

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 v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag

5 Mahmoud - ICC-01/12-01/18

6 Presiding Judge Antoine Kesia-Mbe Mindua, Judge Tomoko Akane and Judge

7 Kimberly Prost

8 Trial Hearing - Courtroom 3

9 Tuesday, 22 June 2021

10 (The hearing starts in closed session at 9.31 a.m.)

11 THE COURT USHER: [9:30:46] The International Criminal Court is now in
12 session.

13 PRESIDING JUDGE MINDUA: Good morning, everyone.

14 Court officer, please call the case.

15 THE INTERPRETER: [9:31:35] Microphone, please.

16 THE COURT OFFICER: [9:31:43] My apologies. Good morning,

17 Mr President, your Honours. This is the situation in the Republic of Mali, in

18 the case of The Prosecutor versus Al Hassan Ag Abdoul Aziz Ag Mahmoud,

19 case reference ICC-01/12-01/18. And for the record, we are in closed session.

20 PRESIDING JUDGE MINDUA: Thank you, Mr Court Officer.

21 And now, introductions.

22 OTP, Mr Dutertre.

23 MR DUTERTRE: [9:32:17] (Interpretation) Thank you, your Honours. The

24 OTP is still represented by Mr Yayoi Yamaguchi; Mr Garcia; Mr Mousa Allafi;

25 and myself, Gilles Dutertre. I greet everyone in the courtroom: Ms- -- the

Trial Hearing

(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

1 interpreters, court reporters, and the guards.

2 PRESIDING JUDGE MINDUA: [9:32:51](Interpretation) Defence, please.

3 MS TAYLOR: [9:32:52] Good morning, Mr President. Good morning,
4 your Honours. And good morning to everyone in and around the courtroom.
5 The Defence for Mr Al Hassan is represented today by Ms Dolly Chahla and
6 myself, Melinda Taylor. Thank you.

7 PRESIDING JUDGE MINDUA: [9:33:00] (No interpretation)

8 MR LUVENGIKA: [9:33:03] (Interpretation) Good morning, your Honours.
9 The victims are represented at this hearing by Ms Claire Laplace and by
10 Ludivine Tixier-Dunet and myself, Fidel Nsita Luvengika. I take this
11 opportunity to greet my learned friend, Mr Gilles Dutertre and his team;
12 Ms Taylor and her team; and my learned colleague, [REDACTED]. I greet the
13 witness, not to forget all the various people who contribute to the smooth
14 running of this trial. Thank you.

15 PRESIDING JUDGE MINDUA: [9:34:14](Interpretation) Thank you very
16 much, Mr Luvengika.
17 Now, witness counsel.

18 [REDACTED] [9:34:23](Interpretation) Good morning, Mr President. Good
19 morning, your Honours. Good morning to everyone in this hall. And my
20 name is [REDACTED]. I am counsel representing [REDACTED]
21 [REDACTED] in accordance with Rule 74 of the Rules of Procedure and Evidence.
22 Thank you.

23 PRESIDING JUDGE MINDUA: [9:34:56](Interpretation) Thank you very
24 much.

25 [REDACTED] [9:34:58](Interpretation) Thank you very much.

Trial Hearing

(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

1 PRESIDING JUDGE MINDUA: [9:34:59](Interpretation) This morning, we

2 continue with testimony from the 36th OTP witness. And naturally, I turn to

3 the witnesses now.

4 Good morning, Mr Witness. How are you today?

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

6 (The witness speaks Arabic)

7 THE WITNESS: [9:35:19] (Interpretation) Good morning, Mr President.

8 Good morning, your Honours. I am very well. Thank you very much.

9 PRESIDING JUDGE MINDUA: [9:35:31](Interpretation) Thank you very

10 much, Mr Witness.

11 Today, the Prosecution will continue with examination-in-chief.

12 And once again, I thank you for your cooperation. At the same time, I remind

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

14 truth, and nothing but the truth.

15 Without any further ado, I will now ask the Prosecutor to begin.

16 MR DUTERTRE: [9:36:04] (Interpretation) Thank you, your Honours. Just

17 one small point. To clarify one matter yesterday, we showed several

18 documents to the witness and we did not provide all the ERN numbers. But

19 I would suggest that I send the ERNs of all those documents, along with

20 transcription numbers and translation numbers, if that suits you.

21 PRESIDING JUDGE MINDUA: [9:36:37](Interpretation) Yes.

22 MR DUTERTRE: [9:36:37] (Interpretation) Thank you.

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

24 Q. [9:36:45] Good morning, your Honour (sic). How are you?

25 A. [9:36:46] (Overlapping speakers)

Trial Hearing
WITNESS: MLI-OTP-P-0150

(Closed Session)

ICC-01/12-01/18

1 THE INTERPRETER: [9:36:47] Overlapping speakers.

2 MR DUTERTRE: [9:36:53] (Interpretation)

3 Q. [9:36:53] So we have today and tomorrow morning, and we will soon be
4 finished. So thank you very much for your patience.

5 MR DUTERTRE: [9:37:00](Interpretation) I would now like to turn to a new
6 topic, your Honours, that we touched upon very briefly in the past.

7 Q. [9:37:14] Now, Mr Witness, you mentioned, *french transcript 101, page
8 15, lines 14 to 23, you spoke of the marriage of Nabil Al Aquama with [REDACTED]
9 [REDACTED] Nabil Al Aquama. And, you said you could not specify whether
10 it was before the arrival of the jihadists in Timbuktu or not.

11 Could you tell us, Mr Witness, if members of the armed groups got married in
12 Timbuktu between April 2012 and January 2013.

13 A. [9:38:25] Yes. Almost most of the jihadists who arrived in Timbuktu
14 married from the locals. They married women from the locals, whether in
15 Timbuktu or in the outskirts.

16 Q. [9:38:49] To your knowledge, how often did these marriages occur?

17 A. [9:38:59] As I mentioned, I said that most of the jihadists married,
18 whether the emirs or the soldiers.

19 Q. [9:39:22] How did you know that? [REDACTED]
20 [REDACTED]
21 [REDACTED]

22 [REDACTED] All the well-known locals must
23 have done mediations.

24 So, for example, I know that Houka Houka, [REDACTED] did some
25 mediations, as did Mohamed Moussa, and I think that Al Hassan did some

Trial Hearing
WITNESS: MLI-OTP-P-0150

(Closed Session)

ICC-01/12-01/18

1 mediations too. All well-known locals mediated for the soldiers to marry
2 locals.

3 Q. [9:40:36] We will return to that point.

4 But, Witness, you mentioned that the emirs and the soldiers got married.

5 Which emirs got married in Timbuktu that you know of, according to your
6 knowledge?

7 A. [9:40:56] I mentioned Abou Alqama and Abou Zeid. These are two of
8 the emirs who got married in Timbuktu. And I'm not quite sure about Abou
9 Hammam, but I think that he did get married in Timbuktu as well. And
10 when we speak about marriage here, we are speaking about either a second or
11 a third wife because those people, whether the soldiers or the emirs, had left
12 their wives in other places already. And when they arrived in Timbuktu, they
13 married for the second or third time.

14 Q. [9:41:42] Do you know whether one of these emirs married more than one
15 time in Timbuktu?

16 A. [9:41:52] I'm not quite sure.

17 Q. [9:41:56] *Can you tell us why the emirs and the soldiers you said "most
18 jihadists" - wanted to get married in Timbuktu?

19 A. [9:42:27] Marriage is one of the matters that are desirable in Islam in
20 general terms. And the jihadists consider it a desirable thing as well because
21 they are Muslims and because they consider themselves as having special
22 circumstances.

23 As for Islam, it views marriage in two important ways: *The first one is
24 covered by the jurisprudential term *Ehssan*, meaning preserving oneself of
25 committing *zina* or extramarital intercourse. And also the second important

Trial Hearing
WITNESS: MLI-OTP-P-0150

(Closed Session)

ICC-01/12-01/18

1 objective of marriage is to give -- is to the offspring, because they believe that
2 this is the sunnah of the prophet, peace and prophet (sic) be upon him. And
3 there is a narration from the prophet, peace and blessing be upon him, where
4 he encourages people to have children, as many children as possible, so that
5 the Muslim nation becomes bigger and bigger. And Muslims, in general,
6 speak -- or consider marriage as an important way of having children and
7 avoiding committing any sins.

8 As for the jihadists, because they wanted to stop any kind of mixing between
9 the sexes, it was important for them to get married, and the desire for women
10 was very strong because of this prohibition, because they are forbidden or they
11 forbade themselves from having any kind of relations outside marriage. And
12 that's why their need and desire for marriage was very strong.

13 Also because they spend long periods of times in the desert and in the jungle,
14 and that's why when they entered the city, they were so keen to get married as
15 soon as possible, [REDACTED]

16 and they asked of Al Hassan and Mohamed Moussa and the likes to facilitate
17 marriage for them.

18 PRESIDING JUDGE MINDUA: [9:45:16](Interpretation) Ms Taylor.

19 MS TAYLOR: [9:45:18] I apologise, Mr President. My colleague, Ms Chahla,
20 is not feeling very well.

21 Would it be possible for her to be excused?

22 PRESIDING JUDGE MINDUA: [9:45:37](Interpretation) Absolutely.

23 Absolutely, Ms Taylor. I do hope Ms- -- I do hope your colleague is feeling
24 better soon.

25 Counsel?

Trial Hearing
WITNESS: MLI-OTP-P-0150

(Closed Session)

ICC-01/12-01/18

1 MS TAYLOR: [9:46:17] Mr President, would it be possible to know if the
2 Prosecution intends to show documents? Because in that case, would I be
3 able to have time to get another person come to the courtroom to assist and
4 show them to Mr Al Hassan?

5 PRESIDING JUDGE MINDUA: [9:46:35](Interpretation) Prosecutor?

6 MR DUTERTRE: [9:46:36] (Interpretation) First of all, I'm terribly sorry that
7 the colleague is ill. I will not be showing documents immediately. But later
8 on, once I turn to the topic of monuments -- and I would hope that by
9 time -- by that time, someone will from Ms Taylor's team will be able to join her
10 team.

11 PRESIDING JUDGE MINDUA: [9:47:02](Interpretation) Ms Taylor, does that
12 suit you?

13 MS TAYLOR: [9:47:07] Yes, Mr President. And with your leave, if they may
14 enter the courtroom.

15 PRESIDING JUDGE MINDUA: [9:47:14](Interpretation) Certainly. Would
16 you like to do that right now?

17 MS TAYLOR: [9:47:17] No. I believe it will be okay if they -- if they come in.
18 I believe from what the Prosecutor has said, that we have time for them to
19 come down.

20 PRESIDING JUDGE MINDUA: [9:47:30](Interpretation) Very well. Thank
21 you very much. We will continue on that basis.

22 Mr Prosecutor.

23 MR DUTERTRE: [9:47:24] (Interpretation) Thank you, your Honour.

24 Q. [9:47:43] Mr Witness, could you explain to the Chamber why an
25 intermediary was necessary for the jihadists to marry local women, as you put

Trial Hearing
WITNESS: MLI-OTP-P-0150

(Closed Session)

ICC-01/12-01/18

1 it.

2 A. [9:48:02] Yes. The jihadists, even those who are from the Tuareg, who
3 came from the east, were considered as foreigners by the population in
4 Timbuktu at different levels. So some of the Arab tribes saw the jihadists
5 closer to them. The jihadists who came from Algeria and Mauritania and the
6 desert and Morocco, Tunisia and Libya, they spoke Arabic.

7 And the population of Timbuktu and the outskirts had Arab tribes speaking
8 obviously the same language. So they considered them foreigners, but they
9 were closer to them than any other tribe. But on the second level comes the
10 Tuareg, especially those who can speak Arabic of them - [REDACTED]

11 [REDACTED]
12 They were also closer to the jihadists than other tribes who are dark-skinned
13 like the Fulata, Songhai, and --

14 THE ARABIC INTERPRETER: [9:49:22] Inaudible.

15 THE WITNESS: [9:49:25] But the entire population of Timbuktu agreed upon
16 one fact, which is that the jihadists are foreigners. And for one of them to get
17 married to one of the locals, they had to convince her guardian, her father or
18 her brother or her friends, that they deserve to marry her so that the woman
19 would agree.

20 MR DUTERTRE: [9:50:12] (Interpretation) I believe the name of one of the
21 tribes is missing from the English transcript, page 9, lines 1 and 2.

22 Q. [9:50:24] You mentioned, dark-skinned like ... that, ... Songhai, and then
23 you mentioned another tribe.

24 Do you remember which other tribe you mentioned which is missing from the
25 English transcript?

Trial Hearing

(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

1 A. [9:50:47] Yeah. I mentioned three tribes which I described as
2 dark-skinned, Bellata, Songhai, and Fulani or Fulata.

3 Q. [9:51:04] Now, this issue of ethnicity, within the population, were there
4 some -- was there some hesitation to marry people from other ethnic groups?
5 How did that all work?

6 A. [9:51:31] Hesitation from who exactly?

7 Q. [9:51:37] *Amongst different ethnic groups, and especially in relation to
8 jihadists who came from outside? Were there any ethnic considerations in the
9 marriage?

10 *THE WITNESS: [9:52:02] First of all, I can say generally not.

11 The jihadists had ridden themselves of any feelings of racism. The jihadists do
12 not discriminate between black and white, or Arab and non-Arab. This is
13 regarding their way of thinking. But because of certain circumstances, there
14 was some kind of discrimination, because some of the tribes were supporters of
15 the jihadists, even before their arrival in Timbuktu. So marriage from these
16 tribes was a priority for the jihadists.

17 But also the factor of language comes into consideration as well, as some
18 women spoke the same language and it was easier to communicate with them;
19 while some other tribes were speaking different languages, which meant
20 communication with the wives was difficult. But there was no discrimination
21 or differentiation in the minds or hearts of the jihadists at all.

22 Q. [9:53:19] Mr Witness, could you tell us what would explain the choice of
23 these intermediaries -- Houka Houka, Mohamed, [REDACTED]
24 Why was it that those people were chosen to serve as intermediaries?

25 A. [9:53:49] The choice of them as intermediary was part of their choice as

Trial Hearing
WITNESS: MLI-OTP-P-0150

(Closed Session)

ICC-01/12-01/18

1 agents. Those people, that I mentioned to you, are examples of the locals who
2 rushed to cooperate and support the jihadists in all their agenda. And they
3 were ready and prepared to help the jihadists in anything they needed, and
4 that included helping them to get married.

5 Q. [9:54:44] What impact did that have if a person like Houka Houka or
6 [REDACTED] Mohamed Moussa were to intervene and serve as an intermediary
7 within a family? What impact did that have on a family?

8 A. [9:55:14] I'm not quite sure I understood the question because you're
9 saying the impact on the family, and this impact can come in different forms.
10 Can you please clarify what you mean by your question.

11 Q. [9:55:26] What would the impact have been on a family when Houka
12 Houka [REDACTED] or Mohamed Moussa were to go to them and serve as
13 intermediary? I – I think I didn't express myself ...

14 A. [9:55:50] Yes. Understood. It was apparent that families - whether the
15 families that we had control over in the tribe, or families that we had a good
16 reason to intervene in their matters - I think that serving as intermediary was a
17 clear pressure on the family because [REDACTED] women
18 don't marry from a neighbouring tribe. So you can imagine how they thought
19 about someone who came from a completely different country and has
20 completely different customs and traditions and even religious ideology.
21 So I didn't see any women who refused after the intervention of an
22 intermediary because those intermediaries were influential and already in
23 these tribes before the arrival of the jihadists. And, of course, they became
24 more influential after their arrival. [REDACTED]

25 [REDACTED]

Trial Hearing
WITNESS: MLI-OTP-P-0150

(Closed Session)

ICC-01/12-01/18

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED] soldiers carrying arms and in vehicles with arms mounted on top
8 of it, [REDACTED] spending money here and there helping the poor. So this
9 influence and power caused a lot of pressure on the guardians of women and
10 on women themselves.
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]

21 Q. [10:00:16] And in this case, was the jihadist in question armed?

22 A. [10:00:28] Yes. *The jihadists carry their weapons at all times, at home, in
23 the streets, and in mosques.

24 Q. [10:00:42] And could you describe, Witness -- could you describe
25 how -- or whether there was a need for a dowry, what the jihadists do to pay.

Trial Hearing
WITNESS: MLI-OTP-P-0150

(Closed Session)

ICC-01/12-01/18

1 A. [10:01:28] Well, first, dowry is the first pillar of marriage. Every Muslim
2 must pay a dowry. But what happened is the -- the custom back there, that if
3 a person marries in their family or in their tribe, marriage was very easy, and
4 the dowry was very little.

5 But when a woman is marrying in a different tribe, then the dowry is much
6 higher. And the locals applied this rule on the jihadists because they were
7 considered as foreigners. So they asked for big amounts as dowry. So
8 sometimes it reached 500,000 francs CFA, half a million, while usually the
9 dowry is something around 50 francs amongst the locals.

10 Q. [10:02:42] And what did the jihadists do to pay the dowry, if that was the
11 case?

12 A. [10:02:56] The jihadists, some of them had their own money. And those
13 who didn't have money, there was a fund made by the emirs, Abou Zeid and
14 Abou Hammam, to encourage people to get married and to pay for dowry.
15 So those who were not able to pay the dowry, Abou Hammam and Abou Zeid
16 had like a trust fund that helps people get married. And they were
17 encouraging their soldiers to get married.

18 Q. [10:03:29] Could you state why they encouraged their soldiers to get
19 married.

20 A. [10:03:43] I think I explained this already, because of the importance of
21 marriage, as I explained earlier.

22 Q. [10:04:01] Indeed. You did mention the objectives on page 10, line 22.
23 But beyond these objectives, were there other objectives which led the emirs to
24 encourage the soldiers to get married?

25 PRESIDING JUDGE MINDUA: Maître Taylor?

Trial Hearing
WITNESS: MLI-OTP-P-0150

(Closed Session)

ICC-01/12-01/18

1 MS TAYLOR: [10:04:24] Thank you, Mr President. I believe this was asked
2 and answered. And in fact, I think the Prosecution is almost using the
3 identical question.

4 PRESIDING JUDGE MINDUA: [10:04:42](Interpretation) Indeed.
5 Prosecutor, this question has already been put.

6 MR DUTERTRE: [10:04:45] (Interpretation) I had asked the -- I asked if there
7 were other objectives. This is slightly different, I would put it to you
8 respectfully, your Honour.

9 PRESIDING JUDGE MINDUA: [10:04:53](Interpretation) Ms Taylor.

10 MS TAYLOR: [10:04:55] Thank you, Mr President. We respectfully submit
11 that in formulating it that -- in that way, the Prosecution's effectively leading
12 the witness.

13 PRESIDING JUDGE MINDUA: [10:05:12](Interpretation) Mr Prosecutor,
14 I think you can leave this question because the witness has already answered,
15 and this insistence does seem to be somewhat leading.

16 MR DUTERTRE: [10:05:31] (Interpretation) Understood, your Honour.

17 Q. [10:05:37] So, Witness, what did the jihadists do to obtain money from the
18 emirs who encouraged them to get married? Who did they go to?

19 A. [10:06:03] To Abou Zeid and Abou Hammam directly. Anyone who
20 needed help went to Abou Al Hammam if they were from -- they went to Abou
21 Hammam if they were from Al-Fourqane and to Abou Zeid if they were from
22 Al Ibn Tariq battalion.

23 Q. [10:06:44] Could you repeat the name of the battalion. Abou Zeid. The
24 interpreter didn't get the other battalion.

25 A. [10:06:50] The Tariq Ibn Ziyad battalion.

Trial Hearing
WITNESS: MLI-OTP-P-0150

(Closed Session)

ICC-01/12-01/18

1 Q. [10:07:08] Tariq Ibn Ziyad.

2 So, Witness, on page 9, lines 22 to 26, you said - and here, I quote - "So -- so that
3 one of them could obtain a wife, he had to succeed in being convinced -- in
4 convincing the father or brother to give their agreement to marry."

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED] there are two types of women, a woman who is capable of marrying
12 herself or a woman who has to be given in marriage by her guardian. *In the
13 latter case, her opinion is not sought, and even if sought, it's possible that her
14 opinion makes no difference. While in the former case we call the woman a
15 "Thayeb", in the latter case we call her a "virgin". This is in reference to either
16 being young, or being experienced, having been previously married or grown
17 up before marriage.

18 Q. [10:09:14] To the best of your knowledge, Witness, how long is it
19 envisioned that these marriages would last?

20 A. [10:09:41] Well, upon marriage, the doctrine of most Muslims
21 that -- marriage should not be -- should not have a specific period of time. But
22 when those jihadists got married, women understood that those jihadists are
23 not staying. They are here one day, and in a different country another day.
24 One day they are in a battle. And the second day, they are -- they are in
25 missions. So one day they are alive. And the second day, they are dead.

Trial Hearing
WITNESS: MLI-OTP-P-0150

(Closed Session)

ICC-01/12-01/18

1 So it seemed that those women were encouraged to marry those people,
2 considering it as a temporary marriage. And that's why, when they left
3 Timbuktu, very few number of women from the locals went out with them.
4 Either they were women who came with them already when they arrived or
5 women who got convinced of the jihadists' ideology with their husbands.

6 Q. [10:11:09] So why did the other women not follow the jihadists who left?
7 Could you say a bit more about that.

8 A. [10:11:19] As I explained to you, women considered this marriage as just
9 temporary because in reality, most of the women of Azawad and the tribes
10 over there didn't want to get married to those people. And that's why, when
11 the jihadists left, they left their wife behind. And those women, a while later,
12 divorced themselves and married other men.

13 Q. [10:12:19] Could you state, Witness, during the marriages, where did the
14 women go to live when they were married to jihadists in Timbuktu between
15 April 2012 and January 2013?

16 A. [10:12:43] Abou Zeid and Abou Al Hammam gave them a house from the
17 governmental facilities that they confiscated when they arrived in Timbuktu.
18 They always made sure that the newly wedded had a house, whether it was a
19 separate house or a shared accommodation, such as, the place called the tax
20 office or the finance and education office, which had separate wings and rooms.
21 And many of the jihadists lived there with their wives and their families.

22 Q. [10:13:57] Understood. And just to clarify things, you indicated that
23 most of the women of Azawad and the tribes in that region didn't want to
24 marry these people.

25 So how do you know that?

Trial Hearing
WITNESS: MLI-OTP-P-0150

(Closed Session)

ICC-01/12-01/18

1 A. [10:14:18] The problems that happened after marriage and also the need
2 for an intermediary indicated that, because the jihadists were not able to go by
3 themselves and marry any woman because they would have been rejected.
4 And that's why there was a need for an intermediary to convince the woman to
5 get married.

6 Q. [10:15:09] And when you speak about problems which would appear,
7 problems that would arise, what problems are you talking about?

8 A. [10:15:18] Yes. [REDACTED] I heard
9 about many marital problems. I didn't mention [REDACTED] as an
10 intermediary, and I remember that he helped in giving one of his women
11 relatives to one of the jihadists in marriage. And because of the differences in
12 language, in customs, and in religion - and also the fact that they didn't know
13 each other before and they didn't have any love between themselves - a lot of
14 problems arose.

15 And I also spoke about Abou Moh Ajam (phon), [REDACTED]
16 [REDACTED]. A lot
17 of problems happened in that marriage as well. All of these problems arose
18 because women didn't love these men, but they were, rather, pressured into
19 such marriages.

20 Q. [10:17:02] Just by way of clarification - and then I'll move on - when you
21 said [REDACTED], do you know the full name of [REDACTED]?

22 A. [10:17:23] [REDACTED]
23 [REDACTED]

24 Q. [10:17:54] You said more precisely, Witness, there were a lot of problems,
25 and I also spoke to [REDACTED]

Trial Hearing
WITNESS: MLI-OTP-P-0150

(Closed Session)

ICC-01/12-01/18

1 [REDACTED] So I wanted the full name of this person.

2 A. [10:18:05] [REDACTED]

3 [REDACTED]

4 Q. [10:18:23] We'll come back to that subsequently. But I would like to
5 have some clarification from you.

6 Now, you indicated on page 18, lines 19 to 20, you said:

7 "That's the reason why they needed an intermediary, in order to convince
8 women to get married."

9 And you say that without that, they would have been rejected.

10 Could you explain why, without an intermediary, they would have been
11 rejected.

12 A. [10:18:58] Because women -- or the society, in general, they held the same
13 ideas that were common in the area, which is hating the jihadists and fearing
14 them and considering them as foreigners in the area. So that's why if one of
15 the jihadists went directly and asked for a woman in marriage, they would
16 have been rejected by the women.

17 So the fact that some men joined the jihadist group, that doesn't mean that this
18 idea was removed from the minds and hearts of women and children and the
19 rest of the society. That's why the jihadists wanted to marry from the locals,
20 because they wanted to disseminate the jihadists' ideology between the entire
21 society and the entire tribe, including women and children.

22 Q. [10:20:25] You also indicated -- and, if you could develop this further -- all
23 these problems were due to the fact that these women didn't love these men
24 but they were obliged to marry.

25 Could you explain this further.

Trial Hearing

(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

1 A. [10:21:02] I used the word "pressured," that a lot of pressure was put on
2 them from different angles. The first angle is the fact that notable people
3 pressured them, such as [REDACTED]. And the
4 second point is the need for money. So they were -- they were persuaded to
5 marry those women -- those men because of their money. And also by
6 marrying those jihadists, they would live in a more luxurious level than
7 marrying from the locals, especially in 2012.

8 And also there is the factor of fear because those women knew very well that
9 they were now engaged to members of the new government. So they also had
10 the fear of not managing to get married in other places because most of men
11 became jihadists during that time. So there were a number of factors that
12 pressured women to agree to these marriages.

13 Q. [10:22:54] And once they were married, Witness, did these women have
14 the right or not to refuse to have sexual relations with their husband?

15 A. [10:23:24] No, not at all. Even amongst normal Muslims, this was not
16 allowed, so -- let alone the extremists Muslim who obviously had control over
17 everything.

18 Q. [10:23:45] Witness, you mentioned Al Hassan as an intermediary you said,
19 I think. What do you know about Al Hassan as an intermediary for
20 marriages?

21 A. [10:24:05] I don't remember a specific case. But to my knowledge, with
22 all intermediaries, the status of Al Hassan and the confidence that he -- that
23 was in Al Hassan by the emirs, it was, of course -- it was -- it was -- I was sure
24 that many people will go to him to serve as an intermediary. And he is from a
25 very big tribe as well in the area of Zarho. So I expected that he will serve as

Trial Hearing

(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

1 an intermediary, but I don't remember a specific case where he did so.

2 Q. [10:25:19] We're now going to another subject, Witness.

3 And I think that Mr Rowse has come to assist Madam Taylor.

4 And I'm going to come back to the issue of mausolea.

5 And I would like to start -- well, I'm coming back to the issue of monuments

6 and would like to play a video, binder 8, tab 1498; transcript 1499 -- tab 1499.

7 And the ERN is 0011-0402, and the ERN of the transcript is 0020-0620 (sic).

8 I'm going to play it, first of all, without the sound.

9 So I'm going to start from 00:00:47:14. And when I play it with the sound,

10 I would ask the interpreters to look at lines 21 to 30.

11 PRESIDING JUDGE MINDUA: [10:28:02](Interpretation) Prosecutor, I would

12 just like to take advantage of this moment in order to point out that Mr Rowse

13 is in the room, courtroom. And he is going to help Mr Al Hassan with the

14 documents. So this is for the Defence team that I'm making that clarification.

15 MR DUTERTRE: [10:28:33](Interpretation) Thank you very much, your

16 Honour. So I'm going to play it without the sound and then with the sound.

17 (Viewing of the video excerpt)

18 MR DUTERTRE: [10:28:56] (Interpretation) So I'm at 00:54:19.

19 Q. [10:29:08] Do you recognise the person who appears on the screen,

20 Witness?

21 A. [10:29:16] Yes. It's Sanda Ould Boumama.

22 Q. [10:29:25] So I'm going to play the video with the sound and ask the

23 interpreters, when they're ready, to read the transcript, lines 21 to 30. So I'm

24 at 00:00:47:11. Perfect.

25 THE INTERPRETER: [10:30:04] (Interpretation of the video excerpt)

Trial Hearing
WITNESS: MLI-OTP-P-0150

(Closed Session)

ICC-01/12-01/18

1 "The fact that they did that to Al Farouk, the people think that it's Al Farouk
2 which governs the town. But for us, that can't be accepted because it's against
3 our religion, and we want people to be attached to Allah, not to a symbol."

4 MR DUTERTRE: [10:30:40] (Interpretation)

5 Q. [10:30:41] Were you able to listen to that, Witness?

6 A. [10:30:45] Yes.

7 Q. [10:30:53] So we've already looked at the issue of the Al Farouk
8 monument previously when a video was shown. But could you explain what
9 Sanda Ould Boumama is saying with regards the Al Farouk monument.

10 A. [10:31:18] Sanda here is explaining that they destroyed Al Farouk because
11 the locals, the residents of the town, thought that Al Farouk is a symbol
12 who -- which governs the town and that goes against the rules of the religion
13 which commands that attachments should be with God only, not with any
14 other symbols.

15 Q. [10:31:57] Mr Witness, at 02, timestamp 00:00:48:02, we see that indeed
16 this sculpture on the monument has been partially destroyed.
17 Exactly which monument is it that we see here on the screen?

18 A. [10:32:22] This is Al Farouk monument, which I identified its rubble in a
19 previous video before.

20 Q. [10:32:41] Do you remember approximately when the horse on the
21 monument was destroyed? When did that happen?

22 A. [10:32:57] No. I don't. But I think it was at the beginning of the period,
23 maybe before the destruction of the mausolea. I'm not sure.

24 Q. [10:33:11] Now, if you remember, in another video that showed the
25 *gouvernorat*, I think you will recall that the monument, Al Farouk, had been

Trial Hearing
WITNESS: MLI-OTP-P-0150

(Closed Session)

ICC-01/12-01/18

1 completely demolished.

2 Do you remember when that happened, the second destruction? If you can.

3 A. [10:33:37] No. I don't. I don't remember when this monument was
4 destroyed. I know how it was destroyed, and I know that it was destroyed by
5 the police and the security or maybe just by the security. But I don't even
6 know the specific people who did so.

7 Q. [10:34:01] We will now move ...

8 Mr Witness, how do you know that it was the security forces that destroyed
9 this monument?

10 A. [10:34:19] Well, this piece of information is missing because what I have
11 in my mind is that I think that this happened at the beginning of the period
12 when the security were responsible for the destruction of things, not the
13 *Hesbah*.

14 Q. [10:34:41] If we could move now, move to tabs 1519 and 1520, binder 8.
15 And this is an audio recording, 0007-0228. The transcript number in French is
16 0020-0584. And obviously since this is an audio recording, I'll have to have it
17 played with sound so that the voice can be identified.

18 (Playing of the audio excerpt)

19 MR DUTERTRE: [10:35:55] (Interpretation) I stopped after five seconds.

20 Q. [10:35:57] Now, Witness, were you able to identify the voice of the person
21 speaking?

22 A. [10:36:08] In order to identify, I think I will need to hear him without the
23 Arabic translation.

24 Q. [10:36:25] I will play it again.

25 (Playing of the audio excerpt)

Trial Hearing
WITNESS: MLI-OTP-P-0150

(Closed Session)

ICC-01/12-01/18

1 MR DUTERTRE: [10:36:43] (Interpretation)

2 Q. [10:36:44] Is that now clear to you, Mr Witness?

3 A. [10:36:51] Yes. I think this is Sanda Ould Boumama. I'm almost sure
4 that that's him.

5 Q. [10:37:03] I will now play it again from the beginning, lines 3 to 9 on the
6 transcript. And that's transcript 0020-0584.

7 (Playing of the audio excerpt)

8 THE INTERPRETER: [10:37:27] Sight translation:

9 "This is what is called for under sharia.

10 When the prophet went back to Mecca, he said that all these kinds of
11 mausoleums had to be destroyed. And so what we are doing is that we are
12 doing this again.

13 Radio interviewer: But these mausoleums are registered with UNESCO as
14 heritage sites.

15 SOB: That is not our business."

16 Interruption by counsel.

17 MR DUTERTRE: [10:38:14] (Interpretation)

18 Q. [10:38:18] *Mr. Witness, can you explain why Sanda Ould Boumama
19 says that UNESCO World Heritage listing is none of their business?

20 THE WITNESS: [10:38:27](Interpretation) This -- this is what was agreed
21 upon by the jihadists from all the different levels and categories, that the
22 international organisations or national institutions are not recognised by them
23 and their decisions are not recognised. And they saw them as part of a hostile
24 organisation that wanted to impose their opinion and their control over
25 Muslims to destroy Islam. And that's why they didn't care about it, about

Trial Hearing

(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

1 these organisations at all.

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED] [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 [REDACTED]

Trial Hearing
WITNESS: MLI-OTP-P-0150

(Closed Session)

ICC-01/12-01/18

1

2

3

4

5

6

7

So they were of the opinion that the mausolea had to be destroyed because it's shirk or believing in someone other than God.

9

We have to get rid of any kind of objectionable act, if it leads to more objectionable acts. the locals might go crazy,

12

And that can lead to a massacre and this might cause a much bigger objectionable act than the one that started the whole issue.

15

this was prohibited in Islam.

16

17

18

19

Q. [10:45:06] We'll get back to that in a moment, Mr Witness.

21

22

23

24

25

Trial Hearing

(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

- 1 [REDACTED]
- 2 [REDACTED]
- 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 [REDACTED]

Trial Hearing
WITNESS: MLI-OTP-P-0150

(Closed Session)

ICC-01/12-01/18

1 [REDACTED]
2 [REDACTED]
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] [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

Trial Hearing
WITNESS: MLI-OTP-P-0150

(Closed Session)

ICC-01/12-01/18

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]

11 PRESIDING JUDGE MINDUA: [10:53:57](Interpretation) Ms Taylor.

12 MS TAYLOR: [10:53:59] Thank you, Mr President. I'm just checking because
13 that might be a translation issue because I don't see that in the English.
14 So would the Prosecution be able to give a reference to the English transcript
15 where that appears because the English specifically says:

16 [REDACTED]
17 [REDACTED]

18 So it appears that we have a direct contradiction. And I do believe that the
19 English is more accurate because it's from what the Arabic has been translated
20 into.

21 PRESIDING JUDGE MINDUA: [10:54:38](Interpretation) French interpreter,
22 please.
23 Prosecution.

24 MR DUTERTRE: [10:55:11](Interpretation) Indeed, there is a difference. I'm
25 following the French transcript. I didn't notice, but I don't know which

Trial Hearing

(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

1 language is more accurate. So I think it might be simpler to ask the witness
2 directly rather than to speculate about accuracy.

3 PRESIDING JUDGE MINDUA: [10:55:35](Interpretation)(Overlapping
4 speakers) *l'interprète* tells me that the interpretation --

5 THE INTERPRETER: [10:55:44] A message from the English-to-French
6 interpreter ...

7 PRESIDING JUDGE MINDUA: [10:55:52](Interpretation) It depends. It's not
8 always done in the same way.

9 Re-put -- put the question again.

10 MR DUTERTRE: [10:55:59] (Interpretation)

11 Q. [10:55:59] We seem to have a contradiction between the English transcript
12 and the French transcript because in the French transcript - and I'm speaking
13 from memory - [REDACTED]

14 [REDACTED] [REDACTED] [REDACTED]

15 And in the English transcript, we read:

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED] [REDACTED]

21 Could you clarify this point.

22 PRESIDING JUDGE MINDUA: [10:57:05](Interpretation) Ms Taylor.

23 MS TAYLOR: [10:57:07] Thank you, Mr President. I believe that the

24 Prosecution hasn't actually read out the full quote in the English transcript

25 because in the English transcript, it said:

Trial Hearing
WITNESS: MLI-OTP-P-0150

(Closed Session)

ICC-01/12-01/18

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]

5 So I do believe it's important to read out the full context to the witness, since he
6 might not have the English transcript in front of him.

7 PRESIDING JUDGE MINDUA: [10:57:50](Interpretation) Very well. But
8 I think that the witness did understand your reading.

9 Witness, do you confirm what Ms Taylor has just read out?

10 THE WITNESS: [10:58:05] Yes. What she said is correct.

11 PRESIDING JUDGE MINDUA: [10:58:12](Interpretation) There you have it.
12 Perfect.

13 Prosecution?

14 MR DUTERTRE: [10:58:19] (Interpretation) I see that it is nearly 11. I'm in
15 your hands.

16 PRESIDING JUDGE MINDUA: [10:58:23](Interpretation) Very well. We
17 have two minutes left. If you want to keep on going, fine. Otherwise, we
18 can stop.

19 MR DUTERTRE: [10:58:30] (Interpretation) I guess we'll leave it at that so that
20 we can resume.

21 PRESIDING JUDGE MINDUA: [10:58:37](Interpretation) Very well. We will
22 now suspend the hearing and resume at 11.30.

23 (Recess taken at 10.58 a.m.)

24 (Upon resuming in closed session at 11.30 a.m.)

25 PRESIDING JUDGE MINDUA: [11:31:19](Interpretation) Court is in session.

Trial Hearing
WITNESS: MLI-OTP-P-0150

(Closed Session)

ICC-01/12-01/18

1 The Prosecutor has the floor for the follow up.

2 Prosecutor, over to you.

3 MR DUTERTRE: [11:31:34](Interpretation) Thank you, your Honour,
4 your Honours.

5 I would like to come back to a point because, according to what my colleague
6 said, perhaps there was a translation issue concerning the question.

7 So this is the question that I had put on page 28, lines 13, in French, and page
8 27, lines 17 to ... English. And I'm going to read the question and answer so
9 that there's the context, and then I'll put the question by way of clarification.

10 Q. [11:32:18] So, Witness, I would like to clarify a point with you, if you
11 would be so kind. Now, I asked you a question, and I'm going to read the
12 question and answer to you; so,

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]

Trial Hearing
WITNESS: MLI-OTP-P-0150

(Closed Session)

ICC-01/12-01/18

1

2

3

4

5

6

7

8 Q. [11:35:43] Witness, we're going to come back to this destruction.

9 Do you remember the first cemetery where that started?

10 A. [11:36:06] I didn't hear the question really well.

11 Q. [11:36:31] Do you remember the first cemetery where the destruction
12 started?

13 A. [11:36:37] I forgot the name of the cemeteries, but I know it was the one
14 that was located in the northern part of the town of Timbuktu, maybe a little bit
15 to the northwest.

16 MR DUTERTRE: [11:37:11](Interpretation) So, your Honour, your Honours,
17 I would now like to show * a video, 0018-0375. It's 12 seconds long. It's in
18 binder number 6. 1158-1159, tabs 1158-1159. The transcript is 0029-0352,
19 already formally submitted. I'm going to play it without the sound.

20 (Viewing of the video excerpt)

21 MR DUTERTRE: [11:38:39](Interpretation)

22 Q. [11:38:41] Witness, do you remember this place?

23 A. [11:38:45] Yes.

24 Q. [11:38:50] Could you be a bit more specific.

25 A. [11:39:06] This is one of the cemeteries [REDACTED] And it's

Trial Hearing
WITNESS: MLI-OTP-P-0150

(Closed Session)

ICC-01/12-01/18

1 called, as you can see, Sidi Mahmoud. [REDACTED]
2 mausoleums, the cemetery of Sidi Mahmoud and in another one called, Alpha
3 Moya. But I don't know exactly which one was in the north and which one
4 was in the south. But this one looks exactly like the one that I spoke about in
5 the north part of the town, the first one.

6 Q. [11:40:04] So, Witness, I'm at 00:00:04:18.

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 A. [11:40:59] Yes. But such light guarding. Like this one used to happen
14 even before the destruction, in days such as Fridays, for example, to forbid
15 people from carrying out any wrong practice.

16 Q. [11:41:23] So Friday, people were carrying out these guard tasks,
17 light-guard tasks. Which unit did they come from?

18 A. [11:41:44] The *Hesbah*.

19 Q. [11:41:51] And the day of the destruction, do you know who took these
20 measures to guard the cemetery?

21 A. [11:42:01] Talha, the security battalion.

22 Q. [11:42:06] And for what reason did he take those measures on that day?

23 [REDACTED]
24 to stop people from demonstrating and to scare them so that they don't protest
25 against the people who are carrying out the destruction of the mausoleums.

Trial Hearing

(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

1 MR DUTERTRE: [11:42:51](Interpretation) I'm now going to show another
2 video, your Honour, your Honours. Still in binder 6, tab 1162, 1161, 16
3 seconds, transcript, 0024-2300 and the video is 0018-0363. I'm going to play it
4 now without the sound firstly.

5 (Viewing of the video excerpt)

6 MR DUTERTRE: [11:44:08](Interpretation)

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 Q. [11:44:31] So you can see a weapon, a light weapon, in the foreground.

11 And behind, you can see two people.

12 To which unit did the second person belong to, second from the left of the
13 image?

14 A. [11:45:06] The second one from the left is from the Islamic police.

15 Q. [11:45:24] On this video, Witness, were you able to recognise people? Or
16 shall I play it again?

17 A. [11:45:41] Yes.

18 Q. [11:45:45] I'm going to play it again therefore.

19 (Viewing of the video excerpt)

20 THE WITNESS: [11:46:13](Interpretation) No. I couldn't recognise anyone.

21 MR DUTERTRE: [11:46:27](Interpretation).

22 Q. [11:46:27] At 00:00:07:22, Witness, there is a person who is wearing a type
23 of -- well, he has a type of pickaxe in his hand or a pick in his hand. And he's
24 destroying the mausoleum. So what unit did this person belong to?

25 A. [11:46:54] The Islamic police.

Trial Hearing

(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

1 [REDACTED]
 2 [REDACTED]
 3 [REDACTED]
 4 [REDACTED]
 5 [REDACTED]
 6 [REDACTED]
 7 [REDACTED]
 8 [REDACTED]
 9 [REDACTED]
 10 [REDACTED]
 11 [REDACTED]
 12 [REDACTED]

13 Q. [11:48:48] Understood. And just to put a last question on this video,
 14 Witness. How do you know that this person at 00:00:07:22 is from the Islamic
 15 police?

16 A. [11:49:04] Because at that time, it was only members of the Islamic police
 17 who had this vest on.

18 MR DUTERTRE: [11:49:34](Interpretation) I'm now going to go to another
 19 video, still in binder 6, tab 1163, 1164, 1165, video 0018-0356; transcript,
 20 0025-0057; translation, 0025-0043. And it will be necessary to read the
 21 translation into the transcript, but not immediately.

22 (Viewing of the video excerpt)

23 MR DUTERTRE: [11:50:42](Interpretation).

24 Q. [11:50:42] Witness, at 00:00:00:00, who is the person who appears on the
 25 left-hand side at the front with the black turban and wearing green clothing?

Trial Hearing

(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

1 A. [11:51:08] This is Abou Al Baraa.

2 Q. [11:51:13] Do you know where these pictures were taken?

3 A. [11:51:20] Yes. [REDACTED]

4 MR DUTERTRE: [11:51:35](Interpretation) I'm now going to play this video
5 with the sound, and I would ask for the interpreters to let me know when they
6 are ready to read the transcript.

7 (Viewing of the video excerpt)

8 THE INTERPRETER: [11:52:01] (Interpretation of the video excerpt)

9 "So all the funeral monuments which are above the ground must being
10 destroyed so that they are not glorified or idolised or adored at the cost of
11 Allah, which causes a lot of people to be ignorant of this religion.
12 As you can see, Allah be praised, it is that -- what the disciples of the group
13 Ansar Dine are doing to execute the command of Allah. May he be glorified
14 and blessed! Abi-Hayyash al-Asadi -- Allah be satisfied of him has indicated
15 that Ali ben Abi-Talib -- Allah be satisfied of him -- told him: 'I'm going to
16 transmit the command that the messenger of Allah -- peace be with him and
17 blessed be he -- he transmitted: to destroy the statues and the frescoes and to
18 raze the tombs to the ground.' Raze to the level of the ground these funeral
19 monuments will make it possible to preserve sharia and the *monothéiste* religion
20 of Allah, the only real God. In this way, the tombs will not be idolised and the
21 dead will not be adored nor implored to execute the wish of the only Allah.
22 This is what we are doing and we demand that Allah, may he be glorified and
23 blessed, gives us the force to achieve our task. Peace be with you!"

24 MR DUTERTRE: [11:53:50](Interpretation).

25 Q. [11:53:50] *Witness, what does Abou Al Baraa ,mean by "razing the tombs

Trial Hearing
WITNESS: MLI-OTP-P-0150

(Closed Session)

ICC-01/12-01/18

to the ground"? It was not translated well. What does Abou Al Baraa mean by "razing the tombs to the ground" Mr. Witness?

*A. [11:54:28] He's saying that this is very necessary to protect monotheism and to eliminate polytheism, and he is saying that these structures can be worshipped eventually. And he is referring to a narration of Ali ben *Abi-Talib, according to which, he demolished graves that exceeded a span above the ground, which we may measure as equivalent to 20 centimeters.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Trial Hearing
WITNESS: MLI-OTP-P-0150

(Closed Session)

ICC-01/12-01/18

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 Q. I'm at 00:01:06:24. 00:01:06:24.

6 Witness, the picture goes quickly, but can you see who the person is on the left,
7 moving from right to left, at 00:00:44:21 is?

8 I can show the excerpt again.

9 (Viewing of the video excerpt)

10 THE WITNESS: [11:59:28] Yes. This is Abou Bacar Al Chinguetti.

11 MR DUTERTRE: [11:59:44](Interpretation)

12 Q. [11:59:44] And, Witness, at 00:00:02:16, which organ did the person
13 belong to? He is in the background between Abou Al Baraa and [REDACTED]

14 [REDACTED]

15 PRESIDING JUDGE MINDUA: [12:00:01](Interpretation) Is your microphone
16 on?

17 MR DUTERTRE: [12:00:03](Interpretation) Yes. It's on.

18 I will repeat.

19 Q. [12:00:06] To which organ --

20 MR DUTERTRE: [12:00:08](Interpretation) Do you want me to repeat, your
21 Honour?

22 Q. [12:00:12] To which organ is the person in the background who -- his back
23 is to us between Abou Baraa and [REDACTED]?

24 A. [12:00:25] The Islamic police.

25 Q. [12:00:49] And now another element or item of footage, 1167, 1168 and

Trial Hearing

(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

1 1168 (sic) are the tab numbers, 11 seconds. The ERN is 0018-0360. Transcript
2 is 0033-5758. And the translation is 0033-5454, 5454 for the English transcript.

3 MR DUTERTRE: [12:02:01](Interpretation) I shall now play it without sound.
4 (Viewing of the video excerpt)

5 MR DUTERTRE: [12:02:29](Interpretation)

6 Q. [12:02:30] Mr Witness, do you recognize where this footage was shot.

7 A. [12:02:42] I am not very sure [REDACTED]
8 [REDACTED] which was near the mosque of Djingareyber, but I think it
9 might be still [REDACTED]

10 Q. [12:03:04] Just for the transcript, would you repeat the name of the
11 mosque that you just mentioned. It wasn't correctly recorded.

12 A. [12:03:12] [REDACTED] was to the west of the
13 mosque of Djingareyber.

14 Q. [12:03:38] Mr Witness, could you tell us at 00:00:19:06 who is the person
15 who is holding a metal bar in his hand and is destroying the mausoleum, who
16 is closest to the wall of the mausoleum on this image?

17 A. [12:03:58] This is Abou Bacar Al Chinguetti.

18 Q. [12:04:11] At the time, was he still part of the *Hesbah*, or was he part of the
19 Islamic police?

20 A. [12:04:18] I am not sure, but I think part of the *Hesbah*.

21 Q. [12:04:34] Now, the person that I am indicating with my cursor, this
22 person who is in front of another person who is wearing a white turban, this
23 person with the black turban, do you know who this person is?

24 A. [12:04:49] Yes. This is Abou Al Baraa.

25 Q. [12:05:09] And at 00:00:16:22, to the best of your recollection, who could

Trial Hearing

(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

1 this person be in the background wearing a white turban? I realise that the
2 image is small and that the events occurred a long time ago.

3 A. [12:05:45] No. I don't know. I forgot completely.

4 Q. [12:05:56] I'll now go to another piece of video footage, 0018-0359, tabs
5 1170, 1171, and 1172; transcript, 0033-5756. 0033-5451 is the translation. And
6 this is, once again, binder 6.

7 I'm going to play the footage without sound.

8 (Viewing of the video excerpt)

9 MR DUTERTRE: [12:07:11](Interpretation)

10 Q. [12:07:11] Mr Witness, do you recognize where this footage was shot?

11 A. [12:07:20] Yes. [REDACTED]

12 [REDACTED]

13 Q. [12:07:46] I'm now at 00:00:02:02. That's the timestamp.

14 Now, who is this person to the left wearing green clothing and a black turban?

15 To the best of --

16 A. [12:08:02] This is Abou Baraa.

17 Q. [12:08:07] And do you recognize this person who's wearing a white
18 turban to the far right at the top of the image?

19 A. [12:08:22] Yes. This is Talha.

20 MR DUTERTRE: [12:08:49](Interpretation) I will now move to some other
21 footage, 0018-0361, tabs 1173 and 1174; transcript, 0029-0348. 0029-0348.

22 (Viewing of the video excerpt)

23 MR DUTERTRE: [12:09:59](Interpretation)

24 Q. [12:10:02] Do you recognize where this footage was shot, Mr Witness?

25 A. [12:10:08] Yes. [REDACTED]

Trial Hearing
WITNESS: MLI-OTP-P-0150

(Closed Session)

ICC-01/12-01/18

1 cemetery.

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 Q. [12:11:04] At 00:00:11:08, who is the person who is holding the pickaxe
10 and who is to the left on the image?

11 A. [12:11:16] This is Abou Baraa.

12 Q. [12:11:17] And, Mr Witness, this person who is to the right who is
13 bending over towards -- bending towards the right, which organ or body does
14 he belong to?

15 A. [12:11:50] The Islamic police.

16 MR DUTERTRE: [12:12:07](Interpretation) I'll now move to some other
17 footage, 0018-0362, binder 6, tab 1175 and tab 1176, your Honours. Transcript,
18 0024-2900. I'll now play it without the sound.

19 (Viewing of the video excerpt)

20 MR DUTERTRE: [12:13:02](Interpretation)

21 Q. [12:13:04] Do you recognize the place where this footage was shot?

22 A. [12:13:15] In one of the cemeteries in Timbuktu.

23 Q. [12:13:30] Do you know, Mr Witness, who is this person dressed in black
24 who is facing away from the camera? And he's more towards the left-hand
25 side of the image, timestamp 00:00:00:18.

Trial Hearing
WITNESS: MLI-OTP-P-0150

(Closed Session)

ICC-01/12-01/18

1 A. [12:13:55] This is Khaled Al Sahraoui, the head of the police.

2 Q. [12:14:03] And who is the person that we see in profile right beside the
3 antenna. He's holding a telephone to his face, and he has a white head scarf
4 on his head.

5 A. [12:14:29] This is Talha.

6 Q. [12:14:32] I will now play the footage with sound. And if there are a few
7 words, they can be interpreted. But I await the green light from them.
8 Are we -- are you ready to go?

9 (Viewing of the video excerpt)

10 MR DUTERTRE: [12:15:14](Interpretation)

11 Q. [12:15:14 To your knowledge, what was Talha doing that day,
12 Mr Witness?

13 A. [12:15:20] I think they are checking the place after the destruction of the
14 mausoleums. They wanted to see how things are after the mausoleums were
15 destroyed and maybe organising the rubles or putting away the wood and
16 things like that.

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 MR DUTERTRE: [12:16:32](Interpretation) I'd now like to play footage

22 [REDACTED] tabs 1177, 1178, and 1179. Transcript [REDACTED] Translation,

23 [REDACTED] And I'd like to ask for interpretation.

24 (Viewing of the video excerpt)

25 MR DUTERTRE: [12:17:17](Interpretation)

Trial Hearing

(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

1

[REDACTED]

2

[REDACTED]

3

[REDACTED]

4 Q. [12:17:39] I will now play the video with sound, and I am just waiting for
5 the green light from the interpreters.

6 (Viewing of the video excerpt)

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

[REDACTED]

Trial Hearing
WITNESS: MLI-OTP-P-0150

(Closed Session)

ICC-01/12-01/18

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

[REDACTED]

Trial Hearing

(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 THE WITNESS: [12:24:07](Interpretation) [REDACTED]

7 MR DUTERTRE: [12:24:11](Interpretation) Your Honours, I'd like to now

8 move to other footage, [REDACTED] binder 6, tab 1180, tab 1181, and tab 1182.

9 Transcript [REDACTED] Translation, [REDACTED]

10 (Viewing of the video excerpt)

11 MR DUTERTRE: [12:25:04](Interpretation)

12 [REDACTED]

13 [REDACTED]

14 MR DUTERTRE: [12:25:11] (Interpretation) I'll now play the footage with

15 sound. And if the interpreters could just gesture once they are ready to go.

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

Trial Hearing

(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

1 [REDACTED]

2 MR DUTERTRE: [12:26:29](Interpretation)

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED] [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 [REDACTED]

Trial Hearing
WITNESS: MLI-OTP-P-0150

(Closed Session)

ICC-01/12-01/18

1 [REDACTED]

2 [REDACTED]

3 [REDACTED] [REDACTED] [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED] [REDACTED] [REDACTED] [REDACTED]

13 MR DUTERTRE: [12:31:16] Now, your Honour, your Honours, I'm going to
14 go to another excerpt or two successive ones, 0001-7037 -- just a moment. I'm
15 looking for the tab. Tab 1010, binder 6; translation -- so the translation is
16 at -- or the transcript is at 1011, 0024-2962. Translation -- translation is
17 0024-2910. And I'm going to play it from 00:49 to -- 00:45:15:14 to 00:45:25:10.
18 (Viewing of the video excerpt)

19 MR DUTERTRE: [12:33:45](Interpretation) [REDACTED]

20 [REDACTED]

21 (Viewing of the video excerpt)

22 MR DUTERTRE: [12:34:06](Interpretation) [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

Trial Hearing

(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

1 Q. [12:34:51] 00:45:15:21, who is the person, Witness, in the center of the
2 picture with a green turban, green-khaki turban?

3 A. [12:35:13] This is Abou Bacar Chinguetti.

4 Q. [12:35:26] At 00:45:18:12, who is the person on the right of the picture
5 who has a light-brown turban?

6 A. [12:35:50] Yes. This is Radwan.

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 THE INTERPRETER: [12:37:21] *(Interpretation of the video excerpt)

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 MR DUTERTRE: [12:37:46](Interpretation) So I think the excerpt will be
21 inserted later.

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

Trial Hearing
WITNESS: MLI-OTP-P-0150

(Closed Session)

ICC-01/12-01/18

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 Q. [12:39:29](Interpretation) We are now going to go to a third series of

8 videos, Witness. And I'm going to start with * video 0012-1789, tab 1506,

9 transcript 0033-5266 at tab 1507, binder 8, your Honour, your Honours.

10 I'm playing the video.

11 (Viewing of the video excerpt)

12 MR DUTERTRE: [12:41:01](Interpretation)

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 Q. [12:41:50] On this scene, do you recognize any of the people who appear?

20 I can play it again if you like. I can play it with the sound. It's just basically

21 noise.

22 (Viewing of the video excerpt)

23 THE WITNESS: [12:42:44](Interpretation) Yes. I can recognise Koutaïba.

24 [REDACTED]

25 [REDACTED]

Trial Hearing

(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

1 MR DUTERTRE: [12:43:04](Interpretation)

2 Q. [12:43:04] Could you point to it on the picture or in a sequence a bit

3 earlier. I'm going to go back slowly. And just stop me.

4 (Viewing of the video excerpt)

5 THE WITNESS: [12:43:22] You can stop here. I can see him. He is the one

6 who is dressed in yellow attire. And he's got a green turban. He is the third

7 person from the left, if we leave the people who are sitting down.

8 MR DUTERTRE: [12:43:55](Interpretation)

9 Q. So at 00:00:14:13, the third person from the left who is standing up. Is

10 that correct?

11 A. [12:44:09] Yes.

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]

Trial Hearing

(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

1 [REDACTED]

2 [REDACTED]

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] [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

Trial Hearing
WITNESS: MLI-OTP-P-0150

(Closed Session)

ICC-01/12-01/18

1

2 Q. [12:48:57] Witness, at 00:00:16:06, you can see a child, the third person
3 who is sitting on the left.

4 Do you know who that is?

5 A. [12:49:13] I can't remember.

6 MR DUTERTRE: [12:49:22](Interpretation) I'm now going to play a video,
7 0001-7037, which we've seen a moment ago, tab 1010, 1011, 1012, binder 6, your
8 Honour, your Honours. I repeat the ERNs. It's 0024-2962, translation
9 0024-2910. And I'll play it from 00:44:37:24. So 00:44:37:24 to 00:44:42:23. So
10 I'm at 00:44:38:10. I'm going to play it without the sound.

11 (Viewing of the video excerpt)

12 MR DUTERTRE: [12:51:29](Interpretation) I stopped at 00:44:43:22.

13

14

15

16

17

18

19 MR DUTERTRE: [12:52:45] Now, I'm going on to another excerpt from the
20 same video, 00:45:01:00. I'm looking for the timestamps. So I'm at
21 00:45:01:11. I'm going to play it to 00:45:07:11, so it's quite brief.

22

23

24

25

Trial Hearing
WITNESS: MLI-OTP-P-0150

(Closed Session)

ICC-01/12-01/18

1

2

3

4

5

6 MR DUTERTRE: [12:54:35](Interpretation) I'm now going to play another
7 video at tabs 1509 and 1510, 0012-1792; transcript, 0029-0360. Tabs 1509, 1510,
8 binder 8. Video 0012-1792, 0029-0360. And I'm going to play it without the
9 sound.

10 (Viewing of the video excerpt)

11 MR DUTERTRE: [12:55:35](Interpretation)

12 Q. [12:55:35] Do you recognize which cemetery this was filmed in?

13 A. [12:55:42] I am not quite sure, [REDACTED]

14 Q. [12:56:02] On the left of the picture, 00:15:08, who's the person that we can
15 see moving towards the right?

16 A. [12:56:13] This is Radwan.

17 Q. [12:56:21] At 00:00:00:00, who's the person that we can see in the middle
18 who is wearing green with a black turban, Witness?

19 A. [12:56:32] This is Abou Al Baraa.

20 Q. [12:56:42] On this picture, do you recognise other individuals?

21 A. [12:56:49] Yes. I can recognise Abou Al Jelil who is -- * Abdoul Djalil,
22 who is dressed in black and he is carrying an axe.

23 Q. [12:57:13] That's the person that I'm pointing to with a white vest, the
24 fourth from the right?

25 A. [12:57:32] Yes.

Trial Hearing
WITNESS: MLI-OTP-P-0150

(Closed Session)

ICC-01/12-01/18

1 Q. [12:57:33] * Abdoul Djalil, what battalion or what unit did he belong to?

2 A. [12:57:48] I'm not sure, but I think he is from Al-Fourqane.

3 Q. [12:58:08] I don't know why we went over the following video. I was
4 going to play it.

5 MR DUTERTRE: [12:58:09] We've still got time to play it, your Honour,
6 your Honours. So this is, as you can see, [REDACTED] and

7 [REDACTED]. Perfect. Thank you. I was speaking very
8 quickly.

9 (Viewing of the video excerpt)

10 MR DUTERTRE: [12:59:12](Interpretation)

11 [REDACTED]

12 [REDACTED]

13 Q. [12:59:28] 00:00:05:01, Witness, who is the person on the far right of the
14 picture who has an axe in his hand?

15 * A. [12:59:42] This is Abdoul Djalil Al Rayadh (phon).

16 Q. [12:59:59] And the second person from the left of the picture, he's got a
17 raised pick and he's hitting the side wall of the mausoleum. Who's that
18 person, Witness?

19 A. [13:00:12] This is Radwan.

20 Q. [13:00:20] And the last question before the break: Were you able to
21 recognise other people on this video, Witness?

22 A. [13:00:27] No.

23 MR DUTERTRE: [13:00:36](Interpretation) So I am in your hands, your
24 Honour.

25 PRESIDING JUDGE MINDUA: [13:00:39](Interpretation) Very well. It is

Trial Hearing
WITNESS: MLI-OTP-P-0150

(Closed Session)

ICC-01/12-01/18

1 now 1 o'clock exactly, so we are going to have our lunch break now and we
2 will be back at 14.30.

3 Court is suspended.

4 THE COURT USHER: [13:00:52] All rise.

5 (Recess taken at 1.01 p.m.)

6 (Upon resuming in closed session at 2.31 p.m.)

7 THE COURT USHER: [14:31:45] All rise.

8 Please be seated.

9 PRESIDING JUDGE MINDUA: [14:31:50](Interpretation) Court is in session.

10 The floor is with the Office of the Prosecutor.

11 Prosecutor.

12 MR DUTERTRE: [14:32:07](Interpretation) Thank you, your Honour, for this
13 second-to-last session.

14 Q. [14:32:14] Witness, we're going to continue with another series of videos,
15 and I'm going to come with a video, which we have already used, but a
16 different excerpt therefrom. And that is video 001 -- so that's 0001-7037, 1010,
17 1011, 1012, transcription 0024-2962, binder 6, tabs 1010, 1011, 1012;
18 transcription, 024-2962 -- transcript 0024. So the transcript is 0024-2962, and
19 the translation 0024-2910. And I'm going to be play between 00:44:27:00 to
20 minute 00 -- I'm going to play between 00:44:27:00 and 00:24:36:15 -- 00:44:36:15.
21 I'm going to start at 00:44:26:18 without the sound.

22 (Viewing of the video excerpt)

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

24

25

Trial Hearing
WITNESS: MLI-OTP-P-0150

(Closed Session)

ICC-01/12-01/18

1

2

3

4

5 Q. [14:36:24] At 00:44:27:03, are you able to identify who this vehicle belongs
6 to with the stripes on the side or on the bodywork.

7 A. [14:36:55] This is the car of Hamzah. We also call it Yousef's car because
8 both of them worked using this car.

9 Q. [14:37:23] I know that it's a zoom, so it's far away or long time ago, a few
10 years ago. So do you happen to remember anything about these people who
11 are destroying the museum or who are visible -- mausoleum -- or who are
12 visible on the screen?

13 A. [14:37:47] I see Hamzah. I'm sure of that. He's the person appearing on
14 the right side. *And the person holding the axe, I believe that's Radwan. The
15 person walking below, wearing a white turban, I believe is me.

16 THE INTERPRETER: [14:38:08] Note from the interpreters: A name we
17 could not gather.

18 MR DUTERTRE: [14:38:17](Interpretation)

19 Q. [14:38:17] Could you say the colour in which Hamzah is dressed?

20 A. [14:38:28] It is the blue colour.

21 * Q. [14:38:32]: And so, that is the person furthest to the right on the screen,
22 isn't it?

23 A. [14:38:34](Interpretation) Yes.

24 MR DUTERTRE: [14:38:45](Interpretation) I'm now going to show another
25 video, your Honour, your Honours, which is in binder 7, tab 1198, 1199, and

Trial Hearing
WITNESS: MLI-OTP-P-0150

(Closed Session)

ICC-01/12-01/18

1 1200. The video has 0018-0365. It's 11 seconds long. The transcript is
2 00 -- 0025-0059. And the translation, 0025-0046, and that is at tab 1200. I'm
3 going to play it.

4 (Viewing of the video excerpt)

5 MR DUTERTRE: [14:40:18](Interpretation)

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 [REDACTED]

Trial Hearing
WITNESS: MLI-OTP-P-0150

(Closed Session)

ICC-01/12-01/18

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]

11 PRESIDING JUDGE MINDUA: [14:44:05](Interpretation) Ms Taylor.

12 MS TAYLOR: [14:44:07] Thank you, Mr President. In case -- in case it's of
13 assistance, there does seem to be a discrepancy between the English and the
14 French, given that the French is referring to [REDACTED] and the English was
15 referring to [REDACTED]

16 PRESIDING JUDGE MINDUA: [14:44:27](Interpretation) Witness, what was
17 this? [REDACTED]

18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]

22 PRESIDING JUDGE MINDUA: [14:45:03](Interpretation) Very well. Thank
23 you very much.
24 Prosecutor.

25 MR DUTERTRE: [14:45:08](Interpretation) Thank you, your Honour. So

Trial Hearing

(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

1 we're going to play the video with the sound, and I will ask the interpreters to
2 read the transcript 0025-0046.

3 (Viewing of the video excerpt)

4 THE INTERPRETER: [14:45:40] (Interpretation of the video excerpt)

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 MR DUTERTRE: [14:46:09](Interpretation) I am now going to play another
9 video, still in the same binder, your Honour, and at tabs 1201, 1202, 1203. The
10 video is 13 seconds, and it has the ERN [REDACTED] is the transcript.

11 Translation, [REDACTED]

12 THE INTERPRETER: [14:47:24] 5466, corrects the interpreter.

13 MR DUTERTRE: [14:47:27](Interpretation) I'm going to play it without the
14 sound to start with.

15 (Viewing of the video excerpt)

16 MR DUTERTRE: [14:47:58](Interpretation)

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

Trial Hearing

(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

1 MR DUTERTRE: [14:48:49](Interpretation) Thank you.

2 Q. [14:48:50] Witness, please could you clarify [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 MR DUTERTRE: [14:49:21](Interpretation) So I'm now going to play the video

10 with the sound, and I'm waiting for the green light from the interpreters for

11 them to read the transcript, which is [REDACTED]

12 Thank you.

13 (Viewing of the video excerpt)

14 THE INTERPRETER: [14:49:34](No interpretation of the video excerpt)

15 MR DUTERTRE: [14:50:13](Interpretation) I don't know if you had the

16 English ...

17 THE INTERPRETER: [14:50:15](Interpretation of video excerpt)

18 In English: [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 MR DUTERTRE: [14:50:42] (Interpretation)

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

Trial Hearing
WITNESS: MLI-OTP-P-0150

(Closed Session)

ICC-01/12-01/18

1 [REDACTED]
2 [REDACTED]
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 MR DUTERTRE: [14:53:45](Interpretation) I'm now going to play another
20 video, tab -- binder 6, tab 1196, 1197, 1186, 1187, 1188. That's binder number 6,
21 video 0018-0373. It's 25 seconds. Transcript, 0033-5768 with a translation
22 0033-5469.

23 (Viewing of the video excerpt)

24 MR DUTERTRE: [14:55:30](Interpretation)

25 [REDACTED]

Trial Hearing
WITNESS: MLI-OTP-P-0150

(Closed Session)

ICC-01/12-01/18

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 Q. [14:56:11] So at 00:00:02:14, who's this person who appears on the screen,
5 Witness?

6 A. [14:56:21] This is Hamzah, the one that has been previously mentioned.

7 Q. [14:56:30] On this video, were you able to recognise other individuals?

8 A. [14:56:36] I did not pay attention to that.

9 Q. [14:56:49] So I'm going to show it.

10 (Viewing of the video excerpt)

11 THE WITNESS: [14:57:24](Interpretation) I -- no, I do not recognise anyone
12 yet.

13 MR DUTERTRE: [14:57:35](Interpretation) I'm going to play the video again
14 with the sound, and I'll ask the interpreters to give me the green light. For the
15 translation, [REDACTED]

16 (Viewing of the video excerpt)

17 THE INTERPRETER: [14:57:54](Interpretation of the video excerpt)

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

Trial Hearing
WITNESS: MLI-OTP-P-0150

(Closed Session)

ICC-01/12-01/18

1

[REDACTED]

2

MR DUTERTRE: [14:58:52](Interpretation)

3

[REDACTED]

4

[REDACTED]

5

[REDACTED]

6

[REDACTED]

7

[REDACTED]

8

[REDACTED]

9

[REDACTED]

10 tab 1183, 1184, 1185, binder 6 still, your Honour, with the transcript 0025-0061.

11 Translation, 0025-0049. And it is 25 seconds in duration.

12 (Viewing of the video excerpt)

13 MR DUTERTRE: [15:01:07](Interpretation)

14

[REDACTED]

15

[REDACTED]

16

[REDACTED]

17 Q. [15:01:32] At 00:00:01:23, there is an individual to the left of the image and
18 a second individual to the right of that person.

19 Do you know the names of either of these individuals?

20 A. [15:01:52] I do. I recognise the person appearing on the right and he is
21 Abou Bacar Al Chinguetti.

22 Q. [15:02:10] And when you say the person to the right, do you mean the
23 second person from the left of the image?

24 A. [15:02:16] I do.

25 Q. [15:02:32] Did you identify any other individuals in this video?

Trial Hearing
WITNESS: MLI-OTP-P-0150

(Closed Session)

ICC-01/12-01/18

1 A. [15:02:38] I did not.

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 MR DUTERTRE: [15:03:20](Interpretation) I would now like to play the video,

6 0018-0366, which is 11 seconds in duration. That's at tab 1204 in binder

7 number 7, Mr President. Transcript, 0022-0563. That's at tab 1205.

8 Translation, 0022-0567 at tab 1206. I shall be playing it without the sound.

9 (Viewing of the video excerpt)

10 MR DUTERTRE: [15:04:53](Interpretation) I have stopped at 00:00:14:09.

11 THE INTERPRETER: [15:04:55] 14:19, correction.

12 MR DUTERTRE: [15:05:02](Interpretation)

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]

Trial Hearing
WITNESS: MLI-OTP-P-0150

(Closed Session)

ICC-01/12-01/18

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 Q. [15:07:52] So I'm going to be playing the video with the sound, and I'm
9 going to be asking the interpreters to please read the transcript, the French
10 transcript, and make a sign to me when they're at the ready. Thank you.
11 THE INTERPRETER: [15:08:21] (Interpretation of the video excerpt)
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 End of interpretation of transcript.

Trial Hearing
WITNESS: MLI-OTP-P-0150

(Closed Session)

ICC-01/12-01/18

1 MR DUTERTRE: [15:09:52](Interpretation)

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED] [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 MR DUTERTRE: [15:11:10](Interpretation) I would now like to play a video,
12 0018-0369 with the ERN number of the transcript 0033-5760. And the
13 translation, 0033-5457. And I would request a moment to find the tab. It is
14 tab 1149.

15 THE INTERPRETER: [15:12:20] Correction from the booth: Tab 1189.

16 MR DUTERTRE: [15:12:22](Interpretation) 1190, and 1191.

17 I shall be playing it without the sound.

18 (Viewing of the video excerpt)

19 MR DUTERTRE: [15:13:16](Interpretation).

20 Q. [15:13:18] Mr Witness, at 00:00:00:00, do you know the individual who is
21 seated on the ground wearing a green attire with a black turban on his head?

22 A. [15:13:38] I do. This is Abou Al Baraa.

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

Trial Hearing
WITNESS: MLI-OTP-P-0150

(Closed Session)

ICC-01/12-01/18

1

[REDACTED]

2

[REDACTED]

3

[REDACTED]

4

[REDACTED]

5

[REDACTED]

6

[REDACTED]

7

[REDACTED]

8

[REDACTED]

9

[REDACTED]

10

[REDACTED]

11

[REDACTED]

12 MR DUTERTRE: [15:16:10](Interpretation) I'm going to play it with the sound,
13 and I'm going to ask the interpreters to read the transcript. And I'm waiting
14 for their go-ahead.

15 (Viewing of the video excerpt)

16 THE INTERPRETER: [15:16:35] (Interpretation of the video excerpt)

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED] I

22 [REDACTED]

23 [REDACTED]

24 MR DUTERTRE: [15:17:18](Overlapping speakers)

25 THE INTERPRETER: [15:17:18] Overlapping speaker.

Trial Hearing

(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

1 MR DUTERTRE: [15:17:19](Interpretation)

2 Q. [15:17:20] So do you have any comment on what Abou Baraa said in
3 addition to what you said beforehand?

4 THE INTERPRETER: [15:17:30] Message from the English interpreter: The
5 interpreter was not allowed to finish the interpretation of the transcript.
6 Thank you.

7 MR DUTERTRE: [15:18:01](Interpretation) The English interpreter can
8 continue, I believe.

9 THE INTERPRETER: [15:18:08] [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 End of transcript.

14 MR DUTERTRE: [15:18:40](Interpretation).

15 Q. [15:18:41] Mr Witness, in listening to what Abou Al Baraa was reading,
16 do you have any supplementary comments to make, in addition to what you
17 answered to my previous question?

18 A. [15:18:56] Yes. When you hear these words, you would find that the
19 description of people engaging in polytheism is an exaggeration. The
20 explanation of polytheism is an interpretation of their actions. They are
21 putting forth these demands addressed to God. The actual text is addressed
22 to almighty God, but not to the person himself.
23 However, the jihadists believed that addressing these demands to the person is
24 an instance of polytheism and the belief that such person is able to give you
25 good or bad is polytheistic. Such belief is attributable to God only. This is a

Trial Hearing
WITNESS: MLI-OTP-P-0150

(Closed Session)

ICC-01/12-01/18

1 debatable matter among scholars, and I think that such exaggeration was
2 unfair to others.

3 MR DUTERTRE: [15:20:25](Interpretation) I am going to be playing another
4 video, Mr President, your Honors, which is video 0018-0368 in binder number
5 7, tab 1207 and 1208. And the transcript is 0024-2302. And I shall be playing
6 it without the sound.

7 (Viewing of the video excerpt)

8 MR DUTERTRE: [15:22:01](Interpretation)

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 Q. [15:22:30] And at a given moment in time, did you recognize any of the
13 individuals on the screen, Mr Witness?

14 A. [15:22:42] I did. [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED] [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

Trial Hearing

(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

1 [REDACTED]

2 [REDACTED]

3 Q. [15:24:41] And did you recognize anybody else in this video or only him?

4 A. [15:24:51] I did not pay attention.

5 Q. [15:25:01] I'm going to play it again.

6 (Viewing of the video excerpt)

7 THE WITNESS: [15:25:29](Interpretation) Yes. I think I can see Abou Al

8 Baraa afar, on the right-hand side of the picture. And I also recognise one of

9 the young people appearing here, who -- [REDACTED]

10 [REDACTED] I apologise, in previous meetings with the

11 Prosecution, I did not speak about child soldiers. But now I am under oath,

12 and I feel embarrassed when asked about children or young soldiers, even

13 those who did not finish training and who did not have any responsibility or

14 exercise any influence on the scene. So when asked, I ought to give an

15 answer.

16 Q. [15:26:46] What can you say on the subject of child soldiers in Timbuktu

17 between April 2012 and January 2013?

18 A. [15:26:55] Yes. You've put questions to me, diverse questions on this

19 subject. My answers were different depending on how different your

20 questions were. First, did the jihadists recruit children? That's the first

21 question. Yes. The jihadists recruited children. That is the answer.

22 But I gave additional details regarding the meaning of this recruitment and I

23 also made the distinction between the children of jihadists themselves on the

24 one hand, and children joining the recruitment on the other hand. And I said

25 that the children of jihadists were indeed recruited from a young age.

Trial Hearing
WITNESS: MLI-OTP-P-0150

(Closed Session)

ICC-01/12-01/18

1 They are taught the Koran, and they are dressed in the same outfit that they
2 wore, and they are allowed to carry weapons from childhood. But they did
3 not take part in any operations. And they assigned them some tasks which
4 they deemed are doable by children, such as guarding homes.

5 I also mentioned to you that the children of the jihadists themselves had special
6 characteristics and that they were used even to guard foreign-war prisoners in
7 the desert because these are children, and, therefore, they can guard even
8 women without any concerns.

9 Also, they have gotten used to the nature of desert life, and also, they have no
10 risk of being turncoats. They're only loyal to their jihadist fathers. And
11 that's why they are used to guard war prisoners in the desert. I've also
12 mentioned to you that when it comes to taking part in combat operations, only
13 people who have reached 18 years old are allowed to take part in that. And I
14 have mentioned to you that two people were exempted from that because they
15 were deemed to have committed big sins.

16 So they were allowed to take part in combat operations, although they have not
17 reached 18 years -- 18 years old in order to compensate for their sins. I've also
18 mentioned to you that participation in training can happen before that age.
19 Children can be trained and instructed on use of weapons.

20 These answers, all of this information, was given in response to various
21 questions.

22 Q. [15:30:26] Thank you, Witness.

23 You used the word "prisoners" in the French transcript and in the desert. And
24 it says "war prisoners." Is there -- "prisoners of war."

25 Are they prisoners or are they prisoners of war? War prisoners?

Trial Hearing

(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

1 A. [15:31:03] I think -- I was referring to those kidnapped by the jihadist
2 group and are detained in a remote location in the desert. Usually, the guards
3 would be the jihadist children, especially if these were prisoners or women.

4 Q. [15:31:18] Were there hostages kept in Timbuktu between April 2012
5 and January 2013?

6 A. [15:31:34] Yes. Al-Qaeda did have hostages [REDACTED]
7 [REDACTED] I don't know much details about that. But you
8 asked me specifically about Timbuktu. No one was detained in Timbuktu.
9 No hostages were kept in Timbuktu.

10 PRESIDING JUDGE MINDUA: [15:32:03](Interpretation) I'm sorry,
11 Prosecutor. Could we have some clarification from the witness.
12 Witness, you said that children who were guarding the prisoners could purify
13 themselves this way. This is on page 69, lines 22-23 of the transcript.
14 So how could the children, these child soldiers, purify themselves by carrying
15 out the guard?

16 THE WITNESS: [15:32:37] Yes. This is another piece of information. It has
17 nothing to do with the story regarding the war prisoners. I have mentioned in
18 a previous -- on a previous occasion that there were two teenagers who were
19 allowed to take part in combat operations; although, they have not reached
20 18 years old because they committed -- they had committed sins. They were
21 sentenced to a *tazir* of 300 lashes and were allowed to take part in combat
22 operations in the hope of dying for God's cause, as that could compensate
23 and -- compensate them from the sins they committed.

24 I would also like to say here, that when it comes to taking part in combat
25 operations, in an offensive sense, is allowable only after 18 years old. But in a

Trial Hearing
WITNESS: MLI-OTP-P-0150

(Closed Session)

ICC-01/12-01/18

1 defensive sense, it is allowable to everybody, even prior to 18 years old,
2 including women.

3 Q. [15:33:51] Witness, I'd like to have some clarification with regards to the
4 translation from -- from page 80, lines 12 to 13, it is said: Yes, al-Qaeda had
5 hostages, but I don't know the AQMI case, so I know nothing about it -- AQIM,
6 Al-Qaeda Maghreb.

7 That's in French, at least.

8 Could you be clear if that's what you said.

9 A. [15:34:23] I meant that I did not know much about the subject of
10 Al-Qaeda hostages.

11 Q. [15:34:35] I'm going to go back a bit.

12 Now, you spoke about these recruits [REDACTED]

13 [REDACTED]

14 [REDACTED] For the transcript.

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

Trial Hearing
WITNESS: MLI-OTP-P-0150

(Closed Session)

ICC-01/12-01/18

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]

10 Q. [15:37:31] Understood. Black turban. But he isn't Abou Al Baraa.
11 So I'm now going to show a video, 0012-1800, binder 6. So it's tab 1023 with a
12 translation at tab 1024, 0031-0166. So the video, 0012-1800. It's very short.
13 (Viewing of the video excerpt)

14 MR DUTERTRE: [15:38:44](Interpretation)

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

18 Q. [15:39:02] The first person on the left of the picture, who is that, Witness?

19 A. [15:39:09] This is Abou Bacar Al Chinguetti.

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

Trial Hearing
WITNESS: MLI-OTP-P-0150

(Closed Session)

ICC-01/12-01/18

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED] [REDACTED] [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED] [REDACTED] [REDACTED] in general, there
15 was a campaign to demolish anything thought to be a shrine. After this
16 organised demolition of shrines, things became open to whoever saw a shrine
17 anywhere could carry out a demolition.
18 For example, there was a demolition at the Timbuktu camp, and they also
19 demolished a grave on the road between Timbuktu and Goundam that
20 belonged to a modern scholar, a scholar who passed away only a few years ago
21 prior to the events, his name is Hamma Hamma.
22 They also -- they were bent on demolishing the shrine of Gusa (phon), a sheikh,
23 which is midway between Timbuktu on the route to Bordj Badji Mokhtar in
24 Algeria.
25 Q. [15:42:57] And when you say "they," who are you referring to exactly?

Trial Hearing

(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

1 A. [15:43:05] The jihadists in general.

2 Q. [15:43:20] You indicated that they destroyed a shrine between

3 Timbuktu -- a grave between Timbuktu and then there's a point ...

4 What is the place that you wanted to mention where the tomb was? Between

5 Timbuktu and where else?

6 A. [15:43:44] The location is called Dibla. The shrine is the Hamma Hamma

7 shrine. It's the shrine of Sheikh Hamma Hamma.

8 Q. [15:44:11] When did he die exactly or approximately what period?

9 A. [15:44:17] I believe he died in 2007 or 2008.

10 Q. [15:44:23] I understand. We're going to go back to the destruction of the

11 gate that you mentioned, Witness.

12 MR DUTERTRE: [15:44:38](Interpretation) And here, your Honour, I would

13 like to play a video, 0018-0149, binder 7, tabs 1211, 1212, 1213. Transcript,

14 0024-2896. And the translation is 0024-2954. And we already briefly played

15 a sequence from this video for identification purposes to put a name to the

16 faces. But we're going to play it again for its content.

17 (Viewing of the video excerpt)

18 MR DUTERTRE: [15:45:50](Interpretation)

19 Q. [15:45:51] Witness, we're at 00:00:00.

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

Trial Hearing
WITNESS: MLI-OTP-P-0150

(Closed Session)

ICC-01/12-01/18

1 [REDACTED]

2 Q. [15:46:46] And this gate, which building is it part of?

3 A. [15:47:03] It's part of this mosque, the one appearing in this picture. It is
4 the Sidi Yahia Mosque in Timbuktu.

5 Q. [15:47:18] Witness, are you able to identify the people who we can see on
6 this picture from the left? Who is the first person seated with a weapon in
7 front of him with a tripod?

8 A. [15:47:38] This is Abou Bacar Al Chinguetti.

9 Q. [15:47:48] (Microphone not activated)

10 THE INTERPRETER: [15:47:53] Microphone.

11 MR DUTERTRE: [15:47:57](Interpretation)

12 Q. [15:47:57] Who is the second person?

13 THE INTERPRETER: [15:47:59] The interpreter didn't hear the rest.

14 THE WITNESS: [15:48:03] It is not very clear to me, but I think that's Radwan.

15 MR DUTERTRE: [15:48:09](Interpretation) We'll play the video, and you can
16 correct or confirm.

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 Q. [15:48:36] So the three people thereafter are people from the Sidi Yahia
21 Mosque. Is that correct?

22 A. [15:48:47] Yes. And the person dressed in white is the official imam of
23 the mosque.

24 Q. [15:49:07] Now, the person afterwards who has a black turban with his
25 back to the wall, do you remember who this person is?

Trial Hearing
WITNESS: MLI-OTP-P-0150

(Closed Session)

ICC-01/12-01/18

1 A. [15:49:17] I -- I cannot see those two people. But I'm sure that one of
2 them must be Abdallah Al Chinguetti.

3 Q. [15:49:43] So with the sound from the start. There's nothing in particular
4 said, I think nothing at all.

5 (Viewing of the video excerpt)

6 MR DUTERTRE: [15:51:18](Interpretation)

7 Q. [15:51:18] Witness, I'll come back to 00:06:21.

8 Do you have anything that you would like to change with regards to the
9 identification of people that you mentioned?

10 A. [15:51:31] No. As I said -- and I am very sure that I cannot identify the
11 last person among the jihadists. Nor can I identify the third person among the
12 imams.

13 Q. [15:52:05] I'm going to play from 00:01:12:16.

14 (Viewing of the video excerpt)

15 MR DUTERTRE: [15:52:27](Interpretation)

16 Q. [15:52:27] Witness, at 00:01:22:02, what is this wooden structure with the
17 pyramid above it that we can see at the centre of the picture?

18 A. [15:52:42] This is the gate of doomsday, the original one before it was
19 removed by the jihadists.

20 Q. [15:52:59] And what is the first thing that we see from the left of the
21 picture, the first person --

22 THE INTERPRETER: [15:53:08] Corrects the interpreter.

23 MR DUTERTRE: [15:53:11](Interpretation)

24 Q. [15:53:11] -- that we see?

25 A. [15:53:12] That is Abou Bacar Al Chinguetti.

Trial Hearing
WITNESS: MLI-OTP-P-0150

(Closed Session)

ICC-01/12-01/18

1 MR DUTERTRE: [15:53:15](Interpretation) I'll continue playing.

2 (Viewing of the video excerpt)

3 MR DUTERTRE: [15:54:02](Interpretation) I've stopped at 00:02:07:14.

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 Q. [15:55:02] I'm at 00:02:12:16.

13 Who is the person we can see on the far left of the picture?

14 A. [15:55:13] Sheik Abdallah Al Chinguetti.

15 Q. [15:55:36] I'm now going to 00:03:19:21, and I'll play on from there.

16 (Viewing of the video excerpt)

17 MR DUTERTRE: [15:56:41](Interpretation) I'll go a bit back. I stopped at

18 00:04:17:18.

19 (Viewing of the video excerpt)

20 MR DUTERTRE: [15:57:02](Interpretation)

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 (Viewing of the video excerpt)

Trial Hearing
WITNESS: MLI-OTP-P-0150

(Closed Session)

ICC-01/12-01/18

1 MR DUTERTRE: [15:57:44](Interpretation)

2 Q. [15:57:45] Witness, who's the person that we see on the far right of the
3 screen, if you're able to identify him?

4 A. [15:57:59] Yes. This is Youssef, and sometimes he is mistaken for
5 Hamzah, both of whom worked for the radio station.

6 (Viewing of the video excerpt)

7 MR DUTERTRE: [15:58:34](Interpretation)

8 Q. [15:58:49] So who is the person at 00:03:55:22 who's at the front of the
9 image who is ripping the door?

10 A. [15:59:01] That is Sheik Abdallah Al Chinguetti.

11 MR DUTERTRE: [15:59:11](Interpretation) Your Honour, I think I'm going to
12 stop here.

13 PRESIDING JUDGE MINDUA: [15:59:18](Interpretation) Indeed. It is
14 nearly 4 o'clock, 30 seconds to 4. So we are going to stop there for today.

15 I would like to thank you for your examination-in-chief, and we're coming to
16 the end of the day.

17 Witness, on behalf of the Chamber, I'd like to thank you once again for your
18 cooperation. And as your testimony is not complete, tomorrow we are going
19 to continue. And, as you know, you cannot speak to anybody about your
20 testimony until then.

21 I would now like to turn towards the parties and participants. I would like to
22 thank you for your cooperation, your exemplary cooperation. And I would
23 also like to address the court reporters and the interpreters who I would like to
24 thank for their hard work. And finally, our security officers, who I cannot
25 forget, for their work. And I wish you all a very good evening, and I will see

Trial Hearing
WITNESS: MLI-OTP-P-0150

(Closed Session)

ICC-01/12-01/18

1 you tomorrow.

2 Court is adjourned.

3 THE COURT USHER: [16:00] All rise.

4 (The hearing ends in closed session at 4.04 p.m.)

5 CORRECTIONS REPORT

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

8 Page 5 lines 23-25:

9 "The first one is the term of el hasan (phonetic) or preserving oneself of
10 committing zina or extramarital intercourse"

11 Is corrected to

12 "The first one is covered by the jurisprudential term Ehssan, meaning
13 preserving oneself of committing zina or extramarital intercourse"

14 Page 14 lines 13-18:

15 "And in this case, her opinion is not – her opinion is not important and is not
16 taken into consideration for that, which is a woman who is a virgin and a
17 woman who had been married before, bikrah (phonetic) and sahid."

18 Is corrected to

19 ", in the latter case her opinion is not sought, and even if sought it's possible
20 that her opinion makes no difference. While in the former case we call the
21 woman a "Thayeb", in the latter case we call her a "virgin". This is in reference
22 to either being young, or being experienced, having been previously married or
23 grown-up before marriage."

24 Page 36 lines 4-5

25 A. [11:54:28] He's saying that this is very necessary to protect the unity of

Trial Hearing
WITNESS: MLI-OTP-P-0150

(Closed Session)

ICC-01/12-01/18

1 belief in God only, and to eliminate shirka.

2 is corrected to

3 A.[11:54:28] He's saying that this is very necessary to protect monotheism,
4 and to eliminate polytheism.

5 SECOND CORRECTIONS REPORT

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

8 Page 4 line 7

9 "transcript 101" Is corrected to "french transcript 101"

10 Page 4 line 20 to Page 5 line 2

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 Is corrected to

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

Trial Hearing
WITNESS: MLI-OTP-P-0150

(Closed Session)

ICC-01/12-01/18

1 locals.

2 Page 5 lines 17-18

3 "Could you tell us why the emirs and jihadists, that is to say, the soldiers,
4 wanted to get married in Timbuktu." Is corrected to "Can you tell us why the
5 emirs and the soldiers you said "most jihadists" - wanted to get married in
6 Timbuktu?"

7 Page 9 lines 7-9

8 "Amongst different ethnic groups and in relation to the jihadists who came
9 from outside, were there some hesitations? Or, rather, were there ethnic
10 considerations having to do with –" Is corrected to "Amongst different ethnic
11 groups, and especially in relation to jihadists who came from outside? Were
12 there any ethnic considerations in the marriage?"

13 Page 9 lines 10-13

14 "THE INTERPRETER: [9:52:02] Overlapping.

15 THE ARABIC INTERPRETER: [9:52:02] The first part of the answer was not
16 heard by the interpreter. May we ask the witness to repeat, please.

17 THE WITNESS: [9:52:08] The jihadists didn't differentiate between white or
18 black." Is corrected to

19 "THE WITNESS: [9:52:02] First of all, I can say generally not. The jihadists had
20 ridden themselves of any feelings of racism. The jihadists do not discriminate
21 between black and white, or Arab and non-Arab. This is regarding their way of
22 thinking."

23 Page 11 lines 22-23

24 "The jihadists don't go anywhere without their weapons, not in their houses,
25 nor in the streets." Is corrected to "The jihadists carry their weapons at all

Trial Hearing

(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

1 times, at home, in the streets, and in mosques.

2 Page 22 lines 18-19

3 "Could you tell us why Sanda Ould Boumama said that the fact that --

4 THE INTERPRETER: Overlap." Is corrected to "Mr. Witness, can you explain

5 why Sanda Ould Boumama says that UNESCO World Heritage listing is none

6 of their business?

7 Page 25 line 2 to Page 26 line 1

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 Page 35 line 25 to Page 36 line 2

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 Page 36 lines 6-7

21 "Abi-Talib. This said that graves that are about an inch or maybe

22 20 centimeters above the ground must be destroyed," Is corrected to

23 "Abi-Talib, according to which, he demolished graves that exceeded a span

24 above the ground, which we may measure as equivalent to 20 centimeters."

25 Page 44 line 12

Trial Hearing

(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

1 "Mr Speaker (sic)" Is corrected to "Mr Witness"

2 Page 47 lines 16-19

3 "(No interpretation of the video excerpt)" Is corrected to " (Interpretation of
4 the video excerpt) [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 Page 55 lines 14-15

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 Page 66 lines 7-8

13 [REDACTED] Is translated and added.

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

16 Page 26 line 5

17 [REDACTED]

18 Page 42 line 19

19 [REDACTED] [REDACTED]

20 THIRD CORRECTIONS REPORT

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

23 Page 31 line 17:

24 "* a video, 0018-0379"

25 Is corrected to

Trial Hearing
WITNESS: MLI-OTP-P-0150

(Closed Session)

ICC-01/12-01/18

1 "* a video, 0018-0375"

2 Page 44 lines 4-5:

3 "Q. [12:24:06] (Overlapping speakers)

4 THE INTERPRETER: [12:24:06] Overlapping speakers."

5 Is corrected to

6 [REDACTED]

7 [REDACTED]

8 Page 48 lines 8-9:

9 "video 0012-1795, tab 1506 ... 1789. 1506. 0033-5266, tab 1507, binder 8,"

10 Is corrected to

11 "video 0012-1789, tab 1506, transcript 0033-5266 at tab 1507, binder 8,"

12 Page 55 lines 21-23:

13 "Q. [14:38:32] (Overlapping speakers)

14 THE INTERPRETER: [14:38:32] Overlapping speakers.

15 THE WITNESS: [14:38:34](Interpretation) Yes."

16 Is corrected to

17 "Q. [14:38:32]: And so, that is the person furthest to the right on the screen,

18 isn't it?

19 A. [14:38:34](Interpretation) Yes."

20 The following corrections, marked with an asterisk and included in the

21 audio-visual recording of the hearing, are brought into the transcript.

22 Page 53 line 15:

23 "A. [12:59:42] This is Abdoul Jelil Al Hayat (phon)." Is corrected to

24 " A. [12:59:42] This is Abdoul Djalil Al Rayadh (phon). "

25 Page 52 line 21

Trial Hearing

(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

- 1 "Abdoul Jelil" is corrected to "Abdoul Djalil "
- 2 Page 53 line 1 :
- 3 " Abou Jelil" is corrected to "Abdoul Djalil "