

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 Judge Antoine Kesia-Mbe Mindua, Presiding, Judge Tomoko Akane and Judge
7 Kimberly Prost
8 Trial Hearing - Courtroom 3
9 Monday, 7 June 2021
10 (The hearing starts in closed session at 9.31 am)
11 THE COURT USHER: [9:31:05] All rise. The International Criminal Court is
12 now in session.
13 Please be seated.
14 PRESIDING JUDGE MINDUA: [9:31:22](Interpretation) Court is in session.
15 Good morning to everybody.
16 Court officer, would you be so kind as to call the case, please.
17 THE COURT OFFICER: [9:31:49] Good morning, Mr President, your Honours.
18 This is the situation in the Republic of Mali, in the case of The Prosecutor
19 versus Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud, case number
20 ICC-01/12-01/18.
21 And for the record, we are in closed session.
22 PRESIDING JUDGE MINDUA: [9:32:08](Interpretation) Thank you very
23 much, court officer.
24 We are going to move on with the appearances, starting with the Office of the
25 Prosecutor. Prosecutor.

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1 MR DUTERTRE: [9:32:20](Interpretation) Good morning, your Honour,
2 your Honours. The Prosecution this morning is represented by Yayoi
3 Yamaguchi, on my left; Mousa Allafi on my right; and myself, Gilles Dutertre.
4 And my colleague, Mr Garcia, is going to join us for the next session.

5 PRESIDING JUDGE MINDUA: [9:32:45](Interpretation) Thank you very
6 much, Mr Dutertre.

7 I now turn towards the Defence. Counsel.

8 MS TAYLOR: [9:32:53] Good morning, Mr President, good morning
9 your Honours, good morning to everyone in the courtroom. The Defence for
10 Mr Al Hassan is represented today by Maître Mohamed Youssef, Maître Molly
11 Thomas and myself, Melinda Taylor. Thank you.

12 PRESIDING JUDGE MINDUA: [9:33:11](Interpretation) Thank you very
13 much, Ms Taylor.

14 I now turn to the Legal Representatives of Victims. Counsel.

15 MR LUVENGIKA: [9:33:18](Interpretation) Good morning, your Honour,
16 your Honours. The victims are represented by Madam Claire Laplace,
17 Ludivine Tixier Dunet and by myself, Fidel Nsita Luvengika. Thank you.

18 PRESIDING JUDGE MINDUA: [9:33:48](Interpretation) Thank you very
19 much, Maître Nsita.

20 Now, it is the turn of the counsel of the witness.

21 [REDACTED] [9:33:56](Interpretation) Good morning, Mr President,
22 your Honours. [REDACTED] I am the counsel [REDACTED]
23 in accordance with Rule 74 of the Rules of Evidence and Procedure.

24 PRESIDING JUDGE MINDUA: [9:34:23](Interpretation) Thank you very
25 much, Maître.

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1 This morning, we are going to continue with the hearing of the 36th witness of
2 the Prosecution. I'm going to turn towards the witness.

3 Good morning, Witness. I hope that you rested well over the weekend.

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

5 (The witness speaks Arabic)

6 THE WITNESS: [9:34:49](Interpretation) Yes, thank you very much, Mr
7 President. Good morning to you. Yes, I had a very good rest. Thanks.

8 PRESIDING JUDGE MINDUA: [9:35:00](Interpretation) Thank you very
9 much, Witness. So on behalf of the Chamber, I would like to thank you and
10 welcome you. And, of course, as you know, I would like to remind you that
11 you are under oath and that you should tell the truth, the whole truth and
12 nothing but the truth. I would also like to remind you that you should make
13 a break between -- leave a break between the question and answer to make it
14 possible for our court reporters and our interpreters to do their work properly.
15 Without any further ado, I give the floor to the Office of the Prosecutor.
16 Prosecutor.

17 MR DUTERTRE: [9:35:57](Interpretation) Thank you, your Honour,
18 your Honours.

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

20 Q. [9:36:03] Good morning, Witness.

21 A. [9:36:09] Good morning, and thank you.

22 Q. [9:36:14] Now, Witness, we're going to continue this week with your
23 testimony, and I would like before continuing with what we were doing on
24 Friday evening, I would like to ask a few general questions and certain
25 questions by way of clarification, and then we will continue with our line of

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1 questioning.

2 The first question that I would put to you, which is quite general, but you lived
3 in Timbuktu. Could you explain to the Chamber, such that everybody can
4 well understand, what was the composition of Timbuktu's population at the
5 end of 2011 beginning of 2012?

6 A. [9:37:18] Yes, Timbuktu was composed of what was known as the
7 original population or residents of Timbuktu and what were known as the new
8 residents of Timbuktu. The original residents are the Arab, the dark-skinned
9 people who came from original -- original tribes and they were enslaved by the
10 Arab people, and, after this slavery era ended, those people became the
11 original residents of Timbuktu.

12 And they were the people who built the new -- the old city. And then there
13 are some of the Songhai residents who came originally from the kingdom of
14 Gao, the old kingdom, and some of the Arab Kounta. Those are the original
15 residents of Timbuktu. Later, they were joined by some other tribes, such as,
16 Tuareg, who took Timbuktu as their residence and that's why they usually live
17 on the outskirts of the city.

18 There is a very important group as well, who are the dark-skinned Tuareg,
19 who were historically also enslaved by the white-skinned people. And after
20 the end of this era, they lived in the east side of Timbuktu, which we call
21 "Bellata," and that's why the area that they live in is called Bellafarandi.

22 And all the residents of the outskirts of the Tuareg tribe - such as, Ansar and
23 the Arab, the original residents of the city - consider them as not part of the
24 community, but they stayed there on the outskirts, nonetheless. This is just
25 a comprehensive look at the composition of the population, so we are talking

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1 about the dark-skinned residents, Bellata, Arab, Songhai and Fulani.

2 Q. [9:40:52] In the French transcript, the Fulani. Did you say the Peulh as
3 well? The Peulh?

4 A. [9:41:08] Yes, and it was the last thing that I mentioned because the
5 number is really small in Timbuktu.

6 Q. [9:41:23] Now, in terms of proportions, are you able to say, 2011, 2012,
7 what was the most significant group in terms of numbers?

8 A. [9:41:51] During this period that you mentioned, the Arab were the more
9 significant group in terms of numbers, and I think that's -- that was the reason
10 behind some of their problems in the area because the Songhai and the other
11 tribes felt that there is a new composition of the population taking place and
12 developing in the city.

13 Q. [9:42:35] Understood. And afterwards, the most significant group was
14 which?

15 A. [9:43:01] What do you mean by "afterwards"?

16 Q. [9:43:10] Well, you mentioned that the Arabs represented the largest
17 group. After them, other than the Arabs, what was the next most numerous
18 group?

19 A. [9:43:36] Songhai and Bellata, as they were the original local residents of
20 Timbuktu, but the Arabs also represented a significant group as they have
21 migrated from different places and they built extra neighbourhoods on the
22 sides of Timbuktu and that's why they represented a numerous group at the
23 time.

24 Q. [9:44:26] And in the centre of Timbuktu, opposed to the periphery, the
25 most numerous inhabitants were from which group, if you're able to tell us?

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1 A. [9:44:42] The original inhabitants that I mentioned before, who are the
2 Songhai - who, historically, spoke Arabic as well - and a small number of the
3 Kounta Arabs as well with them.

4 Q. [9:45:13] Thank you for these clarifications, which are useful.

5 I would now like to go back to something that you mentioned on Friday.

6 Now, the first point -- that's in the French transcript, 92, page 6, lines 18 to 22.

7 PRESIDING JUDGE MINDUA: [9:45:41](Interpretation) Ms Taylor?

8 MS TAYLOR: [9:45:42] I apologise for interrupting, Mr President. It seems
9 that there was a slight issue with the translation from Arabic into English and
10 French, specifically at page 6, line 10. The English has "numerous", the French
11 has "important" and my understanding is that it should have been translated as
12 "majority".

13 So neither the English nor the French appear to reflect the Arabic, in case that
14 might be relevant for questioning.

15 PRESIDING JUDGE MINDUA: [9:46:29](Interpretation) Indeed. Majority,
16 important, significant, there can be confusion there; so that is noted.

17 Would you like the witness to repeat it?

18 Perhaps it's better to see -- I think it's best to ask him to repeat it so that it's
19 clear.

20 MR DUTERTRE: [9:46:48](Interpretation) I understood a certain word. I
21 don't -- I'm not sure, but I'm looking at the phrase. Just one moment.

22 THE INTERPRETER: [9:46:56] And the interpreters note --

23 PRESIDING JUDGE MINDUA: [09:46:59] In the French transcript, I can see
24 the word "important."

25 THE INTERPRETER: [09:47:01] And just a note from the interpreters, the

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1 word *important* in French (Overlapping speakers) can mean the majority or the
2 most significant group or the most numerous group.

3 MR DUTERTRE: [9:47:13](Interpretation) Your Honour, yes.

4 Q. So in terms of the population that wasn't in the periphery -- in the French
5 transcript, they were an *important* group. In French, a significant group.
6 Which word did you use exactly?

7 A. [9:47:30] I didn't use any word that refers to the importance. I was
8 talking about the number, and I was saying that the Arab, during 2011, were
9 the most numerous group on the outskirts of Timbuktu.

10 Q. [9:48:05] Understood. So it was the most numerous group on the
11 periphery.

12 So I'll continue with my two questions by way of clarification. In the
13 transcript, 92, French transcript, page 6, lines 18 to 22, you indicated -- you
14 were speaking about the airport at that time.

15 "Afterwards, some groups guarded the airport. And Al Hassan showed a lot
16 of courage at that time, when he entered the airport. We had the impression
17 that the MNLA had used mines to destroy the entire airport."

18 End of quotation marks.

19 On page 7, lines 3, you said that you were there. I would like you to explain
20 to the Chamber, Witness, to the best of your knowledge, how it is that
21 Al Hassan entered first into the airport?

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[REDACTED]

[REDACTED]

[REDACTED] the police car, Al Hassan's car there, and there were rumours about the fact that MNLA had placed some landmines to take revenge of some of the members, and I learnt that Al Hassan had driven the police car before everybody else to test if there were any landmines, and that's how he opened the road for everybody else to enter the airport.

[REDACTED]

Q. [9:52:12] Understood. And when you say that, "I learnt that Al Hassan had been driving the police car," how did you find that out?

A. [9:52:39] [REDACTED]

[REDACTED]

Q. [9:53:04] Understood. Sometimes there are translation issues that ask me -- that make me ask more questions, but it's good that you clarify these things.

So I have another question in transcript 92, in French, page 52, lines 12 to 14. And you mention that when Al Hassan was working for the police, he managed to disperse a significant demonstration.

Are you able to say how he was able to disperse this significant demonstration?

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1 A. [9:53:59] Yes. I mentioned some demonstrations and I said that
2 they -- they varied in number. I said that there were some small
3 demonstrations in the town, and I called these fights, but I also spoke about
4 a big demonstration which happened [REDACTED]
5 [REDACTED] and I learnt that Houka Houka and other members were trying to
6 disperse this demonstration. [REDACTED]
7 [REDACTED]
8 [REDACTED]

9 As for the details, I don't think I can say anything about important details, but I
10 think that he was using both negotiation -- negotiations and trying to convince
11 people, without causing a lot of harm, but also a little bit of threatening and
12 strict commands, and I think that was the reason why he was commended by
13 the emirs.

14 Q. [9:55:40] Thank you. Just a couple of follow-up questions. [REDACTED]
15 [REDACTED]
16 [REDACTED]

17 A. [9:56:13] [REDACTED]
18 [REDACTED]
19 [REDACTED]

20 Q. [9:56:37] [REDACTED]
21 [REDACTED]
22 [REDACTED]

23 A. [9:56:50] [REDACTED]
24 [REDACTED]

25 Q. [9:57:11] [REDACTED]

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[REDACTED]

A. [9:57:35] [REDACTED]

Q. [9:57:52] [REDACTED]

A. [9:57:58] [REDACTED]

Q. [9:58:07] And you also indicated that he was lauded by the emirs.
Which emirs are you referring to you? Who were these emirs?

A. [9:58:27] Abou Hammam and Abou Zeid.

Q. [9:58:37] Thank you. We're now going to go back to the line of
questioning of Friday evening. And I'm going to come back to the document
0001-7546, which is at tab 321 of binder 2 with a translation 0054-0014, tab 322.
And I imagine that's going to be shown on evidence 1.

I have a first question, Witness, for questions of clarity with regards to
chronology for the Chamber. [REDACTED]

[REDACTED]

A. [10:00:36] I can't see the document that you're talking about.

Q. [10:00:53] Evidence 1.

MR DUTERTRE: [10:00:58](Interpretation) Perhaps the courtroom usher
could assist the witness.

THE WITNESS: [10:01:20](Interpretation) [REDACTED]

[REDACTED]

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4 MR DUTERTRE:

5 Q. [10:02:07]

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7 What court were you talking about exactly?

8 A. [10:02:30] I meant the Islamic court that Ansar Dine established in

9 Timbuktu.

10 Q. [10:02:46]

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12 A. [10:03:09]

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18 Q. [10:04:09] Understood. Once again, regarding this particular

19 document - and, I need your help so that we can explain this to the Chamber,

20 English transcript, 92, page 78, line 18 to 20 - you said that this had something

21 to do with a debt.

22 Could you explain why the Islamic police was handling matters that we could

23 describe as civil matters, debts? Why was it that the Islamic police was

24 handling these matters?

25 A. [10:04:59] The Islamic police covered different types of cases and most of

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1 the cases are referred first to the police before its transferred to the court,

2 whether it's civil cases or disputes or anything else.

3 People used to go first to the police and then the police decided if they'd

4 resolve such issues by itself or refer it to the court. Some of the cases were

5 resolved in the police and never reached the court.

6 And as it appears here, in this document, in this document it doesn't seem that

7 this issue was resolved by the police and it had to be referred to the court

8 because sometimes the police just sorted out such issues in the market.

9 Q. [10:06:38] And to your knowledge, who would send these cases to the
10 court?

11 A. [10:06:53] I mentioned that this was Al Hassan's job, whether he was
12 instructed to do that by his previous superior or he did that himself after he
13 became the commissioner of the police.

14 Q. [10:07:32] Just to follow up on something, what did you mean by,
15 "Sometimes the police would settle these matters themselves in the market"?
16 What did you mean by that exactly?

17 A. [10:08:02] This goes back to the parties in the issue in the market. So I
18 believe that when people wanted to take a loan, they wanted to have witnesses
19 and they wanted to document that in front of the police. And sometimes the
20 police members were the witnesses themselves, so that they guarantee paying
21 back the loan later.

22 But some of these dealings happened without the police witnessing it and
23 that's how disputes arised and the -- in such occasions, people go to the police
24 to settle these matters, but it seems that in this occasion and similar occasions,
25 sometimes the matter is not settled by the police and is referred or sent to the

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1 court.

2 Q. [10:09:27] Thank you for that clarification.

3 Now, you mentioned earlier that he worked with Talha and, to the best of your
4 knowledge, could you explain to the Chamber why it was that Al Hassan was
5 at the police; whereas in the past, he had been working with Talah?

6 A. [10:10:02] Yes, I said, the police -- that the institution of the police can be
7 perceived as a group or a part of the security battalion and it can be understood
8 that Talha was the one who created the police institution in order to be tasked
9 with certain missions related to security and to relieve the security battalion
10 from certain tasks.

11 So the police was a part of the security battalion, but they worked in the inside
12 or the internal parts of the city, while the security battalion undertook more
13 dangerous and more important tasks.

14 For example, patrols used to chase bandits and criminals of five or four
15 people -- for example, Al Hassan was in charge of that. While a different
16 mission that was more dangerous, Talha was in charge of it, so the police was
17 like a small security battalion. But when we talk about the funding given to
18 the police and all the preparations for the police, who would be -- who would
19 look into that? It was Talha or Abou Al Hammam.

20 So the police was under the supervision of Al Fourqane battalion and some of
21 the police or the members who worked in the police were from Tariq Ibn Ziyad
22 battalion.

23 Q. [10:12:45] Understood. And why was it that all of a sudden Al Hassan
24 went to the Islamic police, if you could let us -- if you're in a position to tell us
25 that?

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1 *A. [10:13:10] I know that the leaders choose the best people when deciding
2 appointees. Or we may say, they choose the best among the people when
3 determining whom to appoint, even though these might be needed in other
4 places. So, Al Hassan worked for Talha, doing secretarial duties for him. Later
5 on, this secretarial function was given to his brother, Ousmane. By then, Al
6 Hassan was going to be reassigned to a larger task, which is to assist the police,
7 the composition of the police. And, at an early stage, he proved himself at work
8 as dynamic and skilled, which soon qualified him to be always around the then
9 police chief, Adam, and later on to be delegated by Khaled, who was the
10 second police chief.

11 [REDACTED] Because by
12 then, it was as if Khaled delegated the chief's duties to Al Hassan. Later on, Al
13 Hassan would become police chief. What qualified him to all of this is his way
14 of work, courage, mental sharpness, and also the way the emirs perceived him.

15 Q. [10:15:18] You have just stated, Mr Witness, page 15, line 13, in French:
16 I know that the leaders chose the best people and appointed them to certain
17 positions.

18 When you mentioned the "leaders", who did you mean exactly?

19 A. [10:15:46] [REDACTED]

20 [REDACTED]
21 [REDACTED]
22 [REDACTED] and
23 what I mean by that here, is, Abou Hammam and Iyad Ag Ghaly, as they were
24 the most active in the activities in Timbuktu.

25 Q. [10:16:54] Understood. Just to delve a little bit deep into this matter, to

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1 whom did Adama, Khaled and then Al Hassan report to? Who was their
2 direct supervisor?

3 A. [10:17:22] To Abou Zeid, but also they had to inform Talha and Abou Al
4 Hammam.

5 Q. [10:17:47] Could Talha give orders to the emir of the police?

6 A. [10:18:05] No. In the police work, they were equal. Talha is more
7 senior, but the police didn't report to the security battalion.

8 Q. [10:18:40] Understood. Now, if we could return to this --

9 PRESIDING JUDGE MINDUA: [10:19:01](Interpretation) Mr Prosecutor,
10 before you go to the new document, the document you mentioned, I need
11 a clarification, but I would rather not put the question directly to the witness
12 because the witness couldn't -- well, this question might be multiple in nature.
13 So I'd rather mention my concern to you and you can see whether you wish to
14 put the question to the witness now or later, because, you see, we are talking
15 about the Islamic police and the Islamic tribunal, and you are trying to
16 determine the role of Mr Al Hassan in all of that.

17 But my question has to do with the institutions themselves, not Mr Al Hassan.
18 I would like to know, were there several police stations? Because I would
19 imagine that the city of Timbuktu is rather large. Were there several police
20 stations or only one? Were there several police offices throughout the city or
21 not? That's my first question.

22 My second question is this, because the police were sending cases to the Islamic
23 court, what about the jurisdiction of the organisation and the actual legal
24 jurisdiction of the Islamic court? Was there only one Islamic court? If so,
25 were there two degrees of jurisdiction, trial and appeals, or were there several

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1 Islamic courts in the city?

2 I don't know whether you were planning to put those questions to the witness,
3 but if you could please go ahead and perhaps we can obtain clarifications.

4 MR DUTERTRE: [10:21:01](Interpretation) Well, certainly some of those
5 points were in my mind, others, no. But perhaps we could do this right away
6 and then I will resume my own line of questioning, which had to do with the
7 dates of operation, and, from that, I'll draw out other information.

8 Q. [10:21:24] Mr Witness --

9 PRESIDING JUDGE MINDUA: [10:21:32](Interpretation) Ms Taylor?

10 MS TAYLOR: [10:21:32] I apologise for interrupting, but I believe it would be,
11 perhaps, more convenient to do so now before the Prosecutor goes into a line
12 of questioning given that, again, it concerns an Arabic translation issue.

13 There appears to be, perhaps, words missing from the English transcript and
14 French transcript.

15 If I refer to the English transcript at page 16, line 23. It's my understanding
16 that the -- it had in the Arabic that:

17 Given that their circles of work were different, the security battalion didn't
18 decide for the police.

19 So I believe that's an important element that should be reflected in the
20 transcript.

21 PRESIDING JUDGE MINDUA: [10:22:25](Interpretation) Would you like the
22 question to be put to the witness again?

23 Mr Prosecutor.

24 MR DUTERTRE: [10:22:31](Interpretation) Well, I'll have to scroll up quite
25 a way, and we're not entirely live. Perhaps we could keep the question for

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1 after the break and then I could deal with that matter, just for efficiency. So I
2 could do that after the break, if that is suitable.

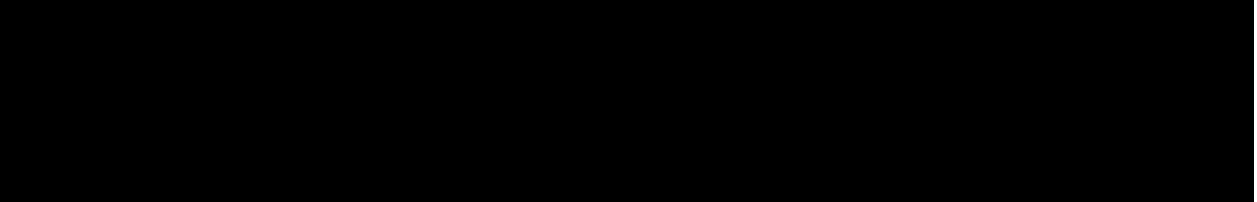
3 PRESIDING JUDGE MINDUA: [10:22:55](Interpretation) We'll keep that
4 matter for after the break. Thank you.

5 MR DUTERTRE: [10:22:58](Interpretation)

6 Q. [10:22:59] Mr Witness, indeed, this is an important question. You
7 mentioned the first Islamic office and then another office, the governor's office,
8 but all in all, how many police stations were operating in the city?

9 A. [10:23:22] In the city of Timbuktu, there was one office for the police and
10 we used to call it the police station. It was in one place and then they moved
11 it to another place, but it's the same office. But at a certain stage of Ansar Dine,
12 some other police stations were opened in Goundam and Tounka and
13 Niafunké, and other judges were appointed as well in these areas. We can
14 talk about just one of them, in Niafunké, there was another judge in Niafunké.
15 These police stations, if they have a case, they sent it to Timbuktu; so that they
16 go to the police station in Timbuktu and then it gets sent to the court. But
17 they mostly settled their matters themselves in Goundam and Niafunké, and
18 the judge dealt with these cases.

19 But the files were sent to Abou Zeid or Abou Zeid's representative. 

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23 THE INTERPRETER: [10:25:27] Inaudible.

24 THE WITNESS: [10:25:30](Interpretation) If these centres or those judges
25 didn't manage to settle a matter, they refer it to Timbuktu. So the judges refer

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1 matters to judges in Timbuktu, and the police refer matters to the police in
2 Timbuktu.

3 MR DUTERTRE: [10:25:50](Interpretation)

4 Q. [10:26:06] So in Timbuktu itself, the city of Timbuktu, there was only one
5 police station; is that correct?

6 A. [10:26:14] Yes, this is correct.

7 Q. [10:26:22] And then you mentioned that outside of Timbuktu, there were
8 police stations and then you mentioned the *Hesbah*. Are we to understand
9 that there were both police stations and *Hesbah* premises in Niafunké and
10 Goundam and Tounka?

11 A. [10:26:55] Yes, this is correct. Yes, this is correct.

12 Q. [10:27:01] Would you be in a position to tell us approximately when the
13 police stations were set up in Goundam and then Tounka and then Niafunké,
14 each particular location?

15 A. [10:27:21] I think that started since June or the beginning of June 2012.

16 Q. [10:27:41] And to the best of your knowledge, who took the initiative and
17 set up these police stations in these three locations?

18 A. [10:27:52] Abou Zeid and Abou Hammam instructed the set-up of these
19 institutions from the locals and the MNLA who joined Ansar Dine, but always
20 under the supervision and leadership of more senior members of Ansar Dine
21 and Al-Qaeda.

22 Q. [10:28:35] There may be a translation issue. You said that you believe
23 that it started early in June 2012. What did you say exactly in Arabic? I
24 believe there might be a discrepancy when it comes to the date.

25 A. [10:28:59] Yes, I said maybe late June 2012.

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1 Q. [10:29:18] Very well. Understood. Now, in Timbuktu itself, there was
2 one tribunal or were there several Islamic tribunals in the city?

3 A. [10:29:33] One Islamic tribunal.

4 Q. [10:29:51] And above the Islamic tribunal, was there an appellate court, so
5 people could appeal a decision if they were not happy with the decision from
6 the Islamic tribunal?

7 A. [10:30:08] No, there wasn't one. But it was considered a higher court in
8 relation to the court in Niafunké.

9 Q. [10:30:27] Could you clarify what you meant by "higher"?

10 A. [10:30:44] Meaning that, if the parties are not happy with the judgment of
11 the court of Niafunké, were capable to go to the court in Timbuktu to -- for the
12 case to be looked into one more time.

13 Q. [10:31:21] So if I'm to understand correctly, in Timbuktu itself, when the
14 Islamic tribunal had decided upon something, there was no possibility of
15 turning to another court to file an appeal?

16 A. [10:31:55] No, there wasn't.

17 MR DUTERTRE: [10:32:09](Interpretation) Your Honour, I'm in the hands of
18 the Chamber, if you'd like me to ask any questions, but I've done the first turn.

19 PRESIDING JUDGE MINDUA: [10:32:18](Interpretation) Thank you very
20 much. Thank you, Prosecutor.

21 MR DUTERTRE: [10:32:26](Interpretation)

22 Q. [10:32:27] Witness, I'd like to show you some more documents. And
23 here, we are still looking at issues of dates and jurisdictional issues, so tab 26,
24 which is 31 in the binder, tab 26, and I'll give the ERNs of the translations, but
25 I'll give the originals first.

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1 The first document, 0001-7205 -- in a chronological order, this is, and after,
2 0001-7208, 0001-7209, 0001-7207, 0001-7204, 0001-7203, 0001-7202.
3 So from tab 26 to 31. And there are the translations as well. And for the
4 first -- so, Witness, if you look at this document, while I give the ERNs of the
5 translations for the transcript, so the first one is 006 -- sorry. So it's 0069-1682.
6 That's tab 27. The translation of the second is 0052-0013. That's tab 31.
7 Translation of the third document is 0077-2740, tab 32. Translation of the
8 fourth document is 0077-2738, tab 29. Translation of the document -- the next
9 document, 0069-1680, tab 25. Then translation of the next document
10 0034-0043, at tab 23. And finally the last one, 0069-1678 at tab 21.
11 So, Witness, can you tell me when you've finished looking through all these
12 documents from tabs 26 to tab 30.
13 Witness, are you able to tell us what these different documents are?
14 A. [10:37:31] Yes, these documents that you have just shown, these are all
15 permits to dig wells in the desert in north Timbuktu.
16 Q. [10:38:00] Could you explain why it's important to have a permit to dig
17 wells in Timbuktu?
18 A. [10:38:14] Because wells are a very big reason for disputes in the area and
19 for wars in the past, including disputes about the well itself. Some people
20 claim that it's theirs and their fathers and grandfathers, and some disputes
21 happen about the share in -- in the well.
22 So some people will claim that they have two planks, that's the word that we
23 use, because every well had about four or five planks and each tribe had one of
24 those planks. So that's how the share was divided. So some -- some is
25 around the area, some of the disputes are about the area around the -- the

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1 wells.

2 And that's why since the entrance of Ansar Dine, people were not allowed to
3 dig a well without authorisation or permits and it had to be done according to
4 the new rules that were seen as a way to alleviate such problems and disputes.

5 Q. [10:40:10] Understood. Could you look at the document at tab 26,
6 0001-7205. Do you have it?

7 A. [10:40:52] Can you please repeat the name -- the number of the tab,
8 please.

9 Q. [10:41:03] Tab 26, which is the ERN 0001-7205.

10 What date can you read towards the middle of the document?

11 A. [10:41:28] Yes, I can see it here.

12 Q. [10:41:42] [REDACTED]

13 A. [10:41:51] [REDACTED]

14 Q. [10:41:56] Underneath there's an inscription in Arabic. Could you tell us
15 what that means?

16 A. [10:42:12] On the right, it says, "Emir of the Islamic police." And on the
17 left, it says, "Emir of the general security."

18 Q. [10:42:36] And on the right, these are the stamps of what organs that we
19 can see?

20 A. [10:42:48] On the right, the stamp of Islamic police and on the left, the
21 stamp of the Islamic security.

22 Q. [10:43:04] [REDACTED]

23 [REDACTED]

24 A. [10:43:18] [REDACTED]

25 Q. [10:43:35] [REDACTED]

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A. [10:43:55]

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Q. [10:44:18]

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A. [10:44:33]

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Q. [10:44:39] I understand. And now, and, perhaps by way of illustration, explain why it's both the Islamic police and the security who both sign at the same time and together, the Islamic police and the Islamic security?

9

A. [10:45:07] I mentioned that there was a security office before the establishment of the police and then the police was established, and I also mentioned that after the establishment of the police, the security office stayed there. And in that office, I remember that permits were given for cars to enter and get out.

14

Q. [10:45:45] I understand. Now, in a more general way, because we are speaking about this issue of the police and the security, could you explain to the Chamber in Timbuktu, during the occupation by the jihadists, how did the Islamic police and the Islamic security cooperate or interact or work together with each other?

19

A. [10:46:10] Yes, the police was part of the security and they had to do the jobs of security inside the city and the security focused on keeping the security outside of the city. The only difference is that the police became like *Hesbah*, an independent institution, reports to the emirs, but the work were very -- was very similar to the security. But they broke off the security to undertake the same tasks as the security institution was doing.

25

But in April, or until April, the police was just a branch of the security

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1 institution. But for Timbuktu, the security battalion was responsible for
2 keeping peace on the outside of the city and checkpoints and gates.

3 Q. [10:47:43] So I'm now going to ask you to go to tab 30, containing
4 document 0001-7208. Translation at tab 31, 0052-0013.

5 On the left, Witness, you can see [REDACTED] And on the
6 right, [REDACTED]

7 [REDACTED]
8 A. [10:48:42] [REDACTED]
9 [REDACTED]

10 Q. [10:49:02] I'd now like you to go to tab 32, which contains the document
11 0001-7209. The translation is at 0077-2740.

12 [REDACTED]
13 A. [10:49:55] [REDACTED]

14 Q. [10:50:11] [REDACTED]
15 [REDACTED]

16 A. [10:50:20] [REDACTED]
17 [REDACTED]
18 [REDACTED]

19 Q. [10:51:03] I'd now ask you to go to tab 28, 0001-7207 translation 0077-2738.
20 That's tab 28 and 29. 28.

21 [REDACTED]
22 [REDACTED]
23 A. [10:51:57] [REDACTED]
24 [REDACTED]
25 [REDACTED]

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1 Q. [10:52:40] Understood. Now, I would ask you to go to tab 24. And this
2 is document 0001-7204, the translation is 0069-1680. Translation is at tab 25.

3 A. [10:53:21] The tab, please?

4 Q. [10:53:25] I'm sorry. Tab 24.

5 A. [10:53:44] Yes.

6 Q. [10:53:52] [REDACTED]

7 [REDACTED]

8 A. [10:53:59] [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 MR DUTERTRE: [10:55:01] [REDACTED]

13 [REDACTED]

14 THE WITNESS: [10:55:35](Interpretation) [REDACTED]

15 MR DUTERTRE: [10:55:45](Interpretation)

16 Q. [10:55:47] Thank you, Witness. I'd now like to go to the document at tab
17 22, which is 0001-7203, with a translation 0034-0043. I have the same question,
18 Witness. Tab 22.

19 A. [10:56:42] [REDACTED]

20 Q. [10:56:58] [REDACTED]

21 A. [10:57:03] The stamp -- the stamps here, are for the Islamic police and the
22 security [REDACTED]

23 Q. [10:57:25] I would now ask you to carry out the same exercise for a last
24 document within the series, and that's at tab 20, translation is at tab 21. Tab 20
25 is 0001-7202, and the translation is at 0069-1678.

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A. [10:58:22]

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Q. [10:58:40]

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A. [10:58:47]

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7 MR DUTERTRE: [10:59:06] Your Honour, I have a last document to show.

8 It's not in that series, but I'm in your hands. It's going to take two-to-three
9 minutes. If you prefer, I can do that after the break.

10 PRESIDING JUDGE MINDUA: [10:59:25](Interpretation) We're going to stop.

11 So we're now going to have our first break, which will be 30 minutes as usual,
12 and then we will be back at 11.30. Court is suspended.

13 (Recess taken at 10.59 a.m.)

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

15 THE COURT USHER: [11:30:39] All rise. Please be seated.

16 PRESIDING JUDGE MINDUA: [11:31:00](Interpretation) The hearing shall
17 now resume.

18 And, Mr Prosecutor, please continue with your examination-in-chief. Mr
19 Prosecutor.

20 MR DUTERTRE: [11:31:15](Interpretation) Thank you, your Honour.

21 Your Honours, I'd like to go back to that request for clarification from my
22 learned friend opposite, Ms Taylor.

23 Q. [11:31:40] Mr Witness, page 16 of today's transcript, line 19 to 23, I asked
24 you:

25 Could he give -- could Talha give orders to the emir of the police?

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1 And in French, the answer was:

2 No, they were equal when it came to police work. *Talha was in a
3 position with more responsibilities, but the police did not report to the security
4 battalion.

5 And the question was ...

6 What did you say exactly? There may have been a translation issue. Could
7 you re-clarify that for the benefit of all.

8 A. [11:32:42] All right. What was apparent in the structure of the police
9 and the security, that the police was part of the security and was -- what was
10 apparent also, in the relationship between Al Hassan and Talha, that Al Hassan
11 worked under the leadership of Talha.

12 This is a very good question, indeed. But it is very important to confirm that
13 the police was an independent institution in Timbuktu. This meant that they
14 had their limited tasks and they had to liaise directly with the emirs regarding
15 these tasks. Talha covered the entire issue of security, but the police reported
16 to Abou Zeid about their tasks.

17 And whether the emir was Adam or Khaled or Al Hassan, they had to report to
18 Abou Zeid who was the leader of Timbuktu at the time; although, these people,
19 these emirs, had allegiance to other people as well. So, Talha was under Abou
20 Al Hammam.

21 But in the work of the police, Al Hassan reported to Abou Zeid, as the
22 institution of the police was under the leadership of Abou Zeid and he was the
23 one giving orders to the police. [REDACTED]

24 [REDACTED]

25 [REDACTED]

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1 This also applies to Al Hesbah. Al Hesbah was similar to the police in some
2 ways as they did some of the police work, and they also did some of the court
3 work. But it was an independent institution reporting to Abou Zeid. It
4 wasn't reporting to the judge or the police.

5 Q. [11:35:42] Very well. We'll come back to *Hesbah* later, if you don't mind.
6 A few moments ago, you mentioned, Mr Witness, the existence of police
7 stations in Niafunké, Goundam, Tounka. You also mentioned that there some
8 *Hesbah*, if I recall correctly.

9 I would like to ask you if you could tell us about 0059, and the translation is
10 0054-0341 and this is tab 1462 -- the translation is at tab 1465. This binder 8.

11 MR DUTERTRE: [11:37:07](Interpretation) Madam court usher, perhaps if
12 you could be so kind as to help the witness.

13 Binder 8.

14 The courtroom usher will assist you.

15 0054-03 ... 0054-1813 (sic).

16 And if the courtroom clerk could put up the document on the screen, on
17 courtroom evidence 1 channel.

18 THE INTERPRETER: [11:39:27] Message from the interpreter: The reference
19 for the translation was 0054-0341.

20 MR DUTERTRE: [11:39:37](Interpretation)

21 Q. [11:39:39] Could you tell us what this document is, what it says.

22 A. [11:39:53]

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

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1 Q. [11:40:37] And the *Hesbah* officer from which location, Mr Witness?

2 A. [11:40:50] In Timbuktu.

3 PRESIDING JUDGE MINDUA: [11:41:11](Interpretation) Ms Taylor.

4 MS TAYLOR: [11:41:13] Thank you, Mr President. I apologise for

5 interrupting, but there's a fair degree of confusion because we have some MLI

6 references in the transcript. We're seeing a document on evidence 1, and it

7 doesn't appear to correspond to what the witness is looking at. So it would be

8 helpful for the witness to clarify what document he's looking at, or perhaps for

9 the Prosecution to address this issue.

10 PRESIDING JUDGE MINDUA: [11:41:45](Interpretation) Quite so.

11 Prosecutor, please cross-check with the witness.

12 MR DUTERTRE: [11:41:49](Interpretation) Yes, your Honour.

13 Q. [11:41:53] Were you at tab 1464?

14 So we were indeed at tab 1464, and the document was ...

15 Was there translation? *Tab 1464, document 0055-1813.

16 Are we looking at the same document, Mr Witness?

17 PRESIDING JUDGE MINDUA: [11:44:05](Interpretation) Are we talking

18 about the yellow document, the small yellow document?

19 THE COURT OFFICER: [11:44:14] Your Honours, if I may, the document is

20 apparently --

21 THE WITNESS: [11:44:19](Interpretation) (Overlapping speakers) Yes, I have

22 the yellow document. It has the number 0055 --

23 THE ARABIC INTERPRETER: [11:44:29] I'm afraid the interpreter didn't get

24 the entire number.

25 MR DUTERTRE: [11:44:40](Interpretation)

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1 Q. [11:44:41] Could you repeat the end of that number, Mr Witness.

2 A. [11:44:45] 13.

3 Q. [11:44:58] 1813?

4 A. [11:45:02] Yes. Yes.

5 Q. [11:45:07] Understood. So we did indeed have the correct document.

6 There was no mix-up, it would appear.

7 So this is the *Hesbah* from Timbuktu, and could you indicate -- we've

8 understood about the city, but what other cities, other than Timbuktu, had

9 *Hesbah*?

10 A. [11:45:35] The city of Goundam, Tounka, and Niafunké.

11 Q. [11:45:53] Very well. Like the police, then. I'd like to continue with the

12 last document I'd like to show the witness that illustrates the dates at which the

13 police were active. And I'll go on to 0001-39 (sic), tabs 307 ... 52 ...

14 THE INTERPRETER: [11:46:22] Message from the interpreter: Too many

15 references numbers read at speed.

16 THE COURT OFFICER: [11:46:39] My apologies to counsel. Would you

17 kindly repeat the numbers. Thank you.

18 MR DUTERTRE: [11:46:45](Interpretation) No apologies necessary,

19 Mr Courtroom Officer. *It's 0052-0091 for the translation.

20 PRESIDING JUDGE MINDUA: [11:47:02](Interpretation) Ms Taylor.

21 MS TAYLOR: [11:47:05] If I may refer the Chamber to something that was

22 said at page 33, lines 6 to 7, of the English transcript. I'm not going to read it

23 out, but I would again respectfully request that the Prosecution not accompany

24 their questions or MLI references with evidential commentary.

25 PRESIDING JUDGE MINDUA: [11:47:43](Interpretation) Well, naturally, one

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1 does not put questions and add comments.

2 You were raising such a case, Ms Taylor?

3 MS TAYLOR: [11:47:55] Yes. It's in the English transcript, page 33, lines 6 to
4 7. There was a specific commentary as to the relevance or importance of
5 a certain aspect which I won't repeat. But I would request that these
6 comments not be repeated in the future.

7 PRESIDING JUDGE MINDUA: [11:48:19](Interpretation) Very well. We
8 understand. No comments in relation to evidence when putting questions to
9 the witness.

10 MR DUTERTRE: [11:48:32](Interpretation) It was just to assist the Chamber so
11 that you might understand what direction I'm going in, but I don't think it had
12 any impact on the witness.

13 Q. [11:48:41] Now, do you have the document at hand, Mr Witness? I'm
14 referring to the document to the right of the image, to the right.

15 A. [11:49:01] Yes, I have it in front of me.

16 Q. [11:49:06] [REDACTED]

17 A. [11:49:11] [REDACTED]

18 Q. [11:49:37] And what is this stamp that we see at the bottom, in the middle
19 of the page?

20 A. [11:49:48] This is the stamp of the Islamic police.

21 Q. [11:50:06] [REDACTED]

22 [REDACTED]

23 A. [11:50:17] [REDACTED]

24 Q. [11:50:24] And what is this document all about, Mr Witness?

25 A. [11:50:34] This document is talking about a social case where a woman

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1 called [REDACTED] had complained to someone called [REDACTED]
2 [REDACTED] who married her daughter.

3 Q. [11:51:14] To your knowledge, why did the police handle cases such as
4 this one?

5 A. [11:51:22] In this case, it wasn't for the -- the police didn't go and find it,
6 but rather, it came to the police. It's one of the cases -- people who had
7 problems in the community, encountered problems, and they came to the
8 police to help them. So if the lady was complaining about a specific person,
9 the police used to just search for that person, bring them over to the police
10 station, investigate the case, and, sometimes, they settled the matter there and
11 then and sometimes refer it to the court.

12 Q. [11:52:22] Mr Witness, now how long was it after [REDACTED]
13 [REDACTED] How long did the Islamic police in Timbuktu operate after that date?

14 A. [11:52:49] The police continued their work until the -- under the soldiers
15 who attacked Kounta and Diabaly came back in January. When they came
16 back in January, the services of all the institutions stopped, and the
17 preparations started to leave Timbuktu.

18 Q. [11:53:40] *Do you know where Khaled el-Sahraoui was during the battle
19 of Konna and Diabaly?

20 A. [11:53:59] Yes, he was one of the chiefs of the attacking or raiding groups
21 in Diabaly.

22 Q. [11:54:16] Do you know where Mr Al Hassan was during that time,
23 during that part of the attack? The Konna and Diabaly attack.

24 A. [11:54:36] I forgot. I'm not sure about -- I think that he stayed in
25 Timbuktu, most likely.

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1 Q. [11:54:51] Now if we could get back to the people. You said, transcript
2 90, page 63, lines 23 to 26 - this is the French transcript - that Adama and
3 Khaled and Al Hassan were successively the leader or the chief of the Islamic
4 police in Timbuktu. I'd like to talk about these three people. Let's start with
5 Adama.

6 *You said at French transcript 89, page 67, lines 23 and 24, that Adama was
7 from Mauritania. Could you be more specific.

8 Is it Adam or Adama? Could you help us with the spelling, please.

9 A. [11:56:07] Adam.

10 Q. [11:56:17] Do you remember the full name of Adam?

11 A. [11:56:25] No.

12 Q. [11:56:32] What was his ethnicity?

13 A. [11:56:38] He's an Arab, light-skinned person. I think he was between
14 the Arab and the Fulani Mauriticians.

15 Q. [11:57:03] And which group did he belong to?

16 A. [11:57:12] Al-Fourqane.

17 Q. [11:57:21] [REDACTED]

18 A. [11:57:25] [REDACTED]

19 [REDACTED]
20 [REDACTED]

21 Q. [11:57:56] [REDACTED]

22 A. [11:58:12] [REDACTED]

23 [REDACTED]

24 Q. [11:58:39] [REDACTED]

25 A. [11:58:43] [REDACTED]

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[REDACTED]

Q. [11:59:46] [REDACTED]

[REDACTED]

A. [12:00:05] [REDACTED]

MR DUTERTRE: [12:00:13](Interpretation) Your Honours, I'd like to play some video extracts for you. 0602 (sic) ...

PRESIDING JUDGE MINDUA: [12:00:33](Interpretation) Ms Taylor.

MS TAYLOR: [12:00:34] Thank you, Mr President. I apologise for interrupting, but Mr Al Hassan is respectfully requesting to have a very small break, a very quick break. Thank you.

PRESIDING JUDGE MINDUA: [12:00:52](Interpretation) Authorised, Ms Taylor.

(Pause in proceedings)

PRESIDING JUDGE MINDUA: [12:03:20](Interpretation) Prosecutor, Mr Al Hassan is back. You can continue.

MR DUTERTRE: [12:03:27](Interpretation) Thank you, your Honour, your Honours.

Q. [12:03:32] So I'm going to play the video 0041-0612, tab 1227, *binder 7, with the transcript, 0078-5988 at tab 1228.
I'm going to play it without the sound.

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1 Can you see the picture on the screen, Witness?

2 (Viewing of the video excerpt)

3 THE WITNESS: [12:04:57](Interpretation) Yes, I can see the picture.

4 MR DUTERTRE: [12:04:59](Interpretation)

5 Q. [12:04:59] So I stopped at 00:00:07:11.

6 Witness, who is the person? The second from left, looking at the picture, who
7 does not have a turban on his head.

8 A. [12:05:30] The second from the left is Adam, the one that I was talking
9 about.

10 Q. [12:05:42] The next person in the middle, who is opposite that person
11 who's got a turban and whose face is quite partially obscured by the
12 individual's arm, so who is that person with the green turban, Witness?

13 A. [12:06:06] This is Koutaïba Al Chinguetti.

14 Q. [12:06:21] The person who has almost got his back to us, with the blue
15 vest with -- raising his arm, who is that person, Witness?

16 A. [12:06:37] This is a very important member in the Islamic police. His
17 name is Ayman Al-Mambari. I can't remember the exact name.

18 Q. [12:07:11] You said -- so in French, I don't think that the translation is
19 correct. It's now being corrected. You mentioned a name, "Mambari."

20 "Al-Mambari." "Al-Bambari."

21 Could you state exactly what you said, Witness.

22 A. [12:07:45] The word refers to his ethnicity from "Mambar." So they call
23 the first name and then Al-Mambari. They always refer to the ethnicity.

24 Q. [12:08:05] Could you write it to avoid any ambiguity on a blank piece of
25 paper, if you would be so kind.

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1 PRESIDING JUDGE MINDUA: [12:09:12](Interpretation) Very well. The
2 document on evidence 1, could you give a number to this item, please, court
3 officer.

4 THE COURT OFFICER: [12:09:22] Your Honours, the document will be
5 assigned exhibit number MLI-REG-0001-0063.

6 MR DUTERTRE: [12:09:34](Interpretation) No. I haven't finished, court
7 usher.

8 PRESIDING JUDGE MINDUA: [12:09:39](Interpretation) Thank you very
9 much, court officer.

10 MR DUTERTRE: [12:09:42](Interpretation)

11 Q. [12:09:42] Witness, you can see - or one can see - three lines. Are these
12 three different versions of the name of the person according to the best of your
13 knowledge? Is that it?

14 A. [12:09:55] Yes. What I'm sure of is the last part of the name, Al-Bambari.

15 MR DUTERTRE: [12:10:30](Interpretation) Perhaps there's still confusion.
16 You say, Al-Mambari or Al-Bambari?

17 THE WITNESS: [12:10:43](Interpretation) Al-Bambari, just as I wrote it down.

18 MR DUTERTRE: [12:10:53](Interpretation)

19 Q. [12:10:53] Thank you very much.

20 So I move the cursor to 00:00:05:18. And I would like to ask you, are you able
21 to tell us who is the person on the far right wearing a green turban?

22 A. [12:11:15] This is Radwan.

23 Q. [12:11:44] So I've come back to 00:00:01:16 and this vest with "Islamic
24 Police" written on it.

25 From when did the police start using these vests, to the best of your

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1 knowledge?

2 A. [12:12:10] I can't remember, but I said that these vests started in a limited
3 way, maybe in May, late May. I think it was late May.

4 Q. [12:12:30] And the last question. It's a quite focused image, but do you
5 know what that building is in the background?

6 A. [12:12:51] Yes. This is the police first headquarters.

7 Q. [12:13:11] [REDACTED].

8 (Viewing of the video excerpt)

9 MR DUTERTRE: [12:13:48](Interpretation)

10 Q. [12:13:49] Do you see the picture, Witness?

11 A. [12:13:53] Yes.

12 Q. [12:13:59] Do you know the person whose back is towards the
13 photograph?

14 A. [12:14:09] Yes.

15 Q. [12:14:23] [REDACTED]

16 A. [12:14:30] [REDACTED]

17 Q. [12:14:34] [REDACTED]

18 [REDACTED]

19 A. [12:14:55] [REDACTED]

20 [REDACTED]

21 Q. [12:15:11] [REDACTED]

22 [REDACTED]

23 A. [12:15:25] [REDACTED]

24 [REDACTED]

25 Q. [12:15:50] [REDACTED]

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1 A. [12:15:57]

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3 Q. [12:16:37]

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10 A. [12:17:29] Yes. At this stage of Adam, most of the problems that
11 provoked the people took place, and they were the reasons behind the
12 demonstrations and objections of the people against the members of the group.
13 Many people were beaten in different parts of the city, and, also, Adam didn't
14 get along with some of the members of -- some of the members of the group in
15 terms of dawah and the management of the city, the -- to the point that people
16 thought that the judges were not fair.
17 He wanted a stricter approach, and he caused a lot of tension, which resulted
18 in problems with the people and also problems with the members of the group,
19 and all of that led to him being replaced.

20 Q. [12:18:57] Now you stated that there were a lot of people who had
21 been struck when he was part of the town. Many people were beaten.
22 Why were these people beaten? These people in different parts of the city.

23 A. [12:19:34] Because the police patrols, which were led by Adam, they
24 thought that some of the people were stubborn and they didn't stop the acts
25 that they were forbidden to do. So, for example, there was a very well-known

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1 case of a barber being beaten because he refused to give up his way of haircuts,
2 and, also, because he used to play the music very loudly to encourage people
3 to come to his barbershop and that all led to him being beaten.

4 And Adam was one of the people who beat him. And, of course, he couldn't
5 say that other soldiers did it because he was present, and that's why he was
6 replaced.

7 Q. [12:20:58] What other examples of people being beaten can you can
8 remember, Witness, at that time?

9 A. [12:21:09] I remember, for example, a woman was selling spices and fish
10 on -- on the road leading to -- outside of -- of the city to the south. She was
11 beaten on her legs as well because she was asked many times not to stretch her
12 legs uncovered. And the *Hesbah* members were saying, happily, that this
13 stubborn woman was beaten today by the police on her legs. And there are
14 similar cases related to music in different parts of the city.

15 These incidents happened many times under different leaderships of *Hesbah*
16 and police, but it mostly happened under the leadership of Adam and
17 Mohamed Moussa.

18 Q. [12:22:41] Just a question. So this barber who was beaten, where exactly
19 was that in Timbuktu? What neighbourhood?

20 A. [12:22:56] In the north-western neighbourhood of Timbuktu, I can't
21 remember the name of the new neighbourhood, I used to say Abarajo or
22 Abaraz, but there was also a new part of this neighbourhood to the north of
23 Abaraz. I can't remember the exact name, but I know that it's to the north
24 western -- northern-western part of the city.

25 Q. [12:23:39] And I mean, you know this story of the barber and the person

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1 of the woman who was on the road and who had her legs beaten.

2 How do you know that story?

3 MS TAYLOR: [12:24:00] Thank you, Mr President. I do believe that the
4 second part of this question was already answered by the witness earlier.

5 PRESIDING JUDGE MINDUA: [12:24:22](Interpretation) I don't see,
6 Ms Taylor. Could you indicate that to us in the transcript.

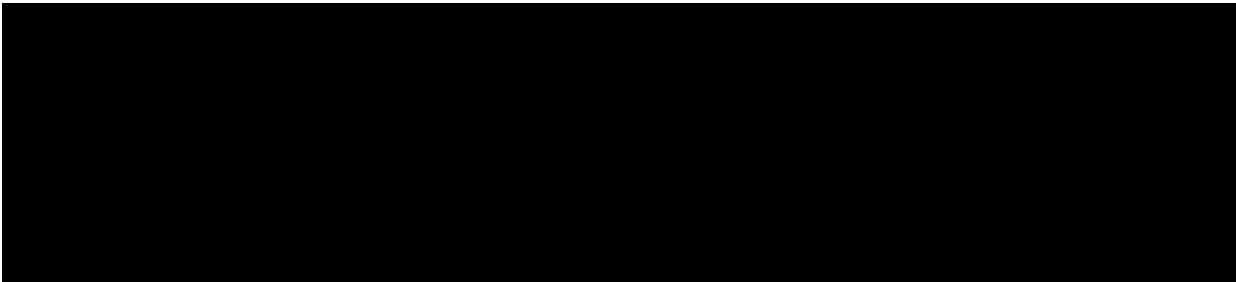
7 MS TAYLOR: [12:24:28] Page 43 of the English, lines 10 to 11.

8 PRESIDING JUDGE MINDUA: [12:24:59](Interpretation) That doesn't
9 say how the witness knows the information. The question of the Prosecutor
10 was, how the witness was aware of this information. How did he know that
11 story of the woman who was beaten and the barber. I can't find that in the
12 French transcript.

13 MR DUTERTRE: [12:25:17](Interpretation) I asked the question separately,
14 but the answer isn't in the transcript.

15 Q. [12:25:22] So how do you know the information concerning the incident
16 concerning the barber, Witness?

17 A. [12:25:30] Yes. Regarding the beating the barber, I learnt about it just the
18 way that we learned about all the news. The members of the group used to
19 pass information to each other. But regarding the beating of the barber, it was
20 much bigger than this, 

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25 THE ARABIC INTERPRETER: [12:26:36] Inaudible. Inaudible -- the

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1 interpreter didn't get the last part of the answer.

2 MR DUTERTRE: [12:26:47](Interpretation)

3 Q. [12:26:47] Could you repeat the end of your sentence concerning the other
4 example, Witness.

5 A. [12:26:55] [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 Q. [12:27:17] Understood. You also said that there were similar cases with
9 regards to music and in different neighbourhoods of the town.

10 How did you know that information with regards to similar cases?

11 A. [12:27:44] [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 So, for example, during Ramadan, one of the soldiers [REDACTED]

16 [REDACTED] he attacked one of the people who were -- who had a barbecue.

17 He was attacked [REDACTED] any kind of grilling or barbecuing at the
18 beginning of the day and at the end of the day. And that person refused to

19 adhere to that rule, so one of the soldiers attacked him. Beat him up, and put
20 him in a car. [REDACTED]

21 [REDACTED]

22 That was the approach that the police took and also some of the security -- the
23 members of the security battalion because they thought that they have -- they
24 had the duty to change things and to end these objectionable acts; although, the
25 scholars of the group gave a fatwa to say that it's only the police and the *Hesbah*

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1 who had the task of changing objectionable acts.

2 But soldiers, individual soldiers from outside the police and the *Hesbah*, carried
3 on trying to stop people themselves.

4 I spoke about the story of the barber, but there are similar stories as well.

5 [REDACTED]
6 [REDACTED]

7 [REDACTED] And I don't know if that was under the leadership of
8 Al Hassan or Adam or Khaled because these incidents happened repeatedly
9 almost daily and some of these stories were kept hidden from us.

10 Q. [12:31:12] I have several follow-up questions.

11 Why did you say that some of those stories had been "hidden from us"?

12 A. [12:31:28] I don't mean by that it's -- they didn't want it to be known, but
13 I'm just saying that the -- many similar incidents happened. I don't know
14 which happened first and which happened last because these incidents
15 happened repeatedly every day.

16 PRESIDING JUDGE MINDUA: [12:31:58](Interpretation) Ms Taylor.

17 MS TAYLOR: [12:31:59] Thank you very much, Mr President. The Defence
18 would respectfully request that the Prosecution not nod towards the witness.
19 It may be inadvertent, but it is a form of telegraphing and we would ask that it
20 not be used when the witness is providing answers.

21 I do believe it's not appropriate to nod in relation to responses and it is
22 a -- perhaps a tic that can easily be regulated. Thank you.

23 MR DUTERTRE: [12:32:42](Interpretation) I am nodding because I'm
24 listening to the interpretation, and I'm sort of saying to myself that I'm
25 understanding. There's no secret, subliminal messages being sent to the

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1 witness. So I -- I'll try. But there is no intent on my part to communicate
2 with the witness. I want to be very clear about that.

3 PRESIDING JUDGE MINDUA: [12:33:05](Interpretation) I believe we've
4 settled this. We are all professionals here, and we must trust one another.
5 That's how I see it.

6 Mr Prosecutor, please continue.

7 MR DUTERTRE: [12:33:19](Interpretation) Thank you.

8 Q. [12:33:22] Mr Witness, could you clarify this matter about barbecues in
9 the morning and in the evening that were prohibited. What was the basis for
10 this rule?

11 Could you explain it to us because it wasn't necessarily clear to neophytes,
12 such as ourselves.

13 A. [12:33:50]

14

15 as it was believed that many people who were obliged
16 to fast will not fast in Ramadan. And to that show that the entire city of
17 Timbuktu was abiding by the fasting, it was agreed to impose certain rules.

18

19 including closing restaurants and to ban barbecuing until the end of the day.

20 But, of course, the selling of food in the market had to stay so that travellers can
21 buy -- can buy it.

22 I can't remember exactly, but there were many rules with regards to Ramadan,
23 including not to open any restaurants until the end of the day.

24 Q. [12:35:30] I think I'll have to backtrack for a moment to *page 42. You said
25 that during the period of Ramadan, most of the problems that had led people

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1 to -- and that was the reason for the demonstrations and the objections of the
2 people against the members of the group. Page 42, *lines 11 to 15, in French.
3 Could you explain what you meant by objections from the group -- from the
4 population, rather, against the members of the group.

5 A. [12:36:20] Yes. I mentioned previously that the group in Timbuktu were
6 concerned about the demonstrations of people against them, and they wanted
7 to spread this Islamic approach, but with the agreement of the population

8 [REDACTED]

9 [REDACTED]
10 [REDACTED]
11 [REDACTED]

12 And also the crisis committee was created. So those people that we talked
13 about like Adam and Al Chinquetti and Mohamed Moussa and
14 Al Hassan Abdoul Al Aziz, those people were known to the population very
15 well, and they were complaining against them personally.
16 So this happened through demonstrations or protests -- small protest marches
17 or through complaints -- actions complaints being sent. And Sanda stood by
18 the people most of the times. And I'll give an example. Like carrying
19 weapons in hospitals, Sanda supported the population here to stop members of
20 the group from carrying weapons inside hospitals.

21 Q. [12:38:52] One last clarification in relation to this development, page 42,
22 line 18. You said -- you mentioned fatwa and the management of the city to
23 such an extent that the judges were not fair. So they wanted to have a much
24 stricter approach. What did you mean when you said, "they wanted to have
25 a much stricter approach"?

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1 A. [12:39:20] I was talking specifically about Adam. Adam wasn't by
2 himself in that. There were a group of the jihadists, the young people, who
3 didn't want the group to be lenient with the population but, rather, wanted
4 them to follow a stricter approach so that the people abide by the rules
5 imposed by the group.

6 The people who were known to have this kind of thinking were Adam and
7 Chinquetti, who used to beat people as soon as they do something different,
8 and also Mohamed Moussa were known -- was known for that as he made
9 some very strict orders. And Al Hassan was mentioned also during the late
10 period as a very strict person.

11 But in all cases, this policy was not approved by the leaders. It was not
12 approved by Abou Zeid or Abou Al Hammam, and they tried to limit such
13 practice to the point of dismissing Adam from his position.

14 Q. [12:41:12] You said that people who thought in that way were Adam and
15 Al Chinquetti.

16 Which Al Chinquetti were you -- were you talking about, Mr Witness?

17 A. [12:41:39] Abou Bacar Al Chinguetti.

18 Q. [12:41:52] [REDACTED]

19 A. [12:42:01] [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]

23 Q. [12:42:28] Where is Adam at present, Mr Witness?

24 A. [12:42:44] What do you mean by "where"? Where he lived or where ...
25 What was his position in the (Overlapping speakers)

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1 Q. [12:43:06] Is he dead? Is he alive?

2 A. [12:43:11] After he was dismissed from the leadership of the police, he
3 was assigned other tasks in the battalion, but he was later killed. I can't
4 remember the date of his death.

5 Q. [12:43:48] I'd like to move on to Khaled. Transcript 93 --

6 THE INTERPRETER: [12:43:48] Correction: Transcript 90.

7 MR DUTERTRE: [12:43:49]

8 Q. [12:43:49] -- page 63, line 14 to line 22. You gave some information
9 about Khaled. What does "Al Sahraoui" mean?

10 A. [12:44:36] "Al Sahraoui," as defined by the group, was used to call the
11 members who came from Polisario. But sometimes it was used also for all the
12 people who lived in the Sahara -- in the desert, including the desert of Mali.

13 Q. [12:45:08] And what was his nationality? What country was he from?
14 Was he Algerian? Tunisian? What country was he from exactly?

15 A. [12:45:30] I -- I answered Polisario. It's a -- it's a country between Algeria
16 and Morocco. It's called Polisario.

17 Q. [12:45:49] What were his links to Abou Zeid?

18 A. [12:45:57] He was very, very close to Abou Zeid. He was trusted by
19 him.

20 Q. [12:46:18] Could you tell us under what circumstances you saw him the
21 first time in Timbuktu when the city was occupied by the jihadists for the first
22 time.

23 A. [12:46:32] I used to see him, his face, with Abou Zeid before he became
24 the head of the police. [REDACTED]

25 [REDACTED]

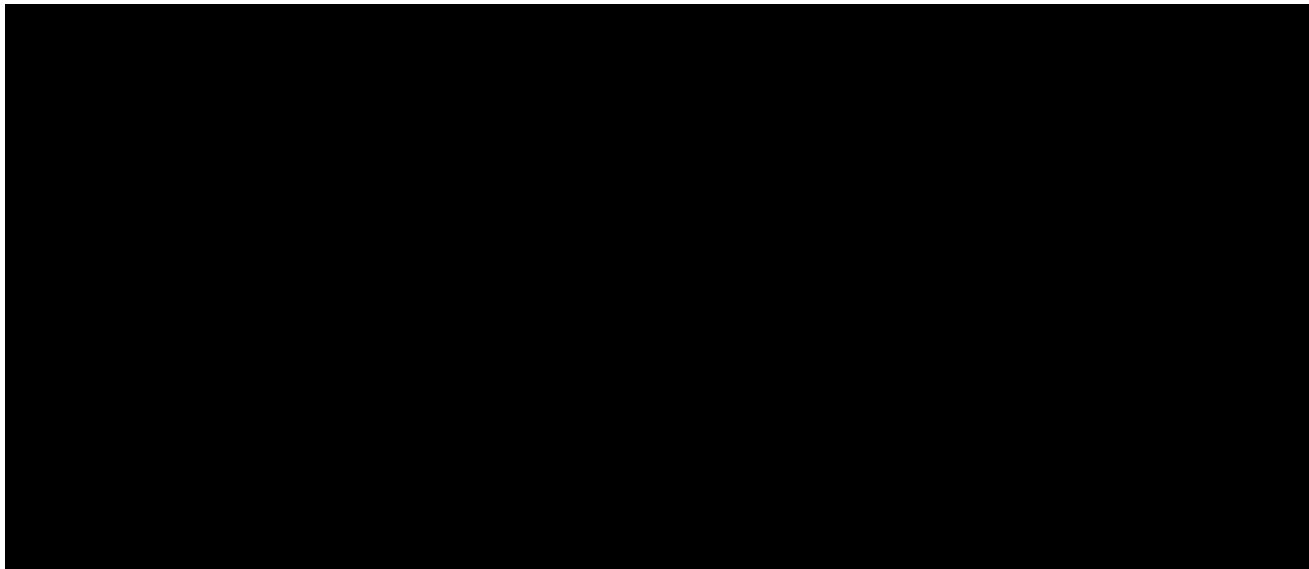
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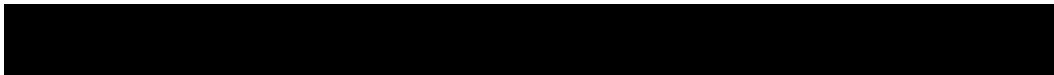
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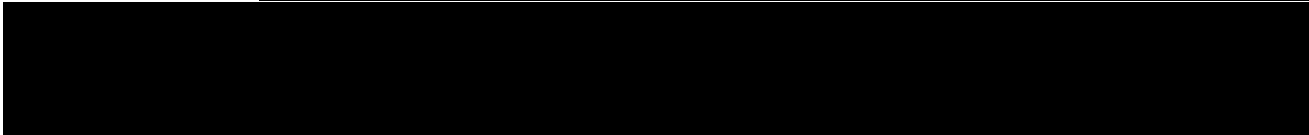
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9 Q. [12:48:05]



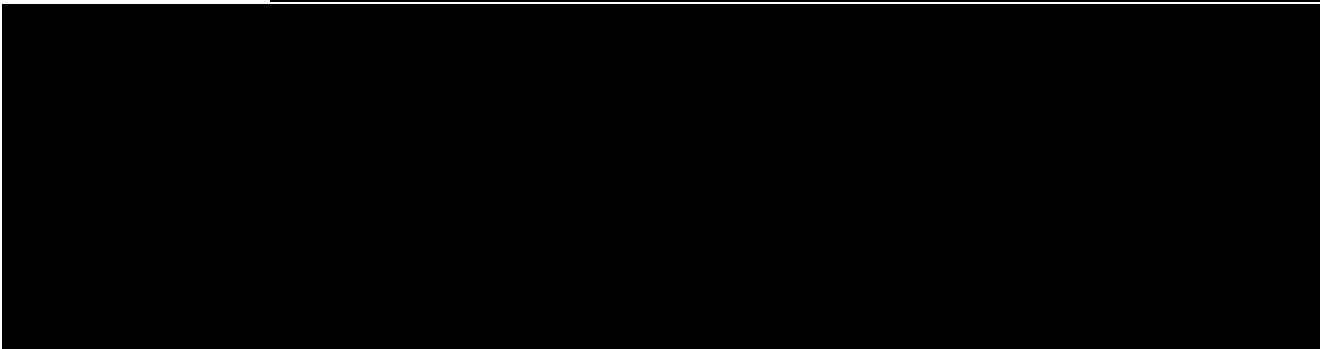
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12 A. [12:48:28]



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18 Q. [12:49:30] Regarding the destruction of the mausoleums, which month
19 did that happen in in 2012? If you're in a position to recall, which month was
20 it?

21 A. [12:49:47] I think it happened mid-June 2012.

22 Q. [12:50:03] I'd like us to view some video footage, 13 seconds in 0018-0649,
23 tab 1526, transcript 0069-1449. 0018- -- transcript 0069-1449, tab 1526 (sic), tab
24 1658. 0018-18 (sic)

25 I will now play the video footage.

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1 (Viewing of the video excerpt)

2 MR DUTERTRE: [12:52:08](Interpretation)

3 Q. [12:52:10] Did you have enough time to view the footage, or do you want
4 to see it again?

5 A. [12:52:18] Yeah, I managed to see it.

6 Q. [12:52:24] 00 -- 00:00:00:08 is the time stamp.

7 Mr Witness, do you know who this person is to the far left? I'm pointing at
8 this person with my cursor. The -- far to the left, if we look at the photograph
9 head on -- or the footage, rather, head on.

10 A. [12:53:03] Yes, I know him. This is Khaled Al Sahraoui that I mentioned
11 before.

12 Q. [12:53:24] I'm at 00:00:10:18. Could you tell us who the second person is,
13 second person from the left, who is facing the cameraman and he is wearing
14 a yellow head covering?

15 A. [12:53:52] Yes, I know this person. This is Al Hassan Ag Abdoul Al
16 Aziz.

17 Q. [12:54:03] And what is the vest that he's wearing, Mr Witness?

18 A. [12:54:09] This is the police vest, Islamic police vest.

19 Q. [12:54:25] Now this white vehicle that we can see in the background,
20 there seems to be a sign on the backdoor. Do you know what this is, Mr
21 Witness? Just above the wheel.

22 A. [12:54:44] What is written is not very clear. It might be the "Islamic
23 Police" or the phrase "There is no God but Allah." I don't think they put
24 anything else other than these signs.

25 Q. [12:55:18] Do you know where this footage was shot, Mr Witness?

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1 A. [12:55:28] Yes. This is the end of Al Qadhafi River close to the Hôtel
2 Azalaï when Al Souki got executed -- or where Al Souki got executed.

3 Q. [12:56:06] [REDACTED]

4 A. [12:56:12] [REDACTED]

5 Q. [12:56:35] We are going to come back to this footage.

6 Now I'd like us to now move - I believe I still have enough time - to another
7 piece of video footage, 0009-1749, tab 1013, binder 6, transcript 0028-0839,
8 binder 6, tab 1014.

9 And I'll go from time stamp *00:02:43:15 to 00:02:53:13. And I'm at time stamp
10 00:02:43:21, and I'll play the footage without sound.

11 (Viewing of the video excerpt)

12 MR DUTERTRE: [12:58:16] (Interpretation) And I've stopped at 00:02:53:08.

13 Q. Mr Witness, do you know where this footage was shot?

14 A. [12:58:48] I can't remember, no. But maybe if I watch more of this video,
15 I can remember.

16 (Viewing of the video excerpt)

17 MR DUTERTRE: [12:59:29](Interpretation) I'll replay as of 00:02:44:04.

18 Q. [12:59:51] Was that helpful, Mr Witness?

19 A. [12:59:56] Yes. I recognise the place.

20 Q. [13:00:05] And what place is it, Mr Witness?

21 A. [13:00:09] This is the north-eastern part of the courtyard where two
22 people were flogged. They were accused of committing extra-marital
23 intercourse.

24 Q. [13:00:39] We'll come back to this later, Mr Witness.

25 Are you telling us that it was during this event that the footage was shot?

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1 A. [13:00:49] Yes.

2 Q. [13:01:01] [REDACTED]

3 A. [13:01:06] [REDACTED]

4 MR DUTERTRE: [13:01:11](Interpretation) If you don't mind, your Honour,
5 I'd like to identify one person, and then I'll -- we can have the rest of the
6 questions afterwards.

7 PRESIDING JUDGE MINDUA: [13:01:21](Interpretation) Go ahead.

8 MR DUTERTRE: [13:01:23](Interpretation) Thank you very much.

9 Q. [13:01:25] [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 A. [13:01:51] The one raising his arm is Al Hassan Abdoul Ag Aziz, and the
13 one who is wearing a white shirt, this is most likely Talha. And the other two
14 people with the green -- the person with the green turban, I am 100 per cent
15 sure this is Abou Bacar Al Chinguetti. And the one to the left of the photo, I
16 am also sure 100 per cent this is Zakaria.

17 Q. [13:02:45] "Al Kahir" or "Zakaria", Mr Witness?

18 A. [13:02:57] Zakaria.

19 Q. [13:03:04] *I move to 00:02:43:06, and we can see the person in profile, and it
20 is a bit clearer. Can you confirm the identity of this person, Mr Witness. The
21 person wearing the green turban.

22 A. [13:03:28] If you mean the one who's holding the rifle under his arm, this
23 is Abou Bacar Al Chinguetti.

24 MR DUTERTRE: [13:03:47](Interpretation) Thank you for being so patient,
25 your Honours.

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1 Thank you, Mr Witness.

2 PRESIDING JUDGE MINDUA: [13:03:52](Interpretation) Very well. We will

3 now take one-and-a-half hours for our break, and we will resume at 14:30.

4 The hearing is suspended.

5 THE COURT USHER: [13:04:05] All rise.

6 (Recess taken at 1.04 p.m.)

7 (Upon resuming in closed session at 2.31 p.m.)

8 THE COURT USHER: [14:31:00] All rise. Please be seated.

9 PRESIDING JUDGE MINDUA: [14:31:21](Interpretation) The hearing shall

10 now resume.

11 Prosecution, please continue your examination-in-chief. Mr Prosecutor.

12 MR DUTERTRE: [14:31:47](Interpretation) Thank you, your Honours.

13 Q. [14:31:53] Mr Witness, we'll resume. Now, at the first police station, did

14 Mr Al Hassan have an office there?

15 A. [14:32:17] He did. And that's what I was saying when I was referring to

16 the office of the police.

17 Q. [14:32:39] Could you describe to us, in the first police station, where was

18 the office exactly? Where was it inside?

19 A. [14:32:58] Yes. When you enter the public building, it's to the eastern

20 side. It's an open door to the eastern side. You look left, you take a hallway

21 where there were seats for waiting. Then you see a door. You get into the

22 door, you will find a wooden desk, chairs behind the desk, and that's where

23 Al Hassan was seated.

24 Q. [14:33:52] Just to be more specific, we saw that there was the main floor at

25 the first police station, and then there was a storey above. Which level are

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1 you talking about?

2 A. [14:34:19] I think I just said to the left, but I actually meant to the right.

3 When you get into the building from the door, it's on the eastern side. You

4 look to the right to reach Al Hassan's office. If you look left, you will go to the

5 security office and not to Al Hassan's office.

6 And all that I'm describing here pertains to the ground floor.

7 Q. [14:34:56] Could you describe the office of Mr Al Hassan. Were there

8 windows, for instance?

9 A. [14:35:13] I am not able to recall details in a specific manner. Even the

10 type of doors is something that is not clear in my mind now.

11 Q. [14:35:40] French transcript 90, page 66, lines 17 to 19, you stated

12 Al Hassan was the one who was in the habit of writing the reports and

13 questioning people and conducting investigations.

14 Where were people questioned, Mr Witness, to your knowledge?

15 A. [14:36:19] In his office, the one I've just described.

16 Q. [14:36:32] Could you tell us where the people were held for the rest of the

17 time, the -- these people who were being questioned.

18 A. [14:36:49] In different rooms that were in this station. Some of these

19 rooms were on the left side next to the security office I've just referred to, and

20 the other rooms are accessible if you go further straightforward and then go a

21 little to the right side, you'll find several rooms where people were detained.

22 Q. [14:37:27] Were these people able to leave these rooms, if they wanted to,

23 to the best of your knowledge?

24 A. [14:37:46] Never.

25 Q. [14:38:01] Did these rooms have doors, these rooms where people were

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1 being held?

2 A. [14:38:09] They did.

3 Q. [14:38:20] Did you yourself see these rooms? You yourself.

4 A. [14:38:31] I did.

5 Q. [14:38:44] Were there toilets in this building as well, Mr Witness?

6 A. [14:38:52] The rooms I've described as accessible - once you go further
7 straightforward and then go a little to the left side - these rooms were next to
8 the toilets.

9 MR DUTERTRE: [14:39:22](Interpretation) Your Honours, I'd like to show
10 two photographs. The first one is 0006-1511, tab 1243, binder 7. Perhaps we
11 could put it up on the screen as well, although it is in the binder of the witness.
12 If we could zoom in? No, no, no point, I think we should just leave it as it is,
13 Courtroom Officer.

14 Q. [14:40:40] Mr Witness, do you recognise this place?

15 A. [14:40:44] I do.

16 Q. [14:40:58] Could you describe what you see here.

17 A. [14:41:03] This is one of the rooms I've described. Sometimes -- and was
18 also used for detention.

19 Q. [14:41:31] Could you be more specific. Who was being detained in this
20 room or these rooms?

21 A. [14:41:40] To detain the defendants at the police station.

22 Q. [14:41:54] And to your knowledge, why were these people being detained,
23 Mr Witness?

24 A. [14:42:02] For a variety of reasons. Most of these reasons were theft that
25 occurred in the city. In the case -- the police quite often forbid these thefts.

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1 Many young people in the city tried to take advantage of the belongings that
2 were left in deserted homes after some of the population left Timbuktu. So
3 some of the people that were brought to the police station were among these
4 ones I've described.

5 In -- at the second level, you will find that the cases mostly pertaining to people
6 who did not observe rules imposed by the *Hesbah* or the police. For example,
7 people who smoke, who were stubborn and were -- and displayed smoking
8 and listened to music and were intensely stubborn in violating the new rules.

9 Q. [14:43:35] Mr Witness, could you tell us what is the room at the very -- to
10 the left, at the very end at the -- in the background.

11 A. [14:43:54] Here, if we go through the main entrance, we would pass the
12 area where the visitors wait. Then, go to the right side and pass by rooms.
13 This is one of those rooms. If you -- and then if we go further, we will find
14 a toilet, the one appearing at the end of the hallway. And then if you'll leave
15 from the door, you would then go through the stairs that would take you to the
16 second floor in the building.

17 [REDACTED]
18 [REDACTED]

19 Q. [14:44:53] The transcript is -- says "second floor." Is this a matter of
20 terminology? Are you talking about the second level? Could you be more
21 specific.

22 A. [14:45:15] I was referring to the second floor of the police station, indeed.

23 Q. [14:45:31] When you say the "floor," are you counting the ground floor as
24 one floor?

25 A. [14:45:46] Yes. If -- if you -- if you call it the first. So that's the first floor,

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1 and then the second floor is the one I'm describing.

2 Q. [14:46:08] That's clarified. Thank you for that. So what about the
3 second floor, to use your way of referring to this floor? What was there?
4 What happened there?

5 A. [14:46:27] I don't know what it -- what was there, all of -- all of that was
6 there

7 [REDACTED]
8 [REDACTED]
9 [REDACTED]

10 Q. [14:46:58] I'd like to clarify one last thing. When you say that you went
11 through the door, you would get to the second floor, do you mean the door
12 from which the light is coming at the end of the hall on the photograph that's
13 up on the screen, 0006-1511?

14 A. [14:47:36] I do.

15 MR DUTERTRE: [14:47:50](Interpretation) Mr Courtroom Officer, if we could
16 now show 0006-1512. And this is tab 1244, your Honours.

17 Q. [14:48:18] Mr Witness, can you tell us what this is.

18 A. [14:48:24] This is one of the rooms we've been talking about used for
19 detaining people at the police station.

20 Q. [14:48:42] And to the best of your knowledge, this little window in the
21 door, what was it used for?

22 A. [14:49:00] I don't know. I also don't know whether this door was
23 installed by the group or whether it existed in this building even before the
24 arrival of the jihadists here.

25 Q. [14:49:29] Mr Witness, on the basis of your recollection, take your time,

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1 and if you could draw the ground floor for us of the police station. And could
2 you show where Mr Al Hassan's office was, where the security battalion was
3 located, and the rooms where people were being held.

4 Could you sketch a diagram for us?

5 PRESIDING JUDGE MINDUA: [14:53:29](Interpretation) We are not asking
6 you to be an architect. A sketch is just fine. Don't you think?

7 MR DUTERTRE: [14:54:14](Interpretation) If we could perhaps centre the
8 image and zoom in.

9 There was a "word" far to the right that no longer appears at the top. To the
10 right, I believe there's a word. We still can't see it. If you could just perhaps
11 shift the piece of paper, that would be simpler.

12 (Speaks English) Can you -- sorry. Can you move the -- the paper because
13 there is a word written on the -- on the right. Yeah. *Voilà*.

14 Q. [14:55:04] The word at the very top, what does that mean?

15 A. [14:55:10] It just says, west. That's the western side. And then down,
16 there is east. That's the main entrance.

17 Q. [14:55:28] And to the right and the left, there are two words. What do
18 they mean?

19 A. [14:55:37] It says, north and south.

20 MR DUTERTRE: [14:55:46] If we could now zoom in and look more closely at
21 the diagram, madam courtroom usher.

22 Q. Mr Witness, to the far right, you have sketched a room, and something is
23 written inside. Could you tell us what you have written there.

24 A. [14:56:21] This is my recollection of where Al Hassan's office was.

25 Q. [14:56:40] To the left somewhat, there are -- in the middle, there are three

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1 rooms in a row, and you've written something inside. Could you tell us what
2 you've written inside these three rooms.

3 A. [14:56:59] These are three rooms. The first one is the security office.
4 The next two others I just wrote "room," "room." And I don't know what they
5 were used for.

6 Q. [14:57:20] Just to be crystal clear, are you talking about the three rooms at
7 the far left? Don't -- don't move the image. Don't. Don't move the paper on
8 the display.

9 A. [14:57:44] Yes.

10 Q. [14:57:52] So the security office is to the left at the end? Is that correct?

11 A. [14:58:04] That is correct.

12 Q. [14:58:09] Very well. So above, there are two rooms, and you told us
13 you didn't know what they were for. Okay.

14 A. [14:58:31] That is correct.

15 Q. [14:58:34] Fine. And to the right, close to Mr Al Hassan's office, there are
16 three rooms that are all in a row beside one another. Could you tell us what
17 you have written for each one of these rooms.

18 A. [14:58:56] These two are rooms, smaller than the one -- the rooms by the
19 security office side. And these are the rooms I said you would see if you take
20 the stairs that lead you to the upper floor. And these are small rooms, I don't
21 remember how many rooms these were, and there were toilets next to them as
22 well.

23 Q. [14:59:41] Now, are the toilets the room to the right at the top of the
24 diagram that you've sketched?

25 A. [15:00:00] Yes.

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1 Q. [15:00:06] So to the best of your recollection, in these three small rooms,
2 these are the rooms where the people were being held?

3 A. [15:00:23] Yes.

4 MR DUTERTRE: [15:00:37](Interpretation) Thank you, Mr President. We
5 might be able to provide a reference number to this document.

6 Now all of the documents written in Arabic by the witness, with a view to
7 saving time, if the Defence is in agreement, we might suggest that the
8 interpreters could translate them for the record.

9 PRESIDING JUDGE MINDUA: [15:01:03](Interpretation) I don't believe that
10 that's in any way inconvenient for the Defence. We could indeed translate or
11 attach the translation. There we are. That's agreed.

12 Mr courtroom officer, could we have a number, please.

13 THE COURT OFFICER: [15:01:21] Your Honours --

14 PRESIDING JUDGE MINDUA: [15:01:23](Speaks English) Yes, please.

15 THE COURT OFFICER: [15:01:25] Your Honours, the document will be
16 assigned exhibit number MLI-REG-0001-0064.

17 PRESIDING JUDGE MINDUA: [15:01:41](Interpretation) Mr Prosecutor, I
18 don't know whether you've finished with this because I haven't understood
19 with regard to what we saw on a horizontal plane, that is, the ground floor, the
20 first floor, for the witness, that is, or is there another storey above it? The
21 second floor, that is.

22 MR DUTERTRE: [15:02:07](Interpretation) I do have an answer, but I might
23 ask the witness to give that answer himself.

24 Q. [15:02:10] Mr Witness, this diagram, is it the diagram of the ground floor,
25 the first floor, the second floor or both?

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1 A. [15:02:22] This is only the ground floor.

2 Q. [15:02:44] Yes. We do have the reference number.

3 Mr Witness, I would like to now play a video, 0041-0605, at tab 1225 of

4 7 -- binder number 7, transcript 0069-1674, to be found at tab 1226. The video

5 has already been formatted.

6 Now if the courtroom officer could please play it for us, I would be very

7 grateful.

8 In the meantime, for the sake of clarity, I see that the transcript is not quite

9 complete. This is the diagram of the ground floor of the first police station, is

10 it not, of what you just did, Mr Witness?

11 A. [15:04:12] Yes.

12 MR DUTERTRE: [15:04:22](Interpretation) Mr Courtroom Officer, could we

13 please play the video without the sound.

14 (Viewing of the video excerpt)

15 Q. [15:04:55] Have you had the time to view the video, Mr Witness, or

16 would you like us to play it again?

17 A. [15:05:02] Could you please play it again.

18 MR DUTERTRE: [15:05:17](Interpretation) Mr Courtroom Officer, we're in

19 your hands.

20 THE WITNESS: [15:05:26](Interpretation) Thank you. I've seen it now.

21 MR DUTERTRE: [15:05:29](Interpretation) Mr Courtroom Officer, could we

22 bring the image back on the screen, please.

23 Q. [15:05:43] Mr Witness, do you know who the individual is, seated at the

24 centre of the image behind the desk?

25 A. [15:05:54] I do. That is Al Hassan Ag Abdoul Al Aziz.

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1 Q. [15:06:06] And just to specify, we are at 00:00:00:23.

2 Mr Witness, do you know where this was filmed?

3 A. [15:06:27] I do. This is the place I referred to as Al Hassan's office.

4 Q. [15:06:52] Thank you, Mr Witness.

5 Mr Witness, you indicated this morning, page 31, line 1, that the police were
6 supervised by Abou Zeid.

7 Did Abou Zeid have a car, Mr Witness?

8 A. [15:07:22] For a while, he drove a car. But usually, he had a variety of
9 cars. You cannot assign a particular car to him.

10 Q. [15:07:43] Do you remember the various cars that he used to use?

11 A. [15:07:56] For a while, he drove a specific car. I don't know the brands
12 of cars, but he drove a black sedan. He also had other cars, the Toyota pickup
13 vehicles. These were his private cars. Usually, someone else drove them
14 with him, but he sometimes drove them on his own. And in Timbuktu, for
15 a while, he did drive a small black sedan.

16 MR DUTERTRE: [15:08:45](Interpretation) Mr President, I would like to play
17 a video, 0069-3706, at tab 1232, in binder 7, transcript to be found at 0078-4562
18 to be found at 1233, tab 1233, and a translation 0078-4626, at tab 1234.
19 And I shall play it initially without the sound on evidence 2.

20 (Viewing of the video excerpt)

21 MR DUTERTRE: [15:10:16](Interpretation)

22 Q. [15:10:17] Did you see the video, Mr Witness?

23 A. [15:10:18] I have a still picture up here on my screen.

24 Q. [15:10:24] I'll play it again.

25 A. [15:10:48] I've seen it now.

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1 Q. [15:10:54] Mr Witness, what is this car that we can see in front of the
2 building?

3 A. [15:11:01] This is the car that I was referring to when I spoke about Abou
4 Zeid's car.

5 Q. [15:11:16] And what is the building in front of which the car is parked at?

6 A. [15:11:30] This is the police's second office.

7 Q. [15:12:05] I am going to introduce this video to you, 0069-3713 at tab 1235.
8 What can you see, Mr Witness?

9 A. [15:12:25] I see a close up of the vehicle and of the Islamic police plate,
10 and the brand of the vehicle is a Mercedes. And I kind of second-guessed that
11 the car that Abou Zeid drove was a Mercedes.

12 Q. [15:13:10] Mr Witness, on a number of occasions, we broached, in the
13 French transcript *90, page 66, the various activities of the Islamic
14 police. I would like to now play to you a video, 0018-0379, which is four
15 minutes and 46 seconds -- 45 seconds at tab 1039. And it's formally submitted
16 with the transcript 0069-7535, at tab 1040, and a translation 0069-7539 at tab
17 1041.

18 I shall play it initially without the sound and then with the sound.

19 (Viewing of the video excerpt)

20 MR DUTERTRE: [15:15:24](Interpretation)

21 Q. [15:15:24] I've stopped at 00:00:22:17, and I'm going towards the end now.
22 I'm going to start playing it at 00:04:06:21 in a few seconds' time.

23 (Viewing of the video excerpt)

24 And I'm stopping at 00:04:14:15.

25 I'm coming back to the beginning now, 00:00:00:17.

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1 Mr Witness, are you in a position to identify the individual who is sat to the
2 right when we look at the image face on?

3 A. [15:16:30] This is Al Hassan Ag Abdoul Aziz.

4 Q. [15:16:49] Do you know the individual to the left of the image when we
5 look at it face on?

6 A. [15:16:58] I do. This is, as I previously described, dot-dot-dot then
7 Bambari.

8 Q. [15:17:28] In the translation, I heard "dot-dot-dot."

9 Does that mean that you don't know the person's Christian name?

10 A. [15:17:40] Indeed.

11 Q. [15:17:47] Are you in a position to telling -- to tell us, according to your
12 knowledge, Mr Witness, where this video was filmed?

13 A. [15:17:56] Yes. This is the police office, the second office of the police.

14 Q. [15:18:20] I've gone on to 00:04:24:18. What is the building that we can
15 see behind the individual who appears on the screen?

16 A. [15:18:32] The picture depicts only a portion of the building. Therefore, I
17 refrain from identifying this location. Although, I am inclined to believe this
18 is the second office of the police.

19 Q. [15:19:09] And when you're talking about the second police office, are
20 you talking about the *Gouvernorat*, Mr Witness?

21 A. [15:19:20] Yes.

22 Q. [15:19:31] I'm going to play the video with the sound now. And I shall
23 ask the interpreters to kindly read --

24 PRESIDING JUDGE MINDUA: [15:19:45](Interpretation) Ms Taylor.

25 MS TAYLOR: [15:19:46] Thank you, Mr President. The Defence would like

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1 to object to this particular proposal. But to do so, we would like to do so in
2 the absence of the presence of the witness.

3 PRESIDING JUDGE MINDUA: [15:20:12](Interpretation) Mr Courtroom
4 Officer, could you please lead the witness out of the court for a few moments.
5 (The witness exits the courtroom)

6 PRESIDING JUDGE MINDUA: [15:21:01](Interpretation) Ms Taylor.

7 MS TAYLOR: [15:21:05] Thank you very much, Mr President. In accordance
8 with paragraph 58 of the decision on the conduct of the proceedings, in order
9 to show the audio-visual content of this video, it is necessary for the Prosecutor
10 to establish relevance, that is, that the witness is in a position to speak to the
11 means by which the video was created or the content.

12 Now, those of us in the courtroom know that this is an interview produced by
13 a journalist. At this point in time, the Prosecutor has not elicited any
14 foundation to establish that this witness has knowledge as concerns the
15 circumstances of this interview. To go straight to the content of the interview
16 would therefore ask the witness to speculate on the basis of information.

17 We, therefore, believe it's necessary for the Prosecution to first establish, does
18 this witness have any personal knowledge as concerns the interview that was
19 recorded on this day;

20 otherwise, if it's the intention of the Prosecutor to ask questions to this witness,
21 they are effectively merely asking the witness to speculate as concerns the
22 meaning of a speech or an interview where the witness was not present.

23 If, alternatively, the Prosecution want to use this to elicit information
24 concerning the activities of the Islamic police, then the most appropriate course
25 of action would be for the Prosecutor to elicit that information openly, that is,

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1 to put questions to the witness about what he knows of the daily activities of
2 the Islamic police.

3 Otherwise, showing an interview which has information in it is effectively
4 showing to the witness an answer and asking that witness to confirm it, that is,
5 effectively, a leading way of eliciting information.

6 PRESIDING JUDGE MINDUA: [15:22:58](Interpretation) Very well.

7 Mr Prosecutor.

8 MR DUTERTRE: [15:23:01](Interpretation) Yes, Mr President. This objection
9 is entirely premature. [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 Secondly, he also has spoken about the police and its activities, and this is what
15 this video is all about. So it's something that is not unknown to him; so he
16 knows about this. We have not shown that he knows the particular
17 circumstances of this video. But what we're going to put as a question or
18 questions are questions that are based on his personal knowledge. We're not
19 going to ask him to advance any points of conjecture. We're going to put very,
20 very specific questions to him on a number of points, which come down to his
21 personal knowledge. There is nothing objectionable to this.

22 And with a view to facilitating the manifestation of the truth, I think that it is
23 quite premature. I think that when we will be putting specific questions, then
24 Ms Taylor is -- is at liberty to object. We do not think --

25 THE INTERPRETER: [15:24:37] Overlapping speakers.

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1 PRESIDING JUDGE MINDUA: [15:24:39](Interpretation) But, Mr Prosecutor,
2 we have already said in the past that it is not necessary for the witness to have
3 filmed the video himself for us to be able to present it to him. But there has to
4 be a foundation, has there not, to be able to start a line of questioning. So of
5 course the witness has not filmed the video, but I do not believe that he said
6 that he took part in the interview or the conversation.

7 Nevertheless, Ms Taylor -- I'm going to slow down a little bit for the
8 interpreters.

9 Nevertheless, [REDACTED]

10 [REDACTED] He knows the philosophy and the methods of the group.

11 Now I'm coming back to you, Mr Prosecutor.

12 What Ms Taylor is suggesting to us -- she says that as the witness was not there,
13 why would we not quite simply put questions to him that you want to elicit
14 from the video as if you're putting words in his mouth. So why not just
15 present the events to the witness and put the questions to him.

16 MR DUTERTRE: [15:26:03](Interpretation) The witness has already talked
17 about the activities of the police previously. This comes to that. So these are
18 very specific points that I'd like to have his explanations on the basis of his own
19 personal knowledge.

20 PRESIDING JUDGE MINDUA: [15:26:15](Interpretation) There we are.
21 So, Ms Taylor -- we are in agreement, Ms Taylor. Mr Prosecutor is going to
22 put specific questions on the basis of the witness's knowledge, and I suggest
23 that we move forward.

24 Mr Courtroom Officer, could the witness be brought back into the courtroom,
25 please.

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1 (The witness enters the courtroom)

2 PRESIDING JUDGE MINDUA: [15:27:14](Interpretation) There we are. The
3 witness is back in the courtroom.

4 Mr Prosecutor, please put questions to him on the basis of what we have just
5 said.

6 MR DUTERTRE: [15:27:24](Interpretation) We're going to put -- play the
7 video with the sound, Mr President, and then put very specific questions to
8 him. So the interpreters are invited to read the transcript into the -- the
9 translation into the record.

10 THE ARABIC INTERPRETER: [15:27:50] (Interpretation of video excerpt)

11 UNIDENTIFIED SPEAKER: We will ask the questions.

12 UNIDENTIFIED SPEAKER: I will ask them, but please leave.

13 UNIDENTIFIED SPEAKER: And so on and so --

14 REPORTER: How are you both?

15 UNIDENTIFIED SPEAKER: May the peace and mercy of Allah be upon you.

16 REPORTER: How are you, dear policeman? All right?

17 UNIDENTIFIED: By Allah, thankfully everything is perfect and fine.

18 REPORTER: How are you all? You're well?

19 UNIDENTIFIED: Yes, thankfully. Praise be to Allah. Blessed is Allah.

20 REPORTER: What are you going to tell us about the type of work the police
21 do here in the town of Timbuktu?

22 UNIDENTIFIED: By Allah.

23 REPORTER: May the peace, mercy, and blessings of Allah be upon you.

24 UNIDENTIFIED: May the peace and mercy be -- of Allah be upon you.

25 REPORTER: How are our dear policemen?

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1 UNIDENTIFIED: By Allah, everything is fine. Praise be to Allah, just great.

2 REPORTER: How are you?

3 Well --

4 UNIDENTIFIED: By Allah, praise be to Allah, thankfully, as Allah willed it.

5 REPORTER: What are you going to tell us about the police's mission here in
6 the town of Timbuktu?

7 UNIDENTIFIED: By Allah, the work done by the police -- the work done by
8 the Islamic police is just ordinary work. We have a lot of work, and the type
9 of work done by the Islamic police is well known. What I mean is the type of
10 work we do.

11 REPORTER: Such as what? What's ...

12 UNIDENTIFIED: Of course. It involves patrols within the town and
13 correcting objectionable acts, any type of reprehensible act which has been
14 forbidden by Allah, praise and glory be to him, we correct, such as drinking
15 alcohol, smoking, and a woman adorning herself, and other such acts. Praise
16 be to Allah. It involves running the town's affairs, particularly with respect to
17 vehicle traffic, the market, and elsewhere and ensuring the whole town's
18 security day and night.

19 REPORTER: How can it be understood from this? Is theft widespread or ...

20 UNIDENTIFIED: No, praise be to Allah. Thankfully. Theft is on the
21 decline. It became very limited.

22 How many --

23 REPORTER: How many thieves do you have in prison at the moment?

24 UNIDENTIFIED: We don't have a single thief in prison at the moment.

25 REPORTER: You don't have any thieves in prison?

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- 1 UNIDENTIFIED: No, just one, a drug dealer. He was arrested. Praise be to
- 2 Allah.
- 3 REPORTER: Praise be to Allah. How about the bandits? Have they
- 4 disappeared, or are they still around?
- 5 UNIDENTIFIED: No, praise be to Allah, the cherisher and sustainer of the
- 6 world. Once the *hudud* punishments were implemented, everything stopped,
- 7 apart from minor things, praise be to Allah, and those are being dealt with.
- 8 REPORTER: With respect to the rural areas and the remote desert zones, do
- 9 you have a committee which sends out vehicles or patrols periodically?
- 10 UNIDENTIFIED: Yes. We're always despatching vehicles and missionary
- 11 expeditions, praise be to Allah, the cherisher and sustainer of the world.
- 12 REPORTER: The people do have weapons?
- 13 UNIDENTIFIED: By Allah, weapons are available.
- 14 REPORTER: However, there was no ...
- 15 UNIDENTIFIED: There is no problem. Weapons are available. The people
- 16 are all armed. Anyone who has an enough money to buy a weapon, does so.
- 17 REPORTER: How many -- how many thieves have had their hands chopped
- 18 off in this town?
- 19 UNIDENTIFIED: In Timbuktu, only one hand has been chopped off. Only
- 20 one hand has been chopped off, and only one murderer has been executed, and
- 21 then two or three perpetrators have been flogged - I think it was three - as well
- 22 as the alcohol. Two alcohol drinkers were -- who were flogged.
- 23 REPORTER: And that was the end of -- now, praise be to Allah --
- 24 UNIDENTIFIED: Praise be to Allah, alcohol-related cases have stopped. We
- 25 don't have any at all. And the same goes for theft and for murder too. Ever

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1 since the day the one murderer was executed -- that one murderer was
2 executed, there haven't been any more cases.

3 REPORTER: Praise be to Allah. With respect to the inhabitants, are they
4 compliant and cooperating with you?

5 UNIDENTIFIED: Oh, indeed, yes. There are crowds of inhabitants in front
6 of the police station every day that are debt-related issues, social issues, and so
7 forth, divorce, and all sorts of issues every day.

8 REPORTER: As far as debts are concerned, have they been paid back? Do
9 people settle their debts?

10 UNIDENTIFIED: Yes. Some are paid back on schedule, and some require
11 because some -- because most people are poor here. That's why we give them
12 a time limit of one or two months, and some are referred to the court.

13 REPORTER: May Allah bless you. How many -- what are the salaries of the
14 Islamic police?

15 UNIDENTIFIED: It is for the sake of Allah's cause.

16 REPORTER: May Allah bless you.

17 THE ARABIC INTERPRETER: [15:32:52] A different part.

18 REPORTER: May peace and mercy and blessings of Allah be upon you.

19 UNIDENTIFIED: And may peace and mercy and blessings of Allah be upon
20 you.

21 REPORTER: How are our dear policemen? All right?

22 UNIDENTIFIED:

23 MR DUTERTRE: [15:33:13](No interpretation)(Overlapping speakers)

24 THE ARABIC INTERPRETER: [15:33:14] Interruption by the Prosecutor.

25 I can't continue.

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1 MR DUTERTRE: [15:33:31]

2 Q. [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 A. [15:33:57] [REDACTED]

6 [REDACTED]

7 Q. [15:34:15] [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 A. [15:35:09] By that, we were referring to different things, including
13 the -- the appearance, which we believe is -- should be the Islamic appearance,
14 the -- a woman's outfit. That streets be free from any display of things that we
15 deem in violation of god's Sharia. For example, posters and billboards that
16 may contain unethical words or a preaching for a religion other than Islam or a
17 preaching for a -- an external policy or foreign policy. Also, the -- preventing
18 people from smoking and also preventing the play of music. Also, forbidding
19 shops from engaging in any trade we deem in violation -- is in violation of
20 god's Sharia. Also, to remove all pictures. For example, pictures that were in
21 advertisement of merchandise or of pictures of human beings that might have
22 been on posters and billboards around the city.

23 In addition to what Mr Al Hassan was referring to in this instance, including
24 his references to theft and highway thuggery, and also organising traffic,
25 organising -- and so on and so forth of the things that Al Hassan was referring

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1 to.

2 Q. [15:37:11] Now, at one time, Mr *Al Hassan said,

3 Once the *hudud* --

4 (Speaks English) Once the *hudud* punishments were implemented, everything
5 stopped, apart from minor things.

6 (Interpretation) ... everything stopped, apart from minor things.

7 Could you explain to the Chamber, [REDACTED]

8 [REDACTED] [REDACTED] [REDACTED] - what were the *hudud* punishments
9 exactly?

10 PRESIDING JUDGE MINDUA: [15:38:02](Interpretation) Ms Taylor?

11 MS TAYLOR: [15:38:04] Thank you, Mr President. Not with -- this is
12 entirely respecting the Chamber's decision, it's still necessary for the Prosecutor
13 to establish a foundation for this specific question, given that he's not
14 Mr Al Hassan.

15 Given that he wasn't present, he's now being asked to speculate as concerns
16 what a very specific phrase said by a different person means.

17 PRESIDING JUDGE MINDUA: [15:38:35](Interpretation) No, Ms Taylor. I
18 completely dismiss your objection. This witness, we have already seen - we
19 have already said - not only was he present, but also he has good knowledge of
20 Sharia. Yesterday -- or last week, Friday, *he was even trying to hold forth
21 about the truth. You think he doesn't know about *hudud* punishments?

22 The Prosecutor is asking him what he knows about *hudud* punishments.
23 That's the question. And I would like the witness to answer, please.

24 THE WITNESS: [15:39:25](Interpretation) Fine, your Honour. *hudud* is a term
25 that we use to refer to punishments ordained by God's book, which means in

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1 the holy Koran and in the authentic prophetic tradition. *hudud*

2 *Hudud* is different from *tazir* -- or, discretionary punishment. In more specific
3 terms, *hudud* consists in the amputation of a thief's hand, 100 lashes for
4 a person who commits fornication, as long as they have not been married
5 before, and execution. And it's called in -- in the Sharia term, "stoning" for
6 a fornicator who has been married before.

7 These punishments are ordained by the book and the hadith, and the jihadists
8 believe that these have to be implemented and that it is not in their hands to
9 forgive such acts. The jihadists believe that the enforcement of these *hudud*
10 will prevent crime, and they cite the Koran for that point of view.

11 And to use a short citation here, I quote from the Al-Baqarah or the second
12 chapter of the Koran, which says, in *qisas*, life shall be saved. Or in -- in the
13 enforcement of retaliatory punishments, life shall be saved, which means that
14 When you enforce *qisas*, you will preserve life. You will safeguard life, your
15 life and the lives of others.

16 So these are *hudud*, and these are the benefits of *hudud* as the jihadist groups
17 believe.

18 Q. [15:41:48] To your own knowledge, what sort of *hudud* punishments were
19 put into effect in Timbuktu by the jihadists between -- in 2012 and 2013,
20 between April 2012 and 2013?

21 A. [15:42:16] Whipping was enforced, the whipping of fornicators. It might
22 have occurred twice or thrice. I only remember one time it occurred, in fact.
23 Also, the amputation of a thief's hand was enforced, and capital punishment
24 was (indiscernible)

25 THE ARABIC INTERPRETER: [15:42:47] Note from the interpreters: The

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1 very last part was inaudible.

2 MR DUTERTRE: [15:43:00](Interpretation)

3 Q. [15:43:00] Mr Witness, could you repeat your reply because the last part
4 of your answer was not heard.

5 A. [15:43:10] I said there was a whipping of fornicators and a -- an
6 amputation of a thief's hand, also a capital punishment of a murderer.

7 Q. [15:43:39] Could you tell us more about the flogging that you mentioned
8 of -- the flogging of fornicators.

9 A. [15:43:50] In what respect would you like me to say more about that, sir?

10 Q. [15:44:04] What can you tell us about this flogging and the circumstances
11 in which it occurred and how you know about it?

12 A. [15:44:18] The flogging incident was preceded by other developments.

13 [REDACTED]
14 [REDACTED]
15 [REDACTED]

16 [REDACTED] Once they were sentenced to
17 flogging, a time was set for that flogging to take place, in addition to the
18 location where that would take place, and that was announced publicly over
19 radio.

20 It was a major event, which many people would attend, and I think I'm
21 referring to the first incident of flogging in Timbuktu. [REDACTED]

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

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1 [REDACTED]
2 [REDACTED] there were many
3 spectators among the people, in addition to the many members of the group
4 who were surrounding the location. And the Islamic police vehicle came.
5 I'm referring to an Islamic police vehicle; although, there were several vehicles
6 for -- that the Islamic police had, but there was only one white closed car of the
7 Islamic police.
8 So these two sentenced convicts were brought there, and that's when the group
9 started beating them.

10 Q. [15:47:01] Three minor questions, Mr Witness. I believe I heard in
11 Arabic that you said *zina*, and that means fornicator or adulterer?

12 Could you be more specific because the translations here are important.

13 A. [15:47:27] Fornication punishable by *hud* is a sexual relationship of
14 the -- of the -- a high level, which means, in Arabic, *zina*, an actual intercourse,
15 when it occurs between two unmarried people.

16 In such instance, they -- this is punishable by flogging. And when I say
17 "unmarried," I mean neither of them is otherwise married. I'm not referring to
18 them being not married together. I'm referring to neither of them being
19 otherwise married.

20 If these two -- if two people engage in illegitimate intercourse, it depends on
21 their case, if either of them is married -- is otherwise married, in that case, they
22 would be executed. But if neither of them is married, then in that case, they
23 would be flogged 100 lashes.

24 Q. [15:48:52] Could you be a bit more specific. Why was this announced on
25 the radio? Why was the punishment announced on the radio?

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1 A. [15:49:08] The enforcement of *hudud* for this group is a great victory for
2 them. The fact that the locals allowed for this enforcement of *hudud* to take
3 place is considered by the group a victory after their occupation of this place,
4 and it will be a tool for them to further advertise for their cause and bring over
5 jihadists from far away.

6 It is also -- there is also an Islamic belief that states that when a group enforces
7 the flogging punishment, that enforcement should be attended by many.

8 Some people said this is a form of enforcing the punishment in a more
9 stringent manner, and others believe that it is a way of further deterring people
10 from engaging in such acts.

11 Q. [15:50:42] Could you explain a little bit more. In what way do the
12 groups think it was a victory to apply *hudud*?

13 A. [15:51:10] As I said, this will be a reason for them to be proud. To take
14 pride in having enforced God's Sharia. And it would be a tool to call on
15 jihadists elsewhere to join them.

16 So the jihadists always call on Muslims in other lands to give up what they
17 call -- or to leave what they call the tyrant states and to go instead to lands
18 where Islamist groups were enforcing God's Sharia. The enforcement of
19 the -- of *hudud* was a -- an approved-by action that they are doing this
20 enforcement, which would entice others to leave their lands and join them.

21 It also shows how much the locals were in compliance with the directives of
22 the new group. So these locals, instead of protesting and standing against
23 them, they are hereby coming up and looking at the enforcement that this
24 group is carrying out.

25 Q. [15:52:54] I'll now move to --

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1 PRESIDING JUDGE MINDUA: [15:53:20](Interpretation) Ms Taylor.

2 MS TAYLOR: [15:53:22] Thank you, Mr President. I believe that an Arabic

3 word was just mixed -- missed out of the transcript, and it's quite important.

4 If my colleague can say it so it can be inserted into the transcript or if the

5 witness can confirm if it's the word that he used.

6 MR YOUSSEF: [15:53:35](No interpretation)

7 PRESIDING JUDGE MINDUA: [15:53:44](Interpretation) And could you be

8 more specific, Ms Taylor. Which word?

9 MR YOUSSEF: [15:53:49] Page 83, line 13.

10 PRESIDING JUDGE MINDUA: [15:54:05](Interpretation) Yes, Ms Taylor.

11 Mr Prosecutor, what do you want us to do? Do you want to put the question

12 to the witness so we can obtain clarity? Ms Taylor?

13 MS TAYLOR: [15:54:14] I don't believe it's appropriate for me to put the

14 question to the witness, but perhaps the witness can be asked if that was the

15 Arabic word that he used and then the interpreters could --

16 PRESIDING JUDGE MINDUA: [15:54:25](Interpretation) No, no, no, not you.

17 I'm not asking you to put the question to the witness. I'm asking whether you

18 want the question to be put to the witness or whether he should be asked for

19 more clarity, for something more specific.

20 MS TAYLOR: [15:54:41] Thank you, Mr President. No, I don't think it's

21 a need to ask the question again. I think it's merely a matter of asking the

22 witness if he used that Arabic word, and then that Arabic word can then be

23 interpreted and put in the transcript. It just seems to have been left out at the

24 end. The Arabic word being ...

25 PRESIDING JUDGE MINDUA: [15:55:04](Interpretation) I don't know that

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1 word. I asked you to say it, but I didn't hear -- what is this word?

2 MR YOUSSEF: [15:55:10](Interpretation) As if in agreement.

3 PRESIDING JUDGE MINDUA: [15:55:26](Interpretation) Mr Witness, please

4 tell us about this term. Be specific, if you understand what this is all about.

5 THE WITNESS: [15:55:38](Interpretation) *Indeed I said that: as if they were

6 in agreement with the enforcement of *hudud*. And the pronoun I used was in

7 reference to the public attending in masses in Timbuktu.

8 PRESIDING JUDGE MINDUA: [15:56:04](Interpretation) Well, there you

9 have it. I believe it is now in the transcript, Ms Taylor. Is that all right?

10 I see people nodding. Thank you very much.

11 Mr Prosecutor, you still have seven minutes. Please, continue.

12 MR DUTERTRE: [15:56:22](Interpretation) Yes, I will continue. I'd now like

13 to play 0069-3710. And this is binder -- or, rather, tab 1447, 0078 -- transcript

14 0078-4564, tab 1448, binder 8. There's also a translation, 0078-4629, tab 1449.

15 And if you will just bear with me for a moment.

16 It has already been formally submitted, this video.

17 I'll begin with the usual questions. Then -- then sound.

18 (Viewing of the video excerpt)

19 MR DUTERTRE: [15:58:30] I'll stop now at 00:00:32:21.

20 Q. [15:58:33] Mr Witness, do you recognise this person on the screen?

21 A. [15:59:01] I do. This is Al Hassan Ag Abdoul Aziz.

22 Q. [15:59:17] *I have gone back to timestamp 00:00:03:11. Do you know

23 where this video footage was shot, Mr Witness?

24 A. [15:59:31] I know this is his office at the Islamic police's second office.

25 Q. [15:59:48] Now, the vest he's wearing with the white sort of badge on the

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1 left side of the chest, what is this vest all about?

2 A. [16:00:02] This is the Islamic police vest, but I assure you again that I
3 never read what that front part said.

4 MR DUTERTRE: [16:00:21] Well, given the time, I believe it'll be best to
5 continue tomorrow; otherwise, we'll go to --

6 PRESIDING JUDGE MINDUA: [16:00:42](Interpretation) Quite so. It is
7 4 o'clock in the afternoon, 1600 hours, so we shall now adjourn.

8 Mr Witness, we have come to the end of your testimony for today. And, once
9 again, on behalf of the Chamber, I would like to thank you very much for
10 answering the questions. Tomorrow you will continue giving testimony, but
11 in the meantime, as you know, you are not allowed to talk about your
12 testimony with anyone at all. So that is all for you.

13 Now, I would like to thank the parties and participants, the court reporters and
14 interpreters, and our security officers. I wish everyone a lovely evening, and
15 tomorrow, we will resume at 9.30 in the morning.

16 The hearing stands adjourned.

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, are brought into the transcript.

21 Page 70 lines 20-21

22 "He was even pounding away at the truth." Is corrected to "He was even
23 trying to hold forth about the truth."

24 SECOND CORRECTIONS REPORT

25 The following corrections, marked with an asterisk and not included in the

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1 audio-visual recording of the hearing, are brought into the transcript.

2 Page 14 lines 11-12

3 "But Khaled tasked Al Hassan with the mission of -- or with the job of the

4 commissioner and Al Hassan became the commissioner later." Is corrected to

5 "By then, it was as if Khaled delegated the commissioner's duties to Alhassan,

6 who became the commissioner later."

7 Page 26 lines 2-3

8 "Talha was at one position -- had more responsibility," Is corrected to "Talha

9 was in a position with more responsibilities,"

10 Page 28 line 15

11 "1464-0054 ..." Is corrected to "Tab 1464, document 0055-1813."

12 Page 29 line 19

13 " 5200-92 (sic)" Is corrected to "It's 0052-0091"

14 Page 31 lines 18-19

15 "Do you know who Khaled el-Sahraoui? Do you know where he was during

16 the battle of Konna?" Is corrected to "Do you know where Khaled el-Sahraoui

17 was during the battle of Konna and Diabaly?

18 Page 32 line 6

19 "You said at transcript 89, page 67, line 23 to -- and onwards," Is corrected to

20 "You said at French transcript 89, page 67, lines 23 and 24,"

21 Page 33 line 23

22 "binder 6" Is corrected to "binder 7"

23 Page 42 lines 24-25

24 "page 15. You said during that period of time," Is corrected to "page 42. You

25 said that during the period of Ramadan,"

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- 1 Page 43 line 2
- 2 "line 11" Is corrected to "lines 11 to 15"
- 3 Page 48 line 9
- 4 "43:15 to 53:13" Is corrected to "00:02:43:15 to 00:02:53:13"
- 5 Page 49 line 9
- 6 "48:18" Is corrected to "00:02:48:18"
- 7 Page 49 lines 19-20
- 8 "I move to 00:43:06, and the person's profile is a bit clearer" Is corrected to
- 9 "I move to 00:02:43:06, and we can see the person in profile, and it is a bit
- 10 clearer"
- 11 Page 60 line 13
- 12 "transcript, 70 -- 70 (sic)" Is corrected to "transcript 90"
- 13 Page 70 line 2
- 14 "Mr (Overlapping speakers)" Is corrected to "Mr Al Hassan said,"
- 15 Page 70 line 8
- 16 "and" Is corrected to "or"
- 17 Page 76 lines 5-6
- 18 "I said that the -- they were as if in agreement with the enforcement of the
- 19 hudud." Is corrected to "Indeed I said that: as if they were in agreement with
- 20 the enforcement of hudud."
- 21 Page 76 lines 22-23
- 22 "00:00:03:11. Do you know where this video footage was shot, Mr Witness?"
- 23 Is corrected to "I have gone back to timestamp 00:00:03:11. Do you know where
- 24 this video footage was shot, Mr Witness?
- 25 THIRD CORRECTION REPORT

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

Page 14 lines 1-14:

"A. [10:13:10] I know that the leaders chose the best people to be appointed in certain positions. They chose the best people to work in this position, even though they might have been needed in other positions as well. But in all cases, Al Hassan used to work for Talha and he used to write for him so -- his brother Ousmane was tasked with this mission of writing for Talha. And Al Hassan was designated a bigger task, which is the police work.

And in the early stages, he proved himself and he was capable of doing the job.

He was working with Adam and then he started working with Khaled. [REDACTED]

*By then, it was as if Khaled delegated the commissioner's duties to Alhassan, who became the commissioner later. And it was all due to his way of work and his intelligence and that all made him commended and lauded by the leaders and the emirs." Is corrected to

"A. [10:13:10] I know that the leaders choose the best people when deciding appointees. Or we may say, they choose the best among the people when determining whom to appoint, even though these might be needed in other places. So, Al Hassan worked for Talha, doing secretarial duties for him. Later on, this secretarial function was given to his brother, Ousmane. By then, Al Hassan was going to be reassigned to a larger task, which is to assist the police, the composition of the police. And, at an early stage, he proved himself at work as dynamic and skilled, which soon qualified him to be always around the then

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1 police chief, Adam, and later on to be delegated by Khaled, who was the
2 second police chief. [REDACTED]
3 [REDACTED] Because
4 by then, it was as if Khaled delegated the chief's duties to Al Hassan. Later on,
5 Al Hassan would become police chief. What qualified him to all of this is his
6 way of work, courage, mental sharpness, and also the way the emirs perceived
7 him."