

Trial Hearing
WITNESS: MLI-OTP-P-0150

(Closed 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 vs Al Hassan Ag Abdoul Aziz Ag Mohamed Ag
5 Mahmoud - ICC-01/12-01/18
6 Presiding Judge Antoine Kesia Mbe Mindua, Judge Tomoko Akane and
7 Judge Kimberly Prost
8 Trial Hearing - Courtroom 3
9 Wednesday, 2 June 2021
10 (The hearing starts in closed session at 9.41 a.m.)
11 THE COURT USHER: [9:41:46] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE MINDUA: [9:42:19](Interpretation) Court is in session.
15 Good morning to everyone.
16 Court officer, please call the case.
17 THE COURT OFFICER: [9:42:31] Good morning, Mr President, 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 number
20 ICC-01/12-01/18.
21 And for the record, we are in closed session.
22 PRESIDING JUDGE MINDUA: [9:42:53](Interpretation) Thank you very much,
23 court officer.
24 As we do every morning, we will carry out the appearances, starting with the
25 Office of the Prosecutor.

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1 Mr Dutertre.

2 MR DUTERTRE: [9:43:04](Interpretation) Good morning, your Honour. Thank
3 you, your Honours. The Prosecution is composed today of Yayoi Yamaguchi,
4 Mr Lucio Garcia, Mousa Allafi. And as the Chamber gave leave for, I will need the
5 services of P-0075 to play an item. I won't spend further time on that.
6 Good morning, Witness. Good morning, everyone.

7 PRESIDING JUDGE MINDUA: [9:43:41](Interpretation) Thank you very much,
8 Prosecutor.

9 I now turn towards the Defence. Ms Taylor.

10 MS TAYLOR: [9:43:46] Good morning, Mr President. Good morning, your
11 Honours. Good morning to everyone inside and outside the courtroom. The
12 Defence for Mr Al Hassan is represented today by Maître Mohamed Youssef,
13 Maître Sarah Marinier-Doucet, and myself, Melinda Taylor. Thank you.

14 PRESIDING JUDGE MINDUA: [9:44:07](Interpretation) Thank you very much,
15 Ms Taylor.

16 Now it's the turn of the Legal Representative of Victims. Counsel.

17 MR LUVENGIKA: [9:44:14](Interpretation) Good morning, your Honour,
18 your Honours. The victims are represented at this hearing by
19 Madam Prisque Biyéké Dipanga and Mademoiselle Ludivine Tixier-Dunet,
20 who is an intern -- who is doing her internship within the team. Thank you.

21 PRESIDING JUDGE MINDUA: [9:44:44](Interpretation) Thank you, Counsel.
22 Counsel for our witness, it is your turn.

23 [REDACTED] [9:44:49] (Interpretation) Good morning, Mr President, your Honours.

24 [REDACTED] appearing here as the counsel and the legal adviser to

25 [REDACTED] the witness in this case. I am the Rule 74 counsel, Rule 74 of the

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1 Rules of evidence and procedures. Thank you.

2 PRESIDING JUDGE MINDUA: [9:45:20](Interpretation) Thank you very much,

3 Counsel.

4 This morning we are going to continue with hearing the 36th Prosecution witness. I

5 therefore turn to the witness.

6 Good morning, Witness. Can you hear me? How are you?

7 WITNESS: MLI-OTP-P-0150 (On former oath)

8 (The witness speaks Arabic)

9 THE WITNESS: [9:45:42](Interpretation) Good morning, your Honours. I hear you

10 very well. Thank you.

11 PRESIDING JUDGE MINDUA: [9:45:49](Interpretation) Very well. Thank you.

12 So on behalf of the Chamber I would like to welcome you once again and I would like

13 to remind you that you are still under oath and that you must say the truth, the whole

14 truth and nothing but the truth. You know the modalities of taking the floor, so I

15 don't need to highlight them.

16 Without any further ado, I will give the floor to the Office of the Prosecutor for the

17 follow-up of the examination-in-chief.

18 Prosecutor.

19 MR DUTERTRE: [9:46:40](Interpretation) Thank you, your Honour.

20 QUESTIONED BY MR DUTERTRE: (Continuing)(Interpretation)

21 Q. [9:46:47] Good morning, Witness. Are you well this morning?

22 A. [9:46:55] Good morning. I am fine. Thank you.

23 Q. [9:46:59] Perfect.

24 So we finished yesterday, Witness, yesterday with some training that you had been

25 appointed to. But I would like to go back to some other points that you mentioned

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1 in order to complete the information given and then we will continue with this
2 training with which we closed yesterday.

3 I've got five different points over which I would like to go back.

4 So in yesterday's transcript, page -- 89, page 33, lines 20 to 25, page 33, 20 to 25 --

5 PRESIDING JUDGE MINDUA: [9:48:21](Interpretation) Ms Taylor.

6 MS TAYLOR: [9:48:22] I apologise for interrupting, but it would be of incredible
7 assistance if the Prosecutor could inform us if they're referring to the French or the
8 English version of the transcripts when they make these references. It makes it much
9 easier for us to follow. Thank you.

10 MR DUTERTRE: [9:48:41](Interpretation) That's going to be my next point, but I'll
11 reverse the order.

12 So it's the French transcript, page 33, lines 20 to 25. I generally refer to the French
13 transcript.

14 Q. [9:49:07] So you were speaking about Iyad Ag Ghaly and you said he asked for
15 this cooperation to take place in a general way for everybody, for all people who were
16 present. And then he spoke individually to certain people. He met certain people
17 individually. And he explained what he meant by this cooperation to them.

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2 Q. [9:51:12] Yesterday you mentioned Mohamed Moussa

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5 A. [9:51:28] Yes.

6 Q. [9:51:35] You mean it's the same person?

7 A. [9:51:43] It is the same person. It is Mohamed Moussa Al Souki.

8 Q. [9:51:52] Could you briefly, as far as possible, indicate what the links are
9 between Mohamed Moussa and Iyad Ag Ghaly?

10 A. [9:52:17] There are no special connections between them, but they're both from
11 two different -- from two prominent Tuareg tribes, tribes that have been able to
12 control large swaths of northern Mali.

13 The people of the market to whom belongs Mohamed Moussa, they controlled part of
14 Gao and part of Niger. They had such control. Part of Niamey and part of
15 northern western Niger. The Ifoghas controlled Adrar Ifoghas, the one we saw -- the
16 part we saw on the map. And the connection between these two tribes in the past
17 were long-standing, and these tribes, they had marriage connections, and many other
18 clans and families traced their origins to these larger -- to these two larger tribes.

19 Q. [9:53:39] According to your knowledge, Mohamed Moussa and Iyad Ag Ghaly,
20 did they know each other?

21 A. [9:53:55] Yes. Iyad Ag Ghaly had visited beforehand the mosque of
22 Mohamed Moussa during one of his trips with the missionaries, and he met -- he had
23 meetings during the preaching and missionary activities that were endorsed by both
24 Iyad and Mohamed Moussa at the time.

25 Q. [9:54:30] And approximately what year are we talking about here, in terms of

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1 the missionary activities?

2 A. [9:54:47] Well, that was in -- actually, in 2008, Iyad Ag Ghaly passed from
3 Timbuktu. He came all the way from Bamako to the northern part of the country.
4 He was accompanied with a group of Arabs and he passed by mosques, the
5 Mohamed Moussa mosque and the Askia Daoud mosque as well, and he met the
6 imams in those two mosques.

7 Q. [9:55:24] Understood. How did you know that Iyad Ag Ghaly met
8 Mohamed Moussa and the two imams, Daoud, how did you get this information?

9

[REDACTED]

[REDACTED]

[REDACTED] And I don't know exactly how I came to

17 learn about the others.

18 Q. [9:56:51] Understood. Could you mark on a white page the names of the two
19 imams who you mentioned a moment ago and who had individual meetings with
20 Iyad Ag Ghaly.

21 Evidence 2. Thank you.

22 MR DUTERTRE: [9:58:40](Interpretation) Your Honour, could we give a number to
23 this item.

24 PRESIDING JUDGE MINDUA: [9:58:46](Interpretation) Court officer, please could
25 you give this a number.

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- 1 THE COURT OFFICER: [9:58:50] Your Honours, the document will be assigned
2 exhibit number [REDACTED].
3 PRESIDING JUDGE MINDUA: [9:58:58](Interpretation) Thank you very much,
4 court officer.
5 Prosecutor.
6 MR DUTERTRE: [9:59:02](Interpretation) Thank you, your Honour.
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- 18 Now, Iyad Ag Ghaly, I think he stayed at that time a little less than a week, maybe
19 five or four days before going back to Kidal.
20 Q. [10:00:35] Understood. So that was a useful addition to make. Now going to a
21 second point, Witness, and this time I'm on the -- in the English transcript 89, page 26,
22 lines 22 to 23. And you stated, Witness, and here I quote you in English:
23 (Speaks English) "So there were checkpoints, especially on the outskirts of the city,
24 and the jihadists started treating the MNLA in a very offensive way ..." End quote.
25 (Interpretation) And here we're speaking about the town of Timbuktu.

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1 I would like, your Honour, to show from my computer a video, 0018-0107, tab 1149 of
2 the binder number 6, with a transcript *0069-0431, tab 1150. But there is a sentence
3 which can be translated, do we have the translation at tab 1051. So 1149,
4 transcript -- 1051 for the translation and the translation 0078-1427.

5 And I'll play it firstly without the sound. And it will be on evidence 2.

6 So I'll start and I will cut the sound.

7 (Viewing of the video excerpt)

8 MR DUTERTRE: [10:05:08](Interpretation)

9 Q. [10:05:10] Were you able to see the video clearly, Mr Witness?

10 A. [10:05:16] Yes.

11 Q. [10:05:20] Could you tell us, if you know, where this video was taken?

12 A. [10:05:33] Yes, I am certain that this is the southern checkpoint at the entrance of
13 Timbuktu between Kabara and Timbuktu on the southern side of Timbuktu.

14 Q. [10:05:54] Do you know whether this -- well, this checkpoint -- rather, who is in
15 charge of this checkpoint?

16 PRESIDING JUDGE MINDUA: [10:06:20](Interpretation) Ms Taylor.

17 MS TAYLOR: [10:06:20] Thank you, Mr President. I respectfully submit that the
18 Prosecution's question is entirely unclear, asking -- are they asking the witness to
19 provide information on the basis of the contents of this video concerning this specific
20 checkpoint at this specific point? Are they asking a general question about this
21 checkpoint in Timbuktu throughout 2012? Are they referring to a specific period
22 in 2012?

23 It's not clear at all what they're asking this witness to comment on and the basis for
24 the witness's knowledge.

25 PRESIDING JUDGE MINDUA: [10:06:56](Interpretation) Mr Prosecutor, I believe

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1 that the Defence is correct. Could you please reformulate your question.

2 MR DUTERTRE: [10:07:04](Interpretation)

3 Q. [10:07:06] Mr Witness, on this video, who is in charge of the checkpoint that you
4 refer to?

5 A. [10:07:18] I do not know.

6 Q. [10:07:42] Mr Witness, I am at 00:00:56:22. You can see a flag on the left. And
7 I'll play you perhaps the few seconds before and afterwards.

8 (Viewing of the video excerpt)

9 MR DUTERTRE: [10:08:12](Interpretation)

10 Q. [10:08:12] What is this flag, Mr Witness?

11 A. [10:08:31] This is the Al-Qaeda flag. This is the flag used by the group that
12 controlled Timbuktu in 2012.

13 Q. [10:08:50] Thank you. And now I would like to move to show the video with
14 sound and I would ask the interpreters to read the transcript.

15 (Viewing of the video excerpt)

16 THE INTERPRETER: [10:10:03] Could the court officer show the transcript on
17 evidence channel 1, please, for the interpreters.

18 MR DUTERTRE: [10:10:55](Interpretation) I'm sorry, I had given -- given an
19 incorrect ERN for the translation. It was a different number, but there wasn't much
20 to be interpreted, in fact.

21 So I'd now like to move to French transcript page -- 89, page 47, lines 23 to 25.

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- 1 I would like to show now a photo, 0022-0478.
- 2 Can you see this photo, Mr Witness?
- 3 A. [10:12:43] I do.
- 4 Q. [10:12:47] Can you tell us who this person is?
- 5 A. [10:12:54] I can. This is Abou Zeid, whom I've been talking about.
- 6 Q. [10:13:06] Thank you. I'm going to show another photograph now which is
- 7 0022-0472. Can you see this photo?
- 8 A. [10:13:29] I do. This is Abdallah Al Chinguetti to whom I sometimes refer with
- 9 Sheikh Abdallah.
- 10 Q. [10:13:47] And now a third photo, 0022-0473. Can you see this photo,
- 11 Mr Witness?
- 12 A. [10:14:06] I do. This is Sanda whom I've mentioned already.
- 13 Q. [10:14:17] Very good. Could you please on a -- firstly, could you give me the
- 14 full name of Sanda, please.
- 15 A. [10:14:36] I can. His name is *Sandah Abu-Amama and I believe he's also
- 16 called Abou Mohamed.
- 17 MR DUTERTRE: [10:15:20](Interpretation) I believe that the document with Sanda's
- 18 name is on the projector next to the witness, madam court officer.
- 19 PRESIDING JUDGE MINDUA: [10:16:13](Interpretation) We have it on channel
- 20 evidence 2. Please could it be given a code. Code, please, court officer.
- 21 THE COURT OFFICER: [10:16:22] Your Honours, the document will be assigned
- 22 exhibit number MLI-REG-0001-0043.
- 23 PRESIDING JUDGE MINDUA: [10:16:34](Interpretation) Thank you very much,
- 24 court officer.
- 25 Mr Prosecutor.

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1 MR DUTERTRE: [10:16:37](Interpretation) Thank you, Mr President.

2 Q. [10:16:42] Mr Witness, could you tell us to which group Sanda belonged?

3 A. [10:16:51] He is a member of the Al-Fourqane battalion.

4 Q. [10:17:01] And what was his position or function in Timbuktu in 2012?

5 A. [10:17:13] He is a very close consultant, adviser to Abou Hammam and Abou
6 Zeid, and at that time he was also called the media official or the spokesperson of
7 Ansar Dine.

8 Q. [10:17:38] And when you say "consultant", what do you exactly mean by that?
9 What did he do?

10 A. [10:17:48] He is -- he belongs to the Arab tribes of Timbuktu and he has relatives
11 in Timbuktu and in Mauritania. Here the Al-Fourqane battalion and the
12 Tariq Ibn Ziyad battalion as well used him for advisory on matters related to the Arab
13 community in principle. But he's also an original inhabitant of Timbuktu with a
14 mastery of the local languages such as *Songhai and also French. He was also
15 consulted on how to deal with the people in Timbuktu. He also assisted the people
16 and -- as a facilitator between them and the armed groups. He was like a reliable
17 mediator between the community of Timbuktu and the jihadists.

18 Q. [10:19:04] You also said that he was responsible for the media. Can you please
19 explain what this function consisted of?

20 A. [10:19:23] He was the person to go to for journalists in the early days of the
21 occupation whenever they needed a statement or whenever journalists needed
22 guidance on who to go to to get a statement from. That's number one.
23 Number two, he was the person who spoke to media outlets on things that have been
24 authorised by the senior emirs. But in other recent -- but more lately, things were no
25 longer clear. There was an overlapping of tasks between him and --

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1 THE ARABIC INTERPRETER: [10:20:06] The gentleman we could not gather the
2 name of.

3 THE WITNESS: [10:20:10](Interpretation) And I was no longer certain who was the
4 media official between the two.

5 MR DUTERTRE: [10:20:26](Interpretation)

6 Q. [10:20:27] Mr Witness, the Arab booth did not hear the name of the second
7 person you mentioned. Could you please repeat that name?

8 A. [10:20:35] I said that later on in the events this media task was sometimes in the
9 hands of Radwan and at other times in the hands of Sanda. And at certain points
10 I was no longer certain who was the media official.

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13 A. [10:21:28] I meant the same person.

14 Q. [10:21:40] You also said that Sanda was a spokesman. Could you please give
15 us a bit more detail about the function of spokesman?

16 A. [10:22:00] I cannot give a definition of what a spokesman does, a definition that
17 anyone in the world would recognise. But what I meant here is that he was the
18 person to communicate to media outlets, even foreign media outlets. Or whenever
19 there was an communication with an external party, he was the person to do that.
20 He's the person to communicate a decision reached by the emirs such as Abou
21 Al Hammam and Abou Zeid.

22 Q. [10:22:44] And how do you know all this information about Sanda?

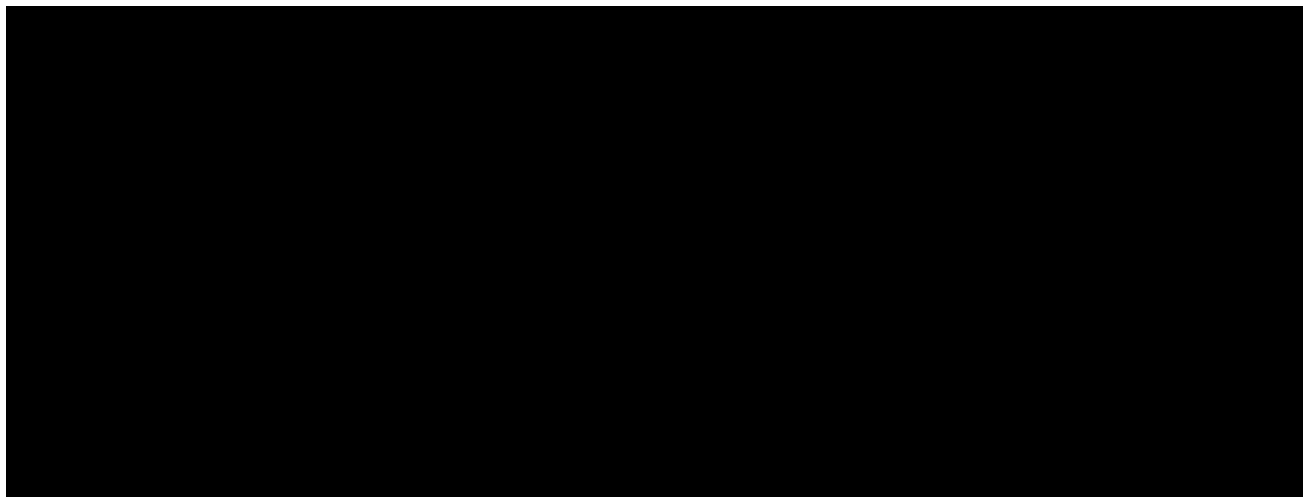
23 A. [10:22:55] [REDACTED] I was
24 following the decision-making process in Timbuktu and I knew who would be the
25 person to publish decisions.

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8 Q. [10:24:13] Thank you very much.

9 I'd like to move to another point now which relates to the French transcript, T-0089,

10 page 74, lines 4, 5, 6.

11 [REDACTED] Mr Witness, and in these lines you said

12 that "At a given point in time, Al Hamman (phon) also joined them, but he then left

13 for another mission."

14 Could you please give us the full name of Al Hamman, the Al Hamman that you

15 referred to here?

16 A. [10:25:17] What I meant -- probably the interpreter said Al Hamman, but what I

17 meant is Yahia Abou Al Hammam. He returned to Timbuktu to take over in the

18 absence of the group and a problem occurred in Timbuktu. A high-level prisoner

19 was able to flee that day and that situation required the leadership in Timbuktu to

20 manage the situation and that's why Abou Al Hammam returned to Timbuktu at a

21 time when only Abdallah was left there to manage.

22 Q. [10:26:18] Please could you write his full name on a sheet of paper, Mr Witness.

23 I (inaudible) I have problems with my laptop. It's connected, but it's not charging,

24 hence the business behind me at the moment.

25 PRESIDING JUDGE MINDUA: [10:26:58](Interpretation) Once again, this is

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1 displayed on evidence 2.

2 And Mr Court Officer, please, could you give us a code.

3 THE COURT OFFICER: [10:27:06] Your Honours, the document will be assigned
4 exhibit number MLI-REG-0001-0043.

5 PRESIDING JUDGE MINDUA: [10:27:15](Interpretation) Thank you, court officer.
6 Mr Prosecutor.

7 MR DUTERTRE: [10:27:20](Interpretation)

8 Q. [10:27:21] Mr Witness, could you please tell us again which battalion
9 Yahia Abou Al Hammam belonged to.

10 A. [10:27:36] Yahia at that time was the head of the Al-Fourqane battalion.

11 Q. [10:27:48] After the death of Nabil Alqama, which we spoke about yesterday,
12 what happened to Yahia Abou Al Hammam?

13 A. [10:28:04] He became the head of the organisation in the Sahara. I mean the
14 Al-Qaeda in the Islamic Maghreb, the desert branch of the group.

15 Q. [10:28:27] Was that the function held by Nabil prior to his death?

16 A. [10:28:34] That is correct.

17 Q. [10:28:38] And who replaced Yahia Abou Al Hammam at the head of the
18 Al-Fourqane battalion?

19 A. [10:28:52] Sheikh Abdallah Al Chinguetti.

20 Q. [10:29:02] I'm going to show a photo, 0022-0491.

21 Can you see this? It is on evidence 2.

22 A. [10:29:21] I do.

23 Q. [10:29:25] Who is this person, Mr Witness?

24 A. [10:29:29] This is Yahia Abou Al Hammam, about whom I've just been speaking.

25 Q. [10:29:44] You also said that there was a high-level prisoner who escaped that

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1 day. Could you tell us a little more about this, please, Mr Witness?

2 A. [10:30:06] Yes. This prisoner was a member -- was one of the jihadists and he
3 was found guilty of rape. And the emirs were very careful to make sure that he be
4 punished so that they make it look clearly to the public that they were not
5 discriminatory in the enforcement of God's verdicts.

6 When this prisoner fled, the emirs were afraid that they would be accused of helping
7 him escape because he was a member of the groups, so strenuous efforts were exerted
8 to bring him back to custody. Money was offered in return for bringing him back to
9 custody. And indeed the police was able to lock him up again.

10 Q. [10:31:13] Do you remember his name, Witness?

11 A. [10:31:18] I do not.

12 Q. [10:31:29] I'm now going on to another point. French transcript 89, page 64,
13 lines 19 to 20.

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17 THE INTERPRETER: [10:32:28] Correction from the interpreter: "... for the shrines
18 to be razed to the ground."

19 MR DUTERTRE: [10:32:35](Interpretation)

20 Q. [10:32:35] And I'm going to show you a document.

21 Court officer, 0002-0747, tab -- binder 7, tab 1410. 0002-0757. 0034-1363. For the
22 English transcript, it's 0757. So the translation is at tab 1411.

23 Perhaps the court officer can help the witness find the document. That would be
24 easier for him to be able to see it. With your leave, your Honour.

25 THE COURT OFFICER: [10:34:06] My apologies to counsel. Would you kindly

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1 repeat the reference to the video and the transcripts. Thank you.

2 MR DUTERTRE: [10:34:18](Interpretation) So this is a written document. The ERN
3 is 0002-0757, tab 1410, binder 7. The translation is 0034-1363, that's at tab 1411 of
4 binder 7.

5 THE COURT OFFICER: [10:35:32] Your Honours, the transcript will be available on
6 the evidence 1 channel.

7 And I would like to correct the previous reference number. MLI-REG-0001-0043
8 should be 0044. Thank you.

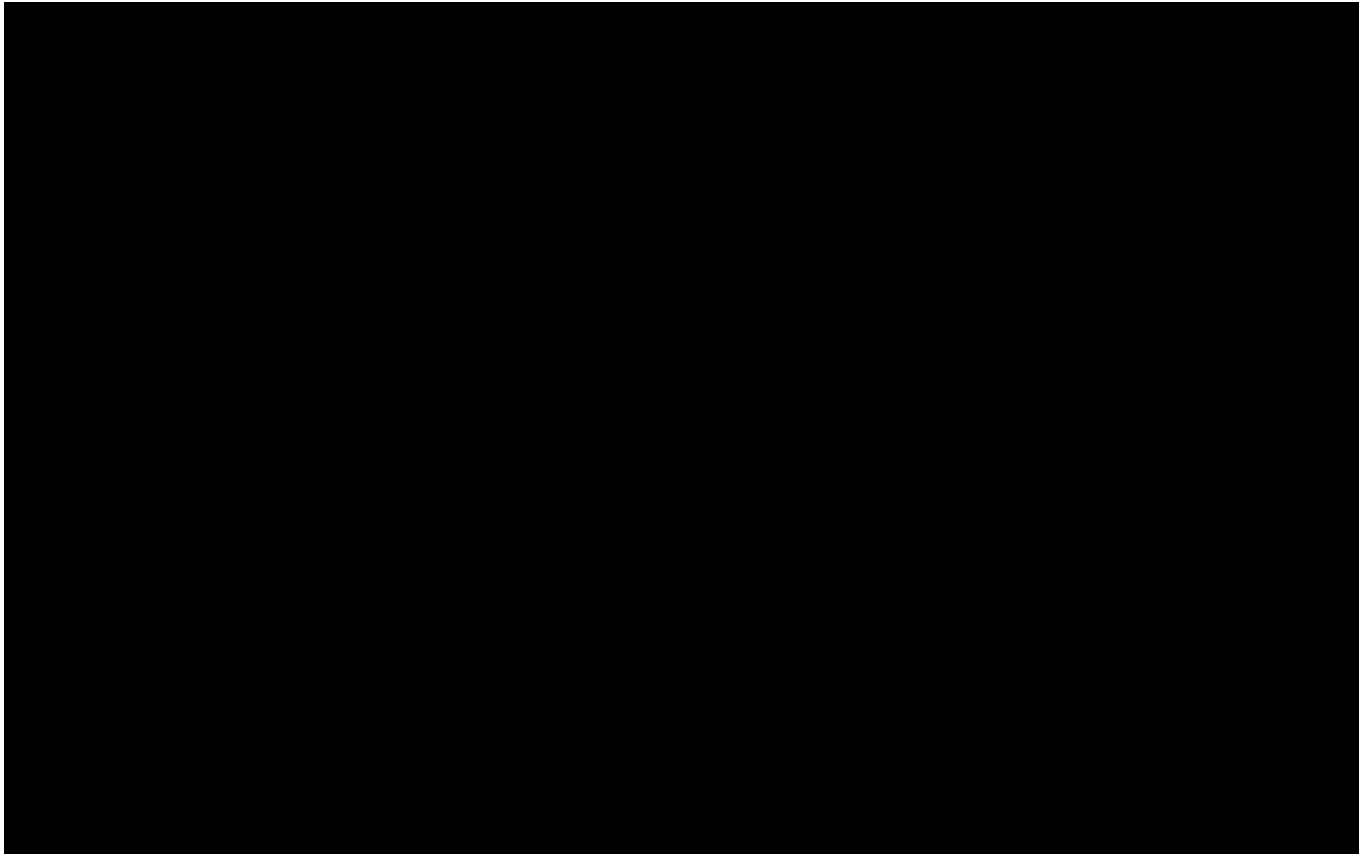
9 MR DUTERTRE: [10:37:12](Interpretation)

10 Q. [10:37:14] Do you recognise this document, Witness?

11 A. [10:37:21] I do.

12 Q. [10:37:26] Could you tell us who wrote this document?

13 A. [10:37:38] It's Sheikh Abdallah Al Chinguetti.



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6 A. [10:40:27] Over radio channels, not video. And the point was for all the people
7 of Timbuktu to learn about the religious approach [REDACTED] to establish in the
8 city and [REDACTED] people to comply with through education first, [REDACTED]
9 [REDACTED] compelling them to abide by these directions in case they
10 don't do it voluntarily.

11 Q. [10:41:13] Indeed the French transcript says "videos", but English said "radio".
12 You corrected that. Thank you for that.
13 And the Defence also alerted me thereto. Thank you.

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1 Q. [10:43:28] Thank you for this clarification.

2 Could we go to the end of this document, so the document 0002-0757, and briefly
3 comment on this conclusion.

4 [REDACTED] after laying out that the -- that graves,
5 building them up and so on and so forth, was a manner of violating monotheism and
6 that such practice was prohibited by Islamic Sharia, and they laid out the proof
7 demonstrating such idea.

8 [REDACTED] the senior scholars see that it would be appropriate to raze
9 grounds and they do not blame anyone for razing grounds and that doing such thing
10 is a matter of following Sunnah, the traditions and actions of the Prophet Muhammad,
11 may peace be upon him.

12 Q. [10:45:17] So you said a few moments ago on page 19, lines 24 and 26 of the
13 French transcript that, and here I quote: "This was a radio channel and the objective
14 was that the population of Timbuktu learnt more about the religious methods [REDACTED]

15 [REDACTED]
16 [REDACTED]
17 [REDACTED]

18 [REDACTED] the city had its lone -- its own
19 appearance and that appearance is that markets and shops be totally free of any
20 prohibited or suspected merchandise and that women, once they leave their homes,
21 had to cover their heads. Some members of the groups added to that that these
22 women had to be veiled, but the original directions were for them to only have head
23 scarfs. And that such appearance requirements be maintained 24/7. Even the
24 people who would sleep in front of their houses in summertime, [REDACTED] force
25 them to get inside their homes despite the hot weather because [REDACTED]

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1 sleeping in front of their houses may lead to them getting naked or revealing parts of
2 their bodies. [REDACTED]

3 [REDACTED]

4 And that there also be no posters or billboards containing certain images. [REDACTED]

5 [REDACTED]

6 they should not in any way advertise missionary messages for other religions, nor
7 contain other prohibited images.

8 Also, as far as music is concerned, music should not be heard in streets. Music

9 should not be raised loud at homes. [REDACTED] not tell people that music was totally

10 prohibited at homes, but [REDACTED] in the street. And

11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]

15 [REDACTED] I forgot to mention

16 smoking and I forgot to mention having these *spells and amulets and that are -- that

17 would be hanged on people's clothes. [REDACTED] men to have their -- to have

18 their pants or trousers shortened so -- and also not to have invocations

19 written -- invocations written or hanged on their clothes.

20 Q. [10:49:56] We'll come back to this point a bit later, Witness.

21 [REDACTED] broadcasted this on the radio. So what
22 radio station was this?

23 A. [10:50:09] All radio channels in Timbuktu. There were several in Timbuktu

24 [REDACTED] I don't know whether they

25 were able to broadcast elsewhere too or whether they broadcast over Timbuktu only,

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1 but indeed [REDACTED] all of these local radio stations in addition to the
2 official radio station that was state owned, that was under ORTM, the
3 government-run institution. [REDACTED]

4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 Q. [10:51:30] Could you write his name on a sheet of paper, Witness.

10 I can't see whether it's being shown or not.

11 PRESIDING JUDGE MINDUA: [10:53:02](Interpretation) We have it on evidence 2.

12 Could you give it a number, please.

13 THE COURT OFFICER: [10:53:08] Your Honours, the document will be assigned
14 exhibit number MLI-REG-0001-0045.

15 PRESIDING JUDGE MINDUA: [10:53:20](Interpretation) Thank you very much.

16 Prosecutor.

17 MR DUTERTRE: [10:53:23](Interpretation) Thank you, your Honour.

18 Q. [10:53:25] Witness, if you don't remember, it doesn't matter, but do you
19 remember the names of one or two of these private radio stations, the control of
20 which was taken over by the group?

21 A. [10:53:53] I know the names of some of these radio stations [REDACTED]

22 [REDACTED] When I say the
23 Bouctou and the Jamana radio channels, I cannot really point to which one did what.
24 So if we could just pass this question. But the only one I could clearly identify is the
25 ORTM radio station.

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1 Q. [10:54:29] Understood. Abou Darda', which group did he belong to?

2 A. [10:54:46] He's from the Al-Fourqane battalion.

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5 Q. [10:55:03] We've got another point for clarification, but I won't have time to do
6 that so I'll come back to that point later. I'll continue on the point that we had
7 finished discussing yesterday.

8 So, Witness, yesterday in the French transcript -- sorry, I've got a last question.

9 Yesterday you said a moment ago on page 19, lines 7 -- 7 to 10, speaking about the

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18 Q. [10:56:41] Understood.

19 So I'll now go on page -- 89, page 90, so if we could go to page 90 of the transcript of
20 yesterday,

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1

[REDACTED]

[REDACTED]

11

[REDACTED]

[REDACTED]

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1 THE ARABIC INTERPRETER: [11:01:28] Note from the interpreters: We do not
2 really understand what the meaning of the word [REDACTED] meant but we gave that
3 literally.

4 MR DUTERTRE: [11:01:46](Interpretation) We'll come back to that later, but we can
5 take the break.

6 PRESIDING JUDGE MINDUA: [11:01:51](Interpretation) Indeed.

7 So we're now going to take the break for half an hour and we will be back at 11.30.

8 Court is suspended.

9 THE COURT USHER: [11:02:08] All rise.

10 (Recess taken at 11.02 a.m.)

11 (Upon resuming in closed session at 11.33 a.m.)

12 THE COURT USHER: [11:33:29] All rise.

13 Please be seated.

14 PRESIDING JUDGE MINDUA: [11:33:55](Interpretation) The Court is once more in
15 session.

16 And the Prosecutor still has the floor.

17 MR DUTERTRE: [11:34:05](Interpretation) Thank you, your Honours. I apologise
18 for the delay. My computer decided to do an automatic update, so I have the doctor
19 here looking after the patient.

20 PRESIDING JUDGE MINDUA: [11:34:23](Interpretation) Very good. Please
21 continue.

22 MR DUTERTRE: [11:34:25](Interpretation)

23 Q. [11:34:26] So, Mr Witness, let's continue with your discussion [REDACTED]

24 [REDACTED]
25 [REDACTED]

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2 MR DUTERTRE: [11:35:09](Interpretation) Court officer, could you please put map
3 0007-0418, could you please display that. And perhaps we could enlarge it around
4 the area of Timbuktu.

5 Q. [11:35:52] Mr Witness, are you able to pinpoint [REDACTED] on this map and put a big
6 red cross at its location?

7 A. [11:36:09] Could you please zoom in on the part between [REDACTED]
8 [REDACTED]

9 MR DUTERTRE: [11:36:58](Interpretation) Could we please have a code for this.

10 PRESIDING JUDGE MINDUA: [11:37:04](Interpretation) Court officer, could you
11 please give us the code.

12 THE COURT OFFICER: [11:37:08] Your Honours, the document will be assigned
13 exhibit number MLI-REG-0001-0046.

14 PRESIDING JUDGE MINDUA: [11:37:17](Interpretation) Thank you very much.
15 Please continue, Mr Prosecutor.

16 MR DUTERTRE: [11:37:28](Interpretation)

17 Q. [11:37:30] Mr Witness, could you put -- could you please write the name [REDACTED]
18 on a piece of paper so that we have it clear for the transcript. Thank you.

19 Mr President, please could we have a code for this document.

20 PRESIDING JUDGE MINDUA: [11:38:40](Interpretation) It's on evidence 2.
21 So court officer, please.

22 THE COURT OFFICER: [11:38:47] Your Honours, the document will be assigned
23 exhibit number MLI-REG-0001-0048 -- 47, apologies.

24 PRESIDING JUDGE MINDUA: [11:38:56](Interpretation) Thank you, court officer.
25 Mr Prosecutor.

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1 MR DUTERTRE: [11:39:01](Interpretation) Thank you, your Honour.

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But the focus, when we talk about military training, the focus

9 was on the Ansar Dine battalion, which was going to train the members of the MNLA,

10 those who were recently joined. They would be consequently mobilised on the basis

11 of the training that the jihadists receive.

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14 A. [11:41:07] The training all in all had as an object to have field commanders

15 graduate, which means by the end of the training that there would be combatants

16 capable of leading troops on the ground. But there was also a focus on renewing the

17 pledge of allegiance to Iyad Ag Ghaly and to Ansar Dine by the tribes that lived in

18 those areas. These were the popular incubators of the trainees who participated in

19 this training.

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1 So they focussed on reaffirming all the principles of the jihadist movement, the
2 principles that make them stand out of all other movements around the world, the
3 principles that make jihaddism stand out from all other movements or ideologies in
4 the Islamic world or around the world such as democracy and freedom and so on and
5 so forth. Freedom and human rights were redefined. New expressions were used
6 that are consistent with jihaddism, the ideology that these groups embrace.

7 So they used ideas that they seem to oppose such as human rights, democracy, justice
8 and equality.

9 Q. [11:43:57] I want to come back to this in a moment, but you talked earlier of
10 Mohamed, Abdallah Chinguetti, Koutaiba and Mohamed. Could you please explain
11 to us precisely who this Mohamed is?

12 A. [11:44:21] It's Mohamed Kouffa, the spiritual leader of all Fulani tribes in Mali
13 and Niger.

14 Q. [11:44:36] Very good. Thank you.

15 You spoke about the principles of jihaddism which stand out from all the movements
16 or ideologies such as freedom and human rights. Could you explain this in order to
17 enlighten the members of the Chamber and all of us here.

18 And if you could speak also slightly more slowly so that the interpreters can translate
19 you. And I may make this gesture in order to ask you to slow down. I am not
20 being impolite, I just -- I'm enabling the interpreters to do their work.

21 A. [11:45:33] Understood. Thank you.

22 [REDACTED] in [REDACTED] training tribes came over to pledge allegiance to
23 Iyad Ag Ghaly and to express an interest in Ansar Dine as an alternative to the Malian
24 government. And to convince the people of such approach, people had questions.
25 Does this group have a clear vision that we can rely on in managing the country?

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1 So the topics that were brought up were the topics that the jihadists thought were
2 relevant, that the jihadists thought that the people needed the state to run things, and
3 that very idea was lacking within the Islamists groups.
4 Let me give you an example of these ideas. Democracy to them is not acceptable,
5 except the parts of democracy that they believe are consistent with Shura, because
6 Shura is required in Islam. And that Muslim affairs had to be managed after due
7 consultation. And they thought that this was the Islamic version of democracy.
8 But this -- the thing that was lacking here is that the president had the power to
9 violate a Shura-issued decision. The Shura -- once a decision was issued by Shura,
10 the president, the emir, the top person had the power to -- to go -- to derail from that
11 decision. So the idea of the Shura was explained to people to convince the people of
12 that idea.
13 Justice and equality was totally rejected. They said equality was not acceptable.
14 Only justice was acceptable. And the definition of justice is defined as to ensure
15 equality between those who are equal and not to ensure equality between those who
16 are not equal.
17 So equality as an absolute principle is not acceptable because they believe it
18 contradicts justice, it does not define justice. It's in violation of justice. This was
19 explained extensively.
20 Another matter that was explained to people is rights, rights were defined as an
21 Islamic concept as per the Islamic schools of thought, the right of God and the rights
22 of the servants of God, the human beings, that is. And a third type which they
23 considered are shared rights between God, the Almighty, the creator, and human
24 beings. And then they dispelled the western notion of human rights as per modern
25 states which they thought was nothing but a gateway to corruption and indecency.

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1 Once these subjects were explained, they promoted the need to follow Islamic
2 principles as they are and the need to give up these ideas which they explained are
3 wrong and the need to return to Islamic ideas.

4 [REDACTED]

[REDACTED]

[REDACTED]

8 [REDACTED]

9 [REDACTED] I think there might have

10 been an issue with the translation of that word.

11 A. [11:50:54] First they said that what the west calls human rights is a lie. It has
12 nothing to do with human rights. It's nothing but a gateway to corruption. For
13 example, freedom of expression cannot -- as a human being you should not be
14 allowed to say anything you want. Expression should be restricted to what God
15 allows man to talk about.

16 And they explained rights as per the Islamic sense, that there are three types of rights:
17 The rights of God, which means all the directions and the prohibitions that are in the
18 book. And there is no need for a reasoned explanation of these directions and
19 prohibitions. You need to follow and that's it.

20 Second, there are the rights of the servants of God. They are the rights as per the
21 Islamic Sharia, [REDACTED]

22 [REDACTED]

23 The third type is the shared rights between God and the servants of God. [REDACTED]

24 [REDACTED]

25 Q. [11:52:35] Understood.

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1 Was there a discussion of equality between men and women?

2 A. [11:52:46] There was. This matter was also addressed and they said that
3 equality just like that for everyone is wrong, and that the concept that they recognised
4 was justice because justice was to give everybody what they are entitled to. It is
5 to -- those who are not equal, to ensure that they are not treated the same. And those
6 who are equal, to treat them the same. And equality just like that between the two
7 sexes is not okay. Women are different from men in rights and obligations. And
8 there are areas where women could have more rights than men or less rights than
9 men and vice versa.

10 And that is the perspective from which they addressed the subject.

11 Q. [11:53:56] I'd now like to show a video on evidence 2, 0018-0757, which is in
12 binder 6 at tab 1070. Transcript 0069-1484, which is at 1071. And the translation,
13 which is 0069-7609, which is at tab 1072. All these in binder 6.

14 I will show it without sound.

15 (Viewing of the video excerpt)

16 MR DUTERTRE: [11:55:50](Interpretation)

17 Q. [11:55:52] Mr Witness, were you able to see this video?

18 A. [11:56:01] No, I was not watching the video. But now I do have evidence
19 channel 2 up here.

20 Q. [11:56:13] In that case, I will play it again and that is the channel it is on.

21 (Viewing of the video excerpt)

22 MR DUTERTRE: [11:56:59](Interpretation)

23 Q. [11:57:00] Were you able to see it this time, Mr Witness?

24 A. [11:57:05] Yes.

25 Q. [11:57:10] Do you know where this video was taken, Mr Witness?

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1 A. [11:57:18] I do. This was shot in [REDACTED]

2 [REDACTED]

3 Q. [11:57:41] And are you able to describe what is happening in this video? What
4 does the video show?

5 A. [11:57:57] I can. [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 Q. [11:59:00] I'm now going to show this with the sound so that we can see what it
12 sounds like. And if there is anything said, the interpreters can read the transcript.

13 (Viewing of the video excerpt)

14 MR DUTERTRE: [11:59:55](Interpretation) The transcription will be inserted later.

15 That's not a problem.

16 Q. [12:00:04] We heard on a number of occasions "Allahu Akbar". Could you
17 please explain to us what this means?

18 A. [12:00:20] The words "Allahu Akbar" is not meant literally. It's just meant as a
19 form of kudos or encouragement in psychological terms, given the greatness of what
20 was going on.

21 As to the actual meaning, it means God is greater than anything else.

22 MR DUTERTRE: [12:01:03](Interpretation) I would now, your Honour, your
23 Honours, go on to a recording, audio recording, 0040-0125 -- I'm sorry, 943 in binder 5,
24 with a transcript 0069-1311, tab 944, the translation 0063- -- 0063-0965, tab 945. And
25 this is still in binder number 5.

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1 I'm now going to play the start without there being a need necessarily for
2 identification of the voice, but then I will go directly to line 69 and 77. That can be
3 read by -- into the record by the interpreters.

4 But first of all, I will play the audio to identify the voice.

5 (Playing of the audio excerpt)

6 MR DUTERTRE: [12:03:35](Interpretation) I'll stop at second 30.

7 Q. [12:03:41] Witness, do you recognise the voice of the person who is speaking?

8 A. [12:03:47] I do. [REDACTED]

9 [REDACTED]

10 Q. [12:04:01] Could you indicate what he's speaking about? Well, what language
11 is he speaking in?

12 A. [12:04:16] He was talking in the Tuareg language, which is also called the
13 Tamasheq language.

14 Q. [12:04:27] And during these first 30 seconds, what is he speaking about?

15 A. [12:04:38] He was proving that the person who is not a proper learner of a good
16 doctrine - and he's pointing to the doctrine that the jihadists embrace - the person who
17 holds dear to such doctrine is better than -- a scholar who holds dear to such doctrine
18 is better than a scholar who does not, who does not embrace this doctrine.

19 Q. [12:05:17] Understood.

20 Do you know who he -- or do you know where he gave this speech and when?

21 A. [12:05:32] I do not. [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 Q. [12:06:01] I'm going to play a subsequent passage, 05:58 - 06:32, lines 69 to 77.

25 Perhaps that will give an idea.

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1 (Playing of the audio excerpt)

2 MR DUTERTRE: [12:07:13](Interpretation)

3 Q. [12:07:14] Have you heard everything, Witness?

4 A. [12:07:22] I did.

5 Q. [12:07:26] Please can you help me understand the context in which this speech
6 was held?

7 PRESIDING JUDGE MINDUA: [12:07:34](Interpretation) Ms Taylor.

8 MS TAYLOR: [12:07:35] Thank you, Mr President. This question was effectively
9 asked and answered. The witness has stated for the record that he has no personal
10 knowledge as to when this speech occurred. He does not recognise it. He does not
11 know.

12 So now the Prosecutor is effectively asking him to speculate as to when it might occur.
13 He's not in a better position than the Chamber is to identify this because he's already
14 definitively stated that he did not have any personal knowledge as to when this
15 speech occurred.

16 PRESIDING JUDGE MINDUA: [12:08:12](Interpretation) Prosecutor, you've heard
17 the objection. The witness has already answered this.

18 MR DUTERTRE: [12:08:19](Interpretation) He answered part at the start, but I'm
19 playing a second part on the basis of which he can possibly understand - I don't know,
20 maybe - the context in which this speech was given. There's no speculation. Either
21 he knows or he doesn't.

22 PRESIDING JUDGE MINDUA: [12:08:39](Interpretation) I think he's already said
23 that he doesn't know.

24 THE INTERPRETER: [12:08:44] Overlapping speakers.

25 MR DUTERTRE: [12:08:46](Interpretation) It was just part of it which was possibly

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1 informative.

2 PRESIDING JUDGE MINDUA: [12:08:54](Interpretation) Perhaps a question has to
3 be put to the witness as to whether he knows.

4 MR DUTERTRE: [12:08:59](Interpretation)

5 Q. [12:09:00] Witness, did you hear the second part that I played?

6 A. [12:09:05] I did.

7 Q. [12:09:12] Could you say what it was?

8 A. [12:09:16] I do.

9 Q. [12:09:23] Could you indicate to the Chamber what it was.

10 A. [12:09:34] I can. [REDACTED]

[REDACTED]

[REDACTED]

18 MR DUTERTRE: [12:10:39](Interpretation) Your Honour, perhaps it's a bit long, but
19 for the exhaustiveness of the transcript, I will play the entire audio. It lasts for
20 6 minutes 40 seconds. Obviously if the interpreters can't follow, then the
21 transcription can be put into the record later.

22 PRESIDING JUDGE MINDUA: [12:11:06](Interpretation) Please go ahead. I have
23 no objection thereto.

24 (Playing of the audio excerpt)

25 PRESIDING JUDGE MINDUA: [12:17:18](Interpretation) Prosecutor, is this the end?

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1 MR DUTERTRE: [12:17:22](Interpretation) Just 40 seconds. I'm sorry that it's a bit
2 long.

3 (Playing of the audio excerpt)

4 PRESIDING JUDGE MINDUA: [12:17:58](Interpretation) Very well. So I imagine
5 that the witness has understood.

6 So we haven't understood, so how are we going to proceed now? We need
7 interpretation.

8 MR DUTERTRE: [12:18:12](Interpretation) Well, the idea was for it to be read into
9 the transcript as far as possible, but we're not going to take the time again to reread
10 the transcript.

11 *Perhaps, if you don't mind, I'll just ask the witness if he has a general, brief,
12 additional comment to make on that, and then we will go on to something else,
13 possibly. Perhaps we can come back to it later if the Chamber has any specific
14 questions thereto.

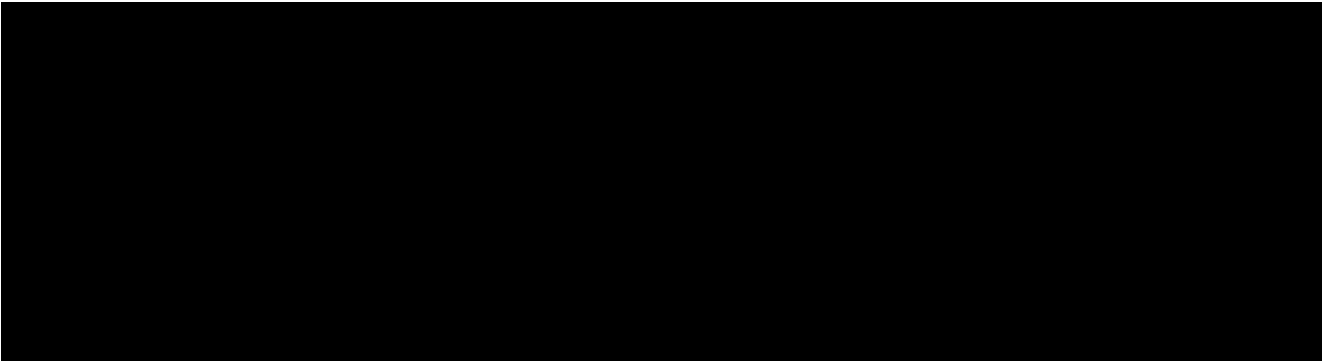
15 PRESIDING JUDGE MINDUA: [12:18:44](Interpretation) Okay, to save time. I see
16 there are no objections.

17 Please go ahead. We'll proceed on that basis.

18 MR DUTERTRE: [12:18:49](Interpretation) Thank you, your Honour.

19 Q. [12:18:52] Witness, do you have a brief additional comment on this audio?

20 A. [12:19:01] I do. 



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2 Q. [12:19:59] Thank you very much.

3 MR DUTERTRE: [12:20:01](Interpretation) Your Honour, for the next long
4 audio -- video or audio, first of all, what I'll do, I'll do a brief identification section and
5 then I'll only go into the relevant parts. If that is what would be please the Chamber,
6 we could save time like that.

7 PRESIDING JUDGE MINDUA: [12:20:19](Interpretation) I hope so because then we
8 could save time like that.

9 MR DUTERTRE: [12:20:23](Interpretation) That takes me directly to another audio,
10 0018-1012, tab 1428. Transcript 0056-0785, tab 1429. Translation thereof, 0061-1125,
11 tab 1430. This is in binder number 8.

12 So I'm going to play it from 02:39, this is lines 2 -- so I'm going to play 02:39. That
13 corresponds with lines 2 to 31 which the interpreters can read at the same time.

14 THE INTERPRETER: [12:21:56] If the transcript could be displayed on evidence 1,
15 this would help the interpreters.

16 (Playing of the audio excerpt)

17 MR DUTERTRE: [12:22:24](Interpretation) I haven't heard it in English or French.
18 So I'll give the interpreters some time to find it.

19 Q. [12:22:53] (No interpretation)

20 A. [12:22:54] I have doubts. I probably recognise him, but I have doubts.

21 Q. [12:23:04] We will play that again. Is it good for the interpreters?

22 (Playing of the audio excerpt)

23 THE INTERPRETER: [12:23:17] Message from the interpreters: Could we ensure
24 that everybody has it first?

25 (Playing of the audio excerpt)

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1 THE INTERPRETER: [12:23:27] Message from the interpreters: [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 Otherwise, the document could also be shown on evidence channel 1.

6 The version on evidence 1 is only in Arabic.

7 MR DUTERTRE: [12:24:12] (No interpretation)

8 THE COURT OFFICER: [12:24:20] Your Honours, just bear with us as we retrieve
9 the document. Thank you.

10 THE INTERPRETER: [12:24:39] For the record, the interpreters only have two sets of
11 binders, one of which is distributed on each floor, and as such, we do not all have
12 paper versions of the documentation.

13 PRESIDING JUDGE MINDUA: [12:25:03](Interpretation) Or the solution would be
14 to show it on the evidence channel.

15 MR DUTERTRE: [12:25:17](Interpretation) 0061-1125. Just have to scroll down in
16 order to find it.

17 PRESIDING JUDGE MINDUA: [12:26:12](Interpretation) We've now got the
18 document on evidence 1.

19 Please play the video.

20 MR DUTERTRE: [12:26:20](Interpretation) Could we just go up a bit so we can get
21 up to the appropriate line and then we can go down a bit further to 31.

22 I'm waiting.

23 THE INTERPRETER: [12:26:54] Your Honour, can I just take one moment to discuss
24 with the interpreters the best way to do this for the Court.

25 Your Honour, the Arabic-English interpreter will read the document as soon as he

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1 finds it because he understands Arabic and, as such, he can read it in the right place.

2 PRESIDING JUDGE MINDUA: [12:28:17](Interpretation) Very well. We'll do it like
3 that then.

4 Prosecutor.

5 MR DUTERTRE: [12:28:32](Interpretation) So I'm going to play the audio again.

6 (Playing of the audio excerpt)

7 THE ARABIC INTERPRETER: [12:28:43] (Interpretation of the video excerpt)

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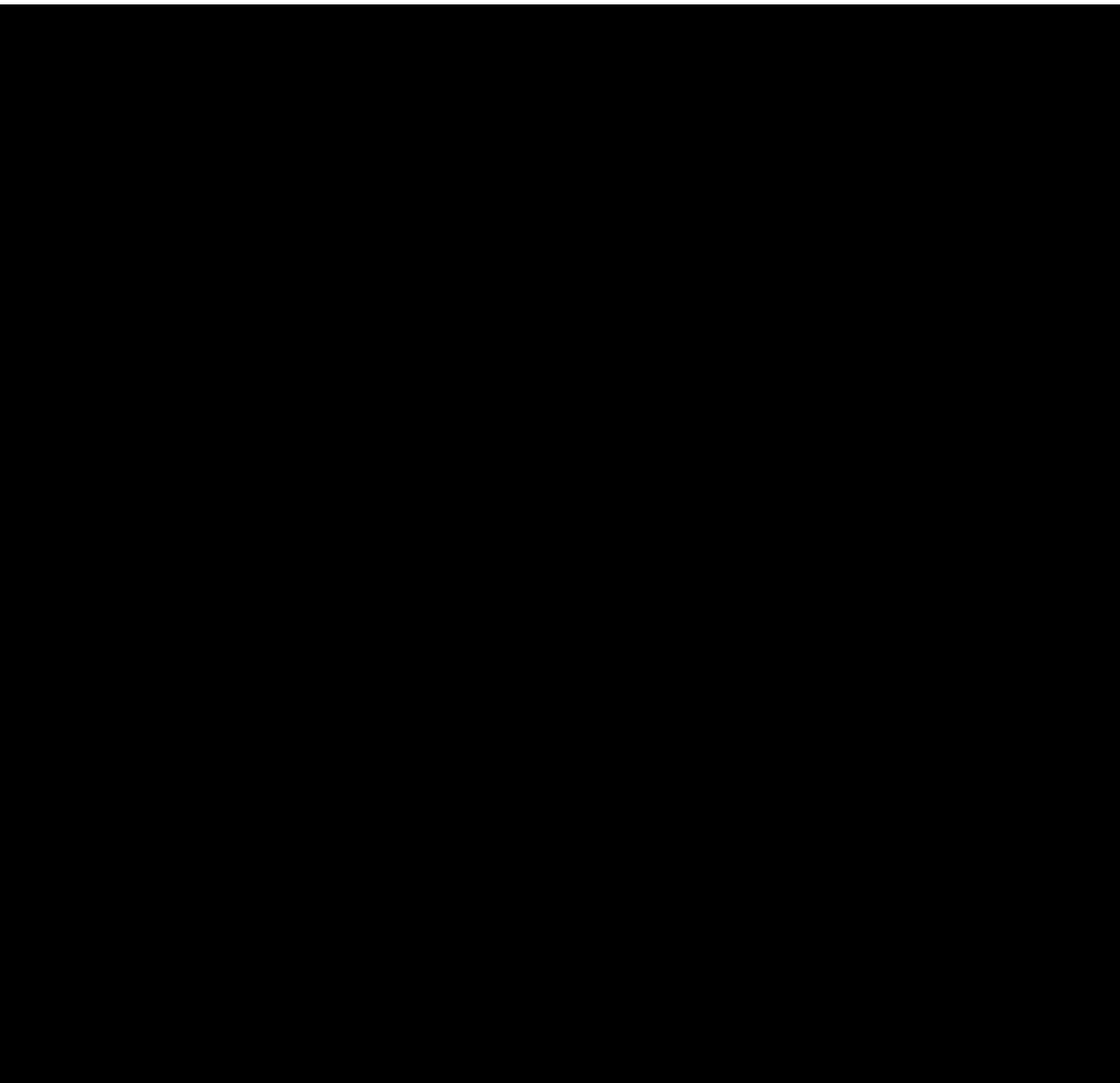
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ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

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18 MR DUTERTRE: [12:31:34](Interpretation)

19 Q. [12:31:38] So, Witness, have you been able to identify the person who is
20 speaking?

21 A. [12:31:46] Two people spoke there. I'm sure about one of them, and the second
22 one I believe very much who he is. The second person I am sure about is Sanda
23 Ould Boumama. The first person asking him questions I can say with much
24 assuredness, but I cannot confirm totally, is 

25 Q. [12:32:23] Understood. So the person replying you say is Sanda Ould

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1 Boumama?

2 A. [12:32:35] Yes.

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 Q. [12:35:57] I would now like to show another video, [REDACTED]

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1 THE INTERPRETER: [12:36:17] I've missed the rest of the reference.

2 MR DUTERTRE: [12:36:20](Interpretation) Which is at 1082, with the transcript

3 0069-0481. That's the one at 1082. And 0069-1444. And the translation is

4 0078-9873 at 1084. And I would ask the court officer to play these, please.

5 0018-0481. That's the ERN of the video. Without sound the first time.

6 THE COURT OFFICER: [12:37:52] Counsel, in order for us to display the video, the

7 transcript would then not be displayed.

8 MR DUTERTRE: [12:38:05](Interpretation) We'll put the translation 9873 while I

9 play the video on 2.

10 When you're ready, court officer.

11 *And this is the Arabic transcript. The translation is at 0078-9873, tab 1084 of binder

12 no. 6.. I will play it, it's fairly short, and I will do it without sound initially.

13 (Viewing of the video excerpt)

14 MR DUTERTRE: [12:39:35](Interpretation) I'm going to stop at 00:21:18.

15 Q. And firstly for identification, I would like to ask, Mr Witness, do you recognise

16 this person at 00:00:21:18?

17 A. [12:39:54] (No interpretation)

18 MR DUTERTRE: [12:40:18](Interpretation) There was no translation for that.

19 PRESIDING JUDGE MINDUA: (Interpretation) No. I, didn't hear the reply

20 interpreted.

21 MR DUTERTRE:

22 Q. [12:40:29] Mr Witness, could you be so kind as to repeat your reply.

23 A. [12:40:36] I said that the person appearing in the middle is Sanda Abou

24 Amama (phon), about whom I spoke earlier

25 Q. [12:40:53] Thank you.

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1 I'm now going to show the video with sound and the interpreters have a translation
2 of the transcript in French from which to translate.

3 (Viewing of the video excerpt)

4 THE INTERPRETER: [12:41:29] (Interpretation of the video extract)

5 "No one is speaking.

6 Yes.

7 A few months ago we saw hundreds ... dozens of vehicles which were heavily armed
8 and combatants ...

9 Aha.

10 Where were they, what is their mission?

11 What you saw, it's a forward guard ... that is the groups which were carrying out a
12 patrol ... legitimate military ... in these areas ... in northwest of Timbuktu and this
13 patrol was carrying out preparations ... and in any case, the capability of the
14 deployment of our soldiers and the scale, that means that that allows us to be aware
15 of the progress achieved in terms of deployment capability and operational capability,
16 operational capability either in terms of doctrine or military domain."

17 MR DUTERTRE: [12:42:23](Interpretation)

18 Q. [12:42:25] Mr Witness, did you recognise the voice of the person asking the
19 questions?

20 A. [12:42:40] I hold to my earlier answer. I believe, but I cannot confirm, that this
21 person is [REDACTED]

22 Q. [12:42:59] And what is Sanda Ould Boumama talking about in this video,
23 Mr Witness?

24 A. [12:43:12] He spoke about the purpose of the training, the training where the
25 vehicles went, the vehicles that the other person was asking about. And he says here

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1 that the point was to test how the readiness of the soldiers in terms of how much they
2 have embraced the doctrine and also their military readiness.

3 Q. [12:43:46] Thank you. [REDACTED]

4 [REDACTED]

5 A. [12:43:59] *Yes, certainly.

6 Q. [12:44:01] Thank you.

7 I would now show a final video or another video, 0088-0479, which is at tab 1079.

8 Transcript is 0054-0066 at 1080. And the translation is 0054-0078 at 1081 in binder 6.

9 I will show it initially with no sound.

10 And if you could tell me when the transcript is on -- the translation of the transcript is
11 on evidence 1, please, court officer.

12 So initially with no sound.

13 (Viewing of the video excerpt)

14 THE COURT OFFICER: [12:45:54] The transcript in English is available on
15 evidence 1.

16 MR DUTERTRE: [12:46:13](Interpretation)

17 Q. [12:46:14] Mr Witness, do you know what is going on in this video?

18 A. [12:46:27] I do. These are the very early moments when the members were
19 heading from Timbuktu to the training [REDACTED]

20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]

25 MR DUTERTRE: [12:47:11](Interpretation) I would now like to show the video with

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1 sound, your Honours. And the transcript is available for the interpreters.

2 (Viewing of the video excerpt)

3 THE ARABIC INTERPRETER: [12:47:34] (Interpretation of the video excerpt)

4 "Unidentified speakers: Allahu Akbar. You fight, Allahu Akbar.

5 We will attack them today ...

6 Allahu Akbar! Allahu Akbar!

7 Allahu Akbar! Allahu Akbar!

8 Exclaim Allahu Akbar!

9 Allahu Akbar."

10 MR DUTERTRE: [12:48:11](Interpretation)

11 Q. [12:48:12] So I would like to back slightly to stop at a particular point.

12 Mr Witness, I'm at 00:00:16:22. Are you able to tell us who is the person in the
13 middle dressed in white, the second person from the right of this picture?

14 A. [12:48:48] That is Abou al-Fadl, which means Iyad Ag Ghaly.

15 Q. [12:49:08] Thank you. This may be a translation problem. You said Abou.
16 Could you please repeat the name.

17 A. [12:49:20] Abou al-Fadl, Iyad Ag Ghaly.

18 Q. [12:49:29] Thank you very much.

19 Mr Witness, after this training [REDACTED] what did the
20 armed groups that were in Timbuktu then do?

21 A. [12:50:08] The armed groups were getting ready to attack southern Mali. They
22 believed that by that time they have recruited a lot of sympathisers among the Fulani
23 and the Bambara people and that they would now take over or occupy Mopti and
24 possibly afterwards Bamako.

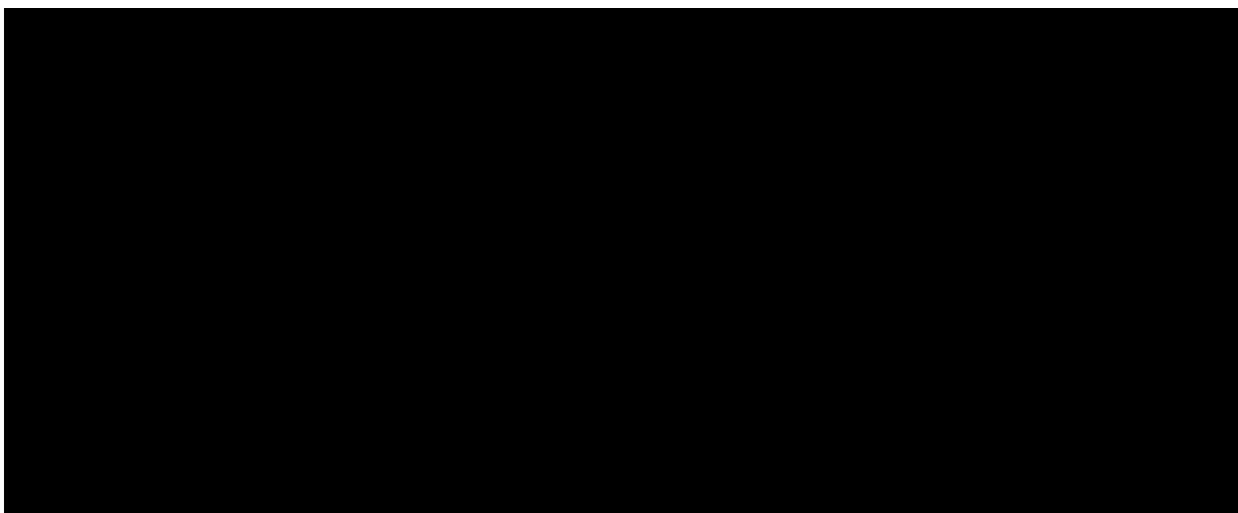
25 They believed that Mopti would herald further occupation -- or they believed that

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1 Mopti was already made ready for them because Mohamed Kouffa, the spiritual
2 leader, was on their side and he is the leader of those who lived in Mopti and its
3 surroundings.
4 So they brought the vehicles that belonged to every battalion and they set up
5 mechanical workshops to prepare these vehicles to do some maintenance on them
6 and to put up weapons on these vehicles and to also prepare the seats. And they
7 freed these vehicles from any other assignments such as the *Al Hesbah* regular work
8 and the police work and other civil -- civilian work. So these vehicles were
9 prepared and totally dedicated to war-time effort. This is as far as material
10 preparedness is concerned.



18 So this was an opportunity to learn how to benefit from their role in war time and
19 also how to ensure that the emirs would be safe from any turning of coats and
20 changing of loyalty and also how to deal with the foreigners who came from Syria
21 and Egypt, how they could be prepared for a war effort different from anything they
22 had seen before in a country that is different from where they have been before.
23 And also how to deal with their situation, given that they were -- they had a different
24 language and a different skin colour and what to do if any one of them were to be lost
25 in the -- somewhere in the land.

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1 So there were studies and considerations about what to do in each situation.

2 What I can say in this regard, that from this time until December, there were
3 preparations for different scenarios regarding the possible attack on Mopti.

4 Q. [12:54:29] You mentioned the fact that they hoped to be able to occupy Bamako
5 and Mopti -- and probably Mopti. I would like now to show video
6 0018-0 -- 0018-0091, which is 1 minute 20. Is at 1036 with a transcript 0052-0053,
7 which is at tab 1037. And the translation 0052-0055, which is at 1038.

8 Perhaps madam court officer could already put up the translation -- or get ready to
9 put up the translation on evidence 1 while I show the video firstly without sound for
10 the purposes of identification by the witness.

11 I will first play it without sound.

12 (Viewing of the video excerpt)

13 MR DUTERTRE: [12:56:19](Interpretation) And I have stopped at 00:00:16:24.

14 Q. [12:56:28] Mr Witness, do you recognise the person on the screen with his hand
15 raised?

16 A. [12:56:40] I do.

17 Q. [12:56:43] Could you please give us his name, Mr Witness?

18 A. [12:56:49] I can. This is Al Hassan Ag Abdoul Aziz.

19 Q. [12:57:03] The transcript is on evidence 1 so I will now play the video with
20 sound.

21 (Viewing of the video excerpt)

22 THE ARABIC INTERPRETER: [12:57:24] (Interpretation of the video excerpt)

23 "Hassan Abdelaziz el-Ansari: The prime minister of the transitional government is
24 known for his antagonism towards the people of Azawad in the north and has been
25 incessantly instigating aggression against our people, which are not in the least guilty.

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1 We believe that removing hostile ... hostile people from positions of power in Bamako
2 represents a positive step ... represents a positive step ... a positive step that we are
3 taking in the right direction. Although it might be an indication of good faith, we
4 think that this step is insufficient and must be boldly followed by several others to
5 break ... to break the ice. These include in particular: Cessation of the hostilities
6 that are relentlessly committed against our people ... the unarmed people of Azawad.
7 Second, addressing in earnest the subject of ongoing negotiations in such a manner
8 that restores the violated rights of the people of Azawad while guaranteeing that they
9 live under ... in freedom ... under the umbrella of the Islamic Sharia, working ... third,
10 working towards neutralising all the voices calling for barbaric intervention in the
11 land of Azawad and ensuring that reason and wisdom prevail, which will eventually
12 be to the advantage of all concerned."

13 MR DUTERTRE: [12:59:00](Interpretation) Your Honour, I see that time has come.
14 Perhaps now is the best time to start with your approval -- stop with your approval
15 and we will continue after lunch.

16 PRESIDING JUDGE MINDUA: [12:59:20](Interpretation) So we will now take our
17 break for an hour and a half. We will start at 14.30.

18 I see Ms Taylor on her feet.

19 Ms Taylor.

20 MS TAYLOR: [12:59:29] Thank you very much, Mr President. Just briefly, during
21 the hearing we received an email concerning the proposed -- or the actual schedule
22 for Friday and it would appear that we are scheduled to sit from 2 p.m. on Friday,
23 which overlaps with Mr Al Hassan's prayer time. So we would respectfully request
24 that we be -- that the hearing schedule be amended such that it starts at 2:15 and
25 continues until 4:15 to allow him to *conduct his prayers before the commencement

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1 of the hearing. Thank you.

2 PRESIDING JUDGE MINDUA: [13:00:08](Interpretation) Thank you, Ms Taylor. I

3 have heard your request and I will reply when we return after lunch. Is that

4 convenient?

5 Very good.

6 In that case, the hearing is suspended and we will recommence at 14.30.

7 (Recess taken at 1.00 p.m.)

8 (Upon resuming in closed session at 2.30 p.m.)

9 THE COURT USHER: [14:30:45] All rise.

10 *PRESIDING JUDGE MINDUA: [14:31:20] The hearing is resumed. Ms Taylor,

11 before the break, you were asking if we could discuss Friday's schedule again. Would

12 I be correct in assuming you don't mean Friday 4 June but Friday 11 June?

13 MS TAYLOR: Yes, Mr President.

14 *PRESIDING JUDGE MINDUA: [14:31:50] That is correct.

15 That's no problem.

16 On Friday 11 June, in the afternoon, we will start at 2.15 p.m. and finish at 4.15 p.m.

17 That is all.

18 MR DUTERTRE: [14:32:22](Interpretation) We will now come back to the video

19 0018-0481, and I would ask the court officer to have the transcript 0 -- 1038 of 6 and

20 it's 0052-0055. If that could please be put up on evidence 1.

21 There.

22 So I'm going to play this video again with sound just to refresh Mr Witness's memory,

23 as we played it before lunch.

24 (Viewing of the video excerpt)

25 THE ARABIC INTERPRETER: [14:33:43](Interpretation of the video excerpt)

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1 "The prime minister of the transitional government is known for his antagonism
2 towards the people of ... the people of Azawad in the north and has been incessantly
3 instigating aggression against our people, which are not in the least guilty. We
4 believe that removing hostile ... hostile people from positions of power in Bamako
5 represents a positive step ... represents a positive step ... represents a positive step that
6 we are taking in the right direction. Although it might be an indication of good faith,
7 we think that this step is insufficient and must be boldly followed by several others to
8 break ... to break the ice. These include in particular: Cessation of hostilities that
9 are relentlessly committed against the people ... the unarmed people of Azawad;
10 second, addressing in earnest the subject of ongoing negotiations in such a manner
11 that restores the violated rights of the people of Azawad while guaranteeing that they
12 live under ... in freedom ... under the umbrella of the Islamic Sharia; working ...; third,
13 working towards neutralising all the voices calling for barbaric intervention in the
14 land of Azawad and ensuring that reason and wisdom prevail, which will eventually
15 be to the advantage of all concerned."

16 MR DUTERTRE: [14:35:24](Interpretation)

17 Q. [14:35:24] Mr Witness, could you please explain to the Chamber what is being
18 discussed in the words spoken by Mr Al Hassan.

19 A. [14:35:38] Yes. Here Mr Al Hassan is talking in our name. He's saying "us",
20 and he means by that the Islamic group in Timbuktu. And of course he is referring
21 to himself as one of the important people of Azawad. And he is talking about what
22 the Azawad want in their country and what their country should be like and what
23 they intend to do regarding the rights of Azawad.

24 Q. [14:36:36] There is a part of the sentence that I'm going to read, and I quote:

25 (Speaks English) "We believe that removing hostile people from positions of power in

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1 Bamako represents a positive step."

2 (Interpretation) Could you please explain what you believe that Mr Al Hassan means
3 by that.

4 PRESIDING JUDGE MINDUA: [14:37:10](Interpretation) Ms Taylor.

5 MS TAYLOR: [14:37:11] Thank you, Mr President. This is pure speculation.

6 Prosecution has not established any foundation in the sense of they have not
7 established that the witness was present, that the witness had any knowledge as
8 concerns the creation of this speech or what might be meant by Mr Al Hassan. To
9 ask him this question is effectively to ask him to speculate as to what Mr Al Hassan, a
10 third person, might have meant, even though this witness was not evidently present
11 according to the evidence listed thus far. Thank you.

12 PRESIDING JUDGE MINDUA: [14:37:59](Interpretation) Mr Prosecutor, because
13 the speech given by Mr Al Hassan that you're asking the witness to comment on,
14 there would need to be some basis for the witness's knowledge of this speech.

15 MR DUTERTRE: [14:38:16](Interpretation) Your Honour, I asked "to his
16 knowledge," so I avoided all speculation. Either he knows or he doesn't. And
17 secondly, I said -- clearly he said that the troops wanted to occupy Mopti and also
18 probably Bamako. So I think that the evidence is there as it was mentioned -- or the
19 basis is there as it was mentioned this morning. And to his knowledge.

20 PRESIDING JUDGE MINDUA: [14:38:58](Interpretation) Ms Taylor.

21 MS TAYLOR: [14:38:58] Thank you, Mr President. The Prosecution would first
22 have to establish that this witness has some foundational knowledge as concerns how
23 this video was created or how this speech was drafted. Thus far the Prosecutor has
24 not established any link between what the Prosecutor is attempting to put to this
25 witness and the contents of this video. The only link that's been established is that

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1 the witness had purported to identify an individual in the video. That's not a
2 sufficient foundation to invite the witness to provide evidence as concerns a speech
3 where the witness was not present and has not been established to have any
4 knowledge as concerns the creation or content of this speech.

5 I believe the Prosecution should also provide references to what they have just said
6 before as well concerning what the witness purportedly said about occupying
7 Bamako and Mopti. But thus far the Prosecution is attempting to establish a link
8 between two disparate events without establishing any foundation for the fact that
9 this witness is in a position to establish that link. Thank you.

10 PRESIDING JUDGE MINDUA: [14:40:12](Interpretation) Mr Prosecutor, I was
11 trying to reread the transcript, but I can't find the appropriate point.

12 I have a difficulty going immediately to examining the witness on the basis of the
13 video. There are two problems. The witness was not there when the video was shot.

14 And as for the speech, was the witness involved in the creation of this speech?

15 Perhaps you could reformulate your question and establish the basis, as requested by
16 the Defence.

17 MR DUTERTRE: [14:40:57](Interpretation) *Yes, Your Honour. Just for reference, to
18 help everyone, it is page 51 of today's transcript, lines 17 to 21. "The armed groups
19 were preparing to attack and were recruiting troops for a possible move on Mopti and
20 Bamako."

21 Q. [14:41:17] So, Mr Witness, do you know anything about this video?

22 A. [14:41:26] (Overlapping speakers)

23 THE ARABIC INTERPRETER: [14:41:30] The answer was not heard by the
24 interpreter.

25 MR DUTERTRE: [14:41:39](Interpretation)

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1 Q. [14:41:40] The question was: Have you seen this video before?

2 And now, Mr Witness, please could you repeat your answer.

3 A. [14:41:47] Yes, I have seen this video before.

4 Q. [14:41:58] Are you familiar with the subject being discussed in this video,

5 Mr Witness?

6 PRESIDING JUDGE MINDUA: [14:42:06](Interpretation) Ms Taylor.

7 MS TAYLOR: [14:42:07] Thank you, Mr President. Again, the Prosecution has

8 skipped a step. It's not sufficient for the witness to merely have seen the video,

9 given that it's entirely possible that the witness may have simply seen the video

10 during interviews. The Prosecution has to *establish a greater foundation.

11 If their point is that the witness has seen the video, when did they see the video and

12 in which context? Before they can then leap into questions about the content of the

13 video.

14 We know this video was shown to the witness in interviews, so there is a clear

15 possibility of conclusion here that does need to be clarified. We do need more of a

16 foundation. Thank you.

17 PRESIDING JUDGE MINDUA: [14:42:50](Interpretation) Mr Prosecutor, I agree,

18 because if the witness has seen the video during preparation, that's different from

19 having seen it prior to that. So please reformulate your question.

20 MR DUTERTRE: [14:43:02](Interpretation) Let us clarify this.

21 Q. [14:43:03] Mr Witness, had you seen this video before you were interviewed by

22 the OTP?

23 [REDACTED]

24 [REDACTED] I have seen this video and I

25 know the circumstances of making this video. [REDACTED]

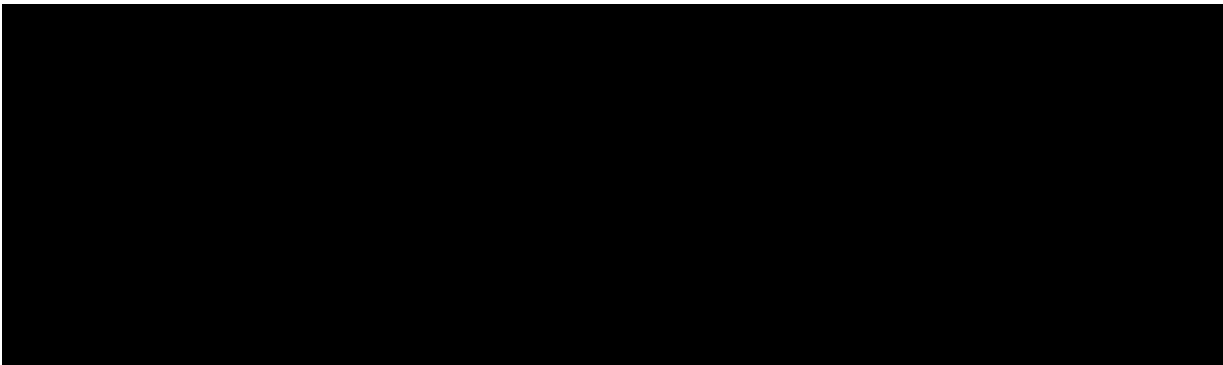
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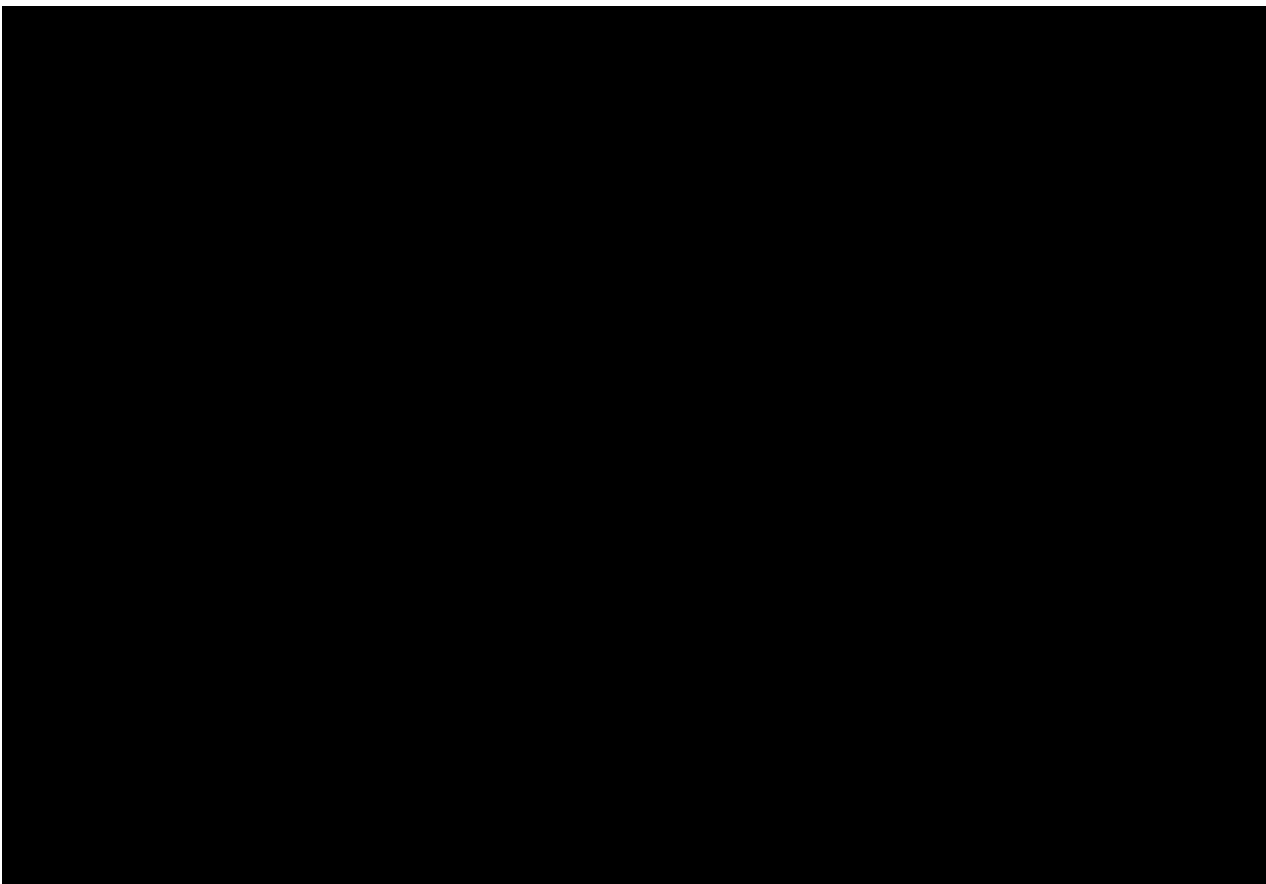


Q. [14:44:36] Mr Witness, could you talk to us, please, of the circumstances that led to the creation of this video, if you say "I know the circumstances during which this video was made."

A. [14:44:58] I didn't mean that video in particular, but I mean when discussions were made regarding how to broadcast such statements by important local people,



people who are known in the country and can be spokespeople and make statements publicly.

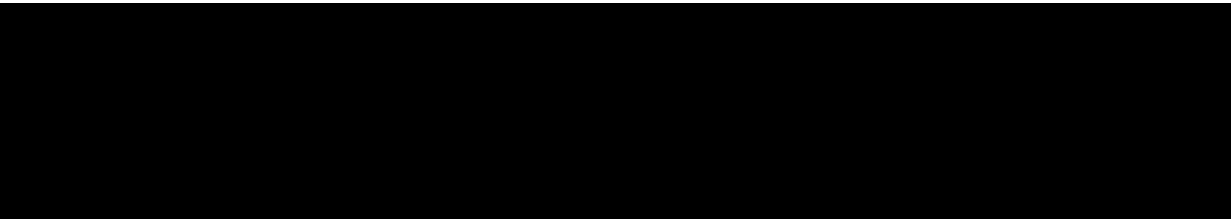


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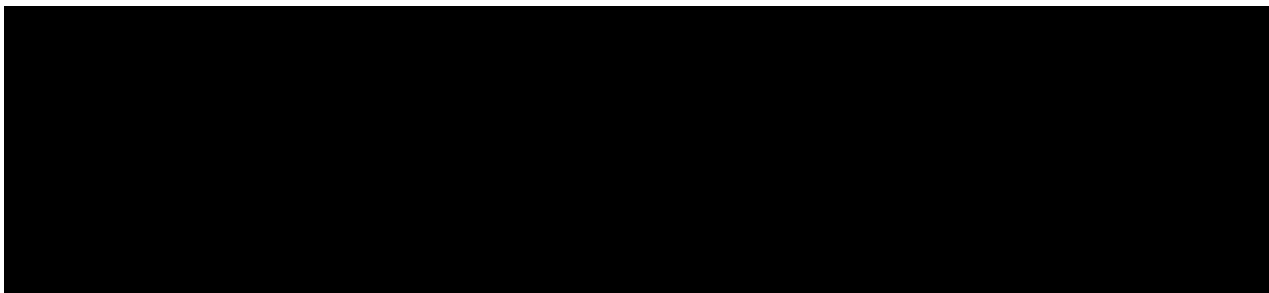
A. [14:47:53] Yes. That matches the policy that was agreed between Ansar Dine and Al-Qaeda as all decisions and actions taken by the group -- the Islamic group must be, must be adopted and announced as the acts of Ansar Dine as they have a local agenda. So it was very important that when any declaration or announcement is made in Timbuktu, it must be made on the -- or by people who are known in Timbuktu. And the same in Kidal and Gao.

And I think in that context these statements were made by Al Hassan Ag Abdoul Aziz as he was a highly regarded person in Timbuktu and he was appointed to a high position in the Islamic police.

Q. [14:49:12] What was the important or the high position to which he had been appointed in the Islamic police, Mr Witness?

A. [14:49:27] Al Hassan Ag Abdoul Aziz moved up in the hierarchy of positions in the Islamic police. And during that time, when they were getting ready to attack, he was the commissioner. He was -- he was the commissioner of the Islamic police. I think he was the assistant of the commissioner just before that.

Q. [14:50:08] And how do you know this information, that he was the commissioner and that he had climbed up through the hierarchy of the Islamic police to reach the role of commissioner? How do you know that?



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1 [REDACTED] Khaled was removed and replaced by Al Hassan Ag

2 Abdoul Aziz. And it was all circumstances related to the war and getting ready for
3 the war as it was important for Khaled to undertake different tasks and that's why
4 Al Hassan replaced him as the commissioner of the Islamic police.

5 Q. [14:51:54] You said that Adama was replaced and you gave the name of the
6 person who replaced him, but you did not get that in the transcript. Please could
7 you repeat it.

8 A. [14:52:21] Khaled Al-Sahraoui.

9 Q. [14:52:31] He's a member of which group?

10 A. [14:52:34] Tariq Ibn Ziyad.

11 Q. [14:52:35] What is his nationality?

12 A. [14:52:43] From Polisario.

13 Q. [14:52:51] You said Polisario?

14 A. [14:52:56] Yes.

15 Q. [14:52:58] So if I understand, there was Adama, Khaled and then Al Hassan, the
16 head of the Islamic police. Is that the correct chronological order?

17 A. [14:53:13] Yes, that's -- that's right.

18 Q. [14:53:22] And to your knowledge, who appointed Al Hassan to replace Khaled
19 as head -- as commissioner of the Islamic police?

20 A. [14:53:40] Khaled Al-Sahraoui was a soldier working with Abou Zeid, and it
21 was Abou Zeid who took the decision to send him to Algeria to undertake
22 preparatory missions before the war. But the appointment of Al Hassan I think was
23 taken by Al-Fourqane battalion. They took the decision to make Al Hassan as a
24 commissioner of the Islamic police as he was -- from the beginning he was under the
25 supervision of Talha, who belongs to Al-Fourqane battalion. And all the decisions

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1 that were made after that time were made with the participation of Al-Fourqane
2 battalion.

3 Q. [14:54:33] And could you make it clear to the Chamber this information: How
4 do you know this information?

5 [REDACTED]
6 [REDACTED]

7 [REDACTED] And Al Hassan was nominated as he used
8 to work in the police before, as he was, in fact, the *de facto* commissioner as he took
9 jobs such as writing the reports and other important jobs in the Islamic police. And
10 he was known for his courage and good performance in the Islamic police and that's
11 why he was the first one to be nominated for this position.

12 And shortly after that, the decision was taken by Abou Al Hammam and Talha and
13 the entire Shura council.

14 [REDACTED]
15 [REDACTED]

16 A. [14:56:15](Overlapping speakers)

17 THE ARABIC INTERPRETER: [14:56:17] The interpreter didn't hear the start of the
18 answer.

19 MR DUTERTRE: [14:56:26](Interpretation)

20 Q. [14:56:27] Apologies, Mr Witness, but could you please start again as the
21 interpreter didn't catch the beginning of your answer.

22 A. [14:56:38] Yes, apologies for being hasty.

23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

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2 Q. [14:57:27] And so how did you learn about this decision?

3 A. [14:57:30] After Khaled left to Libya straightaway, I heard that Al Hassan
4 became the commissioner of the Islamic police.

5 Q. [14:57:46] And where did you hear this from?

6 A. [14:57:51] It's much bigger than just where I heard it from. It all came from
7 people that I used to talk to like [REDACTED]

8 [REDACTED]

9 Q. [14:58:32] And in terms of time, I know that we're looking back roughly 10 years
10 now, but can you say whether it was before or after [REDACTED] which we
11 were discussing this morning? I'm talking about the time at which Al Hassan was
12 appointed to replace Khaled.

13 A. [14:59:05] I can't remember the dates.

14 MR DUTERTRE: [14:59:10](Interpretation) I see that earlier on page 65, 19, 20 he
15 mentioned Abou Zeid. [REDACTED]

16 [REDACTED]

17 Q. [14:59:33] Mr Witness, I would like you to go into three points. You said before
18 he was -- Al Hassan was the *de facto* commissioner. Could you explain what you
19 mean by being the *de facto* commissioner.

20 A. [14:59:51] I meant that if we look at how the police worked, if we look at all the
21 missions and tasks of the police, we will find that the main tasks at that time, such as
22 managing the patrols in the city and organising the traffic and also organising the
23 external patrols and returning all the stolen belongings of the armed group, all of
24 these tasks were assigned to Al Hassan. And also he used to write the reports and
25 he used to undertake the investigations and interrogations.

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1 So the only task that was assigned to Khaled, in fact, was the big issues such as things
2 that needed discussions with the emirs.

3 So that is the only difference between Al Hassan working as an assistant of the
4 commissioner and when he was working as the commissioner himself, because he
5 was able to discuss things directly with Abou Al Hammam and ask for provisions
6 and funding.

7 Q. [15:01:47] Could you specify to the Chamber how it is that you came about this
8 information as to the fact -- well, what you have just described to us as the illustration
9 of his *de facto* function?

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18 Q. [15:03:21] And what did you yourself see with your own eyes in terms of
19 activities of Mr Al Hassan during that period when you describe him as *de facto*
20 commissioner?

21 A. [15:03:48] Can you repeat the question or clarify? Are you asking me about the
22 tasks that Al Hassan carried out during his time as a deputy commissioner or when
23 he was a commissioner?

24 Q. [15:04:06] I shall rebound on that. It's good that you mention it. It might have
25 been a problem of interpretation. The word "assistant" was used and here I hear the

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1 word "deputy". Can you tell us what the specific word you used was when you say
2 that he was either deputy or assistant of the commissioner? Which is it?
3 A. [15:04:40] By observing his work I can call him as an assistant to the
4 commissioner during that period in question. I mean by that the period that I will be
5 talking about now. As he carried out investigations with suspects and referring
6 them to the court and taking them back to the police station. And when -- when a
7 prison was established, he was also responsible for taking the suspects from prison
8 and then returning them back to prison.
9 And he was also responsible for assigning people to help him with all these tasks,
10 such as investigations and taking suspects to court -- to the court, and also regarding
11 the patrols and the organisation of traffic in the city.
12 So he was responsible for assigning people to certain tasks such as this one will work
13 in traffic and this one will work in patrolling. *I also know that he led difficult
14 missions such as searching for highway robbers in very far areas on the border with
15 Mauritania and he arrested criminals there as well as in the countryside of Goundam.
16 And these are tasks that only a senior person would undertake.
17 Q. [15:06:48] So if I understand you correctly, this is what you observed yourself
18 during the period where you say that he was the assistant to the commissioner; is that
19 correct?

20 A. [15:07:06] Yes, that's correct.

21 Q. [15:07:10] And what did you observe with your very own eyes subsequent to
22 that when you say that he was appointed to replace Khaled as the commissioner?

23 A. [15:07:30] I don't have any further observations. It was the same kind of work.
24 But I know that meant that Al Hassan was capable of meeting Abou Al Hammam to
25 discuss all missions, so he didn't have to go to a middle person between him and

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1 Abou Al Hammam.

2 Q. [15:08:15] I understand. Let me now come back a little bit. We shall broach
3 that subject a little later on.

4 You said that people were saying that locals should be appointed to or designated to
5 talk about certain subjects. Who was it who said that specifically locals should be
6 designated? Have you got any names to give us?

7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]

12 Q. [15:09:46] And I'm coming back a little bit further still, Mr Witness. Are you in
13 a position, according to your knowledge, to shed light on the matter for the Chamber
14 as to what Mr Al Hassan says in this video 0018-0091, which is still on the screen?

15 PRESIDING JUDGE MINDUA: [15:10:18](Interpretation) Ms Taylor.

16 MS TAYLOR: [15:10:19] Thank you, Mr President. But the Prosecution still hasn't
17 established a foundation for this. The witness said quite clearly before that he had
18 general knowledge as concerns the creation of these types of videos, but then very
19 carefully stated he had no specific knowledge as concerns this video. So he's still not
20 in any position to speculate as concerns what certain words mean when he didn't
21 draft the words and wasn't present.

22 PRESIDING JUDGE MINDUA: [15:10:58](Interpretation) Mr Prosecutor.

23 MR DUTERTRE: [15:11:00](Interpretation) Yes, Mr President, I think that this

24 objection is premature. [REDACTED] He has

25 said that the groups would have probably gone down to Mopti, to Bamako. [REDACTED]

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2 We can put the question to him and we can see whether he can, according to his
3 knowledge, provide us with comments on this video and then we can go from there.

4 PRESIDING JUDGE MINDUA: [15:11:32](Interpretation) Ms Taylor, I believe that
5 the witness is well enough in the know to answer this question. *And then we'll see if
6 he's speculating or not.

7 Could you ask the witness to answer the question, please.

8 MR DUTERTRE: [15:11:51](Interpretation)

9 Q. [15:11:51] Mr Witness, are you in a position to shed light for the Chamber on
10 what Mr Al Hassan says in this video, 0018-0091?

11 Would you like us to play it again? Please tell me. It is possible.

12 A. [15:12:23] You mean the same video that you showed previously?

13 Q. [15:12:32] Yes, the video that is still up on evidence 2 normally on your screen.

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19 Q. [15:13:48] Very well. You said Konna and then you said Diabaly, did you?

20 A. [15:14:05] Yes.

21 Q. [15:14:11] And did these operations indeed take place, these attacks on Konna
22 and Diabaly?

23 A. [15:14:25] Yes, it did take place.

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4 Q. [15:15:14] Very well. And approximately at what date

5 if you can recall?

6 A. [15:15:38] These events took place in January 2013.

7 Q. [15:15:52] And who was in Konna, to your knowledge?

8 A. [15:16:08] Konna is also -- it was attacked by a different group led by

9 Iyad Ag Ghaly in their way to occupy Mopti as well.

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12 Q. [15:16:46] How do you know what happened in Konna?

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14 But the

15 discussions were enough to give me information about

16 the general plan, but not the detailed plans.

17 Q. [15:17:43] I would like to play a video 0018-0115 at tab 1085 of binder number 6,

18 with a transcript MLI-OTP-0069-1379 -- 0069-1379. And the translation to be found

19 at -- at 0069-7564 at tab 1087, still in binder 6.

20 So if the courtroom officer could please bring up the translation, that is 0069-7564,

21 then I will take care of the evidence 2 video without the sound.

22 I'm going to play the video.

23 (Viewing of the video excerpt)

24 THE INTERPRETER: [15:19:34] (Interpretation of the video excerpt)

25 "Ansar Dine 14/1/2013."

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1 MR DUTERTRE: [15:20:02](Interpretation)

2 Q. [15:20:03] Mr Witness, what is this that we see in this video?

3 A. [15:20:16] This is referring to some recordings that were made by Ansar Dine
4 when they conquered Konna, but that was before they were attacked by other forces
5 later and they withdrew towards Gao and Timbuktu.

6 Q. [15:20:46] We shall come back to that in a moment.

7 I'm going to play the video with the sound, Mr President, your Honours, and then
8 we'll be able to read from the transcript -- we'll be able to read the transcript into the
9 record.

10 (Viewing of the video excerpt)

11 THE INTERPRETER: [15:21:14] (Interpretation of the video excerpt)

12 "Ansar Dine 14 January 2013.

13 Allah Akbar ... Allah Akbar ... Allah Akbar ... Allah Akbar."

14 MR DUTERTRE: [15:21:37](Interpretation)

15 Q. [15:21:39] Mr Witness, I'm coming back to the beginning of the video at
16 00:00:00:00. What is the flag that we can see on the panel bearing the name
17 Konna -- on the sign bearing the name Konna?

18 A. [15:22:08] This is a copy of the flag ideas that were still being studied because
19 the Ansar Dine had not decided upon a flag yet during that time. But they were
20 trying to use a flag to show that Ansar Dine is a local national movement rather than
21 an international armed group.

22 Q. [15:22:48] And what is the connotation on this flag? What brings us to think
23 that it might be a national movement?

24 A. [15:23:03] This is just a symbol, symbol of power representing Ansar Dine at a
25 stage. It was not totally agreed upon yet at that time to use this flag.

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1 Q. [15:23:28] Very well. You indicated that after having conquered Konna, the
2 groups came under attack by other forces. What were -- or which were these other
3 forces that attacked the groups in Konna, Iyad's groups, that is?

4 A. [15:24:01] The Serval operations started at that time. This was the first
5 operation against the jihadists as they started bombarding the forces that occupied
6 Konna.

7 Q. [15:24:25] If I have understood correctly, you, at the same time, were [REDACTED].
8 What happened? What did you do?

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25 Q. [15:27:27] What was going on at the front [REDACTED] very briefly?

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1 A. [15:27:40] What happened [REDACTED] was very similar to what happened in
2 [REDACTED] as the group [REDACTED] attacked [REDACTED] and killed a number of soldiers
3 and took over the city and [REDACTED] for one day and one night patrolling the
4 streets of the city. But before a decision was taken to go t [REDACTED] - or, rather, [REDACTED]
5 before [REDACTED] they heard about the withdrawal of the forces from Konna and they
6 received a command, a direct and formal command from Iyad to withdraw.

7 [REDACTED]
8 [REDACTED]

9 [REDACTED] But he received this formal
10 command to withdraw and it happened. [REDACTED] withdrew back to Timbuktu.

11 Q. [15:29:20] You talked about [REDACTED] but in the French transcript it says [REDACTED]
12 or [REDACTED] it's not exactly the same place.

13 [REDACTED]
14 [REDACTED]
15 [REDACTED]

16 A. [15:29:53] First, in Timbuktu there was a big Shura meeting that was attended
17 by the Tariq Ibn Ziyad battalion and Al-Fourqane battalion and also the new
18 members of Ansar Dine who joined the group in the west, headed by Abou Al
19 Hammam, who was of course the chief of Al-Qaeda/AQIM during that time. This
20 Shura council was responsible for taking the decision if they are going to fight in
21 Timbuktu until they die to the last person or withdraw to the back locations in -- in
22 the mountains.

23 [REDACTED]
24 [REDACTED]

25 [REDACTED] And it was decided that they will go back to the mountains.

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1 Although all the members of the council wanted to fight to the last person of them,
2 but when Abou Al Hammam started talking, he said: "Do you want to make history
3 or do we need to serve a jihadist project?" And that's why he said: "I disagree with
4 everybody and we shouldn't be fighting and we have to withdraw to the back
5 locations in the mountains."

6 And upon that decision, the preparations started to withdraw from Timbuktu.

7 Q. [15:32:20] Very well. When did these discussions take place approximately,
8 which month was that in the year 2013? You said that Konna and Diabaly Were
9 attacked in 2013, that you withdrew to Timbuktu, and the discussions occurred or
10 took place. In which month was that?

11 A. [15:32:42] I think that was still in January 2013 but maybe in the last week or the
12 last few days of January.

13 Q. [15:33:01] When you say that the decision was taken to withdraw to the
14 mountains, to which mountains do you refer?

15 A. [15:33:13] Adrar Ifoghas mountains, that is Tigharghar which is their original
16 location, part of -- is part of.

17 Q. [15:33:30] You mentioned Tigharghar, is that correct?

18 A. [15:33:35] When we say "mountains", we mean by that Adrar Ifoghas, and
19 Tigharghar is part of these mountains.

20 Q. [15:33:51] And is this the place we were talking of yesterday or the day before,

21 [REDACTED] Is that correct?

22 A. [15:34:03] Yes, that's correct.

23 [REDACTED] Is that the
24 way I should understand it?

25 A. [15:34:32] Yes. After what they said -- or they called an organised withdrawal,

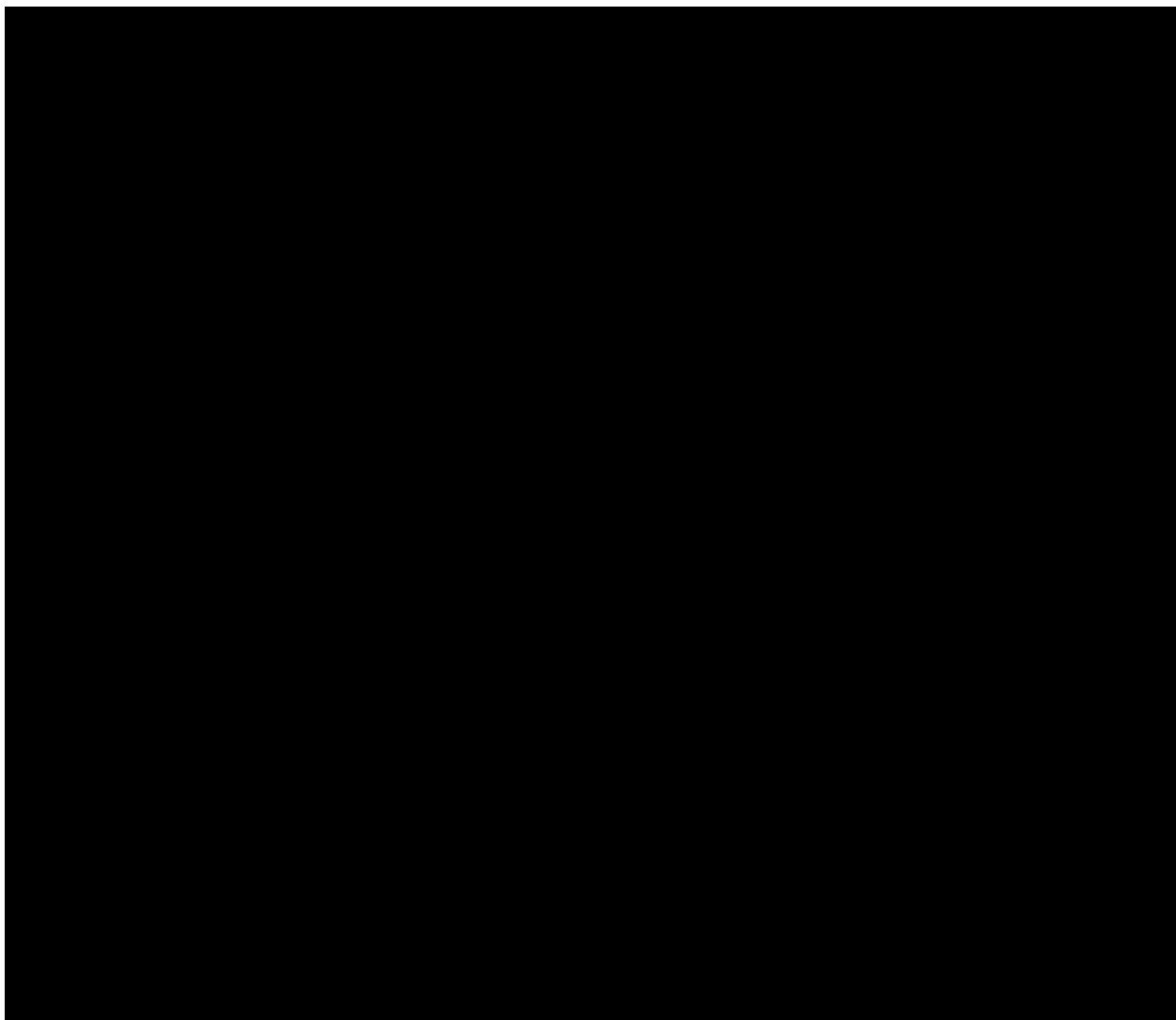
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1 well, I didn't know the details of this organised withdrawal because it was
2 confidential for each battalion.



18 A. [15:37:08] (No interpretation)

19 Q. [15:37:09] What was he doing during the occupation of Timbuktu by the armed
20 groups?

21 A. [15:37:16] (No interpretation)

22 Q. [15:37:39] (No interpretation)

23 PRESIDING JUDGE MINDUA: [15:37:43](Interpretation) There was a problem
24 clearly that there was no interpretation.

25 Court officer, what was the problem?

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1 THE COURT OFFICER: [15:37:59] Your Honours, there was no English
2 interpretation.

3 PRESIDING JUDGE MINDUA: [15:38:09](Interpretation) Nor in French.

4 THE ARABIC INTERPRETER: [15:38:17] This is a message from the interpreter: I
5 might have had a problem with my mic, so if you can just ask the witness to repeat,
6 please.

7 MR DUTERTRE: [15:38:28](Interpretation)

8 Q. [15:38:28] I'm sorry, Mr Witness, could you please repeat your answer as we had
9 an issue.

10 A. [15:38:34] You asked me about what [REDACTED] was doing during the
11 time of the occupation of Timbuktu and I told you that [REDACTED]

12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

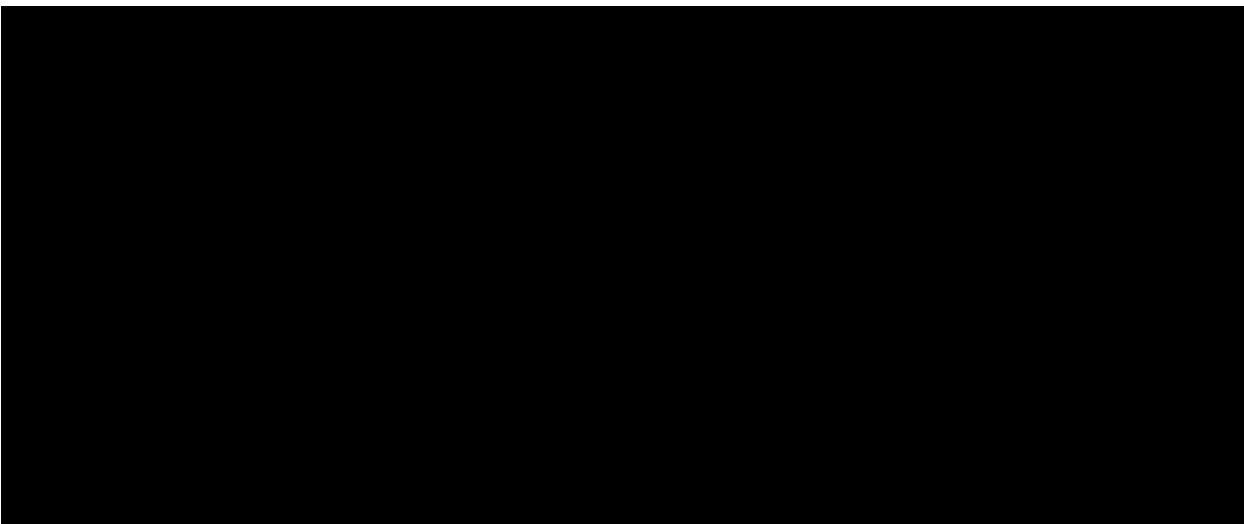
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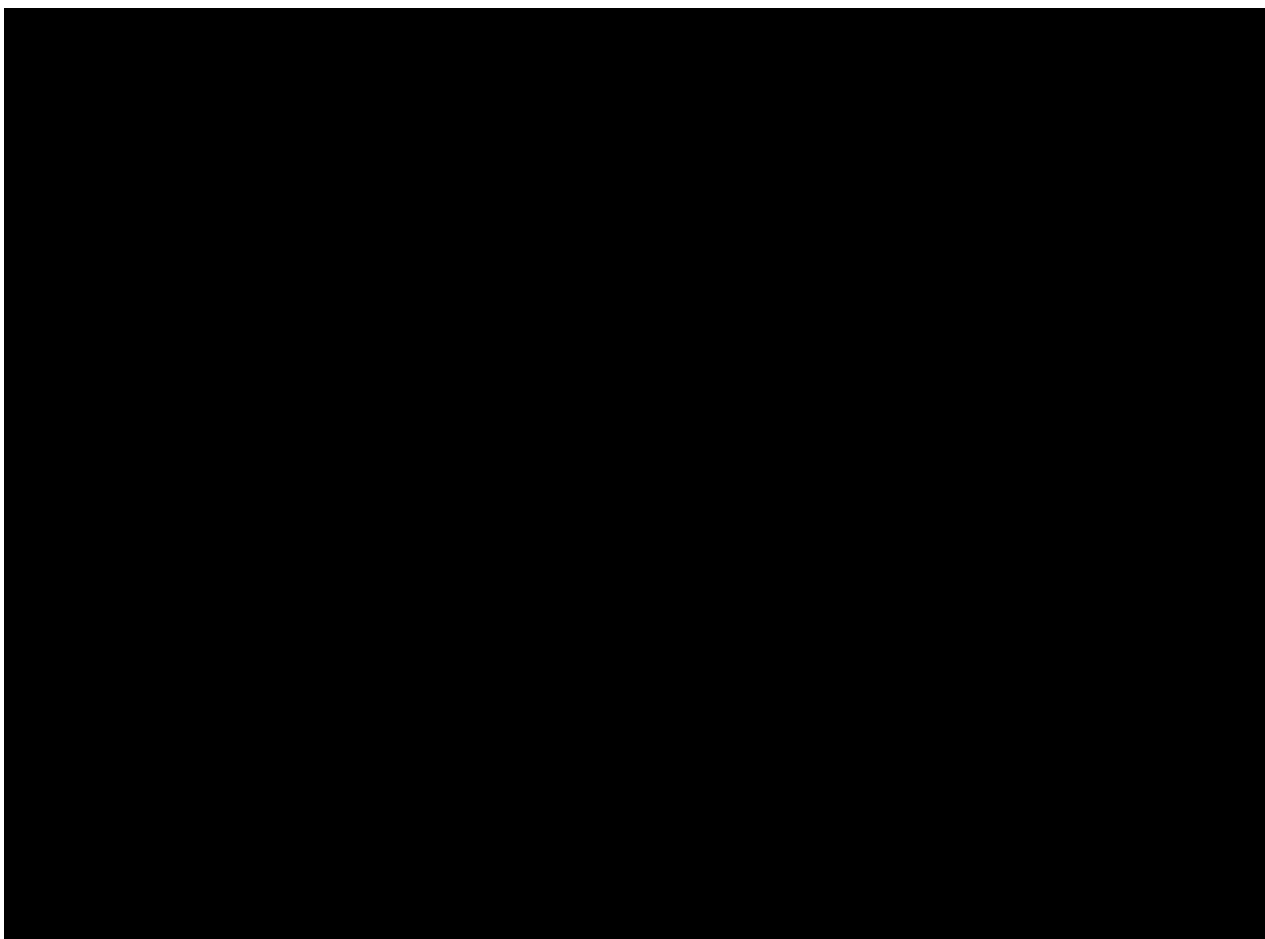
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However, part of this plan was to put the leadership in the middle of the mountain, and meaning by that: The chief, Iyad Ag Ghaly, and also all the wounded and weak and the civilians and all the members who were supposed to stay away from fighting and away from battles, such as the scholars or those who are assigned different tasks.



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12 Q. [15:45:46] Some questions of clarification. You spoke of combat. Combat
13 against whom? Abou Zeid and Iyad, but who were they fighting?

14 A. [15:46:03] The jihadists here were only defending themselves as they were
15 attacked by different forces at different levels. So, for example, there was the forces
16 of the Azawad who never joined them and who knew the area very well and knew
17 the mountains very well and knew how to get through it, but also there were some
18 Chadian forces that wanted to attack the jihadists directly on the ground but also
19 there were the French forces that attacked the groups from the air.

20 So they were playing this game of the cat and the mouse in the mountain. And there
21 were very small, very small occasions when they managed to kill some of the French
22 soldiers, but mostly it was the jihadist fighters who were killed in big numbers.

23 Q. [15:47:32] Come back to one point. Could you please tell us again what was
24 the role of Iyad in the combat in the mountains in Tigharghar?

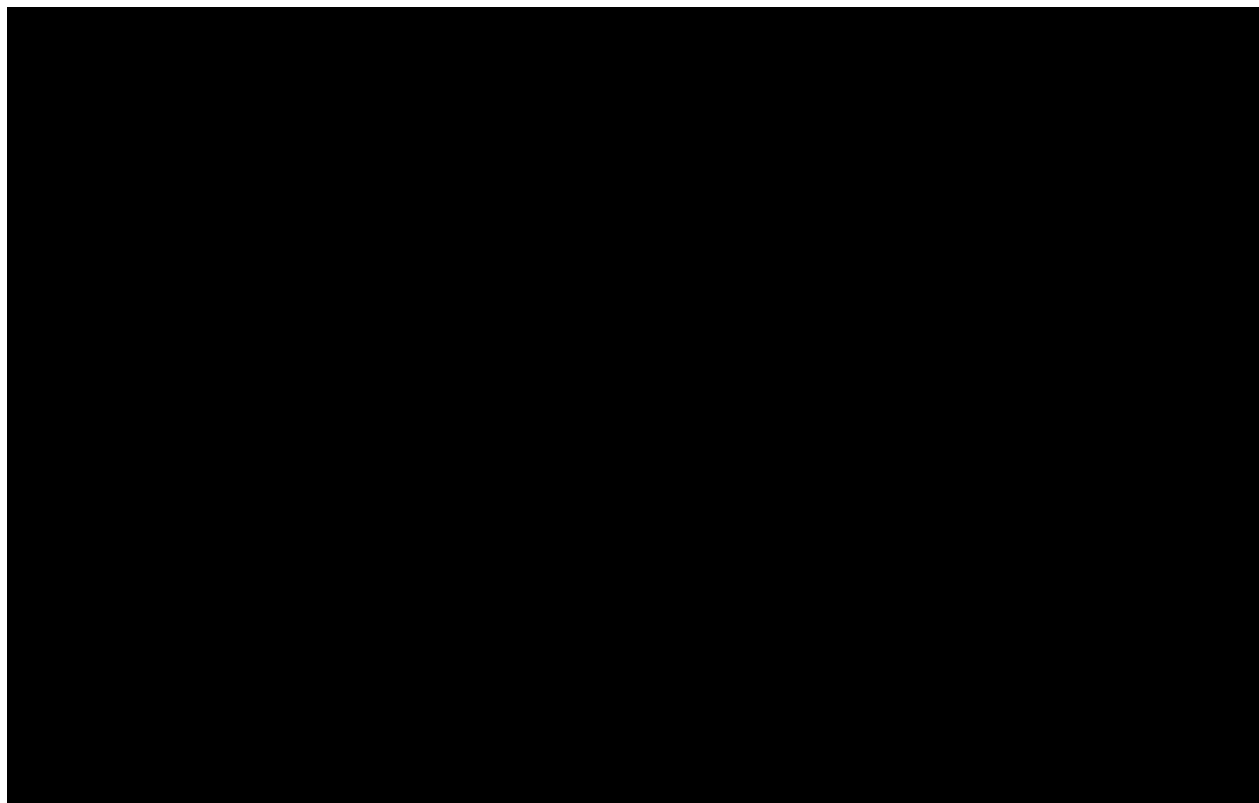
25 A. [15:47:51] He was the centre and he was the manager of all these operations.

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1 He had under him some field commanders that he would send to different locations
2 and he also was using this device that he had all the time and he was staying in
3 contact with the field commanders and monitoring what's happening in and around
4 the mountain.



16 that's why we all had to withdraw. Iyad withdrew and all the other members
17 withdrew. And at that point [REDACTED] withdrew in a
18 random way and there wasn't really an organised withdrawal as such.

19 Q. [15:50:42] (No interpretation)

20 A. [15:51:13] (No interpretation)

21 MR DUTERTRE: [15:51:14](Interpretation) We have no sound. Please could you
22 repeat once the problem has been resolved.

23 THE COURT OFFICER: [15:51:41] I would invite the Prosecution to resume. Thank
24 you.

25 MR DUTERTRE: [15:51:50](Interpretation) Thank you, court officer.

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1 Q. [15:51:53] Mr Witness, could you please repeat your answer.

2 A. [15:52:00] I said that these random withdrawals happened at the end of

3 February and beginning of March.

[REDACTED]

[REDACTED]

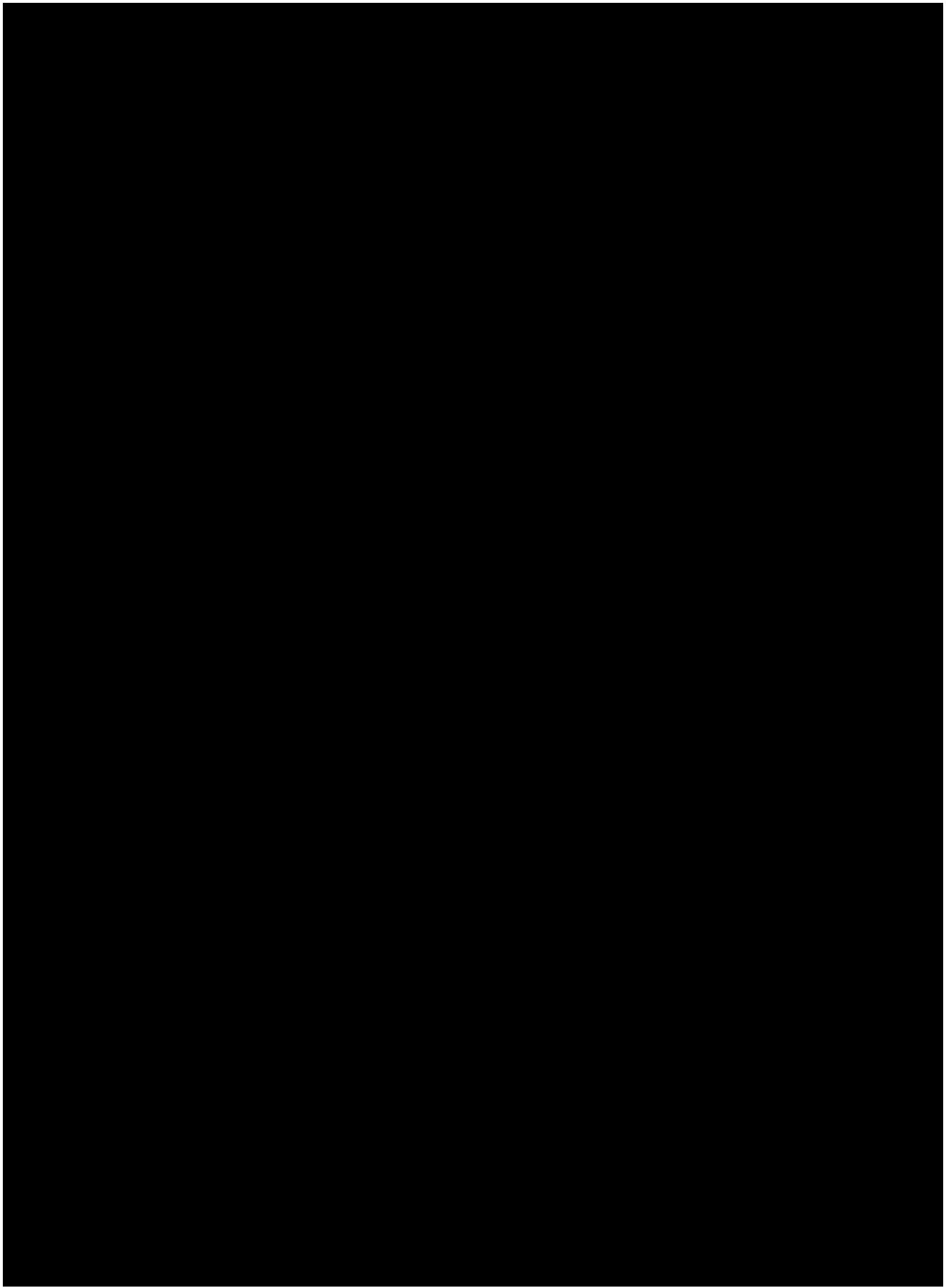
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11 MR DUTERTRE: [16:00:24](Interpretation) Mr President, I can see the time is flying.

12 I think we need to wrap up for today and I think that tomorrow we should have
13 finished the timeline. But as you can see, we were eliciting information on certain
14 specific aspects throughout the testimony today.

15 PRESIDING JUDGE MINDUA: [16:00:44](Interpretation) Yes, indeed,

16 Mr Prosecutor, we are moving slowly forward.

17 So it is 4 o'clock. We shall rise for today.

18 Mr Witness, once again, the Chamber would like to thank you for your cooperation
19 for answering the questions today,

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22 So I'd like to now express my gratitude to everybody, starting with the parties and the
23 participants, and the court reporters and interpreters, and finally to our court security
24 officers.

25 I'd like to wish you all a very pleasant evening and see you tomorrow morning.

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1 Court is adjourned.

2 THE COURT USHER: [16:01:59] All rise.

3 (The hearing ends in closed session at 4.02 p.m.)

4 CORRECTION REPORT

5 The following correction, marked with an asterisk and not included in the
6 audio-visual recording of the hearing, is brought into the transcript.

7 Page 19 line 16

8 "blessings or prayers" Is corrected to "spells and amulets"

9 SECOND CORRECTIONS REPORT

10 The following corrections, marked with an asterisk and not included in the
11 audio-visual recording of the hearing, are brought into the transcript.

12 "Page 7 lines 13-14

13

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15 Page 11 line 14

16 "Sango" Is corrected to "Songhai"

17 Page 34 lines 11-12

18 "Perhaps if you could be so kind, could you ask the witness if he has a general
19 commentary to make on that" Is corrected to "Perhaps, if you don't mind, I'll just ask
20 the witness if he has a general, brief, additional comment to make on that."

21 Page 40 lines 11-12

22 "And the transcript is in Arabic and that's at 1084 of binder 6." Is corrected to "And
23 this is the Arabic transcript. The translation is at 0078-9873, tab 1084 of binder no. 6."

24 Page 42 line 5

25 "A. [12:43:59] (No interpretation)" Is corrected to "A. [12:43:59] Yes, certainly.

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1 Page 47 line 10

2 "PRESIDING JUDGE MINDUA: [14:31:50](No interpretation)"

3 Is corrected to Page 47 lines 10-12

4 "PRESIDING JUDGE MINDUA: [14:31:20] The hearing is resumed.

5 Ms Taylor, before the break, you were asking if we could discuss Friday's schedule

6 again. Would I be correct in assuming you don't mean Friday 4 June but Friday 11

7 June?

8 Page 47 lines 14-19

9 "PRESIDING JUDGE MINDUA: [14:31:50] (No interpretation)

10 We're talking now about June 11.

11 THE INTERPRETER: [14:32:05] Apologies that there was no English channel

12 available.

13 PRESIDING JUDGE MINDUA: [14:32:10](Interpretation) We're talking about the

14 11th and this I think has now been sorted." Is corrected to Page 47 lines 14-17

15 "PRESIDING JUDGE MINDUA: [14:31:50] That is correct. That's no problem. On

16 Friday 11 June, in the afternoon, we will start at 2.15 p.m. and finish at 4.15 p.m. That

17 is all."

18 Page 50 lines 17-18

19 "In today's transcript 17 to 21:" Is corrected to "Yes, Your Honour. Just for reference,

20 to help everyone, it is page 51 of today's transcript, lines 17 to 21."

21 Page 58 lines 13-16

22 "And I know very well that he also led very important, very important tasks such as

23 chasing and arresting criminals in very far areas near Mauritania like the area of

24 Kundal (phon). And these were all tasks that no -- that were assigned to only senior

25 members of the group." Is corrected to "I also know that he led difficult missions

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1 such as searching for highway robbers in very far areas on the border with Mauritania
2 and he arrested criminals there as well as in the countryside of Goundam. And these
3 are tasks that only a senior person would undertake."

4 Page 60 lines 5-6

5 "And then we'll stop speculating." Is corrected to "And then we'll see if he's
6 speculating or not."

7 The following corrections, marked with an asterisk and included in the audio-visual
8 recording of the hearing, are brought into the transcript.

9 Page 8 line 2

10 "0069-431" Is corrected to "0069-0431"

11 Page 10 line 15

12 "Sanda Abou Amama (phon)" Is corrected to "Sandah Abu-Amama"

13 Page 20 line 8

14 "Abou Al-Darda" Is corrected to "Abu Al-Darda"

15 Page 46 line 25

16 "conducted" Is corrected to "conduct"

17 Page 51 line 10

18 "established" Is corrected to "establish"

19 Page 69 line 6

20 "About" Is corrected to "Abou"