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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 Monday, 6 December 2021
10 (The hearing starts in open session at 9.32 a.m.)
11 THE COURT USHER: [9:32:19] All rise. The International Criminal Court is now
12 in session Please be seated.
13 PRESIDING JUDGE MINDUA: [9:32:38](Interpretation) Court is in session.
14 Good morning to everyone.
15 And, a good start to the week.
16 Court officer, please call the case
17 THE COURT OFFICER: [9:33:08] (Interpretation) Good morning, your Honour,
18 your Honours. Situation in the Republic of Mali, in the case of Prosecutor against Al
19 Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud, ICC-01/12-01/18.
20 And we are in open session.
21 PRESIDING JUDGE MINDUA: [9:33:24](Interpretation) Thank you very much,
22 court officer.
23 As we do every morning, we shall start with the appearances, starting with the Office
24 of the Prosecutor.
25 Prosecutor?

ICC

-CO

G C

Trial Hearing
MLI-OTP-P-0004

(Open Session)

ICC-01/12-01/18

- 1 MR DUTERTRE: [9:33:38](Interpretation) Thank you, your Honour. Good
2 morning. Good morning, your Honours. The Office of the Prosecutor is composed
3 of Maître Marie-Jeanne Sardachti, Lucio Garcia and, myself, Gilles Dutertre, this
4 morning. And, we wish everybody a good morning in and outside of the
5 courtroom.
- 6 PRESIDING JUDGE MINDUA: [9:34:00](Interpretation) Thank you very much,
7 Prosecutor
- 8 I now turn towards the Defence. Ms Taylor.
- 9 MS TAYLOR: [9:34:06] Good morning, Mr President. Good morning,
10 your Honours. Good morning to everyone in and around the courtroom.
11 Good morning, Mr Witness.
- 12 The Defence for Mr Al Hassan is represented today by Maître Julia Basile and myself,
13 Melinda Taylor. Thank you very much.
- 14 PRESIDING JUDGE MINDUA [9:34:26](Interpretation) Thank you very much,
15 Ms Taylor.
- 16 I now turn to the Legal Representatives of the Victims.
- 17 MS GOFFIN: [9:34:34](Interpretation) Your Honour, your Honours, good morning.
18 The Legal Representatives of Victims this morning -- Madam Anouk Kermiche and
19 myself, Julie Goffin. And, I greet all my colleagues in the courtroom this morning.
- 20 PRESIDING JUDGE MINDUA: [9:34:49](Interpretation) Thank you very much,
21 Maître Goffin. And on behalf of the Chamber, I would like to welcome you.
22 This morning, we are continuing with hearing the Prosecution witness, P-0004.
23 I now turn towards the witness.
- 24 Good morning, Witness. How are you?
- 25 WITNESS: MLI-OTP-P-0004 (On former oath)

ICC

-CO

G C

Trial Hearing
MLI-OTP-P-0004

(Open Session)

ICC-01/12-01/18

1 (The witness speaks French)

2 (The witness gives evidence via video link)

3 THE WITNESS: [09:35:13](Interpretation) Good morning. I'm well, thank you.

4 PRESIDING JUDGE MINDUA: [9:35:18](Interpretation) On behalf of the Chamber, I
5 would, once again, like to welcome you, and I would like to remind you also that you
6 are still under oath and that you must tell the truth, the whole truth and nothing but
7 the truth.

8 Furthermore, I would like to remind you of my advice of a practical nature with
9 regard to taking the floor. We must all speak slowly and clearly whilst observing
10 pauses, in particular, for this hearing. As there are many of us who speak French,
11 the interpreters in the English booth have difficulties in working if we do not make
12 breaks.

13 Without any further ado, I give the floor to the Office of the Prosecutor to continue
14 and finish the examination-in-chief

15 MR DUTERTRE: [9:36:26](Interpretation) Thank you very much, your Honour.

16 We certainly intend to finish today.

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

18 Q. [9:36:52] Good morning, Witness

19 A. [9:36:53] Good morning.

20 Q. [9:36:54] Were you able to have a good weekend?

21 A. [9:36:57] Indeed, I did. I had a good weekend.

22 Q. [9:36:59] Very good. We can therefore continue with our exercise that we
23 suspended on Friday afternoon, in particular, in this regard, I would now like to look
24 at document - at tab 90, your Honour, of the eCourt binder, tab 0030-1084,
25 page 1190

ICC

-CO

G C

Trial Hearing
MLI-OTP-P-0004

(Open Session)

ICC-01/12-01/18

- 1 THE INTERPRETER: [09:37:49] "1170 - corrects the interpreter.
- 2 MR DUTERTRE: [9:37:53](Interpretation) - which continues afterwards to tab 91,
- 3 and it's document 0030-1171, and it's tab 91. And I'd be very grateful if the court
- 4 officer could - if the court officer in the field could give the two documents to the
- 5 witness, starting with tab 90.
- 6 And I will give the witness the time necessary to look at these two documents,
- 7 your Honour.
- 8 Q. [9:39:52] Is it good now, Witness?
- 9 A. [9:39:56] (No interpretation) *Oui, c'est bon.*
- 10 Q. [9:39:57] Very well. Can you now tell us what this document is.
- 11 A. [9:40:02] This is a report or minutes of a meeting.
- 12 Q. [9:40:15] A minutes of a meeting? A meeting of who and about what?
- 13 A. [9:40:18] This is a meeting of the crisis committee.
- 14 Q. [9:40:27] Witness, do you recognise the handwriting in this document? Please
- 15 answer yes or no at this stage.
- 16 A. [9:40:35] Yes.
- 17 Q. [9:40:38] Would you be so kind as to read from the start of page 0030-1170 to
- 18 the -- a third of this document to the word "hospital" or "hospitals" 0030-1170.
- 19 THE INTERPRETER: [9:41:16] And the interpreter points out that he can't read the
- 20 entirety of the paragraph as the right-hand side is cut off on the screen.
- 21 MR DUTERTRE: [9:41:49](Interpretation) This at tab 90. It's the last page,
- 22 0030-1170.
- 23 Q. [9:42:08] Please read it, Witness.
- 24 A. [9:42:10] Where should where should I read to?
- 25 Q. [9:42:12] "Hospital.

ICC

-CO

G C

Trial Hearing
MLI-OTP-P-0004

(Open Session)

ICC-01/12-01/18

1 A. [9:42:16] "On the 29th of April 2012, the general assembly recalled the crisis
2 committee, which was set up of its missions, namely, to make it safe for people and
3 their property, to aid the passage of humanitarian corridors - whatever the national
4 provenance, international or local or other provenance of persons be, to facilitate the
5 agricultural campaign and reconstitute the evacuation logistics to hospitals and to make
6 the hospitals safe.

7 Q. [9:43:08] Thank you very much.

8 I have a question on this subject, Witness. This is dated 29 April 2012. Can you
9 confirm that this is a time when the crisis committee acted, but was not doing it in an
10 official way

11 It wasn't yet recognised by Ansar Dine and AQIM as you explained on Friday.

12 A. [9:43:42] Yes

13 Q. [9:43:45] I was waiting for the English transcript.

14 It doesn't seem to be coming.

15 I'm going to continue.

16 And, in what you've just read with regards to the different missions of the crisis
17 committee - they are listed - according to the best of your memory, does that respond
18 (sic) with what the crisis committee was occupied with in 2012?

19 A. [9:44:34] It does correspond with that.

20 MR DUTERTRE: [9:44:47](Interpretation) Your Honour, I can see that the English
21 transcript is still frozen. I'm in your hands if you want me to continue or not.

22 PRESIDING JUDGE MINDUA: [9:44:55](Interpretation)(Overlapping speakers)...
23 thank you.

24 MR DUTERTRE: [9:44:57](Interpretation)

25 Q. [9:44:58] I will read the second part of this page, partially, and I will put one or

ICC

-CO

G C

Trial Hearing
MLI-OTP-P-0004

(Open Session)

ICC-01/12-01/18

- 1 two questions about it, Witness It is marked - and, here, it opened brackets:
- 2 "(To carry out well the mission, a crisis committee has been set up, and it includes:
- 3 President Hallé Ousmane...
- 4 MR DUTERTRE: [9:45:32](Interpretation) There's no French transcript now.
- 5 PRESIDING JUDGE MINDUA: [9:45:36](Interpretation) Ms Taylor.
- 6 MS TAYLOR: [9:45:39](Overlapping speakers) Thank you very much, Mr
- 7 President. I was standing up to say exactly the same; that we seem to have lost both
- 8 transcripts.
- 9 PRESIDING JUDGE MINDUA: [9:45:51](Interpretation) Well, it appears that the
- 10 English transcript is now working.
- 11 MR DUTERTRE: [9:45:59](Interpretation) Okay, let's go with the English one.
- 12 PRESIDING JUDGE MINDUA [9:46:01](Interpretation) Very well, go with that,
- 13 Prosecutor.
- 14 MR DUTERTRE: [9:46:04](Interpretation)
- 15 Q. [9:46:05] So, once again: "(In order to ensure the mission, a crisis commission has
- 16 been set up and it includes: President Hallé Ousmane ..
- 17 MR DUTERTRE: [9:46:31](Interpretation) There seems to be a recurring problem,
- 18 your Honour. I'm in your hands, your Honour
- 19 PRESIDING JUDGE MINDUA: [9:46:46](Interpretation) Madam Court Officer, now
- 20 there's the French transcript which is working, and the English one's blocked.
- 21 Court officer, what's happening?
- 22 THE COURT OFFICER: [9:46:56](Interpretation) Your Honour, indeed, we are
- 23 having technical problems with the French and English transcription. It would seem
- 24 that the English transcript is working.
- 25 I would apologise for the inconvenience; we are currently trying to ensure that we can

ICC

-CO

G C

Trial Hearing
MLI-OTP-P-0004

(Open Session)

ICC-01/12-01/18

1 remedy this.

2 PRESIDING JUDGE MINDUA: [9:47:18](Interpretation) Thank you very much.

3 Prosecutor, can we wait a few minutes?

4 THE COURT OFFICER: [9:48:00] Your Honour, I'm informed unfortunately, that the

5 problem comes from the server, the main server, which has affected both transcripts

6 and for it to be resolved, then either the - and we want to use the transcription in

7 order to have a functional transcript, we have to have still some more time so that the

8 technicians can restart the server.

9 MR DUTERTRE: [9:48:29](Interpretation) The French is working, I have the

10 impression. The French transcript is working

11 PRESIDING JUDGE MINDUA: [9:48:36](Interpretation) Let's continue with the

12 French transcript, Prosecutor.

13 MR DUTERTRE: [9:48:39](Interpretation) Thank you very much. I will continue.

14 I'm going to shorten my quotes to save time. Open brackets:

15 "(In order to ensure the mission is carried out well, a crisis committee was set up

16 including as President: Hallé Ousmane; Vice-presidents: Diadié Amadou Maïga,

17 Sane Alpha Salaoum - vice-presidents, plural; *rapporteurs*, plural: Assoura Albadia,

18 Alassane Tandina.

19 And among the members - I won't be exhaustive "Alboukarim Ben Essayouti.

20 Q. [9:49:57] Witness, could you tell us, who is Alassane Tandina?

21 A. [9:50:03] Alassane Tandina is a member of the crisis committee who is a teacher.

22 Q. [9:50:12] And Alboukarim Ben Essayouti, who's he?

23 A. [9:50:22] He is the leader of the cultural mission or head of the cultural mission

24 in Timbuktu at the time.

25 PRESIDING JUDGE MINDUA: [9:50:29](Interpretation) I can now tell you,

Trial Hearing
MLI-OTP-P-0004

(Private Session)

ICC-01/12-01/18

1 Prosecutor, that the two transcripts are now both working.

2 MR DUTERTRE: [9:50:33](Interpretation) Thank you very much, your Honour.

3 PRESIDING JUDGE MINDUA: [9:50:39](Interpretation) Very well.

4 MR DUTERTRE: [9:50:41](Interpretation)

5 Q. [9:50:41] Does this person have any link with the grand imam of Timbuktu?

6 A. [9:50:48] Indeed, he does. It - that is his younger brother.

7 Q. [9:50:57] So he is the - do you mean his -- his younger brother, or he's the young
8 brother of him?

9 A. [9:51:07] Alboukarim is the younger brother of -- he is the younger brother of
10 Ben Essayouti

11 MR DUTERTRE: [9:51:21] I have three, four or five questions that I need to put,
12 your Honour.

13 PRESIDING JUDGE MINDUA: [9:51:29](Interpretation) Please take us into private
14 session, court officer.

15 (Private session at 9.51 a.m.)

16 THE COURT OFFICER: [9:51:35] (Interpretation) We are in private session,
17 your Honour.

18 PRESIDING JUDGE MINDUA [9:51:40](Interpretation) Thank you very much,
19 court officer.

20 Prosecutor

21 MR DUTERTRE: [9:51:43](Interpretation) Thank you, your Honour.

22 Q. [9:51:48] Witness, at the bottom of this page, 0030-1170, now it is indicated:

23 "At the start ..." it's marked "15", and [REDACTED] 18 [REDACTED]

24 [REDACTED] delegates from Sankoré, Sareïkena, Hammabangou and Abaradjou.

25 Are you able to explain to the Chamber the development in the number of members

Trial Hearing
MLI-OTP-P-0004

(Private Session)

ICC-01/12-01/18

1 of the crisis committee? It went from 15 to being 18 in April 2012.

2 A. [9:52:40] In the development of the crisis committee, there was a concern for
3 representativity. All the sectors, all the neighbourhoods, had to be represented
4 therein.

5 Q. [9:52:57] So if I understand your question (sic), that is what meant that the
6 number of members increased, is it not?

7 A. [9:53:07] Yes.

8 Q. [9:53:07] [REDACTED]
9 [REDACTED]?

10 A. [9:53:17] [REDACTED]

11 Q. [9:53:34] [REDACTED] and you can
12 see Alassane Tandina's name as a rapporteur

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

16 A. [9:54:06] [REDACTED]

17 Q. [9:54:16] [REDACTED]

18 Is that what you're referring to?

19 A. [9:54:30] Exactly.

20 Q. [9:54:31] [REDACTED]

21 [REDACTED]?

22 A. [9:54:41] Yes.

23 Q. [9:54:45] Thank you for that clarification.

24 THE INTERPRETER: [9:54:50] In the previous answer, it wa [REDACTED]

25 MR DUTERTRE: [9:54:55](Interpretation)

Trial Hearing
MLI-OTP-P-0004

(Private Session)

ICC-01/12-01/18

1 Q. [9:54:56] [REDACTED]? Could
2 you specify that.

3 A. [9:55:05] [REDACTED]
4 [REDACTED]

5 Q. [9:55:20] My final question in private session, Witness: Now you said that you
6 recognised this handwriting.

7 Whose handwriting is this in the case in point and in the next tab, tab 91, 0030-1173?

8 A. [9:55:47] This is the handwriting of Assoura Albadia.

9 Q. [9:55:57] Including on page 0030...

10 A [9:56:00] Indeed

11 MR DUTERTRE: [09:56:03] Very well. So I said, 0030-1171 and following.

12 Now we can go into open session, your Honour

13 PRESIDING JUDGE MINDUA: [9:56:24](Interpretation) Court officer, please take us
14 into open session.

15 (Open session at 9.56 a.m.)

16 THE COURT OFFICER: [9:56:33] We are in open session once again, your Honour.

17 PRESIDING JUDGE MINDUA: [9:56:36](Interpretation) Thank you very much.

18 Prosecutor

19 MR DUTERTRE: [9:56:38](Interpretation) Thank you, your Honour.

20 Q. [9:56:40] So I'm now going to read a passage from page 0030-1173 at tab 91, and
21 it is as follows ...

22 PRESIDING JUDGE MINDUA: [9:57:08](Interpretation) Ms Taylor.

23 MS TAYLOR: [9:57:09] Thank you very much, Mr President. I wonder if the sound
24 could be briefly cut from the witness?

25 PRESIDING JUDGE MINDUA: [9:57:20](Interpretation) Court officer, please cut the

ICC

-CO

G C

Trial Hearing
MLI-OTP-P-0004

(Open Session)

ICC-01/12-01/18

1 sound to the witness.

2 THE COURT OFFICER: [9:57:24] (Interpretation) The sound has been cut,
3 your Honour.

4 PRESIDING JUDGE MINDUA: [9:57:28](Interpretation) Thank you very much.
5 Ms Taylor.

6 MS TAYLOR: [9:57:30] Mr President, now the version that we have is extremely
7 difficult to read and we have not had anyone testify as to the contents. So I do
8 wonder if it's appropriate for the Prosecution to just simply read out what they
9 understand to be the contents, rather than having the witness (a) be first to testify on
10 what he understands was discussed at this meeting; and (b) for him to testify in
11 relation to the contents because there is an issue of extreme unfairness here and that
12 we had requested transcripts from the Prosecution We weren't provided transcripts,
13 and we're effectively being forced to take the Prosecution on their word as to what
14 this actually says, since no one has actually testified as to the contents

15 Now I do wonder if we get to pages where it is illegible or where it's not clear,
16 whether it is appropriate for the Prosecution to simply read it out

17 PRESIDING JUDGE MINDUA: [9:58:45](Interpretation) Yes, Prosecutor.

18 MR DUTERTRE: [9:58:47](Interpretation) Yes, your Honour. For a Francophone,
19 it's perfectly readable and understandable and legible, and French is the working
20 language of this Court.

21 Now as for whether it's already been discussed by the previous witness, I refer to the
22 objection that was made on Friday and perhaps that should be referred to with regard
23 to a decision arising therefrom.

24 PRESIDING JUDGE MINDUA: [9:59:10](Interpretation) Indeed, Prosecutor.

25 So Ms Taylor, you are speaking about this document. You're not sure about the

ICC

-CO

G C

Trial Hearing
MLI-OTP-P-0004

(Open Session)

ICC-01/12-01/18

1 veracity of the document, or the tenor or the certainty of it, of the remarks of the
2 Prosecutor.

3 What - what's the issue? The witness is able to read it.

4 MS TAYLOR: [9:59:33] Now, Mr President, as you may recall from last Friday, there
5 was already an issue with a word that the Prosecution had assumed was August or
6 April and was the contrary. And my concern is for the Prosecution to put forward
7 their own case as to what words are, when we haven't had the witness who authored
8 these documents actually testify to what certain words are.

9 So I do believe it's dangerous for this Prosecutor to simply read out extracts wholesale
10 when we haven't had anyone verify specifically the contents of these documents.

11 PRESIDING JUDGE MINDUA: [10:00:29](Interpretation) I've understood what
12 you're driving at, Ms Taylor, but I think, as the Prosecutor has said, for Francophones,
13 I believe that the writing here is sufficiently legible. You may continue with that.
14 Mr Prosecutor.

15 MR DUTERTRE: [10:00:48](Interpretation) Thank you. I will ask the witness if he
16 can read it as well. I think that will be sufficient, and we can kill two birds with one
17 stone.

18 Q. [10:00:59] Now, Witness, do you have page 0030-1173?

19 PRESIDING JUDGE MINDUA: [10:01:07](Interpretation) Please re-establish the feed
20 to the witness, court officer.

21 THE COURT OFFICER: [10:01:15](Interpretation) The witness can hear us.

22 PRESIDING JUDGE MINDUA: [10:01:18](Interpretation) Thank you. Prosecutor.

23 MR DUTERTRE: [10:01:20](Interpretation) Thank you.

24 Q. [10:01:21] Mr Witness, do you have 0030-1173 in front of you?

25 A. [10:01:27] Yes, I do.

ICC

-CO

G C

Trial Hearing
MLI-OTP-P-0004

(Open Session)

ICC-01/12-01/18

1 Q. [10:01:29] I'd like to read out one passage, and then I'll ask you some questions.

2 The passage is in the middle of the page. And let me begin, quote:

3 "In light of our astonishment that at the meeting with the HCI, Mayor Ben Essayouti,

4 Ansar Dine, our committee was disavowed by the Islamists whom, in addition, forbid

5 us systematically by - from giving suggestions, expressing opinions in relation to any

6 action. They get the last word as the authority in this area. End of quote.

7 Now, have I read out the passage correctly? Does that correspond to what you can

8 see?

9 A. [10:03:05] Yes, it's correct.

10 Q. [10:03:07] So we're talking April 2012

11 Were you aware of this meeting with the HCI, Ansar Dine, and the mayor?

12 A. [10:03:23] Yes, I was aware of the meeting

13 Q. [10:03:26] Could you tell us what the meeting was all about.

14 A. [10:03:31] These were the initial actions taken regarding the provision of goods

15 to the population, and the occupants did want - well, you see, the crisis committee

16 thought they could manage things and - but the occupants said, "*Nyet*, no way.

17 Q. [10:04:05] When you say that the committee thought they could manage it, are

18 you talking about the distribution of assistance, of aid?

19 A. [10:04:15] Yes, the distribution of aid.

20 Q. [10:04:21] To your knowledge, are you aware why the occupants said, "*Nyet*, no

21 way"?

22 A. [10:04:38] In actual fact, they wanted to have total control, and also perhaps they

23 didn't trust the crisis committee and what it was supposed to be doing.

24 Q. [10:04:59] And to be entirely clear, the occupants - who were the occupants

25 exactly? Can you be more specific.

ICC

-CO

G C

Trial Hearing
MLI-OTP-P-0004

(Open Session)

ICC-01/12-01/18

1 A. [10:05:12] Actually, Ansar Dine and AQMI.

2 Q. [10:05:26] Could you comment on the part of the following sentence, Mr Witness,
3 quote:

4 "Our committee was disavowed by the Islamists, who, what is more, systematically
5 prohibited us from making suggestions or having opinions about any particular act.
6 They had the last word as the authorities in this area.

7 Do you have any comments on this - these systematic
8 prohibitions?

9 A. [10:06:04] Well, actually, it was in relation to the mandate of the crisis committee
10 which the assembly had set, namely, have control over everything that had happened,
11 and, in that regard, they gave us to understand that that was out of the question.

12 Q. [10:06:34] Thank you

13 I'd now like to set aside this document, and once again, following chronological order,
14 could we move on to 0003-0062, which have which we have already looked at on
15 Friday, tab 2, Mr Witness.

16 And I'm specifically looking at page 0003-0150, and for my learned friend this is in the
17 transcript 0608, being - the specific page reference is 0697 - 0064-0608.

18 Now, we looked at this document on Friday, but in relation to something else I'd
19 like to read out:

20 "Meeting of the crisis committee THURSDAY 5th of the 10th month 2012.

21 Then there's a list of names.

22 Then after that, we read:

23 "UNICEF - INTERNATIONAL RED CROSS" and an organisation called "HANDICAP
24 INTERNATIONAL".

25 Could you comment, Mr Witness. What is this about? UNICEF - International Red

ICC

-CO

G C

Trial Hearing
MLI-OTP-P-0004

(Open Session)

ICC-01/12-01/18

- 1 Cross, Handicap International and this meeting on the 5th day of the
- 2 THE INTERPRETER: [10:08:38] Correction: The 10th day of the 5th month.
- 3 THE WITNESS: [10:08:43] (Interpretation) Once again, the committee was trying to
- 4 serve as an interface and to allev[iate] the suffering of the people. The humanitarian
- 5 workers - we wanted to help humanitarian workers, and there were also problems
- 6 with the electricity supply. We had to find some way of making the electrical plant
- 7 work.
- 8 MR DUTERTRE: [10:09:18] (Interpretation)
- 9 Q. [10:09:18] You're referring to 40,000 litres of diesel provided by the two
- 10 movements
- 11 A. [10:09:28] Yes, yes, that too.
- 12 Q. [10:09:30] And when you say the "two movements," exactly who do you mean
- 13 A. [10:09:37] well, actually the MNLA and the others -- AQMI, Ansar Dine.
- 14 Q. [10:09:51] Understood. Now, in relation to UNICEF, International Red Cross,
- 15 Handicap International, you responded, and you said that the committee wanted to
- 16 be an interface and to help alleviate the suffering of the people.
- 17 What do you mean by alleviate the suffering of the people? And we're talking about
- 18 10 May 2012.
- 19 A. [10:10:30] Well, in - the population had needs. They needed food, they needed
- 20 health care, and they needed other social services that no longer existed.
- 21 Q. [10:10:44] Well, you mentioned the International Red Cross here.
- 22 Did the International Red Cross intervene at that time to the best of your recollection?
- 23 A. [10:11:03] I think that they did intervene.
- 24 MR DUTERTRE: [10:11:17](Interpretation) Your Honour, if we could go into private
- 25 session for a moment.

Trial Hearing
MLI-OTP-P-0004

(Private Session)

ICC-01/12-01/18

1 PRESIDING JUDGE MINDUA: [10:11:23](Interpretation) Private session, please.

2 (Private session at 10.11 a.m.)

3 THE COURT OFFICER: [10:11:29] (Interpretation) We are in private session.

4 PRESIDING JUDGE MINDUA: [10:11:33](Interpretation) Thank you.

5 Mr Prosecutor.

6 MR DUTERTRE: [10:11:38](Interpretation)

7 Q. [10:11:39] Mr Witness, now that we're in private session [REDACTED]

8 [REDACTED] Could tell - could you tell us more about how the Red Cross was intervening

9 in Timbuktu in 2012 and how were things done with Ansar Dine and AQMI, the
10 groups that controlled everything at the time?

11 A. [10:12:06] Initially, they were against any organisation intervening, any
12 organisation that was not Islamic Now, these organisations decided to intervene,
13 and since the High Islamic Council was better accepted than them, ultimately they
14 asked the High Islamic Council to assist so that help could be provided but through
15 the High Islamic Council.

16 So they only would accept assistance if it came through the HCI, the Islamic High
17 Council.

18 Q. [10:13:15] Understood.

19 And when you say "they," are you referring to Ansar Dine and AQIM?

20 A. [10:13:23] Yes, Ansar Dine and AQIM.

21 Q. [10:13:29] To the best of your recollection...

22 MR DUTERTRE: [10:13:33](Interpretation) We can go back into open session,
23 your Honour.

24 PRESIDING JUDGE MINDUA: [10:13:36](Interpretation) Open session, court
25 officer.

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Trial Hearing
MLI-OTP-P-0004

(Open Session)

ICC-01/12-01/18

1 (Open session at 10.13 a.m.)

2 THE COURT OFFICER: [10:13:41] (Interpretation) We are back in open session.

3 PRESIDING JUDGE MINDUA: [10:13:49](Interpretation) Thank you.

4 Mr Prosecutor.

5 MR DUTERTRE: [10:13:54](Interpretation) Thank you, your Honour.

6 Q. [10:13:57] To the best of your recollection, Mr Witness, at the time in Timbuktu
7 in 2012, other than the Red Cross and organisations like that, who was providing food
8 aid to the people of Timbuktu?

9 A. [10:14:16] I don't remember exactly who was providing the aid, but all the aid
10 went through the High Islamic Council

11 Q. [10:14:37] Thank you for that clarification about this document. We will now
12 move on to another document, and I'm referring to 0030-1084, binder 2, tab 90.

13 If the court officer at the remote location could show these pages to the witness. I'm
14 specifically interested in pages 0030-1145 to 0030-1148

15 So we are indeed looking at pages 0030-1145 to 0030 to 1148. If you could just have
16 a look at those pages, Mr Witness.

17 What is this document, Mr Witness? Can you tell us?

18 A. [10:17:17] Once again, these are the minutes of a meeting of the crisis committee.

19 Q. [10:17:37] Do you recognise the handwriting? Just say yes or no.

20 A. [10:17:42] Yes.

21 Q. [10:17:45] Here we read at the beginning, page 0030-1145:

22 "Minutes of the ordinary meeting of the crisis committee, 3 June 2012.

23 On the 3rd of June 2012, at 9 a.m., at the Timbuktu town hall, a meeting was held
24 chaired by Diadié Hamadoun..., 1st vice president of the crisis committee.

25 In attendance nearly all the members.

Trial Hearing
MLI-OTP-P-0004

(Private Session)

ICC-01/12-01/18

1 MR DUTERTRE: [10:18:40](Interpretation) If we could very quickly go into private
2 session, your Honours.

3 PRESIDING JUDGE MINDUA: [10:18:44](Interpretation) Court officer, private
4 session, please.

5 (Private session at 10.18 a.m.)

6 THE COURT OFFICER: [10:18:47] (Interpretation) We are in private session,
7 your Honours.

8 PRESIDING JUDGE MINDUA: [10:18:57](Interpretation) Thank you.

9 Mr Prosecutor.

10 MR DUTERTRE: [10:19:02](Interpretation)

11 Q. [10:19:02] Mr Witness, now you said that you recognised the handwriting.

12 Whose handwriting is this, if you can make it out?

13 A. [10:19:14] It's the writing of ...

14 THE INTERPRETER: [10:19:27] Inaudible

15 Correction: Assoura Albadia.

16 MR DUTERTRE: [10:19:36](Interpretation) It reads that nearly everyone - nearly all
17 the members were in attendance.

18

19 A. [10:19:48]

20 Q. [10:19:49] Just one procedural point in relation to the minutes. Now, at
21 page 1148, it reads that the meeting ended at 10:30.

22

23

24 A. [10:20:20]

25 Q. [10:20:24]

Trial Hearing
MLI-OTP-P-0004

(Private Session)

ICC-01/12-01/18

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A. [10:20:33]

3

4

Q. [10:20:41] Understood.

5

MR DUTERTRE: [10:20:44](Interpretation) Your Honours, we can go into open

6

session.

7

PRESIDING JUDGE MINDUA: [10:20:48](Interpretation) Open session, please.

8

(Open session at 10.20 a.m.)

9

THE COURT OFFICER: [10:20:52] (Interpretation) We are back in open session.

10

PRESIDING JUDGE MINDUA [10:21:01](Interpretation) Thank you very much

11

Mr Prosecutor.

12

MR DUTERTRE: [10:21:05](Interpretation) Thank you, your Honour.

13

Q. [10:21:09] Now, we're looking at this document here. It has to do with

14

a meeting, the meeting of 3 June 2012 of the crisis committee, and I'd like to read

15

something out. And this is at page 1148, quote - and if you could indicate to me

16

whether I'm quoting from this document correctly, 0030-1148. Tell me once you've

17

found the spot.

18

Perhaps -- perhaps we could mention to the court officer at the remote location that

19

until I've finished with the document, he should keep the document open.

20

Page 0030-1148, tab 90.

21

THE COURT OFFICER: [10:22:47] (Interpretation) Court officer in the field: There

22

is also the possibility of putting the page up on the screen.

23

MR DUTERTRE: [10:23:16](Interpretation)

24

Q. [10:23:17] Can you see the page?

25

A. [10:23:19] Yes.

ICC

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Trial Hearing
MLI-OTP-P-0004

(Open Session)

ICC-01/12-01/18

1 Q. [10:23:20] I quote: "During the last meeting, it was observed that Ansar Dine
2 elements were engaging in unorthodox practices, harassing women and young
3 people in the markets. It was noted that thefts continue and to an increasing
4 extent - to an increasing extent, thefts are being perpetrated in private
5 homes - houseboys, cooks, women having dealings with the household.

6 Is that what you see here?

7 A. [10:24:30] Yes, that is correct.

8 Q. [10:24:35] Now, we're talking about June 2012. Could you comment on this
9 part of the sentence.

10 A [10:24:42] It was seen that Ansar Dine elements were engaging in unorthodox
11 practices in relation to women and young people in all the markets. Often the
12 people were reporting to the crisis committee that they had been subjected to violence
13 and abuse, particularly women.

14 So that's what this sentence is about.

15 Q. [10:25:25] How often would the crisis committee receive such complaints?

16 A. [10:25:35] These were daily occurrences that could happen at any time.
17 Basically, the crisis committee would note that these things had occurred every time
18 they met, and usually it was on Thursday.

19 Q. [10:26:01] What kind of abuse occurred, Mr Witness, to the best of your
20 knowledge?

21 A. [10:26:11] To my knowledge, women were harassed. They would be forced to
22 wear gloves; or not to sell goods to men at a certain distance; or they would be
23 harassed because they were not wearing a headscarf.

24 Q. [10:26:38] Perhaps there's a grammatical problem here.

25 Two clarifications: They were required to wear gloves or not sell to men at a certain

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Trial Hearing
MLI-OTP-P-0004

(Open Session)

ICC-01/12-01/18

1 distance.

2 Who are you talking about exactly?

3 A. [10:27:01] Ansar Dine and AQIM.

4 Q. [10:27:02] Just to clarify, they required women to wear a headscarf or not? It's
5 ambiguous in French.

6 A. [10:27:14] They required them to wear a headscarf.

7 Q. [10:27:19] You said that it was women, in particular, who were harassed, who
8 were subjected to abuse.

9 Why was it women in particular? Page 23, line 8, in the French.

10 A. [10:27:39] In actual fact, their first requirement was that women be covered,
11 veiled, wear a headscarf, and also the markets were quite busy, and many women
12 were there working

13 Q. [10:28:00] Understood.

14 Two further clarifications: Now, in this document, reference is made to "unorthodox
15 practices.

16 What do you mean, or what was meant, rather, by "unorthodox practices" and so on

17 A. [10:28:27] Well, reference was made to "unorthodox practices," and what I

18 meant by that - or what was meant by that was practices that were out of the

19 ordinary, but "lynching" is not the right word here. What actually happened was

20 that women were - women were harassed Whipped in some cases.

21 Q. [10:29:00] That is useful for everyone. I've finished with this document, and I'd

22 now like to move on to another document, once again, same binder, tab 2, binder 1,

23 0030-1084. And if we could go to pages 1153 to 1155, MLI-OTP-0030-1084.

24 Tell me once you've found the document, Mr Witness.

25 A. [10:30:46] I have it in front of me.

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Trial Hearing
MLI-OTP-P-0004

(Private Session)

ICC-01/12-01/18

1 Q. [10:30:48] So, if you could look at page 0030-1152 (sic) to -55.

2 THE INTERPRETER: [10:31:05] Correction: 1153 to 1155.

3 MR DUTERTRE: [10:31:23](Interpretation)

4 Q. [10:31:57] Have you been able to see it? Could you tell us what it is, please,

5 Witness

6 A. [10:32:04] These are the minutes of a meeting of the crisis committee.

7 Q. [10:32:13] So it is indeed mentioned:

8 "Minutes of an ordinary crisis committee on the 17 June 2012.

9 Sunday, 17 June 2012, at 9 o'clock, the mayor of Timbuktu held an ordinary meeting
10 of the crisis committee under the presidency of Mr Hallé Ousmane, president of the
11 said committee.

12 And, "The following persons took part in the meeting Mr Hallé Ousmane, Sane
13 Alpha Saloum, Diadié Hamadoun (sic) Maïga, Assoura Albadia ..." and others.

14 THE INTERPRETER: [10:33:16] Assoura Albadia, Alassane Tandina, and others,
15 corrects the interpreter.

16 PRESIDING JUDGE MINDUA [10:33:24](Interpretation) Private session, please,
17 court officer.

18 (Private session at 10.33 a.m.)

19 THE COURT OFFICER: [10:33:29] (Interpretation) We are in private session,
20 your Honour.

21 PRESIDING JUDGE MINDUA: [10:33:34](Interpretation) Thank you very much.
22 Prosecutor

23 MR DUTERTRE: [10:33:35](Interpretation) Thank you, your Honour.

24 Q. [10:33:37] Witness, here's your question: Do you recognise the handwriting on
25 this document? Whose handwriting is it, if you can say?

Trial Hearing
MLI-OTP-P-0004

(Private Session)

ICC-01/12-01/18

1 A. [10:33:46] Yes, I recognise the writing.

2 Q. [10:33:49] And whose handwriting is it?

3 A. [10:33:52] Mr Assoura Albadia.

4 Q. [10:34:07] Understood. [REDACTED]

5 [REDACTED]

6 [REDACTED]?

7 A. [10:34:22] [REDACTED]

8 MR DUTERTRE: [10:34:26](Interpretation) So we can go into open session,

9 your Honour.

10 PRESIDING JUDGE MINDUA [10:34:29](Interpretation) Open session, please, court

11 officer.

12 (Open session at 10.34 a.m.)

13 THE COURT OFFICER: [10:34:37] (Interpretation) We are again in open session,

14 your Honour.

15 PRESIDING JUDGE MINDUA: [10:34:42](Interpretation) Thank you very much.

16 Prosecutor

17 MR DUTERTRE: [10:34:46](Interpretation) Thank you, your Honour.

18 Q. [10:34:46] I'm now going to page 0030-1155 of the minutes of 17 June 2012. I'm

19 going to read the last paragraph:

20 "In miscellaneous or other matters: The committee deplored the exactions

21 committed in places of worship, the inaction of the faithful - or the lack of action of

22 the faithful and expressed the wish to see greater solidarity between Muslims faced

23 with the rebels. The meeting took place at 10:30.

24 Now, Witness, are you able -- now we're talking about 17 June 2012.

25 Are you able to speak about the exactions that were committed in places of worship?

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Trial Hearing
MLI-OTP-P-0004

(Open Session)

ICC-01/12-01/18

1 What exactly does that refer to?

2 A. [10:36:11] "Exactions committed in places of worship," by that you have to
3 understand that it refers to outbreaks in mosques, either to - either to make remarks,
4 for example, which are not so desired or ...

5 Q. [10:36:43] Who are these people who burst out in the meeting either to make
6 prayers that are not wished for or to make comments that are not wished for?

7 A. [10:36:58] It is the occupiers.

8 Q. [10:37:01] Could you state for clarity sake, who exactly - who these occupiers
9 are?

10 A. [10:37:08] It is Ansar Dine and AQIM

11 Q. [10:37:12] And we speak about people speaking out in places of worship, in
12 which towns?

13 A. [10:37:20] In Timbuktu.

14 Q. [10:37:23] Could you say what is meant by "undesirable preaching" or "remarks
15 or "comments" in order to enlighten the bench in this regard.

16 A. [10:37:40] Well, here, they - it's often the case at the end of the prayers in the
17 mosques where it concerns this matter, they often say to the imam, "You are
18 calling -- making the call three times Just make the call once," for example. Or
19 "You are behaving in such-in-such a way that's not normal. Don't do that.

20 Q. [10:38:21] Understood. Now, in the same paragraph that I read, the committee
21 wishes for greater solidarity between Muslims faced with the rebels. And by the
22 word "rebels," who should be understood by the term "rebels" here, Witness?

23 A. [10:38:46] I think it's the wrong word from the rapporteur. In fact here, it's
24 talking about the occupiers, AQIM and Ansar Dine

25 Q. [10:39:01] Understood. Now we go on to another document, which is at tab 89,

ICC

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Trial Hearing
MLI-OTP-P-0004

(Private Session)

ICC-01/12-01/18

1 0030-1044. And I'm particularly interested in the two last pages, so 80 - 82 and 83,
2 pages 82 and 83, so this is at 0030-1802 and 0030-1083. And if you could let us know
3 when you can see it. So the document at tab 89 is 0030-1044, and it's page - okay,
4 now it's showing.

5 A. [10:40:53] I've got it.

6 Q. [10:40:54] So, Witness, if you could read these pages. So if you could take the
7 time to read the two pages, 0030-1082 and 0030-1083, Witness.

8 Are you able to say what this document is? Have you been able to consult it,
9 Witness?

10 A [10:42:44] It is the minutes

11 Q. [10:42:55] Minutes of the crisis committee?

12 A. [10:42:59] Of the crisis committee

13 Q. [10:43:03] So, I'm just going to read the start:

14 "2012, 2 August, at the town hall, the second general assembly for information
15 initiated by the crisis committee was held.

16 The meeting was chaired by the vice-president -- first vice-president of the said
17 committee. Approximately 60 figures, *chefs de quartier*, advisors, local elected
18 persons, the High Islamic Council, including the - including its president was
19 warmly welcomed, as well as young people, and there were two-thirds of the crisis
20 committee members present.

21 If we could just go into private session for a second, your Honour.

22 PRESIDING JUDGE MINDUA: [10:44:20](Interpretation) Please take us into private
23 session, court officer.

24 (Private session at 10.44 a.m.)

25 THE COURT OFFICER: [10:44:25] (Interpretation) We are in private session,

Trial Hearing
MLI-OTP-P-0004

(Private Session)

ICC-01/12-01/18

1 your Honour.

2 PRESIDING JUDGE MINDUA: [10:44:36](Interpretation) Thank you very much.

3 Prosecutor

4 MR DUTERTRE: [10:44:40](Interpretation) Thank you.

5 Q. [10:44:41] Witness, do you recognise the handwriting in this document, these
6 minutes?

7 A. [10:44:47] Yes.

8 Q. [10:44:49] Whose handwriting is it?

9 A. [10:44:52] Assoura Albadia.

10 Q. [10:45:08] So it's dated 2 August. [REDACTED]

11 [REDACTED]?

12 A. [10:45:16] [REDACTED]

13 Q. [10:45:17] Understood. We can go back into open session.

14 PRESIDING JUDGE MINDUA [10:45:28](Interpretation) Court officer, please take
15 us back into open session.

16 (Open session at 10.45 a.m.)

17 THE COURT OFFICER: [10:45:38] (Interpretation) We're back in open session.

18 PRESIDING JUDGE MINDUA [10:45:40](Interpretation) Thank you. Prosecutor.

19 MR DUTERTRE: [10:45:44](Interpretation)

20 Q. [10:45:46] Thank you, your Honour.

21 With regard to this document, it's written that the first vice-president explained the
22 situation. And I'm now going to read the next paragraph, open quotation marks:

23 "In Songhai, he gave an account of the actions taken on behalf of the population. He
24 gave considerable explanations about agricultural activities undertaken, dealing with
25 the excesses carried out by Islamists in the town, and, in particular, focused on the

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Trial Hearing
MLI-OTP-P-0004

(Open Session)

ICC-01/12-01/18

1 titanesque or herculean efforts provided by the committee to obtain the next sessions
2 in Timbuktu instead of Sévaré.

3 Witness, are you able to explain to us what the first vice-president could be referring
4 to when he talks about resolving the excesses carried out by Islamists in the town?
5 What towns are being talked about to start with?

6 A. [10:47:20] Well, he's talking about Timbuktu here.

7 Q. [10:47:24] And what's he's talking about?

8 A. [10:47:27] Well, he's talking about harassing women, the banning of certain
9 things. For example, teaching - teaching certain things at school, a prohibition on
10 that

11 Q. [10:47:49] Like what, for example, if you are able to remember?

12 A. [10:47:53] Well, for example, when they accepted that the schools start again,
13 they said it was banned to teach philosophy, for example.

14 Q. [10:48:07] And are you able to give us examples of other things which were
15 prohibited or banned, not just in schools, but in the town of Timbuktu?

16 A. [10:48:18] Well, at school firstly, there was also a ban of mixing boys and girls.
17 They had to be separated necessarily. And the girls had to be veiled. And in town,
18 the women have to wear a veil. And, at a certain time, the men had to wear short
19 trousers, and they had to let their beard grow. That was an obligation.

20 Q. [10:49:05] Understood.

21 Are there other examples of bans or prohibitions that you can think of at the time of
22 2012?

23 A. [10:49:18] Yes. There was also a ban in cemeteries, on praying at tombs or
24 mausolea of saints. A ban on gathering there.

25 Q. [10:49:37] Why did they ban that?

ICC

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Trial Hearing
MLI-OTP-P-0004

(Open Session)

ICC-01/12-01/18

1 A. [10:49:41] Well, they banned it because as far as they were concerned, it was -- it
2 was idolatry. This was not normal in Islam, and, as such, they banned them
3 from -- for example, there was a certain height that tombs couldn't go beyond, and
4 they banned any elevation in the tombs above that.

5 Q. [10:50:16] Why did they ban philosophy at school, if you know?

6 A. [10:50:24] This is because they thought that philosophy was against the Islamic
7 doctrine because you have atheist philosophy, or you have other philosophy where
8 there's no place for God.

9 Q. [10:50:48] I'm now going to go to another document, Witness, but still looking at
10 0030-1044, but page 67 to 70 So 0030-1044, pages 0030-1067 to 0030-1070. If the
11 court officer could give you it to you.

12 A. [10:51:28] I have them.

13 Q. [10:51:29] Please read this - these pages at your ease. Please let me know
14 when you have finished, Witness.

15 A. [10:52:49] I've finished.

16 Q. [10:52:51] Can you tell us what this document is, Witness.

17 A. [10:52:57] This -- it's the minutes of the meeting of the crisis committee.

18 Q. [10:53:04] Indeed. It is marked the year 2012.

19 "This 12 August, the ordinary crisis committee meeting was held, chaired by its
20 president.

21 So I'm going to read the page - the top of the page 0030 at 1067.

22 MR DUTERTRE: [10:53:41](Interpretation) Can we go into private session,
23 please.

24 PRESIDING JUDGE MINDUA: [10:53:43](Interpretation) Court officer, please take
25 us into private session.

Trial Hearing
MLI-OTP-P-0004

(Private Session)

ICC-01/12-01/18

1 (Private session at 10.53 a.m.)

2 THE COURT OFFICER: [10:53:49] (Interpretation) We are in private session,
3 your Honour.

4 PRESIDING JUDGE MINDUA: [10:53:51](Interpretation) Thank you. Prosecutor.

5 MR DUTERTRE: [10:53:54](Interpretation) Thank you, your Honour.

6 Q. [10:53:56] Witness, do you recognise the handwriting in these minutes?

7 A. [10:54:00] Yes.

8 Q. [10:54:03] Whose handwriting is this, Witness?

9 A. [10:54:07] Assoura Albadia.

10 Q. [10:54:16] [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 A. [10:54:29] [REDACTED]

14 Q. [10:54:31] Understood. So I'm now going to read two passages from this,
15 0030-1068, 1069 to 1070. So I will start with 0030-1068, towards the bottom of the
16 page, court officer That's -- it was good. You can go up just a short bit. That's
17 perfect. And here, I quote:

18 "So it was possible for - to detect abuses that were carried out throughout the town
19 with abuses, humiliations and, even worse, there was flogging of women at home as
20 well. Disappointed with this degrading behaviour from the Islamists, the committee
21 decided to seize the committee of the matter, and it is in this way that on 14 August
22 2012 at 1700 hours in the town hall, the occupiers spoke with some responsible
23 members of the crisis committee. And on the agenda, they had the meeting of the
24 town hall principally, with the civil status and the marriage issues. End of quote.
25 So I now go on to the next page hereof. And this is on page 0030-1069, towards the

ICC

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G C

Trial Hearing
MLI-OTP-P-0004

(Private Session)

ICC-01/12-01/18

- 1 bottom of the page, here. Thank you very much. And here, I quote:
- 2 "The missionaries of the crisis committee explained the concerns of the crisis
- 3 committee to the occupiers. Furthermore, they also gave the warning in the case of
- 4 certain clashes which would not be desirable. The members of the commission
- 5 successively explained the issues in French and in Arabic. Surprised by this attitude
- 6 of the young police towards the population, the occupiers demanded the crisis
- 7 committee - demanded that the crisis committee draw up a list of victims, of
- 8 irrefutable evidence, of sanctions ... were promised by the occupiers, which
- 9 furthermore, the committee wanted to add to.
- 10 PRESIDING JUDGE MINDUA [10:58:12](Interpretation) Are we still staying in
- 11 closed session, Prosecutor?
- 12 MR DUTERTRE: [10:58:16](Interpretation) I'm sorry I thought we were in open
- 13 session, but I -- I could reread it, if you like, or if you like, we can go over it.
- 14 PRESIDING JUDGE MINDUA [10:58:31](Interpretation) Well, I don't think that it
- 15 has to stay in private session. We can reclassify it.
- 16 Court officer.
- 17 MR DUTERTRE: [10:58:42](Interpretation) It's my fault. I should have gone into
- 18 open session.
- 19 PRESIDING JUDGE MINDUA: [10:58:46](Interpretation) It's not your fault.
- 20 Let's go back into open session.
- 21 (Open session at 10.58 a.m.)
- 22 THE COURT OFFICER: [10:58:58] (Interpretation) We're in open session once again,
- 23 your Honour.
- 24 PRESIDING JUDGE MINDUA: [10:59:03](Interpretation) Thank you very much.
- 25 Prosecutor.

ICC

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Trial Hearing
MLI-OTP-P-0004

(Open Session)

ICC-01/12-01/18

1 MR DUTERTRE: [10:59:05](Interpretation)

2 Q. [10:59:07] Witness, I would just ask you, first of all, to go to page 1067 and 1068,
3 but perhaps you won't be able to see that. We will see. If we look at the top of the
4 page, it's marked 12 August and the year 2012. And in the body of the text, it is
5 marked

6 "That is how on 14 August 2012 at 1700 hours, the - they spoke with - the occupiers
7 spoke with certain members of the crisis committee.

8 Do you have an explanation by chance to explain the contradiction between the dates?

9 We have a minutes of 12 August, which refers to an event which was held on 14
10 August.

11 A. [11:00:05] I haven't understood that well.

12 Q. [11:00:09] Okay I'm going to repeat it. Given the time, I was too quick.

13 MR DUTERTRE: [11:00:13](Interpretation) Perhaps we should do this after the break
14 or would you like me to clarify it now

15 (Overlapping speakers)

16 PRESIDING JUDGE MINDUA [11:00:15](Interpretation) Please could you clarify it
17 once and for all. (Overlapping speakers)

18 THE INTERPRETER: [11:00:17] Says Prosecutor (sic)

19 MR DUTERTRE: [11:00:22] (Interpretation)

20 Q. [11:00:22] Witness, as you can see on page 0030-1068 at the top, it is marked year
21 2012 and 12 August. Can you see that?

22 A. [11:00:30] Yes.

23 Q. [11:00:31] And on page 00[30]-1068, there it says:

24 "It is in -- as - in this way that on 14 August 2012 at 1700 hours, the occupiers spoke
25 with some persons responsible from the crisis committee.

ICC

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G C

Trial Hearing
MLI-OTP-P-0004

(Open Session)

ICC-01/12-01/18

1 Can you also see that

2 A. [11:00:53] Yes.

3 Q. [11:00:54] Do you have an explanation for the fact that the minutes are from 12
4 August and the minutes refer to an event of 14 August 2012?

5 A. [11:01:14] I have no explanation.

6 MR DUTERTRE: [11:01:18](Interpretation) We can stop there, your Honour. I had
7 to put the question.

8 PRESIDING JUDGE MINDUA: [11:01:22](Interpretation) Indeed you did. It is now
9 11.01. We're going to stop there for our break, and we will be back at 11.30.
10 Court is suspended

11 THE COURT USHER: [11:01:34] All rise.

12 (Recess taken at 11.01 a.m.)

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

14 THE COURT USHER: [11:31:51] All rise. Please be seated

15 PRESIDING JUDGE MINDUA: [11:32:08](Interpretation) The hearing shall now
16 resume.

17 And I call upon the OTP to continue with their cross-examination - their
18 examination-in-chief, rather.

19 MR DUTERTRE: [11:32:31](Interpretation) Thank you, your Honours.

20 Q. [11:32:36] Mr Witness, we'll resume with the document that we were looking at.
21 And just to make sure that you're on correct page, 0030-1068.

22 A. [11:32:58] Yes.

23 Q. [11:32:59] On this page, I read this out:

24 "A freewheeling discussion made it possible to take note of a number of abuses that
25 occurred in the town - problems, humiliations, even whipping of women.

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Trial Hearing
MLI-OTP-P-0004

(Open Session)

ICC-01/12-01/18

1 What exactly happened to the people of Timbuktu?

2 A. [11:33:33] I think reference is being made to women who were being
3 prosecuted - or rather, chased after, because of the way they were dressed and,
4 sometimes, they were chased right to their very homes.

5 Q. [11:33:54] Do you know of any particular cases of such a thing? Or did you
6 hear about such incidents?

7 A. [11:34:01] In fact, I don't know of any particular cases, but there were many
8 cases that occurred. At one point, there were many marriages between women
9 and well, in many cases, women were harassed because they were not wearing
10 a headscarf and, at some points, even chased right to their house. (Overlapping
11 speakers)

12 Q. [11:34:34] And (No interpretation)(Overlapping speakers)

13 THE INTERPRETER: [11:34:39] Excessive speed.

14 A. [11:34:45] That was during the month of fasting. On the 27th, there are many
15 marriages that are held, religious marriages in the afternoon.

16 MR DUTERTRE: [11:34:58](Interpretation)

17 Q. [11:34:58] And you are talking about Ramadan when you talk about the period
18 of fasting?

19 A. [11:35:02] Yes, Ramadan.

20 Q. [11:35:09] And how did you hear about this? About women being chased all
21 the way to their houses because they were not wearing a headscarf or not covering
22 their heads?

23 A. [11:35:21] When this happened, young people in the town were talking about
24 these incidents at the *grins*, for example.

25 THE INTERPRETER: [11:35:46] G-R-I-N-S.

Trial Hearing
MLI-OTP-P-0004

(Private Session)

ICC-01/12-01/18

1 MR DUTERTRE: [11:35:54](Interpretation)

2 Q. [11:35:55] Can you tell us more specifics.

3 When you talk about the month of fasting, what month was that in the year 2012, in
4 approximate terms?

5 A. [11:36:03] I don't remember the exact month.

6 Q. [11:36:17] Could you explain to us what a "*grin*" is.

7 A. [11:36:25] A *grin* is a place where men of the same age meet to chat in the
8 afternoon.

9 MR DUTERTRE: [11:36:40] Could we go into private session?

10 PRESIDING JUDGE MINDUA [11:36:45](Interpretation) Private session, please.
11 (Private session at 11.36 a.m.)

12 THE COURT OFFICER: [11:36:49] (Interpretation) We are in private session

13 PRESIDING JUDGE MINDUA: [11:36:54](Interpretation) Thank you.

14 Mr Prosecutor.

15 MR DUTERTRE: [11:36:57](Interpretation)

16 Q. [11:36:58] Are you part of a *grin* yourself?

17 A. [11:37:03] Yes, I am part of a *grin*.

18 Q. [11:37:09] [REDACTED]

19 [REDACTED] in the town?

20 A. [11:37:24] [REDACTED]

21 Q. [11:37:39] Understood. In this "*grin*," did you hear any accounts of these
22 women being chased all the way to their homes because they were not wearing head
23 coverings?

24 A. [11:37:53] We heard about these things because these things happened in the
25 [REDACTED] neighbourhood, just south of -- jus [REDACTED]

Trial Hearing
MLI-OTP-P-0004

(Private Session)

ICC-01/12-01/18

- 1 THE INTERPRETER: [11:38:12] [REDACTED]
- 2 MR DUTERTRE: [11:38:16](Interpretation) We can go into open session.
- 3 PRESIDING JUDGE MINDUA: [11:38:20](Interpretation) Open session.
- 4 (Open session at 11.38 a.m.)
- 5 THE COURT OFFICER: [11:38:23] (Interpretation) We are back in open session,
- 6 your Honour.
- 7 PRESIDING JUDGE MINDUA: [11:38:30](Interpretation) Thank you, court officer.
- 8 Mr Prosecutor.
- 9 MR DUTERTRE: [11:38:35](Interpretation) Thank you, your Honour.
- 10 Q. [11:38:37] If we could move on to the next page, 0030-1169 (sic). This is the
- 11 minutes of the meeting.
- 12 A. [11:38:53] Yes
- 13 Q. [11:38:56] At the very bottom, very bottom, mention is made of drawing up a list
- 14 of victims' names. "The occupants asked the crisis committee to draw up a list of
- 15 victims and to provide infallible evidence.
- 16 A. [11:39:20] Yes
- 17 Q. [11:39:22] What was meant by "irrefutable evidence," Mr Witness?
- 18 A. [11:39:31] When the problem was put to them, they asked well, they said that
- 19 there had to be perpetrators and victims and that information had to be provided, the
- 20 names of the perpetrators and the names of the victims
- 21 PRESIDING JUDGE MINDUA: [11:39:59](Interpretation) Ms Taylor.
- 22 MS TAYLOR: [11:40:00] Yes, thank you, Mr President. I imagine you didn't see
- 23 me.
- 24 Now, if we could have the sound cut off to the witness briefly, I would just have
- 25 a brief objection.

Trial Hearing
MLI-OTP-P-0004

(Open Session)

ICC-01/12-01/18

1 PRESIDING JUDGE MINDUA: [11:40:13](Interpretation) Court officer, kindly cut
2 the feed.

3 THE COURT OFFICER: [11:40:22](Interpretation) Done.

4 PRESIDING JUDGE MINDUA: [11:40:29](Interpretation) Thanks.
5 Ms Taylor.

6 MS TAYLOR: [11:40:31] Thank you very much, Mr President.

7 As you are aware, this is not an expert witness. It's a fact witness. Now, the
8 witness has testified earlier tha [REDACTED]

9 Now, in accordance with the specific procedures that have governed this entire trial,
10 the Prosecutor must elicit a foundation to put anything to a witness. The witness
11 wasn't there. He didn't write the documents.

12 So what basis is there to put to this witness a question about what is meant in
13 a document written by someone else about a meeting for which he was not present?

14 PRESIDING JUDGE MINDUA [11:41:17](Interpretation) Mr Prosecutor

15 MR DUTERTRE: [11:41:18](Interpretation) Yes, your Honour.

16 Two or three things. First of all, in actual fact, this is an objection that the Chamber
17 already responded to on Friday.

18 Secondly, the sound has been cut off, and that's a good thing, because I can draw the
19 *Chamber's attention to document 0003-0154 at tab 2, page 0003-0168, and
20 you'll see that there is something that deals with this matter.

21 I'm - we're in open session, so I won't say anything more than that. But it was
22 something I'd put in my outline, but I skipped it in order to gain some time. But if I
23 could draw that particular -- your attention to that particular item, and it has to do
24 with the minutes of the August 6 (sic) meeting, which deals with much the same
25 matter. I won't say anything more than that.

ICC

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Trial Hearing
MLI-OTP-P-0004

(Open Session)

ICC-01/12-01/18

- 1 PRESIDING JUDGE MINDUA: [11:42:28](Interpretation) Yes, Ms Taylor.
- 2 MS TAYLOR: [11:42:31] Thank you very much, Mr President.
- 3 This is not the same objection. This is a basic principle as to whether you can ask one
- 4 witness to speculate in relation to what another person meant in connection with
- 5 a particular event at which the witness was not present.
- 6 Now, the Chamber has consistently required the parties to adduce a clear foundation
- 7 for putting questions to a witness about specific factual events. They have also
- 8 required the parties to exercise caution in asking a person as to what another person
- 9 meant; that veers into this -- it doesn't just veer. It's squarely within the territory of
- 10 speculation.
- 11 You're asking this witness to act as if he was an expert, when he's not. He's a simple
- 12 fact witness who should be asked to testify on the basis what he himself knows, on
- 13 the basis of what he saw and heard in 2012. Not what he read during this hearing.
- 14 PRESIDING JUDGE MINDUA [11:43:45](Interpretation) Mr Prosecutor, I can see
- 15 that the Defence's objection is well founded because the witness did not draft the
- 16 minutes. He was not at the meeting. He's already said that
- 17 So what is your foundation, in actual fact?
- 18 MR DUTERTRE: [11:44:01] (No interpretation)
- 19 (Overlapping speakers)
- 20 THE INTERPRETER: [11:44:01] Overlapping
- 21 PRESIDING JUDGE MINDUA: [11:44:05](Interpretation) We are in open session, I
- 22 believe.
- 23 Perhaps we should go into private session; that way we can deal with this once and
- 24 for all.
- 25 Court officer, private session, please.

Trial Hearing
MLI-OTP-P-0004

(Private Session)

ICC-01/12-01/18

1 (Private session at 11.44 a.m.)

2 THE COURT OFFICER: [11:44:19](Interpretation) We are in private session.

3 PRESIDING JUDGE MINDUA: [11:44:23](Interpretation) We are now in private
4 session.

5 Mr Prosecutor, explain this to us. We have a problem. The witness did not draft
6 the minutes. He was not at the meeting. Yet you say he knew about things. What
7 are we to make of all this?

8 MR DUTERTRE: [11:44:40](Interpretation) I'll try to be brief.

9 First of all, the principle is that we have established the basis of his knowledge. He

10 [REDACTED] experienced the events in Timbuktu, [REDACTED]

11 [REDACTED] He knows what happened.

12 If you turn to another document. This is the diary of the witness, and this is

13 document 0003-0154, page 0003-0168. And mention is made of a meeting [REDACTED]

14 [REDACTED] mention is made of various instructions,
15 about exactions.

16 So the witness is clearly aware of these matters.

17 I put this in my outline, but I had to skip over a few points just to save some time. I

18 could put some questions along the lines of, "What was meant by 'irrefutable

19 evidence'? I can - I can do that, if the Chamber wishes.

20 PRESIDING JUDGE MINDUA: [11:46:03](Interpretation) That is clear now. The

21 problem was the foundation, but now we have a foundation, Ms Taylor. We have

22 a foundation. The witness has mentioned this matter in his diary, namely, this

23 meeting at the city hall.

24 I will now ask the Prosecutor to rephrase, and we will move forward.

25 MS TAYLOR: [11:46:26] If I may. It's a different date. It's a completely different

Trial Hearing
MLI-OTP-P-0004

(Private Session)

ICC-01/12-01/18

1 date. [REDACTED]

2 So it seems it's referring to a different encounter or a different meeting - or, this
3 witness has marked it inaccurately.

4 But we can't assume this is the same thing, particularly when he said he wasn't
5 present.

6 PRESIDING JUDGE MINDUA: [11:46:53](Interpretation) Mr Prosecutor?

7 MR DUTERTRE: [11:46:55](Interpretation) There's a problem with dates. I made
8 reference to that. I looked for -- I asked for an explanation. [REDACTED]

9 [REDACTED] The witness was very
10 clear about this in his diary

11 I shall rephrase. To save some time, we can speed up and set aside the objection
12 from the Defence.

13 PRESIDING JUDGE MINDUA: [11:47:22](Interpretation) You can see that the
14 Chamber wants to be as fair as possible There is a problem with the dates. Yes,
15 indeed.

16 The Prosecutor will rephrase, and the witness will tell us what he knows

17 Court officer, please re-establish the audio feed.

18 And I think we should go back into open session as well. Mr Prosecutor, shall we go
19 back into open session?

20 MR DUTERTRE: [11:47:45](Interpretation) Absolutely.

21 PRESIDING JUDGE MINDUA: [11:47:49](Interpretation) Very well.

22 (Open session at 11.48 a.m.)

23 THE COURT OFFICER: [11:48:03](Interpretation) We are in open session, and the
24 witness can now hear us.

25 PRESIDING JUDGE MINDUA: [11:48:07](Interpretation) Thank you.

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Trial Hearing
MLI-OTP-P-0004

(Open Session)

ICC-01/12-01/18

1 Mr Prosecutor, rephrase, and we move ahead, please.

2 MR DUTERTRE: [11:48:13](Interpretation)

3 Q. [11:48:13] Mr Witness, I'd like to put the question to you again, but in a different
4 way.

5 When it comes to this particular matter that I've already raised now, the occupants
6 asked the crisis committee to draw up a list of victims and to provide irrefutable
7 evidence. To your knowledge, what was this about? What was meant by
8 "irrefutable evidence"?

9 MS TAYLOR: [11:48:50] This is exactly the same question (Overlapping speakers)

10 PRESIDING JUDGE MINDUA [11:48:51](Interpretation) No, no, no

11 MS TAYLOR: [11:48:52] It's exactly the same (Overlapping speakers)

12 PRESIDING JUDGE MINDUA [11:48:52](Interpretation) -- if we want to finish the
13 examination-in-chief, we need to make some progress.

14 Go ahead, Mr Prosecutor

15 MR DUTERTRE: [11:49:04](Interpretation)

16 Q. [11:49:04] Mr Witness, can you answer the question?

17 A. [11:49:08] When I said -- for them, irrefutable evidence meant the names of the
18 victims and the names of the persecutor

19 THE INTERPRETER: [11:49:22] Correction: Perpetrators.

20 MR DUTERTRE: [11:49:25](Interpretation)

21 Q. [11:49:26] Another clarification. The same paragraph reads: "Sanctions will...

22 Do you know if there were "sanctions will fall" promised the occupants.

23 Were there sanctions or punishments?

24 A. [11:49:50] We were told there were sanctions.

25 Q. [11:49:53] Who told you that there would be sanctions or that there had been

ICC

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G C

Trial Hearing
MLI-OTP-P-0004

(Open Session)

ICC-01/12-01/18

1 sanctions?

2 A. [11:50:02] When the list was provided, we had evidence from the people
3 affected. Abou Zeid asked for information. Abou Zeid asked -- provided gifts.
4 There were apologies.

5 Q. [11:50:38] I know this was a long time ago, Mr Witness, but by any chance, do
6 you remember the name of the perpetrators, given the context, August 2012?

7 A. [11:50:56] I don't remember because I did not receive the names of the
8 perpetrators.

9 Q. [11:51:09] I have one last clarification that I'd like to ask you for.
10 Here, we read that the occupants are - asked the committee to keep a closer eye on
11 the people. To your knowledge, what did that mean, "keep a closer eye" or monitor
12 more closely the people? What did that mean?

13 A. [11:51:43] You must understand from that turn of phrase that the committee was
14 supposed to pass on to the people the recommendations from AQMI - AQIM, rather,
15 and Ansar Dine.

16 Q. [11:52:03] What orders and recommendations that the crisis committee was
17 supposed to pass on to the people?

18 A. [11:52:14] That women should be veiled - that is to say, have their head covered.
19 No mixing of men and women. And men were not to shave. They were to let their
20 beards grow.

21 Q. [11:52:29] Understood.

22 Now, just to hark back to this list of victims and perpetrators. Do you know to
23 whom the lists were provided and when?

24 A. [11:52:52] I know that at the request of the vice-president, the list was given to
25 the vice-president, and, to my knowledge, he handed it over to Abou Zeid.

ICC

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Trial Hearing
MLI-OTP-P-0004

(Private Session)

ICC-01/12-01/18

- 1 Q. [11:53:16] And the name of the vice-president, Mr Witness.
- 2 A. [11:53:21] Diadié Hamadoun Maïga.
- 3 Q. [11:53:33] Could you tell us when the list was handed over.
- 4 A. [11:53:37] I don't know exactly when. The days after the request was received.
- 5 Q. [11:53:56] If we could now move on to another bundle, 0030-1177, and this is tab
- 6 92. And if we could look at the pages ending in 52 and 53. 0030-1252, 0030-1253,
- 7 0030-1177, and the last two pages, reference numbers ending in 52 and 53.
- 8 Can you see the document?
- 9 A. [11:55:26] Yes.
- 10 Q. [11:55:27] Look at the two pages And once you have reviewed them, please let
- 11 us know.
- 12 A. [11:56:13] I have looked at the document
- 13 Q. [11:56:18] What are these two pages we see here?
- 14 A. [11:56:23] This is about a meeting between the crisis committee and a delegation
- 15 that came from Bamako.
- 16 Q. [11:56:43] Understood.
- 17 Crisis committee 22 August, 2012.
- 18 Then to the left there is a column - 0030-1252 - first name, last name Hallé Ousmane,
- 19 Diadié Hamadoun, Baboucar Touré, Abdoulaye Touré, Wangara...
- 20 I'll jump over some names.
- 21 "Mamadou (sic) Alidji Touré, Alassane..." et cetera, et cetera.
- 22 If we could go into private session.
- 23 PRESIDING JUDGE MINDUA: [11:57:25](Interpretation) Private session.
- 24 (Private session at 11.57 a.m.)
- 25 THE COURT OFFICER: [11:57:27](Interpretation) We are in private session.

Trial Hearing
MLI-OTP-P-0004

(Private Session)

ICC-01/12-01/18

1 PRESIDING JUDGE MINDUA: [11:57:39](Interpretation) Thank you.

2 Mr Prosecutor.

3 MR DUTERTRE: [11:57:41](Interpretation) Thank you, your Honour.

4 Q. [11:57:43] Whose writing is this on these two pages? Whose handwriting?

5 A. [11:57:50] On the first page, there is - well, there's various people's handwriting
6 on this page.

7 Q. [11:58:16] And on the second page, whose handwriting?

8 A. [11:58:19] On the second page, it is the handwriting of (Overlapping
9 speakers)(No interpretation)...

10 Q. [11:58:34] [REDACTED]

11 A. [11:58:37] [REDACTED]

12 Q. [11:58:38] [REDACTED] ?

13 A. [11:58:41] [REDACTED]

14 Q. [11:58:43] [REDACTED]

15 A. [11:58:50] [REDACTED]

16 Q. [11:58:50] [REDACTED]

17 A. [11:58:51] [REDACTED]

18 Q. [11:58:54] [REDACTED]

19 A. [11:58:59] [REDACTED]

20 Q. [11:59:02] *I'll move on to page 0030-1253. And at the top it says:

21 "The acts of abuse and violence continue.

22 What comments do you have in that regard?

23 Oh, we can go into open session.

24 PRESIDING JUDGE MINDUA: [11:59:28](Interpretation) Open session, court
25 officer.

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Trial Hearing
MLI-OTP-P-0004

(Private Session)

ICC-01/12-01/18

1 MR DUTERTRE: [11:59:36](Interpretation) The witness has raised his hand.

2 PRESIDING JUDGE MINDUA: [11:59:39](Interpretation) You are excused,

3 Mr Witness.

4 (The witness exits the video-link room)

5 (Open session at 11.59 a.m.)

6 THE COURT OFFICER: [11:59:45](Interpretation) We are back in open session.

7 PRESIDING JUDGE MINDUA: [11:59:49](Interpretation) Thank you.

8 We will just wait for the witness for a few moments.

9 (Pause in proceedings)

10 (The witness enters the video-link room)

11 PRESIDING JUDGE MINDUA: [12:03:58](Interpretation) Very well. The witness

12 has now returned

13 Prosecutor.

14 MR DUTERTRE: [12:04:10](Interpretation) Thank you, your Honour.

15 Q. [12:04:11] So, Witness, on the page 0030-1253, right at the top, in the first line,

16 what exactly do you read

17 A. [12:04:26] The exactions continue.

18 Q. [12:04:32] Could you make a commentary about that?

19 A. [12:04:37] It was a matter of certain practices against the population. It means

20 that these practices continued.

21 Q. [12:04:56] And by "practices," could you be more precise.

22 A. [12:05:03] It is about persons who are being threatened or who are being flogged

23 for not having respected certain prohibitions, such as, wearing the veil or shaving

24 their beard or wearing long trousers that drag along the ground.

25 Q. [12:05:33] I'd now like to go the same document but a few pages prior thereto,

Trial Hearing
MLI-OTP-P-0004

(Private Session)

ICC-01/12-01/18

1 0030-1249 and 0030-1250. MLI-OTP-0030-1177. If you could look at that

2 Witness, could you tell us what this is about.

3 A. [12:07:02] This is the minutes of a meeting of the crisis committee.

4 Q. [12:07:12] So it's marked "9 September 2012", 0030-1249, on that page.

5 Could we go to 0030-1250.

6 A. [12:07:30] Yes, I'm there.

7 MR DUTERTRE: [12:07:31](Interpretation) Can we briefly go into private session,
8 your Honour.

9 PRESIDING JUDGE MINDUA: [12:07:36](Interpretation) Court officer, please take
10 us into private session

11 (Private session at 12.07 p.m.)

12 THE COURT OFFICER: [12:07:41](Interpretation) We're in private session,
13 your Honour.

14 PRESIDING JUDGE MINDUA [12:07:55](Interpretation) Thank you very much
15 Prosecutor.

16 MR DUTERTRE: [12:07:59](Interpretation)

17 Q. [12:08:00] Witness, [REDACTED] we read: [REDACTED]

18 [REDACTED]

19 A. [12:08:09] Yes, I've seen it.

20 Q. [12:08:11] [REDACTED]

21 A. [12:08:13] [REDACTED]

22 Q. [12:08:16] [REDACTED]

23 A. [12:08:20] [REDACTED]

24 Q. [12:08:21] [REDACTED]

25 A. [12:08:25] [REDACTED]

ICC

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Trial Hearing
MLI-OTP-P-0004

(Private Session)

ICC-01/12-01/18

- 1 MR DUTERTRE: [12:08:28](Interpretation) If we could go back to page 0030-1249.
2 And go back into open session, your Honour, your Honours.
3 PRESIDING JUDGE MINDUA: [12:08:40](Interpretation) Court officer, please take
4 us into open session.
5 (Open session at 12.08 p.m.)
6 THE COURT OFFICER: [12:08:44](Interpretation) We are once again in open session,
7 your Honour.
8 PRESIDING JUDGE MINDUA: [12:08:57](Interpretation) Thank you very much.
9 Prosecutor.
10 MR DUTERTRE: [12:08:59](Interpretation)
11 Q. [12:09:00] So, Witness, I would like you to read a paragraph. Do you see the
12 word "*le retrait*", which is in the middle of the page? (Overlapping speakers)
13 A. [12:09:15] (Overlapping speakers)(No interpretation) *Oui, je le vois.*
14 Q. [12:09:17] After that, there is, "The engagement taken at the general assembly.
15 Could you read these paragraphs, please.
16 A. [12:09:29] "The engagement taken at the general assembly -- report on the
17 exactions. The vice-president went to the police station to the deputy *commissaire*
18 because of - due to the behaviour of the officers. Everywhere they went ...
19 I can't read this well.
20 "... identified them and explained the abuses to them - explained the abuses and
21 educate people and not to brutalise them.
22 Q. [12:10:32] Witness, on this page, in a general way, do you recognise the
23 handwriting, Witness, without giving any names?
24 A. [12:10:42] I'm not sure, but I think that it is the writing of Assoura Albadia.
25 Q. [12:10:58] There's mention of exactions and the fact that the vice-president went

Trial Hearing
MLI-OTP-P-0004

(Private Session)

ICC-01/12-01/18

1 to the police - to the commissioner as well as the deputy *commissaire*. And it's
2 indicated that you -- people have to be educated rather than being brutalised.
3 Can you explain that to us.

4 A. [12:11:18] Well, in fact, this is about different stages. Because, as I understand
5 it, there was a question of the officers given -- going through an awareness-raising
6 period and if people didn't follow it, then they could be subject to sanctions. But
7 first of all, it is about awareness raising, rather than sanctioning people.

8 Q. [12:11:59] And on 9 September 2012, at that time, do we understand that it was
9 because exactions were being committed that the vice-president went to the police?

10 A [12:12:13] Indeed

11 MR DUTERTRE: [12:12:15](Interpretation) Your Honour, just a question in private
12 session, if you'd be so kind

13 PRESIDING JUDGE MINDUA: [12:12:22](Interpretation) Court officer, please take
14 us into private session

15 (Private session at 12.12 p.m.)

16 THE COURT OFFICER: [12:12:29](Interpretation) We're in private session,
17 your Honour.

18 PRESIDING JUDGE MINDUA [12:12:36](Interpretation) Thank you very much
19 Prosecutor.

20 MR DUTERTRE: [12:12:42](Interpretation) Yes, your Honour.

21 Q. [12:12:42] On the next page, [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 A. [12:13:02] [REDACTED]

25 [REDACTED]

ICC

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Trial Hearing
MLI-OTP-P-0004

(Private Session)

ICC-01/12-01/18

1 Q. [12:13:13] In the same vain, I will go to another document. On page

2 0030-1189 - 1195

3 THE INTERPRETER: [12:13:32] Corrects the interpreter.

4 MR DUTERTRE: [12:13:42](Interpretation)

5 Q. [12:13:43] Do you have this page in front of you, Witness?

6 While you are being aided, do you remember who the *commissaire* was and the

7 deputy who the vice-president went to see? Do you remember that?

8 PRESIDING JUDGE MINDUA: [12:14:14](Interpretation) Ms Taylor.

9 MS TAYLOR: [12:14:15] Thank you very much, Mr President. If we may cut off the
10 sound to the witness, briefly

11 PRESIDING JUDGE MINDUA: [12:14:25](Interpretation) Certainly.

12 Court officer, please cut off the sound.

13 THE COURT OFFICER: [12:14:54](Interpretation) The sound has been cut,

14 your Honour.

15 PRESIDING JUDGE MINDUA: [12:14:58](Interpretation) Thank you very much,

16 Madam Court Officer.

17 Ms Taylor.

18 MS TAYLOR: [12:15:01] Thank you very much, Mr President.

19 Now, the Prosecutor previously showed a document that was at 1249 and we had the

20 word "police. We did not have the word "Islamic" afterwards. We did have

21 a word which could be "*moeurs*" before "*commes*" and "*adjoint*". That's on page 1249.

22 Now, that word was not read out. And before assuming that we're speaking about

23 a specific police, we do believe that the Prosecutor has to elicit further information on

24 this

25 There is a danger here given that - as we've mentioned - these are documents not

ICC

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G C

Trial Hearing
MLI-OTP-P-0004

(Private Session)

ICC-01/12-01/18

1 written by this witness. They're not clear. There is a word that could be "*moeurs*
2 and that would change the meaning completely.

3 Thank you, Mr President.

4 PRESIDING JUDGE MINDUA: [12:16:13](Interpretation) Very well, Ms Taylor.

5 Prosecutor, how would you respond to that?

6 MR DUTERTRE: [12:16:18](Interpretation) Well, first of all, your Honour, it's the
7 witness who himself read the paragraph.

8 Secondly, I'm trying to clarify certain questions and to ask to the best of his

9 knowledge if he remembers a commissioner and the deputy.

10 If he answers that, then we will be able to have information about precisely the point

11 Ms Taylor is raising.

12 PRESIDING JUDGE MINDUA [12:16:41](Interpretation) I'm completely satisfied

13 with the answer of the Prosecutor because we are exploring this very issue. At the

14 moment we don't know.

15 Ms Taylor?

16 MS TAYLOR: [12:16:51] Thank you very much, Mr President.

17 Our concern is that these issues are being explored in a highly leading and

18 cherry-picked way in that the witness has not been asked at any point to testify on the

19 basis of his personal knowledge concerning these meetings. The Prosecution is

20 using these notes to put to him a particular narrative written by another person.

21 Now, if the Prosecutor was interested in hearing what this witness remembered, as

22 we repeated say (Overlapping speakers)

23 There's a huge prejudice here.

24 PRESIDING JUDGE MINDUA: [12:17:21](Interpretation) No, no. Ms Taylor, there,

25 we're coming back to an objection of yesterday, and I'm not in agreement with that.

ICC

-CO

G C

Trial Hearing
MLI-OTP-P-0004

(Private Session)

ICC-01/12-01/18

1 Prosecutor, I think that we have to re-establish the sound.

2 Court officer, please re-establish the sound link.

3 THE COURT OFFICER: [12:17:44](Interpretation) We've re-established the sound,
4 and we're still in private session, your Honour.

5 PRESIDING JUDGE MINDUA: [12:17:51](Interpretation) Thank you very much.

6 Now, Prosecutor, we're still in private session. Is that what you wish for or do you
7 want us to go back into open session?

8 MR DUTERTRE: [12:17:58](Interpretation) We'd like to go back into open session.

9 PRESIDING JUDGE MINDUA: [12:18:02](Interpretation) Yes, let's do that. It's
10 better for the publicity of the proceedings Court officer
11 (Open session at 12.18 p.m.)

12 THE COURT OFFICER: [12:18:10](Interpretation) We are once again in open session,
13 your Honour.

14 PRESIDING JUDGE MINDUA [12:18:18](Interpretation) Thank you very much
15 Prosecutor.

16 MR DUTERTRE: [12:18:20](Interpretation)

17 Q. [12:18:20] Witness, I asked you to go back to page 0030-1249, which we
18 looked - 1240, which we were looking at previously of 9 September 2012

19 A. [12:18:46] Yes.

20 Q. [12:18:48] Now, I would remind you, the paragraph that you read, the
21 paragraph referring, "The vice-president went to the police - and, you read - "for
22 commissioner plus ..." or "*commissaire plus* deputy.

23 Did you - or do you remember, to the best of your knowledge, who was the deputy
24 and the commissioner who he went to see on that occasion?

25 A. [12:19:24] He was Adama at the time. So at the time the *commissaire* was

ICC

-CO

G C

Trial Hearing
MLI-OTP-P-0004

(Open Session)

ICC-01/12-01/18

1 Adama and the deputy was Al Hassan.

2 Q. [12:19:36] So we're now going to go to document - or the document that we
3 were examining previously.

4 How did - or how did you find out that it was Adama and Al Hassan that the
5 vice-president went to see?

6 A. [12:19:57] Because at the time, they were playing these two roles, the roles of
7 commissioner and deputy commissioner.

8 THE COURT OFFICER: [12:20:17] I am told by the court reporters that we should
9 mark a pause between the question and the answer, please. Thank you.

10 MR DUTERTRE: [12:20:34](Interpretation)

11 Q. [12:20:35] So I will now ask you to go to 0030-1195, still in the same document,
12 0030-1177.

13 A. [12:20:55] 1195, yes.

14 Q. [12:20:56] Could you read this document, please.

15 A. [12:21:28] Yes, I've read it.

16 Q. [12:21:31] Can you tell us what this document is about or what it is, Witness

17 A. [12:21:37] Well, it appears to be minutes of the meeting.

18 Q. [12:21:46] A meeting between whom, Witness

19 A. [12:21:52] A meeting of the crisis committee, but the minutes of a meeting with
20 the Islamists

21 Q. [12:22:04] At the top you have the date, 29 November 2012.

22 A. [12:22:14] Yes.

23 MR DUTERTRE: [12:22:15](Interpretation) If we could go into private session, for
24 a question, your Honour.

25 PRESIDING JUDGE MINDUA: [12:22:20](Interpretation) Court officer, please take

Trial Hearing
MLI-OTP-P-0004

(Private Session)

ICC-01/12-01/18

1 us into private session.

2 (Private session at 12.22 p.m.)

3 THE COURT OFFICER: [12:22:24](Interpretation) We are in private session,
4 your Honour.

5 PRESIDING JUDGE MINDUA: [12:22:35](Interpretation) Thank you very much.
6 Prosecutor.

7 MR DUTERTRE: [12:22:38](Interpretation)

8 Q. [12:22:39] Witness, two questions: Do you recognise the handwriting on this
9 page?

10 A. [12:22:48] I'm not sure, but it would appear to be the handwriting - it would
11 appear to be the handwriting of Assoura Albadia.

12 Q. [12:23:06] Now, with regards to the date of 29 November 2012, [REDACTED]

13 [REDACTED]

14 [REDACTED] to the best of your knowledge?

15 A. [12:23:20] I can't remember.

16 MR DUTERTRE: [12:23:23](Interpretation) We can go back into open session,
17 your Honour.

18 PRESIDING JUDGE MINDUA: [12:23:29](Interpretation) Open session, court officer,
19 if you'd be so kind.

20 (Open session at 12.23 p.m.)

21 THE COURT OFFICER: [12:23:36](Interpretation) We are again in open session,
22 your Honour.

23 PRESIDING JUDGE MINDUA: [12:23:46](Interpretation) Thank you, court officer.
24 Prosecutor

25 MR DUTERTRE: [12:23:48](Interpretation)

Trial Hearing
MLI-OTP-P-0004

(Open Session)

ICC-01/12-01/18

1 Q. [12:23:50] Towards the middle of page you have the word "*la gestion*". Do you
2 see that, Witness?

3 A. [12:24:07] Yes, I see it

4 Q. [12:24:08] It finishes with the word "*assentiment*".

5 A. [12:24:12] "The management of the population on a daily basis. Hamed Mossa
6 is at the centre of the problems. All sorts of exactions and it is said it's in the name of
7 religion. Mossa acts with their accord.

8 Q. [12:24:47] Could you comment on that, Witness.

9 A. [12:24:51] This was at a time when women were being harassed a lot. At the
10 time, it was Hamed Mossa who was presented as being the *commissaire* from the
11 morality police. And, at the time, he would imprison certain women.

12 Q. [12:25:34] And where did he imprison them, if you know

13 A. [12:25:39] At the time, it was at the BMS, which became the base of the morality
14 police, and he would take them to an institution for the -- he would take them to the
15 centre for the morality police, the recommendation of the moral and the prohibition of
16 the immoral.

17 Q. [12:26:18] How did you know that he imprisoned people?

18 A. [12:26:24] We would see him in town acting in that way and he would present
19 himself as the *commissaire* of the morality police -- the Islamic police.

20 Q. [12:26:43] Understood.

21 Did you see women being imprisoned in this place -- in the BMS?

22 A. [12:26:52] I didn't see any, but I heard about it because it happened *at the BMS
23 in the ATM room where they locked them up, according to what I've been told.

24 Q. [12:27:08] And who told you that, if you are able to tell us?

25 A. [12:27:13] [REDACTED]

Trial Hearing
MLI-OTP-P-0004

(Private Session)

ICC-01/12-01/18

1

MR DUTERTRE: [12:27:32](Interpretation) That a needs to be redacted with the approval of the Trial Chamber.

PRESIDING JUDGE MINDUA: [12:27:35](Interpretation) Very well.

MR DUTERTRE: [12:27:37]

Q. [12:27:38] I will go into a last document among the numerous documents in the same vain, 0030-1193.

A. [12:27:57] Yes.

Q. [12:27:58] Please read this document, it goes to page 1194.

A [12:28:57] I've read it

Q. [12:28:59] What is this document, Witness?

A. [12:29:03] This is the minutes of a meeting - of an extraordinary meeting of the crisis committee. An ordinary meeting, not extraordinary.

MR DUTERTRE: [12:29:25](Interpretation) If we could go into private session for a moment?

PRESIDING JUDGE MINDUA [12:29:30](Interpretation) Court officer, please take us into private session.

(Private session at 12.29 p.m.)

THE COURT OFFICER: [12:29:33] (Interpretation) We are in private session, your Honour.

PRESIDING JUDGE MINDUA: [12:29:40](Interpretation) Thank you very much, court officer.

Prosecutor

MR DUTERTRE: [12:29:46](Interpretation) Thank you very much.

Q. [12:29:49] On page 0030-1193, Witness?

Trial Hearing
MLI-OTP-P-0004

(Private Session)

ICC-01/12-01/18

- 1 A. [12:29:53] Yes.
- 2 Q. [12:29:55] [REDACTED]
- 3 "Assoura Albadia [REDACTED]
- 4 A. [12:30:08] Yes.
- 5 Q. [12:30:09] And on the right-hand [REDACTED]
- 6 [REDACTED]
- 7 A. [12:30:17] Yes.
- 8 Q. [12:30:18] In the right-hand column [REDACTED]
- 9 [REDACTED]
- 10 A [12:30:27] Yes
- 11 Q. [12:30:29] Do you recognise the handwriting in this document?
- 12 A. [12:30:31] Yes
- 13 Q. [12:30:32] Whose handwriting is this, Witness?
- 14 A. [12:30:34] Yes, Assoura Albadia
- 15 MR DUTERTRE: [12:30:39](Interpretation) We can go back into open session now,
- 16 your Honour.
- 17 PRESIDING JUDGE MINDUA: [12:30:45](Interpretation) Please take us into open
- 18 session, court officer.
- 19 (Open session at 12.30 p.m.)
- 20 THE COURT OFFICER: [12:30:51] (Interpretation) We are again in open session,
- 21 your Honour.
- 22 PRESIDING JUDGE MINDUA: [12:30:53](Interpretation) Thank you very much.
- 23 Prosecutor.
- 24 MR DUTERTRE: [12:30:57](Interpretation)
- 25 Q. [12:30:57] So Witness, I would ask you to go to page 0030-1194, the second page,

Trial Hearing
MLI-OTP-P-0004

(Private Session)

ICC-01/12-01/18

1 now please if you could be so kind as to read the second paragraph.

2 A. [12:31:11] "The management of the people. The crisis committee has
3 instructed ... to reserve ..." (No interpretation) (Overlapping speakers)

4 THE INTERPRETER: [12:31:30] Unclear.

5 MR DUTERTRE: [12:31:33](Interpretation)

6 Q. [12:31:34] Thank you.

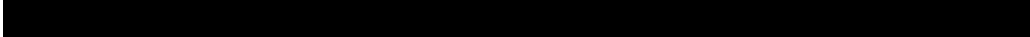
7 29 November 2012, do you know about this, Mr Witness?

8 A. [12:31:50] Yes.

9 Q. [12:31:51] Could you tell us more?

10 A [12:31:54] 

11 

12 

13 Q. [12:32:09] Very well.

14 MR DUTERTRE: [12:32:10] Perhaps we could go into private session for a moment?

15 PRESIDING JUDGE MINDUA: [12:32:14](Interpretation) Private session, please.

16 (Private session at 12.32 p.m.)

17 THE COURT OFFICER: [12:32:18] (Interpretation) We are in private session.

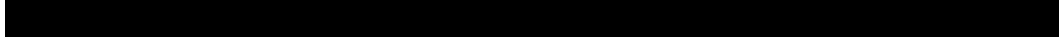
18 PRESIDING JUDGE MINDUA [12:32:30](Interpretation) Thank you.

19 Mr Prosecutor.

20 MR DUTERTRE: [12:32:33](Interpretation)

21 Q. [12:32:33] Mr Witness, we'll have to redact what you just said, but we are now in
22 private session.

23 

24 

25 So from whom would you seek out information? When?

Trial Hearing
MLI-OTP-P-0004

(Private Session)

ICC-01/12-01/18

1 A. [12:32:55] From [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 PRESIDING JUDGE MINDUA: [12:33:10](Interpretation) Ms Taylor?

5 MS TAYLOR: [12:33:12] Thank you very much, Mr President. If the sound could
6 be cut off to the witness, just briefly.

7 PRESIDING JUDGE MINDUA: [12:33:23](Interpretation) Court officer, cut the
8 audio feed.

9 THE COURT OFFICER: [12:33:26] (Interpretation) Done, your Honour.

10 PRESIDING JUDGE MINDUA [12:33:30](Interpretation) Yes, Mr Witness, you are
11 excused.

12 (Witness exits the video-link room)

13 PRESIDING JUDGE MINDUA: [12:33:37](Interpretation) We will continue because
14 the witness does not have to hear this part Ms Taylor

15 MS TAYLOR: [12:33:46] Mr President, it might be just that there was a difference
16 between the English and the French, but certainly from the English, it wasn't entirely
17 clear [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 And this witness has before testified that [REDACTED] he had
21 difficulty with communications.

22 So I do believe - as I mentioned on Friday - it's very important to use the exact
23 language of the witness and to be very clear and to first lay the foundation as to what
24 he means before assuming it means something.

25 PRESIDING JUDGE MINDUA: [12:34:32](Interpretation) Exactly. You are quite

Trial Hearing
MLI-OTP-P-0004

(Private Session)

ICC-01/12-01/18

1 right. We agree.

2 Mr Prosecutor?

3 MR DUTERTRE: [12:34:37](Interpretation) In French, it says -- it seems to me it was
4 quite clear [REDACTED] was the word, and, I think in the context it was specific.

5 But I can return to the point and explore this in greater depth if the Chamber so
6 wishes?

7 PRESIDING JUDGE MINDUA: [12:34:56](Interpretation) Yes, if you could take up
8 the point again to satisfy the Defence, but the witness is not yet there.

9 (Pause in proceedings)

10 MR DUTERTRE: [12:36:33](Interpretation) The - it might be a good idea to note on
11 the transcript that the witness was not with us for a moment.

12 PRESIDING JUDGE MINDUA [12:36:45](Interpretation) Yes, he's back now
13 (Witness enters the video-link room)

14 PRESIDING JUDGE MINDUA [12:36:47](Interpretation) We shall now continue.
15 Court officer, if you could re-establish the audio feed.

16 THE COURT OFFICER: [12:36:56] (Interpretation) The witness can now hear us.

17 PRESIDING JUDGE MINDUA: [12:37:00](Interpretation) Thank you.

18 Mr Prosecutor, we are still in private session

19 MR DUTERTRE: [12:37:05](Interpretation) Yes, I did explore that point, it's rather
20 identifying.

21 PRESIDING JUDGE MINDUA: [12:37:12](Interpretation) Go ahead.

22 MR DUTERTRE: [12:37:14](Interpretation)

23 Q. [12:37:14] [REDACTED]

24 [REDACTED]

25 A. [12:37:26] [REDACTED]

Trial Hearing
MLI-OTP-P-0004

(Private Session)

ICC-01/12-01/18

1

2 Q. [12:37:33] And who would keep you informed of what was going on?

3 A. [12:37:40] No one in particular

4

5 Q. [12:37:51]

6 A. [12:37:57]

7

8 Q. [12:38:06]

9 A. [12:38:10]

10 Q. [12:38:13] how did you manage
11 to stay informed?

12 A. [12:38:23] I didn't have any way of staying informed

13

14 Q. [12:38:34]

15 A. [12:38:43]

16 Q. [12:38:51] Thank you

17 MR DUTERTRE: [12:38:53](Interpretation) Your Honours, I think we can go back
18 into open session.

19 PRESIDING JUDGE MINDUA: [12:38:57](Interpretation) Open session, court
20 officer.

21 (Open session at 12.38 p.m.)

22 THE COURT OFFICER: [12:39:00] (Interpretation) We are back in open session.

23 PRESIDING JUDGE MINDUA: [12:39:11](Interpretation) Thank you, court officer.
24 Mr Prosecutor.

25 MR DUTERTRE: [12:39:15](Interpretation) Thank you, your Honour.

ICC

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G C

Trial Hearing
MLI-OTP-P-0004

(Open Session)

ICC-01/12-01/18

1 Q. [12:39:19] Just one moment.

2 (Counsel confer)

3 Q. [12:39:34] Mr Witness, just to return to this document, reference number

4 0030-1194, mention is made -- and this is the end of November 2012, mention is made

5 of acts of violence and abuse by Mossa, by "Ahmed (sic) Mossa".

6 What was that all about?

7 A. [12:40:01] To my knowledge, abuse and violence against women. They would

8 be harassed and put in prison.

9 Q. [12:40:20] I've finished with this particular document, which I've scanned
10 partially

11 MR DUTERTRE: [12:40:25](Interpretation) And I'd now like to play some video
12 footage, your Honours, and you allowed us to add this to our list of items, 0039-0564
13 (sic).

14 And we'll play it without sound

15 THE INTERPRETER: [12:40:52] 0039-0574.

16 MR DUTERTRE: [12:41:01](Interpretation)

17 Q. [12:41:03] From time stamp 00:12:25:00 to 00:14:30:00. Mr Witness, can you see
18 the footage?

19 A. [12:41:29] Yes.

20 Q. [12:41:29] I'm going to play some video footage. Don't make any comments,
21 and then once it's over, I'll put some questions to you.

22 MR DUTERTRE: [12:41:46](Interpretation) We can play the video now.

23 (Viewing of the video excerpt)

24 MR DUTERTRE: [12:43:14](Interpretation) We can stop the footage here.

25 Q. [12:43:20] Mr Witness, were you able to view the footage?

ICC

-CO

G C

Trial Hearing
MLI-OTP-P-0004

(Open Session)

ICC-01/12-01/18

- 1 A. [12:43:24] Yes, I saw it
- 2 Q. [12:43:28] For the transcript, please note we stopped at 00:13:53:00.
- 3 Have you seen this footage before, Mr Witness?
- 4 A. [12:43:44] No. No, I haven't.
- 5 Q. [12:43:55] Do you recognise one of the two people at this timestamp 00:13:53:00,
- 6 the two people who are up on the screen?
- 7 A. [12:44:14] I -- I can't see the image.
- 8 Q. [12:44:19] Perhaps on evidence 1, but you did see the footage?
- 9 A. [12:44:24] Yes, I have it.
- 10 Q. [12:44:29] Look at the timestamp, 00:13:53:00.
- 11 Are you at the same spot?
- 12 A. [12:44:37] Yes
- 13 Q. [12:44:38] Do you recognise either one of these people?
- 14 A. [12:44:41] I recognise the person to the right facing towards the camera.
- 15 Q. [12:44:50] Can you give that person's name.
- 16 A. [12:44:54] Assoura Albadia is his name.
- 17 THE INTERPRETER: [12:45:09] Assoura Albadia.
- 18 MR DUTERTRE: [12:45:05](Interpretation)
- 19 Q. [12:45:10] Do you know what the location is of this footage?
- 20 A. [12:45:16] Yes, I believe so
- 21 Q. [12:45:20] Could you tell us where it is to the best of your knowledge.
- 22 A. [12:45:28] At the home of Mr Assoura Albadia.
- 23 Q. [12:45:34] Thank you.
- 24 MR DUTERTRE: [12:45:37](Interpretation) I've finished with this footage.
- 25 Q. [12:45:55] Do you know what this footage is all about?

ICC

-CO

G C

Trial Hearing
MLI-OTP-P-0004

(Open Session)

ICC-01/12-01/18

1 A. [12:45:57] I don't know.

2 Q. [12:46:09] Mr Witness, I'd like to now move on to something else. You told us
3 a few times - once or twice, you told us about Mr Al Hassan and I'd like to ask you
4 some questions. Generally speaking, do you know where Mr Al Hassan comes
5 from?

6 A. [12:46:41] Yes.

7 Q. [12:46:44] Where does he come from, Mr Witness?

8 A. [12:46:47] He's from Timbuktu. Abaradjou neighbourhood to be specific.

9 Q. [12:47:00] Did you have an opportunity to meet him during the occupation of
10 Timbuktu by Ansar Dine and AQIM?

11 A. [12:47:12] I met him.

12 Q. [12:47:19] Could you tell us under what circumstances Well, did you meet
13 him once or several times?

14 A. [12:47:30] I met him several times.

15 Q. [12:47:39] And did you meet him in Timbuktu or at another place?

16 A. [12:47:46] In Timbuktu itself.

17 Q. [12:47:53] Could you tell us about the circumstances of the first meeting with
18 Mr Al Hassan sometime between April and -- 2012 and January 2013

19 A. [12:48:11] The first meeting was at the Timbuktu city hall. This was a meeting
20 that he was in attendance with some other people.

21 Q. [12:48:25] When was that approximately? Or if you don't have a specific date,
22 how much time was it after the occupation began?

23 A. [12:48:35] Perhaps two or three months after the beginning of the occupation.

24 Q. [12:48:46] Who else was present with him at this meeting at the city hall?

25 A. [12:48:58] Adama, who was introduced to us as the commissioner.

Trial Hearing
MLI-OTP-P-0004

(Private Session)

ICC-01/12-01/18

1 Q. [12:49:04] When you say "commissioner," commissioner of what?

2 A. [12:49:12] Commissioner of the police - commissioner of the Islamic police,
3 which is different to the morality police.

4 Q. [12:49:19] Understood. Do you remember other people? Who else was there
5 other than Adama and Al Hassan?

6 A. [12:49:29] Sanda was present.

7 Q. [12:49:37] Could you give us Sanda's complete name.

8 A. [12:49:48] Sanda Ould Boumama.

9 Q. [12:49:51] And what was the purpose of the meeting at the city hall,
10 Mr Witness?

11 A. [12:49:58] The meeting was organised. [REDACTED]

12 [REDACTED]

13 Q. [12:50:13] [REDACTED]

14 [REDACTED]

15 A. [12:50:21] [REDACTED]

16 [REDACTED]

17 MR DUTERTRE: [12:50:33](Interpretation) Your Honour, perhaps we could go into
18 private session and redact the information.

19 PRESIDING JUDGE MINDUA: [12:50:42](Interpretation) Private session, courtroom
20 officer.

21 (Private session at 12.50 p.m.)

22 THE COURT OFFICER: [12:50:55] (Interpretation) We are in private session.

23 PRESIDING JUDGE MINDUA: [12:50:57](Interpretation) Thank you very much.

24 Mr Prosecutor.

25 MR DUTERTRE: [12:50:59](Interpretation)

Trial Hearing
MLI-OTP-P-0004

(Private Session)

ICC-01/12-01/18

1 Q. [12:51:01] [REDACTED]
2 [REDACTED]
3 A. [12:51:14] I don't know.
4 Q. [12:51:16] [REDACTED]
5 A. [12:51:22] [REDACTED]
6 [REDACTED]
7 Q. [12:51:34] [REDACTED] ?
8 A. [12:51:36] [REDACTED]
9 Q. [12:51:43] [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 A. [12:51:54] [REDACTED]
13 Q. [12:52:03] [REDACTED]
14 A. [12:52:07] [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 Q. [12:52:31] Very well. [REDACTED]
19 A. [12:52:38] [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 Q. [12:53:06] [REDACTED]
23 A. [12:53:11] [REDACTED].
24 Q. [12:53:17] [REDACTED]
25 [REDACTED] ?

Trial Hearing
MLI-OTP-P-0004

(Private Session)

ICC-01/12-01/18

1 A. [12:53:27] I don't remember.

2 Q. [12:53:30] [REDACTED]

3 [REDACTED]

4 A. [12:53:44] [REDACTED]

5 Q. [12:53:52] [REDACTED]

6 [REDACTED]

7 A. [12:53:59] [REDACTED]

8 Q. [12:54:10] [REDACTED]

9 [REDACTED]

10 A [12:54:24] [REDACTED]

11 Q. [12:54:31] Understood. Thank you.

12 Ther [REDACTED] Mr Witness [REDACTED]

13 [REDACTED]?

14 A. [12:54:58] What I remember was towards the end of the occupation, there was
15 a meeting or a briefing, [REDACTED]

16 Q. [12:55:12] Understood.

17 We will get to that later. We're going in chronological order. Open session.

18 PRESIDING JUDGE MINDUA [12:55:21](Interpretation) Open session, court
19 officer.

20 (Open session at 12.55 p.m.)

21 THE COURT OFFICER: [12:55:24] (Interpretation) We are back in open session.

22 PRESIDING JUDGE MINDUA: [12:55:37](Interpretation) Thank you.

23 Mr Prosecutor.

24 MR DUTERTRE: [12:55:40](Interpretation)

25 Q. [12:55:43] Mr Witness, there was the initial meeting where Mr Al Hassan was

Trial Hearing
MLI-OTP-P-0004

(Private Session)

ICC-01/12-01/18

1 present.

2 When did you see him next, the next time?

3 A. [12:55:58] The next time was - well, it had to do with a personal problem, if I
4 can put it that way, [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 Q. [12:56:35] Do you remember approximately when that happened?

8 A. [12:56:39] I don't remember exactly. I don't remember the exact circumstances.

9 Q. [12:56:46] Can you explain to the Bench why you went to see Al Hassan to clear
10 up this problem Why him

11 A. [12:56:58] I went to see him because at the time, he was - he was the
12 commissioner of the Islamic police.

13 MR DUTERTRE: [12:57:10] Now, I understand that this is a bit personal.

14 Perhaps we should go into private session, your Honours.

15 PRESIDING JUDGE MINDUA: [12:57:19](Interpretation) Court officer, private
16 session, please.

17 (Private session at 12.57 p.m.)

18 THE COURT OFFICER: [12:57:24] (Interpretation) We are in private session,
19 your Honour.

20 PRESIDING JUDGE MINDUA: [12:57:44](Interpretation) Thank you very much.

21 Mr Prosecutor.

22 MR DUTERTRE: [12:57:49](Interpretation)

23 Q. [12:57:54] Mr Witness, you said that:

24 [REDACTED]

25 [REDACTED]

Trial Hearing
MLI-OTP-P-0004

(Private Session)

ICC-01/12-01/18

1 So that meant that -- you said that [REDACTED] taken away by "his elements," lines
2 15 to 18, page 76.

3 When you say "his elements," the elements or the - of whom?

4 A. [12:58:26] The people we understood to be members of the Islamic police.

5 Q. [12:58:31] Understood.

6 And when you say "taken away," what do you mean exactly? They took them?

7 Seized them? Confiscated them?

8 A. [12:58:43] [REDACTED] the people came. They smashed

9 [REDACTED]

10 Q. [12:58:52] Were you present when that happened

11 A. [12:58:56] I wasn't there, but when I heard about it, I left and went to see for
12 myself

13 Q. [12:59:10] [REDACTED]

14 A. [12:59:12] [REDACTED]

15 Q. [12:59:17] Very well. Who told you? Who gave you this information? You
16 say that you went to see for yourself. Who gave you that information?

17 THE INTERPRETER: [12:59:32] Overlapping.

18 THE WITNESS: [12:59:38](Interpretation) A young person [REDACTED]

19 [REDACTED]

20 MR DUTERTRE: [12:59:41](Interpretation)

21 Q. [12:59:42] [REDACTED] name?

22 A. [12:59:45] [REDACTED]

23 Q. [12:59:54] And when you got there, what did you see exactly once you got to
24 that place?

25 A. [12:59:56] I saw that th [REDACTED] that the

Trial Hearing
MLI-OTP-P-0004

(Private Session)

ICC-01/12-01/18

1 [REDACTED] wasn't there anymore.

2 Q. [13:00:01] At that time ...

3 PRESIDING JUDGE MINDUA: [13:00:10](Interpretation) Ms Taylor.

4 MS TAYLOR: [13:00:12] Thank you, Mr President. I apologise for interrupting, but

5 I see it's one o'clock, and this would normally be the time that Mr Al Hassan prays; so

6 it's also the time to break. So I don't know if the Prosecutor intended to continue

7 because if the Prosecutor did intend to continue, then I would ask for leave of the

8 Chamber for Mr Al Hassan to be excused so that he can pray. Thank you.

9 PRESIDING JUDGE MINDUA: [13:00:35](Interpretation) Mr Prosecutor, may we
10 halt

11 MR DUTERTRE: [13:00:40](Interpretation) I am in the Chamber's hands. I may not
12 have enough time to finish with this so ..

13 PRESIDING JUDGE MINDUA: [13:00:50](Interpretation) Very well. We will
14 adjourn.

15 Now, I believe we're in private session.

16 THE COURT OFFICER: [13:00:57] (Interpretation) Yes.

17 PRESIDING JUDGE MINDUA: [13:01:00](Interpretation) Open session, please.
18 (Open session at 1.01 p.m.)

19 THE COURT OFFICER: [13:01:05] (Interpretation) We are back in open session.

20 PRESIDING JUDGE MINDUA: [13:01:13](Interpretation) Thank you. It is one
21 minute after one. So we will now adjourn for the lunch break. The break will be
22 somewhat longer, and we resume at 3 o'clock in the afternoon, and we will end the
23 hearing today at 4.30.

24 The hearing is now suspended.

25 THE COURT USHER: [13:01:36] All rise.

ICC

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G C

Trial Hearing
MLI-OTP-P-0004

(Open Session)

ICC-01/12-01/18

1 (Recess taken at 1.01 p.m.)

2 (Upon resuming in open session at 3.03 p.m.)

3 THE COURT USHER: [15:03:56] All rise.

4 Please be seated.

5 PRESIDING JUDGE MINDUA: [15:04:12](Interpretation) Court is in session, once
6 again.

7 So the witness is present.

8 And I shall now hand over to the Office of the Prosecutor.

9 MR DUTERTRE: [15:04:34](Interpretation) Thank you very much, Mr President,
10 your Honours

11 For the record, I would simply note that the accused is not present in the courtroom.

12 PRESIDING JUDGE MINDUA [15:04:45](Interpretation) That is correct He has
13 been excused in order to go and prayer - to pray, but you do well to mention the fact.
14 And the composition of the Defence team seems to have somewhat changed as well,
15 Ms Taylor.

16 MS TAYLOR: [15:05:02] Yes, Mr President. As we mentioned, my colleague was in
17 contact with someone who tested positive. So measures have been taken in order to
18 eliminate the risk of further contamination.

19 PRESIDING JUDGE MINDUA: [15:05:25](Interpretation) Yes, indeed, Ms Taylor. I
20 was just making sure that the record was clear on the subject of the various teams.
21 Not for any other reason.

22 So, Mr Prosecutor

23 MR DUTERTRE: [15:05:39](Interpretation) Well, I send all my best wishes to the
24 Defence team.

25 Q. [15:05:43] So, Mr Witness, we shall carry on where we left off.

ICC

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Trial Hearing
MLI-OTP-P-0004

(Open Session)

ICC-01/12-01/18

- 1 We were talking about a vehicle in a garage and you went there.
- 2 When you arrived on location, Mr Witness, were the Islamic police still in attendance?
- 3 A. [15:06:00] No. There was nobody there.
- 4 Q. [15:06:08] And was the vehicle still present in the garage or had it been taken
- 5 away?
- 6 A. [15:06:15] It was not in the garage.
- 7 Q. [15:06:21] And do you know why that vehicle was taken by the Islamic police
- 8 A. [15:06:31] They said that it was for -- it was -- it was a non-Muslim individual, so
- 9 they had to take it back.
- 10 Q. [15:06:45] So it was a private vehicle belonging to a non-Muslim and they had to
- 11 take it, is that right?
- 12 A. [15:06:50] That's what they said
- 13 Q. [15:06:54] And when you left, what did you do, Mr Witness?
- 14 A. [15:07:00] I went to the Islamic police to see Al Hassan
- 15 Q. [15:07:13] And at that moment in time, Mr Witness, where was the Islamic
- 16 police located?
- 17 A. [15:07:21] In the premises of the BMS.
- 18 (Mr Al Hassan enters the courtroom)
- 19 PRESIDING JUDGE MINDUA: [15:07:25](Interpretation) There we are, Mr
- 20 Prosecutor
- 21 For the record, I note that Mr Al Hassan is once again in the courtroom.
- 22 Please continue
- 23 MR DUTERTRE: [15:07:37](Interpretation) Thank you, Mr President.
- 24 Q. [15:07:39] Mr Witness, can you describe to us what happened once you were at
- 25 the Islamic police at the BMS.

ICC

-CO

G C

Trial Hearing
MLI-OTP-P-0004

(Open Session)

ICC-01/12-01/18

1 A. [15:07:49] I said that I needed to meet with Al Hassan, and I was told to sit in the
2 waiting room.

3 Q. [15:08:00] Who did you address in order to express your request to see
4 Al Hassan at the BMS?

5 A. [15:08:11] I talked to the first person who I met in their office. I don't know
6 who it was. It was one of the elements.

7 THE INTERPRETER: [15:08:19] Overlapping speakers.

8 MR DUTERTRE: [15:08:20](Interpretation)

9 Q. [15:08:21] Can you please describe how he was dressed.

10 A. [15:08:25] They were all wearing the same thing; a short boubou, and short
11 trousers and a turban.

12 THE INTERPRETER: [15:08:33] Could a pause be observed, from the English
13 booth -- message. Thank you.

14 THE COURT OFFICER: [15:08:40](No interpretation)(Overlapping speakers)

15 MR DUTERTRE: [15:08:43](Interpretation)

16 Q. [15:08:44] And you were sitting in the waiting room, what did you note whilst
17 you were waiting?

18 A. [15:08:53] What I noted was that there was movement of people. There were
19 other people waiting with me, and there were people coming and going.

20 Q. [15:09:05] And when you say -- you're talking about "people" or "agents" or
21 "officers," what do you mean?

22 A. [15:09:17] I mean that there were elements present, who were people who were
23 presented as officers of the Islamic police.

24 Q. [15:09:26] And how long did you wait, Mr Witness

25 A. [15:09:30] I didn't wait for too long. Maybe about 10 minutes.

Trial Hearing
MLI-OTP-P-0004

(Open Session)

ICC-01/12-01/18

1 Q. [15:09:38] And after those 10 minutes, what happened?

2 A. [15:09:45] I was asked to enter Al Hassan's office.

3 Q. [15:09:57] Are you in a position to say where was where that office was
4 located? When you walk into the BMS building, where is it? Left, right, to the
5 centre? Do you recall?

6 A. [15:10:12] I believe it's to the right.

7 Q. [15:10:16] Before entering the office, did anyone come out of the office?

8 A. [15:10:27] Somebody did come out, but I don't remember who it was. And I
9 didn't really pay attention.

10 Q. [15:10:39] So I suppose you went into the office Can you describe what
11 happened, what you discussed with Mr Al Hassan?

12 A. [15:10:51] I talked to him about the vehicle that had been taken away [REDACTED]
13 [REDACTED] and I wanted to know why. He said it was a non-Muslim
14 and that as a result, it was his right to take said vehicle away
15 I said to him that thi [REDACTED] was not a non-Muslim, that he was
16 a Muslim, and that he called when he was informed of it And when - and he said,
17 really, he just needs to leave his house. Because, before doing so, he even read the
18 Koran in his house, and a copy of the Koran was found in the house.

19 And -- but he was sceptical and said, [REDACTED] Is there such a thing as
20 a [REDACTED]?

21 And I gave him the case of - an example of a well-known doctor, Mohamed (sic)
22 Deedat, in comparative theology. And I said to him that many [REDACTED] are
23 Muslims. And he asked me whether I could provide him the number of this [REDACTED]
24 [REDACTED] gentleman in question. And I said, "Yes. And he also gave me his number
25 and asked that I ask him to call him. So -- and after that was said to me, I left the

Trial Hearing
MLI-OTP-P-0004

(Open Session)

ICC-01/12-01/18

1 office.

2 Q. [15:12:31] Very well.

3 So this happened on the same day that the vehicle was taken away. When you were
4 in Mr Al Hassan's office, what time of the day was that, if you recall?

5 A. [15:12:48] It was in the afternoon.

6 Q. [15:12:53] And a point of clarification. I'm going to slow down somewhat.

7 Who was occupying the house of tha [REDACTED] Could you specify.

8 A. [15:13:09] Well, that house was given to the family, so the house is closed up.

9 And often you can accommodate people who are passing through, just for a short
10 period

11 Q. [15:13:27] Very well.

12 And why specifically was there this exchange of telephone numbers What was the
13 aim?

14 A. [15:13:49] It was because he wanted to ascertain from the man himself - he was
15 seeking confirmation from the man himself that he was a Muslim, because he was, as
16 I said, sceptical about this.

17 Q. [15:14:08] And Al Hassan, in the office, was he armed?

18 A. [15:14:18] I didn't see any weapon. The ones going in and out were armed.
19 The police officers, that is, of the Islamic police.

20 Q. [15:14:31] And how long did that conversation with Mr Al Hassan last,
21 approximately?

22 A. [15:14:38] Approximately 15 minutes.

23 Q. [15:14:45] And while you were in the office with Mr Al Hassan, were there any
24 other people present?

25 A. [15:14:54] There were some police officers of the Islamic police who were

ICC

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G C

Trial Hearing
MLI-OTP-P-0004

(Open Session)

ICC-01/12-01/18

1 present.

2 Q. [15:15:02] Do you remember how many of them?

3 A. [15:15:04] I do not remember, but there weren't many of them. Maybe two or
4 three.

5 Q. [15:15:10] And were they armed?

6 A. [15:15:13] They were.

7 Q. [15:15:16] Did they say anything?

8 A. [15:15:25] None of them spoke.

9 Q. [15:15:32] So I suppose you leave the room.

10 What happened subsequently with regard to this vehicle

11 A. [15:15:43] What happened subsequently was that they brought the vehicle back.

12 They apologised and said that they would repair the door that they had broken.

13 And we said that they needn't bother, that we would repair the garage door.

14 Q. [15:16:08] And what moment in time was that? Was that on the same day, the
15 next day, the day after that?

16 A. [15:16:17] I don't really recall. I believe that it was the next day, but I'm not
17 entirely certain.

18 MR DUTERTRE: [15:16:29](Interpretation) I would now like to use document

19 0003-0062, which is to be found at tab 2 of your binder, Mr President.

20 And if - the transcript is to be found at tab 3, if it could be brought up by the court
21 officer, please.

22 And the original is to be found, pages 0003-0135, 0137 and 0139, for which the

23 transcript is to be found at tab 3, 0064-006 -- no, 0064-0608. We're talking here about
24 pages 0682, 0684, and 0686.

25 Q. [15:17:56] Now, before you start perusing this, Mr Witness, could you please tell

Trial Hearing
MLI-OTP-P-0004

(Open Session)

ICC-01/12-01/18

1 us why, to your knowledge, they brought the vehicle back.

2 A. [15:18:06] They brought the vehicle back because Al Hassan said that he had
3 reached him over the telephone and he had confirmed that he was a Muslim.

4 Q. [15:18:23](Microphone not activated)

5 THE INTERPRETER: [15:18:25] No microphone.

6 Microphone, please, counsel.

7 MR DUTERTRE: [15:18:29](Interpretation)

8 Q. [15:18:30] You say that he reached him over the telephone. Who did Al Hassan
9 reach?

10 A. [15:18:35] He reached th [REDACTED] He asked me for his number I gave
11 him the number. And I also sent the number of Al Hassan to th [REDACTED]

12 Q. [15:18:47] And how did you learn of this - or how did you learn this

13 A. [15:18:50] I learnt this because I was at home as - and - and I - I was told that
14 Al Hassan was asking for me, and I was told that he had reached th [REDACTED]
15 and that the information that we had provided was correct; that he is a Muslim.

16 Q. [15:19:15] And when you said he was "asking for me," did you go to the Islamic
17 police once again?

18 A. [15:19:23] I did go there again because I was told that I was being looking -- I
19 was being looked for, and he then told me that they were going to hand back the
20 vehicle and repair the door.

21 Q. [15:19:36] And who, in concrete terms, brought that vehicle back, Mr Witness?

22 A. [15:19:42] Well, I don't really know. I was told that it was brought back by
23 them. I don't know whether it was the same people who took it away who brought
24 it back, but I was told that it had been brought back.

25 Q. [15:19:55] Very well.

Trial Hearing
MLI-OTP-P-0004

(Private Session)

ICC-01/12-01/18

1 So, Mr Witness, I would like you to look at these pages 0003-0135, 0137, and 0139.

2 MR DUTERTRE: [15:21:07](Interpretation) Might we move into private session,
3 briefly, please, Mr President.

4 PRESIDING JUDGE MINDUA: [15:21:11] Madam courtroom officer, private session,
5 please.

6 (Private session at 3.21 p.m.)

7 THE COURT OFFICER: [15:21:17] (Interpretation) We are in private session, Mr
8 President.

9 PRESIDING JUDGE MINDUA: [15:21:30](Interpretation) Thank you very much.
10 Mr Prosecutor.

11 MR DUTERTRE: [15:21:32](Interpretation)

12 Q. [15:21:32] Mr Witness, I have a rapid question for you [REDACTED]

13 [REDACTED]?

14 A. [15:21:39] [REDACTED]

15 Q. [15:21:41] Could you please specify to the Court [REDACTED]

16 [REDACTED]

17 A. [15:21:48] [REDACTED]

18 MR DUTERTRE: [15:21:53](Interpretation) We can move back into open session,
19 please.

20 PRESIDING JUDGE MINDUA: [15:21:57](Interpretation) Yes, indeed. Madam
21 courtroom officer, open session please.

22 (Open session at 3.22 p.m.)

23 THE COURT OFFICER: [15:22:03] (Interpretation) We are back in open session, Mr
24 President.

25 PRESIDING JUDGE MINDUA: [15:22:11](Interpretation) Thank you very much.

Trial Hearing
MLI-OTP-P-0004

(Open Session)

ICC-01/12-01/18

1 Mr Prosecutor.

2 MR DUTERTRE: [15:22:14](Interpretation)

3 Q. [15:22:14] Mr Witness, I would like for you to read from the top of the page,

4 0135, where it is written: "*Vers 18 heures* "at approximately 6 p.m.", until

5 page [0]139, 0135 being the first page. 0135

6 THE INTERPRETER: [15:22:39] -- repeats counsel.

7 THE WITNESS: [15:22:44](Interpretation) Okay.

8 MR DUTERTRE: [15:22:48](Interpretation)

9 Q. [15:22:49] Until [0]139 - 0139. And you'll stop just before the date of the Friday,
10 13 July

11 If you could you please read slowly for people to follow from the beginning of the
12 page at *Vers 18 heures*".

13 A. [15:23:08] "At approximately 6 p.m., they broke the garage [REDACTED] where the
14 [REDACTED] is parked. Two police - two police
15 officers of the Islamic police manoeuvred in the *chant* - who manoeuvred in the
16 *chantie* - CEDRAB and [REDACTED] were denounced. They had them occupy the house of
17 [REDACTED] man saying that they would stay there and that they would
18 occupy

19 THE INTERPRETER: [15:23:45] Illegible

20 THE WITNESS: [15:23:46](Interpretation) - if we did not give back -- if we did not
21 give the keys and the spare parts of the vehicle. I went to Aboubacrine at the Islamic
22 police, where Adama then sent us to his deputy, Hassan.

23 After prayer, he received us. If we give the key and the spare parts, there won't be
24 a problem, none at all. Anyway, that's a warehouse.

25 On Wednesday, 11 July, I went to the Islamic police to ask them to come and take the

Trial Hearing
MLI-OTP-P-0004

(Open Session)

ICC-01/12-01/18

1 car, the vehicle. On the day before, one of the agents fornicated and even
2 denounce - and was - and is even denounced by his friend. The - the team arrived
3 with mechanics and took the car away, promising to repair the door. According to
4 the policeman, it was the former manoeuvres who said that the [REDACTED] is not
5 a Muslim and that the house belongs to him.

6 Do I continue on 137?

7 THE INTERPRETER: [15:25:09] Asks the witness.

8 MR DUTERTRE: [15:25:12](Interpretation)

9 Q. [15:25:12] If you could just slow down a little bit.

10 A [15:25:14] I'm going to continue on 137

11 THE INTERPRETER: [15:25:16] 003-137 (sic) says the witness.

12 THE WITNESS: [15:25:21] "The [REDACTED] man who was informed sent his
13 number ... to hand it over. If they took his vehicle, they need to just free-up his
14 house. He is a Muslim, and even before reading - leaving, he brought the Koran
15 there. I once again went to the Islamic police where I found Kader and two others
16 waiting of whom an Arab from Timbuktu. The deputy commissioner has two
17 visitors. Kader and the two others left, and I waited. Out comes an armed man
18 with a batch of - of ammunition over his shoulder. The door of the commissioner
19 opens. It is the emir, Abou Zeid, and the governor of the *katiba* of Timbuktu who
20 was there with his bodyguard with a special beard, this Algerian gentleman.

21 I handed over my number to Hassan, the deputy commissioner. I handed over

22 THE INTERPRETER: [15:26:46] Correction

23 THE WITNESS: [15:26:47] (Interpretation) [REDACTED]

24 [REDACTED]

25 [REDACTED] Is he Muslim? He is Muslim. A Muslim

Trial Hearing
MLI-OTP-P-0004

(Private Session)

ICC-01/12-01/18

1 [REDACTED]? That's difficult. He helped the mosque - the mosque a lot, and
2 when I think of a [REDACTED].

3 Do I continue?

4 Q. [15:27:26] Yes, please.

5 A. [15:27:28] "16:46: [REDACTED]
6 [REDACTED]

7 THE INTERPRETER: [15:27:50] Over the page, please.

8 THE WITNESS: [15:27:50] [REDACTED]
9 [REDACTED]

they said - or they came to realise that he was a Muslim. I was
10 then called by the deputy commissioner, Hassan, who apologises and promises to
11 dispatch some officers to put back everything that they took and repair everything
12 that they damaged. They were apologising on the basis of false information.

13 Friday, 13 July, armed patrols

14 MR DUTERTRE: [15:28:33](Interpretation) Thank you very much. That's enough,
15 Mr Witness.

16 THE WITNESS: [15:28:36] Okay

17 MR DUTERTRE: [15:28:40](Interpretation) Mr President, could we please go into
18 private session.

19 PRESIDING JUDGE MINDUA: [15:28:52](Interpretation) Yes. Private session,
20 Madam Courtroom Officer

21 (Private session at 3.28 p.m.)

22 THE COURT OFFICER: [15:28:55] (Interpretation) We are in private session.

23 PRESIDING JUDGE MINDUA: [15:28:59](Interpretation) Thank you very much.
24 Mr Prosecutor.

25 MR DUTERTRE: [15:29:02](Interpretation) Thank you very much, Mr President.

Trial Hearing
MLI-OTP-P-0004

(Private Session)

ICC-01/12-01/18

1 Q. [15:29:04] Mr Witness [REDACTED]

2 [REDACTED]

3 A. [15:29:16] I don't really remember. [REDACTED]

4 [REDACTED]

5 MR DUTERTRE: [15:29:28](Interpretation) Could we move into open session,
6 please.

7 PRESIDING JUDGE MINDUA: [15:29:31](Interpretation) Madam Courtroom Officer,
8 open session please.

9 (Open session at 3.29 p.m.)

10 THE COURT OFFICER: [15:29:34] (Interpretation) We're back in open session.

11 PRESIDING JUDGE MINDUA: [15:29:43](Interpretation) Thank you.

12 Mr Prosecutor.

13 MR DUTERTRE: [15:29:45](Interpretation)

14 Q. [15:29:45] Mr Witness, page 0003-0137, it is written that: "The door opens and
15 the emir - it is the emir Abou Zeid.

16 A. [15:30:05] Yes

17 Q. [15:30:08] So how did you know that it was the emir, Abou Zeid, who was
18 there was there when the door of the commissioner's office opened?

19 A. [15:30:20] I knew that because the first time we met Abou Zeid on the road to
20 the airport in a house that they occupied, he was introduced as such. He was
21 wearing a short boubou, and he had a distinguishing factor of wearing his gun across
22 his shoulder.

23 So when I saw him, I immediately recognised him.

24 Q. [15:31:04] Very well.

25 So this story about the vehicle, which was taken by a non-Muslim, have you heard

ICC

-CO

G C

Trial Hearing
MLI-OTP-P-0004

(Open Session)

ICC-01/12-01/18

1 other stories that were similar at the time?

2 A. [15:31:19] No.

3 Q. [15:31:29] The witness is lifting his hand, raising his hand.

4 PRESIDING JUDGE MINDUA: [15:31:34](Interpretation) Yes, Witness. You are
5 excused.

6 THE INTERPRETER: [15:31:40] Correction from the English booth: He was in the
7 habit of wearing his double-barrel shotgun.

8 PRESIDING JUDGE MINDUA: [15:31:47](Interpretation) We'll just wait a few
9 moments, of course.

10 (Witness exits the video-link room)

11 (Pause in proceedings)

12 PRESIDING JUDGE MINDUA [15:34:21](Interpretation) Ms Taylor

13 MS TAYLOR: [15:34:22] Mr President, I wonder if I may use this time just to discuss
14 something very briefly with the Chamber. As I understand it, the Chamber is
15 contemplating a remote hearing for tomorrow and I wonder - I will get the results of
16 Maître Basile before midnight tonight I wonder if it would make sense to have the
17 hearing tomorrow starting at 10 and sitting until 4.30, and, in that way, I can email
18 obviously the Chamber tonight at midnight, but that would give us enough time in
19 the morning to know whether it's possible to convene it in person or whether it would
20 need to be done remotely.

21 Obviously, it's preferable, highly preferable to do it in person, but that would give us
22 more time as 9.30 might be tight. I know I'm putting you on the spot, but I wanted
23 to raise this since we had a bit of time.

24 PRESIDING JUDGE MINDUA: [15:35:21](Interpretation) Yes, Ms Taylor, this is
25 a judicious way of using our time.

ICC

-CO

G C

Trial Hearing
MLI-OTP-P-0004

(Open Session)

ICC-01/12-01/18

- 1 I think there's no objection from the Office of the Prosecutor.
- 2 MR DUTERTRE: [15:35:34](Interpretation) No objection. It's preferable, indeed.
- 3 PRESIDING JUDGE MINDUA: [15:35:42](Interpretation) Even if we're up till
- 4 midnight. Yes, that can happen in cases of force majeure.
- 5 Yes, so your proposal is accepted.
- 6 Very well. We will do it like that.
- 7 (The witness enters the video-link room)
- 8 PRESIDING JUDGE MINDUA: [15:35:43](Interpretation) So, Witness, you're back.
- 9 Did you want to say something?
- 10 THE WITNESS [15:36:02](Interpretation) No I'm back
- 11 PRESIDING JUDGE MINDUA: [15:36:04](Interpretation) Very well.
- 12 We are now going to continue.
- 13 Prosecutor, you have the floor.
- 14 MR DUTERTRE: [15:36:11](Interpretation) Thank you very much, your Honour,
- 15 your Honours.
- 16 Q. [15:36:15] Witness, could you tell us the next time that you met Al Hassan, when
- 17 was that? In 2012 in Timbuktu, during the occupation - well, April 2012 to
- 18 January 2013?
- 19 A. [15:36:34] Apart from this meeting at the Islamic police, we met in meetings but
- 20 not directly. Meetings with others.
- 21 Q. [15:36:50] Could you say approximately how many times you met him in
- 22 meetings with others.
- 23 A. [15:37:02] Perhaps two or three times. But the times that I remember most is
- 24 when he was meant to go to Konna. He called us at the town hall from 1900 hours.
- 25 He was there with Adama and others, and he even spoke there as well.

Trial Hearing
MLI-OTP-P-0004

(Open Session)

ICC-01/12-01/18

1 Q. [15:37:34] So we're going to go into this event in more detail

2 Now, you spoke about when he left for Konna. Who was the person who called this
3 meeting to come to the town hall, if you remember?

4 A. [15:37:52] Well, I don't know. [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 MR DUTERTRE: [15:38:08](Interpretation) If we could go into private session,
8 your Honour.

9 PRESIDING JUDGE MINDUA: [15:38:11](Interpretation) Indeed.
10 Court officer, please take us into private session

11 (Private session at 3.38 p.m.)

12 THE COURT OFFICER: [15:38:17](Interpretation) We're in private session,
13 your Honour.

14 PRESIDING JUDGE MINDUA [15:38:29](Interpretation) Thank you very much
15 Prosecutor.

16 MR DUTERTRE: [15:38:31](Interpretation)

17 Q. [15:38:33] So, Witness, could you tell us who - who it was among the occupants
18 was present in the town hall at that meeting?

19 A. [15:38:52] What I remember is that Al Hassan was there and Adama was there
20 as well. I can't put a name to the faces of the other ones, but they were armed men.

21 Q. [15:39:11] Was Mr Al Hassan armed as well?

22 A. [15:39:15] No, he wasn't armed.

23 Q. [15:39:18] Was Adama armed?

24 A. [15:39:21] Adama was armed.

25 Q. [15:39:28] [REDACTED] if you

Trial Hearing
MLI-OTP-P-0004

(Open Session)

ICC-01/12-01/18

1 remember?

2 A. [15:39:36] I don't really remember [REDACTED]

3 [REDACTED]

4 Q. [15:39:42] And why did [REDACTED] to meet? To say what?

5 A. [15:39:54] He called [REDACTED] because when he was

6 preparing to go to Konna, I think there'd already been a first attempt that had been

7 made. So what he said - that the children were crying, "Konna! Konna! Konna!

8 And they were asking them to speak to the children.

9 And, secondly, he was saying that there was a holy war, a jihad, and all Muslims had

10 to participate in it. If they didn't want to participate physically, then they could

11 participate materially. If they didn't have the means to do so, then they had - they

12 could not say anything which would harm the jihadists.

13 Furthermore, they also said that there were people who were committing theft. And

14 he said that they no longer have the time to do so - they don't have time to judge

15 them. They're just going to go to be killed.

16 Q. [15:41:16] Understood.

17 Now, you said that Al Hassan spoke. What did he say, Al Hassan?

18 A. [15:41:23] Well, he would speak in French, normally. He would say in French

19 what others said in Arabic. And [REDACTED]

20 there were other people as well who were Arabs. There were Arab traders as well

21 who were there.

22 Q. [15:41:42] Very well.

23 And who was it who spoke mainly for the occupiers?

24 A. [15:41:50] Adama spoke. He was the one who delivered that message.

25 Q. [15:41:56] Very well.

ICC

-CO

G C

Trial Hearing
MLI-OTP-P-0004

(Open Session)

ICC-01/12-01/18

1 And just by way of clarification, when you said: There was already a first attempt in
2 Konna, which had been pushed back... (Overlapping speakers)

3 A. [15:42:11] That means that somebody -- AQMI and Ansar Dine, when they said
4 they were going to attack Konna and they left, then they had been driven back in their
5 attempt to do that. And when they were faced with this semi-defeat, the children
6 were shouting, "Konna! Konna! And they thought they were being insulted by the
7 children.

8 Q. [15:42:48] And you said that they said that at least the population should not say
9 anything which could harm the jihadists. What did you think would happen if
10 people said something which would harm the jihadists

11 A. [15:43:08] Well, they'd be threatened. There were clear threats. When there
12 are people who do things against the jihadists, they could be killed They could be
13 sanctioned. And it makes me think of the story of the Arab traders. There was an
14 Arab trader who said "The person who comes into this shop, can I shoot that
15 person?

16 And they said: "Yes, you can, because we don't have time to judge thieves. So if
17 somebody comes to steal from your shop, you're authorised to shoot them.

18 Q. [15:43:57] Witness, I would like you to use document 0030-154. That's at Tab 4.
19 Page 185. The transcript is at Tab 5. 0064-0701, page 0762.

20 For you, Witness, page 003(sic)-0185. And the transcript, 0064-0701, page 0762.

21 A. [15:45:08] Yes, I'm following.

22 MR DUTERTRE: [15:45:09](Interpretation) So if we could go into private session,
23 very briefly.

24 PRESIDING JUDGE MINDUA: [15:45:17](Interpretation) Court officer.

25 THE COURT OFFICER: [15:45:21](Interpretation) We're still in private session,

Trial Hearing
MLI-OTP-P-0004

(Open Session)

ICC-01/12-01/18

1 your Honour.

2 PRESIDING JUDGE MINDUA: [15:45:36](Interpretation) Very well.

3 Prosecutor

4 MR DUTERTRE: [15:45:38](Interpretation)

5 Q. [15:45:41] Witness, could you tell us [REDACTED]

6 A. [15:45:54] [REDACTED]

7 Q. [15:45:57] *On page 0003-0185

8 A. [15:46:23] [REDACTED]

9 MR DUTERTRE: [15:46:29](Interpretation) We can go back into open session,
10 your Honour.

11 PRESIDING JUDGE MINDUA: [15:46:33](Interpretation) Court officer, please take
12 us back into open session.

13 (Open session at 3.46 p.m.)

14 THE COURT OFFICER: [15:46:37](Interpretation) We're in open session,
15 your Honour.

16 PRESIDING JUDGE MINDUA [15:46:46](Interpretation) Thank you very much
17 Prosecutor.

18 MR DUTERTRE: [15:46:49](Interpretation)

19 Q. [15:46:51] Witness, could you read on the right part, the passage, starting with:
20 "Tuesday, 16 (sic) January 2013" to the bottom of the page. If you could read that
21 slowly and clearly.

22 A. [15:47:10] "On Tuesday, 15 January 2013, the crisis committee was called to the
23 Islamic police just after the dawn prayer. Question [REDACTED]

24 [REDACTED] with Adama, Hassan and Arab traders. Adama, with his Kalash,

25 explains a bit about the war situation, the discontent that there is with the break-up or

ICC

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G C

Trial Hearing
MLI-OTP-P-0004

(Open Session)

ICC-01/12-01/18

1 smashing of things coming. Those who smash things or simply looks in their house
2 are considered as thieves, as an enemy. For them, there will be no prison. They
3 will just be killed. Those who are pleased about the events in Gao, merit death.
4 They also spoke about relaxing of behaviour.

5 And they have been warned when it comes to the morality commission.

6 A complaint was made by Arab traders. Indeed, a house of a jihadist who had
7 moved had been pillaged. These are acts which are dishonourable, and we have to
8 be aware of them.

9 Q. [15:49:11] Witness, could you explain what you understood by a "serious
10 warning

11 A. [15:49:30] What I understand by that is what I said previously; for those who
12 break things or pillage or even look into other people's houses

13 Q. [15:49:51] Did you see Mr Al Hassan afterwards?

14 A. [15:50:03] Afterwards? No.

15 Q. [15:50:06] We are now going briefly over some other subject, Witness, trying to
16 go as quickly as possible.

17 Did you know if members of Ansar Dine and AQIM married women from Timbuktu,
18 local women from Timbuktu?

19 A. [15:50:35] I heard rumours, but there was no confirmation of that.

20 Q. [15:50:42] You heard which rumours, Witness

21 A. [15:50:46] Well, the rumour that I heard was that certain women were married
22 in a place, and, there were many of them, and the explanation that was given was
23 that it was public money.

24 Q. [15:51:17] Did you ever write anything about this, Witness?

25 A. [15:51:25] Something with regard to

Trial Hearing
MLI-OTP-P-0004

(Open Session)

ICC-01/12-01/18

1 Q. [15:51:28] With regard to marriage and the treatment of women.

2 A. [15:51:32] I don't remember, but I think I did write something.

3 MR DUTERTRE: [15:51:40](Interpretation) Your Honour, your Honours, I would
4 like to refer to document 0003-018 - 195, 0003-0195, which is at tab 8 of binder 1.

5 THE WITNESS: [15:52:26](Interpretation) Yes, I'm fine

6 MR DUTERTRE: [15:52:31](Interpretation) Could we briefly go into private session,
7 your Honour.

8 PRESIDING JUDGE MINDUA: [15:52:36](Interpretation) Private session, court
9 officer.

10 (Private session at 3.52 p.m.)

11 THE COURT OFFICER: [15:52:40](Interpretation) We're in private session,
12 your Honour.

13 PRESIDING JUDGE MINDUA: [15:52:48](Interpretation) Thank you very much.
14 Prosecutor

15 MR DUTERTRE: [15:52:53](Interpretation) Thank you, your Honour.

16 Q. [15:52:55] Witness, do you recognise this document?

17 A. [15:52:58] [REDACTED]

18 Q. [15:53:02] Could you explain to the Chamber what it is.

19 A. [15:53:07] [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 Q. [15:53:38] So the title is as follows:

24 [REDACTED]

25 [REDACTED]

Trial Hearing
MLI-OTP-P-0004

(Open Session)

ICC-01/12-01/18

1 Do you remember approximately whe [REDACTED]

2 [REDACTED] ?

3 A. [15:53:57] I don't know exactly [REDACTED]

4 [REDACTED]

5 don't know exactly at what time I did it.

6 MR DUTERTRE: [15:54:20](Interpretation) So we can go into open session,

7 your Honour, your Honours.

8 PRESIDING JUDGE MINDUA: [15:54:31](Interpretation) Court officer, please take

9 us into open session.

10 (Open session at 3.54 p.m.)

11 THE COURT OFFICER: [15:54:45](Interpretation) We're in open session,

12 your Honour.

13 PRESIDING JUDGE MINDUA: [15:54:47](Interpretation) Thank you, court officer.

14 Prosecutor

15 MR DUTERTRE: [15:54:51](Interpretation) Thank you, your Honour.

16 Q. [15:54:54] So, Witness, at the bottom of the document I can read the following,

17 on the first page 0003-0195:

18 "During the month of May, several marriages were held which were at least bizarre.

19 It was the Islamists who were contracting the marriages; on demand, they paid

20 between 300 and 500 (sic) FCFA, but the following nights, it was 3 or 4 friends of the

21 married person who came to take advantage of the woman, as if to mean the woman

22 was married by 3 or 4 persons at the same time. Similar cases were pointed out in

23 Abaradjou, Hama Bangou and Alhamaye koukou, neighbourhoods of Timbuktu.

24 Witness, are you able to say where this information comes from?

25 A. [15:56:25] This is information that I got from a friend. Some people know the

Trial Hearing
MLI-OTP-P-0004

(Open Session)

ICC-01/12-01/18

1 people who are victims of this in the different neighbourhoods that are mentioned.

2 MR DUTERTRE: [15:56:46](Interpretation) Could we go into private session for
3 a question, your Honour.

4 PRESIDING JUDGE MINDUA: [15:56:52](Interpretation) Private session, please,
5 court officer.

6 (Private session at 3.56 p.m.)

7 THE COURT OFFICER: [15:56:56](Interpretation) We're in private session,
8 your Honour.

9 PRESIDING JUDGE MINDUA: [15:57:14](Interpretation) Thank you very much,
10 court officer.

11 Prosecutor.

12 MR DUTERTRE: [15:57:19](Interpretation) Thank you, your Honour.

13 Q. [15:57:20] Witness, could you - we are in private session. At the moment,
14 nobody can hear you.

15 Could you tell us what the [REDACTED]

16 [REDACTED]

17 A. [15:57:36] [REDACTED] from [REDACTED] neighbourhood.

18 Q. [15:57:53] Could you repeat that name more slowly.

19 A. [15:57:57] [REDACTED]

20 Q. [15:58:00] How would you spell the word [REDACTED]

21 A. [15:58:02] [REDACTED].

22 Q. [15:58:19] Do you know how [REDACTED] that information? [REDACTED]

23 [REDACTED]

24 A. [15:58:27] [REDACTED] neighbourhood.

25 MR DUTERTRE: [15:58:36](Interpretation) We can go back into open session,

ICC

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G C

Trial Hearing
MLI-OTP-P-0004

(Open Session)

ICC-01/12-01/18

1 your Honour.

2 PRESIDING JUDGE MINDUA: [15:58:41](Interpretation) Open session, please, court
3 officer.

4 (Open session at 3.58 p.m.)

5 THE COURT OFFICER: [15:58:44](Interpretation) We're in open session,
6 your Honour.

7 PRESIDING JUDGE MINDUA: [15:58:53](Interpretation) Thank you very much,
8 Madam Court Officer.

9 Prosecutor.

10 MR DUTERTRE: [15:59:01](Interpretation) Thank you, your Honour

11 Q. [15:59:02] Witness, if you go to the top of the next page, 0003-0196.

12 A. [15:59:11] Yes

13 Q. [15:59:13] It is marked, and here, I quote:

14 "In the neighbourhood of Abaradjou, a girl of 13 years old, against the will of her
15 parents, she married a Islamist but tried to flee, but she was caught and whipped and
16 chained up by her husband.

17 Closed inverted commas.

18 Did you want to say something?

19 PRESIDING JUDGE MINDUA: [15:59:52](Interpretation) Yes, Witness, you are
20 excused.

21 (Witness exits the video-link room)

22 THE INTERPRETER: [16:00:13] So in the "Abaradjou" neighbourhood.

23 MR DUTERTRE: [16:00:15](Interpretation) Your Honour, during this break, I'm
24 aware that I'm coming to the end of my cross-examination. I possibly have another
25 10 minutes. I can cut quite a lot of my questioning.

ICC

-CO

G C

Trial Hearing
MLI-OTP-P-0004

(Open Session)

ICC-01/12-01/18

1 But I'm really in the hands of the Chamber.

2 PRESIDING JUDGE MINDUA: [16:00:50](Interpretation) Yes. The problem is that
3 you've exhausted your time; so try to conclude. You've got 10 minutes to conclude.

4 MR DUTERTRE: [16:00:59](Interpretation) Absolutely.

5 PRESIDING JUDGE MINDUA: [16:02:36](Interpretation) There we are. The
6 witness is once again in our midst.

7 (The witness enters the video-link room)

8 PRESIDING JUDGE MINDUA: [16:02:40](Interpretation)

9 So, Mr Prosecutor.

10 MR DUTERTRE: [16:02:42](Interpretation) Thank you, Mr President, for your
11 patience.

12 Q. [16:02:48] Mr Witness, what is the source of this information of this 13-year-old
13 girl married to an Islamist against her parents' will?

14 A. [16:02:58] The only source is a friend in the Abaradjou neighbourhood, and
15 he - it is said here that it was in Abaradjou.

16 Q. [16:03:13] And this is the same person you mentioned a few moments ago?

17 A. [16:03:16] Yes, indeed.

18 Q. [16:03:19] I'm moving on to another subject, Mr Witness, because we're coming
19 to the end of our time.

20 Could you please, briefly, very briefly, tell us what happened to the mausoleums in
21 Timbuktu. Very briefly, please.

22 A. [16:03:37] Well, what happened to the mausoleums is that, one morning, we
23 were informed that people were destroying the mausoleums. So we went out, and I
24 was able to verify that some mausoleums were being destroyed. Others, I no longer
25 could find them.

ICC

-CO

G C

Trial Hearing
MLI-OTP-P-0004

(Open Session)

ICC-01/12-01/18

1 Q. [16:04:09] I would like to show to you a document 0003-0286

2 MR DUTERTRE: [16:04:15](Interpretation) 0003-0286 at tab 10, Mr President, of
3 binder 1.

4 Q. [16:04:58] Do you have the document, Mr Witness?

5 A. [16:05:01] No, not yet.

6 Q. [16:05:07] 286. So that's tab 10 of binder 1, MLI-OTP-0003-0286.

7 A. [16:05:24] Yes, I do have it before me

8 Q. [16:05:37] Who is the author of this document, Mr Witness?

9 A. [16:05:42] I am the author of this document.

10 Q. [16:05:46] And what does it describe, Mr Witness

11 A. [16:05:50] It is the list of the mausoleums that were destroyed and that were
12 UNESCO World Heritage So you have the name of the mausoleum, the situation,
13 and the date of destruction.

14 THE INTERPRETER: [16:06:08] Says the witness.

15 MR DUTERTRE: [16:06:10](Interpretation)

16 Q. [16:06:10] And destroyed by whom?

17 A. [16:06:12] Destroyed by armed men who were said to be AQMI, Ansar Dine.

18 Q. [16:06:24] So I would like to now move on to the last part of my examination. I
19 would briefly like to show two photographs and the very beginning of a video, which
20 will be very short. I'll start with the photo, 0022-0478 at tab 147 of binder number 2,
21 Mr President.

22 THE COURT OFFICER: [16:07:24] (Interpretation) The photograph is also on the
23 screen, and the witness can see it.

24 MR DUTERTRE: [16:07:33](Interpretation)

25 Q. [16:07:34] Mr Witness, you can see the photograph?

Trial Hearing
MLI-OTP-P-0004

(Open Session)

ICC-01/12-01/18

- 1 A. [16:07:36] Yes.
- 2 Q. [16:07:39] Do you know who this individual is?
- 3 A. [16:07:43] This is Abou Zeid.
- 4 Q. [16:07:48] I would like to now show my penultimate item at tab 17 of binder 1,
5 MLI-OTP-0003-0206. And it's also going to be brought up on the screen. Yes.
- 6 Mr Witness, can you see this image?
- 7 A. [16:08:22] Not yet. Yes. I can see it.
- 8 Q. [16:08:29] Could you tell us who took this photograph, Mr Witness?
- 9 A. [16:08:34] I do not know who took the photograph, but I know who gave it to
10 me.
- 11 MR DUTERTRE: [16:08:43] So maybe we could go into private session for a second.
- 12 PRESIDING JUDGE MINDUA [16:08:47](Interpretation) Madam Courtroom Officer,
13 private session, please.
- 14 (Private session at 4.08 p.m.)
- 15 THE COURT OFFICER: [16:08:51] (Interpretation) We are in private session, Mr
16 President
- 17 PRESIDING JUDGE MINDUA: [16:09:03](Interpretation) Thank you very much.
- 18 Mr Prosecutor.
- 19 MR DUTERTRE: [16:09:07](Interpretation)
- 20 Q. [16:09:07] Mr Witness, who gave you this photograph?
- 21 A. [16:09:11] [REDACTED]
- 22 Q. [16:09:17] I'm sorry?
- 23 A. [16:09:19] [REDACTED]
- 24 Q. [16:09:26] When did he give you this photograph?
- 25 A. [16:09:29] I don't recall, but it was during the occupation, whatever the case may

ICC

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G C

Trial Hearing
MLI-OTP-P-0004

(Open Session)

ICC-01/12-01/18

1 be

2 MR DUTERTRE: [16:09:37](Interpretation) We can move back into open session,
3 please, Mr President.

4 PRESIDING JUDGE MINDUA: [16:09:40](Interpretation) Madam Courtroom Officer,
5 open session, please.

6 (Open session at 4.09 p.m.)

7 THE COURT OFFICER: [16:09:44] (Interpretation) We are back in open session,
8 Mr President.

9 PRESIDING JUDGE MINDUA: [16:09:54](Interpretation) Thank you very much.
10 Mr Prosecutor.

11 MR DUTERTRE: [16:10:00](Interpretation)

12 Q. [16:10:02] Mr Witness, what does this photograph represent

13 A. [16:10:10] It represents young girls who were happy to wear a veil - or who
14 were - or who were forced.

15 THE INTERPRETER: [16:10:24] Correction: Who were forced to wear a veil.

16 MR DUTERTRE: [16:10:26](Interpretation)

17 Q. [16:10:27] Are you in a position to provide us with the ages of these young girls,
18 Mr Witness?

19 A. [16:10:31] I'm not a specialist on the subject, but it would seem to me that the
20 elder of the two is 10 or 12, maybe, and the younger, four or five.

21 MR DUTERTRE: [16:10:46](Interpretation) To wrap up, Mr President, your Honours,
22 I would briefly like to play a video without the sound, 0069-3704, tab 113, and
23 transcript is as at tab 114.

24 And I will be playing it from evidence 2.

25 Q. [16:11:27] Mr Witness, can you see the image on the screen?

ICC

-CO

G C

Trial Hearing
MLI-OTP-P-0004

(Open Session)

ICC-01/12-01/18

1 A. [16:11:29] Yes.

2 Q. [16:11:30] So I'm going to be playing a few seconds of it.

3 THE COURT OFFICER: [16:11:35] (Interpretation) It's on evidence 2 channel, Mr
4 President, your Honours.

5 PRESIDING JUDGE MINDUA: [16:11:45](Interpretation) Yes, indeed. Thank you
6 very much, Madam Courtroom Officer.

7 (Viewing of the video excerpt)

8 MR DUTERTRE: [16:11:59](Interpretation)

9 Q. [16:12:01] I stopped at 00:00:12:03.

10 Mr Witness, there are two individuals seated in front - or in front of the desk and two
11 seated behind.

12 Do you recognise any or either of the two individuals seated behind the desk

13 A. [16:12:31] No.

14 Q. [16:12:34] Mr Witness, I have moved forward to 00:00:29:11

15 A. [16:12:56] Mm-hmm.

16 Q. [16:12:57] Are you able to identify the person who is seated facing us who has
17 his hand underneath his chin?

18 A. [16:13:10] I doubt it.

19 Q. [16:13:12] Can you specify what you mean by that?

20 A. [16:13:16] I mean I'm not sure.

21 Q. [16:13:19] You are not sure, but who do you think it might be?

22 A. [16:13:24] I think it might be Al Hassan, but I'm not sure.

23 Q. [16:13:27] Thank you very much, Mr Witness.

24 MR DUTERTRE: [16:13:31](Interpretation) Mr President, your Honours, I have no
25 further question. I have finished with my examination-in-chief, and I thank the

ICC

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G C

Trial Hearing
MLI-OTP-P-0004

(Open Session)

ICC-01/12-01/18

1 Chamber for their patience.

2 PRESIDING JUDGE MINDUA: [16:13:39](Interpretation) Thank you very much,
3 Mr Prosecutor, for your examination-in-chief.

4 So I believe that the legal representatives for victims had initially requested to put
5 some questions to the witness, but then they renounced.

6 Is that true, Madam Goffin, Maître Goffin?

7 MS GOFFIN: [16:14:11](Interpretation) Mr President, I thank you. I'm not aware of
8 having renounced. That being said, I believe that the witness has broached a
9 number of issues that are directly associated with the interests of the victims. But it
10 seems to me that most of these questions and points have been broached in
11 a satisfying manner during the examination-in-chief on the part of the Prosecutor.

12 So we do not have any questions, and I thank you.

13 PRESIDING JUDGE MINDUA: [16:14:39](Interpretation) Well, thank you very
14 much, Madam Goffin, for this clarification. The Chamber has taken note and is
15 grateful.

16 So it is quarter past four.

17 I'm turning now to the Defence to ascertain - of course, I don't think it's going to be
18 for today, the cross-examination, but, Ms Taylor, over to you.

19 MS TAYLOR: [16:15:08] Thank you, Mr President. The Defence is obviously in the
20 hands of the Chamber on this point, and we understand that we are starting
21 tomorrow. Thank you.

22 PRESIDING JUDGE MINDUA: [16:15:24](Interpretation) Yes, that is correct.

23 So we shall stop here. We shall wait for news this evening to see how we're going to
24 proceed tomorrow, whether it will be in person or online with regard to the Defence,
25 and then the parties and participants will be informed via electronic means.

ICC

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G C

Trial Hearing
MLI-OTP-P-0004

(Open Session)

ICC-01/12-01/18

1 I'm now turning to the witness.

2 THE WITNESS: [16:15:59](Interpretation) Yes.

3 PRESIDING JUDGE MINDUA: [16:16:02](Interpretation) Mr Witness, we have
4 reached the end of our hearing for today. We have finished the examination-in-chief
5 of the Prosecutor, the Legal Representatives for Victims are satisfied and do not wish
6 to address the Court, and, tomorrow, we shall be continuing with the
7 cross-examination. For the time being, on behalf of the Chamber, I would like to
8 very sincerely thank you

9 THE WITNESS: [16:16:31](Interpretation) Thank you.

10 PRESIDING JUDGE MINDUA [16:16:32](Interpretation) -- for your patience and
11 your goodwill and the clarity with which you have answered the questions.

12 As you will be aware, you are not allowed to speak to anybody about your testimony
13 We shall reconvene tomorrow morning at 10 a.m.

14 And before rising for today, I would like to as usual thank the parties and participants,
15 the court reporters, the interpreters, our security guards and our public.

16 I wish you all a very pleasant evening, and I say till tomorrow, Court is adjourned

17 THE COURT USHER: [16:17:24] All rise.

18 (The hearing ends in open session at 4.17 p.m.)

19 CORRECTIONS REPORT

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

22 Page 36 line 19

23 "Chamber's attention to another document. Tab 2, 000 ... tab 2, page 0003-0168," Is
24 corrected to " Is corrected to "Chamber's attention to document 0003-0154 at tab 2,
25 page 0003-0168

ICC

-CO

G C

Trial Hearing
MLI-OTP-P-0004

(Open Session)

ICC-01/12-01/18

1 Page 43 line 20

2 "I'll move to the page ending in 1153 (sic)." Is corrected to "I'll move on to page
3 0030-1253.

4 Page 53 lines 22-23

5 "at the place where the ATM was; that's where they locked them up." Is corrected to
6 "at the BMS in the ATM room where they locked them up, according to what I've
7 been told.

8 Page 85 lines 18-23

9 "Q. [15:43:57] Witness, I would like you to use document 0030-154 -- at page 155
10 (sic). That's at tab 4 So page 185 (sic)

11 THE INTERPRETER: [15:44:17] Corrects the interpreter.

12 MR DUTERTRE: [15:44:19](Interpretation) There's 006 (sic) - so the transcript is at
13 tab 5. 0064-0701, page 0762.

14 Is corrected to Page 85 lines 18-19

15 "Q. [15:43:57] Witness, I would like you to use document 0030-154. That's at Tab 4.
16 Page 185. The transcript is at Tab 5. 0064-0701, page 0762.

17 Page 86 line 7

18 "On page 0030-185 185 (sic)." Is corrected to "On page 0003-0185.