

Trial Hearing
WITNESS: MLI-OTP-P-0150

(Closed Session)

ICC-01/12-01/18

1 International Criminal Court
2 Trial Chamber X
3 Situation: Republic of Mali
4 In the case of The Prosecutor vs Al Hassan Ag Abdoul Aziz Ag Mohamed Ag
5 Mahmoud - ICC-01/12-01/18
6 Presiding Judge Antoine Kesia Mbe Mindua, Judge Tomoko Akane and
7 Judge Kimberly Prost
8 Trial Hearing - Courtroom 3
9 Thursday, 17 June 2021
10 (The hearing starts in closed session at 9.30 a.m.)
11 THE COURT USHER: [9:30:29] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE MINDUA: [9:31:00](Interpretation) The hearing shall now
15 begin.
16 Good morning, everyone.
17 Courtroom officer, please call the case.
18 THE COURT OFFICER: [9:31:10] Good morning, Mr President, your Honours.
19 This is the situation in the Republic of Mali, in the case of The Prosecutor versus
20 Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud, case number
21 ICC-01/12-01/18.
22 And for the record, we are in closed session.
23 PRESIDING JUDGE MINDUA: [9:31:30](Interpretation) Thank you very much,
24 courtroom officer.
25 Like every other morning we will begin with our introductions.

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1 OTP, Mr Prosecutor.

2 MR DUTERTRE: [9:31:42](Interpretation) Good morning, your Honours. The OTP
3 is represented by Ms Florie Huck, Mr Lucio Garcia, Mousa Allafi, and myself,
4 Gilles Dutertre. And I'll take the opportunity to greet the LRVs, Ms Taylor, and all
5 others. And I, of course, should greet the courtroom officer and the usher.

6 PRESIDING JUDGE MINDUA: [9:32:17](Interpretation) Thank you very much.
7 Very kind of you.

8 And now the Defence team. Counsel.

9 MS TAYLOR: [9:32:23] Good morning, Mr President. Good morning, your
10 Honours. Good morning to everyone in the courtroom and also to everyone around
11 the courtroom. And may I just say that I'm very appreciative of the excellent
12 support they have been providing to us throughout the hearings. And the Defence
13 for Mr Al Hassan is represented by Ms Dolly Chahla and myself today. Thank you.

14 PRESIDING JUDGE MINDUA: [9:32:52](Interpretation) Thank you very much,
15 Ms Taylor.

16 And now the Legal Representatives of Victims. Counsel.

17 MR LUVENGIKA: [9:32:58](Interpretation) Good morning, your Honours. The
18 victims are represented today at this hearing by myself, Fidel Nsita Luvengika. And
19 I take this opportunity to greet everyone present in the courtroom. And I always
20 forget the interpreters and the court reporters, who do excellent work. So there you
21 have it. Greetings to everyone who is taking part in these proceedings.

22 PRESIDING JUDGE MINDUA: [9:33:34](Interpretation) Thank you very much,
23 Mr Luvengika.

24 And now the counsel for the witness.

25 [REDACTED] [9:33:42] (Interpretation) Good morning, Mr President, good morning.

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1 Good morning, your Honours. I am the counsel representing [REDACTED]
2 [REDACTED] in accordance with Rule 74 of the Rules of Procedure and Evidence and
3 I would like to greet everyone in all the different teams this morning. Thank you
4 very much.

5 PRESIDING JUDGE MINDUA: [9:34:25](Interpretation) Thank you very much,
6 Counsel. I had to wait for a moment. There was a bit of a delay with the
7 interpretation. The Chamber very much appreciates your hard work and
8 cooperation here.

9 Today we continue with the 36th witness.

10 And I believe that the parties wished to address the Chamber and thus the witness is
11 not present.

12 MR DUTERTRE: [9:35:03](Interpretation) Thank you very much, your Honour. I'll
13 be very brief.

14 As announced, the OTP plans to finish examination-in-chief by the 23rd, next
15 Wednesday at the very latest, the very latest. Depending on how quickly we go
16 today, I do hope that I will be in a position to make an application to the Chamber.
17 At the end of today's session, I will be able to ask the Chamber to choose one of two
18 options: Option one is cancelling the morning; option two, cancelling the afternoon.
19 And this will allow everyone to take a well-deserved rest and will allow the
20 Prosecution to refocus for the end of the examination-in-chief.

21 But of course this will depend on your judgment.

22 PRESIDING JUDGE MINDUA: [9:36:14](Interpretation) Thank you.

23 Defence, any objections? And possibly from the LRVs.

24 Ms Taylor.

25 MS TAYLOR: [9:36:20] Thank you, Mr President. The Defence has no objections

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1 but would respectfully like to use this opportunity to raise a matter that was
2 discussed on an inter partes basis with the Prosecution. We thank the Prosecutor for
3 clarifying that they are likely to end on the 23rd and we had discussed with the
4 Prosecution the possibility of starting Defence cross-examination on the 28th, and we
5 believe that that would allow us to facilitate a more streamlined presentation of the
6 Defence cross-examination, that we could use the additional day to ensure that we are
7 relying upon corrected transcripts, where available, and that would ensure timely
8 disclosure with pinpoints.

9 So we believe we would hasten slowly in effect and that ultimately it would in the
10 interest of all if we could have, in effect, which would be I think just one day of not
11 sitting next week.

12 PRESIDING JUDGE MINDUA: [9:37:17](Interpretation) Very well. I think that the
13 Prosecution has no objection. Of course I would say the requests appear to be
14 reasonable and the Chamber is not opposed either.

15 So the schedule, as modified -- well, the schedule in accordance with these
16 suggestions shall be modified. The updated schedule will be sent out by the end of
17 the day. And the Defence will begin cross-examination on the 28th, with a break, a
18 short break before cross-examination begins.

19 Mr Luvengika.

20 MR LUVENGIKA: [9:38:06](Interpretation) Well, the Chamber has not yet ruled on
21 the second application that we filed, so I'm being a bit premature, but I do seek
22 reassurances that once we are in a position to intervene in accordance with the
23 suggestions for changes to the schedule -- we are working very much with the
24 real-time transcripts and that is not sufficient. The real-time transcripts are not
25 always easy to unravel and this does cause some difficulties. Of course we are at the

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1 disposal of the Chamber when it comes to any possible changes to the schedule that
2 would affect us.

3 PRESIDING JUDGE MINDUA: [9:39:04](Interpretation) Thank you. What do you
4 suggest?

5 MR LUVENGIKA: [9:39:09](Interpretation) I would suggest that if the OTP finishes
6 on Wednesday in the morning, we could take some time and begin on Thursday
7 rather than beginning immediately after the testimony of the witness and the
8 examination-in-chief. Or we could have one day leeway which would allow us to
9 review everything to avoid any duplicate entries, so to speak, any pointless
10 duplication, and that would allow us to sort of tidy up, if you like.

11 PRESIDING JUDGE MINDUA: [9:40:04](Interpretation) If the OTP finishes on the
12 23rd, you would like to begin after one day of break; is that what you're saying?

13 MR LUVENGIKA: [9:40:13](Interpretation) Yes, after one day of -- a one-day break.
14 If the Prosecution finishes during the first or second session on Wednesday, we could
15 start the following day. For one session, as we requested in our application.

16 PRESIDING JUDGE MINDUA: [9:40:36](Interpretation) Theoretically that would
17 not be complicated, but perhaps we shall see how things unfold. The Prosecution
18 would finish on the 23rd, a break on the 24th. I'm just looking at the schedule and
19 the calendar. The 24th would be Thursday, then the 25th and then the Monday
20 would be the 28th. The Defence has also asked for a break.

21 Yes, Counsel.

22 MR LUVENGIKA: [9:41:09](Interpretation) I'd just like to make that suggestion
23 because we are only going to need one session. I'm making this proposal to start on
24 the 28th on the Monday, and then the Defence will take over so that the Chamber
25 doesn't have to sit just for the LRVs.

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1 PRESIDING JUDGE MINDUA: [9:41:33](Interpretation) Very well. Your request
2 has been heard. My fear, I'm always looking at the watch, you see, because I don't
3 want any problems during the days that have been set aside for hearing the witness.
4 We'll think about this during the break, and through the legal officer, we will find a
5 solution.

6 MR LUVENGIKA: [9:42:03](Interpretation) Thank you very much, your Honour.

7 PRESIDING JUDGE MINDUA: [9:42:06](Interpretation) Ms Taylor, please proceed
8 quickly.

9 MS TAYLOR: [9:42:09] Thank you, Mr President. The Defence has no objection
10 per se to any of the issues raised by the LRV. Our only concern is to have a clear day
11 to finalise disclosure. And we just note that there may be issues arising from the
12 questions of the LRV, and it's difficult for me to finalise disclosure when I'm in the
13 courtroom. And we also want to respect, of course, the delays in terms of giving
14 timely notice to the Prosecution. So that would be our only concern, that we have a
15 clear day to finalise our list of evidence. Thank you.

16 PRESIDING JUDGE MINDUA: [9:42:45](Interpretation) Quite so. We have heard
17 your request and we will find a solution but outside of the courtroom.

18 Courtroom officer, kindly have the witness brought into the courtroom.

19 (Pause in proceedings)

20 PRESIDING JUDGE MINDUA: [9:45:33](Interpretation) Courtroom officer, why is
21 this taking so long?

22 THE COURT OFFICER: [9:45:37] Your Honours, I have notified security and I will
23 call them once again.

24 (The witness enters the courtroom)

25 PRESIDING JUDGE MINDUA: [9:46:40](Interpretation) I see that the witness is now

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1 with us in the courtroom.

2 Good morning, Mr Witness. How are you?

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

4 (The witness speaks Arabic)

5 THE WITNESS: [9:46:49](Interpretation) Good morning, Mr President. Good

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

7 PRESIDING JUDGE MINDUA: [9:46:58](Interpretation) Thank you very much,

8 Mr Witness. On behalf of the Chamber, I welcome you and I thank you, of course,

9 for your cooperation.

10 As usual, I would like to remind you that you are still under oath and you must tell

11 the truth, the whole truth and nothing but the truth, as is the usual practice, of course.

12 Now without any further ado, I will hand over to the OTP.

13 And I will remind everyone that we will be sitting for two hours until 11.30.

14 Mr Prosecutor, please proceed.

15 MR DUTERTRE: [9:47:50](Interpretation) Thank you, your Honours.

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

17 Q. [9:47:55] Good morning, Mr Witness.

18 A. [9:48:00] Good morning.

19 Q. [9:48:08] Mr Witness, we will continue with the exercise we were busy with

20 yesterday, looking at a number of Post-it notes, and I believe that the courtroom usher

21 has kindly prepared the documents for you already. And I think we were looking at

22 tab 40. There's a sticker. And that corresponds to 0001-7305. With translation at T

23 41, 0077-2748. 2748 for the French transcript, not 2448.

24 [REDACTED]

25 [REDACTED]

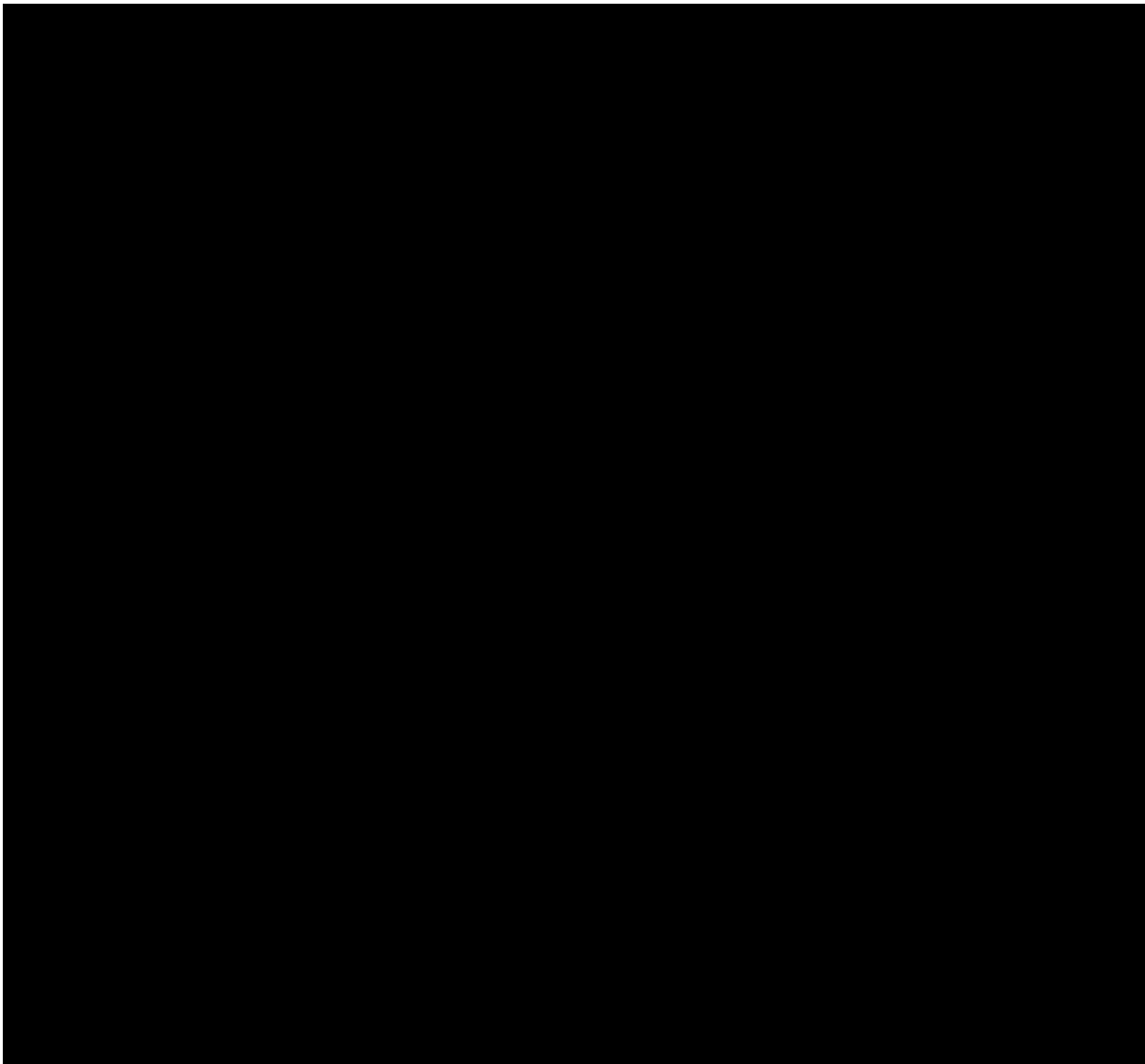
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17 Q. [9:52:32] The name is not very clear on the French transcript. Would you mind
18 writing out that name on a blank sheet of paper for us, Mr Witness.

19 PRESIDING JUDGE MINDUA: [9:53:17](Interpretation) The document is being
20 displayed on evidence 1 channel.

21 Courtroom officer kindly assign a reference number.

22 THE COURT OFFICER: [9:53:25] Your Honours, the document will be assigned
23 exhibit number MLI-REG-0001-0092.

24 PRESIDING JUDGE MINDUA: [9:53:30](Interpretation) Thank you very much.

25 Mr Prosecutor.

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1 MR DUTERTRE: [9:53:34](Interpretation) Thank you, your Honour.

2 Q. [9:53:36]

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[REDACTED]

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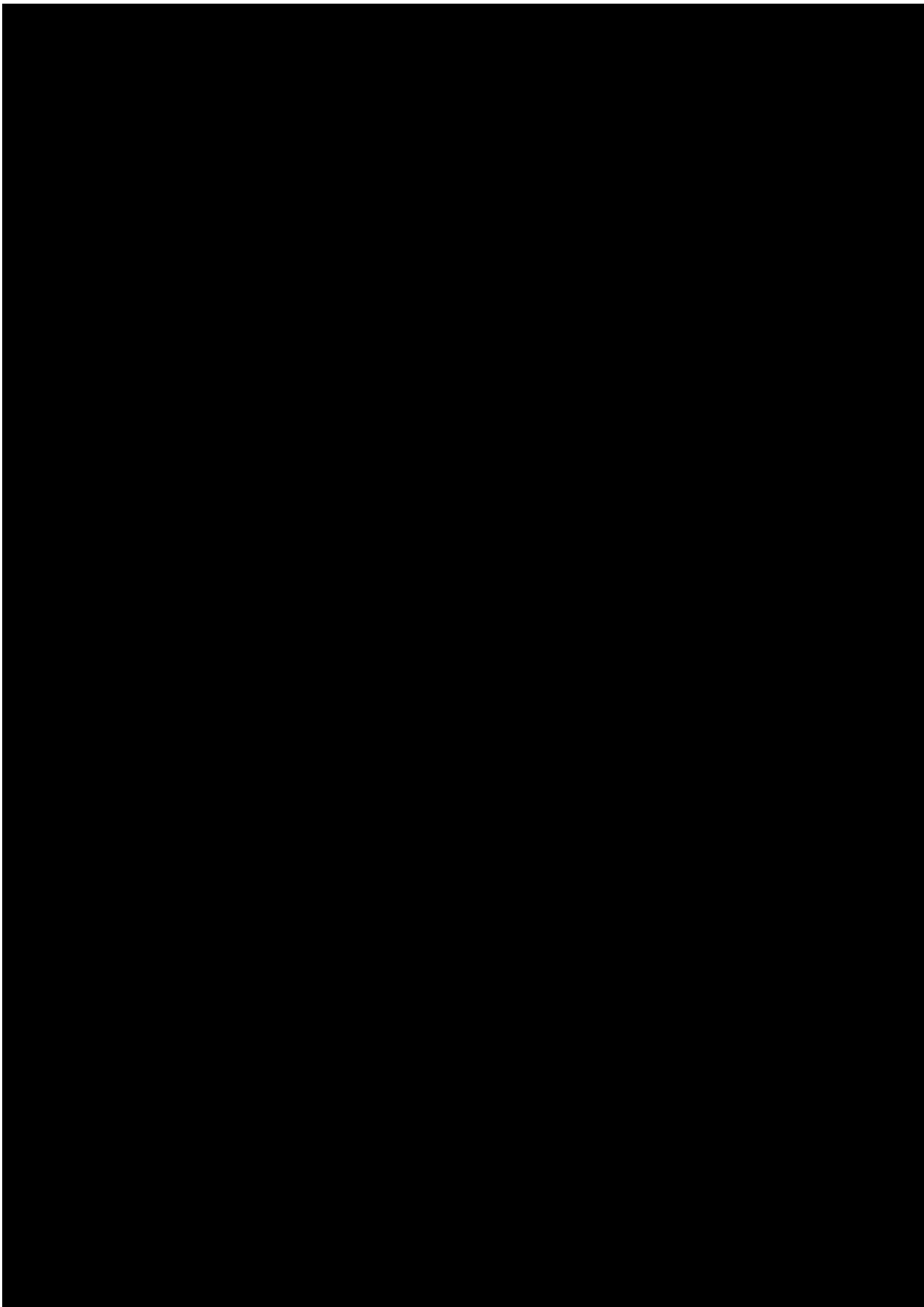
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1 Q. [10:00:53] (No interpretation)

2 THE INTERPRETER: [10:01:51] Message from the interpreters: We are having a

3 small technical problem which we will endeavour to solve as quickly as possible.

4 I think the technical problem has now been resolved.

5 PRESIDING JUDGE MINDUA: [10:02:26](Interpretation) Is it good? Is it solved?

6 Can we go on now? Can the English be heard?

7 THE INTERPRETER: [10:02:44] We can continue, your Honour.

8 Message from the interpreters: We believe we have sorted the problem out.

9 PRESIDING JUDGE MINDUA: [10:02:53](Interpretation) Okay.

10 Prosecutor.

11 MR DUTERTRE: [10:02:55](Interpretation) So just for the English transcript I'll

12 repeat the ERN of the original document. So 0001-7321.

13 Q. [10:03:15] So, Witness, what can you tell us with regards to this document?

14 A. [10:03:33] I can see names as well and numbers in this piece of paper. And I

15 know these names and also the places mentioned here.

16 Q. [10:03:56] Could you tell us about the first line, Witness, with a number and the

17 indication "Gaddafi Southern Hotel" and there is a number above the name "Hassan".

18 A. [10:04:20] Yes. Gaddafi Southern Hotel and here we have the name of a person

19 called Hassan. I know this person, but we didn't have any kind of relationship

20 together, but he was responsible for guarding the hotel at that time.

21 Q. [10:04:46] Do you know his complete surname?

22 A. [10:04:54] No, but I think that he is Tunisian and his name is Hassaan, Hassaan.

23 Q. [10:05:11] And Gaddafi Southern Hotel, where is it situated in Timbuktu?

24 A. [10:05:24] It's about 7 kilometres to the south of -- or maybe 5 kilometres. It's

25 quite close to the city of Timbuktu. Between Timbuktu and Kabara.

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1 Q. [10:05:43] And what was it used for between April 2012 and January 2013?

2 A. [10:05:59] I don't know exactly what it was used for at all different times. But I
3 know that it was used at a certain point for holding meetings and for the luxury of
4 some of the leaders such as Nabil Alqama. And I know that he lived there with his
5 wife for some time. And he -- it was also used to -- for hosting some of the guests
6 who came from Bamako. I know that, but I didn't attend any of the -- these hosting
7 meetings. [REDACTED]

8 [REDACTED]

9 PRESIDING JUDGE MINDUA: [10:07:06](Interpretation) Ms Taylor.

10 MS TAYLOR: [10:07:09] Thank you, Mr President. I apologise for interrupting, but
11 I think it might be helpful to correct the transcript now rather than later.

12 I believe that the witness made a specific emphasis when he said that the person was
13 Hassaan. I'm not saying it correctly, but he said it as if it would have an "e" on the
14 end, and the transcript is not reflecting that. So it might be something that gets
15 missed later, so it might be helpful to correct that now. And I'm sorry, I'm not
16 pronouncing it correctly, but he did -- the witness did specifically make a distinction
17 in how he pronounced it.

18 PRESIDING JUDGE MINDUA: [10:07:46](Interpretation) Indeed. I also heard that
19 there was an accent on the word "Hassaan".

20 MR DUTERTRE: (Interpretation) Indeed, I had the impression it was "Hassaan", it
21 was something quite a bit longer.

22 PRESIDING JUDGE MINDUA: [10:07:58](Interpretation) Yes. That's something
23 that has to be reflected in the transcript.

24 MR DUTERTRE: (Interpretation) So it's very phonetic. I don't know how we can
25 reflect that in the transcript.

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1 PRESIDING JUDGE MINDUA: (Interpretation) Perhaps the interpreters can help us.

2 What are we going to do professionally?

3 Ms Taylor.

4 MR DUTERTRE: (Interpretation) Perhaps the spelling is different. If we write the
5 name, it is different. I don't know.

6 PRESIDING JUDGE MINDUA: (Interpretation) Perhaps the witness can help us
7 where it concerns the spelling of the name.

8 How is it written? Why is there a difference in the pronunciation, Witness?

9 THE WITNESS: [10:08:46](Interpretation) In Arabic it is written correctly here on the
10 Post-it note. And in French there might be a confusion about the letter hamza or the
11 letter "a" in English after the double "s". That is not reflecting the long vowel in the
12 right way. So it can be pronounced as Hassan or Hassaan. But it is written
13 correctly in Arabic.

14 PRESIDING JUDGE MINDUA: [10:09:28](Interpretation) Ms Taylor.

15 MS TAYLOR: [10:09:29] Thank you, Mr President. I'll defer to the interpreters here,
16 but my understanding is one way to reflect the phonetic difference would be to write
17 it H-A-S-S-A-A-N-E when it's transliterated into English or French.

18 THE INTERPRETER: [10:09:44] Message from the interpreters: We would agree
19 that that would reflect a longer vowel.

20 MR DUTERTRE: [10:09:51](Interpretation) So it would be H-A-S-S-A-A-N.

21 PRESIDING JUDGE MINDUA: [10:10:02](Interpretation) Very well. That's what
22 we're going to adopt to mark the difference. Thank you very much. It's noted on
23 the transcript

24 MR DUTERTRE: [10:10:11](Interpretation) It's very useful.

25 Q. [10:10:13] So just a point, you say that *Nabil lived... Nabil Alqama was living in

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1 this place with his wife. And do you know when Nabil got married?

2 A. [10:10:36] I don't know when exactly. I don't know when exactly he married

3 his wife, [REDACTED] I don't

4 know if he married her just before the events or after the occupation of Timbuktu.

5 I am not sure. But he married more than once and I am talking here about his wife

6 [REDACTED]

7 Q. [10:11:23] Do you remember his name?

8 A. [10:11:29] No, not at all.

9 Q. [10:11:40] Could you tell us something about Al-Zubayr, who is on the second
10 line.

11 A. [10:11:58] Yes, Hassaan and Al-Zubayr and Ammar, those three people, they are
12 all from the soldiers in the middle line of the group. I didn't have any relationship
13 with them. I know Al-Zubayr, I know who he is, but I didn't have any kind of
14 interaction with him. And he is from the Arab who spoke Arabic, and I don't know
15 if he is Tunisian, Algerian or from the Sahara. I am not sure really.

16 Q. [10:12:52] In the French transcript the word "Ammar" is missing which is
17 reflected in the English transcript with one "m", "Amar".

18 PRESIDING JUDGE MINDUA: [10:13:11](Interpretation) Very well, that's noted.

19 MR DUTERTRE: [10:13:13](Interpretation)

20 Q. [10:13:14] Now, Witness, what can you tell us about the last person,
21 Abu-Mahjal?

22 A. [10:13:27] You missed the third line, maybe because you thought that I
23 answered about it. But, actually, regarding Ammar, I know Ammar, at least I know
24 his nationality. He is Tunisian. [REDACTED]

25 [REDACTED]

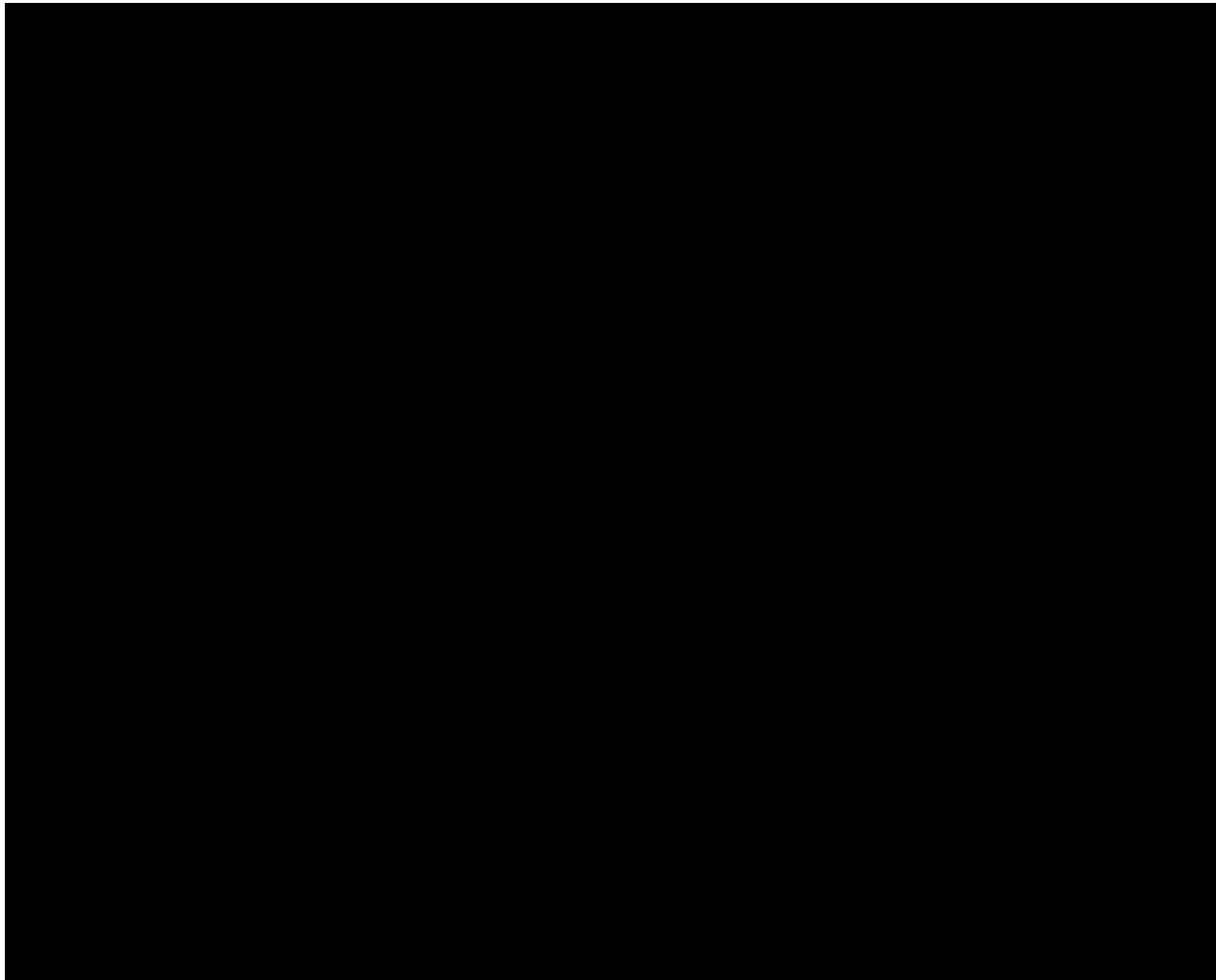
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15 Q. [10:16:15] Could you write his correct name on a piece of paper, as you normally
16 do, Witness.

17 PRESIDING JUDGE MINDUA: [10:17:05](Interpretation) Court officer, we have the
18 document on evidence 1. So could you please attribute a number thereto.

19 THE COURT OFFICER: [10:17:12] Your Honours, the document will be assigned
20 exhibit number MLI-REG-0001-0093.

21 PRESIDING JUDGE MINDUA: [10:17:30](Interpretation) Thank you very much.

22 MR DUTERTRE: [10:17:31](Interpretation)

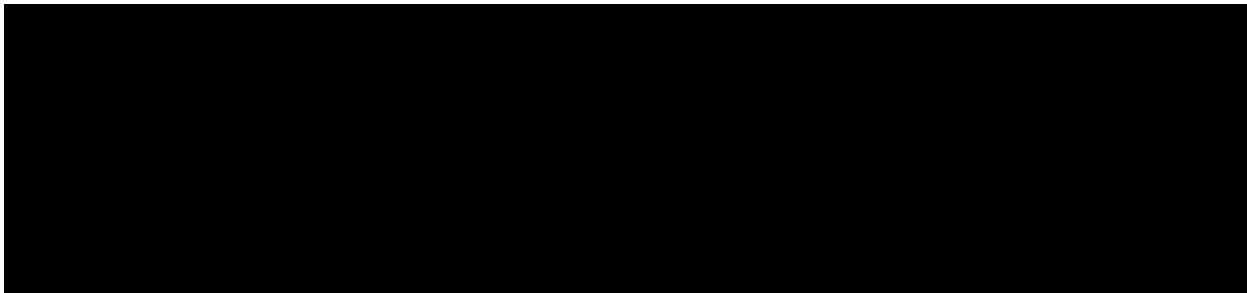
23 Q. [10:17:32] Witness, because you've mentioned the subject, could you clarify for
24 us, apart from Kabara, where were the other places outside Timbuktu city that you
25 would visit to ensure the respect of the different rules?

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Q. [10:18:58] For the transcript, after Goundam, you mentioned Goundam, another location, Tonka, Niafunke. The other location wasn't clear. Jiri (phon), what did you say exactly?

A. [10:19:21] Dire.

Q. [10:19:24] Could you write that on a sheet of paper? And perhaps put all the locations on a sheet of paper. That way we will have the spelling of all of them.

PRESIDING JUDGE MINDUA: [10:20:46](Interpretation) So court officer, we've got the list on evidence 1. Please could you give it a number.

THE COURT OFFICER: [10:20:53] Your Honour, the document will be assigned exhibit number MLI-REG-0001-0094.

PRESIDING JUDGE MINDUA: [10:21:04](Interpretation) Thank you very much.

MR DUTERTRE: [10:21:06](Interpretation) Perhaps we could leave the list there, your Honour, because it would be useful to show the locations that we haven't already shown on a map for the Chamber when I have finished with the exercise with the witness.

PRESIDING JUDGE MINDUA: [10:21:21](Interpretation) Indeed.

MR DUTERTRE: [10:21:27](Interpretation)

Q. [10:21:29] So, Witness, if we could leave the sheet of paper, please.



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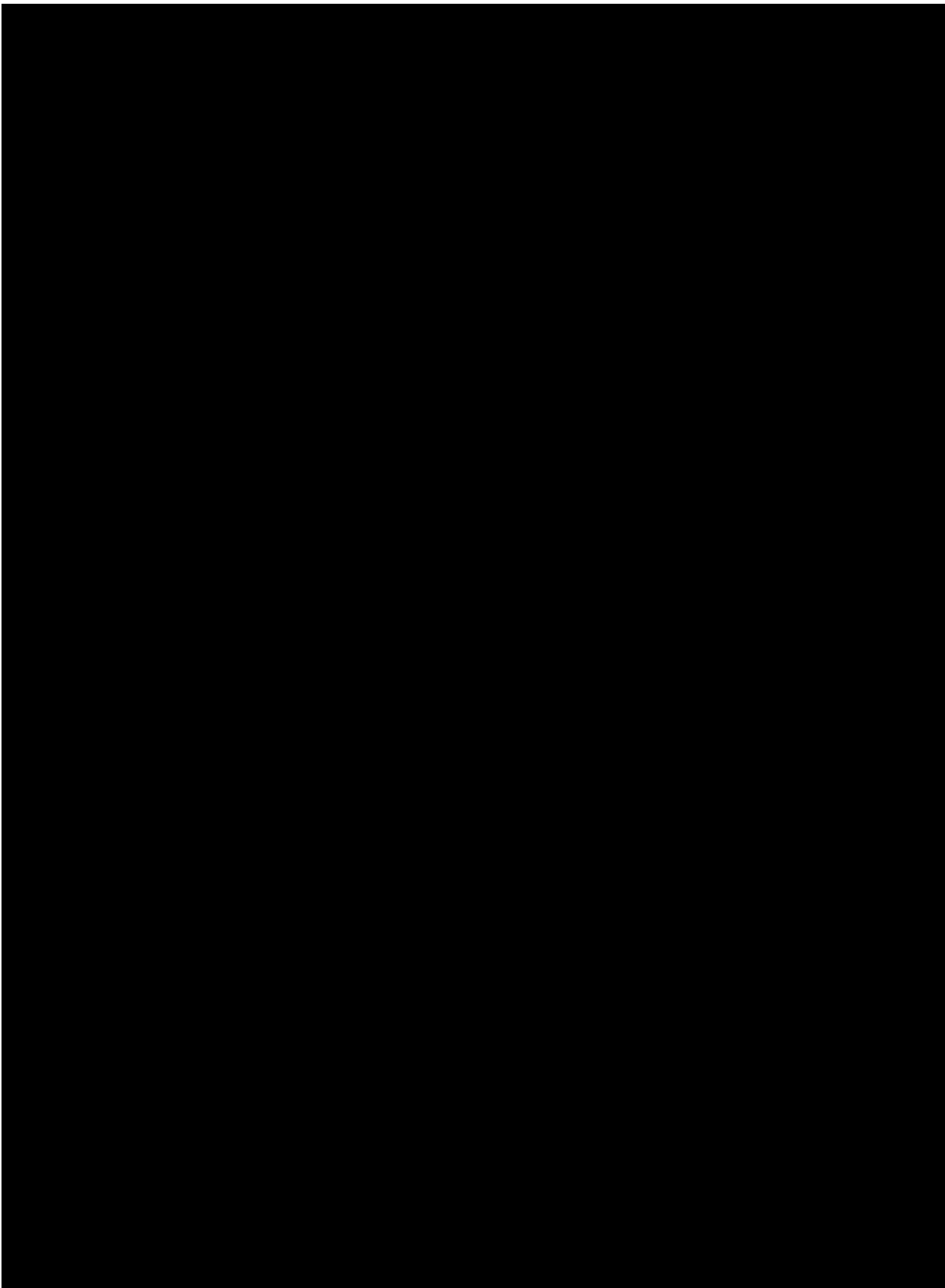
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1 Q. [10:21:53]

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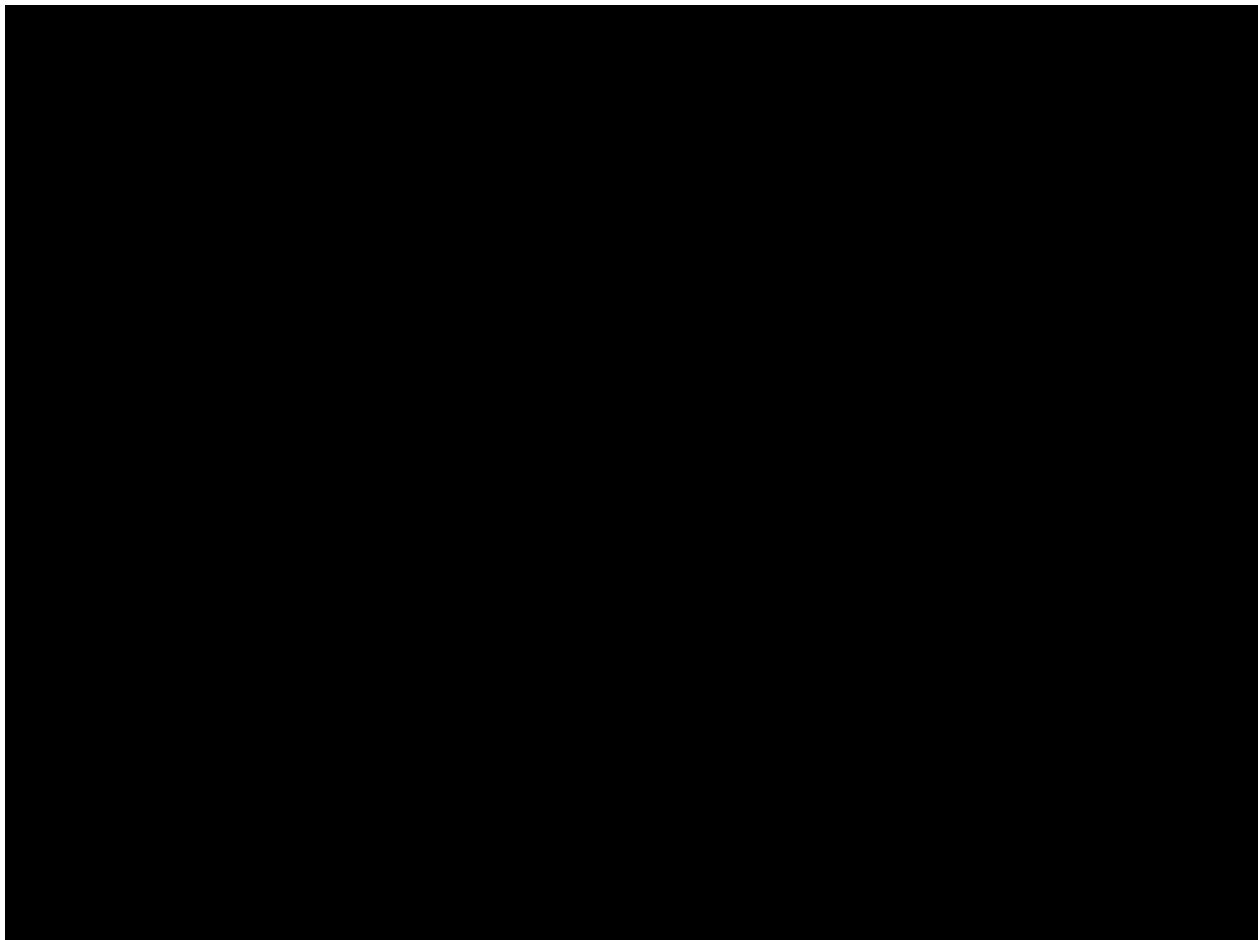
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14 A. [10:28:10] Because the situation in such areas was quite similar to what
15 happened in Timbuktu. In the early stages there was a lot of clash between the
16 population and the members of the group. But after calming them down, it was
17 followed by finding a more lenient way of dealing with the population. And this is
18 what happened in Dire because they know that the group that was with MNLA,
19 when they joined Ansar Dine, they carried on with the violations that they committed
20 earlier, such as stealing the aid. And the population later understood that they had
21 no desire in stealing the population's property and that they want to help them and
22 that MNLA was benefiting from the population's property and aid and that's why the
23 population preferred Ansar Dine as ruler rather than MNLA.
24 The camp from Dire which was -- which belonged to MNLA, they took taxes from the
25 population. And when this was under the control of Ansar Dine, they were advised

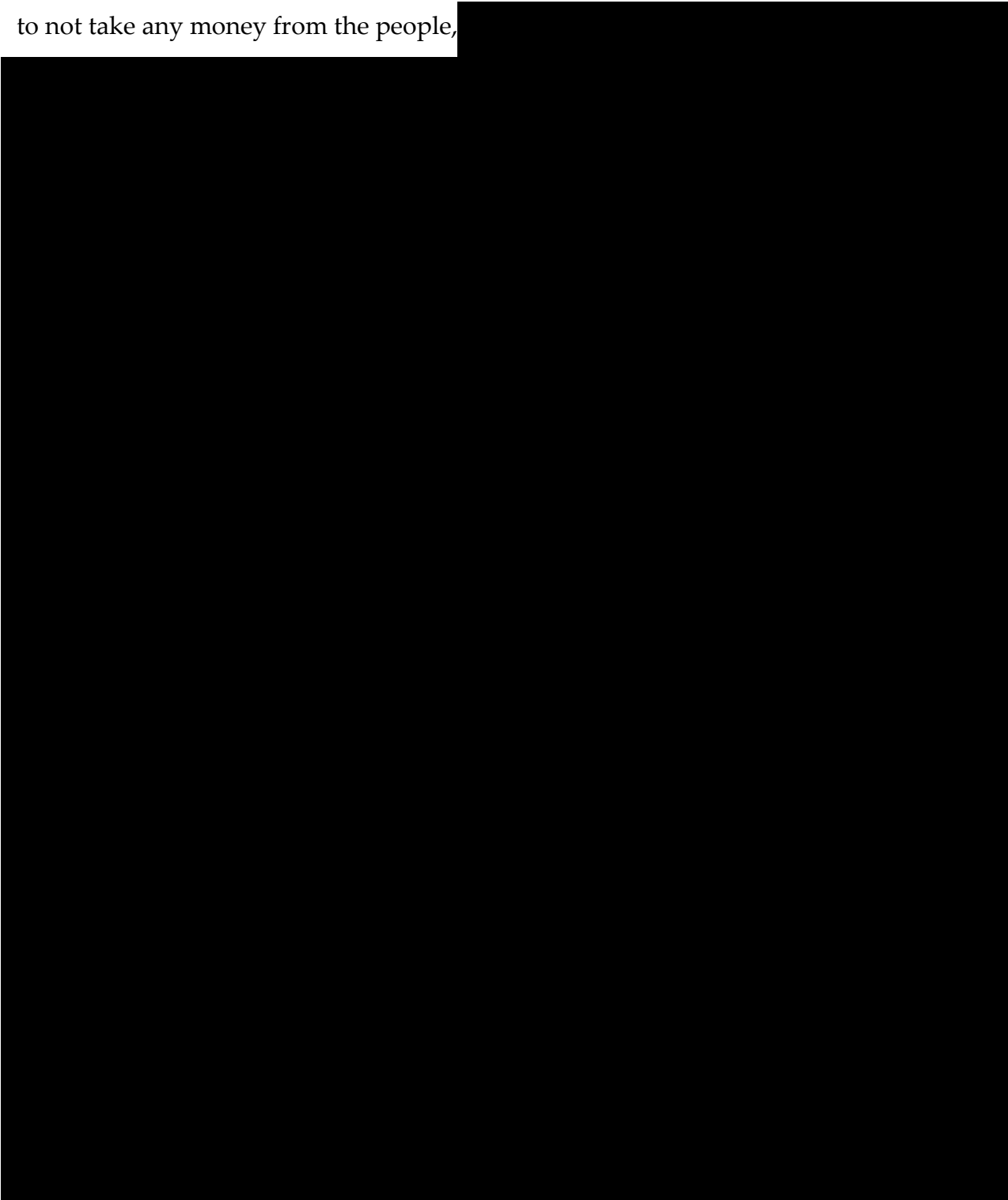
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1 to not take any money from the people,



22 Q. [10:33:13] Thank you, Mr Witness. If we could now move to document 8,

23 binder 1, tabs 8 and 9. ERN 0001-7312. Translation 0077-2758. And there is a little
24 sticky that indicates the document.

25 Does this document ring a bell, Mr Witness?

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1 A. [10:34:19] No, not at all. I can't remember this person, Abd-el-Rahman

2 Mohamed Ould-el-Djidou. I don't remember neither the name nor the number.

3 Q. [10:34:33] We'll now move to binder 1, tabs 4 and 5, Mr Witness. ERN

4 0001-7308, translation 0077-2750.

5 Do you have any comments on this document, Mr Witness?

6 A. [10:35:27] I didn't find it yet. Which number? What is the number, please.

7 Q. [10:35:35] Number 4, tab 4, sticker 4.

8 A. [10:35:51] Yes. Here we've got the names of the areas and numbers of the

9 people who were in charge of these areas. We have Goundam, Niafunke,

10 Tagharoust, Dire, Zarho, Er-in-Tedjift. Er-in-Tedjift.

11 Q. [10:36:32] Er-in-Tedjift is where, in approximate terms, Mr Witness?

12 A. [10:36:39] Er-in-Tedjift and Zarho are quite close. They are on the same line.

13 There's only about 5 or 7 kilometres between the two. And Zarho is about 100

14 kilometres to the east of Timbuktu. Then Er-in-Tedjift, I don't know if it's between

15 Zarho and Ber or after Zarho, but it is quite close to Zarho.

16 Q. [10:37:26] I believe the French transcript shows "Ansar", but I think I heard

17 Zarho. This is what the English transcript indicates at line 25 of page 24.

18 Mr Witness, could you please move to sticker 44. This is still binder 1, tabs 44, 45.

19 0001-7311 for the original. 7311. Translation 0077-2756.

20 Have you any comments, Mr Witness?

21 A. [10:38:53] Yes, this is a piece of paper regarding Tonka and here is the number

22 for the emir of Tonka and the number of the police and the *Hesbah* and the army. It's

23 all related to the town of Tonka.

24 Q. [10:39:20] Opposite *Hesbah* we see deputy emir Halala. Do you know this

25 person, this person by the name of Halala?

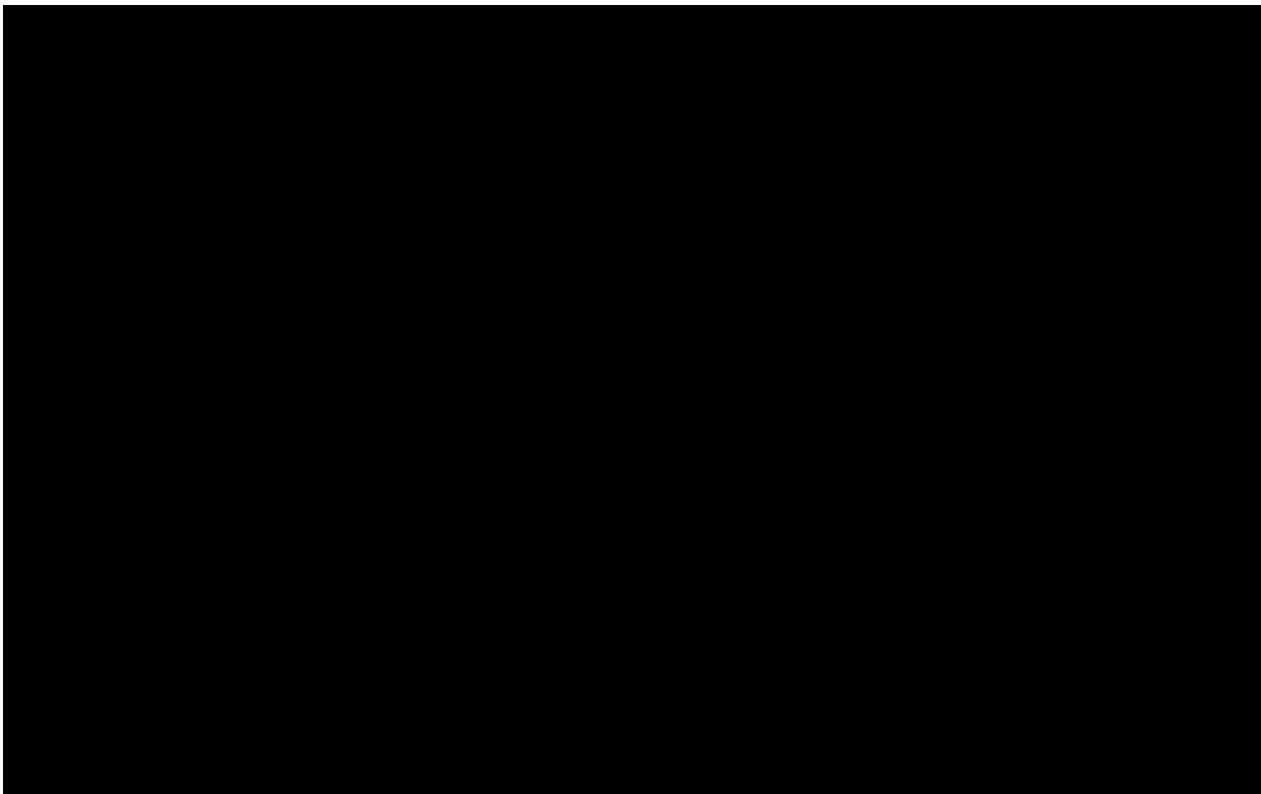
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12 Q. [10:41:34] Mr Witness, I'd now like to ask you to move to -- and we're nearly
13 finished with these documents. If you could please go to sticker 10, binder 1, tabs 10
14 and 11. 0001-7316 for the original. And the translation bears the number 0077-2762.
15 Mr Witness, at the bottom to the right of the original, 0001-7316, there's a stamp.
16 Could you read the stamp for us?

17 A. [10:42:47] Yes. This is the stamp of the Islamic security.

18 Q. [10:42:58] What is this document, Mr Witness? Have you any comments about
19 it?

20 A. [10:43:06] No. This is taken out of context. It is just showing the amount of
21 money and the number of bullets. It's completely cut out. I can't tell what -- in
22 what context this was used.

23 Q. [10:43:30] Understood.

24 I'd now like us to move to -- well, I'd like to try to locate a number of places on the
25 map, places that have been mentioned, that the witness has made reference to over

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1 the past days and weeks.

2 If we could please call up 0007-0418, this is a map.

3 Mr Witness, we have the list of names that you have written down on the projector to
4 the right of you and in some cases you wrote down some names. If you could please
5 locate -- or indicate, rather, the locations Er-in-Tedjift that you mentioned, for
6 example, the place that you mentioned earlier. Close to Zarho. The list included
7 Dire, Dire, if I recall correctly.

8 A. [10:45:26] Can we please zoom in on the area of Gounga-Rharous (phon) to the
9 east of Timbuktu. There is something written here I think it's called
10 Gounga-Rharous. Can we go to the east, across the Niger river. No, the other way
11 around. I can identify Alkasba. Can you carry on zooming until the eastern part.
12 More, a little bit more. Yes, just here. I'll look. Yes.

13 The pen is not working. It's not leaving a mark. I pressed the red button, but it's
14 not leaving a mark.

15 THE COURT OFFICER: [10:48:09] Your Honours, there appears to be a technical
16 problem with the SMARTBoard. I have informed my colleagues and a technician
17 should be on their way. Thank you.

18 PRESIDING JUDGE MINDUA: [10:48:22](Interpretation) Thank you, courtroom
19 officer.

20 Prosecutor.

21 MR DUTERTRE: [10:48:28](Interpretation) We don't want to waste time on this.

22 PRESIDING JUDGE MINDUA: (No interpretation)

23 THE COURT OFFICER: [10:48:36] Just as a follow-up, perhaps the document could
24 be printed and marked physically by the witness.

25 MR DUTERTRE: [10:48:47](Interpretation) We'll do it on the screen later.

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1 PRESIDING JUDGE MINDUA: [10:48:51](Interpretation) Very well. Please
2 continue.

3 MR DUTERTRE: [10:48:54](Interpretation) Thank you, your Honour.

4 Q. [10:48:58] I'd now like to move on to another topic, Mr Witness. Namely, the
5 various groups like the MNLA, Ansar Dine. I'll start with the MNLA.

6 Do you remember when the members, the soldiers -- do you remember how the
7 MNLA soldiers were dressed?

8 A. [10:49:35] The MNLA didn't have specific uniform, but they were dressed in the
9 same uniform as the Malian army. They wanted to do so, but they didn't have
10 enough uniforms to distribute on all the members, and the leaders didn't provide
11 them with that, so they were dressed in whatever was available for them. Many of
12 them managed to get this uniform from the places that they occupied, that they
13 occupied in the north of Mali. So they took the military uniform in the camps that
14 they entered, but there wasn't enough for all of them. So some of them had this
15 uniform and some just dressed in any kind of other clothing.

16 Q. [10:50:41] I'll now move -- rather, I'll now play some video footage. Binder 6,
17 tabs 1027, 1028 and 1029. And this is 0015-0495. And the transcript is to be
18 found at tab 1029. Transcript 0033-5189. And the translation is at the previous
19 tab, 1028, 0033-5288.

20 I'll play from 00:07:25:05 to 00:07 --

21 THE INTERPRETER: [10:52:35] Overlapping speakers.

22 THE COURT OFFICER: [10:52:37] Your Honours, before counsel plays the video,
23 there's an issue with the evidence 2 channel. I think he needs to connect his laptop
24 properly.

25 MR DUTERTRE: [10:52:51](Interpretation) Correct. It is always a good idea to turn

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1 on the computer before connecting. Thank you, Mr Courtroom Officer.

2 I'll start at 00:07:25:04.

3 (Viewing of the video excerpt)

4 MR DUTERTRE: [10:53:26](Interpretation) And I've stopped at 00:07:38:00.

5 Q. [10:53:36] Mr Witness, could you tell us which group these people belong to,
6 these people that we see in this footage.

7 A. [10:53:54] Yes. Those are MNLA.

8 Q. [10:54:02] And to the best of your recollection, are these -- is this the sort of
9 clothing that they wore in 2012 and early 2013?

10 A. [10:54:21] Yes. This is how they were dressed. They just got dressed in
11 whatever uniform they managed to get.

12 THE ARABIC INTERPRETER: [10:54:33] Correction from the interpreter: From
13 any military uniform they managed to get.

14 MR DUTERTRE: [10:54:50](Interpretation)

15 Q. [10:54:52] Thank you, Mr Witness.

16 I'd now like to move to another piece of video footage. Binder 6, tab 1015, 1016 and
17 tab 1017. ERN 0011-0007. Transcript, 0040-0425. 0040-0425. Translation
18 0040-0430.

19 Your Honours and interpreters, for the translation, this would be lines 103 to 118 of
20 the transcript. And I'll play from 00:07:02:00 to 00:08:57:08. 00:07:01:23 to be
21 precise.

22 And before I adjust the sound, I'll ask the witness.

23 Do you recognise this person, Mr Witness?

24 A. [10:57:53] Yes. This is Goussa (phon).

25 Q. [10:58:01] I think you've already mentioned this person, but could you tell us

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1 with whom Goussa worked?

2 A. [10:58:12] He used to work for Ansar Dine and he is one of the close assistants of
3 Iyad.

4 Q. [10:58:29] I will adjust the sound. And I'm just waiting for the green light from
5 the interpreters. And the line references are lines 103 to 118. Away we go.

6 (Viewing of the video excerpt)

7 THE INTERPRETER: [10:59:05] (Interpretation of the video excerpt).

8 "In the name of God, he who shows clemency, and may the peace be on the

9 Messenger of God, on his family on all the companions. We, Ansar Dine, guided by

10 Sheikh Iyad Ag Ghaly, we believe ourselves to be a group from the Malian Muslim
11 community.

12 We are from the Ansar Dine group and our guide is Iyad Ag Ghaly. We believe
13 ourselves to be a group from the Malian Muslim community.

14 We believe that it is our duty to ensure the application of Sharia upon ourselves and
15 our Muslim society so that safety and security reign, and so that God may bless our
16 families."

17 MR DUTERTRE: [11:00:17](Interpretation) Could we continue on to line 118, which
18 is the end.

19 THE INTERPRETER: [11:00:27] (Interpretation of the video excerpt)

20 The interpreter continues with the sight translation. Line 110:

21 "We have seen what we must do, namely the obligation to apply Sharia law upon
22 ourselves, our people and all peoples who share this land of Islam."

23 MR DUTERTRE: [11:01:00](Interpretation) I shall continue.

24 (Viewing of the video excerpt)

25 THE INTERPRETER: [11:01:07] (Interpretation of the video excerpt)

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1 Sight translation. Line 111:

2 "If we act in this manner, God shall bless us and our families living throughout the
3 entire land, this entire country."

4 Line 114:

5 "The Malian army has begun to step up its presence in our region and to attack us.

6 We have seen that it was necessary to defend our territory and our honour and to that
7 end we have launched a preemptive attack against the Malian government at the
8 Aguelhok barracks. They have sent ..." (Overlapping speakers)

9 THE INTERPRETER: Overlapping speakers.

10 MR DUTERTRE: [11:02:10](Interpretation)

11 Q. [11:02:12] What languages is this gentleman using as he makes his remarks?

12 A. [11:02:18] Arabic and his mother tongue, Tamasheq, the eastern version of it.

13 Q. [11:02:37] Could you tell us a bit more, to the best of your knowledge, of the
14 context. Why has this man stressed, twice he said, that Ansar Dine was part of the
15 Malian Muslim community? Why did he stress that point?

16 A. [11:03:05] This is what was wanted. They wanted the Malian community to
17 believe, they wanted to know that the force that attacked and that managed to defeat
18 the Malian army was a group from the Malian community, although the whole group
19 was from Al-Qaeda.

20 Q. [11:03:49] Mr Witness, what do you know about this attack against the Malian
21 army at the Aguelhok barracks?

22 A. [11:04:14] This attack on Aguelhok was the first big attack that was prepared for
23 after gathering Ansar Dine and MNLA and Al-Qaeda under just one plan to attack
24 the northern areas.

25 Before that, there were minor attacks carried out by MNLA by itself and also some

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1 minor attacks by Al-Qaeda by itself.

2 But this attack on Aguelhok was the first one that was done with a joint plan between

3 Al-Qaeda, Ansar Dine and MNLA.

4 But then it was followed by the attack on --

5 THE ARABIC INTERPRETER: Inaudible.

6 THE WITNESS: [11:05:09](Interpretation) -- or Amachach, and then the attack on

7 Kidal.

8 Q. [11:05:25] So we're going to take things in order, go through them quickly.

9 So the attack on Aguelhok, when was that? Well, we've got the time frame that you
10 gave, Aguelhok, Amachach, Kidal. But Aguelhok, when -- what year, what time was
11 that?

12 A. [11:05:54] I think that Aguelhok and Amachach, both attacks happened in

13 February 2012. [REDACTED]

14 [REDACTED] And just

15 before that, it was the attack on Aguelhok. So I can say that both attacks took place
16 in February 2012.

17 Q. [11:06:45] Who commanded the attack against the barracks of the Malian army
18 in Aguelhok?

19 A. [11:06:57] Iyad Ag Ghaly.

20 Q. [11:07:04] And Amachach, as you mentioned, was it known under another name
21 or another location? Could you clarify that for the Chamber.

22 A. [11:07:20] The name of the town is Tessalit and it's an area on the border. It's
23 very well known. And in this area there is the military gate between Algeria and
24 Mali when the government was strongly present in the north.

25 And just 1 kilometre to the west the camp of Amachach was located. There was also

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1 a very well-known French base there. I think this is under the occupation of the
2 French in the '60s, maybe. And it was used after that by the Malian army.

3 Q. [11:08:20] And in terms of size, is it a small camp, average, a large camp?
4 Could you clarify that?

5 A. [11:08:32] I can't give military criteria for that or standards for that, but I can
6 describe it as a big camp because it was very important for the French and for the
7 Malian army and for the Malian government.

8 And just an observation for the interpreters. I always say I will and do and "I will
9 say". I think they understand now and they got used to my use of tenses. Because
10 they have raised the issue of using the future when I mean the past. I usually use the
11 future when I have a doubt and then I say "I will say" this and that.

12 So what I will say is that it is an important and a very big camp.

13 Q. [11:09:44] Understood.

14 And for the transcript, page 21, lines 24 is the town of Tessalit and not Assalit.

15 Who commanded the attack against the camp of Amachach, Witness?

16 A. [11:10:16] [REDACTED]

17 [REDACTED]
18 [REDACTED]
19 [REDACTED] I can

20 say that it was Iyad because -- but I can't really confirm as I confirmed that Iyad was
21 the commander in Aguelhok.

22 Q. [11:11:20] And to the best of your knowledge, was there somebody who was the
23 commander of the three battalions -- the three battles in these three locations:
24 Aguelhok, Amachach and Kidal?

25 A. [11:11:45] I am a hundred per cent sure that Iyad Ag Ghaly was the commander

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1 of the battle of Aguelhok and he was the commander of the battle of Kidal. And
2 that's why I had the impression automatically that he was the commander of the
3 battle of Amachach. But I can't remember how I know that exactly.

4 Q. [11:12:20] Thank you very much.

5 Now, your Honour, your Honours, I'm now going to move on to an audio file. And
6 that's in binder 5, tab 937, 938, 939. The ERN is 0038-0888. The transcript is
7 0056-0851. And the translation in French 0063-1041.

8 For the interpreters to be able to prepare, I will play two passages, one from lines 50
9 to 68 and the other from 373 to 389.

10 First of all, I'll play the beginning with the sound for identification of the voice, and
11 then I will play it for the passages.

12 (Playing of the audio excerpt)

13 MR DUTERTRE: [11:14:56](Interpretation)

14 Q. Do you recognise the voice of the person who is speaking, Witness?

15 A. [11:15:01] I am not sure.

16 Q. [11:15:08] Do you want me to play a bit more of it? Would that help? No?

17 A. [11:15:20] I don't know. Maybe. I know that I heard this voice before, but
18 I don't know if he is from the eastern group of Ansar Dine to the east of Timbuktu
19 near Kidal or somebody else. I don't know because their voices are very similar.

20 Q. [11:15:52] I'm going to play the first excerpt with the sound and then I will ask
21 some questions about the content.

22 I'm starting at 05:06 and I will go to 06:53.

23 And before putting the question, what language is the person speaking, Witness?

24 A. [11:16:36] Tamasheq.

25 (Playing of the audio excerpt)

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1 THE INTERPRETER: [11:16:48] (Interpretation of the audio excerpt)

2 "Allah Akbar!

3 The enemy of Allah is your enemy, indeed, we are fighting against the enemy of

4 Allah and ours, that is to say, we share the same army as Allah, almighty, our army is

5 the same, it is a great blessing but our spirits do not realise it yet because it is before

6 us. If it pleases Allah, we shall wait for longer. That is the reason why we give

7 grace to Allah. It is one of the models of the group called Ansar Dine, the aim of

8 which from the day of his creation was the establishment of the religion of Allah, the

9 almighty. Last year in the same month, the next month of *tamessedekt* [the last month

10 of the year of the Islamic calendar], the group Ansar Dine was created around the

11 four principles:

12 The first principle is jihad for the way of Allah with a view to such that the word of

13 Allah be above all.

14 Crowd: Allah Akbar.

15 The second is the -- is the constitution and the laws established by the legislator.

16 Crowd: Allah Akbar.

17 Secularism and democracy.

18 Allah Akbar.

19 The third is the arbitration by Sharia, arbitration by the Sharia of Allah, the almighty,

20 the establishment of the religion. The fourth is the establishment of the religion over

21 ourselves, on ourselves, our team and ourselves, in fact, the establishment of the

22 religion on ourselves."

23 The interpreter has read from lines 51 to line 68.

24 Sight translated, corrects the interpreter.

25 MR DUTERTRE: [11:18:45](Interpretation) I note that the French transcript includes

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1 reactions from the -- doesn't include reactions from the crowd, but they can be put in
2 later.

3 Q. [11:19:02] Witness, so you've heard this rather long passage. You were able to
4 identify -- were you able to identify the person who is speaking?

5 A. [11:19:14] Yes. This is the voice of Iyad Ag Ghaly, the leader of Ansar Dine.

6 Q. [11:19:31] So he mentions Ansar Dine and the four principles that Ansar Dine is
7 based on. Could you explain to us, as far as you know, what he means by the
8 second principle is the constitution and the law established by the legislator,
9 secularism and democracy?

10 A. [11:20:17] This is the point that Al-Qaeda focuses on and it wanted those who
11 are members of Al-Qaeda to adhere to. And it is known about Ansar Dine that it
12 was created by Al-Qaeda to serve its own ideology in the north of Mali. And so that
13 the project is supported fully by Al-Qaeda, it was very important to mention these
14 four points.

15 The second point is a confirmation of the first point. The first point is jihad for the
16 sake of Allah, but this jihad can take different forms. MNLA sometimes thought that
17 they are performing jihad, although they don't have any jihadist ideology, but
18 sometimes they describe this armed strife against the Malian army as jihad. [REDACTED]

19 [REDACTED]
20 [REDACTED] But it is very important to identify the
21 definition of jihad that Al-Qaeda wanted and this jihad, according to Al-Qaeda cannot
22 be achieved without fighting those who do not believe in God and they put that
23 under the word of "*taghut*". And the term "*taghut*" here is an exaggerated meaning of
24 tyranny.

25 And the interpreters will understand this. For exaggeration there is usually the form

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1 of *ut*, like *taghut*, *malakut*, *kahanut*, which means an exaggeration of a word.

2 So the origin of this word in Koran meant the idols, but Al-Qaeda proved in its

3 instructions and guidelines that the word "*taghut*" doesn't only cover as idols as

4 known historically but also those groups that rule with any kind of rule other than the

5 rule of God.

6 And that's why all the international organisations sponsoring democracy and

7 international law are all included in the term *taghut*. And also the armies that were

8 established to protect such organisations are also included in the term *taghut*. And

9 people had to understand this very well so that they can be in line with the Qaeda

10 ideology.

11 Q. [11:23:54] So I'm now going to go on to a second excerpt, Witness.

12 Your Honour, that's from *39:02 to 40:14. That's lines 373 to 388.

13 There are interjections from the crowd which should also be mentioned here.

14 (Playing of the audio excerpt)

15 THE INTERPRETER: [11:24:46] (Interpretation of the audio excerpt)

16 Line 373, sight translation:

17 "It is the same today, they want us, I swear by Allah, what they want from us is for

18 each prostration, they want us from all sides. We say that we do not share

19 anything with Al-Qaeda. We share everything was Al-Qaeda."

20 Line 378:

21 "Allah Akbar, Allah Akbar.

22 We share everything with Al-Qaeda, we share the religion, we share the same

23 approach, we share the doctrine, we share everything, we share everything.

24 We do not share perhaps the land or the weapons or the capacity or whatever what

25 we do not share.

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1 Crowd: Allah Akbar, Allah Akbar.

2 Doctrine, combat, faith, we are on the same side with regards to the wrongdoers.

3 Allah Akbar, Allah Akbar.

4 On this point, what we want to discuss, those who want us to discuss, we discuss the
5 discussion, we discuss, we are ready to discuss, discussions is something that exists
6 and it is legal."

7 Sight translation to 388.

8 MR DUTERTRE: [11:26:32](Interpretation) Thank you. That's the reason why we
9 have a transcript.

10 And for the purposes of the transcript I stopped at * 40:35.

11 Q. [11:26:49] Witness, can you tell us who is the person who is speaking at that
12 time.

13 A. [11:26:55] Yes. Iyad Ag Ghaly, the leader of Ansar Dine.

14 Q. [11:27:10] Could you tell us what explains the relationship between Al-Qaeda
15 and Ansar Dine?

16 PRESIDING JUDGE MINDUA: [11:27:18](Interpretation) Ms Taylor.

17 MS TAYLOR: [11:27:18] Thank you, Mr President. I was waiting to see if the
18 Prosecutor would ask some additional foundational questions, but we haven't got
19 there yet. So I believe it's an appropriate time to intervene in the sense I believe that
20 at this point in time the witness has said that he identified the person speaking, but in
21 terms of his knowledge as concerns this specific speech, I think it would be
22 appropriate for the Prosecution to elicit a firmer foundation as concerns the witness's
23 ability to comment on this. For example, what occasion is this speech being given?
24 Does the witness have any knowledge of that in the context? And I believe that will
25 provide more accurate context to his answers.

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1 At this point in time we're getting answers particularly in the vacuum. So before
2 going specifically to direct questions as to what the speaker means, I do believe it
3 would be appropriate for the Prosecutor to first elicit what the witness knows about
4 this speech.

5 PRESIDING JUDGE MINDUA: [11:28:29](Interpretation) Thank you, Ms Taylor.
6 Prosecutor, I think that Ms Taylor is right.

7 MR DUTERTRE: [11:28:35](Interpretation) Your Honour, I can answer but not in
8 front of the witness. Having said that, we're just a few minutes before the break.
9 I'm in your hands. If you wish to have the witness leave and then I continue for two
10 to three minutes to explain. I am in your hands.

11 PRESIDING JUDGE MINDUA: [11:28:52](Interpretation) Indeed, we have two
12 minutes left.

13 So, court officer, please could you escort the witness out.

14 (The witness exits the courtroom)

15 PRESIDING JUDGE MINDUA: [11:29:59](Interpretation) The witness is outside.
16 Prosecutor, Ms Taylor is asking for an explanation of the context. The witness
17 recognises the voice. You want to go into details without having established the
18 context or the basis.

19 MR DUTERTRE: [11:30:16](Interpretation) Your Honour, I have to say that on the
20 basis of the context, well, that was in the previous passages with a date last year the
21 group Ansar Dine was created. So we know by definition where we are in terms of
22 the time frame.

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

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4 And we can ask him thereafter what he's basing himself on, but this objection does

5 seem premature. I think that he is well-equipped to be able to answer these

6 questions. *And in the end, it will be a question of weight, Mr. President.

7 PRESIDING JUDGE MINDUA: [11:31:32](Interpretation) Ms Taylor.

8 MS TAYLOR: [11:31:33] Thank you, Mr President. I'll just respond quite briefly.

9 We're not objecting to the witness answering to this speech. What we're suggesting

10 that would be appropriate is to elicit the foundation of the witness's knowledge

11 concerning this speech. Does he know the date?

12 The witness at this point in time, the Prosecution has said, well, Iyad Ag Ghaly has

13 said this. We don't know that the witness knows that. We don't know in which

14 context this is occurring. Perhaps it would be useful for the Prosecutor to ask those

15 questions first before going straight into content.

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20 PRESIDING JUDGE MINDUA: [11:32:34](Interpretation) Thank you very much,

21 Ms Taylor.

22 I think that we've already discussed this. Firstly, I would like to point out that, first

23 of all, when the witness listens to just a small excerpt, he said he didn't recognise it,

24 and then later when he heard the rest, yes, he said "Now, I know. This is the voice of

25 Iyad Ag Ghaly."

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1 Now with regards to the content, you've heard it, as has everybody in the courtroom.

2 We know what it's about. [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 That's it.

9 So we are going to go back -- come back after 30 minutes and then the Prosecutor can
10 put his questions.

11 We're going to suspend for 30 minutes and we will be back at 12.

12 Court is suspended.

13 THE COURT USHER: [11:33:57] All rise.

14 (Recess taken at 11.34 a.m.)

15 (Upon resuming in closed session at 12.01 p.m.)

16 THE COURT USHER: [12:02:05] All rise.

17 Please be seated.

18 PRESIDING JUDGE MINDUA: [12:02:20](Interpretation) We shall now resume the
19 hearing.

20 Prosecution.

21 MR DUTERTRE: [12:02:27](Interpretation) Thank you, your Honours. I wanted to
22 inform the Chamber that tomorrow we will be able to have a free day.

23 PRESIDING JUDGE MINDUA: [12:02:48](Interpretation) That's very good news.

24 I think everyone will take advantage of that day to work remotely from a distance.

25 Thank you very much.

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1 MR DUTERTRE: [12:03:01](Interpretation)

2 Q. [12:03:03] Mr Witness, do you still remember the video footage that we just
3 viewed or would you like me to play it again, the second piece of footage?

4 A. [12:03:19] You can ask me questions straight away.

5 Q. [12:03:29] Could you explain to us what Iyad was saying about the links
6 between -- or, rather, the relationship between Al-Qaeda and Ansar Dine? On the
7 basis of your knowledge, that is.

8 A. [12:04:01] Yes. Iyad here is talking to groups of people who came from the east
9 and the west to attend a session that was held after an entire year of the creation of
10 Ansar Dine, and he is explaining to the audience that although they are not Al-Qaeda,
11 Qaeda is one group and Ansar Dine is another group, but they share the same
12 methodology, ideology and share almost everything. And he explains to them that
13 in the world, different groups around the world want from us, Ansar Dine, to say no
14 to those -- to say no to Al-Qaeda, but we're not going to do that. We are going to
15 work with Al-Qaeda and share everything with them and meaning by that,
16 methodology and ideology.
17 But he never said that Al-Qaeda is the creator of Ansar Dine.

18 Q. [12:05:26] And is there a particular reason for him retaining that information?

19 A. [12:05:47] Yes. Because this is -- this is what makes Ansar Dine -- well, hiding
20 this piece of information is what makes Ansar Dine appear as they have an
21 independent will and power and that will give them a better position in the
22 community and will be able to gain support in a better way.

23 Q. [12:06:23] Thank you, Mr Witness.

24 We'll now move to something else, your Honours. Binder -- binder 5, tabs 931, 932
25 and 933. This is -- and this audio recording bears the number 0338-0886. Transcript

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1 00 -- (Overlapping speakers)

2 PRESIDING JUDGE MINDUA: [12:07:33](Interpretation) Ms Taylor.

3 MS TAYLOR: [12:07:34] Mr President, may I make a brief intervention? And

4 I think it might be appropriate for the witness not to be present. It will be very brief.

5 PRESIDING JUDGE MINDUA: [12:07:46](Interpretation) Very well, Ms Taylor, but

6 we can't do this constantly.

7 Courtroom officer.

8 (The witness exits the courtroom)

9 PRESIDING JUDGE MINDUA: [12:08:19](Interpretation) Go ahead Ms Taylor. The
10 witness is no longer in the courtroom.

11 MS TAYLOR: [12:08:23] Thank you, Mr President. During the last voice
12 identification, the evidence 1 channel had the translated transcript on the screen with
13 the initials of the speakers. So if the Prosecutor is going to do any form of voice
14 identification, I would suggest that it would be appropriate not to give the ERNs of
15 translated transcripts or for them to be displayed on the evidence channel if those
16 transcripts have names already written into the transcripts. So for the last transcript
17 we had "IAG".

18 PRESIDING JUDGE MINDUA: [12:09:18](Interpretation) But the Prosecution is
19 giving the references for the interpreters so the interpreters can locate the extract and
20 identify the voice.

21 MS TAYLOR: [12:09:37] I understand that, Mr President. But I would suggest that
22 there must be a method available that would allow this information to be given
23 without displaying it on the screen, because once it's displayed on the screen or once
24 it's given to the witness, the witness will automatically have any names.

25 PRESIDING JUDGE MINDUA: [12:09:57](Interpretation) And what method? To

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1 save some time.

2 MS TAYLOR: [12:10:02] Perhaps the Prosecutor could have a proposal or perhaps
3 the translations could be given to the interpreters in a way that is not displayed on the
4 evidence screen.

5 MR DUTERTRE: (No interpretation)

6 PRESIDING JUDGE MINDUA: [12:10:13] *Monsieur le Procureur*.

7 THE INTERPRETER: [12:10:22] Overlapping speakers.

8 MR DUTERTRE: [12:10:24](Interpretation) There's a very simple solution. I will
9 give the ERN numbers to everyone, to you, your Honour. It's just a matter of
10 putting up the information on the screen. Now, the two other judges won't have the
11 translation up on the screen immediately.

12 PRESIDING JUDGE MINDUA: [12:10:49](Interpretation) That's what I feared.

13 Perhaps we'll proceed this way on an exceptional basis, Ms Taylor.

14 MS TAYLOR: [12:10:59] Thank you, Mr President. Perhaps it's possible for the
15 Prosecutor to play an audio or a video for recognition purposes, and then if the
16 witness recognises the person, then afterwards give the translation, which can be then
17 put the screen. Because the first questions won't go to content anyway, so it's not
18 necessary at that point to give the translations.

19 PRESIDING JUDGE MINDUA: [12:11:24](Interpretation) Prosecutor.

20 MR DUTERTRE: [12:11:25](Interpretation) The court usher could put the channel of
21 the witness and the witness will not see evidence 1. That way you'll have it
22 immediately on your screens and we will ask the witness not to listen to the other
23 channels and that should do the trick.

24 THE COURT OFFICER: [12:11:52] Your Honours, it's entirely possible to turn off the
25 screen and only make the evidence available to everyone in the courtroom. So if you

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1 wish, we can proceed on that basis.

2 PRESIDING JUDGE MINDUA: [12:12:03](Interpretation) Fine. This is what we're
3 going to do.

4 Please bring the witness back into the courtroom.

5 (The witness enters the courtroom)

6 PRESIDING JUDGE MINDUA: [12:13:07](Interpretation) Prosecutor, the witness is
7 back in the courtroom. Please go ahead.

8 MR DUTERTRE: [12:13:11](Interpretation) Thank you, your Honour.

9 Q. [12:13:16] Let me resume my litany of ERN numbers and I'll correct
10 the -- 0038-0886, that's the audio recording itself. Transcript 0056-0843. And
11 translation 0063-1029. And I'd like to ask the interpreters to go to page 106
12 (sic) -- this is tab 933.

13 THE INTERPRETER: If the Prosecutor could kindly repeat the numbers slowly.
14 Tab 933. Lines 264 to 266. Tab 933.

15 MR DUTERTRE: [12:14:35](Interpretation)

16 I'm at 22:20 here and now I will play, 22:20.

17 (Playing of the audio excerpt)

18 MR DUTERTRE: [12:16:00](Interpretation) I'm stopping now at *22:55.

19 Q. [12:16:08] Mr Witness, do you recognise the voice of the person speaking?

20 A. [12:16:15] Yes. This is the voice of Iyad Ag Ghaly, the leader of Ansar Dine.

21 Q. [12:16:28] And what language is he speaking?

22 A. [12:16:31] Tamasheq.

23 Q. [12:16:38] I'll resume now at 22:22 and I'll go to *22:38 and I'll give the green
24 light to the interpreters if they could sight translate lines 264 to 266. Thank you.

25 (Playing of the audio excerpt)

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1 THE INTERPRETER: [12:17:26] (Interpretation of the audio excerpt)

2 Sight translation, Line 264:

3 "... each person prays on his side, even if the people are together. In fact, our
4 objective is to determine how to install religion, we must reflect on how we will allow
5 the return of religion into the country and not at all on the way of obtaining ..."
6 Overlapping speakers.

7 MR DUTERTRE: [12:18:06](Interpretation) * So, I stopped at 22:51.

8 Q. [12:18:08] Could you clarify, Mr Witness, to the best of your knowledge, what
9 was the position of Iyad and Ansar Dine and -- on the topic -- or the issue, rather, of
10 independence? And if you know so, the independence of what?

11 A. [12:18:41] The vision of Ansar Dine with regards to independence, first, their
12 ideology is just like Al-Qaeda's ideology, which is that Muslims should liberate all the
13 land under the rule of the non-believers and to replace it by the Sharia, Islamic Sharia.
14 And that liberation should not end and it has no limits. But [REDACTED]
15 [REDACTED] Ansar Dine should not wish to do this outside the borders of the Republic of
16 Mali.

17 As for Iyad's speech here, he wanted from the audience to focus their efforts
18 regarding the liberation of Azawad to the application of religion in Azawad. So he is
19 trying to tell them that their efforts to get liberation from Mali is -- are useless, and
20 they said that the land is owned by God and that you have to uphold the religion in
21 the land so that you can gain control over it, and without upholding the religion, you
22 won't be able to do so. This is what he was trying to say to his audience.

23 Q. [12:20:27] Thank you. I'd now like to show the witness a document. Binder 8,
24 your Honours. Tabs 1431 and 1432. 1432 is the Arabic version, courtroom usher,
25 and this is 0018-1228. The French version is at tab 1431, 0018-1226.

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1 Mr Witness, are you familiar with this document? Does it ring a bell?

2 A. [12:23:34] Yes. I remember this agreement [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]

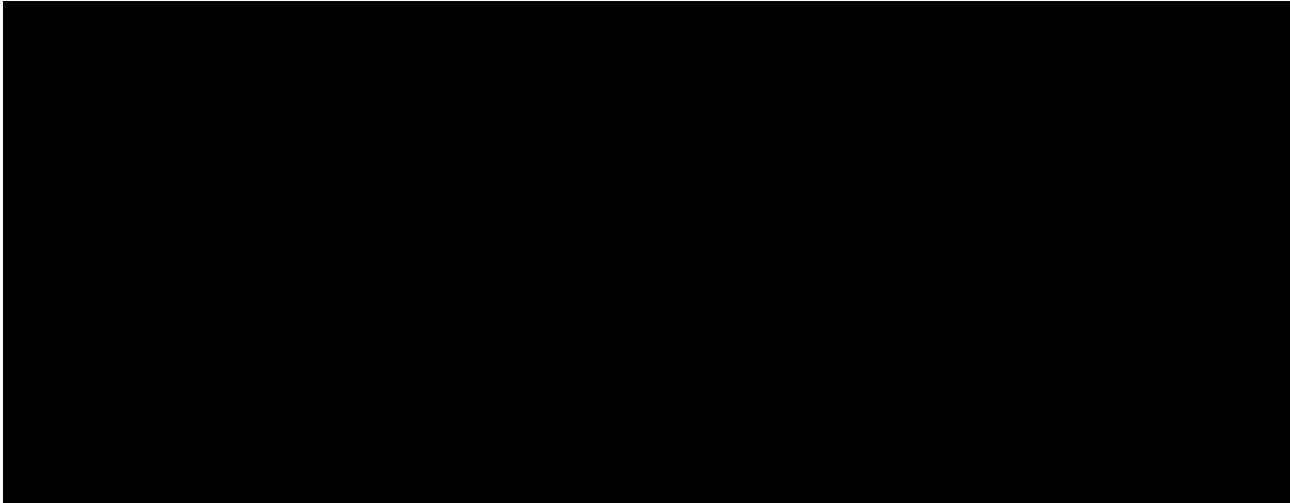
25 [REDACTED]

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MR DUTERTRE: [12:28:02](Interpretation)

Q. [12:28:02] As usual, could you jot down the names of the people that you just mentioned in your last reply?

PRESIDING JUDGE MINDUA: [12:29:16](Interpretation) Very well. We have the list now displayed on evidence 1.

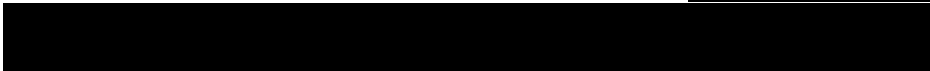
Courtroom officer, please assign a reference number.

THE COURT OFFICER: [12:29:24] Your Honours, the document will be assigned exhibit number MLI-REG-0001-0095.

PRESIDING JUDGE MINDUA: [12:29:35](Interpretation) Thank you very much. Prosecutor.

MR DUTERTRE: [12:29:38](Interpretation) Thank you.

Q. [12:29:40] Mr Witness, could you explain



A. [12:30:05] Yes. This was part of the policy or the strategy followed by Al-Qaeda and Ansar Dine. Iyad Ag Ghaly was concerned about MNLA and he was trying to integrate it in Ansar Dine as much as possible, while Abou Al Hammam's mission was to try to integrate the militia of Ould Meydou to the jihadists. And in that session there was an attempt to reach consensus between Ansar Dine and MNLA.

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1 [REDACTED] there was a rumour that the agreement was made already
2 beforehand and that's why there was chaos and people started shooting bullets in the
3 air, celebrating the fact that they have made an agreement. But then later it was
4 discovered that that was not correct.

5 Q. [12:31:41] Now, you mentioned the militia. I thought I heard Ould Meydou.
6 Can you confirm that this is the Arab militia that you spoke about previously?

7 A. [12:32:06] Yes. I was talking about the same militia, the militia of
8 Ould Meydou.

9 Q. [12:32:22] We will keep to the transcript of the first day with regards to the name
10 of the person Ould Meydou, if my memory serves me well.

11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]

20 [REDACTED] Because I remember that one of the politicians in Mauritania,
21 whom I mentioned before and I told you that I forgot his name, but then I
22 remembered his name later and his name is Mohamed Ag Hamma. He offered -- or
23 introduced this agreement and created lobbies in other areas such as Saudi Arabia.
24 They are the ones who introduced such agreement. And that was the reason why it
25 failed.

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1 And I knew that there was a very short time between [REDACTED]
2 [REDACTED] and between knowing that Mohamed Ag Hamma caused the failure of the
3 negotiations.

4 Q. [12:35:19] So when you talk about the failure of the negotiations, what do you
5 mean by that?

6 A. [12:35:33] I am talking about this agreement that's before us here. This is the
7 final version of this agreement that Mohamed Ag Hamma and other politicians from
8 outside Mali made it fail.

9 Q. [12:35:59] But to the best of your knowledge, was it signed or not, this
10 agreement?

11 A. [12:36:12] I'm not sure.

12 Q. [12:36:17] Understood.

13 So we're going to leave this issue of the groups, your Honour, your Honours, to go
14 back to the applicable rules in Timbuktu. This is something we have gone over on
15 different days here and there, but I would like us to come back to certain points that I
16 haven't yet had the time to go through or documents I haven't been able to examine
17 yet. So there won't be repetition with regards to the documents, but this is a subject
18 which I will deal with.

19 First of all, I'd like to go to -- well, your Honour, binder 8, tab 1421 and 1422.
20 0038-0870. With the translation 0039-0937.

21 I'll leave you the time to read it.

22 So, Witness, this is a document which is dated 4 April 2012 and which goes over
23 words attributed to Iyad Ag Ghaly. And I would like to draw your attention to the
24 end of the document, that is to say, the bottom of page 2 and top of page 3. And I
25 will give the microphone to my colleague who will indicate in Arabic the parts which

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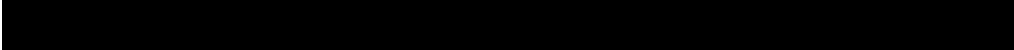
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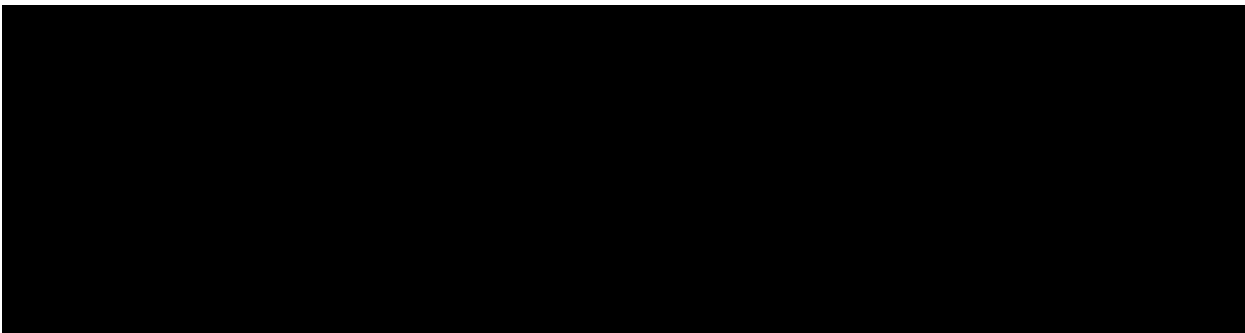
1 are of interest to me. And he speaks a lot better than I do.

2 MR ALLAFI: [12:41:51] (Interpretation) If you can go to the end of page 2 starting at
3 based on -- "based on what was previously mentioned" until the sentence ending in
4 the word "hostility". Can you please read that.

5 THE WITNESS: [12:42:25](Interpretation) "Based on what was previously
6 mentioned, we call upon all the sectors of the Muslim community to help us establish
7 the rule of religion, spread justice and security, judge between people with fairness,
8 promote virtue and prevent vice. Allah almighty said, 'Help one another in
9 righteousness and piety, but help you not one another in sin and rancour.'"

10 MR DUTERTRE: [12:43:13](Interpretation)

11 Q. [12:43:14] 

12 

17 Q. [12:44:11] Thank you very much, Witness. So we're now going to go to an
18 audio file, Witness. And I would like to ensure that you can't see anything on your
19 screen. Is your screen black?

20 A. [12:44:41] I turned it off because I thought this is the policy that you want me to
21 follow.

22 Q. [12:44:57] Perfect, Witness.

23 So it's in binder 5, your Honour, tab 928, 929 and 930. And the ERN is
24 0038- -- 0038-005. With the transcript 0056-0837. Translation 0063-1021. And the
25 ERN of the video is 0038-0885. I'm going to play it from 06:4 to 07 (sic). In the

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1 transcript 06:24 to 06:52. In the transcript that's line 73 to 97, your Honours, and the
2 interpreters.

3 I'll play it.

4 (Playing of the audio excerpt)

5 MR DUTERTRE: [12:48:04](Interpretation)

6 Q. [12:48:09] Witness, did you recognise the voice of the person speaking?

7 A. [12:48:19] Yes. This is the voice of the leader of Ansar Dine, Iyad Ag Ghaly.

8 Q. [12:48:35] I will continue with the audio. We'll continue with the transcript.

9 (Playing of the audio excerpt)

10 THE INTERPRETER: [12:48:52] Could we have the line numbers again, please.

11 MR DUTERTRE: [12:49:02](Interpretation) Tab 930, or in eCourt binder 930.

12 THE ARABIC INTERPRETER: [12:49:23] Can the interpreter have the lines, please,
13 the line numbers.

14 MR DUTERTRE: [12:49:38](No interpretation)

15 And I think the reading stopped at 81 "so we don't have petrol, oil or gold." So from
16 there.

17 So I'm going to continue to play it.

18 THE INTERPRETER: [12:50:35] Just a clarification from the interpreters: Are we
19 meant to be reading from line 81 or ending at line 81?

20 (Playing of the audio excerpt)

21 PRESIDING JUDGE MINDUA: [12:51:13](Interpretation) Ms Taylor.

22 MS TAYLOR: [12:51:14] Thank you, Mr President. I apologise for interrupting, but
23 there was a clarification request from the English interpreters as to where they should
24 start from. I'm not sure if the Prosecutor saw that question.

25 PRESIDING JUDGE MINDUA: [12:51:35](Interpretation) Prosecutor says no. So

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1 we'll start again.

2 MR DUTERTRE: [12:51:45](Interpretation) So the audio is quite logical.

3 MS TAYLOR: [12:51:50] I believe that the question of the interpreters is whether
4 they should end at line 81 or start at line 81.

5 MR DUTERTRE: [12:52:06](Interpretation) Indeed I indicated that the first part had
6 been read to 81, as you can see it on the French transcript -- up to lines 13 and that we
7 had to go from lines 81 to continue to line 97.

8 THE INTERPRETER: [12:52:34] If that is the case, if the text could also be displayed
9 for the interpreters. Thank you.

10 PRESIDING JUDGE MINDUA: [12:52:42](Interpretation) What would you like the
11 English interpreter to do?

12 MR DUTERTRE: [12:52:46](Interpretation) I don't know in the transcript if the first
13 part was read or not, but I can play it again and we can redo the whole thing.

14 PRESIDING JUDGE MINDUA: [12:52:56](Interpretation) Yes, we'll save time like
15 that. Please play the whole thing.

16 MR DUTERTRE: [12:53:01](Interpretation) So that will go from line 73 to 96.
17 (Playing of the audio excerpt)

18 THE INTERPRETER: [12:53:20] (Interpretation of the audio excerpt)

19 "So what is the size, what is the size of the pit that puts you against the wrongdoers?
20 An enormous chasm.

21 Oh! A chasm. They want to put -- they want to implement their religion, their own
22 thing. When Allah almighty asks you to administer a hundred lashes to a fornicator,
23 male or female, the evildoers are against this practice and this is not customary
24 because they want to go against morals and engage in depraved behaviour. This
25 vice is what they want to install everywhere on earth. This is why they are

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1 indignant; they are not worth much -- we are not worth much because we don't have
2 oil, we don't have gold, we don't have other raw materials which are of interest to
3 them, but the implementation of the word of Allah almighty is more important than
4 oil, than financial interest, and he does not tolerate that.

5 Crowd: Allah is great.

6 And how many meetings of the Security Council of the United Nations have there
7 been? Just about us, there were five meetings of the Security Council in two months,
8 the groups leading these meetings affirm that they didn't accept this Sharia due to
9 human rights, because of human rights. There should not be the cutting off of a
10 hand in case of theft, nor man nor women should be flogged in case of fornication
11 because that is their liberty, personal liberties, individual liberties. That's what their
12 speaker has pronounced. That is to say in this thing, the Security Council, yes, but
13 Allah almighty has told us do not fear them, fear me, it is I who administer the most
14 painful punishment in the world, and beyond that, after me, it is the elevation in this
15 world and beyond."

16 MR DUTERTRE: [12:56:11](Interpretation)

17 Q. [12:56:12] Witness, what is your comments with regards to Iyad's words, with
18 regard to the amputation of hands and flogging?

19 A. [12:56:29] Here Iyad Ag Ghaly mentioned these two *hadd*, *hadds*, and that's in the
20 context of explaining to his audience the level of hostility of the infidels against
21 Muslims and that he said in his land there is no oil or gold and no interests for the
22 infidels, but they are interfering in his land because they are against upholding the
23 religion and that's because their vision contradicts the words of God.

24 So when Allah says that fornicators should be flogged, they say that this is part of
25 personal freedom. And when Allah says that a thief should be punished by cutting

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1 off their hand, they say that this is a violation to human rights.

2 And when Allah says that we have to prevent fornication, they say that we should
3 allow it on earth.

4 And this is all part of his explanation to how the infidels are enemies of the Muslims.

5 Q. [12:58:12] And to the best of your knowledge, do you know what Iyad's position
6 could have been with regards to amputation of Dedeou Maiga in Timbuktu?

7 A. [12:58:35] I can't comment on specific incidents because I didn't hear any specific
8 comments from Iyad regarding certain subjects. But as for establishment of *hudud*, I
9 already spoke about that before. He supports it, the establishment of *hudud*, and
10 supported it, but he was of the view that it should be delayed until a certain level of
11 control is achieved over the land. And I suppose from my knowledge of Iyad,
12 I think that he was --

13 THE ARABIC INTERPRETER: [12:59:27] Message from the interpreter: This part
14 was not caught by the interpreter.

15 THE WITNESS: [12:59:33](Interpretation) But I think when people started joining
16 the group, the *hudud* were applied quicker.

17 MR DUTERTRE: [12:59:53](Interpretation)

18 Q. [12:59:54] Part of your answer, Witness, was missing. You started a sentence
19 "and myself, I guess according to what I know of Iyad", and there the end of your
20 answer is missing. Please could you -- please could you repeat it.

21 A. [13:00:15] I said according to my knowledge of Iyad and his way of thinking,
22 I believe that Iyad was of the view that the application of *hudud* should be delayed to
23 a later stage until he is sure that Ansar Dine have full control over the country.
24 But I know that the Mujahideen or the leaders of the jihadists in Timbuktu and in
25 Mali in general were pushed and were under pressure from the new joiners, the new

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1 members who came from Algeria and other countries who pushed the leaders to
2 apply the *hudud* faster.

3 Q. [13:01:23] I'll now move to some other video footage. Binder 5 once again, tabs
4 988, 989 and 990. [REDACTED] Transcript [REDACTED] Translation [REDACTED] And
5 I'll play it from 00 to 04:45 and this corresponds to lines 1 to 22 of the associated
6 translation.

7 For the interpreters, previous reference numbers, lines 1 to 22. And I will proceed
8 with the sound so that the witness can identify the voice, and then after that, we will
9 consult the transcript itself.

10 (Playing of the audio excerpt)

11 MR DUTERTRE: [13:04:01](Interpretation) I ended at 0:32.

12 Q. [13:04:07] Mr Witness, did you recognise the voice of the person speaking?

13 A. [13:04:15] No, I didn't.

14 Q. [13:04:32] If I play some more, would that be helpful or not at all?

15 A. [13:04:42] I don't think so because I know that this person is not Iyad. And I
16 don't know many people from the residence of eastern Tamasheq and I don't know
17 the person who is talking.

18 Q. [13:05:10] Well, we will set this item of evidence aside, Mr Witness, if you are
19 not familiar with the voice.

20 I'd like to play a video excerpt, your Honours, and we saw this yesterday, but we did
21 not play it without -- we did not play it with sound. This time I'd like to play it with
22 sound so as to elicit comments from the witness.

23 This is video 0009-1749, binder 6, tab 1013. Transcript 0028-0839, tab 1014.

24 One moment.

25 (Counsel confers)

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- 1 MR DUTERTRE: [13:07:40](Interpretation) I'll be playing from 00:07:16:20 to
2 00:08 -- from 00:07:16:20 to approximately 00:08:09:17. And this corresponds in the
3 transcript to lines 171 and onward.
4 The witness recognised person, so I will skip identify questions and I will move
5 immediately to the -- to playing the video with sound as soon as the interpreter gives
6 me the go-ahead.
7 PRESIDING JUDGE MINDUA: [13:08:58](Interpretation) Please turn on the screen,
8 courtroom officer.
9 MR DUTERTRE: [13:09:39](Interpretation) I'll now play the video footage with
10 sound.
11 (Viewing of the video excerpt)
12 THE INTERPRETER: [13:09:55] (Interpretation of the video excerpt)
13 "Reporter 1: Ousmane attended the preaching of this man with the Islamic police.
14 Preacher: Why go look for other references than Allah to settle your difference?
15 I'm asking you. Don't you want the Koran to be the arbitrator amongst you?
16 Reporter 1: To get his message across, the man, who speaks Arabic, needs an
17 interpreter.
18 Preacher: It is true that you were Muslims, but because of the Christian's influence,
19 you have forgotten your religion. We have come to enlighten you. [And then
20 speaking to his interpreter he says] Translate!
21 Reporter 1: His accent would have you think that he is Libyan.
22 Facing him, the inhabitants ..." (Overlapping speakers)
23 THE INTERPRETER: [13:11:00] Overlapping. Interruption from counsel.
24 MR DUTERTRE: [13:11:08](Interpretation)
25 Q. [13:11:09] Did you hear the sound?

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1 A. [13:11:12] I heard the translation.

2 Q. [13:11:26] Could you explain to us what this *Hesbah* member is saying in relation
3 to women?

4 PRESIDING JUDGE MINDUA: [13:11:37] Maître Taylor.

5 MS TAYLOR: [13:11:48] Thank you, Mr President. I apologise for interrupting, but
6 I believe that neither the English nor the Arabic were fully translated before the
7 Prosecutor started answering -- asking questions. So perhaps it might be helpful to
8 allow the interpreters to complete the translation.

9 PRESIDING JUDGE MINDUA: [13:12:16](Interpretation) Prosecutor, I think
10 Ms Taylor is correct.

11 English interpreter, translation, please.

12 THE INTERPRETER: [13:12:24] (Interpretation of the video excerpt)

13 Sight translation, Line 182:

14 "Reporter 1: His accent would have you believe that he is from Libya. Facing him,
15 the inhabitants try to make him realise that they don't understand.

16 Man 1: You are forcing women to wear the veil, but for poor families, they have to
17 take out loans to buy them.

18 Preacher: ..."

19 PRESIDING JUDGE MINDUA: Maître Taylor.

20 MS TAYLOR: [13:13:05] I understand that the Arabic interpretation isn't coming
21 through yet.

22 THE INTERPRETER: [13:13:12] Apologies from the interpreters.

23 PRESIDING JUDGE MINDUA: [13:13:23](Interpretation) English interpreter, please
24 go ahead.

25 THE ARABIC INTERPRETER: [13:13:32] Message from the interpreter: The Arabic

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1 booth reads the transcript into French so they can't interpret at the same time.

2 THE INTERPRETER: [13:13:55] (Interpretation of the video excerpt)

3 Sight translation, Line 182:

4 "Reporter 1: His accent would make you think that he is Libyan. Facing him, the
5 residents try to give him to understand that they aren't understanding."

6 Line 184:

7 "Man 1: You are forcing women to wear the veil, but for poor families, they have to
8 take out loans to buy some."

9 Line 186:

10 "Preacher: It is out of the question to pardon the women here who are not dressed
11 suitably. Only a pimp would allow his wife to reveal her body. As Muslims, you
12 have to apply the precepts of the Koran. How can you tolerate this? How can you
13 let your women go out like this, unclothed, in the street? And if someone finds
14 something on the ground and takes it, like a ring, for example, his hand will be cut
15 off."

16 End of sight translation.

17 PRESIDING JUDGE MINDUA: [13:15:17](Interpretation) Prosecutor.

18 MR DUTERTRE: [13:15:18](Interpretation) Thank you. I just -- I wanted him to go
19 to 189, but I think it spilled over to line 190.

20 Q. [13:15:34] [REDACTED]

21 [REDACTED] What are your comments on these remarks about the
22 way women dress?

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

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5 So they -- this kind of lectures happened all the time.

6 Q. [13:17:30] I'd now like to turn to some other video footage that we've seen

7 several times, your Honours. This is 0015-0495, binder 6 once again. The tab

8 numbers are 1027, 1028 and 1029. Transcript 0033-5189 for the transcript.

9 Translation is 0033-5288. The line references are lines 155 to 181.

10 First I'll play is without sound.

11 And, courtroom officer, please don't put the transcript up immediately. So that we

12 can follow the method suggested by Ms Taylor.

13 PRESIDING JUDGE MINDUA: [13:19:09](Interpretation) Indeed.

14 (Viewing of the video excerpt)

15 MR DUTERTRE: [13:19:55](Interpretation) I'm now at timestamp 00:36:12:18 and

16 later I'll be going on to 00:37:18 -- correction, 00:37:07:21.

17 (Viewing of the video excerpt)

18 MR DUTERTRE: [13:20:28](Interpretation)

19 Q. [13:20:30] Mr Witness, who is this person at 00:36:22:24? Who is this person

20 displayed on the screen?

21 A. [13:20:44] This is Abou Al Baraa. [REDACTED]

22 Q. [13:21:00] This is the same person whom we saw yesterday attempting to

23 destroy a tomb; is that correct, Mr Witness?

24 A. [13:21:10] Yes.

25 Q. [13:21:15] [REDACTED]

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2 A. [13:21:31]

3 THE INTERPRETER: [13:21:49] Overlapping speakers. Could counsel repeat his
4 question.

5 THE WITNESS: [13:22:01](No interpretation)

6 THE ARABIC INTERPRETER: [13:22:03] Answer was missed at the beginning of it.
7 Can we please ask the witness to repeat.

8 THE INTERPRETER: Message from the interpreters: We are having quite a bit of
9 overlapping and interruptions.

10 MR DUTERTRE: [13:22:21](Interpretation)

11 Q. [13:22:22] We had a technical problem. We didn't get the translation. Sorry
12 about that, Mr Witness.

13 A. [13:22:27]

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17 Q. [13:23:01] I'll now play this with sound and I'll just rewind to 00:36 --

18 THE COURT OFFICER: [13:23:22] Could counsel kindly confirm if he wishes to
19 have the transcript displayed. Thank you.

20 MR DUTERTRE: [13:23:33](Interpretation) The transcript will be translated by the
21 interpreters. I suppose it will be interpreted into Arabic. That might be more
22 useful to the witness than the French transcript.

23 And I'll just wait for the green light from the interpreters.

24 THE INTERPRETER: [13:23:58] Message from the interpreters: Could the French
25 translation be put up on the screen for the purposes of a sight translation into English.

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- 1 PRESIDING JUDGE MINDUA: [13:24:12](Interpretation) Could you
2 put -- (Overlapping speakers)
3 MR DUTERTRE: [13:24:17](Interpretation) Oh, absolutely, absolutely, not a problem.
4 But they also have it in the binder.
5 THE INTERPRETER: [13:24:28] Message from the interpreter: One set of binders to
6 be shared amongst three different booths, so that is problematic for the interpreters.
7 MR DUTERTRE: [13:25:01](Interpretation) And then we'll have to switch to the
8 following page -- to the following page 5294, courtroom usher. So lines 155
9 onwards.
10 PRESIDING JUDGE MINDUA: [13:25:21](Interpretation) Yes, we have it up on the
11 screen.
12 MR DUTERTRE: [13:25:26](Interpretation) May I go ahead?
13 PRESIDING JUDGE MINDUA: [13:25:28](Interpretation) Yes, go ahead.
14 (Viewing of the video excerpt)
15 THE INTERPRETER: [13:26:20] (Interpretation of the video excerpt)
16 "AAB: Our God almighty has ordered women to wear the veil. They mustn't be
17 complacent and sweet talking ..." (Overlapping speakers)
18 MR DUTERTRE: [13:26:38](Interpretation) I don't believe there was Arabic
19 interpretation. Could we check with the booths.
20 PRESIDING JUDGE MINDUA: [13:26:55](No interpretation)
21 MR DUTERTRE: [13:26:56](Interpretation)
22 Q. [13:26:57] Did you hear the remarks that were made?
23 A. [13:27:06] Yes.
24 Q. [13:27:10] Now to begin, do you know where this event took place?
25 A. [13:27:22] Yes. He is giving a speech in the mosque of Imam Malik. It's a

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1 mosque in Abaraz in Timbuktu.

2 Q. [13:27:42] Could you tell us on the basis of your knowledge what does he mean
3 by "they mustn't walk and make tinkling noises as they walk along".

4 THE INTERPRETER: The French is "*faisant des claquements*".

5 THE WITNESS: [13:28:25] (Interpretation) Yes. He is referring to what was
6 mentioned in a verse from the Koran in the chapter of An-Nur.

7 THE ARABIC INTERPRETER: [13:28:33] Message from the interpreter: The verse
8 can be translated and given later.

9 THE WITNESS: [13:28:40](Interpretation) The verse meant that the Arab women at
10 that time used to wear bracelets on the ankle, a number of bracelets, and women used
11 to draw the attention of men by banging on the floor so that men can hear the tingling
12 sound of the bracelets. So they were asked to -- or prohibited from doing such act.
13 And he was using this -- using this verse to say that women cannot do whatever they
14 want and that they have to be covered and not to draw attention to themselves.

15 MR DUTERTRE: (Interpretation)

16 Q. [13:29:46] What are we to understand when he said stay at home, stay in your
17 homes? Could you clarify that point?

18 A. [13:29:53] Yes, this is also a verse from the Koran where God says stay in your
19 houses, in the chapter of Al-Ahzab. And he said that this is a restriction on women
20 and imprisonment for women and a restriction to their freedom.

21 MR DUTERTRE: [13:30:32](Interpretation) I have one very short question. I don't
22 want to abuse your patience.

23 PRESIDING JUDGE MINDUA: [13:30:41](Interpretation) Go ahead. Go ahead.

24 MR DUTERTRE: [13:30:45](Interpretation)

25 Q. [13:30:45] Mr Witness, do you know this person, timestamp 00:36:39:22, the

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1 person who is wearing (Overlapping speakers)?

2 A. [13:31:11] Yes, I know him in person. He is one of the Mujahideen. He is
3 French, but I don't know much about him.

4 MR DUTERTRE: [13:31:32] (No interpretation)

5 PRESIDING JUDGE MINDUA: [13:31:36](No Interpretation)

6 (Interpretation) Mr Witness, can you hear me?

7 THE WITNESS: [13:32:30](Interpretation) Yes, I did hear you. Thank you.

8 PRESIDING JUDGE MINDUA: [13:32:38](Interpretation) Colleagues, can you hear?

9 Court officer, where is the problem?

10 THE COURT OFFICER: [13:32:44] The interpretation in English was missing.

11 PRESIDING JUDGE MINDUA: [13:32:51](Interpretation) We shall now adjourn.

12 I'd like to thank the parties and participants for their cooperation. I thank the court
13 reporters and interpreters for their hard work. And not to forget our security
14 officers.

15 As I have already said to the witness, we won't be sitting tomorrow, but we will be
16 working from home. And then we shall resume here Monday, 21 June at 9.30.

17 In the meantime, have a very nice week and an early weekend.

18 We are now adjourned.

19 THE COURT USHER: All rise.

20 (The hearing ends in closed session at 1.33 p.m.)

21 CORRECTIONS REPORT

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

24 Page 13 line 25

25 "Nabil was living in this place" Is corrected to "Nabil lived ... Nabil Alqama was

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1 living in this place"

2 Page 35 line 6

3 "And in the end, it will be a question of weight, Mr. President." Is translated and
4 added.

5 Page 40 line 18

6 "24:55." Is corrected to "22:55."

7 Page 40 line 23

8 "22: --" Is corrected to "22:38"

9 Page 46 line 11

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

19 Page 32 line 12

20 "39:02 to 40:14" Is corrected to "39:02 to 40:14

21 Page 43 line 1

22 "Hamutafa (phon)" Is corrected to "Hamutaga"

23 CORRECTIONS REPORT

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

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- 1 Page 33 line 10:
- 2 "40 -- (Overlapping speakers)" is corrected to "40:35"
- 3 Page 41 line 7:
- 4 "So, I stopped at 22:51." Is translated and added.