward. The witness has
13 already answered this question.

14 MS TAYLOR: [10:33:05] Thank you, Mr President. We were speaking about a
15 school in Tadabayte. I just would like the witness to answer whether these factors
16 also applied to other schools based on her knowledge. I believe that she's someone
17 who would have that knowledge.

18 PRESIDING JUDGE MINDUA: [10:33:30](Interpretation) Very well. We -- but we
19 have understood. Let's move on to something else.

20 MS TAYLOR: [10:33:39]

21 Q. [10:33:39] Madam Witness, speaking specifically of the period before 2012, do
22 you know if there were any lawyers in Tadabayte?

23 A. [10:34:14] No. No, I don't know.

24 Q. [10:34:21] So how would people in Tadabayte resolve disputes, if they had
25 them?

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1 PRESIDING JUDGE MINDUA: [10:34:31](Interpretation) Madam Prosecutor.

2 MS LUPING: [10:34:35] Mr President, the witness has already said that she does not
3 know whether there are any lawyers in Tadabayte, so the next question is simply
4 asking her to speculate. She's been asked the question. She said very clearly, "I do
5 not know." So I believe the next follow-up question is inappropriate for this witness.

6 PRESIDING JUDGE MINDUA: [10:35:00](Interpretation) Ms Taylor.

7 MS TAYLOR: [10:35:02] Thank you, Mr President. It's quite the opposite. If the
8 witness is unaware of any lawyers and if there were disputes that she saw or heard,
9 she must be in a position to inform the Chamber as to how these disputes were
10 resolved. I'm not asking her to speculate. I'm asking her to testify about what she
11 knew about the life in Tadabayte.

12 PRESIDING JUDGE MINDUA: [10:35:33](Interpretation) Madam Prosecutor, no, no,
13 no. I agree with the Defence. You see, the first question was about lawyers, and it
14 was the witness -- whether she knew something about lawyers. She said no. And
15 then the second question was, how were disputes dealt with. I think the witness can
16 answer because she lived there at the time.

17 Please go on, Ms Taylor.

18 MS TAYLOR: [10:35:57] Certainly, Mr President, but we can't see the witness for
19 some reason.

20 PRESIDING JUDGE MINDUA: [10:36:12](Interpretation) Court officer.

21 Thank you very much.

22 Ms Taylor, please continue.

23 MS TAYLOR: [10:36:32] Thank you, Mr President.

24 Q. [10:36:34] I apologise, Madam Witness. We lost sight of you, but now we can
25 see you again.

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1 My question was: In Tadabayte, the village you lived, if someone had a complaint
2 against someone else or there was a dispute against someone else, how were these
3 matters dealt with?

4 A. [10:38:13] When there was a dispute and it was lesser or minor in nature, and
5 this is the case everywhere, in that case, they would go see the neighbourhood chief
6 or the chief of Tadabayte or the chief of the fraction or the village chief.

7 Q. [10:38:51] Madam Witness, I cut you off. Please continue.

8 A. [10:39:18] If it was -- if it had to do with religion or an inheritance, people would
9 go see the imam. And when it was something very complicated, it would go to the
10 cadi in Timbuktu.

11 Q. [10:39:51] Now, Madam Witness, what about judges appointed by Malian courts,
12 what was the -- the opinion of the people in Tadabayte towards these judges in your
13 area?

14 PRESIDING JUDGE MINDUA: [10:40:20](Interpretation) Madam Prosecutor.

15 MS LUPING: [10:40:22] Mr President, my objection is this is asking the witness to
16 speculate. She may give her views of her own, but to be asked to give her opinion of
17 everybody in the area goes too far.

18 MS TAYLOR: [10:40:45] I can reformulate --

19 PRESIDING JUDGE MINDUA: [10:40:49] (No interpretation)

20 MS TAYLOR: [10:40:51]

21 Q. [10:40:56] So, Madam Witness, speaking of yourself, what was your perception
22 as concerns the judges appointed by the Malian courts in terms of how they
23 functioned in your area or the north of Mali?

24 A. [10:42:20] Well, my opinion was that people did not like those judges because
25 proceedings with them were very long. They would call people back, have them

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1 come back regarding the matter that they had initially come for.

2 Q. [10:42:47] Sorry, Madam Witness, I interrupted you. Did you have anything
3 else to say?

4 A. [10:43:18] That is why, with them, things were quite cumbersome. Each time
5 you thought you had finished with them, you would get another call. And then you
6 would have to go see them again at another -- here, at another place, and so on and so
7 forth. One day one party would be correct, and the next day another party would be
8 correct.

9 Q. [10:43:49] Madam Witness, you said:

10 "One day [a] party would be correct, and [another] day another party would be
11 correct."

12 What do you mean by that?

13 A. [10:44:56] Because when a judgement was handed down today, someone would
14 win, and then there would be an appeal, and then the appeal would be sent towards
15 Mopti. And then in Mopti, the person who was in the right in Timbuktu would be
16 found to be in the wrong in Mopti.

17 Q. [10:45:25] Now, Madam Witness, are there any bars that sell alcohol in
18 Tadabayte?

19 A. [10:45:54] No. They exist in Timbuktu.

20 Q. [10:45:57] Do you know why there are no bars that sell alcohol in Tadabayte?

21 A. [10:46:27] There aren't any. Tadabayte is a small village, and that is something
22 that is shameful. The few people who drink alcohol go to Timbuktu. No one
23 would allow his child to open up a bar, except in Timbuktu.

24 Q. [10:47:04] Madam Witness, you said it's something that is shameful.

25 THE COURT OFFICER: [10:47:08] Your Honours, we will try to --

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1 PRESIDING JUDGE MINDUA: [10:47:13] (No interpretation)

2 THE COURT OFFICER: [10:47:15] We will try to re-establish the connection.

3 Thank you.

4 PRESIDING JUDGE MINDUA: [10:48:07](Interpretation) As you can see, the video

5 link with our witness has been -- has broken. We will remain in the room and wait a

6 few moments.

7 (Pause in the proceedings)

8 PRESIDING JUDGE MINDUA: [10:48:33](Interpretation) Court officer, I believe the

9 link has been re-established.

10 THE COURT OFFICER: [10:48:34] Yes, that is correct, your Honour.

11 PRESIDING JUDGE MINDUA: [10:48:40](Interpretation) Please continue.

12 MS TAYLOR: [10:48:45] Thank you, Mr President.

13 Q. [10:48:47] Earlier, Madam Witness, you said, speaking about why there are no

14 bars in Tadabayte, that it's something that is shameful. Can you explain what you

15 mean when you say that it's something that is shameful?

16 A. [10:49:45] That's not part of our culture, nor our religion. That is something

17 that can exist -- can exist only by constraint because our religion does -- does not

18 allow for that sort of thing. It can happen in Timbuktu.

19 Q. [10:50:11] Madam Witness, you've mentioned bars in Timbuktu. Do you know

20 if all the bars that sold alcohol in Timbuktu are still there?

21 A. [10:50:49] At the -- well, the most recent news is that they no longer exist. The

22 young people burnt them down or vandalised them.

23 Q. [10:51:01] Based on what you saw and heard, do you know why the young

24 people burnt them down?

25 A. [10:51:37] Because at that time, the young people were drinking too much.

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1 Children were drinking too much alcohol, and the girls were coming to school
2 staggering. Our religion does not allow for the consumption of alcohol.

3 Q. [10:52:20] Now, speaking of the time period before 2012, were there
4 sensibilisation sessions concerning clothing standards? Is this something you've
5 heard about?

6 A. [10:53:33] The discussions about clothing have already -- have always existed
7 and always will, because we don't like it, you see, when the young people dress
8 inappropriately.

9 Q. [10:53:57] Did you attend these sensibilisation sessions?

10 A. [10:54:02] There -- there were actually some awareness sessions in the
11 neighbourhoods.

12 Q. [10:54:09] I apologise. Did you attend these sensibilisation sessions or
13 awareness sessions?

14 A. [10:54:35] Yes.

15 Q. [10:54:35] And were these sessions also attended by any notables or community
16 leaders?

17 A. [10:55:09] Yes.

18 Q. [10:55:09] Madam Witness, earlier you said: "... we don't like it ... when the
19 young people dress inappropriately."

20 When you say "we", who were you referring to?

21 A. [10:56:06] I'm talking about ourselves, the mothers, the people in charge, leaders.
22 Our religion does not allow for that sort of thing, nor does our culture.

23 Q. [10:56:26] Now, Madam Witness, we were discussing a school in Tadabayte.
24 Did the fall of Gaddafi and the rebellion in the north of Mali have an impact on the
25 functioning of this school?

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1 PRESIDING JUDGE MINDUA: [10:56:44](Interpretation) Madam Prosecutor.

2 MS LUPING: [10:56:49] Mr President, your Honours, this is not the witness who's in
3 a position to testify about this. We have her background. We have no indication
4 that she has any precise knowledge about political affairs in Libya. She's not
5 brought forward as an expert to talk about political affairs. She's not a political
6 scientist. This goes outside the scope of a fact witness to comment. And it's highly
7 speculative.

8 PRESIDING JUDGE MINDUA: [10:57:31](Interpretation) Ms Taylor, I think we are
9 at the limit of speculation. What say you?

10 MS TAYLOR: [10:57:40] Mr President, with the greatest respect, the fall of Gaddafi is
11 used as a time stamp, so to speak, for many witnesses, because there have been many
12 rebellions. So I've specifically asked if the rebellion had an impact on the
13 functioning of the school, and I'm tying it to the fall of Gaddafi to make it clear that
14 I'm referring to the 2011-2012 rebellion, as opposed to the 1991, 2006. So I'm
15 situating the witness in time. I do believe I should be allowed to respond. And we
16 have heard in private session the background of this witness, so she is in a position to
17 give evidence on whether those developments that she saw with her own eyes
18 impacted that school.

19 PRESIDING JUDGE MINDUA: [10:58:26](Interpretation) Yes, yes, Ms Taylor.
20 Madam Prosecutor, we have two minutes before the end of the session, so let's try to
21 save a bit of time. The Defence is saying that the fall of Gaddafi was mentioned as a
22 time stamp, so to speak, not to elicit a political opinion from the witness. So let us
23 see whether the fall of Gaddafi is a time stamp for the witness.

24 Interpreter, please translate for Madam Witness, namely, Ms Taylor's question.

25 MS TAYLOR: [10:59:26] Mr President, should I repeat it? I would like to do so

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1 without --

2 PRESIDING JUDGE MINDUA: [10:59:32](Interpretation) Repeat the question.

3 Madam Prosecutor, allow the Defence to repeat the question, and then we will see.

4 Is this on the same topic?

5 MS LUPING: [10:59:45] Mr President, I just wanted to note that that is not the

6 question that Defence put to this witness. The precise question was: "Did the fall of

7 Gaddafi and the rebellion in the north of Mali have an impact on the functioning of

8 this school?" So contrary to what the Defence has just stated to you, Mr President,

9 that's not the question put to the witness. It's asking the witness not about a time

10 period, the fall of Gaddafi. She's being asked if the impact -- did the fall of Gaddafi

11 have an impact.

12 So I would repeat my objection, Mr President, and I would ask that the Defence

13 counsel be asked to reformulate her question. If that was her intention, she must

14 reformulate and not simply repeat the way it was currently articulated.

15 PRESIDING JUDGE MINDUA: [11:00:44](Interpretation) Quite so.

16 Ms Taylor, you said that the fall of President Gaddafi was a time stamp, so put the

17 question in that way and rephrase. Put the question to the witness in that manner.

18 MS TAYLOR: [11:01:03]

19 Q. [11:01:03] Now, Madam Witness, I'm going to situate you in a particular time

20 period, that is, after the fall of Gaddafi and the subsequent events, including the

21 rebellion in the north of Mali. Did these developments in the north of Mali have an

22 impact on the school in Tadabayte, the functioning of this school?

23 A. [11:03:07] At the time -- at the time --

24 THE INTERPRETER: [11:03:10] Inaudible.

25 THE WITNESS: [11:03:11] (Interpretation) -- Gaddafi at the time when there were

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1 problems, the -- (Overlapping speakers)

2 PRESIDING JUDGE MINDUA: [11:03:22](Interpretation) It is 11.03, Madam Taylor.

3 MS TAYLOR: [11:03:28] Mr President, I was in the process of getting the
4 interpretation.

5 THE INTERPRETER: [11:03:34] Apologies from the interpreter. The witness's last
6 reply was as follows:

7 THE WITNESS: [11:03:40](Interpretation) At the time -- at the time --

8 THE INTERPRETER: Inaudible.

9 THE WITNESS: [11:03:40] (Interpretation) -- Gaddafi -- at the time when there were
10 disturbances, the zone was troubled. It is at that time then, and almost everyone was
11 doing badly.

12 MS TAYLOR: [11:04:14] Is that all the interpretation? Yeah. Thank you.

13 PRESIDING JUDGE MINDUA: [11:04:24](Interpretation) It is 11.05. We will now
14 suspend for half an hour and resume at 11.35.

15 The hearing is now suspended.

16 THE COURT USHER: [11:04:36] All rise.

17 (Recess taken at 11.04 a.m.)

18 (Upon resuming in open session at 11.38 a.m.)

19 THE COURT USHER: [11:38:13] All rise.

20 Please be seated.

21 PRESIDING JUDGE MINDUA: [11:38:37](Interpretation) Court is in session.

22 I can see Maître Kassongo standing.

23 MR KASSONGO: [11:38:49](Interpretation) Thank you, your Honour, your Honours.

24 I just wanted to point out a modification to the Legal Representatives team.

25 Prisque Biyéké-Dipanga has joined us, and we are still with Madam Vila Romane, but

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1 myself -- and myself, Maître Kassongo. Thank you.

2 PRESIDING JUDGE MINDUA: [11:39:11](Interpretation) Thank you very much,

3 Maître Kassongo. It's obviously very important for the transcript.

4 So we shall continue with the testimony of the witness. The Defence has the floor for
5 the examination-in-chief.

6 Ms Taylor, I would like to say something to you. You know that I don't like to

7 intervene in the party's strategy. You organise your line of questioning as you wish.

8 However, the Chamber has certain concerns with regards to your time management,

9 because this morning, you spent an enormous amount of time on the issue of the

10 school canteen, but in the case file, I see that there are still a lot of important questions.

11 Perhaps less time needs to be spent on peripheral issues and you should focus on

12 more important subjects. That's it.

13 You have the floor, Ms Taylor.

14 MS TAYLOR: [11:40:32] Thank you, Mr President.

15 Q. [11:40:34] Good morning, Madam Witness. How are you now? How are you
16 feeling?

17 A. [11:40:49] I'm fine. I don't suffer from anything.

18 Q. [11:40:53] I'm glad to hear that. I have a small request, Madam Witness.

19 When you give your answers, would it be possible for you to keep looking at us so
20 that you can see if I raise my hand?

21 A. [11:41:38] Yes.

22 Q. [11:41:40] Now, Mr Witness -- Madam Witness, just before the break, we were
23 speaking of a particular time period. This was after the fall of Gaddafi and the

24 rebellion in the north. And you said, "The zone was troubled and almost everyone
25 was doing badly." Madam Witness, can you briefly explain what you mean when

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1 you say that everyone was doing badly?

2 A. [11:42:58] The area wasn't doing well. There were troubles, and there was the
3 event that took place in Aguelhok. And it was at that time that there were a lot of
4 troubles.

5 Q. [11:43:16] Now, speaking of this time - specifically you are referring to an event
6 in Aguelhok - was the school at Tadabayte, did they continue to hold classes at this
7 time?

8 A. [11:44:07] I don't remember everything that took place, but at that time, often the
9 school was open and often it was closed. Often the pupils were on strike, and
10 sometimes the teachers were.

11 Q. [11:44:30] Now, Madam Witness, did the school continue to stay open
12 throughout the year, or did it close at a certain point?

13 A. [11:45:11] The school was open in October and it closes in June. And three
14 months later, it would reopen again.

15 Q. [11:45:25] Now, Madam Witness, speaking specifically of this time period after
16 the events of Aguelhok, was there a point after this event that the school closed?

17 A. [11:46:22] I don't remember the chronology of events very well, but at a certain
18 time, there were troubles. There was also Kidal which was taken, and the next day
19 there was Gao, and afterwards Timbuktu. And then the men started leaving
20 afterwards -- or people started leaving afterwards.

21 THE INTERPRETER: [11:46:48] Corrects the interpreter.

22 MS TAYLOR: [11:46:49]

23 Q. [11:46:50] Madam Witness, you say people started leaving. Can you -- what
24 people are you referring to?

25 A. [11:47:41] Kidal fell on a Friday. And on a Saturday, Gao fell. Timbuktu on a

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1 Sunday. And as soon as Gao fell, the leaders started leaving, the soldiers left, and
2 the people left as well.

3 Q. [11:48:00] Madam Witness, is it correct that people left before Timbuktu fell?

4 PRESIDING JUDGE MINDUA: [11:48:13](Interpretation) Madam Prosecutor.

5 MS LUPING: [11:48:14] Mr President, I believe that just for these types of questions,
6 as we get closer to the event in Timbuktu, there should not be any additional leading
7 questions. I would just ask that the Defence counsel be asked to reformulate her
8 question.

9 MS TAYLOR: [11:48:30] I can reformulate.

10 PRESIDING JUDGE MINDUA: [11:48:36](Interpretation) Indeed, Ms Taylor.

11 MS TAYLOR: [11:48:40]

12 Q. [11:48:40] Madam Witness, you said that Timbuktu fell on a Sunday. Did
13 people start to leave Timbuktu before or after? What were you referring to when
14 you said people were leaving?

15 A. [11:49:24] What I said is that as soon as Gao fell, people started leaving. After
16 that, whenever somebody didn't manage to stay, they would leave.

17 Q. [11:49:40] Madam Witness, to your knowledge, did the Malian police stay in
18 Timbuktu after the fall of Gao?

19 A. [11:50:23] The police left, the bosses left, the soldiers left. It was only the
20 population that remained. The gendarmerie left as well.

21 Q. [11:50:36] What about teachers? What did they do?

22 A. [11:50:54] Everyone who wasn't a local left.

23 Q. [11:51:01] And speaking of this time period, the fall of Gao, what was the
24 situation like in Tadabayte and Timbuktu as concerns electricity?

25 A. [11:51:49] Timbuktu didn't have any more electricity, and it also didn't have a

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1 telephone service either.

2 Q. [11:51:59] What about other services, like the hospital or the radio?

3 A. [11:52:28] The radio was working until a certain point. It was said that
4 something wasn't working well any more. It was broken. It was broken down, in
5 disrepair. The traders also left -- or the doctors also left, one from Timbuktu and
6 another from Tadabayte, and people were working under their authority. And there
7 was no more medicine either. And one was named -- one of the doctors was named
8 Maiga.

9 Q. [11:53:29] Now, Madam Witness, just to be clear, are you speaking about the
10 time period when Gao fell?

11 A. [11:54:00] What I said was, as soon as Gao fell on a Saturday, afterwards, in the
12 whole area, there were troubles throughout the area. Timbuktu on Sunday. And
13 then there were troubles everywhere.

14 Q. [11:54:16] Madam Witness, do you know a group called the MNLA?

15 A. [11:54:35] Yes.

16 Q. [11:54:36] Did this group come to Timbuktu?

17 A. [11:55:00] When Timbuktu fell, things -- there was vandalism in Timbuktu.
18 Things were broken. The offices were smashed before they arrived. And people
19 left before they arrived.

20 Q. [11:55:16] Was the school in Tadabayte still holding classes when the MNLA
21 arrived in Timbuktu?

22 A. [11:55:42] It was closed.

23 Q. [11:55:45] And why was it closed?

24 A. [11:56:06] What I told you was that when there were troubles, people no longer
25 went out. Children didn't go to school anymore. People were afraid, and nobody

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1 left their homes.

2 Q. [11:56:23] So what happened to the school building in Tadabayte after the
3 MNLA arrived?

4 A. [11:57:04] When people from the MNLA arrived, they went to Tadabayte. Each
5 group positioned itself into a given place or area. The school became a location for
6 another group. Some people left and they smashed up the World Food Programme.
7 The groups dispersed everywhere.

8 Q. [11:58:09] Madam Witness, which group took over the school in Tadabayte?
9 Which group was in the building?

10 A. [11:59:00] I was -- I was in the house when a guard sent a child to my house who
11 told me that people had arrived and they had smashed the shops. I don't know
12 which group. They smashed it up, and then people take -- took off with the contents,
13 books, so the people who took the content from the canteen, the books, and myself, I
14 ran to get them. And they tried to smash up the management office.

15 Q. [12:00:03] Now, the people who were destroying things, was this a member of a
16 group? Was it the local population? What did you see or hear?

17 A. [12:01:02] Those people were destroying places. Often the children would
18 guide them and would point out places. "This place is for the authorities. That
19 place is for such-and-such."

20 Q. [12:01:27] And, Madam Witness, which group was present in Tadabayte at this
21 time?

22 A. [12:01:46] The MNLA.

23 Q. [12:01:52] Now, you've mentioned a group called the MNLA. Did another
24 group arrive in Timbuktu?

25 A. [12:02:26] The Islamists took Timbuktu and its north. The MNLA took

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1 Tadabayte and the whole area close to the river.

2 Q. [12:02:40] And who came in first, if you know, the MNLA or the Islamists?

3 A. [12:03:00] The MNLA.

4 Q. [12:03:05] Madam Witness, earlier you mentioned that there were problems
5 with electricity, the radio and the hospital. What happened after the Islamists
6 arrived? What was the situation for electricity, the radio and the hospital after the
7 Islamists arrived?

8 A. [12:04:11] When they arrived, they called upon people who worked at the
9 hospital and they told them to come back and to work. And after that, they
10 continued. They headed towards --

11 THE INTERPRETER: [12:04:37] Message from the Tamasheq booth: Your Honour,
12 could you ask the witness to repeat her reply.

13 PRESIDING JUDGE MINDUA: [12:04:48](Interpretation) Madam Witness, please
14 repeat your question, and please pause from time to time so that the interpreters can
15 do their work properly.

16 THE WITNESS: [12:05:15](Interpretation) Well, I said when they arrived, they had
17 people go out and look for the major doctors who knew how to do the work. They
18 called upon them, and they called upon the people who worked under the authority
19 of these doctors to go back to work and to provide care to people.

20 Also, the energy plant, they gave them fuel. And also at the hospital, they provided
21 medications. And that way, the zone did benefit from electricity, and the people
22 didn't have to pay either. They paid for it and they covered the cost of diesel oil,
23 diesel fuel.

24 MS TAYLOR: [12:06:55]

25 Q. [12:06:55] Now, Madam Witness, what work did you yourself do after the

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1 Islamists arrived?

2 A. [12:07:20] I was farming.

3 Q. [12:07:25] And, Madam Witness, how did you get to the fields?

4 A. [12:07:51] We had rice paddies. At that time we were growing rice. And once
5 we finished raising -- or growing rice, we would do gardening. We would grow
6 cabbages, lettuce, vegetables.

7 Q. [12:08:33] Now, Madam Witness, how did you travel to where the rice was
8 being grown or where these vegetables were being grown?

9 A. [12:09:50] At that time, there were no longer any cars. The Islamists took a
10 vehicle from Timbuktu, and they would pick up people along the road, starting in
11 Timbuktu. Then they would head out and they would take them to the fields.
12 There were places where they would pick people up and take them to the fields.
13 Once night came, they would pick people up and bring them back.

14 Q. [12:10:28] And, Madam Witness, did you have to pay for this? Did the people
15 who were transported have to pay to be transported?

16 A. [12:10:51] No. It was free.

17 Q. [12:10:53] And did this transport help you do your work?

18 A. [12:11:29] We didn't take the trucks. It was the men who would go by truck. I
19 myself took a motorcycle or a motorbike.

20 Q. [12:11:47] Thank you for that clarification.

21 A. [12:11:50] It helped me because we had workers to work in the field. Because,
22 you see, at that time there were no longer any workers.

23 Q. [12:12:01] Now, Madam Witness, when the Islamists were present in Timbuktu,
24 did you yourself visit the market in Timbuktu?

25 A. [12:12:24] Yes, I would go there.

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1 Q. [12:12:27] And were foods and goods available?

2 A. [12:13:06] After, often the markets were closed when there were disturbances,

3 but once things calmed down or an area calmed down, the markets would reopen.

4 The vegetables that we grew, the women would take to market in a small vehicle.

5 All the women who sold vegetables were taken from Tadabayte in a vehicle into town

6 to the market. At that time, products would come back; vegetables, pasta, things like

7 that, cooking oil. And things worked well.

8 Q. [12:14:33] Now, Madam Witness, you referred to the women being taken from

9 Tadabayte to the market in a vehicle. Who provided this vehicle?

10 A. [12:15:18] When they couldn't get any vehicles, the Islamists would send them a

11 vehicle that would take them there every day and bring them back at night.

12 Q. [12:15:34] And was this considered to be a positive thing? Was it helpful?

13 A. [12:15:55] Yes, it helped us. That way we were able to sell our goods. As well,

14 the women would go and sell. And in the evening, they would bring back money so

15 that they could meet their own needs. So, yes, it helped a lot.

16 Q. [12:16:34] Now, Madam Witness, did you yourself ever go to the hospital after

17 the Islamists arrived?

18 I might reformulate that.

19 Did you ever visit the hospital after the Islamists arrived?

20 A. [12:17:20] Once I went there.

21 Q. [12:17:24] Can you explain to the Chamber what happened, having pauses.

22 A. [12:17:47] Yes. I was lying down at night, and my neighbour woke me up.

23 Her daughter was about to have her baby. So there was a checkpoint, a time when

24 the checkpoint was to be closed. Once we went up to the checkpoint, the driver

25 stopped. They came up to us, and they asked me what was going on. And I said

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1 that we were going to the hospital. We are with a woman who is ill and who is
2 about to have a baby. They opened the gate, and we were able to make our way to
3 the hospital.

4 We got to the hospital. And when they saw us, they immediately came out to open
5 the doors. And we went in with the woman who was to give birth in the maternity
6 section.

7 Q. [12:19:36] Now, Madam Witness, you were describing this happening at night.
8 So is it correct that the hospital was functioning at night?

9 A. [12:20:00] Yes. At any time, if you went to the hospital, it was operating,
10 working, at midnight.

11 MS TAYLOR: [12:20:17] Mr President, may we go briefly into private session.

12 PRESIDING JUDGE MINDUA: [12:20:26](Interpretation) Court officer, private
13 session, please.

14 (Private session at 12.20 p.m.)

15 THE COURT OFFICER: [12:20:41] We're in private session, Mr President.

16 PRESIDING JUDGE MINDUA: [12:20:47](Interpretation) Thank you.

17 Ms Taylor.

18 MS TAYLOR: [12:20:50]

19 Q. [12:20:52] Madam Witness, what was the name of the woman that you took to
20 the hospital?

21 A. [12:21:10] (Redacted) was her name.

22 MS TAYLOR: [12:21:15] I believe we can go into open session.

23 PRESIDING JUDGE MINDUA: [12:21:20](Interpretation) Open session, please, court
24 officer.

25 (Open session at 12.21 p.m.)

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1 THE COURT OFFICER: [12:21:34] We're back in open session, Mr President.

2 PRESIDING JUDGE MINDUA: [12:21:39](Interpretation) Thank you.

3 Ms Taylor.

4 MS TAYLOR: [12:21:43]

5 Q. [12:21:43] Now, Madam Witness, earlier you mentioned that the school in

6 Tadabayte closed and that there was a group present in the building. Now, speaking

7 not just of Tadabayte but of Timbuktu, do you know if after the arrival of the

8 Islamists, at some point, there were any classes that were held?

9 A. [12:22:59] At that time, there were no longer any teachers. The teachers had
10 left. The people who were still there were not going to school, but at one point,

11 those people, the bearded ones, they asked for the schools to be reopened.

12 According to what they said. I wasn't there. That was according to what I heard.

13 MS TAYLOR: [12:23:28] Mr President, can we briefly go into private session.

14 PRESIDING JUDGE MINDUA: [12:23:34](Interpretation) Court officer, if you could.

15 (Private session at 12.23 p.m.)

16 THE COURT OFFICER: [12:23:49] We're in private session, Mr President.

17 PRESIDING JUDGE MINDUA: [12:23:54](Interpretation) Thank you very much.

18 Ms Taylor.

19 MS TAYLOR: [12:23:57]

20 Q. [12:23:58] Madam Witness, do you know an individual called

21 (Redacted) (phon)?

22 A. [12:24:19] Yes, I've seen her.

23 Q. [12:24:24] (Redacted)?

24 A. [12:24:40] (Redacted) we had to go to school.

25 Q. [12:25:09] Madam Witness, do I understand correctly that it was (Redacted)

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1 (Redacted). Is that correct? When you say, I

2 have -- "we have to go to school"?

3 PRESIDING JUDGE MINDUA: [12:25:33](Interpretation) Madam Prosecutor.

4 MS LUPING: [12:25:34] Mr President, I would just simply repeat that for all of these
5 issues now relating squarely to events in Timbuktu, I would just ask that no leading
6 questions be asked. The witness can be asked open-ended questions on all of these
7 aspects, please.

8 PRESIDING JUDGE MINDUA: [12:26:00](Interpretation) Ms Taylor.

9 MS TAYLOR: [12:26:02] Mr President, the issue is the interpretation in that it says
10 that "*C'est à elle que j'ai dit qu'il faut aller à l'école.*" And I'm not -- I don't think that's
11 what she said in Tamasheq. Because earlier, she mentioned that the Islamists had
12 approached them and said, "We have to open the schools." So it appears that this is
13 what she is referring to.

14 PRESIDING JUDGE MINDUA: [12:26:38](Interpretation) Perhaps, to be on the safe
15 side for everyone, it would be best to rephrase.

16 MS TAYLOR: [12:26:46]

17 Q. [12:26:47] Madam Witness, this individual, (Redacted)

18 (Redacted)?

19 A. [12:27:19] I haven't understood your question. I didn't understand. Could
20 you please repeat your question.

21 Q. [12:27:33] Madam Witness, you stated earlier: "... the bearded ones, they asked
22 for the schools to be reopened. According to what they said ... [this] is according to
23 what I heard."

24 Who did you hear this from?

25 A. [12:28:24] That's what people were saying everywhere. People were saying

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1 that everywhere. The woman had gone, and they said that there had to be a school
2 for boys and a school for girls. But the children didn't come because there were
3 no -- there was no canteen.

4 Q. [12:28:52] Madam Witness, I'm going to make a distinction between schools
5 being opened and classes. Do you know if during the year there were any classes of
6 boys and then of girls?

7 A. [12:29:44] I wasn't there. I wasn't there, but that's what I heard. The boys had
8 classes and the girls had classes. That's what people were saying, but I wasn't there
9 personally at the school to verify.

10 PRESIDING JUDGE MINDUA: [12:30:04](Interpretation) Are we still in private
11 session, Mr Court Officer?

12 Ms Taylor, do we (Overlapping speakers)

13 MS TAYLOR: [12:30:13] We can go into open session.

14 PRESIDING JUDGE MINDUA: [12:30:14](Interpretation) Courtroom officer, open
15 session, please.

16 (Open session at 12.30 p.m.)

17 THE COURT OFFICER: [12:30:27] We're back in public session, Mr President.

18 PRESIDING JUDGE MINDUA: [12:30:32](Interpretation) Thank you very much,
19 court officer.

20 Ms Taylor.

21 MS TAYLOR: [12:30:36]

22 Q. [12:30:36] Now, Madam Witness, based on what you saw and experienced after
23 the arrival of the Islamists, did the Islamists discriminate between different ethnicities
24 or tribal groups?

25 A. [12:31:15] No. Those who came, they told the people, all those who have a

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1 problem should come, and they would resolve that problem. That was the same for
2 Tadabayte, and it was the same for Timbuktu.

3 Q. [12:31:53] And did you view this as a positive thing or a negative thing?

4 A. [12:32:14] This was a positive thing. It put everybody on a level playing field.
5 Like that, there's no further conflict.

6 Q. [12:32:25] Madam Witness, you said: "Like that, there's no further conflict."
7 After the Malian police left Timbuktu, did the Islamists take any steps to deal with
8 law and order in Timbuktu and Tadabayte?

9 A. [12:33:11] Yes. People would take their complaints to them.

10 Q. [12:33:23] And did you view this as a positive or a negative thing?

11 A. [12:33:47] There was the law. There was law. When there's no law in a
12 territory, the territory is spoilt.

13 Q. [12:34:16] Now, Madam Witness, you've mentioned positive contributions made
14 by the Islamists. Were there negative aspects?

15 A. [12:35:17] These were positive points, from my point of view. The chiefs, they
16 brought a certain degree of stability to the area, but some people said that they would
17 bother them. Particularly those underneath the chiefs, they would be bothered
18 because of the rules regarding clothing.

19 PRESIDING JUDGE MINDUA: [12:35:54](Interpretation) Ms Taylor, the witness
20 would like to leave for five minutes. I'm going to give the witness leave to be absent
21 for five minutes.

22 (The witness exits the video-link room)

23 (Pause in proceedings)

24 (The witness enters the video-link room)

25 PRESIDING JUDGE MINDUA: [12:38:20](Interpretation) Ms Taylor, we can

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1 continue. The witness is back.

2 MS TAYLOR: [12:38:26] Thank you, Mr President.

3 We've now lost the witness.

4 PRESIDING JUDGE MINDUA: [12:38:42](Interpretation) I think you have to press
5 the screen, and then the witness comes back.

6 MS TAYLOR: [12:38:50]

7 Q. [12:38:51] Are you feeling okay, Madam Witness?

8 A. [12:39:09] No, I just went to the toilet.

9 Q. [12:39:13] Madam Witness, earlier you said that the chiefs brought a certain
10 degree of stability to the area. Madam Witness, was stability important to you?

11 PRESIDING JUDGE MINDUA: [12:39:44](Interpretation) Madam Prosecutor.

12 MS LUPING: [12:39:46] Mr President, I haven't objected before, but we have had a
13 series of questions that really do direct a witness in a particular direction. For
14 example, is it positive, is it negative. Now is it something that's important to you.
15 Now, these are the personal views or opinions of a fact witness, and I do question to
16 what extent that's actually of any assistance or help to the Chamber. And I would
17 ask that we simply keep to open-ended questions that don't direct a witness in any
18 particular direction.

19 PRESIDING JUDGE MINDUA: [12:40:33](Interpretation) Ms Taylor.

20 MS TAYLOR: [12:40:36] Mr President, it's a logical follow-up question from what
21 the witness said, which is that they brought stability. So I'm asking the witness how
22 she viewed that.

23 Now, we have a witness, we have issues with interpretation. It is necessary to keep
24 things short and simple, and I am -- I have been directed by the Chamber to
25 streamline my examination, which I'm trying to do. I do believe the witness can say

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1 that it's either important or not important. It's not a closed question. Or she can
2 explain the extent to which -- to what degree it was important. But it will be a shame
3 if we lose all this time on objections that aren't really going to advance us.

4 PRESIDING JUDGE MINDUA: [12:41:30](Interpretation) Yes, Ms Taylor, but the
5 objections aren't to lose time. It's also to clarify our proceedings.

6 Madam Prosecutor, did you want to say something?

7 MS LUPING: [12:41:44] Simply that if Defence counsel is going to reformulate, to
8 ask how did she view that, there would be no objection. It was simply the way the
9 question was being put, "Was stability important to you?"

10 As I said, I haven't stood up on my feet and objected before. But we've just had a
11 series of questions that are very directing in nature. Are things positive, are they
12 negative, was stability important to you. If it could simply be reformulated to ask
13 the witness, how did you view that, then we wouldn't have an objection and we
14 wouldn't have to interrupt at all.

15 PRESIDING JUDGE MINDUA: [12:42:21](Interpretation) Ms Taylor.

16 MS TAYLOR: [12:42:23] Mr President, if I may, I'm concerned that that phrase will
17 not translate well and that it will only lead the -- open the door to confusion.

18 PRESIDING JUDGE MINDUA: [12:42:31](Interpretation) Very well. Probably.
19 Please reformulate, and then we can move on.

20 MS TAYLOR: [12:42:37]

21 Q. [12:42:38] Now, Madam Witness, you've said that the chiefs brought stability to
22 the area. What did you think about that?

23 A. [12:43:34] I would say it's something that's very good. Furthermore, they went
24 to our mosque and they told people, any person who has a problem with another,
25 whatever their race or colour, light skinned, black or other colours, should come and

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1 give in their complaint. They are there for peace and for stability.

2 Q. [12:44:11] Now, Madam Witness, concerning complaints, was it possible to also
3 complain about them? Could you complain about some of the actions of the
4 Islamists?

5 A. [12:44:47] Yes, that was possible. And when the chiefs were notified, that
6 person would have problems.

7 Q. [12:45:07] Can you explain who you're referring to when you say "that person"?
8 Who is the person who would have problems?

9 A. [12:45:47] From what I heard, one of the leaders, I think he was from Senegal.
10 During certain meetings, he said that they had met and they had spoken to a woman
11 once, and they came to an agreement with her. They went outside, according to
12 what the boys saw. And this person was at the police station. When the children
13 saw the situation, they came back. And they arrested that woman. They
14 demanded that she give what the person had given her, and she showed it. And
15 they asked her to go with them, to go and make a complaint to their police station.
16 "If you don't do that, then we will tell everybody that you've done this or that."
17 So the girl went before them to make the complaint. And I know -- or I knew her
18 name. So she left to make a complaint, but I don't know what happened to her. But
19 she left Timbuktu after that, or --

20 THE INTERPRETER: [12:48:31] The interpreter corrects: He left Timbuktu. I
21 don't know what happened to him after that. She left Timbuktu.

22 MS TAYLOR: [12:48:42]

23 Q. [12:48:43] So, Madam Witness, was the complaint made against the Senegalese
24 person?

25 A. [12:49:20] Yes, people complained. And they forced the woman to complain, to

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1 say that this man -- that she'd been a victim of this man.

2 Q. [12:49:41] And what did she say that this man had done?

3 A. [12:50:12] And she said -- well, you know what she said. She said that he had
4 raped her while she had the money in her hands. She had money in her hands.

5 THE INTERPRETER: [12:50:29] The interpreter notes, in the previous answer, she
6 said that he was one of the Islamists. First of all -- further, he was one of their chiefs.

7 MS TAYLOR: [12:50:41]

8 Q. [12:50:41] And after she filed the complaint, is it correct that he left? Is that
9 what you said earlier?

10 A. [12:51:00] Yes. I think that it was just a trap, a trap that they made. It -- it
11 caught a lot of young people, and I think that they had made something to trap him.

12 Q. [12:51:14] Now, Madam Witness, when you said, "They made her file a
13 complaint," who made her file a complaint?

14 A. [12:51:59] It was the young people, the young people who walk around the
15 town.

16 Q. [12:52:02] And were these --

17 A. [12:52:02] At that time, they weren't allowed to walk around. So that's what
18 they did.

19 Q. [12:52:11] And were these young people who forced her to file the complaint,
20 were they members of the Islamist group or were they locals?

21 A. [12:52:45] These were locals, young locals, from the town of Tadabayte.

22 Q. [12:53:28] And, Madam Witness, you said that this was a trap.

23 MS TAYLOR: [12:53:33] Actually, Mr President, can we go into private session just
24 briefly. There's something I think that needs to be clarified.

25 PRESIDING JUDGE MINDUA: [12:53:50](Interpretation) Indeed.

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1 Court officer.

2 (Private session at 12.54 p.m.)

3 THE COURT OFFICER: [12:54:03] We're in private session, Mr President.

4 PRESIDING JUDGE MINDUA: [12:54:08](Interpretation) Thank you very much,
5 court officer.

6 Ms Taylor.

7 MS TAYLOR: [12:54:11]

8 Q. [12:54:12] Madam Witness, I believe there might be a small confusion with
9 translation in that the translators have said Tadabayte. Are you referring to this
10 happening in (Redacted) or Timbuktu?

11 A. [12:55:01] Timbuktu. In Abaradjou in Timbuktu.

12 Q. [12:55:07] And, Madam Witness, do you know the name of this girl?

13 A. [12:55:25] I don't know her name. I don't know her name. It was their
14 commissioner, their Senegalese commissioner. I knew -- whose name I remembered,
15 but I no longer remember that. When they made this man leave or this gentleman
16 leave, that Timbuktu got its freedom. Young people, they were free again, and they
17 started to do what they wanted to do and -- just afterwards, after the departure of this
18 man, the young people.

19 Q. [12:56:41] Now, Madam Witness, did you hear if this -- this man who
20 was -- who was -- who left, was he punished after the complaint was filed?

21 A. [12:57:21] I don't know this word *atwab* (phon). What does that mean?

22 Q. [12:57:39] I believe that the interpreters might have used an Arabic word.

23 Madam Witness, this person was forced to leave Timbuktu, according to what you
24 said, so did the Islamists punish him after they received this complaint?

25 A. [12:58:31] The Senegalese man?

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1 Q. [12:58:36] Yes. Based on what you heard, how did the Islamists deal with him
2 after they received the complaint?

3 A. [12:59:03] They made him leave Timbuktu. That's what they -- what they did
4 in the house, I don't know. But they made him leave Timbuktu.

5 PRESIDING JUDGE MINDUA: [12:59:14](Interpretation) Ms Taylor, we -- should
6 we go back into open session?

7 MS TAYLOR: [12:59:22] Yes, I believe it's 1 o'clock.

8 PRESIDING JUDGE MINDUA: [12:59:33](Interpretation) Court officer, please take
9 us into open session.

10 (Open session at 12.59 p.m.)

11 THE COURT OFFICER: [12:59:55] We're back in public session, Mr President.

12 PRESIDING JUDGE MINDUA: [13:00:02](Interpretation) Thank you, court officer.

13 It's 1 o'clock. We are going to have a break for lunch, and we will be back at 14:30.

14 Court is adjourned.

15 THE COURT USHER: [13:00:17] All rise.

16 (Recess taken at 1.00 p.m.)

17 (Upon resuming in open session at 2.34 p.m.)

18 THE COURT USHER: [14:34:12] All rise.

19 Please be seated.

20 PRESIDING JUDGE MINDUA: [14:34:43](Interpretation) The hearing shall now
21 resume.

22 Good afternoon, everyone. We continue with examination-in-chief by the Defence.

23 But before I ask Ms Taylor to proceed, I would like to ask Ms Taylor a question.

24 Now, of course, you do have six hours. You were granted six hours by the Chamber.

25 Do you think -- well, how much more time do you think you will actually need?

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1 MS TAYLOR: [14:35:22] Thank you, Mr President. As you said, we have requested
2 six hours, and we do have two topics left to deal with. Part of that will depend on
3 questioning and the clarity of responses, which sometimes we do need to address. I
4 hope to finish today, but it is possible I will need some time tomorrow.

5 PRESIDING JUDGE MINDUA: [14:36:09](Interpretation) Quite so, Ms Taylor. But
6 you must realise, I'm asking the question because our witness, in light of her personal
7 situation, should be going back to her home on Wednesday.

8 In any event, if you need more time, we can go until 4.30 today. But please do
9 consider the personal situation of our witness. And what I am saying also holds true
10 for the Office of the Prosecution.

11 Very well, Ms Taylor, please proceed.

12 MS TAYLOR: [14:36:56] Thank you, Mr President.

13 Q. [14:36:58] Good afternoon, Madam Witness. How are you?

14 A. [14:37:09] I am well.

15 Q. [14:37:11] That's good to hear.

16 Now, Madam Witness, I just have two small requests. One, earlier, I think you were
17 using the word "*aratan*", a Tamasheq word which can mean either "children" or
18 "young people". And it's being interpreted as "children".

19 Would it be possible for you to use "*aratan*" for "children" and the word "*imawadan*" for
20 "young people", so we don't have a confusion.

21 I'm going to repeat it and spell it. *Imawadan*, I-M-A-W-A-D-A-N. If you could use
22 that word when you are referring to young people.

23 A. [14:38:58] Yes, I've understood.

24 Q. [14:39:00] And my second request is, when you're referring to people as "they",
25 could you please specify whether you're talking about people among the Islamists or

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1 people among the local population.

2 A. [14:39:48] Yes. Duly noted.

3 Q. [14:39:52] Thank you very much.

4 Madam Witness, I have a couple of follow-up questions. You were speaking about a
5 woman and a Senegalese member of the Islamists. And at page 48, you said -- you
6 mentioned an agreement with her, and you also mentioned that they demanded that
7 she give what the person had given her.

8 So, Madam Witness, can you tell us what the agreement was and what she had been
9 given.

10 A. [14:41:55] Yes. She received something, but I don't know what she received.
11 They came to an agreement, and in fact, what she wanted was not money. I don't
12 know what she wanted. In any event, he gave her something.

13 Q. [14:42:16] Who was the agreement between? Was it between the girl and the
14 Islamists?

15 A. [14:42:38] Yes.

16 Q. [14:42:43] Now, Madam Witness, I'm moving on to a different topic.

17 Did you yourself attend any protests or marches when the Islamists were present in
18 Timbuktu?

19 A. [14:43:45] Yes. My participation in the demonstration was when we left
20 Tadabayte. We went to the large market, and we saw women demonstrating. They
21 were calling out, and they were angry. It was at the market. And -- and we asked
22 the women to march with them. They were ahead of us.

23 Q. [14:44:30] Please continue.

24 A. [14:44:51] They moved ahead of us. We followed them, and they said that they
25 were angry with Hamed Moussa. We went all the way to the BMS. I was with

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1 another woman. They said that they were going to go to the BMS to show Hamed
2 Moussa how a woman should behave if she is not properly dressed. We followed
3 them, and we were stopped beside a shop. They were demonstrating. They
4 continued. They asked that Hamed Moussa come out so that they -- so that he
5 should see how a woman dresses when she is not properly dressed. They started to
6 remove their veils and their scarves. And a man came out after hearing the noise
7 and asked what was going on. So the women in front started to speak.
8 So he went back, and he said that some women had been arrested by Moussa because
9 they were improperly dressed. They brought the women out, and then they started
10 to disperse, and we left.

11 Q. [14:48:13] Madam Witness, I have a few follow-up questions.

12 You said you joined at a large market. Was this the market of Badjinde?

13 A. [14:49:01] Badjinde.

14 Q. [14:49:06] And I believe that's B-A-D-I-N-D-E, Badjinde.

15 You said you stopped at a shop. Where was this shop located?

16 A. [14:49:58] We just stopped beside a shop, not far from the BMS, so that we could
17 watch from a distance.

18 Q. [14:50:08] And, Madam Witness, what was the distance between you and the
19 women who went to the BMS?

20 A. [14:50:38] Just in the street. The width of the street.

21 Q. [14:50:52] Could you hear them speak?

22 A. [14:51:09] They were demonstrating, loud and clear.

23 Q. [14:51:17] Now, during this demonstration, did you see or hear any gunfire?

24 A. [14:51:39] No. No.

25 Q. [14:51:44] And did you see any women being physically harmed during the

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1 demonstration?

2 A. [14:52:17] No, I didn't see anything.

3 PRESIDING JUDGE MINDUA: [14:52:20](Interpretation) Ms Prosecutor.

4 MS LUPING: [14:52:21] Mr President, could I just request that the sound be briefly
5 cut off to the witness while I make my objection.

6 PRESIDING JUDGE MINDUA: [14:52:36](Interpretation) Court officer, please cut
7 the audio feed to the witness.

8 THE COURT OFFICER: [14:52:44] The sound to the witness has been cut off.

9 PRESIDING JUDGE MINDUA: [14:52:49](Interpretation) Thank you very much.

10 Madam Prosecutor.

11 MS LUPING: [14:52:54] Mr President, we've now had two questions relating to:

12 Did you see or hear any gunfire? Did you see any women being physically harmed?

13 Now, the concern is, again, the witness is being directed to a response and can be

14 effectively having various -- the answer potentially suggested to her. The

15 Prosecution would request that no more leading or suggesting -- suggestive questions

16 be put to this witness. We don't agree that time or language can be an excuse for

17 suggestive language of this kind. It should be open-ended: What did you see?

18 What did you hear, if anything? And not directed in this way.

19 Additionally, the current exchange may also induce the witness into error and be

20 misleading. We have no indication as to at what stage this witness joined the

21 demonstration. So we cannot say, simply by this answer alone, what she does or

22 does not know.

23 So we would simply repeat our request that for precisely these types of aspects of the

24 testimony that are in contention, the Prosecution contests that there was no gunfire,

25 that this should not be leading.

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1 PRESIDING JUDGE MINDUA: [14:54:39](Interpretation) Thank you very much.

2 Ms Taylor, in actual fact, the Prosecutor is merely raising a matter of principle.

3 During examination-in-chief, you cannot ask leading questions. And given the
4 special situation of this witness, compound questions are not allowed either. So
5 please rephrase.

6 MS TAYLOR: [14:55:14] Mr President, I would like to respond. It would have been
7 leading if I had said, "It's correct, isn't it, that there was no gunfire?" That is a
8 leading question. I put a question to the witness which was equally open to a yes or
9 a no answer.

10 Now, the witness has described what she heard already. She hasn't mentioned
11 gunfire. But it's the Prosecution's case that there was gunfire, so I am obliged to put
12 to her the Prosecution's case so she has a fair opportunity to respond to it. It's a
13 matter of fairness to the witness that she be given an opportunity to respond to a
14 specific aspect of the Prosecution's case.

15 Now, if I could -- if I asked her, "What did you see and hear," we'd be here all day.

16 PRESIDING JUDGE MINDUA: [14:56:09](Interpretation) Very well. But we too
17 want to gain some time. We are going to try to save some time. So, please avoid
18 two-prong questions, if you could. That will help us. And ask simple questions.

19 MS TAYLOR: [14:56:29]

20 Q. [14:56:30] Now, Madam Witness, earlier you mentioned hearing what
21 the -- what the women were saying. Did you hear anything else? Could you hear
22 any gunfire?

23 PRESIDING JUDGE MINDUA: [14:57:02](Interpretation) Ms Taylor, we need to
24 re-establish the audio feed to the witness.

25 Court officer, if you could.

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1 THE COURT OFFICER: [14:57:09] Your Honours, the sound to the witness has been
2 re-established.

3 PRESIDING JUDGE MINDUA: [14:57:16](Interpretation) Thank you, court officer.
4 Ms Taylor.

5 MS TAYLOR: [14:57:23] Thank you.

6 Q. [14:57:24] Madam Witness, now, I understand you've already answered this, but
7 I've been asked to put the question to you again because it was two parts in one
8 question.

9 Madam Witness, did you hear any gunfire?

10 A. [14:58:12] No. I told you I didn't hear any warning shots. Perhaps they were
11 shots before I got there or after I left.

12 Q. [14:58:26] Now, Madam Witness, is it -- earlier you mentioned that the march, I
13 think, started at the Badjinde. I'm just going to clarify something. Is that when you
14 joined and started walking with the march?

15 A. [14:59:26] Yes. Yes, I told you that the march had begun in Bellaferandi, and
16 then they went along. And some people moved ahead of us. They were in front of
17 us marching. We also wanted to see what was going on. We followed them along
18 that way. We too were going in that way, in that direction.

19 Q. [15:00:20] So, Madam Witness, is it correct that you walked with them in the
20 same direction to the BMS?

21 A. [15:01:01] Yes, they were ahead of us. We were following them, and there were
22 children following us too. I was not part of this, so I didn't know what had
23 happened.

24 Q. [15:01:13] Madam Witness, what was the distance between you and the leaders
25 at the front?

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1 A. [15:01:59] Well, there were -- it was just a street. They were on one side of the
2 street, and we were on the other side.

3 Q. [15:02:09] Madam Witness, would you be able to give an approximation in
4 terms of the height of a tree or in terms of metres? Can you describe the distance.

5 A. [15:02:47] Yes. Where we were was about 20, 25. There were people ahead of
6 us.

7 THE INTERPRETER: [15:03:10] Correction from the Tamasheq booth: 20 to 25
8 metres.

9 MS TAYLOR: [15:03:21]

10 Q. [15:03:22] Now, Madam Witness, earlier you said: "They brought the women
11 out, and then they started to disperse, and we left." So, Madam Witness, were you
12 present when the women were brought out of the BMS?

13 A. [15:04:13] Personally, I didn't see them. Personally, I did not see them. So
14 when I arrived, it was said that they had been sent outside. But there were people
15 ahead of us, and we were behind them.

16 Q. [15:04:39] And, Madam Witness, you've mentioned people dispersing. So did
17 you see the people in front of you dispersing?

18 A. [15:05:24] Yes. I said that the people who were ahead of us dispersed, and we
19 also started to disperse. And I heard them saying: "They have freed them. They
20 have freed them." And then we left, we dispersed.

21 Q. [15:05:46] And from the location where you were, the shop near the BMS, could
22 you see the person, the Islamist, who came out of the BMS?

23 A. [15:06:35] I saw a lump, and that was what -- sorry. I saw a man, and it was
24 just the only man that I could see. We couldn't see the door because there were a lot
25 of people ahead of us.

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1 Q. [15:06:57] And the man, can you describe his reactions based on what you saw?
2 Was he -- you know, was he yelling? Was he shaking his hands? What did you see?
3 How did you see him react to the women?

4 A. [15:07:59] Yes. So I saw him. I think he was asking the women what had
5 happened. So he raised his arms as if he were asking the women what had
6 happened, but I didn't actually -- I don't actually know exactly what he said.

7 Q. [15:08:27] And speaking specifically of this point in time, did you see any of the
8 women who were talking to him being physically harmed?

9 A. [15:09:16] Even if that happened, then I don't know about it because it was too
10 far from me. So I can't confirm that. I can't testify as to that. There were a lot of
11 people ahead of me.

12 Q. [15:09:39] Now, Madam Witness, you've mentioned earlier that you heard that
13 the women in the BMS were freed. Did you hear about any other measures that
14 were taken following this march?

15 A. [15:10:45] At that point I left, and I was not at the same place. They said the
16 women had been freed, but I don't know whether anything happened to them in the
17 town after that.

18 Q. [15:11:05] Madam Witness, following this demonstration, what was the situation
19 like for women in Timbuktu? How did the Islamists react?

20 A. [15:12:18] I don't know what reactions you're talking about. All I know is that
21 after this demonstration, then the women were freed, the situation calmed down, and
22 the control by the Islamists in the town were also lessened.

23 Q. [15:12:47] Now, Madam Witness, based on your experience in 2012, how did the
24 leaders react if you filed a complaint, or complained about the rules?

25 PRESIDING JUDGE MINDUA: [15:13:16](Interpretation) Madam Prosecutor.

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1 MS LUPING: [15:13:17] Mr President, if I could just ask if the sound could be briefly
2 cut off from the witness to make my objection.

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

4 THE COURT OFFICER: [15:13:33] Your Honours, the sound to the witness has been
5 cut off.

6 PRESIDING JUDGE MINDUA: [15:13:39](Interpretation) Thank you, court officer.

7 Madam Prosecutor.

8 MS LUPING: [15:13:43] Now, actually I would also just -- no, I think I can say this
9 in -- in public session. I'm not going to mention in public where the witness was
10 precisely living at the time, but the objection is twofold. First, we know the witness
11 was not living within Timbuktu itself. We know she was living in another location.
12 She is now being asked, based on her experience, how the leaders reacted if you filed
13 a complaint or complained about the rules, but this is far too general in our -- in our
14 submission, Mr President. We don't have any indication of where or when or what
15 this relates to.

16 It's also compound because it's a question about filing a complaint and complaining
17 about the rules, and there can be two different reactions to both.

18 So we would ask that this be reformulated, and it should be related specifically to the
19 witness's own experiences and based on where she was living at the time.

20 PRESIDING JUDGE MINDUA: [15:15:04](Interpretation) Ms Taylor, our witness is a
21 witness to the facts. So I think that the objection raised by Madam Prosecutor is
22 valid. Perhaps you could reformulate the question.

23 MS TAYLOR: [15:15:24] Mr President, as you may be aware, the witness has already
24 testified that she went to the market in Timbuktu frequently throughout the year. I
25 think it's also the Prosecution's -- I hope you don't -- you're not going to stand up

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1 again. It's also the Prosecution's case that this area in which she lived in at some
2 point in time was under the control of the Islamists.

3 I'm happy to reformulate, but I do hope we don't have these objections which are not
4 factually correct.

5 PRESIDING JUDGE MINDUA: [15:16:06](Interpretation) Please proceed, Ms Taylor.
6 Please reformulate the question.

7 THE COURT OFFICER: [15:16:16] The sound to the witness has been re-established.

8 PRESIDING JUDGE MINDUA: [15:16:20](Interpretation) Thank you. Thank you,
9 court officer.

10 Ms Taylor.

11 MS TAYLOR: [15:16:26]

12 Q. [15:16:26] Now, Madam Witness, did the leaders of the Islamists ever come to
13 your area, Tadabayte, and consult with the local population?

14 A. [15:17:19] I don't know their leader. They were sent to the mosque, I think.

15 Q. [15:17:34] I'll reformulate. Did any members of the Islamists consult with the
16 locals in your area, like seek their views or opinions?

17 A. [15:18:52] Yes, they came -- they came often to the mosque. I didn't see them.
18 The men brought us the news when they've been consulted, to know what we were
19 thinking, to be aware of our opinions. They often came to the mosque.

20 Q. [15:19:19] Madam Witness, do you know the Defendant, Mr Al Hassan Ag
21 Abdoul Aziz?

22 A. [15:19:45] I don't know him, but I've heard his name.

23 Q. [15:19:51] And, Madam Witness, when did you first hear his name?

24 A. [15:20:26] I heard him spoken about with regard to what he did to people.
25 Because whenever people went to him, people got their requests granted.

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1 Q. [15:20:47] I apologise, Madam Witness. My question was "when". What
2 period of time did you start hearing about him?

3 A. [15:21:41] He was -- people are known by what they do, their acts. There are
4 some people's names who are linked to what they do. People who carry out good
5 deeds are known by these good deeds, and those who perform ill deeds are known by
6 those.

7 Q. [15:22:12] Now, Madam Witness, you've referred to good deeds and ill deeds.
8 What did you hear that Mr Al Hassan was known for?

9 A. [15:22:58] I think I've already said these qualities. It was said that he was a
10 good person, that he was religious, somebody who is understanding. And if you go
11 to see him with your problems, he will do all that he can for you.

12 Q. [15:23:46] Madam Witness, did you hear this from people who were present in
13 Timbuktu in 2012?

14 PRESIDING JUDGE MINDUA: [15:24:02](Interpretation) Madam Prosecutor.

15 MS LUPING: [15:24:04] Mr President, again, a leading question. It can be asked in
16 an open-ended way without suggesting the response to the witness.

17 PRESIDING JUDGE MINDUA: [15:24:25](Interpretation) Ms Taylor, what is your
18 answer to that?

19 MS TAYLOR: [15:24:29] Again, Mr President, this does not suggest a specific
20 response. And we do need to be able to ask follow-up questions with a degree of
21 precision or we will be ending up with very vague answers. The witness is quite
22 capable of saying whether the people were present in Timbuktu or not. I do believe
23 that's a question that will help assist the Chamber.

24 Now, you've asked us to try and shorten things, which we are trying to do.

25 PRESIDING JUDGE MINDUA: [15:25:14](Interpretation) Madam Prosecutor, you're

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1 on your feet again. What is going on?

2 MS LUPING: [15:25:19] Well, Mr President, could I please ask that the sound be cut
3 off to the witness on this point.

4 PRESIDING JUDGE MINDUA: [15:25:32](Interpretation) No, Madam Prosecutor. I
5 think that it is a follow-up question. We will authorise this so we can see how it
6 moves on.

7 Ms Taylor, please continue.

8 MS TAYLOR: [15:25:47] Thank you, Mr President.

9 Q. [15:25:49] Now, Madam Witness, the people who spoke about Al Hassan, had
10 they been present in Timbuktu or Tadamayte in 2012?

11 A. [15:26:33] These were people who live in Timbuktu, residents of Timbuktu, who
12 had relations with them. I don't have any date in my head because, at the time, I
13 didn't know I was going to have to tell the tale and I didn't know that I would be
14 asked all these questions. It was when they were in Timbuktu.

15 Q. [15:27:10] And what gender? Was it male or female or both?

16 A. [15:27:31] I got this information in the same way as I got the information that I
17 gave to you about the Senegalese. I got this information in the same way. We don't
18 go to them, and we don't see them.

19 Q. [15:27:52] Madam Witness, do you know an organisation called the CAFO?

20 A. [15:28:15] Yes.

21 MS TAYLOR: [15:28:16] Mr President, could we go into private session.

22 PRESIDING JUDGE MINDUA: [15:28:23](Interpretation) Court officer, private
23 session, please.

24 (Private session at 3.28 p.m.)

25 THE COURT OFFICER: [15:28:37] We're in private session, Mr President.

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- 1 PRESIDING JUDGE MINDUA: [15:28:42](Interpretation) Thank you, court officer.
- 2 Ms Taylor.
- 3 MS TAYLOR: [15:28:47]
- 4 Q. [15:28:48] Madam Witness, (Redacted)?
- 5 A. [15:29:02] (Redacted)
- 6 Q. [15:29:04] Can you describe what (Redacted)?
- 7 A. [15:29:26] At the time (Redacted).
- 8 Q. [15:29:33] Can you explain what time period you're referring to when you
- 9 (Redacted)?
- 10 A. [15:30:11] It was a (Redacted) before 2012, (Redacted)
- 11 (Redacted).
- 12 Q. [15:30:26] And up until what year (Redacted)?
- 13 A. [15:31:03] It's been a long while. About six years. And after that -- well,
- 14 after -- and then after, (Redacted), and now I am a (Redacted).
- 15 Q. [15:31:21] So, Madam Witness, if I understand correctly, you started as
- 16 (Redacted) before 2012 and you continued for six years after 2012, is that right,
- 17 as (Redacted)?
- 18 A. [15:31:59] Yes. (Redacted) in 2018, I believe.
- 19 Q. [15:32:12] Madam Witness, did you (Redacted)
- 20 in 2018?
- 21 A. [15:32:35] Yes. (Redacted).
- 22 Q. [15:32:42] And when (Redacted), what area were you the
- 23 (Redacted) for? Was it just (Redacted), or was it also other areas?
- 24 A. [15:33:17] For the entire Timbuktu region.
- 25 Q. [15:33:23] Have you heard of an organisation called WiLDAF?

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1 A. [15:33:46] (Redacted).

2 Q. [15:33:52] And did (Redacted) in relation to sensibilisation sessions or
3 trainings?

4 A. [15:34:26] (Redacted) do rare awareness -- awareness-raising training
5 and training in the area of gender-based violence. (Redacted) how to work with
6 victims, how to provide services, how to direct them to psychologists. There is an
7 office for that. That sort of thing.

8 Q. [15:35:34] Madam Witness, you mentioned trainings in the area of gender-based
9 violence. Do these trainings or sessions also concern victims of 2012?

10 A. [15:36:21] Yes, that was part of it. That was part of it.

11 PRESIDING JUDGE MINDUA: [15:36:32](Interpretation) Ms Taylor, Ms Taylor, do
12 we remain in private session?

13 MS TAYLOR: [15:36:42] I believe we can go into open session if I refer to the NGO
14 as "the NGO", or "NGOs", and I don't give specific names, if that's acceptable to the
15 Chamber. It'll make the responses slightly more vague, but I believe we have
16 sufficient clarity now.

17 PRESIDING JUDGE MINDUA: [15:37:11](Interpretation) Quite so. And I believe
18 our interpreters are translating for our witness.

19 MS TAYLOR: [15:37:18] And I'll also refer to the witness as "Madam T".

20 PRESIDING JUDGE MINDUA: [15:37:33](Interpretation) Indeed.

21 Court officer, open session, please.

22 (Open session at 3.37 p.m.)

23 THE COURT OFFICER: [15:37:49] We're back in public session, Mr President.

24 PRESIDING JUDGE MINDUA: [15:37:54](Interpretation) Thank you very much,
25 court officer.

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1 Ms Taylor.

2 MS TAYLOR: [15:38:01]

3 Q. [15:38:02] Now, Madam Witness, we were speaking about training sessions for
4 victims. Now, during training sessions for victims in Timbuktu, did any of the
5 participants speak about what happened in 2012?

6 A. [15:39:04] Yes, that topic was broached, but the victims, even as victims, they
7 refused to speak.

8 Q. [15:39:27] "They refused to speak," can you explain what you mean by that,
9 Madam Witness?

10 A. [15:40:21] I said that even if the victims exist, it is very difficult to find victims
11 because they refuse to accept that they are victims. It was said that they have found
12 a certain number of victims, about -- about 70 victims, but they don't have evidence.

13 PRESIDING JUDGE MINDUA: [15:41:03](Interpretation) Madam Prosecutor.

14 MS LUPING: [15:41:05] Mr President, just as a clarification, the witness was asked:
15 "Do these trainings or sessions also concern victims of 2012?" "Yes, that was part of
16 it."

17 The witness has not said that these were training sessions for victims. She has
18 confirmed at this stage only that they were training sessions concerning victims,
19 which in our submission are two different things. And I think the answer from the
20 witness has also borne that out. It's just a request that Defence counsel be careful
21 when she summarises what the witness said previously, as that is not what she had
22 said.

23 PRESIDING JUDGE MINDUA: [15:42:02](Interpretation) Was it a statement or a
24 follow-up question, Ms Taylor?

25 MS TAYLOR: [15:42:08] I'm not sure. My question was did any of the participants

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1 at the training speak about what happened in 2012. I don't believe we need any
2 further intervention because my -- my question did concern the participants at the
3 training.

4 MS LUPING: [15:42:32] Mr President, I'm just looking at page 71, line 6, question
5 from Madam Taylor. Apologies.

6 PRESIDING JUDGE MINDUA: [15:42:46](Interpretation) Yes, because you are
7 overlapping.

8 So you checked? What did you see? What did you read?

9 MS LUPING: [15:42:56] Yes, Mr President, at page 71, lines 6 to 9, question posed by
10 Ms Taylor:

11 "Now, Madam Witness, we were speaking about training sessions for victims. Now,
12 during training sessions for victims in Timbuktu, did any of the participants speak
13 about what happened in 2012?"

14 And the objection was simply that, actually, the witness's testimony today is not that
15 the training was for victims, but it was training that concerned victims. These are
16 two different things. We haven't had a confirmation from the witness as to who the
17 participants were. That was all. I just want to make sure that the witness is not
18 misled in any way in the response or the questions being given.

19 MS TAYLOR: [15:43:40] I can certainly do that.

20 PRESIDING JUDGE MINDUA: [15:43:58](Interpretation) Yes, I think you can
21 rephrase.

22 MS TAYLOR: [15:44:02]

23 Q. [15:44:02] Now, Madam Witness, you've referred to training sessions and also
24 awareness sessions. Now, speaking of Timbuktu, who were trained the -- who
25 attended these training and awareness sessions?

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1 A. [15:44:52] Female leaders, people who train people in the neighbourhoods. In
2 the neighbourhoods, neighbourhood leaders take care of the neighbourhood. Each
3 time -- each time -- each time there's a victim --

4 THE INTERPRETER: [15:45:59] Message from the interpreter: The witness was
5 rather long in her reply.

6 PRESIDING JUDGE MINDUA: [15:46:09](Interpretation) Ms Witness, please repeat
7 your question, but pause from time to time for our interpreters.

8 THE WITNESS: [15:46:29](Interpretation) They trained neighbourhood leaders.
9 They explained that there was an NGO that helped victims. So each time a person
10 was affected, we would explain to him that there -- or her that there was an office that
11 provided services. That's what I meant.

12 MS TAYLOR: [15:47:25]

13 Q. [15:47:25] So, Madam Witness, I have some follow-up questions. Earlier you
14 said that at these meetings: "It was said that they have found a certain number of
15 victims ... but they don't have [the] evidence." Who was saying this?

16 A. [15:48:24] The leader of the NGO said so when we had a workshop on what
17 happened. The leader of WiLDAF.

18 Q. [15:48:44] Madam Witness, did this leader -- was there any discussion of what
19 could be done to find the evidence?

20 PRESIDING JUDGE MINDUA: [15:49:14](Interpretation) Madam Prosecutor.

21 MS LUPING: [15:49:16] Mr President, I just want to ensure again, this is in fairness
22 to the witness, that the entirety of what she said is -- she is reminded of that to put
23 this comment in context. What the witness actually said at page 71, lines 14 to 18:

24 "I said that even if the victims exist, it's very difficult to find victims because they
25 refuse to accept that they are victims. It was said that they ... found a certain number

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1 of victims ... about 70 victims, but they don't have evidence."

2 I just believe that it's important for the witness to have that context before she
3 responds.

4 PRESIDING JUDGE MINDUA: [15:50:09](Interpretation) Very well. But you read
5 that awfully quickly. Could you say it once again for the benefit of the witness.

6 MS LUPING: [15:50:19] Certainly, Mr President. I apologise.

7 It's at page 71, lines 14 to 18:

8 "I said that even if the victims exist, it's very difficult to find victims because they
9 refuse to accept that they are victims. It was said that they have found a certain
10 number of victims ... about 70 victims, but they don't have evidence."

11 PRESIDING JUDGE MINDUA: [15:51:12](Interpretation) Interpretation for the
12 witness, please.

13 THE WITNESS: [15:52:09](Interpretation) That number was given to us by the
14 representative of the WiLDAF NGO, and that number, I don't know whether it was
15 for the circle or for the entire region of Timbuktu. At the time that information was
16 given, and at that time the MNLA was there. I'm not so sure about the number
17 because that was quite a while ago, but I think is -- that is what was said. I think that
18 was the number.

19 And it was during that meeting that we were told to raise the awareness of the girls
20 so that they could come to an acceptance of saying what had happened. That didn't
21 represent a problem. They would receive psychological assistance and various
22 services, because they explained that those events disappear after 72 hours, as if
23 nothing had happened.

24 MS TAYLOR: [15:54:09]

25 Q. [15:54:10] Madam Witness, you said earlier: "At the time the information was

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1 given, and at that time the MNLA was there." Can you explain what you mean
2 when you refer to the MNLA?

3 A. [15:55:02] When the meeting was held, some investigations were underway, and
4 they came as part of that. The MNLA was on the side -- one side of the river and the
5 others were on the side of the big city.

6 Q. [15:55:41] Madam Witness, am I to understand correctly that you're saying that
7 there were victims of both sides? Is that why you're referring to the MNLA? Or
8 both sides of the river?

9 PRESIDING JUDGE MINDUA: [15:56:08](Interpretation) Madam Prosecutor.

10 MS LUPING: [15:56:11] Mr President, if I could just ask that the witness is not led on
11 this response. What was stated: "At the time the information was given, and at
12 that time the MNLA was there." The witness has not said on which side or who the
13 perpetrator groups were. So it would just be a request again that she be not led on
14 this response and leave the witness to respond in an open-ended way.

15 PRESIDING JUDGE MINDUA: [15:56:52](Interpretation) Ms Taylor.

16 MS TAYLOR: [15:56:54] Mr President, the witness herself said that the MNLA was
17 on one side of the river and there were others on the other side of the river. I do
18 believe the witness is talking about 2012 and not the time of the awareness events. I
19 can reformulate it in that manner.

20 PRESIDING JUDGE MINDUA: [15:57:22](Interpretation) Madam Prosecutor.

21 MS LUPING: [15:57:25] Mr President, indeed, the witness is saying it's when the
22 MNLA were there, which would relate to the 2012 events. The objection relates to
23 leading on who the perpetrators were. So the request was simply that the witness be
24 asked in an open-ended way as to what were the perpetrator groups that were
25 identified. At this stage, she has not made any such indication.

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1 PRESIDING JUDGE MINDUA: [15:58:04](Interpretation) Very well.

2 Ms Taylor, just rephrase, and that way we can move forward.

3 MS TAYLOR: [15:58:13]

4 Q. [15:58:14] Madam Witness, you referred to 70 cases. Which groups did these
5 cases concern?

6 A. [15:58:57] I couldn't tell you. In actual fact, those men who gave us those
7 numbers during a -- a report back. It's not something that we said. We had no idea.
8 It was the representative of WiLDAF who gave us that information, and the
9 representative's name was (Redacted).

10 MS TAYLOR: [15:59:44] Can we go into private session.

11 PRESIDING JUDGE MINDUA: [15:59:49](Interpretation) Court officer, private
12 session.

13 (Private session at 4.00 p.m.)

14 THE COURT OFFICER: [16:00:03] We're in private session, Mr President.

15 PRESIDING JUDGE MINDUA: [16:00:08](Interpretation) Thank you very much,
16 court officer.

17 Ms Taylor.

18 MS TAYLOR: [16:00:14]

19 Q. [16:00:14] Madam Witness, just to remind you that we're in open session, so I'll
20 just ask you if you could give the full name. You gave a name, (Redacted), as
21 being the (Redacted). Do you know his full name?

22 A. [16:00:59] He is called (Redacted). That's what I know. (Redacted)
23 (Redacted).

24 MS TAYLOR: [16:01:14] I believe we can go into open session.

25 PRESIDING JUDGE MINDUA: [16:01:28](Interpretation) Court officer, public

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1 session, please.

2 (Open session at 4.01 p.m.)

3 THE COURT OFFICER: [16:01:35] We're back in public session, Mr President.

4 PRESIDING JUDGE MINDUA: [16:01:42](Interpretation) Ms Taylor.

5 MS TAYLOR: [16:01:45]

6 Q. [16:01:46] Now, Madam Witness, you were talking about a meeting where you
7 were told to raise the awareness of the girls so that they could come to an acceptance
8 of saying what happened. Were there awareness meetings afterwards with girls in
9 Timbuktu?

10 A. [16:02:28] Yes.

11 Q. [16:02:30] Did you attend these awareness meetings with girls in Timbuktu?

12 A. [16:02:58] Which girls are you referring to? The ones whose awareness we
13 were raising, or which?

14 Q. [16:03:08] Yes, Madam Witness.

15 A. [16:03:31] Yes. We were asked to raise the awareness of the girls so that they
16 could continue to study. They shouldn't quit school too early. They shouldn't be
17 marrying someone they -- that they do not love. They shouldn't be embarking on
18 a -- an early marriage.

19 Q. [16:04:04] Now, Madam Witness, earlier you talked about having an awareness
20 meetings with girls so that they could come to an acceptance of saying what
21 happened, and that they would receive psychological assistance and various services.
22 Did these awareness meetings with girls concern the events of 2012, what happened
23 in Timbuktu in 2012?

24 A. [16:05:49] Don't confuse me. There's a lot of elements here. At the time there
25 were the meetings, there were not a lot of people there. There were no NGOs at that

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1 stage.

2 Q. [16:06:16] We're speaking of the time period after 2012, when the NGOs came.

3 Mr President, would it possible to deal with this in private session?

4 A. [16:06:47] Yes, it was after that, when the authorities came back that we had all
5 of that. Before that time, that didn't happen. It was when the authorities returned.
6 At that time, the men created a group that -- there was a GABVI on the field, and they
7 gave us reports of what happened in the field.

8 Q. [16:07:42] I understand it's G-A-B-V-I, that's GABVI?

9 A. [16:08:04] Yes.

10 Q. [16:08:04] And was GABVI collecting information in 2012?

11 A. [16:08:35] They were working with the Islamists, the bearded men. And when
12 there was a problem in Timbuktu, in the area of Timbuktu, they -- they went to them
13 in order to talk with them.

14 Q. [16:08:54] And how would the Islamists react when these people from GABVI
15 would go and talk to them? What would the Islamists do in response?

16 A. [16:09:43] They collaborated with them. I think it was Belawa (phon) that was
17 there, and they worked with the leaders in order to obtain some form of stability in
18 the area.

19 MS TAYLOR: [16:10:10] Mr President, I do have questions, but I can also see the
20 witness is tired. And we're jumping between time periods, and I think it would be a
21 lot more -- a lot easier to do it when the witness is rested. I won't take long, but I
22 don't believe it's terribly productive to do it when the witness is tired. It's been a
23 long day for her.

24 PRESIDING JUDGE MINDUA: [16:10:39](Interpretation) Ms Taylor, did the witness
25 say she was tired? I don't think so.

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1 MS TAYLOR: [16:10:50] My impression is the witness looks tired, Mr President, and
2 there's been some confusions in dates and times. And it hasn't been an easy subject
3 matter at the beginning of her testimony.

4 PRESIDING JUDGE MINDUA: [16:11:10](Interpretation) I will ask her whether we
5 can continue for a few minutes.

6 Madam Witness, can we continue for a few minutes?

7 MS TAYLOR: [16:11:17] It will be more than a few minutes.

8 THE WITNESS: [16:11:39](Interpretation) If it's not going to take very long, then
9 maybe yes. I don't think you eat at the same time as we do. We haven't eaten yet.
10 So if it's not going to take very long, then -- then maybe that's okay.

11 PRESIDING JUDGE MINDUA: [16:11:59](Interpretation) Thank you very much,
12 Madam Witness. You are very kind. But if you are tired, please do not hesitate to
13 let me know.

14 Ms Taylor, you can continue.

15 MS TAYLOR: [16:12:10] Mr President, it will be more than a few minutes, and I
16 understand the witness hasn't eaten. They're two hours behind. She hasn't had
17 lunch.

18 PRESIDING JUDGE MINDUA: [16:12:26](Interpretation) She didn't say that,
19 Ms Taylor. She said she can continue for a few minutes. We are doing this for her
20 own benefit as well. She needs to be able to return on Wednesday.

21 THE WITNESS: [16:13:14](Interpretation) For the question of awareness raising and
22 the NGOs and so on, and what happened, well, when the authorities returned to the
23 town, well, before that, it was sharia, that Islamic law, because the Islamists were
24 there and their law was the law at that time.

25 MS TAYLOR: [16:13:42]

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1 Q. [16:13:42] Madam Witness, I'm speaking specifically about a time period after
2 2012, several years afterwards, when NGOs who we've talked about were collecting
3 evidence. And we're talking about meetings that happened several years after 2012
4 with girls on these topics. Is that clear to you?

5 A. [16:15:02] Yes, yes.

6 Q. [16:15:03] Now, Madam Witness, do you know if there were any awareness
7 sessions with girls in either Timbuktu or Bamako to discuss sexual-based violence
8 in 2012?

9 A. [16:16:27] Well, when this all came to an end, people came and they took some
10 witnesses, some girls who were victims, took them to Bamako, but I was not present
11 at that -- on that occasion.

12 Q. [16:16:56] Do you yourself know anyone, yourself, who went to Bamako?

13 A. [16:17:40] I don't myself know anyone who went to Bamako, but these are things
14 that I heard. Those who went to Bamako -- some of those who went, it turned out
15 that nothing had happened to them. It was just to go there. But I can't say that that
16 applies to everybody.

17 Q. [16:18:09] Madam Witness, you said that these are things you heard. Did you
18 hear this from someone who was present in Bamako?

19 A. [16:18:42] Yes.

20 PRESIDING JUDGE MINDUA: [16:18:42](No interpretation)

21 MS LUPING: [16:18:43] Mr President, it's just a --

22 THE WITNESS: [16:18:45](Interpretation) At a meeting.

23 MS LUPING: [16:18:46] It's a question of directing the witness and suggesting a
24 response. Again, we would ask that there be no leading questions. The witness
25 said -- "You said that these are things you heard." She should simply have been

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1 asked: From whom did you hear this and where and when? As opposed to
2 directing a response.

3 And we are concerned, too, because this is not information that's been disclosed to the
4 Prosecution in any summary or otherwise. So these directed suggestions to the
5 witness, it is a concern if there have been any sessions or discussions with the witness
6 and any record of that has not been disclosed to the Prosecution of that as well.

7 PRESIDING JUDGE MINDUA: [16:19:30](Interpretation) Very well, Madam
8 Prosecutor.

9 Ms Taylor, could you please try to rephrase this and ask more open questions, please.

10 MS TAYLOR: [16:19:42] Mr President, I am concerned about time. You're limiting
11 our time. We have a tired witness. And the witness is clearly capable of answering
12 things of her own volition. She's not being led. It's a logical follow-up. She's
13 saying she heard from someone about things that happened in Bamako.

14 PRESIDING JUDGE MINDUA: [16:20:14](Interpretation) Very well. Then please
15 proceed, Ms Taylor, but please take account of what I have said.

16 MS TAYLOR: [16:20:22]

17 Q. [16:20:23] Now, Madam Witness, you mentioned -- you said that you heard
18 about these -- what happened in Bamako from someone who was present in Bamako.
19 What did this person tell you was happening in Bamako?

20 A. [16:21:30] I was saying that in the room they brought together the girls, and they
21 asked them to talk so that they could explain what had happened to them. So they
22 refused -- she refused. She said that if she had known that's what -- that was what it
23 was going to be, she would not have come. So they gave her a veil so that she
24 couldn't see what was happening so that she wouldn't be tempted to speak. It was
25 said that, "When they arrive, you are going to receive a project." And if she'd known

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1 it was going to be that, then she would not have gone. So it was said -- the girl said
2 when she came back ...

3 Q. [16:23:16] We don't have your -- you said: "The girl said when she came
4 back ..." We don't have you further on response.

5 A. [16:23:50] I said that when they came back, they said about the -- this
6 information, and then this information they -- they dispersed in Timbuktu.

7 Q. [16:24:11] Madam Witness, you said: "Those who went to Bamako -- some of
8 those who went, it turned out that nothing had happened to them." Can you explain
9 what you mean by that?

10 A. [16:25:00] What I mean by that is that some of them are not real victims. They
11 just went there to get projects.

12 THE INTERPRETER: [16:25:18] "*Projets*" is the word being used by the Tamasheq
13 booth, and I'm not sure what is meant by that.

14 MS TAYLOR: [16:25:20]

15 Q. [16:25:25] Madam Witness, can you explain what you mean when you say
16 "some of them are not real victims"? What are they not real victims of?

17 A. [16:26:18] Well, they said that they were victims, and it turned out that they
18 were not a victim of anything at all, that they went in the hope of getting money
19 and -- money every couple of months or every month or so on. Money from these
20 projects.

21 Q. [16:26:50] Madam Witness, can you explain why you believe that they were not
22 a victim?

23 A. [16:27:38] It's -- I'm not talking about everybody, not all the girls. There is just
24 one of them who said that she was not a victim of anything, that she was only going
25 there to get money. I don't want to give her name if we're in open session.

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1 MS TAYLOR: [16:28:08] Can we go into private session.

2 PRESIDING JUDGE MINDUA: [16:28:14](Interpretation) Yes, indeed.

3 Court officer, please.

4 (Private session at 4.28 p.m.)

5 THE COURT OFFICER: [16:28:29] We're in private session, Mr President.

6 PRESIDING JUDGE MINDUA: [16:28:36](Interpretation) Thank you, court officer.

7 Ms Taylor.

8 MS TAYLOR: [16:28:40]

9 Q. [16:28:41] Madam Witness, we're in private session.

10 A. [16:29:05] One of the girls from the group who said she was not a victim of
11 anything at all, I know her, (Redacted). But I don't know about the others.

12 Q. [16:29:25] How do you know her?

13 A. [16:29:48] Well, the way I know her is -- is in fact she shares accommodation
14 with some of the children I know, some of the pupils I know. They don't go to the
15 same school, but they live in the same place.

16 Q. [16:30:15] And when she went to Bamako, did she say something had happened
17 to her that did not happen to her?

18 PRESIDING JUDGE MINDUA: [16:30:34](Interpretation) Madam Prosecutor, we
19 will be finished soon, so I think ...

20 THE WITNESS: [16:30:48](Interpretation) I did not understand the question.

21 PRESIDING JUDGE MINDUA: [16:30:52](Interpretation) Ms Taylor, the witness did
22 not understand the question, but I think that we have reached the time. So I think
23 we will stop there.

24 MS TAYLOR: [16:31:03] Mr President, may we continue tomorrow then?

25 PRESIDING JUDGE MINDUA: [16:31:12](Interpretation) Yes. Yes, of course.

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1 You will continue tomorrow. I'm talking about the time available today. Okay?

2 MS TAYLOR: [16:31:17] Thank you.

3 PRESIDING JUDGE MINDUA: [16:31:22](Interpretation) Thank you very much,

4 Ms Taylor, for your cooperation.

5 I now turn to the witness.

6 We are in private session, I believe. Let us go back into open session.

7 (Open session at 4.31 p.m.)

8 THE COURT OFFICER: [16:31:59] We're in public session, Mr President.

9 PRESIDING JUDGE MINDUA: [16:32:04](Interpretation) Thank you very much.

10 Madam Witness, on behalf of the Chamber, I would like to thank you most sincerely

11 for answering all these questions today with such courage and with such goodwill.

12 Today's hearing has now come to an end, and tomorrow you shall continue your
13 testimony.

14 Tomorrow we will resume at 1.30 in the afternoon, The Hague time.

15 It was 1.30 in the afternoon that was told to the parties?

16 THE WITNESS: [16:33:37] (No interpretation)

17 PRESIDING JUDGE MINDUA: [16:33:37] (Interpretation) Madam Witness, the staff
18 on site will explain all of that to you.

19 In the meantime, please don't forget that you are not allowed to talk about your

20 testimony to anyone whatsoever, not to friends, not to family members, in the event
21 that you are in touch with them.

22 Thank you very much, Madam Witness.

23 Before adjourning for today, as is always the case, I would like to -- most sincerely

24 like to thank everyone who have helped make this hearing today a successful one, the

25 parties, participants, court reporters, interpreters, our security guards, and our public

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- 1 in the gallery and those listening in from afar. I wish everyone a very pleasant
- 2 evening, and we will see one another tomorrow at 1.30 in the afternoon.
- 3 The hearing is now adjourned.
- 4 THE COURT USHER: [16:35:23] All rise.
- 5 (The hearing ends in open session at 4.35 p.m.)