

Trial Hearing
WITNESS: MLI-OTP-P-0114

(Open Session)

ICC-01/12-01/18

1 International Criminal Court
2 Trial Chamber X
3 Situation: Republic of Mali
4 In the case of The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag
5 Mahmoud - ICC-01/12-01/18
6 Judge Antoine Kesia-Mbe Mindua, Presiding, Judge Tomoko Akane and
7 Judge Kimberly Prost
8 Trial Hearing - Courtroom 3
9 Monday, 15 February 2021
10 (The hearing starts in open session at 9.36 a.m.)
11 THE COURT USHER: [9:36:52] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE MINDUA: [9:37:28](Interpretation) The hearing shall now
15 begin.
16 I can see that my gavel is not here. Perhaps someone could bring it to me after the
17 break.
18 Good morning, everyone.
19 Madam court officer, if you could please call the case.
20 THE COURT OFFICER: [9:38:00] (Interpretation) Good morning, your Honour.
21 (Speaks English) The situation in Mali, in the case of The Prosecutor versus Al Hassan
22 Ag Abdoul Aziz Ag Mohamed Ag Mahmoud, reference ICC-01/12-01/18.
23 And we are in open session.
24 PRESIDING JUDGE MINDUA: [9:38:12](Interpretation) Thank you very much,
25 madam courtroom officer.

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1 As usual, we will now move to introductions, beginning with the OTP.

2 MS COQUILLAUD: [9:38:22] (Interpretation) Good morning, your Honours.

3 Good morning, everyone. Today for the OTP, Mr Gilles Dutertre; myself,

4 Sarah Coquillaud; and one of our colleagues will be joining us later in the next session,

5 Ms Paola Sacchi.

6 PRESIDING JUDGE MINDUA: [9:38:43](Interpretation) Thank you, Madam

7 Prosecutor.

8 And now the Defence.

9 Ms Taylor.

10 MS TAYLOR: [9:38:48] Good morning, Mr President. Good morning, your

11 Honours. Good morning, everyone in the courtroom.

12 The Defence for Mr Al Hassan is represented today by Ms Molly Thomas and myself,

13 Melinda Taylor. Thank you.

14 PRESIDING JUDGE MINDUA: [9:39:05](Interpretation) Thank you.

15 And now the legal representative of victims.

16 MR KASSONGO: [9:39:12](Interpretation) Good morning, your Honours. Good

17 morning, everyone. The LRV team is as follows: Ms Claire Laplace, who is

18 assisting me, and myself, Mr Kassongo. Thank you.

19 PRESIDING JUDGE MINDUA: [9:39:28](Interpretation) Thank you, Mr Kassongo.

20 Today we will begin hearing testimony from * the 20th OTP witness. This is Witness

21 P-114.

22 Is that correct, Mr Prosecutor?

23 Thank you.

24 And there is a short announcement. As you can see, we have experienced a number

25 of delays, obviously due to the Christmas and New Year's holidays, but also because

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1 I was not physically available for a while. As far as I'm concerned, I very much
2 regret the situation and I apologise to all parties, participants, to our staff, and to the
3 public.

4 I would also like to take this opportunity to express my best wishes to everyone for
5 the New Year, albeit one or two months late.

6 That is what I wanted to say at the beginning of this hearing.

7 We will now hear from the witness.

8 Now, has the link been established?

9 THE COURT OFFICER: [9:41:04] (Interpretation) Yes, the witness is in --

10 THE INTERPRETER: [9:41:11] Inaudible.

11 PRESIDING JUDGE MINDUA: [9:41:13](Interpretation) Oh, yes, I can see the
12 witness on the screen.

13 Good morning, Mr Witness, can you hear me?

14 WITNESS: MLI-OTP-P-0114

15 (The witness speaks French)

16 (The witness gives evidence via video link)

17 THE WITNESS: [9:41:21](Interpretation) Yes, I can hear you.

18 PRESIDING JUDGE MINDUA: [9:41:22](Interpretation) On behalf of the Chamber,
19 I would like to welcome you.

20 THE WITNESS: [9:41:26](Interpretation) Thank you.

21 PRESIDING JUDGE MINDUA: [9:41:28](Interpretation) You will be giving
22 testimony to help the Chamber establish the truth in this case regarding
23 Mr Al Hassan.

24 Mr Witness, some protective measures have been put in place so that your identity is
25 not revealed to the public. Each time you need to provide details that could reveal

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1 your identity, we will discuss them in private session. That way no one, other than
2 the people here in the courtroom, will be able to hear you.

3 Have you understood?

4 THE WITNESS: [9:42:18](Interpretation) Yes.

5 PRESIDING JUDGE MINDUA: [9:42:20](Interpretation) Thank you very much,
6 Mr Witness.

7 We will now move to the solemn undertaking pursuant to the provisions of the
8 Statute.

9 Mr Witness, I'm sure you have a document in front of you with the solemn
10 undertaking. Do you have it?

11 THE WITNESS: [9:42:51](Interpretation) Yes.

12 PRESIDING JUDGE MINDUA: [9:42:53](Interpretation) Very well. This is the
13 solemn undertaking in which you swear you will tell the truth and the whole truth.
14 Please read out what you see in front of you.

15 THE WITNESS: [9:43:08](Interpretation) I solemnly declare that I shall tell the truth,
16 the whole truth and nothing but the truth.

17 PRESIDING JUDGE MINDUA: [9:43:14](Interpretation) Thank you very much,
18 Mr Witness. You are now under oath. Staff from the victims and witnesses section
19 and a number of representatives of the OTP have already explained to you what that
20 means.

21 And now I do have some practical recommendations for you.

22 Everything that is said in this courtroom is transcribed by court reporters and
23 interpreted simultaneously into several languages by the interpreters. Thus, it is
24 important to speak clearly and slowly.

25 Do not begin to speak until the person putting the question to you has finished

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1 speaking. You could perhaps count to three silently in your head before you answer
2 a question. This pause is necessary so that your statements can be recorded properly.
3 Naturally if you have any questions, merely raise your hand to indicate that you
4 would like to say something.

5 Have you understood, Mr Witness?

6 THE WITNESS: [9:45:02](Interpretation) Yes.

7 PRESIDING JUDGE MINDUA: [9:45:04](Interpretation) Thank you very much,
8 Mr Witness.

9 We will now hear your testimony. First of all, you will be questioned by the
10 Prosecution and possibly the -- by the legal representatives of victims. And, of
11 course, you will be cross-examined by the Defence and it is possible that there may be
12 some questions from the Chamber.

13 I will now ask the Prosecution to take the floor. Ms Coquillaud.

14 QUESTIONED BY MS COQUILLAUD: (Interpretation)

15 Q. [9:45:54] Good morning, Mr Witness.

16 A. [9:45:56] Good morning.

17 Q. [9:45:56] We met a few days ago during the preparation sessions. I will be
18 asking you some questions on behalf of the OTP. If you don't understand one of my
19 questions, don't hesitate to tell me so and I will reformulate my question
20 appropriately.

21 MS COQUILLAUD: [9:46:17](Interpretation) Your Honour, I'll need about
22 5 to 10 minutes for questions about the witness's identity; so we will have to go into
23 private session for that.

24 PRESIDING JUDGE MINDUA: [9:46:29](Interpretation) Entirely so. Private
25 session, please, courtroom officer.

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1 (Private session at 9.46 a.m.)

2 THE COURT OFFICER: [9:46:46] We are in private session, Mr President.

3 PRESIDING JUDGE MINDUA: [9:46:51](Interpretation) Thank you very much.

4 Madam Prosecutor.

5 MS COQUILLAUD: [9:46:55](Interpretation)

6 Q. [9:46:56] Mr Witness, we are now in private session so the public cannot see us
7 or hear us, so you can provide all the information that I'll be asking you for.

8 First of all, could you please give us your full name.

9 A. [9:47:14] My name is [REDACTED].

10 Q. [9:47:20] What is your date * and place of birth?

11 A. [9:47:23] [REDACTED], and I was born [REDACTED]

12 Q. [9:47:32] Could I remind you, since we're speaking the same language, could we
13 just have a short pause between question and answer so that the transcribers can
14 record everything that you're saying.

15 A. [9:47:48] Okay.

16 Q. [9:48:17] I'm just waiting for the French transcript to come up on the screen.
17 It's fine.

18 Could you tell us where you spent your childhood.

19 A. [9:48:26] I spent my entire childhood [REDACTED].

20 Q. [9:48:32] And what is your profession these days?

21 A. [9:48:38] [REDACTED]

22 Q. [9:48:45] How long have you been doing that for?

23 A. [9:48:49] Since [REDACTED].

24 Q. [9:48:53] And could you briefly describe your work to us [REDACTED]?

25 A. [9:49:01] [REDACTED]

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1 [REDACTED]

2 [REDACTED]

3 Q. [9:49:27] [REDACTED] where were you?

4 A. [9:49:33] [REDACTED].

5 Q. [9:49:35] At that time, were you able to continue carrying out your work?

6 A. [9:49:41] At the time [REDACTED] the

7 groups, when the armed groups arrived in Timbuktu, that was in 2012. [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 Q. [9:50:08] And [REDACTED]

11 [REDACTED], did you continue those activities in 2012?

12 * A. [9:50:20] I believe everything ended with the arrival of the armed groups,

13 which I believe was on 1st April 2012, that was when everything stopped.

14 MS COQUILLAUD: [9:50:35]

15 Q. [9:50:36] Were you in Timbuktu during the entire occupation of the city?

16 * A. [9:50:39] No, I wasn't there for the entire time.

17 I think I spent [REDACTED] [REDACTED] there.

18 Given that my [REDACTED] [REDACTED],

19 I went there so [REDACTED] and

20 I came back to Timbuktu in

21 [REDACTED] 2012 for [REDACTED],

22 [REDACTED].

23 MS COQUILLAUD: [9:51:12]

24 Q. [9:51:12] Very well. So you went back to Timbuktu in [REDACTED] 2012?

25 A. [9:51:16] Yes.

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1 Q. [9:51:18] Do you remember what date when you left the city of Timbuktu at the
2 beginning of the occupation?

3 A. [9:51:29] I really couldn't tell you. I don't know. I think I left [REDACTED]
4 [REDACTED].

5 Q. [9:51:42] Between [REDACTED], did you go back to Timbuktu?

6 A. [9:51:45] No, not until [REDACTED]. I only returned to Timbuktu in [REDACTED].

7 Q. [9:51:51] Very well. Do you have [REDACTED]?

8 A. [9:51:57] I beg your pardon?

9 Q. [9:51:59] Do you have [REDACTED]?

10 A. [9:52:03] [REDACTED]

11 Q. [9:52:08] [REDACTED]?

12 A. [9:52:11] Yes, he was there at the time. He remained in Timbuktu. I believe
13 [REDACTED].

14 Q. [9:52:29] Could you tell us what [REDACTED] does in Timbuktu?

15 * A. [9:52:36] He is [REDACTED]

16 [REDACTED].

17 MS COQUILLAUD: [9:52:45]

18 Q. [9:52:47] His name?

19 A. [9:52:48] [REDACTED]

20 THE INTERPRETER: [9:52:50] Message from the interpreter: The sound quality is
21 quite poor. The interpreter will do his best.

22 MS COQUILLAUD: [9:52:58]

23 Q. [9:52:59] [REDACTED]

24 A. [9:53:00] [REDACTED]

25 [REDACTED]

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1 [REDACTED]

2 Q. [9:53:25] [REDACTED]

3 [REDACTED]

4 A. [9:53:32] [REDACTED]

5 [REDACTED]

6 Q. [9:53:45] And you yourself, are you a [REDACTED] in Timbuktu?

7 A. [9:53:48] Yes, [REDACTED].

8 Q. [9:53:51] Would it be correct to say that [REDACTED]

9 [REDACTED]?

10 A. [9:53:59] I wouldn't say that was wrong to say [REDACTED]

11 [REDACTED]

12 Q. [9:54:06] Could you explain to us what that means [REDACTED]? A

13 [REDACTED]?

14 A. [9:54:17] [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 Q. [9:55:09] Thank you. Very well. I would like to ask Mr Presiding Judge if we
21 could go back into open session.

22 Now, witness, please be careful not to identify yourself, and, if you think that your
23 answer might include any identifying elements, please let us know and we can go
24 into private session.

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- 1 MS COQUILLAUD: [9:55:33] Your Honour, could we go into open court.
- 2 PRESIDING JUDGE MINDUA: [9:55:40](Interpretation) Open session, please,
- 3 madam courtroom officer.
- 4 (Open session at 9.55 a.m.)
- 5 THE COURT OFFICER: [9:55:47] We are in open session, Mr President.
- 6 PRESIDING JUDGE MINDUA: [9:55:53](Interpretation) Thank you very much.
- 7 Prosecution.
- 8 MS COQUILLAUD: [9:55:57] Thank you.
- 9 Q. [9:55:59] Mr Witness, do you remember making some statements to the OTP?
- 10 A. [9:56:06] Yes.
- 11 Q. [9:56:09] I'd like us to review them now. And, to that end, I would like you to
- 12 have a look in your binder. Please look at tab 87.
- 13 Now, this is the first time that we've used an electronic binder and the numbers in the
- 14 physical binder do match the numbers in the electronic binder.
- 15 We are now at tab 87 and this is MLI-OTP-0023-0344. This is a confidential
- 16 document so it can't be shown to the public.
- 17 Do you have the document?
- 18 A. [9:57:17] Yes.
- 19 Q. [9:57:19] Is this your first statement?
- 20 A. [9:57:36] Yes, it is.
- 21 Q. [9:57:39] Could you go to the second last page.
- 22 A. [9:57:43] Yes.
- 23 THE INTERPRETER: [9:57:48] Inaudible.
- 24 MS COQUILLAUD: [9:57:57]
- 25 Q. [9:57:58] Page 0388, is that your signature on the page?

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1 A. [9:58:02] Yes.

2 Q. [9:58:04] Thank you.

3 MS COQUILLAUD: [9:58:05] Your Honours, I would like to review a number of
4 corrections that the witness made during the preparation session and I believe that
5 the Defence allowed us to use a note rather than to -- going over each correction
6 individually. I'd just like to show the corrections to the witness.

7 PRESIDING JUDGE MINDUA: [9:58:40](Interpretation) Go ahead. We can save
8 some time that way.

9 MS COQUILLAUD: [9:58:44] Courtroom officer, could you please display on the
10 screen this confidential note MLI-OTP-0080-1627.

11 For the participants, a hard copy was distributed this morning.

12 And Mr Witness, I believe someone was kind enough to print it out for you and it
13 should be at the very end of your binder, the very last document in your binder.

14 THE COURT OFFICER: [9:59:49] The confidential note (inaudible) displayed on
15 evidence channel 1 (inaudible).

16 THE INTERPRETER: [10:00:02] The courtroom officer has made some
17 announcement, but we had some noise --

18 THE COURT OFFICER: [10:00:02](Overlapping speakers) And it's also, of course,
19 available to the witness on the screen, confidentially available in the field.

20 THE INTERPRETER: [10:00:02] (Overlapping speakers) -- from the remote location
21 and the interpreter was not able to hear the courtroom officer.

22 MS COQUILLAUD: [10:00:27] (Interpretation) Yes, that is true. A message to the
23 courtroom officer in the remote location: It is true that when the witness turns pages,
24 that does make things difficult for us. Perhaps his microphone could be muted
25 when he's flipping through documents or if he could be more careful when turning

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1 pages.

2 Q. [10:01:00] Mr Witness, I'll give you some time to review this six-page document.

3 And at the first -- at the top of page 6, MLI-OTP-0080-1632, and please let me know

4 when you're ready.

5 Did you have some time to look over this note?

6 A. [10:02:17] Yes.

7 Q. [10:02:20] Are these the corrections that you made during the preparation

8 session?

9 A. [10:02:25] Yes.

10 Q. [10:02:26] Thank you. We've done that. Can you confirm the accuracy of

11 your first statement?

12 A. [10:02:34] Yes.

13 Q. [10:02:37] Bearing the number MLI-OTP-0023-0344 in a -- along with the

14 corrections to be found in this other document * numbered MLI-OTP-0080-1627.

15 A. [10:02:56] Yes.

16 * Q. [10:03:02] We're now going to move on to the appendices of your first

17 statement. Your first statement is accompanied by two appendices. The first is at tab

18 89 and bears the ERN MLI-OTP-0023-0390. It's a confidential document.

19 A. [10:03:56] Yes.

20 Q. [10:03:59] Are the notes correct?

21 A. [10:04:02] Yes.

22 Q. [10:04:04] Can you confirm that you are the person who placed the notes on this

23 map?

24 * A. [10:04:13] Yes.

25 * Q. [10:04:20]

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1 So the second annex of your first statement contains 13 documents
2 which originate from an SD card
3 and they are listed at page 45 of your statement.

4 Madam courtroom officer, if you could please display that particular document up on
5 the screen. This is MLI-OTP-0023-0390, page 0387. Page 0387.

6 Can you see the page?

7 A. [10:05:28] Yes.

8 * Q. [10:05:32] For the file, these exhibits bear the number

9 MLI-OTP-0028-0117,

10 MLI-OTP-0028-0124,

11 MLI-OTP-0028-0126,

12 MLI-OTP-0028-0133,

13 MLI-OTP-0028-0138,

14 MLI-OTP-0028-0141,

15 MLI-OTP-0028-0143,

16 MLI-OTP-0028-0188,

17 MLI-OTP-0028-0233,

18 MLI-OTP-0028-0261,

19 MLI-OTP-0028-0269,

20 MLI-OTP-0028-0287

21 and finally

22 MLI-OTP-0028-0319.

23 THE COURT OFFICER: [10:09:00] Thank you. We're hearing the English booth
24 clearly. And apologies, we needed some time to reflect accurately the ERN numbers
25 in the English transcript, hence the little delay. Thank you.

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1 PRESIDING JUDGE MINDUA: [10:09:17](Interpretation) You are quite right,
2 courtroom officer.

3 Madam Prosecutor.

4 MS COQUILLAUD: [10:09:23] (Interpretation) Thank you.

5 Q. [10:09:25] Mr Witness, can you confirm that you provided us with these 13
6 documents?

7 A. [10:09:36] Yes, I can confirm that.

8 Q. [10:09:39] Did you write them?

9 A. [10:09:41] Yes.

10 Q. [10:09:45] Can you confirm the accuracy of each one?

11 A. [10:09:49] Yes.

12 * Q. [10:09:52] Do you agree to your first witness statement, MLI-OTP-023-0344 and
13 the photographs that are commented on in it, the corrections at MLI-OTP-0080-1627,
14 up to the top of the page 6 and the 14 appended documents that I just read out being
15 placed on the case record?

16 A. [10:10:20] I agree.

17 Q. [10:10:26] Thank you. I would now like us to move to another tab, your other
18 statement, tab 114, MLI-OTP-0058-0030 and this is a confidential document.

19 (No interpretation)

20 A. [10:11:35] (No interpretation)

21 Q. [10:11:40] (No interpretation)

22 A. [10:11:56] (No interpretation)

23 Q. [10:11:58] (No interpretation)

24 A. [10:11:59] (No interpretation)

25 THE COURT OFFICER: [10:12:00] There is no English interpretation.

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- 1 THE INTERPRETER: [10:12:05] Message from the interpreters: We are having
2 some problems with the console, but we -- the technician I believe is on his way.
3 Apologies, there was a technical issue.
- 4 THE COURT OFFICER: [10:12:28] Is it working now? Can we resume?
- 5 THE INTERPRETER: [10:12:32] It's working now. Thank you.
- 6 THE COURT OFFICER: [10:12:33] Thank you.
- 7 THE INTERPRETER: [10:12:38] Is it working now? Can I continue?
- 8 MS COQUILLAUD: [10:12:39] (Interpretation) I see that the answer and the
9 question is in the French transcript. I hope it's the case in the English transcript. If
10 not, I can repeat the question. We base ourselves on the French transcript because
11 that's the original language today.
- 12 But I hope that the Defence has been able to note the question and the answer and
13 been able to follow it in English.
- 14 PRESIDING JUDGE MINDUA: [10:13:16](Interpretation) I see Ms Taylor, who
15 agrees.
- 16 MS COQUILLAUD: [10:13:18](Interpretation) So we will continue. If the court
17 officer would be so kind as to show the note once again, confidential number
18 MLI-OTP-0080-1626 and to go to page 1632 thereof, if you would be so kind.
- 19 Q. [10:13:47] Witness, if you could do the same with the correction note, which is at
20 the bottom of your binder and it takes you to the last page. If you would be so kind,
21 with regards to the corrections made to your second document.
- 22 Have you been able to find the note or can you see it on the screen, can you see this
23 file on the screen, Witness?
- 24 A. [10:14:55] Yes. I can see it.
- 25 Q. [10:15:00] Do you confirm that it reflects the corrections that you made during

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1 the preparatory session?

2 A. [10:15:08] Yes.

3 THE INTERPRETER: [10:15:10] Overlapping speakers.

4 MS COQUILLAUD: [10:15:11] (Interpretation)

5 Q. [10:15:12] I'm now going to come back to your statement because the answer

6 and the question that I put a moment ago were not in the French transcript either. So I

7 will ask you once again to go to the last page of your second statement and that takes

8 us back to 81 -- MLI-OTP-0058-0030 and page 38 thereof. Can you find it, Witness?

9 A. [10:16:06] Yes.

10 Q. [10:16:07] Is this your signature on this document?

11 A. [10:16:10] Yes, it's your (sic) signature.

12 Q. [10:16:14] Thank you. Taking into account the corrections that have been

13 made -- that you've just made, do you confirm that your second statement is correct?

14 A. [10:16:24] Yes, I confirm that.

15 Q. [10:16:28] Thank you. We're now going to the annexes of your second statement.

16 Your second statement has four photographs, which you provided to the Office of the

17 Prosecutor. And for the record, this is MLI-OTP-0060-0404, * MLI-OTP-0060-0405,

18 MLI-OTP-0060-0406, MLI-OTP-0060-0407, and this -- photographs are at tab 125, 129, 130

19 and 131 and they are all confidential.

20 THE INTERPRETER: [10:17:51] And the interpreter corrects: MLI-OTP-0060-495

21 was 0405.

22 MS COQUILLAUD: [10:17:59]

23 Q. [10:18:00] So the photographs are confidential, I believe.

24 Were you able to look at the four photographs that I was speaking about?

25 A. [10:18:37] Yes.

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1 * Q. [10:18:37] Do you confirm that you're the person who provided us with these
2 four photographs by email?

3 A. Yes.

4 Q. Did you take these photographs?

5 A. No.

6 THE COURT OFFICER: [10:18:51] Can I remind just the Prosecution and the witness
7 in the field to make sure -- as you speak the same language, make a pause because
8 there are a lot of overlapping for the interpreter. Thank you very much.

9 MS COQUILLAUD: [10:19:06] (Interpretation) I'm sorry, I went a bit too fast with
10 my enthusiasm.

11 Q. [10:19:16] Witness, do you accept that your second statement that you've just
12 reviewed, MLI-OTP-0058-030, the correction note and page 6 thereof,
13 MLI-OTP-0080-1627, and the four photographs that I've mentioned are put into the
14 case record of this case?

15 A. [10:19:47] Yes.

16 Q. [10:19:50] I would like to thank you.

17 THE INTERPRETER: [10:19:52] That was page 1632.

18 MS COQUILLAUD: [10:19:56] (Interpretation) We've now finished with the
19 formalities of Rule 68(3).

20 Q. [10:19:58] I'm now going to ask you questions about the events which happened
21 in Timbuktu in 2012.

22 So first of all, you have indicated to us that you thought -- well, you told us that the
23 arrival of the group was on 1 April 2012?

24 A. [10:20:18] Yes.

25 Q. [10:20:19] Now, what groups were they exactly?

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1 A. [10:20:24] Well, in fact, these aren't groups that I know. Now, when it
2 happened, we all thought immediately that they were the Tuaregs who were there.
3 Everybody thought that because we'd heard a lot of talk about it at the international
4 level and afterwards, there was several Islamists groups who were there. And as far
5 as my position was concerned, I wasn't able to say what group it was.

6 Q. [10:21:13] The last thing that I understood was:
7 From my position, I wasn't able to say what group it was.

8 And then there's an issue with the sound so I'm not sure if I got the answer.

9 A. So what I was saying, that I wasn't able to know which group it was. When we
10 saw the black flag with the writing in Arabic, then we understood immediately that
11 they were Islamists, but you can't distinguish between the different groups.

12 Q. [10:21:51] Well, you know if you were able to distinguish -- which individuals
13 were in charge of the town, if you were able to distinguish them?

14 A. [10:22:00] Which individuals? Well, I think that at the time it was the Islamists
15 who were running the town.

16 Q. [10:22:15] And do you know the name of some of them?

17 A. [10:22:20] The names? Yes. I think there was Sanda, who was somebody
18 from the region who everybody knew well. That was the only one that we knew.
19 Sanda Ould Boumama.

20 Q. [10:22:48] Could you explain to us if something changed when they arrived in
21 the daily life of the people in Timbuktu? How did things change?

22 A. [10:22:57] Well, everything changed, because the public services were no longer
23 working. The state was no longer working. Schools were closed. So everything
24 changed, in fact.

25 Q. [10:23:17] So you spoke about the schools, you say everything changed. Could

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1 you give us more details? Perhaps some concrete examples with regard to what
2 happened.

3 A. [10:23:26] When I say, for example, the schools were closed, so the state services
4 were closed. The Malian administration left, so there was no longer any work.
5 There was nothing. And so nothing worked and so the people moved and that's
6 what happened. That's what I mean when I said everything changed. It was only
7 the shops that were still working.

8 Q. [10:23:53] In terms of what changed, did the rules that were applied, were they
9 the same for men and for women?

10 A. [10:24:02] No, not at all because the Islamists, they said that the women had to
11 cover their heads and they -- it was the moralisation of public life and they had
12 specific rules for women.

13 Q. [10:24:26] And did the population obey these new rules?

14 A. [10:24:31] Yes, the population accepted and obeyed the diktats of the people.
15 They accepted them.

16 Q. [10:24:45] Now with regards to these diktats, did the population have a choice?

17 A. [10:24:50] No, they didn't have a choice. It was even the orders or instructions
18 of the prominent persons. They couldn't go against it in a general way. The people
19 had -- the only thing they could do was to obey.

20 Q. [10:25:15] Now you mention repression. Now, what happened if somebody
21 did not respect the rules when it comes to enforcement?

22 A. [10:25:24] Well, there were people who were taken in for questioning. It was
23 often they were just injunctions. There were calls to order; so it was that type of
24 thing.

25 Q. [10:25:43] And they were taken in for questioning by whom?

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1 A. [10:25:48] Well, there were different groups in the town who were carrying out
2 patrols.

3 Q. [10:26:00] How did they carry out patrols? What did they do?

4 A. [10:26:04] Well, they went around in pickups. Generally, they went around in
5 their pickups.

6 Q. [10:26:10] And if you know, if the rules were not respected, how were the
7 sentences or punishments decided on?

8 A. [10:26:22] Well, in fact, there was the police, the morals police who were there.
9 They would take people in for questioning.

10 Q. [10:26:35] And the morals police or the *police des mœurs*, what did they do?
11 Where did they take them?

12 A. [10:26:50] Well, they took them to the morals brigade site.

13 Q. [10:26:56] And where was that? Where was the place?

14 A. [10:27:00] Well, that was at the BMS. That was -- that was the bank office. It
15 was there.

16 Q. [10:27:22] And what access did people have to justice in case of litigation or
17 problems?

18 A. [10:27:29] Well, if there was litigation or problems, there was also Islamic justice
19 which came into play. So when there were disputes between individuals, then once
20 this justice was rendered, things were decided on in that way.

21 Q. [10:27:49] And who was in charge of that Islamic justice? Who ruled and took
22 the decision?

23 A. [10:27:57] Well, I wasn't in that institution. I didn't see it functioning, but I
24 heard in hearsay that there were certain judges, Houka Houka, I think, Daouda. But
25 personally I never dealt with the judicial institutions and I never went into their

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1 offices.

2 Q. [10:28:27] And without having gone there personally, do you know where these
3 offices or premises were?

4 A. [10:28:45] Yes, they were in a hotel. They were in a Franco-Malian hotel called
5 La Maison.

6 Q. [10:28:57] And according to what you know, were the inhabitants all equal
7 under Islamic law?

8 A. [10:29:04] Well, according to what I know, yes. There was perfect equality
9 between different people, according to what I heard said.

10 Q. [10:29:22] Well, when you say between the different people, you mean who,
11 exactly? Who exactly do you mean?

12 A. [10:29:28] Well, it doesn't matter if you're rich or poor, if you're with the
13 jihadists or not, I think they dealt with everybody in the same way.

14 Q. [10:29:46] I'm now going on to another subject and I'd like to know to the best of
15 your knowledge whether members -- did the members of the armed groups have a
16 salary or wage?

17 A. [10:29:58] I don't know. I have no idea.

18 Q. [10:30:03] Do you know if they arrived with women -- with their wives and
19 children or with women and children?

20 A. [10:30:11] I don't know that either.

21 Q. [10:30:15] I'm now going to another subject and this is the subject of
22 mausoleums in Timbuktu. And I would like to know if you know the different
23 mausolea in Timbuktu?

24 A. [10:30:30] Yes.

25 Q. [10:30:32] Do you know their names?

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1 A. [10:30:34] Yes.

2 Q. [10:30:40] Could you explain to us the importance that they have for the
3 population of Timbuktu?

4 A. [10:30:52] Yes, the mausoleums in Timbuktu, there are little houses and -- which
5 are built where their people rest. And so there's a saint who is there. And,
6 according to Islamic tradition and, above all, there was -- these were people who were
7 distinguished because of their behaviour and their ability to detach themselves from
8 the realities of the material world. These were people who were an example. They
9 led an irreproachable life. They had a great knowledge of the Koran and Islamic
10 traditions, and in Timbuktu - and in Islam in general - it wasn't -- these were people
11 who were -- it's only after their death that they become saints. It's the popular
12 memory that makes them saints.

13 So according to what the saint had accomplished in life, it's important for such and
14 such a thing. For example, there's a saint -- you could have a patron saint. When
15 you have the mausolea, Alpha Moya, for example, to call upon rain, there's a patron
16 saint for rain where you have incantations around the mausolea.

17 And in Timbuktu, you have the patron saint of providence in Sidi Yahia and there are
18 people, poor people, who sit next to there and it is said in popular belief that
19 somebody -- well, you always can have something to live on that day.

20 So there are people who still believe these popular beliefs and they go to the Sidi
21 Yahia mausolea, and you'll generally see people there, poor people, who are there and
22 they want things to fall from the sky. Now that could be somebody who comes to
23 make a wish next to the mausolea, next to that saint, and who gives something to the
24 people.

25 So that's the idea, the idea of the saints and mausolea in Timbuktu. It's linked to that

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1 type of -- linked to that type of belief.

2 Q. [10:33:56] Thank you. Could you tell us how often the people would visit these
3 various sites before the arrival of the groups in 2012?

4 A. [10:34:06] It was quite classic. On the day there were specific -- Friday was the
5 specific day for visiting the mausoleums. Friday is a sacred day in Islam. It is the
6 day of prayers and the day that you would visit the mausoleums. It might have
7 been Thursday or Monday, but not as -- lesser so.

8 Q. [10:34:50] What sort of access did people have to the mausoleums when the
9 armed groups were present in 2012?

10 A. [10:35:00] At first, people would go all the same because, well, at first, the
11 people would go, and when the mausoleums began to be destroyed, they would still
12 go. Despite the destruction, people would go to the ruins.

13 Q. [10:35:42] What sort of conditions were the mausoleums in once the armed
14 groups had left?

15 A. [10:35:49] They were in ruins. There was only -- there was barely nothing left.
16 Some mausoleums had completely disappeared.

17 Q. [10:36:11] Could you tell the Chamber the impact of the destruction on the
18 people. The fact that there was only ruins left?

19 A. [10:36:22] It was traumatic, you can imagine.

20 THE INTERPRETER: [10:36:34] Inaudible.

21 THE WITNESS: [10:36:37](Interpretation) All the people of Timbuktu grew up with
22 the idea that these places were extremely sacred places. No one was to touch those
23 buildings, harm those buildings. Some families had left the city. It was traumatic.
24 I know very well the people responsible for the mausoleums. I know one man who
25 lost his mind actually, because of the destruction of the mausoleum. He went crazy.

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1 Q. [10:37:23] Thank you, Mr Witness. We'll move on to another topic now. Once
2 again, could you look at the photographs that I showed you a few moments ago.

3 MS COQUILLAUD: [10:37:32](Interpretation) And once again, Registry, all these
4 photographs are confidential. They mustn't be displayed in open court.

5 Q. [10:37:39] Now the first photograph is MLI-OTP-0060-0404, binder -- tab 128,
6 binder 128.

7 Are you there? Can you see it? Tab 128.

8 THE COURT OFFICER: [10:38:26] (Overlapping speakers) I'm just informing my
9 colleague in the field that the picture is also displayed on the screen, just in case, it
10 takes a bit more time in the binder. Thank you.

11 THE WITNESS: [10:38:40](Interpretation) Yes.

12 MS COQUILLAUD: [10:38:43]

13 Q. [10:38:44] What do you see in this picture?

14 A. [10:38:48] That's the Islamic police. Those are the premises of the bank in
15 question. You recognise it right away.

16 Q. [10:39:08] The bank mentioned, you mean the BMS?

17 A. [10:39:11] Yes, that's right.

18 Q. [10:39:18] Do you know whether some people were detained at the BMS?

19 A. [10:39:22] Yes, some people were detained there.

20 Q. [10:39:31] You mentioned the morality police. Were men detained there or
21 women?

22 A. [10:39:39] The people I knew about were men.

23 Q. [10:39:51] Now the second photograph I'd like to show you is at tab 129, and this
24 is MLI-OTP-0060-0405.

25 And once again, it is a confidential item.

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1 Do you have the photograph?

2 A. [10:40:35] Yes.

3 Q. [10:40:37] Could you describe us what we see?

4 A. [10:40:42] This is -- it's the bank once again.

5 Q. [10:40:59] Now, the photograph is a bit cut off, but can you recognise the man in
6 the photograph?

7 A. [10:41:06] No.

8 Q. [10:41:09] I'll move on to another photograph, number 3, if you don't mind.

9 Tab 130 in the binder. MLI-OTP-0060-0406.

10 Can you see the photograph?

11 A. [10:41:36] Yes.

12 Q. [10:41:38] What do you see on the photograph? Could you describe it to us?

13 A. [10:41:44] It is the fellow who had his hand cut off after he committed a theft.

14 He was put on trial and they cut off his hand.

15 Q. [10:41:59] Do you know who judged that man?

16 A. [10:42:02] No.

17 Q. [10:42:10] And finally, the last photograph I'd like to show you, tab 131, just
18 after, MLI-OTP-0060-0407.

19 A. [10:42:29] Yes.

20 Q. [10:42:32] Could you describe what we see here?

21 A. [10:42:34] Once again, it is the same building, the BMS. The Malian solidarity
22 bank that was set up in a shopping centre. It's the same image with the armed
23 Islamists with their motorcycle just beside them.

24 MS COQUILLAUD: [10:43:12](Interpretation) I have put together a number of
25 questions that are identifying in nature, so I'd like us to go into private session

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1 for 5 or 10 minutes.

2 PRESIDING JUDGE MINDUA: [10:43:24](Interpretation) Very well.

3 Courtroom officer, private session, please.

4 (Private session at 10.43 a.m.)

5 THE COURT OFFICER: [10:43:31] (Interpretation) We are in private session.

6 PRESIDING JUDGE MINDUA: [10:43:41](Interpretation) Thank you.

7 Prosecution.

8 MS COQUILLAUD: [10:43:44] (Interpretation) Thank you.

9 Q. [10:43:48] We are back in private session, Mr Witness, so people can't see you or
10 hear you.

11 I would like to find out from you the source of your information. We've all noticed
12 that you said that you -- away for a certain period of time. You were there at the

13 [REDACTED]

14 And your answers about the various prohibitions and things that were going on in
15 the city, I would like to ask you how you came to know those things?

16 A. [10:44:20] The prohibitions were already in place when I was there. So I was
17 there [REDACTED] at least, so already when I was there, all those

18 various prohibitions were in place. What's more, when I wasn't there, I would talk

19 with my friends [REDACTED] who were still there and they told me everything.

20 And I asked what was going on in the area and that sort of thing.

21 Q. [10:45:00] Were there any particular people who were sources of information
22 amongst your [REDACTED] friends?

23 A. [10:45:06] I beg your pardon? I haven't understood.

24 Q. [10:45:11] Amongst the people you mentioned, were some of them your main
25 source of information?

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1 A. [10:45:20] No person in particular. I was asking more or less everyone what
2 was happening.

3 Q. [10:45:28] And were those people in regular contact with the members of the
4 armed groups that were present?

5 A. [10:45:35] Yes, yes, yes, of course. There was the -- there was contact with the
6 groups. No worry about that. There were discussions, yes.

7 Q. [10:45:52] And was [REDACTED] one of those people?

8 A. [10:45:56] [REDACTED], yes. He spoke with the Islamists who were there and
9 [REDACTED]
10 [REDACTED]

11 Q. [10:46:19] And when you mentioned these Islamists who met with [REDACTED],
12 could you give us names?

13 A. [10:46:30] Right from the very beginning of the occupation they met with --

14 THE INTERPRETER: [10:46:41] Inaudible.

15 THE WITNESS: [10:46:43](Interpretation) Abou Zeid, he himself travelled --

16 THE INTERPRETER: [10:46:57] Iyad Ag Ghaly, Abou Zeid were the names
17 mentioned by the witness.

18 MS COQUILLAUD: [10:47:02] (Interpretation)

19 Q. [10:47:03] Thank you, Mr Witness, for that information. I have no further
20 questions.

21 PRESIDING JUDGE MINDUA: [10:47:09](Interpretation) Thank you very much,
22 Prosecution.

23 The Chamber is satisfied the conditions under 68(3) of the Regulations are met.

24 I now turn to the Legal Representatives of victims, Mr Kassongo. I believe you
25 asked for leave to address the Court. Now, after the examination-in-chief by the

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1 OTP, do you still wish to intervene?

2 MR KASSONGO: [10:47:57](Interpretation) Thank you very much, Mr President.

3 After listening to the examination-in-chief of the Prosecution, the Legal

4 Representatives of Victims would like to ask two small questions that will not be very

5 long, just to elicit additional information and clarification for everyone.

6 PRESIDING JUDGE MINDUA: [10:48:23](Interpretation) Thank you very much,

7 Mr Kassongo.

8 And now the Defence, do you have any objections, Ms Taylor?

9 MS TAYLOR: [10:48:32] In principle, no, but that will obviously depend on

10 questions. Thank you very much.

11 PRESIDING JUDGE MINDUA: [10:48:43](Interpretation) Thank you, Ms Taylor.

12 THE COURT OFFICER: [10:48:50] (Interpretation) We are still in private session,

13 your Honour, just for your information.

14 (Trial Chamber confers)

15 PRESIDING JUDGE MINDUA: [10:49:08](Interpretation) Madam courtroom officer,

16 if we could go into open session.

17 (Open session at 10.49 a.m.)

18 THE COURT OFFICER: [10:49:25] (Interpretation) We are in open session.

19 PRESIDING JUDGE MINDUA: [10:49:27](Interpretation) Thank you.

20 Mr Kassongo, the Chamber authorises you to put a number of questions to the

21 witness.

22 Now, Mr Witness, you will be questioned by the Legal Representatives of Victims

23 now.

24 Mr Kassongo.

25 MR KASSONGO: [10:49:47](Interpretation) Thank you, your Honours.

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1 First of all, I would like to thank the witness. I will refer to him as "Mr Witness" with
2 his authorisation. I will speak slowly for my two questions that may overlap for the
3 sakes of the interpretation since we will be speaking the same language.

4 QUESTIONED BY MR KASSONGO: (Interpretation)

5 Q. [10:50:19] Good morning, Mr Witness.

6 A. [10:50:20] Yes.

7 Q. [10:50:21] I'm very happy to see you and welcome you because [REDACTED]
8 [REDACTED] and, on behalf of the team of Legal Representatives of
9 Victims, I say good morning to you.

10 A. [10:50:40] Good morning.

11 Q. [10:50:42] You were in Timbuktu at the time of the events. Could you take us
12 back to the facts or the impact, rather, that you described, namely, the impact of the
13 destruction of the mausoleums on the people and their spirit.

14 In other words, could you tell how -- or, rather, what you saw? How were the local
15 people affected by the destruction of the mausoleums in general terms, of course?

16 A. [10:52:08] Yes. I should explain right away that generally speaking, the people
17 were traumatised because before, no one in Timbuktu thought that one would ever
18 attack these sacred sanctuaries. So that was the first trauma. Namely, people saw
19 people committing such sacrilege. People just couldn't imagine such a thing. For
20 many people, the mausoleums were sacred places. They were smashed. Destroyed.
21 So that was the first trauma.

22 Secondly, as I explained, many people earned their livelihoods via the mausoleums.
23 You see, family that were descendants of the saints would receive money or -- so
24 there were the masons, the watchman in front of the mausoleums waiting for
25 someone to visit or one of the faithful to come and visit. Some people would leave

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1 food or money for the poor. And people who were unfortunate, would get up very
2 early, just after the first prayers, and go to the mausolea and see whether something
3 had been left for them, whether an anonymous person had left something for them.
4 So those were the various impacts. So it was truly a -- an extremely disturbing event
5 for everyone.

6 Q. [10:54:18] Thank you very much, Mr Witness.

7 Similarly you explained that people would -- local people would visit the
8 mausoleums as part of their faith and the LRVs would like to know whether, to the
9 best of your knowledge, there were foreigners as well who would come and visit the
10 mausoleums before 2012 or particularly after 2012?

11 A. [10:55:08] Yes. Many of the saints of Timbuktu were saints that had groups or
12 followers. So their teachings, the religious doctrine, the dogma, became established
13 throughout Western Africa, the Sahel region, the Sahara. For example, some people
14 would come even from places in Morocco and Algeria to visit the mausoleum of this
15 saint. So people came from all over to visit these mausoleums.

16 Q. [10:56:29] Thank you, Mr Witness. In a nutshell, could you tell us what was so
17 special about these mausoleums in terms of their construction, why were they so
18 original? Not the technical aspect, but could you summarise for us the specific
19 nature and the originality of these buildings?

20 A. [10:56:57] The mausoleums in Timbuktu were very plain buildings, little
21 buildings no more than 6 metres square, say 2 metres by 3. And inside, there would
22 be the saint, there would be fine sand, a mosquito net. And the faithful would burn
23 incense inside. The door would be closed, someone would have the key, some
24 mausoleums were not locked. And in some cases, there would be --

25 THE INTERPRETER: [10:58:10] Inaudible.

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1 THE WITNESS: [10:58:15](Interpretation) These were places -- were quite ordinary
2 buildings, really.

3 MR KASSONGO: [10:58:35](Interpretation)

4 Q. [10:58:36] Thank you very much, Mr Witness. One final question, and I hope
5 I'm not taking advantage of anyone's patience, but in any event, you made mention of
6 morality and customs and various kinds of punishment -- or, rather, enforcement.
7 To your knowledge, could you give us two or three examples, or even just one
8 example of various morals or forms -- or anything that was subjected to a prohibition
9 at the time -- during the time of the occupation?

10 A. [10:59:23] Well, for example, when a woman would go out without covering her
11 head, that was an offence, I believe. When -- you see, you couldn't go out with a
12 woman. Dancing was not allowed. You see, there were spots where people would
13 go on the weekend to dancing. That was prohibited. Music was prohibited.
14 Women and men could not be together. That was prohibited. You could not have
15 both sexes in schools. That was prohibited.

16 Q. [11:00:17] Thank you, Mr Witness. The team of Legal Representatives of
17 Victims thanks you for your time and your clarifications.

18 MR KASSONGO: [11:00:30](Interpretation) I thank your Honours for allowing us to
19 put our questions to the witness and we have concluded.

20 PRESIDING JUDGE MINDUA: [11:00:38](Interpretation) Well, there you have it.
21 Thank you very much, Mr Kassongo. And the end of your questioning also
22 corresponds to the end of our session. It is 11 o'clock. We will now suspend for
23 half an hour and resume at 11.30.

24 The hearing is suspended.

25 THE COURT USHER: [11:01:16] All rise.

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1 (Recess taken at 11.01 a.m.)

2 (Upon resuming in open session at 11.32 a.m.)

3 THE COURT USHER: [11:32:51] All rise.

4 Please be seated.

5 PRESIDING JUDGE MINDUA: [11:33:10](Interpretation) Court is now in session.

6 I'm satisfied because the little hammer is there.

7 We will now continue with the hearing of the 20th witness of the Prosecution, P-0114.

8 Now it's the Defence's turn to continue with the cross-examination.

9 In accordance with the Rules of Procedure and Evidence, the Prosecutor can raise
10 objections with regard to the items that the Defence intends to present.

11 And I see the Prosecutor on her feet, is that what it's about?

12 MS COQUILLAUD: [11:34:02] (Interpretation) Yes, exactly, your Honour. I will
13 make objections depending on the documents produced at the time. But with
14 regards to certain documents, I can already see some which are really outside the
15 charges because they're from 2020. This is document 10. There's a certain number
16 of documents which are about a subject which isn't covered by the charges; namely,
17 COVID-19 and al-Shabaab in Somalia or the Hungarian police and what it thinks of
18 the conflict in Syria, documents 15 and 16.

19 So I'll leave it up to my colleagues to talk about the relevance of these documents as
20 they wish, but I would say that there are things which *prima facie* do not seem to be
21 relevant.

22 PRESIDING JUDGE MINDUA: [11:35:05](Interpretation) Thank you very much,
23 Prosecutor. I see that you've answered your own objection.

24 I will now give the floor to the Defence.

25 Ms Taylor.

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1 MS TAYLOR: [11:35:13] Thank you very much, Mr President. And I was merely
2 standing up to note that the witness is online at the moment; so we would ask for any
3 objections to specific documents be made not in the presence of the witness. But I
4 see that that's a moot issue in any case.

5 QUESTIONED BY MS TAYLOR:

6 Q. [11:35:35] Good morning, Mr Witness. My name is Melinda Taylor, I'm the
7 counsel for Mr Al Hassan and I'll be putting questions to you today.

8 Can you confirm that you are able to hear me?

9 A. [11:35:59] I can hear you very well.

10 Q. [11:36:04] Wonderful. I'm going to start in open session, so I would ask that
11 you not give any identifying information and I will alert you as to when I'll be
12 requesting to go into private session to discuss anything that might identify you.

13 Now, Mr Witness, almost nine years have elapsed since the events of 2021. Do you
14 find it harder now to remember some of the details of what occurred in 2012?

15 A. [11:36:49] Of course. 2012 isn't 2021, so the memory isn't as fresh as it was
16 then.

17 Q. [11:37:03] Would it be fair to say that your memory of certain details might have
18 been clearer in 2012 or 2013 than now?

19 A. [11:37:20] Yes, but in fact, the testimony and the evidence which was tendered is
20 generally written straight after the events and the witness statement. So I remember
21 well what happened and of course it's a lot clearer when it happens immediately
22 afterwards.

23 Q. [11:38:00] And would you accept that it's difficult to remember details
24 concerning persons you met only once or twice nine years ago?

25 A. [11:38:19] Yes, indeed.

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1 Q. [11:38:22] Now, Mr Witness, you've testified today about the importance of the
2 mausoleums and mosques in Timbuktu. Would you accept that neglect is a serious
3 risk factor to these buildings?

4 A. [11:38:49] Yes.

5 Q. [11:38:53] And what about unauthorised buildings or modifications?

6 A. [11:39:10] I haven't understood. The question appears to be unfinished.

7 Q. [11:39:19] Would you accept that building unauthorised structures in the
8 proximity of the mosques and mausoleums also creates a risk to their integrity?

9 A. [11:39:37] Of course.

10 Q. [11:39:44] Are you aware of any unauthorised buildings or structures being
11 erected in these areas in recent years?

12 A. [11:40:04] Yes.

13 Q. [11:40:07] Could you tell the Court what you know about that without
14 identifying yourself?

15 A. [11:40:23] I think in the last weeks, it's a major concern of those authorities
16 responsible for the heritage. There are -- with regards to the -- with regards to the
17 different buildings, there's a lot of attacks on the buildings that were built against the
18 rules in force and which go against the laws of building.

19 MS TAYLOR: [11:41:11] Mr President, I'm just going to ask permission to go into
20 private session to be able to go into the details of a document that quotes the witness.

21 PRESIDING JUDGE MINDUA: [11:41:24](Interpretation) Of course, Ms Taylor.
22 Please take us into private session.

23 (Private session at 11.41 a.m.)

24 THE COURT OFFICER: [11:41:36] (Interpretation) We're in private session,
25 your Honour.

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1 PRESIDING JUDGE MINDUA: [11:41:40](Interpretation) Thank you very much.

2 Ms Taylor.

3 MS TAYLOR: [11:41:44]

4 Q. [11:41:48] Mr Witness, do you recall [REDACTED]

5 [REDACTED]

6 [REDACTED]?

7 A. [11:42:18] Yes, [REDACTED]

8 [REDACTED].

9 Q. [11:42:36] I'm just going to bring up a document on the screen. It's Defence
10 tab 8, [REDACTED].

11 Now, Mr Witness, could you tell me if you can see that on the screen in front of you?

12 A. [11:43:03] Yes. Yes, I can see it.

13 Q. [11:43:09] Mr Witness, do you recognise [REDACTED]?

14 A. [11:43:19] Yes.

15 Q. [11:43:22] And can you explain to the Court what it concerned?

16 A. [11:43:28] So this is about the aggressions or attacks on the heritage of Timbuktu.
17 I think that it's still about the occupation in 2012, and the authorities, what they have
18 done and the services that have to punish the people. And there's an incredible lack
19 of civility in Timbuktu and there is a lot of problems related to that. That is the
20 major problem.

21 I think that I read [REDACTED] I -- I don't
22 know. But I think that -- I think that this is [REDACTED] which shows the problems that
23 the authorities had when it came -- or the carelessness of the authorities, if I could put
24 it like that, when it came to looking after the cultural heritage in Timbuktu.

25 Q. [11:45:08] Mr Witness, I'm going to ask that the page [REDACTED] be put on your screen

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1 and if you could take the time to look through it.

2 THE COURT OFFICER: [11:45:24] For your information, the Registry is not able to
3 find the document quoted in eCourt; hence, we cannot display it at the moment.

4 MS TAYLOR: [11:45:37] It's being displayed through evidence 2 and all the Defence
5 documents will be displayed through evidence 2 because none of them have been
6 uploaded onto eCourt.

7 THE COURT OFFICER: [11:45:54] From the Defence bench then. Okay, this is
8 noted. Thank you.

9 MS TAYLOR: [11:46:03]

10 Q. [11:46:04] Mr Witness, we're going to slowly scroll the document so you can see
11 it, since you don't have it in front of you.

12 A. [11:46:20] Thank you.

13 PRESIDING JUDGE MINDUA: [11:48:44](Interpretation) Madam Prosecutor.

14 MS COQUILLAUD: [11:48:46] (Interpretation) Yes, I'm sorry to interrupt, but just
15 perhaps, it's a technicality, but I have the impression that the witness is reading
16 something on paper and not what is on the screen. So I don't know if he's got access.

17 THE WITNESS: [11:49:00](Interpretation) Yes, I've got access to the document. I've
18 got the same document on the computer. It's exactly the same one.

19 PRESIDING JUDGE MINDUA: [11:49:09](Interpretation) Very well. Ms Taylor.

20 MS TAYLOR: [11:50:12]

21 Q. [11:50:14] Mr Witness, have you finished reading [REDACTED]

22 A. [11:50:19] Yes, I've finished.

23 Q. [11:50:23] (Overlapping speakers) and having read it, [REDACTED]

24 [REDACTED]?

25 A. [11:50:33] Absolutely.

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1 Q. [11:50:35] And can you explain to the Court what [REDACTED] concerned?

2 A. [11:50:43] This [REDACTED] it's about the different attacks on the cultural heritage of
3 Timbuktu because the mausolea - or, at least, the most important of them are in the
4 cemeteries. Now, these are very large courtyards and around these cemeteries, there
5 are businesses. There are people who set up containers, different types of businesses
6 to metal workshops, make -- toolmaking, and that gives an image, well, it totally
7 changes the visual landscape of Timbuktu.

8 Now, [REDACTED] Now in the medina it's construction, and concrete is
9 banned from there because it's fascinating and that's why it became a -- it's built in
10 clay or in alhore and that's why urban planning rules ban any type of building, apart
11 from that traditional material.
12 So there are a lot of strict rules. And since 2012, people don't respect any rules since
13 then, since the town was occupied and the Malian authorities left and that means that
14 they have lost a lot of their authority and nobody respects pretty much anything any
15 more. And now to -- normally, you would need a building permit and now people
16 just build anything without any permit.

17 So with regards to Timbuktu and the management of cultural heritage, that's not
18 being done. So when people breach that -- well, they go to the urban planning, the
19 town hall to draw their attention to it to finish this, but it's rarely the case that they're
20 able to stop people who are breaking the law.

21 Q. [11:53:23] Mr Witness, [REDACTED]
22 [REDACTED]?

23 A. [11:53:36] Yes, [REDACTED]
24 [REDACTED]

25 Q. [11:53:54] (Overlapping speakers) [REDACTED]

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1 [REDACTED]

2 A. [11:54:08] There was never [REDACTED]

3 [REDACTED]

4 But sometimes there were [REDACTED]

5 [REDACTED] but nothing has been done.

6 Q. [11:54:47] [REDACTED]

7 [REDACTED]

8 A. [11:55:02] [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED] That's what they did. [REDACTED]

12 [REDACTED]

13 Q. [11:55:54] And do these structures, the fact that they were erected, does that

14 have any implications for the protected status of the monuments?

15 A. [11:56:16] Yes, it has an impact on the integrity and the authenticity of the

16 cultural property. [REDACTED] most

17 at risk and it has been -- or it was [REDACTED]

18 [REDACTED]

19 And then there was [REDACTED] which was created and with -- there was an

20 intervention by the World Bank and when the global or [REDACTED]

21 [REDACTED]

22 destruction of the building by the Islamists, [REDACTED]

23 [REDACTED] So that means that there are funds which are used. Also, the European

24 Union have them to be able to reestablish or rebuild this cultural heritage.

25 MS TAYLOR: [11:57:46] Mr President, if we could go into open session and I'll ask a

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1 question in open session and then I'll have to go back into private session, just for one
2 identifying question.

3 PRESIDING JUDGE MINDUA: [11:57:59](Interpretation) Very well, Ms Taylor.

4 Court officer, please take us into open session.

5 (Open session at 11.58 a.m.)

6 THE COURT OFFICER: [11:58:09] (Interpretation) We're in open session, your
7 Honour.

8 PRESIDING JUDGE MINDUA: [11:58:16](Interpretation) Thank you very much,
9 court officer.

10 Ms Taylor.

11 MS TAYLOR: [11:58:19]

12 Q. [11:58:23] Now Mr Witness, to your knowledge, before 2012, was looting or
13 desecration of cemeteries a problem in Timbuktu?

14 A. [11:58:48] I would say that before 2012, there was never an act of desecration
15 before that. It's something sacred in the eyes of the population and nobody did that.
16 Even with regards to insults next to -- saying an insult next to a mausoleum, you can't
17 do that. These were places that were so highly respected.

18 Q. [11:59:31] Mr Witness, without identifying yourself, can you confirm whether
19 you have a [REDACTED]?

20 A. [11:59:42] Yes.

21 Q. [11:59:44] Now, I'm going to bring up a document, it's not going to be shown to
22 the public. It's Defence tab 11, [REDACTED] Can you confirm when you can
23 see it on your screen.

24 A. [12:00:13] Not yet. Yes. Yes, I can see it.

25 Q. [12:00:26] Mr Witness, can you see your [REDACTED] on the screen?

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1 A. [12:00:41] No. I don't see it. Oh, yes, I do. I can see it.

2 MS TAYLOR: [12:00:59] Mr President, I believe I'll have to go into private session to
3 ask this question as the contents would be identifying.

4 PRESIDING JUDGE MINDUA: [12:01:14](Interpretation) Courtroom officer, private
5 session, please.

6 (Private session at 12.01 p.m.)

7 THE COURT OFFICER: [12:01:20] (Interpretation) We are in private session,
8 your Honour.

9 PRESIDING JUDGE MINDUA: [12:01:26](Interpretation) Thank you.

10 Ms Taylor.

11 MS TAYLOR: [12:01:28]

12 Q. [12:01:31] Mr Witness, for the record, can you state what your [REDACTED]
13 is?

14 A. [12:01:41] Well, my name is written on it right there. My name is written on it.

15 Q. [12:02:01] So, Mr Witness, can you confirm that the [REDACTED] is
16 your [REDACTED]?

17 A. [12:02:19] Yes, of course.

18 Q. [12:02:22] And is it correct that you [REDACTED] this report from [REDACTED]
19 [REDACTED] concerning the secret door of Sidi Yahia?

20 A. [12:02:49] I don't remember, but it seems likely. Something I might have done.

21 [REDACTED] I [REDACTED] them. They [REDACTED] me. And I find it
22 quite plausible that I might have [REDACTED] some information about [REDACTED]

23 [REDACTED]

24 Q. [12:03:16] Now, according to this [REDACTED],
25 the door of Sidi Yahia was closed to protect the graves from profaners and looters of

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1 tombs.

2 Is this accurate?

3 A. [12:03:41] Well, I have to provide some clarifications. In the past, there was a
4 great deal of danger. Like many Muslim countries, you see, burials occur
5 immediately after a person dies. As soon as the person is declared dead by a doctor
6 or someone who has the appropriate certification from the community, as soon as the
7 person is declared dead, the person is buried. No matter what the time of day.
8 There was a period of great danger because the cemeteries are in the outer-lying areas,
9 and, it wasn't possible to go there, it was too dangerous.
10 So some mosques with enough space were used to bury corpses and that was the case
11 here. The entire back garden was used to bury corpses. Some trees grew up and
12 children were able to climb the trees to play. That is why the entrance was sealed off.
13 And people said that if the entrance were to be open, that would be the end of the
14 world. They weren't really looters. I wouldn't put it that way. They were actually
15 children who went there to play.

16 Q. [12:05:38] Mr Witness, [REDACTED]
17 [REDACTED]?

18 A. [12:05:48] Yes.

19 Q. [12:05:51] And did he have a [REDACTED]
20 [REDACTED]?

21 A. [12:06:05] [REDACTED]? Yes.

22 Q. [12:06:09] And was he in charge [REDACTED]?

23 A. [12:06:18] Yes.

24 Q. [12:06:22] And did he give the [REDACTED]
25 [REDACTED]?

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1 A. [12:06:41] Yes.

2 Q. [12:06:45] In your professional opinion, was [REDACTED] part of Mali's
3 cultural heritage?

4 A. [12:07:03] Mali did not exist at the time. It was the Sudan. If you were to
5 say -- well, if you say [REDACTED] that word is excessive. [REDACTED]

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21 THE INTERPRETER: [12:09:50] Inaudible.

22 MS TAYLOR: [12:09:59] I believe that the answer is in the French transcript. It's
23 not in the English, but it can be corrected afterwards.

24 Q. [12:10:10] So Mr Witness, [REDACTED]
25 [REDACTED]?

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1 A. [12:10:31] No.

2 Q. [12:10:34] Why not?

3 A. [12:10:44] I think that [REDACTED] but my
4 [REDACTED] back.

5 Q. [12:11:05] Is it correct that [REDACTED]

6 [REDACTED]?

7 A. [12:11:24] [REDACTED]

8 [REDACTED]

9 Q. [12:11:39] [REDACTED]

10 PRESIDING JUDGE MINDUA: [12:11:49](Interpretation) Prosecution.

11 MS COQUILLAUD: [12:11:51] (Interpretation) Relevance? It's very interesting, but

12 I don't think this relates to the charges. We've gone back all the way to the 1890s.

13 We've discussed [REDACTED]; so we've really gone

14 far into the past. I don't see the relevance of the question.

15 PRESIDING JUDGE MINDUA: [12:12:16](Interpretation) Would you like to respond

16 while the witness is listening or ...

17 MS TAYLOR: [12:12:24] I would prefer not to respond while the witness is listening,

18 but I can move forward in my questions. I have perhaps one or two more questions

19 on this, which arise directly from the witness's statement and it concerns the witness

20 personally.

21 PRESIDING JUDGE MINDUA: [12:12:52](Interpretation) Very well. So you'll set

22 aside the question that was objected to by the Prosecution.

23 MS TAYLOR: [12:13:04]

24 Q. [12:13:05] Now, Mr Witness, it's correct, isn't it, that [REDACTED]

25 [REDACTED] and he explained to you their contents and [REDACTED]

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1 [REDACTED] is that correct?

2 A. [12:13:33] Yes.

3 Q. [12:13:34] And do you yourself read [REDACTED]?

4 A. [12:13:47] I read a lot, yeah. I read a lot.

5 Q. [12:13:55] And do you follow the French media?

6 A. [12:14:02] Yes.

7 Q. [12:14:05] And during 2012, did you follow any particular French media channel,
8 such as France 2?

9 A. [12:14:19] Yes, these are networks that are absolutely necessary for us. They're
10 even easier to watch than some Malian networks because it is the French. Yes, we do
11 listen to those networks.

12 Q. [12:14:47] Are you familiar with any documentaries made by France 2
13 concerning the events of 2012?

14 A. [12:15:04] Yes, I must have seen some of them.

15 Q. [12:15:09] Now, Mr Witness, is it correct that in [REDACTED] you joined [REDACTED]
16 [REDACTED] [REDACTED]?

17 A. [12:15:26] [REDACTED]? Yes.

18 Q. [12:15:33] Who asked you to join?

19 A. [12:15:49] No, I joined myself. No one asked me to. I joined [REDACTED]
20 myself.

21 Q. [12:15:59] And what was your position in this [REDACTED] in 2012?

22 A. [12:16:10] I was [REDACTED].

23 Q. [12:16:17] And what did this position involve?

24 A. [12:16:33] [REDACTED]

25 [REDACTED]

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1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]

7 Q. [12:17:37] Now, Mr Witness, you've mentioned [REDACTED]
8 [REDACTED]?

9 A. [12:17:52] [REDACTED]
10 [REDACTED]

11 Q. [12:18:11] If we could just bring up on your screen - this is evidence 2
12 still - Defence tab 17, [REDACTED] If you could let me know when you can
13 see it on your screen.

14 A. [12:18:39] Yes, done. It's up on the screen.

15 Q. [12:18:42] Mr Witness, is this your curriculum vitae?

16 A. [12:18:47] Yes, indeed.

17 Q. [12:18:50] Did you draft it?

18 A. [12:18:54] Yes.

19 Q. [12:18:58] If we could turn to page [REDACTED] Now, Mr Witness, [REDACTED]
20 [REDACTED]?

21 A. [12:19:34] [REDACTED]
22 [REDACTED]

23 Q. [12:20:00] [REDACTED]

24 A. [12:20:17] [REDACTED]
25 [REDACTED]

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1 [REDACTED]

2 [REDACTED]

3 THE INTERPRETER: [12:20:46] Correction: [REDACTED]

4 [REDACTED]

5 MS TAYLOR: [12:20:52]

6 Q. [12:20:53] So Mr Witness, [REDACTED]

7 [REDACTED]?

8 A. [12:21:09] I don't remember, but I might have.

9 Q. [12:21:14] Do you recall [REDACTED]

10 [REDACTED]?

11 A. [12:21:27] [REDACTED]

12 Q. [12:21:30] (Overlapping speakers) Yes.

13 A. [12:21:33] [REDACTED]

14 [REDACTED]

15 Q. [12:22:00] [REDACTED]

16 [REDACTED]?

17 A. [12:22:23] [REDACTED]

18 [REDACTED]

19 Q. [12:22:42] Who was [REDACTED]?

20 A. [12:22:50] There were three of them actually.

21 Q. [12:22:56] What were their names?

22 A. [12:23:06] [REDACTED]

23 THE INTERPRETER: [12:23:21] Inaudible.

24 THE WITNESS: [12:23:30](Interpretation) I don't know. I don't remember any

25 more what the other names were.

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1 MS TAYLOR: [12:23:39]

2 Q. [12:23:39] Mr Witness, I apologise, the second name you gave didn't come up on
3 the transcript. Do you mind repeating the second name?

4 A. [12:23:51] I think it was [REDACTED] I no longer remember. I might
5 be wrong.

6 PRESIDING JUDGE MINDUA: [12:24:04](Interpretation) Prosecution.

7 MS COQUILLAUD: [12:24:05] (Interpretation) I believe the name of the first person
8 is also missing on the French transcript. It wasn't picked up either.

9 PRESIDING JUDGE MINDUA: [12:24:19](Interpretation) I have the same
10 impression.

11 THE COURT OFFICER: [12:24:24] (Interpretation) Perhaps one could ask the
12 witness to write out the names for the record.

13 PRESIDING JUDGE MINDUA: [12:24:33](Interpretation) Mr Witness, could you
14 spell the names for the sake of the record.

15 THE WITNESS: [12:24:40](Interpretation) Very well. [REDACTED]

16 [REDACTED]

17 MS TAYLOR: [12:25:22] I can't see anything on the French transcript.

18 PRESIDING JUDGE MINDUA: [12:25:30](Interpretation) I have the impression that
19 the French transcript has frozen.

20 THE COURT OFFICER: [12:25:38] (Interpretation) We're checking on that,
21 your Honour.

22 I believe the French transcript is back with us.

23 PRESIDING JUDGE MINDUA: [12:25:52](Interpretation) Yes, it's operational now.
24 The French transcript is operational.

25 MS TAYLOR: [12:25:58] The French transcript I think has the first name, but not the

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1 second name. If it could be possible to put that in or to spell that out or write it
2 down.

3 PRESIDING JUDGE MINDUA: [12:26:24](Interpretation) Mr Witness?

4 THE WITNESS: [12:26:26](Interpretation) Yes. [REDACTED], that is the
5 second name.

6 MS TAYLOR: [12:26:44]

7 Q. [12:26:44] And these two individuals, Mr Witness, can you describe what their
8 role was?

9 A. [12:26:56] [REDACTED]

10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]

17 Q. [12:27:59] And Mr Witness, did you yourself play any role in [REDACTED]
18 [REDACTED]?

19 A. [12:28:17] No, I don't remember playing any such role.

20 Q. [12:28:24] Did you ever meet with [REDACTED] when they came to
21 Timbuktu [REDACTED]?

22 A. [12:28:39] Yes.

23 PRESIDING JUDGE MINDUA: [12:28:43](Interpretation) Prosecution.

24 MS COQUILLAUD: [12:28:44] (Interpretation) Could counsel clarify what period of
25 time we are talking about. If it's outside of the period of interest to us, it is not

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1 relevant.

2 PRESIDING JUDGE MINDUA: [12:28:55](Interpretation) Ms Taylor.

3 MS TAYLOR: [12:28:56] Well, any missions outside of 2012 are still relevant if
4 they're collecting information about [REDACTED] that occurred in 2012,
5 but that would be a follow-up question. At the moment, I was asking if he had
6 direct interactions with [REDACTED] during their missions to Timbuktu.

7 PRESIDING JUDGE MINDUA: [12:29:26](Interpretation) Exactly. Their missions,
8 what period of time, what year?

9 MS TAYLOR: [12:29:43]

10 Q. [12:29:44] Mr Witness, did you meet with [REDACTED] when they conducted missions
11 in Timbuktu either during or after 2012?

12 A. [12:30:01] Yes, I did meet with [REDACTED].

13 Q. [12:30:07] And what year was that?

14 A. [12:30:12] I no longer remember. It was after 2013.

15 Q. [12:30:19] And what were [REDACTED] at the time?

16 A. [12:30:28] They didn't tell me what they [REDACTED]. They were doing
17 everything very discreetly. I [REDACTED] but they never explained what
18 they were actually [REDACTED].

19 Q. [12:30:51] Mr Witness, [REDACTED], did you
20 brief the ICC Prosecution in The Hague?

21 A. [12:31:13] No, I didn't see how as [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED] I wasn't really involved [REDACTED].

25 Q. [12:31:46] But it's correct that you met with members of the Office of the

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1 Prosecutor at the ICC?

2 A. [12:31:55] Yes, of course, because I didn't -- I started answering the question
3 before you finished. I'm sorry. If you could put your question to me again.

4 Q. [12:32:09] Mr Witness, as [REDACTED], did you meet with
5 members of the ICC Prosecution in [REDACTED]?

6 A. [12:32:27] [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]

10 Q. [12:32:54] Do you recall who you met from the Office of the Prosecutor?

11 A. [12:33:03] Yes, [REDACTED] I remember that we met. We also met
12 [REDACTED]

13 Q. [12:33:19] [REDACTED]
14 [REDACTED]
15 [REDACTED]?

16 A. [12:33:46] [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]

20 Q. [12:34:16] Now, Mr Witness, at this time period - that's [REDACTED]
21 [REDACTED] - did you have any interactions with [REDACTED] in relation to [REDACTED]
22 [REDACTED]?

23 A. [12:34:41] No.

24 Q. [12:34:45] Mr Witness, I'm going to bring up a document, it's Defence tab 7,
25 [REDACTED] And if you could confirm to me when you can see it on your

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1 screen.

2 Mr Witness, do you recall meeting with [REDACTED] at this
3 time period?

4 A. [12:36:03] No. I didn't meet them. It was others who [REDACTED]

5 [REDACTED] met them. [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 Q. [12:36:34] (Overlapping speakers) So Mr Witness, just to be clear, according to
9 this [REDACTED] [REDACTED] therefore
10 incorrect?

11 A. [12:36:46] Well, perhaps it's because the names were given well in advance.

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 Q. [12:37:43] Now, Mr Witness, [REDACTED] who did have this
19 meeting, did they brief you on it afterwards?

20 A. [12:38:00] Yes, but they live [REDACTED] and I don't, but I think afterwards,
21 subsequently they did [REDACTED] that I was able to read.

22 Q. [12:38:15] So Mr Witness, I'm going to split this into two. Just speaking about
23 this meeting that happened in [REDACTED], did [REDACTED] tell you
24 afterwards what was discussed during that meeting?

25 PRESIDING JUDGE MINDUA: [12:38:42](Interpretation) Madam Prosecutor.

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1 MS COQUILLAUD: [12:38:44] Well, the question's just been put and the witness has
2 just answered it; so asked and answered.

3 PRESIDING JUDGE MINDUA: [12:38:52](Interpretation) Very well.

4 Ms Taylor, please continue.

5 MS TAYLOR:

6 Q. [12:38:54] (Overlapping speakers) Mr Witness, by [REDACTED] are you talking about
7 [REDACTED] that was published by [REDACTED]?

8 A. [12:39:11] Well, I'm aware of lots [REDACTED]
9 [REDACTED]
10 [REDACTED] So perhaps I did read it. We read a lot of

11 [REDACTED]
12 Q. [12:39:39] Mr Witness, were you familiar with a [REDACTED]
13 [REDACTED]
14 [REDACTED]?

15 A. [12:40:02] I don't remember.

16 Q. [12:40:05] (Overlapping speakers) I'll bring it up so perhaps it might refresh
17 your memory. If we could bring up tab 22, that's [REDACTED] That's the
18 French version. And this was a [REDACTED] by both [REDACTED] at
19 [REDACTED]. Mr Witness,
20 are you familiar with [REDACTED]?

21 A. [12:40:49] No. No, I don't remember. These are things that we heard. I don't
22 have materials, I didn't see that, but these are things that we heard, things that were
23 said.

24 MS TAYLOR: [12:41:38] I can -- I believe I can ask this question in open session.

25 PRESIDING JUDGE MINDUA: [12:41:48](Interpretation) Very well.

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1 Court officer, please take us into open session.

2 (Open session at 12.41 p.m.)

3 THE COURT OFFICER: [12:41:55] (Interpretation) We are once again in open
4 session, your Honour.

5 PRESIDING JUDGE MINDUA: [12:42:03](Interpretation) Thank you very much,
6 court officer.

7 Ms Taylor, please continue if you would be so kind.

8 MS TAYLOR: [12:42:10]

9 Q. [12:42:11] Mr Witness, can you tell the Court what you heard about alleged
10 rapes committed by the MNLA in Timbuktu?

11 PRESIDING JUDGE MINDUA: [12:42:28](Interpretation) Madam Prosecutor.

12 MS COQUILLAUD: [12:42:29] (Interpretation) Yes, he said he didn't know the
13 report; so could we state what year in -- with regard to this question?

14 PRESIDING JUDGE MINDUA: [12:42:39](Interpretation) Ms Taylor?

15 MS TAYLOR: [12:42:42]

16 Q. [12:42:43] Mr Witness, can you tell the Court what you heard or know about
17 alleged rapes committed by the MNLA in Timbuktu in 2012?

18 A. [12:43:08] Well, one thing has to be said. A lot of people in the population
19 don't make a difference between the Islamists groups and the MNLA. They don't
20 know. But they say that there have been rapes and combatants who married several
21 women at a time. But these were things that were just said, but I never had
22 confirmation of that.

23 Q. [12:43:50] Do you based on -- sorry, that's private session (inaudible).

24 Mr Witness, are you aware as to whether the MNLA provided assistance to the
25 French or Malian armies in 2013 when they took back the north?

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1 A. [12:44:19] I really don't know.

2 Q. [12:44:25] I'm going to bring up tab 26, it won't be shown publicly, it's

3 [REDACTED].

4 Now, Mr Witness, are you aware of any reports concerning an alliance of sorts
5 between France and the MNLA after 2012?

6 A. [12:45:08] No.

7 Q. [12:45:11] Mr Witness, did you retweet an article concerning reports of an
8 alliance between France and the MNLA?

9 A. [12:45:26] It's possible that I could have retweeted this type of information. But
10 I don't remember having retweeted it. But I could have retweeted it.

11 Q. [12:45:47] Now, going back to 2012, and without identifying yourself, do you
12 recall if [REDACTED] in Timbuktu had affiliations with the
13 MNLA?

14 A. [12:46:12] [REDACTED] no.

15 Q. [12:46:21] And the mayor, Hallé Ousmane?

16 A. [12:46:38] No, I don't think so.

17 Q. [12:46:43] Tab 29, that's MLI-OTP-0033-0882, and if we could go to 0883.

18 MS TAYLOR: [12:47:06] And I believe I'd need to go into private session to read it
19 out, the relevant paragraph.

20 PRESIDING JUDGE MINDUA: [12:47:22](Interpretation) Court officer, please be so
21 kind as to take us into private session.

22 MS TAYLOR: [12:47:35]

23 Q. [12:47:36] Now, Mr Witness, this is an investigations note --

24 (Private session at 12.47 p.m.)

25 THE COURT OFFICER: [12:47:41] And we are in private session.

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1 MS TAYLOR: [12:47:41]

2 Q. [12:47:41] This is an (Overlapping speakers)

3 PRESIDING JUDGE MINDUA: [12:47:44](Interpretation) Thank you very much,
4 court officer.

5 Ms Taylor, please go ahead.

6 MS TAYLOR: [12:47:47]

7 Q. [12:47:48] Mr Witness, this is an investigations note concerning --

8 A. [12:47:51] Yes.

9 Q. [12:47:52] -- a meeting between you and the Prosecution in which you gave the
10 names of various sources and I'll read out a paragraph from this note.

11 A. [12:47:59] Yes.

12 Q. [12:48:01] (Overlapping speakers) "Mayor of Toumbouctou ..." (Overlapping
13 speakers)

14 A. [12:48:01] Yes, I see.

15 Q. [12:48:02] (Overlapping speakers) [REDACTED]

16 [REDACTED] (Overlapping speakers) "expressed doubts that he might support the ICC
17 work. [REDACTED]

18 [REDACTED] an MNLA chief they learned that Halle Ousmane

19 was meeting him [REDACTED] which raised

20 suspicion from them. He knew well some of the armed groups members. There

21 are allegations that he benefitted from [or took part in] a looting of WFP stocks during

22 the occupation."

23 Mr Witness, do you recall saying this to the Prosecution?

24 A. [12:48:46] Yes. I remember well. Hallé Ousmane [REDACTED]

25 [REDACTED] was talking with the MNLA rather than the Islamists. That I remember.

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1 Q. [12:49:10] Is the paragraph I read out to you an accurate reflection of what you
2 recall?

3 A. [12:49:21] Yes.

4 Q. [12:49:24] And Mr Witness, when you refer to "WFP stocks", what does that
5 refer to?

6 A. [12:49:36] World Food Programme stocks. World Food Programme has stocks
7 that they distribute to the population.

8 Q. [12:49:50] And Mr Witness, when you said he knew well some of the armed
9 group members, was that referring to the MNLA?

10 A. [12:50:14] In fact, [REDACTED] he knew them.

11 Q. [12:50:18] (Overlapping speakers) do you know which ones [REDACTED] he knew?

12 A. [12:50:20] No, I don't know.

13 Q. [12:50:29] Now, Mr Witness, earlier today you confirmed that [REDACTED]

14 [REDACTED] and

15 I would just like to go through some of them.

16 The first is Prosecution tab 105, [REDACTED] If you could confirm to me
17 when you can see that on your screen.

18 A. [12:51:34] Yes.

19 Q. [12:51:34] Did you [REDACTED]?

20 A. [12:51:36] Yes, I think so.

21 Q. [12:51:37] Do you recall when [REDACTED]?

22 A. [12:51:53] No.

23 Q. [12:51:54] (Overlapping speakers) Can you recall who [REDACTED] was?

24 A. [12:52:00] No.

25 Q. [12:52:04] And when [REDACTED], what was your

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1 objective?

2 A. [12:52:15] My objective was to explain what was happening in my country, to
3 raise people's awareness of what was happening in my country, in my region. That's
4 it.

5 Q. [12:52:34] And what sources of information did you rely upon for this

6 [REDACTED]?

7 A. [12:52:51] The sources of information, a lot of local journalists were in the field,
8 some of them were very close to the armed groups. So it was via these people that
9 I would get information.

10 Q. [12:53:18] If I could turn to the page at [REDACTED] and if you could confirm to me,
11 Mr Witness, when you can see this page in front of you.

12 A. [12:53:45] Yes, it's possible.

13 Q. [12:53:48] Now, Mr Witness, when you [REDACTED], did you believe
14 that there was credible evidence that the MNLA had committed rapes in Timbuktu?

15 A. [12:54:14] You can see I said that that was reported. That doesn't mean that
16 I was a witness to that. This is what people said and I report on what was said to me.
17 Personally I have no proof thereof.

18 Q. [12:54:33] I'm going to turn now to a different [REDACTED] It's OTP tab 107,
19 [REDACTED] And if you could confirm to me when you have that in front of
20 me -- in front of you.

21 Mr Witness, do you recall when you gave [REDACTED]

22 A. [12:55:22] No.

23 Q. [12:55:25] And can you recall [REDACTED]?

24 A. [12:55:33] No.

25 Q. [12:55:37] Earlier today you confirmed the accuracy. So did you personally

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1 [REDACTED]?

2 A. [12:55:50] Certainly. I was the one who made [REDACTED].

3 Q. [12:55:55] If we could bring up [REDACTED].

4 And I believe I can ask this question in open session.

5 Mr Witness, do you have this slide in front of you?

6 A. [12:56:26] No.

7 PRESIDING JUDGE MINDUA: [12:56:27](Interpretation) Are we going into open
8 session for this, is that what you would like?

9 MS TAYLOR: [12:56:32] I believe if the document isn't shown publicly and if I don't
10 quote from the document, I can ask a question in open session.

11 PRESIDING JUDGE MINDUA: [12:56:44](Interpretation) Right. Please go ahead.
12 Court officer, please take us into open session.

13 (Open session at 12.56 p.m.)

14 THE COURT OFFICER: [12:56:52] (Interpretation) We're in open session, your
15 Honour.

16 PRESIDING JUDGE MINDUA: [12:57:02](Interpretation) Please continue,
17 Ms Taylor.

18 MS TAYLOR: [12:57:04]

19 Q. [12:57:05] Mr Witness, is it correct that in the decade before 2012 there were
20 fundamentalist elements preaching in Timbuktu?

21 A. [12:57:20] Yes.

22 Q. [12:57:21] And is it correct that the Malian authorities condoned the presence of
23 these elements?

24 A. [12:57:33] Yes.

25 Q. [12:57:36] Mr Witness, before 2012, are you aware of any groups in Timbuktu

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1 who were advocating for stricter rules concerning drinking or dress code?

2 A. [12:58:03] No.

3 Q. [12:58:06] I'm going to bring up tab 1 in the Defence list, it's MLI-D28-0004-3186.

4 MS TAYLOR: And I am aware of the time, Mr President. If you wish to break now

5 or I can continue with one question, although I do have a series of questions.

6 PRESIDING JUDGE MINDUA: [12:58:37](Interpretation) Ms Taylor, if you have a

7 series of questions, it's better to have the break now, just two minutes before, before

8 the statutory time. Would you agree? Very well.

9 We are going to suspend the hearing for an hour. Our break will be shorter than

10 usual and we will be back at 2 p.m. Thank you.

11 Court is suspended.

12 THE COURT USHER: [12:59:05] All rise.

13 (Recess taken at 12.59 p.m.)

14 (Upon resuming in open session at 2.03 p.m.)

15 THE COURT USHER: [14:03:10] All rise.

16 Please be seated.

17 PRESIDING JUDGE MINDUA: (Microphone not activated)

18 THE INTERPRETER: [14:03:39] Microphone, please.

19 PRESIDING JUDGE MINDUA: [14:03:45](Interpretation) We shall now proceed -- or,

20 rather, continue with cross-examination by the Defence.

21 Ms Taylor, please go ahead.

22 MS TAYLOR: [14:03:56] Thank you.

23 Q. [14:03:57] Mr Witness, I'd just like to remind you that we're in open session.

24 I'm going to ask to bring up a document on your screen. It's tab 1 on the Defence list,

25 MLI-D28-0004-3186. And if you could confirm to me when you can see it on the

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1 screen in front of you.

2 A. [14:04:48] Yes, I can see it.

3 Q. [14:04:51] Mr Witness, this is a public Facebook post concerning a meeting
4 between imam Essayouti and imam Mahmoud Dicko during a meeting of the
5 *Comité des mœurs* in 2010. Were you aware of this meeting?

6 A. [14:05:17] Yes.

7 MS TAYLOR: [14:05:18] I'm going to ask to go into private session.

8 PRESIDING JUDGE MINDUA: [14:05:24](Interpretation) Courtroom officer, private
9 session, please.

10 (Private session at 2.05 p.m.)

11 THE COURT OFFICER: [14:05:30] (Interpretation) We are in private session.

12 PRESIDING JUDGE MINDUA: [14:05:38](Interpretation) Thank you.

13 Ms Taylor, please continue.

14 MS TAYLOR:

15 Q. [14:05:42] Mr Witness, can you tell the Court what you're aware of concerning
16 this meeting?

17 A. [14:05:54] I didn't attend that meeting, but I heard that, that the city of --

18 THE INTERPRETER: [14:06:04] Inaudible.

19 THE WITNESS: [14:06:06](Interpretation) -- of Timbuktu met and people made a
20 number of observations about the declining morality of people in Timbuktu. They
21 very much condemned things like a beauty contest for Ms Timbuktu, clothing worn
22 by people. I wasn't at the meeting, but of course I did hear a great deal about it.
23 And also there was talk about young people smoking joints.

24 MS TAYLOR: [14:06:50]

25 Q. [14:06:50] Mr Witness, who did you hear this from?

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1 A. [14:07:01] It was on social networks and in all circles of discussion. Everyone
2 was talking about this. There are about 10 radio stations, FM radio stations in the
3 city, so the information was relayed on. [REDACTED]

4 [REDACTED] It wasn't really a meeting so to say. It was more of a gathering, if I
5 could put it that way, that everyone was invited to. Almost a rally.

6 Q. [14:07:41] You've referred [REDACTED] being present at this meeting. Are you
7 able to give their names?

8 A. [14:07:53] I can't give you any specific name, but [REDACTED]
9 [REDACTED] there was a
10 great deal of talk about all of this.

11 MS TAYLOR: [14:08:15] Mr President, I believe we can go into open session.

12 PRESIDING JUDGE MINDUA: [14:08:23](Interpretation) If we could go into open
13 session, madam courtroom officer.

14 (Open session at 2.08 p.m.)

15 THE COURT OFFICER: [14:08:32] (Interpretation) We are back in open session.

16 PRESIDING JUDGE MINDUA: [14:08:35](Interpretation) Thank you.

17 Ms Taylor.

18 MS TAYLOR: [14:08:37]

19 Q. [14:08:40] Mr Witness, the *Comité des mœurs*, is that a committee for virtue?

20 A. [14:08:54] I wasn't a member of that committee, so I don't know what their
21 bylaws provide for. It was a committee set up to ensure proper morality within
22 public life.

23 Q. [14:09:14] Were you aware of a general assembly of this committee that took
24 place in June 2010?

25 A. [14:09:34] Yes.

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1 Q. [14:09:34] And to your knowledge, did many people attend this general
2 assembly?

3 A. [14:09:43] I don't know. Not really.

4 Q. [14:09:53] Did you hear or learn of any of the resolutions that were passed
5 during this general assembly?

6 A. [14:10:04] No.

7 Q. [14:10:08] Are you aware of any efforts after 2013 to ban alcohol in Timbuktu?

8 A. [14:10:34] In actual fact, there are groups, there are groups of young people who
9 formed -- I think some bars were actually trashed and some brothels as well that were
10 vandalised.

11 Q. [14:11:01] When did this occur?

12 A. [14:11:09] I said two years ago.

13 Q. [14:11:14] Do you know the groups who were responsible?

14 A. [14:11:26] No, but it was in particular young people.

15 Q. [14:11:37] I'm going to bring up another document. It's OTP tab 109,

16 [REDACTED] and it doesn't need to be shown publicly.

17 Can you confirm when it's in front of you.

18 A. [14:12:17] Yes.

19 Q. [14:12:19] Do you recall [REDACTED]?

20 A. [14:12:28] Yes.

21 Q. [14:12:30] When was it?

22 A. [14:12:36] [REDACTED]

23 MS TAYLOR: [14:12:44] I'm just going to ask some questions in private session with
24 your permission, Mr President?

25 PRESIDING JUDGE MINDUA: [14:12:58](Interpretation) Courtroom officer,

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1 private session, please.

2 (Private session at 2.13 p.m.)

3 THE COURT OFFICER: [14:13:03] (Interpretation) We are in private session.

4 PRESIDING JUDGE MINDUA: [14:13:11](Interpretation) Thank you, court officer.

5 Ms Taylor.

6 MS TAYLOR: [14:13:14]

7 Q. [14:13:17] Mr Witness, who was [REDACTED]?

8 A. [14:13:28] [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 Q. [14:13:58] And did you personally [REDACTED]?

12 A. [14:14:07] Yes.

13 Q. [14:14:08] And what did you base the information on?

14 A. [14:14:23] I don't even remember the content any more, the detailed content.

15 But I think it was through -- well, through personal feelings, observations, analysis,

16 particularly it was a commentary on what was going on in Mali, I think.

17 Q. [14:14:51] I'm just going to bring up a slide at pag [REDACTED] And if you could

18 confirm to me when you can see this in front of you.

19 Mr Witness, can you see the slide in front of you?

20 A. [14:15:34] (Speaks English) Not yet.

21 Q. [14:15:56] Can you see yet? It should be on evidence 2.

22 Is it in front of you?

23 A. [14:16:47] No.

24 PRESIDING JUDGE MINDUA: [14:16:54](Interpretation) But, Mr Witness, we have

25 it up on the channel marked evidence 2.

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1 THE WITNESS: [14:17:02](Interpretation) It's not up on the screen here.

2 MS COQUILLAUD: [14:17:12] (Interpretation) Look to tab 109 in the binder. It's
3 there as well.

4 PRESIDING JUDGE MINDUA: [14:17:19](Interpretation) Very well.

5 Ms Taylor.

6 MS TAYLOR: [14:17:21]

7 Q. [14:17:21] Yes, Mr Witness, if you wouldn't mind having a look at the binder,
8 the Prosecution binder, tab 109. There's a hard copy. And if the court officer could
9 assist you by turning to page [REDACTED]

10 A. [14:17:45] I said it was up on the screen. It's up on the screen now. Now I can
11 see it.

12 Q. [14:17:55] Now, Mr Witness [REDACTED] various forms of
13 discrimination against women. Did any of these forms of discrimination exist before
14 2012?

15 A. [14:18:17] Yes, of course. Yes. These were forms of discrimination -- well,
16 forced marriage has always existed, polygamy, many women do not consider
17 polygamy to be a form of discrimination, female circumcision, all these practices
18 practically existed before 2012.

19 Q. [14:18:56] Now, Mr Witness, do you recall [REDACTED]

20 [REDACTED]?

21 A. [14:19:13] Yes.

22 Q. [14:19:14] If we could turn to, in the binder, the Prosecution binder, tab 123.

23 For the record it's [REDACTED]

24 Is this [REDACTED] Mr Witness?

25 A. [14:20:20] Yes, that's right.

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1 Q. [14:20:24] Now the [REDACTED]
2 [REDACTED] So was it in those
3 capacities that [REDACTED]?

4 A. [14:20:38] Yes. Yes.

5 Q. [14:20:41] What was the objective [REDACTED]?

6 A. [14:20:51] In actual fact [REDACTED]
7 [REDACTED]

8 one year after the departure of the armed Islamists.

9 Q. [14:21:18] And did you [REDACTED]?

10 A. [14:21:24] Yes.

11 Q. [14:21:28] And what did you base the information on?

12 A. [14:21:39] I think it was based on personal observations, information that had
13 been reported to me, basically that.

14 Q. [14:21:52] And where did you obtain the images from?

15 A. [14:22:04] The images? When I read [REDACTED] like this one, I take some
16 images from the net, others come from friends or acquaintances or sometimes

17 [REDACTED]

18 Q. [14:22:29] If we could turn to page [REDACTED].

19 Mr Witness, what is this image showing?

20 A. [14:23:01] I beg your pardon? It is --

21 Q. [14:23:03] What is this photograph supposed to be showing?

22 A. [14:23:07] This is an image that I took from the net. It was just for illustrative
23 purposes. I didn't take this photograph myself. I don't even know. It was meant
24 as an example or an illustration. It could have been from Mali or Syria or Iraq. It
25 was an illustration of what an Islamist soldier might look like.

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1 Q. [14:23:42] And could we go to page 5 --

2 PRESIDING JUDGE MINDUA: [14:23:50](Interpretation) Mr Witness, did you hear
3 the remark?

4 THE WITNESS: [14:23:55](Interpretation) Yes.

5 PRESIDING JUDGE MINDUA: [14:23:58](Interpretation) Thank you. Thank you.

6 MS TAYLOR: [14:24:07]

7 Q. [14:24:08] So, Mr Witness, could we turn now to page [REDACTED] For the flogging
8 photograph, where did you obtain this image from?

9 A. [14:24:48] I think I grabbed it off the internet. There were one or two floggings
10 in Timbuktu for which I only had videos, not photos. So that I took just as an
11 illustration. I think I got it off the internet as well.

12 Q. [14:25:10] And did you [REDACTED] that this was an image of a flogging in
13 Mali, or did you [REDACTED] that it was merely illustrative?

14 A. [14:25:28] I specified that it was an illustration. When I use images like this, I
15 always specify that.

16 Q. [14:25:40] Would you accept, Mr Witness, that this image isn't necessarily from
17 Timbuktu?

18 A. [14:25:52] Yes, of course. It's not necessarily from Timbuktu.

19 Q. [14:25:59] If we could turn to Defence tab 18, MLI-D28-0004-4744, and if we
20 could show page 4746.

21 PRESIDING JUDGE MINDUA: [14:26:28](Interpretation) Ms Taylor, are we -- shall
22 we stay in private session?

23 MS TAYLOR: [14:26:33] I believe we can go into open session.

24 PRESIDING JUDGE MINDUA: [14:26:39](Interpretation) Thank you.

25 Courtroom officer, open session, please.

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(Open Session)

ICC-01/12-01/18

1 (Open session at 2.26 p.m.)

2 THE COURT OFFICER: [14:26:47] (Interpretation) We are in open session.

3 PRESIDING JUDGE MINDUA: [14:27:02](Interpretation) Thank you.

4 Ms Taylor.

5 MS TAYLOR: [14:27:04]

6 Q. [14:27:05] Mr Witness, this image isn't being shown publicly, but Mr Witness, is
7 it similar to the image that you just saw before?

8 Mr Witness, is the image on the laptop in front of you similar [REDACTED] that was in
9 [REDACTED] hat you just viewed?

10 PRESIDING JUDGE MINDUA: [14:28:46](Interpretation) Prosecution?

11 MS COQUILLAUD: [14:28:48] (Interpretation) We have the impression that there's
12 no sound coming.

13 THE WITNESS: [14:28:57](Interpretation) Oh, I said it is a similar image to the one
14 that I showed on the slide.

15 MS TAYLOR: [14:29:14] It's not clear to me if those are my words or if those are the
16 witness's words. So I'm going to put the question again to the witness.

17 Q. [14:29:25] Mr Witness --

18 PRESIDING JUDGE MINDUA: [14:29:27](Interpretation) Madam Prosecutor.

19 MS COQUILLAUD: [14:29:30] (Interpretation) Just to specify, he did reply and his
20 reply is indeed on the transcript. And the transcript can be corrected to make it
21 crystal clear that he was responding.

22 MS TAYLOR: [14:29:54]

23 Q. [14:29:56] So, Mr Witness, the article on the screen is an article concerning
24 Somalia. The image in front of you, does that appear to be Timbuktu or does it
25 appear to be a different location?

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1 PRESIDING JUDGE MINDUA: [14:30:14](Interpretation) Yes.

2 MR DUTERTRE: [14:30:15](Interpretation) I object. The witness has already said at

3 page 74 that the photograph [REDACTED] was not an image from Timbuktu.

4 He has already responded. Ms Taylor can very well plead that herself. She doesn't

5 need the witness to compare the photograph. She doesn't need the witness for that.

6 I think we can move on to something else.

7 PRESIDING JUDGE MINDUA: [14:30:39](Interpretation) Ms Taylor, your reply?

8 MS TAYLOR: [14:30:42] The witness was actually previously referring to a different

9 photograph when he said that. I did not hear him say that in relation to this

10 photograph. And there is a reason why I want to get his position on this photograph,

11 but we would have to cut the link to the witness for me to explain that.

12 PRESIDING JUDGE MINDUA: [14:31:09](Interpretation) I'm in agreement with the

13 Defence up to that point. The image we have up on the screen now is not the same

14 as the image we just saw. But indeed let us cut off the link to the witness and

15 Ms Taylor shall provide explanations.

16 Courtroom officer.

17 THE COURT OFFICER: [14:31:42] (Interpretation) Mr President, your Honours, I

18 just quite simply asked the courtroom officer in the field to turn the sound off and

19 we're going to be gaining time, we won't have to reconnect in that manner.

20 PRESIDING JUDGE MINDUA: [14:31:59](Interpretation) Yes, that's very well, in

21 that way we gain time.

22 Ms Taylor, please.

23 MS TAYLOR: [14:32:04] Thank you, Mr President. The witness [REDACTED]

24 so he's in a position to state for the record whether he recognises whether this photo

25 appears to be in Timbuktu. And the reason why I'm putting that question to him is

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1 that this photograph appears to have been used with newspaper articles concerning
2 floggings in Timbuktu. So it's possible that the same mistake that's been made by
3 the witness - the fact that this has been used for illustrative purposes - has also been
4 made by journalists. So I'm trying to identify whether the witness is in a position to
5 clarify or confirm that this event did not take place in Timbuktu.

6 PRESIDING JUDGE MINDUA: [14:32:56](Interpretation) Madam Prosecutor.

7 MS COQUILLAUD: [14:32:58] (Interpretation) Just one last thing, I don't see how he
8 would be competent to say which articles, which words, or photos a journalist might
9 have used in his own article in the press article. He is not qualified to express
10 himself on this matter.

11 PRESIDING JUDGE MINDUA: [14:33:17](Interpretation) Ms Taylor, we're not going
12 to be continuing with ping-pong. This article was not drafted by the witness. As to
13 the first image, you said that it was illustrative, but on this occasion, no. I believe
14 that you can put this question to one side.

15 MS TAYLOR: [14:33:39] Mr President, just for clarification, may I put to the witness
16 the question as to whether he is able to identify whether this took place in Timbuktu
17 or not? Because I don't believe we have a clear answer from him on that in relation
18 to this photograph.

19 PRESIDING JUDGE MINDUA: [14:33:58](Interpretation) Yes, Ms Taylor, but the
20 Office of the Prosecutor did raise an objection and I am granting said objection. We
21 do not need this and the witness did not write the article.

22 Now as to the response that he gave to the first article, well, that is sufficient for our
23 means and the Chamber has been enlightened.

24 Please continue, Ms Taylor. Please.

25 MS TAYLOR: [14:34:24]

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1 Q. [14:34:24] Mr Witness, could we now -- is the connection established?

2 PRESIDING JUDGE MINDUA: [14:34:36](Interpretation) Yes, you are right in so
3 saying, we do need the connection first.

4 THE INTERPRETER: [14:34:43] Message from the English booth: The witness is
5 wearing a mask and it is making our job a lot more difficult than usual. Thank you.

6 THE COURT OFFICER: [14:34:51] (Interpretation) I have been informed that the
7 sound has been reconnected at the distant location.

8 PRESIDING JUDGE MINDUA: (Interpretation) Thank you very much.
9 Ms Taylor.

10 MS TAYLOR: [14:34:55] Thank you, Mr President. The interpreters have raised the
11 issue that the use of the mask is making the interpretation difficult, so I'd like to ask if
12 it's possible for the witness to take off the mask, if that's at all feasible.

13 PRESIDING JUDGE MINDUA: [14:35:17](Interpretation) Mr Witness, the Defence is
14 asking whether it is possible -- for the interpreters, in fact, they are asking whether it
15 is possible for you to remove your mask, if that's all right with you.

16 THE WITNESS: [14:35:30](Interpretation) There we are. I've taken it off.

17 PRESIDING JUDGE MINDUA: [14:35:33](Interpretation) Thank you very much,
18 Mr Witness. That's very nice of you.

19 THE INTERPRETER: [14:35:37] Thank you from the interpreters.

20 MS TAYLOR: [14:35:39]

21 Q. [14:35:39] Mr Witness, could we turn now to page [REDACTED] in
22 front of you.

23 Where did you obtain these images from?

24 A. [14:36:29] To be quite honest, I do not recall. I do know that these were not
25 images that were taken by myself. I do not remember whether somebody gave me

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1 those images. These could be images that were taken from the net, as an illustration.

2 Q. [14:36:57] If we could bring up Defence tab 27, that's MLI-D28-0004-4803, and if
3 you could confirm, Mr Witness, when you can see that on your screen.

4 A. [14:37:16] Yes, I can see it.

5 Q. [14:37:19] Is that the same image that was on the left before?

6 A. [14:37:27] It seems so.

7 Q. [14:37:30] So again, is this a photograph that you used for illustrative purposes
8 only?

9 THE INTERPRETER: [14:37:44] Unintelligible. Could the witness please repeat.

10 MS TAYLOR: [14:37:54] I believe the answer is in the French.

11 THE INTERPRETER: [14:37:58] From the French transcript,

12 The witness: Exactly.

13 MS TAYLOR: [14:38:05]

14 Q. [14:38:06] Mr Witness, I believe actually we'll have to go into closed session for
15 these questions.

16 PRESIDING JUDGE MINDUA: [14:38:19](Interpretation) Madam courtroom officer,
17 could we move into private session.

18 (Private session at 2.38 p.m.)

19 THE COURT OFFICER: [14:38:25] We are in private session, Mr President.

20 PRESIDING JUDGE MINDUA: [14:38:38](Interpretation) Thank you very much.

21 Ms Taylor, please continue.

22 MS TAYLOR: [14:38:42]

23 Q. [14:38:43] Mr Witness, when you met the Prosecution [REDACTED] you mentioned

24 [REDACTED]

25 [REDACTED] But it's correct that you never mentioned that you had spoken to someone

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1 called Hassan?

2 A. [14:39:18] Well, when you meet people, you don't necessarily know their names.

3 The Islamic police -- or in the street, you know, you're told who is who, but I didn't

4 know [REDACTED] I did not know them by name. But

5 I was told that the commissioner [REDACTED] was called Hassan. There

6 we are.

7 Q. [14:39:53] Who told you that?

8 A. [14:40:01] Well, everyone in Timbuktu said that the commissioner was called

9 Hassan.

10 Q. [14:40:11] And Mr Witness, why did you not tell the Prosecution that [REDACTED]?

11 A. [14:40:22] Having said, what?

12 Q. [14:40:25] When you met the Prosecution [REDACTED], why did you not tell that to

13 the Prosecution then?

14 A. [14:40:40] What information?

15 Q. [14:40:43] That [REDACTED]

16 [REDACTED] Hassan.

17 A. [14:40:57] Well, if I didn't say so, it was because it was not timely. But I did

18 know only too well that the person there was called Hassan. But if I didn't say so, it

19 was because it was something that to my mind was quite trivial, you know.

20 Q. [14:41:25] Now, Mr Witness, you gave your second statement on [REDACTED]

21 That was [REDACTED] after Al Hassan was arrested and taken to the ICC. Did you

22 follow the news of his arrest on the media?

23 A. [14:41:48] Yes, I did hear that.

24 Q. [14:41:54] And you looked up photographs of him on the ICC website?

25 A. [14:42:07] I do believe so.

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1 Q. [14:42:12] Were those photos of him appearing at the initial appearance?

2 A. [14:42:24] I do believe so.

3 Q. [14:42:29] And if you look these up in the media, would it be correct you had
4 some knowledge of the ICC case against him before you met the Prosecution?

5 A. [14:42:48] Yes, certainly.

6 Q. [14:42:54] Now, Mr Witness, is it correct that you knew the date [REDACTED]
7 [REDACTED]?

8 A. [14:43:20] Yes, I [REDACTED] but I don't remember the date exactly.

9 Q. [14:43:26] Do you recall telling the Prosecution that you knew the date because
10 that was the date [REDACTED]?

11 A. [14:43:42] It is possible that I said that at the time that I was being questioned by
12 the Office of the Prosecutor. It is possible that I might have said that, but now I no
13 longer recall those dates. It is true I no longer recall them.

14 Q. [14:44:02] Did the Prosecution ask you for a copy [REDACTED]?

15 A. [14:44:14] No. I do not remember.

16 Q. [14:44:21] Now, in May 2012, do you know if the security services were located
17 in the BMS?

18 A. [14:44:36] Yes, right from the beginning we knew that.

19 Q. [14:44:44] Now, [REDACTED] they weren't wearing
20 Islamic police vests, were they?

21 A. [14:44:54] No.

22 Q. [14:44:58] Is it possible that they could have been members of the security
23 brigade?

24 A. [14:45:09] It is possible.

25 Q. [14:45:16] Did you learn the name of Al Hassan from someone who [REDACTED]

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1 [REDACTED] ?

2 A. [14:45:35] No, I do not remember.

3 Q. [14:45:41] So while [REDACTED] you didn't know the name Hassan?

4 A. [14:45:51] No. I do not recall.

5 Q. [14:46:02] Did you [REDACTED] while you
6 were [REDACTED] ?

7 A. [14:46:16] Yes.

8 Q. [14:46:20] Did the Prosecution ask you for copies of these [REDACTED] ?

9 A. [14:46:31] Yes, I do believe so.

10 Q. [14:46:35] And did you give them to the Prosecution?

11 A. [14:46:41] Yes.

12 Q. [14:46:45] Were these [REDACTED] that you emailed to the Prosecution?

13 A. [14:46:57] I do believe so.

14 Q. [14:47:01] If I could bring up Prosecution tab 126, [REDACTED] It
15 should be in the binder in front of you.

16 Do you recall sending these [REDACTED] to the Prosecution?

17 A. [14:47:55] Yes, I do recall having sent [REDACTED], but I did not [REDACTED]

18 [REDACTED]

19 [REDACTED] These I received
20 from other people. I sent them. [REDACTED] I sent them.

21 But [REDACTED].

22 Q. [14:48:34] And when did you give that to the Prosecution?

23 A. [14:48:41] I really do not remember the date.

24 Q. [14:48:46] Would it have been during the 2018 interview?

25 A. [14:48:57] Maybe, but I do not remember.

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1 Q. [14:49:02] Do you recall what [REDACTED] you had?

2 A. [14:49:15] I do believe that it was [REDACTED].

3 Q. [14:49:23] Do you recall any other details [REDACTED]?

4 A. [14:49:33] No.

5 Q. [14:49:37] Now, the [REDACTED] that you emailed to the Prosecution,
6 who did you obtain them from?

7 A. [14:49:52] There were a number of individuals in the surrounding area who

8 [REDACTED] discreetly, there was -- or [REDACTED]

9 [REDACTED].

10 Q. [14:50:14] And what are the names [REDACTED]

11 A. [14:50:29] There was one by the name [REDACTED] He was the one who
12 gave me most [REDACTED].

13 THE INTERPRETER: [14:50:43] The witness mentioned a name of a media outlet
14 that the interpreter did not grasp.

15 THE WITNESS: [14:50:44](Interpretation) And there was another, by the name of

16 [REDACTED].

17 MS TAYLOR: [14:50:55]

18 Q. [14:50:55] Are you related [REDACTED]?

19 A. [14:51:05] Yes, [REDACTED].

20 Q. [14:51:11] And when you [REDACTED]

21 [REDACTED]

22 A. [14:51:22] No, I never really [REDACTED] as such. It was

23 information that I collected, people that I questioned. I didn't really [REDACTED]

24 [REDACTED] and whenever I needed [REDACTED]

25 for my own purposes and documentation, then I would ask for them.

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1 Q. [14:52:05] And when [REDACTED] did he give you
2 background information concerning [REDACTED]?

3 A. [14:52:20] I do not recall.

4 Q. [14:52:28] Did he tell you that Al Hassan was the commissioner of the police?

5 A. [14:52:35] I believe that everyone in Timbuktu did know that. There were

6 [REDACTED] who were closer to the armed groups than others [REDACTED]
7 [REDACTED] was one of those. I believe that he knew more than
8 others.

9 Q. [14:53:08] Mr Witness, I don't think you answered my question. [REDACTED]

10 [REDACTED] tell you this?

11 A. [14:53:19] No.

12 Q. [14:53:22] What ethnicity is Al Hassan?

13 A. [14:53:37] I do not know. Tuareg or -- well, there are a number of groups, so
14 according to the information that I have and his culture in Arab and other things, he
15 could be Ansar. I'm not sure.

16 Q. [14:54:03] [REDACTED] did you see Al Hassan speaking to a
17 Tuareg?

18 A. [14:54:17] Yes.

19 Q. [14:54:23] And were they speaking Tamasheq?

20 A. [14:54:31] In fact, Tamasheq is the language of the Tuareg.

21 Q. [14:54:42] Were they speaking Tamasheq?

22 A. [14:54:48] Yes.

23 Q. [14:54:52] And you don't understand Tamasheq, do you?

24 A. [14:54:59] No, I don't.

25 Q. [14:55:05] And [REDACTED] they didn't speak Tamasheq, did they?

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1 A. [14:55:14] I do not know.

2 Q. [14:55:22] Do you recall telling the Prosecution that you heard Al Hassan asking

3 [REDACTED]?

4 A. [14:55:43] No.

5 Q. [14:55:53] So you don't recall that happening?

6 A. [14:56:00] No.

7 Q. [14:56:08] Mr Witness, is it possible that the person you're referring to as

8 Al Hassan, is it possible you may be confusing it -- this person with an Algerian [REDACTED]

9 [REDACTED] at the time?

10 A. [14:56:28] No, I do not believe so.

11 Q. [14:56:33] I'd like to refer you to tab 97 on the Prosecution binder. That's

12 [REDACTED]

13 A. [14:57:14] Yes.

14 Q. [14:57:16] Do you recognise this document?

15 A. [14:57:21] Yes.

16 Q. [14:57:24] Is it a document [REDACTED]?

17 A. [14:57:31] Yes.

18 Q. [14:57:33] And when [REDACTED]

19 A. [14:57:42] I believe that it was in December 2012.

20 Q. [14:57:50] Could you turn to pag [REDACTED] of the document?

21 A. [14:58:04] Yes.

22 Q. [14:58:11] I'm going to read out a paragraph?

23 A. [14:58:33] Yes.

24 Q. [14:58:36] (Interpretation) [REDACTED]

25 [REDACTED]

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1

2 THE INTERPRETER: [14:59:05] Overlapping speakers.

3 MS TAYLOR: [14:59:08] (Interpretation)

4

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6

7

8 THE INTERPRETER: [14:59:38] Overlapping speakers.

9 MS TAYLOR: [14:59:41] (Interpretation) "

10

11 Q. [14:59:52] Mr Witness, do you recall

12 A. [14:59:56]

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18 Q. [15:00:44] So, Mr Witness,

19 Hassan. So wouldn't this suggest that in 2012 you thought that Hassan was

20 Algerian?

21 A. [15:01:03] I do not remember

22 Hassan who

23 the time

24

25 an Algerian. That would not be possible.

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1 Q. [15:01:41] During your preparation meeting with the Prosecution, did you tell
2 them about someone [REDACTED] and show them a photograph of this person
3 on the internet?

4 A. [15:02:05] Yes.

5 Q. [15:02:09] Who was this person?

6 A. [15:02:16] Before [REDACTED] it was the -- someone from the
7 Islamists [REDACTED] whom I spoke to. I recognised him on several
8 photographs and he told me what [REDACTED] he had to do, and we almost
9 sympathised with one another, and he said why he had become a jihadist.

10 Q. [15:02:55] I'm going to bring up Defence tab 30, that's [REDACTED]
11 Mr Witness, is this the article you found for the Prosecution?

12 Mr Witness, did you hear my question? Is this the article you showed to the
13 Prosecution?

14 A. [15:04:09] Yes, I heard. Yes, that is indeed the image shown.

15 Q. [15:04:17] And the person you met is in that image?

16 A. [15:04:25] Yes, that is the person with the two hands on his chin.

17 Q. [15:04:35] Mr Witness, when you're in Timbuktu, did you ever see people
18 wearing that type of head scarf with words written on it?

19 A. [15:04:50] That was very rare. I saw that very rarely.

20 Q. [15:04:58] Mr Witness, would you accept that this is a photograph of MUJAO
21 and not Ansar Dine?

22 A. [15:05:09] I don't know. I don't -- I can't distinguish between those groups.

23 Q. [15:05:21] Mr Witness, it's nine years ago and you met the Prosecution six years
24 after the events. Given that you only went to this -- met Hassan on one occasion, I'm
25 going to put to you that is it possible that you've confused him with someone else?

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1 A. [15:05:52] Possible? I don't know. It's possible.

2 MS TAYLOR: [15:05:58] I have no further questions.

3 PRESIDING JUDGE MINDUA: [15:06:07](Interpretation) Thank you very much,

4 Ms Taylor, for your cross-examination.

5 I now turn to the OTP to see whether or not you have any questions. Any additional
6 questions?

7 MS COQUILLAUD: [15:06:24] (Interpretation) No, your Honour. No additional
8 questions.

9 PRESIDING JUDGE MINDUA: [15:06:31](Interpretation) The Chamber does not
10 have any questions either; so I believe we have finished with the witness -- with the
11 Prosecution's 21st (sic) witness.

12 Mr Witness, the Chamber would once again like to thank you
13 for helping us by answering the questions put to you so kindly. Your testimony is
14 now over.

15 Since we are in private session, we will now go into open session.

16 Madam courtroom officer, please.

17 (Open session at 3.07 p.m.)

18 THE COURT OFFICER: [15:07:34] (Interpretation) We are back in open session, your
19 Honour.

20 PRESIDING JUDGE MINDUA: [15:07:43](Interpretation) Thank you, courtroom
21 officer.

22 Mr Witness, I was saying that your testimony has now concluded and the Chamber
23 thanks you very much for so kindly answering our questions.

24 Yes, go ahead, Mr Witness.

25 THE WITNESS: [15:08:05](Interpretation) I would like to thank someone as well.

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1 (Witness excused)

2 PRESIDING JUDGE MINDUA: [15:08:10](Interpretation) Yes, indeed. Once again,
3 I would like to thank all the parties and participants for their cooperation. I thank
4 the court reporters, the interpreters for their hard work. Naturally I mustn't forget
5 our security officers and of course those who may be watching here or over the
6 internet.

7 I would like to wish everyone a very pleasant evening and tomorrow we shall meet
8 once again at 9.30 for the 21st -- correction, no, no, not tomorrow. Tomorrow is the
9 16th. The 18th, we shall reconvene on the 18th for the 21st witness called by the
10 Prosecution, the 21st witness.

11 Thank you very much. We are now adjourned.

12 THE COURT USHER: [15:09:35] All rise.

13 (The hearing ends in open session at 3.09 p.m.)

14 CORRECTIONS REPORT

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

17 Page 2 line 20:

18 "the 21st (sic) OTP witness" is corrected to "the 20th OTP witness"

19 Page 6 line 10:

20 "and place" is translated and added.

21 Page 7 lines 12-13:

22 "A. [9:50:20] I believe everything ended with the arrival of the armed groups. The
23 first -- that was in 2012, that is when everything --

24 THE INTERPRETER: [9:50:33] Inaudible."

25 Is corrected to

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1 "A. [9:50:20] I believe everything ended with the arrival of the armed groups,
2 which I believe was on 1st April 2012, that was when everything stopped."

3 Page

4 "A. [9:50:39] No, I wasn't there for the entire time. I spent [REDACTED] there and,

5 [REDACTED]

6 [REDACTED]

7 THE INTERPRETER: [9:50:56] Inaudible.

8 THE WITNESS: [9:50:58](Interpretation) -- and I went back to Timbuktu in

9 [REDACTED] --

10 THE INTERPRETER: [9:51:10] Inaudible."

11 Is corrected to

12 "A. [9:50:39] No, I wasn't there for the entire time. I think I spent [REDACTED]

13 there. Given that my [REDACTED]

14 [REDACTED] I came back to Timbuktu [REDACTED]

15 [REDACTED]."

16 Page 8 lines 15-16:

17 "A. [9:52:36] [REDACTED] -

18 THE INTERPRETER: [9:52:43] Inaudible." is corrected to

19 "A. [9:52:36] [REDACTED]

20 Page 12 line 14:

21 "ending in 1627" is corrected to "numbered MLI-OTP-0080-1627."

22 Page 12 lines 16-18:

23 "Q. [10:03:02] Now, move on to your first statement and the statement has two
24 appendices, MLI-OTP-0023-0390, and this is a confidential document.

25 Do you have the document?" is corrected to

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(Open Session)

ICC-01/12-01/18

1 "Q. [10:03:02] We're now going to move on to the appendices of your first
2 statement. Your first statement is accompanied by two appendices. The first is at tab
3 89 and bears the ERN MLI-OTP-0023-0390. It's a confidential document."

4 Page 12 line 24:

5 "A. [10:04:13] (No interpretation)" is corrected to "A. [10:04:13] Yes."

6 Page 12 line 25 to page 13 line 3:

7 "Q. Second annex of your first --

8 THE INTERPRETER: [10:04:20] Inaudible.

9 MS COQUILLAUD: [10:04:22]

10 Q. [10:04:23] -- page 45 of your statement. "

11 Is corrected to

12 "Q. [10:04:20] So the second annex of your first statement contains 13 documents
13 which originate from an SD card and they are listed at page 45 of your statement."

14 Page 13 lines 8-22:

15 "Q. [10:05:32] For the file, these exhibits bear the number MLI-OTP-0028-0117,
16 MLI-OTP-0028-0128, MLI-OTP-0028-108, MLI-OTP-0028-0133, OTP-128,
17 MLI-OTP-0141, MLI-OTP-0028-0143, MLI-OTP-0338, MLI-OTP ... (no interpretation)

18 THE COURT OFFICER: [10:07:11] Excuse me, I do not hear the English
19 interpretation any more.

20 THE INTERPRETER: [10:07:16] Message from the interpreter: Quite a long series
21 of reference numbers not provided to the interpreter.

22 THE COURT OFFICER: [10:07:27] Could you please just speak ...

23 THE INTERPRETER: [10:07:35] Message from the interpreter: There was quite a
24 long series of reference numbers and they're up on the French transcript, so I will
25 complete the record.

Trial Hearing

(Open Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0114

1 MLI-OTP-0028-0117, MLI-OTP-0028-0124, MLI-OTP-0028-0126, MLI-OTP-0028-0133,
2 MLI-OTP-0028-0138, MLI-OTP-0028-0141, MLI-OTP-0028-0143, MLI-OTP-0028-0188,
3 MLI-OTP-0028-0233, MLI-OTP-0028-0261, MLI-OTP-0028-0269, MLI-OTP-0028-0287,
4 and finally, MLI-OTP-0028-0319."

5 Is corrected to

6 "Q. [10:05:32] For the file, these exhibits bear the number

7 MLI-OTP-0028-0117,MLI-OTP-0028-0124, MLI-OTP-0028-0126, MLI-OTP-0028-0133,
8 MLI-OTP-0028-0138, MLI-OTP-0028-0141, MLI-OTP-0028-0143, MLI-OTP-0028-0188,
9 MLI-OTP-0028-0233, MLI-OTP-0028-0261, MLI-OTP-0028-0269, MLI-OTP-0028-0287
10 and finally MLI-OTP-0028-0319."

11 Page 14 lines 12-15:

12 "Q. [10:09:52] Do you agree that your first witness statement, MLI-OTP-023-0344
13 and the photographs, the comments and the corrections, MLI-OTP-1627, up to the top
14 of the page and the 14 appended documents that I just read out be placed on the case
15 record?"

16 Is corrected to

17 "Q. [10:09:52] Do you agree to your first witness statement, MLI-OTP-023-0344
18 and the photographs that are commented on in it, the corrections at
19 MLI-OTP-0080-1627, up to the top of the page 6 and the 14 appended documents
20 that I just read out being placed on the case record?"

21 Page 16 line 18:

22 "MLI-OTP-0060-0495,"is corrected to "MLI-OTP-0060-0405,"

23 Page 17 lines 1-5:

24 "Q. [10:18:37] Do you confirm that you're the person who provided us with these
25 four photographs by email?

Trial Hearing

(Open Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0114

- 1 THE INTERPRETER: [10:18:43] Could the witness be asked to leave a pause before
- 2 answering. Overlapping speaker."
- 3 Is corrected to
- 4 "Q. [10:18:37] Do you confirm that you're the person who provided us with these four
- 5 photographs by email?
- 6 A. Yes.
- 7 Q. Did you take these photographs?
- 8 A. No."