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Trial Hearing
MLI-OTP-P-0642

(Open Session)

ICC-01/12-01/18

1 International Criminal Court
2 Trial Chamber X
3 Situation: Republic of Mali
4 In the case of The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag
5 Mahmoud - ICC-01/12-01/18
6 Judge Antoine Kesia-Mbe Mindua, Presiding, Judge Tomoko Akane and Judge
7 Kimberly Prost
8 Trial Hearing - Courtroom 3
9 Monday, 8 November 2021
10 (The hearing starts in open session at 9.33 a.m.)
11 THE COURT USHER: [9:33:34] All rise. The International Criminal Court is now in
12 session. Please be seated
13 PRESIDING JUDGE MINDUA: [9:33:48](Interpretation) Court is in session.
14 Good morning to everyone.
15 Court officer, please call the case.
16 THE COURT OFFICER: [9:34:05] Good morning, Mr President, your Honours.
17 This is the situation in the Republic of Mali, in the case of The Prosecutor versus Al
18 Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud, case number ICC-01/12-01/18.
19 And for the record, we are in open session.
20 PRESIDING JUDGE MINDUA: [9:34:26](Interpretation) Thank you very much,
21 court officer.
22 As we do every morning, we shall start with hearing from the different teams as to
23 their composition, starting with Prosecutor.
24 MR ALLAFI: [9:34:42] (Interpretation) Good morning, your Honour,
25 your Honours -- your Honours. The Office of the Prosecutor is composed today of

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1 Paola Sacchi; Gilles Dutertre; Lucio Garcia; and myself, Mousa Allafi. Thank you.

2 PRESIDING JUDGE MINDUA: [9:35:04](Interpretation) Thank you very much,

3 Mr Prosecutor.

4 I now turn towards Defence.

5 Counsel.

6 MS TAYLOR: [9:35:17] Good morning, Mr President. Good morning,

7 your Honours. Good morning to everyone in the courtroom. The Defence for Mr

8 Al Hassan is represented today by Ms Molly Thomas and myself, Melinda Taylor.

9 Thank you.

10 PRESIDING JUDGE MINDUA [9:35:25](Interpretation) Thank you very much, Ms

11 Taylor.

12 I now turn to the Legal Representative of Victims.

13 MR KASSONGO: [9:35:34](Interpretation) Good morning, your Honour,

14 your Honours. Good morning to everyone, and thank you. The team of Legal

15 Representatives of Victims is composed of Madam Claire Laplace, who is assisting me,

16 as well as myself, Maître Kassongo. And our team wishes you a very good start to

17 the week and thanks you.

18 PRESIDING JUDGE MINDUA [9:35:48](Interpretation) Thank you very much,

19 Maître Kassongo. And we wish you all a good week as well.

20 So this morning, we are going to hear Witness -- Prosecution Witness P-0642. That's

21 it. So I now turn towards Madam Witness.

22 Good morning, Madam Witness. How are you?

23 WITNESS: MLI-OTP-P-0642

24 (The witness speaks Tamasheq)

25 (The witness gives evidence via video link)

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- 1 PRESIDING JUDGE MINDUA: [9:36:24](Interpretation) Interpretation.
- 2 THE WITNESS: [09:36:24] (No interpretation)
- 3 PRESIDING JUDGE MINDUA: [9:36:28](Interpretation) Thank you very much,
- 4 Madam Witness. On behalf of the Chamber, I would like to welcome you.
- 5 THE WITNESS: [9:36:54](Interpretation) I would also like to welcome you, and I
- 6 wish you well.
- 7 PRESIDING JUDGE MINDUA: [9:36:58](Interpretation) You are going to testify
- 8 with a view to aiding the Chamber establish the truth in the case concerning
- 9 Mr Al Hassan.
- 10 THE WITNESS [9:37:15](Interpretation) Yes.
- 11 PRESIDING JUDGE MINDUA: [9:37:19](Interpretation) It's quite bizarre. I don't
- 12 hear the witness. This is unusual
- 13 What's happening?
- 14 THE WITNESS: [9:37:34](Interpretation) Of course I hear you very well
- 15 PRESIDING JUDGE MINDUA: [9:37:37](Interpretation) Okay. Thank you very
- 16 much.
- 17 Madam Witness, protective measures have been put in place with a view to ensuring
- 18 that your identity is not revealed to the public. Whenever you should give details
- 19 which would risk to reveal your identity, we shall talk about that in private session.
- 20 As such, nobody, apart from those people in the courtroom, will be able to hear you.
- 21 Have you understood that?
- 22 THE WITNESS: [9:38:26](Interpretation) Yes.
- 23 PRESIDING JUDGE MINDUA: [9:38:30](Interpretation) I will now carry out your
- 24 solemn undertaking under Rule 66(1) of the Rules of Procedure and Evidence.
- 25 Under this solemn undertaking, you shall tell the truth and the whole truth.

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- 1 I would therefore ask you to repeat after me aloud: I solemnly declare ...
- 2 THE WITNESS: [9:39:21](Interpretation) I certify that everything that I say before
- 3 this assembly will be true.
- 4 PRESIDING JUDGE MINDUA: [9:39:25](Interpretation) Please stop. Let's start
- 5 again.
- 6 I solemnly declare ...
- 7 THE WITNESS: [9:39:34](Interpretation) I solemnly declare that everything I say
- 8 will be the truth.
- 9 PRESIDING JUDGE MINDUA: [9:39:52](Interpretation) That I will tell the truth.
- 10 THE WITNESS [9:39:55](Interpretation) That I will tell the truth
- 11 PRESIDING JUDGE MINDUA: [9:39:57](Interpretation) All the truth.
- 12 THE WITNESS: [9:39:59](Interpretation) All the truth.
- 13 PRESIDING JUDGE MINDUA: [9:40:02](Interpretation) And nothing but the truth.
- 14 THE WITNESS: [9:40:04](Interpretation) And nothing but the truth.
- 15 PRESIDING JUDGE MINDUA: [9:40:16](Interpretation) Thank you very much,
- 16 Madam Witness. Now, you are under oath.
- 17 THE WITNESS: [9:40:23](Interpretation) Yes.
- 18 PRESIDING JUDGE MINDUA [09:40:24] The VWU, as well as the representatives
- 19 of the Prosecution, have already explained what that means. So I have some advice
- 20 of a practical nature for you.
- 21 THE WITNESS: [9:40:44](Interpretation) Yes.
- 22 PRESIDING JUDGE MINDUA: [9:40:46](Interpretation) Throughout your testimony,
- 23 you should always bear in mind that everything that is said in this courtroom is
- 24 transcribed by court reporters and is interpreted into several languages by
- 25 interpreters. We, therefore, all have to speak clearly, slowly, while observing breaks.

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1 You will first have questions put to you by the Office of the Prosecutor and thereafter,
2 by the Legal Representative of Victims and finally by the Defence.

3 Without any further ado, I will give the floor to the Office of the Prosecutor.
4 Prosecutor.

5 Please wait, Prosecutor. I think we have to sort something out with the interpreters
6 because normally when I speak in French, it is translated into the local language and
7 when the witness speaks, we hear the witness speaking normally and then we hear
8 the interpreting. But this morning, I have difficulties in hearing the translation for
9 the interpreters; so what's happening?

10 Could you answer that question, please

11 I can see the French booth. Perhaps the French booth can tell me.

12 (French interpreter speaks French)

13 MR ALLAFI: [9:43:00] (Interpretation) No. We don't hear what the interpreter is
14 saying either

15 PRESIDING JUDGE MINDUA: [9:43:05](Interpretation) French channel, can you
16 hear me?

17 THE FRENCH INTERPRETER: [9:43:06] (Interpretation) Very well. Yes. Excuse
18 me.

19 So I was explaining that unlike the Sango-French interpretation, which is done via
20 WebEx, we heard in the courtroom the interpreting Here, the Tamasheq is done
21 from the courtroom here -- from the booth in the courtroom. And so the interpreters
22 are interpreting in consecutive, but directly from the microphone. So the witness
23 hears Tamasheq, and they hear French, but from the French booth.

24 PRESIDING JUDGE MINDUA: [9:43:40](Interpretation) Very well. We all are
25 aware of that.

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1 You have the floor.

2 MR ALLAFI: [9:43:50] (Interpretation) Thank you very much, your Honour.

3 QUESTIONED BY MR ALLAFI: (Interpretation)

4 Q. [9:43:53] Good morning, Madam Witness.

5 We've already met during the preparatory session. My name is Mousa Allafi, and

6 I'm the one who's going to put questions to you on behalf of the Office of the

7 Prosecutor today.

8 A. [9:44:35] Yes.

9 Q. [9:44:38] As the Presiding Judge indicated, we must speak slowly so that the
10 interpreters can follow us

11 A. [9:45:04] Yes.

12 Q. [9:45:04] To start, Madam Witness, I'm going to put questions to you related to
13 your identity. That's the customary procedure.

14 PRESIDING JUDGE MINDUA [9:45:14](Interpretation) Prosecutor, in that case,
15 we're going into private session.

16 MR ALLAFI: [9:45:18] (Interpretation) Yes, your Honour. I just wanted to
17 announce to the witness the type of questions that we would put, and then I would
18 ask for your leave to go into private session for between five and seven minutes

19 PRESIDING JUDGE MINDUA: [9:45:32](Interpretation) Very well. Thank you
20 very much.

21 Court officer.

22 (Private session at 9.45 a.m.)

23 THE COURT OFFICER: [9:45:40] We are in private session, Mr President.

24 PRESIDING JUDGE MINDUA: [9:45:47](Interpretation) We are in private session.

25 MR ALLAFI: [9:45:54] (Interpretation) Thank you, your Honour.

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1 Q. [9:45:55] Witness, we are in what's called private session - that is to say, that the
2 audience can't hear or see you and this is to protect your identity.

3 A. [9:46:23] Yes.

4 Q. [9:46:26] However, when we go back into open session, we have to pay attention
5 to not mentioning your name or the names of members of your family, your friends
6 or the places - or the place where you currently are.

7 A. [9:47:07] Yes.

8 Q. [9:47:08] Is that clear, Madam Witness?

9 A. [9:47:12] Yes.

10 Q. [9:47:14] Thank you.

11 Madam Witness, for the record, could you give us your full name, please.

12 A. [9:47:25] My name is Aichata.

13 Q. [9:47:41] Could you give us the full name. So your first name and the name of
14 your father or your family name.

15 A. [9:47:51] My name is Aichata Mohamed. You know my name well. The name
16 of my father I know. But on the other hand, please excuse me, I don't know my date
17 of birth.

18 Q. [9:48:32] I understand, Madam.

19 Madam Witness, I'm looking at the statement that you gave to the Office of the
20 Prosecutor between 15 and 19 October 2019 and I see that you were born in Aglal.
21 Is that correct, Madam Witness?

22 A. [9:48:53] Yes.

23 Q. [9:49:16] And on the same statement, I see that the date of birth mentioned - it
24 might not be correct - is 31 December 1986.

25 A. [9:49:55] Please excuse me. That is what the people who know how to read

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1 said. Personally, I don't know how.

2 Q. [9:50:08] I understand, thank you.

3 I also see that you are Muslim by way of religion, is that correct, Madam?

4 A. [9:50:19] Yes.

5 Q. [9:50:23] Are you married, Madam Witness?

6 A. [9:50:27] Yes, I'm married.

7 Q. [9:50:33] Could you give us the name of your husband, please.

8 A. [9:50:39] Yes, of course, I can give you the name of my husband. His first name
9 is Mohamed.

10 Q. [9:51:02] Is he known by another name?

11 A. [9:51:06] I don't know another name. However, his children call him "Oye",
12 and people also recognise him under that name as well But his name is Mohamed

13 Q. [9:51:36] Very well.

14 Do you have children, Madam Witness?

15 A. [9:51:44] Yes.

16 Q. [9:51:50] How many?

17 A. [9:51:53] 10.

18 Q. [9:52:00] And where did you grow up, Madam Witness?

19 A. [9:52:07] I grew up in Aglal. And after my marriage, I resided in town.

20 Q. [9:52:25] And when you say "in town", what town are you talking about?

21 A. [9:52:33] The town of Timbuktu.

22 Q. [9:52:38] Very well.

23 Were you in Timbuktu for the entire period of the occupation by the armed groups,
24 Madam Witness?

25 A. [9:52:52] Of course, I was. All the more because I didn't know where else to go.

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1 Q. [9:53:12] And did these armed groups have a name? What did you call them?

2 A. [9:53:19] People called them the mujahideen, and I, too, called them the
3 mujahideen.

4 Q. [9:53:41] Madam Witness, did you or a member of your family have a problem
5 with this group that you call the mujahideen?

6 A. [9:54:04] Yes, I did. My family did. My husband did. This group mistreated us.

7 Q. [9:54:29] Very well.

8 Madam Witness, we're going to go into what is called open session.

9 Now, you've just mentioned you yourself, your husband. So I would suggest
10 a simple method to enable us to communicate in open session without giving names
11 What this means (Overlapping speakers)

12 A. [9:55:21] Yes

13 * Q. [9:55:22] That means that when you are going to speak about your husband, we
14 will say "the man"

15 THE INTERPRETER: [9:55:32] There were overlapping speakers previously.

16 THE WITNESS: [9:55:44](Interpretation) Yes.

17 PRESIDING JUDGE MINDUA: [9:55:45](Interpretation) Ms Taylor.

18 MS TAYLOR: [9:55:46] Mr President, obviously, when it comes to cross-examination,
19 we'll have to follow the same system used by the Prosecution for consistency. And I
20 am concerned that the term "the man" is quite vague and will make it quite difficult to
21 distinguish between different men, and I anticipate there might be more than one
22 man who will be mentioned.

23 PRESIDING JUDGE MINDUA: [9:56:16](Interpretation) Yes, Ms Taylor, I think you
24 are right.

25 Prosecutor, we are going to be more specific. Perhaps "Mr A", but "the man" is - is

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1 too vague.

2 *MR ALLAFI: [9:56:28] (Interpretation) Your Honour, with a concern for

3 comprehension, I would suggest "the gentleman". "Mr A" or others could include

4 other members. If we say "Madam X" or "Z" it's going to be a bit complicated.

5 When the Defence cross-examines, they could go into private session. They can state

6 who they are talking about. And if it's the husband, "the gentleman" thereafter, I

7 think we can use the same method but I'm in your hands Your Honour.

8 But I'm in your hands, your Honour.

9 PRESIDING JUDGE MINDUA: [9:56:59](Interpretation) Very well. Let's go ahead
10 with your method.

11 So we will see for you, Ms Taylor.

12 Let's -- you can go into private session. So let's go ahead to save time.

13 Prosecutor.

14 MR ALLAFI: [9:57:13] (Interpretation) Thank you, your Honour.

15 *Q. [9:57:16] Madam Witness, is it clear? What's just been said? To use "the
16 gentleman" or the "Mr", instead of your husband.

17 A. [9:57:40] *Yes.

18 Q. [9:57:51] So we shall go into open session. So I'm going to ask you questions
19 about your husband, and we'll say "the gentleman" each time. Very well?

20 A. [9:58:08] *Yes

21 MR ALLAFI: [9:58:15] (Interpretation) Your Honour, if we could go into open
22 session.

23 PRESIDING JUDGE MINDUA: [9:58:19](Interpretation) Court officer, open session,
24 please.

25 (Open session at 9.58 a.m.)

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1 THE COURT OFFICER: [9:58:23] We're back in open session, Mr President.

2 PRESIDING JUDGE MINDUA: [9:58:31](Interpretation) Thank you very much,
3 court officer.

4 Prosecutor.

5 MR ALLAFI: [9:58:35] (Interpretation) Thank you, your Honour.

6 *Q. [9:58:39] Madam Witness, what problem did the gentleman have with the
7 Mujahedin?

8 A. [9:59:20] *He was tortured, he was mistreated and he was detained for several
9 years. Whatever the case, we saw him again after a year or so, and he was in a bad
10 state

11 Q. [9:59:59] Very well. Let's go in a chronological manner. What happened the
12 first time? Let's take it one step at a time in chronological order. So explain to us
13 what happened the first time.

14 A. [10:00:24] I'm sorry. What they did to my husband, well, you can see it on the
15 statement. I don't remember everything.

16 The first day they got him, they put him in a bag, and they left with him and headed
17 towards the river.

18 Q. [10:01:24] And when you say "they", who do you mean? Who are "they"?

19 A. [10:01:33] They went with him, the people I knew. But the person who was at
20 the head of the group was the person who is being on - who is on trial today.

21 Q. [10:02:11] What person are you talking about exactly, Madam Witness?

22 A. [10:02:16] The person I'm talking about is the person that you call Al Hassan. I
23 don't know his family name. I don't even dare look at him.

24 Q. [10:02:52] Very well.

25 And how do you know that, Madam Witness?

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1 A. [10:03:05] I heard about it via the children; my daughter, who was in front of the
2 shop and who was bleeding.

3 * And that's when I was told that his father had been taken away by some people

4 MR ALLAFI: [10:3:341] (Interpretation)

5 Q. [10:03:42] Do you know why they took him away?

6 A. [10:03:47] I don't know why they arrested him. They said that he was selling
7 tobacco. And that was prohibited.

8 THE INTERPRETER: [10:04:30] Correction: Tobacco that was cultivated and that
9 he was selling it.

10 MR ALLAFI [10:04:38] (Interpretation) Could we go into private session,
11 your Honour, just for one question.

12 PRESIDING JUDGE MINDUA [10:04:47](Interpretation) Of course
13 Courtroom officer, please.

14 (Private session at 10.04 a.m.)

15 THE COURT OFFICER: [10:04:55] We're in private session, Mr President.

16 PRESIDING JUDGE MINDUA [10:05:01](Interpretation) Thank you very much
17 Mr Prosecutor.

18 MR ALLAFI: [10:05:05] (Interpretation) Thank you, Mr -- your Honour.

19 Q. [10:05:12] Madam Witness, you said that your daughter was in front of the
20 shop - she was lying there in front of the shop. We're in private session, so you can
21 tell us the name of your daughter.

22 A. [10:05:27] Azahara

23 Q. [10:05:44] And you also mentioned a shop. Which shop are you talking about?

24 A. [10:05:50] The shop where my husband sells various goods.

25 Q. [10:06:09] What kind of goods or items? What kind of goods was he selling

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1 there?

2 A. [10:06:17] All kinds of things. All kinds of goods. I don't know what they're
3 called. I do know that he sells soap, cigarettes, tobacco. And I - I already
4 mentioned the tobacco to you.

5 Q. [10:06:50] Very well. One last question about this shop.

6 Where is the shop located, Madam Witness?

7 A. [10:06:59] It's beside the place called the BMS.

8 MR ALLAFI: [10:07:19] (Interpretation) Thank you, your Honour. We can go back
9 into open session.

10 PRESIDING JUDGE MINDUA [10:07:26](Interpretation) We can go in open session
11 now, Mr Courtroom Officer.

12 (Open session at 10.07 a.m.)

13 THE COURT OFFICER: [10:07:32] We're back in open session, Mr President.

14 PRESIDING JUDGE MINDUA [10:07:38](Interpretation) Thank you very much
15 Mr Prosecutor.

16 MR ALLAFI: [10:07:42] (Interpretation) Thank you, your Honour.

17 Q. [10:07:45] Madam Witness, we are in open session now, so be very careful about
18 not giving any names.

19 A. [10:08:04] Yes.

20 Q. [10:08:05] You said that the girl was lying in front of the shop and that she was
21 bleeding. Could you explain to us what you saw? What had happened?

22 A. [10:08:43] (No interpretation)

23 THE INTERPRETER: [10:09:06] Your Honour, could the witness be requested to
24 slow down.

25 PRESIDING JUDGE MINDUA: [10:09:10](Interpretation) Certainly.

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1 Madam Witness, please speak slowly so that our interpreters can do their job
2 properly. Please, if you could.

3 THE WITNESS: [10:09:29](Interpretation) I couldn't tell you. It was the children
4 who came and told me that my husband was no longer there at the shop.

5 MR ALLAFI: [10:09:49] (Interpretation) We'll have to redact what was just said.
6 "My husband".

7 MR ALLAFI: [10:10:03] (Interpretation)

8 Q. [10:10:04] Very well. And who brought the food to the gentleman in the shop?

9 A. [10:10:15] Azahara was the one who took the food to her father.

10 Q. [10:10:30] Thank you Madam Witness, please just say "the daughter", and
11 don't give any names. All right?

12 PRESIDING JUDGE MINDUA [10:10:42](Interpretation) Court officer, I believe you
13 know what you need to do.

14 THE WITNESS: [10:10:52](Interpretation) Yes.

15 MR ALLAFI: [10:10:54] (Interpretation)

16 Q. [10:10:55] And when you heard about that, did you go to the shop yourself?

17 A. [10:11:02] I wasn't at the shop. It was the children. I met the children and
18 they brought me to my daughter. And they came back with her.

19 Q. [10:11:38] And did "the daughter" go and give some food to the gentleman that
20 day?

21 A. [10:11:48] In actual fact, she wasn't able to give him the food. He wasn't there
22 anymore. She explained to me that - she explained to me that someone threw it
23 away. And she was hit with a stone.

24 Q. [10:12:34] And who did that to her? Did she tell you?

25 A. [10:12:39] She said that she didn't know the person. It was a -- she was a young

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1 girl; so she didn't know about that sort of thing.

2 Q. [10:12:59] How old was she at the time?

3 A. [10:13:08] I couldn't tell you how old she was at that time. I'm just telling you
4 the truth. That's - well, you can see all of that in the statement. You can find her
5 age there.

6 Q. [10:13:44] And when you said that she was lying down on the ground, did you
7 see her yourself?

8 * A. [10:13:53] Yes, I saw her, I saw her lying on a stone, and her head was split open.
9 It is for this reason that she still has pains, even today.

10 Q. [10:14:28] Very well

11 And then after that, did she receive any care? Was she taken to the hospital?

12 A. [10:14:39] Yes, she was taken to the hospital. But at that time, the hospital was
13 empty. There was only those bad people I told you about. So she didn't receive
14 any treatment

15 Q. [10:15:07] Who took her to the hospital?

16 A. [10:15:11] My neighbour, [REDACTED] took her to the hospital. He's a doctor.

17 Q. [10:15:29] And you said that there were some bad people. What people are
18 you talking about?

19 A. [10:15:37] I don't know their names. Those people I mentioned to you. I just
20 know the name of the one who you have in detention here, and also Hamed Moussa
21 and the others.

22 Q. [10:16:26] Very well.

23 So after that, did the girl get any medical treatment?

24 A. [10:16:37] So we went to the pharmacy. Tinariwen is the name of that
25 pharmacy. And we were able to buy some treatment for her, the treatment that we

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1 gave her then.

2 Q. [10:17:12] Very well. And you said that you went to the hospital. Which
3 hospital was it?

4 A. [10:17:20] We went to the hospital, the hospital that I told you about.

5 Q. [10:17:53] And when you - well, you said that she was bleeding. What kind of
6 injury did she have?

7 A. [10:18:00] Her head was cut because of the stone.

8 Q. [10:18:27] Do you know where the gentleman was at that time?

9 A. [10:18:35] No, I couldn't tell you where the gentleman was at that time. I -- I
10 don't want to tell you something wrong

11 Q. [10:19:06] And then after that, did you find out where the gentleman was, where
12 he was located

13 A. [10:19:21] It took a while before I found out where the gentleman was.

14 Q. [10:19:44] What did you find out about him exactly?

15 A. [10:20:27] The children were the ones who told me that they had taken him in
16 a car. I don't know exactly where. The children were watching, and they saw that
17 they had taken him in a vehicle. They tied him up, and they were kicking him.

18 Q. [10:21:17] You said that they were kicking him.

19 Who do you mean by "them, "they"?

20 A. [10:21:31] As I told you, I didn't see it. When I heard the shots at the door, it
21 was my neighbours who told me that they had taken him away with them.

22 Q. [10:22:13] Do you know where they took him?

23 A. [10:22:16] The day that they took him away, I don't know where - where they
24 took him. It was later I heard that he had been taken to the BMS.

25 Q. [10:22:55] You said that he told you that they had taken him to the BMS.

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1 Who are you talking about? "Him"? "He

2 A. [10:23:21] I'm talking about your Al Hassan.

3 Q. [10:23:44] Were you or a member of the family able to see him at the BMS?

4 A. [10:23:55] No, we didn't see him. We didn't see him at the BMS. That's not so.

5 That's what we were told. They took him to the camp, to the guards' camp.

6 Q. [10:24:45] You said that it wasn't true and that's what they said.

7 How do you know that?

8 A. [10:24:57] It was the relatives who told us that. They met a man who told them

9 that he was there.

10 MR ALLAFI [10:25:43] (Interpretation) Mr President, if we could go into private
11 session to elicit a name.

12 PRESIDING JUDGE MINDUA [10:25:54](Interpretation) Private session, please,
13 court officer.

14 (Private session at 10.25 a.m.)

15 THE COURT OFFICER: [10:25:58] We are in private session, Mr President.

16 PRESIDING JUDGE MINDUA [10:26:04](Interpretation) Thank you, court officer
17 Mr Prosecutor.

18 MR ALLAFI: [10:26:12] (Interpretation) Thank you, your Honour.

19 Q. [10:26:15] Madam Witness, you talked about the relatives who said that.

20 Who are you talking about exactly?

21 A. [10:26:27] His relatives - his brothers, his cousins. [REDACTED]

22 [REDACTED]

23 Q. [10:26:59] His relatives, his cousins -- do you know if they had gone to the BMS?

24 A. [10:27:14] Yes. They went to the BMS looking for him.

25 MR ALLAFI: [10:27:31] (Interpretation) We can go back into open session,

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1 your Honour.

2 PRESIDING JUDGE MINDUA: [10:27:35](Interpretation) Open session, court
3 officer.

4 (Open session at 10.27 a.m.)

5 THE COURT OFFICER: [10:27:42] We are back in open session, Mr President.

6 PRESIDING JUDGE MINDUA: [10:27:49](Interpretation) Thank you very much,
7 court officer.

8 Mr Prosecutor.

9 MR ALLAFI: [10:27:59] (Interpretation) Thank you very much, your Honour.

10 Q. [10:28:01] Madam Witness, how do you know that they went to the BMS? His
11 relatives, his cousins.

12 A. [10:28:27] Their mother sent them to find out whether he was actually there or
13 not.

14 Q. [10:28:40] How do you know that, that they went to the BMS looking for him?
15 You said that their mother had sent his brothers and his cousins to look for him at the
16 BMS

17 A. [10:29:13] I found out about that -- I found out because I was with his mother.
18 Given that she had a lot of trouble moving about, she sent her children to find out
19 whether he was at the BMS. So that is how I knew about it.

20 Q. [10:30:06] And did they tell you what had happened, the relatives, the cousins,
21 when they got to the BMS?

22 *A. [10:30:17] So the children had gone out, and they came back and said that he
23 wasn't there, so his mother was having difficulty adjusting to the fact that he wasn't
24 there. She started crying, speaking and crying.

25 So she had to go to the BMS with one of her brothers who took her on a motorcycle. I

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1 wanted to leave, but she told me to stay. After that, I went to the BMS myself, and I
2 found it on the way to the BMS.

3 Q. [10:31:40] And once she got there, what happened at the BMS?

4 * A. [10:31:48] In reality, I didn't go in. I did not get to the BMS. I met the old
5 woman coming back, and she told me that they had told her that he wasn't there.

6 Q. [10:32:48] Madam Witness, in line 19, it said that they met a man who told them
7 that he was there.

8 *You mentioned a man, who is he, if you know?.

9 A. [10:33:22] Are you speaking about the meeting that they had with the gentleman
10 where he said that he wasn't there?

11 Q. [10:33:39] Yes, Witness.

12 A. [10:33:42] Well, in fact I don't know the man at all

13 Q. [10:33:58] Do you know the surname of the man?

14 A. [10:34:11] No, I don't know him at all, and the children didn't say what it was
15 either.

16 Q. [10:34:22] And afterwards, you went to the BMS. Apart from this time when
17 you went to the BMS, you mentioned that he was taken to the guards' camp. *Can
18 you explain to us, first, how long afterwards approximately you found that out

19 A. [10:35:40] In fact, I couldn't tell you the exact time because I didn't know what
20 the time was, but I what I do know, it was the time when it was dusk.

21 Q. [10:35:59] Very well. And how did you know -- how did you find out this
22 information that he was taken to the guards' camp?

23 A. [10:36:51] In fact, it was the children who met the man, and it was the words of the
24 man who were reported to the mother. And after that, the mother asked the children
25 to leave for the guards' camp to check that "the gentleman" was there. And on

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1 arriving at the camp, they were prevented from entering, but they could see him
2 sitting in the garage.

3 MR ALLAFI: [10:37:26] (Interpretation) Your Honour, just a question in private
4 session by way of clarification.

5 PRESIDING JUDGE MINDUA: [10:37:35](Interpretation) Court officer.

6 (Private session at 10.37 a.m.)

7 THE COURT OFFICER: [10:37:40] We are in private session, Mr President.

8 THE INTERPRETER: [10:37:47] We are in private session, your Honour.

9 PRESIDING JUDGE MINDUA: [10:37:47](Interpretation) Thank you, court officer.
10 Prosecutor

11 MR ALLAFI: [10:37:50] (Interpretation) Thank you, your Honour.

12 Q. [10:37:52] Witness, we are in private session. You mentioned the children on
13 several occasions.

14 Who are these children? What do you mean by the "children", so that we're very
15 clear on this?

16 A. [10:38:10] Those are the children that I spoke to you about who left to search for
17 him [REDACTED]

18 Q. [10:38:56] Are they the cousins of your husband? The man?

19 A. [10:39:10] Yes.

20 MR ALLAFI: [10:39:15] (Interpretation) Thank you very much, your Honour
21 Thank you.

22 PRESIDING JUDGE MINDUA: [10:39:19](Interpretation) Court officer.

23 (Open session at 10.39 a.m.)

24 THE COURT OFFICER: [10:39:25] We are back in open session, Mr President.

25 PRESIDING JUDGE MINDUA: [10:39:35](Interpretation) Thank you very much,

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1 court officer.

2 Prosecutor.

3 MR ALLAFI: [10:39:40] (Interpretation) Thank you, your Honour.

4 Q. [10:39:43] Madam Witness, you mentioned that they were taken to the
5 guard -- he was taken to the guards' camp.

6 What is this guards' camp?

7 * A. [10:40:00] In fact, people call it the "guard camp", so I too call it the "guard camp".
8 But the Tamasheq people, they call it "the big camp".

9 Q. [10:40:27] And where is this guards' camp situated?

10 A. [10:40:47] The guards' camp is on the exit from the town towards the west

11 Q. [10:41:10] How did you know that the children had gone to see the gentleman?

12 A. [10:41:37] It was the children who reported that to their mother saying that they
13 had seen him.

14 Q. [10:41:51] And were you present when the children said that to their mother?

15 A. [10:42:07] Indeed. I was next to her.

16 Q. [10:42:19] And what did these children say to the mother on the subject of the
17 gentleman?

18 A. [10:42:43] What is that exactly? If he was there or not In fact, they just said
19 that the gentleman was there. * He was seated where these people had put him.

20 Q. [10:43:11] Did they speak about the state in which the gentleman was?

21 A. [10:43:34] No. They didn't give any information with regards to his state.
22 And I went myself to see him.

23 Q. [10:43:58] And once you went there, what happened? What did you see?
24 Who did you see or meet?

25 * A. [10:44:13] I don't want to lie to you. In reality, I did not get there. I was on the

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1 way when I saw him. He was being held by men: two men were holding him by his
2 head, two by his hands, and three were beating him.

3 And it was on the tarmac road. I was able to see that.

4 It happened on the tarmac road.

5 Q. [10:45:21] And who were these men who were holding him and beating him?

6 A. [10:45:56] I couldn't tell you because I couldn't see. We weren't authorised to
7 look at them. I was wearing a veil. I was far away. There was a vehicle between
8 us. But it was at that time that I could see that he had fallen.

9 Q. [10:46:20] Very well. Now you say that they were beating him.

10 How were they beating him? What? what were they beating him with?

11 A. [10:46:30] With a whip.

12 Q. [10:46:57] Very well. And having seen that, what did you do, Madam Witness?

13 A. [10:47:29] What happened when I saw the men on the tarmac road, I saw the
14 situation, and I saw what happened. After that, I fell and became unconscious.
15 And when I woke up, I was in hospital.

16 Q. [10:47:48] Which hospital was it, Madam Witness?

17 A. [10:47:52] In the hospital.

18 Q. [10:48:04] Very well. And when you awoke, what happened? What did you
19 have?

20 A. [10:48:35] When I woke up, I asked what had happened. And I was told that
21 nothing had happened, and I was insisting to know why I was in hospital. And the
22 * sisters told me what had happened - or she said, "You will - we -- you will hear
23 what happened when you get home.

24 Q. [10:48:59] And did they tell you what happened once you got home?

25 A. [10:49:31] Yes. When I got home after they gave me the care, when I got home

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1 * with my younger sisters, then I found out that I'd had a miscarriage.

2 Q. [10:49:51] Do you remember how many months pregnant you were at the time?

3 A. [10:49:59] Six months.

4 Q. [10:50:07] And afterwards, were you able to see the gentleman again?

5 A. [10:50:30] No, not at all. I had no means of seeing him.

6 Q. [10:50:39] Did you or your family members get news of the gentleman?

7 A. [10:51:06] The information that I got was that he was at the guards' camp. And

8 where it concerns the guards' camp, even food didn't get in or meals, because you

9 would see them yourself.

10 Q. [10:51:38] And how did you know that you couldn't get meals into the guards
11 camp?

12 A. [10:51:48] So, via the children, who were the relatives, they left with meals, and
13 they refused them coming in with those meals.

14 Q. [10:52:28] Very well. And afterwards, what happened? Did you get any news?
15 Was he released, the gentleman?

16 A. [10:53:00] No, he wasn't released. He was released a long time afterwards.

17 [REDACTED] tell the mother that she had to
18 pay money to release the man.

19 Q. [10:53:28] And approximately how long afterwards was he released?

20 Approximately, Madam Witness. Was it days, weeks, months?

21 A. [10:54:03] I couldn't tell you how many days or time he was released after,
22 because at the time, I was not in a good state of mind.

23 Q. [10:54:31] You said that it was necessary to pay money in order to release * "the
24 gentleman". Do you know the amount they were asking for What amount was it?

25 A. [10:55:15] I don't know exactly how much they were asking for, * but what I do

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1 * know is that at the time, we had plots of land that had already been built on. So, the
2 mother had to sell these two plots in order raise the amount that was being asked for.
3 But even by selling the land, the amount obtained was not sufficient.

4 Q. [10:55:52] So what did you do in order to pay them?

5 A. [10:56:24] Yes, in fact, it was the money from the sale of land that was given. It
6 was given to a man who lived next to us, to take it. However, I couldn't tell you how
7 much the land was worth or what it was sold for.

8 Q. [10:56:52] Very well. And the amount was paid to whom?

9 A. [10:57:15] Yes, the money was paid well, the children said that the
10 intermediary was Hamed Moussa and the chief was the man who is detained with
11 you today, Al Hassan.

12 Q. [10:57:41] You've just mentioned Hamed Moussa. Who is that person, Madam
13 Witness?

14 * A. [10:58:12] I don't know exactly who Hamed Moussa is. I do not know him. I hear
15 people calling them "the mujahedin", and I too call them "the mujahedin". Otherwise,
16 I don't know them at all. You had no right to look at them. We were veiled.

17 Q. [10:58:37] You said that you didn't have the right to look at them. Could you
18 explain what you mean by that, Madam Witness.

19 A. [10:59:16] What I mean by that is that we had to stay veiled. And being veiled
20 all the time, we couldn't look at people. You weren't allowed to look at the person
21 opposite to see who it was.

22 MR ALLAFI: [10:59:41] (Interpretation) Your Honour?

23 PRESIDING JUDGE MINDUA: [10:59:49](Interpretation) Yes, Prosecutor.

24 MR ALLAFI: [10:59:51] (Interpretation) Yes, I can see the time. It's 11 o'clock.

25 PRESIDING JUDGE MINDUA: [10:59:56](Interpretation) Indeed, it's 11 o'clock.

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1 We are going to break for half an hour, and we will back at 11.30.

2 Court is suspended.

3 THE COURT USHER: [11:00:14] All rise.

4 (Recess taken at 11.00 a.m.)

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

6 THE COURT USHER: [11:31:49] All rise.

7 Please be seated.

8 PRESIDING JUDGE MINDUA: [11:31:54](Interpretation) The hearing shall now
9 resume.

10 Madam Witness, please be seated

11 Mr Prosecutor.

12 There seems to be some sort of background noise in the headsets. Madam Witness,
13 can you hear me?

14 THE WITNESS: [11:32:54](Interpretation) Yes, I can hear you, of course.

15 PRESIDING JUDGE MINDUA: [11:32:58](Interpretation) Thank you very much.

16 Please be seated.

17 We shall now resume.

18 THE WITNESS: [11:33:09](Interpretation) Yes.

19 PRESIDING JUDGE MINDUA: [11:33:12](Interpretation) Mr Prosecutor.

20 MR ALLAFI: [11:33:14] (Interpretation) Thank you, your Honour.

21 Q. [11:33:17] Madam Witness, we will continue with questioning and my next
22 question is this: Once the amount of money had been paid, did the - was the
23 gentleman released?

24 A. [11:34:15] I'm sorry, there are some memories - I'm sorry, some old memories
25 are coming up and I can't tell you much, but I will answer your question. When the

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1 money was paid, there was a kind of release that he benefited from.

2 Q. [11:34:58] And did the gentleman go back home?

3 A. [11:35:10] Yes, he went back home after that.

4 Q. [11:35:18] Did he go back alone or did he need help?

5 A. [11:35:38] Of course he wasn't alone. He came back and he was taken on
6 a motorcycle. He couldn't even walk, actually.

7 Q. [11:35:52] And why couldn't he walk? Why could the gentleman not walk,
8 Madam Witness?

9 A. [11:36:09] He was ill. He was ill. That's why he couldn't walk.

10 Q. [11:36:33] What do you mean by saying that he was ill

11 A. [11:36:44] Well, the illness that he suffered from, we attributed it to the fact that
12 he had been whipped, and, in any event, he was throwing up blood

13 Q. [11:37:23] Was he injured?

14 A. [11:37:28] Yes, he had external injuries as well as internal injuries; that's why he
15 was vomiting blood. As for the external injuries, he still has scars from them today.

16 Q. [11:38:04] You mentioned some external injuries. What kind of external
17 injuries did he have, Madam Witness?

18 * A. [11:38:27] He had bruises and bumps on his skin all over his body, down to his
19 back. He has these scars to this day.

20 Q. [11:39:14] And did he tell you who had caused these injuries to him?

21 * A. [11:39:38] He didn't tell us. He just told us that these injuries are from the lashes
22 he received. And before that he didn't have those injuries.

23 Q. [11:40:02] And who was taking care of him, Madam Witness?

24 A. [11:40:08] We were the ones taking care of him and giving him treatment.
25 There was no hospital.

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1 Q. [11:40:41] Was he able to walk by himself?

2 A. [11:40:48] He couldn't even go to the shower. He had to be held up by
3 someone. Someone would have to help him to get to the shower.

4 Q. [11:41:13] And how long did this gentleman remain in this state?

5 * A. [11:41:38] He was in this state until the return of Mali. Until the return of Mali,
6 "the gentleman" couldn't do anything by himself.

7 Q. [11:41:59] You say, "until the return of Mali . What do you mean by that exactly?

8 A. [11:42:30] The return of Mali, that was at the same time that those bad people left.
9 On the return of Mali, someone helped him with everything. He couldn't do anything
10 by himself.

11 MR ALLAFI: [11:43:19] (Interpretation) Your Honour, with your leave, I believe that
12 the - the expression "retour du Mali" is a reference to the return of the Malian
13 authorities to Timbuktu and thus the departure of the armed groups.
14 Could I suggest that?

15 PRESIDING JUDGE MINDUA: [11:43:46](Interpretation) I have the impression that
16 that is the case, but perhaps you should ask the witness directly
17 One moment, please, Mr Prosecutor.

18 Madam Taylor.

19 MS TAYLOR: [11:44:00] Thank you, Mr President. I'm not sure if that exchange
20 was just translated to the witness, but I do respectfully request that in future, if the
21 Prosecutor is going to put such a thing, it should not be translated to the witness; and
22 secondly, I do believe that this is something that the Prosecutor can elicit without
23 suggesting something so directly. Thank you.

24 PRESIDING JUDGE MINDUA: [11:44:26](Interpretation) Very well. First of all, I
25 don't think it was translated. And secondly, it was with the leave of the Chamber.

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1 It was to save time. I believe we understand one another.

2 Now, Mr Prosecutor.

3 MR ALLAFI: [11:44:40] (Interpretation)

4 Q. [11:44:41] Madam Witness, when you talk about the return of Mali, do you
5 mean the return of Malian authorities and the departure of the armed groups, the
6 mujahideen from - their departure from Timbuktu. Is that what you meant?

7 A. [11:45:03] Yes.

8 Q. [11:45:23] Thank you.

9 Madam Witness, at the beginning of your testimony, you said that you too had had
10 problems with the mujahideen. Could you explain to us what problems you had
11 with them?

12 A. [11:46:12] Myself, personally, the problems I had with them had to do with the
13 fact that I was -- I had been whipped.

14 Q. [11:46:37] And why had you been whipped, Madam Witness?

15 * A. [11:47:00] We were recommended not to go out any more. However, we are the
16 poor of God, we have nothing other than ourselves, and we must go out to find
17 something to meet our needs. And especially since, at that time, our father was ill.

18 Q. [11:47:21] I have two questions for you to clarify things. In the transcript I read
19 that "at this time, we had our father who was ill.

20 Is that what you said, Madam Witness? The father? Your father?

21 * A. [11:47:53] No. I'm actually talking about the gentleman because we had him and
22 no one else. He's the one running around all over the place trying to bring something
23 back for us.

24 THE INTERPRETER: [11:48:37] Correction: It was he who was running all over the
25 place trying to bring us something back.

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1 MR ALLAFI: [11:48:45] (Interpretation)

2 Q. [11:48:45] And you said, "It was recommended to us that we no longer go out.

3 Who gave you that recommendation not to go out anymore

4 * A. [11:48:58] It was Mohamed Moussa who told us that. In fact, it was by men to
5 women.

6 Q. [11:49:45] Under what circumstances did Mohamed Moussa tell you that,
7 Madam Witness?

8 * A. [11:50:23] He told us that because they explained to us that it was - well, they
9 owned the territory. They had the power in the territory. They said that women
10 could no longer go outside, and that the men had to go out and work outside. The
11 same thing held true for girls. Just like women. They weren't supposed to go out
12 either

13 Q. [11:51:03] And where did Mohamed Moussa tell you that? Where were you
14 when he told you that

15 A. [11:51:11] Mohamed Moussa came to my home. Mohamed Moussa was the
16 one who reported what your Al Hassan had said.

17 Q. [11:51:54] And Mohamed Moussa, did he come alone? Or were there other
18 people with him when he came

19 * A. [11:52:22] Hamed Moussa came to our home, accompanied by his children. In fact,
20 I don't know him, I couldn't, in any case, know him, especially as I wasn't allowed to
21 even raise my eyes.

22 Q. [11:52:49] And how did you come to know that name, the name of Hamed
23 Moussa?

24 A. [11:52:59] I heard it from my neighbours. In fact, he arrested my neighbours. And
25 then there's also the fact that people can see through windows. I'm in a courtyard in a

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1 cage; I'm looking above the courtyard. In fact, I couldn't know them.

2 Q. [11:54:11] You said that he came with his children. Do you know the names of his
3 children?

4 A. [11:54:34] I don't know their first names. I wouldn't want to tell you something
5 wrong. I don't know their names at all.

6 Q. [11:54:46] Could you describe them to us? What did they look like physically?

7 A. [11:54:57] Their description - well, in my state, as a person who had her head
8 down and who was veiled, I couldn't really say. All I know is that they were black
9 skinned.

10 Q. [11:55:35] Very well And when Hamad Moussa and the others came to your
11 house, were they armed?

12 A. [11:55:58] Of course, they were armed They had whips and they had rifles as
13 well.

14 Q. [11:56:10] Was your husband present The gentleman?

15 A. [11:56:25] Of course, he was there. He was lying down along a wall.

16 Q. [11:56:51] How did you react to what - to what Mohamed Moussa told you?

17 THE INTERPRETER: [11:57:02] Correction: To what Hamad Moussa told you.

18 PRESIDING JUDGE MINDUA [11:57:09](Interpretation) Court officer, I think we've
19 lost the connection to

20 THE COURT OFFICER: [11:57:14] The technicians have been informed and they are
21 working to resolve this. Thank you.

22 PRESIDING JUDGE MINDUA: [11:57:22](Interpretation) Thank you very much.

23 (Pause in proceedings)

24 THE WITNESS: [11:58:02](Interpretation) Hello, can you hear me?

25 PRESIDING JUDGE MINDUA: [11:58:05](Interpretation) Yes. Yes.

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1 Well, there you go. Mr Prosecutor, everything is in order. Please proceed.

2 MR ALLAFI: [11:58:15] (Interpretation) Thank you very much, your Honour.

3 Q. [11:58:19] Madam Witness, I'm not sure whether you heard my question or not

4 so I'll repeat it.

5 How did you respond to what Hamad Moussa had told you?

6 A. [11:58:31] What do you mean? In what way?

7 Q. [11:59:06] When he told you that women could no longer go out, how did you

8 respond to that? How did you react?

9 A. [11:59:58] I explained that women were not all same, and, in any event, we only
10 had the gentleman. And with what had happened to the gentleman, you know what

11 happened to him. Who was going to go out and bring us things back? I had

12 children, young children that I was responsible for

13 Q. [12:00:34] And what did Hamad Moussa tell you? How did he react?

14 A. [12:00:59] His reaction was that he flogged me And I showed you the scars of
15 the flogging I received.

16 Q. [12:01:33] And whereabouts are these scars on your body, Madam?

17 A. [12:01:54] I have scars on my hand and on my back.

18 Q. [12:02:04] Very well.

19 So once he had flogged you, what happened after that, Madam Witness?

20 A. [12:02:39] Nothing happened. He left. And he thought he was the one with
21 power. And I stayed at my home.

22 Q. [12:02:56] And when he flogged you, where was that? In what location?

23 A. [12:03:04] In the courtyard of my house.

24 Q. [12:03:22] Did he tell you why he had flogged you?

25 A. [12:03:41] He said that I'd spoke to him badly because I said that my husband

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1 was lying down here, and it was because of them. And that's why we didn't have
2 any means of subsistence.

3 Q. [12:03:58] Very well. And once - and once he left, did you ever see Hamad
4 Moussa afterwards?

5 A. [12:04:25] Yes, I saw him again another time, that was when he slapped me
6 And you can see the scar which is just above my jaw. He slapped me in the face.

7 Q. [12:04:55] You saw him again? When did you see - where did you see him
8 again?

9 A. [12:05:13] He came back to my house. I didn't go out, but he came back into
10 my house

11 Q. [12:05:26] Was this the same time when you say that he slapped you?

12 A. [12:05:44] Yes, that's the moment that I was talking about, when I got slapped.

13 Q. [12:05:54] Was he alone that time?

14 A. [12:06:03] He was with three men.

15 Q. [12:06:19] And what are the names of these three men, if you know them?

16 A. [12:06:41] No, I couldn't tell you their names. In fact, I heard them speak - and,
17 it's thanks to that that I can tell you that it's three men - but I couldn't tell you what
18 their names are.

19 Q. [12:07:02] Were they armed?

20 A. [12:07:07] Yes, they were armed.

21 Q. [12:07:13] Could you explain to us why he struck you, Hamad Moussa?

22 A. [12:08:02] Hamad Moussa was blaming me for the fact that I wasn't veiled and
23 that I went outside to sell ice-creams; so he said that only children were allowed out
24 and that we had to stay at home, given that we were not veiled.

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1 And he was angry because, in his opinion, I had spoken to him badly.

2 Q. [12:08:39] And where were you when he struck or slapped you? Where did
3 that happen?

4 A. [12:09:02] When he hit me, this was in the courtyard of my house, and, at this
5 time, the husband was lying down. His mother was next to him sitting down.

6 Q. [12:09:47] And when he said it was only children who were allowed out, how
7 did you reply to that, Madam Witness?

8 A. [12:10:24] I answered that the children -- because the children couldn't go out,
9 they couldn't do much. "And you prevented the girls from going out.
10 And the boys could go out to try and get some subsistence for the family

11 MR ALLAFI: [12:11:01] (Interpretation) Your Honour, if I could go into private
12 session, please.

13 PRESIDING JUDGE MINDUA: [12:11:07](Interpretation) Indeed.
14 Court officer.

15 (Private session at 12.11 p.m.)

16 THE COURT OFFICER: [12:11:13] We are in private session, Mr President.

17 PRESIDING JUDGE MINDUA: [12:11:23](Interpretation) Thank you very much,
18 court officer.

19 Prosecutor.

20 MR ALLAFI: [12:11:29] (Interpretation)

21 Q. [12:11:42] Madam Witness, what were you doing at the time by way of trade or
22 work? You were speaking about selling ice-creams. What type of business did you
23 have at that time?

24 A. [12:12:37] Yes, at the time when Hamad Moussa asked me not to go out, I was
25 selling ice-creams and I also made rugs and I *also did some dyeing.

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1 MR ALLAFI: [12:13:04] (Interpretation) Thank you, your Honour. We can go into
2 open session.

3 PRESIDING JUDGE MINDUA: [12:13:08](Interpretation) Court officer.

4 (Open session at 12.13 p.m.)

5 THE COURT OFFICER: [12:13:12] We are back in open session, Mr President.

6 PRESIDING JUDGE MINDUA: [12:13:22](Interpretation) Thank you, court officer.

7 Prosecutor

8 MR ALLAFI: [12:13:30] (Interpretation) Thank you very much, Mr President.

9 Q. [12:13:34] Witness, could the children themselves carry out this - these sales,
10 this business of ice - or ice-creams? The other business you did at the time instead
11 of you?

12 * A. [12:14:19] The children couldn't sell what I was selling. So, I would go out and sit
13 in a courtyard, in an empty space to sell what I had.

14 Q. [12:14:39] Very well. Now, coming back to the time when you were slapped,
15 once Hamad Moussa did that, what happened afterwards, Madam Witness?

16 THE INTERPRETER: [12:16:10] Your Honour, could the witness be asked to repeat
17 the answer?

18 PRESIDING JUDGE MINDUA [12:16:15](Interpretation) Of course. Madam
19 Witness, please, could you repeat.

20 Madam Witness, please wait. We're going to interpret what you've said
21 Interpretation, please.

22 THE WITNESS: [12:17:52](Interpretation) So after the first time that he slapped me,
23 he came back again and he found me in the street where I was selling yoghurt - that
24 was at Farouber - and he said that he didn't like the fact that I wasn't listening to him.
25 And it was approximately towards the first prayer of the afternoon, and he took me to

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1 a house. I stayed there for three days, and, on the fourth day, he brought me back
2 and he was blaming me for not having listened to him.

3 PRESIDING JUDGE MINDUA: [12:18:41](Interpretation) Please continue, Madam
4 Witness.

5 THE WITNESS: [12:19:10](Interpretation) So Hamad Moussa took me to the
6 house - having spent three nights there - and I don't know why. And when he
7 * brought me back home, he whipped me three times, and, afterwards I lost
8 consciousness. And when I woke up, my neighbours were around me.

9 PRESIDING JUDGE MINDUA: [12:19:41](Interpretation) Yes, Prosecutor.

10 MR ALLAFI [12:19:43] (Interpretation)

11 Q. [12:19:43] Thank you, Madam Witness. There's some details here, so I'm going
12 to ask you certain questions in accordance with what you've said so that everything is
13 clear for the Bench.

14 This time was she (sic) alone? When Hamad - or Hamad Moussa, was he alone this
15 time?

16 A. [12:20:21] When he returned, he was with three men. I spoke to you about
17 them previously.

18 Q. [12:20:39] Very well. And you said that they took you to a house. How did
19 they take you?

20 A. [12:20:50] I remember that they took me out of a vehicle, and I don't know
21 exactly.

22 Q. [12:21:21] And this house? Could you describe it, Madam Witness?

23 A. [12:21:47] It's a house that they call the BMS. And inside that house, there was
24 the prison.

25 MR ALLAFI: [12:22:09] (Interpretation) Your Honour, I would like to go to private

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1 session for a question.

2 PRESIDING JUDGE MINDUA: [12:22:16](Interpretation) Certainly.

3 Court officer, private session, please.

4 (Private session at 12.22 p.m.)

5 THE COURT OFFICER: [12:22:23] We are in private session, Mr President.

6 PRESIDING JUDGE MINDUA: [12:22:31](Interpretation) Thank you very much,

7 court officer.

8 Prosecutor.

9 MR ALLAFI: [12:22:35] (Interpretation) Thank you, your Honour.

10 Q. [12:22:39] Madam Witness, where is the BMS that you speak about in relation to

11 your husband's shop or where your husband was working?

12 A. [12:23:15] So the BMS was opposite the shop It was to the north.

13 MR ALLAFI: [12:23:33] (Interpretation) We can go back into open session,

14 your Honour.

15 PRESIDING JUDGE MINDUA: [12:23:38](Interpretation) Court officer, please take

16 us into open session.

17 (Open session at 12.23 p.m.)

18 THE COURT OFFICER: [12:23:43] We are back in open session, Mr President.

19 PRESIDING JUDGE MINDUA: [12:23:51](Interpretation) Thank you very much,

20 court officer.

21 Prosecutor.

22 MR ALLAFI: [12:23:56] (Interpretation)

23 Q. [12:24:07] You said that you stayed at the BMS for three days. Did they speak

24 to you? Did they say anything to you?

25 A. [12:24:38] No. They didn't speak to me at the BMS and they didn't beat me

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1 either.

2 Q. [12:24:55] Were you free to leave?

3 A. [12:25:12] No. I couldn't decide. I was forced under threat of weapons

4 Q. [12:25:26] Did you have anything to eat or to drink?

5 A. [12:25:47] No. I didn't even get dirty water. I *didn't even want any as I was
6 extremely afraid.

7 Q. [12:26:07] Could you tell us the room in which you were at the time.

8 A. [12:26:35] It was yellow.

9 Q. [12:26:44] Was there somebody else with you in the room?

10 A. [12:26:58] There was nobody

11 Q. [12:27:08] Were there any guards guarding the room?

12 A. [12:27:31] I know there were guards, but I wouldn't be able to tell you who they
13 are or their first names. I know that they were armed.

14 Q. [12:27:44] Very well. Did they tell you why you were there

15 A. [12:28:19] They didn't tell me why I'd been arrested or released. Hamad
16 Moussa had taken me home, and, at the entry, he whipped me. And when I woke
17 up, because I'd lost my consciousness, my neighbours were there.

18 Q. [12:28:58] Hamad Moussa who took you home after these three days?

19 A. [12:29:17] Yes. It was in the same vehicle in which I was brought there, I was
20 taken back home.

21 Q. [12:29:27] And you said that Hamad Moussa flogged you. Could you explain
22 how that happened.

23 At the entry to your house, he flogged you. Could you explain exactly what
24 happened.

25 Why did he whip you?

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1 A. [12:30:37] Yes. When he whipped me, I fell down. And he went away.
2 When I regained consciousness, my neighbours told me that he had said that it was
3 because it was to pay for what had been done. And then his leader said, "Why did
4 you do that? I didn't tell you to hit people at home. I told you to bring back people
5 who were in the street

6 Q. [12:31:31] Now, who was his leader who said that?

7 *A. [12:32:11] I didn't know who he was. When I woke up, I heard that his boss had
8 asked him, "Why are you going into people's homes to punish them? That's not what
9 I asked you.

10 I had lost consciousness, it was when I woke up that they told me that.

11 Q. [12:32:53] And do you have any marks left from the lashes, the whipping?

12 A. [12:33:10] The scars that I have are the scars that I showed you already.

13 *Q. [12:33:23] Very well. And did you see Hamed Moussa after that?

14 A. [12:33:48] Actually, he hit me. That time, he really hit me.

15 Q. [12:34:08] You're talking about the time that we were just talking about or
16 a different time

17 A. [12:34:35] Actually, I'm talking about the blows I received after the three days I
18 spent with them. And that was the last time that I had anything to do with him.

19 Q. [12:35:03] And this time when Hamed Moussa - well, the last time, when he hit
20 you or lashed you, where was this? What place? Where?

21 PRESIDING JUDGE MINDUA: [12:35:22](Interpretation) Ms Taylor.

22 MS TAYLOR: [12:35:26] Mr President, I do believe we've had this answer about
23 three times already.

24 PRESIDING JUDGE MINDUA: [12:35:44](Interpretation) Mr Prosecutor?

25 * MR ALLAFI: [12:35:47] (Interpretation) Your Honour, I think it is prejudicial to

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1 hear what the witness is going to repeat... to hear the answer of the witness, if it is
2 about the same times, because it's a bit ambiguous. That's why I'm coming back to
3 that. I wanted to know whether we are talking about the same times or another time.
4 PRESIDING JUDGE MINDUA: [12:36:13](Interpretation) Yes. Ms Taylor, it is to do
5 away with any ambiguity
6 Don't you think so?
7 MS TAYLOR: [12:36:21] Mr President, if I may refer you to the English, lines 19 to 22
8 and then to 25, I do believe we've had this -- the witness speak of this, and I do believe
9 it's been repeated afterwards. I can give more references, but I don't want to actually
10 read it out in front of the witness
11 But in the English transcript, it's -- it's very clear.
12 PRESIDING JUDGE MINDUA [12:36:57](Interpretation) Very well. Mr Prosecutor
13 MR ALLAFI: [12:37:03] (Interpretation) Your Honour, I don't understand why we
14 are interrupting the witness. The witness just said at line 20, that: It was the last
15 time that I had any dealings with him. * And I asked where it happened. Whether it
16 was the same time or a different time, and the witness is able to answer and say in the
17 end whether it is the same time or not.
18 PRESIDING JUDGE MINDUA [12:37:26](Interpretation) Yes I think it's best,
19 Ms Taylor, to clear up any ambiguity, and we shall let the witness reply. Go ahead,
20 Mr Prosecutor.
21 MR ALLAFI: [12:37:37] (Interpretation) Thank you, your Honour.
22 Q. [12:37:42] Madam Witness, now when you say "this time" when Hamed Moussa
23 hit you, now where did this happen?
24 A. [12:37:57] All the blows I told you about - all of that happened in the yard of
25 my house. Nowhere else.

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1 Q. [12:38:29] And this time, was the gentleman present?

2 A. [12:38:35] Yes, he was there.

3 Q. [12:38:43] And do you remember what he was doing?

4 A. [12:38:58] He wasn't doing anything at all. He was lying down. He was ill.

5 Q. [12:39:06] Were there other family members present?

6 A. [12:39:34] Just the children whom I'm - already mentioned, the cousins, the
7 mother -- his mother and myself.

8 Q. [12:39:47] Very well, Madam Witness.

9 Now, did other family members have problems with the mujahideen?

10 A. [12:40:18] Are you talking about the people in the same house Is that what
11 you mean by "family members"?

12 Q. [12:40:27] Yes Exactly, Madam Witness.

13 * A. [12:41:17] Yes. There were two children at our home, and I know that one of them
14 told me once that they tried to enlist him and he refused. And after that, they gave
15 him 40 lashes. They told him to come back the next day. The next day, they told him
16 that he had two months to join up. Otherwise, they would kill him

17 THE INTERPRETER: [12:42:02] Interpreter correction: That - the witness made
18 mention of a person being "enrolled".

19 MR ALLAFI: [12:42:11] (Interpretation) Private session, please.

20 PRESIDING JUDGE MINDUA: [12:42:14](Interpretation) Private session, court
21 officer.

22 (Private session at 12.42 p.m.)

23 THE COURT OFFICER: [12:42:19] We are in private session, Mr President.

24 PRESIDING JUDGE MINDUA: [12:42:26](Interpretation) Thank you very much.
25 Mr Prosecutor.

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1 MR ALLAFI: [12:42:31] (Interpretation) Thank you, Mr President.

2 Q. [12:42:33] Madam Witness, could you give me the name of the person that they
3 tried to enroll, he refused, and he received 40 lashes.

4 What is the name of that person?

5 A. [12:43:19] [REDACTED] was his name. They gave him a deadline to join
6 them - and, he joined them after that deadline - and up until now, we've had no
7 information about him.

8 Q. [12:43:53] Madam Witness, I have two follow-up questions, brief ones.

9 "They gave him a deadline to join them.

10 Join whom?

11 A. [12:44:11] The bad people that you referred to as the "mujahideen. He was
12 supposed to -- he joined them.

13 Q. [12:44:43] And how do you know that, Madam Witness?

14 A. [12:44:56] The child was at home with us

15 Q. [12:45:18] Could you give us the complete name of this [REDACTED] Madam
16 Witness

17 A. [12:45:34] [REDACTED]

18 [REDACTED]

19 Q. [12:45:55] Thank you, Madam Witness.

20 PRESIDING JUDGE MINDUA: [12:46:03](Interpretation) Open session, please
21 Court officer.

22 Ms Taylor.

23 MS TAYLOR: [12:46:07] Mr President, before going into open session, we've heard
24 multiple references to "child" in relation to these people. And I would respectfully
25 request that the Prosecutor clarify this with the witness. It would be very helpful to

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1 know the age of the person she's speaking to, not roughly.

2 PRESIDING JUDGE MINDUA: [12:46:29](Interpretation) Are we still in private
3 session, court officer?

4 Quite so.

5 Now, Mr Prosecutor.

6 MR ALLAFI: [12:46:39] (Interpretation) Your Honour, that was the next question I
7 was about to ask. We can put it in open session, this - we can ask what age the child
8 was.

9 PRESIDING JUDGE MINDUA: [12:46:54](Interpretation) We are going into open
10 session, Madam Taylor.

11 Court officer, if you could.

12 (Open session at 12.47 p.m.)

13 THE COURT OFFICER: [12:47:06] We are back in open session Mr President.

14 PRESIDING JUDGE MINDUA [12:47:12](Interpretation) Thank you, court officer
15 Mr Prosecutor, you may proceed.

16 MR ALLAFI: [12:47:19] (Interpretation)

17 Q. [12:47:20] Madam Witness, you mentioned this person. You referred to him as
18 the "child".

19 How old was this person? Do you remember the age of this person at that time?

20 When the person left the last time.

21 A. [12:48:22] I'm sorry, but I don't know how old he was, but I know it coincided
22 with the arrival of the Malian government and the bad people leaving. And since
23 that time, he has been gone and we have not heard anything about him.

24 Q. [12:48:52] Just -- just to clear one thing up, now, do you remember if he was
25 under 18 or over 18?

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1 A. [12:49:43] I don't know. I really don't know his age. But I know he was
2 a child, and I'm sure that at the time, he was over 10 years of age. But how many
3 years over 10, I couldn't tell you.

4 Q. [12:50:00] Very well, Madam Witness. I would now like to show you some
5 photographs.

6 And if the interpreter could signal to us.

7 Madam Witness, I'd like to show you some photographs now.

8 A. [12:50:34] Yes.

9 Q. [12:50:35] These are photographs that were taken when you gave your
10 statement between 15 and 19 October 2019.

11 Do you have the binder in front of you? Is the binder there?

12 A. [12:51:11] Yes

13 Q. [12:51:26] With the assistance of the person with you, could you please turn to
14 tab 3 in the binder, tab 3 to tab 10. Could we first turn to tab 7

15 This is 0072-0499, and this is a confidential document, MLI-OTP-0072-0499.

16 Have you had an opportunity to look at the photograph, Madam Witness

17 A. [12:53:12] Yes.

18 Q. [12:53:19] And what do we see in this photograph, ma'am?

19 A. [12:53:32] I can see it just fine. I can see the things that I was telling you about.

20 Q. [12:53:42] Could you tell us a bit more.

21 What do you mean when you say the things that you told - that you told us about?

22 A. [12:53:56] Well, what I can see here right now is the mark left by the slap in the
23 face, the mark left by the ring.

24 Q. [12:54:32] The slap? Who slapped you?

25 A. [12:54:39] Hamed Moussa was the one who slapped me.

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1 Q. [12:54:49] Thank you

2 Madam Witness, we are going to look at the rest of the photographs from tab 3 to tab
3 10.

4 Could someone help the witness have a look at these various photographs, one after
5 another. Tabs 3 to tab 10, if you could.

6 And, take your time, Madam Witness. Look at the photographs and take your time.

7 Could the person beside the witness assist her reviewing the photographs from tab 3
8 to 10. And these are photographs bearing a number of reference numbers: 0072,
9 0496, then 0497, then 0498, 0499, 0500, 0501, and 0502, and finally, 0503.

10 Have you had a chance to look at these photographs, ma'am

11 Have you been able to look at these photographs, Madam Witness?

12 A. [12:56:53] Yes

13 Q. [12:56:58] And what do we see in these photographs, ma'am?

14 A. [12:57:13] Well, I can see the mark left by the whip.

15 Q. [12:57:27] Thank you, Madam Witness.

16 MR ALLAFI: [12:57:30] (Interpretation) Your Honour, I have a few questions more
17 to conclude my examination-in-chief, two or three questions.

18 PRESIDING JUDGE MINDUA [12:57:48](Interpretation) And what would you like
19 to do?

20 MR ALLAFI: [12:57:50] (Interpretation) I'd like us to continue. I have two or three
21 questions, and then I will be completely finished with examination-in-chief.

22 PRESIDING JUDGE MINDUA: [12:58:02](Interpretation) Very well. Please
23 proceed in that manner. It's more efficient.

24 MR ALLAFI: [12:58:06] (Interpretation)

25 Q. [12:58:07] Madam Witness, we are going to now talk about the consequences of

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- 1 everything that happened. Today, you told us about what happened to you. You
2 told us what happened to you with the gentleman and with the girl, the daughter.
3 I would now like to ask you whether these events that you have told us about have
4 had consequences in terms of an impact on your life, the life of the gentleman and the
5 life of your daughter.
6 And let's begin with you -- just to make things easier, let's begin with you.
7 A. [12:59:54] Yes, they did have consequences. And these consequences remain
8 up until now, to the present.
9 Q. [13:00:07] And could you tell us more. Could you tell the judges what the
10 consequences have been.
11 A. [13:01:10] *As to the consequences, as far as I'm concerned, as well as the
12 gentleman, every time the situation arises, we feel these consequences, and personally
13 today, there are times when I have the impression that my heart is torn. And it
14 continues happening to me to this day.
15 Q. [13:01:43] And the consequences for the gentleman, could you also please
16 explain that to us, Madam.
17 A. [13:02:32] In fact, yes, the consequences for the gentleman since he was
18 ill - since he got the illness when he was in their hands, every three days or nights it
19 comes back to him. He's no longer able to speak or eat. Often it's okay, but every
20 time it comes back to him, right up until the present day.
21 Q. [13:03:08] And to finish, Madam Witness, by way of the consequences for your
22 daughter?
23 A. [13:03:52] The consequences on my daughter are such that when she remembers
24 these things, she gets a crisis. This is called madness in Tamasheq. And when this
25 happens, it takes weeks for her to get over it. During that period, she doesn't eat

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1 anymore. She doesn't go to school. She just cries.

2 Q. [13:04:35] Madam Witness, thank you very much.

3 MR ALLAFI: [13:04:40] (Interpretation) Your Honour, I have finished with my

4 questions. Thank you for your time.

5 * PRESIDING JUDGE MINDUA: [13:04:46](Interpretation) Thank you very much,

6 Prosecutor. The Chamber is very satisfied with your examination-in-chief. Indeed,

7 you have followed the instructions given to you. You have put specific and precise

8 questions, you have avoided repetition, areas already covered and you have summed

9 up your points. It was very good and you have been most efficient.

10 So it's now one o'clock We are going to stop in - it's 1:05

11 Ms Taylor.

12 MS TAYLOR: [13:05:23] Thank you very much, Mr President.

13 Now, when the Prosecutor scheduled this witness up until last week, they estimated

14 five and a half hours, and although they have curtailed their examination-in-chief

15 significantly, their intention to do so was not communicated to the Defence.

16 So on the basis of that, we are simply not in a position to start cross-examination

17 today.

18 As things stood, we should not have had to have started until, I would say, the

19 second session of tomorrow. And it's on that understanding that we have prepared

20 and that includes getting ready our disclosure, getting ready our list.

21 Now, if the Prosecution' aware that they are going to have a significantly curtailed

22 examination, that should be communicated to the Defence in a timely manner. It

23 wasn't. And there has been significant deviations in this witness's testimony. We

24 should be entitled to have time to react to those.

25 So, Mr President, we are respectfully requesting that our cross-examination starts

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1 tomorrow, which is when it was scheduled to commence

2 PRESIDING JUDGE MINDUA: [13:06:50](Interpretation) Thank you very much,

3 Ms Taylor, for your intervention. I would like to draw your attention to what I said

4 after the conclusion of the examination-in-chief of the Prosecutor. And what I said

5 was that the Chamber is satisfied because he followed the instructions. The

6 instructions were communicated in writing to all parties and participants.

7 * There's no question of the Prosecutor informing you today because he was obeying

8 the instructions of the Chamber. The Prosecutor doesn't need to say that he's going to

9 shorten or summarize the examination-in-chief, that he's going to be precise in his

10 questions. No, Ms Taylor.

11 So having said that, I'm go to ask my colleagues if they are disposed for the

12 cross-examination to start tomorrow.

13 But Legal Representative of Victims, what would you have to say for the moment?

14 MR KASSONGO: [13:08:02](Interpretation) Thank you very much, your Honour,

15 your Honours.

16 Having heard the examination-in-chief, the legal representative is satisfied with the

17 clarifications that have been made in the answers to the questions put and it does not

18 intend to put questions to the witness. But it would like to ask to - ask the Chamber

19 to thank the witness. So if the Chamber could convey our thanks from the entire

20 team for the witness's availability.

21 PRESIDING JUDGE MINDUA: [13:08:41](Interpretation) Thank you very much,

22 Maître Kassongo, but I think that the interpreters - the Tamasheq interpreters can

23 interpret your thanks towards Madam Witness.

24 The Chamber will briefly consult on the request by the Defence.

25 (Trial Chamber confers)

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1 PRESIDING JUDGE MINDUA: [13:10:19](Interpretation) Ms Taylor, so the
2 Chamber has examined attentively your request, as usual. It grants you the right to
3 cross-examine from tomorrow - tomorrow at 9.30, as usual. But there is a caveat
4 thereto because the instructions of the Chamber were already communicated to the
5 parties and participants. The Chamber is asking you also to try to be as concise as
6 possible in your cross-examination - to be precise in your questions as the
7 Prosecution has been and to avoid repetition, such that you can also finish tomorrow
8 during the day as the Prosecutor has done today. That's it.
9 So because we're coming to the end of our day, I would now turn towards the
10 witness
11 Madam Witness, we are coming to the end of your testimony for today because the
12 Office of the Prosecutor has finished with your examination-in-chief and the legal
13 representatives do not wish to put questions to you today.
14 Tomorrow, you will continue with your testimony with the cross-examination of the
15 Defence. Between now and then, you are prohibited from speaking about your
16 testimony with anyone, with members of your family or with friends.
17 So on behalf of the Chamber, I would like to thank you most sincerely for your
18 availability and for the precision with which you have answered the questions.
19 Before closing the session, I would like to express my gratitude to the parties and
20 participants, to the court reporters, who, today, are in the courtroom with us; I would
21 like to greet them very warmly. I'd like to thank the interpreters, our security guards,
22 and our audience who are still there.
23 I wish you all a very good end of day.
24 And, until tomorrow, Court is adjourned.
25 THE COURT USHER: [13:14:52] All rise.

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1 (The hearing ends in open session at 1.14 p.m.)

2 CORRECTIONS REPORT

3 The following corrections, marked with an asterisk and not included in the

4 audio-visual recording of the hearing, are brought into the transcript.

5 Page 9 line 14:

6 "Q. [9:55:22] - to speak about your husband, you have to say "the man"." Is corrected

7 to

8 "Q. [9:55:22] That means that when you are going to speak about your husband, we

9 will say "the man".

10 Page 10 lines 2-7

11 "MR ALLAFI: [9:56:28] (Interpretation) Your Honour, with a concern for

12 comprehension, I suggested that if perhaps the witness - "Mr A" or whoever, maybe

13 that would include other members, "Madam X" or "Z". When the Defence

14 cross-examines, they could go into private session They can state who they are

15 talking about. And if it's the husband, "the man" or the "Mr", they can use that

16 method." is corrected to

17 "MR ALLAFI: [9:56:28] (Interpretation) Your Honour, with a concern for

18 comprehension, I would suggest "the gentleman". "Mr A" or others could include

19 other members. If we say "Madam X" or "Z" it's going to be a bit complicated.

20 When the Defence cross-examines, they could go into private session. They can

21 state who they are talking about. And if it's the husband, "the gentleman

22 thereafter, I think we can use the same method but I'm in your hands Your Honour

23 Page 10 lines 15-16:

24 "Q. [9:57:16] Madam Witness, is it clear? What's just been said? To use "the man " is

25 corrected to "Q. [9:57:16] Madam Witness, is it clear? What's just been said? To use

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1 "the gentleman""

2 Page 10 line 19:

3 ""the man"" is corrected to :""the gentleman""

4 Page 11 lines 6-7:

5 "Q. [9:58:39] Madam Witness, what did "the man" have a problem - what did the
6 man have by way of a problem with the mujahideen?" is corrected to :

7 " Q. [9:58:39] Madam Witness, what problem did the gentleman have with the
8 Mujahedin?"

9 Page 12 line 3:

10 " Her father was brought

11 THE INTERPRETER: [10:03:33] Correction: Her father was taken by some people."

12 is corrected to :

13 "And that's when I was told that his father had been taken away by some people."

14 Page 15 lines 8-9:

15 "A. [10:13:53] Yes, I saw her. I saw her lying down on a stone. That is why she still
16 has problems, even today." is corrected to

17 " A. [10:13:53] Yes, I saw her, I saw her lying on a stone, and her head was split open.

18 It is for this reason that she still has pains, even today."

19 Page 18 line 22 - Page 19 line 2:

20 "A. [10:30:17] So the children had left, and they came back when he wasn't there. His
21 mother was -- difficulty adjusting to the fact that he wasn't there and she started
22 crying and started speaking and -- going to the BMS with one of her brothers who
23 came in on motorbike. And she said, "I wanted to go, but I had to stay." And
24 afterwards, I went myself to the BMS, and I found her on the way to the BMS."
25 is corrected to :

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1 " A. [10:30:17] So the children had gone out, and they came back and said that he
2 wasn't there, so his mother was having difficulty adjusting to the fact that he wasn't
3 there. She started crying, speaking and crying. So she had to go to the BMS with one
4 of her brothers who took her on a motorcycle. I wanted to leave, but she told me to
5 stay. After that, I went to the BMS myself, and I found it on the way to the BMS."

6 Page 19 line 4:

7 "A. [10:31:48] In reality, I didn't go in. I didn't go to the BMS"

8 is corrected to :

9 " A. [10:31:48] In reality, I didn't go in, I did not get to the BMS."

10 Page 19 line 8

11 "Did you speak about a man? Who - who is this man? If you know."

12 is corrected to

13 "You mentioned a man, who is he, if you know?"

14 Page 19 lines 17-18:

15 "Could you explain to us for how much time, approximately, you knew that for?"

16 is corrected to :

17 "Can you explain to us, first, how long afterwards approximately you found that
18 out?"

19 Page 19 line 25:

20 " the man " is corrected to ""the gentleman""

21 Page 21 lines 7-8:

22 "A. [10:40:00] People called it the guards' camp. If I call it "guards' camp," that that's
23 the -- but the Tamasheq people, they call it the "big" camp." is corrected to :

24 " A. [10:40:00] In fact, people call it the "guard camp", so I too call it the "guard camp"
25 But the Tamasheq people, they call it "the big camp"."

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1 Page 21 line 19:

2 "He was seated where people had put him.

3 is corrected to:

4 "He was seated where these people had put him.

5 Page 21 line 25 - Page 23 line 2:

6 "A. [10:44:13] I don't want to lie. I didn't go there myself. I saw the - the person
7 detained by two men. Two men -- men were holding him by 1 his hands, and two
8 others were beating him, and it was by the tarmac road. That's where it happened.

9 Two men were holding him by his head, two more by his hands, and three were
10 beating him.

11 is corrected to:

12 " A. [10:44:13] I don't want to lie to you. In reality, I did not get there. I was on the
13 way when I saw him. He was being held by men: two men were holding him by his
14 head, two by his hands, and three were beating him.

15 Page 22 line 22:

16 "sister" is corrected to "sisters

17 Page 23 line 1:

18 "with my younger sister, then I found out that I'd had a miscarriage

19 is corrected to :

20 "with my younger sisters, then I found out that I'd had a miscarriage.

21 Page 23 lines 23-24:

22 " the man. "is corrected to :""the gentleman

23 Page 23 line 25 to page 24 line 3:

24 " but what I do know is that at the time there were - well, the mother had to sell 1
25 the two lands in order to get the money that was being asked for. But even selling

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1 land, the amount obtained would not be sufficient.

2 is corrected to : " but what I do know is that at the time, we had plots of land that had
3 already been built on. So, the mother had to sell these two plots in order raise the
4 amount that was being asked for. But even by selling the land, the amount obtained
5 was not sufficient.

6 Page 24 lines 14-16:

7 "A. [10:58:12] I don't know exactly who Hamed Moussa was. I don't know
8 everything. But I heard people call him mujahideen, and I also called them the
9 mujahideen. But if not, I didn't know him at all.

10 is corrected to

11 "A. [10:58:12] I don't know exactly who Hamed Moussa is. I do not know him. I hear
12 people calling them "the mujahedin", and I too call them "the mujahedin". Otherwise,
13 I don't know them at all.

14 Page 26 lines 18-19:

15 "A. [11:38:27] He had bruises and bumps on his skin and his body, his back. He even
16 has scars now.

17 is corrected to :

18 "A. [11:38:27] He had bruises and bumps on his skin all over his body, down to his
19 back. He

20 has these scars to this day.

21 Page 26 lines 21-22:

22 "A. [11:39:38] He didn't tell us. I think that the injuries were caused by the whipping
23 that he was subjected to because before, he didn't have those scars.

24 is corrected to :

25 "A. [11:39:38] He didn't tell us. He just told us that these injuries are from the lashes

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1 he received. And before that he didn't have those injuries.

2 Page 27 lines 5-10:"A. [11:41:38] He was in this state until the return to Mali, just until
3 the return to Mali. The man couldn't do anything by himself.

4 Q. [11:41:59] You say, "just until the return to Mali." What do you mean by that,
5 exactly?

6 A. [11:42:30] The return to Mali, that was the same time that he got away from those
7 bad people. Once he was back to Mali, he needed help with everything. He couldn't
8 do anything by himself.

9 is corrected to :

10 "A. [11:41:38] He was in this state until the return of Mali. Until the return of Mali,
11 "the gentleman" couldn't do anything by himself.

12 Q. [11:41:59] You say, "until the return of Mali . What do you mean by that exactly?

13 A. [11:42:30] The return of Mali, that was at the same time that those bad people left.
14 On the return of Mali, someone helped him with everything. He couldn't do
15 anything by himself.

16 Page 28 lines 15-17:

17 "A. [11:47:00] We were told not to go out again. We were told that we were the poor
18 of God, but yet we still had to go out and find something to meet our needs. And, at
19 the time, we had our father as well who was ill.

20 is corrected to :

21 "A. [11:47:00] We were recommended not to go out any more. However, we are the
22 poor of God, we have nothing other than ourselves, and we must go out to find
23 something to meet our needs. And especially since, at that time, our father was ill.

24 Page 28 lines 21-23:

25 "A. [11:47:53] No. I'm talking about the gentleman because we had him and no one

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1 else. And we were going all over the place trying to bring something back
2 is corrected to : "A. [11:47:53] No. I'm actually talking about the gentleman because
3 we had him and no one else. He's the one running around all over the place trying to
4 bring something back for us.

5 Page 29 lines 4-5:

6 "A. [11:48:58] It was Mohamed Moussa who told us that. I'm talking about men and
7 women.

8 is corrected to :

9 "A. [11:48:58] It was Mohamed Moussa who told us that. In fact, it was by men to
10 women

11 Page 29 lines 8-12:

12 "A [11:50:23] They told us that because they explained to us that it was well,
13 they owned the territory. They had the power in the territory. They said that
14 when men could no longer go out - and it was the men who had to go out and work
15 outside. The same thing held true for girls. Just like women. They weren't
16 supposed to go out either.

17 is corrected to :

18 "A. [11:50:23] He told us that because they explained to us that it was - well, they
19 owned the territory. They had the power in the territory. They said that women
20 could no longer go outside, and that the men had to go out and work outside. The
21 same thing held true for girls. Just like women. They weren't supposed to go out
22 either.

23 Page 29 line 19 to Page 30 line 3:

24 "A. [11:52:22] Hamad Moussa came to our home, along with his followers. I didn't
25 know them. I wasn't allowed to even raise my eyes. I had to look down.

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1 Q. [11:52:49] And how did you come to know that name, the name of Hamed

2 Moussa?

3 A. [11:52:59] I found out about that from my neighbours; that's how I learned his
4 name. My neighbours were arrested by them. And also people were looking through
5 the windows. I was living in a compound in a house, and, well, I -- I didn't know,
6 but I heard.

7 Q. [11:54:11] You said that he came with his followers. Do you know the names of
8 these young people, his followers?

9 is corrected to :

10 "A. [11:52:22] Hamed Moussa came to our home, accompanied by his children. In
11 fact, I don't know him, I couldn't, in any case, know him, especially as I wasn't
12 allowed to even raise my eyes.

13 Q. [11:52:49] And how did you come to know that name, the name of Hamed
14 Moussa

15 A. [11:52:59] I heard it from my neighbours. In fact, he arrested my neighbours. And
16 then there's also the fact that people can see through windows. I'm in a courtyard in
17 a cage; I'm looking above the courtyard. In fact, I couldn't know them.

18 Q. [11:54:11] You said that he came with his children. Do you know the names of his
19 children?

20 Page 34 lines 12-13:

21 "A. [12:14:19] The children couldn't sell what I was selling. So I left to sit in a open
22 space to sell what I had.

23 is corrected to :

24 "A. [12:14:19] The children couldn't sell what I was selling. So, I would go out and sit
25 in a courtyard, in an empty space to sell what I had.

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1 Page 35 lines 7-8:

2 " brought me back home, he whipped me three times, and, afterwards I fainted.

3 And then my cousin was around me.

4 is corrected to :

5 " brought me back home, he whipped me three times, and, afterwards I lost

6 consciousness. And when I woke up, my neighbours were around me.

7 Page 38 lines 7-10:

8 "A. [12:32:11] I don't know who he was. When I woke up, I heard that his leader had

9 told him, "Why did you go into peoples' houses? "To punish them.

10 So you see, I had asked them. I had lost consciousness, and when I woke up, they

11 told me that.

12 is corrected to :

13 "A. [12:32:11] I didn't know who he was. When I woke up, I heard that his boss had

14 asked him, "Why are you going into people's homes to punish them? That's not what

15 I asked you.

16 I had lost consciousness, it was when I woke up that they told me that.

17 Page 38 line 14:

18 "Q. [12:33:23] Very well. And did you see Moussa after that?

19 is corrected to :

20 "Q. [12:33:23] Very well. And did you see Hamed Moussa after that?

21 Page 38 line 25 to page 39 line 3:

22 "MR ALLAFI: [12:35:47] (Interpretation) Your Honour, I think it's only normal to

23 listen to what the witness says. It seemed a bit ambiguous, and so I think

24 is corrected to :

25 "MR ALLAFI: [12:35:48] Your Honour, I think it is prejudicial to hear what the

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1 witness is going to repeat... to hear the answer of the witness, if it is about the same
2 times, because it's a bit ambiguous. That's why I'm coming back to that. I wanted to
3 know whether we are talking about the same times or another time.

4 Page 39 lines 16-18:

5 "And I asked where it happened. Whether it was the same time or a different time,
6 and the witness was in the process of responding.

7 is corrected to :

8 "And I asked where it happened. Whether it was the same time or a different time,
9 and the witness is able to answer and say in the end whether it is the same time or
10 not.

11 Page 40 lines 13-16:

12 "A. [12:41:17] Yes. There were two children at home, and I know that one of them
13 told me once that they tried to roll (sic) him and he refused. And after that, they gave
14 him 40 lashes. The next day, he said that he had two months to reply to him;
15 otherwise, they would kill him.

16 is corrected to:

17 "A. [12:41:17] Yes. There were two children at our home, and I know that one of
18 them told me once that they tried to enlist him and he refused. And after that, they
19 gave him 40 lashes. They told him to come back the next day. The next day, they told
20 him that he had two months to join up
21 Otherwise, they would kill him.

22 Page 46 lines 5-9:

23 "PRESIDING JUDGE MINDUA: [13:04:46](Interpretation) Thank you very much,
24 Prosecutor. The Chamber is very satisfied with your examination-in-chief. Indeed,
25 you have followed the instructions that were given to her (sic) -- you followed the

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1 precise instructions. And you haven't said what has already been said and you've
2 summed up the remarks and you've been very efficient.

3 is corrected to :

4 "PRESIDING JUDGE MINDUA: [13:04:46](Interpretation) Thank you very much,
5 Prosecutor. The Chamber is very satisfied with your examination-in-chief. Indeed,
6 you have followed the instructions given to you. You have put specific and precise
7 questions, you have avoided repetition, areas already covered and you have
8 summed up your points. It was very good and you have been most efficient.

9 Page 47 lines 7-10:

10 "There's no question of the Prosecutor today well, he was obeying the instruction
11 of the Chamber. The Prosecutor doesn't need to say that he's going to shorten
12 that he's going to be precise in his questions.

13 is corrected to:

14 "There's no question of the Prosecutor informing you today because he was obeying
15 the instructions of the Chamber. The Prosecutor doesn't need to say that he's going
16 to shorten or summarize the examination-in-chief, that he's going to be precise in his
17 questions.