

Trial Hearing
WITNESS: MLI-D28-P-0529

(Open Session)

ICC-01/12-01/18

1 International Criminal Court
2 Trial Chamber X
3 Situation: Republic of Mali
4 In the case of The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag
5 Mahmoud - ICC-01/12-01/18
6 Presiding Judge Kesia-Mbe Mindua, Judge Tomoko Akane and Judge Kimberly Prost
7 Trial Hearing - Courtroom 3
8 Tuesday, 5 July 2022
9 (The hearing starts in open session at 9.32 a.m.)
10 THE COURT USHER: [9:32:24] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE MINDUA: [9:32:49](Interpretation) Court is in session.
14 Good morning, all.
15 Court officer, would you call the case, please.
16 THE COURT OFFICER: [9:33:05] Good morning, Mr President, your Honours.
17 This is the situation in the Republic of Mali, in the case of The Prosecutor versus Al
18 Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud, case reference ICC-01/12-01/18.
19 And for the record, we're in open session.
20 PRESIDING JUDGE MINDUA: [9:33:28](Interpretation) Thank you very much,
21 court officer.
22 Now, as usual, we shall now hear the introductions by the parties.
23 The Office of the Prosecutor first of all.
24 MS SARDACHTI: [9:33:43](Interpretation) Good morning, your Honours.
25 Charlotte Luijben, Caroline Leroy, Gilles Dutertre, Lucio Garcia and myself,

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- 1 Marie-Jeanne Sardachti.
- 2 PRESIDING JUDGE MINDUA: [9:33:59](Interpretation) Thank you, Ms Sardachti.
- 3 I turn now to the Defence.
- 4 MS TAYLOR: [9:34:03] Good morning, Mr President, good morning, your Honours.
- 5 Good morning to everyone inside and around the courtroom.
- 6 The Defence for Mr Al Hassan is represented today by Maître Sarah Marinier-Doucet,
- 7 by Mr Maouloud Al-Ansary and Ms Leila Abid. Thank you very much.
- 8 PRESIDING JUDGE MINDUA: [9:34:26](Interpretation) Thank you, Ms Taylor.
- 9 I would also like to say good morning to Mr Al Hassan who is also present in the
- 10 courtroom.
- 11 I turn now to the legal representatives of victims.
- 12 MR LUVENGIKA: [9:34:40](Interpretation) Good morning, your Honours.
- 13 Victims are represented this morning by Ms Tovia Vila, Romane and myself, Mr Nsita
- 14 Luvengika.
- 15 PRESIDING JUDGE MINDUA: [9:34:58](Interpretation) Thank you very much,
- 16 Mr Nsita.
- 17 I turn now to the counsel assisting the witness. Counsel.
- 18 MS CARIOLOU: [9:35:09] Good morning, Mr President, good morning, your
- 19 Honours. Leto Cariolou, I appear today before you as legal adviser to the witness.
- 20 Thank you.
- 21 PRESIDING JUDGE MINDUA: [9:35:22](Interpretation) Thank you very much,
- 22 Ms Cariolou.
- 23 And you are counsel for the witness pursuant to Rule 74.
- 24 Witness, good morning. Can you hear me?
- 25 WITNESS: MLI-D28-P-0529 (On former oath)

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1 (Witness speaks Tamasheq)

2 THE WITNESS: [9:35:43](Interpretation) Yes, I can. Everything is going fine. I
3 can hear you well, by the grace of God.

4 PRESIDING JUDGE MINDUA: [9:35:52](Interpretation) Witness, I would like to
5 welcome you again, and I would also like to remind you that you are still under oath
6 and that you must speak the truth, the whole truth and nothing but the truth.

7 THE WITNESS: [9:36:30] (No interpretation)

8 PRESIDING JUDGE MINDUA: [9:36:30](Interpretation) I would like to also remind
9 you of some practical matters. You should speak at a reasonable pace and also take
10 breaks regularly to allow our court reporters and our interpreters to do their work
11 correctly.

12 THE WITNESS: [9:37:02](Interpretation) Yes.

13 PRESIDING JUDGE MINDUA: [9:37:06](Interpretation) So I shall now pass the floor
14 directly to the Defence for them to continue with their examination-in-chief.

15 MS TAYLOR: [9:37:19] Thank you very much, Mr President.

16 QUESTIONED BY MS TAYLOR: (Continuing)

17 Q. [9:37:25] Good morning, Mr Witness. How are you today?

18 A. [9:37:39] Everything is fine. May Allah be blessed.

19 Q. [9:37:47] Now, Mr Witness, I am going to continue the questions I was putting
20 to you yesterday.

21 A. [9:38:11] Yes.

22 Q. [9:38:11] And yesterday at page 30, you were describing to the Chamber how
23 you were taken to a camp and then afterwards you were taken to a house.

24 Do you remember that, Mr Witness?

25 A. [9:38:51] Yes, I recall.

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1 Q. [9:38:54] Now, Mr Witness, can you please describe this house that you were
2 taken to.

3 A. [9:39:39] Well, that house was a house. It was a place where there were houses
4 and that's where I was and where other groups who joined were, others who had
5 joined at that time.

6 Q. [9:40:03] And what happened at this house?

7 A. [9:40:31] Nothing happened in the house, other than that's where we spent our
8 time and where we spent the evenings also, until we left that house.

9 Q. [9:40:48] And how long were you in this house, approximately?

10 A. [9:41:18] I don't recall exactly how much time, how many days we spent -- or I
11 spent in that house, but I recall it was several days.

12 Q. [9:41:30] And where did you go after you left that house?

13 A. [9:42:05] After that house, we were taken to a place which was called the house
14 of the gendarmerie, and that's where we were given the little bit of training that we
15 got.

16 THE INTERPRETER: [9:42:28] The witness used the Arab term *attadrib*, which
17 means training.

18 MS TAYLOR: [9:42:37]

19 Q. [9:42:37] Can you recall where this gendarmerie building was in Timbuktu?

20 A. [9:43:17] If it pleases Allah, it was located in the north of Timbuktu.

21 Q. [9:43:25] Mr Witness, you've mentioned a training. Can you remember the
22 names of the persons who gave the training?

23 A. [9:43:59] The name of the person who gave us that training, who trained us was
24 called Abou Harris.

25 Q. [9:44:14] Do you know what ethnicity he was or where he came from?

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1 A. [9:44:44] No, I don't know his tribe, but I had the impression that he came from
2 Mauritania.

3 Q. [9:44:58] So what language did he speak?

4 A. [9:45:28] Back then he was speaking Hassaniya, Mauritanian Hassaniya. [REDACTED]

5 [REDACTED] He also spoke Arabic. [REDACTED]

6 [REDACTED]

7 Q. [9:45:46] So how were you able to follow the training?

8 A. [9:46:24] Well, during the training, there were people -- there were Tamasheqs
9 and there were also people who translated for those who didn't understand the
10 language.

11 Q. [9:46:40] Now, you were being trained. Was there anyone else with you being
12 trained at the same time?

13 A. [9:47:13] Yes. Yes, indeed. There were quite a few people at the time.

14 Q. [9:47:21] Can you recall approximately how many were with you?

15 A. [9:47:54] No, I couldn't give you an estimate, but it was quite a large number of
16 people.

17 Q. [9:48:08] Do you recall where they came from?

18 A. [9:48:34] The people that I was trained with, if it pleases Allah, were people
19 from Timbuktu.

20 Q. [9:48:46] Now, Mr Witness, you said there was quite a large number of people.
21 Can you explain to the Chamber what you consider to be a large number.

22 A. [9:49:32] A large number of people? Well, what I mean by that is I couldn't cite
23 a number. I couldn't tell you what number of people, but I mean, quite a few people.

24 Q. [9:49:49] Now, Mr Witness, do you recall what age these people were by
25 reference to your age at the time?

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1 A. [9:50:32] Well, in truth, I don't know their age, but I know that some of them
2 were older than me and others were the same age as me.

3 Q. [9:50:50] Can you recall how long the training lasted?

4 A. [9:51:25] Well, in fact, the training took about 20 days or more. I don't
5 remember the exact number of days, but I would say it was 20 days or more.

6 Q. [9:51:48] Mr Witness, what did the trainers discuss or talk to you about?

7 A. [9:52:41] They gave us Al-Durus.

8 THE INTERPRETER: [9:52:56] Which is an Arabic term, which probably means
9 lessons, says the interpreter.

10 THE WITNESS: [9:52:57](Interpretation) And after that in the morning, we had
11 training and again in the afternoon also.

12 MS TAYLOR: [9:53:19]

13 Q. [9:53:20] So, Mr Witness, you mentioned having classes. What was discussed
14 during these classes or lessons?

15 A. [9:54:19] Well, after the morning prayer, they brought us together at one place,
16 and they had us read the hamdou, the surat, the hamdou. So we would recite that.
17 Then we -- then there was a -- then they would preach, and that's how the classes
18 were organised and how the training was given.

19 Q. [9:54:51] Now, Mr Witness, you've mentioned you reading the surats and the
20 trainers preaching to you. So do I take it from this that they were discussing Islam
21 with you?

22 A. [9:55:34] Yes, it was -- they only spoke about Islam.

23 Q. [9:55:44] And, Mr Witness, when they spoke about Islam, did you yourself see
24 any difference between the Islam they spoke of and the Islam you had grown up
25 with?

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1 A. [9:56:42] I didn't notice any difference between that and what I had grown up
2 with.

3 Q. [9:56:52] Now, during the training, were you given any instructions as concerns
4 how yourself -- you yourself should behave as a member of the group?

5 A. [9:57:37] Yes. Back then, they informed us of many conditions, but I can't recall
6 them now. I don't have them to mind.

7 Q. [9:57:55] Did they inform you that certain conduct was prohibited for you to do?

8 A. [9:58:50] Yes. They referred to a lot of things that were prohibited, such as
9 a -- Zina and others that I've forgotten.

10 THE INTERPRETER: [9:59:35] (Overlapping microphones)

11 MS TAYLOR: [9:59:35]

12 Q. [9:59:35] And were you told what would happen to you if you broke the rules, if
13 you committed Zina yourself?

14 THE INTERPRETER: [9:59:39] (Overlapping microphones)

15 MS TAYLOR: [9:59:39]

16 Q. [9:59:39] Mr Witness, can you please explain what you understand by Zina,
17 Z-I-N-A.

18 A. [10:00:25] Zina is just when a man and a woman who are not married meet and
19 do something which is not right. That's Zina.

20 Q. [10:00:45] And is it also prohibited if the woman doesn't consent?

21 A. [10:01:49] When the woman doesn't consent? Yes, that is prohibited, but I
22 didn't ask any questions about that particular aspect. And I don't recall if they
23 already -- or if they automatically told us about that aspect.

24 Q. [10:02:15] Mr Witness, were you told what would happen to you if you yourself
25 broke the rules and committed Zina?

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1 A. [10:03:24] The person who committed Zina, if that person was somebody who
2 had never been married, that person would get a hundred lashes. But for the person
3 who had already been married, the person would receive *atarjam*, and the root of that
4 word, *atarjam* --

5 THE INTERPRETER: [10:04:01] Perhaps the witness should be asked about what is
6 meant ...

7 Could the witness explain the term, asks the Tamasheq booth.

8 MS TAYLOR: [10:04:06] The word is *atarjam* and I believe it means *lapidation*. It's
9 A-T-A-R-J-A-M.

10 PRESIDING JUDGE MINDUA: [10:04:21](Interpretation) No, Ms Taylor, we
11 shouldn't think. We should ask the witness.

12 MS TAYLOR: [10:04:28]

13 Q. [10:04:28] Mr Witness, can you explain what you mean by the word *atarjam*,
14 A-T-A-R-J-A-M.

15 A. [10:05:15] *Atarjam*, this is something that I never saw, but -- but I know that
16 people are going to throw stones at the person until that person dies.

17 Q. [10:05:39] Now, Mr Witness, were you married at the time that you joined the
18 group?

19 A. [10:06:00] No, I wasn't married at that time.

20 Q. [10:06:04] And while you were a member of the group, did anyone from the
21 group encourage you to get married?

22 A. [10:06:48] Yes. At that time, whoever wanted to get married got married.
23 And who didn't want to get married, didn't.

24 Q. [10:06:58] And during these classes, were you given any sermons concerning
25 what the Prophet, peace be upon him, has to say about the conditions for getting

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1 married?

2 A. [10:07:47] Yes. We were told about that a lot, but I haven't -- I don't remember
3 at all.

4 Q. [10:08:00] Now, Mr Witness, do you recall -- I know it's been a long time, but do
5 you recall if they discussed with you how a marriage should be arranged, what steps
6 should be taken?

7 A. [10:08:50] I've forgotten the conditions.

8 Q. [10:09:00] Do you recall what the Koran or the Prophet says about consent,
9 about the consent of the wife or the family?

10 A. [10:09:52] Yes. It was through the consent of the wife and the family of the
11 wife. That's what I remember.

12 Q. [10:10:09] Mr Witness, did you have to swear an oath when you joined the
13 group?

14 A. [10:10:39] No. I don't remember having to swear an oath.

15 Q. [10:10:46] Now, Mr Witness, I'm just moving on to a different subject now. It's
16 the organisation of the group.

17 Do you know the word "*shurta*"?

18 A. [10:11:24] No, I don't know what *shurta* means.

19 Q. [10:11:26] I understand it wasn't translated properly. It's S-H-U-R-T-A. It's an
20 Arabic word.

21 If it could perhaps be said in Arabic to the witness.

22 A. [10:11:51] Ah, *shurta*. Yes, yes, I know it well.

23 Q. [10:11:56] And what is a *shurta*?

24 A. [10:12:22] At that time, well, the meaning of that word was that this group had a
25 *shurta*. They had their police.

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1 Q. [10:12:37] Mr Witness, do you know the names of anyone who was in the
2 *shurta*?

3 A. [10:13:17] The people who were in the *shurta*, I've forgotten them, even if I knew
4 some of them, but I know that their boss was called Khalid. I saw him, but I had
5 forgotten.

6 Q. [10:13:40] Mr Witness, this person you've called Khalid, can you describe what
7 you remember of him, where he came from?

8 A. [10:14:31] People told me that he was Sahrawi, according to the description.
9 But I had forgotten. Well, I didn't see him. And if I saw him, perhaps it was only
10 once, and that I have forgotten. But he was -- he was a Sahrawi.

11 Q. [10:15:02] Now, Mr Witness, you've used a word "Sahrawi", can you explain
12 what that means?

13 A. [10:15:46] The meaning of the word "Sahrawi" means that they are people who
14 come from a territory that exists, the Sahara, and that is a Sahrawi, or Saharan.

15 Q. [10:16:06] Now, Mr Witness, do you know the word "Hesbah", H-I-S-B-A-H?

16 A. [10:16:48] People from the Hesbah -- well, I never joined the Al-Hesbah. I was
17 never one of them, but sometimes I would pass by and I would see them.

18 Q. [10:17:10] Mr Witness, can you explain what you mean by this word "Hesbah",
19 what this refers to.

20 A. [10:18:13] People from Al-Hesbah, people in that group at that time, they would
21 walk around the town to give advice to people, to tell people what they should do
22 that was good. They would also advise women as to how they must dress. That
23 was it.

24 Q. [10:18:40] Now, Mr Witness, you've said: "I would pass by and I would see
25 them." That is the Hesbah. Where would you see them?

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1 A. [10:19:37] The place, the house, where they lived, that's where they would take a
2 person when they arrested somebody. It's also where they would do what that
3 person had to undergo.

4 Q. [10:20:09] Now, Mr Witness, I'm going to move on to a new subject.
5 After your training, what did you do next?

6 A. [10:21:11] After that, when we finished with the training, they took us to a house
7 in Timbuktu. And there they dispatched us. I was taken to the In-Khalil post, the
8 exit which goes towards In-Khalil.

9 Q. [10:21:40] Mr Witness, do you know who decided that you should go to that
10 post?

11 A. [10:22:20] At that time, I think Talha was in the group. That was the person
12 who took that decision, or I think that was the person who took that decision.

13 Q. [10:22:39] Mr Witness, you've mentioned someone called Talha. Can you
14 explain to the Chamber what you might remember about this individual.

15 A. [10:23:33] Talha, I know that at the time he was the person who was the head of
16 Al-junud --

17 THE INTERPRETER: [10:23:43] -- an Arabic term which we have asked the meaning
18 of -- which we would have to ask the meaning of.

19 MS TAYLOR: [10:23:56]

20 Q. [10:23:57] Mr Witness, you've referred to a word *junud*, J-U-N-U-D. Can you
21 explain what you mean -- it's an Arabic word, what you mean by that.

22 A. [10:24:52] The meaning is the army that was there. He was the person who
23 was responsible for the organisation and the -- who should go to a particular post or
24 elsewhere.

25 Q. [10:25:17] Do you know which country he came from or his ethnicity?

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1 A. [10:25:52] I was told that he came from the country of Libya. I didn't know him
2 before this period, and I didn't know him after this period either.

3 Q. [10:26:10] Now, Mr Witness, earlier you said you were taken to the exit which
4 goes towards Khalil, can you explain to the Chamber what Khalil is?

5 PRESIDING JUDGE MINDUA: [10:26:44](Interpretation) Madam Prosecutor.

6 MS SARDACHTI: [10:26:45](Interpretation) Yes, I would just like to say that in the
7 French transcript on page 30, line 4, it indicates "Tin-Halil" and Ms Taylor is speaking
8 about Al-Khalil. So when we look at the transcript we are going to think that these
9 are two different places.

10 So I think it's important to correct the transcript so there is no confusion hereafter.

11 PRESIDING JUDGE MINDUA: [10:27:06](Interpretation) Indeed, Madam
12 Prosecutor.

13 Ms Taylor.

14 MS TAYLOR: [10:27:09] Thank you, Mr President. I do understand that there is a
15 process for correcting the transcripts and that these can be submitted at the end of
16 each day. I am happy to correct it now, but I do hope that we can just expedite these
17 matters by correcting things after the processes.

18 PRESIDING JUDGE MINDUA: [10:27:32](Interpretation) Because we have the
19 witness with us, we can correct it now.

20 MS TAYLOR: [10:27:37]

21 Q. [10:27:37] Mr Witness, the transcript apparently in French says "Tin-Halil".
22 What was the name of the place that the route was going towards?

23 A. [10:28:45] In fact, the name of the place towards which the road went from that
24 place, the name that I know is In-Khalil. It could be the case that other names exist
25 and other people know Tin-Halil. But I know In-Khalil.

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1 Q. [10:29:14] And this place, In-Khalil, what do you know about it in terms of
2 where it's located?

3 A. [10:29:58] As regards In-Khalil, I've never seen it. I've never been there, but I
4 know it's on the Algerian border.

5 Q. [10:30:09] And Mr Witness, this exit, was this in the north, the south, the east or
6 the west of Timbuktu, if you happen to know?

7 A. [10:30:46] Well, the place was to the east of Timbuktu, a little bit to the north.

8 Q. [10:30:57] And when you arrived at this location, was there a *chef de poste*?

9 A. [10:31:52] At that time, Abou Youssef was the *chef*, the chief for some time, then
10 he left and was replaced by somebody else. And I've forgotten the name of the
11 person who replaced him.

12 Q. [10:32:10] Do you happen to recall the nationality or ethnicity of the person who
13 replaced Abou Youssef?

14 A. [10:32:44] No, I don't know. In fact, I've -- I've forgotten the person.

15 Q. [10:32:53] How long were you at this post?

16 A. [10:33:28] I don't know a specific period of time, but I was at that post for three
17 months or more.

18 Q. [10:33:43] Mr Witness, can you explain to the Chamber what your tasks were at
19 this post.

20 A. [10:34:37] Well, my job at the post was just to stop cars. There was another
21 person who would approach the car and would ascertain what they were doing. It
22 was that person who would speak to the driver and ascertain what they were
23 transporting, where they were coming from.

24 Q. [10:35:09] Now, Mr Witness, you've said that your job at the post was just to
25 stop cars.

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1 Can you explain how you stopped the cars?

2 A. [10:35:53] In fact, I would just stop them. When I would see a car approaching,
3 I would raise my hand and the car would then stop. It wasn't me that was
4 responsible for what happened after that.

5 Q. [10:36:15] So, Mr Witness, you've said that after you did this another person
6 would approach the car, ascertain what they were doing, speak to the driver and
7 ascertain what they were transporting.

8 What were they checking for?

9 A. [10:37:35] The person would go and have a look, check what was being
10 transported to ensure that weapons were not being transported. Then he would give
11 him a receipt and the vehicle would pass through and enter the town.

12 Q. [10:38:02] Did the person in the vehicles ever have to pay a toll or money to pass
13 through?

14 A. [10:38:36] No, no, no. Not at all. Not at all. I never saw that, and I never
15 heard any talk of that.

16 Q. [10:38:49] Now, Mr Witness, this route was passing from the town near the
17 border of Algeria. What type of vehicles were passing through this exit?

18 A. [10:39:47] Well, what I remember most of all was trucks that were carrying
19 petrol, diesel.

20 Q. [10:40:01] Now, if a vehicle travelled this route regularly, would you stop it each
21 time?

22 A. [10:40:48] A car that was known, that passed often, that wasn't going far, whose
23 owner was known, that type of vehicle is never stopped. It would arrive, it would
24 leave and continue on its way.

25 Q. [10:41:07] And were people from Timbuktu, that is, locals, were they allowed to

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1 leave Timbuktu through this post?

2 A. [10:42:16] Yes, there was no problem. But, in fact, that road was not a road
3 which was used by persons travelling by foot. But people who were near the post
4 would pass by there without any difficulty.

5 Q. [10:42:42] Now, Mr Witness, when you were at this post, did you ever see
6 anyone being arrested?

7 A. [10:43:12] Not at that post, no. I didn't see anybody being arrested, or at least I
8 don't recall seeing anyone being arrested.

9 Q. [10:43:23] Now, Mr Witness, did you have a weapon when you were at this
10 post?

11 A. [10:43:49] Yes. Yes, at the time, I bore a weapon.

12 Q. [10:43:56] And do you remember who gave the weapon to you?

13 A. [10:44:39] That rifle? That rifle was given to me on the evening that we arrived
14 at the place where we were trained, the place where we received our training, but the
15 rifles didn't belong to us. They were just rifles which we would carry.

16 Q. [10:45:03] Mr Witness, when it was given to you, were you told what the
17 purpose of it was, why you needed to have a weapon?

18 A. [10:46:09] Yes. In fact, as far as I recall, I was told that it was a rifle that I was
19 given to be able to act as a guard, but it wasn't a rifle that was given to me so that I
20 could shoot if something happened that I didn't understand, for instance.

21 Q. [10:46:43] So, Mr Witness, were you given instructions as concerns when you
22 could and couldn't use the rifle?

23 A. [10:47:46] Yes. Back at the time, I was given instructions, but I've got -- I've
24 forgotten quite a few things. I don't recall everything, and I don't have it all to mind.

25 Q. [10:48:05] Who gave you these instructions? Do you recall that?

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1 A. [10:48:43] Yes, we were given advice. And as far as I recall, it was the person
2 who trained us who gave us that advice.

3 Q. [10:49:02] Now, Mr Witness, earlier you mentioned that you were given training
4 by Abou Harris.

5 Is this the person you're referring to?

6 A. [10:49:49] Yes, he's the person I'm referring to. He gave us a lot of advice,
7 including other advice, but I don't recall everything and I don't have everything to
8 mind.

9 Q. [10:50:08] Mr Witness, you said:

10 "It wasn't a rifle that was given to me so that I could shoot at something if I didn't
11 understand."

12 Were you told what would happen if you shot at a member of the local population
13 without following instructions?

14 A. [10:52:02] One of the conditions back then was that if I saw somebody doing
15 something wrong, I should only give him advice, and it was not my role to force him
16 to do something using my weapon.

17 Q. [10:52:35] And, Mr Witness, were you told what would happen to you if you
18 broke the rules? If you broke the rules.

19 A. [10:53:14] Somebody who did not heed the conditions? Could you repeat that
20 part, please.

21 Q. [10:53:24] Yes, Mr Witness.

22 You said: "It was not my role to force him to do something using my weapon."

23 Do you recall saying that?

24 A. [10:53:58] Yes, yes, I remember that.

25 Q. [10:54:01] Now, were you told what would happen to you if you broke the rules

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1 and you tried to force someone to do something with your weapon?

2 THE INTERPRETER: [10:55:32] Message from the Tamasheq booth: Presiding

3 Judge, could you ask the witness to give his answer anew, but speaking a little bit

4 more loudly, please.

5 PRESIDING JUDGE MINDUA: [10:55:48](Interpretation) Witness, would you repeat

6 your answer, but could you speak a little bit more loudly.

7 THE WITNESS: [10:56:13](Interpretation) Do you mean the last answer I gave?

8 PRESIDING JUDGE MINDUA: [10:56:17](Interpretation) Yes, that's right.

9 MS TAYLOR: [10:56:20]

10 Q. [10:56:20] Mr Witness, can you say exactly the same thing with a louder voice.

11 A. [10:56:48] Yes, but could you repeat the question.

12 MS TAYLOR: [10:56:56] Mr President, we have what he said. Can I put it to him

13 and ask him if it's what he said?

14 PRESIDING JUDGE MINDUA: [10:57:08](Interpretation) Certainly, Ms Taylor.

15 That might save time.

16 MS TAYLOR: [10:57:11]

17 Q. [10:57:11] Mr Witness, we have written down that you responded: "If it

18 happens that I killed him, I would be killed as well."

19 Is that what you said before?

20 A. [10:58:03] Yes, that's right. If I killed someone, based on Sharia, I would be

21 killed in turn.

22 MS TAYLOR: [10:58:21] Mr President, I'm looking at the time. Would now be a

23 good time to break?

24 PRESIDING JUDGE MINDUA: [10:58:31](Interpretation) Ms Taylor, I think that

25 you're a lit bit early. We still have two minutes, but we can stop here.

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- 1 Very good. We are going to take a half an hour's break now and we shall resume at
2 11.30.
3 Court is adjourned until 11.30.
4 THE COURT USHER: [10:58:53] All rise.
5 (Recess taken at 10.58 a.m.)
6 (Upon resuming in open session at 11.31 a.m.)
7 THE COURT USHER: [11:31:54] All rise.
8 Please be seated.
9 PRESIDING JUDGE MINDUA: [11:32:19](Interpretation) Court is in session.
10 The Defence has the floor to continue with their examination-in-chief.
11 Ms Taylor.
12 MS TAYLOR: [11:32:38]
13 Q. [11:32:41] Good morning, Mr Witness. How are you?
14 THE INTERPRETER: [11:33:02] Message from the Tamasheq booth: The
15 interpreters did not hear what the witness said.
16 MS TAYLOR: [11:33:10]
17 Q. [11:33:11] Now, Mr Witness, I have two small requests for you.
18 First, you have quite a soft voice. Could you speak at a higher or louder tone?
19 A. [11:33:46] Yes, indeed.
20 Q. [11:33:48] My second request is that sometimes your answers are quite long and
21 we want to capture them, so can you please watch me to see if I put my hand up
22 because if I put my hand up, you should make a pause.
23 A. [11:34:38] Understood.
24 Q. [11:34:40] Thank you very much.
25 Now, Mr Witness, before the break, we were speaking about your work at the exit

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1 towards In-Khalil. Do you recall that?

2 A. [11:35:20] Yes, I remember.

3 Q. [11:35:23] And we spoke of the fact that you had a weapon when you were at
4 this post.

5 A. [11:35:45] Yes.

6 Q. [11:35:49] Now, when you were at this post, did you ever use or fire your
7 weapon?

8 A. [11:36:27] During this period, when I was at this post, I don't remember having
9 used my weapon. I don't remember having shot from my weapon.

10 Q. [11:36:40] And, Mr Witness, did you ever point your weapon at a member of the
11 local population?

12 A. [11:37:15] No. Not at all. At least not that I can remember.

13 Q. [11:37:23] Were you allowed to point your weapon at members of the local
14 population?

15 A. [11:37:53] No. Not at all. I wasn't authorised to point my weapon at anyone
16 at all.

17 Q. [11:38:03] Now, when you were at this post, did you ever see any of the other
18 guards fire their weapon?

19 A. [11:38:45] Not at all, according to what I can remember.

20 Q. [11:38:52] And did you ever see any of the other guards point their weapon at
21 people passing through?

22 A. [11:39:27] No. Not as far as I can remember in any case.

23 PRESIDING JUDGE MINDUA: [11:39:33](Interpretation) Ms Taylor, I have a
24 request. Perhaps for the interpreters, the Tamasheq interpreters, because when you
25 asked the witness if the witness already used his weapon, he says: I don't remember

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1 having used my weapon.

2 You then ask if the other guards had pointed their arms at passersby, and he says I
3 don't remember.

4 In his language, both "I don't remember", is that the same thing? He doesn't
5 remember that he's used his arm.

6 What does that mean?

7 MS TAYLOR: [11:40:12] Mr President, just a point of clarification, he said: No, not
8 as far as I can remember.

9 PRESIDING JUDGE MINDUA: [11:40:25](Interpretation) Very well, because I'm
10 following it in French. I'm looking at the -- I don't know who's following it in French,
11 he did say: I don't remember having used my weapon. He didn't say: I never
12 used it. Well ...

13 MS TAYLOR: [11:40:41] Mr President, perhaps we can ask the witness to leave the
14 courtroom. I don't believe it's appropriate to have a further discussion on this in his
15 presence.

16 PRESIDING JUDGE MINDUA: [11:40:56](Interpretation) So I'm looking at the OTP
17 side.

18 Madam Prosecutor, we can ask for the interpreting to be stopped quite simply
19 because he doesn't speak French or English as far as I'm aware.

20 Very well. Court officer, please cut the microphone of the witness or do what is
21 necessary so that the witness does not hear or perhaps take off the headphones.

22 Yes, Maître Cariolou, did you want to intervene?

23 MS CARIOLOU: [11:41:42] Your Honour, I'm just wondering if the witness
24 shouldn't be privy to this discussion, perhaps I shouldn't be present as well.

25 PRESIDING JUDGE MINDUA: [11:41:54](Interpretation) Indeed. That's simpler.

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1 Court officer, please could you take the witness out for a few moments.

2 (The witness exits the courtroom)

3 (Ms Cariolou exits the courtroom)

4 PRESIDING JUDGE MINDUA: [11:42:41](Interpretation) Very well. Ms Taylor, I
5 don't know what you want to say, the transcripts there. Those who are following in
6 French can perhaps contradict me.

7 But what do you think, Maître?

8 MS SARDACHTI: [11:42:53](Interpretation) Yes, the transcript in French is clear.

9 PRESIDING JUDGE MINDUA: [11:42:55](Interpretation) So, Ms Taylor, what do
10 you want to add?

11 MS TAYLOR: [11:43:01] Now, Mr President, the witness has said: No. Not at all.
12 At least as far as I can remember.

13 Now that's a clear answer. And I don't think you can ask someone to testify on a
14 negative memory.

15 Now, he has given a response and I don't believe we should be required to delve into
16 this response, given that he has answered. It's asked and answered, Mr President.
17 He said: No. Not at all as far as I can remember. That's clear.

18 PRESIDING JUDGE MINDUA: [11:43:50](Interpretation) But would you like to
19 intervene, Judge.

20 (Trial Chamber confers)

21 The judge will say what she heard in English.

22 JUDGE AKANE: [11:44:22] It might be a different line, at page ... a little bit earlier
23 that when you asked:

24 "Now, when you are at [the point], did you ever use or fire your weapon?"

25 And the answer was:

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1 "During that period, when I was at this post, I don't remember having used my
2 weapon. I don't remember having shot from my weapon."

3 And the other part, at page 23, after asked:

4 "And did you ever see any of the other guards point their weapon at people passing
5 through?"

6 At that time, the witness's answer was:

7 "No. Not as far as I can remember."

8 So there are two different places both of you pointed out.

9 MS TAYLOR: [11:45:31] And yes, Mr President, your Honours, basically, a witness
10 can only testify on the basis of what they remember. That's what we ask witnesses
11 to do. And he's very clearly stated: No, I don't remember ever having seen that.
12 And he's being clear as to the basis of how he's answering that. It's on the basis of
13 his memories he does not recall having seen that in response to my questions.
14 Now, I respectfully submit it's a clear answer and it's consistent with what we ask all
15 witnesses to do, which is to speak on the basis of their memories.

16 Now, the Chamber obviously has the right to put questions to this witness at the end
17 of his examination. Now, I respectfully submit that the answer is clear and I believe
18 that me trying to go into the basis of his answer in terms of interpretation and
19 translation is not going to assist, and I don't believe - with the greatest respect - that
20 it's appropriate for me to ask a follow-up question on a clear answer. I think that's
21 basically asking the Defence to do what is prohibited; to go into something that's been
22 (Overlapping speakers)

23 PRESIDING JUDGE MINDUA: [11:46:49](Interpretation) Very well, Ms Taylor. So
24 you understand why I thought that perhaps the question had to be put to the
25 interpreters because when you asked: If you've used your arm? "I don't

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1 remember", he says, and that is what the judge confirmed a moment ago. That's the
2 first question.

3 The second question: Does your colleagues point their weapons? And as far as I
4 remember, he said: I don't remember. But then I said perhaps there's a problem in
5 the interpreting. But if you maintain that with regards to the first question: Did
6 you use your arm? And this is the answer: I don't remember, he does not
7 remember -- if that's the vocabulary that was used.

8 MS TAYLOR: [11:47:44] Mr President, I'm slightly concerned that that's what you're
9 taking from this exchange. The witness did not say: I don't remember. That's a
10 very different answer and I'm concerned that that's what your understanding is
11 because this witness on every occasion said: No, no. My memory is I (Overlapping
12 speakers)

13 PRESIDING JUDGE MINDUA: [11:48:04](Interpretation) Excuse me, Ms Taylor. It
14 was "I don't remember." And the judge said also, "I don't remember" with regards to
15 the first question. You said, it's a no. And it's "I don't remember" in French and
16 English.

17 If that's the answer, it's very good. It figures in the transcript.

18 So we can have the witness come back.

19 There is no reaction from the Office of the Prosecutor, so we can continue.

20 MS TAYLOR: [11:48:38] I'm very concerned, Mr President. I am very concerned for
21 the record that that's what you're drawing from this exchange.

22 PRESIDING JUDGE MINDUA: [11:48:45](Interpretation) Ms Taylor, what are you
23 concerned by?

24 MS TAYLOR: [11:48:49] I'm concerned at the manner in which you are interpreting
25 clear words from a witness and doing so in a way that (Overlapping speakers)

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- 1 PRESIDING JUDGE: [11:48:57](Interpretation) No, no, no, no. In French - I can
2 read French, Ms Taylor - the answer was, "I don't remember." For -- the Office of the
3 Prosecutor confirmed that.
4 Now, the judge intervened in English, "I don't remember."
5 Where did you see, "Did you shoot with your weapon?" He said, "No, I never shot."
6 He never said that.
7 We are losing time on this. You can always go back on what the Chamber decides.
8 MS TAYLOR: [11:49:29] Mr President, "Not at all" is what he said, according to what
9 I can remember. "Not at all." (Overlapping speakers)
10 PRESIDING JUDGE MINDUA: [11:49:34](Interpretation) Yes, what did he say? Do
11 you remember what he said?
12 MS TAYLOR: [11:49:37] Of course I remember what he said. It is page 22, line 21:
13 "No. Not at all. At least not that I can remember."
14 Now that's very different than what you're saying (Overlapping speakers)
15 PRESIDING JUDGE MINDUA: [11:49:49](Interpretation) To which question?
16 MS TAYLOR: [11:49:51] "[...] Mr Witness, did you ever point your weapon at a
17 member of the local population?"
18 Answer: "No. Not at all. At least not that I can remember."
19 PRESIDING JUDGE MINDUA: [11:50:09](Interpretation) So we've had the answer.
20 It's in the transcript. I don't want to ask the witness a second time. I want to know
21 if the word "I don't remember" in terms -- if these words were different in Tamasheq
22 or in Arabic.
23 Court officer, we'll have the witness come back and continue.
24 (The witness enters the courtroom)
25 (Ms Cariolou enters the courtroom)

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1 PRESIDING JUDGE MINDUA: [11:52:02](Interpretation) So, Witness, thank you
2 very much for your patience. We are going to continue. We were having a small
3 discussion, a small legal discussion.

4 Ms Taylor.

5 MS TAYLOR: [11:52:13]

6 Q. [11:52:14] Mr Witness, how are you?

7 A. [11:52:33] I'm very well, Allah be blessed.

8 Q. [11:52:38] Now, Mr Witness, I have a slight terminological question for you.

9 When you use the phrase "as far as you can remember", is it possible that you shot at
10 people or pointed your weapon at people and you just don't remember it?

11 PRESIDING JUDGE MINDUA: [11:53:08](Interpretation) Madam Prosecutor.

12 MS SARDACHTI: [11:53:09](Interpretation) The question is not clear as put and it
13 invites speculation.

14 PRESIDING JUDGE MINDUA: [11:53:14](Interpretation) I think we can move on.

15 Please leave the question and continue.

16 MS TAYLOR: [11:53:18] Thank you, Mr President, but this is exactly what you asked
17 us to do. Is it not?

18 PRESIDING JUDGE MINDUA: [11:53:25](Interpretation) No, no. Please continue.

19 MS TAYLOR: [11:53:31]

20 Q. [11:53:31] Mr Witness, if you had fired your gun at someone, would you have
21 remembered that?

22 PRESIDING JUDGE MINDUA: [11:53:41](Interpretation) Ms Taylor, the Chamber
23 rejects this question. Move on.

24 MS TAYLOR: [11:53:48] Noted, Mr President.

25 Q. [11:53:53] Now, Mr Witness, where did you sleep when you worked at the post?

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1 A. [11:54:33] During this period, I spent the night in a house next to this post.

2 When there wasn't -- when I wasn't on guard, I would spend the night there, or when
3 it was hot, then I would sleep outside.

4 Q. [11:54:55] And were there other houses near this house?

5 A. [11:55:21] Yes, indeed. There are houses close to that house, but at the
6 beginning, these houses were not inhabited.

7 Q. [11:55:33] And when you said "at the beginning" they were not inhabited, when
8 they were inhabited, what ethnicity were the people inhabiting it?

9 A. [11:56:16] No. The people who lived in these houses, I didn't know them.
10 However, what I do know is that they were Berabiche. They were Arabs.

11 Q. [11:56:36] So you were at this post going to -- In-Khalil for three months, what
12 happened after that? Were you assigned to a different location?

13 A. [11:57:20] Yes, indeed. After that, I was put to -- to the Energie post afterwards,
14 may blessings be to God.

15 Q. [11:57:36] And this Energie post, do you know where it was located in
16 Timbuktu?

17 A. [11:58:13] The Energie was in the centre of Timbuktu. It was the place where
18 people would get their electricity supply from.

19 Q. [11:58:26] And at this time, do you know if people had to pay for electricity?

20 A. [11:58:55] No, not at all. I never saw anybody pay for electricity, and I never
21 heard that. No, not at all. People didn't pay for electricity.

22 Q. [11:59:08] And did you start working there before or after Ramadan?

23 A. [11:59:39] I started to work after Ramadan and before the feast of Tabaski.

24 Q. [11:59:51] And do you recall roughly how long before Tabaski it was?

25 A. [12:00:25] Well, that is to say that Ramadan was finished when we were

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1 assigned to the Energie post and the Tabaski feast had not yet come about.

2 Q. [12:00:45] Was there a chief for this post?

3 A. [12:01:18] Indeed, yes, there was a chief at that post, and there was also a deputy
4 chief who would replace the chief when he was not there.

5 Q. [12:01:28] And what was the name of the chief of the post?

6 A. [12:01:50] His name was Abou Sayyef, if it pleases Allah.

7 Q. [12:01:57] And this individual, Abou Sayyef, do you know where he came from?

8 A. [12:02:28] Where he was from? It was Algeria, if it pleases Allah. At least
9 that's what people would say, and that's also what I think.

10 Q. [12:02:40] And do you recall what he looked like?

11 A. [12:03:11] Well, as regards how to describe him, I would say it was a gentleman
12 of a yellow colour and of average age. At least that's the description that I can give
13 of him.

14 Q. [12:03:37] And how did Abou Sayyef treat you?

15 A. [12:04:03] How he treated me? What do you mean by that?

16 Q. [12:04:08] How would you describe your interactions with you? Was he nice?
17 Was he mean?

18 A. [12:04:52] No. Thanks be to God. It wasn't a person who had problems. He
19 didn't have problems. And so at that point in time, we could do what we wanted.

20 Q. [12:05:12] Now, you've mentioned a deputy. Do you remember the name of
21 the deputy?

22 A. [12:05:40] That person was called Anass.

23 Q. [12:05:48] And this person called Anass, where did he come from?

24 A. [12:06:10] If it pleases Allah, he was from Mauritania.

25 Q. [12:06:16] And who did you report to, Anass or Abou Youssef -- Abou Sayyef?

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1 I'll rephrase my question. Who did you report to, Anass or Abou Sayyef?

2 A. [12:07:37] Back then, Abou Sayyef was not very involved in the organisational
3 aspects of the post. It was Anass who was more involved with organisation, and
4 indeed it was Anass who was with us. Moreover, at that post, there wasn't a lot of
5 work.

6 Q. [12:08:03] And do you know who decided that there should be a post there?

7 A. [12:08:39] If it pleases Allah, it was Talha who decided that a post should be
8 located there.

9 Q. [12:08:50] Mr Witness, what hours of the day did you work, and when did you
10 work?

11 A. [12:09:37] In any case, as regards guard duty, we would rotate every hour or
12 every two hours, and that would start at the beginning of the evening through to
13 midnight. We would then go to bed.

14 Q. [12:09:54] And were there other guards working at the post at the same time as
15 you?

16 A. [12:10:41] No, not particularly. There was just the guards who were there.
17 And if there were not a lot of us, then the person who was present would stand guard
18 over the Energie.

19 Q. [12:11:01] And do you recall how many guards were present?

20 A. [12:11:41] How many guards there were? I don't know exactly. But I know
21 that when it came to us, we would guard -- we would stand guard for two hours and,
22 per times, there were two people standing guard at the same time.

23 Q. [12:12:06] And what was the purpose of this post? What were you guarding?

24 A. [12:12:46] We guarded diesel and energy to ensure that it was not stolen by
25 people who worked for the Energie and who knew the work, the Energie work.

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1 Q. [12:13:09] And, Mr Witness, while you were at this post, did you see or hear
2 about anyone trying to steal fuel while you were there?

3 A. [12:14:02] When I arrived, no, there were no thefts of diesel. But before I
4 arrived, yes, there were thefts of diesel and, in fact, that was the reason it was decided
5 to set up a post at that place.

6 Q. [12:14:22] And were you given any instructions as concerns what you should do
7 if you saw someone trying to steal fuel?

8 A. [12:15:10] Yes. We had instructions whereby if we saw somebody stealing
9 diesel, we should arrest them and then hand them over to the *shurta*. In fact, it
10 would be the chiefs who would transfer them to the *shurta*.

11 Q. [12:15:34] And were you told what you should do if the person ran away when
12 you tried to arrest them?

13 A. [12:16:21] Yes, indeed. If somebody who committed a theft then fled, we were
14 to do our utmost to arrest him, to apprehend him. But we were not to hit him unless
15 we had to. That is to say, if the other person applied force, then we could use force
16 ourselves.

17 Q. [12:16:59] Now, Mr Witness, if the other person didn't apply force, could you
18 use force?

19 THE INTERPRETER: [12:17:14] The interpreter adds: We could fire a warning shot
20 in the case of force being applied by the other person.

21 THE WITNESS: [12:17:51](Interpretation) No, not at all. We would just apprehend
22 the person. And once apprehended, we would provide the person to the *shurta* or to
23 the Hesbah, and it was they who were authorised then to use force in the case of need.

24 MS TAYLOR: [12:18:12]

25 Q. [12:18:12] Now, Mr Witness, you've said that you could fire a warning shot in

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1 case the other person used force.

2 Were you allowed to shoot the person?

3 A. [12:19:04] No, we were not allowed to shoot directly at somebody. No.

4 Q. [12:19:11] So, Mr Witness, do I take it from this that you had a weapon while
5 you were working?

6 A. [12:19:37] Yes, indeed, I carried a weapon.

7 Q. [12:19:42] And were you given instructions as to when you could use the
8 weapon?

9 A. [12:20:20] Could you repeat the question, please.

10 Q. [12:20:24] Did someone tell you when you could and couldn't use your weapon,
11 about the rules for using it?

12 A. [12:21:30] Yes, indeed, we were given instructions regarding the use of weapons.
13 However, I don't really remember them. I do remember what I've already told you.

14 Q. [12:21:45] Now, Mr Witness, did these instructions ever change while you were
15 working at this post?

16 A. [12:22:36] No, not at all. There was no change at that time. Also, there were
17 no thefts of diesel. We just stood guard in the normal way.

18 Q. [12:22:54] Mr Witness, when you were at this post, did you ever fire your gun?

19 A. [12:23:38] Back then, yes, I sometimes shot my gun, but it was during shooting
20 exercises. We did shooting exercises once or twice, and we were authorised by our
21 chiefs to shoot at those times.

22 Q. [12:24:03] And where did the shooting exercises take place?

23 A. [12:24:47] I don't remember much about -- about those shooting exercises, but I
24 do remember one time when we left Timbuktu and we headed to the west, to the
25 canals near the Gaddafi hotel.

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1 Q. [12:25:11] Now, Mr Witness, speaking specifically of your shifts at this post,
2 when you were guarding the post, did you ever point your weapon at a local, a
3 member of the local population?

4 A. [12:25:54] No, not at all. Not at all. Not at all.

5 Q. [12:26:01] And did you ever see any of the other guards point their weapon at a
6 member of the local population?

7 A. [12:26:43] Not as far as I recall.

8 Q. [12:26:48] Now, Mr Witness, when you were at this post, did anyone from the
9 *shurta* visit the post?

10 A. [12:27:28] Members of the *shurta*? Yes, they would visit us from time to time.
11 From time to time, one of their members would visit. I remember one particular
12 occasion when a member paid a visit.

13 Q. [12:27:44] And what was this occasion? Can you describe it?

14 A. [12:28:31] Once they visited us on the occasion of a theft which had taken place.
15 The weapon of a colleague was stolen. And before it was stolen, I actually used that
16 weapon. After using the weapon, I put it down near its owner, and then it was
17 stolen.

18 Q. [12:29:10] And who stole the weapon?

19 A. [12:29:33] That gun? Well, we didn't know who stole it at the time. But later,
20 they did say that they had found out who had stolen it.

21 Q. [12:29:51] And do you know who they said had stolen it?

22 PRESIDING JUDGE MINDUA: [12:30:18](Interpretation) Madam Prosecutor.

23 MS SARDACHTI: [12:30:20](Interpretation) Yes, we would like to know the
24 relevance of this line of questioning.

25 PRESIDING JUDGE MINDUA: [12:30:27](Interpretation) Yes, Ms Taylor, the

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1 Chamber also was wondering about this line of questioning. How would you
2 respond?

3 MS TAYLOR: [12:30:40] Mr President, I'm slightly surprised by the objection and by
4 the Chamber's querying the relevance, given that this is a matter described by the
5 witness that relates to what he saw at this time period and he's describing something
6 related to the *shurta*.

7 I can't see any basis for an objection. There's no basis for an objection here.

8 PRESIDING JUDGE MINDUA: [12:31:14](Interpretation) No, the basis could be the
9 relevance with regards to the charges and the witness statement. Well, it's not up to
10 me to answer, I shall leave the Prosecutor ...

11 MS SARDACHTI: [12:31:29](Interpretation) Yes, you've answered for me. I'm
12 referring in particular to paragraph 41 of your annex on the decision on the conduct
13 of the proceedings which says that questions have to be relevant with regard to the
14 charges.

15 PRESIDING JUDGE MINDUA: [12:31:43](Interpretation) That's it, Ms Taylor. So I
16 think that you can drop that question.

17 MS TAYLOR: [12:31:50] Mr President, the witness is testifying about an incident
18 where someone stole a weapon and he's testifying about the *shurta*. It's a weapon
19 that was stolen from the guards and he's testifying about the *shurta* investigating that.
20 Now, this falls within the temporal scope of the charges, it falls within the geographic
21 scope of the charges, and he's testifying about entities which are involved in the
22 charges.

23 PRESIDING JUDGE MINDUA: [12:32:29](Interpretation) Do you want to say that
24 this incident is linked to the function of the *shurta* or the police? Is that it?

25 MS TAYLOR: [12:32:40] Mr President, I'm in front of the witness, I'm not going to go

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1 too much in detail.

2 PRESIDING JUDGE MINDUA: [12:32:48](Interpretation) Please continue. We will
3 see.

4 MS TAYLOR: [12:32:52]

5 Q. [12:32:52] Mr Witness, I was asking you if you had -- and I think you did answer
6 at the time, and if you don't know, that's fine, but I'd asked you if you had found out
7 later who had stolen the weapon.

8 MS TAYLOR: [12:33:12] That was the question I put, and I do believe he had
9 answered that but it was interrupted, so we didn't get the response.

10 THE WITNESS: [12:34:01](Interpretation) Yes. With regards to this theft, the man
11 who stole the weapon, previously he was with us at the post, he was among us and
12 he would come and go. And afterwards, he -- well, it turned out that it was him
13 who had stolen the weapon.

14 MS TAYLOR: [12:34:28]

15 Q. [12:34:29] And do you know what happened to this guard who stole the
16 weapon?

17 A. [12:35:09] I didn't see it with my own eyes. I wasn't a witness thereof. But I
18 heard that when it turned out that he was the one who stole it, he was arrested. And,
19 furthermore, it turned out that he had committed a lot of thefts of weapons prior to
20 that.

21 Q. [12:35:34] Now, Mr Witness, do you know who brought the fuel to this post, the
22 gas oil?

23 A. [12:36:19] Well, the Energie. It was a lorry that would come loaded with diesel,
24 and it would unload the diesel. But where this diesel came from and where they
25 took it to, that's something that I don't know.

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1 Q. [12:36:40] Do you know who organised for this lorry to come in?

2 PRESIDING JUDGE MINDUA: [12:36:51](Interpretation) Madam Prosecutor.

3 MS SARDACHTI: [12:36:54](Interpretation) The witness has already answered. I
4 don't know.

5 PRESIDING JUDGE MINDUA: [12:36:59](Interpretation) Yes, we have an answer,
6 Ms Taylor.

7 MS TAYLOR: [12:37:02] Mr President, the witness said he doesn't know where it
8 came from and where they took it to. He didn't actually say, "I don't know who
9 organised it or who brought it." That's a separate question. Previously, he
10 answered regarding the destination. Now, I'm asking him a completely separate
11 question.

12 PRESIDING JUDGE MINDUA: [12:37:31](Interpretation) Now, you're asking who
13 was the person who ordered the movement; is that correct?

14 MS TAYLOR: [12:37:37] Yes, who organised for the lorry to come.

15 PRESIDING JUDGE MINDUA: [12:37:42](Interpretation) Very well. Please go
16 ahead.

17 MS TAYLOR: [12:37:46]

18 Q. [12:37:46] Mr Witness, do you know who or what organised for the gas oil to be
19 brought to this post?

20 A. [12:38:30] No, I don't know. I don't know that at all. I only know about the
21 issues with the guard, who would carry out the guard and who finished the guard.

22 Q. [12:38:46] And, Mr Witness, do you know who paid for the gas oil that was
23 brought to the post?

24 A. [12:39:13] No, I don't know that at all.

25 Q. [12:39:18] Now, Mr Witness, I'm moving on to a different subject.

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1 Do you know if there's a hospital in Timbuktu?

2 A. [12:39:52] Yes, indeed. When I was at this Energie post, the hospital was very
3 close.

4 Q. [12:40:00] And was the hospital opening and functioning while you were there?

5 A. [12:40:23] Yes, indeed. It was open and it was functioning. People would go
6 there.

7 Q. [12:40:32] And did you yourself go there?

8 A. [12:40:59] Yes, indeed. I did go there once when I was sick and they gave me
9 certain tablets. I had whooping cough.

10 THE INTERPRETER: [12:40:59] Adds the witness.

11 MS TAYLOR: [12:41:25]

12 Q. [12:41:26] And did you have to pay anything to go to the hospital or to get these
13 tablets?

14 A. [12:41:54] No, I didn't have to pay anything at all. And people told me that
15 you didn't have to pay.

16 Q. [12:42:02] Do you recall what you were wearing when you went to the hospital?

17 A. [12:42:28] What I was wearing at that time, I can't remember.

18 Q. [12:42:31] And perhaps I can be more specific. Would you have been wearing
19 a uniform or a bazin? You don't need to remember the colour.

20 A. [12:43:04] In that period at that time, when I went to the hospital, I don't
21 remember what I was wearing exactly. However, what I do remember is that I did
22 not have a military uniform.

23 Q. [12:43:22] And did you have a weapon when you visited the hospital, a weapon
24 on you?

25 A. [12:43:44] No, I didn't bring my weapon. I left it behind until I returned.

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1 Q. [12:43:51] And why did you leave it behind?

2 A. [12:44:14] I was told that it wasn't -- wouldn't look good to go to the hospital
3 with a weapon.

4 Q. [12:44:23] Do you remember who told you that?

5 A. [12:44:52] No, I don't remember who it was who said it, but what I do remember
6 is that people said that it wasn't advisable to bring a weapon to the hospital.

7 Q. [12:45:08] And the people who told you this, were they from the group, from
8 Ansar Dine?

9 A. [12:45:29] Yes, it was the people who were members of Ansar Dine who said
10 that.

11 Q. [12:45:39] Now, Mr Witness, yesterday you testified that you visited Timbuktu
12 regularly before 2012.

13 Do you remember that?

14 A. [12:46:15] Yes, I remember.

15 Q. [12:46:18] And you were present in Timbuktu when Ansar Dine was there?

16 A. [12:46:41] (No interpretation)

17 Q. [12:46:45] Did you see any difference in terms of daily life in Timbuktu after the
18 arrival of Ansar Dine?

19 A. [12:47:27] After the arrival of Ansar Dine, it could be said that I no longer had an
20 overview of the daily life of people.

21 Q. [12:47:53] Now, Mr Witness, you were speaking I think yesterday about a group
22 called the MNLA. Do you recall that?

23 A. [12:48:14] Yes, I remember.

24 Q. [12:48:15] And did you see or learn about anyone from the MNLA joining Ansar
25 Dine?

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1 A. [12:49:00] Yes, indeed, it was frequent. People would leave the MNLA to join
2 Ansar Dine. However, I didn't know these people.

3 Q. [12:49:18] Now, Mr Witness, do you remember when the group -- I'm not asking
4 for a specific date, but do you remember the group Ansar Dine leaving Timbuktu?

5 A. [12:50:03] Yes, I remember that, even if I didn't give it my full attention. I think
6 it was towards the end of 2012.

7 Q. [12:50:17] And, Mr Witness, had you been working at the same post up until this
8 point?

9 A. [12:50:40] Yes. I was working at that Energie post until that period.

10 Q. [12:50:47] Now, after the group left Timbuktu, what did you do?

11 A. [12:51:18] After the group left Timbuktu, I also left Timbuktu, and I returned to
12 my life that I previously had.

13 Q. [12:51:30] And why did you leave Timbuktu?

14 A. [12:52:13] When they left Timbuktu, I left with them to get to a certain place on
15 that day -- well, after one day, I arrived in a certain place, but I got ill. I got ill with
16 cholera.

17 Q. [12:52:42] So, Mr Witness, you left Timbuktu and you went to another place.
18 Do you recall when you next came back to Timbuktu?

19 A. [12:53:20] Yes, indeed. I must have returned to Timbuktu in 2016, may it
20 please Allah. It would have been 2016 when I returned to Timbuktu.

21 Q. [12:53:37] And, Mr Witness, why did you not return to Timbuktu earlier in 2013
22 or 2014?

23 A. [12:54:29] During this period, in reality, all those who had light -- skinned, it was
24 impossible for them to go back to Timbuktu. People were afraid.

25 Q. [12:54:48] And, Mr Witness, based on what you heard at the time, what were

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1 people afraid of?

2 A. [12:55:21] Yes. During this period, people were afraid of the army. They were
3 afraid of meeting the army, and that the army would arrest them or kill them.

4 Q. [12:55:32] And did you hear about anyone being arrested or killed by the Malian
5 army at this time?

6 A. [12:56:11] Yes. During this period, there weren't many people who would go
7 into town. Just a few, just a few people. And, indeed, I heard about a person who
8 was killed by the army.

9 Q. [12:56:32] Do you know the name of this person who was killed by the Malian
10 army?

11 A. [12:57:01] Yes, indeed. Akassam is his name, may it please Allah. And he
12 was with other people whose names I don't remember.

13 Q. [12:57:14] Akassam, do you know what ethnicity he was?

14 A. [12:57:36] Yes.

15 Q. [12:57:38] What was his ethnicity or tribe?

16 A. [12:57:55] He was from the Kel-Ansar tribe, may it please Allah.

17 Q. [12:58:02] And Akassam, had he been a member of Ansar Dine in 2012?

18 A. [12:58:36] Well, I never heard that he was a member of Ansar Dine. Also, at the
19 time when Ansar Dine was there, I didn't know them.

20 Q. [12:58:48] How did you hear about this, about Akassam being killed by the
21 Malian army?

22 A. [12:59:25] During this period, it was simply said that people had killed him.
23 He was killed by the Malian army when he left Timbuktu. And among them, there
24 was Akassam. I didn't know him during this period. I didn't know who he was.
25 It was only afterwards that I found out who he was.

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1 Q. [12:59:51] And, Mr Witness, can you explain how you found out.

2 A. [13:00:24] How did I find that out? It was told to me. It was told that he
3 was -- to me that he was from Kel-Ansar tribe. [REDACTED]

4 [REDACTED]
5 THE INTERPRETER: [13:00:46] And the interpreter adds that in the previous
6 answer he said: It was said that people were killed by the Malian army and not just
7 him.

8 PRESIDING JUDGE MINDUA: [13:00:58](Interpretation) Very well.

9 Ms Taylor, it is now one o'clock. We are going to have our lunch break and we will
10 be back at 2.30.

11 Court is suspended.

12 THE COURT USHER: [13:01:16] All rise.

13 (Recess taken at 1.01 p.m.)

14 (Upon resuming in open session at 2.31 p.m.)

15 THE COURT USHER: [14:31:50] All rise.

16 Please be seated.

17 PRESIDING JUDGE MINDUA: [14:32:22](Interpretation) The Court has resumed.

18 Good afternoon, to everyone.

19 The floor is with the Defence to continue their examination.

20 Ms Taylor.

21 MS TAYLOR: [14:32:45] Thank you, Mr President.

22 Q. Good afternoon, Mr Witness. How were you?

23 A. [14:33:01] I am well. God be willing.

24 Q. [14:33:06] I'm glad to hear that.

25 Now, Mr Witness, I just have a few clarification questions. Before the break you said

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1 that when you left Timbuktu you were ill. And the word you used in Tamasheq was,

2 [REDACTED] Do you remember saying you were ill with this illness?

3 A. [14:34:04] Yes.

4 Q. [14:34:04] Now, Mr Witness, this word was translated as "cholera" and we think
5 there may have been an interpretation issue.

6 Are you in a position to explain whether you had cholera or a different type of illness
7 at the time?

8 A. [14:34:56] The illness I got at that time is this name that I've said, the [REDACTED]

9 THE INTERPRETER: [14:35:08] Perhaps it could be [REDACTED] says the interpreter.

10 MS TAYLOR: [14:35:14] Thank you for that clarification.

11 Q. [14:35:16] Now, at page 39, lines 19 to 23, you were talking about a person who
12 had been arrested, a guard who had been arrested for stealing weapons, and you said
13 it turned out he'd committed a lot of thefts of weapons prior to that.

14 Do you recall saying that?

15 A. [14:36:13] Yes.

16 Q. [14:36:34] Now, Mr Witness, did you hear or learn what the ethnicity of this
17 person was, this person who stole the weapons?

18 A. [14:36:57] I'm not certain of the ethnic -- ethnicity of this gentleman. I only got
19 to know him there. I never saw him afterwards, but according to what other people
20 said, he belonged to the Intechghen tribe.

21 Q. [14:37:34] For the record, is that the I-N-T-E-C-H-G-H-E-N tribe?

22 THE INTERPRETER: [14:37:53] There was no follow-up from the interpreter.

23 THE WITNESS: [14:38:01](Interpretation) That is what people said, but I don't
24 know.

25 MS TAYLOR: [14:38:07]

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1 Q. [14:38:07] Is that a Tamasheq tribe?

2 A. [14:38:24] Yes.

3 Q. [14:38:26] And did you hear or learn what the name of this person was?

4 A. [14:38:49] That gentleman, his name was Al-Bokhari.

5 Q. [14:38:57] Now, I'm just moving on to a different subject.

6 If I can just go into private session very briefly.

7 PRESIDING JUDGE MINDUA: [14:39:12](Interpretation) Court officer, private
8 session, please.

9 (Private session at 2.39 p.m.)

10 THE COURT OFFICER: [14:39:24] We're in private session, Mr President.

11 PRESIDING JUDGE MINDUA: [14:39:29](Interpretation) Thank you, court officer.

12 Please continue, Ms Taylor.

13 MS TAYLOR: [14:39:34]

14 Q. [14:39:34] Now, Mr Witness, before the break, we were speaking about the death
15 of someone called Akassam. And at page 46, you said you learnt about this

16 afterwards and y [REDACTED]

17 [REDACTED]

18 A. [14:40:36] The name of the [REDACTED] [REDACTED] However, during our
19 meetings, we met from time to time only. Not all the time.

20 MS TAYLOR: [14:40:52] We can go into open session.

21 PRESIDING JUDGE MINDUA: [14:40:56](Interpretation) Court Officer, open
22 session, please.

23 (Open session at 2.41 p.m.)

24 THE COURT OFFICER: [14:41:09] We're back in open session, Mr President.

25 PRESIDING JUDGE MINDUA: [14:41:14](Interpretation) Thank you, Court Officer.

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1 Ms Taylor.

2 MS TAYLOR: [14:41:20]

3 Q. [14:41:21] Do you remember the year you met this person?

4 A. [14:41:50] The year where I met this gentleman was towards 2017. It's around
5 that time.

6 Q. [14:42:04] And how did you meet him?

7 A. [14:42:41] We met like this: He had his own occupations, and I followed
8 through my activities. And then from time to time, we met. We met -- we didn't
9 meet because we were doing the same work or something like that.

10 Q. [14:43:06] What work was he doing at the time?

11 A. [14:43:34] At that time, when I saw him, he was herding and looking after
12 animals in the bush.

13 Q. [14:43:46] And what work were you doing at that time?

14 A. [14:44:08] [REDACTED]

15 Q. [14:44:21] Now, Mr Witness, after you left Timbuktu, when the Ansar Dine left,
16 after this time period, have you been a member of any armed group after that time
17 period?

18 THE INTERPRETER: [14:45:15] Message from the Tamasheq booth: They have
19 great difficulties in hearing the witness.

20 PRESIDING JUDGE MINDUA: [14:45:23](Interpretation) Mr Witness, could you
21 speak a bit louder, please.

22 MS TAYLOR: [14:45:32]

23 Q. [14:45:33] Mr Witness, can you repeat the same response, but with a louder
24 voice?

25 A. [14:46:11] After I left the Ansar Dine group, I never joined another armed group.

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1 MS TAYLOR: [14:46:31] Mr President, I would ask this not to be interrupted. I
2 don't believe it's necessary to add this bit. Previously, he said I got back to my
3 previous life. I can ask him whether that's what he said, or I think that's pretty clear.

4 PRESIDING JUDGE MINDUA: [14:47:00](Interpretation) Absolutely, Ms Taylor.

5 MS TAYLOR: [14:47:04] Mr Witness, that concludes my examination-in-chief. That
6 was the last of my questions.

7 PRESIDING JUDGE MINDUA: [14:47:18](Interpretation) Many thanks, Ms Taylor,
8 for your examination-in-chief.

9 I'd also like to thank the witness for his availability.

10 Well, now, I look at the Prosecution to find out what their intentions are.

11 MS SARDACHTI: [14:47:40](Interpretation) Yes, we are going to ask some questions,
12 but could we have one moment, please.

13 PRESIDING JUDGE MINDUA: [14:47:47](Interpretation) Very well. You may have
14 a few minutes.

15 QUESTIONED BY MS SARDACHTI: (Interpretation)

16 Q. [14:49:01] Good afternoon, Mr Witness. As was already explained to you, it's
17 my turn to ask you some questions. My name is Marie-Jeanne Sardachti and I'm
18 going to ask you some questions on behalf of the Office of the Prosecution.

19 Firstly, I'd like to start with a question which relates to your identity and
20 your -- people you know. So I'm going to ask the Presiding Judge if we may go into
21 private session.

22 PRESIDING JUDGE MINDUA: [14:49:54](Interpretation) Court officer, private
23 session, please.

24 (Private session at 2.50 p.m.)

25 THE COURT OFFICER: [14:50:12] We are in private session, Mr President.

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1 PRESIDING JUDGE MINDUA: [14:50:20](Interpretation) Thank you very much,
2 court officer.

3 Madam Prosecutor.

4 MS SARDACHTI: [14:50:28](Interpretation)

5 Q. [14:50:29] Mr Witness, you told us that you are part of the [REDACTED] tribe; is
6 that correct?

7 A. [14:50:47] Yes.

8 Q. [14:50:50] And has that tribe got a link to the [REDACTED]

9 A. [14:51:15] [REDACTED]

10 Q. [14:51:33] [REDACTED]

11 [REDACTED]

12 A. [14:52:05] [REDACTED]

13 [REDACTED]

14 Q. [14:52:24] I don't know whether there is a problem of interpretation or the
15 transcribe --

16 I am reading ...

17 Could you perhaps repeat what you said, Mr Witness.

18 A. [14:53:12] Even if I know him, I haven't -- I have to see him in order to know if
19 I -- in order to make sure if I know him or not. If -- and also to find out if we have
20 family ties or not.

21 Q. [14:53:45] [REDACTED]

22 A. [14:54:04] [REDACTED]

23 [REDACTED]

24 Q. [14:54:16] Thank you for that clarification, Mr Witness.

25 Your Honour, we can now move into open session. I just want to explain that the

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1 subject I'm going to touch upon is not necessarily in the timeline, but in order to go
2 into open session, I would like to tackle this first and then go back.

3 PRESIDING JUDGE MINDUA: [14:54:42](Interpretation) That's fine. We are very
4 grateful to you as a Court for that.

5 Court officer, open session, please.

6 (Open session at 2.55 p.m.)

7 THE COURT OFFICER: [14:55:09] We're back in open session, Mr President.

8 PRESIDING JUDGE MINDUA: [14:55:16](Interpretation) Thank you very much,
9 court officer.

10 Madam Prosecutor.

11 MS SARDACHTI: [14:55:26](Interpretation)

12 Q. [14:55:28] Mr Witness, I would like to discuss about your training. You told us
13 that you had training in a camp; is that correct?

14 A. [14:56:06] No, it wasn't in a camp. It were buildings who previously were the
15 buildings of the gendarmerie, and that is where I had the little training that I did
16 receive.

17 Q. [14:56:25] So that area of training was led by Abou Harris, if I understand you
18 correctly.

19 A. [14:56:46] Yes. He trained us over there.

20 Q. [14:56:56] And as regards the place, it was in Timbuktu, in the north of
21 Timbuktu; is that correct?

22 A. [14:57:12] Yes.

23 Q. [14:57:15] As far as you know, were there other areas where training took place?

24 A. [14:57:42] No, I'm not aware of other sites. I only know this site where we were
25 trained at that time.

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1 Q. [14:58:00] And do you know who ordered you to go there, to that specific site
2 where you had your training?

3 A. [14:58:35] As far as I can remember, when we went to that site, I didn't know
4 anyone. I don't know who ordered the fact that we should go to that particular site.

5 Q. [14:59:01] Mr Witness, if I understood correctly, you had training there for 20
6 days; is that correct?

7 A. [14:59:17] Roughly. Approximately 20 days. Yes, that is what I said.

8 Q. [14:59:33] Could you perhaps give us an idea of size.

9 A. [15:00:25] I don't have another estimate, other than the 20 days. It won't be less
10 than 20 days.

11 Q. [15:00:44] Witness, I went to another category of questions on the number of
12 people who were with you in this place where you did the training, not with regards
13 to the duration.

14 A. [15:01:27] I don't have the number of individuals, but I know it was quite a high
15 number of individuals. But I don't have a number.

16 Q. [15:01:46] Witness, according to the Defence, on your ID card, does the date
17 which figures thereon mean anything to you, [REDACTED]?

18 A. [15:02:32] Well, whatever the case, this is what's written on my papers. May it
19 please Allah. And it's true.

20 Q. [15:02:55] And where it concerns the age of the other people who were with you
21 in that place where you had the training, were they approximately the same age as
22 you?

23 A. [15:03:39] No, I don't know, but I know some of them had approximately the
24 same age as me. Some of them were older than me. But with regards to their age,
25 how old they were exactly, I don't know.

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1 Q. [15:04:01] Witness, in this place where you received the training, you learnt how
2 to use weapons; is that correct?

3 A. [15:04:22] Yes.

4 Q. [15:04:27] And what type of weapons was it?

5 A. [15:04:51] It was just a Kalash. It was just a Kalash and --

6 THE INTERPRETER: [15:05:02] Another type which the interpreter didn't hear.

7 THE WITNESS: [15:05:04](Interpretation) This is -- this was everything in that place.

8 MS SARDACHTI: [15:05:10](Interpretation)

9 Q. [15:05:10] And if I have understood, at the end of your training, you were
10 provided with a weapon, were you not?

11 A. [15:05:38] It was before the training. The evening, when we arrived, when we
12 arrived in that house, each of us was given a rifle, at least in the group that I was in.

13 Q. [15:06:05] Very well. So I understand that was in the evening itself before the
14 training that you received that weapon. So I just wanted to go back a bit because I
15 think there's a problem with the interpreting.

16 So this is on page 55, line 21. "It's just a Kalashnikov and", and then it's marked
17 "inaudible". This is all that -- "That is all that was taught to us in that place."

18 A. [15:07:09] BKC.

19 MS SARDACHTI: [15:07:22](Interpretation) Could the interpreter spell this word,
20 please.

21 THE INTERPRETER: [15:07:26] Interpreter says: I'm sorry, but I'm not an expert in
22 weapons, but what I heard was BKC. I can't spell it.

23 MS SARDACHTI: [15:07:56](Interpretation)

24 Q. [15:07:57] Where it concerns your training, you also received religious education;
25 is that right?

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1 A. [15:08:21] Yes.

2 Q. [15:08:23] And apart from Abou Harris, were there other people who -- who you
3 taught -- who taught you?

4 A. [15:08:53] Apart from Abou Harris, there were people who wanted to learn.
5 There were people -- but I didn't try to learn.

6 Q. [15:09:11] In fact, Witness, I was asking about the teachers. Do you remember
7 other people who were teaching, who gave courses?

8 A. [15:10:03] In fact, often there are people -- there were people at the post who
9 voluntarily would be teaching or studying, but they weren't people who were
10 designated to do that.

11 Q. [15:10:25] Witness, I'm speaking about the period when you were being trained.
12 I'm not talking about the time when you were in the security post.

13 So, in that period when you were trained and when you received training on the use
14 of weapons and also religious education, you were explained the objectives of Ansar
15 Dine, were you not?

16 A. [15:11:30] Could you repeat the question, please.

17 Q. [15:11:40] In the place where you were trained, you received teaching, as I
18 understand it, or training. You were explained -- were you explained the principles
19 and the ideology of Ansar Dine?

20 A. [15:12:45] Yes. They explained the aim of it, the edification of religion, Sharia,
21 the principles of the Prophet, Sharia of God.

22 Q. [15:13:06] And you were taught that certain things were prohibited, were you
23 not?

24 A. [15:13:35] Yes. Prohibited things that were not authorised, such as Zina. Yes,
25 things such as that.

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1 Q. [15:13:52] It was also prohibited to smoke within and outside of the camp, was it
2 not?

3 A. [15:14:09] Yes.

4 Q. [15:14:12] And to consume alcohol inside and outside the camp, was it not?

5 A. [15:14:26] Yes, by Allah.

6 Q. [15:14:33] And furthermore, these prohibitions were only applicable to members
7 of the group; is that correct?

8 A. [15:14:57] Could you repeat this passage.

9 Q. [15:15:05] These prohibitions, did they apply to the population of Timbuktu or
10 just to the people who were being trained?

11 A. [15:15:31] Yes, everybody, without any distinction.

12 Q. [15:15:40] And they were punished, were they not? People who contravened
13 these prohibitions were punished, were they not?

14 A. [15:16:15] Yes, they were punished. But the group who punished them, I was
15 never part of that group, and I don't know how it was done. They would be the ones
16 who know how they were punished.

17 Q. [15:16:42] Witness, I'd like to go on to another subject where it concerns your
18 work in the security brigade.

19 After your training, you were put in the security brigade, if I have understood that
20 well.

21 A. [15:17:36] Could you repeat that question.

22 Q. [15:17:39] Yes. I was just reminding you of something you said earlier, to put
23 you in the context. I just wanted to remind you, but you can confirm that it's what
24 you said, that after your training, you were deployed at a security post; is that
25 correct?

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1 A. [15:18:17] Yes, by Allah, that is true.

2 Q. [15:18:21] And it was Talha who ordered you to join this security battalion, if I
3 understand that correctly.

4 A. [15:18:55] With regards to the first post, I don't know. The person who assigns
5 people to the posts, that is the person who is responsible within the organisation.

6 Q. [15:19:15] So in these first posts you were assigned to -- well, how many of you
7 were assigned to the first post?

8 A. [15:19:56] No, I don't have the number of personnel, because it varied.

9 Sometimes there were more people. Sometimes there were less people. I don't
10 have the numbers.

11 Q. [15:20:13] With regards to that post, you said you were armed when you were at
12 that post; that's correct, is it not?

13 A. [15:20:29] Yes.

14 Q. [15:20:30] And your colleagues were also armed, were they not?

15 A. [15:20:43] Yes, by Allah, yes. Each individual had a weapon.

16 Q. [15:20:53] A Kalashnikov?

17 A. [15:21:02] Yes.

18 Q. [15:21:08] When you were at this post, who gave you orders, in particular?

19 A. [15:21:40] At that time it was Abou Youssef. And apart from Abou Youssef,
20 there was somebody else, but I've forgotten his name.

21 Q. [15:21:54] And so the person who gave you orders, Abou Youssef or otherwise,
22 the other person whose name you've forgotten, were they present with you at the
23 security post?

24 A. [15:22:30] Yes, they were with us, apart from when they would go to the town
25 centre.

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1 Q. [15:22:44] So when they went to the town centre, who would give you the
2 orders?

3 A. [15:23:17] When they were not there, the person who is the oldest person, he
4 would be responsible for the organisation of people.

5 Q. [15:23:38] So you stayed there for three months, if I've understood correctly; is
6 that right?

7 A. [15:23:52] Yes. Or a bit more, but I am sure that it was three months.

8 Q. [15:24:04] Now, one of your functions was to carry out checks, was it not?

9 A. [15:24:34] Yes. When I was on guard, if a car arrived, I would stop it. That
10 was it. That was my work. That's what it was.

11 Q. [15:24:55] Anyone could come and go unless they had weapons; is that correct?

12 A. [15:25:16] Yes, by Allah.

13 Q. [15:25:23] So if the person was armed, you would stop that person; is that
14 correct?

15 A. [15:25:58] Yes. But the case never arose. Nobody came to us with weapons.
16 But it's true, when somebody came to us and they had weapons, then they would be
17 questioned on the subject of those arms. But that subject wasn't part of my work.
18 There would be other people who would deal with that.

19 Q. [15:26:36] You say "other people", do you mean the *shurta*?

20 A. [15:27:01] Yes, the people from the *shurta* and the people from the Hesbah. For
21 such matters, they would go to these people, and they were the ones who would deal
22 with these matters.

23 Q. [15:27:20] And if I've understood it well, you also would check the inside of the
24 vehicle, would you not?

25 A. [15:28:11] Yes. Often we would look at the vehicle, but it wouldn't be a search,

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1 a significant search if there were no suspicions with regards to the person. If there
2 was suspicions about the person, then, yes, a search would be carried out.

3 Q. [15:28:39] So, for example, if you found alcohol and cigarettes, you were to seize
4 them, would you not?

5 A. [15:29:05] Yes.

6 Q. [15:29:07] And you would arrest the person, wouldn't you?

7 PRESIDING JUDGE MINDUA: [15:29:15](Interpretation) Ms Taylor.

8 MS TAYLOR: [15:29:18] Thank you very much, Mr President.

9 Could the sound please be cut to the witness.

10 PRESIDING JUDGE MINDUA: [15:29:32](Interpretation) Court officer.

11 Ms Taylor.

12 MS TAYLOR: [15:29:53] Thank you, Mr President.

13 Now, at page 61, the witness stated that his work was only that he would stop it -- he
14 would stop the car. He has never stated that his work involved checking the car.

15 In fact, repeatedly he said that that wasn't his role. It was the role of other guards.

16 So I do believe it's important for the Prosecution when they use the word "you" to be
17 clear as to who they are referring to. Are they asking him to speak about what he
18 himself did? Are they asking him to speak about what other people did?

19 None of the questions are responsive to what the witness is actually saying.

20 PRESIDING JUDGE MINDUA: [15:30:45](Interpretation) Yes, Madam Prosecutor, I
21 think there's a nuance there. The witness said that his work consisted of stopping
22 the cars, and that was it.

23 MS SARDACHTI: [15:31:00](Interpretation) Well, I'm looking at the transcript where
24 it says "stop cars", what they were transporting and where they were going, and that
25 is what gave rise to my question.

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1 PRESIDING JUDGE MINDUA: [15:31:13](Interpretation) Yes, I can see where the
2 confusion comes from.

3 Perhaps the witness should be asked for a clarification.

4 MS SARDACHTI: [15:31:21](Interpretation) And on page 61, lines 7 to 10: Often
5 we would just look at the vehicle, but it wouldn't be a significant search if there's no
6 suspicion about a person, but if there were suspicions, then, yes, a search would be
7 carried out.

8 PRESIDING JUDGE MINDUA: [15:31:39](Interpretation) Yes, then there is
9 confusion, Madam Prosecutor. Perhaps the witness can clarify that.

10 Ms Taylor.

11 MS TAYLOR: [15:31:47] Yes, thank you, Mr President. I just also refer the
12 Prosecutor to lines 19 to 20 of the same page, where he said:

13 "But that subject wasn't part of my work. There would be other people who would
14 deal with that."

15 So I do believe there is confusion as to what is entailed by "you". So I think it would
16 be important to be clear to the witness whether he's being asked about the work of
17 other people, but what he himself did.

18 PRESIDING JUDGE MINDUA: [15:32:23](Interpretation) Yes, I think you need to
19 rephrase.

20 MS SARDACHTI: [15:32:30](Interpretation)

21 Q. [15:32:31] Mr Witness, so you stopped vehicles?

22 PRESIDING JUDGE MINDUA: [15:32:37] *Monsieur l'huissier.*

23 (Pause in proceedings)

24 PRESIDING JUDGE MINDUA: [15:32:58](Interpretation) Thank you very for your
25 patience, Mr Witness.

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1 Madam Prosecutor.

2 MS SARDACHTI: [15:33:05](Interpretation)

3 Q. [15:33:08] I will put you in the context. Sorry for this interruption.

4 So you stopped vehicles. You checked what they were transporting, where they
5 were coming from, and --

6 PRESIDING JUDGE MINDUA: [15:33:25](Interpretation) Ms Taylor. Yes, you know
7 why Ms Taylor is standing up.

8 MS SARDACHTI: [15:33:32](Interpretation) I will ask an open question. I think
9 that will be easy.

10 PRESIDING JUDGE MINDUA: [15:33:37](Interpretation) Your microphone, please.

11 MS SARDACHTI: [15:33:42](Interpretation)

12 Q. [15:33:43] Mr Witness, if a person was in a position of legal goods, what
13 happened?

14 PRESIDING JUDGE MINDUA: [15:34:21] Maître Taylor.

15 MS TAYLOR: [15:34:23] Mr President, this is inviting the witness to speculate. I do
16 believe he should be asked about what he himself saw when he was there, what
17 instructions he was given. But now he's being asked to speculate (Overlapping
18 speakers)

19 MS SARDACHTI: [15:34:38](No interpretation)(Overlapping speakers)

20 MS TAYLOR: [15:34:38] I don't believe this is any -- this isn't going to influence him,
21 but he is being asked to speculate about a hypothetical scenario.

22 PRESIDING JUDGE MINDUA: [15:34:47](Interpretation) We didn't get any
23 interpretation in French. We didn't get anything.

24 Interpreters, what is happening?

25 Court officer, I think there might be a technical problem here.

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1 THE COURT OFFICER: [15:35:12] French booth, can you speak in the French
2 channel.

3 French booth? Anybody?

4 PRESIDING JUDGE MINDUA: [15:35:30](Interpretation) It's now working.

5 Prosecution, you have the floor.

6 Maître Taylor.

7 MS TAYLOR: [15:35:42] I'm not -- I'm not sure I've finished, but perhaps out of an
8 abundance of caution, we can ask the interpreters not to translate this into Tamasheq.

9 But what we have here is an entirely hypothetical scenario. Now, the witness can be
10 asked if he himself saw anyone being stopped who had these cigarettes or alcohol and
11 what happened then. He can be asked if he was given any instructions about this.

12 But to be asked an entirely hypothetical scenario as what could happen, if something
13 hypothetical could happen, that's speculation, Mr President.

14 PRESIDING JUDGE MINDUA: [15:36:28](Interpretation) I'll allow the Prosecution
15 to answer.

16 Please proceed.

17 MS SARDACHTI: [15:36:33](Interpretation) No, I don't think it's speculation.

18 We're talking about somebody in a security post who said he was checking out what
19 was going on, that he was stopping vehicles. So this is not pure speculation. This is
20 a question which has a factual basis.

21 PRESIDING JUDGE MINDUA: [15:36:52](Interpretation) Ms Taylor, I agree with the
22 Prosecution. On the principle, we do not accept speculative questions, but here we
23 have a witness who has a post. His work was to stop the vehicles, but he can see
24 what he's colleagues are doing, vis-à-vis, other duties and therefore can say what
25 happened. He is going to say what he has seen, not something that he is imagining.

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1 MS TAYLOR: [15:37:23] Mr President, if I may, then we have no objection to the
2 witness being asked (Overlapping speakers)

3 PRESIDING JUDGE MINDUA: [15:37:26](Interpretation) Ms Taylor, what are you
4 going to say? The Chamber is saying that this is not speculation and it is a sound
5 question, and he can answer it. What do you want to say?

6 I have decided. This is the way we will proceed.

7 Please continue, Madam Prosecutor.

8 MS SARDACHTI: [15:37:53](Interpretation) Is the sound back again. Can you hear
9 me?

10 PRESIDING JUDGE MINDUA: [15:38:00](Interpretation) The sound for the
11 Tamasheq booth, please. Can the Tamasheq booth continue, please.

12 MS SARDACHTI: [15:38:18](Interpretation)

13 Q. [15:38:18] So, Mr Witness, once you had checked the vehicles and somebody
14 was found in possession --

15 This is an obstruction now.

16 PRESIDING JUDGE MINDUA: [15:38:36](Interpretation) You can see that no one
17 agrees with you and that you're standing up. Why are you up? Because the
18 Prosecution hasn't even finished asking the questions. You are anticipating the
19 question or something what I've already decided in the past.

20 MS TAYLOR: [15:38:50] Mr President, you have decided, and in the past you
21 decided that the Prosecutor could not use that phrase, "once you had checked the
22 vehicle". We've already established that the Prosecution has not established that this
23 individual checked the vehicles.

24 PRESIDING JUDGE MINDUA: [15:39:05](Interpretation) The Prosecution has not
25 yet asked their question, Ms Taylor. The Prosecution just has stood up. So, please

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1 sit down and allow the Prosecution to continue because now this is part of an
2 obstruction.

3 Please proceed, Madam Prosecutor.

4 MS SARDACHTI: [15:39:25](Interpretation)

5 Q. [15:39:25] When you were at your security post, Mr Witness, if a person
6 transported goods like alcohol and cigarettes, illegal goods, what happened to those
7 goods?

8 A. [15:40:26] No one came to us at that post with those goods. However, if
9 somebody came to another post with those goods, *shurta* and Hesbah would deal
10 with it -- will deal with that particular instance.

11 Q. [15:41:01] Mr Witness, I'd like to ask you a question about your working hours.
12 There was a rotation of colleagues, is there not so?

13 A. [15:41:43] The time we spent guarding was one or two hours.

14 Q. [15:42:03] And there was another moment when somebody else replaced you,
15 not so?

16 A. [15:42:48] The time of us guarding depended on the number of individuals. It
17 was calculated according to the number of individuals available. If somebody had
18 finished their time to guard, he went away, and then the next one was called up.
19 And that is how up the rotation worked.

20 Q. [15:43:18] So you didn't see everything that happened on that control post, is
21 that not so?

22 A. [15:43:39] Could you repeat that question, please.

23 Q. [15:43:48] I will go back a bit.

24 Mr Witness, you said that if a person had finished his work, then he would go and
25 wake up the next one. That's how the rotation took place. So you didn't see

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1 everything that happened at that security post at all times, if I'm not mistaken.

2 A. [15:45:26] Well, in fact, it was only the time when I was guarding. When I was
3 standing guard and a car arrived, I stopped it and a person would go towards the car
4 and would chat with the driver. So it is possible that I didn't see everything.

5 Q. [15:45:58] Mr Witness, I have two questions on the work you carried out.
6 When you worked there, you were armed; is that not correct?

7 A. [15:46:25] When I was in Energie, yes, I was.

8 Q. [15:46:34] Your colleagues as well, is that correct?

9 A. [15:46:42] Yes, in the same way. They too were armed. They had rifles.

10 Q. [15:46:59] And this post at Energie was set up by Talha; is that correct?

11 A. [15:47:19] Yes, in the name of Allah.

12 Q. [15:47:24] And he was head of security; isn't that correct?

13 A. [15:47:35] Yes.

14 Q. [15:47:38] Mr Witness, I would like to show you a video.

15 Could the court officer display this video, please. And stop at seven seconds. This
16 is a video which can be broadcast in public. I'll give you the ERN,
17 MLI-OTP-0018-0350. It can be displayed without sound. So could you stop
18 towards the seven-second mark, please.

19 THE COURT OFFICER: [15:49:18] One moment, please, because the video will have
20 to load first, because we need to display it from the eCourt system.

21 (Pause in proceedings)

22 THE COURT OFFICER: [15:50:51] Is counsel ready for us to ...? Okay.

23 (Viewing of the video excerpt)

24 MS SARDACHTI: [15:51:13](Interpretation) I notice the time stamp, 0:07/0:18.

25 Q. [15:51:33] Mr Witness, do you recognise the individuals on this image?

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1 A. [15:51:56] In fact, I can't see them very clearly. The image is not very distinct.

2 PRESIDING JUDGE MINDUA: [15:52:14](Interpretation) Ms Taylor.

3 MS TAYLOR: [15:52:15] Thank you, Mr President. I'm not sure how it is in the
4 witness's screen. But it's very, very dark on our screen. I can't see anything.

5 PRESIDING JUDGE MINDUA: [15:52:26](Interpretation) You are absolutely right,
6 Ms Taylor.

7 Prosecutor, I don't know what you want to do, but perhaps you might have a photo
8 so that he could see the faces clearly, because it is a bit dark.

9 MS SARDACHTI: [15:52:41](Microphone not activated)

10 THE INTERPRETER: [15:52:50] Microphone for the French.

11 MS SARDACHTI: [15:52:55](Interpretation) Could we continue the video because
12 you can see it -- you can see their faces clearer before.

13 PRESIDING JUDGE MINDUA: [15:52:48](Overlapping microphones) *D'accord,*
14 *d'accord.*

15 THE COURT OFFICER: [15:53:03] Could counsel first specify whether this video can
16 be shown to the public, the entire visual part of it can be broadcast to the public
17 outside of the courtroom?

18 MS SARDACHTI: [15:53:14](Interpretation) Yes, indeed.

19 (Viewing of the video excerpt)

20 MS SARDACHTI: [15:53:56](Interpretation) I'm going to move on to another
21 question.

22 PRESIDING JUDGE MINDUA: [15:53:59](Interpretation) Please do.

23 MS SARDACHTI: [15:54:05](Interpretation) I do apologise. Perhaps could you put
24 the video on again, court officer. And to go towards seven seconds, a little bit more
25 than seven seconds.

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1 (Viewing of the video excerpt)

2 Could you stop there.

3 This is the best resolution we have.

4 Q. [15:54:48] Mr Witness, the person with the yellow headgear, do you recognise
5 him?

6 A. [15:55:12] Yes. He is Talha.

7 Q. [15:55:23] I'm not talking about the person with the black headgear. I'm talking
8 the one with the beard and the yellow headgear. The one who's next to him.

9 A. [15:55:56] I can't really see him clearly. He's giving his hand, but I can't
10 remember him. I don't know if I know him.

11 THE INTERPRETER: [15:56:13] Tamasheq booth says: There is a bit of a confusion
12 of terminology, "boubou" ...

13 MS SARDACHTI: [15:56:23](Interpretation)

14 Q. [15:56:24] (Inaudible) a yellow turban, the person with the long beard.

15 A. [15:56:42] I can't see him very clearly, and I don't remember that I know him.

16 MS SARDACHTI: [15:56:52](Interpretation) It is nearly four o'clock. I think I could
17 continue for 10, 15 minutes and then the witness will be free to go. If the others
18 agree. The witness could be released today, if I could continue for another 15
19 minutes or so.

20 PRESIDING JUDGE MINDUA: [15:57:19](Interpretation) Obviously, Mrs Prosecutor,
21 before answering the question, I will ask the representative of the victims.
22 Mr Nsita.

23 MR LUVENGIKA: [15:57:36](Interpretation) As regards the deposition of the
24 witness in the court and given the examination-in-chief of the Prosecution, I think that
25 the legal representative of the victims doesn't have any questions, at least not to date.

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1 PRESIDING JUDGE MINDUA: [15:57:55](Interpretation) Thank you, counsel, for
2 your clarification and your cooperation.

3 I think the Court would like to release the witness today, so I would ask the court
4 officer, could we have these additional moments to complete today?

5 THE COURT OFFICER: [15:58:20] I have not been inquiring with the service
6 providers. I can do that and then get back to you as soon as possible.

7 PRESIDING JUDGE MINDUA: [15:58:32](Interpretation) Very good. Thank you
8 very much, court officer.

9 Madam Prosecution, would you like to continue, please.

10 MS SARDACHTI: [15:58:42](Interpretation) Your Honour, I would like to mention
11 something that falls under Rule 74.

12 PRESIDING JUDGE MINDUA: [15:58:54](Interpretation) We will proceed in private
13 session, and then counsel is present if necessary -- I've just forgotten your name.

14 You will intervene if necessary.

15 So, court officer, please proceed to private session.

16 (Private session at 3.59 p.m.)

17 THE COURT OFFICER: [15:59:31] We are in private session, Mr President.

18 PRESIDING JUDGE MINDUA: [15:59:36](Interpretation) Thank you.

19 MS SARDACHTI: [15:59:42](Interpretation) Yes, just to be sure, is private session
20 enough? We don't need a completely closed session.

21 PRESIDING JUDGE MINDUA: [15:59:48](Interpretation) I think private session is
22 enough.

23 MS SARDACHTI: [15:59:50](Interpretation) Very well, your Honour. We are in
24 your hands.

25 PRESIDING JUDGE MINDUA: [15:59:57](Interpretation) Do you have any fears?

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1 Perhaps you have a question about it, Counsel?

2 MS CARIOLOU: [16:00:10] Mr President, your Honours, perhaps I'll ask a moment
3 to consult with the witness should the question posed be troublesome, if that's all
4 right with you.

5 PRESIDING JUDGE MINDUA: [16:00:25](Interpretation) Indeed, Counsel. I found
6 the name.

7 So please put your question.

8 MS SARDACHTI: [16:00:45](Interpretation)

9 Q. [16:00:45] Witness, before joining Ansar Dine, you were a [REDACTED] were you
10 not?

11 A. [16:01:02] Yes.

12 Q. [16:01:03] And it was your only means of subsistence, if I understand well.

13 A. [16:01:13] Yes.

14 Q. [16:01:15] When the groups arrived, you weren't in Timbuktu, were you?

15 A. [16:01:31] No.

16 Q. [16:01:37](No interpretation)

17 THE INTERPRETER: [16:01:48] Your Honour, the Tamasheq booth did not hear.

18 PRESIDING JUDGE MINDUA: [16:01:52](Interpretation) Indeed.

19 Madam Prosecutor, I think you forgot to switch your microphone on.

20 MS SARDACHTI: [16:01:58](Interpretation) I will repeat the question.

21 Q. [16:02:07] Witness, was it your friend who told you to join the group; is that
22 correct?

23 A. [16:02:26] Yes.

24 Q. [16:02:28] So, Witness, you told us that you met Abou Youssef with your friend
25 at the market and you had a meeting with him; that's correct, is it not?

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1 A. [16:03:04] A meeting? We had a meeting with him? Or was it that we made
2 this meeting? What -- what do you mean?

3 Q. [16:03:21] What I mean is that you didn't meet him just by chance in the market?

4 PRESIDING JUDGE MINDUA: [16:03:25](Interpretation) Ms Taylor.

5 MS TAYLOR: [16:03:27] Mr President, maybe if this could not be interpreted.

6 PRESIDING JUDGE MINDUA: [16:03:37](Interpretation) Court officer.

7 (Pause in proceedings)

8 PRESIDING JUDGE MINDUA: [16:03:53](Interpretation) Ms Taylor.

9 MS TAYLOR: [16:03:54] And the Prosecutor has said:

10 "[...] you told us that you met Abou Youssef with your friend at the market and you
11 had a meeting with him [...]"

12 Now that's not, in fact, what the witness said. Now there's no reference here to the
13 exact language that the witness used. There's no reference to page numbers and line
14 numbers. My recollection is the witness quite clearly said that he came to the market
15 with his friend, but it was his friend who was separately speaking to Abou Youssef
16 and it is his friend who came back and spoke to him.

17 So I do believe if we are going to put propositions to the witness, we should be using
18 the exact language or the exact evidence of the witness or it should be asked openly.

19 Otherwise, it's going to do what it did now and create confusion. Thank you.

20 And while I'm up, I would also invite the Prosecutor not to use double negatives
21 pursuant to the instructions of the WVS.

22 PRESIDING JUDGE MINDUA: [16:04:56](Interpretation) Thank you, Ms Taylor.

23 Madam Prosecutor, Ms Taylor's just reminding us of the guidelines of the Chamber.

24 Please take notice of that.

25 MS SARDACHTI: [16:05:08](Interpretation) I take note of it.

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1 Q. [16:05:10] I am referring to the transcript, page 20, and I will remind you of your
2 words:

3 "When the proposal was made, he hadn't spoken to anyone in the group. However,
4 when the request was made and I gave my agreement, we met."

5 PRESIDING JUDGE MINDUA: [16:05:31](Interpretation) We have to re-establish the
6 connection.

7 (Pause in proceedings)

8 PRESIDING JUDGE MINDUA: [16:05:54](Interpretation) Very well. Madam
9 Prosecutor.

10 MS SARDACHTI: [16:05:59](Interpretation)

11 Q. [16:06:02] Witness, I'm referring to what you said yesterday. On page 20, on
12 page -- transcript 98 -- 188, you said:

13 "When the request was made" - this is lines 17 to 20 - "When the request was made
14 and I gave my agreement, we then met a man in his vehicle called Abou Youssef
15 and -- and it was with him that we had an exchange."

16 So I'm referring to this meeting that took place with Abou Youssef in the market.

17 This meeting was planned, was it not?

18 And the transcript was T-188, lines 17 to 20.

19 A. [16:07:48] No, it wasn't a planned meeting. However, Abou Youssef is
20 somebody we'd never seen before. It was on that day that we went into town
21 towards the market, and it was then -- it was there that we met him.

22 Q. [16:08:18] And was he armed when you met Mr Abou Youssef in the market?

23 A. [16:08:41] When we met him, he was in a car. He was accompanied by his
24 group, but now I no longer remember if he was armed or not.

25 Q. [16:09:04] When you joined the group, Witness, did you receive money? Was

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1 that the case?

2 A. [16:09:24] No, I didn't receive any money.

3 Q. [16:09:30] But did you get any kind of compensation of one kind or another for
4 your work?

5 A. [16:10:04] No. At that time, the organisation was such that in each place, it was
6 just food and that was covered, and the clothing as well.

7 Q. [16:10:21] And accommodation as well, if I've understood that correctly.

8 A. [16:10:42] The house where the people lived? I haven't understood that
9 passage. Could you put it to me again.

10 Q. [16:10:51] Yes, of course, Witness. Now, you've told us that it was just the food,
11 the covering, the --

12 THE INTERPRETER: [16:11:03] The interpreter didn't get the last part of the
13 sentence because the microphone was off.

14 MS SARDACHTI: [16:11:22](Interpretation)

15 Q. [16:11:23] The accommodation was covered, was it not?

16 A. [16:11:42] Where we lived, but we never lived in a rented place. Where we
17 lived, it wasn't a place that was rented out. It was a place that belonged to them.

18 Q. [16:12:06] Witness, your friend also joined the group, did he not?

19 A. [16:12:19] Yes.

20 Q. [16:12:21] What was his position within the group?

21 A. [16:12:56] With regards to his work, at a certain time, he was at the post. He
22 was in a lot of different places. We weren't all the time together. I don't know a lot
23 about him, but he was at the [REDACTED] post a lot.

24 Q. [16:13:21] When say "the [REDACTED] post, [REDACTED] what was that?

25 A. [16:13:54] The post [REDACTED] post was the one going towards [REDACTED] There is

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1 a place next to it called [REDACTED] and that's where the name comes from, but it's
2 the post where there's [REDACTED] going towards [REDACTED]

3 Q. [16:14:19] So it's a security post, is it not?

4 A. [16:14:32] Yes.

5 Q. [16:14:33] Witness, when the groups left, you left with them, did you not?

6 A. [16:14:59] When the groups left? When they left Timbuktu? Or what do you
7 mean?

8 Q. [16:15:12] When they left Timbuktu.

9 A. [16:15:44] Yes, I left with them and, at a particular time, I got ill with [REDACTED]
10 and once I was cured, I came back and then I left again to my former life, my former
11 occupation.

12 Q. [16:16:07] When you say your "former" occupation, do you mean your work as a
13 [REDACTED] that's correct, is it not?

14 A. [16:16:26] Yes.

15 MS SARDACHTI: [16:16:30] (No interpretation)

16 PRESIDING JUDGE MINDUA: [16:16:33](Interpretation) Microphone.

17 MS SARDACHTI: [16:16:37](Interpretation) If the Chamber will -- gives us leave to
18 show the image, it was dark, apparently. There is a lightened picture thereof.

19 PRESIDING JUDGE MINDUA: [16:16:49](Interpretation) Very well, Madam
20 Prosecutor.

21 MS SARDACHTI: [16:17:08](Interpretation)

22 Q. [16:17:08] Witness, this is a picture that has been lightened, MLI-OTP-0018-0350,
23 and the time stamp 00:00:06:24.

24 Is it clearer now? Is the image clearer now?

25 MLI-OTP-0018-0350. Time stamp 00:00:06:24.

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- 1 A. [16:17:49] Yes, I can see it well.
- 2 Q. [16:17:50] So do you recognise the man on the right with a yellow turban and a
3 long beard?
- 4 PRESIDING JUDGE MINDUA: [16:18:34](Interpretation) Ms Taylor.
- 5 MS SARDACHTI: [16:18:40](Interpretation) You have to allow the interpretation.
6 He spoke, the interpretation is necessary.
- 7 PRESIDING JUDGE MINDUA: [16:18:45](Interpretation) Indeed, but the problem
8 is that -- well ...
- 9 Ms Taylor.
- 10 MS TAYLOR: [16:18:50] Mr President, I'm happy for the response to be given, it was
11 just that I think one of the words was interpreted wrong. I think "right" was
12 interpreted "left". So I think that will need to be clarified afterwards, depending on
13 his response. But when she asked about the person on the right, it was actually
14 interpreted as the person on the left.
- 15 So that will require a clarification.
- 16 PRESIDING JUDGE MINDUA: [16:19:19](Interpretation) Indeed.
17 But the witness was speaking. So, Madam Prosecutor, perhaps we could already
18 have the interpretation.
- 19 MS SARDACHTI: [16:19:32](Interpretation) Yes, the witness already spoke, I would
20 like the interpretation.
- 21 PRESIDING JUDGE MINDUA: [16:19:40](Interpretation) What did the witness say?
- 22 THE WITNESS: [16:20:01] (No interpretation)
- 23 MS SARDACHTI: [16:20:03](Interpretation) I have no further question.
- 24 PRESIDING JUDGE MINDUA: [16:20:06](Interpretation) Yes. So it's the end of the
25 cross-examination.

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- 1 Madam --
- 2 THE COURT OFFICER: [16:20:11] Mr President, would counsel like to tender this
- 3 image into evidence? If so, we will have to give it an ERN number.
- 4 MS SARDACHTI: [16:20:24](Interpretation) Very well.
- 5 THE COURT OFFICER: [16:20:27] This image will bear the ERN number
- 6 MLI-REG-0001-0218.
- 7 Could counsel specify whether it should be classified as public or confidential.
- 8 MS SARDACHTI: [16:20:57](Interpretation) Confidential version for the case record.
- 9 PRESIDING JUDGE MINDUA: [16:21:02] (Interpretation) Very well. Thank you.
- 10 THE COURT OFFICER: Thank you.
- 11 PRESIDING JUDGE MINDUA: [16:21:04](Interpretation) Thank you very much,
- 12 Madam Prosecutor, for your cross-examination.
- 13 So I don't know if the Defence has any questions.
- 14 THE INTERPRETER: [16:21:12] The interpreter would like to point out one answer
- 15 was missed.
- 16 "Yes, this gentleman, as I see him, seems to me that it's Abou Youssef as I see by his
- 17 size and then the age and the beard, too," in the final answer of the witness.
- 18 PRESIDING JUDGE MINDUA: [16:21:31](Interpretation) Ms Taylor, I was asking to
- 19 know if you had any additional questions.
- 20 MS TAYLOR: [16:21:36] Yes, Mr President.
- 21 A further answer was coming forward from the interpreters, and we had no objection
- 22 to this answer being given. It was merely for clarification that he was speaking
- 23 about the person on the right. It's the only clarification that we are suggesting be
- 24 given. The person in the yellow turban on the right is Abou Youssef.
- 25 PRESIDING JUDGE MINDUA: [16:22:03](Interpretation) Very well. Thank you

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1 very much for this clarification.

2 So my question would be, do you have any additional questions?

3 MS TAYLOR: [16:22:12] No, Mr President.

4 PRESIDING JUDGE MINDUA: [16:22:16](Interpretation) Very well. Thank you,

5 Ms Taylor.

6 Court officer, we shall go back into open session, please.

7 (Open session at 4.22 p.m.)

8 THE COURT OFFICER: [16:22:37] We're back in open session, Mr President.

9 PRESIDING JUDGE MINDUA: [16:22:41](Interpretation) Thank you very much,

10 Madam Courtroom Officer.

11 I now turn towards the witness.

12 Witness, we are coming to the end of your testimony. On behalf of the Chamber I

13 would like to thank you very sincerely for your clear answers, and the Chamber and

14 all participants would like to thank you and wish you all the best for the follow-up.

15 (The witness is excused)

16 PRESIDING JUDGE MINDUA: [16:23:36] Before finishing the session, do you have

17 a clear idea, the Defence, of what's to follow or not yet? If you could just briefly

18 outline that, Ms Taylor.

19 MS TAYLOR: [16:23:48] Yes, Mr President. I apologise. We have an email ready

20 to be sent to the Chamber, but because I was -- we can send it as soon as this audience

21 is finished, but we have identified a person. And we've liaised with VWS, and it

22 does seem logistical -- logistically feasible. And I can press "send" as soon as we

23 finish the hearing so that the Chamber will be apprised.

24 PRESIDING JUDGE MINDUA: [16:24:14](Interpretation) Very well. That's well

25 understood.

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- 1 So before ending the session, I would like to thank everybody, the parties,
- 2 participants, the court reporters and the interpreters, our security guards, as well as
- 3 our public.
- 4 And see you next time, depending on the message that we will receive by email.
- 5 Court is adjourned.
- 6 THE COURT USHER: [16:24:43] All rise.
- 7 (The hearing ends in open session at 4.24 p.m.)