

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 Tuesday, 21 June 2022
9 (The hearing starts in open session at 1.31 p.m.)
10 THE COURT USHER: [13:31:18] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE MINDUA: [13:31:47](Interpretation) Court is in session.
14 Good morning -- good afternoon to everyone.
15 Court officer, please call the case.
16 THE COURT OFFICER: [13:32:00] Good afternoon, Mr President. Good afternoon,
17 your Honours.
18 This is the situation in the Republic of Mali, in the case of The Prosecutor versus
19 Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud, case reference
20 ICC-01/12-01/18.
21 And for the record, we are in open session.
22 PRESIDING JUDGE MINDUA: [13:32:21](Interpretation) Thank you very much,
23 court officer.
24 We are now going to carry out the appearances for the Office of the Prosecutor.
25 MS LUPING: [13:32:34] Good afternoon, Mr President. Good afternoon,

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1 your Honours.

2 Appearing on behalf of the Prosecution are the same team as yesterday, that is,

3 Ms Yayoi Yamaguchi, Mr Gilles Dutertre, and myself, Dianne Luping.

4 PRESIDING JUDGE MINDUA: [13:32:51](Interpretation) Thank you very much,

5 Prosecutor Luping.

6 I now turn towards the Defence. Counsel.

7 MS TAYLOR: [13:33:04] Good afternoon, Mr President. Good afternoon,

8 your Honours. Good afternoon, everyone in and around the courtroom.

9 The Defence for Mr Al Hassan is represented today by Maître Mohamed Youssef, by

10 Mr Maouloud Al Ansary in Bamako, and myself, Melinda Taylor.

11 And with the leave of the Chamber, Mr Al Hassan has waived his right to be present

12 due to the fact he's ill. Thank you very much.

13 PRESIDING JUDGE MINDUA: [13:33:43](Interpretation) Thank you very much,

14 Ms Taylor.

15 Obviously, we know that he is not present in the hearing today.

16 And I now turn towards the Legal Representative of Victims.

17 MR KASSONGO: [13:33:59](Interpretation) Good afternoon, your Honour,

18 your Honours.

19 The Legal Representatives team this afternoon is represented by

20 Prisque Biyéké-Dipanga, who is assisting me, as well as myself, Maître Kassongo.

21 Our team wishes you a good afternoon and a good continuation of the week.

22 PRESIDING JUDGE MINDUA: [13:34:21](Interpretation) Thank you very much,

23 Maître Kassongo.

24 So this afternoon, we will continue with the Defence witness, D-0315.

25 I now turn towards the witness.

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1 Madam Witness, good afternoon, how are you?

2 WITNESS: MLI-D28-P-0315 (On former oath)

3 (The witness speaks Tamasheq)

4 (The witness gives evidence via video link)

5 THE WITNESS: [13:34:57](Interpretation) I am well, thanks be to God.

6 PRESIDING JUDGE MINDUA: [13:35:00](Interpretation) Thank you very much,

7 Witness.

8 Madam Witness, on behalf of the Chamber, I would like to welcome you.

9 THE WITNESS: [13:35:17](Interpretation) Very well.

10 PRESIDING JUDGE MINDUA: [13:35:20](Interpretation) I would like to remind you

11 that you are still under oath and that you must tell the truth, the whole truth and

12 nothing but the truth.

13 THE WITNESS: [13:35:43](Interpretation) May it please God.

14 PRESIDING JUDGE MINDUA: [13:35:46](Interpretation) I also have to remind you

15 of my practical advice that you should speak clearly and slowly, without forgetting

16 that you should also take breaks and make pauses.

17 THE WITNESS: [13:36:24](Interpretation) Noted.

18 PRESIDING JUDGE MINDUA: [13:36:25](Interpretation) So without any further

19 ado, I shall give the floor to the Defence to continue and to finish their

20 examination-in-chief.

21 Ms Taylor.

22 MS TAYLOR: [13:36:44] Thank you very much, Mr President.

23 May I go into private session just to assign a pseudonym to an individual?

24 PRESIDING JUDGE MINDUA: [13:37:02](Interpretation) Indeed.

25 Private session, please, court officer.

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1 (Private session at 1.37 p.m.)

2 THE COURT OFFICER: [13:37:18] We're in private session, Mr President.

3 PRESIDING JUDGE MINDUA: [13:37:23](Interpretation) Thank you very much.

4 Ms Taylor.

5 MS TAYLOR: [13:37:28] Thank you, Mr President.

6 QUESTIONED BY MS TAYLOR: (Continuing)

7 Q. [13:37:32] I apologise, Madam Witness. I didn't say good afternoon to you first.

8 So I am sorry for that.

9 A. [13:37:49] I'm well.

10 Q. [13:37:50] I'm glad to hear.

11 Now, yesterday, Madam Witness, at pages 83 and 85, you were speaking of an

12 individual called (Redacted), and you were speaking of the fact that there were

13 individuals who went to Bamako who were real victims and there were some who

14 were not.

15 The reference is page 85, lines 6 to 9.

16 I have some follow-up questions concerning (Redacted). I'm going to refer to her as

17 "Madam X". Is that clear, Madam Witness?

18 A. [13:39:20] Yes.

19 MS TAYLOR: [13:39:22] If we could go into open session, Mr President.

20 PRESIDING JUDGE MINDUA: [13:39:27](Interpretation) Open session, please, court

21 officer.

22 (Open session at 1.39 p.m.)

23 THE COURT OFFICER: [13:39:47] We're back in public session, Mr President.

24 PRESIDING JUDGE MINDUA: [13:39:49] (Interpretation) Thank you very much,

25 court officer.

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1 Ms Taylor.

2 MS TAYLOR: [13:39:52]

3 Q. [13:39:52] Now, yesterday, at page 83, line 11, you were speaking of Madam X,
4 and you said: "... the girl said when she came back ... I said when they came back,
5 they said about the ... information, and then this information, they dispersed in
6 Timbuktu."

7 Do you remember that, Madam Witness?

8 A. [13:40:59] Yes.

9 Q. [13:41:00] Madam Witness, what information was dispersed in Timbuktu after
10 they came back?

11 A. [13:41:45] According to what I heard, some people told me that they left, and
12 they weren't even victims. That's what the women said during a meeting. I just
13 heard the name of one of them, but I don't know the names of the others.

14 Q. [13:42:15] Madam Witness, you just said: "That's what the women said during
15 a meeting." Where was this meeting taking place?

16 A. [13:42:47] During the meeting between women in Timbuktu.

17 Q. [13:42:54] And, Madam Witness, you said that you heard some people told you
18 "that they left and they weren't even victims." Can you explain what you mean
19 when you say "they weren't even victims".

20 A. [13:44:10] What I wanted to say was that some of them lied, because they
21 wanted to receive something.

22 Q. [13:44:29] And do you -- did you hear what they had lied about?

23 A. [13:44:51] No.

24 MS TAYLOR: [13:44:56] Mr President, could we go briefly into private session, just
25 to ask for some names.

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1 PRESIDING JUDGE MINDUA: [13:45:10](Interpretation) Court officer, could you
2 take us into private session, please.

3 (Private session at 1.45 p.m.)

4 THE COURT OFFICER: [13:45:21] We are in private session, Mr President.

5 PRESIDING JUDGE MINDUA: [13:45:26](Interpretation) Thank you very much.
6 Ms Taylor.

7 MS TAYLOR: [13:45:31] Thank you.

8 Q. [13:45:33] Madam Witness, speaking of (Redacted), do you know the name of
9 anyone who was involved in organising for her to go to Bamako?

10 A. [13:46:13] No.

11 MS TAYLOR: [13:46:16] I am going to bring up a document. It's tab 10. It's
12 MLI-D28-0006-5483. And I would ask that it be shown in a manner so you can't see
13 the name.

14 PRESIDING JUDGE MINDUA: [13:46:49](Interpretation) Ms Taylor, is it possible to
15 do that in open session? Obviously, the document won't be shown to the public.

16 MS TAYLOR: [13:47:01] I will be asking the witness to give a name.

17 PRESIDING JUDGE MINDUA: [13:47:07](Interpretation) Very well.

18 MS TAYLOR: [13:47:11]

19 Q. [13:47:12] Madam Witness, can you see a photo on the screen in front of you?
20 If you could look at the screen.

21 A. [13:47:31] Yes.

22 Q. [13:47:33] Madam Witness, do you recognise this individual?

23 A. [13:47:47] I can see her. I know her.

24 Q. [13:47:50] And what is her name, Madam Witness?

25 A. [13:48:05] The woman who I can see?

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- 1 Q. [13:48:10] Yes, Madam Witness.
- 2 A. [13:48:25] (Redacted) is her name.
- 3 Q. [13:48:38] And do you know what her position is?
- 4 A. [13:48:47] Yes, I know.
- 5 Q. [13:48:51] And what is her position?
- 6 A. [13:49:17] (Redacted). She was (Redacted)
- 7 (Redacted).
- 8 Q. [13:49:37] I have two follow-up questions. One, what is the name of the (Redacted)
- 9 that you just mentioned?
- 10 A. [13:50:09] Which -- which (Redacted) are you speaking about?
- 11 Q. [13:50:14] Madam Witness, you said that she (Redacted)
- 12 (Redacted). What was the name of the (Redacted)?
- 13 A. [13:50:55] (Redacted).
- 14 Q. [13:50:59] And, Madam Witness, you said that (Redacted)
- 15 (Redacted). We're in private session. (Redacted)?
- 16 A. [13:51:57] Yes. So (Redacted). The (Redacted)
- 17 (Redacted) in
- 18 Timbuktu.
- 19 Q. [13:52:19] And, Madam Witness, did (Redacted)
- 20 (Redacted)?
- 21 A. [13:53:04] (Redacted)
- 22 (Redacted).
- 23 Q. [13:53:18] (Redacted)?
- 24 PRESIDING JUDGE MINDUA: [13:53:28](Interpretation) Madam Prosecutor.
- 25 MS LUPING: [13:53:29] Objection, Mr President. The witness was asked that

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1 precise question and she stated she did not know. So it's been asked and answered.

2 PRESIDING JUDGE MINDUA: [13:53:49](Interpretation) Ms Taylor, I think it's
3 becoming repetitive.

4 MS TAYLOR: [13:53:58] Mr President, if I may. This witness has just stated (Redacted)
5 (Redacted). So there is a clear contradiction between

6 what she said earlier in that the witness has now stated that (Redacted)

7 (Redacted). It might be that my earlier question might have been

8 misunderstood, it might have been mistranslated, we don't know, but the witness has

9 now clearly stated that this individual was involved in that process. There's no

10 ambiguity there.

11 PRESIDING JUDGE MINDUA: [13:54:38](Interpretation) Madam Prosecutor.

12 MS LUPING: [13:54:39] Mr President, in which case I would just request that

13 Defence counsel reformulate, make the observation that the witness has already said

14 she does not know (Redacted) and ask her to clarify.

15 But the precise question was asked, she gave an answer, and so if the question is a

16 clarification, it should be clearly a question to clarify what she has previously stated.

17 PRESIDING JUDGE MINDUA: [13:55:16](Interpretation) Yes, Ms Taylor, I think

18 you have to reformulate.

19 Furthermore, because we've already heard name of the lady, can't we go into open

20 session?

21 MS TAYLOR: [13:55:30] I think it would be difficult to get clarity on this in open

22 session. And I believe in the long term, it would take more time because we would

23 have to go back into private session to elicit details. So I think we can get a more

24 detailed answer in private session and then I can go to more broader topics

25 afterwards.

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1 PRESIDING JUDGE MINDUA: [13:55:58](Interpretation) So there's a time
2 management problem, Ms Taylor, because for almost half an hour we've been
3 speaking about the same woman. It's not normal.

4 MS TAYLOR: [13:56:07] Mr President, I really don't have that many more questions,
5 and if I can put these questions, we can actually proceed more rapidly.

6 PRESIDING JUDGE MINDUA: [13:56:17](Interpretation) Please go ahead.

7 MS TAYLOR: [13:56:22]

8 Q. [13:56:23] Now, Madam Witness, you've spoken about -- I'll just find the
9 references.

10 You've spoken of women who came back and you've spoken of meetings in Timbuktu
11 where people said that there were women who went to Bamako who were not victims.
12 And you've also said that (Redacted).

13 Was (Redacted) were not real
14 victims?

15 PRESIDING JUDGE MINDUA: [13:57:10](Interpretation) Ms Taylor, I think she's
16 already answered this question. She's just answered this question. Please move on.
17 Everybody's understood. Look, even the Prosecutor has got up again.

18 MS TAYLOR: [13:57:28] I don't think that's a reflection of relevance.

19 Q. [13:57:34] Now, Madam Witness, did (Redacted) ever talk to you about
20 her interactions, if she had any interactions with (Redacted)?

21 A. [13:58:17] She didn't tell me.

22 Q. [13:58:21] Did you hear from anyone else about their interactions with (Redacted)
23 (Redacted)?

24 A. [13:58:46] No.

25 Q. [13:58:46] Sorry, I apologise. It appears my question was not interpreted

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1 properly. Yes -- no, it's been interpreted the wrong way.

2 So, Madam Witness, please ignore the question that was just put to you. My
3 question is: Did you hear from anyone else -- did anyone else in these meetings talk
4 about interactions with (Redacted)?

5 A. [13:59:59] What I said I answered yesterday. I stated that when they left for
6 Bamako, they put on a scarf and they asked that nothing be said.

7 THE INTERPRETER: [14:00:15] Correction from the Tamasheq booth: And they
8 asked to speak.

9 THE WITNESS: [14:00:27](Interpretation) So I don't know the name. The only
10 person whose name I know is the one I told you about yesterday who wasn't a victim.
11 So I wouldn't be able to ask (Redacted) anything.

12 MS TAYLOR: [14:00:56] We can go into open session, Mr President.

13 PRESIDING JUDGE MINDUA: [14:01:05](Interpretation) Open session, please,
14 court officer.

15 (Open session at 2.01 p.m.)

16 THE COURT OFFICER: [14:01:15] We are back in open session, Mr President.

17 PRESIDING JUDGE MINDUA: [14:01:21](Interpretation) Thank you.

18 Ms Taylor.

19 MS TAYLOR: [14:01:25]

20 Q. [14:01:25] Now, Madam Witness, I have a few final questions and it concerns the
21 period before 2012.

22 Now, you've talked about sensibilisation meetings concerning issues of forced
23 marriage and early marriage.

24 Did you attend sensibilisation meetings on these topics in the period before 2012?

25 A. [14:02:58] Yes.

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1 Q. [14:02:59] Madam Witness, were these issues, that is, early marriage and forced
2 marriage, were these problems? Did they exist in Timbuktu before 2012?

3 A. [14:03:33] That's true.

4 Q. [14:03:37] And did you also attend meetings that concerned proposed
5 amendments to the family code as concerns the age of marriage?

6 PRESIDING JUDGE MINDUA: [14:03:55](Interpretation) Madam Prosecutor.

7 MS LUPING: [14:03:57] Mr President, I'm just concerned about the language being
8 used with the witness. We've now got a legal concept of forced marriage and now a
9 question related to the legal code. Now, this witness, as far as we are aware, has
10 been announced as a fact witness, not as an expert. No legal background, as far as
11 we're aware. These are precise concepts that are being put to her. I would ask that
12 the Defence counsel reformulate her questions in -- to make it clear to the witness
13 precisely what she is talking about.

14 PRESIDING JUDGE MINDUA: [14:04:42](Interpretation) Ms Taylor, I agree with the
15 Prosecutor. You must avoid legal terms. This witness is not an expert, and this is
16 not her area of expertise. Rephrase or move on to something else.

17 MS TAYLOR: [14:05:01] Thank you very much, Mr President. But I do believe
18 we've explained this witness's position in private session and the specific organisation
19 that she was involved in.

20 Q. [14:05:16] Now, Madam Witness, how do you understand the terms "early
21 marriage" and "forced marriage"?

22 PRESIDING JUDGE MINDUA: [14:05:31](Interpretation) Madam Prosecutor.

23 MS LUPING: [14:05:33] Mr President, it -- we know quite well what position she
24 was in, what organisation she worked for. It's not a case of asking her for opinions
25 on these matters. And, frankly, her knowledge or otherwise of these legal concepts, I

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1 would argue are actually totally irrelevant. The question instead should be what she
2 knows about the facts, as she's a fact witness.

3 Sorry, I'm not sure where the noise is coming from.

4 And on that basis, we would object to these types of questions.

5 MS TAYLOR: [14:06:10] Mr President, if I may.

6 PRESIDING JUDGE MINDUA: [14:06:19](Interpretation) Ms Taylor, the lady is a
7 factual witness. Don't ask her to have us explain -- to provide explanations about
8 legal terms to us. Ask her about the facts that she is aware of.

9 MS TAYLOR: [14:06:42] Mr President, I'm doing exactly what the Prosecutor asked
10 us to do. This witness has stated that, on her understanding, forced marriage and
11 early marriage existed in Timbuktu. I'm asking her to clarify how she understands
12 these notions. That's a factual issue, Mr President, which could only illuminate the
13 transcripts for you. I'm doing exactly what they asked me to do.

14 I do believe the witness is in a position to explain what she understands to be an early
15 marriage and what she understands to be a forced marriage so that you could read
16 her answers in --

17 I really hope we're not having this back and forth.

18 It's a factual question. It's not a legal question. It's her explaining --

19 And please don't shake your head, Mr Dutertre.

20 It's a factual question in terms of what the witness understands by these notions.

21 And I'm sorry, it's not necessarily a legal concept. There are meetings on these issues
22 which the witness attended. This isn't just the domain of lawyers.

23 PRESIDING JUDGE MINDUA: [14:08:00](Interpretation) You called this witness
24 because she is aware of certain facts that relate to the charges against your client. So
25 you have prepared with her, so ask factual questions and don't ask her to define legal

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1 concepts to -- for us. Are we in agreement?

2 MS TAYLOR: [14:08:25] Thank you, Mr President.

3 Q. [14:09:00] Now, Madam Witness, speaking of the time period before 2012, based
4 on what you saw and heard, were there instances of girls being married at a very
5 young age where they could not give consent?

6 A. [14:09:59] You mean before 2012?

7 Q. [14:10:02] Yes, Madam Witness.

8 A. [14:10:25] In our part of the world, well, a man and a woman may get married
9 even though they don't know one another. That's part of our culture. Often, you
10 might marry a woman at five, six, seven years of age, but the girl remains with the
11 family of the future husband before the marriage actually occurs. She is fattened up
12 by the sister or by the mother of her future husband. Some are even promised at
13 birth and they later marry the son of such-and-such a person, if God grants them long
14 life, of course.

15 Q. [14:12:13] And did you, Madam Witness, attend any meetings where the
16 participants talked about why this practise exists?

17 A. [14:13:10] The ones who came for awareness about this kind of marriage. So
18 these people told us that early marriage harms the future of the -- ruins the future of
19 the future bride, and also tends to encourage school dropout. Some women would
20 rather their daughters marry young instead of having an unwanted pregnancy
21 outside of marriage.

22 Q. [14:14:19] Madam Witness, you said some women would prefer to marry their
23 children young rather than having an unwanted pregnancy. Is this something you
24 heard yourself?

25 PRESIDING JUDGE MINDUA: [14:14:43](Interpretation) Madam Prosecutor.

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1 MS LUPING: [14:14:45] Objection. What is the relevance of this question to this
2 case?

3 PRESIDING JUDGE MINDUA: [14:14:57](Interpretation) Ms Taylor, I think you can
4 drop this particular topic. Move on to something else, if you have any other topics
5 to explore with the witness.

6 MS TAYLOR: [14:15:11] Thank you, Mr President. I do note my concern about the
7 question of relevance, but that was our final topic.

8 Madam Witness, thank you very much for your patience, and thank you for coming
9 here today to be questioned by the Defence.

10 That ends our examination-in-chief.

11 PRESIDING JUDGE MINDUA: [14:15:45](Interpretation) Thank you very much,
12 Ms Taylor, for your cooperation and understanding.

13 I thank the witness for her answers.

14 I now turn to the Office of the Prosecutor.

15 Madam Prosecutor, you may proceed.

16 MS LUPING: [14:16:05] Thank you, Mr President.

17 And just whilst I'm sitting up, could I request that the court usher turn the screen
18 slightly so that the Prosecution can see the witness. I realise it's all a bit artificial, as
19 we're not in the same room, but it will actually help, as we've done with past
20 witnesses. Thank you.

21 PRESIDING JUDGE MINDUA: [14:16:38](Interpretation) Indeed. Indeed.
22 Court usher, if you could turn the screen slightly.

23 QUESTIONED BY MS LUPING:

24 Q. [14:17:16] Good afternoon, Madam Witness. I don't know if you can see me
25 yet.

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1 A. [14:17:34] I have just seen you now, Madam Prosecutor.

2 Q. [14:17:40] And, Madam Witness, we did meet briefly before. As you know, my
3 name is Dianne Luping, and I'll be asking you questions on behalf of the Prosecution.
4 Now, Madam Witness, I would just like to first ask you a question about something
5 that you said yesterday about sensibilisation sessions occurring in the period before
6 2012. And I'm going to refer to transcript 185, page 25, lines 16 to 21. You were
7 asked:

8 "Now, speaking of the time period before 2012, were there sensibilisation sessions
9 concerning clothing standards? Is this something you've heard about?"

10 Answer: "The discussions about clothing have already -- have always existed and
11 always will, because we don't like it, you see, when the young people dress
12 inappropriately." End the quote.

13 Now, Madam Witness, my question is this: In your own village and in Timbuktu, in
14 this time before 2012, can you describe for the Chamber how young people were
15 dressing inappropriately, in your view.

16 Madam Witness, did you hear the question and was it translated for you?

17 Mr President, I'm not sure if the witness is hearing what I'm saying. Is it possible for
18 the sound connection to be checked?

19 PRESIDING JUDGE MINDUA: [14:21:24](Interpretation) Indeed.

20 THE COURT OFFICER: [14:21:26] (Overlapping speakers) there is interpretation at
21 the country office.

22 PRESIDING JUDGE MINDUA: [14:21:32](No interpretation)

23 MS LUPING: [14:21:40] I'm sorry. I couldn't hear what the court officer said. All I
24 captured was -- because I think your microphone was not on totally.

25 Is it being interpreted, court officer?

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1 THE COURT OFFICER: [14:21:51] Yes, it is.

2 MS LUPING: [14:21:54] It's being -- okay.

3 Q. [14:21:55] Madam Witness, could I ask that you respond to my question? Did
4 you understand my question?

5 A. [14:22:17] You are talking about the way children dressed before 2012?

6 Q. [14:22:24] Yes. You said that: We didn't like it when young people dressed
7 inappropriately. And I asked if you could describe what you meant by the fact that
8 young people in Timbuktu or in your village were dressing inappropriately, what
9 you meant by that.

10 PRESIDING JUDGE MINDUA: [14:23:20](Interpretation) Ms Taylor.

11 MS TAYLOR: [14:23:23] I apologise for interrupting, but I do believe it's necessary
12 because the interpreters have used the word "*aratan*", rather than "*imawadan*", so it will
13 be interpreted as "children" rather than "young people". So perhaps if Madam
14 Luping can specify that when putting any questions using the words "young people"
15 to use that word.

16 PRESIDING JUDGE MINDUA: [14:23:57](Interpretation) Madam Prosecutor.

17 MS LUPING: [14:23:59] Thank you -- thank you, indeed. I would ask that the
18 Tamasheq interpreter please use the words that I'm using and to make it very clear
19 for the witness and use the word for "young people", not for "children", when I refer
20 to "young people". Thank you very much.

21 Q. [14:24:15] So I'll repeat the question, Madam Witness. When you described the
22 sensibilisation meetings before 2012 and you said, "We don't like it when the young
23 people dress inappropriately," could you explain what you meant by this?
24 How -- describe how they were dressed inappropriately.

25 A. [14:25:37] I meant that the girls going to school went -- were wearing clothing

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1 that was not modest. And that displeased us because a woman must dress modestly,
2 otherwise, one could see certain parts of her body. That is why the parents of the
3 school children said, when it came to girls going to school, they needed to have a
4 mandatory uniform for school.

5 During that time, there was an NGO that paid for clothing for girls, girls from third to
6 sixth grade. So they paid for their clothing. And once the clothing was designed
7 and prepared, it was handed over to the girls.

8 Q. [14:27:34] Now, Madam Witness, speaking more generally about females in
9 Timbuktu and in your village, isn't it correct that some females did not wear the veil
10 and did not fully cover up; is that correct?

11 A. [14:28:43] Adult women were wearing clothes like that already.

12 Q. [14:28:54] I'm just asking a question, is it correct that not everybody would be
13 fully covered up; isn't that right, Madam Witness?

14 A. [14:29:05] (No interpretation)

15 Q. [14:29:14] Now, I just want to note for the record, Madam Witness, that if you
16 say a "yes" or a "no", if you could please use the word in Tamasheq so that it's clear on
17 the record, please.

18 Could you repeat your answer using the word in Tamasheq.

19 A. [14:29:58] You're talking about the clothing of women?

20 Q. [14:30:06] Of females, so women and girls.

21 A. [14:30:33] Women were dressing, yes. Girls did not dress in the desired way.

22 Q. [14:30:48] Now, is it correct also that within Timbuktu and your own village that
23 the men traditionally would wear long trousers and not the shortened trousers that
24 the Islamists required?

25 A. [14:31:42] The men wore long trousers which went to their ankles.

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1 Q. [14:31:49] Now, moving to another topic, Madam Witness, and I'm referring to
2 yesterday's transcript at page 66, lines 16 to 21. You were asked what you had heard
3 that Mr Al Hassan was known for. Amongst other things, you said, and I quote,
4 "that he was religious," end of quote.

5 Now, Madam Witness, what did you mean when you said he was known to be
6 religious? In what way was he religious?

7 A. [14:33:28] They said, "This is somebody who's polite. He respects people."
8 That's what I wanted to say. He doesn't speak a lot. He's calm. He's a calm
9 person. That's what I heard. I didn't know him.

10 Q. [14:33:59] Yes. And you said that yesterday, too, Madam Witness. I'm now
11 asking you about your comment that he was religious. Could you answer my
12 question, please, as to what you meant by that?

13 A. [14:35:08] What I wanted to say by religious, I just wanted to say this is
14 somebody who's nice. He's polite. He respects people. He's calm. And he
15 doesn't even raise his look to say anything.

16 PRESIDING JUDGE MINDUA: [14:35:29](Interpretation) Ms Taylor.

17 MS TAYLOR: [14:35:30] Thank you very much, Mr President. If the sound could
18 be cut off to the witness.

19 PRESIDING JUDGE MINDUA: [14:35:40](Interpretation) Please cut the sound,
20 court officer.

21 THE COURT OFFICER: [14:35:44] Your Honours, the sound to the VTC location has
22 been cut off.

23 PRESIDING JUDGE MINDUA: [14:35:50](Interpretation) Thank you very much.
24 Ms Taylor.

25 MS TAYLOR: [14:35:52] Thank you, Mr President. I have just been informed that

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1 the word that was used yesterday was "*awan*" and it doesn't translate as "religious".
2 It actually translates as "virtuous, someone who is reserved, respects people." So I
3 think that's where the confusion is lying, though the witness has twice confirmed her
4 response.

5 PRESIDING JUDGE MINDUA: [14:36:23](Interpretation) Very well, Ms Taylor.
6 Prosecutor.

7 MS LUPING: [14:36:27] Mr President, two observations. First, I do appreciate that
8 the Defence team has a Tamasheq speaker who's providing comments. I would like
9 to ask the interpreters themselves to confirm and check what word was used because
10 it's difficult for the Prosecution to comment on this or to get anywhere with the
11 witness on these aspects if the record is not clear on this point. So the first thing
12 would be if we could have recourse to the Tamasheq Registry interpreters in the first
13 instance, if they could double check the word that was being used.
14 Secondly, I am noticing that the witness is taking quite an amount of time to respond
15 to any of my questions. I do understand that there is interpretation and that this
16 may cause certain delays, but I am noticing quite a delay in her response, and I would
17 ask that she be reminded that she is supposed to be answering questions of both the
18 Prosecution and the Defence. She appears to be taking quite a considerable amount
19 of time to think about her response simply before giving it. And I'm worried about
20 the time, your Honours, because with these delays in her responding, even to what I
21 believe have been quite simple questions so far, I am concerned that she's meant to
22 finish her testimony today. I'm only on question two and it seems that there's a long
23 delay in answering these -- these questions, no matter how simple they are.

24 PRESIDING JUDGE MINDUA: [14:38:07](Interpretation) Ms Taylor.

25 MS TAYLOR: [14:38:09] Mr President, as a first point, I raised this issue because the

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1 witness had twice confirmed to the Prosecutor in her responses what she'd meant
2 yesterday. She said, when you asked about religious, she gave a full explanation
3 twice, which confirmed that she had not been talking about religious in the sense the
4 Prosecutor meant it. So I'm happy for the transcript to be corrected, but I raised it
5 because I didn't think that it was a problem from the witness but a problem of
6 interpretation. But I -- and I didn't believe it was helpful to keep pursuing it given
7 that it did seem to be an interpretation problem yesterday.

8 As concerns the second issue, if you look up at the Prosecutor's first question, it took
9 up an entire page. Now we experienced exactly the same thing in
10 examination-in-chief. I had a lot of difficulties with interpretation. I expressed it
11 repeatedly. This is not an issue from the witness. It is difficult, and I don't believe
12 it's appropriate to direct the witness in that manner.

13 PRESIDING JUDGE MINDUA: [14:39:19](Interpretation) Very well.

14 So for the term "virtuous" or "religious", we have the reference. We can put the
15 question to the Tamasheq interpreters.

16 Madam Prosecutor, if you would be so kind as to repeat the reference and then the
17 interpreters are going to say what the correct term is.

18 MS LUPING: [14:39:43] Thank you, Mr President. I'm going to refer to transcript of
19 yesterday, page 66, lines 16 to 21, where the witness at line 19, in the English
20 transcript is said to have said "that he was religious". I would ask for the Tamasheq
21 interpreters to confirm what word was used.

22 THE INTERPRETER: [14:40:39] *Ag dine* (phon) was the term used. *Ag dine* means a
23 religious person.

24 PRESIDING JUDGE MINDUA: [14:40:49](Interpretation) Thank you very much.

25 We've got the response. Thank you.

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1 So we're going to move on.

2 Madam Witness, I would ask you --

3 Court officer, please establish the link.

4 THE COURT OFFICER: [14:41:12] Your Honours, the sound to the witness has been
5 re-established.

6 PRESIDING JUDGE MINDUA: [14:41:16](Interpretation) Thank you very much,
7 court officer.

8 Madam Witness, we are making an effort to ensure that your testimony is finished
9 today so that you will be free tomorrow. Please try to be a bit more active in
10 answering the questions put to you. Thank you.

11 Madam Prosecutor.

12 MS LUPING: [14:41:47] Thank you, Mr President.

13 Q. [14:41:49] Madam Witness, I'm going to refer to a word in Tamasheq --

14 A. [14:42:10] What's the problem is that you told me to speak slowly, and I have no
15 sign. There's nothing -- nobody can make a sign to me to indicate when I should
16 speak and when I should stop.

17 Q. [14:42:32] Madam Witness, I'm happy to give a sign like the Defence did when
18 you need to stop. I understand that when I put my hand up, that means you should
19 not continue. If you do not see any hand up, that means we're expecting a response
20 straightaway, please. Is that clear?

21 A. [14:43:17] Yes, I understand.

22 Q. [14:43:20] Thank you.

23 Now, there was a word used in Tamasheq, *ag dine* (phon). Could you explain what
24 you meant by this word "*ag dine*" that you used in relation to Mr Al Hassan.

25 Could I have a response straightaway, please, Madam Witness.

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1 A. [14:44:16] Yes. The term "*ag dine*", this is a term I used to mean -- I use the term
2 to say that this was a good person, somebody who respected people, somebody who's
3 polite. It's not the sense that you give to it. And this term, if this term is a problem
4 for you, you can reject it.

5 Q. [14:45:34] Now, Madam Witness, I'm going to move to a different topic. And
6 this is at page 37, lines 9 to 13 of yesterday's testimony where you spoke of the
7 Islamists, and you stated: "Also, the energy plant, they gave them fuel. And also at
8 the hospital, they provided medications ... They paid for it ... they covered the cost
9 of ... diesel fuel." End of quote.

10 Now, Madam Witness, the Prosecution has evidence that humanitarian agencies like
11 the Red Cross, UNICEF, and Handicap International provided fuel for the
12 communities whilst the groups occupied Timbuktu, including fuel for the electrical
13 plant.

14 Do you know anything about that? Did you know that, rather?

15 Can you please respond, Madam Witness.

16 THE INTERPRETER: [14:47:47] The English interpreter points out that the red light
17 in the Tamasheq booth means that they're still interpreting.

18 PRESIDING JUDGE MINDUA: [14:47:55](Interpretation) Madam Prosecutor, I think
19 you're wrong because when there's silence, it means that the interpretation is still
20 ongoing in Tamasheq. Because it goes from English into French and then afterwards
21 it goes into Tamasheq.

22 THE WITNESS: [14:49:41](Interpretation) I'm not speaking about the period before
23 the occupation, or after the occupation. I'm talking about the period during
24 occupation. There were no NGOs. There were no other organisations. It was just
25 them. And at that time the groups who came first, they took the supplies of fuel that

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1 there were at Kabara. There were no leaders. There were no others. There were
2 no other bodies there. Now you spoke about oil. You're the ones who added that.
3 I didn't speak about oil. They were the ones who gave diesel for energy. They
4 were the ones who had diesel for energy.

5 THE INTERPRETER: [14:50:37] Corrects the interpreter.

6 MS LUPING: [14:50:40]

7 Q. [14:50:41] Now, Madam Witness, I'm only asking about what you know about,
8 and I am just asserting to you the Prosecution's case of the evidence that we have, just
9 to clarify the process right now. And the Prosecution's case is that the Islamists
10 seized also the fuel supplies, including in your own village.

11 Now, do you know about that? If you don't, you can simply state it -- state that.

12 THE INTERPRETER: [14:52:40] Prosecutor, you're asking the witness to make
13 sure -- please could you ask the witness to give short answers.

14 Your Honour, if you could ask the witness to make short answers.

15 PRESIDING JUDGE MINDUA: [14:53:00](Interpretation) Indeed. But do you want
16 her to repeat what she said or to continue?

17 THE INTERPRETER: [14:53:06] Yes, please, if she could repeat what she said.

18 PRESIDING JUDGE MINDUA: [14:53:12](Interpretation) Prosecutor, I'll leave it to
19 you.

20 MS LUPING: [14:53:16]

21 Q. [14:53:16] Madam Witness, the interpreters have just said they could not capture
22 your response because it was too long. Could you provide short responses so they
23 are able to translate, please.

24 Can you repeat what you just said, but break up your sentences to keep it short.

25 A. [14:54:11] (Redacted), and it's not

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1 somebody else who took it. It was either them or the MNLA who took it. And I
2 know that they talked to the population, and they gave energy for agriculture. They
3 gave it for fuel. They gave them fuel as well.

4 Q. [14:54:59] Now, Madam Witness, the Prosecution has also submitted evidence
5 that *Médecins sans frontières*, MSF, provided medication for the community at the
6 hospital whilst the groups occupied Timbuktu. Did you know about that?

7 A. [14:56:21] I said that yesterday. Yesterday I said there was another NGO.
8 Yesterday I said there was an NGO that provided medicines, but I didn't give you the
9 name of the NGO because I was concerned that I could be wrong. Yes, I know about
10 this NGO and that it also helped giving medicine -- medicines to people. But they
11 got the people to come back, and they asked to work, because people were afraid and
12 they fled. It was the same period in which -- it was the same period in which there
13 was the girl who I took to the hospital.

14 Q. [14:57:50] Now, Madam Witness --

15 A. [14:57:53] They got people to come back to Timbuktu to ensure that people
16 would come back to Timbuktu, and they explained to them there would be no
17 problems, and they could start working again.

18 Q. [14:58:09] Now, Madam Witness, I'm going to change topic.
19 Yesterday, and I'm referring to transcript page 81, lines 17 to 21, where you stated,
20 and this is where you were talking about awareness raising: "For the question of
21 awareness raising and the NGOs and so on and what happened, well, when the
22 authorities returned to the town, well, before that, it was sharia, that Islamic law,
23 because the Islamists were there and their law was the law at that time." End of
24 quote.

25 Now, Madam Witness, isn't it correct that the Islamists were applying their laws in

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1 Timbuktu and in your village and other areas during the occupation?

2 PRESIDING JUDGE MINDUA: [14:59:38](Interpretation) Ms Taylor.

3 MS TAYLOR: [14:59:42] Thank you very much.

4 Now, the Prosecutor earlier objected to me using anything that could have a legal
5 connotation. Here the Prosecutor has put a question -- if we can cut the sound of the
6 witness.

7 I apologise, Madam Witness.

8 PRESIDING JUDGE MINDUA: [15:00:05](Interpretation) Court officer, please cut
9 the sound to the witness.

10 THE COURT OFFICER: [15:00:12] Your Honours, the sound to the witness has been
11 cut off.

12 PRESIDING JUDGE MINDUA: [15:00:20](No interpretation)

13 MS TAYLOR: [15:00:22] Now the Prosecutor has just put a question to the witness
14 about whether the Islamists were applying their laws. Now that's incredibly vague
15 as to what we mean by "their laws". And again, having objected on the basis that we
16 shouldn't be using legal terms with a fact witness, I do believe it would be better and
17 be more specific and clearer as to what exactly is being put to the witness and the
18 foundation for her to be able to answer it.

19 PRESIDING JUDGE MINDUA: [15:00:54](Interpretation) Madam Prosecutor, I think
20 the Defence is correct. The witness spoke to that yesterday, and I think it is possible
21 to -- well, there is a way to rephrase it and have her understand it.

22 MS LUPING: [15:01:15] Thank you, Mr President. I wasn't -- the question was to
23 simply repeat what the witness herself had stated. I'm not asking for her legal
24 opinion. She stated "because the Islamists were there and their law was the law at
25 that time." It was simply just to ask if they were applying their laws. My follow-up

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1 questions are -- are an elaboration on that. I can reformulate them, if you prefer.

2 PRESIDING JUDGE MINDUA: [15:01:56](Interpretation) That is what I said. She
3 spoke to that yesterday. You can repeat what she said, but be more simple in your
4 way of putting things.

5 MS LUPING: [15:02:05] If I could ask that the sound be re-established.

6 PRESIDING JUDGE MINDUA: [15:02:10](Interpretation) Yes, yes. Court officer, if
7 you could.

8 THE COURT OFFICER: [15:02:15] Your Honours, the sound to the witness has been
9 re-established.

10 PRESIDING JUDGE MINDUA: [15:02:22](Interpretation) Thank you very much.

11 Ms Luping, Madam Prosecutor.

12 MS LUPING: [15:02:30] Thank you.

13 Q. [15:02:30] Now, Madam Witness, yesterday, when you spoke of the Islamists
14 and you stated that "their law was the law at that time", isn't it correct that, for
15 example, they applied a dress code on both females and males in Timbuktu and in
16 your area?

17 A. [15:03:57] I said that bad pieces of attire were things that we didn't like. In
18 actual fact, I said that --

19 THE INTERPRETER: [15:04:37] Message from the interpreter: The witness is
20 adding to her reply, so please bear with us.

21 THE WITNESS: [15:04:47](Interpretation) The young girls, when they wanted ...

22 PRESIDING JUDGE MINDUA: [15:04:54](Interpretation) Just a moment.
23 Interpreters.

24 THE WITNESS: [15:05:00](Interpretation) The young girls wanted to wear some
25 kinds of clothing, but they didn't wear them at home. But they would wear them

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1 when they would go out. They would keep the clothing in their purse or something
2 like that -- and up until now, well, and in the -- in the bush, people are well dressed,
3 properly dressed. But -- so you see it's not part of our culture for young children to
4 be badly dressed, especially young girls.

5 THE INTERPRETER: [15:05:42] Message from the Tamasheq interpreter: The
6 witness continues to add on to her sentences, to her replies, and the Tamasheq
7 interpreter is in the middle of interpreting the answer and then the witness adds to
8 her reply, complicating matters.

9 PRESIDING JUDGE MINDUA: [15:06:09](Interpretation) Yes, we will keep an eye
10 on that.

11 MS LUPING: [15:06:15]

12 Q. [15:06:15] Now, Madam Witness, just a note from the interpreters to please
13 pause, stop and keep your answers short so that they catch everything. Can we
14 agree to that, please?

15 A. [15:07:17] Well, I'm watching. You told me that you were going to raise your
16 hand when you want me to stop, and you don't raise your hand. And I watch your
17 hand, you don't raise it and -- and I keep on going. And then you say, "Oh, you have
18 to speak slowly." And I don't even know what to do any more.

19 PRESIDING JUDGE MINDUA: [15:07:46](Interpretation) Madam Witness, you are
20 correct. You do need to keep an eye on the Prosecutor when you are answering.
21 And if she raises her hand, please stop, and then the interpreters will have some time
22 to translate what you said, and then you can keep on going. If there's a problem, I
23 will -- I can always tap my gavel and then you will know to stop. So when you
24 hear -- you see, sometimes you hear the question, you understand, and you give an
25 answer right away.

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1 MS LUPING: [15:08:39]

2 Q. [15:08:39] Now, Madam Witness, I'm talking about the rules applied by the
3 Islamists. Isn't it correct that the Islamists put in place rules about the clothing that
4 females could wear; isn't that correct, Madam Witness?

5 A. [15:09:53] No, I didn't say that. I said that the Islamists, well, there were some
6 kinds of clothing that they didn't like. It was the case too in Timbuktu because
7 Timbuktu is -- the Islamists didn't want certain kinds of clothing and that was the
8 case in Timbuktu as well. Timbuktu is an Islamic city. There are some kinds of
9 clothing that we don't want. In some places, they asked women to wear veils that
10 would drag along the ground behind them, and that is a good thing. In contrast,
11 young girls dressed indecently, and we didn't want that.

12 Q. [15:11:09] And I'm now turning to page 45, lines 18 to 22, of what you said
13 yesterday, where you talked about some people, "they would be bothered because of
14 the rules regarding clothing."

15 Now, isn't it correct, Madam Witness, that some women and girls were arrested,
16 detained and beaten for violating the Islamists' rules about clothing?

17 A. [15:12:51] Well, it was said that some girls went out without dressing properly,
18 and what I mean by that is that they would go out and some parts of their body
19 would be uncovered, for example, the belly buttons. And that kind of dressing, they
20 don't like that.

21 Q. [15:13:16] And just to repeat my question, Madam Witness, isn't it correct that
22 some women and girls were in fact arrested, detained or beaten?

23 And I would ask if there's any objection, it be done without sound so as not to
24 influence the witness.

25 PRESIDING JUDGE MINDUA: [15:13:48](Interpretation) Court officer, please cut

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1 the sound to the witness, if you could.

2 THE COURT OFFICER: [15:13:54] Your Honours, the sound to the witness has been
3 cut off.

4 PRESIDING JUDGE MINDUA: [15:14:01] (Interpretation) Thank you.

5 MS TAYLOR: [15:14:04] Thank you very much, Mr President. My objection is
6 twofold. The first is that there are three compound, complex issues in this question.
7 Were women arrested, detained and beaten.

8 Now if the witness says yes, we don't know if it's to all three, one or two. They
9 should be broken down into three different elements. That's the first issue.

10 The second issue is that it's not clear what the Prosecutor is putting to this witness.

11 Is she asking her to agree to a proposition in theory, or is she asking the witness to
12 give evidence about what she saw herself or what she experienced? Otherwise it's a
13 very abstract question to be putting to the witness, which won't assist the Chamber.

14 PRESIDING JUDGE MINDUA: [15:15:01](Interpretation) Madam Prosecutor, I agree
15 with the Defence. This is a compound question, and we don't know whether she is
16 giving her opinion or something else.

17 We're now going to re-establish the audio to the witness.

18 Court officer, if you could.

19 THE COURT OFFICER: [15:15:24] The sound to the witness has been re-established.

20 PRESIDING JUDGE MINDUA: [15:15:32](Interpretation) Thank you very much.

21 Madam Prosecutor, please go ahead.

22 MS LUPING: [15:15:35] Thank you.

23 Q. [15:15:36] Now, Madam Witness, during the occupation, isn't it correct that
24 there were some women and girls who the Islamists thought violated their rules
25 about what clothing they wore so that they were beaten as a result of that; is that

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1 correct?

2 PRESIDING JUDGE MINDUA: [15:16:07](Interpretation) Ms Taylor, I hope we
3 have -- will be able to finish the cross-examination.

4 MS TAYLOR: [15:16:15] I hope so too, but this is not a question which anyone is
5 capable of answering. How can the witness speak to what the Islamists thought?
6 This is a very complicated --

7 MS LUPING: [15:16:27] Could we ask that --

8 PRESIDING JUDGE MINDUA: [15:16:28](Interpretation) Yes, yes, yes.
9 Understood, understood. All right.

10 Madam Prosecutor, rephrase and let us move forward.

11 MS LUPING: [15:16:38]

12 Q. [15:16:39] Madam Witness, isn't it correct that the Islamists would arrest females
13 if they violated their dress rules?

14 A. [15:17:31] The women would dress properly. As for the girls, they would
15 refuse to wear the clothes of the area required, which were viewed as proper clothing
16 in the area. And they didn't like that. And we, the parents, we didn't like that
17 because that's not part of our culture. It's not part of the culture of our area.

18 Q. [15:18:06] Madam Witness, I'm asking you a question about what the Islamists
19 did, and I'd ask that you respond to that question.

20 Isn't it correct that the Islamists arrested some females who were not wearing the
21 right clothing, that they thought were not the right clothing; isn't that correct?

22 A. [15:19:13] I told you -- I told you that adult women dressed properly. It was
23 the girls who did not dress properly. They arrested the girls who were not dressed
24 properly.

25 PRESIDING JUDGE MINDUA: [15:19:35](Interpretation) Thank you very much,

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1 Madam Witness. You have answered the question.

2 We can now move forward, Madam Prosecutor.

3 MS LUPING: [15:19:45] Thank you.

4 Q. [15:19:47] Madam Witness, focusing on what the Islamists did, isn't it correct
5 that they also imprisoned some females who they thought were not dressed properly?

6 A. [15:20:35] That was said, but I didn't see that with my own eyes.

7 Q. [15:20:44] And, again, focusing on what the Islamists did, isn't it correct that the
8 Islamists also beat females who didn't abide by their dress rules?

9 A. [15:21:36] It wasn't the clothing. It was a matter of dressing properly and that
10 the body be properly covered up. It was the way people were supposed to dress in
11 Timbuktu even before they arrived.

12 PRESIDING JUDGE MINDUA: [15:21:57](Interpretation) The witness has answered
13 the question.

14 We've understood that, yes, you have your culture, you have your way of dressing,
15 but when a young girl did not dress in the desired way, was she beaten? Was she
16 beaten? That's what we're asking you about.

17 THE WITNESS: [15:22:53](Interpretation) I said so. I already said -- I've already
18 said that the girls -- well, it was said that some girls were arrested. It was also said
19 that the girls were beaten, but I didn't see it with my own eyes. It was something
20 that I heard. I didn't actually see it.

21 PRESIDING JUDGE MINDUA: [15:23:17](Interpretation) Very well. Understood.
22 You have answered the question.

23 Madam Prosecutor, let us move forward.

24 MS LUPING: [15:23:24]

25 Q. [15:23:24] Now, Madam Witness, isn't it correct that males and females -- that

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1 the Islamists did not allow males and females to be together in public unless they
2 were married; is that correct?

3 A. [15:23:59] Yes.

4 Q. [15:24:02] And yesterday, at page 38, lines 13 to 15, you said transport was given
5 to take you into the fields. And you said, and I quote: "We didn't take the trucks.
6 It was the men who [took the] truck[s]. I myself took a motorcycle or a motorbike."
7 This is just a note for the Tamasheq interpreter. I'm waiting till you turn off your
8 light to know whether you're actually providing interpretation. If you could
9 remember to turn it off when you're not doing interpretation. Thank you.

10 Now, isn't it correct that you and other women wouldn't be allowed to travel in the
11 trucks with the men?

12 A. [15:25:58] I didn't say anything about bikes. We don't have bikes in our part of
13 the world. What I said is that I went by motorbike. The women who went to the
14 fields were close to the -- the fields. It was the men who were brought from further
15 away by way -- in trucks. The women who were at the same spot, there was a
16 vehicle who went and got them and took them to the market.

17 Q. [15:26:50] Madam Witness, is it correct that the men and women could not
18 travel together in transport?

19 A. [15:27:16] No, I didn't see that.

20 Q. [15:27:24] Is it your testimony, Madam Witness, that men and women would be
21 able to travel together if they were not married to one another? I just want to clarify
22 what your testimony is.

23 A. [15:28:14] I'm talking about the fields. I'm talking about going to the fields. In
24 that situation, the men were taken by truck. But as for other kinds of travel, going in
25 other places, long trips, I don't know. I think for that, men and women shared

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1 vehicles. But I know that when it was a question of going to the fields, the men
2 would go by truck. And if it was a question of going to the market, the women
3 would go in a vehicle that would come and pick them up.

4 Q. [15:29:18] Now, Madam Witness, isn't it correct that the Islamists flogged people
5 accused of adultery?

6 A. [15:29:51] I haven't understood your question.

7 PRESIDING JUDGE MINDUA: [15:30:00](Interpretation) Ms Taylor.

8 MS TAYLOR: [15:30:03] I can assist, but I would turn the sound off to assist because
9 I think there's a word that might create confusion.

10 PRESIDING JUDGE MINDUA: [15:30:14](Interpretation) Court officer, please cut
11 the audio to the witness.

12 THE COURT OFFICER: [15:30:26] Your Honours, the sound to the witness has been
13 cut off.

14 PRESIDING JUDGE MINDUA: [15:30:31](Interpretation) Thank you very much.
15 Ms Taylor.

16 MS TAYLOR: [15:30:35] It's possible that the word "accused" is going to create
17 confusion because under sharia you can only be flogged if the conditions have been
18 complied with. So a word like "accused" might create confusion in a question for a
19 witness. So perhaps it could be put more directly and not have these concepts in it.

20 PRESIDING JUDGE MINDUA: [15:31:13](Interpretation) Indeed. I think there is
21 a -- is a problem with the word "accused" and even a problem with the word
22 "adultery".

23 Ms Prosecutor, please think about that. It is 3.30. We are now going to take our
24 break.

25 Court officer, if you could just re-establish the sound.

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- 1 THE COURT OFFICER: [15:31:44] The sound to the witness has been re-established.
- 2 PRESIDING JUDGE MINDUA: [15:31:46](Interpretation) Thank you.
- 3 Madam Witness, we are going to suspend the hearing for 30 minutes.
- 4 The hearing is now suspended.
- 5 THE COURT USHER: [15:31:56] All rise.
- 6 (Recess taken at 3.31 p.m.)
- 7 (Upon resuming in open session at 4.03 p.m.)
- 8 THE COURT USHER: [16:03:22] All rise.
- 9 Please be seated.
- 10 PRESIDING JUDGE MINDUA: [16:03:49](Interpretation) Court is in session.
- 11 The Prosecutor has the floor to continue the cross-examination, but I would like to
- 12 remind the Prosecutor that we have to stop at 5.30, and it's possible there are
- 13 questions from the legal representatives and possible additional questions. So I
- 14 don't want to put pressure on you, but please think about it, because we have to finish
- 15 with the witness today.
- 16 Madam Witness, it seems that you don't hear well when I hit with my hammer. So
- 17 either the Prosecutor will put her hand up to ask you to stop, or I will raise my hand
- 18 to ask you to stop. And this will allow our interpreters to work well.
- 19 Madam Prosecutor.
- 20 THE WITNESS: [16:05:03] (No interpretation)
- 21 PRESIDING JUDGE MINDUA: [16:05:03](Interpretation) Thank you.
- 22 MS LUPING: [16:05:04] Thank you.
- 23 Q. [16:05:06] Madam Witness, I'm changing topics, and I'm going to refer to the
- 24 summary that the Defence gave to us of what you were expected to say, and I'm
- 25 going to refer to MLI-D28-0006-3064. It's at page 3065, at paragraph 8. It states:

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1 "After the Islamists arrived, they reopened the schools. Boys and girls were
2 separated."

3 Now, Madam Witness, isn't it correct that the Islamists did not allow boys and girls to
4 be together in the classrooms?

5 A. [16:06:55] It was said, yes.

6 Q. [16:06:57] Isn't it correct --

7 A. [16:07:00] It was indeed said that the boys and girls were separated.

8 Q. [16:07:06] Isn't it correct that the Islamists made girls in the schools wear veils
9 and cover up?

10 A. [16:07:58] I can't just confirm that because I wasn't at the school, but I heard that
11 said, that boys and girls were separated.

12 Q. [16:08:13] Do you have -- is it correct, Madam Witness, that you have children of
13 a school age? I'm not going to ask for their names. I just want -- like you to confirm
14 that you have children who are at a school age.

15 A. [16:09:11] You want to know their age to go to school? My children went to
16 school.

17 Q. [16:09:23] And from what you know as a mother whose children were going to
18 school at that time, isn't it correct that girls were made to follow the dress rules?

19 PRESIDING JUDGE MINDUA: [16:09:39](Interpretation) Ms Taylor.

20 MS TAYLOR: [16:09:46] Mr President, I think there's a confusion. If the sound
21 could be cut off to the witness.

22 PRESIDING JUDGE MINDUA: [16:09:59](Interpretation) Court officer, please cut
23 the sound.

24 THE COURT OFFICER: [16:10:02] Your Honours, the sound to the witness has been
25 cut off.

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1 PRESIDING JUDGE MINDUA: [16:10:07](Interpretation) Thank you very much.

2 Ms Taylor.

3 MS TAYLOR: [16:10:09] Thank you, Mr President.

4 Now, the Prosecution put to the witness: "I just want you confirm that you had
5 children that are at a school age." And the Prosecutor didn't specify the year that she
6 was talking about.

7 The witness then responded to say: "You want to know their age to go to school?"
8 She's clearly confused. And she says: "My children went to school." Again, we
9 don't have a year that we're talking about.

10 The Prosecution's subsequent question is predicated on the children going to school
11 in 2012, and I don't believe that's in evidence. I don't believe the witness understood
12 it in that sense. So I do believe more steps have to be gone through before we can
13 put that question to the witness.

14 PRESIDING JUDGE MINDUA: [16:10:57](Interpretation) Madam Prosecutor, please
15 reformulate.

16 MS LUPING: [16:11:00] No problem.

17 I would just ask that the sound be re-established to the witness.

18 PRESIDING JUDGE MINDUA: [16:11:10](Interpretation) Indeed.

19 Court officer.

20 THE COURT OFFICER: [16:11:14] Your Honours, the sound to the witness has been
21 re-established.

22 PRESIDING JUDGE MINDUA: [16:11:20](Interpretation) Thank you very much,
23 court officer.

24 Madam Prosecutor.

25 MS LUPING: [16:11:24]

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1 Q. [16:11:25] Madam Witness, is it correct that in 2012, when the Islamists occupied
2 Timbuktu, you had children who were going to school?

3 A. [16:12:20] At that time, my children were already older. One was already at
4 (Redacted).

5 Q. [16:12:36] Now, Madam Witness, you testified about a specific job you had.
6 I'm not going to say it. We're in open session. And you talked about a person also
7 who worked in the same profession as you did.
8 (Redacted)
9 (Redacted)?

10 A. [16:14:13] I'm not badly informed as regards the school, but there are schools
11 that are not close to us, because we are quite distant from certain schools, quite far
12 from certain schools. I'm informed about what happens (Redacted), in this school.

13 Q. [16:14:48] And just focusing on the schools that you know about, isn't it correct
14 that public schools were not allowed to open unless the schools changed their
15 programmes to match Islamic values?

16 A. [16:15:53] No, that didn't happen where I'm from.
17 What I am informed about is the separation of boys and girls. However, with
18 regards to the change of programme, I'm not informed about that. At that time,
19 furthermore, there weren't many teachers. There were just a few. And these
20 teachers would try and make the teaching easier, but there wasn't a change to the
21 programme to satisfy the Islamists.

22 Q. [16:16:53] Madam Witness, do you know a leader, one of the Islamists called
23 Sanda Al Bamama. Have you heard of him?

24 A. [16:17:28] I don't know him, but I know his name.

25 Q. [16:17:31] And were you aware that on 13 April 2012, when he was giving an

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1 interview -- and for the sake of time, I'm just going to give the references to the record
2 and will not show the video to the witness. At tab 52 we have the transcript,
3 MLI-OTP-0015-0071, page 73, lines 60 to 63. It's video 0011-0423.
4 PRESIDING JUDGE MINDUA: [16:18:08](Interpretation) Ms Taylor.
5 MS TAYLOR: [16:18:10] Thank you, Mr President.
6 I am aware that the Prosecutor is trying to save time, but the Prosecutor has
7 themselves made the point on numerous occasions that if you're going to show
8 extracts from a video, and this is a transcript of an extract from a video, you have to
9 establish a foundation. There's a witness present. Does the witness know about
10 this incident? How can you meaningfully comment on something if the witness
11 wasn't present, hasn't heard it before and isn't aware of the particular thing that's
12 being put to her? It's no different just because you're showing a transcript.
13 Normally we would have to show the video without sound, ask if the present was
14 present; do they have any knowledge of this. And we would not be allowed to do
15 put it to the witness if we'd not done that first.
16 PRESIDING JUDGE MINDUA: [16:18:58](Interpretation) Very well.
17 Prosecutor.
18 MS LUPING: [16:19:01] Mr President, first of all, I think it's totally inappropriate
19 that any of these submissions are made in the -- with the presence of the witness. I'll
20 just ask that the sound be briefly cut off so I can respond.
21 PRESIDING JUDGE MINDUA: [16:19:17](Interpretation) Court officer.
22 THE COURT OFFICER: [16:19:23] The sound to the witness has been cut off,
23 your Honours.
24 PRESIDING JUDGE MINDUA: [16:19:30](Interpretation) Thank you very much.
25 Madam Prosecutor.

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1 MS LUPING: [16:19:34] Thank you.

2 Mr President, I do believe a foundation has been established. We know what the
3 occupation of the witness was. We know -- and she has stated just moments before
4 that she was informed of what was going on in the schools. She has confirmed that
5 she knows, or has heard of, at least, Sanda Al Bamama. She has made an assertion,
6 and I do believe it is open for the Prosecution to put information to this witness, who
7 has categorically stated that the Islamists did not change the programmes at the
8 schools, and this is contradicted by this evidence that I would like to be able to show
9 to her. I believe there is sufficient foundation.

10 Now, this is a witness of the Defence who wants to leave today. I will, obviously, if
11 you would prefer, Mr President, take the time to go through the steps and show the
12 video, but in the interest of time, I simply wanted to show the contradictory evidence.

13 MS TAYLOR: [16:20:34] Mr President, I'll be very brief, because I think this
14 question's been asked and answered.

15 PRESIDING JUDGE: [16:20:37] Ms Taylor.

16 MS TAYLOR: [16:20:38] The witness has stated: "I'm not informed of that." We're
17 not going to get any further on this. The witness has stated what she knows, what
18 she doesn't know. Putting a statement from someone else is not going to advance
19 things if the witness wasn't there.

20 The witness has stated several times: "I've told you what I know and what I don't
21 know." She used the phrase "I'm not informed". She didn't categorically deny it.
22 So it's effectively asked and answered. Using the video doesn't change that.

23 PRESIDING JUDGE MINDUA: [16:21:16](Interpretation) Prosecutor, did you want
24 to reply?

25 MS LUPING: [16:21:18] I certainly do, Mr President.

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1 I would like to note the following passage immediately after that where the witness
2 stated, at page 49, lines 1 to 3: "And these teachers would try and make the teaching
3 easier, but there wasn't a change to the programme to satisfy the Islamists."
4 Now, I agree that that is what she originally stated, that she's not informed of a
5 change of programme, but she went on to state: "... there wasn't a change to the
6 programme to satisfy the Islamists." And I believe I have satisfied a foundation now
7 to show her the contradictory evidence.

8 PRESIDING JUDGE MINDUA: [16:21:57](Interpretation) Very well. We have a
9 basis. Let's try and save time.

10 Please go ahead, Madam Prosecutor.

11 Court officer, sound, please.

12 THE COURT OFFICER: [16:22:09] Your Honours, the sound to the witness has been
13 re-established.

14 PRESIDING JUDGE MINDUA: [16:22:14](Interpretation) Thank you very much.
15 Madam Prosecutor.

16 MS LUPING: [16:22:18] Thank you, Mr President.

17 Q. [16:22:21] Now, Madam Witness, I'm just going to explain what I'm going to be
18 showing to you. There is a video showing Sanda Al Bamama speaking, but in the
19 interest of time, because you need to leave today, I'm only showing you the transcript,
20 and I'm going to read a short passage of what Sanda Al Bamama stated. And I'm
21 going to be reading to you from page 0073, lines 62 to 63.

22 And I'd asked for interpretation, please, from the interpreters, including into
23 Tamasheq.

24 "We have allowed Arabic and religious schools to reopen. Public schools cannot
25 open until their programmes are changed to match Islamic values." End of quote.

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1 Now, Madam Witness, when you stated that there was not a change to the
2 programme to satisfy the Islamists, isn't that in fact wrong? Now you've heard what
3 one of the Islamists leaders said. Or do you still maintain your testimony on this
4 point?

5 A. [16:26:36] With regards to Sanda, he says a lot of things. And when I spoke
6 about a school a moment ago, I was speaking specifically about (Redacted), the school
7 (Redacted). And in that school, there was not a change of programme. And from
8 what I've understood from what they've said is that when they will occupy the
9 territory, the programme of the schools has to be changed to follow their programme.
10 But they -- they didn't do that over the territory because they quickly left.

11 Q. [16:27:19] I have just one follow-up question on that, Madam Witness. The
12 school that you are talking about, was it an Arabic or a religious school, or was it a
13 public school?

14 PRESIDING JUDGE MINDUA: [16:27:42](Interpretation) Ms Taylor.

15 MS TAYLOR: [16:27:43] Are we in public session?

16 MS LUPING: [16:27:47] I thought my question was sufficiently vague not to be
17 identifying.

18 MS TAYLOR: [16:27:52] I don't believe that's the case. I think it could identify.

19 PRESIDING JUDGE MINDUA: [16:27:58](Interpretation) Madam Prosecutor, wait
20 for me to give you the floor. Otherwise, there's a crossover.

21 So now I haven't even followed what was said.

22 Ms Taylor, what's the situation?

23 MS TAYLOR: [16:28:11] I think there's two elements here that are identifying. The
24 (Redacted).

25 PRESIDING JUDGE MINDUA: [16:28:30](Interpretation) Okay.

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1 Very briefly, let's go into private session, court officer.

2 It all takes time.

3 (Private session at 4.28 p.m.)

4 THE COURT OFFICER: [16:28:51] We're in private session, Mr President.

5 PRESIDING JUDGE MINDUA: [16:28:57](Interpretation) Thank you very much.

6 Prosecutor.

7 MS LUPING: [16:29:02] Thank you.

8 Q. [16:29:04] Madam Witness, we're now in private session so I can be more

9 explicit. The school that (Redacted), that you were talking about, the

10 (Redacted), was it an Arabic or a religious school, or was it one of the public

11 schools?

12 A. [16:29:52] It's a public school. A public school.

13 Q. [16:29:57] So to clarify your testimony, Madam Witness, is it your testimony that

14 (Redacted) school could teach whatever it wanted to and it could have any programme,

15 even if it did not match Islamic values?

16 PRESIDING JUDGE MINDUA: [16:30:21](Interpretation) Ms Taylor.

17 MS TAYLOR: [16:30:23] I feel at this point, this is going into debate with the witness.

18 The witness has answered several times. We've had clear responses as to what she

19 does and doesn't know. Confronting her again and again and again is debating. So

20 this is about the sixth time this position has been put to the witness. If we're trying

21 to save time, this isn't the way to do it.

22 PRESIDING JUDGE MINDUA: [16:30:51](Interpretation) Yes, Madam Prosecutor,

23 the Defence is correct, I believe. She has said that there was no change in her area,

24 and what she -- and that perhaps the Islamists had changed the rules, but they had

25 not remained in place for very long.

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1 Can we move on to something else, or ...

2 MS LUPING: [16:31:17] Mr President, I may have misunderstood the witness's
3 testimony. I understood she said there was no change at her school of the
4 programme. So I just want to clarify what her testimony is then. If there's no
5 change at (Redacted), and she said she could only talk about (Redacted) school, I
6 want to clarify that her testimony is that (Redacted) school, they could teach what we
7 wanted without conforming to any rules about Islamic values. It was just to clarify
8 what her testimony is, because at this stage, to me it isn't clear.

9 PRESIDING JUDGE MINDUA: [16:31:54](Interpretation) This last question from the
10 Prosecution is very clear. No objection is necessary. The witness can reply, and we
11 will move on and thus save some time.

12 Now, I believe we are right now in private session, but -- but I think she has to answer
13 in private session.

14 Yes, so we stay in private session.

15 MS LUPING: [16:32:23] Yes, please.

16 Q. [16:32:25] So, Madam Witness, I'll just repeat my question. You explained (Redacted)
17 school (Redacted) was a public school. Is it your testimony that this school could
18 teach whatever they wanted and they did not have to make changes to their
19 programme to match Islamic values?

20 A. [16:33:44] (Redacted) school is a public school.

21 PRESIDING JUDGE MINDUA: [16:34:04](Interpretation) Interpreter.

22 THE WITNESS: [16:34:07](Interpretation) (Redacted) school is a public school. It was
23 founded -- (Redacted). It is a (Redacted). Most of the
24 teaching is in French. (Redacted)
25 (Redacted).

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1 PRESIDING JUDGE MINDUA: [16:34:33](Interpretation) Continue -- continue with
2 your answer, if you need to. Have you finished?

3 THE WITNESS: [16:35:01](Interpretation) (Redacted) two classes. One class for girls
4 and one class for boys. There were no changes to the programme. (Redacted)
5 (Redacted). That's all I know. There was no changes to the programme, and (Redacted).
6 (Redacted) And what's more -- and what is more, there weren't all that many
7 teachers. There weren't a lot of children. And, really, the children did not come all
8 that often.

9 PRESIDING JUDGE MINDUA: [16:35:52](Interpretation) We have our answer,
10 Madam Prosecutor.

11 Court officer, open session, please.

12 (Open session at 4.36 p.m.)

13 THE COURT OFFICER: [16:36:10] We're back in public session, Mr President.

14 PRESIDING JUDGE MINDUA: [16:36:14](Interpretation) Thank you, court officer.

15 MS LUPING: [16:36:18]

16 Q. [16:36:18] Now, Madam Witness, I'm going to move to a different topic. I just
17 want to remind you we're in public session, so we both need to be careful.

18 Yesterday you talked at some length about an NGO, and we spoke -- or the Defence
19 asked that we speak about a Madam T. In particular, I'm going to refer to pages 68
20 through to 79 of yesterday's transcript where you were asked questions about
21 trainings on gender-based violence related to victims of 2012. And there was a
22 reference to victims, about 70 victims. And you were then asked about (Redacted)
23 (Redacted) -- apologies.

24 You were then asked about meetings that Madam T had.

25 PRESIDING JUDGE MINDUA: [16:37:21] (Microphone not activated)

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1 THE INTERPRETER: [16:37:31](Interpretation) Microphone, please, your Honour.

2 PRESIDING JUDGE MINDUA: [16:37:33](Interpretation) It has to be translated into

3 Tamasheq, Madam Prosecutor. So, please, if you could pause.

4 MS LUPING: [16:38:42]

5 Q. [16:38:43] Now I'm going to refer to what you said about the awareness raising

6 with the girls. You stated, and I quote, from page 78, lines 14, to page 79, line 3:

7 "They shouldn't quit school too early. She shouldn't be marrying someone that they

8 do not love. They shouldn't be embarking in an early marriage." End of quote.

9 A. [16:40:06] I haven't quite understood your question. At one point, you were
10 talking about 70 cases, and then you were talking about something else. Could you
11 repeat your question.

12 Q. [16:40:20] Madam Witness, I haven't asked the question yet. I was just
13 reminding you of what was said yesterday. I'm going to repeat the passage that's
14 relevant of what you said.

15 "They shouldn't quit school too early. [They] shouldn't be marrying someone that
16 they do not love. They shouldn't be embarking in an early marriage."

17 Now, my question is this, Madam Witness: Isn't it correct that during the occupation
18 in 2012, some of the victims and their families had no choice but for -- but to marry
19 Islamists?

20 PRESIDING JUDGE MINDUA: [16:42:17](Interpretation) Ms Taylor.

21 MS TAYLOR: [16:42:21] Thank you.

22 That's a very confusing question. Is it that the victims are marrying the Islamists?

23 Are the families marrying the Islamists? What are the victims victims of? This

24 question makes no sense. It can be put very directly and clearly, but that's not how

25 this question reads. We can't use terms like "victims" and "families" without

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1 explaining exactly how you mean those words.

2 PRESIDING JUDGE MINDUA: [16:42:56](Interpretation) Ms Prosecutor, you have
3 laid the foundation. Now you can put the question directly to the witness, as the
4 Defence has suggested.

5 MS LUPING: [16:43:10]

6 Q. [16:43:10] Madam Witness, you spoke about victims of gender-based violence
7 in 2012.

8 PRESIDING JUDGE MINDUA: [16:43:27](Interpretation) Ms Taylor.

9 MS TAYLOR: [16:43:29] Mr President, I don't believe the witness did.

10 PRESIDING JUDGE MINDUA: [16:43:43](Interpretation) Ms Prosecutor, what do
11 you have to say?

12 MS LUPING: [16:43:49] Mr President, I have tried to very laboriously take through
13 at references to the questioning that took place yesterday where Defence counsel
14 asked about trainings in areas of gender-based violence relating to victims of 2012.
15 And there were various meetings and when there were follow-up questions from
16 Defence counsel about meetings with girls in Timbuktu to raise awareness of what
17 had happened them. These are follow-up questions Defence counsel asked. I've
18 now cited exactly what the witness stated. I would like to be able to put the question
19 for the witness to respond to.

20 PRESIDING JUDGE MINDUA: [16:44:35](Interpretation) Very well.

21 No, Ms Taylor, the Prosecutor has laid the foundation, and we all remember what the
22 witness said yesterday. We are under time pressure. We must move ahead.
23 Continue, Madam Prosecutor.

24 MS LUPING: [16:44:56] Thank you, Mr President.

25 And I would also ask that these types of objections be made without sound.

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1 Q. [16:45:07] Madam Witness, yesterday you spoke about victims of gender-based
2 violence in Timbuktu during the events in 2012, and you talked about meetings with
3 these girls in Timbuktu.

4 My question is this: Isn't it correct that during the occupation in 2012, there were
5 victims who had no choice but to marry Islamists?

6 A. [16:47:11] I will explain to you what I meant about the training or the awareness
7 sessions. It was an NGO who gave the training, and it was the NGO who came with
8 that information.

9 As to marriage, I can tell you what I know about. There were marriages between
10 girls and men who loved one another, but girls who were married because they were
11 victims, that I don't know about. I don't know about that.

12 Q. [16:48:19] And when you say you don't know about girls who were forced to
13 marry Islamists, why is it that meetings with girls included talking to them about only
14 marrying people that they loved and wanted to be with?

15 A. [16:49:46] What I mean is that the awareness training I was talking about, that
16 was the training before the crisis and also after the crisis about forced marriage. It
17 didn't happen just during the crisis.

18 Even the day before yesterday -- even the day before yesterday, we had a session
19 about that topic, namely, forced marriage and early marriage, and it was said that
20 girls must not marry -- must not be forced to marry and no longer go to school.
21 They must be in a position to choose.

22 Q. [16:51:03] And, Madam Witness, you just stated: "It didn't happen just during
23 the crisis." So do I understand your testimony correctly that it did also happen
24 during the crisis?

25 A. [16:52:05] On the basis of an ultimatum, religious marriage happens all the time.

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1 As for early marriage, if a woman finds a good husband for her daughter, she gives
2 her hand. So some people are materialistic. Once they find a husband who is rich,
3 they give their daughter in marriage without her consent. So there -- so there are
4 those kinds of marriages that occur and also early marriages. Even the authorities in
5 Mali have set the foundation, takes that into account. It's taken into account in
6 Malian law.

7 PRESIDING JUDGE MINDUA: [16:53:29](Interpretation) Ms Taylor.

8 MS TAYLOR: [16:53:30] Thank you, Mr President.

9 If the sound could be cut off to the witness.

10 PRESIDING JUDGE MINDUA: [16:53:41] Please cut the sound to the witness,
11 courtroom officer.

12 THE COURT OFFICER: [16:53:47] Your Honours, the sound to witness has been cut
13 off.

14 PRESIDING JUDGE MINDUA: [16:53:52](Interpretation) Thank you.
15 Ms Taylor.

16 MS TAYLOR: [16:53:55] Thank you, Mr President.

17 It's our understanding that there might be an interpretation issue. That in the
18 Tamasheq she said it happened before and after the crisis but not just during the crisis.
19 Now, this is obviously something we can address in reexamination. But I think it's
20 out of fairness to the witness, given earlier she had said she didn't know anything
21 about that, I don't think it could be assumed from that response that she had said that
22 it happened during the crisis.

23 PRESIDING JUDGE MINDUA: [16:54:30](Interpretation) Madam Prosecutor.

24 MS LUPING: [16:54:31] Mr President, if there is an issue, I would like that the
25 Registry Tamasheq interpreter clarify.

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1 Did the witness say it was not just during the crisis or not?

2 If I could ask the Registry Tamasheq interpreter to clarify that, please.

3 PRESIDING JUDGE MINDUA: [16:55:04] (No interpretation)

4 THE INTERPRETER: [16:55:07] Madam Witness said that it didn't happen during
5 the crisis, during the crisis. It happened before the crisis and also after the crisis.

6 PRESIDING JUDGE MINDUA: [16:55:17](Interpretation) Thank you.

7 Re-establish the sound.

8 THE COURT OFFICER: [16:55:25] Your Honours, the sound to the witness has been
9 re-established.

10 PRESIDING JUDGE MINDUA: [16:55:35](Interpretation) Thank you very much.

11 Madam Prosecutor.

12 MS LUPING: [16:55:38]

13 Q. [16:55:38] So just to understand your testimony correctly, Madam Witness,
14 bearing in mind what you know, based on the organisation that you testified about
15 yesterday, is it your testimony that during the time of the Islamists presence in 2012,
16 there were no females forced to marry anybody else? Is that your testimony?

17 And I do note the timing, and I would object to these constant interruptions,

18 Mr President.

19 PRESIDING JUDGE MINDUA: [16:56:24](Interpretation) Ms Taylor, the question is
20 simple enough. The witness can answer. We need to move forward.

21 MS TAYLOR: [16:56:34] Mr President --

22 PRESIDING JUDGE MINDUA: [16:56:41](Interpretation) No, no, no, no.

23 Madam Witness, we are awaiting your reply.

24 THE WITNESS: [16:57:29](Interpretation) I don't know what to say because I don't

25 know. All I know is that the problems of forced marriage and early marriage existed

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1 before the crisis. They might have also existed during the crisis. And they also
2 exist after the crisis.

3 PRESIDING JUDGE MINDUA: [16:57:52](Interpretation) There you have it, Madam
4 Prosecutor. You have your answer. Continue, please.

5 MS LUPING: [16:57:58]

6 Q. [16:57:58] Moving to a different topic, Madam Witness. And this is yesterday's
7 transcript, page 51, lines 15 to 21. You talked about a Senegalese leader who you
8 said was forced to leave Timbuktu after a complaint was made about rape.

9 First of all, can you explain when you say this leader left Timbuktu.

10 A. [16:59:40] I don't know what to tell you. She wasn't forced. She was
11 consenting. They went off together. But when they came back, the young people in
12 the neighbourhood set a trap, saying that she has been forced. So, really, I don't
13 know what to tell you, whether it's true or not. The young people forced the woman
14 to go and make a complaint. I can't tell you the exact year.

15 Q. [17:00:18] Now, is it correct that this was during events when the Islamists were
16 there in 2012?

17 A. [17:00:55] It was during the occupation. I don't know exactly which date or
18 which month. All I know is that it was during that period of time when they held
19 Timbuktu.

20 Q. [17:01:09] Now, you stated, Madam Witness, that: "When they made this man
21 leave [...], that Timbuktu got its freedom, young people, they were free again. And
22 they started to do what they wanted to do." End of quote.

23 Is it your testimony, Madam Witness, that when the Senegalese leader left, youth and
24 others could drink alcohol if they wanted to?

25 A. [17:02:32] I didn't say that. What I wanted to say, when I spoke about the

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1 young people who were prevented from going out with girls in the evening, it was
2 the young people who made a trap. So when he left with the young woman, when
3 they returned, he went back, the Senegalese men went back, and then they got the
4 woman, and they went to complain to the Islamists, telling them that he had raped
5 her.

6 Q. [17:03:45] Now, Madam Witness, I'm only going to repeat my question one
7 more time. I'm going to ask you to respond to the question I asked, and that
8 question is: When you say the young people got their freedom when the Senegalese
9 leader left, to clarify what you meant by that --

10 PRESIDING JUDGE MINDUA: [17:04:14](Interpretation) Ms Taylor.

11 MS TAYLOR: [17:04:17] Mr President, this is asked and answered. The witness
12 responded and said: "I didn't say that." Now, this is again verging into argument.
13 The witness has clarified saying: "I didn't mean that. I didn't say that." I don't
14 think we're saving any time by going over the same things again and again and again
15 just to argue with the witness.

16 PRESIDING JUDGE MINDUA: [17:04:51](Interpretation) Madam Prosecutor, I think
17 indeed that the witness has answered this question.

18 MS LUPING: [17:04:56] Mr President, I can move on. I don't believe it is actually
19 clear that she has said that that is -- she wasn't saying that the young people didn't
20 have their freedom anymore, but I will move on to the next topic.

21 And for this, I would ask that we briefly go into private session. These are questions
22 that are identifying of the witness.

23 PRESIDING JUDGE MINDUA: [17:05:25](Interpretation) Very well, Madam
24 Prosecutor.

25 Court officer, private session, please.

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1 (Private session at 5.05 p.m.)

2 THE COURT OFFICER: [17:05:42] We're in private session, Mr President.

3 PRESIDING JUDGE MINDUA: [17:05:46](Interpretation) Thank you.

4 Madam Prosecutor.

5 MS LUPING: [17:05:49] Thank you.

6 Q. [17:05:50] Madam Witness, at the beginning of your testimony, you said that
7 your name is (Redacted); is that correct?

8 A. [17:06:13] Yes.

9 Q. [17:06:13] Now, isn't it correct, as is stated in the summary that the Defence gave
10 to us of what you were going to be saying, that you're also known as (Redacted)
11 (Redacted); is that correct?

12 A. [17:07:05] (Redacted).

13 Q. [17:07:09] And that is another way of referring to you, is that correct,
14 Madam Witness, (Redacted)?

15 A. [17:07:54] Yes. I'm given a lot of nicknames. (Redacted) means
16 "(Redacted)".

17 Q. [17:08:03] (Redacted)?

18 A. [17:08:22] Isn't it Tamasheq that I speak?

19 Q. [17:08:29] What is your ethnicity, and what is the ethnicity of your father?

20 A. [17:08:54] My father and my ethnic group is (Redacted), whilst my mother's is
21 (Redacted).

22 Q. [17:09:04] And you testified yesterday that (Redacted)

23 (Redacted), and you mentioned that they were killed by soldiers.

24 Is it correct that they were killed by members of the Malian army?

25 A. [17:09:45] Yes.

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1 Q. [17:09:46] And do you blame the Malian army for their deaths?

2 A. [17:10:12] Yes, that's true.

3 Q. [17:10:14] Now --

4 A. [17:10:17] They're not the only ones who were killed. There were others too.

5 Q. [17:10:22] I am going to referring to MLI-OTP-0080-6511.

6 But, Madam Witness, I'm just referring to that. But the organisation that you have
7 been testifying before, isn't it correct that one of the stated goals of that organisation is
8 to have political influence?

9 PRESIDING JUDGE MINDUA: [17:11:05](Interpretation) Ms Taylor.

10 MS TAYLOR: [17:11:07] I apologise, Mr President, but the Prosecutor has referred to
11 a document which has not been shown to the witness. She's referred to an
12 organisation that she's testified before, which I guess is the ICC. And it's been put to
13 the witness, is it not correct that one of the stated goals of the organisation that she's
14 testified before is to have political influence. I'm not quite sure what this question is
15 about, and I'm not sure how the -- whether the witness should answer that question.
16 It might be a translation, but that's what's coming up. And I don't think the
17 witness -- it's fair to put that question to the witness.

18 PRESIDING JUDGE MINDUA: [17:11:49](Interpretation) Madam Prosecutor.

19 MS LUPING: [17:11:51] Mr President, that's not the question. I'm trying to avoid
20 having to go into private session because of time. The Defence have this document.
21 It's at tab 45. They will see the organisation being referred to. I'm trying to avoid
22 identifying the witness.

23 Oh, apologies. I didn't realise we were already in private session. I thought we
24 were in public session.

25 Q. [17:12:18] So, Madam Witness, isn't it correct that one of the stated goals of

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1 (Redacted) is to have political influence?

2 A. [17:12:51] Who? I haven't understood what you said.

3 Q. [17:12:56] (Redacted), the organisation that (Redacted), isn't it correct that one
4 of its stated goals is to have political influence?

5 A. [17:13:33] It's an organisation that gives women the possibility to speak out.

6 Q. [17:13:48] I'm going to read the mission statement --

7 A. [17:13:51] It gives the -- women the opportunity to speak, just from the bottom
8 level to the highest level. There's also another Malian organisation, another NGO.

9 Q. [17:14:07] Well, I'm going to refer to the first page of the document where it
10 states: (Interpretation) (Redacted)

11 (Redacted)

12 (Speaks English) And isn't that right, Madam Witness, that's another goal of (Redacted)?

13 A. [17:14:54] (No interpretation)

14 MS LUPING: [17:14:55] Now, I'm going to just simply refer for the record, but I'll be
15 putting an assertion to the witness. It's at tab 2, MLI-D28-0004-8521, at page 8663.

16 Q. [17:15:10] Now, Madam Witness, just to explain what this is, it's a document
17 entitled "(Redacted).

18 And there is the name of a person who was present and appeared on behalf of the

19 CMA. That's the *Coordination des mouvements de l'Azawad*. That's at page 8663.

20 And the name is (Redacted).

21 And my question is this, Madam Witness: This person, is that you?

22 A. [17:16:41] In Azawad? Me in Azawad?

23 Q. [17:16:49] It's a question, Madam Witness.

24 A. [17:17:05] Whether I'm a member of Azawad?

25 PRESIDING JUDGE MINDUA: [17:17:15](Interpretation) Ms Taylor.

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1 MS TAYLOR: [17:17:17] I can cut the sound off, but I believe there's a word missing
2 in the translation in the witness's response.

3 MS LUPING: [17:17:27] Perhaps we can have that later on. I believe I can move on,
4 Mr President, your Honours. I'm just conscience of time, and I do believe that others
5 will want to possibly have an opportunity to question the witness. So I'd like to
6 finish. I don't need to ask any more questions. If it's an interpretation problem, I'd
7 suggest that this is clarified subsequently.

8 THE INTERPRETER: [17:17:46] Message from the interpreter: She said: "I am a
9 member of Azawad."

10 PRESIDING JUDGE MINDUA: [17:17:54](Interpretation) Please continue,
11 Prosecutor.

12 MS LUPING: [17:17:56] Thank you, Mr President.

13 Q. [17:17:58] Madam Witness, do you have a son called (Redacted)?

14 A. [17:18:18] No. Never.

15 Q. [17:18:21] Do you have a child called (Redacted)?

16 A. [17:18:46] No.

17 Q. [17:18:47] Now, this is my final topic, and this is from your summary of what
18 you were supposed to be stating, Madam Witness. And this is at page 3065,
19 paragraph 10. It states: "In terms of daily life, [...], there were Islamists who would
20 help the local population and there were some others who were not gentle."

21 When you stated, "... there were some others who were not gentle," Madam Witness,
22 could you explain who they were.

23 Sorry. We're in private session. We could move to public session for this.

24 PRESIDING JUDGE MINDUA: [17:19:32](Interpretation) Indeed.

25 Court officer, please take us into open session.

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1 (Open session at 5.19 p.m.)

2 THE COURT OFFICER: [17:19:45] We're in public session, Mr President.

3 PRESIDING JUDGE MINDUA: [17:19:50](Interpretation) Thank you very much.

4 Madam Prosecutor.

5 MS LUPING: [17:19:53]

6 Q. [17:19:53] Madam Witness, when you stated, "... there were some others who
7 were not gentle," and this is amongst the Islamists, could you explain what you
8 meant.

9 A. [17:21:00] What I wanted to say is that some of them would bother the
10 population. They would put pressure on the population.

11 Q. [17:21:15] Pressure in what way?

12 A. [17:21:54] I meant that, in fact, the girls who weren't well dressed, they forced
13 them to dress well. And some of them, if they saw you going on a motorbike, they
14 would stop you to ask if the person you were taking with you was -- you were
15 married to them or not before they would let you go. Some would ask if somebody
16 was your son or your husband.

17 Q. [17:22:34] And is it also correct, Madam Witness, that flogging people for
18 adultery or for drinking alcohol, that this is also not gentle?

19 A. [17:23:38] Yes, it's not good.

20 You asked me to speak about what I saw or experienced. People didn't consume
21 alcohol because there was no alcohol to consume at that time. They didn't want
22 people to drink alcohol.

23 Q. [17:24:02] Thank you, Madam Witness. I have no further questions.

24 Thank you, Mr President, your Honours.

25 PRESIDING JUDGE MINDUA: [17:24:16](Interpretation) Thank you very much,

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1 Madam Prosecutor, for your cross-examination and for your efficiency.

2 I would also like to thank the witness for her answers.

3 I now turn towards the legal representative of victims. Maître, what would you like
4 to say?

5 MR KASSONGO: [17:24:37](Interpretation) Thank you, your Honour,
6 your Honours.

7 After this long testimony from the witness, the legal representatives would like to be
8 as brief as possible and just ask two small questions, because the witness, as a fact
9 witness, it would be an opportune moment to take for the legal representatives to ask
10 more questions by way of clarification, which will not take a lot of time.

11 PRESIDING JUDGE MINDUA: [17:25:12](Interpretation) Very well, Maître. Please
12 put your questions.

13 QUESTIONED BY MR KASSONGO: (Interpretation)

14 Q. [17:25:23] Good afternoon, Madam Witness.

15 A. [17:25:31] I'm well.

16 Q. [17:25:32] I'm Maître Kassongo. We've had the opportunity to speak together
17 last time. On behalf of the legal representative team, I would like to obtain some
18 clarification from you by putting some questions to you. The first of which is that
19 you mentioned, on page 36 of today's transcript, lines 17 to 18 thereof, I summarise
20 your answer concerning the work in the fields or the path towards the work in the
21 fields.

22 Now, the legal repetitive would like to know if, indeed, you could clarify for us if you
23 saw the Islamists who accompanied the men into the fields. And the question is, if
24 they were bearing weapons, or did everyone carry a weapon on this occasion on that
25 trip?

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1 A. [17:29:22] Yes. In fact, I didn't see them. Normally, the car would stop (Redacted)
2 (Redacted). That -- it would depart from there. And when it departed, they would
3 take people to the fields, and it would be a large white truck. So women didn't get
4 near to see what was happening if they were with them.

5 Q. [17:29:53] Thank you very much, Madam Witness. Thank you for your
6 precision.

7 A second question, which is also very brief, and which also calls for a brief response,
8 on page 19, line 10 -- of yesterday's transcript, 10 to 18, you spoke about the
9 consumption of alcohol and that it was possible in Timbuktu, further away from the
10 villages, the names of which I will not cite where you were. And the concern that we
11 have is to see whether you know the fate of the stocks of alcohol that were found in
12 2012 by the Islamists.

13 What happened to the alcohol stocks, the drinks that were found?

14 A. [17:32:34] What they took? I don't understand.

15 Q. [17:32:40] I'll repeat my question, and I'll try to be as clear as possible.
16 When the Islamists in the year 2012 came across an inventory of alcoholic beverages
17 or products, what would happen then, to your knowledge?

18 A. [17:34:17] Yes, in actual fact, I didn't say that they didn't drink alcohol in my
19 village. They drank alcohol everywhere. I was talking about Timbuktu.

20 You're asking me a difficult question. I'd like to tell you that when the young people
21 vandalised a bar where there was alcohol, often we would see fire or bottles on the
22 ground.

23 Q. [17:34:49] Thank you very much, Madam Witness. I have finished my
24 questions.

25 Thank you, Mr President, your Honours.

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1 I thank you, Madam Witness for providing us with that information.

2 PRESIDING JUDGE MINDUA: [17:35:04](Interpretation) Thank you very much,

3 Mr Kassongo, for your questions.

4 And I too thank the witness.

5 I now turn to the Defence. Redirect?

6 MS TAYLOR: [17:35:16] Yes, Mr President. I have some very brief questions.

7 And I do believe, following the LRV's question, there's ambiguity as to time period,

8 which does need to be clarified for the witness. And then I have some brief

9 re-examination questions.

10 PRESIDING JUDGE MINDUA: [17:35:38](Interpretation) You may -- you may

11 summarise, because the witness is tired, and it is time.

12 MS TAYLOR: [17:35:47] Yes, Mr Witness. She was tired yesterday as well.

13 QUESTIONED BY MS TAYLOR:

14 Q. [17:35:54] Now, Madam Witness, you were just speaking and responding to a

15 question about the LRV, about seeing fire or bottles on the ground. Can you explain

16 what year you're speaking about.

17 A. [17:36:55] I don't remember exactly what year. I don't remember. I can't tell

18 exactly. I might get it wrong.

19 What I do know, it was during the occupation. I remember that they would

20 vandalise things. And after that, everything they found, they would break.

21 The gentleman asked me about an inventory that had been taken. I have no news

22 about that. He didn't ask me about a bar.

23 Q. [17:37:39] Madam Witness, when you speak about the young people vandalising

24 things, are you speaking about the young people from the local population?

25 PRESIDING JUDGE MINDUA: [17:38:01](Interpretation) Madam Prosecutor.

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1 MS LUPING: [17:38:04] Objection. I find that this is leading. If she could simply
2 rephrase her question, Defence counsel.

3 PRESIDING JUDGE MINDUA: [17:38:15](Interpretation) Ms Taylor, rephrase.

4 MS TAYLOR: [17:38:21]

5 Q. [17:38:21] Madam Witness, can you explain who these young people were,
6 where they came from.

7 A. [17:38:54] The people, when -- when the people occupied Timbuktu, that's what
8 they did. They broke everything they found. And that also held true for the young
9 people of Timbuktu. They broke everything they found.

10 Q. [17:39:20] Now, Madam Witness, at page 71, today, in response to the
11 Prosecution, you said: "Some of the Islamists bothered the population."
12 Now, my question is: If someone of the Islamists or an Islamist bothered you, was it
13 possible to complain to the leaders?

14 PRESIDING JUDGE MINDUA: [17:39:52](Interpretation) Madam Prosecutor.

15 MS LUPING: [17:39:55] Mr President, our objection is that this is a question that
16 should and could have been raised during examination-in-chief. Now, these are
17 issues that were explored, the question of the ability or not to be able to address
18 complaints with the chiefs. Now, this is not something that arose for the very first
19 time in cross-examination.

20 PRESIDING JUDGE MINDUA: [17:40:29](Interpretation) Ms Taylor, I think you can
21 drop that question.

22 MS TAYLOR: [17:40:36] Mr President, if I may actually be heard. I do have very
23 small questions. I'd like to get through them very quickly, and then we're done.

24 Now, the Prosecutor read out one extract from the summary. She didn't read out the
25 full related extract, which was at paragraph 12 --

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1 PRESIDING JUDGE MINDUA: [17:40:51](Interpretation) Very well. Go ahead.

2 Just gain some time.

3 MS TAYLOR: [17:40:56] And it was a general question.

4 Q. [17:40:57] Now, Madam Witness, are you able to answer my question?

5 A. [17:41:12] What question? You said something, but then you didn't -- they
6 didn't even let me say what he can -- what you were saying.

7 Q. [17:41:34] Madam Witness, earlier the Prosecutor read to you an extract that
8 there were some Islamists who would help the local population and there were some
9 others who were not gentle. And you testified that some of the Islamists bothered
10 the population.

11 My question, Madam Witness, is: If this occurred, if you were bothered by an
12 Islamist, by one of these Islamists that bothered the population, was it possible to
13 complain about this?

14 A. [17:42:58] Yes.

15 Q. [17:43:01] And what would happen --

16 PRESIDING JUDGE MINDUA: [17:43:05](Interpretation) No. We have the answer
17 to the question, Ms Taylor. Move on. You have two minutes to conclude.

18 MS TAYLOR: [17:43:16]

19 Q. [17:43:17] Madam Witness, do you yourself know what the position of the
20 leaders was towards these acts of the Islamists bothering the population?

21 PRESIDING JUDGE MINDUA: [17:43:59](Interpretation) Madam Prosecutor.

22 MS LUPING: [17:44:00] Objection. This calls for the witness to speculate. She
23 can't speak about the point of view of the leaders.

24 PRESIDING JUDGE MINDUA: [17:44:15](Interpretation) I agree.

25 Ms Taylor, I have the impression that you have no further questions. We shall leave

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1 it at that because the two minutes are up.

2 MS TAYLOR: [17:44:28] Mr President, if I may just say for the record --

3 PRESIDING JUDGE MINDUA: [17:44:29](Interpretation) You may.

4 MS TAYLOR: [17:44:30] -- that the entire line of questioning of the Prosecutor was
5 entirely speculative. And it's unfair that we're given no opportunity to respond and
6 clarify the Prosecution's entire line of questioning, which asked this witness to speak
7 about everything that happened in Timbuktu to the local population.

8 Now, if we can't put clarification questions, it's obviously going to go to the weight of
9 their lines of questioning that have been entirely speculative in nature.

10 PRESIDING JUDGE MINDUA: [17:45:03](Interpretation) Very well.

11 No, no, no. Sit down.

12 Ms Taylor, you have objected while the Prosecution was putting questions, and the
13 Chamber realises that there have been some speculative questions, and the Chamber
14 can assess all of that.

15 I believe that we have come to an end of the hearing. And I would like to say
16 goodbye to our witness, Madam Taylor.

17 Madam -- I'm just -- I'd just like to say goodbye to the witness.

18 MS TAYLOR: [17:45:54] I've understood.

19 PRESIDING JUDGE MINDUA: [17:45:56](Interpretation) Is that understood?

20 MS TAYLOR: [17:44:57] Yes, Mr President.

21 PRESIDING JUDGE MINDUA: [17:45:58](Interpretation) Do you understand?

22 Thank you very much.

23 Madam Witness, we have come to the end of your testimony.

24 THE WITNESS: [17:46:22] (No interpretation)

25 PRESIDING JUDGE MINDUA: [17:46:25](Interpretation) Yes, I understand. You

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ICC-01/12-01/18

1 must be relieved. You are tired.

2 THE WITNESS: [17:46:37] (No interpretation)

3 PRESIDING JUDGE MINDUA: [17:46:42](Interpretation) On behalf of the Chamber,

4 I would like to once again thank you most sincerely for helping us by answering the
5 questions with a great deal of courage and patience and very clearly.

6 Once again, I thank you for your goodwill, and I wish you all the best for the future.

7 (The witness is excused)

8 PRESIDING JUDGE MINDUA: [17:45:58](Interpretation)

9 Before adjourning, I would like to very sincerely thank the parties and participants,
10 the court reporters, the interpreters, and our security guards. The public gallery is
11 now empty, but I know that people do listen in from afar, and I would like to thank
12 our public.

13 Now, of course -- now, as for tomorrow, our witness will not be in attendance. I
14 believe you have been informed of this. And the Defence will submit a report with
15 the Registry and the legal officers of the Chambers regarding the next hearing, and
16 you will have an email in this regard.

17 I wish all of you a very pleasant evening. We shall now adjourn.

18 The hearing is adjourned.

19 THE COURT USHER: [17:48:58] All rise.

20 (The hearing ends in open session at 5.49 p.m.)