

Trial Hearing
WITNESS: MLI-D28-P-0211

(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 vs Al Hassan Ag Abdoul Aziz Ag Mohamed Ag
5 Mahmoud - ICC-01/12-01/18
6 Presiding Judge Antoine Kesia Mbe Mindua, Judge Tomoko Akane and Judge
7 Kimberly Prost
8 Trial Hearing - Courtroom 3
9 Friday, 15 July 2022
10 (The hearing starts in open session at 9.31 a.m.)
11 THE COURT USHER: [9:31:44] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE MINDUA: [9:32:17](Interpretation) The Court is now in
15 session.
16 Good morning, everyone.
17 Court officer, please call the case.
18 THE COURT OFFICER: [9:32:28] Good morning, Mr President, your Honours.
19 This is the situation in the Republic of Mali, in the case of The Prosecutor versus Al
20 Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud, case reference 01/12-01/18.
21 And for the record, we are in open session.
22 PRESIDING JUDGE MINDUA: [9:32:49](Interpretation) Thank you, court officer.
23 Let us start with the appearances as we do every day, starting with the Office of the
24 Prosecutor.
25 MR DUTERTRE: [9:33:06](Interpretation) Good morning, your Honours.

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1 The OTP is represented today by Sandra Schoeters, right at the back; Mousa Allafi, to
2 my left; Caroline Leroy; Lucio Garcia; and myself. And I would like to extend my
3 greetings to everyone here and elsewhere.

4 PRESIDING JUDGE MINDUA: [9:33:36](Interpretation) Thank you very much,
5 Prosecution.
6 Defence, Ms Taylor.

7 MS TAYLOR: [9:33:41] Good morning, Mr President. Good morning,
8 your Honours. Good morning to everyone inside and outside the courtroom.
9 The Defence for Mr Al Hassan is represented today by Maître Mohamed Youssef, by
10 Mr Maouloud Al-Ansary. And the Defendant, Mr Al Hassan, is in the courtroom
11 today. And I myself am Melinda Taylor.

12 And I would like to take the opportunity to wish everyone who celebrates a late Eid
13 Mubarak. Thank you.

14 PRESIDING JUDGE MINDUA: [9:34:15](Interpretation) Thank you very much,
15 Ms Taylor.

16 And I would also like to welcome Mr Al Hassan.

17 I turn to the Legal Representative of Victims.

18 MR LUVENGIKA: [9:34:26](Interpretation) Good morning, Mr President,
19 your Honours.

20 The victims are represented here today by Ms Prisque Biyéké-Dipanga and myself,
21 Fidel Nsita Luvengika.

22 And as my learned friend did, I would also like to welcome everybody or say good
23 morning to everybody inside and outside the courtroom.

24 PRESIDING JUDGE MINDUA: [9:34:56](Interpretation) Thank you very much, Mr
25 Nsita.

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- 1 This morning, we are going to start hearing the witness of the Defence, D-0211. So I
2 turn now to the witness.
- 3 Good morning, Mr Witness. Can you hear me well?
- 4 WITNESS: MLI-D28-P-0211
- 5 (The witness speaks Arabic)
- 6 (The witness gives evidence via video link)
- 7 THE WITNESS: [09:35:15] (No interpretation)
- 8 PRESIDING JUDGE MINDUA: [09:35:39] (Interpretation) It seems to me that the
9 witness is speaking, but we can hear nothing.
- 10 THE INTERPRETER: [9:35:52] The Arab booth is not hearing the witness.
- 11 PRESIDING JUDGE MINDUA: [9:36:00] (Interpretation) Court officer, could you
12 please look into this.
- 13 Good morning, Mr Witness. Can you hear me?
- 14 THE WITNESS: [9:36:33](Interpretation) Yes. Good morning.
- 15 PRESIDING JUDGE MINDUA: [9:36:39](Interpretation) Mr Witness, on behalf of
16 the Chamber, I would like to welcome you here today.
- 17 THE WITNESS: [9:36:49](Interpretation) Thank you and good morning to you.
- 18 PRESIDING JUDGE MINDUA: [9:36:52](Interpretation) You are going to testify in
19 order to help the Chamber ascertain the truth in the case against Mr Al Hassan.
- 20 THE WITNESS: [9:37:06](Interpretation) Yes, if God is willing.
- 21 PRESIDING JUDGE MINDUA: [9:37:10](Interpretation) Mr Witness, protective
22 measures have been put in place so that your identity is not revealed to the public.
- 23 THE WITNESS: [9:37:20](Interpretation) Yes.
- 24 PRESIDING JUDGE MINDUA: [9:37:23](Interpretation) Whenever you are likely to
25 give details that might reveal your identity, we will move into private session, and

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1 that way nobody out -- nobody other than the people in this room will be able to hear
2 you.

3 Do you understand?

4 THE WITNESS: [9:37:46](Interpretation) Yes. And thank you very much.

5 PRESIDING JUDGE MINDUA: [9:37:51](Interpretation) So I would first like to
6 move to your solemn declaration in accordance with paragraph 66 -- Rule 66(1) of the
7 Rules of Procedure and Evidence.

8 THE WITNESS: [9:38:11](Interpretation) Yes.

9 PRESIDING JUDGE MINDUA: [9:38:12](Interpretation) Do you have the formula
10 on paper in front of you?

11 THE WITNESS: [9:38:16](Interpretation) Yes.

12 PRESIDING JUDGE MINDUA: [9:38:18](Interpretation) Very good. You will
13 please read this document, which is the solemn declaration by which you will declare
14 that you will speak the truth. Please read it out loud.

15 THE WITNESS: [9:38:34](Interpretation) Yes. Solemn declaration: I hereby
16 declare solemnly that I shall speak the truth, the whole truth and nothing but the
17 truth.

18 PRESIDING JUDGE MINDUA: [9:38:45](Interpretation) Thank you, Mr Witness.

19 You are now under oath.

20 The representatives of the victim and witness aid section and the representative of the
21 Defence will have explained to you what this means.

22 THE WITNESS: [9:39:09](Interpretation) Yes.

23 PRESIDING JUDGE MINDUA: [9:39:15](Interpretation) I have a few items of
24 practical advice to give you.

25 Please remember that throughout your testimony, everything said in this courtroom

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1 is transcribed by court reporters and translated into a number of languages by
2 interpreters. It is, therefore, important to speak clearly and slowly.
3 You will need to introduce pauses into what you are saying, and these pauses are
4 essential so that your testimony can be properly recorded.
5 Of course, if you have a question, please raise your hand to indicate that you wish to
6 speak.

7 Have you understood?

8 THE WITNESS: [9:40:32](Interpretation) Yes, yes.

9 PRESIDING JUDGE MINDUA: [9:40:35](Interpretation) Thank you very much,
10 Mr Witness. So you will first be examined by Defence, and then there will be a
11 cross-examination by the Office of the Prosecutor, and finally, the Legal
12 Representatives of Victims, and who knows, possibly also by the judges ourselves.
13 So without further ado, I will hand the floor to Ms Taylor, who will start the
14 examination-in-chief.

15 Ms Taylor.

16 MS TAYLOR: [9:41:12] Thank you very much, Mr President.

17 QUESTIONED BY MS TAYLOR: [9:41:15]

18 Q. [9:41:16] Good morning, Mr Witness. How are you this morning?

19 A. [9:41:31] I am well, thank you. And thanks to God.

20 Q. [9:41:36] I'm just going to follow on some logistical points raised by the
21 Presiding Judge. In order to facilitate the work of the interpreters, I would ask that
22 you keep your answers short and to the point.

23 A. [9:42:24] Yes, if God is willing.

24 Q. [9:42:28] If I put up my hand, that means to pause or stop to allow the
25 interpreters to complete their interpretation of what you've said.

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1 A. [9:42:46] Yes, that is clear. Thank you.

2 Q. [9:42:50] And even if you can understand what I've said in English or what's
3 being said in French, I would ask that you wait for the end of the Arabic
4 interpretation. Otherwise, they can't interpret what you've said.

5 A. [9:43:18] Yes, thank you. That is clear.

6 MS TAYLOR: [9:43:21] With the leave of the Presiding Judge, I would just like to ask
7 some questions in private session that are of an identifying nature.

8 PRESIDING JUDGE MINDUA: [9:43:35](Interpretation) Court officer, private
9 session, please.

10 (Private session at 9.43 a.m.)

11 THE COURT OFFICER: [9:43:51] We are in private session, Mr President.

12 PRESIDING JUDGE MINDUA: [9:43:56](Interpretation) Thank you, court officer.
13 Ms Taylor.

14 MS TAYLOR: [9:44:00]

15 Q. [9:44:00] Now, Mr Witness, we are now in private session, which means the
16 public can't see or hear you. Can you give your full name, for the record.

17 A. [9:44:16] Yes. [REDACTED]

18 Q. [9:44:25] [REDACTED] from now on I will be calling you "Mr Witness".

19 Now, Mr Witness, can you give your date of birth, for the record.

20 A. [9:44:47] [REDACTED]

21 Q. [9:44:50] And, Mr Witness, is that your actual date of birth?

22 A. [9:45:08] No, it isn't. In truth, it is [REDACTED]

23 Q. [9:45:14] So is [REDACTED] -- would it be correct that [REDACTED] is the date that's in your -- on
24 your identity documents?

25 A. [9:45:33] Yes.

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1 Q. [9:45:33] And can you explain to the Chamber why there's a younger date of
2 birth on your identity document.

3 A. [9:45:48] Yes. [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 Q. [9:46:10] Now, is it correct that you're from the [REDACTED] tribe?

7 A. [9:46:24] Yes.

8 Q. [9:46:24] And you were born in Timbuktu?

9 A. [9:46:34] Yes.

10 Q. [9:46:35] Did you stay in Timbuktu after you were born?

11 A. [9:46:46] No.

12 Q. [9:46:47] Where did you go?

13 A. [9:46:54] I went to [REDACTED]

14 Q. [9:46:59] And approximately how long were you there?

15 A. [9:47:12] I went there when I was [REDACTED] and I left [REDACTED] -- and I

16 left in [REDACTED]

17 Q. [9:47:27] And when you left, where did you go?

18 A. [9:47:37] I went to Mali.

19 Q. [9:47:42] And did you go to school when you came back to Mali?

20 A. [9:47:54] Yes.

21 Q. [9:47:55] And where did you [REDACTED]?

22 A. [9:48:11] The [REDACTED] in -- [REDACTED] in

23 Timbuktu in the [REDACTED] area.

24 Q. [9:48:29] Can you remember the [REDACTED]?

25 A. [9:48:39] Yes. [REDACTED]

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1 Q. [9:48:45] Now, Mr Witness, I'm going to ask some questions in open session

2 referring to [REDACTED]

3 [REDACTED] So I'll be mentioning --

4 A. [9:49:01] Yes.

5 Q. [9:49:01] -- just the individual.

6 A. [9:49:04] (Overlapping speakers)

7 MS TAYLOR: [9:49:05] Mr President, I believe we can go into open session just for
8 these specific questions.

9 PRESIDING JUDGE MINDUA: [9:49:10](Interpretation) Court officer, public session,
10 please.

11 (Open session at 9.49 a.m.)

12 THE COURT OFFICER: [9:49:26] We're back in open session, Mr President.

13 PRESIDING JUDGE MINDUA: [9:49:29](Interpretation) Thank you, court officer.

14 Ms Taylor.

15 MS TAYLOR: [9:49:33]

16 Q. [9:49:34] Now, Mr Witness, you've mentioned an individual called Mohamed
17 Lamine. Is he alive today?

18 A. [9:49:47] No.

19 Q. [9:49:51] What happened to him?

20 A. [9:50:01] I heard that he had been killed by the Malian army.

21 Q. [9:50:07] And did you hear why he had been killed by the Malian army?

22 A. [9:50:18] No.

23 Q. [9:50:21] Do you know approximately when he was killed?

24 A. [9:50:32] I don't know exactly because I heard tell of his death, but I think it was
25 about the 13th or the 14th.

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- 1 Q. [9:50:47] In what year?
- 2 MR DUTERTRE: (Overlapping speakers)
- 3 PRESIDING JUDGE MINDUA: [9:50:53](Overlapping speakers)
- 4 MR DUTERTRE: [9:50:59](Interpretation) We don't know whether the 13th is a day
- 5 or a month or what. So if that could be sorted.
- 6 PRESIDING JUDGE MINDUA: [9:51:10](Interpretation) Yes, indeed.
- 7 Ms Taylor, could you ask the witness to clarify this. Thank you.
- 8 MS TAYLOR: [9:51:17] Thank you, Mr President. That's what I was doing. I was
- 9 asking for the year and then the month. So if we could perhaps do so.
- 10 Q. [9:51:26] Mr Witness, I had asked you if you recalled the year that you were
- 11 talking about.
- 12 A. [9:51:37] I don't recall. It might have been 2013 or 2014, because I heard of his
- 13 death much, much later.
- 14 Q. [9:51:51] I'm going to bring up an article. It's Defence tab 13. It's
- 15 MLI-OTP-0033-1584. I'm going to read out -- I'm going to ask if the interpreters
- 16 could read out the second paragraph. The name of -- the title of the article is *L'armée*
- 17 *malienne suspectée de Nouvelles exactions à Tombouctou*. It's dated 11 February 2013.
- 18 And if the interpreters could read out the paragraph starting with "*Les parents de l'une*
- 19 *de deux victimes*". If that paragraph could be read out in full.
- 20 PRESIDING JUDGE MINDUA: [9:52:44](Interpretation) Ms Taylor, do you have the
- 21 reference?
- 22 MS TAYLOR: [9:52:51] Yes, it's Defence tab 13, that's MLI-OTP-0033-1584.
- 23 MR DUTERTRE: [9:53:05](Interpretation) Mr President.
- 24 PRESIDING JUDGE MINDUA: [9:53:06](Interpretation) Mr Prosecutor.
- 25 MR DUTERTRE: [9:53:08](Interpretation) I just would like to stress that what

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1 Ms Taylor is currently doing is refreshing the memory of the witness with a
2 document and we don't know whether he's seen it before or not. And when we say
3 "before", I mean before the witness preparation.
4 We see that in the witness preparation a number of documents were shown and
5 perhaps it would be difficult to share between what was known before and what was
6 shown there. And this is refreshing the witness's memory and the Defence should
7 please be asked to check with the Chamber whether this is possible before
8 proceeding.

9 PRESIDING JUDGE MINDUA: [9:53:59](Interpretation) What is your reaction,
10 Ms Taylor?

11 MS TAYLOR: [9:54:02] Thank you, Mr President. If the sound could be cut off to
12 the witness, which should have been done beforehand, I can answer briefly. I'm not
13 trying to refresh this witness's memory.

14 PRESIDING JUDGE MINDUA: [9:54:16] (No interpretation).

15 THE COURT OFFICER: [9:55:01] The sound to the witness has been cut.

16 PRESIDING JUDGE MINDUA: [9:55:06](Interpretation) Thank you then, court
17 officer.

18 What is your response to the objection by the Prosecution, Ms Taylor?

19 (Overlapping microphones)

20 MS TAYLOR: [9:55:15] Thank you, Mr President. While I note this objection has
21 been made before I've actually put any questions, so it's anticipating what I might put
22 rather than what I have put, and -- I do believe this is going to delay the proceedings
23 if we have these types of objections.

24 Secondly, my question was limited to one aspect, which is, there is a person, an
25 individual described in this article, is this the same individual that this witness is

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1 referring to. That was the only question I'm putting to that witness.

2 I do believe he is in a position to answer that question based on the evidence he's
3 given already in private session.

4 I'm not using it to date the incident. I'm not using it to describe the incident. It's
5 solely a matter of corresponding this individual to the individual that's been
6 described by this witness based on his personal knowledge.

7 That's not a matter of witness refreshing. It's a matter of identifying a link between
8 this article and a person that's been described by this witness based on his personal
9 knowledge in private session.

10 PRESIDING JUDGE MINDUA: [9:56:29](Interpretation) Of course, we know that if
11 one wishes to refresh the witness's memory, then you do need the authorisation of the
12 Chamber. If you are going to -- you ask questions and he seemed to hesitate. So
13 you presented the document and, according to the Prosecution, this would be a way
14 of refreshing the memory of the witness.

15 But I don't know now.

16 What would the Prosecutor say on this?

17 MR DUTERTRE: [9:57:12](Interpretation) If I may say so, there has been a slight
18 shift here. This article includes a date, a name and a question of a death. So if it's
19 related to the date, this is refreshing the memory. But if it would also -- it would also
20 be possible to give this document by a bar table motion. There's no need to have the
21 witness repeat what is in the second paragraph quite clearly.

22 So what -- do we need to know whether he knows, and -- and this also could be a
23 homonym or something. The witness of the -- the response of the witness to not
24 going to add anything. In addition, we don't -- we don't know whether he's seen this
25 before, so that -- it has no added value.

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1 PRESIDING JUDGE MINDUA: [9:58:12](Interpretation) Well, Prosecutor, we are
2 going to try to advance.

3 Ms Taylor, we don't know whether this witness has seen this document, whether he
4 knows the author, and what he knows. If you're talking about the dates, there may
5 be a problem. But we will allow you to ask the question and then we will know.

6 (Overlapping microphones)

7 MS TAYLOR: [9:58:35] If I may, before we go into open session, because I do believe
8 it's important to clarify one issue, which is that this Chamber has ruled that the
9 witness refreshing protocol doesn't apply to documents of this nature and that was a
10 ruling made by this Chamber during the testimony of P-4, if the Chamber might
11 remember.

12 Also, the Prosecutor has repeatedly stated that when we give the description of an
13 article before putting it to a witness, that they had themselves have asked us to give
14 the titles and dates. So I hope that Mr Dutertre, having asked us to do that
15 repeatedly, is not going to object when we do what he asked us to do.

16 PRESIDING JUDGE MINDUA: [9:59:21](Interpretation) We're going to try and
17 make some progress. We are in public session. You said "before going to open
18 session". We are in open session. So it was the link that had been cut. Do you
19 understand? Yes.

20 (Overlapping microphones)

21 MS TAYLOR: [9:59:37] Exactly. Yes.

22 PRESIDING JUDGE MINDUA: [9:59:38](Interpretation) Okay. So with regard to
23 the problem of refreshing memory, I think I have said enough on this for the time
24 being.

25 Court officer, please, could you re-establish the link.

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1 THE COURT OFFICER: [10:00:16] The audio to the witness has been re-established.

2 PRESIDING JUDGE MINDUA: [10:00:24](Interpretation) Thank you very much,
3 court officer.

4 Ms Taylor.

5 MS TAYLOR: [10:00:29]

6 Q. [10:00:29] Now, Mr Witness, do you recall if the Defence showed you this article
7 during witness preparation?

8 A. [10:00:42] No, I don't remember.

9 Q. [10:00:44] And do you recall if the Defence showed this to you at any point
10 beforehand?

11 A. [10:00:53] No.

12 Q. [10:00:53] Okay. So we're going to ask the interpreters to read out
13 a -- paragraphs starting with, "*Les parents de l'une de deux victimes ...*"

14 THE INTERPRETER: [10:01:09] What is the number of the paragraph, please?

15 MS TAYLOR: [10:01:12] It's the third paragraph down on the first page, it's "The
16 parents of one of the two victims ..." That's what it's starting with.

17 THE INTERPRETER: [10:01:26] Sight translation:

18 "The parents of one of the two victims briefly exhumed the corpses, placed one on top
19 of one another, in order to identify them. They were wearing the same clothing as
20 they had on at the time of their arrest by the Malian army. Apparently, it was the
21 director of the medersa (the Koranic school) Nour El-Moubin, Mohamed Lamine
22 Ould Hamoud, and one of his friend, a trader from the city who specialised in selling
23 carpets for the living-room, Mohamed Tidiani."

24 End of sight translation.

25 MS TAYLOR: [10:02:17] And if we could read the last paragraph of the article, and

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1 that's on page 1585.

2 THE INTERPRETER: [10:02:32] Sight translation:

3 "The director of the medersa Nour-El Moubin apparently is from the same tribe as

4 Sanda Abou Mohamed, the Ansar Eddine spokesperson in Timbuktu. The link

5 apparently was the cause of his killing. The acts of violence and abuse upon

6 civilians have increased in recent weeks. In Sévaré, in January, at least four people

7 were executed and their bodies thrown into a well."

8 End of sight translation.

9 MS TAYLOR: [10:03:17]

10 Q. [10:03:17] Now, Mr Witness, this article refers to an individual.

11 A. [10:03:37] Yes.

12 (Overlapping microphones)

13 Q. [10:03:39] An individual called Mohamed Lamine Ould Hamoud, who's the

14 director of the Nour El-Moubin *medersa* and who appears to be from the same tribe as

15 Sanda Abou Mohamed.

16 Is this the same Mohamed Lamine that you were referring to earlier?

17 A. [10:04:04] Yes.

18 MS TAYLOR: [10:04:09] Mr President, I have some questions that are of an

19 identifying of nature. If we could go into private session.

20 PRESIDING JUDGE MINDUA: [10:04:21](Interpretation) Private session, please,

21 courtroom officer.

22 (Private session at 10.04 a.m.)

23 THE COURT OFFICER: [10:04:34] We are in private session, Mr President.

24 PRESIDING JUDGE MINDUA: [10:04:38](Interpretation) Thank you very much,

25 court officer.

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1 Ms Taylor.

2 MS TAYLOR: [10:04:43]

3 Q. [10:04:43] Mr Witness, we were discussing the school, the *medersa*, Nour

4 El-Moubin. In what language [REDACTED]?

5 A. [10:05:03] [REDACTED] The language was Arabic.

6 Q. [10:05:05] Was this school funded by the Malian government?

7 A. [10:05:14] No.

8 Q. [10:05:14] Now, apart from Mohamed Al -- Lamine, [REDACTED]

9 [REDACTED]?

10 A. [10:05:25] [REDACTED]

11 Al Hassan and [REDACTED]

12 Q. [10:05:49] Now, Mr Witness, you've mentioned someone called Al Hassan. Do
13 you know his full name?

14 A. [10:05:59] Al Hassan Ag Abdoul Aziz. His full name is Al Hassan Ag Abdoul
15 Aziz.

16 Q. [10:06:03] I'm going to come back with some questions on that, but I believe we
17 can now go into open session.

18 PRESIDING JUDGE MINDUA: [10:06:20](Interpretation) Indeed.

19 Open session, please, Madam Court Officer.

20 (Open session at 10.06 a.m.)

21 THE COURT OFFICER: [10:06:29] We are in open session, Mr President.

22 PRESIDING JUDGE MINDUA: [10:06:33](Interpretation) Thank you very much,
23 court officer.

24 Ms Taylor.

25 MS TAYLOR: [10:06:37]

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1 Q. [10:06:37] Now, Mr Witness, did you obtain your degree at this time?

2 A. [10:06:51] Yes, yes.

3 Q. [10:06:55] I apologise, my wording might not have been clear. Did you finish
4 school when you were going to school at this time?

5 A. [10:07:08] *Yes, middle school. I finished ninth grade.

6 Q. [10:07:13] And when did you finish the ninth year?

7 A. [10:07:22] 2004-2005.

8 Q. [10:07:29] And after you finished the ninth year, what did you do?

9 A. [10:07:39] I tried to join the institute, which, of course, that is why I referred to
10 my age at the beginning of my statement, and I was unable to get the degree that I
11 should -- that should -- should be accepted in the institute. So I did not get the
12 degree to allow me to join the institute.

13 Q. [10:08:07] And what did you do next?

14 A. [10:08:16] I went to Libya after that. In 2005, I went to Libya.

15 Q. [10:08:27] And what did you do after you arrived in Libya?

16 A. [10:08:36] I tried to continue my studies, but I was unable to do that. So I tried
17 to work, hard work, to earn my living.

18 Q. [10:08:49] And how long you were in Libya?

19 A. [10:08:55] Two years. From 2005 until 2007.

20 Q. [10:09:02] And then what did you do?

21 A. [10:09:08] I came back to Timbuktu.

22 Q. [10:09:12] And when you came back to Timbuktu, did you continue school?

23 A. [10:09:20] Yes. [REDACTED]

24 [REDACTED] and I stopped my studies in the middle of the twelfth year.

25 Q. [10:09:36] And why did you stop your studies in the middle of the twelfth year?

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1 A. [10:09:46] Because I am the -- in my family, because I am someone who has to
2 work in order to provide for my family so I left school for that reason.

3 Q. [10:10:04] And was it -- how difficult was it to find work at this point for you?

4 A. [10:10:11] Yes, it was extremely difficult.

5 Q. [10:10:16] And why was it extremely difficult?

6 A. [10:10:22] Because there were no business in my area. Because we are in a
7 semi-desert area, so there was nothing really in that area.

8 Q. [10:10:36] And did you eventually find work?

9 A. [10:10:46] Yes. I went to [REDACTED] so that I can find a job in [REDACTED]

10 MS TAYLOR: [10:11:01] If we could go into private session.

11 PRESIDING JUDGE MINDUA: [10:11:11](Interpretation) Private session, please,
12 court officer.

13 (Private session at 10.11 a.m.)

14 THE COURT OFFICER: [10:11:26] We're in private session, Mr President.

15 PRESIDING JUDGE MINDUA: [10:11:30](Interpretation) Thank you very much.

16 Ms Taylor.

17 MS TAYLOR: [10:11:33]

18 Q. [10:11:33] Mr Witness, you've mentioned going to [REDACTED] and finding work there.

19 What work did you find in [REDACTED]

20 A. [10:11:47] Well, [REDACTED]

21 Q. [10:11:53] Were you paid much?

22 A. [10:11:57] No. It was 8000 per month. It wasn't that much.

23 Q. [10:12:04] Just to be clear for the record, what currency are you speaking of?

24 A. [10:12:15] (Indiscernible) CFA.

25 Q. [10:12:19] And I understand that you said 40,000 CFA; is that correct?

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- 1 A. [10:12:30] Yes, 40,000 CFA, well, French francs.
- 2 Q. [10:12:35] And --
- 3 MS TAYLOR: [10:12:39] I believe we can go into open session, actually,
- 4 Mr President.
- 5 PRESIDING JUDGE MINDUA: [10:12:50](Interpretation) Open session, please,
- 6 courtroom officer.
- 7 (Open session at 10.12 a.m.)
- 8 THE COURT OFFICER: [10:12:58] We are back in open session, Mr President.
- 9 PRESIDING JUDGE MINDUA: [10:13:03](Interpretation) Thank you very much.
- 10 Ms Taylor.
- 11 MS TAYLOR: [10:13:06]
- 12 Q. [10:13:07] Now, Mr Witness, you've mentioned a school. Was this school that
- 13 you were speaking of funded by the Malian state?
- 14 A. [10:13:17] No.
- 15 Q. [10:13:19] Who funded it?
- 16 A. [10:13:24] Someone who lives in Saudi Arabia. He was a volunteer who lives
- 17 in Saudi Arabia. He finance -- funds this school.
- 18 Q. [10:13:33] Now, you were speaking about work that you were doing. How
- 19 long did you do this work?
- 20 A. [10:13:44] Maybe one year or one year and a half or two years. I don't
- 21 remember exactly.
- 22 Q. [10:13:50] And what did you do next?
- 23 A. [10:13:56] I came back to Timbuktu in 2010.
- 24 Q. [10:14:03] You've said you came back to Timbuktu in 2010. Did you stay in
- 25 Timbuktu?

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1 A. [10:14:16] Yes. I attended the festival. And after one month, I left and I went
2 to Algeria.

3 Q. [10:14:25] And why did you go to Algeria?

4 A. [10:14:31] Well, ask -- looking for a job.

5 Q. [10:14:36] And why did you have to go to Algeria to look for a job?

6 A. [10:14:46] Because there were no work. We don't have any chance to get work.

7 MS TAYLOR: [10:14:57] Mr President, with your leave, we can go into private
8 session to ask more specific questions about an individual who's been mentioned,
9 earlier.

10 PRESIDING JUDGE MINDUA: [10:15:12](Interpretation) Private session, please,
11 court officer.

12 (Private session at 10.15 a.m.)

13 THE COURT OFFICER: [10:15:26] We are in private session, Mr President.

14 PRESIDING JUDGE MINDUA: [10:15:29](Interpretation) Thank you very much.
15 Ms Taylor.

16 MS TAYLOR: [10:15:32]

17 Q. [10:15:32] Now, Mr Witness, you've mentioned an individual called Al Hassan
18 Ag Abdoul Aziz. [REDACTED]

19 A. [10:15:52] Well, it's far, [REDACTED] yeah.

20 Q. [10:15:52] Now, you mentioned that he was a teacher. [REDACTED]

21 A. [10:15:58] [REDACTED]

22 Q. [10:16:01] [REDACTED]

23 A. [10:16:07] In [REDACTED]

24 Q. [10:16:14] And when did you first meet him?

25 A. [10:16:23] [REDACTED]

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- 1 Q. [10:16:32] And what subjects did he teach [REDACTED]
- 2 A. [10:16:41] Science and physics.
- 3 Q. [10:16:45] And this was in Arabic, that's correct?
- 4 A. [10:16:50] Yes, yes.
- 5 Q. [10:16:53] [REDACTED] did you also
- 6 socialise with him [REDACTED]
- 7 A. [10:17:05] Yes. We became friends.
- 8 Q. [10:17:11] How often would you see him at this time?
- 9 A. [10:17:21] We used to meet many times. We used to meet many times.
- 10 Q. [10:17:30] And can you describe these meetings, what would happen at these
- 11 meetings?
- 12 MR DUTERTRE: [10:17:36](Interpretation) Your Honour, this is not an objection, but
- 13 I do think all of this could be done in open session.
- 14 PRESIDING JUDGE MINDUA: [10:17:46](Interpretation) Thank you.
- 15 Ms Taylor, indeed, the Chamber is wondering if you could deal with this part of your
- 16 questioning in open session. What do you think?
- 17 MS TAYLOR: [10:17:58] I can ask the following questions in open session, and then
- 18 there will be one question I will have to ask in private session.
- 19 PRESIDING JUDGE MINDUA: [10:18:13](Interpretation) Well, then, we'll go into
- 20 open session.
- 21 Open session, please, courtroom officer.
- 22 (Open session at 10.18 a.m.)
- 23 THE COURT OFFICER: [10:18:27] We are back in open session, Mr President.
- 24 PRESIDING JUDGE MINDUA: [10:18:31](Interpretation) Thank you very much.
- 25 Ms Taylor.

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1 MS TAYLOR: [10:18:35]

2 Q. [10:18:37] Now, Mr Witness, you've mentioned meetings. Can you describe
3 these meetings. What would happen at these meetings?

4 A. [10:18:52] In fact, when I said we live in a semi-desert area and we don't have a
5 lot of work or businesses, so we have enough time to go together to markets and to
6 common places, places together.

7 Q. [10:19:09] And how would you describe Mr Al Hassan at this time period?

8 A. [10:19:19] He was away with us. We used to go together because we came
9 friends -- became friends and because he was my teacher. So I had a lot of respect
10 for him. But I like to thank him because he looked to me as a friend, and we used to
11 go together to marriages and ceremonies and sometimes we sit together and we just
12 drink tea. And he also helps me in studying or doing my homework, sometimes.

13 Q. [10:20:01] Was Mr Al Hassan single or married at this time?

14 A. [10:20:08] He was single at that time.

15 Q. [10:20:12] Now, during these interactions, did he ever express any extremist
16 views to you?

17 A. [10:20:22] No.

18 Q. [10:20:24] Did you ever go to the place he lived?

19 A. [10:20:32] No.

20 MS TAYLOR: [10:20:38] If I can ask a question in private session.

21 PRESIDING JUDGE MINDUA: [10:20:47](Interpretation) Private session, please,
22 court officer.

23 (Private session at 10.20 a.m.)

24 THE COURT OFFICER: [10:20:58] We are in private session, Mr President.

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

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1 Ms Taylor.

2 MS TAYLOR: [10:21:08]

3 Q. [10:21:09] Mr Witness, do you know an individual called [REDACTED]

4 [REDACTED]

5 A. [10:21:22] Can you please repeat the name.

6 Q. [10:21:25] I'll start with the shorter name. Someone called [REDACTED]?

7 A. [10:21:34] Yes, [REDACTED]. Yes, [REDACTED] Yes, I know him very well,

8 [REDACTED]

9 Q. [10:21:41] Is this someone you interacted with at this time?

10 A. [10:21:48] Yes. I used to go and visit him from time to time.

11 Q. [10:21:53] And do you know if he was friends with Mr Al Hassan at this time?

12 A. [10:22:01] Yes.

13 MS TAYLOR: [10:22:04] If we can go into open session.

14 PRESIDING JUDGE MINDUA: [10:22:14](Interpretation) Indeed.

15 Open session, please, courtroom officer.

16 MR DUTERTRE: [10:22:18](Interpretation) Before (Overlapping speakers)

17 THE INTERPRETER: [10:22:22] Overlapping.

18 MR DUTERTRE: [10:22:24](Interpretation) Could we have the exact spelling of this

19 name before we go back into open session because it's quite difficult to make out.

20 PRESIDING JUDGE MINDUA: [10:22:33](Interpretation) Indeed.

21 Ms Taylor.

22 MS TAYLOR: [10:22:39]

23 Q. [10:22:39] Mr Witness, we are in private session. Can you give the full name, to
24 the extent that you know it, of this individual called [REDACTED]

25 THE INTERPRETER: [10:22:58] It seems we don't hear the witness. We can't hear

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1 the witness. Sorry.

2 MS TAYLOR: [10:23:05] Has the sound been cut to the witness?

3 THE WITNESS: [10:23:29](Interpretation) I don't know his full name.

4 MS TAYLOR: [10:23:31]

5 Q. [10:23:31] Can you say the names that you know.

6 THE INTERPRETER: [10:23:41] There's a connection problem. We cannot hear the
7 witness. Sorry. We cannot hear the witness.

8 PRESIDING JUDGE MINDUA: [10:24:28](Interpretation) Just the spelling of the
9 name that you gave a few moments ago.

10 Could you spell out that name for us?

11 THE WITNESS: [10:24:39](Interpretation) Yes, I know his name. His name is

12 [REDACTED] but I don't know his father's name. I know [REDACTED] I don't know his
13 father's name.

14 MS TAYLOR: [10:24:51]

15 Q. [10:24:52] Perhaps, Mr Witness, if you could spell [REDACTED]?

16 A. [10:24:58] So [REDACTED] [REDACTED] is the nickname. [REDACTED]

17 [REDACTED] That is what I think, but I don't remember exactly.

18 PRESIDING JUDGE MINDUA: [10:25:27](Interpretation) Very well. Mr Prosecutor,
19 we have at least a phonetic rendering. We can move ahead.
20 Please proceed.

21 MS TAYLOR: [10:25:35] If we can go into open session.

22 PRESIDING JUDGE MINDUA: [10:25:39] Yes, yeah.

23 (Open session at 10.25 a.m.)

24 THE COURT OFFICER: [10:25:48] We're back in open session, Mr President.

25 PRESIDING JUDGE MINDUA: [10:25:51](Interpretation) Thank you very much,

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- 1 court officer.
- 2 Ms Taylor.
- 3 MS TAYLOR: [10:25:56]
- 4 Q. [10:25:56] Now, Mr Witness, have you heard of the band Tinariwen?
- 5 A. [10:26:07] Can you please repeat the name of the band?
- 6 Q. [10:26:11] It's the band called Tinariwen. It's T-I-N-A --
- 7 A. [10:26:19] Tinariwen.
- 8 Q. [10:26:16] Exact.
- 9 A. [10:26:16] You mean Tinariwen? Yes. Tinariwen, yes. Yes, it's a musical
- 10 band, yes. Tinariwen.
- 11 Q. [10:26:29] And have you had any interactions with this group?
- 12 A. [10:26:36] Yes.
- 13 Q. [10:26:37] Can you describe what happened?
- 14 A. [10:26:46] In the ceremony held in 2004-2005 -- well, my memory does not help
- 15 me a lot. I knew him by that ceremony. Al Hassan used to live in a house and that
- 16 house was rented for two weeks.
- 17 Q. [10:27:04] And do you recall if this -- this renting of the house was organised by
- 18 anyone, by any people?
- 19 A. [10:27:22] Al Hassan, he was responsible, of course, for this house.
- 20 Q. [10:27:29] Were there any managers or organisers with the band?
- 21 A. [10:27:39] Yes, this is an international band which has, well, people who carry
- 22 out these such things. But I think the people who are responsible for that, the one
- 23 who came and he discussed the matter with Al Hassan who was living at that house
- 24 at that time.
- 25 Q. [10:27:59] And you referred to this being an international band. Were there

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1 any internationals with the band at the time, any foreigners?

2 A. [10:28:23] Yes. Well, can you repeat the question, please.

3 Q. [10:28:31] Were there any foreigners with the band at the time?

4 A. [10:28:40] Yes. There was a journalist who came to film a programme with this
5 band. There was a journalist who came to film what they were doing.

6 Q. [10:28:56] And what do you remember about this journalist?

7 A. [10:29:07] I remember that this journalist was accompanied by three other
8 persons, the cameraman and someone who is called in -- the microphone and some
9 other one, so there were four. Sometimes they come to listen to the music and they
10 record the music and take photos, and also they refer to the traditions of Tuareg
11 people and how the Tuareg listen to music and how do they react to the music. So
12 they filmed all these things.

13 Q. [10:29:42] Can you remember the gender of any of these individuals?

14 A. [10:29:49] Yes. She is a lady, yes. A journalist, a lady.

15 Q. [10:29:53] I'd like to bring up tab -- Defence tab 18. It's MLI-D28-0006-5571.

16 Scroll in just so that we can see the photo.

17 Mr Witness, do you recognise this individual?

18 A. [10:30:44] It was a long time ago, but I do believe this is the person, unless I am
19 mis-remembering.

20 Q. [10:31:04] Do you remember, Mr Witness - and, again, it's a long time ago - what
21 nationality the journalist was?

22 MR DUTERTRE: [10:31:14](Interpretation) Mr President?

23 PRESIDING JUDGE MINDUA: [10:31:17](Interpretation) Mr Prosecutor.

24 MR DUTERTRE: [10:31:20](Interpretation) We are wondering about the relevance of
25 this question to facts that date now from 18 years ago. And we don't really see the

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1 link to the charges in this case. I know that my learned friend is using her time, but
2 perhaps it is the time to move to other matters.

3 PRESIDING JUDGE MINDUA: [10:31:55](Interpretation) I'm not going to repeat
4 what the Prosecutor has said, Ms Taylor. But we are here to examine the charges
5 and the period covered by the charges. And we are out with this period, you know.
6 This may be your strategy. I don't want to go into that. But perhaps you could be a
7 little faster with more relevant questions, more appropriate questions. Perhaps we
8 could try this.

9 MS TAYLOR: [10:32:27] Thank you, Mr President. I would like to remind the
10 Chamber of a ruling that was made during the testimony of P-150 which allowed the
11 Prosecutor to adduce specific evidence concerning information of a similar nature
12 from a time period -- from the same time period. So if that has been admitted into
13 evidence, we must be given a right to respond and to rebut that evidence.
14 Now, I am going through as quickly as I can and I do believe that I will go through
15 more quickly without these objections which take up time. I did not have any
16 further questions on that article apart from nationality, to the extent that he can
17 remember, and I was then going to move on to two more questions on a completely
18 different topic.

19 Again, we will go much quicker without unnecessary objections.

20 PRESIDING JUDGE MINDUA: [10:33:24](Interpretation) Ms Taylor, the Office of
21 the Prosecutor has the right to make objections. It's not up to you to decide whether
22 they are superfluous. That is the privilege of the Chamber. But let us proceed,
23 Ms Taylor.

24 MS TAYLOR: [10:33:40]

25 Q. [10:33:40] Now, Mr Witness, to the extent that you can, can you remember the

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1 nationality or what language the journalist spoke?

2 A. [10:33:55] She spoke French. But I don't know what her nationality was.

3 Q. [10:34:08] Now, you've mentioned this band, Tinariwen, and you've mentioned,
4 I think, a ceremony of some kind. Are you referring to the festival of the desert?

5 A. [10:34:29] Yes.

6 Q. [10:34:29] Did you attend this festival?

7 A. [10:34:40] Yes.

8 Q. [10:34:40] Did Al Hassan attend this festival?

9 A. [10:34:51] Yes.

10 Q. [10:34:52] Was he involved in the organisation of the festival of the desert?

11 A. [10:35:02] Yes.

12 Q. [10:35:04] Now, you've mentioned attending the festival of the desert in 2010.

13 To the best of your recollection, did Al Hassan attend?

14 A. [10:35:25] I do believe that he was there, if my memory serves me well. In
15 truth, I don't recall very clearly, but I do believe that he was there.

16 Q. [10:35:48] Now, Mr Witness, during your interactions with Mr Al Hassan, what
17 was his position towards music and dancing?

18 A. [10:36:06] As anyone, like us, he sang with us, he danced with us. We
19 were -- we went together, in fact. And -- and I didn't notice any symptom of
20 extremism in his person.

21 Q. [10:36:35] Now, Mr Witness, I'm moving to a new topic which was the situation
22 in Timbuktu in around 2009.

23 Now, you said that in 2010 you went to Algeria to look for work. I have some
24 questions about the situation in Timbuktu before you left.

25 Specifically, what was the situation for Tuaregs like at this time?

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1 A. [10:37:11] Our situation? Do you mean the security situation, or what type of
2 situation are you referring to?

3 Q. [10:37:20] We'll start with the security situation.

4 A. [10:37:42] The security situation was good. It was satisfactory.

5 Q. [10:37:49] And based on what you saw and heard, how was the Tuareg
6 community and your family, for example, treated by the Malian government?

7 A. [10:38:11] We are a forgotten people. With all the respect that I owe to you and
8 everybody here, we are forgotten people living in a semi-desert. Our situation
9 doesn't change over the years. There is no change, there is no development because
10 the -- there is no states. There are local authorities in various regions. That's all.

11 Q. [10:38:49] Mr Witness, you've said there was no state.

12 Did the Malian authorities function effectively in your area?

13 A. [10:39:03] No, not in all the region.

14 Q. [10:39:09] And can you describe what you mean by that.

15 A. [10:39:21] Yes. There were villages where there was no sign of the state. The
16 state had no authority at all. The people were living in the desert doing just what
17 they wanted. The provinces only were subjected to a certain form of authority, but
18 in the other regions, they were herders and looked after their livestock. That's all.

19 PRESIDING JUDGE MINDUA: [10:40:00](No interpretation)

20 MR DUTERTRE: [10:40:02](Interpretation) Mr President, I think there may be a
21 translation issue here. And I am just going to refer to 34, 6, "because there is no
22 state". Apparently that's not what the witness said exactly. It may be worth
23 clarifying this point.

24 PRESIDING JUDGE MINDUA: [10:40:32](Interpretation) Yes, indeed.

25 Ms Taylor.

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1 MS TAYLOR: [10:40:35]

2 Q. [10:40:41] Mr Witness, according to the transcript, you said: "There is no
3 development because there is no state." Is that what you said?

4 A. [10:41:01] Yes. Sometimes the term is not well understood. There was a state,
5 but the state was absent. That's what I was trying to say. There was a state, but -- I
6 said it rather fast. Of course there was a state. One cannot dissociate oneself from
7 the state. But what I was trying to say is that the presence of the state in that region
8 was very weak at all levels. That's what I was trying to convey.

9 Q. [10:41:38] I have a question about the Malian justice system, *les juges maliennes*.
10 Did they function effectively and fairly at this time?

11 A. [10:41:57] No, not all the time and not really.

12 Q. [10:42:01] Can you explain what you mean.

13 A. [10:42:11] Yes. If a complaint was lodged with a tribunal, the one with the
14 biggest purse, either the richest, was the one who would be found to be right and
15 therefore, would win the case. If you'd put -- if you'd like to put it that way.

16 Q. [10:42:38] And was the Malian justice system, *les juges maliennes*, present in all
17 the areas around Timbuktu?

18 A. [10:42:56] No.

19 Q. [10:42:58] Now, Mr Witness, do you know an individual called Iyad Ag Ghaly?

20 A. [10:43:10] Yes, I have heard this name.

21 Q. [10:43:14] And had you heard of him in 2009, that is, before 2012?

22 A. [10:43:30] Iyad was one of those in charge of the movement in the 2010, the
23 movement that had formed at the time. He was one of the leaders of these
24 movements.

25 Q. [10:43:49] Can you explain what you mean when you refer to "these

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1 movements". I was speaking also before about 2009 and the period beforehand.

2 A. [10:44:06] I meant the national movement. As you know, in 2010, there was a
3 Tuareg rebellion in Mali. The Tuareg people were claiming their rights. There
4 were rebellions, insurgencies, armies, and he was one of the leaders at the time, one of
5 the leaders as part of the rebellion.

6 Q. [10:44:33] So speaking of this 1990s rebellion, was your family personally
7 affected by the 1990s rebellion?

8 PRESIDING JUDGE MINDUA: [10:44:51](Interpretation) Mr Prosecutor.

9 MR DUTERTRE: [10:44:52](Interpretation) We're talking about 2010. The '90s.
10 I'm a little lost as to what we're actually talking about. There are even differences
11 between the French and the English. But in the English it's gone from the 20s to the
12 '90s. Could Ms Taylor clarify this. I think in the '90s the witness was a young man,
13 a child of nine.

14 PRESIDING JUDGE MINDUA: [10:45:24](Interpretation) Indeed. We have heard
15 Iyad who was responsible in the '90s. That's a long time from when -- what we're
16 looking at. Perhaps we could clarify this.

17 MS TAYLOR: [10:45:42] Mr President, I do believe in the French was correct, that it
18 was the 1990s and that there was an issue in the English and I was relying on the
19 French, which is 1990s rebellions. And I don't ...

20 Q. Mr Witness, you were speaking of the 1990s rebellion, that's correct?

21 A. [10:45:52] Yes.

22 PRESIDING JUDGE MINDUA: [10:46:15](Interpretation) So, Ms Taylor, you are
23 asking him to testify about the events of the 1990s?

24 MS TAYLOR: [10:46:25] Yes, Mr President, there's a direct link. There is a direct
25 family link.

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1 PRESIDING JUDGE MINDUA: [10:46:34](Interpretation) Please proceed.

2 MS TAYLOR: [10:46:37]

3 Q. [10:46:37] Now, Mr Witness, is your uncle alive today?

4 A. [10:46:47] No.

5 Q. [10:46:48] Can you explain what happened to him.

6 A. [10:46:57] My paternal uncle and my maternal uncle were killed in 1991 by the

7 Malian army. [REDACTED] They had no part in the rebellion, but at the time,

8 anyone, anyone who had a light skin was considered to be a rebel or an insurgent.

9 So they were killed.

10 Q. [10:47:33] And were they the only people killed at that time?

11 A. [10:47:49] No, no. There were mass graves, two mass graves. In each of these,

12 there were about 100 -- almost a hundred corpses, possibly more than that.

13 Q. [10:48:09] And you've mentioned two uncles that were killed. Was anyone else

14 from your family affected?

15 A. [10:48:24] Yes. In the same year, the Malian army moved into the desert where

16 they organised desert patrols and they found the houses of some of the inhabitants of

17 the desert. These people fled. The Malian army fired at them and one bullet hit my

18 aunt, the sister of my mother. She was gravely injured, and it almost lead to her

19 death.

20 THE INTERPRETER: [10:49:15] It's not -- Arabic booth says it's not clear whether

21 she actually died. The end of the sentence was not clear.

22 MS TAYLOR: [10:49:23]

23 Q. [10:49:23] Mr Witness, I've been informed by the interpreters that it's not clear

24 whether your aunt actually died or not. Can you clarify that.

25 A. [10:49:34] Yes. Yes. Eventually, she -- she died as a result of the wounds

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1 inflicted by this bullet.

2 Q. [10:49:46] I'm going to turn to the period of 2012, and I have some questions that
3 concern your parents. I'm not going to name them. But I will ask one question in
4 private session, with the leave of the Chamber.

5 PRESIDING JUDGE MINDUA: [10:50:11](Interpretation) Madam Court Officer,
6 private session, please.

7 (Private session at 10.50 a.m.)

8 THE COURT OFFICER: [10:50:25] We are in private session, Mr President.

9 PRESIDING JUDGE MINDUA: [10:50:31](Interpretation) Ms Taylor.

10 MS TAYLOR: [10:50:34]

11 Q. [10:50:35] Mr Witness, where were your parents living at the beginning of 2012?

12 A. [10:50:52] We lived in the [REDACTED] neighbourhood at the start of 2012.

13 MS TAYLOR: [10:51:04] I believe we can now go into open session.

14 PRESIDING JUDGE MINDUA: [10:51:13](Interpretation) Madam Court Officer,
15 open session, please.

16 (Open session at 10.51 a.m.)

17 THE COURT OFFICER: [10:51:23] We're back in open session, Mr President.

18 PRESIDING JUDGE MINDUA: [10:51:27](Interpretation) Thank you very much.

19 Ms Taylor.

20 MS TAYLOR: [10:51:30]

21 Q. [10:51:31] Now, Mr Witness, you mentioned that your parents were living in a
22 specific area. Did they stay in this area throughout 2012?

23 A. [10:51:53] No.

24 Q. [10:51:54] Where did they go?

25 A. [10:52:07] They went to a refugee camp in Mauritania.

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1 Q. [10:52:13] And do you know why they decided to go to a refugee camp?

2 A. [10:52:27] They were afraid. They were afraid that what had happened in 1990
3 would happen again, that there would be a repeat of the events.

4 Q. [10:52:43] Did they describe the conditions of their journey to Mauritania to
5 you?

6 A. [10:52:59] Yes, yes. The conditions were extremely difficult. The route, the
7 security, and security matters were all very difficult. It was a very long way. They
8 went to this camp riding on camels and donkeys and that meant that it was a very
9 long way.

10 Q. [10:53:36] And what about the camp when they arrived? Did they describe the
11 conditions of the camp to you?

12 A. [10:53:52] Yes. The situation was very bad. The conditions were very poor at
13 the start.

14 Q. [10:53:59] Can you explain what you mean.

15 A. [10:54:08] Yes. You know that it was an area of 5 square kilometres where
16 thousands of families were living, so that the UN could enroll them. And after they
17 were on the UN register, they had the right to food, water and tents in order to
18 provide shelter.

19 Q. [10:54:46] And what was the situation like in terms of health care for them?

20 A. [10:55:03] Initially, there was no health care. As I said, if you consider there
21 were 10, 20, 30,000 people in this small area, they were sleeping under the shade of
22 trees, there was no drinking water. To find a litre of water, they had to pay. And
23 even when we arrived in Mauritania, the Mauritaniens had set up a business, trying
24 to gain from our problems, from our presence. And so if you don't have enough
25 money, that means you are in a very difficult position.

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1 Q. [10:55:54] Now, earlier you mentioned that you went to Algeria. When your
2 parents went to Mauritania, were you with them, or were you in Algeria at the time?

3 A. [10:56:12] No. I was in Algeria at that point.

4 Q. [10:56:17] Now, did you stay in Algeria for all of 2012?

5 A. [10:56:30] No.

6 Q. [10:56:30] Where did you go?

7 A. [10:56:40] I returned to Timbuktu.

8 Q. [10:56:44] And why did you return to Timbuktu?

9 A. [10:56:53] I returned there because I was hearing news. I was hearing what had
10 happened. And I wanted to rejoin my family in Mauritania.

11 Q. [10:57:11] Now, when you came back to Timbuktu, was the Malian army
12 present in Timbuktu at this time?

13 A. [10:57:22] No.

14 Q. [10:57:24] And which area did you stay in when you first came back to
15 Timbuktu?

16 A. [10:57:38] Hamabangou.

17 MS TAYLOR: [10:57:45] Mr President, I note it's about two to 11. My next question
18 would probably have a lengthy answer and require follow up. So I think now might
19 be a good time to break.

20 PRESIDING JUDGE MINDUA: [10:58:03](Interpretation) Very well, Ms Taylor.

21 We will take our break, and we will reconvene at 11.30.

22 The hearing is suspended.

23 THE COURT USHER: [10:58:16] All rise.

24 (Recess taken at 10.58 a.m.)

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

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1 THE COURT USHER: [11:32:20] All rise.

2 Please be seated.

3 PRESIDING JUDGE MINDUA: [11:32:46](Interpretation) The hearing shall now
4 resume.

5 Could the Defence continue with their examination of their witness, Ms Taylor.

6 MS TAYLOR: [11:33:02] Thank you, Mr President.

7 Q. [11:33:05] Good morning, Mr Witness. How are you?

8 A. [11:33:09] I'm fine. Thank you very much.

9 Q. [11:33:11] I'm glad to hear.

10 Now, before we start, I have a small request to you. I would ask again that if
11 possible, if you can wait until you have the complete Arabic interpretation before
12 answering and maybe have a pause afterwards.

13 A. [11:33:44] Okay.

14 Q. [11:33:46] Thank you. That's appreciated.

15 Now, Mr Witness, before the break, you were giving evidence about your return to
16 Timbuktu, and you had stated that at this point the Malian army was not present in
17 Timbuktu.

18 A. [11:34:12] Yes.

19 Q. [11:34:14] Now, Mr Witness, at this point, were any other groups present in
20 Timbuktu?

21 A. [11:34:24] Yes. Ansar Dine was around Timbuktu.

22 Q. [11:34:30] Now, you stated that Ansar Dine was around Timbuktu. Were any
23 other groups around Timbuktu?

24 A. [11:34:48] Yes, MNLA. There's MNLA and MAA.

25 Q. [11:34:58] Now, Mr Witness, you've referred to the MNLA and MAA. Can you

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1 explain to the Chamber what these acronyms stand for.

2 A. [11:35:10] MNLA is the national liberation Azawad people and MAA, the Arab
3 Azwadi movement.

4 Q. [11:35:22] And where was the MAA based at this time?

5 A. [11:35:33] It was with the MNLA. It's a mixture of both.

6 Q. [11:35:37] So where was the MNLA based at this time?

7 A. [11:35:51] At the airport.

8 Q. [11:35:56] Now, speaking of the MNLA, was anyone close to you working with
9 the MNLA?

10 A. [11:36:12] Yes. A lot of young people of course work with MNLA. We enter
11 this liberation movement as a people, and we are looking for our rights and we all
12 joined. There were some of my relatives, of course, in MNLA.

13 MS TAYLOR: [11:36:31] Mr President, could we go into private session very briefly.

14 PRESIDING JUDGE MINDUA: [11:36:43](Interpretation) Private session, please,
15 court officer.

16 (Private session at 11.36 a.m.)

17 THE COURT OFFICER: [11:36:50] We are in private session, Mr President.

18 PRESIDING JUDGE MINDUA: [11:36:56](Interpretation) Thank you very much.

19 Ms Taylor.

20 MS TAYLOR: [11:36:59]

21 Q. [11:37:01] Mr Witness, can you give the names of particular relatives that were
22 in the MNLA at this time in Timbuktu?

23 A. [11:37:12] Well, a lot of them, of course. I give ██████, who is one of the leaders.
24 At that time, he was the ██████ of the movement.

25 Q. [11:37:36] This individual ██████, does he have any other names?

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1 A. [11:37:45] Yes, [REDACTED]. [REDACTED].

2 MS TAYLOR: [11:37:54] We can go into open session.

3 But, Mr Witness, if you are going to give the names of any relatives, if you can put up
4 your hand and we can go into private session, and we can ask to go into private
5 session.

6 PRESIDING JUDGE MINDUA: [11:38:09](Interpretation) Ms Taylor, the witness
7 said that the -- that [REDACTED] was th [REDACTED] of the movement. Which movement?

8 MS TAYLOR: [11:38:19]

9 Q. [11:38:19] Mr Witness, can you clarify? I believe we were speaking of the
10 MNLA. Can you clarify what movement this (Overlapping speakers)?

11 A. [11:38:30] MNLA.

12 PRESIDING JUDGE MINDUA: [11:39:07](Interpretation) I think it was translated
13 for the witness. So we have the answer, and that's just fine. We will now move into
14 open session, unless there's any reasons why we can't, Ms Taylor.

15 MS TAYLOR: [11:39:22] Perhaps if the witness can just explain the relationship
16 between the two.

17 PRESIDING JUDGE MINDUA: [11:39:31](Interpretation) Very well.

18 Mr Witness, go ahead.

19 THE WITNESS: [11:39:39](Interpretation) What do you mean by the two?

20 MS TAYLOR: [11:39:41]

21 Q. [11:39:42] I apologise, Mr Witness. You've given a name of a relative, [REDACTED]
22 [REDACTED]. What is the -- is there a family relationship between you and him?
23 And if so, what is that?

24 A. [11:39:55] We are from the [REDACTED] tribe. We are from the same tribe. It's called
25 [REDACTED]

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1 MS TAYLOR: [11:40:05] If we can go into open session.

2 PRESIDING JUDGE MINDUA: [11:40:10](Interpretation) Open session, please, court
3 officer.

4 (Open session at 11.40 a.m.)

5 THE COURT OFFICER: [11:40:22] We're back in open session, Mr President.

6 PRESIDING JUDGE MINDUA: [11:40:26](Interpretation) Thank you very much,
7 court officer.

8 Ms Taylor.

9 MS TAYLOR: [11:40:30]

10 Q. [11:40:31] Now, Mr Witness, earlier you mentioned "we joined the MNLA".

11 Did you in fact join the MNLA?

12 A. [11:40:46] Yes.

13 Q. [11:40:46] And how did it come about that you joined the MNLA?

14 A. [11:40:56] Well, you just come and say that you will be member of the
15 movement. As someone who belongs to the people. Anybody can come and join
16 the -- the group without any conditions.

17 Q. [11:41:15] Now, Mr Witness, could you have stayed in Timbuktu if you had not
18 joined the MNLA or one of the groups?

19 A. [11:41:28] No, no.

20 Q. [11:41:32] And would it have been possible for you to have found any other
21 paid employment in Timbuktu at this time?

22 A. [11:41:44] No.

23 Q. [11:41:45] And why was that?

24 A. [11:41:50] Because -- well, there was no job. There was no job opportunities
25 and, at the same time, there was not enough security. And most of the people left.

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1 They left to Bamako. And people left to the camps and the area, a lot -- a lot of
2 preparation.

3 Q. [11:42:24] Now, where were you based after you joined the MNLA?

4 A. [11:42:35] Kabara. I was in Kabara.

5 Q. [11:42:38] And what was your role?

6 A. [11:42:44] *I was responsible for the storage, the food storage, the logistics.

7 Q. [11:42:54] And who did you report to?

8 A. [11:43:12] His name was [REDACTED] and he used to be an officer in the Malian
9 army in the past.

10 Q. [11:43:27] And when did he leave the Malian army?

11 A. [11:43:36] When I came to Timbuktu, there was no army.

12 Q. [11:43:42] I apologise if my --

13 PRESIDING JUDGE MINDUA: [11:43:46](Interpretation) Mr Prosecutor.

14 MR DUTERTRE: [11:43:49](Interpretation) Could my learned friend ask the witness
15 to repeat the name of his superior, because it did not make it on to the English
16 transcript, nor the French.

17 PRESIDING JUDGE MINDUA: [11:44:02](Interpretation) Ms Taylor, if you could
18 clarify that point with the witness.

19 MS TAYLOR: [11:44:08]

20 Q. [11:44:08] Now, Mr Witness, earlier we heard you give the name "[REDACTED]
21 Can you spell that.

22 A. [11:44:20] Yes. [REDACTED] His name is [REDACTED]

23 [REDACTED]

24 Q. [11:44:45] I believe you said "[REDACTED]

25 It's [REDACTED]

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1 A. [11:44:51] Yes.

2 Q. [11:44:53] Now, Mr Witness, one of my earlier questions might not have been
3 clear. Do you know when [REDACTED] left the Malian army and joined the MNLA?
4 Is that something you know?

5 A. [11:45:13] I don't remember, but I know that when he left the Malian army
6 and -- he came to Timbuktu.

7 Q. [11:45:23] Now, after you joined the MNLA, did you attend a training?

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

9 Q. [11:45:40] And what was taught at this training?

10 A. [11:45:51] The main objective, that you have discipline because people will be
11 disciplined. As I said, we lived in a desert, and most of the people who live in the
12 desert don't know how to live in the cities, and they came just for rebellion. They
13 were taught how to -- to be disciplined and how to handle this peoples and to be
14 disciplined, in particular.

15 Q. [11:46:25] Now, Mr Witness, you've mentioned discipline. Based on what you
16 saw at the time in the MNLA, was this training effective? Were the members
17 disciplined?

18 A. [11:46:41] Not most of them, no.

19 Q. [11:46:46] I'm going to play a video without sound. It's Defence tab 4. It's
20 MLI-D28-0006-4465. And we can play it, 18:30 mark for 10 seconds without sound.
21 We can play it on evidence 2.

22 And Mr Witness, when we play it, could you put up your hand if you recognise
23 anyone, and then we will stop.

24 A. [11:47:59] Okay. Yes.

25 (Viewing of the video excerpt)

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1 THE INTERPRETER: [11:48:03] Raising his hand now.

2 MS TAYLOR: [11:48:06]

3 Q. [11:48:06] We are stopping at 18:41.

4 Mr Witness, do you recognise someone on the screen?

5 A. [11:48:19] (No interpretation)

6 Q. [11:48:20] And Mr Witness, who is this individual?

7 A. [11:48:29] I don't remember his name. He was one of the young people who
8 were trained. I saw him in the training centre, but I don't remember his name.

9 Q. [11:48:43] Now, Mr Witness, when you say "training centre", which training
10 centre are you speaking of?

11 A. [11:48:51] Well, the training centre for the MNLA.

12 Q. [11:48:59] (Overlapping speakers) And to be clear, was this in Timbuktu?

13 A. [11:49:06] Yes, in Kabara. In Kabara.

14 Q. [11:49:11] And we can play with sound from 18:30 until 20:22.

15 And for the interpreters, the transcript is Defence tab 5, it's MLI-D28-0006-4826. And
16 the transcript corresponds to this extract.

17 (Viewing of the video excerpt)

18 "Journalist: *[Voice-over]* In Touareg villages of the Malian Sahara, young men were
19 joining the MNLA rebels. Sheikhu had just returned from the nation's capital,
20 fleeing riots against people of the desert north. In Mali, the Tuareg are in the
21 minority and people in the south were angry that Touaregs were trying to divide
22 their country.

23 SHEIKHU AL KIBEER MNLA RECRUIT: *(As written in the subtitles)*

24 They were searching for fair skinned people. I went into hiding. I was lucky they
25 did not see me. If they saw you, they would try to kill you. When I returned here, I

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1 found our animals were starving. They were too weak to stand up. We had to help
2 them stand. There is not anything for them to eat. Our animals are all dying.
3 There's nothing.

4 Journalist: *[Voice-over]* In Mali, State power lies with the farming tribes of the
5 sub-Saharan south. The vast northern desert is under developed remote from
6 services and decision-making. The Touareg have risen up seven times against Mali
7 and Niger since their independence in 1960. Villages like this provide the foot
8 soldiers. Seven families have lost fathers here, killed by the army during a previous
9 Touareg uprising in the 1990s.

10 SHEIKHU AL KIBEER: *(As written in the subtitles)*

11 My father was killed by the Mali army. He was an innocent man. He was not
12 involved in the rebellion. He was on his way to the market to sell animals with our
13 relatives. When the Mali army spotted them, they opened fire on them and killed
14 them. The state of Mali has never given us anything. All they do is take our taxes
15 and give nothing in return. There is not enough to eat. There is no food aid from
16 the government for our people or animals.

17 Development and assistance programmes never reach our area. The poverty is
18 almost killing us. When emergency aid comes, they keep it for themselves in the
19 south. There is no development. There are no projects. There's nothing for us.
20 That is why we have risen up. We do not want to live together with them anymore."
21 End of the transcript.

22 MS TAYLOR: [11:52:55] Can we go back to 20:55 and just pause there. So this is
23 20:57.

24 Q. [11:53:17] Mr Witness, do you recognise any of these locations?

25 A. [11:53:27] Well, what I see on the screen, I can't see the area you are asking

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1 about.

2 Q. [11:53:35] Now, this individual spoke about joining the rebellion and he
3 mentioned past exactions, lack of state assistance and poverty. To your knowledge,
4 based on your experience in the MNLA, did these factors play a role in young people
5 joining the MNLA?

6 MR DUTERTRE: [11:53:59](Interpretation) Your Honour.

7 PRESIDING JUDGE MINDUA: [11:54:01](Interpretation) Yes.

8 MR DUTERTRE: [11:54:04](Interpretation) Just a procedural issue. And I must
9 say -- and I choose my objections and I make fewer objections than I could. First of
10 all, we should have started by exploring the matter with open-ended questions before
11 going to this video footage.

12 Secondly, we could have asked the witness if he had already seen the footage or if he
13 had been present when it was shot. So by showing the footage, the content of what
14 this young man is saying is being put to the witness. So it is somewhat leading.

15 And then after, we have an extremely general question that also leads the witness to
16 speculate.

17 So this is really quite a lot for a single question. And I would urge my leading -- my
18 learned friend to go one step at a time, and please do not put the cart before the horse.

19 Thank you.

20 PRESIDING JUDGE MINDUA: [11:55:30](Interpretation) Thank you very much,
21 Mr Prosecutor.

22 Of course, Ms Taylor, you heard the objection made by the Prosecutor, because you
23 showed some video footage, you asked the witness, who clearly hasn't seen this
24 footage before, to tell us what it is all about.

25 I think the Prosecutor is correct in saying that this question does call for speculation

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1 and is rather general in nature.

2 So I believe we -- you need to avoid that sort of thing. Rephrase, or move on to
3 something else.

4 MS TAYLOR: [11:56:19] Thank you, Mr President. We played it without sound.

5 The witness identified an individual without sound. He explained what he knew of
6 this individual. He stated he'd met this individual at training centers in the MNLA.

7 This person in this extract is explaining the reasons why he joined the MNLA.

8 I will reformulate my question, but we did lay a foundation and the procedure which

9 Mr Duterte is referring to is not the correct procedure. It is not. And I do believe it
10 is inappropriate to shake his head like that. It's not appropriate conduct.

11 If I may reformulate the question, I will do so, having laid the foundation.

12 PRESIDING JUDGE MINDUA: [11:57:07](Interpretation) Rephrase, Ms Taylor. I
13 don't know how, but go ahead. We'll see.

14 MS TAYLOR: [11:57:14]

15 Q. [11:57:14] Now, Mr Witness, you attended training with other recruits.

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

17 Q. [11:57:25] And you've mentioned meeting this young gentleman during this
18 training.

19 A. [11:57:30] Yes.

20 Q. [11:57:31] And during this training, did some of the recruits speak about the
21 reasons why they had joined the rebellion?

22 A. [11:57:52] In fact, everybody's talking about that. As I said earlier, if you see
23 the way and -- the Tuaregs are suffering in the desert, that is motivation for them to
24 join the national movements that are trying to find the right of citizens who are living
25 in the country. So the reason for these young people to join is that they are suffering

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1 a lot, and there are no schools, no hospitals, no social care, so that anybody can say
2 that -- that the government is taking -- taking care of the people.

3 At the same time, we are very poor. We are suffering from poverty. Any person
4 who comes to -- and presents assistance to you and what you would like, if you are
5 weak, you can of course follow that person. But the main motive for us is that we
6 are really suffering and this is what led us to join this MNLA.

7 If you notice in the video, well, this person is very young and he became a man
8 because his father, that was dead, and he became the person who is providing for the
9 family. And of course, he looks after his mother and his brothers and sisters. Who
10 is going to help them? Who is going to provide them with food? And their animals
11 are dying. And poverty is spreading very quickly. So the only way for them,
12 just -- well, to ask God to help us and, at the same time, we have to do something to
13 change this situation.

14 Most of the young people joined MNLA because they know that this movement is
15 trying to help them find their rights, and this movement has a right and is joined by
16 people who are citizens of the country.

17 Q. [12:00:16] Now, Mr Witness, you've mentioned that this young man is quite
18 young. Were there other young men in the training centre of similar ages?

19 A. [12:00:36] As I said, even the young people - we do not want them to join, of
20 course - and the MNLA paid attention that people, young people should not be
21 trained there. But if you are forced to do that, of course, you cannot -- you don't
22 know what is going to happen because they're sitting just in front of the door. They
23 will not go everywhere because they know if they go to the desert, maybe the Malian
24 army will kill them, and some of the mafias who are spreading in that area will kill
25 them.

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1 So they had to stay here. If they joined the MNLA, they would be living in security
2 within the MNLA.

3 Q. [12:01:17] Now, Mr Witness, do you know an individual called Mohamed
4 Moussa?

5 A. [12:01:32] Yes.

6 Q. [12:01:33] How do you know him?

7 A. [12:01:57] [REDACTED]

8 [REDACTED]

9 Q. [12:02:06] Did you have any interactions with Mohamed Moussa after you
10 joined the MNLA?

11 A. [12:02:24] Yes. Once I joined the MNLA, Mohamed Moussa came to Kabara to
12 the training camp with some people, and they said they were part of the Ansar Dine
13 group, and they said they had come to give lessons to the young people training in
14 this centre, if that was permissible.

15 Q. [12:02:58] And who organised for Mohamed Moussa to come and give this
16 training?

17 A. [12:03:14] I don't know, but I personally saw Mohamed Moussa, who was there
18 and who said what I have told you. But I don't know who organised this. I just
19 know that he personally came to us and asked us this.

20 Q. [12:03:33] And do you recall roughly how long or how many months he did this
21 for?

22 A. [12:03:49] About two months. Yes, I think we could say two months.

23 Q. [12:03:56] And you've mentioned he was a member of Ansar Dine. Was it
24 common for there to be interactions between members of Ansar Dine and MNLA at
25 this time period?

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1 A. [12:04:22] I haven't quite understood your question.

2 Q. [12:04:27] To your knowledge, did members of Ansar Dine speak to or have
3 friendly relations with members of the MNLA during these two months?

4 A. [12:04:55] No. He personally came to give lessons. He had half an hour for
5 that. I talked to him. We set up a programme. He said he would come every day
6 to teach, but we said -- I said to him that we also had our own programmes, and we
7 couldn't sit down every day to follow lessons. So he came three days a week for his
8 lessons. He said that would be okay. And he came for a half an hour. He arrived
9 at 10 and he left at 10.30, three times a week.

10 Q. [12:05:36] And what did he speak about during these lessons?

11 A. [12:05:49] Nothing strange. He taught us the letters of the alphabet, A, B, C, D,
12 E, F, G and so on. And after that, having taught the letters of the alphabet, he taught
13 us the Koran, the Fatiha. And then we learnt the introduction to the Koran, the
14 Fatiha. And then we moved on to something else. We only moved on -- we only
15 moved on to the next surah once we'd learnt the previous one.

16 Q. [12:06:35] Now, after you joined the MNLA, did you yourself participate in any
17 fighting or combat?

18 A. [12:06:55] No.

19 Q. [12:06:55] And did you yourself witness any organised fighting in or around
20 Timbuktu?

21 A. [12:07:09] No.

22 Q. [12:07:11] During this period you were with the MNLA, were there any lawyers
23 in Timbuktu?

24 A. [12:07:28] No. To my knowledge, they used to -- I don't think there were any.

25 Q. [12:07:36] What about *les juges maliennes*? Were any of these Malian judges

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1 present in Timbuktu when you were working with the MNLA?

2 MR DUTERTRE: [12:07:52] *Monsieur le President?*

3 PRESIDING JUDGE MINDUA: [12:07:55] *Oui, Monsieur le Procureur.*

4 MR DUTERTRE: [12:07:57](Interpretation) We've been asking questions now for
5 some time about what the witness was able to see or hear when he joined the MNLA,
6 but this is not really -- at least, the Defence has not yet established when the witness
7 arrived in Timbuktu and joined the MNLA. It's all a big vague. We don't know
8 when all of this was taking place and therefore, the Chamber will have to consider
9 this matter.

10 PRESIDING JUDGE MINDUA: [12:08:47](Interpretation) Ms Taylor.

11 MS TAYLOR: [12:08:49] Mr President, can we cut off the sound to the witness?

12 PRESIDING JUDGE MINDUA: [12:08:58](Interpretation) Court officer, please, could
13 you the cut the sound link to the witness.

14 THE COURT OFFICER: [12:09:17] The sound to the witness has been disconnected.

15 PRESIDING JUDGE MINDUA: [12:09:23](Interpretation) Thank you very much.
16 Ms Taylor.

17 MS TAYLOR: [12:09:25] Thank you, Mr President.

18 Now, the witness has stated that he arrived in Timbuktu after the Malian army left.

19 He arrived when the Malian army wasn't there, but Ansar Dine and MNLA were

20 present. I will be eliciting further evidence from him about how long he stayed in

21 Timbuktu and when he left by reference to the presence of the MNLA at the airport.

22 I believe that that will give us a more reliable way of identifying when he was present,

23 as compared to specific months, because this witness has not been able to give very

24 specific information on dates and months. So we are cross-referencing it to events

25 that can be objectively checked by the Chamber.

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1 And I do believe there's no basis -- if the Prosecution wants to ask questions in
2 cross-examination, they can do so, but we're in the middle of our examination. We
3 have a -- quite a clear timeline that we're going to draw with this witness that will
4 allow the Chamber to draw its own conclusions.

5 PRESIDING JUDGE MINDUA: [12:10:53](Interpretation) Yes, Mr Prosecutor.

6 MR DUTERTRE: [12:10:55](Interpretation) It is quite possible to do as Ms Taylor
7 suggests for the dates, but it should be done ahead so that everybody understands
8 what we're talking about and not at a later stage. And what's what our request is to
9 the Defence, that things be done in a logical order.

10 PRESIDING JUDGE MINDUA: [12:11:18](Interpretation) Yes, Mr Prosecutor, but if I
11 understood correctly, according to Ms Taylor, the witness has problems with specific
12 dates, which is why she would prefer to have the events confirmed.

13 MR DUTERTRE: [12:11:38](Interpretation) Yes, we understand that, Mr President,
14 but -- but ahead of all these questions, it would have been important for Ms Taylor to
15 establish when he left, how long he stayed, when he came. We don't need a precise
16 date and time, but at least a vague idea. It was about this date or around this event,
17 that it was three or four months later, or something of this nature.

18 PRESIDING JUDGE MINDUA: [12:12:17](Interpretation) Ms Taylor, you have
19 understood the Prosecution's concerns. Please try to take account of these.

20 MS TAYLOR: [12:12:28] Thank you, Mr President. I can assure the Chamber that I
21 do have a specific line of questioning which will provide that timeline, but I'm going
22 through things in a particular order with this witness.

23 PRESIDING JUDGE MINDUA: [12:12:47](Interpretation) Please proceed, Ms Taylor.

24 MS TAYLOR: [12:12:49] Thank you very much, Mr President.

25 If we can have the sound reconnected to the witness.

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1 PRESIDING JUDGE MINDUA: [12:13:01] (No interpretation)

2 THE COURT OFFICER: [12:13:09] The sound to the witness has been re-established.

3 PRESIDING JUDGE MINDUA: [12:13:16](Interpretation) Thank you very much,

4 Madam Court Officer. And we are now in open session, that's correct, I believe.

5 MS TAYLOR: [12:13:26]

6 Q. [12:13:27] Now, Mr Witness, I'm speaking about the time period when you were
7 working with the MNLA. Were there any *juges maliennes* present in Timbuktu, to
8 your knowledge?

9 A. [12:13:53] No.

10 Q. [12:13:54] Now, if a member of the MNLA committed a crime, how would that
11 crime be handled?

12 A. [12:14:14] *Yes. If a member of the MNLA had committed a crime, it would be
13 the MNLA that dealt with it without any intervention from the outside. But if it was
14 a murder or another major problem, then there would be a dialogue between MNLA
15 and Ansar Dine about this problem in order to arrive at a solution or to have recourse
16 to justice.

17 Q. [12:14:52] Now, Mr Witness, when you speak about having recourse to justice,
18 did the cadis play any role, to your knowledge?

19 A. [12:15:09] *Yes. In fact, as a people, we have recourse to justice, always to our
20 own justice. We have Sheikhs, in our villages and surroundings, who are well-known
21 and who are fully knowledgeable in all that relates to justice and the like. Even when
22 the Malian law was applicable, we would still turn to our own justice. If a problem
23 occurs in a family or a tribe, there is a sheikh that we would go to and who would
24 always resolve our cases without recourse to the other justice.

25 Q. [12:15:51] Now, Mr Witness, when you were working for the MNLA, did the

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1 MNLA have any checkpoints in or around Timbuktu?

2 A. [12:16:10] Yes, there were checkpoints, MNLA checkpoints, from -- starting from
3 the airport and around Kabara, the entrance to Kabara. And there were also other
4 checkpoints around Kabara, but I don't know exactly where they were.

5 Q. [12:16:35] And what would happen at these checkpoints?

6 A. [12:16:49] When a vehicle arrived, it was stopped. It was searched. And they
7 looked to see whether this vehicle contained any contraband. If there was
8 something unknown, then the people at the checkpoint would turn to their -- the
9 people in charge, their leaders, who would then take over.

10 Q. [12:17:22] Now, you've stated that you were based at the airport. Can you
11 describe the route from Timbuktu to the airport.

12 PRESIDING JUDGE MINDUA: [12:17:39](Interpretation) Prosecution.

13 MR DUTERTRE: [12:17:41](Interpretation) I believe that he said that he was based at
14 Kabara, not the airport itself. I'm not sure exactly, but I think that was the case. So
15 perhaps this should be clarified.

16 PRESIDING JUDGE PROST: [12:17:57] Ms Taylor.

17 MS TAYLOR: [12:17:59] Certainly, Mr President, I can reformulate.

18 Q. [12:18:02] Mr Witness, did you ever go to the airport yourself when you were
19 working in the MNLA?

20 A. [12:18:14] Yes. We went often, a lot, to the airport, because the central
21 command was at the airport. Everything -- whenever we needed something, if we
22 had a problem, then, of course, we would go to the airport.

23 Q. [12:18:33] Now, you've mentioned an MNLA checkpoint before the airport.
24 What was the approximate distance between this checkpoint and the airport?

25 A. [12:18:50] Around 500, 600 metres, between the checkpoint and the airport.

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1 And it was on the right when one was going from the town to the airport.

2 Q. [12:19:16] And once you went through this checkpoint, was there any other
3 barriers before the entrance to the airport?

4 A. [12:19:34] When leaving Timbuktu, the major gates of Timbuktu, there was an
5 Ansar Dine checkpoint.

6 Q. [12:19:48] I apologise for being unclear. When you passed through the MNLA
7 checkpoint that's just before the airport, was there anything else between this
8 checkpoint and the airport?

9 A. [12:20:15] As I said, between the checkpoint at Ansar Dine and the MNLA, there
10 was nothing. So after the Ansar Dine checkpoint towards the airport, there were 7
11 kilometres, and then there was the MNLA. And then after that was the airport.

12 Q. [12:20:40] Now, what was at the MNLA checkpoint?

13 A. [12:20:57] A car or a pickup with soldiers, with combatants.

14 Q. [12:21:09] Now, when you refer to a checkpoint, do you mean a checkpoint or a
15 gate?

16 A. [12:21:26] Well, it's the same thing, really. The checkpoint is a place where a
17 number of soldiers or combatants are stationed so that nothing can pass without them
18 knowing, but it can be moved from one place to another. So it might be a gate or a
19 barrier. That's a checkpoint. That's all the same thing; that it can be moved from
20 one place to another.

21 Q. [12:21:53] Now, this particular location, was there a gate or was it just the
22 vehicles you've mentioned?

23 A. [12:22:10] Yes. It was just -- just a checkpoint. A simple checkpoint. But
24 when I talk about a gate, I'm talking about something of a fixed nature. To my
25 knowledge, what we're calling a gate is also a checkpoint. It's the same thing.

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1 Q. [12:22:33] Now, when you were with the MNLA, did you enter the Timbuktu
2 medina?

3 A. [12:22:45] Yes.

4 Q. [12:22:47] Roughly, how often?

5 A. [12:23:05] Three or four times, approximately. Three or four times.

6 MS TAYLOR: [12:23:11] I'd like to play tab 8. It's MLI-D28-0006-3315, minutes 4:48
7 until 5:33. You can play it from evidence 2.

8 (Viewing of the video excerpt)

9 MS TAYLOR: [12:25:04] Okay, we're stopping at 5:28.

10 Q. [12:25:19] Now, Mr Witness, do you recognise this location?

11 A. [12:25:30] Yes. This is the market, the souk.

12 Q. [12:25:36] Now, Mr Witness, is this -- these images consistent with what you
13 saw when you were a member of the MNLA when you visited the medina?

14 A. [12:25:55] No.

15 PRESIDING JUDGE MINDUA: [12:25:57](Interpretation) Prosecution.

16 MR DUTERTRE: [12:25:59](Interpretation) I don't understand the question.

17 Consistent with what? We don't know the date of the video. We don't know when
18 it was taken.

19 PRESIDING JUDGE MINDUA: [12:26:16](Interpretation) Could you please clarify
20 your question, Ms Taylor.

21 MS TAYLOR: [12:26:23] Thank you, Mr President. We do know the date of this
22 video. We do have evidence to that effect. I'm not going to say the date in front of
23 the witness, but we do have evidence of that.

24 PRESIDING JUDGE MINDUA: [12:26:47](Interpretation) Prosecutor.

25 MR DUTERTRE: [12:26:50](Interpretation) That the Defence knows the date is one

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1 thing. But it should be clear for the witness what he is -- what is being discussed in
2 his -- during his testimony. It should be formulated clearly. "Consistent" is more
3 legal language.

4 PRESIDING JUDGE MINDUA: [12:27:16](Interpretation) Court officer, could you
5 please cut the link to the witness. I have a question to ask.

6 THE COURT OFFICER: [12:27:43] The sound to the witness has been disconnected,
7 Mr President.

8 PRESIDING JUDGE MINDUA: [12:27:52](Interpretation) Thank you, Madam Court
9 Officer.

10 Ms Taylor, the Prosecutor is intervening a lot, and it's often because of a lack of clarity
11 on dates, periods, and the Prosecution is referring to the generality of the questions
12 and the speculative nature.

13 Here we have a video. You asked the witness whether these images are consistent
14 with his ideas. It's general. It's speculation. I don't know how one can be
15 expected to answer this question. So if you could try to be a little clearer, that would
16 perhaps enable us to make progress without quite so many interruptions.

17 MS TAYLOR: [12:28:48] Certainly, Mr President. I'll reformulate. Do you want
18 me to give the date to the witness?

19 PRESIDING JUDGE MINDUA: [12:29:00](Interpretation) Mr Prosecutor, I think the
20 Defence could give the date to the witness. What do you think?

21 MR DUTERTRE: [12:29:07](Interpretation) Yes, that's possible. But "consistent",
22 what are we talking about? The architecture? We really don't know what it's
23 talking about. The light. The nature. It's really not clear.

24 PRESIDING JUDGE MINDUA: [12:29:23](Interpretation) The Defence has
25 understood.

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1 Madam Court Officer, could we please re-establish the link.

2 MR DUTERTRE: [12:29:30](Interpretation) And it's up to the witness to give the date,
3 really.

4 PRESIDING JUDGE MINDUA: [12:29:42](Interpretation) I don't know whether the
5 date could be given by the witness.

6 MR DUTERTRE: [12:29:46](Interpretation) It is his testimony. Does he know the
7 date or not? That's a question.

8 PRESIDING JUDGE MINDUA: [12:29:52](Interpretation) Do we already have the
9 link? Okay.

10 Then, Ms Taylor, please reformulate and we can then move on.

11 MS TAYLOR: [12:30:03] Thank you. Is the link being re-established to the witness?

12 THE COURT OFFICER: [12:30:09] The sound to the witness has been re-established.

13 MS TAYLOR: [12:30:13] Right. Thank you.

14 Q. [12:30:13] Thank you, Mr Witness. Now, this was a video that was shot in June
15 or July 2012. Now looking at this specific image, do you recognise this location?

16 A. [12:30:36] Yes.

17 Q. [12:30:37] And when you went into the medina in 2012, did you see women at
18 the market?

19 A. [12:30:53] (No interpretation)

20 Q. [12:30:54] Did you see women working?

21 A. [12:31:00] Yes.

22 Q. [12:31:02] And how were they dressed?

23 A. [12:31:10] Well, it was the same dress they used to work, which is the dress of
24 the people of this area. Well, there's nothing new in that.

25 Q. [12:31:25] Now, Mr Witness, just to be clear, when you say the same dress that

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1 they used to wear, do you mean also before 2012?

2 A. [12:31:37] Yes.

3 Q. [12:31:39] Now, Mr Witness, did you stay with the MNLA throughout 2012, the
4 entire year?

5 A. [12:31:54] Almost. Not really to the end of 2012. Almost.

6 Q. [12:32:00] And why did you leave?

7 A. [12:32:09] For health reasons I had to leave.

8 Q. [12:32:14] What were these health reasons?

9 A. [12:32:24] I was -- something in my hand and my finger swollen, was swollen,
10 and I was -- difficulty sleeping the night. So I had a problem with one of my fingers.

11 Q. [12:32:42] And when you were in Timbuktu, had you gone to a doctor or had
12 you tried to get any treatment?

13 A. [12:32:51] Yes. I went to the hospital, the regional hospital in Timbuktu area,
14 and I -- I found a doctor. He gave me a medication and he -- and I think the
15 medication he gave me, well, instead of helping me, it increased the pain I was feeling
16 at that time.

17 Q. [12:33:21] And did you have to pay to go to the hospital?

18 A. [12:33:31] At that time, the people in the movement, they do not pay. But if, of
19 course, you have medication, you have to go and buy that yourself. But we don't
20 pay for meeting the doctor.

21 Q. [12:33:50] Now, when you left Timbuktu, was the MNLA still present in
22 Timbuktu?

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

24 Q. [12:34:02] And did you have to obtain authorisation or permission to leave
25 Timbuktu?

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1 A. [12:34:10] Yes. Yes, I received permission from the movement so that I can go
2 to the camp, the refugee camp, so I can be -- I can go to see, well, a traditional doctor
3 there.

4 Q. [12:34:27] And were you married or single at the time?

5 A. [12:34:32] I was not married at the time.

6 Q. [12:34:38] If I understand correctly, you went to a refugee camp. Which
7 country was that and which refugee camp?

8 A. [12:34:48] The camp is a refugee camp, Mbera, in Mauritania.

9 Q. [12:34:59] And what were the conditions of the refugee camp like when you
10 arrived?

11 A. [12:35:10] Not really bad. Some -- they found some houses, and also they
12 provided the water for the people. And, well, the situation improved a bit for the
13 people who live in that camp.

14 Q. [12:35:35] Do you recall what year this was, when the situation improved?

15 A. [12:35:50] Well, it took some time. As I said, in the camp, there were two
16 methods. When you come from Mali and you come to Fasala - Fasala is a border
17 area in Mauritania - you have to raise your name and your -- your name is put as a
18 refugee. After you had been registered, maybe you can stay one month or two
19 months waiting for your role. Because as I said, many people were trying to go there.
20 So in the period you are in Fasala, it's a very difficult situation, was a very difficult
21 situation.

22 And the second stage, when the United Nations answered, they started building
23 camps and toilets for these refugees and, well, of course, assigned some people.

24 These people were taken to Mbera, Mbera, where the camp is found. It's about
25 60 kilometres.

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1 Q. [12:37:10] Now, Mr Witness, you said, speaking of this period at Fasala, that it
2 was very difficult. Why was it very difficult?

3 A. [12:37:23] It was difficult, but because you have no water and no toilets or
4 bathrooms, in order to go out you have to go one hour, or maybe two hours, so that
5 you can find water and you have to buy water. You have to buy water. And that
6 will cost 2,000 CFAs, and some people don't have even 1 CFA franc.

7 Q. [12:37:53] Now, when you were at Fasala, what was the health situation like of
8 other people with you?

9 A. [12:38:08] It was, well, very -- extremely difficult health situation.

10 Q. [12:38:10] Now I'm going to turn to a different topic, and that concerns your
11 interactions with Mr Al Hassan in 2012.

12 Speaking of the period when you were in Timbuktu in 2012, did you have any
13 interactions with Mr Al Hassan?

14 A. [12:38:36] Yes. I met him when I arrived in Timbuktu. Al Hassan lived in a
15 house with some of his friends, and at that moment I was not member of the MNLA.
16 So I wanted to know what the situation is like and what is the policy, and what are
17 the objectives of these people. So at that time you meet -- we met each other.

18 Q. [12:39:03] Now you've said, Mr Witness, at that time you were not a member of
19 the MNLA. Was Mr Al Hassan a member of any group?

20 A. [12:39:12] No, no, he was not a member of the MNLA.

21 Q. [12:39:15] Sorry, Mr Witness. I hadn't finished my question. Was
22 Mr Al Hassan a member of any groups at that time when you first met him?

23 A. [12:39:27] No, no.

24 Q. [12:39:34] How many meetings in total did you have with Mr Al Hassan, if you
25 can remember?

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1 A. [12:39:45] I can't give a number, of course. I don't remember.

2 Q. [12:39:52] Can you remember the next time you saw Mr Al Hassan?

3 A. [12:40:02] Yes. We met after that when I joined MNLA.

4 Q. [12:40:11] And where did you meet?

5 A. [12:40:17] We met in the medina, inside Timbuktu.

6 Q. [12:40:27] And was Mr Al Hassan a member of a group at the time?

7 A. [12:40:37] Yes.

8 Q. [12:40:39] Which group was he a part of?

9 A. [12:40:46] Ansar Dine.

10 Q. [12:40:48] Do you recall how much time had elapsed between that first meeting
11 and the second meeting?

12 A. [12:41:05] No, I don't remember.

13 Q. [12:41:06] Now when you met Mr Al Hassan, did he talk to you about why he
14 joined Ansar Dine?

15 A. [12:41:15] *Yes. He asked me: you've gone to the movement, is the movement
16 able to provide you enough security in this place? I said yes, for the reasons that had
17 already been identified as to what pushes us to join these movements. He said to me: I
18 joined this movement because I think Ansar Dine is the most powerful force present.
19 Which is true. And that half the people in the city are foreigners and not from the
20 local population. And that if we, the local population, stay out of Ansar Dine we
21 would wind up unable to defend our neighbors, our acquaintances, and our brothers.
22 Which is the reason that pushed Al Hassan to join Ansar Dine.

23 Q. [12:42:16] Now, Mr Witness, you've said that he told you that Ansar Dine was
24 the more powerful --

25 PRESIDING JUDGE MINDUA: [12:42:25](Interpretation) Ms Taylor, I think there's a

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1 problem with the French transcript. At page 71, just a few moments ago, line 9, the
2 witness said that Mr Al Hassan had joined the MNLA. That's what it says.

3 MS TAYLOR: [12:42:53] It's a problem with the transcript. In the Arabic it was
4 Ansar Dine.

5 PRESIDING JUDGE MINDUA: [12:43:04](Interpretation) Mr Prosecutor.

6 MR DUTERTRE: [12:43:07](Interpretation) It's the same problem in both languages.
7 And rather having Ms Taylor testify, which she is now doing, I think we should ask
8 the witness what he said. He is the one who is under oath.

9 PRESIDING JUDGE MINDUA: [12:43:21](Interpretation) You are right.

10 Counsel, please try to clear this up with the witness, if you could.

11 MS TAYLOR: [12:43:28] Thank you, Mr President. But just for the record, I'm not
12 testifying because we are receiving the Arabic. So it's not my words.

13 Q. [12:43:37] Now, Mr Witness, there's a slight issue with the transcript and it says
14 that you had testified that Mr Al Hassan told you that he had joined the MNLA. Did
15 you say Ansar Dine?

16 A. [12:43:57] I said Ansar Dine.

17 Q. [12:44:02] Thank you for that clarification.

18 Now, Mr Witness, I was asking you a question based on your response, and that is:
19 You testified that Mr Al Hassan told you that Ansar Dine was the most powerful
20 force. Did he explain to you why that was relevant to his decision to join?

21 MR DUTERTRE: [12:44:30](Interpretation) The question is leading, your Honour. I
22 object.

23 PRESIDING JUDGE MINDUA: [12:44:34](Interpretation) Yes.

24 MR DUTERTRE: [12:44:35](Interpretation) The witness has already responded and
25 the question is leading. I object.

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- 1 THE INTERPRETER: [12:44:48] Overlapping speakers.
- 2 PRESIDING JUDGE MINDUA: [12:44:49] (Overlapping speakers)
- 3 MS TAYLOR: [12:44:50] If I may?
- 4 PRESIDING JUDGE MINDUA: [12:44:52](Interpretation) Yes. The witness has
- 5 already answered. But go ahead.
- 6 MS TAYLOR: [12:44:56] Mr President, it's not leading, because I had asked
- 7 previously: When you met Mr Al Hassan, did he talk to you about why he joined
- 8 Ansar Dine?
- 9 Now, the witness's response was that: I joined this movement because I think Ansar
- 10 Dine are the most powerful force.
- 11 My question was a follow-up: Did he explain that? It follows from my question
- 12 before. It's not leading because it's directly arising from a question - please - that
- 13 was to the witness, which is about whether Mr Al Hassan talked about why he joined
- 14 Ansar Dine. So it's a logical follow up to ask whether he provided any further
- 15 explanation about what he meant about Ansar Dine being the most powerful. That's
- 16 not leading.
- 17 PRESIDING JUDGE MINDUA: [12:45:50](Interpretation) Very well, Ms Taylor.
- 18 The witness has said that Mr Al Hassan joined Ansar Dine because it was most
- 19 powerful group. Now, Mr Prosecutor.
- 20 MR DUTERTRE: [12:46:04](Interpretation) I think that the sound should have been
- 21 cut off to the witness in actual fact. That being said, the question in of itself is
- 22 leading. In English, it was:
- 23 (Speaks English) Why was that -- can you explain why was that relevant to his
- 24 decision to join.
- 25 (Interpretation) That is leading in of itself.

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1 PRESIDING JUDGE MINDUA: [12:46:31](Interpretation) Could you -- could you
2 read that question again because the transcript has disappeared.

3 MR DUTERTRE: [12:46:41](Interpretation) Also off of my screen, but off the top of
4 my head, the question was, and I'll try to find it:

5 (Speaks English) Why was that relevant to his decision to join Ansar Dine.

6 (Interpretation) That's what I remember. And what is speculation and that is also
7 leading. Open-ended questions are required, particularly regarding such matters
8 that are so important to the case.

9 PRESIDING JUDGE MINDUA: [12:47:15](Interpretation) Ms Taylor, if you could
10 just rephrase your question and then we can move on, please.

11 MS TAYLOR: [12:47:20] Thank you, Mr President.

12 Q. [12:47:21] Now, did Mr Al Hassan explain to you what he meant by saying
13 Ansar Dine was the most powerful force?

14 A. [12:47:37] Well, it was quite clear. He didn't need to explain anything because
15 Ansar Dine at that time was the most, well, powerful force. And of course, a lot of
16 young people joined Ansar Dine. If you are at Timbuktu and you are a young
17 person, and you are not part of MNLA or Ansar Dine, you are not -- you will be in a
18 difficult situation. So you have to join one of these two groups. So you have to
19 choose one of these, or to leave Timbuktu. So that was the situation at that time.

20 Q. [12:48:23] Now, Mr Witness, at page 72, line 22, you said that Mr Al Hassan said,
21 "Half of the people in the city are foreigners, and unless the inhabitants take control
22 we cannot provide security." Did he explain to you what he meant by that?

23 A. [12:48:48] Not only half the operation, half of those who came from Ansar Dine.
24 Once when you go to the city, you see an Algerian or a Mauritanian and some people
25 from other parts of other countries. So there were a lot of foreigners.

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1 Q. [12:49:17] Mr Witness, you've stated that there were lots of foreigners. Did
2 Mr Al Hassan explain the relevance of that?

3 A. [12:49:29] The foreigners, as I say, they would not go out. They are sitting
4 somewhere. And those who are found in the city are -- the people of the city are
5 those who came from Azawad. But the foreigners, you cannot see them a lot
6 because they don't go out, and they have certain areas where they sit so that people
7 cannot see them.

8 Q. [12:50:00] Now, Mr Witness, I understand that there's something you've said in
9 Arabic that might not have been translated. Did you say in Arabic that
10 Mr Al Hassan said, "If we do not join, we cannot defend our neighbours, families and
11 acquaintances." Is that something you said?

12 A. [12:50:28] Yes, because this is a fact.

13 PRESIDING JUDGE MINDUA: [12:50:30](Interpretation) Mr Prosecutor.

14 MR DUTERTRE: [12:50:33](Interpretation) May I go ahead?

15 PRESIDING JUDGE MINDUA: [12:50:41](Interpretation) Go ahead.

16 MR DUTERTRE: [12:50:45](Interpretation) We don't know which transcript
17 Ms Taylor is referring to, but when you listen to the witness and when you read the
18 transcript, this is pure speculation. Did Al Hassan say anything else? This is the
19 question that should have been put. The witness is speculating, engaging in
20 conjecture about words uttered. This is not helpful in any way, shape or form, and it
21 will not help the Chamber come to a determination of the truth. This is just blurring
22 the entire situation and we object to this line of questioning.

23 PRESIDING JUDGE MINDUA: [12:51:37](Interpretation) Ms --

24 THE INTERPRETER: [12:51:42] Overlapping speakers.

25 MR DUTERTRE: [12:51:42](Interpretation) I hadn't finished.

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1 The question is: Did -- did Mr Al Hassan explain? And the answer was quite clear.
2 He didn't have to explain anything. And he started to interpret and speculate,
3 because at the time Ansar Dine was the most powerful force and many young people
4 joined Ansar Dine.

5 And so that is an interpretation provided by the witness.

6 PRESIDING JUDGE MINDUA: [12:52:15](Interpretation) Very well. We've all
7 understood.

8 Ms Taylor, so you see where the problem lies? The witness -- well, I don't want to
9 repeat, but I think you've understood the problem. So -- so question the witness in
10 such a manner that he will tell us what he knows, not what he thinks Mr Al Hassan
11 might have imagined or believed. Do you see what I'm driving at? So rephrase
12 and that way we can move forward.

13 MS TAYLOR: [12:52:51] Certainly, Mr President.

14 PRESIDING JUDGE MINDUA: [12:53:03](Interpretation) Go ahead, Ms Taylor.

15 MS TAYLOR: [12:53:06]

16 Q. [12:53:06] Now, Mr Witness, it's important for the Court to know what was said
17 to you as compared to what you yourself think. So my question to you is: During
18 your interactions with Mr Al Hassan in 2012, did he tell you this? Did he say to you
19 that if we do not join, we cannot defend our neighbours --

20 MR DUTERTRE: [12:53:34] (Overlapping speakers)

21 MS TAYLOR: [12:53:35] I'm sorry, that --

22 PRESIDING JUDGE MINDUA: [12:53:36](Interpretation) No, no, no.

23 Ms Taylor, avoid putting wordings into the witness's mouth. Open-ended questions,
24 please, so that the witness can tell us what he saw, what he heard. You can't
25 interpret what Mr Al Hassan might have said. That's not how we do things here.

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1 Rephrase, please.

2 MS TAYLOR: [12:54:04]

3 Q. [12:54:05] Now, Mr Witness, it's important for the Chamber to know what
4 Mr Al Hassan said to you during your interactions over 2012. During these
5 interactions did he speak to you about why he stayed in Timbuktu and didn't leave?

6 A. [12:54:33] Yes, we were talking. And, of course, each one of us said his opinion.

7 He said, "When I say foreigners, I am not meaning only foreigners. People who
8 come from other areas, in other areas, they do not -- who do not know

9 Timbuktu - half of those who came to Timbuktu are from Kidal and Tessalit and

10 Menaka - people who do not know Timbuktu and haven't seen Timbuktu for -- this

11 was the first time they come to Timbuktu." That is why he said, "If we do not join

12 this group and we try to defend -- to defend people whom we know in this area, so

13 who is going to defend these people? Those who came, of course, they are just

14 looking for their own interests." He said the reason that pushed him to join.

15 And my reason for joining MNLA, I said because I know MNLA because it is

16 proposing -- it has proposals to my -- that is why I joined MNLA.

17 Q. [12:55:46] Now, Mr Witness, in these conversations, did Mr Al Hassan speak
18 about what he meant by defending these people?

19 A. [12:56:00] Yes.

20 Q. [12:56:03] What did he say?

21 A. [12:56:08] To defend. If you join, of course, this group you can defend. If you
22 see someone who is doing something you don't like, you can ask. And you have to
23 help this person by using any means you have just to help this -- this person will do
24 the right thing.

25 Q. [12:56:34] Now when you interacted with Mr Al Hassan in 2012, did he express

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1 any extremist views to you?

2 A. [12:56:46] No. No.

3 Q. [12:56:50] Had he changed in any way since your previous interactions?

4 A. [12:57:02] No.

5 Q. [12:57:04] How long were you in Mauritania for?

6 A. [12:57:16] From 2013 to 2016.

7 Q. [12:57:23] And where did you go after 2016?

8 A. [12:57:31] I came back to Timbuktu.

9 Q. [12:57:35] And when you came back to Timbuktu, did you hear or learn where
10 Mr Al Hassan was?

11 A. [12:57:45] Yes. I heard that *he was in Zarho.

12 Q. [12:57:50] And did you hear or learn what Mr Al Hassan was doing at the time
13 for paid work?

14 I'm hearing Arabic.

15 A. [12:58:19] I - I think he had a taxi that travelled between Ber and Daro, the two
16 areas.

17 Q. [12:58:35] Now, Mr Witness, has anyone offered or promised you anything in
18 exchange for testifying for the Defence?

19 A. [12:58:48] Nobody knows I'm -- I have taken this step. Nobody knows that.

20 Q. [12:58:56] So apart from the members of the Defence, have you discussed your
21 evidence before this Court with anyone else?

22 A. [12:59:09] No.

23 MS TAYLOR: [12:59:13] Mr President, I see it's 1 o'clock. And I'm noting that it's
24 possible that we might be finishing our examination, so I'd like to put the Prosecution
25 on notice.

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- 1 PRESIDING JUDGE MINDUA: [12:59:38](No interpretation)
- 2 MR DUTERTRE: [12:59:40](No interpretation)
- 3 PRESIDING JUDGE MINDUA: [13:00:10](No interpretation)
- 4 MR DUTERTRE: [13:00:12](No interpretation)
- 5 PRESIDING JUDGE MINDUA: [13:00:17](No interpretation)
- 6 MR DUTERTRE: [13:00:22](No interpretation)
- 7 PRESIDING JUDGE MINDUA: [13:00:24](Interpretation) Please specify if you
- 8 could.
- 9 MR DUTERTRE: [13:00:26](No interpretation)
- 10 MS TAYLOR: [13:00:28] Mr President, I've got nothing in the English transcript.
- 11 THE INTERPRETER: [13:00:32] Apologies from the English booth. My microphone
- 12 was not --
- 13 PRESIDING JUDGE MINDUA: [13:00:38](Interpretation) Put the question to the
- 14 witness again.
- 15 Mr Prosecutor.
- 16 MS TAYLOR: [13:00:45] I don't think it's appropriate for the Prosecutor to be putting
- 17 questions to the witness during examination. I'm not quite sure what we're doing
- 18 here.
- 19 PRESIDING JUDGE MINDUA: [13:00:53](Interpretation) What is the problem?
- 20 What is -- Mr Dutertre, what is the problem, exactly?
- 21 MR DUTERTRE: [13:00:59](Interpretation) The question was: Mr Witness, did
- 22 anyone offer anything to you to testify on behalf of the Defence?
- 23 PRESIDING JUDGE MINDUA: [13:01:13](Interpretation) Yes.
- 24 MR DUTERTRE: [13:01:16](Interpretation) The answer was: No. No.
- 25 But in actual fact the witness's response was much longer than that, so I think we

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1 need to establish exactly what he said. And it is Ms Taylor's task to clear that up, not
2 the Prosecution's.

3 PRESIDING JUDGE MINDUA: [13:01:34](Interpretation) Okay. I think -- I believe
4 we're on the same page now. So we would indeed like to know exactly what the
5 witness did say.

6 MS TAYLOR: [13:01:43] Yes. And I believe the process we've followed with past
7 witnesses, that this is an issue that can then be corrected in the transcripts if any
8 words are missing. But I can ask the question again, but I do believe this is
9 something that can be put in the corrected transcripts. That is the process we follow
10 with other witnesses. But I note that you want me to follow a new process.

11 PRESIDING JUDGE MINDUA: [13:02:14](Interpretation) Yes. The witness is here.
12 Let's clear this up and then we'll be done with it.

13 MS TAYLOR: [13:02:24] Certainly. We'll follow the Prosecutor's process.

14 Q. [13:02:28] So, Mr Witness, the question, which you've answered, I apologise for
15 this, but it appears it wasn't (Overlapping speakers)

16 PRESIDING JUDGE MINDUA: [13:02:30](Interpretation) Ms Taylor, Ms Taylor.
17 That's not what the Prosecutor said. It's what the Chamber said.

18 MS TAYLOR: [13:02:39] Certainly, Mr President. I'm putting the question to the
19 witness again.

20 Q. [13:02:47] Mr Witness, you've already answered it. Unfortunately, it wasn't
21 fully captured. So we're not asking you to give a different answer. We're simply
22 asking if you don't mind repeating what you said previously when I asked you: Did
23 anyone offer to you -- actually, that's not the right question.

24 Has anyone offered or promised you anything in exchange for testifying for the
25 Defence?

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1 A. [13:03:21] No, given that no one knows that I'm here today, other than the
2 Defence and the Victims and Witnesses Protection Section.

3 Q. [13:03:38] And did the Defence offer you or promise you anything in exchange
4 for testifying for the Defence?

5 A. [13:03:53] No.

6 Q. [13:03:55] Thank you, Mr Witness.

7 PRESIDING JUDGE MINDUA: [13:04:00](Interpretation) Thank you very much,
8 Ms Taylor.

9 So if I understood correctly, is that the end of your examination-in-chief?

10 MS TAYLOR: [13:04:09] Mr President, I can confirm during the break. I need to
11 consult with Mr Al Hassan. But I'm putting the Prosecution on notice that it's
12 possible, or likely, that it might be the end of our examination. But I would wish to
13 consult with my client before formally concluding our examination.

14 PRESIDING JUDGE MINDUA: [13:04:35](Interpretation) Do you need the lunch
15 break for that? Or do you propose to consult him now?

16 MS TAYLOR: [13:04:44] I believe we can recess. But the Prosecution should be
17 ready to start. That's what I'm saying, effectively.

18 PRESIDING JUDGE MINDUA: [13:04:58](Interpretation) Ah, now we have all
19 understood. Thank you, Ms Taylor.

20 So we are now going to take our lunch break and we will recommence at 14.30.

21 The hearing is adjourned.

22 THE COURT USHER: [13:05:12] All rise.

23 (Recess taken at 1.05 p.m.)

24 (Upon resuming in open session at 2.32 p.m.)

25 THE COURT USHER: [14:32:14] All rise.

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1 Please be seated.

2 PRESIDING JUDGE MINDUA: [14:32:39](Interpretation) The Court is in session.

3 Good afternoon to everyone here.

4 The Defence has the floor to continue.

5 Ms Taylor.

6 MS TAYLOR: [14:32:56] Thank you very much, Mr President.

7 Thank you, Mr Witness.

8 We have concluded our examination.

9 PRESIDING JUDGE MINDUA: [14:33:08](Interpretation) Thank you very much,

10 Ms Taylor, for your examination-in-chief.

11 I turn now to the Office of the Prosecutor to know whether you are ready to go.

12 Mr Prosecutor.

13 MR DUTERTRE: [14:33:27](Interpretation) We are ready and we will finish today.

14 I would like to note that Ms Schoeters is no longer here. Ms Yamaguchi is here and

15 my colleague, Mousa Allafi, will have to leave at three. He will do so discreetly, but

16 he has something which retains him elsewhere.

17 PRESIDING JUDGE MINDUA: [14:34:03](Interpretation) This is indeed very

18 important for the record. Thank you very much.

19 MR DUTERTRE: [14:34:09](Interpretation) And I have a second point I'd like to raise

20 with you. During the witness preparation session yesterday, I noted that the witness

21 speaks perfect French, and I think it would perhaps be simpler to do the

22 cross-examination in -- in French. As I'm speaking French, that would perhaps be

23 simpler, but we could ask him whether he's able to do this.

24 PRESIDING JUDGE MINDUA: [14:34:48](Interpretation) Of course, we cannot

25 impose a language on the witness, that -- he will be able to say whether he is able to

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1 do that.

2 But I see Ms Taylor is on her feet.

3 Do you wish to speak in the place of the witness?

4 MS TAYLOR: [14:35:05] No, Mr President. I think it goes into a procedural issue
5 that we shouldn't be changing languages midstream. So if the Prosecutor wanted to
6 make this application, they could have done so at the beginning. We've started this
7 testimony in Arabic. I do believe it's important to finish it in the same
8 language - and I don't believe it's for the Prosecutor to be suggesting to Defence
9 witnesses what language they should be testifying in - and we'd be concerned about
10 the witness testifying in a language in which he's not fully confident.

11 PRESIDING JUDGE MINDUA: [14:35:51](Interpretation) Yes, Ms Taylor, the
12 witness will express himself in the language of his choice and the one in which he's
13 most at ease, but I don't think there is any rule or regulation which would impose on
14 somebody to speak the same language all the time.

15 Does anyone have any proof of such a rule?

16 Obviously, the question will be put to the witness.

17 Do you have a legal basis for your remark, before I put the question to the witness?

18 MS TAYLOR: [14:36:37] Mr President, it's an issue of consistency. It also affects the
19 time, because obviously the time that we took would have been longer than the time
20 that will now be taken by the Prosecutor if they are doing it only in French.

21 PRESIDING JUDGE MINDUA: [14:37:00](Interpretation) If it's just a question of
22 time, that's a question of personal convenience for you. That's not a legal basis.
23 But I'm going to ask the witness the question.

24 Mr Witness, in which language would you like to speak for the cross-examination?

25 Would that be convenient for you? You may answer, yes or no.

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1 THE WITNESS: [14:37:38](Interpretation) No. I am happier in Arabic because it's
2 the language that I've studied, that I've learnt. The French, I am familiar with French,
3 but I do not speak it as well as Arabic and I am therefore not as much at home in
4 French.

5 PRESIDING JUDGE MINDUA: [14:37:58](Interpretation) In that case, that is fine.
6 You have your reply. You will ask your questions in French and the replies will be
7 in Arabic.

8 MR DUTERTRE: [14:38:12](Interpretation) Very well.

9 QUESTIONED BY MR DUTERTRE: [14:38:15] (Interpretation)

10 Q. [14:38:19] Good afternoon, Mr Witness. Can you hear me?

11 A. [14:38:28] Yes.

12 Q. [14:38:30] I will remind you of my name. My name is Gilles Dutertre and I'm
13 going to ask you a number of questions on behalf of the Prosecution this afternoon
14 and we will keep it as short as possible.

15 A. [14:38:47] You are very welcome.

16 Q. [14:38:51] I would like to start, Mr Witness, with a subject which is of interest to
17 all of us in terms of our information. I would like you to explain to the judges what
18 is the importance of the bond or the link between an individual and the tribe in north
19 Mali. You are Tamasheq. Can you explain what this means to the Chamber.

20 A. [14:39:27] I didn't understand your question.

21 Q. [14:39:32] My question is: What is -- well, for an individual, it is important to
22 belong to a tribe; is it not?

23 A. [14:39:55] Yes.

24 Q. [14:39:58] And can you explain to us why this is so.

25 A. [14:40:07] We are Muslims, as we have said, and the Muslim religion says that

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1 the first right is the right of blood. And God has said to us that we have been created
2 as a group and a tribe of people. And a tribe and -- every person belongs to a tribe.
3 You have been created as people and tribe and -- everyone belongs to a tribe. These
4 are the words of Allah.

5 Q. [14:40:50] You agree with me that in this context, there's a certain degree of
6 solidarity between individuals of one tribe; is that not so?

7 A. [14:41:03] Yes, of course. There is most definitely solidarity between the
8 members of a family and of the wider family, and that is something that is
9 worthwhile.

10 Q. [14:41:19] Could you please explain to the bench what you mean by that is
11 worth it -- "that is worthwhile."
12 Could you clarify that for us, please.

13 A. [14:41:36] Yes. I would like to say that the reality is the reality. Nothing can
14 change it. We always say -- say the truth, even if it's goes against you. If somebody
15 is a member of a tribe, this cannot be changed. We can't say something that is not
16 the truth about it.

17 (Overlapping speakers)

18 THE INTERPRETER: [14:42:07] Message from the English booth: Please, could the
19 Prosecutor observe a pause between the reply and the question.

20 (Overlapping speakers)

21 PRESIDING JUDGE MINDUA: [14:42:15](Interpretation) Ms Taylor.

22 (Overlapping speakers)

23 MS TAYLOR: [14:42:17] Thank you, Mr President. My objection is the same as the
24 English booth in that we're not hearing the witness's answer because Mr Dutertre
25 keeps speaking and putting questions before the interpretation is coming through.

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1 So I would like to echo the request of the English booth that Mr Dutertre observes the
2 pause; otherwise, we can't follow.

3 PRESIDING JUDGE MINDUA: [14:42:47](Interpretation) Mr Prosecutor, please do
4 pay attention to that.

5 MR DUTERTRE: [14:42:55](Interpretation) Yes, indeed, I will.

6 Q. [14:42:59] So, Mr Witness, solidarity is an important factor for the survival of the
7 tribe itself; is that the case?

8 A. [14:43:17] What do you mean by "solidarity"?

9 Q. [14:43:21] Solidarity between the members of the tribe.

10 A. [14:43:28] Yes, yes, yes, of course. And that's the case everywhere.

11 Q. [14:43:36] Thank you. I would now like to move to questions of chronology so
12 that the Chamber can situate the various things and stages of your visit to Timbuktu,
13 and if this should cause you to need to give a reply which would identify you, please
14 let us know that that is the case.

15 Is that agreed?

16 A. [14:44:22] Yes.

17 Q. [14:44:24] I understand that in early 2012 you were in Algeria and you then
18 went back to Timbuktu. So my question is as follows: Before you left, did you
19 ensure that you would be able to enter Timbuktu?

20 A. [14:44:54] Yes. I was going home in -- to my mother, and therefore I did not
21 consider this at all.

22 Q. [14:45:07] But you -- did you call people to find out what the situation was there
23 before you left?

24 A. [14:45:18] Yes. When I arrived In Khalil, the border between Algeria and Mali,
25 I had news. News reached me all the time. I arrived one month after Timbuktu fell,

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1 and for a month, I didn't have a car or any other vehicle or any way of getting to
2 Timbuktu.

3 Q. [14:45:54] I'll come back to this, but I would like to go back to one point.

4 There's something that I've forgotten to mention.

5 Before going to Timbuktu, you -- to know what was going on, you called

6 Mr Al Hassan on the phone, did you not, to find out what the situation was?

7 A. [14:46:26] No. No, I did not contact Al Hassan. I didn't contact anybody. As
8 I said, we are people of the desert. News is transmitted by word of mouth. So
9 before I got to the border, I heard that the town was in the hands of Ansar Dine and
10 MNLA at that point.

11 Q. [14:46:58] But you -- you did have a phone with you, did you not?

12 A. [14:47:08] Yes, but not in Algeria.

13 Q. [14:47:18] And you knew people in Timbuktu, did you not?

14 A. [14:47:26] Pardon?

15 Q. [14:47:28] In Timbuktu, you knew people.

16 A. [14:47:34] Yes. This is my region, my town.

17 Q. [14:47:40] So you didn't call anybody at all to find out what was going on there;
18 is that what we should understand you to be saying?

19 A. [14:47:56] Yes. I had no numbers, and I couldn't call from abroad. I didn't
20 have telephone numbers of people who were there. I couldn't remember any at the
21 time because I didn't have a phone. I had to use a public phone to -- to make a call to
22 contact someone.

23 Q. [14:48:27] Mr Witness, you said that you arrived in Timbuktu a month after
24 Timbuktu had fallen. So you mean -- do we understand by that, a month after
25 Timbuktu had been taken by Ansar Dine?

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1 A. [14:49:00] Yes.

2 Q. [14:49:04] I would now like you to clarify things for us. The -- I'm talking about
3 the time when you left Timbuktu, and, to this end, I would like to come back to a
4 document which was communicated by the Defence, which is the summary of your
5 statement and -- which is MLI-D28-0006-3042.

6 But before I go to that, I would like to come back to something you said here this
7 morning. You said - on page 67, line 14 - that you -- you spent almost all of 2012, not
8 quite up to the end, with the MNLA.

9 That's what you said this morning; is that not right?

10 Lines 17 and 18, in fact.

11 A. [14:51:05] Yes.

12 Q. [14:51:12] So, Mr Witness, in the summary communicated to us by the Defence,
13 the summary of what you said, it states, and I will quote this in English:
14 (Speaks English) "[...] P-0211 stayed for about four months and then went as a refugee
15 to Mauritania. [...] P-0211 left Timbuktu before the MNLA left the airport."

16 A. [14:52:09] Yes.

17 Q. [14:52:11] So did you stay till the end of 2012, or did you leave before the MNLA
18 were expelled from the airport by Ansar Dine?

19 PRESIDING JUDGE MINDUA: [14:52:29](Interpretation) Ms Taylor. Ms Taylor?

20 MS TAYLOR: [14:52:33] Yes, I'm asking for the sound to be cut off.

21 PRESIDING JUDGE MINDUA: [14:52:40](Interpretation) Please cut the sound link
22 to the witness. Thank you.

23 THE COURT OFFICER: [14:52:59] The sound to the witness has been disconnected.

24 PRESIDING JUDGE MINDUA: [14:53:05] *Merci beaucoup.*

25 Maître Taylor?

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1 MS TAYLOR: [14:53:09] Thank you very much, Mr President. Now

2 (Overlapping microphones)

3 PRESIDING JUDGE MINDUA: [14:53:10](Interpretation) Ms Taylor.

4 (Overlapping microphones)

5 MS TAYLOR: [14:53:10] -- I do believe the Prosecutor has put the cart before the

6 horse and they've assumed that there's a contradiction between two different

7 prospects. Now in terms of process, what they should have done first is put this

8 version to the witness in his summary, ask if it's correct -- I did hear him say "*naeam*",

9 I'm not sure if that's in the transcript, but he should be given an opportunity to

10 confirm whether this is accurate.

11 The second step would be whether he knows when the MNLA left the airport to give

12 his description of dates.

13 Now, I've already mentioned to the Chamber that the witness has issues with dates.

14 So we can't assume that there is a contradiction, unless the witness is given an

15 opportunity himself to explain to the Chamber and to the Prosecution when it is that

16 he believes that the MNLA left Timbuktu. Because otherwise putting to him that

17 there's a contradiction between the two is predicated on an assumption that hasn't yet

18 been elicited from the witness.

19 Now, he said in examination-in-chief that --

20 PRESIDING JUDGE MINDUA: [14:54:17](Interpretation) Very well. Obviously,

21 we have a problem of dates here, Mr Prosecutor.

22 MR DUTERTRE: [14:54:29](Interpretation) I believe, your Honour, that my question

23 was very clear. I think he was -- he remained with MNLA for almost all of 2012.

24 And in the witness summary, it says he left before the MNLA left the airport. And I

25 think the question is clear. I don't think we need to go through Maître Taylor to get

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1 this. We don't need to have an exact date. We don't need to --

2 (Overlapping speakers)

3 THE INTERPRETER: [14:55:04] Overlapping speakers.

4 PRESIDING JUDGE MINDUA: [14:55:07](Interpretation) We need to know when
5 this happened.

6 Ms Taylor, let's make some progress. I don't know what you want to add, Ms Taylor.

7 The key point is the departure from the airport. You have said that the witness has
8 difficulty with exact dates.

9 MS TAYLOR: [14:55:28] (Overlapping speakers) Yes. Exactly. And I do believe
10 out of fairness to the witness, the Prosecutor should have brought to the attention of
11 the Chamber, that the examination-in-chief, he had stated that when he left Timbuktu,
12 the MNLA was still present. So then I think it's necessary to put to him this in steps.

13 PRESIDING JUDGE MINDUA: [14:55:43] *Non, non, non.* (Interpretation) Please
14 allow the Prosecution to do their job.

15 Madam Court Officer, could you please re-establish the link.

16 THE COURT OFFICER: [14:56:15] The sound to the witness has been re-established.

17 PRESIDING JUDGE MINDUA: [14:56:18](Interpretation) Thank you very much.
18 Prosecution.

19 MR DUTERTRE: [14:56:22](Interpretation) Thank you, your Honour.

20 Q. [14:56:25] So, Mr Witness, I come back to my question. I apologise for this
21 interval in which you were unable to hear.

22 So the question is: You left Timbuktu at the end of 2012 or before the MNLA were
23 expelled from the airport by Ansar Dine?

24 (Overlapping speakers)

25 PRESIDING JUDGE MINDUA: [14:57:09](Interpretation) Court officer, I'm -- we're

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1 hearing Arabic on the French channel. Something has gone wrong.

2 THE INTERPRETER: [14:57:20] An apology from the Arabic booth, wrong button
3 pressed.

4 PRESIDING JUDGE MINDUA: [14:57:26](Interpretation) Mr Witness, what is your
5 reply?

6 THE WITNESS: [14:57:32](Interpretation) Yes. Before Ansar Dine expelled MNLA
7 from the airport, I left. It was approximately two weeks before that.

8 PRESIDING JUDGE MINDUA: [14:57:47](Interpretation) Thank you very much.
9 Prosecution.

10 MR DUTERTRE: [14:57:50](Interpretation)

11 Q. [14:57:51] Thank you very much. So in fact, you didn't spend a lot of time in
12 Timbuktu at that time, Mr Witness?

13 A. [14:58:00] Yes. Yes, you could say that, because I arrived after the fall of
14 Timbuktu, a month after that and I remained until June or July. And I asked
15 authorisation from the movement to leave because of a medical problem with my
16 fingers, and I asked for permission to go to the refugee camp in Mauritania. After
17 that, I heard that the MNLA had withdrawn and went -- and then left.

18 Q. [14:58:51] And the MNLA withdrew because it had an ultimatum from Ansar
19 Dine to leave the airport; is that the case, Mr Witness?

20 A. [14:59:05] Yes. They even almost attacked them. They would've attacked
21 them if they had not left.

22 Q. [14:59:18] Mr Witness, in Timbuktu, in 2012, not everybody joined MNLA or
23 Ansar Dine, did they?

24 A. [14:59:32] No.

25 Q. [14:59:38] "No", you mean that not everybody joined? Or you are protesting?

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1 I understand that not everybody joined.

2 A. [14:59:49] Yes. Not everybody did. There were people who did not join the
3 movement, these groups.

4 Q. [15:00:28] Now, this is a matter of translation. Could you clarify. You said
5 that many people did not join either the MNLA nor Ansar Dine; isn't that so?

6 A. [15:00:45] Yes, exactly.

7 Q. [15:00:48] Thank you. That wasn't translated in French or English.

8 Mr Witness, I'd like to move on to another topic now.

9 This morning you said -- page 70, lines 8 to 10, and I'm quoting from the French
10 transcript, you said that when you met Mr Al Hassan the first time, when you went to
11 Timbuktu in 2012, he was not a member of Ansar Dine, and I'd like to ask you to help
12 us, because in the summary -- in the summary that we received --

13 PRESIDING JUDGE MINDUA: [15:02:15](Interpretation) Ms Taylor.

14 MS TAYLOR: [15:02:17] Thank you very much, Mr President.

15 Could the sound be cut off to the witness.

16 PRESIDING JUDGE MINDUA: [15:02:27](Interpretation) Court officer, please cut
17 the audio link to the witness.

18 THE COURT OFFICER: [15:02:45] The sound to the witness has been disconnected,
19 Mr President.

20 PRESIDING JUDGE MINDUA: [15:02:51](Interpretation) Thank you very much.
21 Ms Taylor.

22 MS TAYLOR: [15:02:54] Thank you, Mr President.

23 Now, as the Prosecution is aware, in the preparation log, the witness corrected this
24 specific paragraph that Mr Dutertre is about to refer to. So out of fairness to the
25 witness, if Mr Dutertre wants to put this to the witness, he should put the summary

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1 and the corrected aspect from the preparation log and give the witness an
2 opportunity to confirm what is correct. But it would be unfair to put to him the
3 earlier summary in isolation from the corrected because that's the purpose of the
4 preparation session, to give him an opportunity to confirm what is correct and what's
5 accurate.

6 PRESIDING JUDGE MINDUA: [15:03:40](Interpretation) Mr Prosecutor.

7 MR DUTERTRE: [15:03:42](Interpretation) Yes, I was going to do, unless I had
8 been -- you know, as long as -- but if I hadn't been interrupted unnecessarily.

9 PRESIDING JUDGE MINDUA: [15:03:54](Interpretation) Ms Taylor, try to moderate
10 your remarks.

11 Court officer, please re-establish the audio.

12 THE COURT OFFICER: [15:04:15] The sound to the witness has been re-established,
13 your Honours.

14 PRESIDING JUDGE MINDUA: [15:04:20](Interpretation) Thank you very much,
15 court officer.

16 Mr Prosecutor.

17 MR DUTERTRE: [15:04:27](Interpretation) Thank you, your Honour.

18 Q. [15:04:30] Mr Witness, I'm sorry for this interruption. Let me repeat what I said.
19 This morning -- and you confirmed this point a few moments ago, it is not in the
20 transcript, but you did say -- well, you said that when you saw Al Hassan again for
21 the first time in Timbuktu, in 2012, he was not a member of Ansar Dine.

22 A. [15:05:05] Yes.

23 Q. [15:05:06] Very well. In the summary that we received from the Defence, a
24 summary of what you said - MLI-D28-0006-3042, page 3043 - we read the following,
25 paragraph 10, and I quote:

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- 1 (Speaks English)"[...] P-0211 met Al Hassan after Al Hassan joined Ansar Dine."
- 2 (Interpretation) And then a correction was made, indeed, during the preparation
- 3 session. You made that correction then.
- 4 So my question is as follows: What we read in the witness summary from the
- 5 Defence disclosed to us, what you say there is something that -- is it something you
- 6 didn't say, or was it a mistake? We'd just like to know.
- 7 MS TAYLOR: [15:06:59] (Overlapping speakers)
- 8 PRESIDING JUDGE MINDUA: [15:07:02](Interpretation) I think that the witness can
- 9 respond.
- 10 MS TAYLOR: [15:07:08] Certainly, Mr President, but I would note that the summary
- 11 does not use the word "first". It does not say "first".
- 12 PRESIDING JUDGE MINDUA: [15:07:18](Interpretation) Well, let's see what the
- 13 witness has to say.
- 14 Mr Witness.
- 15 THE WITNESS: [15:07:33](No interpretation)
- 16 MR DUTERTRE: [15:07:35](No interpretation)
- 17 PRESIDING JUDGE MINDUA: [15:07:37] (No interpretation)
- 18 MR DUTERTRE: [15:07:40](No interpretation)
- 19 (Speaks English) "[...] P-0211 met Al Hassan after Al Hassan joined Ansar Dine."
- 20 Q. [15:07:54] (Interpretation) Did you tell the Defence that, yes or no?
- 21 A. [15:08:00] No, I didn't say that.
- 22 Q. [15:08:13] And the next sentence:
- 23 (Speaks English) "Al Hassan did not join at the beginning -- it was after Ansar Dine
- 24 had already taken control of Timbuktu."
- 25 (Interpretation) Did you say that?

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1 A. [15:08:43] I haven't understood.

2 Q. [15:08:48] In the Defence summary that we're discussing right now, in the
3 following sentence we read the following, Mr Witness:

4 (Speaks English) "Al Hassan did not join at the beginning -- it was after Ansar Dine
5 had already taken control of Timbuktu."

6 (Interpretation) End of quote.

7 Did you utter that sentence to the Defence?

8 A. [15:09:29] I said that when I got to Timbuktu, I met Mr Al Hassan before he
9 joined Ansar Dine. That's all I said.

10 Q. [15:09:42] Mr Witness, this witness summary, was it read back to you by the
11 Defence, yes or no, when you met with the Defence team?

12 A. [15:10:02] No, it was not read back to me.

13 Q. [15:10:07] So I understand that the summary that the Defence sent to us, a
14 summary of what you had said to the Defence, you had not had an opportunity to
15 read it over; is that what you're telling us?

16 A. [15:10:31] No, it was not read.

17 PRESIDING JUDGE MINDUA: [15:10:35](Interpretation) Ms Taylor.

18 MS TAYLOR: [15:10:37] I think it's very important to be clear what time period the
19 Prosecutor is talking about here. Whether he's talking about the investigations
20 period or he's talking about including procedures that happened this week. I do
21 believe out of fairness to the witness, the Prosecutor should put a very specific
22 question about the preparation session.

23 PRESIDING JUDGE MINDUA: [15:11:11](Interpretation) Very well. Apparently,
24 the question was put properly. I understood the Prosecution's question.

25 But repeat the question for the benefit of the witness, Mr Dutertre.

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1 MR DUTERTRE: [15:11:23](Interpretation) Thank you, your Honour.

2 Q. [15:11:25] Now, this witness summary, it was read back to you the first time just
3 then? During the witness preparation session; is that what we are to understand?

4 A. [15:11:47] During the preparation session, they explained to me how things
5 would unfold, the context of the Court, the way to speak. That's all. That's all that
6 they did during the preparation session.

7 Q. [15:12:15] Mr Witness, during the preparation session, did the Defence read the
8 witness summaries to you so that you could make comments or corrections or
9 clarifications? You remember that? It was a few days ago.

10 A. [15:12:41] Yes. They asked me some questions, just like what you're doing now,
11 but I don't know whether it was the witness summary.

12 MR DUTERTRE: [15:13:04](Interpretation) Madam Court Officer, perhaps you could
13 put the document up on the screen, but not show it to the general public just to make
14 sure that the witness knows what we're talking about. If you could put it on
15 evidence 1 and -- the first page, please.

16 Well, maybe we could, just to be fair to the witness, maybe we should show him the
17 first page and then the rest.

18 PRESIDING JUDGE MINDUA: [15:13:38](Interpretation) Ms Taylor.

19 MS TAYLOR: [15:13:40] Mr President, if we can cut off the sound to the witness.

20 PRESIDING JUDGE MINDUA: [15:13:48](Interpretation) Court officer, please cut
21 off the audio feed to the witness.

22 THE COURT OFFICER: [15:14:07] The sound to the witness has been disconnected,
23 Mr President.

24 PRESIDING JUDGE MINDUA: [15:14:14](Interpretation) Thank you very much.

25 Ms Taylor.

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1 MS TAYLOR: [15:14:19] Thank you very much, Mr President.

2 Now perhaps it might illuminate things if the Defence can explain that we do not
3 provide copies of these documents to witnesses and there's a very important reason
4 we don't do that because on the cover page, you have relationship with other
5 witnesses.

6 Now in this case it's only P-398. In other witnesses, it will have the pseudonyms of
7 other people and throughout the summary, it might have pseudonyms that might
8 identify people.

9 So during the witness preparation session, we read it out sentence by sentence. We
10 do not show copies to witnesses. We do not give them a copy. We do not show
11 them copies. For that reason, it may contain confidential information.

12 PRESIDING JUDGE MINDUA: [15:15:11](Interpretation) Very well. We've
13 understood that you did not show the exhibit to the witness.

14 Mr Prosecutor.

15 MR DUTERTRE: [15:15:20](Interpretation) We're going to continue with your leave.
16 The witness has answered saying that during the witness preparation session, they
17 explained how things would unfold, the context of the Court, the way to speak, and
18 that was all during the witness preparation session. That's why I asked my
19 follow-up question. I was wondering if they had shown every -- read out each
20 paragraph.

21 PRESIDING JUDGE MINDUA: [15:15:54](Interpretation) It's perfectly clear now.
22 Court officer, please reconnect the audio feed to the witness.

23 THE COURT OFFICER: [15:16:11] The sound to the witness has been re-established,
24 Mr President.

25 PRESIDING JUDGE MINDUA: [15:16:17](Interpretation) Thank you very much.

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1 Mr Prosecutor.

2 MR DUTERTRE: [15:16:22](Interpretation)

3 Q. [15:16:23] Once again, I apologise for the interruption. So we have a summary
4 of your statement, and it has 14 paragraphs. It was disclosed to us by the Defence.
5 Were all those paragraphs read to you during the preparation session that was held
6 with you and the Defence team a few days ago?

7 A. [15:16:58] As I told you, I don't really remember. I don't know whether they
8 asked me the same questions. I don't know whether they read all the paragraphs
9 back to me.

10 Q. [15:17:18] Understood. And before that preparation session, during your
11 contacts with the Defence, when they were questioning you, did they read back these
12 14 paragraphs to you at the time or not?

13 A. [15:17:56] Let me think about it. There was one -- well, it's been a while since
14 the last contacts. I think the last time the document was read back so that I could
15 remember the events that I had forgotten.

16 Q. [15:18:30] So you no longer remember whether your contacts with the
17 Defence -- you don't remember it being read back to you so that you could make
18 possible corrections. You don't remember that.
19 Did you hear my question, Mr Witness? Or would you like me to repeat it? There
20 might have been a sound problem.
21 I believe that we've lost the sound, court officer.

22 PRESIDING JUDGE MINDUA: [15:19:35](Interpretation) Ms Taylor.

23 MS TAYLOR: [15:19:36] Thank you. I'll just take advantage of this to draw the
24 Prosecutor's attention to page 102. This has already been asked and answered. The
25 Prosecutor put to the witness:

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- 1 "Mr Witness, during the preparation session, did the Defence read the witness
2 summaries to you so that you could make comments or corrections or clarifications?
3 [Do] you remember that? It was a few days ago.
4 Yes. They asked me some questions just like ... you're doing now, but I don't know
5 [if] it was the witness summary."
6 PRESIDING JUDGE MINDUA: [15:20:11](Interpretation) Very well.
7 Mr Prosecutor, I believe you put a question to the witness, but we lost the connection.
8 Court officer, has the connection been re-established?
9 THE COURT OFFICER: [15:20:24] Yes, the connection, the audio connection to the
10 witness is re-established.
11 PRESIDING JUDGE MINDUA: [15:20:32](Interpretation) Very well.
12 Mr Prosecutor.
13 MR DUTERTRE: [15:20:37](Interpretation)
14 Q. [15:20:38] Mr Witness, when were you met by the Defence to take a statement
15 from you as part of this case?
16 PRESIDING JUDGE MINDUA: [15:21:03](Interpretation) Ms Taylor, what's this all
17 about?
18 MS TAYLOR: [15:21:11] I'm not getting interpretation. But I will note that the
19 Prosecutor has to use accurate questions. He stated: When did the Defence meet
20 you to take a statement? We have no statement from this witness. So we would
21 ask the Prosecutor to use accurate questions. He can't put something to the witness
22 that hasn't happened. It's a matter of fairness and accuracy.
23 PRESIDING JUDGE MINDUA: [15:21:46](Interpretation) Mr Prosecutor.
24 MR DUTERTRE: [15:21:49](Interpretation) That seems to be a bit obstructive, but
25 we'll continue. I'll rephrase.

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1 Q. [15:21:56] Mr Witness, when were you met by Defence for the first time as part
2 of this case?

3 A. [15:22:07] What contact are you talking about? Here in the court? What
4 contact are you talking about?

5 Q. [15:22:13] The first time you met the Defence team, Mr Al Hassan's Defence
6 team, when was it? I'm sorry if I wasn't clear.

7 A. [15:22:29] The first contact was a phone call, and I don't remember exactly the
8 date.

9 Q. [15:22:38] Was it in 2022? 2021? Could you help us?

10 A. [15:22:53] Perhaps 2019 or 2020. We don't attach a lot of importance to dates
11 and dates really don't remain stuck in our mind for a long time.

12 Q. [15:23:15] You said it was a phone call. How did the Defence get your phone
13 number?

14 A. [15:23:28] You could ask Defence that question. I don't know.

15 Q. [15:23:34] Mr Witness --

16 PRESIDING JUDGE MINDUA: [15:23:37](Interpretation) Ms Taylor, the witness can
17 answer the question.

18 MS TAYLOR: [15:23:44] Yes, Mr President, but I believe we're in open session and
19 he's asking for specific names and details that could identify the witness. So if we're
20 going to go down this path, we should go through it in private session. Defence
21 witnesses have a right to protection, Mr President.

22 PRESIDING JUDGE MINDUA: [15:24:17](Interpretation) Very well. The witness
23 knows that he's not supposed to give names that would identify him in open session.
24 Otherwise, he would raise his hand, as I told him earlier today, and then I would ask
25 for a private session.

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1 Mr Prosecutor, of course, we are being very careful about the security of witnesses
2 and victims.

3 MR DUTERTRE: [15:24:46](Interpretation) Yes, indeed, of course. That's why my
4 question was --

5 Q. [15:24:55] Well, Mr Witness, you said the Defence should answer that question.
6 Admittedly, yes. So, but when they called you the first time, didn't you ask them
7 how they had got a hold of your telephone?

8 PRESIDING JUDGE MINDUA: [15:25:12](Interpretation) Ms Taylor, sit down. The
9 witness can answer.

10 THE WITNESS: [15:25:23](Interpretation) No, I didn't ask them that.

11 MR DUTERTRE: [15:25:29](Interpretation)

12 Q. [15:25:30] And these were people you didn't know. Weren't you curious to
13 find out who had given them your phone number?

14 A. [15:25:43] I think that they got my phone number through Mr Al Hassan. They
15 don't know me. How are they going to get my telephone number unless someone
16 from the Court or a trusted person had given them the number? I wasn't wondering
17 about that. I didn't ask them about that.

18 Q. [15:26:09] Do you have contacts with Mr Al Hassan, direct contacts, ever since
19 he's been in detention here, Mr Witness?

20 A. [15:26:23] No.

21 Q. [15:26:24] Or indirect contacts?

22 A. [15:26:30] No.

23 Q. [15:26:32] And you still have the same number as in 2012, Mr Witness?

24 A. [15:26:45] My number actually goes back to the year 2008.

25 Q. [15:26:56] And what is that number? We can go into private session, of course.

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- 1 Private session, if you'd like.
- 2 PRESIDING JUDGE MINDUA: [15:27:06](Interpretation) If you want to give that
3 number, we'll go into private session. Have you understood?
- 4 THE WITNESS: [15:27:16](Interpretation) Yes, I've understood.
- 5 PRESIDING JUDGE MINDUA: [15:27:20](Interpretation) So what would you like?
6 Would you like us to go into private session?
- 7 MS TAYLOR: Mr President, perhaps --
- 8 THE WITNESS: [15:27:27](Interpretation) Yes, I would prefer that.
- 9 PRESIDING JUDGE MINDUA: [15:27:31](Overlapping speakers)
- 10 THE INTERPRETER: [15:27:35] Overlapping speakers.
- 11 PRESIDING JUDGE MINDUA: [15:27:35](Interpretation) The witness has answered
12 the question. He would prefer us to go into a private session.
- 13 MS TAYLOR: (Overlapping speakers) Mr Present, that wasn't why I was standing.
- 14 PRESIDING JUDGE MINDUA: [15:27:39] (Interpretation) Court officer, shall we
15 go -- (Speaks English) Wait, wait a moment.
16 (Interpretation) Why have you risen, Ms Taylor?
- 17 MS TAYLOR: [15:27:55] There is an issue here of firstly relevance. Secondly, the
18 right to private lives of this witness, the security of this witness --
- 19 MR DUTERTRE: [15:28:04](Interpretation) I would like --
- 20 MS TAYLOR: I'm sorry, can I please -- (Overlapping speakers)
- 21 MR DUTERTRE: (Overlapping speakers) (Interpretation) Could the sound be cut off
22 because the witness is being influenced.
- 23 PRESIDING JUDGE MINDUA: [15:28:15](Interpretation) Yes, yes.
24 Court officer, we're going into private session. The witness will answer the question.
25 And Ms Taylor, we really don't need to --

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- 1 MS TAYLOR: Mr President --
- 2 PRESIDING JUDGE MINDUA: [15:28:25] -- dwell on this (Overlapping speakers)
- 3 MS TAYLOR: [15:28:31] -- if any other Prosecution witness had been forced to give a
- 4 phone number --
- 5 PRESIDING JUDGE MINDUA: [15:28:36](Interpretation) Wait, wait, wait. I have
- 6 said we are going into private session.
- 7 Court officer, we are going -- take us into private session.
- 8 (Private session at 3.28 p.m.)
- 9 THE COURT OFFICER: [15:28:54] We are in private session, Mr President.
- 10 PRESIDING JUDGE MINDUA: [15:28:59](Interpretation) Thank you very much,
- 11 court officer.
- 12 Ms Taylor, the witness has something to say. Once he's finished, then you can
- 13 speak.
- 14 Mr Witness, go ahead.
- 15 THE WITNESS: [15:29:18](Interpretation) Of course, you mentioned the importance
- 16 of protecting the witnesses and all the information that is in the hands of Defence. If
- 17 he wants the number, he can ask the Defence. But if I give it right now, it's on one
- 18 condition. As long as my security is protected and my identity. In -- on -- on the
- 19 other hand, if the judge decides or if you want me to give the telephone number, I
- 20 will do so.
- 21 PRESIDING JUDGE MINDUA: [15:29:57](Interpretation) Well, it's your telephone
- 22 number. We're in private session. There's no problem.
- 23 MS TAYLOR: [15:30:05] Mr President, I believe there is an important point here in
- 24 that if the Prosecutor gets the telephone number, the witness needs to know that this
- 25 could be used and potentially disseminated to third persons. So I think the witness

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1 has to be informed in advance whether that's possible or whether it's only going to be
2 used for internal purposes. I believe he should be able to make that (Overlapping
3 speakers)

4 PRESIDING JUDGE MINDUA: [15:30:23](Interpretation) No, no. No. Ms Taylor,
5 no. Ms Taylor, the Chamber dismisses that remark. We are all professionals. We
6 share information here between you, the Defence, the OTP. That remark is not
7 appropriate.

8 Mr Dutertre.

9 MR DUTERTRE: [15:30:43](Interpretation) This could influence the witness, and
10 furthermore, we have some DCRs. And so it's completely relevant to try to elicit that
11 information.

12 PRESIDING JUDGE MINDUA: [15:30:58](Interpretation) Quite so.

13 So rest assured the OTP knows what it needs to do. They realise fully that they must
14 not disclose the number to any and all.

15 Go ahead, answer.

16 THE WITNESS: [15:31:21](Interpretation) Your Honour, since you have decided this,
17 the number is 7931 --

18 THE INTERPRETER: [15:31:32] The Arabic interpreter was not able to --

19 PRESIDING JUDGE MINDUA: [15:31:37](Interpretation) Please repeat the number.
20 The interpreters had some trouble with the number.

21 THE WITNESS: [15:31:44](Interpretation) [REDACTED]

22 PRESIDING JUDGE MINDUA: [15:32:01](Interpretation) Thank you.

23 THE WITNESS: [15:32:08](No interpretation)

24 THE INTERPRETER: [15:32:12] Message from the booth: We are having some
25 overlap.

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- 1 The witness repeats.
- 2 THE WITNESS: [15:32:18](Interpretation) [REDACTED]
- 3 PRESIDING JUDGE MINDUA: [15:32:29](Interpretation) Thank you very much.
- 4 Mr Prosecutor, can we go back into open session?
- 5 MR DUTERTRE: [15:32:37](Interpretation) Yes, indeed, we can. But there were two
- 6 different numbers given.
- 7 THE WITNESS: [15:32:44](Interpretation) Yes, it was (Overlapping speakers)
- 8 MR DUTERTRE: (Overlapping speakers)
- 9 PRESIDING JUDGE MINDUA: (Overlapping speakers)
- 10 THE INTERPRETER: [15:32:49] Overlapping. Excessive speed.
- 11 PRESIDING JUDGE MINDUA: [15:32:56](Interpretation) Open session, court
- 12 officer.
- 13 (Open session at 3.33 p.m.)
- 14 THE COURT OFFICER: [15:33:07] We are back in open session, Mr President.
- 15 PRESIDING JUDGE MINDUA: [15:33:13](Interpretation) Thank you, Madam
- 16 Courtroom Officer.
- 17 Prosecution.
- 18 MR DUTERTRE: [15:33:19](Interpretation)
- 19 Q. [15:33:21] So, Mr Witness, admitting that Mr Al Hassan did not join Ansar Dine
- 20 until your second meeting in Timbuktu, you were aware at that time that he was a
- 21 member of the Islamic police, were you not?
- 22 A. [15:34:00] I did not understand your question.
- 23 Q. [15:34:05] So by accepting that at your first meeting with Mr Al Hassan in
- 24 Timbuktu he was not yet with Ansar Dine and that he was with Ansar Dine only on
- 25 your second meeting, at that time you knew that he was a member of the Islamic

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1 police, did you not?

2 A. [15:34:42] Yes.

3 Q. [15:34:46] You knew that he was hearing a comment -- complaints from people
4 and that he was questioning people.

5 A. [15:35:01] No.

6 Q. [15:35:14] You were in contact with him and you were in Timbuktu at that time,
7 but you didn't know that?

8 A. [15:35:26] Yes. During our meetings, we didn't have a lot of time. We would
9 greet each other. I would go to my work, and he would go to his. We would just
10 say, "Hello. How are you?" And then we would go off to what we had to do, deal
11 with our own business. I know only that he was within the police, yes.

12 PRESIDING JUDGE MINDUA: [15:35:59](Interpretation) Mr Prosecutor, the
13 interpreters are really having to work very hard to keep up. I would suggest that
14 you occasionally look at the red lights to see whether the interpretation has finished.

15 MR DUTERTRE: [15:36:24](Interpretation)

16 Q. [15:36:27] So, Mr Witness, Mr Al Hassan explained to you why he joined Ansar
17 Dine, but he didn't tell you what he was doing with the police; is that the case?

18 A. [15:36:51] Please, could you repeat the question.

19 Q. [15:36:56] When you met Mr Al Hassan, you weren't simply saying, "Hello."
20 You were -- he explained to you why he had joined Ansar Dine. That is what you
21 said this morning, is it not?

22 A. [15:37:15] Yes, I said this to you. When I met him the first time, before he
23 joined Ansar Dine, I said he was living in Adar, and we talked and explained why he
24 was there, and I said why I was there, and we had a chat. That was it.

25 Q. [15:37:39] So it was during the first meeting that he explained why he was in

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1 Ansar Dine?

2 A. [15:37:47] No. He did not say why he joined Ansar Dine. He said why a
3 person would join a movement. I said that I would join MNLA. He said some
4 people join groups. Some join Ansar Dine to help others. But at that time he had
5 not yet joined Ansar Dine.

6 Q. [15:38:20] So he never told you why he joined Ansar Dine. It was you who
7 interpreted, or this is what you understood; is that the case?

8 A. [15:38:38] I didn't understand the question.

9 Q. [15:38:42] Mr Witness, Al Hassan never told you why he joined Ansar Dine. It
10 was you who interpreted that it was your understanding of why he did; is that the
11 case?

12 A. [15:38:57] No, I didn't interpret. I didn't say anything. And al Hassan told me
13 at our second meeting, when I met him for the second time, he said that he had joined
14 Ansar Dine, and I said to him that there were a lot of things that the person would
15 need to know before joining a group. And he said, "The aim of joining these
16 movements today is as follows: We are children of this country. If one does not
17 join this authority in control of the country, we won't be able to do anything. We
18 won't be able to do nothing for our people. And this is why we need to join the
19 groups, in order to help the inhabitants of our country."

20 Q. [15:39:46] So when you saw each other, it wasn't a question of just saying,
21 "Hello." You actually had a discussion. But you didn't talk about being in the
22 police.

23 A. [15:40:03] These were not long discussions. At our second meeting, we
24 discussed things. But it was not a long discussion at this second meeting. We said,
25 "Hello." And then I asked him the question, "Why did you join Ansar Dine?" And

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1 he said what I have just said to you. And then we left.

2 Q. [15:40:39] And did you know that he was part of the public authority, that he
3 was known as the commissioner of the Islamic police? Did you know that?

4 A. [15:40:56] There was no commissioner. Everybody was a commissioner in
5 Timbuktu. Everyone had their own authority.

6 Q. [15:41:07] I will repeat the question.

7 You knew, because it was public knowledge, that Mr Al Hassan was the
8 commissioner of the Islamic police; is that the case?

9 A. [15:41:27] That's what people said, yes.

10 PRESIDING JUDGE MINDUA: [15:41:29](Interpretation) Ms Taylor.

11 MS TAYLOR: [15:41:31] Mr President, the Prosecutor keeps repeating the same
12 questions, just because he doesn't like the response. Now, there is a degree of asked
13 and answered that we do need to move beyond. Otherwise, we're just debating and
14 arguing with the witness.

15 PRESIDING JUDGE MINDUA: [15:41:54](Interpretation) Obviously, it is not
16 appropriate to argue with the witness, but I did not feel that that was the case,
17 because the witness did not understand the question, therefore, the Prosecution had
18 to repeat it. That was the impression I got. But Mr Prosecutor will now make sure
19 that he does not argue with the witness.

20 MR DUTERTRE: [15:42:23](Interpretation) Yes, thank you. You are quite right,
21 but ...

22 Q. [15:42:32] So, Mr Witness, you heard that Mr Al Hassan had participated in
23 floggings in Timbuktu in 2012; is that the case?

24 A. [15:42:49] No, no, I did not ever hear that.

25 Q. [15:42:59] So it is here in this courtroom that you hear this for the first time, is it,

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1 from me? Is that how I should understand your statement?

2 A. [15:43:17] Yes. The question of floggings is something I'm hearing from you for
3 the first time.

4 Q. [15:43:29] But you knew that there had been floggings in Timbuktu, did you not,
5 Mr Witness?

6 A. [15:43:41] Yes, yes.

7 Q. [15:43:42] And you knew that the Islamic police was involved in these floggings,
8 did you not, Mr Witness?

9 A. [15:43:52] I'm not going to lie to you. I do not know who was involved in this.
10 I was not with them, and I was not familiar with the system by which they operated.

11 Q. [15:44:10] When did you last speak to Mr Al Hassan, Mr Witness?

12 A. [15:44:21] I met him in Kabara.

13 Q. [15:44:29] Could you tell us in which year that was, Mr Witness.

14 A. [15:44:38] No, I can't tell you exactly. But after he joined Ansar Dine, he came
15 to a filling station in Kabara for supplies, and I saw him there. I said, "Hello," and I
16 left. And I haven't seen him since that time until today.

17 Q. [15:44:57] So that was in 2012, when you were still in the MNLA; is that the
18 case?

19 A. [15:45:05] Yes, 2012.

20 Q. [15:45:08] And that was before the MNLA was expelled from the airport; is that
21 correct?

22 A. [15:45:15] Yes.

23 Q. [15:45:27] But seeing somebody is one thing.

24 When did you last speak to him?

25 A. [15:45:35] On that occasion when we met at the filling station in Kabara.

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1 Q. [15:45:55] You are still friends, are you not, Mr Witness?

2 A. [15:46:02] What do you mean by that?

3 Q. [15:46:06] Mr Al Hassan is your friend, is he not, Mr Witness?

4 A. [15:46:13] Yes, yes.

5 Q. [15:46:22] And, Mr Witness, you spoke to Mr Al Hassan on the phone, did you
6 not?

7 A. [15:46:36] Yes, when the French aircraft arrived.

8 Q. [15:46:46] So, in fact, you stayed in contact with him, did you not?

9 A. [15:46:58] Yes. When I heard that the aircraft were bombarding this town of
10 Timbuktu, I found Al Hassan's phone number, and I contacted him and asked him for
11 his news. I wanted to know if he was okay or not.

12 THE INTERPRETER: [15:47:24] The witness used a term that the Arabic interpreter
13 did not understand. If he could please be asked to repeat this.

14 PRESIDING JUDGE MINDUA: [15:47:34](Interpretation) The witness used a term
15 that was not translated. So, Prosecution ...

16 THE WITNESS: [15:48:00](Interpretation) Orange, the telephone.

17 THE INTERPRETER: [15:48:04] He said he had his chip, his SIM card, and he found
18 Mr Al Hassan's number.

19 PRESIDING JUDGE MINDUA: [15:48:14](Interpretation) Yes, thank you. That's
20 now clear.

21 MR DUTERTRE: [15:48:18](Interpretation)

22 Q. [15:48:18] So you had his number and you called him because you were
23 concerned about your friend, were you not?

24 A. [15:48:33] Yes. I was worried, and I wanted to know if he was alive or dead.

25 Q. [15:48:42] You were very close to him. You were concerned about his fate,

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1 were you not?

2 A. [15:48:55] It's a friend. You want to know how your friends are.

3 Q. [15:49:02] And that is the reason why you are testifying here today, is it not,

4 Mr Witness, because he is your friend?

5 A. [15:49:19] It's also to say the truth. Friendship is friendship, but truth is

6 different. I can tell the truth about a friend even if that goes against his interest. I

7 tell the truth when it is the truth. Even if the truth puts him in the wrong, I need -- I

8 must tell the truth.

9 Q. [15:49:40] And friendship also means protecting someone, someone from the

10 same tribe with the spirit of solidarity, does it not, Mr Witness?

11 A. [15:49:57] If one does that, this would be going against the teachings of Islam,

12 and we are Muslims.

13 MR DUTERTRE: [15:50:14](Interpretation) Your Honours, I have no further

14 questions.

15 Thank you, Mr Witness.

16 PRESIDING JUDGE MINDUA: [15:50:21](Interpretation) Thank you very much,

17 Mr Prosecutor, for your cross-examination.

18 And I would like to thank the witness for his cooperation.

19 I turn now to the representatives of victims. We have received your submissions,

20 Mr Nsita, and your request -- your request to question the witness. Having heard

21 the proceedings today, what is your opinion?

22 MR LUVENGIKA: [15:50:55](Interpretation) Your Honours, I would like to thank

23 you for giving us the floor. Having heard both parties, particularly the content and

24 nature of the witness, we have no questions to ask on behalf of the victims of this

25 witness. Thank you.

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1 PRESIDING JUDGE MINDUA: [15:51:20](Interpretation) Thank you very much,

2 Maître Nsita.

3 So I am looking at the parties. Nobody seems to want to take the floor, which brings
4 us to the end of this testimony.

5 So I now turn to the witness.

6 Mr Witness, the Chamber would once more like to thank you for having helped the
7 Chamber by replying very clearly and showing goodwill to all the questions that you
8 have been asked today. Your testimony has now come to an end. So I would like
9 to wish you all the best and our good wishes go with you.

10 THE WITNESS: [15:52:40](Interpretation) Thank you very much, Mr President.

11 And I pray to God that he will grant you much success and that we will achieve good
12 health and justice, and that justice will remain intact.

13 PRESIDING JUDGE PROST: [15:53:01] Thank you. And I wish the same to you
14 and to all here present.

15 (The witness is excused)

16 PRESIDING JUDGE MINDUA: [15:53:09] Before coming to the end of this hearing, I
17 would, as usual, like to thank all the parties and participants. I would like to thank
18 the court reporters and the interpreters who have all worked hard today. And, of
19 course, I must not forget our security officers and our public here in the public gallery
20 and our public following remotely. I would like to thank everybody formally. And
21 we will now conclude our hearing.

22 The Chamber will enter into contact with the parties and participants by email.

23 We will now conclude the hearing.

24 The hearing is adjourned.

25 THE COURT USHER: [15:54:12] All rise.

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1 (The hearing ends in open session at 3.54 p.m.)

2 CORRECTIONS REPORT

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

5 Page 16 line 5

6 "Yes, the preparatory school, yes, the ninth year, yes." Is corrected to "Yes, middle
7 school. I finished ninth grade."

8 Page 39 line 6

9 "I was responsible for the -- for the logistics." Is corrected to "I was responsible for
10 the storage, the food storage, the logistics."

11 Page 50 line 12

12 "Yes." Is added

13 Page 50 lines 19-24

14 "Yes. We are a people who have recourse to justice, to our own justice.

15 We have our own Sheikhs, our own notables in the villages and surroundings, and

16 they are knowledgeable in justice. Even when the Malian law was applicable, we

17 would still turn to our own notables, to our own Sheikhs, who dealt with our conflicts

18 and problems without having recourse to any other form of justice." Is corrected to

19 "Yes. In fact, as a people, we have recourse to justice, always to our own justice. We

20 have Sheikhs, in our villages and surroundings, who are well-known and who are

21 fully knowledgeable in all that relates to justice and the like. Even when the Malian

22 law was applicable, we would still turn to our own justice. If a problem occurs in a

23 family or a tribe, there is a sheikh that we would go to and who would always resolve

24 our cases without recourse to the other justice."

25 Page 59 lines 15-22

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1 "Yes. He said he went to the MNLA, can it provide security in this
2 place. I said, yes. As we have said earlier, and for the reasons that pushed us to
3 join this ML -- this movement. He said, "I joined this movement because I think
4 Ansar Dine are the most powerful force. And half of the people in the city are
5 foreigners. And this way the inhabitants of this take control. We cannot of course
6 provide the security." This is the reason that pushed Al Hassan to join Ansar Dine."
7 Is corrected to
8 "Yes. He asked me: you've gone to the movement, is the movement able to provide
9 you enough security in this place? I said yes, for the reasons that had already been
10 identified as to what pushes us to join these movements. He said to me: I joined this
11 movement because I think Ansar Dine is the most powerful force present. Which is
12 true. And that half the people in the city are foreigners and not from the local
13 population. And that if we, the local population, stay out of Ansar Dine we would
14 wind up unable to defend our neighbors, our acquaintances, and our brothers. Which
15 is the reason that pushed Al Hassan to join Ansar Dine."
16 Page 66 line 11
17 "he's in Daro." Is corrected to "he was in Zarho."