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Trial Hearing
MLI-OTP-P-0642

(Open Session)

ICC-01/12-01/18

1 International Criminal Court
2 Trial Chamber X
3 Situation: Republic of Mali
4 In the case of The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag
5 Mahmoud - ICC-01/12-01/18
6 Presiding Judge Antoine Kesia-Mbe Mindua, Judge Tomoko Akane and Judge
7 Kimberly Prost
8 Trial Hearing - Courtroom 3
9 Tuesday, 9 November 2021
10 (The hearing starts in open session at 9.31 a.m.)
11 THE COURT USHER: [9:31:34] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE MINDUA [9:32:03](Interpretation) Court is in session.
15 Good morning to everyone.
16 Court officer, please call the case
17 THE COURT OFFICER: [9:32:18] Good morning, Mr President, your Honours.
18 This is the situation in the Republic of Mali, in the case of The Prosecutor versus Al
19 Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud, case reference ICC-01/12-01/18.
20 And for the record, we're in open session.
21 PRESIDING JUDGE MINDUA: [9:32:37](Interpretation) Thank you very much,
22 court officer.
23 We are going to take the appearances, starting with the Office of the Prosecutor.
24 Prosecutor
25 MR ALLAFI: [9:32:47](Interpretation) Good morning, your Honour, your Honours.

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1 The Office of the Prosecutor is represented by Paola Sacchi; Gilles Dutertre; Lucio
2 Garcia; and myself, Mousa Allafi. Thank you.

3 PRESIDING JUDGE MINDUA: [9:33:10](Interpretation) Thank you very much,
4 Mr Prosecutor.

5 I now turn towards the Defence.

6 MS TAYLOR: [9:33:14] Good morning, Mr President. Good morning,
7 your Honours. Good morning to everyone in the courtroom. The Defence for
8 Mr Al Hassan is represented today by Molly Thomas and myself, Melinda Taylor.
9 Thank you.

10 PRESIDING JUDGE MINDUA [9:33:33](Interpretation) Thank you, Ms Taylor
11 It's now the turn of the Legal Representative of Victims.

12 MR KASSONGO: [9:33:40](Interpretation) Thank you, your Honour, your Honours
13 The team of Legal Representatives is unchanged this morning. Madam Claire
14 Laplace is assisting me, and myself, Maître Kassongo.

15 PRESIDING JUDGE MINDUA: [9:33:50](Interpretation) Thank you very much,
16 Maître Kassongo.

17 I'm now looking at the courtroom because yesterday, the court reporters were on my
18 right. And today, I can see -- has the situation changed? On the left I can see
19 Ms Taylor, is the lady from your team?

20 MS TAYLOR: [9:34:15] Sorry, Mr President. I believe that's a court reporter to my
21 left.

22 PRESIDING JUDGE MINDUA: [9:34:24](Interpretation) Very well.

23 And to my right, I also see two new people.

24 Court officer.

25 THE COURT OFFICER: [9:34:38] Your Honours, we have a French court reporter at

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- 1 the very end, and we have the Prosecution team member, Ms Paola Sacchi.
- 2 PRESIDING JUDGE MINDUA: [9:34:46](Interpretation) That's it. That's it. Thank
- 3 you very much. So two new people. Thank you very much, court officer.
- 4 So I just have to check for the record because, otherwise, they can't enter in the
- 5 courtroom. But I warmly welcome the court reporters, of course. Thank you.
- 6 So this morning, we are going to continue with hearing witness P-0642 of the
- 7 Prosecutor
- 8 I, therefore, turn towards witness.
- 9 Good morning, Madam Witness. How are you?
- 10 WITNESS: MLI-OTP-P-0642
- 11 (On former oath)
- 12 (The witness speaks Tamasheq)
- 13 (The witness gives evidence via video link)
- 14 PRESIDING JUDGE MINDUA [9:35:58](Interpretation) So on behalf of the
- 15 Chamber, I would like to welcome you and thank you for your availability.
- 16 THE WITNESS: [9:36:04](Interpretation) Yes.
- 17 PRESIDING JUDGE MINDUA: [9:36:14](Interpretation) I remind you that you are
- 18 still under oath and that you must say the truth, the whole truth, and nothing but the
- 19 truth.
- 20 THE WITNESS: [9:36:35](Interpretation) Yes.
- 21 PRESIDING JUDGE MINDUA: [9:36:36](Interpretation) Very well. I would like to
- 22 remind you as well, and to remind everybody, that we have to speak clearly and
- 23 slowly whilst observing pauses.
- 24 THE WITNESS: [9:36:46](Interpretation) Yes.
- 25 PRESIDING JUDGE MINDUA: [9:37:03](Interpretation) Madam Witness, this

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1 morning we are going to start with the cross-examination of the Defence. I would
2 ask you to answer carefully the questions of the Defence as you did with the Office of
3 the Prosecutor.

4 THE WITNESS: [9:37:42](Interpretation) Yes.

5 PRESIDING JUDGE MINDUA: [9:37:43](Interpretation) Thank you very much.

6 Without further ado, I give the floor to Ms Taylor.

7 Ms Taylor.

8 MS TAYLOR: [9:37:51] Thank you, Mr President.

9 QUESTIONED BY MS TAYLOR: [9:37:53]

10 Q. [9:37:55] Good morning, Madam Witness.

11 How are you today?

12 A. [9:38:02] Blessed be Allah.

13 Q. [9:38:08] Just a point of housekeeping, since we have consecutive interpretation,
14 my questions might be broken in two If I put up my hand, that means to wait for
15 the interpretation so that there isn't overlapping speakers. I'll be going like that.

16 That means to stop

17 Madam Witness, did you hear what I said?

18 So to start with

19 A. [9:39:11] Yes. I can hear you well.

20 Q. [9:39:13] So I'm going to start by asking you questions about the time period
21 after the Islamists left Timbuktu.

22 Now, Madam Witness, did two people come to your house and ask you questions
23 about what happened in 2012?

24 A. [9:39:35] What do you mean?

25 Q. [9:40:12] Madam Witness, in the time period after the mujahideen left Timbuktu,

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1 did two people come to your house and ask you questions about what happened

2 when the Islamists were in Timbuktu?

3 A. [9:40:34] Yes.

4 Q. [9:41:00] Were these people male or female?

5 A. [9:41:06] They were men.

6 Q. [9:41:18] Were they white or coloured?

7 A. [9:41:23] Yes. They had light-coloured skin.

8 Q. [9:41:38] And did they speak to you about what you experienced in 2012?

9 A. [9:41:45] Yes. I spoke to them. I spoke to them about what happened in the
10 year you refer to. However, I didn't give them information because I didn't know
11 who they were. They took our photo, and then they left.

12 Q. [9:42:43] And did they promise to give you aid because of what happened to
13 you and your family?

14 A. [9:42:51] Yes. That's what they said.

15 MS TAYLOR: [9:43:15] Mr President, can I go briefly into private session?

16 PRESIDING JUDGE MINDUA [9:43:22](Interpretation) Certainly.

17 Court officer, please take us into private session.

18 (Private session at 9.43 a.m.)

19 THE COURT OFFICER: [9:43:29] We are in private session, Mr President.

20 PRESIDING JUDGE MINDUA: [9:43:38](Interpretation) Thank you very much,
21 court officer.

22 Ms Taylor.

23 MS TAYLOR: [9:43:41]

24 Q. [9:43:41] Now, Madam Witness, you've said two light-skinned men came to
25 your house. I just want to clarify something, and, I just want to read a paragraph

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1 from a statement that your husband gave to the Prosecution.

2 The reference is Defence tab 47, MLI-OTP-0051-0018-R04 at 0020, paragraph 13.

3 And if the interpreters could kindly read that out and interpret it for the witness.

4 Could the interpreters please confirm whether they can read that out.

5 PRESIDING JUDGE MINDUA: [9:45:22](Interpretation) Yes. You're going to read

6 it to allow the Tamasheq interpreters to translate it for the witness.

7 MS TAYLOR: [9:45:31] I can read it, but I was going to ask the interpreters to read it
8 directly.

9 PRESIDING JUDGE MINDUA: [9:45:57](Interpretation) Indeed. Please go ahead,
10 interpreter.

11 THE INTERPRETER: [9:47:24] "Personally, I didn't speak to anybody about what
12 happened to me. [REDACTED]

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

16 One day, two white men came to see me in Timbuktu. I've forgotten their names
17 and I don't know for whom they were working. I spoke to -- I told this to two men
18 who came to me during the occupation.

19 PRESIDING JUDGE MINDUA: [9:48:01](Interpretation) Ms Taylor.

20 MS TAYLOR: [9:48:03] Thank you. I was just waiting for the English.

21 Q. [9:48:07] Now, Madam Witness, your husband spoke about two white people
22 coming to see him.

23 Was he referring to the same people that you just referred to?

24 A. [9:48:17] Not at all. It wasn't the same people. Those who came, they came to
25 my home; whereas, my husband was absent. I was with my children, and I didn't

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1 tell them what happened to me, all the more because I didn't know who they were.

2 Q. [9:49:19] Now, your husband spoke about a victims' association.

3 [REDACTED] ?

4 A. [9:49:29] [REDACTED]

5 [REDACTED] However, the association and the meeting was held outside

6 it. Men often don't say what happens between them to women.

7 Q. [9:50:42] Were you a member of this association?

8 A. [9:50:46] I was a member of the women's association. Al Hassan was working

9 for our association and - alongside the men's association. Well, it concerned men.

10 Q. [9:51:34] And this women's association, [REDACTED]

11 [REDACTED]

12 A. [9:52:05] Yes.

13 Q. [9:52:05] And how often did you meet people as part of this association?

14 A. [9:52:34] What type of meetings

15 Q. [9:52:35] Did you attend meetings?

16 A. [9:52:38] I didn't participate at all meetings. And when you do participate, you

17 don't know what it could bring you, if it might bring you some good or bring you

18 some unhappiness. That's why I didn't give it much importance.

19 Q. [9:53:26] Do you know someone from Timbuktu called [REDACTED] ?

20 A. [9:53:48] Yes. I've heard this name.

21 Q. [9:53:56] Is he someone from Timbuktu?

22 A. [9:54:00] Yes. It's somebody from Timbuktu.

23 Q. [9:54:18] [REDACTED]

24 [REDACTED] ?

25 A. [9:54:29] What he said, he said to my husband. [REDACTED]

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1 [REDACTED]

2 Q. [9:54:55] [REDACTED], what do you
3 mean?

4 A. [9:55:03] [REDACTED]
5 [REDACTED] That's what I'm speaking about.

6 MS TAYLOR: [9:56:00] I'm just going to bring up Defence tab 45. It's
7 MLI-D28-0005-76 - 7969 on that page.

8 If it could be displayed on evidence 1.

9 Q. [9:56:48] Madam Witness, can you see a photo of an individual on the screen in
10 front of you

11 If it could be zoomed in on the photo.

12 Is this the person who you're talking about?

13 A. [9:57:32] You're coming back to the question relating to things that happened
14 between men. They are the ones who know what happens between them. But the
15 man in question is that one.

16 Q. [9:58:14] [REDACTED]

17 A. [9:58:19] [REDACTED]

18 [REDACTED]
19 [REDACTED]

20 Q. [9:59:15] Now, Madam Witness

21 A. [9:59:16] That's something for men.

22 Q. [9:59:18] Madam Witness, after the defendant in this case was arrested and sent
23 to The Hague, is it correct that you heard about him and this case on the radio?

24 A. [10:00:03] Of course. I heard about his arrest on the radio and in town as well.
25 Furthermore, there are traces of that man that is still in town.

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1 Q. [10:00:19] Now, Madam Witness, did your husband tell you that he was a
2 witness for the ICC Prosecution in this case?

3 A. [10:00:28] Yes. My husband did explain to me that he is a witness in the Al
4 Hassan case, the ongoing case.

5 Q. [10:01:15] And did he tell you that the ICC Prosecution wanted to speak to you
6 about what happened to your family?

7 A. [10:01:25] Yes. We did talk about it, about everything that had happened to us
8 and the fact that we should testify to this effect, the fact that we did have to endure all
9 these things from Al Hassan. And there are many traces of the actions of Al Hassan
10 in Timbuktu.

11 Q. [10:02:41] Now, Madam Witness, just to be clear, when you said, "We did talk
12 about it," are you referring to you and your husband?

13 A. [10:02:50] When I said I was talking about what?

14 Q. [10:03:13] Madam Witness, you said: "Yes. We did talk about it, about
15 everything that happened to us and the fact that we should testify.
16 My question was simply: When you say, "We did talk about this," are you referring
17 to you and your husband talking together?

18 A. [10:03:32] Yes. I was talking to my husband about a testimony that was to
19 occur in the near future.

20 THE INTERPRETER: [10:04:13] Correction from the Tamasheq booth: He asked
21 whether my husband and I were - were going to be testifying soon.

22 MS TAYLOR: [10:04:29]

23 Q. [10:04:30] Now, Madam Witness, before you met people from the ICC, this
24 Court, did you say that you needed time to prepare?

25 A. [10:05:18] What preparation time? Preparation time in order to leave?

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1 Q. [10:05:24] Now, Madam Witness, according to your statement, it says that

2 when -- after you were contacted, you asked for time to prepare.

3 Do you remember that, or should I read out the paragraph?

4 PRESIDING JUDGE MINDUA: [10:05:56](Interpretation) Mr Prosecutor.

5 MR ALLAFI: [10:05:59](Interpretation) For more clarity, Mr President, I do believe

6 that the paragraph should be read to the witness. We all know this paragraph, but

7 the relevant part is at paragraph 16.

8 PRESIDING JUDGE MINDUA: [10:06:14](Interpretation) Ms Taylor, well, you could

9 have this paragraph read out.

10 MS TAYLOR [10:06:23] Certainly. Certainly, Mr President. If the interpreters

11 could kindly read out paragraph 16. It's the full MLI reference. It's tab 1 from the

12 Prosecution binder. MLI-OTP-0072-0452. And the page is 0455. And if paragraph

13 16 could be read out in its entirety and if it could be kindly interpreted for the

14 witness.

15 THE INTERPRETER: [10:06:49] The English booth is ready to read it out.

16 MS TAYLOR: [10:06:53] Thank you very much.

17 THE INTERPRETER: [10:06:56] Sight translation, paragraph 16:

18 "Oye informed me that people wanted to speak to me. I was then contacted by a

19 gentleman whose name I did not know who asked me if I could come to [REDACTED] for a

20 meeting. I asked for some time to prepare myself. And once I was ready, we

21 agreed that I would go. I went to [REDACTED] And upon my arrival, I found Oye

22 there who briefed me a little bit. He told me that I would certainly be meeting the

23 people behind or who were responsible for my presence in [REDACTED] He briefly

24 explained to me how things would unfold. Oye told me that he himself was a

25 witness and explained a little about what the ICC is. I was then contacted by

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1 telephone by [REDACTED] I had forgotten her name. But I remembered it at the
2 time when we introduced ourselves in person at the location of the meeting.

3 End of sight translation.

4 MS TAYLOR: [10:08:30]

5 Q. [10:08:31] Madam Witness, does this refresh your memory?

6 A. [10:08:35] Yes. This does remind me of the meeting that you spoke about.

7 Q. [10:08:56] So, Madam Witness, according to this paragraph, before you met the
8 Prosecution in [REDACTED] you asked to have time to prepare.

9 My question is: Why did you need time to prepare?

10 A. [10:09:15] I needed the time to prepare myself because I was told on a given day
11 that I was to leave the next day. I had children with me, and I needed to prepare so
12 that I could leave them behind.

13 Q. [10:10:15] And during this time period, did you speak to anyone in Timbuktu
14 about what you experienced in 2012?

15 A. [10:10:24] Which period are you talking about?

16 Q. [10:10:51] When you were preparing to meet the ICC Prosecutors, did you speak
17 to anyone about what you experienced in 2012? Anyone who came from Timbuktu.

18 A. [10:11:24] Yes. Somebody did come to see me in Timbuktu and asked me for
19 some information.

20 Q. [10:11:55] Who was this person?

21 A. [10:11:58] You asked if somebody had come and asked me for any information
22 in Timbuktu. I do not recall. I might have forgotten.

23 Q. [10:12:36] Now, in the paragraph I just read, it said that when you arrived in
24 [REDACTED] Oye gave you a briefing.

25 Did this briefing concern the type of questions that you could expect when you met

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1 the Prosecution?

2 A. [10:13:49] The information that I asked of Oye as to the journey that I was about
3 to make, I asked him whether he knew what I was going to be doing there. As -- he
4 said to me that I was going to be meeting the same people that he had met.

5 Q. [10:14:20] And when he told you this, did he tell you that he had learned that Al
6 Hassan was at the base of everything that happened in 2012?

7 A. [10:14:32] Yes. This is the absolute truth. It is a fact.

8 Q. [10:15:08] Now, when you met the ICC investigators, is it correct that they told
9 you at the beginning of the interview about the Al Hassan case?

10 A. [10:15:17] Yes. They did talk to me about that.

11 MS TAYLOR: [10:15:48] I believe we can go into open session for a few questions.

12 Q. [10:15:56] But before doing so, when I refer to your husband, Madam Witness,
13 I'm going to refer to him as "Mr A.

14 Is that clear?

15 PRESIDING JUDGE MINDUA: [10:16:10](Interpretation) Mr Prosecutor.

16 MR ALLAFI: [10:16:12](Interpretation) Mr President, in view of the response on the
17 part of the witness, in order to be fair to the witness and for this to be clear in the
18 record, we need to read what the witness said in paragraph 5 about this, as to what
19 the investigators asked about Al Hassan and what was said.

20 And the answer is not clear. And to be fair, it should be shown to her what exactly
21 was said so that we can follow and understand. Thank you, Mr President.

22 PRESIDING JUDGE MINDUA: [10:16:45](Interpretation) Ms Taylor, the witness's
23 answer could be confusing. Maybe we should be more explicit with her.

24 MS TAYLOR: [10:16:57] Thank you, Mr President.

25 I have no objection to this being read out; although I do note that it will lengthen

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1 proceedings and I do have follow-up questions that relate to this paragraph, which I
2 was going to ask in open session.

3 But I have no objection to it being read into the record.

4 So if the interpreters could kindly read, to save time, paragraph 5. It's on page 0453
5 of the document that was shown before. It's paragraph 5. And if the interpreters
6 could kindly interpret it and read it into the record at the request of the Prosecution.

7 THE INTERPRETER: [10:17:38] The English booth is ready to provide a sight
8 translation.

9 Sight translation, paragraph 5:

10 "The investigators informed me of the case of Ahmed Al FAKI AL MAHDI before the
11 Court. They also informed me of the case of Al Hassan Ag ABDOULAZIZ
12 detained - currently detained at the ICC, awaiting trial, accused of having committed
13 crimes in Timbuktu; notably, in connection with his involvement in the Islamic police.
14 The investigators asked me if I knew Al Hassan or if he knew me. I heard speak of
15 his arrest by my husband, Oye, and over the radio. Oye told me that he had heard
16 that Al Hassan was behind everything that had occurred, including the destruction of
17 the mausoleums. I also heard this on the radio. It was said that it was he who
18 arrested people. It is possible that he - that he knows me, but I do not believe so.
19 Whatever the case may be, I do not know him.

20 End of sight translation.

21 MS TAYLOR: [10:18:55]

22 Q. [10:18:56] Does this refresh your memory, Madam Witness? Is it correct that
23 the Prosecution told you that he was accused of crimes that related

24 THE INTERPRETER: [10:19:27] Ms Taylor, the French interpretation is still going
25 on.

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1 It's done now.

2 MS TAYLOR:

3 Q. [10:19:56] Does this refresh your memory, Madam Witness?

4 PRESIDING JUDGE MINDUA: [10:20:46](Interpretation) Ms Taylor, your question,
5 please.

6 MS TAYLOR:

7 Q. [10:20:50] Madam Witness, does this refresh your memory? Did the
8 Prosecution tell you that Al Hassan was accused of crimes that related to his link to
9 the Islamic police?

10 A. [10:21:26] Yes. He was part of it. He might even have been the chief.

11 Q. [10:21:39] Now, Madam Witness, at transcript 156 - that's page 13, lines 1 to
12 3 - you said:

13 "The person I'm talking about is the person [...] you call Al Hassan. I don't know his
14 family name, I don't even dare look at him.

15 Now, it's correct, isn't it, that you told the Prosecution in 2009 (sic) that you did not
16 know Al Hassan?

17 PRESIDING JUDGE MINDUA: [10:22:25](Interpretation) Mr Prosecutor.

18 MR ALLAFI: [10:22:27](Interpretation) Mr President, firstly, in the transcript, in the
19 French version, I can see that you said, "the Prosecution in 2009". This also is
20 reflected in the English version.

21 And, secondly, this is a lengthy question. And - and we were given a lengthy
22 description last week of how we are to deal with the witness and how we should
23 present simple questions and the witness should be allowed to answer the question
24 clearly without any ambiguity.

25 PRESIDING JUDGE MINDUA: [10:23:03](Interpretation) Thank you very much,

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1 Mr Allafi.

2 Ms Taylor.

3 MS TAYLOR: [10:23:07] I'll reformulate.

4 PRESIDING JUDGE MINDUA: [10:23:24](Interpretation) Please go ahead. Please
5 rephrase.

6 MS TAYLOR: [10:23:28]

7 Q. [10:23:28] Now, Madam Witness, when you met the Prosecution in 2019, it's
8 correct that you told them that you did not know Al Hassan.9 A. [10:24:00] I do not know Al Hassan by sight. We were veiled. So I was not in
10 a position to see him. But he did conduct acts, and there were stories associated with
11 him to the extent that we are aware of who he is in Timbuktu.

12 Q. [10:24:49] Did you hear these stories from your husband?

13 A. [10:24:53] Are you talking about stories about what he did in Timbuktu? No.
14 In fact, I knew this. It was my husband who told me of his arrest; that he had heard
15 about it over the radio.16 Q. [10:25:47] Madam Witness, in the paragraph that was read out - that was
17 paragraph 5 - it said, when you were talking about Al Hassan:18 (Interpretation) "I do not believe so. Whatever the case may be, I do not know him.
19 (Speaks English)(Overlapping speakers) So, Madam Witness, you didn't say that you
20 couldn't recognise him. You said you didn't know him.

21 Were you telling the Prosecution the truth?

22 A. [10:26:49] Yes. I did say that. I said that I didn't know him by sight. It may
23 be that he knows me. He might know me because they are the ones who harm
24 people, but I do not know him.

25 Q. [10:27:15] And, Madam Witness, when the Prosecution interviewed you about

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1 what happened to you and your family, you never mentioned his name, did you?

2 A. [10:27:26] Yes. I did say his name. I told them that Al Hassan is guilty of
3 what happened - or guilty for what happened in Timbuktu.

4 Q. [10:28:18] Madam Witness, we do have a record of what was said.

5 Is that your position, that you said that to the Prosecution in 2019?

6 A. [10:28:36] Yes. I do recall having said that Al Hassan was in charge of
7 everything that had gone on in Timbuktu.

8 Q. [10:29:25] Now, Madam Witness, when you met the ICC Prosecution, did they
9 offer to arrange for a medical visit for your daughter, Azahara?

10 A. [10:29:59] Yes. Yes. They prepared me, and that did me some good.

11 Q. [10:30:22] Now, speaking specifically about your daughter, Azahara, is it correct
12 that you refused to have the ICC organise a medical examination for her?

13 A. [10:30:48] Yes. I said that if Azahara accepted, they could take her to hospital.

14 But she wasn't going to accept. That's what I explained to them.

15 Q. [10:31:35] Now, turning to the beginning of 2012, did you live with Oye in
16 Jigiseme at the beginning?

17 MS TAYLOR: [10:32:08] Jigiseme.

18 THE WITNESS: [10:32:28](Interpretation) Are you speaking about the year that that
19 happened?

20 MS TAYLOR: [10:32:31]

21 Q. [10:32:32] Yes. The beginning of that year.

22 A. [10:32:54] I think we'll have to review what was said. What should have been
23 said is Sarakeina.

24 Q. [10:33:00] Now, Madam Witness, it's correct, isn't it, that Oye had two wives in
25 2012?

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- 1 A. [10:33:07] Indeed. Indeed. He had two wives, even before the events started.
- 2 Q. [10:33:35] And the second wife is called Fadimata?
- 3 A. [10:33:54] Yes.
- 4 Q. [10:33:57] And did Fadimata live with you or in Sankore?
- 5 PRESIDING JUDGE MINDUA: [10:34:09](Interpretation) Ms Taylor, is it really
- 6 important to put all these questions about the life of madam witness?
- 7 THE WITNESS: [10:34:24](Overlapping speakers)(No interpretation)
- 8 MS TAYLOR: [10:34:25] Yes, Mr President.
- 9 We didn't get what the witness said.
- 10 THE WITNESS [10:34:44](Interpretation) Fadimata. We were living in the same
- 11 place.
- 12 PRESIDING JUDGE MINDUA [10:34:48](Interpretation) We've got the response in
- 13 the French transcript.
- 14 MS TAYLOR: [10:34:55]
- 15 Q. [10:34:55] Now, in terms of your husband's work in 2012, did he work with a
- 16 light-skinned person called [REDACTED]
- 17 PRESIDING JUDGE MINDUA: [10:35:10](Interpretation) Prosecutor, please wait.
- 18 MR ALLAFI: [10:35:12](Interpretation) Yes, your Honour.
- 19 On page 20, line 11, the question of the Defence:
- 20 (Speaks English) "Now speaking specifically about your daughter, Azahara, it's
- 21 correct that you refused to have the ICC organise a medical examination for her.
- 22 (Speaks French) We've looked during - the entire statement and we cannot find it.
- 23 For the purposes of the record - so this story mentioned, this is not in this
- 24 paragraph, 74.
- 25 PRESIDING JUDGE MINDUA: [10:35:51](Interpretation) So, Ms Taylor, where does

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1 this information come from?

2 MS TAYLOR: [10:35:57] Mr President, I am concerned about the time that this
3 belated, very belated point he is raising. It's a point that the witness has already
4 responded to, and it arises directly from her statement in that she - the statement
5 says specifically, that the Prosecution offered to arrange for a medical examination
6 and this did not occur because this witness told the Prosecution that her daughter
7 refused to be examined. So that the examination was refused in the end.

8 And it's something that the witness has already spoken to. We've already moved
9 beyond this.

10 PRESIDING JUDGE MINDUA [10:36:38](Interpretation) Prosecutor, yes.

11 MR GARCIA: [10:36:42](Interpretation) If you would allow me, your Honour. The
12 Defence seems to invoke the fact that it was done late. It's not that it's done late, but
13 it doesn't give the right to the Defence to put words to the witness with allegations
14 which do not have a reasonable basis in the - in the statement.

15 You can't lead the witness into error. If I look at the question of the Defence, it says
16 on page 20, lines 11, and following

17 (Speaks English) "Now speaking specifically about your daughter, Azahara, is it
18 correct that you refused to have the ICC organise a medical examination for her?

19 (Interpretation) That is not what paragraph 74 states. And there, I don't know if it's
20 done willingly or not, but it will lead the witness into error.

21 If a proposition is put to the witness, a fundamental rule - and you don't even need to
22 look at the guidelines of proceedings - is, that, if -- you have to make an allegation
23 that has a reasonable basis.

24 This allegation isn't true, and it has no basis.

25 PRESIDING JUDGE MINDUA: [10:38:02](Interpretation) Ms Taylor, on the

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1 principle, we agree with the Prosecutor. But you say that you have a basis in the
2 statement.

3 Do you have the reference for it?

4 MS TAYLOR: [10:38:12] Yes, Mr President. It was paragraph 74. And as the
5 Prosecution is well aware, I said: "Is it correct? I wasn't putting to them that this
6 was exactly what was in her statement. I was asking her a question, and she
7 responded. And she responded to say that, yes, the examination did not take place.
8 So I don't understand why we're losing time on this.

9 PRESIDING JUDGE MINDUA: [10:38:42](Interpretation) Well, I don't have the
10 paragraph in front of me.

11 MS TAYLOR: [10:38:46] And to be perfectly clear, Mr President, I never said that
12 "your statement says that you refused. I asked her. This is what
13 cross-examination is about, to put questions to a witness. We're not bound by the
14 exact text of a statement, particularly if I'm not saying that her statement said X, Y,
15 or Z.

16 Now, I do believe we should be held to move forward and not lose time. I do hope
17 this time is not being taken from the Defence.

18 Up again.

19 PRESIDING JUDGE MINDUA: [10:39:18](Interpretation) Please wait, Ms Taylor.

20 MR GARCIA [10:39:22](Interpretation) I don't know, your Honour.

21 PRESIDING JUDGE MINDUA: [10:39:25](Interpretation) Do you have the
22 paragraph?

23 MR GARCIA: [10:39:26](Interpretation) It's paragraph 74 on page 0072- ...

24 "The investigator spoke to me about the possibility of organising a medical visit, a
25 possible visit to [REDACTED] and being examined by a doctor if she wanted to. I didn't

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1 know if Azahara would accept it. It's very difficult in her case. That's what
2 paragraph 74 states, clearly. So I understand that the Defence has the right in
3 cross-examination to put questions et cetera, but you mustn't lead the witness into
4 error.
5 The way in which the question is put is quite explicit. That it comes from the
6 statement - that that has a reasonable basis; whereas, that was not the case. The
7 witness never refused a medical examination for her daughter, Azahara. The
8 paragraph 74 is quite clear on this. It's not a question.
9 Ms Taylor is trying to confuse the question saying that it's about consent. It is a
10 question, yes or no, whether that we have the witness in front of us. Did the
11 witness say yes or no to a medical examination? That's totally different to what we
12 find in paragraph 78.
13 I don't want to take more time from the Court or the Defence on this, but that
14 shouldn't give her carte blanche to lead the witness into error.
15 PRESIDING JUDGE MINDUA: [10:41:03](Interpretation) It's important to have
16 some light shed on this. There's a proposal from the Office of the Prosecutor. But
17 the Prosecutor is reproaching the fact that you say that the witness refused. That is
18 the issue at stake, if I've understood.
19 MR GARCIA: [10:41:19](Interpretation) I'm reading the question by Ms Taylor.
20 And in the question, she's asking the witness if she refused; whereas, the statement
21 says the opposite.
22 PRESIDING JUDGE MINDUA: [10:41:30](Interpretation) Yes, Ms Taylor.
23 MS TAYLOR: [10:41:33] Mr President, I do hope I don't have to explain that the
24 Defence is not bound by the Prosecution's statement. Now, I can simply put to the
25 witness as well that she has told the Prosecution about two person 

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- 1 [REDACTED] and his assistant [REDACTED] And she has said that - that her
- 2 daughter refused to be examined by these individuals.
- 3 I can put to this witness quite clearly that she never asked [REDACTED] to examine
- 4 her daughter for a head injury. If the Prosecution wants me to be clear, I can be very
- 5 clear on that point.
- 6 PRESIDING JUDGE MINDUA: [10:42:26](Interpretation) Very well. But there,
- 7 clearly, Ms Taylor, I think that the Prosecutor is right. Your question goes in the
- 8 direction of saying that the witness refused. But now what you're saying, it's
- 9 possible. But I think that you're going to continue down this path.
- 10 MS TAYLOR
- 11 Q. [10:42:46] Mr -- Madam Witness, according to this paragraph from the statement,
- 12 you told the Prosecution that your daughter had seen a doctor:
- 13 (Interpretation) "[...] [REDACTED] as well as her assistant [REDACTED]
- 14 [REDACTED] but refused to be examined and touched.
- 15 Now, Madam Witness, it's correct, isn't it, that you never asked someone called
- 16 [REDACTED] to examine your daughter for a head injury?
- 17 A. [10:44:16] [REDACTED] yes.
- 18 Q. [10:44:21] My question was [REDACTED] It's correct you never asked [REDACTED]
- 19 [REDACTED] to examine your daughter for a head injury?
- 20 A. [10:45:08] Yes. It's true that I asked [REDACTED] to care for my daughter
- 21 following her head injury. There was no hospital at the time, so this is something
- 22 that was done.
- 23 Q. [10:45:27] And where did he take care of your daughter, Madam Witness?
- 24 A. [10:45:50] With regards to the treatment, it was for her head.
- 25 Now, with regards to the issue, which was that I refused the investigators, I never

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1 refused anything to the investigators.

2 Q. [10:46:21] Now, Madam Witness, turning to page - transcript 156, page 17, lines
3 20 to 22 - this was speaking of Azahara - you said:

4 "So we went to the pharmacy, Tinariwen is the name of [the] pharmacy, and we were
5 able to buy [...] treatment for her.

6 I'd like to show you Defence tab 43. It's MLI-D28-0005-7858. If that could be shown
7 on evidence 1.

8 Do you recognise this location?

9 A. [10:47:42] Indeed. I know it. It's the pharmacy Tinariwen.

10 Q. [10:47:50] If we could bring up Defence tab 41. That's MLI-D28-0005-7853.

11 Is this the same location, Madam Witness?

12 THE INTERPRETER: [10:49:07] Your Honour, could the witness be asked to repeat
13 her answer, please? Message from the Tamasheq booth.

14 PRESIDING JUDGE MINDUA [10:49:15](Interpretation) Indeed.

15 Madam Witness, please repeat your answer.

16 MS TAYLOR:

17 Q. [10:49:50] Madam Witness -- Madam Witness, please keep your answers short.

18 MR ALLAFI: [10:49:59](Interpretation) Your Honour.

19 PRESIDING JUDGE MINDUA: [10:50:00](Interpretation) Prosecutor.

20 MR ALLAFI: [10:50:02](Interpretation) I object to this comment. You can't ask the
21 witness to shorten her answer, but you can have a break, yes, for the interpreters.

22 And you have to leave - let the witness express herself.

23 PRESIDING JUDGE MINDUA: [10:50:20](Interpretation) Yes, but I think that's
24 exactly what Ms Taylor meant, leave pauses.

25 Ms Taylor.

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1 MS TAYLOR: [10:50:26] Yes. And I'm trying to facilitate the work of the
2 interpreters, which has just been interrupted by that objection. So if we could kindly
3 have the translation we've been waiting for.

4 PRESIDING JUDGE MINDUA: [10:50:59](Interpretation) Interpretation of the
5 answer of the witness, please.

6 THE WITNESS: [10:51:07](Interpretation) *Yes, so the photographs you're showing
7 me, you should not bother showing me photographs. I wouldn't know what's false
8 and what's true, because, in fact, it's been a long time. But what is what is certain is
9 that we asked for Azahara to be treated and it is true that [REDACTED] helped to treat
10 Azahara.

11 MS TAYLOR: [10:51:45]

12 Q. [10:51:46] Madam Witness, I'm going to put to you that this pharmacy,
13 Tinariwen, was not open in 2012, was it?

14 A. [10:52:28] Of course the pharmacy existed. I don't know since what year it
15 exists, but it existed. And this is - and this was in - it was in this chemist that we
16 would pay for the medicine.

17 Q. [10:52:43] Madam Witness, if I put to you that it was established no earlier than
18 the end of 2013, does that mean that that is when you went there

19 MR GARCIA: [10:53:02](Interpretation) Objection, your Honour.

20 PRESIDING JUDGE MINDUA: [10:53:05](Interpretation) Prosecutor.

21 MR GARCIA: [10:53:07](Interpretation) So there, I see that the question that was put
22 to the witness quite clearly by the Defence counsel - and the witness answered clearly,
23 this was the place that she would go to. And, here, you're coming back to this again,
24 and so I'd like to see what the reasonable basis is for this affirmation of the Defence.
25 Because there are several different documents that come to mind, but I would like it

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1 to be indicated for the purposes of the cross-examination in the case.

2 PRESIDING JUDGE MINDUA: [10:53:39](Interpretation) Prosecutor, I imagine that
3 the Defence doesn't want to make this affirmation voluntarily. She doesn't want to
4 give us the basis of the exhibit.

5 MS TAYLOR: [10:53:55] I'm not quite sure I understand, but we have very clear
6 foundations. But we're also entitled to put our case to this witness, and, we have a
7 foundation for putting this case; that this pharmacy was not open in 2012, and was
8 not open, in fact, until at least the end of 2013.

9 So out of fairness to the witness, and given that the Prosecutor is a minister of justice
10 who searches for the truth, we should put this to the witness.

11 PRESIDING JUDGE MINDUA: [10:54:37](Interpretation) Indeed, Ms Taylor. The
12 problem is the basis of your question. I said I imagine that you would tell us what
13 the basis was.

14 But in the meantime, I would like to say that we have been warned that
15 Madam Witness has difficulties when it comes to years, months, dates. So perhaps
16 you should use periods or events to establish the periods in question, Ms Taylor.

17 MS TAYLOR: [10:55:07] Thank you, Mr President.

18 Well, in the interest of time, given that we have very limited time with this witness
19 and given that she clearly has difficulties with dates and years and details, I can move
20 on to other subjects, which I was actually addressing before I had an objection, I think,
21 30 minutes ago, which interrupted our cross-examination, which was -- specifically, I
22 was asking about her husband, Oye's work in 2012 when the mujahideen were there.

23 PRESIDING JUDGE MINDUA: [10:55:42](Interpretation) Please continue,
24 Ms Taylor.

25 MS TAYLOR:

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- 1 Q. [10:55:45] Madam Witness, is it correct that your husband worked with a
- 2 light-skinned Arab called [REDACTED]
- 3 A. [10:56:21] Who's called?
- 4 Q. [10:56:23] [REDACTED]
- 5 If that could be read out in Tamasheq.
- 6 A. [10:56:57] [REDACTED] was the owner of the shop where he worked.
- 7 Q. [10:57:01] And does [REDACTED] have two brothers called [REDACTED]?
- 8 A. [10:57:26] No. I couldn't give you information without - with regard to these
- 9 details. I only know the name of [REDACTED] and I know that he was the owner of the
- 10 shop where he worked.
- 11 MS TAYLOR: [10:57:40] If we could bring up Defence tab 23. It's
- 12 MLI-D28-0005-7727. If it could be shown on evidence 1.
- 13 Q. [10:58:07] Madam Witness, do you recognise this location?
- 14 A. [10:58:42] Even if I remember these locations, I've forgotten.
- 15 Q. [10:58:55] Does it look like the shop where your husband worked?
- 16 A. [10:58:59] No. It doesn't look like it. It doesn't look like it.
- 17 Q. [10:59:23] Did you
- 18 A. [10:59:28] You can move on.
- 19 Q. [10:59:30] Did you visit your husband's shop in 2012? The shop where your
- 20 husband apparently worked.
- 21 A. [11:00:12] Yes. I've already been to the shop. And you can continue.
- 22 Q. [11:00:14] Thank you, Madam
- 23 A. [11:00:15] The question that you're putting has no basis.
- 24 Q. [11:00:30] Madam Witness, did you just tell me that the question I'm putting has
- 25 no basis?

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1 A. [11:00:36] I'm sorry? Could you repeat.

2 Q. [11:01:02] Madam Witness, at transcript 156, page 33, lines 22 to 23, you testified
3 that your husband was running all over the - all [other] the place trying to bring
4 something back.

5 Did your husband work with transporting goods in vehicles in 2012?

6 A. [11:02:06] Running all over the place, did I say that?

7 The comings and goings I was talking about is that he would come -- he would leave
8 in the morning and come back in the evening. He would go to the market in order to
9 bring something back to eat.

10 PRESIDING JUDGE MINDUA [11:02:29](Interpretation) Ms Taylor, it is time.

11 MS TAYLOR: [11:02:35] Yes, Mr President. If I could just put one more question
12 before we break.

13 PRESIDING JUDGE MINDUA: [11:02:43](Interpretation) Please go ahead.

14 MS TAYLOR:

15 Q. [11:02:45] Now, Madam Witness, it's correct, isn't it, that your husband would
16 transport goods to vehicles -- in vehicles to villages, such as, Ber, Tonka, and
17 Niafunké?

18 A. [11:03:29] I never saw my husband out of Timbuktu. I do not believe that he
19 transported goods.

20 MS TAYLOR: [11:03:45] Mr President, I believe that this would be a good time for a
21 break.

22 PRESIDING JUDGE MINDUA: [11:03:49](Interpretation) There we are, Ms Taylor.

23 Thank you very much.

24 It is 11 o'clock and four minutes. We are going to rise for half an hour and reconvene
25 at 11.35.

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1 The hearing is suspended.

2 THE COURT USHER: [11:04:03] All rise.

3 (Recess taken at 11.04 a.m.)

4 (Upon resuming in open session at 11.38 a.m.)

5 THE COURT USHER: [11:38:20] All rise.

6 Please be seated.

7 PRESIDING JUDGE MINDUA: [11:38:39](Interpretation) The Court is in session
8 once again.

9 Over to the Defence.

10 We are in open session, are we not

11 Ms Taylor.

12 MS TAYLOR: [11:38:49] Yes Thank you, Mr President.

13 Now, if we could bring up a photo. It's OTP 14. It's MLI-OTP-0012-1844. This
14 will not be shown to the public, but if it could be shown on tab 1

15 (Viewing of MLI-OTP-0012-1844)

16 MS TAYLOR: [11:39:47]

17 Q. [11:39:48] Madam Witness, is it correct that when this was shown to you two
18 weeks ago, you told the Prosecution that this was Al Hassan Ag Aboubacrine?

19 A. [11:40:30] Yes.

20 Q. [11:40:30] And you said it was someone who tried to enroll people in the group?

21 A. [11:40:39] Yes.

22 Q. [11:40:58] Now, Al Hassan Ag Aboubacrine is someone who worked with Mr A,
23 wasn't he?

24 PRESIDING JUDGE MINDUA: [11:41:30](Interpretation) Please go ahead. This is
25 very concerning. They need to do so straightaway.

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1 THE INTERPRETER: [11:41:50] This is a message from the French booth, saying:
2 That the idea that Mr A designate the individual has not been translated into
3 Tamasheq.

4 PRESIDING JUDGE MINDUA: [11:42:03](Interpretation) Mr Courtroom Officer,
5 could we go into private session, please, for this instruction to be given to the witness
6 in Tamasheq.

7 THE COURT OFFICER: [11:42:25](Overlapping speakers) Yes, Mr President.
8 (Private session at 11.42 a.m.)

9 MS TAYLOR: [11:42:26] I can just put the question in private session.

10 PRESIDING JUDGE MINDUA [11:42:28](Interpretation) Yes, indeed, Ms Taylor.

11 I would like to thank the French interpreter for his observation.

12 Go ahead, please, Ms Taylor.

13 MS TAYLOR: [11:42:36]

14 Q. [11:42:37] Madam Witness, Al Hassan Ag Aboubacrine is someone who worked
15 with your husband and [REDACTED] That's correct?

16 A. [11:42:59] Who told you that? Any case, it wasn't me.

17 Q. [11:43:18] Madam Witness, yes or no?

18 A. [11:43:35] It is false.

19 PRESIDING JUDGE MINDUA: [11:43:37](Interpretation) Ms Taylor, I think you
20 didn't quite understand. The French interpreter was saying that your instruction to
21 call the husband Mr A had not been transmitted.

22 Could you please now specify this once again with the witness and with the
23 Tamasheq interpreters.

24 MS TAYLOR: [11:43:59] Thank you, Mr President. I was trying to save time.

25 Q. [11:44:04] Madam Witness, when I refer to your husband, I'll be referring to an

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1 individual called Mr A.

2 PRESIDING JUDGE MINDUA: [11:44:25](Interpretation) There we are. It's done
3 now. Let's carry on, Ms Taylor. And, Ms Taylor, can we go back into open session?

4 MS TAYLOR: [11:44:33] Mr President, I have a brief quote which has to be in private
5 session. It's from a confidential session.

6 PRESIDING JUDGE MINDUA: [11:44:45](Interpretation) Let's do that rapidly,
7 please.

8 MS TAYLOR: [11:44:47] If we could bring up Defence tab MLI-OTP-0080-3497.

9 THE INTERPRETER: [11:45:00] Could we have the number of the tab in the file,
10 please.

11 MS TAYLOR: [11:45:04] Defence tab 15. If this could be shown on evidence 1 for
12 the witness.

13 Q. [11:45:18] Madam Witness, who is this individual?

14 A. [11:45:37] It is Mr Witness.

15 Q. [11:45:46] Do you mean Mr A, your husband?

16 A. [11:45:51] Yes.

17 Q. [11:46:04] Now, at transcript 140, page 14, lines 2 to 17, this photo was shown to
18 Prosecution witness P-641. And I'll read out the transcript:

19 "Mr Witness, do you know this individual?

20 Yes.

21 Who is it?

22 Mahamadou Oye.

23 Did this individual, Mahamadou Oye, work with the *teintes claires*, that is, the Arabs
24 in 2012?

25 Yes. He worked with them. He unloaded - he worked -- he worked with them.

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1 He unloaded their lorries, and he's the one who was flogged.

2 Do you know the name of any individuals he worked with in unloading these
3 lorries?

4 MR GARCIA: [11:47:13](Interpretation) Objection, Mr President.

5 PRESIDING JUDGE MINDUA: [11:47:17](Interpretation) Yes, Mr Prosecutor.

6 MR GARCIA: [11:47:21](Interpretation) It would seem to me, Mr President,
7 your Honours, that we have missed a little stage in this question, because I do believe
8 that this has already been broached as to the employment of her husband and that
9 there has been an answer furnished by the witness.

10 Now, we're asking a specific question as to the names of the individuals who worked
11 with her husband. So it's a little bit misleading. I do need -- believe we need to
12 reverse somewhat and see whether it is true that her husband did indeed do that type
13 of work.

14 PRESIDING JUDGE MINDUA [11:48:01](Interpretation) Ms Taylor.

15 MS TAYLOR: [11:48:02] Mr President, if I may, I hadn't finished reading out the
16 quote when you gave the floor to the Prosecution. Now, this quote goes into a
17 different aspect which is what I'm putting to this witness. I'm entitled to contradict
18 her testimony with other evidence. That's in the decision on the conduct of
19 proceedings. The Prosecution is well aware of this, and we do find that this is quite
20 obstructive, that we get objections in the midst of a quotation which obstructs the
21 works of the interpreters and unnecessarily takes our time.

22 Now, I hadn't finished reading the quote. So it's entirely inappropriate for the
23 Prosecution to speculate as to the question I was putting to him - or her. I should be
24 entitled to complete the quote.

25 And now, we'll have to start again because of this interruption.

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- 1 MR GARCIA [11:49:05](Interpretation) But, Mr President, the question has already
- 2 been put. The Defence says that she has not yet finished reading.
- 3 THE INTERPRETER: [11:49:15] Overlapping -- multiple overlapping speakers.
- 4 PRESIDING JUDGE MINDUA: [11:49:19](Interpretation) Ms Taylor, please finish
- 5 reading out your quote.
- 6 MS TAYLOR: [11:49:22] Thank you, Mr President.
- 7 Now
- 8 (Counsel confer)
- 9 MS TAYLOR: [11:49:28] Okay, I understand that the Tamasheq hasn't actually been
- 10 interpreting any of this quote. Is that the case Or they've got half the quote?
- 11 Half. Okay. Now I do hope I'll be able to finish.
- 12 PRESIDING JUDGE MINDUA [11:50:00](Interpretation) Ms Taylor, could you
- 13 please re-do your quote. Read through it again.
- 14 MS TAYLOR: [11:50:08] Yes, Mr President.
- 15 Are the interpreters ready? I see there's a lot of scurrying. Yes. Okay. Start
- 16 again.
- 17 When shown this photo, P-641 said ...
- 18 "[...] do you know this individual?
- 19 [...] Who is it?
- 20 Mahamadou Oye.
- 21 Did this individual, Mahamadou Oye, work with the *teintes claires*, that is, the Arabs
- 22 in 2012?
- 23 Answer: Yes. He worked with them. He unloaded -- he worked - he worked
- 24 with them. He unloaded their lorries, and he's the one who was flogged.
- 25 Do you know the name of any individuals he worked with (Overlapping speakers) in

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1 unloading these lorries?

2 Answer: No. I don't know them. All [...] I know is that he would get into the
3 lorries, he would load them, and then he would come back.

4 Question: At transcript 139, page 8, you testified that he told you [...] he had been
5 beaten in Niafunké.

6 Is this the only incident [...] you're aware of concerning him?

7 Answer: That's all I'm aware of.

8 A. [11:52:07](No interpretation)

9 Q. [11:52:08] (Overlapping speakers) Madam Witness - Madam Witness, I haven't
10 put my question yet.

11 THE WITNESS: [11:52:16](Interpretation) What the woman said is not correct.

12 That is not what I said.

13 MS TAYLOR: [11:52:21]

14 Q. [11:52:21] Madam Witness, another Prosecution witness, P-641, testified that
15 your husband was flogged in Niafunké outside Timbuktu.

16 That's correct, isn't it? That he was flogged outside of Timbuktu?

17 A. [11:53:14] That he was flogged at Niafunké at the exit of Timbuktu is - did
18 somebody say that I said that and that it is written in a document?

19 Q. [11:53:29] Madam Witness, another Prosecution witness testified under oath that
20 he learned that your husband was flogged outside of Timbuktu.

21 Is that correct, that your husband was flogged in a location outside of Timbuktu?

22 A. [11:53:51] There are a number of ways of being beaten. You can be hit; you can
23 be killed. You need to make a distinction here.

24 Q. [11:54:42] Madam Witness, is it correct that the only time that your husband was
25 beaten or mistreated physically was outside of Timbuktu?

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1 A. [11:55:24] I am aware of the fact that he was flogged. That is true. Yes.

2 Q. [11:55:30] Madam Witness, I'm going to put to you our Defence case, which is
3 that your husband was never arrested and detained in Timbuktu when the
4 mujahideen were there, was he?

5 A. [11:56:06] Yes. That is true.

6 Q. [11:56:13] Madam Witness, is it correct that you yourself were never arrested
7 and detained in Timbuktu when the mujahideen were there?

8 A. [11:56:26] Of course I was arrested. You can see it in the document. That's the
9 truth. Of course I was arrested.

10 MR GARCIA [11:56:58](Interpretation) Mr President.

11 PRESIDING JUDGE MINDUA: [11:57:00](Interpretation) Yes, Mr Prosecutor.

12 MR GARCIA [11:57:02](Interpretation) Could we please cut off the sound to the
13 witness for there no -- not to be questions associated with this.

14 PRESIDING JUDGE MINDUA [11:57:11](Interpretation) Could you please cut off
15 the sound to the witness, Mr Courtroom Officer.

16 THE COURT OFFICER: [11:57:17] Your Honours, the sound to the witness has been
17 cut off.

18 PRESIDING JUDGE MINDUA [11:57:28](Interpretation) Thank you very much.
19 Mr Prosecutor.

20 MR GARCIA [11:57:31](Interpretation) Now, quite simply, Mr President,
21 your Honours, with regard to the last questions, for this to be clear, I think we need to
22 come back to the first question to the witness. I don't know whether there's an issue
23 with interpretation or whether the witness did not understand. It's quite a lengthy
24 question.

25 We're talking about - or putting the Defence's case to them (sic) and the witness

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1 answers, yes, that her husband was not arrested or detained; whereas, her testimony
2 is quite different, what she said to us yesterday under oath.

3 Now, the second question she seems to have understood, and she answers quite
4 differently. I think we need to hark back to that first question to the effect, that is, at
5 page 40, lines 12 et cetera:

6 (Speaks English) "Madam Witness, I'm going to put to you " (Overlapping speakers)

7 MS TAYLOR: [11:58:27] Mr President, I'll reformulate. I apologise, Mr President,
8 but we are losing time. So I can reformulate. These are very lengthy objections for
9 no reason.

10 PRESIDING JUDGE MINDUA [11:58:38](Interpretation) No, Ms Taylor. There is a
11 reason behind this after all.

12 MS TAYLOR: [11:58:46] And I've said I will reformulate, Mr President.

13 PRESIDING JUDGE MINDUA: [11:58:48](Interpretation) Yes. You will
14 reformulate, but you did make a claim. And I don't want to let that pass because
15 the

16 MS TAYLOR: [11:58:58] Mr President, my claim was that it's lengthy, that we're
17 losing time, and it gets taken from the Defence time.

18 PRESIDING JUDGE MINDUA [11:59:04](Interpretation) No. No. No.

19 Ms Taylor, there is an appropriate way of going about objecting. You can't start
20 another one when you - when one hasn't been wrapped up.

21 So what are we going to resolve here? The objections on the part of the Prosecution,
22 your objections, or the case of your client?

23 MS TAYLOR: [11:59:31] Mr President, my client would like to use the restroom,
24 firstly. Secondly, I'm not objecting to the objection. I'm saying it's lengthy, and I've
25 offered to reformulate. So this is an unnecessary prolongation, given that I offered to

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1 reformulate my question to avoid any ambiguity.

2 PRESIDING JUDGE MINDUA: [12:00:02](Interpretation) Mr Al Hassan will be
3 excused for him to be able to withdraw for a few moments.

4 (Mr Al Hassan exits the courtroom)

5 PRESIDING JUDGE MINDUA: [12:00:14](Interpretation) Now, Ms Taylor, you have
6 an opinion with regard to the questions of the Prosecutor, but I'm the one who shall
7 decide whether it is founded or not.

8 I say it is founded because there were issues between the statements made by the
9 witness yesterday and her response to your questions today. We're not wasting time
10 here. We need to shed light on this.

11 So we shall wait for your client to return in order to be able to continue.

12 (Mr Al Hassan enters the courtroom)

13 PRESIDING JUDGE MINDUA: [12:02:49](Interpretation) Mr Al Hassan is back in
14 the courtroom.

15 So, Ms Taylor, yes.

16 I see the court officer is making a sign to me because we still have the sound cut to the
17 witness.

18 So we're going to put the sound back, Witness (sic).

19 THE COURT OFFICER: [12:03:21] Your Honours, the sound to the witness has been
20 re-established.

21 PRESIDING JUDGE MINDUA: [12:03:27](Interpretation) Thank you very much,
22 court officer.

23 Ms Taylor, it's clear that Madam Witness's statements made yesterday are in
24 contradiction with the answers it seems that she's given you. There's ambiguity.
25 Please reformulate so that everybody can see where we are.

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1 MS TAYLOR:

2 Q. [12:03:48] Now, Madam Witness, a Prosecution witness has testified under oath
3 that your husband was beaten outside of Timbuktu. So I'm asking you under oath:
4 Is it correct that your husband was physically beaten outside of Timbuktu and not
5 inside of Timbuktu?

6 A. [12:04:18] Of course it's true. Lies cannot come here.

7 Q. [12:04:59] Now, Madam Witness, you've mentioned a location called the BMS.
8 Did you tell the Prosecution that this building was destroyed during the events of
9 2012 and 2013?

10 MR GARCIA [12:05:19](Interpretation) Your Honour.

11 PRESIDING JUDGE MINDUA: [12:05:21](Interpretation) Yes, Prosecutor.

12 MR GARCIA [12:05:24](Interpretation) I'm sorry. I have to intervene again. But
13 in accordance with the answer of the witness, I think it's still not clear. This is the
14 second time that the question's been put on this same allegation, testimony under
15 oath. The witness has replied in a certain way, and then she says: "Lies cannot
16 come here.

17 I don't think - well, obviously, we have to take into account what the evaluation was
18 of the people who spoke to this lady before coming here. The questions have to be
19 simple.

20 This is the second time that we come back to this issue as to what another witness is
21 meant to have said. Her first part says one thing; the second part says
22 something -- seems to contradict the first.

23 So I leave it in the hands of the Chamber. But, hereafter, obviously, in these
24 proceedings, we have to see the value of what was said. There shouldn't be any
25 confusion in this regard, and it is claimed that the witness has just denied or

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1 disavowed what she stated before.

2 So I think the questions have to be precise in this regard.

3 PRESIDING JUDGE MINDUA: [12:06:40](Interpretation) Ms Taylor, first of all, I

4 have an observation to make.

5 Is it necessary to remind the witness that she's under oath? This is intimidating.

6 Is there a way of putting a question for the last time in a clear way to see if Mr A was

7 beaten within the town or outside the town, in a simple way?

8 MS TAYLOR: [12:07:19] Mr President, the entire intervention happened in front of

9 the witness. I am concerned about this. I'm very concerned about the way our

10 cross-examination is being impacted.

11 I will put this question for the third time, but we will bring a Defence case on this.

12 So I do, out of fairness, give the Prosecution - need to give the witness an

13 opportunity to testify. And the witness does need to know that she's under oath.

14 That's not threatening, to tell a witness that. And we do take objection to that.

15 Now, I will put the question for the third time to the witness.

16 PRESIDING JUDGE MINDUA [12:08:04](Interpretation) I would like to answer that.

17 It's true that reminding a witness that the witness is under oath is not always

18 necessarily intimidating. However, taking into account the observations that the

19 VWU has given us, we are in a particular situation.

20 Having said that, please put your question.

21 MS TAYLOR: [12:08:32]

22 Q. [12:08:33] Madam Witness, is it correct that your husband was physically beaten

23 in a location that was outside of Timbuktu and not in Timbuktu?

24 A. [12:08:56] Yes. That is established. The people who saw it said that. That's

25 something that's been established.

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1 PRESIDING JUDGE MINDUA: [12:09:31](Interpretation) Madam Witness, what did
2 people see? What is established?

3 THE WITNESS: [12:09:43](Interpretation) The fact that he was beaten up outside of
4 Timbuktu. That's established.

5 There's also the fact that he was beaten in Timbuktu and he was imprisoned. I've
6 also spoken about that with you yesterday. And I also told you the places where it
7 took place.

8 PRESIDING JUDGE MINDUA: [12:10:43](Interpretation) Ms Taylor.

9 MS TAYLOR:

10 Q. [12:10:47] Madam Witness, you've mentioned a location called the BMS.

11 Is it correct that you told this - the Prosecution that this building had been destroyed?

12 A. [12:11:23] The BMS? The location of the BMS The place

13 PRESIDING JUDGE MINDUA: [12:11:27](Interpretation) Prosecutor.

14 MR ALLAFI: [12:11:28](Interpretation) Your Honour, if we could just have the
15 reference for the Prosecution for this affirmation or this question, the fact that the
16 BMS was destroyed.

17 PRESIDING JUDGE MINDUA: [12:11:40](Interpretation) Ms Taylor.

18 MS TAYLOR: [12:11:41] Certainly. Paragraph 58 of the Prosecution's witness - of
19 the witness's statement: (Interpretation) "The building had been broken at the time.

20 Q. [12:12:10] Madam Witness, did you tell the Prosecution that this building had
21 been broken during the *époque*?

22 A. [12:12:36] Are you talking about the house of the BMS or not?

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

24 MR ALLAFI: [12:12:52](Interpretation) Your Honour, so it's clear in the record,
25 because the first time it was translated that the building was destroyed. And now

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1 it's the building was broken, which is marked in the paragraph. And "*cassé*", in
2 French, is not the same as "*détruit*". The building was broken at the time, but that is
3 not the word "*détruit*", destroyed, which is different.

4 PRESIDING JUDGE MINDUA: [12:13:19](Interpretation) Yes, Ms Taylor.

5 MS TAYLOR: [12:13:21] Mr President, I put a question to the witness, and now I'm
6 referring her to her statement. And when I referred to her statement, I used the
7 word "broken."

8 Now, can we move on? I can read out the paragraph, but I do believe I should be
9 able to put my question to the witness.

10 PRESIDING JUDGE MINDUA [12:13:39](Interpretation) No, Ms Taylor. You can't
11 go on without addressing the problem. If you put your question saying, the
12 building was destroyed, now you're saying "broken", it's not the same thing. And
13 you want to move on, so let's deal with that first.

14 Now we need to resolve the problem. So with - with regards to the fact that the
15 building was broken, not destroyed, and then we'll move on.

16 MS TAYLOR: [12:14:09] Mr President, my question that I put to the witness was
17 about a building being broken. So that's the question that I was going to put to this
18 witness.

19 Q. [12:14:18] Madam Witness, did you tell the Prosecution that this building was
20 broken or *cassé pendant... *à l'époque?*

21 A. [12:14:55] Yes. Yes. It was broken or damaged at that time, but the part that
22 was damaged had been broken, and the rest of it remained there. And that was
23 occupied by the people who occupied it.

24 Q. [12:15:08] What was it broken by?

25 A. [12:15:45] The house that was occupied by the soldiers was destroyed.

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1 However, the house that remained was the place where Al Hassan resided and his
2 companions.

3 Q. [12:15:57] Now, Madam Witness, at transcript 156, page 35, lines 7 to 13, when
4 you described your first interaction with Hamed Moussa, the Prosecution asked you
5 about his followers. And you said: "I don't know their first names. I wouldn't
6 want to tell you something wrong. I don't know their names at all.

7 Now, Madam Witness, is it correct that when you met the Prosecution in 2019, you
8 said that Hamed Moussa was with Demba Demba and Firaoun?

9 A. [12:17:26] Yes. He was with Demba Demba. In fact, Demba Demba and the
10 others, it was they who were always with Hamed Moussa.

11 Q. [12:17:35] Madam Witness, yesterday you said you didn't know their names at
12 all. And when asked to describe them, you said All I could say was that they were
13 black skinned.

14 So how is it you suddenly remember their names?

15 PRESIDING JUDGE MINDUA: [12:18:05](Interpretation) Prosecutor.

16 MR ALLAFI: [12:18:07](Interpretation) I think it's not exactly the same thing. The
17 witness today, in answering the Defence question, didn't say that she remembered the
18 names. It was the Defence who gave the names in the question:

19 "[...] you said that Hamed Moussa was with Demba Demba [...]. The Defence is
20 referring to the statement given by the witness.

21 So, in reality, the witness hasn't said that she remembers now. These names were
22 given by the Defence reading the witness statement.

23 PRESIDING JUDGE MINDUA: [12:18:43](Interpretation) Ms Taylor, there is a
24 nuance there.

25 MS TAYLOR: [12:18:47] And it's a nuance that the Prosecution has just given in

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1 front of the witness.

2 Now, I can put this again to the - to the witness.

3 PRESIDING JUDGE MINDUA: [12:19:00](Interpretation) Please do.

4 MS TAYLOR:

5 Q. [12:19:03] Now, Madam Witness, you've just said Hamed Moussa was always

6 there with Demba Demba.

7 So is it your case that you now remember Hamed Moussa coming to your house with

8 Demba Demba?

9 A. [12:20:08] Yes. He came to accompany Demba Demba. I didn't know Demba

10 Demba. I just have his name in my mouth. The others too, I don't know them

11 either.

12 Q. [12:20:18] Have you heard these names in any of your meetings with victim

13 associations?

14 A. [12:20:48] Which name

15 Q. [12:20:49] Demba Demba

16 A. [12:20:52] Names of who

17 Q. [12:20:53] Demba Demba and Firaoun.

18 A. [12:21:09] Of course I've heard these names.

19 Q. [12:21:12] Now, Madam Witness, yesterday when the Prosecution was asking

20 you about your stay at the BMS, at transcript 156, page 44, lines 4 to 7, the Prosecution

21 said: Can "you tell us the room in which you were at the time.

22 And you responded: "It was yellow.

23 Can you describe this yellow room that you were in.

24 A. [12:22:11] What should I describe other than the fact that it was yellow?

25 Q. [12:22:16] Did it have a door? A window? Could you walk around?

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1 A. [12:22:50] Yes. Of course it had a door. It also had a window.

2 Q. [12:22:54] Did you tell the Prosecution that it didn't have a door?

3 A. [12:22:59] The room didn't have a door, but there was the major door at the
4 entry to the garage, and there was a small door that went to the room where they put
5 me.

6 Q. [12:23:37] Now, speaking of this garage, is it correct that when you heard cars
7 leaving the garage, you would go there to see if Hamed Moussa was leaving?

8 A. [12:23:47] Yes. Whenever I heard a movement of cars, I would look in the
9 garage to reassure myself that nobody could see me, also to see what type of car and
10 what was happening.

11 Q. [12:24:35] So is it correct you could walk around and into the garage?

12 A. [12:24:41] Yes. Of course. I could go to the garage. I could also look to see if
13 I could go out.

14 Q. [12:25:13] Now, yesterday, at transcript 156, page 43 to 44, lines 25 to 3, when
15 asked if you had anything to eat or drink, you said: "No. I didn't even get dirty
16 water.

17 Do you recall telling the Prosecution that Demba Demba brought you milk?

18 A. [12:25:37] Of course I didn't have anything to eat or drink. And even if I - they
19 had it, I wouldn't have wanted it. It's true that there was Demba Demba or
20 somebody else who brought me water. However, there was somebody else who
21 threw the water away that he poured.

22 PRESIDING JUDGE MINDUA: [12:26:57](Interpretation) Can we go

23 MS TAYLOR: [12:27:11] We can be in open session.

24 PRESIDING JUDGE MINDUA: [12:27:12](Interpretation) Court officer.

25 (Open session at 12.27 p.m.)

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1 THE COURT OFFICER: [12:27:14] We're back in open session, Mr President.

2 PRESIDING JUDGE MINDUA: [12:27:25](Interpretation) Thank you very much,
3 court officer.

4 Ms Taylor.

5 MS TAYLOR:

6 Q. [12:27:28] Madam Witness, just to be very clear, did Demba Demba bring you
7 milk and you drank it?

8 A. [12:27:42] No. I didn't drink it. I didn't even want any.

9 MS TAYLOR: [12:28:09] If the interpreters could kindly read out paragraph 55 of the
10 statement on page 0465

11 And to save time, Mr President, could we just read the last sentence.

12 PRESIDING JUDGE MINDUA [12:28:31](Interpretation) Please go ahead with the
13 last sentence, interpreter.

14 THE INTERPRETER: [12:28:36] "One night Demba Demba brought me milk. I
15 drank it and then he left. He said nothing to me.

16 MS TAYLOR:

17 Q. [12:28:48] Madam Witness, does that refresh your memory? Is that what you
18 told the Prosecution?

19 A. [12:29:07] You have to read the document well. You have to look at it closely.
20 What I said was that he brought me milk And as somebody spilt it, I could see it
21 was milk. You have to look at the document.

22 Q. [12:29:48] Madam Witness, do you find it difficult to remember the details of
23 what happened?

24 A. [12:29:54] No. Everything that I am telling you is the truth. I'm not going to
25 weave some lies together and then bring them to the fore in front of such a great

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1 assembly of individuals.

2 Q. [12:30:52] Madam Witness, yesterday, at page 17, lines 5 to 8, you were talking
3 about your daughter. And you said that: "[...] she was taken to the hospital, but at
4 [the] time, the hospital was empty.

5 Madam Witness, I'm going to read to you a quote from a Prosecution witness. And
6 I'll put up my hand just to - to make clear to you when it's time for you to answer.

7 Prosecution witness P-147 said, at MLI-OTP-0028-0526, at 0534 - and that's tab 6 for
8 the interpreters - speaking of the occupation in 2012:

9 "The hospital is located in Sariekeina neighbourhood. It consists in buildings where
10 there are sections such as surgery, pediatrics, gynaecology, orthodo-stomatology,
11 reanimation, pharmacy, a lab, the x-ray section. All services were functioning at that
12 time, except for the specialties such as ophthalmology, otorhinolaryngology, and
13 urology. MSF was dealing with emergency cases only and we took the non-urgent
14 cases. Those who could not be dealt with were evacuated. MSF recruited
15 progressively a lot of volunteers.

16 A. [12:34:14] Well, I'd like to put a question to you.

17 What does MSF mean?

18 Q. [12:34:18] Madam Witness, MSF is Médecins Sans Frontières

19 But my question is, Madam Witness: Is it correct that you never took or tried to take
20 your daughter to a hospital to get treatment in 2012?

21 A. [12:35:38] You've gone back a long way. I didn't talk about MSF or people who
22 helped others. I was talking about the hospital at that time.

23 PRESIDING JUDGE MINDUA: [12:35:56](Interpretation) Mr Prosecutor.

24 MR GARCIA: [12:36:00](Interpretation) Mr President, could we please cut off the
25 sound to the witness for a few minutes.

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- 1 PRESIDING JUDGE MINDUA: [12:36:06](Interpretation) Yes, indeed.
- 2 Mr Courtroom Officer, please.
- 3 THE COURT OFFICER: [12:36:09] Your Honours, the sound to the witness has been
- 4 cut off.
- 5 PRESIDING JUDGE MINDUA: [12:36:29](Interpretation) Thank you very much.
- 6 Mr Prosecutor.
- 7 MR GARCIA: [12:36:33](Interpretation) Mr President, I did not object to the
- 8 question as it was put. But I can see that the question as put is not entirely correct.
- 9 At line or page 53, lines 19 to 21, at lines 20:
- 10 (Speaks English) "And you said that you were taken to the hospital, but at the time
- 11 the hospital was empty.
- 12 (Interpretation) So, first off, this is not what the witness said in its entirety and
- 13 completely. She said:
- 14 (Speaks English) "There was only those bad people I told you about, so she didn't
- 15 receive any treatment.
- 16 (Speaks French) So that's at page 17 of the transcript, 156, English version, to which
- 17 Ms Taylor was referring.
- 18 So, first off, it's incomplete. It does not summarise entirely what the witness said
- 19 Now, the second issue at hand, Mr President - and this is something we kept a
- 20 clear - a close eye on yesterday evening because the documents were disclosed to
- 21 us - we're referring to the statement of Witness 147.
- 22 Now, for the question to be put correctly to the witness, we need to ascertain exactly
- 23 when this took place. The witness, I believe, has issues with dates and we're
- 24 uncertain as to precisely what period we're talking about.
- 25 If we look at the statement of Witness 147, we can't just simply take the excerpt that is

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1 pleasing to us, because it might be misleading to both the Chamber and the witness.

2 *Looking at the statement of witness 147, 0028-0526, at page 0532, paragraph

3 36, Witness 147 clearly says:

4 (Speaks English) "Officially, there was no one in charge of the hospital. Volunteers
5 were around to help.

6 (Interpretation) And, of course, I'm not going to read it out entirely, but it explains the
7 situation that existed at the time. So it's not as easy as Ms Taylor might lead us to
8 believe.

9 And if we use this statement to confront the witness and have her say or have her
10 understand that what she is saying is false, I am of the mind that the Chamber needs
11 to familiarise themselves with the entirety of the statement of Witness 147 on the
12 subject of hospitals, and also find out exactly what Witness 147 could have known at
13 the time or not.

14 I believe that these two matters are important and might have an effect on the
15 probative value and the utility of - usefulness of confronting the witness with the

16 THE INTERPRETER: [12:39:40] Overlapping speakers

17 PRESIDING JUDGE MINDUA: [12:39:43](Interpretation) You've heard the objection
18 on the part of the Prosecutor

19 THE INTERPRETER: [12:39:46] Well, not in its entirety. The interpreter could not
20 finish it.

21 MS TAYLOR: [12:39:52] Mr President, this objection should have been made at the
22 very beginning as the Prosecution had the pinpoints. So if they had an objection to
23 specific pinpoints being used, in accordance with the decision on the conduct of
24 proceedings, these things should be raised in a timely manner and not
25 mid-cross-examination.

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1 Now, there are two specific points: One, at page [0]533, there's a heading on the
2 statement which says -- makes it clear they're discussing the time period during the
3 occupation.
4 I can also refer the Prosecution to page [0]536, paragraph 63, which says:
5 "In the hospital, everyone was treated in the same manner. Men and women, even
6 in normal conditions were not mixed in the treatment or consultation offices. It was
7 only in the waiting area that the Islamists implemented the segregation between
8 women and men. And that "They were very tough on this rule.
9 So there's nothing in the statement that would suggest that the doctors who were
10 present would not provide treatment There's also evidence from P-113, specifically
11 stating in July 2012 that the hospitals were staffed with gynaecologists. That's on our
12 list as well. But it's a video that would take more time.
13 Now, there is an abundance of evidence in this case. We have a video, "Orphans of
14 the Sahara, which shows the hospital. We are entitled to put to this witness
15 evidence from someone who was a doctor in the hospital in 2012 to show that there
16 were indeed doctors at the hospital. And indeed, if the individual in question had
17 been brought to the hospital, that person would have been treated.
18 Now, we're being prevented from challenging the credibility of this witness. And
19 that's a matter of concern. This is a witness for whom there are significant credibility
20 issues. So we simply ask that we be able to put this to the witness, out of fairness to
21 her, because we will bring a Defence case specifically on this witness. So if I was the
22 Prosecution, I would want her answering these questions now.
23 So, Mr President, can we simply put the question to the witness, that there is -- people
24 have given statements that the hospital was functioning, there were doctors present,
25 and there were specialties, and it functioned throughout.

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1 PRESIDING JUDGE MINDUA: [12:42:56](Interpretation) Very well. Put your
2 question, Ms Taylor. But the Prosecution said that there are concerns with regard to
3 the specific period in question and that this might be misleading to the witness.
4 But please go ahead. Let's see how it unfolds.

5 MS TAYLOR: [12:43:09] Mr President, if I may simply show the Chamber. The
6 page before has the heading, "During the occupation. So the witness was talking
7 about the time period of the occupation. But when I'm speaking to this witness, I'll
8 be very clear in the language I'm using.

9 PRESIDING JUDGE MINDUA: [12:43:34](Interpretation) Please go ahead.
10 Mr Courtroom Officer, what's going on, please Please, yes Please re-establish the
11 connection to the witness. Naturally, yes, please do.

12 THE COURT OFFICER: [12:43:43] Your Honours, the sound to the witness has been
13 re-established.

14 PRESIDING JUDGE MINDUA [12:43:50](Interpretation) Thank you very much
15 indeed, Mr Courtroom Officer.

16 Ms Taylor.

17 MS TAYLOR: [12:43:58]

18 Q. [12:43:59] Now, Madam Witness, I read to you an extract from a statement
19 collected by the Prosecution, which states that when the mujahideen were in
20 Timbuktu, the hospital and its services were functioning.

21 So, Madam Witness, is it correct that you never tried to get your daughter treatment
22 at this hospital for a head injury at a time period when the mujahideen were in
23 Timbuktu?

24 A. [12:45:56] In fact, these were people that I told the investigators about. It
25 wasn't the hospital that you're talking about, the hospital that is in Sariekeina. It is

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1 the hospital that was held by the bad people. So that is where I did not manage to
2 have my daughter treated.

3 Q. [12:46:20] So, Madam Witness, you were in Sariekeina.

4 Why did you not go to the hospital in Sariekeina?

5 A. [12:46:52] There isn't a hospital in Sariekeina. There is a dispensary.

6 MS TAYLOR: [12:47:01] Mr President, Mr Al Hassan needs to use the restroom
7 again. I've just been alerted. I apologise. May I just briefly speak to him to see
8 what the issue is?

9 PRESIDING JUDGE MINDUA: [12:47:17](Interpretation) Yes. Please go ahead,
10 Ms Taylor.

11 (Counsel confers)

12 MS TAYLOR: [12:47:47] Mr President, Mr Al Hassan just clarified that when I put
13 quotes to the witness, it comes across in Tamasheq as if I'm saying that this witness
14 said that. So I'll -- I'll make sure that it's very clear in the future.

15 PRESIDING JUDGE MINDUA: [12:48:13](Interpretation) Your observation, of
16 course, is addressed to the interpreters.

17 MS TAYLOR: [12:48:22] Yes.

18 PRESIDING JUDGE MINDUA [12:48:32](Interpretation) Interpreters, I believe you
19 have been able to follow the remark on the part of the Defence counsel. Thank you
20 very much.

21 Ms Taylor.

22 MS TAYLOR:

23 Q. [12:48:44] Now, Madam Witness, at transcript 156, page 26, lines 3 to 14, you
24 described leaving the hospital. And you described being told by your sister that you
25 will hear what happened when you got home.

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1 Now, Madam Witness, before you got home, what did you think had happened?

2 A. [12:49:10] I think you must have got that confused. It has nothing to do with it.

3 It was to do with what was wrong with me.

4 THE INTERPRETER: [12:50:24] The witness says, "*mon mal à moi*."

5 MS TAYLOR:

6 Q. [12:50:30] Yes, Madam Witness. That's what we're talking about, what
7 happened to you.

8 And I'm asking you: When you went to the hospital and came home, before you
9 were told what happened, what did you think had happened?

10 A. [12:50:43] Yes. What are you insinuating by what did I think?

11 Q. [12:51:28] Madam Witness, did you have any idea of what was wrong with you
12 physically?

13 A. [12:52:09] I had had a miscarriage. That's what I said to you. It is a fact. It is
14 the truth.

15 Q. [12:52:17] Yes, Madam Witness. Did you know that you had a miscarriage
16 before your sister told you?

17 A. [12:52:24] Yes. Well, when something like that happens, one does have a
18 feeling about it. But when I got up, I didn't know at all what happened to me, and I
19 was told that when I got home, I would be told what had happened to me.

20 Q. [12:53:25] And after you were told what had happened to you, did you have an
21 operation?

22 A. [12:53:32] I did not have an operation subsequently.

23 Q. [12:54:05] So, Madam Witness, I'm going to go to an interaction you had with
24 Hamed Moussa. Actually, no. Sorry.

25 Madam Witness, you talked about the mother

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1 Can we go into private session?

2 PRESIDING JUDGE MINDUA: [12:54:39](Interpretation) Yes, indeed.

3 Mr Courtroom Officer

4 (Private session at 12.54 p.m.)

5 THE COURT OFFICER: [12:54:43] We are in private session, Mr President.

6 PRESIDING JUDGE MINDUA: [12:54:59](Interpretation) Thank you very much,

7 Mr Courtroom Officer. Private session. Yes, indeed.

8 Ms Taylor.

9 MS TAYLOR: [12:55:13]

10 Q. [12:55:13] Madam Witness, at page 27, lines 10 to 12, you talked about

11 [REDACTED] tell the mother she had to pay money to release the
12 man.

13 My first question is: What is the name of the mother?

14 A. [12:56:09] Her name is [REDACTED]

15 Q. [12:56:12] Now, at page 28, lines 2 to 4, you talked about there being money
16 from the sale of land.

17 Where was this land located?

18 A. [12:56:55] We didn't receive any money. She said we had to sell

19 THE INTERPRETER: [12:57:15] Correction.

20 THE WITNESS: [12:57:19](Interpretation) We had to sell that land She had to sell
21 that land.

22 MS TAYLOR: [12:57:24]

23 Q. [12:57:24] So she had to sell that land.

24 Where was the land located?

25 A. [12:57:30] It is called [REDACTED] (phon), the location where that land is to

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1 be found.

2 Q. [12:57:56] Was that inside Timbuktu?

3 A. [12:58:00] It is not in the city itself of Timbuktu. It is outside of the city. There
4 is a tarmacked road between Timbuktu and the location.

5 Q. [12:58:37] Who did *she sell it to?

6 A. [12:58:41] [REDACTED]

7 Q. [12:59:04] Was he an Arab?

8 A. [12:59:09] No. He's a Songhaï.

9 Q. [12:59:30] Madam Witness, did Oye sell land after he was released?

10 A. [12:59:35] It was thanks to this land that his mother had to sell that she was able
11 to have Oye released.

12 Q. [13:00:17] Madam Witness, your husband told the Prosecution that he sold a
13 plot of land after he was released to pay for food and medicine. And the reference is
14 Defence tab 47, MLI-OTP-0051-0018 at 0033, paragraph 71.

15 Was your husband speaking about the same land?

16 THE INTERPRETER: [13:01:37] The Tamasheq booth has a sound issue,

17 Mr President. Message from the Tamasheq booth.

18 PRESIDING JUDGE MINDUA [13:01:45](Interpretation) Mr Courtroom Officer,

19 there is a problem, a sound problem, with the Tamasheq booth.

20 Wonderful. So, Mr Courtroom Officer, the problem is resolved.

21 Ms Taylor, could you please repeat the question for our Tamasheq interpreters.

22 MS TAYLOR: [13:02:05]

23 Q. [13:02:06] Madam Witness, your husband told the Prosecution that he sold a
24 plot of land after he was released to pay for food and medicine.

25 Was your husband speaking about the same land that you're talking about?

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1 A. [13:02:25] No, no. The piece of land that I was talking about is - this was
2 houses that had already been built. It wasn't that piece of land.

3 PRESIDING JUDGE MINDUA: [13:03:22](Interpretation) Ms Taylor, it is three
4 minutes past one. So we shall stop now.

5 MS TAYLOR: [13:03:38] Yes, Mr President.

6 PRESIDING JUDGE MINDUA: [13:03:43](Interpretation) Very well.

7 Mr Courtroom Officer, we are in open session, are we? So we shall return to open
8 session.

9 Open session, please.

10 (Open session at 1.03 p.m.)

11 THE COURT OFFICER: [13:03:55] We are back in open session, Mr President.

12 PRESIDING JUDGE MINDUA [13:04:10](Interpretation) Thank you very much,
13 Mr Courtroom Officer.

14 We shall now rise for lunch, and we shall reconvene at 2.30 The hearing is
15 suspended.

16 THE COURT USHER: [13:04:21] All rise.

17 (Recess taken at 1.04 p.m.)

18 (Upon resuming in open session at 2.32 p.m.)

19 THE COURT USHER: [14:32:11] All rise.

20 Please be seated.

21 PRESIDING JUDGE MINDUA: [14:32:43](Interpretation) The hearing shall now
22 resume, and I will hand over to the Defence for continuation and completion of
23 examination - of their cross-examination.

24 Now, I have a scrap of paper here. It isn't a grocery list. It is a piece of paper with
25 some calculations on it. And I believe you have 18 minutes left.

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1 Is that not so?

2 MS TAYLOR: [14:33:09] Thank you, Mr President. I had understood 20, but I'll
3 accept your calculation, obviously.

4 PRESIDING JUDGE MINDUA: [14:33:27](Interpretation) Shall we say 20.

5 MS TAYLOR: [14:33:29] Thank you very much. We're very grateful.

6 Mr President, may we start in private session? I have just a couple of questions, and
7 then we can move into open session.

8 PRESIDING JUDGE MINDUA: [14:33:49](Interpretation) Indeed.

9 Court officer, if you could.

10 (Private session at 2.33 p.m.)

11 THE COURT OFFICER: [14:33:59] We're in private session, Mr President.

12 PRESIDING JUDGE MINDUA [14:34:01](Interpretation) Thank you very much,
13 court officer.

14 Ms Taylor.

15 MS TAYLOR:

16 Q. [14:34:07] Madam Witness, at page 63, line 14, you referred to land being sold to

17 [REDACTED]

18 Is this person [REDACTED]

19 A. [14:34:55] Yes.

20 Q. [14:35:04] [REDACTED]?

21 A. [14:35:09] [REDACTED]

22 Q. [14:35:32] Is he related to [REDACTED]?

23 A. [14:35:46] I'm talking about [REDACTED]

24 [REDACTED]

25 Q. [14:35:57] And is [REDACTED] related to someone called [REDACTED]?

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1 A. [14:36:36] Once again, we're going back What is written on the documents is

2

3 MS TAYLOR: [14:36:57] We can go back into open session, Mr President.

4 PRESIDING JUDGE MINDUA: [14:37:00](Interpretation) Open session, please, court
5 officer.

6 (Open session at 2.37 p.m.)

7 THE COURT OFFICER: [14:37:03] We're back in open session, Mr President.

8 PRESIDING JUDGE MINDUA: [14:37:07](Interpretation) Thank you very much,
9 court officer.

10 Ms Taylor.

11 MS TAYLOR:

12 Q. [14:37:12] And yesterday, page 25, lines 10 to 15, you described being on a
13 tarmac road. And you were asked who the men were who were holding Mr A and
14 beating him.

15 And you said: "I couldn't tell you because I couldn't see. We weren't authorised to
16 look [...] I was wearing a veil.

17 Now, Madam Witness, you said you couldn't see because you were wearing a veil.

18 Were your eyes covered?

19 A. [14:38:00] Yes. My eyes were veiled.

20 Q. [14:38:52] So could you see if the person was sitting or standing up while being
21 beaten?

22 A. [14:38:59] I could see that the person had been arrested. There were vehicles.

23 The person was down on the ground. There were vehicles between us. And,

24 actually, what is written in the document is correct.

25 THE INTERPRETER: [14:39:53] Correction from the Tamasheq booth: The person

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1 was seated.

2 MS TAYLOR:

3 Q. [14:40:01] Now, Madam Witness, I'm going to go to the first time that Hamed
4 Moussa came to your house.

5 At page - transcript 156, page 37, line 4 to 5, you said, he told you women couldn't go
6 out. And then after an exchange, he flogged you.

7 Now, Madam Witness, when you described this exchange to the Prosecution in 2019,
8 did you tell them that, after speaking to you, Mohamed Moussa left without flogging
9 you?

10 A. [14:40:46] I told them that, but I think you should look at the document I have
11 the impression that we are kind of backtracking.

12 Q. [14:41:51] Now, Madam Witness, at page 37, lines 23 to 25, you said that Hamed
13 Moussa came back to your house on another occasion and slapped you.

14 Did you hit him with a piece of wood before he slapped you?

15 A. [14:42:47] Yes. I hit him. I hit him, but it wasn't Hamed Moussa. It was
16 another person. And when I hit him, he said that he was going to call Hamed
17 Moussa. Actually, he came and found me at the house, and I was veiled.

18 Q. [14:43:28] Now, Madam Witness, at page 45, lines 2 to 7, you described another
19 occasion after you were released from the BMS when Hamed Moussa whipped you.
20 And you said, at lines 3 to 7:

21 "When I regained consciousness, my neighbours told me [...] he had said that it was
22 *therefore, to make me pay for what I had done. * And then his leaders said, Why
23 did you do that, I didn't tell you to hit people in their homes, I told you to bring back
24 the people who are in the street".

25 Now, Madam Witness, were you present when Hamed Moussa's boss gave him

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1 another speech or reprimand for what he had done

2 A. [14:46:20] I was present. That happened at the BMS, and then *he brought me
3 back home.

4 His boss said to him why is he bringing people back who were in the street? I asked
5 him to bring back people who were out in the street, not people who were at home, in
6 their homes. Yes. That is what happened.

7 Q. [14:46:57] Madam Witness, I'm going to ask the interpreters to read some
8 paragraphs to you from your statement. And it's on page 0467.

9 And if we could start, with the permission of the Chamber, from the third sentence or
10 fourth sentence. Or we can read it all out I don't have any objection to it all being
11 read out. It's paragraph 64.

12 PRESIDING JUDGE MINDUA [14:47:43](Interpretation) Yes That's much better,
13 Ms Taylor.

14 MS TAYLOR: [14:47:47] So if the interpreters could read that out.

15 THE INTERPRETER: [14:47:53] Paragraph 64: "When we arrived at the prison at
16 the bank, someone arrived who apparently was their boss. I didn't know him He
17 talked with Hamed Moussa at the door of the bank inside - outside. I was veiled. I
18 couldn't see the person directly, but I saw that it was a light-skinned man, tall,
19 well-built, with a black beard that went all the way down to his belly. He was
20 wearing a green turban and a white piece of clothing that we called *bazin*. He was
21 speaking to Hamed MOUSSA in good Tamasheq. The boss did not speak to [REDACTED] or
22 to me. Hamed MOUSSA informed him of the reasons for our arrest. The boss
23 responded that it was not valid and we could - and one could not arrest people
24 forcibly in their own compounds. Hamed MOUSSA responded to him saying that if
25 it was - if that was the way of it, they were the ones who were going to be subjected

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1 to Sharia law. The boss said to him, 'Of course Sharia law will apply to you because
2 I told you to keep an eye on people who go out onto the street without being correctly
3 clothed. And he added, 'You are supposed to warn them first to comply and then
4 arrest them, but not in their compounds. Hamed MOUSSA then told the boss that
5 he was taking us back home where we had been taken from.

6 End of the sight translation.

7 THE WITNESS: [14:50:16](Interpretation) Yes. Yes. Yes.

8 MS TAYLOR: [14:52:42]

9 Q. [14:52:43] Madam Witness, is this the same conversation you were referring to?

10 A. [14:52:58] What? What I'm talking about, is it about

11 Q. [14:53:04] Madam Witness

12 A. [14:53:06] Is it about being beaten?

13 Q. [14:53:09] Madam Witness, you've just heard a conversation between Hamed
14 Moussa and a person with a long beard.

15 Does this refresh your memory? Is this what you say happened?

16 A. [14:53:21] Being beaten by Hamed Moussa or ... being beaten by Hamed Moussa
17 or what? When I said I had been beaten by Hamed Moussa, it was there. I was
18 beaten by Hamed Moussa at the house I lost consciousness. When I regained
19 consciousness, my neighbours were there. They were standing around me. And
20 the names of my - of my neighbours are written down.

21 MS TAYLOR: [14:54:53] May I go into private session? I just have a couple of last
22 questions, Mr President.

23 PRESIDING JUDGE MINDUA: [14:55:00](Interpretation) Certainly.

24 Court officer, if you could

25 (Private session at 2.55 p.m.)

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1 THE COURT OFFICER: [14:55:09] We're in private session, Mr President

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

4 Ms Taylor.

5 MS TAYLOR:

6 Q. [14:55:23] Madam Witness, did you live with Oye at the time that he was
7 interviewed by the ICC Prosecution?

8 A. [14:55:32] That we were living in the same house or what?

9 Q. [14:56:11] Yes. Were you living in the same house with Oye four years ago
10 when he was first interviewed by the ICC Prosecution?

11 A. [14:56:22] Yes. Yes. During the first interview, we were living in the same
12 house. But they didn't talk to him at our house. I don't know where that
13 happened.

14 Q. [14:57:15] Now, at this time, was Oye mentally disturbed?

15 A. [14:57:22] Indeed. Mentally, he was unstable.

16 Q. [14:57:44] Now, you met the Prosecution [REDACTED] in 2019. Now, after you
17 finished your interview with them, did the Prosecution arrange for you to go live
18 with Oye?

19 A. [14:58:01] To ensure that, what?

20 PRESIDING JUDGE MINDUA: [14:58:39] *Monsieur le Procureur.*

21 MR GARCIA: [14:58:45](Interpretation) Your Honour, merely, if my learned friend
22 could be careful. We are dealing with some issues that have to do with the Victims
23 and Witnesses Section, *it is not the Prosecution that acts in the matters that
24 Ms Taylor has just touched upon. This could
25 misguide - mislead the witness.

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1 PRESIDING JUDGE MINDUA: [14:59:31](Interpretation) *Yes, Ms Taylor, I think
2 we're going a little over the top here.

3 MS TAYLOR: [14:59:32] Mr President, I can be very clear on this. I won't ask
4 where she moved to. I can just put two simple questions.
5 Before she met the Prosecution, was she living with her husband; and after she met
6 the Prosecution, was she -- did she join her husband, if that's acceptable. And that
7 would be my final questions.

8 PRESIDING JUDGE MINDUA: [14:59:56](Interpretation) Very well. Go ahead.
9 Last questions.

10 MS TAYLOR [14:59:58]

11 Q. [14:59:59] Now, Madam Witness, you went to [REDACTED] and you met your
12 husband Oye

13 Is it correct that at this point in time, you were not living with Oye? He was living
14 somewhere else.

15 A. [15:00:32] Yes. That was the time when I came to [REDACTED]

16 Q. [15:00:58] And, Madam Witness, after you finished speaking to the Prosecution,
17 were you told that you would go live with Oye?

18 MR GARCIA [15:01:21](Interpretation) Mr President, once again, we are broaching
19 questions - well, I don't know whether this question is really clear. We let the
20 previous one pass. I don't know whether the witness really knows what she's
21 answering because the dates are not really specified in the questions. She's asked
22 when she went We don't really know at which date.

23 And in the second question, if I've understood it correctly on the part of
24 my learned friend, it was whether she was going to be living with Oye.

25 Now, maybe I'm the one who's not understanding here, but I do find that it is rather

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1 confusing, all of these questions.

2 PRESIDING JUDGE MINDUA: [15:01:56](Interpretation) Yes. Ms Taylor, it is
3 rather confusing, and I don't really see the relevance of all these questions. Anyway,
4 the last two. Maybe you should quite simply put a stop to it.

5 MS TAYLOR: [15:02:17] Well, Mr President, if I may perhaps read from the
6 Prosecution email that was sent to us and ask the witness if she has a comment on it.

7 PRESIDING JUDGE MINDUA: [15:02:29](Interpretation) Very well. Please go
8 ahead.

9 MS TAYLOR: [15:02:39] This is Defence tab 46. It's MLI-D28-0005-8016. And it
10 states - this is an email from the Prosecution It says

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15 PRESIDING JUDGE MINDUA: [15:03:31](Interpretation) Mr Prosecutor.

16 MR DUTERTRE: [15:03:32](Interpretation) Yes, Mr President Having written it
17 myself, I know all about it.

18 Now, there is a follow up to this email that Ms Taylor has not mentioned. [REDACTED]

19

20 Now, this is all material that has to do with the VWS, and we need to be specific and
21 accurate when you put questions, which is not the case at this time. And then it has
22 absolutely no relevance whatsoever [REDACTED]

23

24 PRESIDING JUDGE MINDUA: [15:04:05](Interpretation) Yes, Ms Taylor. I let you
25 put the question or at least read out the document. But up to now, the Chamber

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1 doesn't really see the relevance of this question with regard to the testimony of the
2 witness. So I think we can put a stop to that.

3 MS TAYLOR: [15:04:23] Thank you, Mr President.

4 Madam Witness, that ends our cross-examination. I thank you for your testimony.

5 PRESIDING JUDGE MINDUA: [15:04:43](Interpretation) Thank you very much,
6 Ms Taylor.

7 Now, Mr Courtroom Officer, we are in private session. Could we go back into open
8 session, please.

9 (Open session at 3.04 p.m.)

10 THE COURT OFFICER: [15:04:53] We're back in open session, Mr President

11 PRESIDING JUDGE MINDUA: [15:05:02](Interpretation) Thank you very much,
12 Mr Courtroom Officer

13 Now, I'm going to turn to the Office of the Prosecutor with a view to putting the
14 question to them to ascertain whether there are any additional questions.

15 MR ALLAFI: [15:05:19](Interpretation) Thank you, Mr President. We do not have
16 any additional questions. Thank you very much.

17 PRESIDING JUDGE MINDUA: [15:05:25](Interpretation) There we are. That's
18 perfect. So we have now reached the end of our hearing for today.

19 Madam Witness, as you will certainly have understood, we have reached the end of
20 the hearing for today and the end of your testimony.

21 THE WITNESS: [15:06:12](Interpretation) Yes.

22 PRESIDING JUDGE MINDUA: [15:06:15](Interpretation) On behalf of the Chamber,
23 I would like to once again thank you for having helped us in answering the questions
24 very clearly and with a great deal of goodwill and a good deal of courage.

25 THE WITNESS: [15:07:01](Interpretation) Very well.

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1 PRESIDING JUDGE MINDUA: [15:07:04](Interpretation) Your testimony has now
2 come to an end, and I'd like to wish you a safe journey home and a good deal of
3 courage and luck for the future.

4 THE WITNESS: [15:07:29](Interpretation) I'd also like to thank you a great deal.

5 PRESIDING JUDGE MINDUA: [15:07:43](Interpretation) You are welcome,
6 Madam Witness.

7 (The witness is excused)

8 PRESIDING JUDGE MINDUA [15:07:47](Interpretation) Now, I shall turn to the
9 Office of the Prosecutor.

10 I believe that our next witness will appear on the 22nd

11 MR DUTERTRE: [15:07:59](Interpretation) That is indeed correct, Mr President,
12 your Honours. And we're talking here of P-0610

13 PRESIDING JUDGE MINDUA: [15:08:08](Interpretation) Perfect.

14 So before we rise for today, I would like to express my gratitude to the parties and
15 participants, to the court reporters, the interpreters, to our security guards, and, of
16 course, to the public.

17 I'd like to wish you all a very nice evening, and I say see you on the 22nd.

18 The hearing is adjourned

19 THE COURT USHER: [15:08:44] All rise.

20 (The hearing ends in open session at 3.08 p.m.)

21 CORRECTIONS REPORT

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

24 Page 23 lines 6-10

25 "Yes. The photographs that you were showing me -- you don't have to tire me to

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1 show me photos. I won't say what's true or false because it's a long time ago. It
2 was done a long time ago. But what is sure is that Azahara was asked to be treated,
3 and it's true that [REDACTED] helped treat Azahara." Is corrected to "Yes, so the
4 photographs you're showing me, you should not bother showing me photographs. I
5 wouldn't know what's false and what's true, because, in fact, it's been a long time. But
6 what is what is certain is that we asked for Azahara to be treated and it is true that
7 [REDACTED] helped to treat Azahara.

8 Page 39 line 20

9 "l'époque?" Is corrected to "à l'époque

10 Page 46 lines 2-3

11 "If we look at the statement of Witness 147, 0028-0

12 THE INTERPRETER: [12:38:25] Too fast

13 MR GARCIA: [12:38:26](Interpretation) If we look at page 0523 (sic), paragraph 36,

14 Is corrected to "Looking at the statement of witness 147, 0028-0526, at page 0532,
15 paragraph 36,

16 Page 54 line 23

17 [REDACTED] Is corrected to [REDACTED]

18 Page 54 line 25 to Page 55 line 1

19 [REDACTED] Is
20 corrected to [REDACTED]

21 Page 56 line 24 to Page 57 line 1

22 "because it was to pay for what had been done and then his leader said, "Why did
23 you do that? I didn't tell you to hit people at home. I told you to bring [...] home
24 who were in the street " Is corrected to "therefore, to make me pay for what I had
25 done. And then his leaders said, "Why did you do that, I didn't tell you to hit people

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1 in their homes, I told you to take the people who are in the street home".

2 Page 57 lines 4-7

3 "they took me back home. His boss said to him, why? Why was he bringing people

4 back, people who were in the house? And asked him -- he asked him to bring back

5 people" Is corrected to "he brought me back home. His boss said to him why is he

6 bringing people back who were in the street? I asked him to bring back people

7 Page 59 line 25 to Page 60 line 1

8 "this particular area that - that - this is material that is of particular interest to the

9 Victims and Witnesses Section." Is corrected to "it is not the Prosecution that acts in

10 the matters that Ms Taylor has just touched upon.

11 Page 60 lines 3-4

12 "Yes. I think this could be misleading to the witness." Is corrected to "Yes,

13 Ms Taylor, I think we're going a little over the top here.

14 The following correction, marked with an asterisk and included in the audio-visual

15 recording of the hearing, is brought into the transcript.

16 Page 52 line 7

17 "you" Is corrected to "she

18 SECOND CORRECTION REPORT

19 The following correction, marked with an asterisk and not included in the

20 audio-visual recording of the hearing, is brought into the transcript.

21 Page 56 lines 22-24:

22 "And then his leaders said, "Why did you do that, I didn't tell you to hit people in

23 their homes, I told you to take the people who are in the street home"." Is corrected to

24 "And then his leaders said, "Why did you do that, I didn't tell you to hit people in

25 their homes, I told you to bring back the people who are in the street".