

Trial Hearing
WITNESS: MLI-OTP-P-0150

(Closed Session)

ICC-01/12-01/18

1 International Criminal Court
2 Trial Chamber X
3 Situation: Republic of Mali
4 In the case of The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag
5 Mahmoud - ICC-01/12-01/18
6 Presiding Judge Antoine Kesia-Mbe Mindua, Judge Tomoko Akane and
7 Judge Kimberly Prost
8 Trial Hearing - Courtroom 3
9 Monday, 14 June 2021
10 (The hearing starts in closed session at 9.30 a.m.)
11 THE COURT USHER: [9:30:04] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE MINDUA: [9:30:23](Interpretation) The Court is once more in
15 session.
16 Good morning, everybody and welcome to the week.
17 Court Officer, please could you call the case.
18 THE COURT OFFICER: [9:30:52] Good morning, Mr President, your Honours.
19 This is the situation in the Republic of Mali, in the case of The Prosecutor versus
20 Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud, case number
21 ICC-01/12-01/18.
22 And for the record, we are in closed session.
23 PRESIDING JUDGE MINDUA: [9:31:10](Interpretation) Thank you, court officer.
24 As every morning, we will start with the introductions.
25 Office of the Prosecutor, please. Mr Prosecutor.

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1 MR DUTERTRE: [9:31:23](Interpretation) Good morning, Mr President. Good
2 morning, your Honours. The OTP is still comprised -- still comprised of Ms Yayoi
3 Yamaguchi, Mr Lucio Garcia, Mr Mousa Allafi, and myself, Gilles Dutertre. And I
4 would like to say good morning to Mr Nsita, the Legal Representatives of Victims, the
5 witness, Defence and the interpreters.

6 PRESIDING JUDGE MINDUA: [9:32:00](Interpretation) Defence, please.

7 MS TAYLOR: [9:32:03] Good morning, Mr President. Good morning,
8 your Honours. Good morning to everyone in and around the courtroom. The
9 Defence for Mr Al Hassan is represented today by Maître Mohamed Youssef,
10 Maître Sarah Marinier-Doucet, and myself, Melinda Taylor. Thank you.

11 PRESIDING JUDGE MINDUA: [9:32:21](Interpretation) Thank you, Ms Taylor.
12 And now Legal Representative of Victims, please.

13 MR LUVENGIKA: [9:32:33](Interpretation) Good morning, Mr President. Good
14 morning, your Honours. The victims are represented today by Ms Prisque Biyéké
15 Dipanga and myself, Maître Nsita. I would like to thank the Defence team, the
16 Prosecution team, my learned colleague, [REDACTED], and Mr Witness. Thank you.

17 PRESIDING JUDGE MINDUA: [9:32:59](Interpretation) Thank you, Mr Nsita.
18 And now, finally, counsel for the witness.

19 [REDACTED] [9:33:08](Interpretation) Good morning, Mr President, your Honours.
20 My name is [REDACTED] I am counsel to [REDACTED] the
21 witness appearing in this case, as per the Rules of Procedure and Evidence. And I
22 take this opportunity to extend my greetings to the members of the Prosecution, the
23 Defence and the Legal Representatives of Victims, in addition to the witness and all
24 the attendees present in this courtroom. Thank you.

25 PRESIDING JUDGE MINDUA: [9:33:41](Interpretation) Thank you, [REDACTED]

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1 And now Mr Witness.

2 Good morning, Mr Witness. Are you well?

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

4 (The witness speaks Arabic)

5 THE WITNESS: [9:33:53](Interpretation) Good morning to you, Mr President and to
6 the two honourable judges besides you. I am very well. Thank you very much.

7 PRESIDING JUDGE MINDUA: [9:34:07](Interpretation) Thank you, Mr Witness.

8 Once again on behalf of the Chamber, I thank you for your cooperation. And of
9 course, I should remind you that you are still under oath and that you should speak
10 the truth, the whole truth and nothing but the truth. Apart from that, you know
11 how things work here.

12 So without further ado, I shall hand the floor to the Prosecution.

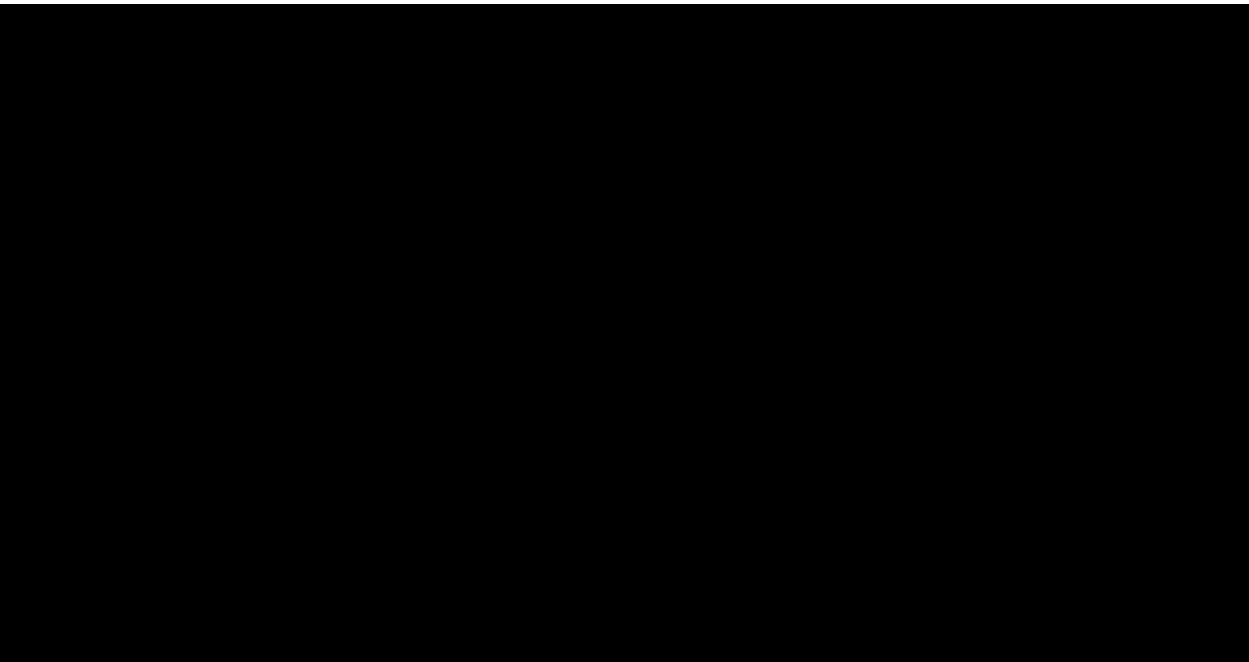
13 Mr Prosecutor.

14 MR DUTERTRE: [9:34:46](Interpretation) Thank, your Honours.

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

16 Q. [9:34:54] Good morning again, Mr Witness.

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21 Q. [9:40:06] So I thought I heard in the Arabic "*Al Emira*" (phon), and I got in the
22 French transcript "*bureau des émirs*," office of the emirs.

23 So was it *Al Emira* or the office of the emirs? And if it is "*Al Emira*", what exactly is
24 that?

25 A. [9:40:41] There's no special office dedicated to the Emara (phon), but Abou Zeid

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1 was interested in knowing the daily workings of affairs in Timbuktu. And he would
2 order certain observations to be written down in that regard. He would also order
3 people like Abou Walid, Chadi (phon) and Chouaib, the Algerian, he would order
4 them to write down observations on matters of high importance in the eyes of Abou
5 Zeid. And we can refer to this as an office.

6 Q. [9:41:43] Did you mention any names, Mr Witness? Because if so, the
7 interpreter was unable to capture them.

8 A. [9:41:55] I mentioned Abou Al Walid, the Chadian, and Chouaib, the Algerian.
9 These two people were the ones writing down things on behalf of Abou Zeid
10 sometimes.

11 Q. [9:42:26] Exactly. Yes. Could you please write these names down for us,
12 Abou Walid and the other.

13 PRESIDING JUDGE MINDUA: [9:43:12](Interpretation) The document is now on
14 evidence 1.

15 Court officer, could you please give it a number.

16 THE COURT OFFICER: [9:43:23] Your Honours, the document will be assigned
17 exhibit number MLI-REG-0001-0078.

18 PRESIDING JUDGE MINDUA: [9:43:38](Interpretation) Thank you, court officer.

19 MR DUTERTRE: [9:43:42](Interpretation) I note that in the English transcript, line 2,
20 I mentioned Abou Al Walid, the Chadian, and that is not in the French transcript.
21 The Chadian, 5 -- page 5, line 28.

22 PRESIDING JUDGE MINDUA: [9:44:09](Interpretation) But did he say the Chadian
23 or the Algerian?

24 MR DUTERTRE: [9:44:17](Interpretation) He said Chouaib, the Algerian, and
25 Abou Al Walid, the Chadian.

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1 Q. So could we please clarify this. What is the nationality of Abou Al Walid,
2 Mr Witness?

3 A. [9:44:33] Chadian.

4 PRESIDING JUDGE MINDUA: [9:44:37](Interpretation) Perfect. Thank you very
5 much.

6 MR DUTERTRE: [9:44:52](Interpretation)

7 Q. [9:44:52] So what did Abou Zeid do with this information, to your knowledge?

8 A. [9:44:58] He kept the information written down for Abou Zeid. The people
9 who keep that information are the people I've -- I've mentioned. At the end of the
10 events, I don't know what became of those files exactly.

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23 THE INTERPRETER: Between brackets.

24 MR DUTERTRE: [9:47:37] (Interpretation)

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3 Q. [9:48:07] And can you explain to the Chamber, Mr Witness, who decided the
4 decision of the Islamic tribunal was going to be implemented?

5 A. [9:48:27] That matter was prearranged but then was disregarded. And it is that
6 the Islamic court would tell what needs to be implemented and the Islamic police
7 would do the implementation, the Islamic police, backed by all the other organs of
8 apparatus in its implementation of court judgments. Should the Islamic police need
9 a power of man and of weapons, all other members of the armed group would join in
10 to help it enforcing court judgments. And the same applies to the *Hesbah*. When
11 the latter wanted to enforce what it perceives as God's Sharia, it can then also tap into
12 the help of the other apparatuses as well.

13 Q. [9:49:48] Since we're on this subject - I'm just opening a small parenthesis - could
14 you explain to the Chamber how or to what extent the collaboration between the
15 various organs, the *Hesbah*, the police, and the tribunal, et cetera, functioned.

16 A. [9:50:19] First, the Islamist group entirely believed that it entered Timbuktu to
17 enforce Islamic Sharia there. This Islamic Sharia, at the beginning of events,
18 everyone -- every member thought that he understands the nature of Sharia that they
19 wanted to implement. But over time, that role shrank to certain organs only, such as
20 the *Hesbah*, the police and the security battalions. And over time, it shrank to a very
21 organised level whereby only the judiciary was calling the shots, and the police and
22 the *Hesbah* were only implementing.

23 This is in theory. But in practical terms, the -- the equipment that the armed group
24 had was also available to everyone. So the vehicles that the police had were, in
25 another way, also owned by the security and the *Hesbah*. The same thing could be

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1 said of weapons. So assets were shared among these. Each organ should only ask
2 for what it thinks would suffice for the -- for carrying out the mission. If the organ
3 does not have the sufficient tools, he could tap into the help of other organs. And by
4 that, I'm referring to weapons, money and men.

5 Q. [9:52:19] So I would now like to move to showing a series of documents which
6 will allow us to clarify a certain number of questions.

7 MR DUTERTRE: [9:52:44](Interpretation) Your Honours, we have access to eCourt.

8 THE INTERPRETER: [9:52:58] Note from the interpreters: The interpreters do not
9 yet have access to eCourt, or some do not.

10 MR DUTERTRE: [9:53:07](Interpretation) It's tab 291 in binder 2, 0001-7522. And
11 the translation is at 292, so in the eCourt binder, 0052-0083.

12 And if we could put the translation on evidence 1, please. 0052-0083.

13 Q. [9:54:52] So, Mr Witness, what is this document?

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22 Q. [9:56:20] And can you confirm that the date [REDACTED]?

23 A. [9:56:28] I can.

24 Q. [9:56:36] So to the best of your knowledge, please could you explain to the
25 Chamber how the emirate would intervene at this stage to ensure that the case -- or to

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1 [REDACTED]
2 A. [9:57:01] First of all, during the occupation of Timbuktu by the Islamist group,
3 there were two types of judiciary in parallel. There was the civilian judiciary, the
4 one we've been explaining last week, since last week. The other one was a military
5 judiciary inside the group. And this latter one dealt only with the following matters:
6 First, either matters pertaining to Al-Qaeda and totally not pertaining to Ansar Dine;
7 second, matters that relate only to the members of the armed group without
8 intervening in the life of the local population -- without pertaining to the local
9 population; third, it has to pertain to a scandal within the armed group that needs to
10 be covered up. And in this case, Sheikh Abdallah, Koutaiba [REDACTED] would be
11 the judges on such matters.

12 Q. [9:58:35] We will try and clarify this a little. When you use the term "civilian
13 system," is that as opposed to what you've just explained, the military system which
14 concerns the members of the armed groups?

15 A. [9:59:13] Indeed. No case would be referred to the court unless there is
16 a special reason requiring the group to do such referral. Otherwise, it should be
17 settled outside the scope of the court in Timbuktu.

18 Q. [9:59:33] When you talk about these cases, which cases are you referring to
19 exactly, so that we get that straight?

20 A. [9:59:55] You saw the case of a member of Ansar Dine who killed a person from
21 the Songhai, and the Islamic court looked at his case. There was also a member of
22 the extremist group who killed a member of MNLA, and the case was settled outside
23 the scope of the judiciary. You also saw the fornication *hadd* enforced on a -- on
24 someone, and it was handled by the Islamic court. But there was also the sodomy
25 *hadd* enforced on some members of the group, and this was done outside the scope of

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1 the court of Timbuktu. And all of that is due to the previously mentioned
2 considerations.

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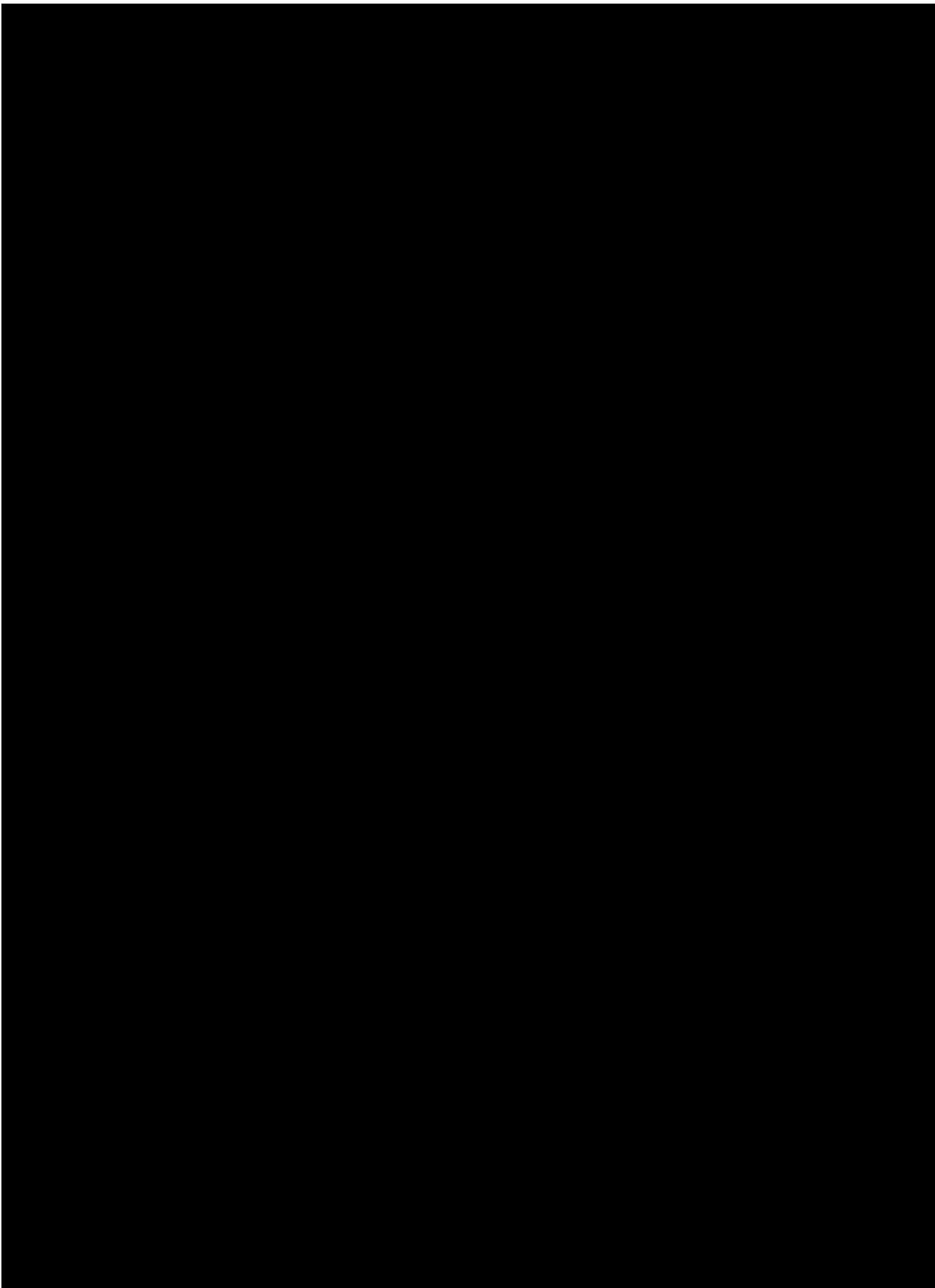
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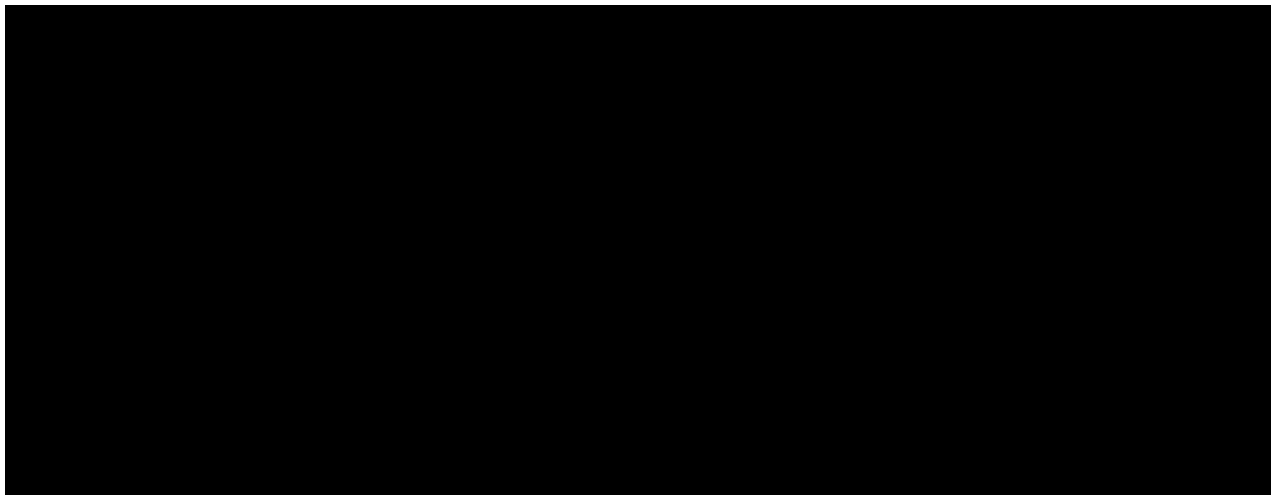


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8 Q. [10:08:57] If I've understood correctly, you're telling us that the person involved
9 in *0001-7522 was a member of the armed group. Is that what you're telling us?

10 A. [10:09:24] Yes, the murderer was a member of the armed group.

11 Q. [10:09:32] In the French, I have the word "*assassin*" which has certain
12 connotations. What word did you use, Mr Witness? Exactly what word did you
13 use? Murderer, assassin? What word did you use exactly?

14 A. [10:10:02] The murderer. But in jurisprudential terms, this is considered
15 murder by mistake.

16 Q. [10:10:38] Understood.

17 MR DUTERTRE: [10:10:42](Interpretation) Your Honours, I'd now like to ask you to
18 look at number 4, 774 -- 2 and 773. Tab 772 and 773, binder 4. 0068-693 for the
19 original -- 0068-4693. And 0069-3242 for the translation.

20 Q. [10:12:52] What is this document, Mr Witness?

21 A. [10:12:57] This document is a court judgment on someone who run over
22 someone else by mistake. This someone else is a member of the population, and this
23 led to his death. And the judgment here sentenced the person who committed this
24 to paying *diya* or blood money.

25 Q. [10:13:47] Can you confirm that the date [REDACTED] he date up on the

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1 right-hand side of the document.

2 A. [10:14:00] I do.

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7 Q. [10:14:50] Mr Witness, if you could now look at binder 3. And these

8 documents are at tabs 463 and 464, 00 -- binder 3, tab 463, 464. Original, 0053-0204.

9 Translation 0077-2351.

10 What is this document, Mr Witness?

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17 Q. [10:17:45] If we could now --

18 PRESIDING JUDGE MINDUA: [10:17:48](Interpretation) Just a moment, please. I

19 think there's a problem here with the English translation which I have right here,

20 tab 46 (sic) because -- do you have the English version at hand?

21 MR DUTERTRE: (Interpretation) The English version.

22 THE INTERPRETER: [10:18:09] Tab 464.

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1 MR DUTERTRE: [10:18:33](Interpretation)

2 Q. [10:18:35] Mr Witness, could you indicate -- do you see "Notes:" in the Arabic
3 version, 0053 -- (Overlapping speakers)

4 A. [10:19:00] I do.

5 Q. [10:19:03] Could you read the first line.

6 THE INTERPRETER: [10:19:08] Message from the interpreter: Overlapping
7 speakers.

8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]

14 MR DUTERTRE: [10:20:03](Interpretation) Indeed. It would appear so,
15 your Honour.

16 If we could now go to binder 1, tab 107. Binder 1, tab 107. 0001-7379. Tab 108 for
17 the translation, 0069-6002 -- translation 0078-6002.

18 Q. [10:22:42] What is this document, Mr Witness?

19 [REDACTED]
20 [REDACTED]

21 Q. [10:23:08] Could you please go to tabs 109 and 110 respectively. 0001-7380 is
22 the original. 0078-6031 for the translation -- 6061 for the translation.

23 And it is necessary, Mr Witness, to look to right of the image.

24 What do we see on the right of the image?

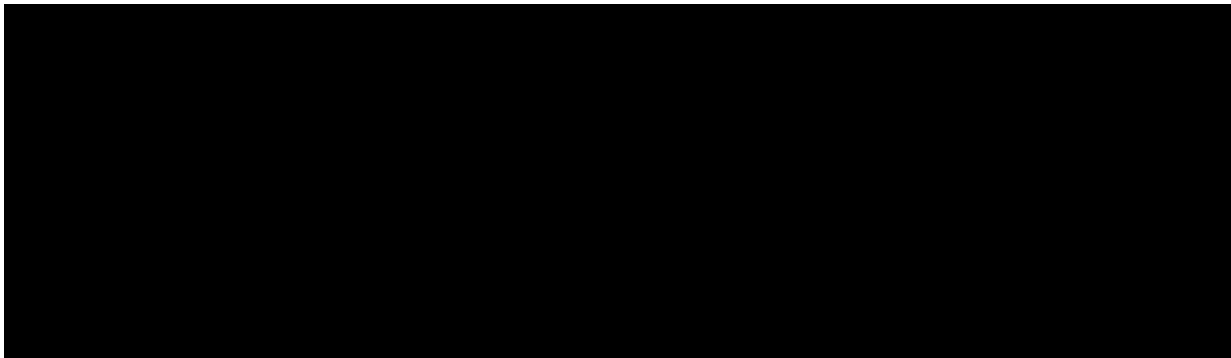
25 A. [10:24:39] [REDACTED]

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Q. [10:25:36] I'd now like to move on to another document, Mr Witness.

MR DUTERTRE: [10:25:42](Interpretation) Your Honours, this is binder 5.

PRESIDING JUDGE MINDUA: [10:25:49](Interpretation) Ms Taylor.

MS TAYLOR: [10:25:50] Thank you, Mr President. I apologise for interrupting.

But before moving on to another document, it might helpful for the Prosecutor to clarify again a translation issue in the English translation. Perhaps the witness can clarify this. It says in the English that [REDACTED] was handed over to [REDACTED] [REDACTED] Paris mosque.

I understand from my -- from my Arabic-speaking colleague that that's incorrect. So it might be helpful just to clarify that before moving on, given that the Arabic original or handwriting has a different word.

PRESIDING JUDGE MINDUA: [10:26:53](Interpretation) Mr Prosecutor, I think you need to put the question to the witness so that he can read the document in Arabic.

MR DUTERTRE: [10:27:00](Interpretation) Indeed. I'm just trying to find the document in question. And I must admit, I am a little bit lost here with this mention of the Paris mosque.

PRESIDING JUDGE MINDUA: [10:27:20](Interpretation) I believe it is the document at tab 110.

MR DUTERTRE: [10:27:29](Interpretation) Indeed.

Q. [10:27:36] Mr Witness, could you tell us what is written on page -- the page on

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1 the left -- on the right, to the top. I think there's a translation problem because the
2 translation indicates (Speaks English) "It was handed over to [REDACTED]
3 [REDACTED] Paris Mosque."

4 A. [10:28:33] This doesn't seem strange to me. Maybe there is an area in Timbuktu
5 called Paris.

6 Q. [10:28:50] (Interpretation) And what do you read in the Arabic version? Could
7 you read the sentence in the Arabic version, the one that corresponds to: "It was
8 handed over to Yahya Ibn-Ahin, Imam of the Paris Mosque."

9 A. [10:29:11] Yes. [REDACTED] Paris
10 mosque. And I cannot read the next word. [REDACTED] But "of
11 Paris" -- is written "of Paris". And this does not seem strange to me.

12 PRESIDING JUDGE MINDUA: [10:29:41](Interpretation) Ms Taylor, I think we'll
13 have to be happy with that explanation.

14 Mr Prosecutor, please continue.

15 MR DUTERTRE: [10:29:52](Interpretation) Very well.

16 The English and the Arabic appear to correspond for whatever reason. Thank you,
17 Ms Taylor, for raising that point.

18 Could we now go to binder 5. If we could move to tab 910 and 911, the original *the
19 ERN 0068-4789 and the translation, 0078-1778.

20 No, it doesn't seem to be up yet on evidence 1 for the interpreters.

21 Q. [10:32:11] So, Mr Witness, what is this document?

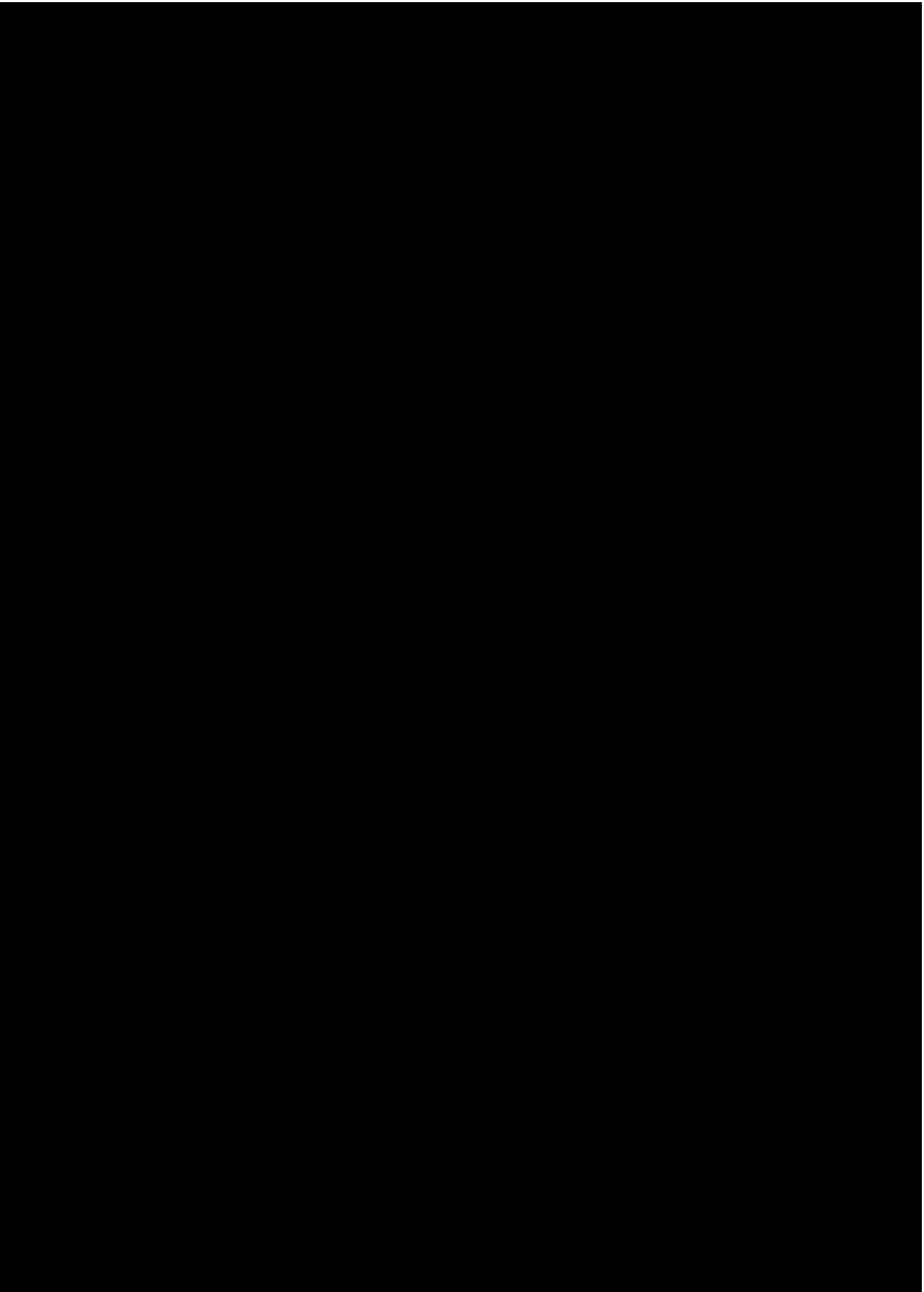
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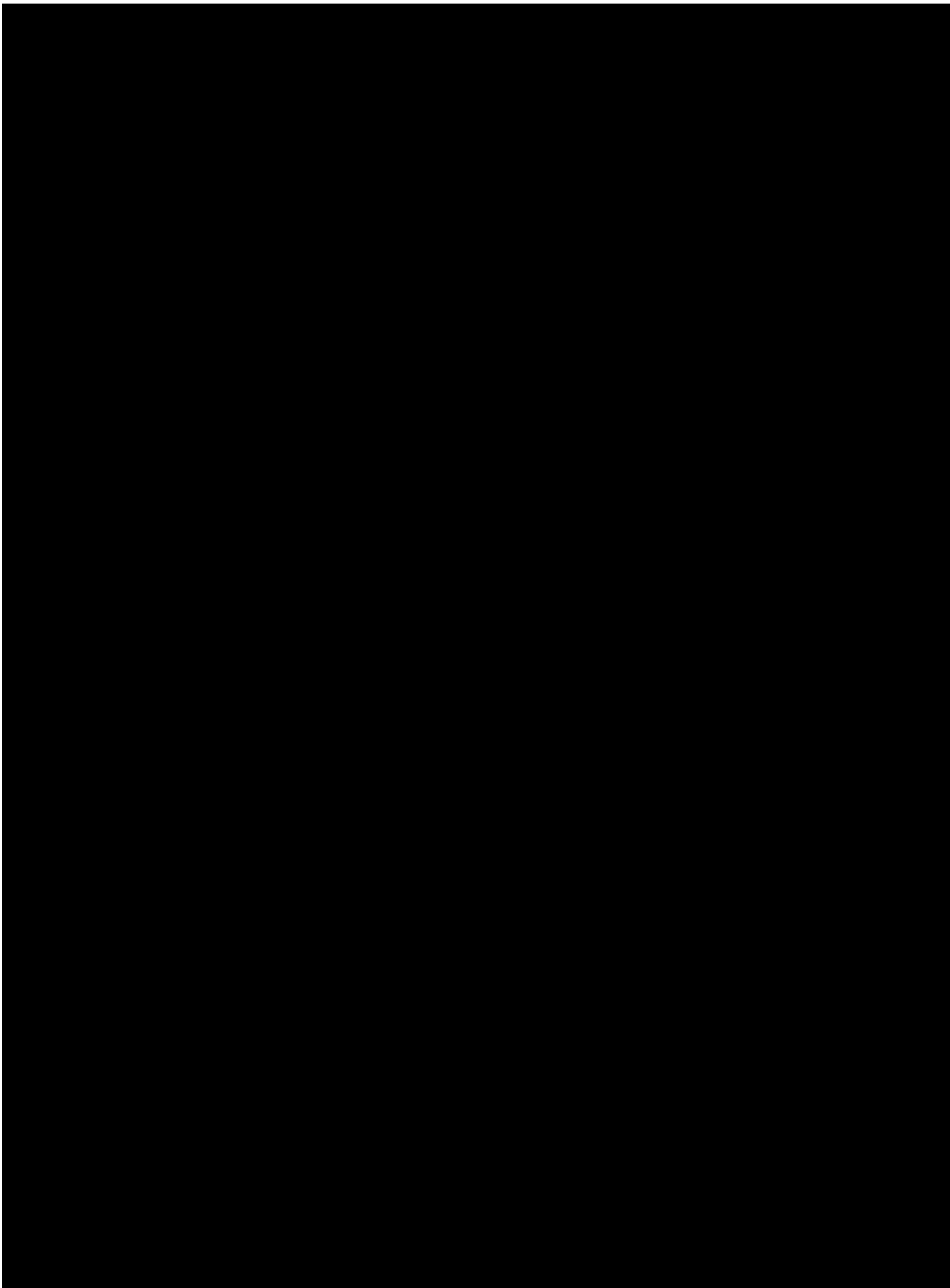
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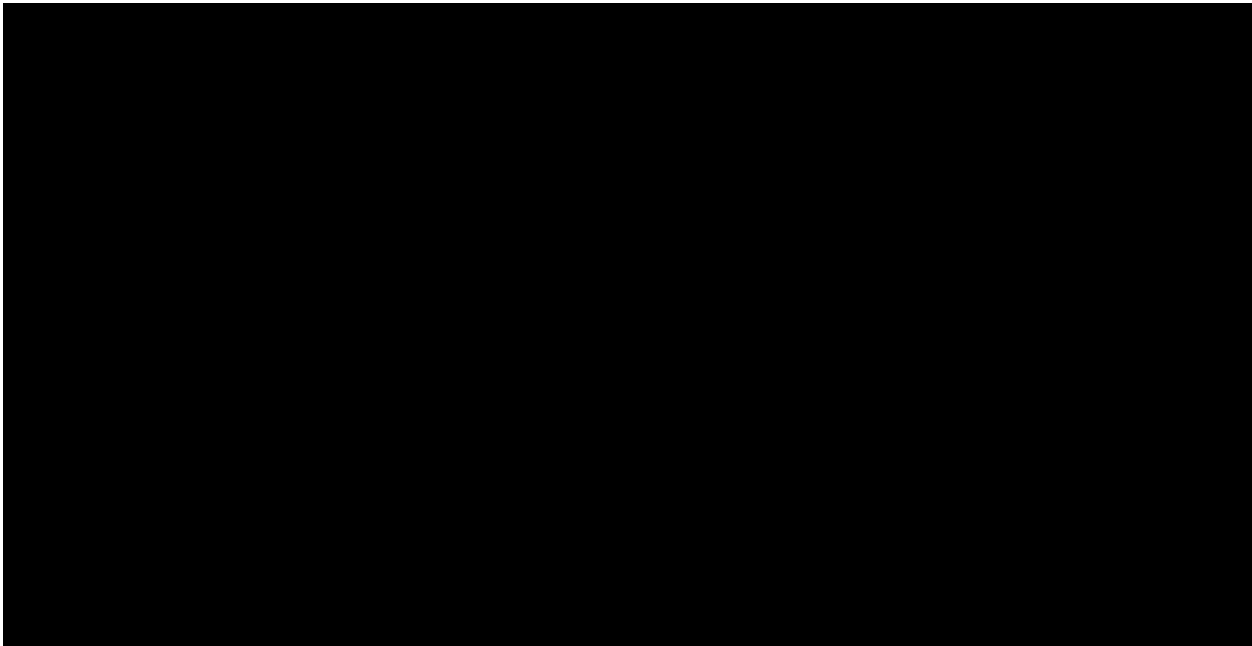
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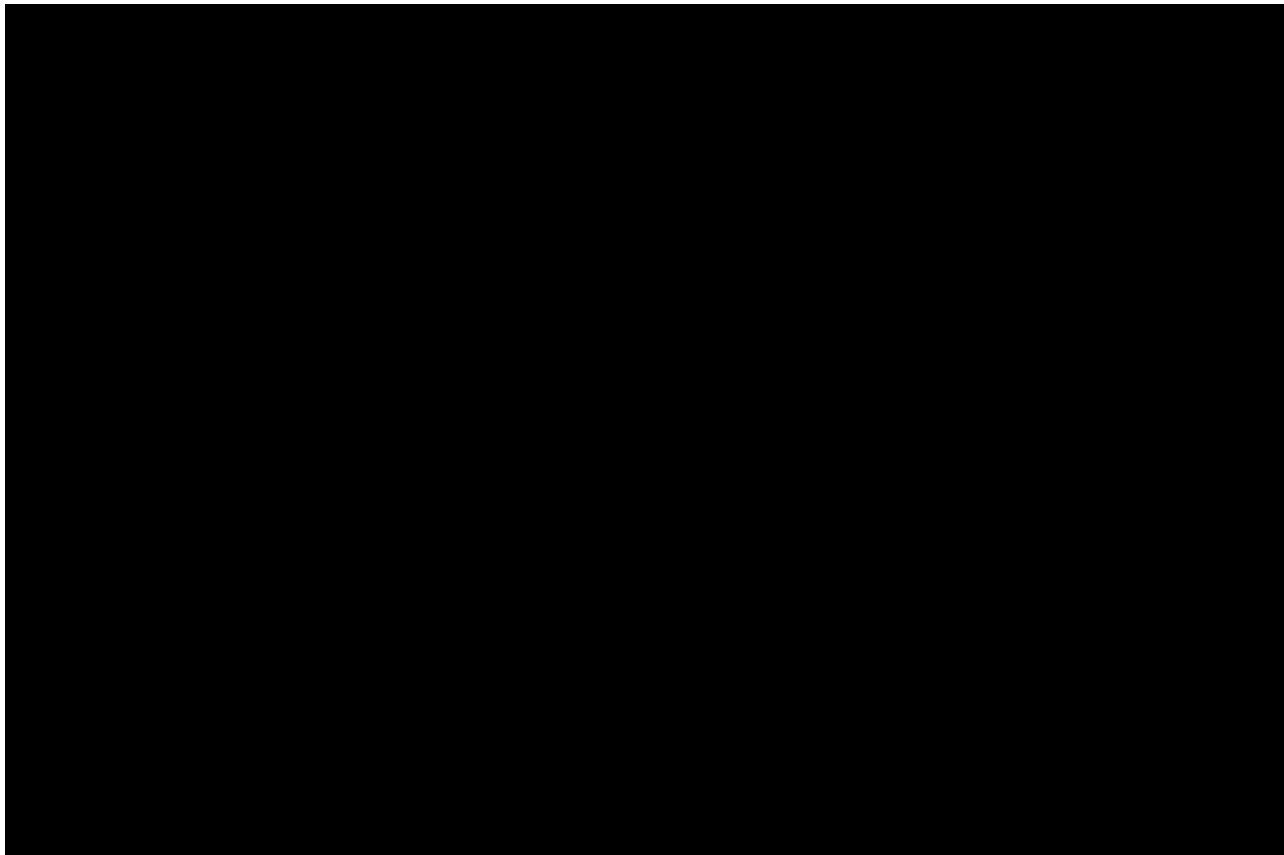


PRESIDING JUDGE MINDUA: [10:41:06](Interpretation) Thank you very much.

Thank you.

Mr Prosecutor.

MR DUTERTRE: [10:41:17](Interpretation) Thank you, your Honour.



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4 PRESIDING JUDGE MINDUA: [10:43:19](Interpretation) I think it is worth
5 correcting it. Yes, indeed.

6 MR DUTERTRE: [10:43:22](Interpretation)

7 Q. [10:43:22] So, Mr Witness, could I take you now to binder 3 and tabs 453 and 454.

8 Original 0053-0174. And the translation at 0077-2231.

9 What is this document, Mr Witness?

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13 Q. [10:45:22] Thank you, Mr Witness. And now I would like to move to document
14 0001-7482, translation 0077-2251. And that's in binder 8. One -- and they are at tabs
15 1468 and 1469.

16 What is this document, Mr Witness?

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20 Q. [10:47:47] Thank you, Mr Witness.

21 And now we're going to move to a different series of documents, your Honours. In
22 binder 3, binders -- tabs 433 and 434, 0053-0114, that's the original, and 0069-5682 for
23 the translation, 0069-5682.

24 To your knowledge, Mr Witness, what is this document?

25 A. [10:50:34] I don't know anything about this document, other than what I

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1 understand by reading the document. I understand a great deal of what it contains
2 here.

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

10 Q. [10:52:21] I would like to take you to binder 4 and there to tab 778 and 779,
11 0068-4698. And the translation is at 0078-1698.

12 What is this document, Mr Witness?

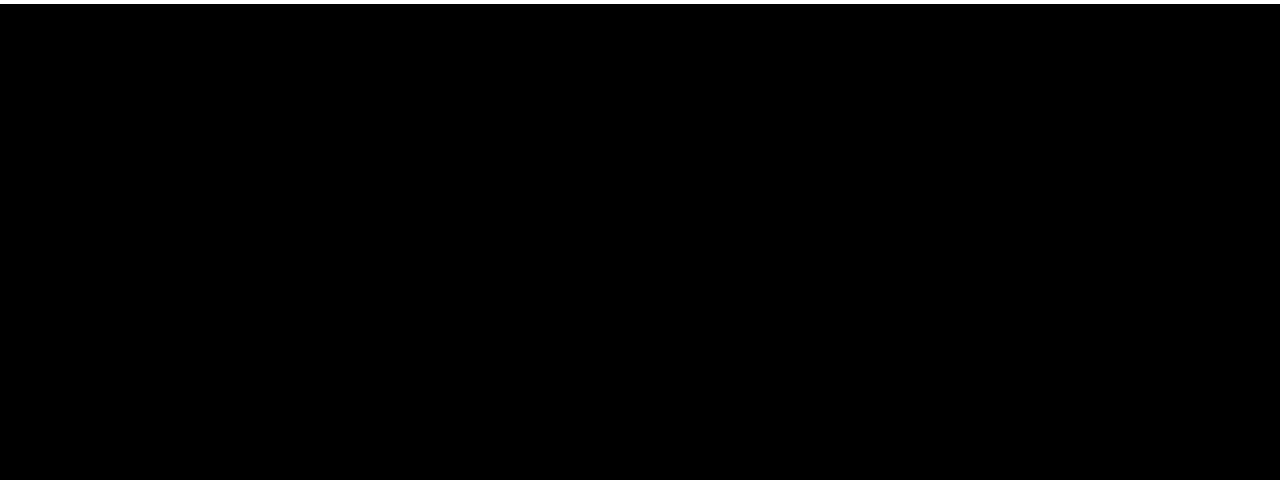
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8 Q. [10:58:20] Could you please explain in a general way the rules between April
9 2012 and January 2013 with regard to the mixing between men and women.

10 A. [10:58:36] It was declared over radio channels and also people going around the
11 streets told people that inter-sex mixing was forbidden. And whenever they saw
12 people, whether pedestrians or people in vehicles or on bikes, whenever they saw
13 men and women mixing, they would separate them and they would tell them that
14 mixing is forbidden. Whenever the locals wanted to hold a party, for example,
15 a wedding party or a new-born baby's party called *aqiqah* and also some religious
16 festivities that were not recognisable to the group were not permissible in the eyes of
17 the group. All festivities were forbidden, except those exceptionally allowed by the
18 groups where also inter-sex mixing would be forbidden.

19 Q. [11:00:11] And when the people, to use your expression -- when they were
20 stubborn to use your expression, what happened?

21 A. [11:00:33] I've previously mentioned that the members of the armed groups
22 circulating the streets, members of the hard-line group, whenever they saw sins or
23 objectionable acts, including the mixing between the sexes, they would separate these
24 people. And in such case, those who exercised stubbornness would be beaten, and
25 then they would be brought to the *Hesbah* office and the police office and would also

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1 be referred to the court to educate their cases. So there were different -- these things
2 happened differently across the different phases of the occupation by the groups.
3 And when we speak about "mixing," we also speak about the concept of *awrah* or
4 one-on-one -- one-on-one gathering of a man and a woman, for example, if they are
5 together alone at night, the same steps would be taken in that case.

6 MR DUTERTRE: [11:02:06](Interpretation) I see the time, Mr President.

7 PRESIDING JUDGE MINDUA: [11:02:10](Interpretation) Correct. It is 11.02.

8 Therefore, we will break now and recommence at 11.30.

9 The hearing is suspended.

10 THE COURT OFFICER: [11:02:27] All rise.

11 (Recess taken at 11.02 a.m.)

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

13 THE COURT USHER: [11:30:01] All rise.

14 Please be seated.

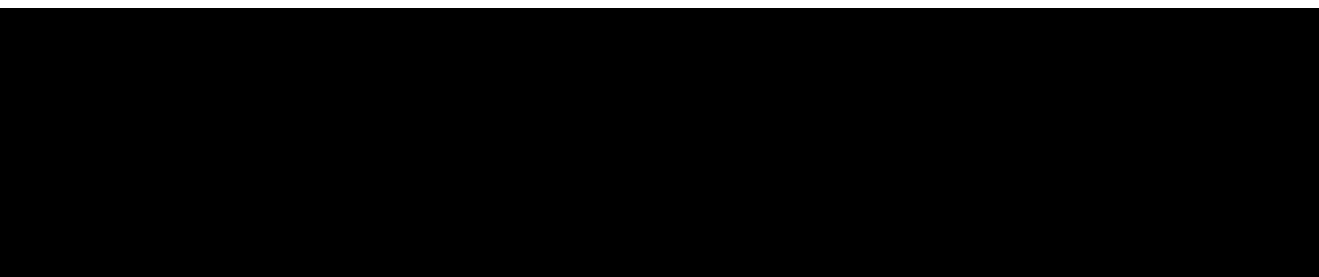
15 PRESIDING JUDGE MINDUA: [11:30:18](Interpretation) The hearing shall now
16 resume.

17 Prosecution, please continue with your examination-in-chief.

18 MR DUTERTRE: [11:30:37](Interpretation) Thank you, your Honours.

19 Q. [11:30:45] I'd now like us to move to binder 3, tabs 439 and 440, 0053-0132 for the
20 original, 0078-0298 for the translation.

21 What is this document, Mr Witness?



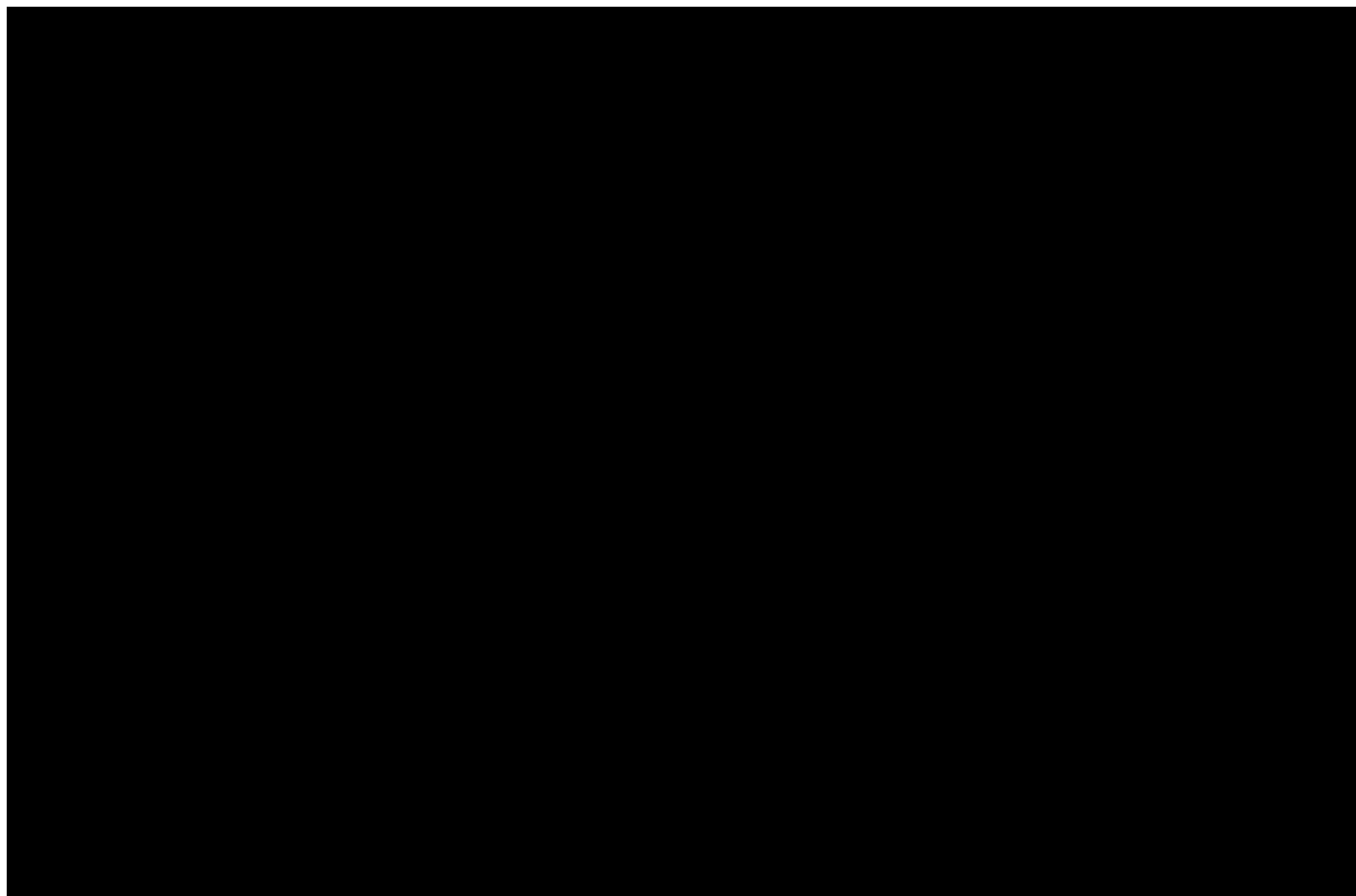
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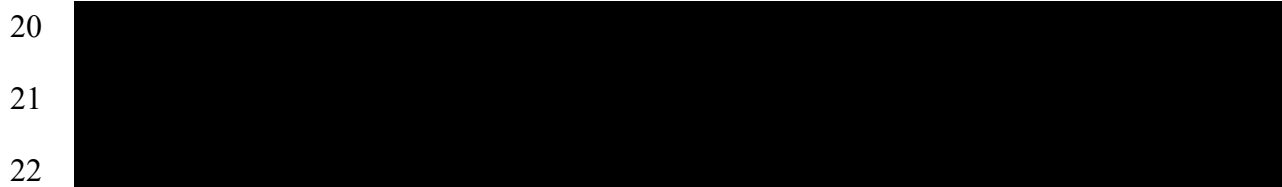
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- 1 Q. [11:33:13] If we could now move to binder 4, tab 792 and 793, your Honours.
- 2 0068-4705, that's the original. 0078-0248 for the translation.
- 3 What is this document, Mr Witness?



- 17 Q. [11:37:26] I'd now like us to move to binder 3, tabs 519 and 520, ERN 0053-0366,
- 18 that's the original. And the translation bears the number 0078-0047.
- 19 What is this document, Mr Witness?



- 23 Q. [11:39:29] Thank you. If we could now move to binder 2, tabs 257 and 258,
- 24 0001-7473. And the translation bears the number 0078-0374.
- 25 What is this document, Mr Witness?

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1 A. [11:40:58] The page on the right is the same document we have explained.

2 MR DUTERTRE: [11:41:26](Interpretation) My apologies.

3 Q. [11:41:41] Mr Witness, I'd like us to now move to binder 4, tabs 647 and

4 646 -- correction, tab 645 and 646.

5 Now, what is this document, Mr Witness?

6 [REDACTED]
7 [REDACTED]
8 [REDACTED]

9 Q. [11:44:31] *055-1068.

10 THE COURT USHER: [11:44:39] This one?

11 MR DUTERTRE: [11:44:41](Speaks English) Yes. This is the right one, yeah.

12 THE INTERPRETER: [11:44:49] *0055-1068'' was the last ERN number given by

13 Mr Dutertre.

14 MR DUTERTRE: [11:45:28](Interpretation)

15 Q. [11:45:28] What is this document, Mr Witness?

16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]

24 Q. [11:46:51] For the purposes of the transcript, page 31, line 14, 0054- -- 0054-0302

25 is the translation.

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1 Mr Witness, if you could now move to binder 4, tab 796 and 797. The original is
2 0068-4707, and the translation bears the number 0078-1714.

3 What is this document, Mr Witness?

4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]

11 [REDACTED] Is that
12 correct?

13 A. [11:50:02] Yes, that is correct.

14 Q. [11:50:15] And within the police, do you know who was responsible for
15 handling civilian matters?

16 A. [11:50:25] I don't believe that there were specialised tasks regarding the type of
17 cases you mentioned. It's either the chief of the police or his deputy who would
18 oversee the implementation of -- of court orders, regardless of the nature of those
19 orders.

20 Q. [11:51:03] And just to conclude, could you please go to binder 3, your Honours,
21 Mr Witness, tab 515 and 516. 0053-0354 is the first ERN number. And the
22 translation bears the number 0078-0043.

23 What is this document, Mr Witness?

24 [REDACTED]
25 [REDACTED]

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2 Q. [11:53:22] Thank you, Mr Witness.

3 MR DUTERTRE: [11:53:28] (Interpretation) I'm proceeding by -- well, taking
4 samples, so to speak. I'm not going through the entire package, and I'm trying to
5 move as quickly as possible for this section.

6 Your Honours, if we could go to -- if we could move to binder 3, tab 350 and tab
7 351 -- correction, tab 349 and 351. ERN 0001-7560 at tab 349. And translation
8 0052-0031 at tab 350.

9 THE COURT USHER: [11:54:56] Binder 2?

10 MR DUTERTRE: [11:55:00](Interpretation) Binder 2, yes.

11 Q. [11:55:19] If you could look at the right-hand side of the document, Mr Witness.

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19 MR DUTERTRE: [11:57:34](Interpretation) Your Honours, I'd now like us to move
20 to this -- well, same binder, binder 2, tabs 351 and 352, 0001-7561.

21 Translation -- translation 0077-2806.

22 Q. [11:58:25] And if you could look at the left-hand side of the document. What
23 do we read on the left side of the document

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1 Q. [11:59:28] Binder 4 now, tab 806 and 807. 0078-1724 for the translation.

2 Binder 4, tabs 806 and 807. 0068-4712 for the original.

3 What is this document, Mr Witness?

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7 Q. [12:02:07] One point of terminology. [REDACTED] Mohamed Moussa.

8 And here it says Mohamed Bin-Moussa. Could you please explain to us the

9 difference in terminology.

10 A. [12:02:31] In the Tuareg concept, it does make a difference. Mohamed Moussa

11 is one name, while Mohamed Moussa is two names. But some people who were

12 influenced by Arabs, those who studied in Libya or in Saudi Arabia, Mohamed

13 Moussa could as well mean two names, i.e., Mohamed Bin-Moussa.

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1 Q. [12:04:57] Now I'd like to move to binder 3, 449 and 450. And the ERN is

2 0053-0162. And the translation is 0077-2227.

3 What is this document, Mr Witness?

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 And now binder 4, tabs 812 and 813. And the ERN is 0068-4716 for the original and

9 0078-1730 for the translation.

10 What is this document, Mr Witness?

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

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22 Q. [12:14:29] I would now like to move to binder -- binder 3, 501 and 502.

23 0053-0312 and the translation is at 0078-0029.

24 What is this document, Mr Witness?

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4 Q. [12:16:40] And now, please, could we go to binder 8, tabs 1475 and 1476. And
5 the ERN numbers are 0001-1461, and the translation, 0077-2426. The original is at
6 0001-1461.

7 THE INTERPRETER: [12:17:36] Apology, it's 7461.

8 MR DUTERTRE: (Interpretation)

9 Q. [12:18:08] What is this document, Mr Witness?

10 A. [12:18:12] The right page is the same document we've been talking about, [REDACTED]

11

12 Q. [12:18:47] Thank you, Mr Witness.

13 I'm going to take one final example which is relevant for the case, and we will plead
14 the rest, Mr President, your Honours.

15 And so if we could go to binder 2, tabs 327 and 328. So ERN 0001-7549, and the
16 translation is 0034-0177.

17 What is the document on the right-hand side of the photo, Mr Witness?

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21 Q. [12:22:10] I would now like to move to 329 and 330 in this same binder, that's
22 binder number 2. 0001-7550 and the translation is 0052-0101. And I'm talking
23 about the left-hand side of the photo.

24 What is written here, Mr Witness?

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1 Q. [12:23:48] And now I would like to move to binder 4, tabs 868 and 869. And
2 the ERN is 0068-4757. And for the translation 0078-0407.

3 What is this document, Mr Witness?

4 [REDACTED]
5 [REDACTED]
6 [REDACTED]

7 Q. [12:26:21] Now I would ask you to look at - and that's the end of this
8 series - binder number 2, tabs 199 and 200. 0001-7425. And the translation
9 0078-0185.

10 And I would like to look at the right of this image, Mr Witness.

11 What is this document, Mr Witness?

12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

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1 implementation of sentences --

2 THE INTERPRETER: Correction: The execution of decisions themselves.

3 MR DUTERTRE: [12:30:52](Interpretation) And perhaps the courtroom usher could
4 put away the document for the witness before I move on to this aspect.

5 Q. [12:31:18] I'd now like to play some video footage, 0009-1749, tab 1013.

6 Transcript 0028-0839, tab 1014. And this is binder 6, Mr President. Thus, tab 1013
7 and 1014.

8 I'd like to play the footage from 00:00:04:12 to -- from 00:04:33:12 to 00:04:50:13

9 without sound the first time. But perhaps the interpreters could get ready for the
10 transcript and the playing of the video with sound later.

11 Can you see it on evidence 2, Mr Witness?

12 (Viewing of the video excerpt)

13 MR DUTERTRE: [12:33:20] (Interpretation) I stopped at 00:04:51:03.

14 Q. [12:33:31] Do you recognise this event, Mr Witness?

15 A. [12:33:39] I do. This is the beginning of the steps taken to enforce a flogging
16 *hadd* on a man and a woman who were sentenced with a fornication *hadd*.

17 Q. [12:34:10] And in terms of a timeline, could you tell us whether it was before or
18 after, for instance, the destruction of the mausoleums and the Djingareyber mosque
19 which we talked about earlier.

20 A. [12:34:38] I completely forgot. Things look foggy in my head. But I would
21 say before the demolition of the shrines, and I would say so not confidently.

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3 Q. [12:36:09] [REDACTED] if you're looking at the image straight
4 on, wearing blue?

5 A. [12:36:26] I am not certain at this moment. Maybe if you play the video
6 forward, I could further ascertain who that is.

7 Q. [12:36:47] We'll do that in a moment.

8 And the person to the far right, if we look at the image face on?

9 A. [12:37:02] The person appearing on the right side of the picture dressed in black
10 is Radwan.

11 Q. [12:37:15] And what is the building behind you? It sort of has a pyramid form,
12 and it is behind a tree.

13 A. [12:37:33] That is the Sankore Mosque's minaret.

14 Q. [12:37:56] I'd like to go to 00:04:36:14. Could you tell the Chamber why there
15 was someone with a heavy machine gun present at that location?

16 A. [12:38:15] That is the role of Talha in this event. His role is to secure the
17 location. And as you can see, he is providing extra security, more than what is what
18 needed. [REDACTED]

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21 Q. [12:39:14] I'd now like to play this again with sound, and I'll be starting at
22 00:04:33:20.

23 And if the interpreters could let me know when they're ready to sight translate from
24 the transcript.

25 THE INTERPRETER: [12:40:11] Message from the interpreters: We are ready.

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1 PRESIDING JUDGE MINDUA: [12:40:17](No interpretation)

2 THE INTERPRETER: [12:40:20] (Interpretation of the video excerpt)

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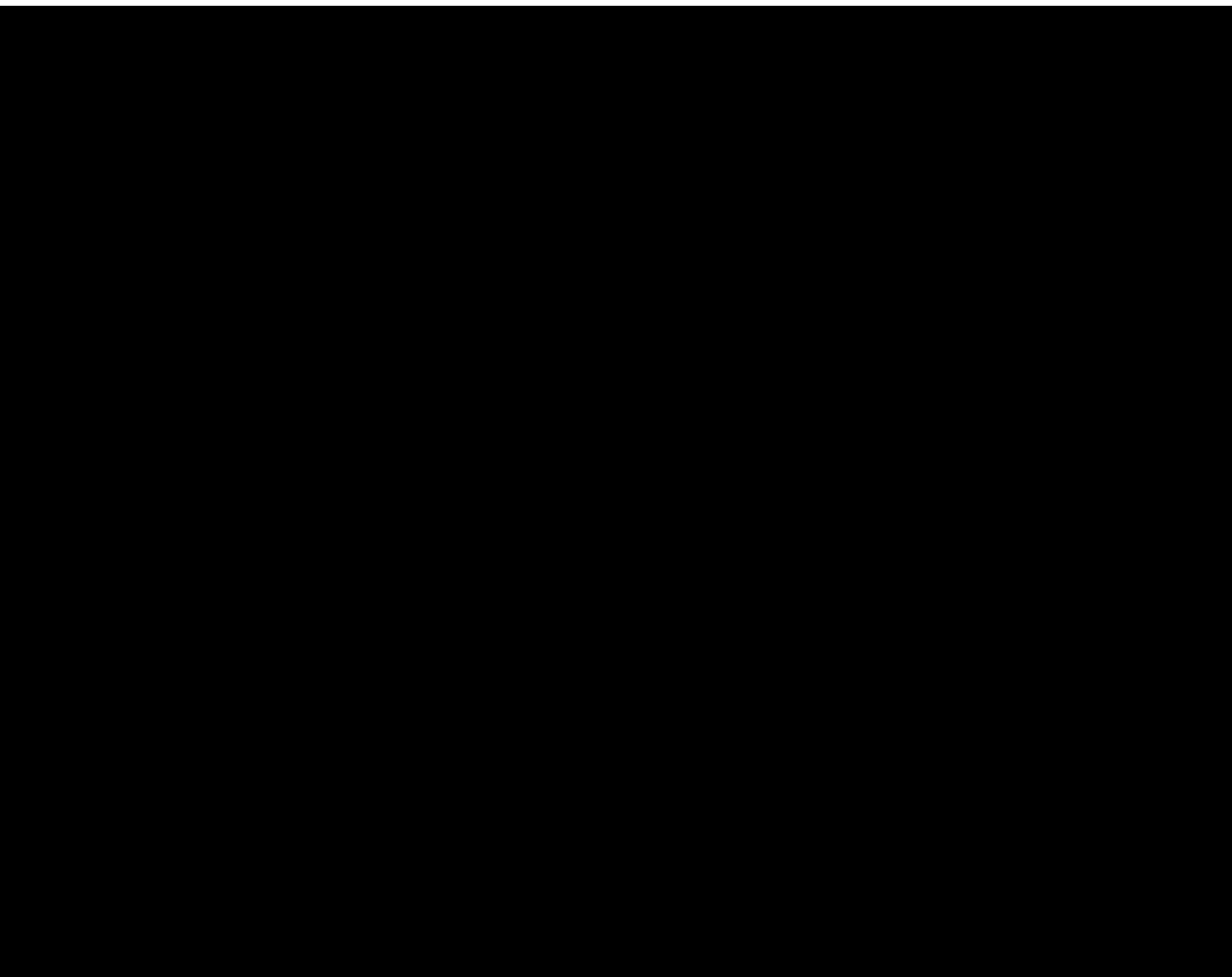
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15 Q. [12:49:19] I believe I was at 00:04:45:10.

16 Now, before we play some other footage, one last question. You said that Talha did
17 more than what was necessary, he ensured additional security. Why did he ensure
18 additional security there, to your knowledge?

19 A. [12:49:47] Showing off might and power in these events achieves two purposes:
20 The first purpose is for the people to never think about protesting or manifesting
21 against the rule and the conduct of these groups. The second purpose served is that
22 the -- is to showcase that there is a power backing the word of the judiciary, which
23 would help the judiciary continue along this direction of making judgments.

24 Q. [12:50:53] I would now like to play another piece of footage, 17 seconds, binder
25 6. And the tabs are 1024, 1025, 1026. Video 0018-0252. Transcript 0078-9921.

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1 And the translation 0078-9925.

2 And if the interpreters could please find the transcript for the purposes of the
3 transcript.

4 And first I'll play the video footage without sound.

5 (Viewing of the video excerpt)

6 MR DUTERTRE: (Interpretation)

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18 [REDACTED] the person who

19 is wearing the dark-blue boubou?

20 A. [12:54:40] Mohamed Ibrahim.

21 Q. [12:54:58] I'm now at 00:00:06:13. Now, with this close-up, can you identify the
22 person who's holding the microphone and who is wearing a blue striped shirt?

23 A. [12:55:17] I don't know him.

24 Q. [12:55:28] At 00:00:07:01, we see two people who are sitting on the ground.

25 Could you tell us who the person to -- who the person is on the right-hand side who

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1 is sitting down.

2 A. [12:55:49] I could. That's Al Hassan Ag Abdoul Aziz.

3 Q. [12:56:03] And what is he wearing on his back?

4 A. [12:56:06] The Islamic police vest.

5 Q. [12:56:16] And the person who is seated on the left-hand side who's sitting and
6 leaning against the white pickup, who is this person?

7 A. [12:56:28] I am not sure. I think he is Ayman Al-Bambari or the Bambara
8 person.

9 Q. [12:56:50] I'm now at 00:00:12:13. And we see two people in the centre of the
10 image, one tall person wearing black and a black turban and then a smaller person
11 with a khaki-green head covering and wearing beige. Could you tell us who this
12 person is wearing beige clothing and the khaki-green head covering.

13 A. [12:57:27] That is Koutaiba.

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19 Q. [12:58:17] And the person wearing black beside this person, who is he?

20 A. [12:58:25] Although I cannot see him, but I know he is Radwan.

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23 MR DUTERTRE: [12:59:12] Given the hour, your Honours, I think we can play this
24 with sound after the lunch break, if you prefer.

25 PRESIDING JUDGE MINDUA: [12:59:21](Interpretation) I think you're correct.

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1 We will now suspend the hearing and take our lunch break. And we shall resume
2 at 2.30.

3 The hearing is suspended.

4 THE COURT USHER: All rise.

5 (Recess taken at 12.59 p.m.)

6 (Upon resuming in closed session at 2.30 p.m.)

7 THE COURT USHER: [14:30:51] All rise.

8 Please be seated.

9 PRESIDING JUDGE MINDUA: [14:31:09](Interpretation) The hearing shall now
10 resume.

11 Mr Prosecutor, please proceed.

12 MR DUTERTRE: [14:31:23](Interpretation) Thank you, your Honours.

13 Before I begin, I would like to deal with one particular point, a practical matter. And

14 I'm thinking of my colleague opposite, Ms Taylor, in her future cross-examination.

15 I realise that the Registry does tremendous work, and we are very grateful, but I was

16 looking at the number of edited versions of the transcript. And we have an edited

17 version for 28 (sic), English and French. We have the edited version for the French

18 for 89, 90, 91, 92. But I believe that is all.

19 So I'd like to draw the Chamber's attention to this issue because Ms Taylor may need

20 the edited version of the English. And so far, there seems to be a bit of a backlog. I

21 realise it's not the Registry's fault, they do a lot of work, but I think this needs to be

22 dealt with as quickly as possible so that we all have the most reliable version possible,

23 even if there -- even if some corrections have not yet been made by the parties.

24 And just to be specific, we are not insisting so much about the French. It's really the

25 English that should be the priority for my colleague.

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1 PRESIDING JUDGE MINDUA: [14:33:17](Interpretation) Duly noted, Mr Prosecutor.

2 The Chamber will contact the Registry in this regard.

3 MR DUTERTRE: [14:33:36](Interpretation)

4 Q. [14:33:36] Mr Witness, if we could turn back to the video, 0018-0252. And you

5 told us that Talha provided additional security. Could you tell us how things

6 were -- how various tasks and duties were distributed between Talha and the Islamic

7 police during that period of time?

8 A. [14:34:10] Yes. Abou Zeid and Abou Al Hammam, they are the ones who give

9 the instructions, the general instructions, for securing any event. The police used to

10 do routine work and with all known. They usually manage all tasks related to the

11 enforcement of a penalty, especially that the accused were under the control of the

12 police before the enforcement of the penalty and after the enforcement of the penalty,

13 and the police were responsible for bringing them to the square.

14 Q. [14:35:28] So just a bit of an aside in this regard. And there are -- several days

15 ago, you mentioned something and I'd like to go back to this point. And I'll read

16 back to you what you said to help you remember. This is from the French

17 transcript 96, transcript 96, lines 6 to 10. And you said, when speaking of the groups,

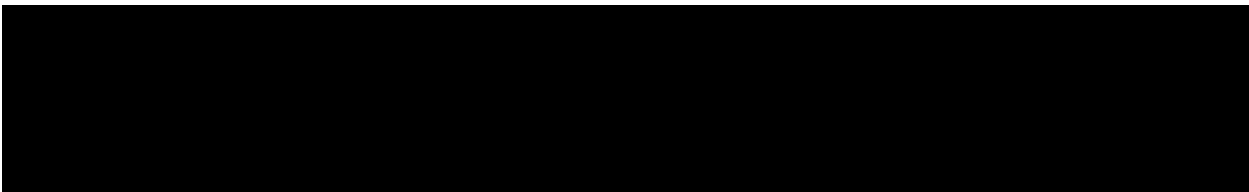
18 and I quote:

19 "They wanted the judicial system to work in accordance with their plan and vision,

20 the way that they wanted things to unfold." End of quote.

21 And then, once again, transcript 96, page 44 -- oh, no. Page 41. Page 41, line 9 until

22 page 42, line 2, you talked about Abdallah Al Chinguetti, and you said:

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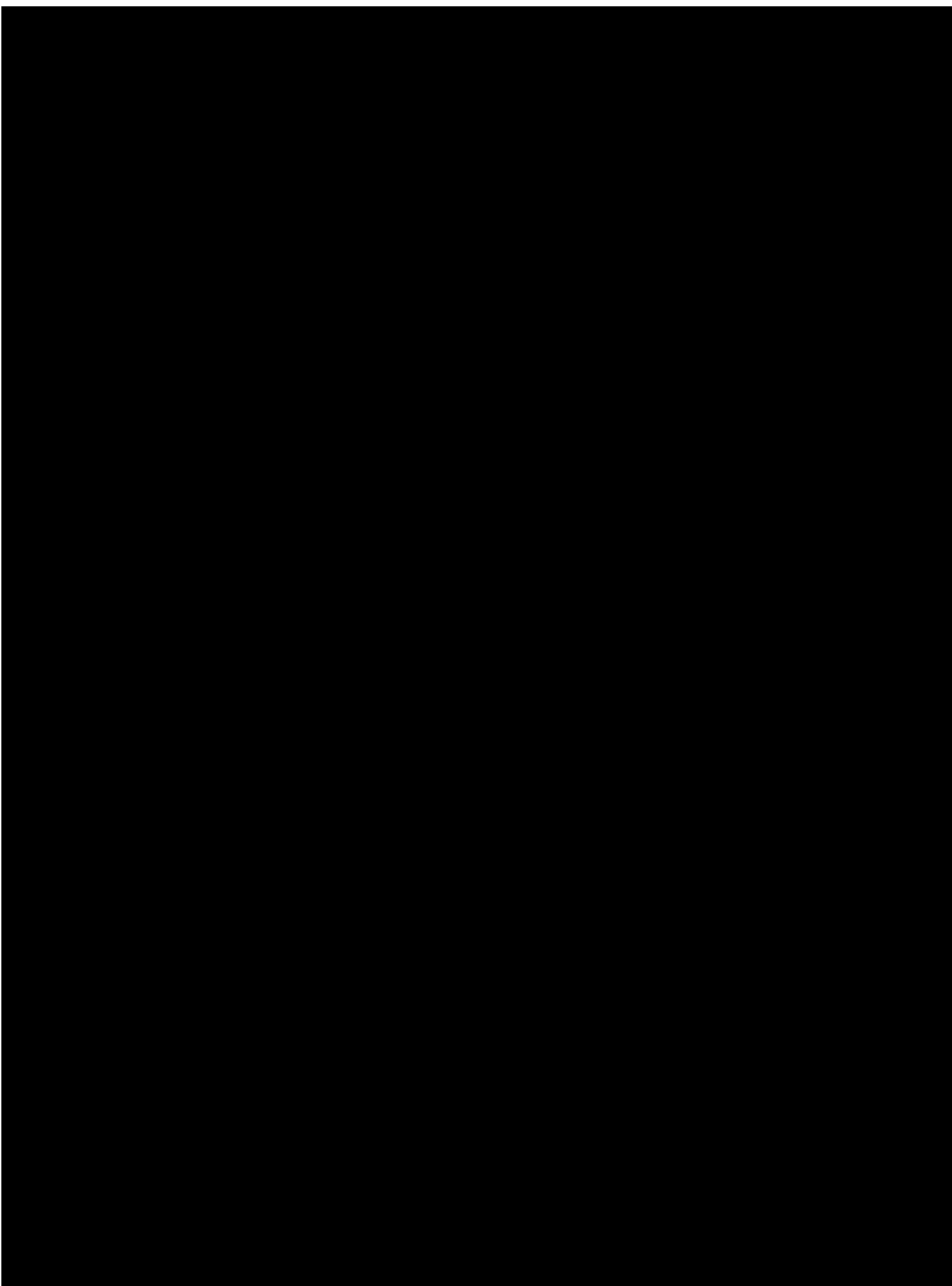
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6 Q. [14:49:57] Thank you.

7 Tab 1013 and 1014, binder 6. Transcript 0028-0839. Video 0009-1749, tab 1014.

8 And for the purposes of the transcript so that the interpreters can prepare, this is

9 page 0028-0844, 0028-0844, line 121 approximately to line 127.

10 And I'll first play this footage without sound on evidence 2 channel, starting at

11 00:05:01:17 to 00:05:19:06.

12 (Viewing of the video excerpt)

13 MR DUTERTRE: (Interpretation)

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23 Q. [14:53:58] I'll now play the footage with sound from 00:05:02:00. And if the

24 interpreters could let me know if they are ready to read out the transcript.

25 PRESIDING JUDGE MINDUA: [14:54:18](Interpretation) I believe so. Everything's

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1 good.

2 MR DUTERTRE: [14:54:25](Interpretation) Thank you, Mr President.

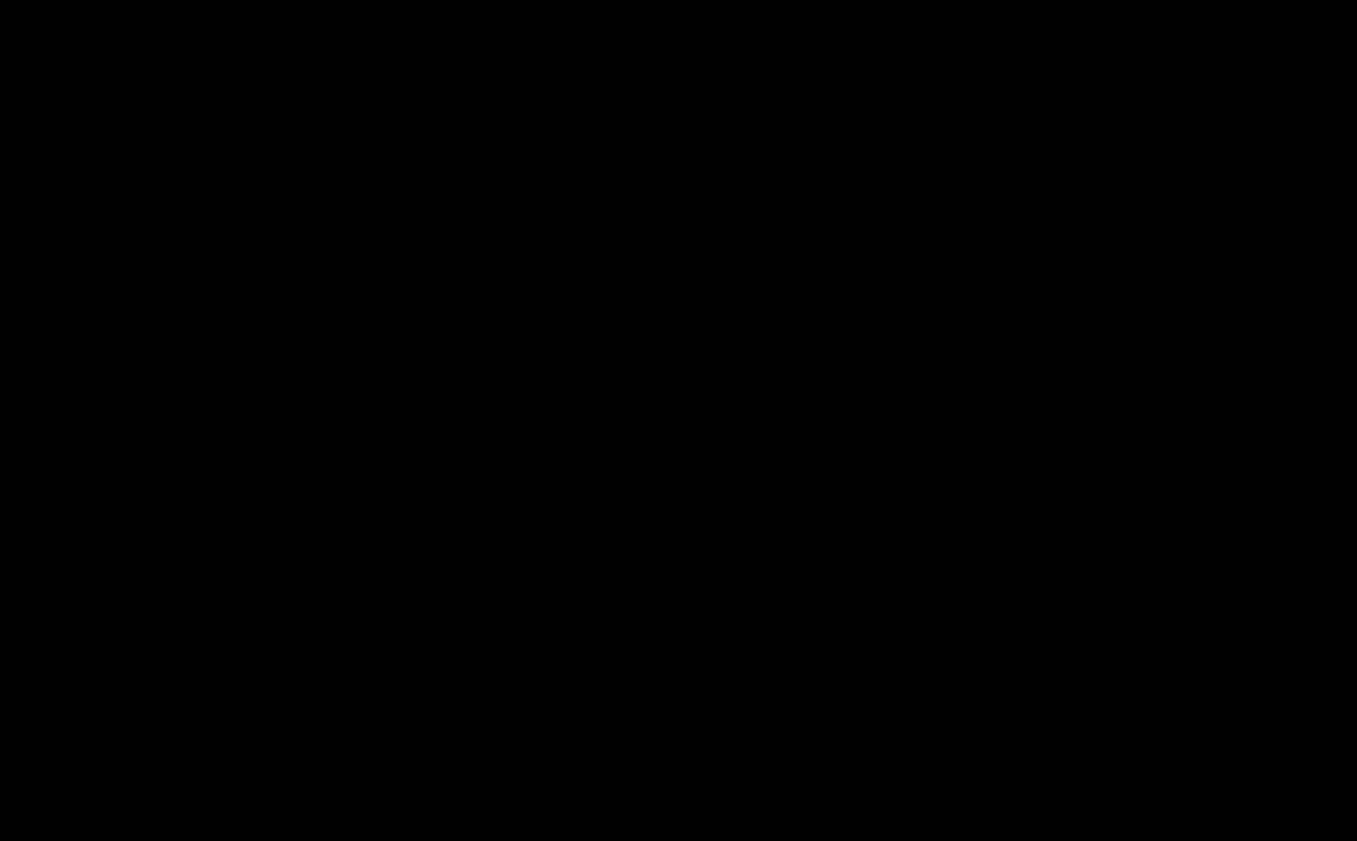
3 (Viewing of the video excerpt)

4 MR DUTERTRE: (Interpretation) I'm not sure whether the sound is coming through.

5 I can't hear anything.

6 I'm sure there's an explanation for this of course. I'll play it again.

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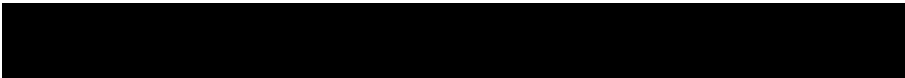


19 Q. [14:56:40] I'd now like us to move to some other footage. Once again, binder 6,
20 tabs 1049, 1050 and 1051. *This is the video 0018-0251, with a transcript, transcript
21 0078-1425. The video is 16 seconds long at tab 1050. And then a translation, 0078-1427,
22 at tab 1051.

23 (Viewing of the video excerpt)

24 MR DUTERTRE: (Interpretation)

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3 Q. [14:58:53] We saw this video yesterday, I believe, and you stated that the person
4 who has the gun between his legs is Houka Houka, and to the right, we see Imam Ben
5 Essayouti.

6 And I'll play the video now with sound. And if the interpreters could sight translate
7 from the transcript.

8 (Viewing of the video excerpt)

9 THE ARABIC INTERPRETER: [14:59:52] (Interpretation of the video excerpt)

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22 Q. [15:01:13] So I'm now going to show another video, still in binder 6, tabs 1126,
23 *1127, 1128 and 1129, Mr President, your Honours. The ERN of this video is [REDACTED]
24 Transcription [REDACTED] Translation [REDACTED] And I'm going to play it.

25 (Viewing of the video excerpt)

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1 MR DUTERTRE: (Interpretation)

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5 Q. [15:03:38] We didn't hear anything. Perhaps the microphone wasn't on.

6 PRESIDING JUDGE MINDUA: [15:03:55](Interpretation) Ms Taylor.

7 MS TAYLOR: [15:03:57] Thank you, Mr President. I believe we have it in the
8 English transcript, if that assists.

9 PRESIDING JUDGE MINDUA: [15:04:12](Interpretation) Very well. Thank you.
10 Prosecutor.

11 MR DUTERTRE: [15:04:16](Interpretation) Indeed. Thank you.

12 Q. [15:04:20] So I'm at 00:00:17:09.

13 Who is the person seated in green who is leaning back against the vehicle?

14 A. [15:04:37] This is Sanda Ould Boumama.

15 Q. [15:04:52] Can you identify other people in this picture, Witness?

16 A. [15:04:58] No.

17 Q. [15:05:17] Witness, at 00:00:04:21, you can see a vehicle with things mounted on
18 the back. Who does this vehicle belong to?

19 A. [15:05:33] This is Talha's. It's for the security battalion,

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22 Q. [15:06:08] So are you talking about the vehicle on the right of the picture and not
23 the vehicle on the left of the picture?

24 A. [15:06:16] Yes. This is the one that I meant.

25 (Viewing of the video excerpt)

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1 MR DUTERTRE: [15:07:11] I didn't hear anything.

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4 MR DUTERTRE: [15:07:34](Interpretation) So I'll repeat. Transcript [REDACTED] I'll
5 play the video again.

6 (Viewing of the video excerpt)

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9 MR DUTERTRE: [15:08:21](Interpretation)

10 Q. [15:08:23] I still don't have anything. I could read it myself but ...

11 PRESIDING JUDGE MINDUA: [15:08:39](Interpretation) The transcript?

12 MR DUTERTRE: [15:08:41](Interpretation) Yes.

13 PRESIDING JUDGE MINDUA: (No interpretation)

14 THE INTERPRETER: [15:08:44] Message from the interpreter: I believe that the
15 wrong transcript is on the screen.

16 Could the exercise be repeated. I think it's going to work this time, your Honour.

17 PRESIDING JUDGE MINDUA: [15:09:08](Interpretation) Please go ahead.

18 Ms Taylor.

19 MS TAYLOR: [15:09:12] I apologise, Mr President. It's just that there was

20 a message from the English interpreter which wasn't on the French, but I believe
21 they've now solved the issue.

22 PRESIDING JUDGE MINDUA: [15:09:27](Interpretation) Indeed. We have the
23 interpreter who's going to do it now.

24 So, Prosecutor.

25 MR DUTERTRE: [15:09:33](Interpretation) We're going to -- to manage. So I'll play

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1 it once again.

2 (Viewing of the video excerpt)

3 THE ARABIC INTERPRETER: [15:09:41] (Interpretation of the video excerpt)

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 Q. [15:10:27] So now we're going to go to video *0009-1709 at tabs 1013, 1014.

9 And I'll play it from 00:05:19 -- this is still in binder 4 (sic). 00:05:19:24. That's

10 transcript 0028-0039. I'm going to play it from 00:05:19:24 to 00:05:34:21. Transcript

11 0028-0239.

12 So I'm at 00:05:19:22. I'm going to play the video without the sound.

13 (Viewing of the video excerpt)

14 MR DUTERTRE: (Interpretation) I stopped at 00:05:35:09.

15 Q. [15:12:30] Witness, can you tell us what we see on this video.

16 A. [15:12:37] Yes. We can see here the convicted lady being beaten, 100 lashes.

17 Q. On the picture, Witness, can you tell us who the person is on the far left of the
18 picture.

19 A. [15:13:11] Yes. Radwan.

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 Q. [15:13:51] 00:05:30:10, on the far left, what organ does the person belong to, the
24 person that we see on the far left?

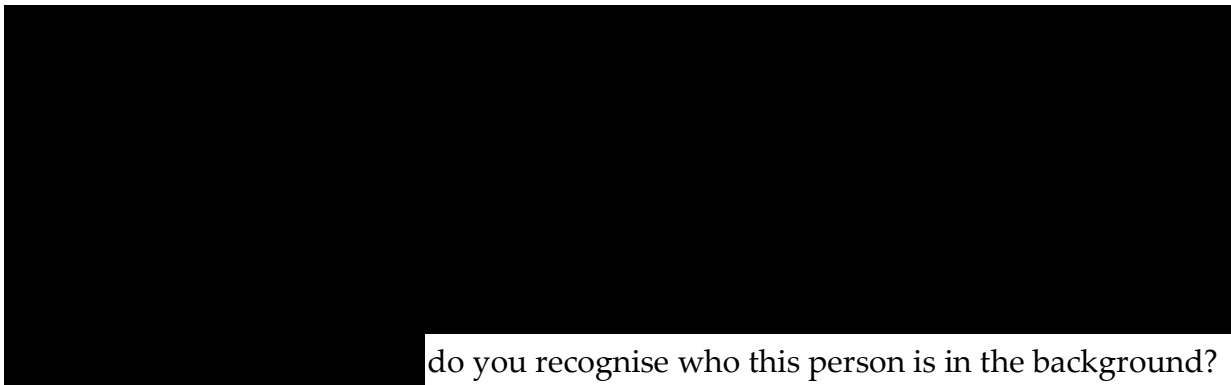
25 A. [15:14:21] This is a member of the Islamic police.

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do you recognise who this person is in the background?

A. [15:15:09] Yes. This is Al Hassan Ag Abdoul Aziz.

Q. [15:15:20] On this video, were there other people, Witness, who you recognise?

A. [15:15:34] Yes. I can see Radwan. He is the one giving us the back, he, who is dressed in black. And I can see Nasser at the distance. He is the head of one of the training centres.

Q. [15:16:01] In the background, well, on the right of the image, on the left of the image? Could you be more precise.

A. [15:16:11] On the left.

Q. [15:16:19] Are you talking about the person between the member of the Islamic police and Radwan?

A. [15:16:27] Yes.

Q. [15:16:35] Do you remember his name?

A. [15:16:41] This is Nasser.

Q. [15:16:48] And I don't know if you have already mentioned where his training centre was.

A. [15:16:57] To the south-east of the city. I talked about two training centres, one led by Abu Haritha, and that was on the north-eastern part of the city, and it was called the new *Darak building, while this one was located in the south-eastern part of the city.

Q. [15:17:45] I'm looking for a photograph at the moment, but I can come back to

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1 that.

2 And at 00:05:34:13, are there people who you can identify, Witness?

3 A. [15:18:07] Yes. I can identify Nasser, the one that I mentioned earlier. And he
4 is the one who is carrying on the beating now, and I can see Al Hassan Ag Abdoul
5 Aziz over there opposite the convicted woman, and I can see Talha. Yes.

6 Q. [15:18:43] So the person who's carrying out the flagellation, what's that person's
7 name?

8 A. [15:18:55] Nasser, the one that I spoke about. He is the head of the training
9 centre.

10 Q. [15:19:10] And Al Hassan Ag Abdoul Aziz, where is he in the picture exactly,
11 Al Hassan?

12 A. [15:19:19] He's the second person on the left side of the -- of the picture, if we
13 don't take into account the person who is partially showing on the far left of the
14 picture.

15 Q. [15:19:52] And with regard to the white post we can see in the back, where is he?
16 Black post.

17 THE INTERPRETER: [15:20:00] Corrects the interpreter.

18 THE WITNESS: [15:20:08](Interpretation) The post is outside the square. I am not
19 quite sure of the direction, but I think it's on the south-eastern part of -- or maybe the
20 north-eastern part of the square. I'm not sure.

21 MR DUTERTRE: [15:20:37](Interpretation)

22 Q. [15:20:39] I'm complicating the witness's life. If we include the person who is
23 cut out on the first part here, the first part of the picture, Al Hassan, which person is
24 he?

25 A. [15:20:59] He's the second, the second person. Yes. He's the second person.

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1 Q. [15:21:08] And where do we see Talha?

2 A. [15:21:17] He is the second person on the right-hand side of the picture.

3 Q. [15:21:25] And what colour is he dressed in?

4 A. [15:21:34] He's dressed in white.

5 Q. [15:21:40] I'm going to play the video again with the sound. And for the
6 interpreters, it's therefore lines 126 to 133. And they will let me know when they are
7 ready.

8 MR DUTERTRE: [15:22:37](Interpretation) They have told us so I'm going to play it
9 with the sound.

10 (Viewing of the video excerpt)

11 THE INTERPRETER: [15:22:44] (Interpretation of the video excerpt)

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17 MR DUTERTRE: [15:23:17](Interpretation) I'm now going to show another video,

18 your Honour. This is video 0018 -- tab 1006. And this is the video 0018-0284.

19 Numbers 1030, 1031, 1032. And the video has the number 0018-0284.

20 I forgot to say that in the previous version, in the English transcript, the video
21 reference isn't correct. It's 0009-1749 and not 1709. That's the correction.

22 So the transcript of 0018-0284 and 0069-1864, tab 1031. Translation 0078-1180, tab
23 1032 -- 1031. 1032.

24 So I'll play it. It's about 19 seconds.

25 (Viewing of the video excerpt)

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1 MR DUTERTRE: (Interpretation)

2 Q. [15:25:48] So, Witness, this video, what is this video?

3 A. [15:25:56] We are watching Nasser, the one that I mentioned as the head of the
4 training certain. He is beating the convicted woman in the square of Sankore, 2012.

5 Q. [15:26:28] I'm now at 00:00:18:07.

6 Who's the second person that we can see, second from the left?

7 A. [15:26:54] Al Hassan Ag Abdoul Aziz.

8 Q. [15:27:14] Are you able to identify the person that I'm pointing to with my
9 cursor, the person who's wearing beige with a turban, a khaki turban just below the
10 window of the building?

11 A. [15:27:33] Yes. This is Koutaiba.

12 Q. [15:27:41] Do you know the name of the person who's on the right, the first right,
13 who's wearing a dark brown clothing?

14 A. [15:27:52] Yes. I know him, but I forgot his name. I know that he is the one
15 who guards the manuscripts in Timbuktu. I think his name is Mohamed or Abou
16 Mohamed.

17 Q. [15:28:18] What do you mean by the person who had taken the manuscripts to
18 Timbuktu? Could you explain.

19 A. [15:28:26] There is a new centre for the manuscripts, the Centre of Ahmed Baba,
20 that was built to the north of the mosque here, the mosque of Sankore. This centre,
21 on top of it, Talha resided. And inside it, there -- there were manuscripts and books,
22 and this person was responsible for guarding the centre.

23 Q. [15:29:15] Very well. That's clearer now. Thank you.

24 I'm now going to play the video with the sound, and I would ask that the transcript
25 be read.

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1 (Viewing of the video excerpt)

2 THE INTERPRETER: [15:29:37] (Interpretation of the video excerpt)

3 "18, 19, 20, 21, 22, 23, 24, 25.

4 It's finished. It's finished. It's finished."

5 MR DUTERTRE: [15:30:05](Interpretation)

6 Q. [15:30:06] Who is the person who is saying "It's finished", Witness?

7 A. [15:30:13] This is Radwan.

8 Q. [15:30:26] I'm now going to video [REDACTED] which is in binder number 6,

9 tab 1133. Transcript is at 1134. Translation 1135. The video has the number

10 0018- -- the transcription, [REDACTED] -- transcription [REDACTED] And the translation

11 has the number [REDACTED]

12 I'll play the video now.

13 (Viewing of the video excerpt)

14 MR DUTERTRE: (Interpretation)

15 Q. [15:32:19] What is the scene, Mr Witness?

16 A. [15:32:23] It's a continuation of the same event, the enforcement of *hadd* in the
17 square of Sankore in 2012.

18 (Viewing of the video excerpt)

19 MR DUTERTRE: (Interpretation)

20 Q. [15:32:55] Could you tell us who is located to the right of the image?

21 A. [15:33:15] Yes. This is Radwan.

22 Q. [15:33:20] And at 00:00:05:08, who is the person just behind the white vehicle,
23 left of the person who is wearing black?

24 A. [15:33:54] This is Al Hassan Ag Abdoul Aziz.

25 Q. [15:34:05] Just for the purposes of the transcript, when I put the earlier question,

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1 *as to who was to the right of the picture I was at the end of the video. For the sake

2 of the transcripts. I'll now play the video with sound.

3 (Viewing of the video excerpt)

4 MR DUTERTRE: [15:34:47] (No interpretation)

5 PRESIDING JUDGE MINDUA: [15:35:17](No interpretation)

6 THE INTERPRETER: [15:35:17] Message from the interpreters: Which transcript

7 did counsel want interpreted? Which lines, please?

8 (Viewing of the video excerpt)

9 THE ARABIC INTERPRETER: [15:35:25] (Interpretation of the video excerpt)

10 "The scholars and curators have neglected ...

11 Protect yourselves ..."

12 MR DUTERTRE: [15:35:52](Interpretation) Are you sure you have the correct

13 transcript? [REDACTED]

14 THE INTERPRETER: [15:36:18] Message from the interpreters: We have [REDACTED]

15 on our screen.

16 MR DUTERTRE: [15:36:30](Interpretation) The transcript with the translation in

17 English is a [REDACTED] (sic). And this is tab -- the transcript with the English translation is

18 at [REDACTED] tab 1135 and in eCourt under the same number -- someone is saying yes.

19 I'll play it again.

20 THE ARABIC INTERPRETER: [15:37:07] (Interpretation of the video excerpt)

21 "Come closer ... come closer. Carry ... carry.

22 Get up ... stand with him ... stand outside with him ... outside with him. Outside.

23 Outside with him. Hurry up!"

24 MR DUTERTRE: [15:37:28](Interpretation)

25 Q. [15:37:30] And what is happening at the end of the video to the person who has

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1 the yellow shirt on his head?

2 A. [15:37:40] This is the person who was convicted, the other person, the man.

3 And he was administered 100 lashes as well.

4 Q. [15:38:06] I'll now play another video, 0018-0286, 17 seconds long. And once
5 again, this is binder 6, tabs 1136, 1137. And this is 00 --

6 THE INTERPRETER: [15:38:35] Reference numbers read at speed.

7 MR DUTERTRE: [15:38:48](Interpretation) Video 0018-0286. Transcript 0069-1399.

8 And I'll be playing this without sound.

9 (Viewing of the video excerpt)

10 MR DUTERTRE: [15:39:36](Interpretation)

11 Q. [15:39:37] Could you describe what we see here, Mr Witness.

12 A. [15:39:43] Yes. We can see the convicted person while different members of the
13 Islamic groups are taking turns in beating him.

14 Q. [15:40:03] I'm at 00:00:00:24, Mr Witness.

15 Do you know who the person is to the left who is whipping the person who has the
16 yellow jersey on his head?

17 A. [15:40:27] I saw two people beating, the one in black, and this is Radwan, and
18 another person is a senior member at the police station.

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22 Q. [15:41:32] And at 00:00:15:17, who's holding the whip, the person to the left?

23 A. [15:41:44] This is Radwan.

24 Q. [15:41:53] I'm going to play this video again with the sound. And if the
25 interpreters could let us know when they are ready. Transcript 0078-1883. I think

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1 we're ready

2 THE INTERPRETER: [15:42:17] (Interpretation of the video excerpt)

3 "Until noon.

4 Hit both men. Hit.

5 Completely and lower yourself.

6 Hey, raise your arms.

7 Stop, stop ..." (Overlapping speakers)

8 MR DUTERTRE: [15:42:41](Interpretation)

9 Q. [15:42:43] What comments can you make, Mr Witness? Mr Witness --

10 THE INTERPRETER: [15:43:06] Overlapping.

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19 MR DUTERTRE: (Interpretation)

20 Q. [15:44:27] One last video. [REDACTED] binder 8, tab -- tabs 1487, 1488, 1489.

21 One last video, [REDACTED] binder 8. Transcript [REDACTED] Translation [REDACTED]

22 I'll first play the video without sound.

23 (Viewing of the video excerpt)

24 MR DUTERTRE: [15:46:06] (Interpretation) I'll stop at 00:00:29:16.

25 And now I'm moving to 00:00:17:10.

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- 1 Q. [15:46:33] Do you know these two people that we see here?
- 2 A. [15:46:43] I know one of them, and this is Sanda Ould Boumama.
- 3 Q. [15:46:51] Is that the person in the background or in the foreground?
- 4 A. [15:47:02] In the foreground. He hasn't got a mask or a face cover.
- 5 Q. [15:47:14] I will now play the video and I'll just wait for the interpreters to let me
- 6 know when they're ready.
- 7 And the translation is at [REDACTED]
- 8 THE INTERPRETER: [15:47:51] Correction: [REDACTED]
- 9 (Interpretation of the video excerpt)
- 10 "Journalist: We have just seen the practice of Sharia in Timbuktu. What -- how can
- 11 you explain what happened?
- 12 Sanda OULD BOUMAMA: It is just this as you -- as you said, this is application of
- 13 Sharia, no more than that.
- 14 Journalist: Yes, and these people, what did they do?
- 15 SOB: They did adultery.
- 16 Unidentified Speaker: Fornication.
- 17 Journalist: Fornication?
- 18 SOB: That's right.
- 19 Journalist: Oh, I see.
- 20 SOB: He already had a kid with this girl.
- 21 Journalist: Oh, I see.
- 22 SOB: And what's more, he didn't even stop. He started making nonsense with her.
- 23 Journalist: Mm-hmm.
- 24 SOB: And that's why we [incomprehensible].
- 25 Journalist: Mm-hmm.

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1 SOB: [Incomprehensible]. But they were really very clear."

2 MR DUTERTRE: [15:49:22](Interpretation)

3 Q. [15:49:22] Mr Witness, do you know this person who is wearing purple and
4 putting questions? Do you know this person?

5 A. [15:49:38] No.

6 Q. [15:49:47] And what was Sanda telling the person about in this interview?

7 Sanda Ould Boumama.

8 A. [15:49:57] Ould Boumama here is explaining what happened earlier, which is
9 the enforcement of the *hadd*, and he is explaining the importance and the necessity for
10 doing so and the reasons why the group were keen to enforce such *hadd*.

11 Q. [15:50:28] I'll move on to something else. But once again, the video, binder 6,
12 tabs 1139, 1140 and 1141. Transcript 0069-1393 -- 1389, correction. And
13 00 -- translation 0078-1871, tab 1141.

14 Now, this first video is 0018-0146, goes for 29 seconds.

15 I'm going to play it now without sound.

16 (Viewing of the video excerpt)

17 MR DUTERTRE: (Interpretation)

18 Q. [15:52:40] Are you familiar with this event, Mr Witness?

19 A. [15:52:46] Yes.

20 Q. [15:52:50] Could you tell us what this is all about.

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15 Q. [15:59:27] Mr Witness, I'd like us to identify some of the people who are to be
16 seen on this video footage. To the far left of the image, the person wearing a pink
17 boubou, do you know who this person is? This is at time stamp 00:00:03:03.

18 A. [15:59:58] I'm not 100 per cent sure, but I think he is a person called
19 Mohamed Al-Amin.

20 MR DUTERTRE: [16:00:16](Interpretation) Could I continue for a few more minutes,
21 or would you like me to continue tomorrow?

22 PRESIDING JUDGE MINDUA: [16:00:24](Interpretation) Let's just finish off the
23 identification exercise.

24 MR DUTERTRE: [16:00:29](Interpretation)

25 Q. [16:00:30] Now, the person, the second person from the left, Mr Witness, who is

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1 this person?

2 A. [16:00:39] This is Radwan.

3 MR DUTERTRE: [16:00:45](Interpretation) I'll leave it at that, your Honour, because
4 I'll be looking at some other screenshots tomorrow.

5 PRESIDING JUDGE MINDUA: [16:00:54](Interpretation) Very well. As you wish.
6 It is now 4 p.m. and we shall adjourn for the day.

7 Mr Witness, you have finished your testimony for today, but tomorrow morning we
8 will be once again here, as usual. As you must realise by now, this evening and until
9 tomorrow, you are forbidden to speak about your testimony to anyone whatsoever.

10 In the meantime, the Chamber thanks you very much for your cooperation.

11 I'd like to wish everyone, the parties and participants -- I'd like to thank them all. I
12 thank the court reporters and interpreters and, finally, our security officers.

13 We shall now adjourn and resume tomorrow morning at 9.30 here in this same
14 courtroom.

15 We are now adjourned.

16 THE COURT USHER: All rise.

17 (The hearing ends in closed session at 4.02 p.m.)

18 CORRECTION REPORT

19 The following correction, marked with an asterisk and not included in the
20 audio-visual recording of the hearing, is brought into the transcript.

21 Page 28 line 20

22 "Oath" Is corrected to "faith"

23 SECOND CORRECTIONS REPORT

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

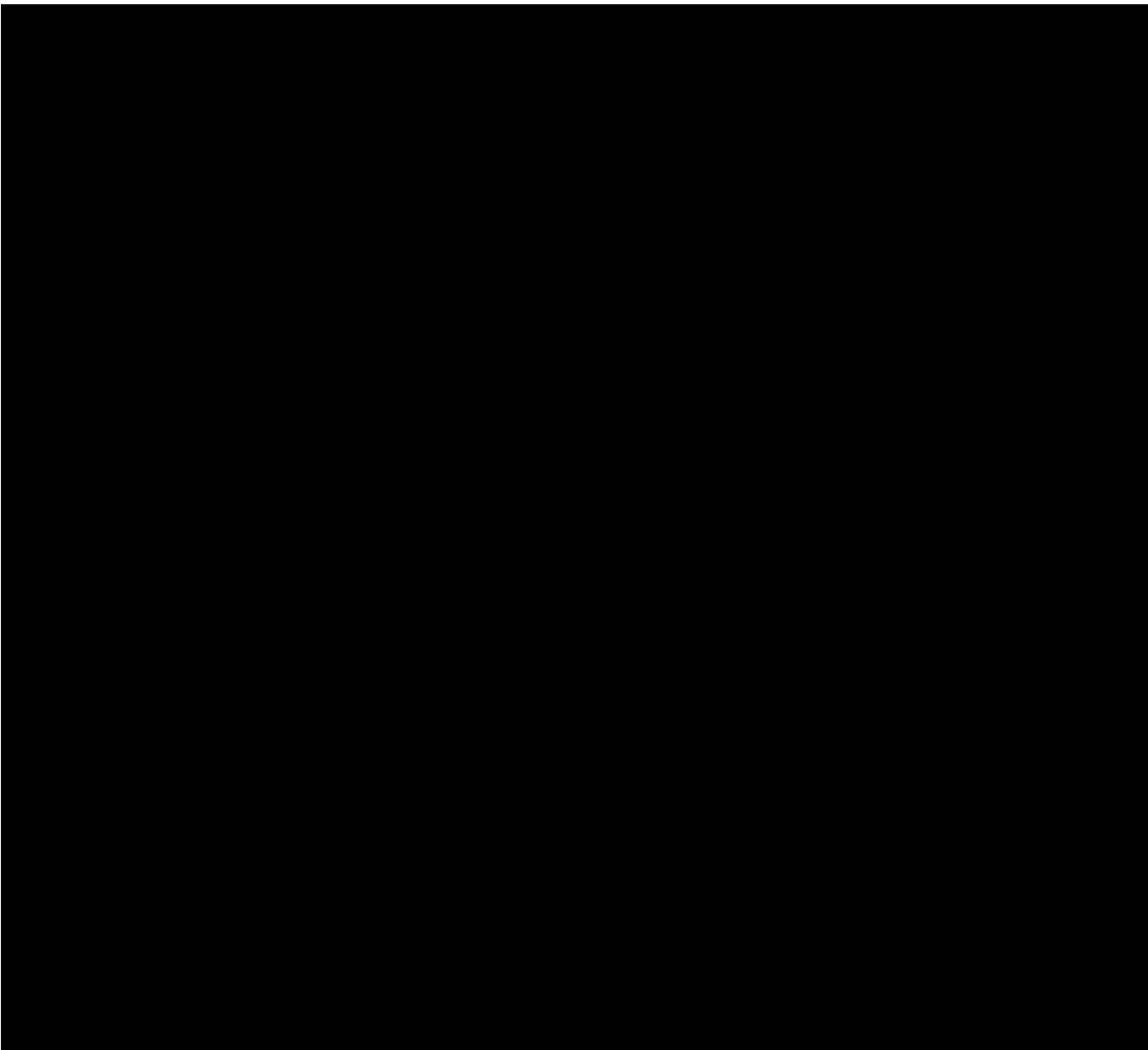
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18 Page 12 line 9
19 "001" Is corrected to "0001-7522"
20 Page 16 lines 18-19
21 "the ERN 0068-4789" Is translated and added
22 Page 25 line 9
23 "Q. [11:44:31] 0056-10 -- (Speaks English) 005" Is corrected to
24 "Q. [11:44:31] 055-1068"
25 Page 25 line 12

Trial Hearing

(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

1 "0058-1068" Is corrected to "0055-1068"

2 Page 35 lines 15-16

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Trial Hearing

(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

- 1 "I'm at 00:05:22:21." Is corrected to "And I'm precisely at 00:02:05:21."
- 2 Page 51 lines 1-2
- 3 "The person that we see dressed in light beige, who's this person," Is corrected to
- 4 "The person that we see dressed in light beige, to the right of the image, who's this
- 5 person,"
- 6 Page 51 line 23
- 7 "Daraka (phon)" Is corrected to "Darak"
- 8 Page 56 line 1
- 9 "as to who was to the right of the picture" is translated and added
- 10 Page 62 line 12
- 11 "(Overlapping speakers) (No interpretation)" Is corrected to "No"