

Trial Hearing
MLI-OTP-P-0004

(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 Judge Antoine Kesia-Mbe Mindua, Presiding, Judge Tomoko Akane and Judge
7 Kimberly Prost
8 Trial Hearing - Courtroom 3
9 Friday, 3 December 2021
10 (The hearing starts in open session at 9.31 a.m.)
11 THE COURT USHER: [9:31:23] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE MINDUA: [9:31:50](Interpretation) Court is in session.
15 Good morning to all.
16 Madam Courtroom Officer, could you please call the case.
17 THE COURT OFFICER: [9:32:11] Good morning, 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 we are in open session.
21 PRESIDING JUDGE MINDUA: [9:32:27](Interpretation) Thank you very much,
22 indeed, Madam Courtroom Officer.
23 As every morning, we shall start with the appearances, starting with the Office of the
24 Prosecutor.
25 Mr Prosecutor, please.

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1 MR DUTERTRE: [9:32:41](Interpretation) Good morning, Mr President. Good
2 morning, your Honours.

3 The Office of the Prosecutor today is represented by Madam Marie Sardachti, Lucio
4 Garcia and myself, Gilles Dutertre. And I thank you, and I greet everyone in and
5 around the courtroom.

6 PRESIDING JUDGE MINDUA: [9:33:04](Interpretation) Thank you very much,
7 Mr Prosecutor Dutertre.

8 I'm turning now to the Defence.
9 Counsel.

10 MS TAYLOR: [9:33:14] Good morning, Mr President. Good morning, your
11 Honours. Good morning to everyone in the courtroom and around the courtroom.
12 And good morning, Mr Witness.

13 The Defence for Mr Al Hassan is represented today by Maître Julia Basile and myself,
14 Melinda Taylor. Thank you.

15 PRESIDING JUDGE MINDUA: [9:33:33](Interpretation) Thank you very much,
16 Ms Taylor.

17 Now, I'm turning to the Legal Representatives of Victims.
18 Counsel.

19 MR LUVENGIKA: [9:33:37](Interpretation) Good morning, Mr President,
20 your Honours.

21 The victims are represented at this hearing by Madam Prisque Dipanga Biyéké and by
22 myself, Maître Fidel Nsita Luvengika. And I thank you.

23 PRESIDING JUDGE MINDUA: [9:33:50](Interpretation) Thank you very much,
24 Mr Nsita.

25 So this morning, we shall be starting with the testimony of Prosecution Witness

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1 P-0004.

2 So I shall now turn to the witness.

3 Good morning, Mr Witness. Can you hear me?

4 WITNESS: MLI-OTP-P-0004

5 (The witness speaks French)

6 (The witness gives evidence via video link)

7 THE WITNESS: [9:34:12](Interpretation) Good morning. I can hear you well.

8 PRESIDING JUDGE MINDUA: [9:34:16](Interpretation) Thank you very much,

9 Mr Witness. On behalf of the Chamber, I would like to welcome you.

10 THE WITNESS: [9:34:24](Interpretation) Thank you.

11 PRESIDING JUDGE MINDUA: [9:34:25](Interpretation) You shall be testifying with

12 a view to assisting the Chamber in establishing the truth in the case versus

13 Mr Al Hassan.

14 Mr Witness, protective measures have been put in place with a view to making sure

15 that your identity is not revealed to the public. So, whenever you need to provide

16 details that might be of an identifying nature, we shall talk about it in private session,

17 and in such a way, no one, with the exception of those present in this courtroom, will

18 be able to hear what you have to say.

19 I shall now administer the oath according to Rule 66(1) of the Rules of Procedure and

20 Evidence.

21 So, on the table in front of you, I'm sure that you have a white piece of paper with

22 some writing on it, is that true?

23 THE WITNESS: [9:35:47](Interpretation) Yes, indeed.

24 PRESIDING JUDGE MINDUA: [9:35:48](Interpretation) Very well. This is the

25 solemn undertaking by which you undertake to speak the truth, and I would request

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1 that you read out this piece of paper.

2 THE WITNESS: [9:36:08](Interpretation) I solemnly declare that I shall speak the
3 truth, the whole truth and nothing but the truth.

4 PRESIDING JUDGE MINDUA: [9:36:15](Interpretation) Thank you very much,
5 Mr Witness. You are now under oath.

6 THE WITNESS: [9:36:22](Interpretation) Yes.

7 PRESIDING JUDGE MINDUA: [9:36:24](Interpretation) The representatives of the
8 VWS and the representatives of the OTP have already explained to you what this
9 means.

10 THE WITNESS: [9:36:37](Interpretation) Indeed.

11 PRESIDING JUDGE MINDUA: [9:36:39](Interpretation) Good.

12 So I have a few practical pieces of advice to provide you with. You should bear in
13 mind that throughout your testimony, everything that is said in this courtroom is
14 being transcribed by court reporters and simultaneously interpreted into a number of
15 languages by interpreters.

16 THE WITNESS: [9:37:16](Interpretation) Mm-hmm.

17 PRESIDING JUDGE MINDUA: [9:37:17](Interpretation) So it is important for you to
18 speak clearly and slowly.

19 Please do not start to speak until the person putting the question to you has finished
20 putting said question to you.

21 THE WITNESS: [9:37:32](Interpretation) Okay.

22 PRESIDING JUDGE MINDUA: [9:37:33](Interpretation) Of course, if you do have
23 a question, please raise your hand to indicate that you would like to address the
24 Court.

25 We shall now hear your testimony. You will first be questioned by the Office of the

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- 1 Prosecutor, then by the Legal Representatives of Victims and, finally, by the Defence.
- 2 There we are.
- 3 So, without further ado, I shall hand over now to the Office of the Prosecutor.
- 4 Mr Prosecutor.
- 5 MR DUTERTRE: [9:38:13](Interpretation) I thank you, Mr President.
- 6 QUESTIONED BY MR DUTERTRE: (Interpretation)
- 7 Q. [9:38:18] Good morning, Mr Witness.
- 8 A. [9:38:21] Good morning.
- 9 Q. [9:38:22] You will recall that we saw each other during the preparation phase,
- 10 and I would remind you again that my name is Gilles Dutertre.
- 11 Are you well this morning?
- 12 A. [9:38:33] I am well.
- 13 Q. [9:38:35] Very good.
- 14 MR DUTERTRE: [9:38:39](Interpretation) Mr President, I will request that we move
- 15 into private session. I am aware of the fact that there are some people in the public
- 16 gallery, but there are some very identifying questions that I shall be starting off with,
- 17 and when I'm in a position to do so, I shall come out of the private session on
- 18 a one-off basis for us to explore certain matters in open session.
- 19 PRESIDING JUDGE MINDUA: [9:39:03](Interpretation) Are you talking about
- 20 closed session or private session?
- 21 MR DUTERTRE: [9:39:09](Interpretation) Private session. I would say a quarter of
- 22 an hour maximum. I'm going to be starting with leading questions to go faster.
- 23 THE INTERPRETER: [9:39:18] Overlapping speakers. Overlapping speakers.
- 24 PRESIDING JUDGE MINDUA: [9:39:23] Please do so.
- 25 Madam Courtroom Officer, private session, please.

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1 THE INTERPRETER: [9:39:24] Message from the English booth: Could pauses be
2 observed, please. From the get go, we have people testifying in French. We have
3 people questioning in French.

4 Please, could the pauses be observed.

5 Thank you.

6 (Private session at 9.39 a.m.)

7 THE COURT OFFICER: [9:39:38] (Interpretation) We are in private session.

8 And I have a comment from the English interpreter, saying -- about overlapping
9 speakers.

10 PRESIDING JUDGE MINDUA: [9:39:52](Interpretation) Yes, indeed.

11 We have to be very careful today because there are plenty of people speaking French
12 in the courtroom, indeed.

13 Mr Prosecutor.

14 MR DUTERTRE: [9:40:08](Interpretation) Thank you, Mr President.

15 Q. [9:40:11] So, Mr Witness, yes, between the time when I put a question to you
16 and the time when you reply to my question, could you please observe a pause to
17 avoid our interpreters galloping behind us.

18 A. [9:40:33] Yes.

19 Q. [9:40:33] Could you please indicate what your first and last names are.

20 A. [9:40:38] My first name is [REDACTED] my family name is [REDACTED]

21 Q. [9:40:49] And [REDACTED]

22 A. [9:40:53] Yes, indeed.

23 Q. [9:40:57] [REDACTED] You were born on [REDACTED], if I'm not
24 mistaken.

25 A. [9:41:08] That is correct.

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1 Q. [9:41:11] I was waiting for the transcript.

2 And you are born [REDACTED]

3 A. [9:41:26] That is correct.

4 Q. [9:41:31] Your ethnic origin is [REDACTED]

5 A. [9:41:36] Indeed.

6 Q. [9:41:38] And you are a Muslim.

7 A. [9:41:47] Yes.

8 Q. [9:41:53] Now, in terms of the languages that you speak, can you please confirm
9 to me that you speak [REDACTED]

10 A. [9:42:12] Yes, I can confirm that.

11 Q. [9:42:16] [REDACTED]

12 THE INTERPRETER: [9:42:24] Says counsel.

13 MR DUTERTRE: [9:42:27](Interpretation)

14 Q. [9:42:29] And can you confirm that you can also write those three languages,
15 that is to say, [REDACTED]

16 A. [9:42:43] I can confirm that.

17 Q. [9:42:44] You lived [REDACTED] if my information is
18 correct.

19 A. [9:42:56] Yes, indeed.

20 Q. [9:42:57] Subsequent to which you went to [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 A. [9:43:12] That is correct.

24 Q. [9:43:13] [REDACTED]

25 You're nodding, so I believe that that is the case.

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1 A. [9:43:20] Yes.

2 Q. [9:43:29] So then [REDACTED]

3 [REDACTED]. Is that correct?

4 A. [9:43:43] That's correct.

5 Q. [9:43:44] And can you tell us the name of [REDACTED], please, Mr Witness.

6 A. [9:43:50] At the time, it was called [REDACTED]. In the
7 meantime, it's changed to [REDACTED]

8 Q. [9:44:09] I thank you for those details.

9 Now, [REDACTED]

10 [REDACTED] Is that correct?

11 A. [9:44:28] That is correct. [REDACTED]

12 [REDACTED]

13 Q. [9:44:40] All right. And at the time when you were working there, what was

14 [REDACTED]

15 A. [9:44:56] [REDACTED]

16 [REDACTED]

17 Q. [9:45:04] We shall come back to that at a later stage with regards to [REDACTED]

18 Now to carry on going through your CV. Now, from [REDACTED]

19 [REDACTED]

20 [REDACTED] Is that correct?

21 A. [9:45:34] Yes, indeed. But we should specify that [REDACTED]

22 [REDACTED]

23 THE INTERPRETER: [9:45:48] Overlapping speakers.

24 MR DUTERTRE: [9:45:50](Interpretation)

25 Q. [9:45:50] You anticipated my next question. [REDACTED]

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1 [REDACTED] Is that correct?

2 A. [9:46:05] That is correct.

3 Q. [9:46:14] [REDACTED]

4 [REDACTED] Is that correct?

5 A. [9:46:30] That is correct.

6 Q. [9:46:32] [REDACTED] [REDACTED] did you not?

7 A. [9:46:37] Yes, I did. [REDACTED]

8 Q. [9:46:47] And in a word, [REDACTED]

9 A. [9:46:54] [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 Q. [9:47:14] Very well. Then you -- and you will tell us if you still [REDACTED]

13 [REDACTED]

14 [REDACTED]?

15 A. [9:47:32] Yes, indeed. [REDACTED]

16 Q. [9:47:41] Am I mistaken when I say that [REDACTED]

17 [REDACTED]

18 A. [9:47:53] I was in the past, but I am no longer.

19 Q. [9:48:00] And when did you [REDACTED]?

20 A. [9:48:09] [REDACTED]

21 THE INTERPRETER: [9:48:18] The interpreter did not catch it.

22 THE WITNESS: [9:48:20](Interpretation) -- [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 MR DUTERTRE: [9:48:34]

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- 1 Q. [9:48:35] So that was after [REDACTED]
- 2 [REDACTED] Is that correct?
- 3 A. [9:48:40] Yes.
- 4 Q. [9:48:43] Furthermore, [REDACTED]
- 5 [REDACTED]
- 6 A. [9:48:53] Indeed.
- 7 Q. [9:49:00] And [REDACTED]
- 8 A. [9:49:04] Yes, [REDACTED]
- 9 Q. [9:49:08] Very well. I have one or two further questions to put to you on the
- 10 subject of your curriculum vitae.
- 11 So today or to date, [REDACTED]
- 12 [REDACTED] Is that correct?
- 13 A. [9:49:39] In fact, I am [REDACTED]
- 14 [REDACTED] (Overlapping speakers)
- 15 Q. [9:49:47](No interpretation)(Overlapping speakers)
- 16 THE INTERPRETER: [9:49:48] Overlapping speakers.
- 17 Could counsel please observe a pause.
- 18 Could counsel please be told to observe a pause.
- 19 MR DUTERTRE: [9:50:04](Interpretation) Mr President, I have a number of
- 20 questions to put in open session before coming back to -- in open session before
- 21 coming back to private session.
- 22 PRESIDING JUDGE MINDUA: [9:50:17](Interpretation) Yes, indeed. Would you
- 23 like us to move into open session now?
- 24 MR DUTERTRE: [9:50:21](Interpretation) Yes, indeed. I can see we have some
- 25 public in the gallery.

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1 PRESIDING JUDGE MINDUA: [9:50:26](Interpretation) Madam Courtroom Officer,
2 please.

3 (Open session at 9.50 a.m.)

4 THE COURT OFFICER: [9:50:30] (Interpretation) We are back in open session,
5 Mr President.

6 PRESIDING JUDGE MINDUA: [9:50:39](Interpretation) Thank you very much,
7 Madam Courtroom Officer.

8 Mr Prosecutor.

9 MR DUTERTRE: [9:50:45](Interpretation) Thank you, Mr President.

10 Q. [9:50:47] So we are now in open session, Mr Witness. So I would ask you not to
11 provide us with any identifying material. If, however, you did slip up, we will have
12 to redact the information.

13 Are you in a position to recall the date at which the occupation of Timbuktu
14 commenced? The occupation by the armed groups, that is, in 2012?

15 A. [9:51:26] The occupation by the armed groups started on 1 April 2012.

16 Q. [9:51:34] And were you yourself present in the city when the occupation
17 commenced?

18 A. [9:51:47] I was present when the occupation commenced.

19 Q. [9:51:56] And approximately, Mr Witness, when did the occupation of Timbuktu
20 come to an end, if you are in a position to provide us with an approximate date?

21 A. [9:52:11] The occupation of Timbuktu came to an end in January 2013.

22 Q. [9:52:20] Thank you very much. We'll come back to that.

23 So throughout that entire period, from 1 April 2012 to January 2013, did you continue
24 to live in Timbuktu?

25 A. [9:52:44] Throughout this entire period, I continued to live in Timbuktu.

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1 Q. [9:52:58] Don't provide us with any details when answering the next question,
2 but - and we shall explore this further in private session - Mr Witness, did you ever
3 leave Timbuktu during the occupation by the armed groups between 1 April 2012 and
4 January 2013?

5 A. [9:53:25] Indeed, I did on occasion leave Timbuktu during the occupation.

6 MR DUTERTRE: [9:53:32] Now, Mr President, I would like to rapidly go into closed
7 session --

8 THE INTERPRETER: [9:53:39] Says counsel.

9 MR DUTERTRE: [9:53:41] -- to the extent that this might be identifying, and I will be
10 leading with these questions so -- to indicate to Ms Taylor.

11 PRESIDING JUDGE MINDUA: [9:53:51](Interpretation) Madam Courtroom Officer,
12 could we move into private session, please.

13 (Private session at 9.53 a.m.)

14 THE COURT OFFICER: [9:53:57] (Interpretation) We are in private session,
15 Mr President.

16 PRESIDING JUDGE MINDUA: [9:54:04](Interpretation) Thank you very much.
17 Mr Prosecutor.

18 MR DUTERTRE: [9:54:09](Interpretation) Thank you very much, Mr President.

19 Q. [9:54:12] So, Mr Witness, could you -- or can you confirm that you were absent
20 from Timbuktu in [REDACTED]

21 A. [9:54:39] Yes, I can confirm that.

22 Q. [9:54:43] And at that time, [REDACTED]
23 [REDACTED] is that not correct?

24 A. [9:54:53] Yes, indeed.

25 Q. [9:54:57] Who did you meet during [REDACTED] at that moment in time,

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1 if you recall, Mr Witness?

2 A. [9:55:12] Well, meet [REDACTED]

3 I would like that to be specified.

4 Q. [9:55:21] You are right in so saying. [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 A. [9:55:36] Well, [REDACTED] I met with

8 [REDACTED]

9 [REDACTED]

10 Q. [9:55:51] [REDACTED]

11 [REDACTED]

12 A. [9:55:59] [REDACTED]

13 [REDACTED]

14 Q. [9:56:15] [REDACTED]

15 [REDACTED] at the time?

16 A. [9:56:31] Yes, indeed. [REDACTED]

17 [REDACTED]

18 Q. [9:56:41] [REDACTED]

19 A. [9:56:55] [REDACTED]

20 [REDACTED]

21 Q. [9:57:10] To be complete, we are talking about [REDACTED]

22 [REDACTED]

23 A. [9:57:20] Yes, indeed, [REDACTED]

24 Q. [9:57:25] And making the most of [REDACTED] anything

25 specific or not?

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1 A. [9:57:36] [REDACTED]

2 Q. [9:57:43] Very well. How long after that did you return to Timbuktu, if you
3 recall?

4 A. [9:58:01] Well, I don't remember very well, but I didn't stay there long.

5 Q. [9:58:10] You mean by that, in [REDACTED]?

6 A. [9:58:15] In [REDACTED]

7 Q. [9:58:16] Can you confirm that you left Timbuktu [REDACTED]
8 [REDACTED]

9 A. [9:58:31] Yes, I can confirm that.

10 Q. [9:58:35] [REDACTED]

11 And subsequently, you once again left Timbuktu [REDACTED]

12 [REDACTED] and you stayed away from Timbuktu for
13 approximately [REDACTED] Is that correct?

14 A. [9:59:18] Yes, I can confirm that.

15 Q. [9:59:21] And then you were absent for a fourth time [REDACTED]

16 [REDACTED]

17 [REDACTED] Is that correct?

18 A. [9:59:58] That's correct.

19 Q. [10:00:01] Thank you.

20 MR DUTERTRE: [10:00:05](Interpretation) Mr President, we can now move back
21 into open session.

22 PRESIDING JUDGE MINDUA: [10:00:09](Interpretation) Yes, indeed.

23 Madam Courtroom Officer, please, open session.

24 (Open session at 10.00 a.m.)

25 THE COURT OFFICER: [10:00:16] (Interpretation) We are in open session,

1 your Honour.

2 PRESIDING JUDGE MINDUA: [10:00:25](Interpretation) Thank very much, court
3 officer.

4 Prosecutor.

5 MR DUTERTRE: [10:00:30](Interpretation) Thank you, your Honour.

6 Q. [10:00:33] Witness, during your presence in Timbuktu, during the presence of
7 the armed groups between 1 April 2012 and January 2013, did you keep any
8 written -- written records of what happened on those days?

9 A. [10:00:59] Indeed, I did keep certain written records because I kept a diary or
10 journal.

11 Q. [10:01:13] Could you explain to the bench why you kept this intimate journal or
12 diary.

13 A. [10:01:29] The aim of it was to have a record, a testimony, because all the major
14 historic dates during the occupation of Timbuktu -- they had been heard now, as far
15 as I was concerned, I was a witness of the occupation, and as such, it was necessary to
16 write about it.

17 Q. [10:01:57] And could you indicate to the tribunal or Court what frequency you
18 made notes -- with what frequency you made notes in your diary.

19 A. [10:02:14] Well, there wasn't a precise frequency, but quite simply, when events
20 occurred. If nothing happened, then I wouldn't write anything. So it was when
21 they -- when there were events that I would write something.

22 Q. [10:02:35] That's clear.

23 And what type of events -- of things that happened, would you note in your diary?

24 A. [10:02:52] Well, in fact, what I would write was the situation, the situation of
25 violence or violations of rights against women, against other people. I would write

1 about things which weren't right and about things which we could do nothing about.

2 So these were things that I would note down in the diary.

3 Q. [10:03:23] So if we can focus on that before moving on, with regards to your
4 diary. Now, you mentioned that you noted situations of violence or violations of
5 rights against women and persons.

6 A. [10:03:46] Yes.

7 Q. [10:03:48] My question is as follows, could you a bit more explicit in terms of
8 what you are referring to for the bench?

9 A. [10:03:59] I'm referring to things -- for example, at a certain time, young women
10 were obliged to wear the veil and if they didn't, then they would have acts of violence
11 committed against them. They would be threatened.

12 I also want to speak about the examples of the taking of private vehicles. They
13 would go to certain garages to take private vehicles or sometimes they would damage
14 public buildings -- public monuments.

15 Q. [10:04:48] So at a certain time, you said they were obliged, and, you say "they".
16 You refer to "they". So "they" would damage or destroy public buildings. Who are
17 you talking about?

18 A. [10:05:13] This was the occupiers; so namely, those who had the power in
19 Timbuktu. They imposed power and they imposed their own rules. I'm talking
20 about those people.

21 Q. [10:05:29] And these occupiers, who were these occupiers? Which groups to
22 the best of your knowledge?

23 A. [10:05:41] To the best of my knowledge, it was the groups of jihadists. At the
24 time, they were speaking about Ansar Dine and AQIM, but we weren't really able to
25 make the difference between the two of them.

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1 Q. [10:06:01] When you say, "we weren't able to make the difference between
2 them," I understand that you couldn't make the difference between Ansar Dine and
3 AQIM?

4 A. [10:06:11] Yes, that is correct.

5 Q. [10:06:14] And could we go back to that in a bit more detail, perhaps later.
6 But if I give you (sic) a few names of leaders in Ansar Dine and AQIM who were
7 running the town at the time and imposing their laws, as you said.

8 A. [10:06:40] Yes, there were certain who we met. Abou Zeid, for example; or
9 Mohamed Moussa, he played the role of *commissaire* in the morality police; or Adama;
10 or Al Hassan, at a certain time he was the deputy in the Islamic police. So, the
11 deputy *commissaire* in the Islamic police.

12 Q. [10:07:11] Are you able to give the full name of Mr Al Hassan? You've just
13 spoken about him. Are you able to give his full name?

14 A. [10:07:21] Well, in fact, I'm not able. I had just heard "Al Hassan. Al Hassan."
15 And that's what he was called.

16 Q. [10:07:31] I understand. So you said they imposed their laws. Could you
17 explain a bit more to the bench what you mean by the fact that these groups,
18 Ansar Dine and AQIM, imposed their law in Timbuktu.

19 A. [10:07:59] Well, what I understand by that is the fact that Timbuktu was always
20 characterised by tolerance, by open and tolerant Islam. And when they arrived,
21 these armed groups opted for a rigorous Islam, for an Islam -- a fundamentalist Islam,
22 which the population were not used to.

23 Q. [10:08:31] And by the word "imposed," what exactly do you mean by that, if you
24 could be more clear in that regard?

25 A. [10:08:44] By "imposed," I mean the fact that those who did not want to follow

1 their rules. The rules were imposed by force. They had agents -- officers in the
2 Islamic police and -- who would often imprison people. Or they would put other
3 sanctions on people, like flogging people or cutting off their hands. That is the
4 imposition. These people would be sanctioned. It wasn't done on a voluntary basis.
5 It was obligatory.

6 Q. [10:09:26] Understood.

7 And I'm sorry, I'm just going to go back a bit. Could you tell us why you can't make
8 a distinction really, between Ansar Dine and AQIM, so that the judges can
9 understand the situation well.

10 A. [10:09:48] Well, in fact, the reason is because we saw in Timbuktu, a succession
11 of different groups, armed groups, and so you had the Arab militia, you had the
12 MNLA, and then we saw other armed groups, Ansar Dine, AQIM.
13 Now, the first left. But those who stayed were Ansar Dine and AQIM. But we
14 didn't make a difference between them because there is nothing as a distinctive
15 element between them. Quite simply, we saw the same people who were acting
16 together in giving orders. But we could not say that, "It's this person from that -- this
17 group," or "That person from that group."

18 Q. [10:10:32] Thank you for the clarification.

19 We're going to go back to that in a few moments on the succession of groups, the
20 Arab militia, MNLA, AQIM, and then I'm going to go back to my main subject, which
21 is your diary.

22 So could you tell us, Witness, when there was an event, would you write in your
23 diary immediately after the event or a few days later? A few weeks later?
24 Could you give the judges some precisions in that regard.

25 A. [10:11:38] In fact, the way in which I would proceed was, I would just do it

1 straightaway. When I got home, I would note things immediately so I wouldn't
2 forget them.

3 Q. [10:11:51] Understood. And, in general, you put the date at that time or not of
4 the event?

5 A. [10:12:01] I generally put the date.

6 Q. [10:12:04] Witness, were you the only person to write in your diary? Or could
7 somebody write what you dictated? How was it done?

8 A. [10:12:20] In fact, I was entirely responsible. Nobody else saw it. I was the
9 only person who used it and I kept it.

10 Q. [10:12:32] Which language did you write in?

11 We saw a moment ago that you spoke different languages. So in which language
12 did you speak?

13 A. [10:12:47] I would write [REDACTED] in this diary.

14 Q. [10:12:53] And if there were events or conversations that you would relay,
15 would you paraphrase? How would you proceed? Would you write things in
16 a verbatim fashion?

17 A. [10:13:22] I used all styles.

18 Q. [10:13:26] So, in totality, from a point of view of the material, was it one
19 notebook, two notebooks, three notebooks? What did you produce in total during
20 the occupation by way of diaries?

21 A. [10:13:50] Two notebooks; that was what I produced.

22 Q. [10:13:57] And would you write in both at the same time or did you use one
23 more than another? Or how did you do it? Could you clarify that for the Chamber.

24 A. [10:14:14] Well, in fact, I didn't wait for the end of one to start the other. I
25 wrote at the same time in both.

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1 Q. [10:14:29] Did you use all the pages or were there blank pages that you would
2 miss out? How did it -- how did it go?

3 A. [10:14:39] Yes, there were blank pages. There were certain pages that I would
4 use for other notes which weren't from the diary -- did not form part of the diary.

5 Q. [10:14:55] When you say: Other notes which are not from the diary, are you
6 referring to trivial events that you also put in the diary? What are you actually
7 referring to?

8 A. [10:15:07] No. Sometimes I would put other notes in. For example,
9 calculations, which had nothing to do with the occupation whatsoever.

10 Q. [10:15:17] When you stopped writing -- when did you stop writing in the journal,
11 Witness?

12 A. [10:15:34] I stopped writing in the journal when there was the liberation.

13 Q. [10:15:41] And why did you stop writing when the liberation occurred?

14 A. [10:15:47] Well, in fact, because when the main events of interest to me came to
15 an end -- because principally, it concerned the occupation.

16 Q. [10:16:04] Without revealing identifying details, could you say where you
17 would keep these two diary notebooks.

18 A. [10:16:23] In fact, I kept them in my office. I'll have to state that at home, I have
19 an office where I work and where I keep my diaries. That's where I kept them, in the
20 office where I work and write.

21 Q. [10:16:45] Is -- did anyone else at all have access to your two diaries?

22 A. [10:16:54] Nobody had access to them.

23 MR DUTERTRE: [10:17:01] I would like to go into private session just for one
24 question, your Honour, by way of prudence.

25 PRESIDING JUDGE MINDUA: [10:17:21](Interpretation) Madam Courtroom Officer,

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1 please take us into private session.

2 (Private session at 10.17 a.m.)

3 THE COURT OFFICER: [10:17:26] (Interpretation) We are in private session,
4 your Honour.

5 PRESIDING JUDGE MINDUA: [10:17:33](Interpretation) Thank you very much,
6 court officer.

7 Prosecutor.

8 MR DUTERTRE: [10:17:37](Interpretation) Thank you.

9 Q. [10:17:42] Witness, do you remember meeting the Office of the Prosecutor or
10 investigators from the Office of the Prosecutor [REDACTED]

11 [REDACTED] ?

12 A. [10:18:01] Yes, I confirm that.

13 MR DUTERTRE: [10:18:05] We can go back into open session, your Honour.

14 PRESIDING JUDGE MINDUA: [10:18:13](Interpretation) Certainly.

15 Court officer, please take us back into open session.

16 (Open session at 10.18 a.m.)

17 THE COURT OFFICER: [10:18:18] (Interpretation) We are back in open session,
18 your Honour.

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

21 MR DUTERTRE: [10:18:31](Interpretation) Thank you very much, your Honour.

22 Q. [10:18:34] Witness, do you remember having handed over your two
23 notebooks -- diary notebooks to the OTP during this meeting?

24 A. [10:18:51] Indeed, I recognise that.

25 Q. [10:18:56] And I would allow myself to be leading on this point, but if Ms Taylor

1 wishes to object, she will have time to do so.

2 Do you remember that the investigators asked you to mark the number "1" on the first
3 page, and the page (sic) "2" -- of the -- of the -- second notebook?

4 A. [10:19:20] Yes, on the cover page.

5 Q. [10:19:24] And you -- is it true that you took out pages, but the investigator
6 asked you to put them back in? And these were things that did not concern the
7 occupation, as you mentioned a moment ago?

8 A. [10:19:44] Yes, that is true. I recognise that.

9 Q. [10:19:50] And is it correct that you were asked to number each page of each of
10 the two books?

11 A. [10:19:59] Yes, that's true. That was also done.

12 MR DUTERTRE: [10:20:11](Interpretation) So, your Honour, your Honours, I would
13 like to show, but confidentially, so it is not disseminated to the public, but so that the
14 witness is able to see it. There is a binder, which he can also directly consult, with
15 the aid of the Registry in the field.

16 So this is the first notebook. If -- it's at tab 2 of binder 1, and the ERN is 0003-0062 to
17 0003-0153.

18 Q. [10:21:11] Do you have this document in front of you, Witness?

19 A. [10:21:14] Yes, I have it in front of you (sic).

20 Q. [10:21:20] I'm going to check that it can be seen. Not yet. I would just ask for
21 a moment such that it can appear on the screen in the courtroom.

22 You can turn the pages or go through the pages in the meantime. Do you recognise
23 this notebook, Witness?

24 A. [10:21:56] Yes, I recognise it.

25 Q. [10:21:59] Is it the first notebook from your diary written by you?

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1 THE INTERPRETER: [10:22:04] Overlapping speakers.

2 THE WITNESS: [10:22:08](Interpretation) Yes.

3 MR DUTERTRE: [10:22:09](Interpretation)

4 Q. [10:22:09] And the figure "1" that we spoke about, is this the figure 1 that you
5 were asked to write by the Office of the Prosecutor?

6 A. [10:22:15] Yes.

7 THE INTERPRETER: [10:22:17] Could a break be left between the answers of the
8 witness and the Prosecutor.

9 MR DUTERTRE: [10:22:27](Interpretation)

10 Q. [10:22:28] Did you have the time to go through this document? Is this your
11 writing that you recognise inside it?

12 A. [10:22:31] Yes, I recognise it.

13 Q. [10:22:36] So I would now like to show the second notebook from your diary,
14 Witness. And it has the number -- the registration number 0003-0154 to 0003-0193.
15 It's at tab 4, your Honour, of binder 1, with a transcript at tab 5.

16 And while we await the Registry to provide you with it, it is shown on the screen.
17 It's on the screen, Witness.

18 A. [10:23:58] Yes, I can see it on the screen, and I can see it in front of me as well.

19 Q. [10:24:06] Can you confirm that this document is, indeed, the second notebook
20 from -- the second notebook from your diary.

21 A. [10:24:13] Yes, I confirm that.

22 Q. [10:24:16] And you also confirm that you wrote the figure number "2" at the
23 request of the OTP on the cover page next to "COLLEGE RULED".

24 A. [10:24:31] Yes, I recognise that.

25 Q. [10:24:35] Do you recognise your writing in this notebook?

1 A. [10:24:42] Perfectly.

2 Q. [10:24:45] Understood.

3 So I would now ask you, perhaps -- or ask the Registry next to you to keep this
4 document nearby. We will come back to it in a few moments, but that way, it's easy
5 to get to. So it's tab 2 -- tabs 2 and 4, with the transcripts at tabs 3 and 5.

6 So, Witness, I would now like to -- now that we've gone through that, I would like to
7 go back to the entry of the armed groups in Timbuktu. That's something that we
8 mentioned a moment ago. The MNLA, Ansar Dine, AQIM were all mentioned, but I
9 would also like to go back to your memories at the time.

10 Are you able to remember what happened on the days that preceded 1 April?

11 And, if possible, don't give identifying elements or if you do have to give them, then
12 please draw the attention of the presiding judge by raising your hand. But perhaps
13 you can give a general answer, and if you have to give additional identifying
14 elements, then we can go into private session.

15 So I'll give the floor over to you, but were there events that happened before 1 April
16 in Timbuktu?

17 A. [10:26:12] Indeed, I do remember events that occurred before 1 April and those
18 were meetings because there was a general psychosis. A lot of rumours were
19 circulating. So there was a general assembly -- a general assembly, which I can go
20 into more detail on, if you would like me to.

21 Q. [10:26:46] So I take that as a call to go very quickly into private session, and we
22 will come out of it to go back into open session.

23 PRESIDING JUDGE MINDUA: [10:26:59](Interpretation) Please take us into private
24 session.

25 (Private session at 10.27 a.m.)

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1 THE COURT OFFICER: [10:27:04](Interpretation) We're in private session,
2 your Honour.

3 PRESIDING JUDGE MINDUA: [10:27:09](Interpretation) Thank you, very much.
4 Prosecutor.

5 MR DUTERTRE: [10:27:12](Interpretation)

6 Q. [10:27:13] Witness, [REDACTED]

7 [REDACTED] That would be perfect.

8 A. [10:27:28] So, I don't remember exactly, but it was before 1 April with regards to
9 the date.

10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]

14 [REDACTED] the mayor of the
15 town and the Arab militia, the one who were protecting the town. And the town
16 was surrounded, and, as such, the only thing that he wanted to do was to protect the
17 population. And he said he was going to negotiate with them, such that they did no
18 harm to anyone, but their condition was that the army leave the town; that the armed
19 men leave the town. So that is what happened during this assembly that preceded 1
20 April.

21 Q. [10:28:58] Understood.

22 I have a few questions by way of follow up to that. It might be identifying.
23 When you state "general assembly," whose general assembly is it?

24 A. [10:29:18] Well, I don't know who called it, but there were the prominent
25 persons. There were the neighbourhood leaders, *chefs de quartiers*. There was a lot

1 of the population.

2 Q. [10:29:32] [REDACTED]

3 [REDACTED] ?

4 A. [10:29:39] [REDACTED]

5 Q. [10:29:43] And so that the judges understand well, what is the status and
6 importance of a so-called *notable* in Timbuktu?

7 A. [10:29:53] Well, in fact, the importance of a *notable* in Timbuktu is that it's a
8 credible figure, a person who is listened to by the population. And, generally, that
9 person is an interface between the population and other persons or with the
10 authorities.

11 Q. [10:30:18] Understood.

12 Now, you stated that this general assembly was held at Place Sankoré. We're talking
13 in the town in Timbuktu? Sankoré in Timbuktu, are we not?

14 A. [10:30:31] It is, indeed, Place Sankoré in Timbuktu.

15 Q. [10:30:41] And you talked about the mayor who was in attendance. Are we
16 talking about the mayor of the city of Timbuktu by the name of Hallé Ousmane; is
17 that correct?

18 A. [10:30:49] Yes, that is correct.

19 Q. [10:30:52] You said that the president of the regional council was in attendance.
20 Do you remember his name, by any chance?

21 A. [10:31:05] His name was Mohammed Ibrahim Cissé.

22 Q. [10:31:12] Very well.

23 MR DUTERTRE: [10:31:13] We can now move back into open session, Mr President,
24 your Honours.

25 PRESIDING JUDGE MINDUA: [10:31:22](Interpretation) Madam Courtroom Officer,

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1 open session, please.

2 (Open session at 10.31 a.m.)

3 THE COURT OFFICER: [10:31:26] (Interpretation) We are back in open session, Mr
4 President.

5 PRESIDING JUDGE MINDUA: [10:31:36](Interpretation) Thank you very much.
6 Mr Prosecutor.

7 MR DUTERTRE: [10:31:41](Interpretation)

8 Q. [10:31:43] Mr Witness, so the mayor was talking about an Arab militia. Could
9 you tell us a little bit more about this Arab militia. Who had set it up, for example?

10 A. [10:31:59] Well, the Arab militia was a creation of the -- Amadou Toumani
11 Touré.

12 Q. [10:32:12] Who was the president of Mali at the time?

13 A. [10:32:19] Yes, president of Mali.

14 Q. [10:32:21] And it was created at approximately what moment in time?

15 A. [10:32:30] Well, it was created just before the occupation. Because there were
16 rumours being mongered as to threats upon the city, and the decision was made to set
17 up an Arab militia to defend the city.

18 Q. [10:32:46] Very well. And what were these rumours being mongered around
19 the city? Could you give us a little bit more detail for the bench.

20 A. [10:33:00] Well, the occupation did not come out of the blue. There was a great
21 deal of things unfolding that were commented on. For example, there had been
22 tourists kidnapped in the Abaradjou neighbourhood. And even, there was a death.
23 And there was a person who wanted to attack the city and the weapons' warehouse.
24 And there had been preachings -- bearded individuals who were preaching in the
25 mosques. And it was said that they were from the Dawa, the Islamic Dawa. They

1 would spend the nights in the mosques, and they also used to cook in the mosques.

2 There were many rumours of this type being mongered and it created a type of
3 psychosis amongst the population.

4 Q. [10:34:03] Very well. And in terms of time, on a timeline, these
5 preachings -- these Dawa individuals and the weapons' warehouse, how long was
6 that before the occupation of 1 April 2012?

7 A. [10:34:27] Well, it was at least seven or eight months beforehand.

8 Q. [10:34:38] Could you specify for the Court where the Arab militia was based.

9 A. [10:34:51] The Arab militia was created and was based in the town by the name
10 of Léré.

11 Q. [10:35:02] And Léré is how far away from Timbuktu?

12 A. [10:35:09] I do not know the precise distance from Timbuktu, but it is a few
13 dozen kilometres away.

14 Q. [10:35:22] Did they have any uniforms or any specific attire, these members of
15 the Arab militia, Mr Witness?

16 A. [10:35:31] They did not have a uniform as such. The only difference was that
17 they were carrying weapons.

18 Q. [10:35:46] Do you know the name of their chief?

19 A. [10:35:57] I am not certain of this, but people were speaking of somebody by the
20 name of Dina.

21 Q. [10:36:14] And was this person in attendance when the mayor, Hallé Ousmane,
22 spoke during that meeting?

23 A. [10:36:25] I do not know because I only saw him physically subsequently. I
24 heard people speak about him, but I only saw him at a later stage during the
25 occupation.

1 Q. [10:36:44] So I shall come back to what you said at an earlier stage; namely, the
2 excerpt when you were saying that the Arab militia had indicated that the town was
3 surrounded and that there were negotiations ongoing with those people who were
4 surrounding the city - page 28, lines 15 to 21 of the English version - and these people
5 wanted the army to leave the city.

6 Mr Witness, did you understand who these people were who were surrounding the
7 city and who wanted the army to leave the city of Timbuktu?

8 A. [10:37:50] Well, we immediately understood that they were the Islamists
9 or -- who are generally referred to as the "jihadists".

10 Q. [10:38:02] When you talk about the "Islamists," you're referring to the
11 groups -- the Ansar Dine and AQMI groups that you referred to previously, are you?

12 A. [10:38:14] Yes, indeed.

13 Q. [10:38:17] So what happened subsequently? What did the Malian army do?

14 A. [10:38:30] In concrete terms, the Malian army left the city, abandoned the camp.

15 Q. [10:38:44] And to the best of your recollection, how long was this before 1 April,
16 if you are able to recall, of course?

17 A. [10:38:54] In fact, 1 April was a Sunday, and some of us realised that already on
18 the Saturday, there was -- there were no soldiers left in the camp.

19 Q. [10:39:09] So on that Sunday, 1 April 2012, in Timbuktu, what happened?

20 A. [10:39:23] On the Sunday, 1 April 2012, we woke up to the sound of gunfire at
21 a very early hour. We could hear people crying out in the streets, saying, "Close the
22 doors. Close the doors." And we realised that they were Arabs -- that there was the
23 Arab militia. They were firing willy-nilly and, subsequently, they started to loot and
24 to break down the shops and the banks et cetera.

25 Now, at approximately 11 o'clock, there was another group that arrived. That was

1 the MNLA, because they had a flag with them. They were going through the city,
2 firing gunshots as well and this was the same kind of tracks being laid, because
3 people were really very frightened of everything that was ongoing.
4 And the major event that everyone will recall, it is said that Dina launched a rocket in
5 the weaponry warehouse of the camp -- military camp, and that really created a huge
6 explosion. And these comings and goings were what marked that entire day,
7 1 April.

8 Q. [10:40:59] A couple of follow-up questions, and then we will move on.

9 The Arab militia, how long did they stay in Timbuktu? They arrived on the 1st, and
10 how long did they stay?

11 A. [10:41:14] Well, I can't say exactly how long they stayed, but it would seem to
12 me that the Arab militia was quite simply there to open the way for the others.

13 Because when the MNLA arrived, people no longer talked about the Arab militia.

14 We don't know what became of them. We don't know whether they stayed or not.

15 Q. [10:41:42] Very well. When you say "opened the way to the others," what do
16 you mean by "the others"?

17 A. [10:41:47] By "the others," I mean the armed groups, the Ansar Dine and AQMI.

18 Q. [10:41:53] And what makes you think that, Mr Witness? What are you basing
19 those thoughts on?

20 A. [10:42:00] Well, I'm basing my thoughts on the assembly that I mentioned. This
21 very same Arab militia said to the population: Well, the town is surrounded.

22 We're going to ask them to enter without hurting anybody. We're going to ask them
23 not to touch anybody at all.

24 But their condition is that the army and all those who are detained, leave the town.

25 That's what makes me think of that.

1 Q. [10:42:40] And the army --

2 THE INTERPRETER: [10:42:44] Correction from the English booth:

3 The army and all of those Bambara ethnicity should leave the town.

4 MR DUTERTRE: [10:42:47](Interpretation)

5 Q. [10:42:48] And "The army" - we understand with regard to what you say - and

6 all those who were of "Bambara ethnicity should leave the town."

7 Could you explain to us why they should leave the town?

8 A. [10:43:07] In fact, the message was that -- the message was that

9 they -- was -- during the assembly, was that they should leave.

10 Q. [10:43:13] Now, what about the flag, the MNLA flag? Can you remember what

11 it was like?

12 A. [10:43:17] Well, I vaguely remember that it was a flag with red and black.

13 Q. [10:43:30] And those people from the MNLA, do you remember what they were

14 wearing? Were they in uniform?

15 A. [10:43:38] They were wearing military uniform.

16 Q. [10:43:52] So we have the Arab militia, we have the MNLA, and we also have

17 the Ansar Dine and AQMI who enter the city. You mentioned this on page 19, lines

18 5 to 9, in the French version of the transcript.

19 So at specifically -- or exactly what moment in time did AQMI and Ansar Dine enter

20 Timbuktu?

21 A. [10:44:17] In fact, AQMI and Ansar Dine entered Timbuktu the next day at

22 approximately 11 o'clock.

23 Q. [10:44:30] Did you see it with your very own eyes?

24 A. [10:44:36] I did, indeed. They arrived, and they were bearing their black flag

25 with Arabic inscription, it's a very unique thing to behold -- with the words, "God is

1 unique," in Arabic.

2 Q. [10:45:05] What you said in Arabic a moment ago, if I understand you correctly,
3 is the translation of the Arabic, "God is unique." Is that correct?

4 A. [10:45:20] Yes, indeed.

5 Q. [10:45:22] Well, the transcribers will be able to listen back to this at a later stage.

6 PRESIDING JUDGE MINDUA: [10:45:26](Interpretation) Mr Prosecutor, I don't
7 want to interrupt you, but with regard to the Arab militia, previously he said that the
8 Arab militia was set up by the President ATT, Amadou Toumani Touré. And now
9 he's saying that the Arab militia entered before the MNLA.

10 I don't understand. Did they become hostile? Or were they still part the
11 government?

12 Could you find this out with the witness, please.

13 MR DUTERTRE: [10:45:58](Interpretation) Indeed, certainly, Mr President.
14 Absolutely. I might have maybe glossed over that a little bit too fast.

15 Q. [10:46:06] Mr Witness, I think that there is a point that may be of interest to the
16 Chamber. The Arab militia was set up by ATT, according to what you said.

17 A. [10:46:20] Yes.

18 Q. [10:46:22] And it would seem that they opened the way in Timbuktu for the
19 entrance -- or entry of the AQMI and Ansar Dine groups, as you mentioned.

20 A. [10:46:36] Mm-hmm.

21 Q. [10:46:36] Could you explain how this entity, namely, the Arab militia, created
22 a priori by the government became, if I may say, the forebearer of AQMI and
23 Ansar Dine in Timbuktu.

24 A. [10:47:04] Well, when there were rumours being mongered in the city, people
25 were very worried about -- and as the Arabs were really in charge of the economy of

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1 the area, they took it upon themselves -- themselves to defend the city.

2 There were some instructions at the regional level. The governor was instructed to
3 set up this militia. But the other members of the population, namely, the black
4 members of the population, said: If we are going to defend the city, and if it is our
5 duty, then you should also provide us with weapons.

6 The governor said, No. He had received instructions not to give weapons to the
7 black members of the population.

8 So it was just and only the members of the militia, to the great disappointment of the
9 population, who received weapons and subsequent to our analysis, we understood
10 that it was not to defend the city but, in fact, to hand it over.

11 PRESIDING JUDGE MINDUA: [10:48:15](Interpretation) Ms Taylor, I wanted to let
12 the witness finish what he was saying. Over to you.

13 MS TAYLOR: [10:48:21] Thank you, Mr President. Would it be possible to cut the
14 sound, very briefly, to the witness?

15 PRESIDING JUDGE MINDUA: [10:48:33](Interpretation) Madam Courtroom Officer,
16 could you please cut off the feed to the witness.

17 THE COURT OFFICER: [10:48:40] (Interpretation) The feed has been cut off,
18 Mr President.

19 PRESIDING JUDGE MINDUA: [10:48:43](Interpretation) Thank you very much.
20 Ms Taylor.

21 MS TAYLOR: [10:48:46] Thank you very much.

22 I'm concerned by my learned friend's question that was put to this witness in the
23 sense that it is, in a sense, misleading and would create an inaccurate impression on
24 the record, in the sense that he described the Arab militia as being the forebear of
25 AQMI, Ansar Dine. And that has a certain connotation which doesn't necessarily

1 flow from the witness's response.

2 Now, there's nothing in the record thus far from this witness that would suggest that
3 the Arab militia can in any way be characterised as a forebear.

4 THE INTERPRETER: [10:49:31] Message from the English booth: I could also have
5 said "a spearhead." Maybe it's my interpretation that's misled you.

6 PRESIDING JUDGE MINDUA: [10:49:38](Interpretation) Mr Prosecutor?

7 MR DUTERTRE: [10:49:40](Interpretation) As every metaphor, it is multi -- multiple
8 in meaning. As the witness said, page 34, lines 10 to 14, in the English version:
9 (Speaks English)(Overlapping speakers) "Well, I can't say exactly how long they
10 stayed, but it seemed to me that the Arab militia were quite simply were there to open
11 up the way to [others] because when the MNLA arrived, they didn't talk about the
12 Arab militia."

13 (Interpretation) And then I asked the witness to say which groups they were opening
14 up the way to, and he answered by saying the other groups, Ansar Dine and AQMI,
15 lines 17 and 18 of page 34.

16 PRESIDING JUDGE MINDUA: [10:51:03](Interpretation) Well, let's say it's not
17 precisely the same thing. Maybe you could reformulate the question.

18 Is that what you would like, Ms Taylor?

19 MS TAYLOR: [10:51:11] Thank you, Mr President. I note that my colleague has
20 merely quoted from his own question, which was in itself of a leading nature, but in
21 this sense I believe it was just necessary to note this from the record. The witness
22 has answered, but I do believe it's important for the Prosecution to be very careful,
23 particularly when using or describing relations between these different groups in the
24 formulation of questions.

25 PRESIDING JUDGE MINDUA: [10:51:46](Interpretation) It has been noted.

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1 Mr Prosecutor, maybe you could rephrase. But otherwise, move on.

2 MR DUTERTRE: [10:51:56](Interpretation) At page 36, lines 8 to 11, he says:

3 Finally, we ended up thinking that it was not to defend the city, but it was to hand the
4 city over. So I was basing it on that.

5 But I can move on, I believe. Ms Taylor is on record. The witness answered. It
6 seems clear to me, unless the Chamber --

7 PRESIDING JUDGE MINDUA: [10:52:28](Interpretation) Yes, indeed, it is clear,
8 Mr Prosecutor. Please, let's move on.

9 MR DUTERTRE: [10:52:32](Interpretation) But I do have a metaphor, and it might
10 have been a little bit extensive, and I do apologise for that.

11 Anyway, maybe we can re-establish the question -- the connection with the witness.

12 PRESIDING JUDGE MINDUA: [10:52:52](Interpretation) Could you please
13 re-establish the connection with the witness, Madam Courtroom Officer.

14 THE COURT OFFICER: [10:52:54] (Interpretation) The witness can hear us once
15 again, Mr President.

16 PRESIDING JUDGE MINDUA: [10:52:59](Interpretation) Thank you very much,
17 Madam Courtroom Officer.

18 Mr Prosecutor.

19 MR DUTERTRE: [10:53:07](Interpretation) Thank you very much, Mr President.

20 Q. [10:53:08] Now, just a point, Mr Witness. You said at page 36, lines 8 to 11, in
21 the French version - and you're talking about the Arab militia - I quote:

22 "And, finally, we ended up thinking, subsequent to analysis, that it wasn't, in fact, to
23 defend the city; quite to the contrary, it was to hand it over." End of quote.

24 So, Mr Witness, could you explain a little further this analysis which led to this
25 conclusion as to the role of the Arab militia.

1 A. [10:53:57] Well, what led us to believe that was that there are people who were
2 supposed to be defending the city. So when entering the city, they should be
3 protecting it. But we did note that this Arab militia, who were the first to enter the
4 town, started to fire gunshots and to loot, which made us reach the conclusion that,
5 rather than protecting the city, they were there to hand it over.
6 That's what led us to that analysis.

7 Q. [10:54:37] I thank you.

8 So I shall now come back to the entry of Ansar Dine and AQMI. You said that it was
9 the day after 1 April 2012 and it was at approximately 11 o'clock -- page 25 (sic), lines
10 24 to 25, in English. And if my memory serves me correctly - I can't find it in the
11 transcript - you saw them enter and you saw the flags.

12 Mr Witness, could you describe to us how they entered. What type of vehicles were
13 they in?

14 A. [10:55:30] Well, it was a convoy of vehicles, what we call the BJ 4X4s. And in
15 every vehicle, there were at least seven to eight armed individuals with a flag.

16 Q. [10:55:48] And approximately - I know that this is a long time ago, many years
17 ago now - how many vehicles approximately were there in this convoy?

18 A. [10:55:59] Well, I can't tell you the precise number, but there were many.

19 Q. [10:56:09] Very well. And the MNLA, what were they doing at the time?

20 A. [10:56:17] Well, when Ansar Dine and AQMI arrived, they first started by
21 putting a stop to the acts of violence on the part of the MNLA, because the MNLA
22 was also attacking private vehicles. So whenever a private piece of property was
23 taken, Ansar Dine and AQMI said: No, that's not okay. Something belonging to
24 the state, all right. But not private property. This should be spared.

25 And we finally noticed that there was a certain amount of pressure exerted because

1 whenever the MNLA did something against the population, Ansar Dine and AQMI
2 would intervene. And at a given moment in time, they even asked the MNLA to
3 leave the city. So they went to set up in the airport and at the port of Timbuktu.

4 Q. [10:57:35] Very well. And to the best of your recollection, you say that the
5 Arab militia and the MNLA arrived on 1 April 2012. And the next day, at 11 o'clock,
6 Ansar Dine and AQMI arrived in Timbuktu.

7 How long approximately after the arrival of Ansar Dine and AQMI on 1 April 2012,
8 did MNLA leave Timbuktu to go to the airport and to the port?

9 A. [10:58:14] Well, I can't tell you precisely, but in these -- it was in the first weeks.
10 They were told to leave and go to the airport and to the port, but they occasionally
11 came back to town to do their shopping and then go back.

12 Q. [10:58:36] Does the port of Timbuktu have a name?

13 A. [10:58:40] The port of Timbuktu is called Koriomé.

14 Q. [10:58:46] And to your knowledge - we'll be coming to that in a moment or
15 two - how long did the MNLA remain at the airport and at Koriomé port?

16 A. [10:59:05] I believe two or three months because I think it was about in the
17 month of July that there was a break-up and they were asked to leave not only the
18 airport, but also the city.

19 Q. [10:59:25] When you say a "break-up," what are you referring to exactly,
20 Mr Witness?

21 A. [10:59:35] I'm referring to the fact that there was a certain cohabitation between
22 Ansar Dine, AQMI and the MNLA. There was the territory of the port and the
23 airport, and the city was being managed by the others. But there were
24 confrontations between the armed groups and the MNLA in Gao. And, during those
25 confrontations, one of their chiefs -- one of the chiefs who was occupying the airport

1 of Timbuktu was killed, and it was at that moment in time that the break-up occurred.

2 And they asked the MNLA to leave the city and the region.

3 Q. [11:00:19] You say -- when you say "they," could you say exactly whom you
4 mean by "they".

5 A. [11:00:27] We're talking about the groups, the Islamists, AQMI and Ansar Dine.

6 Q. [11:00:35] And do you remember - we have 30 seconds more, maybe - do you
7 remember whether there was a given individual who transmitted this request on the
8 part of the Ansar Dine and AQMI groups to MNLA, namely, that they should leave
9 the airport and the port?

10 A. [11:00:56] Well, at the time, what was his name? I can't remember the name.
11 He had come back at the time. One of the companions of Mokhtar Belmokhtar -- ah,
12 it was Abou Zeid who conveyed the message, who gave the order.

13 Q. [11:01:20] Thank you. I have a few follow-up questions, but we'll do that after
14 the break. I don't really want to extend the patience of the Chamber too much.

15 PRESIDING JUDGE MINDUA: [11:01:30](Interpretation) Yes, indeed. It's one
16 minute past 11. We're going to rise for half an hour and resume at 11.30.

17 The hearing is suspended.

18 THE COURT USHER: [11:01:42] All rise.

19 (Recess taken at 11.01 a.m.)

20 (Upon resuming in open session at 11.31 a.m.)

21 THE COURT USHER: [11:31:34] All rise.

22 Please be seated.

23 PRESIDING JUDGE MINDUA: [11:31:53](Interpretation) Court is in session.

24 Before giving the floor to the Prosecutor, I would like to remind everybody,
25 particularly those who speak French, that the English interpreters have difficulties in

1 following. Often there are overlapping speakers. We, therefore, we have to
2 observe breaks, Prosecutor and Witness.

3 Thank you.

4 The Prosecutor now has the floor to continue.

5 MR DUTERTRE: [11:32:54](Interpretation) Thank you, your Honour. We shall all
6 pay attention to this issue.

7 Q. [11:33:03] (Overlapping speakers)[So after this] break, Mr Witness, we are now
8 going to continue.

9 I just want to go a bit back, if I may, for two points of clarification, and then we will
10 follow the flow of our questions.

11 When you saw Ansar Dine and AQIM enter Timbuktu, where were you at that time,
12 in what place were you in Timbuktu?

13 A. [11:33:40] I was in front of my door.

14 Q. [11:33:47] Did you hear them say anything?

15 A. [11:34:01] All I heard them say was, "Allah Akbar. Allah Akbar. God is
16 great."

17 Q. [11:34:14] I'm now going back to the MNLA. You told us that they had been
18 told to leave the airport and Koriomé -- and the port of Koriomé.

19 Do you know where the MNLA went at that time?

20 A. [11:34:43] In fact, I don't know.

21 Q. [11:34:49] Did you see them again afterwards, the people from the MNLA, in
22 Timbuktu?

23 A. [11:35:13] I don't remember having seen MNLA soldiers in Timbuktu.

24 MR DUTERTRE: [11:35:28] I would just like to ask a question in private session,
25 your Honour. It will take 15 seconds, and then we can go back into open session.

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1 PRESIDING JUDGE MINDUA: [11:35:40](Interpretation) Court officer, please take
2 us into private session.

3 (Private session at 11.35 a.m.)

4 THE COURT OFFICER: [11:35:46] (Interpretation) We're in private session,
5 your Honour, your Honours.

6 PRESIDING JUDGE MINDUA: [11:35:54](Interpretation) Thank you very much,
7 court officer.

8 Prosecutor.

9 MR DUTERTRE: [11:35:59](Interpretation)

10 Q. [11:36:01] Witness, just by way of clarification, when you say that you were in
11 front of your door, without stating exactly where you were living, could you give us
12 the name of a [REDACTED] building which is not far away, so that we are able to reconstitute
13 the matter.

14 A. [11:36:31] [REDACTED]

15 Q. [11:36:45] Thank you very much.

16 MR DUTERTRE: [11:36:46] We can go back into private session, your Honour.

17 THE INTERPRETER: [11:36:47] We can go back into open session, corrects the
18 interpreter.

19 PRESIDING JUDGE MINDUA: [11:36:53](Interpretation) Please take us back into
20 open session, court officer.

21 (Open session at 11.36 a.m.)

22 THE COURT OFFICER: [11:37:00](Interpretation) We are in open session.

23 PRESIDING JUDGE MINDUA: [11:37:02](Interpretation) Thank you very much,
24 court officer.

25 Prosecutor.

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1 MR DUTERTRE: [11:37:08](Interpretation)

2 Q. [11:37:09] So, Witness, I would now like to go back to certain entries in your
3 diary, entries that go into the details that you gave us with regards to the entry of the
4 groups in Timbuktu.

5 MR DUTERTRE: [11:37:33](Interpretation) I think that Ms Taylor (Overlapping
6 speakers)

7 PRESIDING JUDGE MINDUA: [11:37:35](Interpretation) Ms Taylor.

8 MS TAYLOR: [11:37:37] Thank you, Mr President.

9 Now, a diary is, in a sense, a form of witness refreshing. It is a document authored
10 by this witness and in previous case law, I do believe that in order for a witness to
11 refresh his memory by seeing a diary or prior notes, there was a threshold that
12 needed to be met.

13 Now, I do question the basis for putting these notes to this witness when he's in
14 a position to testify on the basis of his own memory.

15 Now, these aren't signed notes. They're not published notes. They are, in essence,
16 personal notes, and we do respectfully submit that the procedure for witness
17 refreshing should be followed and that the Prosecution should only revert to these
18 personal notes if the witness cannot remember a particular detail or if the Prosecution
19 wishes to controvert the witness's memory.

20 But if we have a witness on the stand, then it's incumbent on the Prosecution to elicit
21 evidence on the basis of what they recollect on the stand and not what was recorded
22 in their notes.

23 Thank you.

24 PRESIDING JUDGE MINDUA: [11:39:10](Interpretation) Prosecutor, I think that
25 Ms Taylor is right, in principle.

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1 MR DUTERTRE: [11:39:25](Interpretation) Your Honour, I don't think that she's
2 right for the reasons that I'm going to give. I was waiting for the interpreting, as
3 instructed a moment ago.

4 PRESIDING JUDGE MINDUA: [11:39:35](Interpretation) Please go ahead.

5 MR DUTERTRE: [11:39:37](Interpretation) First of all, it is not a witness statement in
6 the sense that we normally see it, and it's not a legal -- or a judicial document here.

7 We're talking about contemporaneous notes that were taken. We know that he
8 wrote them himself, and he did them on a day-to-day basis.

9 It is, therefore, from this perspective, not similar to an exhibit (sic) or -- are you aware,
10 I took the ... Or it can be considered similar to an exhibit.

11 I have now gone into this narrative with regards to the diary. And what the
12 Chamber has before it is the perfect overview of what the witness said. This is about
13 the weight that should be accorded to the testimony, where he has identified this
14 document as his own, as being his writing. And I think that the Prosecution is able
15 to use this document, which does fully go to the manifestation of the truth. And the
16 Prosecution should be able to use it within the framework of our matters before us.

17 PRESIDING JUDGE MINDUA: [11:40:55](Interpretation) Prosecutor, I don't
18 understand the procedure that you're following. You want to take the notes and
19 we're going to analyse them in a chronological way or page by page? What is it?

20 MR DUTERTRE: [11:41:06](Interpretation) I'm going to go back to certain points of
21 interest on which he's already testified, but for which there were precise entries,
22 sometimes with dates, all that to further inform the Chamber. This is a document
23 that was written at the time, not subsequently, and which was provided very early
24 after the events to the Office of the Prosecutor.

25 So there is no particular question with regards to this document. It is

1 a contemporaneous document.

2 PRESIDING JUDGE MINDUA: [11:41:46](Interpretation) Ms Taylor.

3 MS TAYLOR: [11:41:46] (Overlapping speakers) Thank you very much, Mr
4 President.

5 Just to be clear, we don't object in principle to the Prosecution using this document as
6 and when necessary to do so, but we do submit that there is not a freestanding right
7 to refer to this document absent a reason to do so.

8 Now, if we have a witness on the stand, that's the basis for their testimony. His
9 memory. Not what he wrote in a series of notes.

10 The Prosecution can apply to admit these notes separately, but since he's on the stand,
11 we should let him speak on what he remembers.

12 The Prosecution thus far has not even provided any indication as to why they're
13 referring to these notes or on what basis or on what context. And there is a risk that
14 we will have a witness who's not testifying on the basis of what he remembers, but
15 what he is now reading from notes.

16 So the principle of orality does require that we should give primacy to his oral
17 testimony rather than these notes.

18 Thank you.

19 PRESIDING JUDGE MINDUA: [11:43:28](Interpretation) Yes, Prosecutor, I saw you
20 were taking notes so I waited.

21 Now, a moment ago I said -- and I think that Ms Taylor's right in this regard because
22 the principle is the orality of proceedings. The witness is there.

23 Do you want to have the notes that he took? That's the problem of the Defence. So
24 what would you reply to that before I -- or before the Chamber, rather, decides?

25 MR DUTERTRE: [11:43:51](Interpretation) What I want to say is that this isn't

1 a refreshing -- memory-refreshing exercise, but it could be said that the notes are like
2 hearsay. And -- but these notes are his notes and I think they really have an added
3 value for the Chamber to have explanations on the notes on points which I
4 address -- have addressed with him, so they know what he remembers.

5 This goes to the concerns of Ms Taylor, and, furthermore, it's also able to examine
6 a product which is contemporaneous, which was written by the witness, which makes
7 it possible to have a greater manifestation of the truth. And it's just within that
8 concern that we are going to do things.

9 Now, I'm in the hands of the Chamber. If the Chamber prefers not to proceed in this
10 manner, then we can do something else ... or towards the end.

11 PRESIDING JUDGE MINDUA: [11:44:47](Interpretation) So what you want to do is,
12 you want to raise a matter with regards to the notes. But put a question to the
13 witness, and he will answer to the best of his memory.

14 MR DUTERTRE: [11:45:01](Interpretation) I'm going to show him a page, which
15 he'll be able to read, which deals with one of the points, which is already dealt with,
16 and then we can go into further detail.

17 But the memory process is clear. He's already testified, and, afterwards, perhaps it's
18 going to prompt certain additional elements, but I think it's in the interests of the
19 Chamber to have these elements.

20 PRESIDING JUDGE MINDUA: [11:45:24](Interpretation) Indeed, it's in the interests
21 of the Chamber, but there's the procedure as well.

22 Ms Taylor, once again, and then the Chamber will deliberate on this because we've
23 taken a lot of time on this.

24 Ms Taylor.

25 MS TAYLOR: [11:45:35] Thank you very much, Mr President.

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1 Now, there's two elements: First, if these notes merely duplicate the witness's
2 testimony, then it is duplicative. There's no point wasting our time going through
3 something the witness has already said on the stand.
4 Now, if there are additional details in the notes, then it's incumbent on the
5 Prosecution to elicit those additional details from the witness in accordance with the
6 principle of the primacy of orality.
7 Now, it's clear from what the Prosecutor just said that he intends to use the notes to
8 get additional details which the witness has so far not furnished. So that's exactly
9 the same as witness refreshment.
10 Now, there's no indication thus far that the witness cannot recall the incidents or at
11 least the Prosecution has not referred to any such basis.
12 Now if at the end of this witness's testimony it's necessary to do so to authenticate the
13 notes, that's a different question. But we should not be going through step by step of
14 putting pages to the witness and then putting questions to the witness on the basis of
15 the page, rather than the witness's own memory of what happened. This has no
16 added value because these are the witness's notes.
17 But he's here on the stand, and it's what he says under oath that matters. Not what
18 he wrote down in a notebook.
19 Thank you.

20 PRESIDING JUDGE MINDUA: [11:47:01](Interpretation) Very well. Well -- and
21 the last time, Prosecutor.

22 MR DUTERTRE: [11:47:06](Interpretation) Yes, because I don't want to extend the
23 debate. This isn't memory refreshing. However, if the Defence has a real concern
24 in that introducing -- already introduces into the memory additional elements, then I
25 can do this towards the end, right at the end, in terms of time. That doesn't seem

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1 necessary to me, but this would be an option.

2 Having said that, we've shown the document, and they've been authenticated by the
3 witness. We'll tender them into evidence. And, indeed, I think it's in the interests
4 of the case file to have explanations about them, but this can be done at a later stage if
5 the Chamber decides that this is an option to be validated.

6 PRESIDING JUDGE MINDUA: [11:47:46](Interpretation) Very well. The Chamber
7 will quickly consult with each other.

8 (Trial Chamber confers)

9 PRESIDING JUDGE MINDUA: [11:50:03](Interpretation) Very well.

10 So, as usual, the Chamber always takes any objections seriously. Now, where it
11 concerns this one, these witness notes are not a record established by the investigators,
12 for example. It is different. And here, we have a case which is comparable to that
13 of an article allegedly written by an individual who is going to testify on their own
14 article. So the Office of the Prosecutor is -- has the right to base itself on these notes
15 in order to put questions to the witness who will, before the Chamber, make clear
16 what he remembers.

17 Prosecutor, you have the floor.

18 MR DUTERTRE: [11:51:05](Interpretation) Thank you, your Honour, your Honours.

19 I would, therefore, use notebook with the ERN 0003-0062, which is at tab 2,
20 your Honour. And, in particular, I would like to go to page 0003-0096 thereof.

21 If the court officer assisting the witness could open the binder to the correct page.

22 PRESIDING JUDGE MINDUA: [11:52:18](Interpretation) Ms Taylor?

23 MS TAYLOR: [11:52:20] Thank you very much, Mr President.

24 We'd be very grateful if the Prosecutor could at the same time give references to the
25 transcribed version, unless that was already done.

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- 1 PRESIDING JUDGE MINDUA: [11:52:40](Interpretation) Prosecutor?
- 2 MR DUTERTRE: [11:52:45](Interpretation) I'm going to have a look, your Honour.
- 3 This is page 35, 0064-0642 (sic), 0064-0608, page [0]642 -- [0]643.
- 4 THE INTERPRETER: [11:53:22] Corrects the interpreter.
- 5 MR DUTERTRE: [11:53:26](Interpretation) Thank you, Ms Taylor. I had forgotten
- 6 to do that.
- 7 So -- now, where it concerns an element that was mentioned in private
- 8 session -- perhaps we could go back into -- quickly into private session. Then I can
- 9 ask the witness to read this document aloud.
- 10 PRESIDING JUDGE MINDUA: [11:53:53](Interpretation) Yes.
- 11 Please take us into private session, court officer.
- 12 (Private session at 11.53 a.m.)
- 13 THE COURT OFFICER: [11:53:58](Interpretation) We're in private session,
- 14 your Honour.
- 15 PRESIDING JUDGE MINDUA: [11:54:06](Interpretation) Thank you very much.
- 16 Prosecutor.
- 17 MR DUTERTRE: [11:54:09](Interpretation) Thank you, your Honour.
- 18 Q. [11:54:10] Witness, do you have the document in front of you, namely, on
- 19 page 0003-0096?
- 20 A. [11:54:25] Yes, 96.
- 21 Q. [11:54:29] Very well. Can you tell us whose writing this document is.
- 22 A. [11:54:36] It is, indeed, my writing.
- 23 THE INTERPRETER: [11:54:40] Says the witness.
- 24 MR DUTERTRE: [11:54:41](Interpretation)
- 25 Q. [11:54:42] Understood. Could you read aloud and slowly, giving breaks, from

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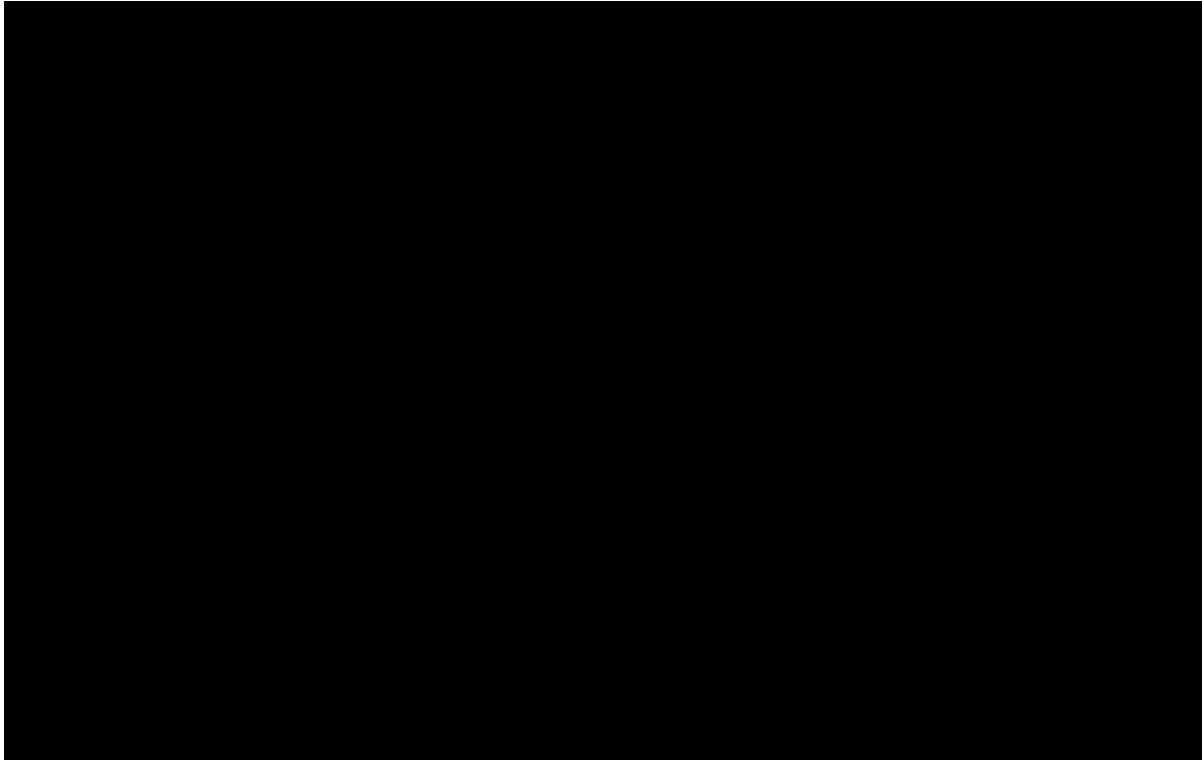
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1 the beginning of the page until the word "Bambara", which is the middle of the page.

2 A. [11:55:02] Yes.

3 Q. [11:55:04] Please go ahead.

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15 Q. [11:56:43] I was waiting for the translation to finish.

16 Witness, how much time after this event did you write this in your diary?

17 A. [11:57:08] I think I wrote it on the same day.

18 MR DUTERTRE: [11:57:12] Can we go back into open session? I can put my next
19 questions in open session.

20 PRESIDING JUDGE MINDUA: [11:57:19](Interpretation) Please take us into open
21 session, court officer.

22 Please wait a minute.

23 (Open session at 11.57 a.m.)

24 THE COURT OFFICER: [11:57:35](Interpretation) We're in open session.

25 PRESIDING JUDGE MINDUA: [11:57:37](Interpretation) You have the floor,

1 Ms Taylor.

2 MS TAYLOR: [11:57:43] I don't want to in any way say anything that might be
3 confidential, but I believe that the extract we just read concerned a period of more
4 than one day. And in light of that, I do believe that the witness's response would
5 need to be clarified as to what constitutes the same day, given that it's an account over,
6 I would say, at least two days, if not more.

7 For example, we have the word "*lendemain*".

8 THE INTERPRETER: [11:58:15](Interpretation) "The next day".

9 PRESIDING JUDGE MINDUA: [11:58:25](Interpretation) Yes, Prosecutor.

10 MR DUTERTRE: [11:58:29](Interpretation) Absolutely.

11 Q. [11:58:33] So, Witness, the objection of the Defence makes it possible for me to
12 clarify a point.

13 So at the top of the page, you mention an event, and then afterwards it continues.

14 And then it is said: "*Le lendemain*", "the next day".

15 So could you remember, as far as you can remember, would you able to tell us how
16 much time after this event -- well, what happened on the next day? Do you
17 remember making this entry into your diary?

18 A. [11:59:06] Well, in fact, in this situation, *there was no break. Our routine was
19 disrupted. So if I speak about the next day, because it is the same night, it is because
20 the general assembly took place in the afternoon, and at night, late at night, these
21 people left and came back. We didn't get a stream of information, because where
22 that is concerned, we were very stressed at the time. So we got this information bit
23 by bit, and that is the reason why I spoke about the next day.

24 Q. [11:59:48] Understood. So how much time is there between the moment you
25 had this information and the moment when you entered -- and when you made the

1 entry into your diary?

2 A. [12:00:01] Well, I can't remember precisely, but there wasn't a time
3 when -- when I got this information, I wrote it immediately in -- in the diary. There
4 was no respite as it were. There was no break.

5 Q. [12:00:18] Just by way of clarification, now, you mention in the extract: Kader
6 Khalil, Tonny, Jansky, Lamine Tahar and Dina.

7 Can you tell us, who is Lamine Tahar? You mention Kader Khalil, Tonny, Jansky,
8 Lamine Tahar and Dina.

9 A. [12:00:46] Lamine Tahar is a trader who is a member of the Arab militia.

10 Q. [12:01:00] Very well. Kader Khalil, who was that? If you could let me know,
11 if you know?

12 A. [12:01:11] Kader Khalil is the presenter on a local radio station, Radio Bouctou.

13 Q. [12:01:22] Do you know his full name?

14 A. [12:01:25] He's called Abdel Kader Ascofaré.

15 Q. [12:01:40] Very well. And who are Tonny and Jansky, respectively? They're
16 probably nicknames, but can you explain to us who those two individuals are, please.

17 A. [12:01:56] Those two people are young people who were members of the youth
18 wing of the ADEMA party.

19 Q. [12:02:07] And for everyone to understand, ADEMA is an abbreviation for what,
20 Mr Witness?

21 A. [12:02:20] *Alliance pour la démocratie au Mali*, Democratic Alliance of Mali.

22 Q. [12:02:29] Thank you. I would now like to go to another entry in your
23 notebook, in your diary. We are still at the same document, 0003-0062, tab 2. And I
24 would like to go to page 0093, corresponding in the transcript, if I'm not mistaken, to
25 page 0064-0640 of the transcript of tab 3. 0064-0640.

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1 Mr Witness, can you read this document or the heading, up to the end of the first
2 sentence, out loud, please.

3 MR DUTERTRE: [12:04:14](Interpretation) Ms Taylor.

4 PRESIDING JUDGE MINDUA: [12:04:18](Interpretation) Ms Taylor.

5 THE INTERPRETER: [12:04:27] The witness is speaking.

6 THE WITNESS: [12:04:28] (No interpretation)(Overlapping speakers)

7 THE INTERPRETER: [12:04:33] I'm waiting for the witness to stop.

8 THE WITNESS: [12:04:41](Interpretation) "[...] Mr President of COREN. The regions
9 of the north of Mali are since 1st of April 2012 under the occupation of ..."

10 (Overlapping speakers)

11 PRESIDING JUDGE MINDUA: [12:04:54](Interpretation) Ms Taylor.

12 MS TAYLOR: [12:04:55](Overlapping speakers) Thank you very much, Mr
13 President.

14 Now, I note we've now gone on to a completely different aspect which has not yet
15 been elicited from this witness. So this only serves to buttress our concern that the
16 witness is now testifying on the basis of his notes, rather than on the basis of what he
17 recollects.

18 Even if we were not to characterise this as -- in any way as a prior statement, still the
19 decision on the conduct of the proceedings should regulate this in the sense that the
20 Prosecution should -- first, put open questions to the witness to establish a foundation
21 before going to the documents.

22 Now, this witness is very capable of responding to the Prosecution's questions on the
23 basis of his memory. Now, if the purpose of this is to elicit the witness's testimony
24 concerning particular correspondence or particular events, then it's -- if we're going to
25 have probative testimony, the Prosecution should first put questions to the witness on

1 these matters, before going to the documentary evidence. Even apart from issues of
2 witness refreshing, it's a basic principle that has governed this trial; that the witness
3 should first be given an opportunity to speak on what he recalls before going to the
4 contents of documents.

5 Thank you.

6 PRESIDING JUDGE MINDUA: [12:06:35](Interpretation) Mr Prosecutor.

7 MR DUTERTRE: [12:06:36](Interpretation) Yes, Mr President.

8 I believe that this objection has already been ruled upon by the Chamber. We're
9 talking here about evidence. The Chamber is composed of professional judges who
10 are capable of ascribing the correct weight to this evidence and appreciating its
11 contextual value as my questioning unfolds.

12 I do not believe that I need to provide any further explanation with regard to what
13 was already said earlier on. But it enables us to see -- or hone in on the question of
14 the date, for example, and to come back on a point that might have been mentioned as
15 to the impact of the presence of the groups.

16 PRESIDING JUDGE MINDUA: [12:07:40](Interpretation) Ms Taylor, well, I let you
17 speak, but it's the same objection as earlier on. The Chamber has already deliberated
18 and has authorised the Prosecutor to proceed with these personal notes, which, as we
19 have already said, are not prior statements from the witness. Of course, there are
20 issues with -- when one is seeking specific details, such as dates, and the Prosecutor is
21 entirely authorised, and I repeat, to use these documents.

22 It could be that the matter that you have raised comes down to the probative value or
23 the weight to be ascribed to this methodology, and that is up to the Chamber.

24 For the time being, we shall not come back to these objections.

25 Mr Prosecutor.

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1 MR DUTERTRE: [12:08:46](Interpretation) Thank you, Mr President.

2 I'm just going to check that the witness did, indeed, read in its entirety...

3 He did.

4 Q. [12:09:02] So, Mr Witness, at an earlier stage, you mentioned 1 April as being the
5 date at which the various groups started to enter Timbuktu, 1 April 2012, that is.

6 And you mentioned Ansar Dine and AQMI imposing their laws.

7 So I would like, first and foremost, for you to explain to us, if you can, in open session,
8 what this --

9 PRESIDING JUDGE MINDUA: [12:09:38](Interpretation) Ms Taylor?

10 MS TAYLOR: [12:09:39] Thank you very much, Mr President. Could the sound
11 briefly be cut off from the witness. It's important.

12 PRESIDING JUDGE MINDUA: [12:09:50](Interpretation) Madam Courtroom Officer,
13 could you please cut off the feed to the witness.

14 THE COURT OFFICER: [12:09:57](Interpretation) The sound has been cut off, Mr
15 President, your Honours.

16 PRESIDING JUDGE MINDUA: [12:10:01](Interpretation) Thank you very much,
17 indeed, Madam Courtroom Officer.

18 Ms Taylor.

19 MS TAYLOR: [12:10:05] Thank you very much, Mr President.

20 Now, this goes back to my earlier objection in that the Prosecutor has once again put
21 a very misleading question to this witness, which threatens to create confusion and
22 inaccuracy. Now, the witness previously stated that Ansar Dine came in on the 2nd
23 of April. Now, the Prosecutor is now using 1 April to create an unfair impression
24 that all of the groups were present on that date.

25 Now the decision on the conduct of the proceedings is quite clear that to avoid these

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1 very types of confusions, the Prosecutor should use the exact language of the witness
2 and not summarise, which is exactly what the Prosecutor just did.
3 So I am concerned by this repeated use of a summary to formulate questions, which
4 create misleading impressions, particularly given the need to clearly distinguish
5 between these groups to elicit reliable evidence.
6 Thank you.

7 PRESIDING JUDGE MINDUA: [12:11:18](Interpretation) Mr Prosecutor.

8 MR DUTERTRE: [12:11:31](Interpretation) Yes, Mr President, your Honours. I'm
9 going to make it short in order not to waste any time. That is the date at which the
10 group started. I didn't say all the groups entered at the same day.
11 He clearly indicated that AQMI and Ansar Dine entered at 11 o'clock, approximately,
12 on the 2nd. So there's nothing misleading about what I'm saying. Nothing in the
13 least. There we are.

14 So I'm going to resume with my questioning, if the Chamber authorises.

15 PRESIDING JUDGE MINDUA: [12:12:04](Interpretation) We are in agreement.
16 Otherwise, the principle, you need to repeat what the witness said precisely in the
17 words that the witness used. Yes. Very well.

18 So, Madam Courtroom Officer, could you please re-establish the link with the
19 witness.

20 THE COURT OFFICER: [12:12:27](Interpretation) The witness can now hear us, Mr
21 President, your Honours.

22 PRESIDING JUDGE MINDUA: [12:12:34](Interpretation) Thank you very much,
23 Madam Courtroom Officer.
24 Mr Prosecutor.

25 MR DUTERTRE: [12:12:41](Interpretation) Mr President, thank you very much.

1 Q. [12:12:43] Madam Witness, in this passage from your personal diary, firstly,
2 could you tell us what this document, addressed to the president of COREN, is,
3 precisely.

4 A. [12:13:18] Well, in fact, it's a letter that the [REDACTED] addressed to the
5 COREN, which is the collective of the inhabitants of the north in Bamako, with regard
6 to the management of the crisis.

7 Q. [12:13:44] Do you remember approximately when this letter was written to the
8 COREN?

9 A. [12:13:52] I do not remember precisely, but I do know that it was subsequent to
10 a number of acts perpetrated by people claiming that they were from the north and
11 that were a little bit detached from the reality of the terrain.

12 Q. [12:14:12] What do you mean by "acts perpetrated"?

13 A. [12:14:17] Well, acts perpetrated, by that I mean things that were done to people
14 in the location, but that are managed by people in Bamako who do not know the
15 concerns of the people living locally and do not know what conditions they are living
16 in.

17 Q. [12:14:42] All right. And what should one understand at the end of the
18 sentence by the expression that it's "a real open-air prison"? Can you explain that to
19 the Chamber.

20 A. [12:15:07] Well, an open-air prison, to the extent that the administration had left,
21 the army had left, and those who remained were exposed, and people were even
22 forbidden from travelling at a certain moment in time.
23 That's why I refer to an open-air prison.

24 Q. [12:15:37] And when you say they are "exposed," what are they exposed to
25 exactly, and to whom?

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1 A. [12:15:51] Well, exposed to the extent that the authorities were no longer present.

2 So there are new masters in town who have their own voices and who are not
3 necessarily on the -- on the same page with regard to the freedoms of the population.

4 Q. [12:16:18] And when you say people who have their own laws, can you be
5 a little bit more specific and say who these people are who had their own laws.

6 A. [12:16:32] When I'm talking about these people, I'm talking about the occupiers,
7 the Islamists, the groups, the AQMI and Ansar Dine.

8 Q. [12:16:43] Very well. So, just before broaching another entry, I'd like to show
9 you a document that is associated with this.

10 At tab 93 of binder number 2, Mr President.

11 So the document bears ERN 0030-1254, and I am interested in the page 0030-1299.

12 THE INTERPRETER: [12:17:34] Correction: 1289. Apologies.

13 THE COURT OFFICER: [12:17:40](Interpretation) Are you talking about 99?

14 MR DUTERTRE: [12:17:47](Interpretation) 89.

15 THE COURT OFFICER: [12:17:50](Interpretation) 89. Thank you.

16 MR DUTERTRE: [12:18:23](Interpretation)

17 Q. [12:18:24] Do you have this document before you, Mr Witness, the page 1289?

18 A. [12:18:29] Yes, indeed.

19 Q. [12:18:31] And could you tell us what it is.

20 A. [12:18:36] In fact, this is an item of correspondence addressed to COREN. It
21 was written out in the personal diary, and this is the typed out version.

22 Q. [12:18:57] Thank you. And this correspondence was sent, to your knowledge,
23 to COREN.

24 A. [12:19:06] To my mind, it was indeed sent.

25 Q. [12:19:11] Thank you.

1 So I would now like to move to another entry in your diary. So still document
2 0003-0062, page 0119.

3 So this is tab 2, Mr President.

4 And the transcript is tab 3. And I will be finding the corresponding page in the
5 transcript now. 0064-0666 of the transcript.

6 Do you have the page 0003-... (Overlapping speakers)

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

8 Q. [12:21:01] Do you recognise the writing on this page?

9 A. [12:21:05] Yes, I do.

10 Q. [12:21:06] And could you please tell us who this writing belongs to.

11 A. [12:21:12] I'm sorry?

12 Q. [12:21:14] Could you please tell us who this writing belongs to.

13 A. [12:21:20] This is indeed my handwriting.

14 Q. [12:21:24] So, you will see that towards the middle, you will see that there is
15 a sentence beginning "28 June". Could you please read that sentence, Mr Witness.

16 A. [12:21:37] Yes.

17 "On 28 June, the MNLA abandoned its positions in the surroundings of Timbuktu, the
18 airport, Kabara and Koriomé ..."

19 THE INTERPRETER: [12:22:01] The interpreter can no longer see the document.

20 THE WITNESS: [12:22:04](Interpretation) "... following an ultimatum by Ansar Dine.

21 According to them, it was a strategic withdrawal awaiting reinforcements. And it
22 was a movement that was ..."

23 THE INTERPRETER: [12:22:14] The interpreter cannot follow because the document
24 is not up on the screen. It is handwritten, and it is extremely difficult to sight
25 translate a handwritten document.

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1 Could we please be listened to.

2 (Overlapping speakers)

3 THE WITNESS: [12:22:28](No interpretation)

4 THE INTERPRETER: [12:22:36] The interpreter would like for it to be repeated,
5 slowly, please.

6 (Overlapping speakers)

7 MR DUTERTRE: [12:22:42](No interpretation)

8 PRESIDING JUDGE MINDUA: [12:23:43] (No interpretation) Maître Taylor.

9 MS TAYLOR: [12:22:44] Thank you very much, Mr President.

10 I'm standing to my feet because there's been a message communicated from the
11 interpreter. I don't believe that the transcribed version has been shown on the screen.
12 So I think there's been requests that have been directed from the interpretation booth
13 that might not come up in the French transcript.

14 THE INTERPRETER: [12:23:01] Yes. From the message from the English booth:
15 Could the transcribed version please be brought up because it's very difficult to sight
16 translate from a handwritten document.

17 Thank you very much, indeed.

18 PRESIDING JUDGE MINDUA: [12:23:17](Interpretation) Mr Prosecutor, you gave
19 the reference so the interpreters can be assisted, I believe.

20 MR DUTERTRE: [12:23:26](Interpretation) Yes, indeed. For the transcript of the
21 document, as indicated, * 0064-0608, page 0064-0666

22 PRESIDING JUDGE MINDUA: [12:23:43](Interpretation) So, Madam Courtroom
23 Officer, what's going on?

24 MR DUTERTRE: [12:23:46](Interpretation) But, indeed, it is the original that is up on
25 the screen.

- 1 THE INTERPRETER: [12:23:52] Could counsel please read out --
- 2 THE COURT OFFICER: [12:23:53](Interpretation) Yes, it is that the original being
3 presented to the witness as requested, but we could also have the transcript brought
4 up, if the Chamber so wishes.
- 5 PRESIDING JUDGE MINDUA: [12:24:03](Interpretation) So what is preferable for
6 the interpreters who have ... could we not work ...
- 7 THE INTERPRETER: [12:24:19] Mr President, I shall speak to you directly on the
8 English channel, if you would like to listen. Mr President?
- 9 The English interpreter is speaking to Mr President.
- 10 PRESIDING JUDGE MINDUA: [12:24:34](Interpretation) The interpreters would
11 like to have the transcription. It's much easier for them to read out, but we have the
12 document in front of us.
- 13 MR DUTERTRE: [12:24:40](Interpretation) Maybe I could read it out slowly, then
14 we won't have to play this game.
- 15 THE INTERPRETER: [12:24:43] Says counsel.
- 16 MR DUTERTRE: [12:24:45] (Interpretation) It might be more rapid.
- 17 PRESIDING JUDGE MINDUA: [12:24:46](Interpretation) Yes, we could gain time.
18 Please go ahead.
- 19 THE COURT OFFICER: [12:24:52](Interpretation) Yes, I do apologise. But we
20 could also -- because the witness does have the paper version of the document, we
21 could ask to read from the paper version, and then we could show the transcription.
22 I just wanted to raise this as an option.
- 23 PRESIDING JUDGE MINDUA: [12:25:09](Interpretation) I think we shall continue
24 like this. We have the transcript up on the screen. The witness has the document
25 before him. There we are.

1 So, whilst waiting for this, Mr Prosecutor, you can read through this.

2 MR DUTERTRE: [12:25:26](Interpretation) Yes. For this excerpt, we'll do that.

3 "So, on 28 June, the MNLA abandoned its positions in the surroundings of Timbuktu,
4 airport, Kabara and Koriomé, subsequent to an ultimatum by Ansar Dine."

5 There we are.

6 Q. [12:25:55] So I have a brief question, Mr Witness.

7 In Kabara, what was there in Kabara, precisely?

8 A. [12:26:08] In Kabara, this was the first port of Timbuktu, in fact. And at high
9 water, it is in Koriomé. But in Kabara, there is the fuel, the main fuel depot.

10 Q. [12:26:31] So if we understand you correctly, up to the ultimatum mentioned
11 here, it was the MNLA that was also in Kabara. Is that correct?

12 A. [12:26:41] Yes, it was the MNLA that was in Kabara.

13 Q. [12:26:44] Very well.

14 So I'm now going to move to the notebook, number 2, Mr President, your Honours,
15 with ERN 0003-0154, tab 4. And I shall hone in on page 0188. The transcript is at
16 tab 5, ERN 0064-0701. And in a few moments time, I shall be providing you with the
17 page number, which is 0766 and 0767.

18 Do you have this document before you, Mr Witness, at page 0188?

19 A. [12:29:01] Yes, I do have it before me.

20 Q. [12:29:05] I'm going to go more specifically, Mr President, to page 07 ...

21 Mr Witness, 0767 and 0768, there is an entry on the left-hand side, "23 January 2013."

22 Could you read this out, the three paragraphs from that point.

23 A. [12:29:44] Yes.

24 "On 23 January 2013. There was gunfire to shoot down the plane. At

25 approximately 8 o'clock, 3 (sic) aeroplanes pass full steam. And RFI radio confirmed

1 the bombing of the Kaddafi palace in Timbuktu, the Islamists's HQ, a refuge of Abou
2 Zeïd.

3 One of the Mig21s missed a salafist vehicle opposite the peace flame.

4 The Islamists's flag was withdrawn from the CEDRAB, they looted the house -- the
5 craftsmanship's house, the second cycle Yahia Alkaya and Essayouti. And Mama
6 Jeune Baba was liberated."

7 THE INTERPRETER: [12:30:52] Overlapping speakers.

8 MR DUTERTRE: [12:31:01]

9 Q. [12:31:02] We're, therefore, on 23 January 2013. The Islamists's flag was taken
10 from CEDRAB.

11 What was there at CEDRAB, to the best of your knowledge, Witness?

12 A. [12:31:16] Well, In fact, the CEDRAB was one of the places that they occupied.
13 They occupied public buildings, and CEDRAB was one of them.

14 Q. [12:31:30] And when you say "they," could you state who that is.

15 A. [12:31:36] That was the Islamists, Ansar Dine and AQIM.

16 Q. [12:31:50] Thank you very much.

17 Could you go to the right page and start to read from "24 January" to the bottom of
18 the page. And, please, if you could read slowly. So that is the next page,
19 [0]064-0768.

20 A. [12:32:15] "The 24th of January, the first day of the liberation? We spent the
21 first night, it was calm, without terrifying firing. AlHamdou Lillahi Rabbih
22 Alamina.

23 According to RFI, Iyad Ag Ghaly arrived with difficulty in Kidal, all the rebellions
24 started in Kidal and finished there. According to an inhabitant of the town,
25 Ansar Dine dissidents created the MIA (the Islamic Azawad Movement) marking

1 themselves from terrorism and calling for the stop to hostilities -- the cease of
2 hostilities from Kidal and MENAKA. Praise to God, master of the universe, the
3 best of blessings, greetings upon the Prophet Mohamed le Qoreyshi who we celebrate
4 and who is a mercy for humanity.

5 They left, where almost seven vehicles were not able to leave. A Pakistani person on
6 board one of the vehicles sabotaged -- or carried out acts of sabotage and destruction:
7 ORTM, Radio Bouctou, the vehicle of the town hall premises and other vehicles, and
8 the group of ORTM were also targeted. They were targeted by bullets, without
9 forgetting the ORANGE antenna. May God condemn them!"

10 THE INTERPRETER: [12:34:16] The interpreter did not see the last part of the page
11 as it was not displayed on the screen.

12 MR DUTERTRE: [12:34:21](Interpretation)

13 Q. [12:34:22] Thank you, Witness.

14 Why do you finish with this phrase: "May God curse them!"?

15 A. [12:34:40] Well, in fact, I considered that we have moderate and tolerant Islam,
16 according to my personal analysis, and we were imposed laws, laws that we do not
17 appreciate. But we don't have the force, although we believe in God, and that is my
18 personal analysis. We have no other strength in that we place in God.

19 Q. [12:35:20] Witness, I'm now going on to the page, which is still in this second
20 notebook, 0003-05 -- 0003-018 -- 0190.

21 THE INTERPRETER: [12:35:38] Corrects the interpreter.

22 MR DUTERTRE: [12:35:43](Interpretation)

23 Q. [12:35:44] So the second notebook, 0003 (sic) ... 0604, and that's tab 2. And then
24 the transcript, 0064-0701 -- we're on page 0064-0771.

25 Do you have this document in front of you, Witness?

1 A. [12:36:15] Yes, I do.

2 Q. [12:36:18] Could you read from "28 January," the first phrase that continues after
3 the "29 (sic) January."

4 A. [12:36:31] Yes.

5 "On 28 -- on 28 January 2012. Planes continued with the ballet the whole night. At
6 midnight, the airport was under the control of the French and Malian armies, the
7 strategic points are under the control after the operations of the air and land forces.
8 The French and Malian flags are everywhere. There are demonstrations of joy for
9 the first time for 10 months, vehicles with Malian soldiers are appearing on the major
10 artery of Yobou Tawo. Yesterday evening, towards 2300 hours, 250 French
11 parachutists were dropped into the desert. Since 1979, no such operation has ever
12 been seen.

13 On 29 January, Colonel Sangaré, the commander of the military zone of Timbuktu,
14 met the crisis committee and the President and the Vice-President. Of -- shops and
15 the homes of Islamists were broken up or smashed by the army, who discovered
16 weapons, munitions, grenades, explosives. With Lamine Tahar, with Dina, Sanda,
17 BMS, at their homes, and in other places which they occupied. The whole town was
18 stuffed with arms. Order was given with -- with the children to take all the goods."

19 Q. [12:38:50] Now, it's marked -- I'm just making a break here.

20 Well, firstly, do you recognise the writing on this document, Witness?

21 A. [12:39:02] Yes, I recognise it.

22 Q. [12:39:05] And whose handwriting is this?

23 A. [12:39:09] It is my handwriting.

24 Q. [12:39:13] And I still have the same question, which is somewhat standard.

25 When it comes to these entries for 28 and 29 of January, how much time after the

1 events of 28 and 29 January did you write this?

2 A. [12:39:30] I don't remember exactly, but I wrote it bit by bit as the events
3 occurred, gradually.

4 Q. [12:39:40] It is -- there is mention made of the manifestation -- demonstration of
5 joy. Could you tell us a bit more about that, please, Witness.

6 A. [12:39:52] Well, when it comes to the manifestation or demonstration of joy, in
7 the sense that people were coming out in -- en masse in order to cry "Long live France!
8 Long live Mali!" These are people who had been confined during a lot of time, for
9 many months, and they had come to demonstrate. And they were suddenly
10 liberated. They were expressing their joy through this march. ... been prohibited
11 from carrying out movements or -- manifestations or demonstrations.

12 Q. [12:40:45] You used the word "*comprimés*" in French, which was translated as
13 confined.

14 A. [12:40:54] I meant that their movements were not free. They were almost
15 suffocated in terms of their liberty, in terms of their freedom. They didn't have the
16 freedom to do what they wanted to do.

17 Q. [12:41:09] And who was confined or who was -- whose movements were limited
18 in that way?

19 A. [12:41:19] Well, here, the -- the people who did that, that was Ansar Dine. That
20 was the AQIM, the new masters of the town who did that.

21 MR DUTERTRE: [12:41:45](Interpretation) I would like to go into a couple of
22 sessions in private session, your Honour.

23 PRESIDING JUDGE MINDUA: [12:41:53](Interpretation) Please take us into private
24 session.

25 (Private session at 12.41 p.m.)

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1 THE COURT OFFICER: [12:41:57](Interpretation) We're in private session,
2 your Honour.
3 PRESIDING JUDGE MINDUA: [12:42:13](Interpretation) Thank you very much.
4 Prosecutor.
5 MR DUTERTRE: [12:42:15](Interpretation) Thank you, your Honour.

6 Q. [12:42:16] [REDACTED]

7 [REDACTED]
8 [REDACTED]

9 [REDACTED]

10 [REDACTED] ?

11 A. [12:42:39] Yes, [REDACTED]

12 Q. [12:42:45] [REDACTED] ?

13 A. [12:42:54] [REDACTED]

14 [REDACTED]

15 Q. [12:43:07] Understood.

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

23 A. [12:43:58] [REDACTED]

24 [REDACTED]
25 [REDACTED]

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1 Q. [12:44:17] And when [REDACTED] is that an
2 [REDACTED]?

3 A. [12:44:33] Yes, indeed, it is.

4 Q. [12:44:35] [REDACTED]
5 [REDACTED]?

6 A. [12:44:46] There was a second person who was [REDACTED]
7 [REDACTED] when the person was absent, that person carried out the work in the absence of the
8 [REDACTED]

9 Q. [12:45:01] What is that person's name?

10 A. [12:45:03] That person's name is [REDACTED]

11 Q. [12:45:10] And with regards to the entire period of occupation [REDACTED]
12 [REDACTED]
13 [REDACTED] for?

14 A. [12:45:28] Well, in fact [REDACTED]
15 [REDACTED]

16 Q. [12:45:43] Understood.
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]

20 PRESIDING JUDGE MINDUA: [12:46:05](Interpretation) Ms Taylor.

21 MS TAYLOR: [12:46:06] (Overlapping speakers) Thank you very much, Mr
22 President.

23 This might be able to done in open session, but I wonder if it might be helpful for the
24 [REDACTED]
25 [REDACTED]

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1 PRESIDING JUDGE MINDUA: [12:46:24](Interpretation) Yes.

2 MR DUTERTRE: [12:46:26](Interpretation) I'll go back into open session,
3 your Honour.

4 PRESIDING JUDGE MINDUA: [12:46:30](Interpretation) Court officer, please take
5 us into open session.

6 (Open session at 12.46 p.m.)

7 THE COURT OFFICER: [12:46:35](Interpretation) We are in open session, again,
8 your Honour.

9 PRESIDING JUDGE MINDUA: [12:46:46](Interpretation) Thank you very much,
10 court officer.

11 Prosecutor.

12 MR DUTERTRE: [12:46:49](Interpretation) Thank you very much, your Honour.

13 And I'm going to go back to this point in a few moments, and then I will start with
14 general questions.

15 Q. [12:47:00] Witness, in Timbuktu there was a crisis committee. Could you tell us
16 what this crisis committee was. What did they do, to the best of your knowledge?

17 A. [12:47:18] In fact, the crisis committee was an interface between the occupiers
18 and the population.

19 At the start, it was the MNLA that had called a certain number of people to call upon
20 them to have an interlocutor, but to the extent that the MNLA was still there with the
21 other Islamist groups - AQIM and Ansar Dine - they said that it was necessary to
22 have -- for them to agree first with regards to an interlocutor. And it was ultimately
23 after they departed that the committee was set up.

24 Q. [12:48:08] Understood. So I'm going to come back to that briefly.

25 Now, when you say that the MNLA had called up a certain number of people to ask

1 them to have an interlocutor, do you remember approximately when this was with
2 regards to the start of the occupation? Was it a few days? Was it a few weeks,
3 according to your memory?

4 A. [12:48:41] As far as I'm concerned, it was just a few weeks after the occupation.

5 Q. [12:48:52] And who, to the best of your memory, called upon a certain number
6 of people? Or who was it in the MNLA who called upon these people to be
7 interlocutors?

8 A. [12:49:13] I don't know that [REDACTED]
9 [REDACTED]

10 Q. [12:49:24] And do you remember -- well, please pay attention to the answer.
11 But do you know where this meeting with the MNLA took place?

12 A. [12:49:37] This meeting took place in the premises of the town hall of Timbuktu.
13 The urban commune of Timbuktu.

14 Q. [12:49:56] So you say, Witness, that - and here, I will quote you on page 72, and
15 this is at lines 28 -- page 73, line 1: Ultimately, it was after their departure -- referring
16 to the MNLA -- that the committee was set up.

17 Could you develop this point, giving further details?

18 A. [12:50:29] In fact, when I stated that there was an attempt to set up a structure,
19 which would serve as an interlocutor, that was not possible. So it was after they
20 departed that a certain number of people were called upon within the neighbourhood,
21 and this was the *chefs de quartier*, the people in charge of associations, the opinion
22 leaders. And this was done under the mayor of the urban commune, that came
23 within his responsibility.

24 So after that structure was set up -- and certain people who weren't present decided
25 on a degree of representativeness; that they were going to take *notables, chefs de*

1 *quartier*, customary chiefs, religious persons as well.

2 Q. [12:51:40] So you indicated that it was the mayor of the urban commune who
3 took this responsibility to call upon the *chefs de quartier* and others.

4 Now, what's the name of the mayor of the urban community?

5 A. [12:52:00] That is Hallé Ousmane.

6 Q. [12:52:03] Are you able, if you know, how to -- to give us the names of the
7 members of the crisis committee, their names? And then we'll also have to spell
8 them, if you're able to do so.

9 A. [12:52:30] Well, perhaps I don't remember all of them, but I can give certain
10 names.

11 Q. [12:52:37] Please go ahead.

12 A. [12:52:40] Hallé Ousmane was the mayor of the urban commune, the president.
13 There was a vice-president, Diadié Hamadoun. There was an administrative
14 secretary, Assoura Albadia. And there were others who were members, Kader
15 Khalil; Mourouka Maharmadane Touré, ... and Abdallah Sékou.
16 These are the few names that I remember.

17 Q. [12:53:32] Thank you very much.

18 Now, you mentioned the president of the crisis committee, Hallé Ousmane. Could
19 you spell that name, please.

20 A. [12:53:50] H-A-L-L-É, with an acute accent. Then Ousmane, O-U-S-M-A-N-E.

21 Q. [12:54:17] Understood.

22 Afterwards there is the vice-president, Diadié Hamadoun, but I didn't understand --

23 A. [12:54:35] Diadié Hamadoun; D-I-A-D-I-É, acute accent; Hamadoun,
24 H-A-M-A-D-O-U-N.

25 Q. [12:55:06] So afterwards you mentioned Al Hassan (sic) Albadia and another

1 individual. Could you spell the names of those individuals.

2 A. [12:55:23] So Assoura Albadia, A-S-S-O-U-R-A; Albadia, A-L-B-A-D-I-A.

3 Q. [12:55:44] Understood.

4 You also mentioned another person, Sane Chirfi Alpha, if I'm not wrong.

5 A. [12:55:57] S-A-N-E, C-H-I-R-F-I, A-L-P-H-A.

6 Q. [12:56:24] Understood.

7 MR DUTERTRE: [12:56:24](Interpretation) Now, at this stage, your Honour, to save
8 a bit of time, I would like to use notebook 1, tab 2, transcript tab 3. So I will refer to
9 the document 0003-0062, page 0003-0150.

10 And I would ask for a very quick private session -- private session, obviously.

11 PRESIDING JUDGE MINDUA: [12:57:05](Interpretation) Court officer, private
12 session, please.

13 THE INTERPRETER: [12:57:13] The document 0003-0062, * page 0003-0150 thereof.

14 PRESIDING JUDGE MINDUA: [12:57:20](Interpretation) Court officer.

15 (Private session at 12.57 p.m.)

16 THE COURT OFFICER: [12:57:25] We're in private session, Mr President.

17 PRESIDING JUDGE MINDUA: [12:57:42](Interpretation) Thank you very much.

18 Ms Taylor.

19 MS TAYLOR: [12:57:47] Could we please have the page for the transcript.

20 Thank you.

21 PRESIDING JUDGE MINDUA: [12:57:56](Interpretation) Prosecutor.

22 MR DUTERTRE: [12:58:00](Interpretation) Indeed, I was just coming there. 0064 of
23 the transcript, which has the number 0064 -- this is at tab 3. So page 0064-0697 of the
24 transcript, ERN 0064-060[8] ...

25 Q. [12:58:20] Witness, do you have this in front of you?

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1 A. [12:58:27] Yes.

2 Q. [12:58:30] Do you recognise the writing?

3 A. [12:58:31] Yes, I recognise this writing.

4 Q. [12:58:33] Whose writing is this?

5 A. [12:58:35] It is my writing.

6 Q. [12:58:37] I'm sorry to have put you -- have to put these questions every time,
7 but it's the procedure.

8 So it is marked, [REDACTED] and underneath it, there

9 [REDACTED]

10 [REDACTED]

11 [REDACTED] what does [REDACTED] correspond to?

12 A. [12:59:06] This is the [REDACTED]

13 Q. [12:59:18] And When you say [REDACTED] of what?

14 A. [12:59:23] These are the [REDACTED].

15 Q. [12:59:26] Understood.

16 In total, [REDACTED] Witness?

17 A. [12:59:39] Well, I couldn't say, but [REDACTED].

18 Q. [12:59:50] So I deduce that [REDACTED]

19 A. [12:59:56] [REDACTED]

20 MR DUTERTRE: [13:00:03](Interpretation) Can we go back into open session.

21 There's a written list of a certain number of the members.

22 PRESIDING JUDGE MINDUA: [13:00:08](Interpretation) Court officer, please take
23 us into open session.

24 (Open session at 1.00 p.m.)

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1 THE COURT OFFICER: [13:00:13](Interpretation) We are in open session, Mr
2 President.
3 PRESIDING JUDGE MINDUA: [13:00:23](Interpretation) Thank you very much,
4 Madam Courtroom Officer.
5 MR DUTERTRE: [13:00:25](Interpretation) I see that it is 1 o'clock. Maybe you
6 would like to rise now?
7 PRESIDING JUDGE MINDUA: [13:00:34](Interpretation) Yes, indeed, it is 1 p.m.
8 We shall rise for the lunch break, and we shall reconvene at 2.30.
9 The hearing is suspended.
10 THE COURT USHER: [13:00:45] All rise.
11 (Recess taken at 1.00 p.m.)
12 (Upon resuming in open session at 2.31 p.m.)
13 THE COURT USHER: [14:31:16] All rise.
14 Please be seated.
15 PRESIDING JUDGE MINDUA: [14:31:38](Interpretation) Court is in session, once
16 again.
17 I shall hand over to the Office of the Prosecutor for continuation.
18 Mr Prosecutor.
19 MR DUTERTRE: [14:31:56](Interpretation) Thank you very much, Mr President,
20 your Honours.
21 Now to clarify a point in the transcript. Ms Taylor, very obligingly, informed me
22 that the transcript of the last document that I used -- the ERN did not appear in the
23 transcript. So may I give it once again. I had used document 0003-0062, * page
24 0003-0150, and in the transcript 0064-0618, it is page 0064-0697. There we have it.
25 Q. [14:33:13] So let's get back to our business, Mr Witness.

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1 Did you have a good break?

2 A. [14:33:24] I did.

3 Q. [14:33:25] Very good. I'm glad to hear it.

4 So we were talking about, if you recollect, Mr Witness, the members of the crisis
5 committee, and I would have a number of points of clarification to make to the extent
6 that you are able to do so with regard to each of the members.

7 A. [14:33:50] Okay.

8 Q. [14:33:52] So we had President Hallé Ousmane. Could you provide us with his
9 ethnic origin, please.

10 A. [14:34:06] Hallé Ousmane is a Tamasheq, a black Tamasheq.

11 Q. [14:34:11] Very well.

12 And, well, we know that he was the mayor of Timbuktu, as you indicated.

13 If you are aware, could you describe to us what the role of Hallé Ousmane was as the
14 president of the crisis committee. What precisely did his role consist of?

15 A. [14:34:41] His role as president of the crisis committee consisted in convening
16 the meetings, heading them up and taking -- contact -- or entering into contact with
17 the occupiers at the behest of the committee itself.

18 Q. [14:35:06] Very well. Did he remain president of the committee, the crisis
19 committee during the entire occupation?

20 A. [14:35:13] Yes, he did remain president throughout the duration of the
21 occupation.

22 Q. [14:35:21] I shall now move to the vice-president, Diadié Hamadoun. And I
23 have the same question to put to you. Are you in a position to tell us of what ethnic
24 origin he was?

25 A. [14:35:38] Diadié is Songhai.

1 Q. [14:35:40] Very well. And what was he? Was he a neighbourhood chief?

2 Was he a teacher? Was he a dignitary? Could you please tell the Chamber.

3 A. [14:35:55] He was a dignitary.

4 Q. [14:36:03] And as vice-president, what was his role precisely -- to your
5 knowledge, that is?

6 A. [14:36:12] His role was to be the right-hand man to the president and to
7 undertake certain missions on his behalf when he was unable to.

8 Q. [14:36:27] And was Mr Hallé Ousmane absent on occasion?

9 A. [14:36:41] Well, that was a very rare occurrence.

10 Q. [14:36:44] You also made mention of two other individuals, Assoura Albadia
11 and Sane Chirfi Alpha.

12 So we'll start with Mr Albadia. What is Assoura Albadia's ethnic origin?

13 A. [14:37:05] Songhai.

14 Q. [14:37:07] And what was he? Was he a dignitary? Was he a teacher? Was he
15 a neighbourhood chief? What was his social occupation in Timbuktu?

16 A. [14:37:19] He was a retired teacher.

17 Q. [14:37:23] So he was also a secretary.

18 You mentioned Mr Sane Chirfi Alpha. Do you know the ethnic origin of Mr Sane
19 Chirfi Alpha?

20 A. [14:37:46] He is a Songhai.

21 Q. [14:37:49] And do you know whether he is a dignitary, a neighbourhood chief or
22 a teacher? What do you know about him?

23 A. [14:38:01] He's a dignitary.

24 Q. [14:38:11] And in terms of their respective functions - Assoura Albadia and Sane
25 Chirfi Alpha - within the crisis committee, how did they divvy-out their work, the

1 work of secretary, to your knowledge?

2 A. [14:38:30] In fact, the first administrative secretary manages the secretariat and
3 when he is absent, the other person takes his place. But some tasks of the
4 administrative secretariat are entrusted to either one or the other on occasion.

5 Q. [14:38:54] Very well. So the first secretary, if I understand you correctly, is
6 Sane Chirfi Alpha. And Assoura Albadia was the deputy or assistant secretary. Is
7 that correct?

8 A. [14:39:12] Precisely.

9 Q. [14:39:14] So you also made mention of Abdel Kader Khalil, who was a member
10 of the committee, the crisis committee. Of what ethnic origin is Abdel Kader Khalil?

11 A. [14:39:36] He is a Songhai.

12 Q. [14:39:39] And he was also in Timbuktu. And what was his function? Was he
13 a dignitary? What was he?

14 A. [14:39:54] He was the director of a local radio station.

15 Q. [14:40:04] And one of the last names that I noted down earlier on - and sorry
16 about my pronunciation - Adrawi Assékou. What can you tell us about Adrawi
17 Assékou?

18 A. [14:40:23] Adrawi Assékou. He is a member of the municipal council.

19 Q. [14:40:35] Very well. And of what ethnic origin?

20 A. [14:40:37] He's a Songhai.

21 Q. [14:40:40] In listening to your answers with regard to ethnic origin, I note that
22 there are many Songhais and some black Tamasheqs. Can you enlighten the
23 Chamber as to the ethnic composition of the crisis committee and the basis of this
24 composition.

25 A. [14:41:05] In fact, Timbuktu is, for the majority, populated by black Tamasheq

1 and Songhai people for the most part. And in certain positions or functions, they
2 might occupy the function of neighbourhood chief, and this is what explains the -- the
3 position of the majority of this -- these ethnic groups in the crisis committee.

4 Q. [14:41:44] Very well.

5 And if you were made aware, could you please tell the Chamber what the crisis
6 committee undertook on a daily basis. What did they discuss or process on a daily
7 basis?

8 A. [14:42:10] As I said, the crisis committee was an interface between the
9 population and the occupiers. So the crisis committee would discuss the issues that
10 the population was up against; namely, supplies, foodstuffs, electricity and water
11 supplies and they would bring this to the occupiers in order to find a solution.

12 If there were any occurrences in terms of acts of violence and behaviour that was not
13 normal, the crisis committee, if it is seized of it, because then -- they would seek to
14 find a solution with the occupiers.

15 Q. [14:43:02] When you speak of the acts of violence, can you explain a little bit
16 more about what you're referring to here.

17 A. [14:43:20] Indeed. On one occasion, during a wedding, some soldiers -- some
18 occupying soldiers went into some of the families in order to assault some women
19 saying that they were not properly covered. We saw this as an act of violence. And
20 when the crisis committee was seized of the matter, they sent a delegation to Abou
21 Zeid in order to air the issue.

22 Q. [14:44:03] Very well. We'll come back to that at a later stage.

23 Now, within the crisis committee, was there a division of the work? Did some
24 individual take care of some issues and another of others? Are you aware of that?

25 A. [14:44:20] Well, there was no distinct division of the work, except that some

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missions are entrusted in certain individuals. For example, the issue of water and electricity, or that of supplying the population in -- cereals, or security issues that the population was up against.

Q. [14:44:50] Very well.

Could you tell us how often the crisis committee would meet during the occupation.

A. [14:45:06] The crisis committee would meet every Thursday during the crisis period.

Q. [14:45:21] And where did they meet, the crisis committee? At what location?

A. [14:45:29] The crisis committee initially met at the town hall, but one day, one of the occupying soldiers came to bring

[REDACTED]

Q. [14:46:35]

Now, in which period, approximately, did that happen?

A. [14:46:47] Well, I do not know the precise period, but it was at the beginning of the meetings held by the crisis committee.

MR DUTERTRE: [14:47:04](Interpretation) Now, Mr President, I would like to briefly go into private session with your leave.

PRESIDING JUDGE MINDUA: [14:47:18](Interpretation) Madam Courtroom Officer, private session, please.

(Private session at 2.47 p.m.)

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1 THE COURT OFFICER: [14:47:27](Interpretation) We are in private session, Mr
2 President, your Honours.

3 PRESIDING JUDGE MINDUA: [14:47:32](Interpretation) Thank you very much.
4 Mr Prosecutor.

5 MR DUTERTRE: [14:47:35](Interpretation) Thank you, Mr President.

6 I would like to use -- use the first personal diary of the witness, 0003-0062 is the ERN
7 number, and it starts at page 111, continuing on to 0115. I shall give you the
8 reference in the transcript.

9 One moment, please. So the transcript, 0064-0608, page 0064-6058 (sic), and the text
10 continues on to 0064-0662.

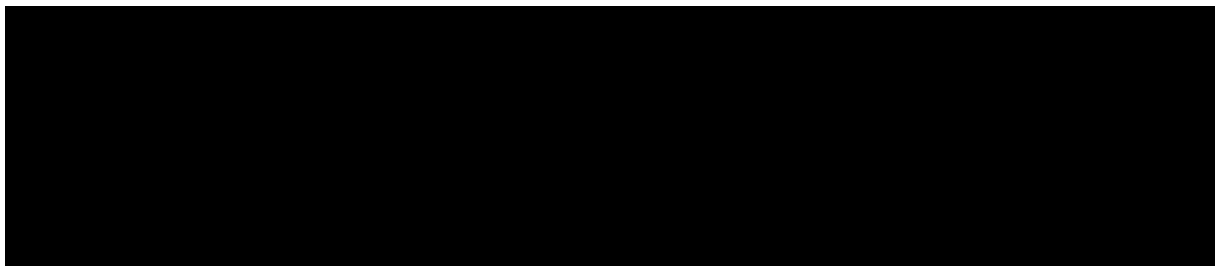
11 Q. [14:49:19] Mr Witness, do you have this document before you?

12 A. [14:49:22] Yes, I do have it before me.

13 Q. [14:49:24] I'm going to make sure that it is being brought up on the screen.

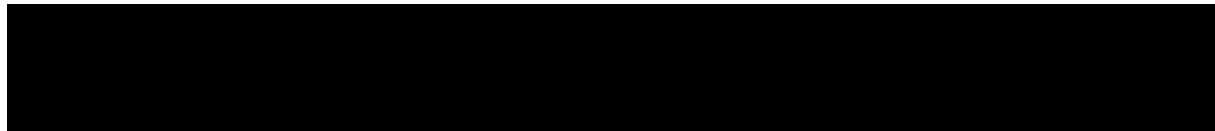
14 So, Mr Witness, could you please read the bottom of * the page, 0003-0111 from 23
15 June, and then follow on to 0003-0115, which is the follow on. 0003-0115.

16 A. [14:50:07] Yes.

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21 Q. [14:50:38] Page 0003-0115.

22 THE INTERPRETER: [14:50:54] Says Mr Dutertre.

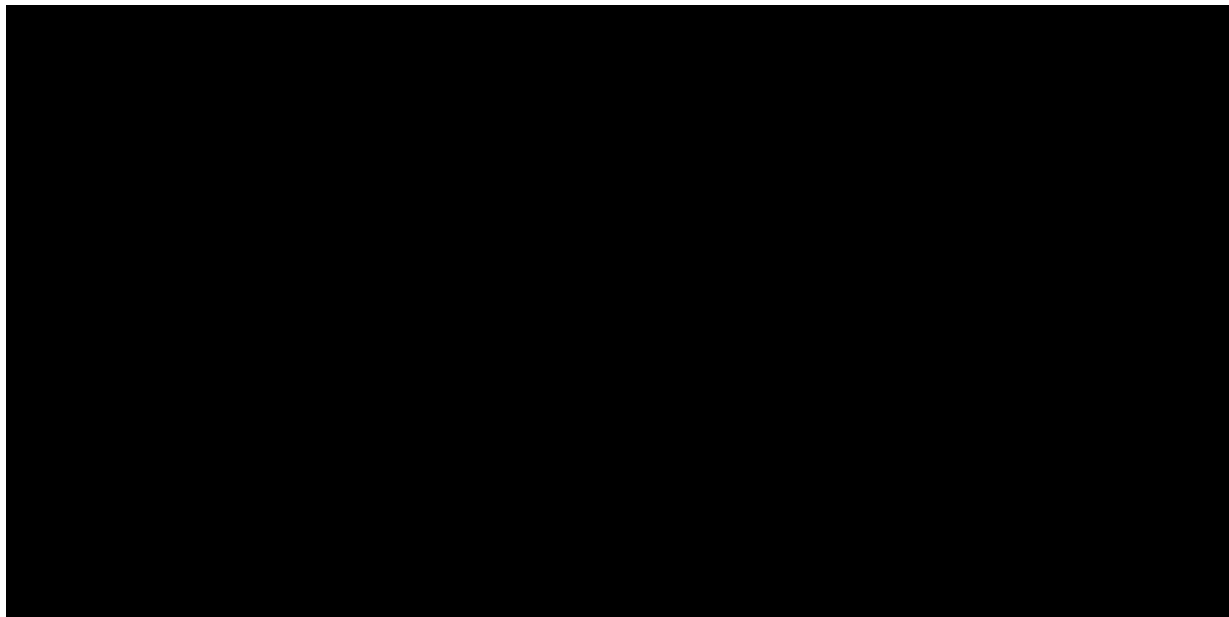
23 THE WITNESS: [14:50:58](Interpretation) "
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10 *C'est bon ?* Is that all right?

11 Q. [14:52:35] That's enough. Thank you.

12 So this [REDACTED] Mr Witness,
13 does it not?

14 A. [14:52:42] Yes.

15 Q. [14:52:43] And it is written: [REDACTED] of the
16 commissioner [REDACTED] At the
17 very top of the page, 0662, for the transcript.

18 A. [14:53:05] Yes.

19 Q. [14:53:06] Can you tell the Chamber which commissioner we are talking about
20 here.

21 A. [14:53:17] In fact, this is the commissioner of the Islamic police.

22 MR DUTERTRE: [14:53:39](Interpretation) Could we please come out of private
23 session, Mr President, and return to open session.

24 PRESIDING JUDGE MINDUA: [14:53:48](Interpretation) Madam Courtroom Officer,
25 please, open session.

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1 (Open session at 2.53 p.m.)

2 THE COURT OFFICER: [14:53:50](Interpretation) We are back in open session,
3 Mr President.

4 PRESIDING JUDGE MINDUA: [14:53:52](Interpretation) Thank you very much,
5 indeed, Madam Courtroom Officer.

6 Mr Prosecutor, please.

7 MR DUTERTRE: [14:53:58](Interpretation) Thank you, Mr President.

8 Q. [14:54:00] Now, Mr Witness, we have just spoken about [REDACTED] of the
9 Islamic police commissioner [REDACTED]

10 Do you know the name of this commissioner at that time?

11 A. [14:54:17] I am not certain, but at the time I believe that it was a certain Adama.

12 Q. [14:54:27] And are you in a position to tell us why the Islamic police was busy
13 with these meetings and sending people messages as to the fact that they were
14 prohibited?

15 A. [14:54:50] Well, it was because, to my mind, there was a fear that the situation
16 would get out of hand. So they wanted to have control over everything that was
17 happening. [REDACTED]

18 [REDACTED]
19 [REDACTED]
20 [REDACTED]

21 MR DUTERTRE: [14:55:39](Interpretation) Could we go into private session, please,
22 because it's becoming difficult to manage.

23 PRESIDING JUDGE MINDUA: [14:55:45](Interpretation) Madam Courtroom Officer,
24 please.

25 (Private session at 2.55 p.m.)

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1 THE COURT OFFICER: [14:55:50](Interpretation) We are in private session, Mr
2 President, your Honour.

3 PRESIDING JUDGE MINDUA: [14:55:54](Interpretation) Thank you very much
4 very, Madam Courtroom Officer.
5 Mr Prosecutor.

6 MR DUTERTRE: [14:55:58](Interpretation) Thank you very much, Mr President.

7 Q. [14:56:01] [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 A. [14:56:20] [REDACTED]

11 [REDACTED]

12 Q. [14:56:45] And how did this come about? How did -- how was [REDACTED]

13 [REDACTED]?

14 A. [14:56:52] They [REDACTED]

15 then [REDACTED].

16 Q. [14:57:04] Very well.

17 I might be asking too much of your memory, but was it a few days, a few weeks,
18 a few months after this event of [REDACTED] that this

19 [REDACTED]?

20 A. [14:57:26] I believe it was the day after.

21 Q. [14:57:29] [REDACTED]?

22 A. [14:57:37] [REDACTED]

23 [REDACTED]

24 Q. [14:57:53] [REDACTED]

25 [REDACTED]?

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1 A. [14:57:59] [REDACTED] and I don't
2 know which one it is anymore.

3 Q. [14:58:11] Very well.

4 [REDACTED]
5 [REDACTED]

6 A. [14:58:26] [REDACTED]

7 [REDACTED]
8 [REDACTED]

9 Q. [14:58:49] [REDACTED]?

10 A. [14:58:53] [REDACTED]

11 PRESIDING JUDGE MINDUA: [14:58:55](Interpretation) Ms Taylor.

12 MS TAYLOR: [14:58:57] Thank you, Mr President.

13 I had notified Mr Duterte in advance, the Defence would be raising at about -- rising
14 at 3 o'clock to ask permission of the Chamber for Mr Al Hassan to pray, with your
15 leave.

16 PRESIDING JUDGE MINDUA: [14:59:19](Interpretation) Indeed, Ms Taylor.

17 Mr Al Hassan is excused to go pray.

18 (Mr Al Hassan exits the courtroom)

19 In the meantime, we shall continue, Mr Prosecutor.

20 MR DUTERTRE: [14:59:28](Interpretation) Thank you, Mr President.

21 Q. [14:59:34] [REDACTED]

22 [REDACTED]?

23 A. [14:59:47] [REDACTED]

24 Q. [15:00:04] [REDACTED]

25 A. [15:00:10] Iyad Ag Ghaly.

1 Q. [15:00:15] And who is Iyad Ag Ghaly?

2 A. [15:00:19] Iyad Ag Ghaly, the leader of the movement Ansar Dine.

3 Q. [15:00:29] [REDACTED]

4 [REDACTED]

5 A. [15:00:42] [REDACTED]

6 [REDACTED]

7 Q. [15:00:51] And so how did you know [REDACTED]?

8 A. [15:00:58] I know that because I'd already seen his photo in the press. I'd also
9 heard people speak about him; that he was the leader of the movement.

10 Q. [15:01:11] [REDACTED]

11 or not?

12 A. [15:01:30] I don't remember. [REDACTED]

13 [REDACTED]

14 Q. [15:01:36] But [REDACTED]?

15 A. [15:01:40] Yes, [REDACTED].

16 Q. [15:01:43] Now, Iyad Ag Ghaly, [REDACTED]

17 [REDACTED] or after?

18 A. [15:01:51] [REDACTED] sometimes. He came with his delegation
19 with a vehicle, and people said, "Iyad -- Iyad had arrived."

20 Q. [15:02:08] Understood.

21 Abou Zeid [REDACTED] Abou Zeid [REDACTED]

22 [REDACTED]?

23 A. [15:02:20] [REDACTED] I'd seen his photo in the press.

24 Q. [15:02:34] And [REDACTED] Iyad Ag Ghaly and [REDACTED] Abou Zeid,

25 [REDACTED]?

1 A. [15:02:48] Sanda, Sanda - [REDACTED].

2 Q. [15:02:58] Who is Sanda Ag Boumama?

3 A. [15:03:05] Sanda is an AQMI -- AQIM officer, and [REDACTED] the
4 spokesperson of Ansar Dine and AQIM.

5 Q. [15:03:17] So [REDACTED]?

6 A. [15:03:29] Apparently [REDACTED].

7 Q. [15:03:35] [REDACTED]?

8 A. [15:03:48] [REDACTED]

9 [REDACTED] the

10 authorisation of the government. And today, throughout the entire world,

11 everybody knows that they are the ones who are governing Timbuktu.

12 Q. [15:04:25] [REDACTED]?

13 A. [15:04:30] [REDACTED] yes.

14 Q. [15:04:35] [REDACTED]?

15 A. [15:04:43] [REDACTED]

16 [REDACTED]

17 [REDACTED] the administration is no longer there.

18 People -- the state has left. Then -- so they have to replace the state. [REDACTED]

19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]

23 Q. [15:05:31] If I understand correctly, [REDACTED]
24 started to have an [REDACTED] Ansar Dine and AQIM?

25 A. [15:05:45] Indeed.

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1 MR DUTERTRE: [15:05:52](Interpretation) We can go back into open session, Mr
2 President.

3 PRESIDING JUDGE MINDUA: [15:05:56](Interpretation) Court officer, open session,
4 please.
5 (Open session at 3.05 p.m.)

6 THE COURT OFFICER: [15:05:59](Interpretation) We are in open session, once
7 again.

8 PRESIDING JUDGE MINDUA: [15:06:08](Interpretation) Thank you very much,
9 court officer.

10 Prosecutor.

11 MR DUTERTRE: [15:06:13](Interpretation) Thank you, your Honour.

12 Q. [15:06:16] Witness, do you know if, during the meeting of the crisis committee,
13 there were notes that were taken?

14 A. [15:06:34] Notes? Taken by whom?

15 Q. [15:06:36] To keep a record of the exchanges of what was said, minutes or such
16 like?

17 A. [15:06:44] Indeed. In all meetings of the crisis committees, there was -- there
18 were minutes taken. That is the role of the two administrative secretaries.

19 Q. [15:07:01] And should we understand by that, that the notes were taken during
20 the debates or were they written thereafter?

21 A. [15:07:08] No. They were taken during the event, as it was going along.

22 MR DUTERTRE: [15:07:22](Interpretation) I would just like to go into private
23 session to go into a few quick questions.

24 PRESIDING JUDGE MINDUA: [15:07:29](Interpretation) Court officer, please take
25 us into private session.

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1 (Private session at 3.07 p.m.)

2 THE COURT OFFICER: [15:07:33](Interpretation) We're in private session,
3 your Honour.

4 PRESIDING JUDGE MINDUA: [15:07:45](Interpretation) Thank you very much,
5 court officer.

6 Prosecutor.

7 MR DUTERTRE: [15:07:49](Interpretation)

8 Q. [15:07:51] Witness [REDACTED]

9 [REDACTED]?

10 A. [15:08:04] [REDACTED]

11 [REDACTED]

12 Q. [15:08:13] [REDACTED]

13 [REDACTED]

14 [REDACTED]?

15 A. [15:08:41] [REDACTED]

16 [REDACTED]

17 Q. [15:08:54] Very well.

18 So when [REDACTED]

19 [REDACTED] [REDACTED]

20 [REDACTED]?

21 A. [15:09:22] Well, I don't know [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 Q. [15:09:46] And [REDACTED]?

25 A. [15:09:56] In fact [REDACTED]

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1

2

3 Q. [15:10:20] Understood.

4

Chirfi Alpha Saloum,

5 does that name mean anything to you?

6 A. [15:10:41] Yes.

7 Q. [15:10:41]

8 A. [15:10:50] Yes.

9 Q. [15:10:51] He was a member of the crisis committee?

10 A. [15:10:54] Yes, he was a member of the crisis committee.

11 MR DUTERTRE: [15:11:00](Interpretation) We can go into open session,

12 your Honour.

13 PRESIDING JUDGE MINDUA: [15:11:08](Interpretation) Court officer.

14 (Open session at 3.11 p.m.)

15 THE COURT OFFICER: [15:11:13](Interpretation) We're in open session,

16 your Honour.

17 PRESIDING JUDGE MINDUA: [15:11:17](Interpretation) Thank you very much,

18 court officer.

19 Prosecutor.

20 MR DUTERTRE: [15:11:21](Interpretation) Your Honour, your Honours, I would

21 like to use a document, which does not need to be disseminated to the public but can

22 be shown on the screens, and this is in document 0030-1044. That's binder 2, tab 89.

23 (Mr Al Hassan enters the courtroom)

24 PRESIDING JUDGE MINDUA: [15:11:59](Interpretation) I'll take this opportunity to

25 note that Mr Al Hassan is back in the courtroom.

- 1 MR DUTERTRE: [15:12:11](Interpretation) So the person -- the Registrar's
2 representative can show you the document. It's at tab 89 of the second binder,
3 0030-1044. And go to page 0030-1047 to 1048.
4 Now, just by way of information for the Chamber, I'm going to take two or three
5 documents, which are not in chronological order, but for a specific reason, and then I
6 will show them in a chronological order.
- 7 Q. [15:13:40] Do you have this document in front of you, Witness?
- 8 A. [15:13:45] Yes.
- 9 Q. [15:13:51] Do you know or did you know -- or do you recognise this document,
10 Witness?
- 11 A. [15:13:58] Yes.
- 12 Q. [15:14:01] Could you tell the Chamber what it is.
- 13 A. [15:14:09] This is a list of those present.
- 14 Q. [15:14:16] So if you look at the entire page and the page next to it, which
15 continues, and tell me, in general, what this document is.
- 16 A. [15:14:49] This is a list of presence. It's minutes with the different elements,
17 which make it up. So you have the list of presence and the content of the meeting.
- 18 Q. [15:15:04] And when you say "minutes of a meeting," what are you referring to?
- 19 A meeting of whom?
- 20 A. [15:15:18] It would seem to be a meeting of the enlarged crisis committee,
21 enlarged to the agricultural cooperative.
- 22 Q. [15:15:32] Are you able to recognise the handwriting on this document? Whose
23 is it?
- 24 A. [15:15:41] Assoura Albadia's writing. It is Assoura Albadia's writing.
- 25 Q. [15:16:01] So you've got the date of 26 January (sic) 2012, and then there's list of

1 presences. You've got: "Boubacar ..., Sane Chirfi ..., Mahamane Alidji" et cetera.

2 You can see a number "8" by Assoura Albadia. You can see that there are absences
3 marked, and there are also apologies marked. Why -- why are those marked?

4 A. [15:16:38] It would seem to me that this is a list of the crisis committee.

5 Because before -- the previous document, you have a much longer list of persons
6 present, including some people not in the crisis committee. But here, specifically,
7 this was a meeting of the crisis committee. So it's normal to write who is absent and
8 who is excused in this case.

9 Q. [15:17:12] When you speak about the previous document, you're referring to
10 page 0030 at 1047 (sic).

11 A. [15:17:22] Yes.

12 Q. [15:17:22] So we have the date 26 July, the absences, excused, and then it's
13 marked "agenda". Who (Overlapping speakers)

14 THE INTERPRETER: [15:17:35] Overlapping speakers.

15 MR DUTERTRE: [15:17:37](Interpretation)

16 Q. [15:17:38] You can see it towards the middle.

17 A. [15:17:39] Yes.

18 Q. [15:17:40] To the best of your knowledge, who signed the agenda?

19 A. [15:17:44] The president would decide.

20 THE INTERPRETER: [15:17:48] Or who would decide on the agenda, corrects the
21 interpreter.

22 THE WITNESS: [15:17:52](Interpretation) The president would decide.

23 MR DUTERTRE: [15:17:55](Interpretation)

24 Q. [15:17:55] Understood.

25 There, we can see a minutes. So this is a minutes from Bamako. Do you know

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1 what this is about (Overlapping speakers)

2 A. [15:18:08] No, I don't remember exactly.

3 THE INTERPRETER: [15:18:09] "It's a resignation report from Bamako."

4 MR DUTERTRE: [15:18:20]

5 Q. [15:18:21] If we go to the next page, 0031-048 (sic), if you look at the bottom of
6 the page.

7 Your Honour, if we can go into private session.

8 THE INTERPRETER: [15:18:35] Document ... (Overlapping speakers)

9 PRESIDING JUDGE MINDUA: [15:18:42](Interpretation) Court officer, private
10 session please.

11 THE INTERPRETER: [15:18:46] Document "0030-1048."

12 (Private session at 3.18 p.m.)

13 THE COURT OFFICER: [15:18:55](Interpretation) We're in private session,
14 your Honour.

15 PRESIDING JUDGE MINDUA: [15:18:57](Interpretation) Thank you very much,
16 Madam Court Officer.

17 Prosecutor.

18 MR DUTERTRE: [15:19:03](Interpretation)

19 Q. [15:19:03] So, Witness, it is marked towards the bottom [REDACTED] that's
20 underlined. [REDACTED]

21 [REDACTED]

22 [REDACTED] is that a reference to whom? You have the first name, which is underlined?

23 A. [15:19:28] [REDACTED]

24 Q. [15:19:39] [REDACTED]

25 A. [15:19:45] No.

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- 1 Q. [15:19:48] Do you see where we are on the page?
- 2 A. [15:19:50] Yes, I can see that well.
- 3 Q. [15:19:54] Who could it be, to the best of your knowledge?
- 4 A. [15:20:00] I don't remember.
- 5 MR DUTERTRE: [15:20:22](Interpretation) We can go back into open session,
- 6 your Honour.
- 7 PRESIDING JUDGE MINDUA: [15:20:27](Interpretation) Court officer, open session,
- 8 please.
- 9 (Open session at 3.20 p.m.)
- 10 THE COURT OFFICER: [15:20:29](Interpretation) We're in open session,
- 11 your Honour.
- 12 PRESIDING JUDGE MINDUA: [15:20:41](Interpretation) Thank you very much,
- 13 Madam Court Officer.
- 14 Prosecutor.
- 15 * MR DUTERTRE: [15:20:47](Interpretation) Still in the document 0030-1044,
- 16 your Honour, which is at tab 89. And in particular, I would like to go to page
- 17 0030-1062.
- 18 Q. [15:21:40] Do you have that document, Witness?
- 19 A. [15:21:42] Yes, I've got the document.
- 20 Q. [15:21:46] Do you recognise this document, Witness?
- 21 A. [15:21:59] In which way?
- 22 Q. [15:22:02] Do you know what it is?
- 23 A. [15:22:04] Yes. It seems to be minutes, to me.
- 24 Q. [15:22:09] Minutes of the crisis committee, Witness?
- 25 A. [15:22:15] Yes.

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1 Q. [15:22:16] Do you know the handwriting? Do you recognise it?

2 A. [15:22:24] Yes.

3 Q. [15:22:33] Could you give the name of the person whose handwriting it is.

4 A. [15:22:41] Assoura Albadia. The second or deputy administrative secretary,
5 Assoura Albadia.

6 MR DUTERTRE: [15:22:51](Interpretation) I'll just put the question in private session,
7 if I may?

8 PRESIDING JUDGE MINDUA: [15:22:57](Interpretation) Court officer, private
9 session, please.

10 (Private session at 3.23 p.m.)

11 THE COURT OFFICER: [15:23:00](Interpretation) We're in private session,
12 your Honour.

13 PRESIDING JUDGE MINDUA: [15:23:13](Interpretation) Thank you very much,
14 Madam Court Officer.

15 Prosecutor.

16 MR DUTERTRE: [15:23:17](Interpretation)

17 Q. [15:23:18] Witness, we can see [REDACTED] at the top, on the left, [REDACTED]

18 [REDACTED] "

19 [REDACTED] ?

20 A. [15:23:45] I don't know. Perhaps.

21 Q. [15:23:48] [REDACTED]

22 [REDACTED] ?

23 A. [15:24:00] [REDACTED].

24 Q. [15:24:06] At the bottom, it's indicated, Witness:

25 The general assembly has been -- has had a particular attention accorded to it.

1 And it gives the date of Sunday, September -- 2 September.

2 Chef de quartier invited to take part. A written request has been sent by the
3 permanent administrative secretary to the police commissioner from hand-to-hand on
4 27 August.

5 So I have a first question to put. When, Witness, it speaks about the "general
6 assembly", could you clarify what that was? There were general assemblies,
7 ordinary assemblies.

8 Could you explain that to the Chamber, please.

9 A. [15:25:21] Well, in fact, they speak about general -- a general assembly when the
10 crisis committee invites all the population or part of the population to provide
11 information to them or to discuss certain points.

12 Q. [15:25:38] Understood. And that was for 2 September.

13 And to the best of your knowledge, why was it necessary to have a written request to
14 the police commissioner for this general assembly?

15 A. [15:26:00] [REDACTED]
16 [REDACTED]

17 PRESIDING JUDGE MINDUA: [15:26:18](Interpretation) Ms Taylor.

18 MS TAYLOR: [15:26:19] Thank you very much, Mr President. Could the sound
19 briefly be cut off to the witness.

20 PRESIDING JUDGE MINDUA: [15:26:24](Interpretation) Court officer, please cut
21 the sound.

22 THE COURT OFFICER: [15:26:28](Interpretation) The sound is cut, your Honour.

23 PRESIDING JUDGE MINDUA: [15:26:30](Interpretation) Thank you very much,
24 court officer.

25 Ms Taylor.

1 MS TAYLOR: [15:26:33] Now, as the Chamber is aware, this is a document that was
2 not authored by this witness. He's testified he doesn't know the contents specifically
3 of this document. [REDACTED] And I believe it's highly
4 problematic for the Prosecutor to simply read out extracts from the document, assume
5 that they are true, and, on that basis, put questions to the witness, which is exactly
6 what the last question did.

7 Now, no one has testified in relation to these documents - nor does it appear that
8 anyone will testify in relation to these documents - so we can't simply accept the
9 contents as being true.

10 I do believe that the Prosecutor has to go through this step by step and specifically ask
11 this witness what he recalls, if he does recall anything, and then put follow-up
12 questions to the witness on the basis of his memory. Not on the assumption that the
13 information in this document is correct.

14 PRESIDING JUDGE MINDUA: [15:27:48](Interpretation) Prosecutor, you have the
15 floor to answer.

16 MR DUTERTRE: [15:27:54](Interpretation) Yes. The Prosecution is
17 establishing -- or has established [REDACTED]

18 [REDACTED] The witness recognised the handwriting of
19 Assoura Albadia, who is the person who could [REDACTED] draft minutes. [REDACTED]

20 [REDACTED]

21 [REDACTED] If

22 he's able to do so, it's according to his knowledge. So if he can't, he will quite simply
23 indicate that. [REDACTED]

24 [REDACTED]
25 [REDACTED]

1 PRESIDING JUDGE MINDUA: [15:29:04](Interpretation) Ms Taylor.

2 MS TAYLOR: [15:29:06] (Overlapping speakers) If I may just briefly. I believe that
3 the Prosecutor has misunderstood my objection. And if I can look specifically at
4 page 108, lines 2 to 5, the Prosecution's question was:

5 "Understood. And that was for the second. And to the best of your knowledge,
6 why was it necessary to have a written request to the police commissioner for this
7 general assembly?"

8 Now, the point is, that the Prosecutor has not yet elicited from this witness that he
9 himself has any knowledge that there was a written request sent to the police
10 commissioner for this general assembly. All he has done is read out a sentence from
11 these notes, assumed it was true, and then asked the witness to comment on that or
12 speculate on that.

13 It's basically putting the cart before the horse.

14 This document is not in evidence. There is no one who will testify to the contents.

15 If the Prosecutor wants to use this document, it has to establish that the witness has
16 personal knowledge of the contents, specifically, the specific extracts that have been
17 put to him. [REDACTED] Does he have any personal knowledge of the police
18 commissioner giving a written request or receiving a written request?

19 We haven't gotten there yet and, yet, he's now being asked to say why an event
20 happened that he hasn't actually attested to.

21 PRESIDING JUDGE MINDUA: [15:30:28](Interpretation) Yes, Mr Prosecutor. Mr
22 Dutertre, I believe that the Defence is not contesting that you have the right to use
23 these documents, neither is the Chamber. [REDACTED]

24 [REDACTED] he recognised the handwriting
25 of the individual.

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1 But the matter raised by the Defence is the foundation or basis that you believe is
2 established, if I have understood correctly.

3 So, how would you answer to that? Either you reformulate your question.

4 MR DUTERTRE: [15:31:15](Interpretation) Well, there's no conjecture to start off
5 with; and, secondly, there's no summons sent by the police commissioner, I was a bit
6 lost when the Defence said that; and, thirdly, he has raised this matter of the general
7 assembly and is quite in the know as to what it is. So I can reformulate.

8 But as to whether, generally speaking, you needed an authorisation from the police
9 commissioner for the general assembly, I can put the question to him in such a way.

10 PRESIDING JUDGE MINDUA: [15:31:44](Interpretation) Yes, that would seem to be
11 a good idea to me.

12 Madam Courtroom Officer, could you please re-establish the link.

13 THE COURT OFFICER: [15:32:01](Interpretation) The witness can hear us again
14 now, and we are still in private session.

15 PRESIDING JUDGE MINDUA: [15:32:06](Interpretation) Thank you very much,
16 Madam Courtroom Officer.

17 Now, over to the Office of the Prosecutor.

18 MR DUTERTRE: [15:32:09](Interpretation) I thank you, Mr President.

19 Q. [15:32:11] Now, Mr Witness, was it necessary to have an authorisation from the
20 police to convene a general assembly?

21 I don't know whether the sound ...

22 Can you hear us, Mr Witness?

23 A. [15:32:43] Yes, I can hear.

24 Q. [15:32:45] So I shall repeat my question to you, with your leave.

25 Was it necessary to have an authorisation from the police for the crisis committee to

1 hold a general assembly?

2 A. [15:32:55] Yes, of course, you needed an authorisation for the committee to hold
3 an assembly -- a general assembly.

4 Q. [15:33:03] And at that moment in time, at the beginning of 2012, 2 September, in
5 fact, do you know who within the police would furnish this authorisation?

6 A. [15:33:20] I'm sorry?

7 Q. [15:33:21] Do you know who in the police were to provide the authorisation to
8 hold a general assembly or not?

9 A. [15:33:35] In principle, it was the commissioner.

10 Q. [15:33:42] Could you provide us with the name of the individual who was in
11 charge of that.

12 A. [15:33:49] At a given moment in time, the commissioner was somebody by the
13 name of Adama.

14 Q. [15:33:58] Very well.

15 And at the very beginning of September, 2 September 2012, do you know who was in
16 charge of that within the police?

17 A. [15:34:10] I believe that it was Hassan.

18 Q. [15:34:17] [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 A. [15:34:45] [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 Q. [15:35:16] [REDACTED]

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1 A. [15:35:23]

2 Q. [15:35:33]

3

4 A. [15:35:43]

5

6 Q. [15:35:50]

7

8

9 A. [15:36:12]

10 Q. [15:36:18]

11 MR DUTERTRE: [15:36:30](Interpretation) So, Mr President, your Honours, I am

12 now going to be moving to another document. We can come back into open session,

13 please.

14 PRESIDING JUDGE MINDUA: [15:36:41](Interpretation) Madam Courtroom Officer,

15 open session, please.

16 (Open session at 3.36 p.m.)

17 THE COURT OFFICER: [15:36:45](Interpretation) We are in open session, once

18 again, Mr President.

19 PRESIDING JUDGE MINDUA: [15:36:57](Interpretation) Thank you very much,

20 Madam Courtroom Officer.

21 Mr Prosecutor.

22 MR DUTERTRE: [15:37:03](Interpretation) Thank you, Mr President.

23 Now, I am going to be honing in on document 0030-1084, at tab 90 of your folder,

24 number 2, Mr President. Tab 90, binder 2. And I am interested in 0030-1100 up to

25 1104.

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1 Q. [15:38:31] I'll let you peruse the document from pages 1100 to 1104, Mr Witness.

2 If you could come back to page 0030-1100, Mr Witness.

3 A. [15:39:15] Yes.

4 Q. [15:39:15] What is this document, Mr Witness?

5 A. [15:39:19] It is the minutes of a meeting.

6 * Q. [15:39:26] So at the top, you can see written: 23 September 2012, extraordinary
7 meeting. Presided by Hallé Ousmane. And then we have a list of people present:
8 "Hallé Ousmane, Diadié Hamadoun Maïga, Sane Chirfi Alpha, Ibrahim Khalil Touré,
9 Boubacar Mamadou Touré, Mahamane Alidji Touré "- to name but a few.

10 THE INTERPRETER: [15:39:56] Could counsel, please, go more slowly when he's
11 reading out names. (Overlapping speakers)

12 MR DUTERTRE: [15:40:01](Interpretation)

13 Q. [15:40:01] "Assoura Albadia, Litni and Bilal Mahamane" And there, we can see
14 that there are apologies."

15 MR DUTERTRE: [15:40:09](Interpretation)(Overlapping speakers)

16 So a question in closed session, please -- or private session, please.

17 PRESIDING JUDGE MINDUA: [15:40:16](Interpretation) Madam Courtroom Officer,
18 private session, please.

19 (Private session at 3.40 p.m.)

20 THE COURT OFFICER: [15:40:22](Interpretation) We are in private session, Mr
21 President.

22 PRESIDING JUDGE MINDUA: [15:40:28](Interpretation) Thank you very much,
23 Mr Prosecutor.

24 MR DUTERTRE: [15:40:31](Interpretation)

25 Q. [15:40:33] Now, Mr Witness, do you recognise the handwriting of this

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1 document?

2 A. [15:40:41] Yes.

3 Q. [15:40:45] Whose handwriting is it?

4 A. [15:40:49] It is the handwriting of Assoura Albadia.

5 Q. [15:40:56] I would like you to clarify the following point for the Chamber: [REDACTED]

6 [REDACTED]

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

10 A. [15:41:20] [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 Q. [15:41:45] Very well. [REDACTED]

14 [REDACTED].

15 A. [15:41:52] [REDACTED]

16 Q. [15:41:58] So this meeting of 23 September, I would like to take you to page 1104,
17 which is the last page.

18 And maybe we could return to open session.

19 PRESIDING JUDGE MINDUA: [15:42:23](Interpretation) Madam Courtroom Officer,
20 open session, please.

21 (Open session at 3.42 p.m.)

22 THE COURT OFFICER: [15:42:28](Interpretation) We are -- have returned to open

1 session, Mr President.

2 PRESIDING JUDGE MINDUA: [15:42:40](Interpretation) Thank you very much,

3 Madam Courtroom Officer.

4 Mr Prosecutor, please.

5 MR DUTERTRE: [15:42:51](Interpretation) Thank you, Mr President.

6 So we can see at the bottom of the page that the president has declared that the work

7 of this extraordinary meeting of the crisis committee is declared closed.

8 Third paragraph from the bottom is written the following, in handwriting.

9 THE INTERPRETER: [15:43:12] Difficult for the interpreters.

10 MR DUTERTRE: [15:43:15](Interpretation) Open quotation marks: "For the

11 umpteenth time, the committee has painted a ghastly picture of the violent acts

12 perpetrated by the police."

13 We can see the word "municipal", but "isl" is written above some crossed-out

14 letters -- "in the neighbourhoods and, subsequent to analysis, has recommended to

15 either party to take their distances, to not give in to provocation and to not provoke

16 themselves. Moderation instrument, the crisis committee cannot play the role of

17 gendarme, so let's be as patient as possible and keep our head on our shoulders."

18 Q. [15:44:40] Did what I read just now, correspond to what you can read on this

19 document, Mr Witness?

20 A. [15:44:47] Yes, indeed, it does.

21 Q. [15:44:49] Are you in a position to explain to the presiding judge and the bench,

22 in general, that the *Comité de crise* could not play the role of gendarme?

23 A. [15:45:10] This quite simply means that the crisis committee has no power at this

24 given moment in time and that it can only incite the population to avoid anything that

25 can give rise to problems and encourage them to keep -- stay coolheaded, because

1 some actions are deemed to be quite simply provocation.

2 Q. [15:45:43] And when you say "some actions are deemed to be provocation,"
3 could you provide us with examples so the Chamber can see what you are talking
4 about.

5 A. [15:45:54] For example, if you see a woman wearing a veil and attacking her,
6 saying that she is not properly veiled or it is not a full veil. I can give you the
7 example of the first month of Carême, when they asked those who were roasting meat,
8 not to do that during the day and to wait for the afternoon. That was the kind of
9 provocation I'm talking about. These were just pretexts to throw their weight
10 around.

11 Q. [15:46:38] And what do you mean by "pretext to throw their weight around"?

12 A. [15:46:49] I mean that the person who is forbidden to do what he does to earn
13 a living can then become rebellious, and he might then give the occasion for violence
14 to be used as a reprimand.

15 Q. [15:47:13] And what kind of violence are you talking about?

16 A. [15:47:15] We're talking about physical violence. We're also talking about
17 weapons, guns, and -- and whips.

18 Q. [15:47:27] And what are we talking about? Which people?

19 A. [15:47:30] We're talking about the elements of the Islamic police.

20 Q. [15:47:43] And can you explain a little bit further to the bench what the -- or
21 what one should understand by: For the umpteenth time, the crisis committee
22 painted a ghastly picture of the police's acts of violence.

23 A. [15:48:01] Quite simply --

24 PRESIDING JUDGE MINDUA: [15:48:03](Interpretation) Ms Taylor.

25 MS TAYLOR: [15:48:07] Can we have the sound cut off to the witness briefly.

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1 PRESIDING JUDGE MINDUA: [15:48:15](Interpretation) Madam Courtroom Officer,
2 could you please cut off the sound.

3 THE COURT OFFICER: [15:48:21](Interpretation) The sound has been cut off, Mr
4 President.

5 PRESIDING JUDGE MINDUA: [15:48:24](Interpretation) Thank you very much,
6 Madam Courtroom Officer.

7 Ms Taylor.

8 MS TAYLOR: [15:48:27] Mr President, again, we respectfully again request the
9 Prosecutor to follow the correct procedure. [REDACTED]

10 [REDACTED]

11 [REDACTED] And then

12 proceed to asking questions on the specific aspect.

13 Otherwise, again, we're simply assuming the contents to be true. And that's not
14 consistent with the burden of proof, it's not consistent with the presumption of
15 innocence, and it's not consistent with the entire process that's governed this trial.

16 The Prosecutor can do this very simply, but it's not appropriate to simply cherry-pick
17 elements from notes written by another person and go straight to putting questions to
18 this witness on those notes without first eliciting the witness's own recollection and
19 first establishing whether this is an accurate reflection of these meetings. We can't
20 simply assume them to be correct.

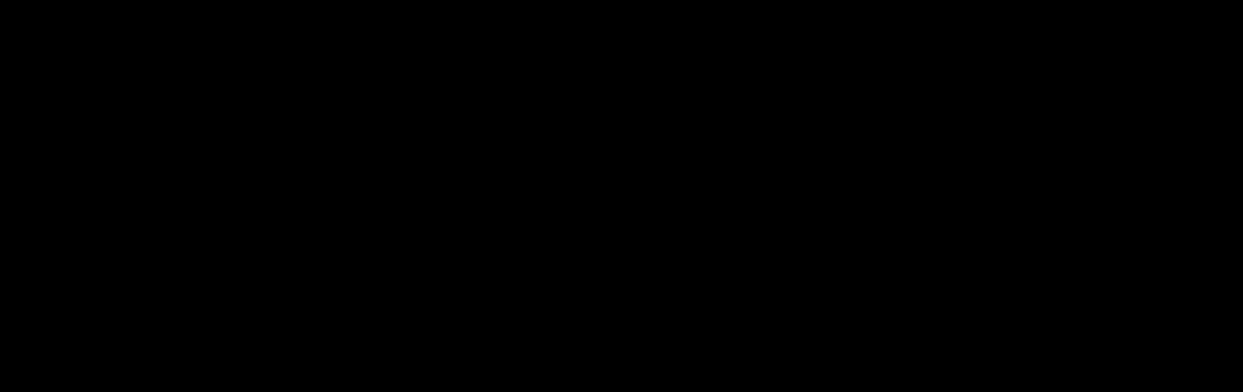
21 Thank you.

22 PRESIDING JUDGE MINDUA: [15:49:42](Interpretation) Mr Prosecutor, you
23 followed the objection on the part of the Defence.

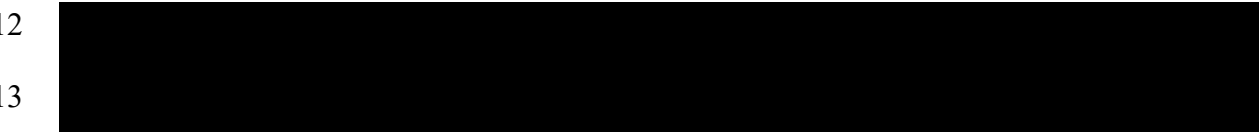
24 MR DUTERTRE: [15:49:46](Interpretation) Mr President -- well, four points: [REDACTED]

25 [REDACTED]

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7 PRESIDING JUDGE MINDUA: [15:50:30](Interpretation) Ms Taylor, yes, let's try
8 and save time. Your objection, it would seem to me to be valid, generally speaking,
9 in principle, if we follow the general rules. But in this specific case - and this is what
10 I said when you raised the last objection - it is not the witness who drafted the
11 minutes, [REDACTED]



14 [REDACTED] So I don't understand.

15 It is true that the procedure that you are suggesting is a lengthy one. We're trying to
16 gain time here. So what do you think?

17 MS TAYLOR: [15:51:37] Thank you, Mr President.

18 We respectfully submit that we shouldn't attempt to gain time at the expense for the
19 Chamber's truth-determining functions. Here, the witness has stated that he
20 recognises the handwriting. That's it.

21 [REDACTED] He has not yet authenticated line by line the
22 accuracy of the contents of these notes. Now, that's the process that always applies
23 to handwritten documents that do not emanate from a particular witness.
24 Now, if you're going to put this for the truth of its contents, which is what the
25 Prosecution's doing, they're relying upon the contents of this document for their truth,

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1 then that has to first be established. That is, the Prosecution must, if they're relying
2 upon a particular fact or a particular aspect of this handwritten record, ask this
3 witness: [REDACTED] indeed,
4 [REDACTED]?"

5 All we have at the moment is him recognising the handwriting. We don't have from
6 him that [REDACTED]
7 [REDACTED]

8 Thank you.

9 PRESIDING JUDGE MINDUA: [15:52:55](Interpretation) Very well, Ms Taylor.

10 These are minutes, and the witness has explained the manner in which these minutes
11 are -- or were adopted. So, to my mind, the facts are acknowledged by the witness,
12 and he has the time to explain. I shall see what the Prosecutor has to say about these
13 objections.

14 MR DUTERTRE: [15:53:23](Interpretation) Yes, Mr President, that is, indeed, what it
15 is. We have contemporaneous documents that are inherently reliable. [REDACTED]

16 [REDACTED] He has recognised the handwriting. [REDACTED]
17 [REDACTED] all the specific information that was covered during a specific meeting
18 eight or nine years ago, but they are covered here. And we ask him whether it rings
19 a bell or not.

20 Now, as to whether Ms Taylor would like during the cross-examination to hone in on
21 each line, she can. But I don't think that the procedure that she's suggested is -- is
22 adapted to the report and the nature of the report -- of the document, which is
23 contemporaneous.

24 PRESIDING JUDGE MINDUA: [15:54:19](Interpretation) Well, we shall put the
25 question to the witness and see whether [REDACTED] So the remedy is, you

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1 have the cross-examination and you can come back to it at that stage. Mr Prosecutor
2 shall continue.

3 Madam Courtroom Officer, please re-establish the link.

4 THE COURT OFFICER: [15:54:37](Interpretation) The witness can hear us now, Mr
5 President, your Honours.

6 PRESIDING JUDGE MINDUA: [15:54:47](Interpretation) Thank you very much.

7 THE INTERPRETER: [15:54:48] Overlapping speakers.

8 MR DUTERTRE: [15:54:58](Interpretation)

9 Q. [15:54:59] I'm sorry that we disconnected for a moment, Mr Witness.

10 Now, my question was as follows: Could you somewhat explain to the bench what
11 we should understand by, I quote, "For the umpteenth time, the crisis committee
12 painted a dismal picture of the police's actions."

13 A. [15:55:21] Well, that means that every time that there were acts of violence,
14 every time that people were victims, they would take -- or make contact with the
15 crisis committee on an individual basis to inform them of what had been experienced.
16 * So the violent acts, the threaten -- the threats increased, and at this meeting it wasn't
17 the first time that these violent acts were continuing. That's why [REDACTED] "umpteenth
18 time." It's not once or twice. It was many times that the crisis committee came up
19 against such a situation that was deteriorating.

20 Q. [15:56:12] Thank you. So ... I'm just checking. Yes, we are in open session.

21 I'm now going to be consulting a series of minutes in chronological order, Mr
22 President, your Honours. And I'm going to be starting with document 0030-1044, at
23 tab 89. And more specifically, page 1078 to 1081.

24 If our courtroom officer at the remote location could get this out at page -- at tab 89
25 and go to the corresponding page, that is to say -- or pages, that is to say, 1078 to 1081,

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1 and show them to the witness, please.

2 Do you have the document before you, Mr Witness?

3 A. [15:58:32] Yes, I do have it before me.

4 Q. [15:58:36] So, could you please tell us what this document is, Mr Witness.

5 A. [15:58:52] This is the minutes of a meeting.

6 Q. [15:59:01] So at the top there is written: "2012, 9 April 2012, was held at the
7 domicile Mr Diadié ..." something -- or rather, "Maïga. The ordinary meeting of the
8 crisis committee, presided over by Mr Hallé Ousmane."

9 And then there is a list of people in attendance. Mr (indiscernible) by Mr Hamadoun,
10 and people who -- who apologised for ...

11 But I can see we're reaching the end of the session.

12 PRESIDING JUDGE MINDUA: [15:59:44](Interpretation) Indeed.

13 Madam Courtroom Officer, open (sic) session, please.

14 (Private session at 3.59 p.m.)

15 THE COURT OFFICER: [15:59:54](No interpretation)(Overlapping speakers)

16 THE INTERPRETER: [15:59:55] Apologies: Private session, please.

17 PRESIDING JUDGE MINDUA: [16:00:07](Interpretation) Mr Prosecutor.

18 MR DUTERTRE: [16:00:12](Interpretation)

19 Q. [16:00:13] Now, Mr Witness, [REDACTED]

20 [REDACTED] Is that
21 correct?

22 A. [16:00:25] Yes.

23 Q. [16:00:26] Do you recognise the handwriting of these minutes?

24 A. [16:00:31] Yes.

25 Q. [16:00:33] Could you tell who this handwriting belonged to?

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1 A. [16:00:41] This is the handwriting of ...

2 THE INTERPRETER: [16:00:48] The interpreter did not catch the name.

3 MR DUTERTRE: [16:00:51](Interpretation)

4 Q. [16:00:51] So at the bottom of this page, there is written that:

5 "The agenda of the meeting was ..."?

6 A. [16:00:02] "The adoption of the minutes, dated 5 August; the report of the
7 mission of the youth and miscellaneous."

8 Q. [16:01:21] [REDACTED]

9 [REDACTED]

10 [REDACTED]?

11 A. [16:01:31] Indeed.

12 Q. [16:01:34] As [REDACTED] better than me, is it 5
13 August or 5 April that is written?

14 A. [16:01:48] August.

15 Q. [16:01:49] So at the top of the document, what should we read, Mr Witness? Is
16 it 2012?

17 A. [16:01:55] And it's 9th August.

18 THE INTERPRETER: [16:02:00] Says the witness.

19 MR DUTERTRE: [16:02:02](Interpretation)

20 Q. [16:02:03] I do apologise, it was somewhat difficult for me to read.

21 A. [16:02:04](Overlapping speakers)

22 MR DUTERTRE: [16:02:09](Interpretation) So it was not in chronological order, but
23 it's better for us to correct it.

24 So, maybe I'm in your hands, Mr President. I was, you know, in full swing.

25 PRESIDING JUDGE MINDUA: [16:02:23](Interpretation) You're out of time,

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1 Mr Prosecutor.

2 Now, Madam Courtroom Officer, could we go back into open session, please.

3 (Open session at 4.02 p.m.)

4 THE COURT OFFICER: [16:02:37](Interpretation) We're back in open session, Mr
5 President, your Honours.

6 PRESIDING JUDGE MINDUA: [16:02:42](Interpretation) Thank you very much,
7 Madam Courtroom Officer.

8 Mr Witness, I'm turning to you now. Of course, your day has been a lengthy one,
9 has it not? So we are reaching the end of our hearing for today, but unfortunately
10 your testimony is not yet over.

11 THE WITNESS: [16:03:03](Interpretation) Mm-hmm.

12 PRESIDING JUDGE MINDUA: [16:03:06](Interpretation) So I'm going to ask you to
13 return on Monday at 9.30, The Hague time, for the continuation.

14 THE WITNESS: [16:03:16](Interpretation) Very well.

15 PRESIDING JUDGE MINDUA: [16:03:18](Interpretation) On behalf of the Chamber,
16 I would like to very sincerely thank you for having answered in a very clear manner
17 the questions that were put to you.

18 THE WITNESS: [16:03:33](Interpretation) Thank you.

19 PRESIDING JUDGE MINDUA: [16:03:35](Interpretation) I would like to remind you
20 that it is forbidden for you to speak to anybody about your testimony, whether it be
21 members of your family or friends, were you to come into contact with them.

22 THE WITNESS: [16:03:49](Interpretation) Okay.

23 PRESIDING JUDGE MINDUA: [16:03:52](Interpretation) Once again, thank you
24 all -- thank you very much for your goodwill.

25 THE WITNESS: [16:04:02](Interpretation) Thank you, Mr President.

1 PRESIDING JUDGE MINDUA: [16:04:06](Interpretation) And before we rise for the
2 day, I'd like to express my gratitude to the parties, the participants, the court reporters,
3 the interpreters, who are always at our side, the security guards and our public.
4 And I'd like to wish all a very nice weekend. We shall see you again on Monday
5 morning, 9.30. There we are.
6 Court is adjourned.

7 THE COURT USHER: [16:04:39] All rise.
8 (The hearing ends in open session at 4.04 p.m.)

9 CORRECTIONS REPORT

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

12 Page 58 line 21:

13 "0064-[0]608 ... (Overlapping speakers)" is corrected to "0064-0608, page 0064-0666"

14 Page 72 lines 24-25:

15 "page 0003-0150, and in the transcript -- or for which the transcript is 0064-0608 (sic)
16 and that's page 0064-0697."

17 Is corrected to

18 "page 0003-0150, and in the transcript 0064-0618, it is page 0064-0697."

19 Page 78 line 14:

20 "the page, 0003-" is corrected to

21 "the page, 0003-0111"

22 Page 91 lines 15-17:

23 "MR DUTERTRE: [15:20:47](Interpretation) Still in the document 0030-1048 (sic),
24 your Honour, which is at tab 89. And in particular, I would like to go to page
25 62 -- 1062. 0030-1062. "

1 Is corrected to

2 "MR DUTERTRE: [15:20:47](Interpretation) Still in the document 0030-1044, your

3 Honour, which is at tab 89. And in particular, I would like to go to page 0030-1062."

4 Page 99 lines 6-14:

5 "Q. [15:39:26] So at the top, you can see written:

6 23 September 2012, extraordinary meeting. Presided by Hallé Ousmane.

7 And then we have a list of people present:

8 "Hallé Ousmane, Diadié Hammadoun (sic) Maïga, Sane Chirfi Alpha, Ibrahim Khalil

9 Touré, Boubacar Ma- ..."

10 THE INTERPRETER: [15:39:56] Could counsel, please, go more slowly when he's

11 reading out names. (Overlapping speakers)

12 MR DUTERTRE: [15:40:01](Interpretation)

13 Q. [15:40:01](Overlapping speakers)... Bilal Mahamane."

14 And there, we can see that there are apologies.

15 THE INTERPRETER: [15:40:03] A number of names were missed because they were

16 read very, very fast. "

17 Is corrected to

18 "Q. [15:39:26] So at the top, you can see written: 23 September 2012, extraordinary

19 meeting. Presided by Hallé Ousmane. And then we have a list of people present:

20 "Hallé Ousmane, Diadié Hamadoun Maïga, Sane Chirfi Alpha, Ibrahim Khalil Touré,

21 Boubacar Mamadou (sic) Touré, Mahamane Alidji Touré "- to name but a few.

22 THE INTERPRETER: [15:39:56] Could counsel, please, go more slowly when he's

23 reading out names. (Overlapping speakers)

24 MR DUTERTRE: [15:40:01](Interpretation)

25 Q. [15:40:01] "Assoura Albadia, Litni and Bilal Mahamane" And there, we can see

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- 1 that there are apologies.""
- 2 Page 106 lines 16-17:
- 3 "the threats were accentuated, and these violent acts were continuing"
- 4 Is corrected to
- 5 "the threats increased, and at this meeting it wasn't the first time that these violent
- 6 acts were continuing."
- 7 The following corrections, marked with an asterisk and included in the audio-visual
- 8 recording of the hearing, are brought into the transcript.
- 9 Page 70 line 13:
- 10 "page 0003-1 – 0150" is corrected to "page 0003-0150"