

Trial Hearing
MLI-OTP-P-0547

(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 Thursday, 28 October 2021
10 (The hearing starts in open session at 9.31 a.m.)
11 THE COURT USHER: [9:31:03] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE MINDUA: [9:31:31](Interpretation) Court is in session.
15 Good morning, everyone.
16 Court officer, please, could you call the case.
17 THE COURT OFFICER: [9:31:47] Good morning, Mr President, your Honours.
18 This is the situation in the Republic of Mali, in the case of The Prosecutor versus Al
19 Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud, case reference ICC-01/12-01/18.
20 And for the record, we're in open session.
21 PRESIDING JUDGE MINDUA: [9:32:03](Interpretation) Thank you very much,
22 court officer.
23 We are now going to proceed with the appearances, starting with the Office of the
24 Prosecutor.
25 Madam Prosecutor.

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1 MS YAMAGUCHI: [9:32:17] Good morning, Mr President, your Honours. The
2 Prosecution is represented -- represented again by Gilles Dutertre and myself, Yayoi
3 Yamaguchi.

4 PRESIDING JUDGE MINDUA: [9:32:29](Interpretation) Thank you very much,
5 Madam Prosecutor.
6 I now turn to the Defence.

7 Counsel.

8 MS SUTHERLAND: [9:32:36] Good morning, Mr President, your Honours. The
9 Defence is today represented by Mélissa Beaulieu Lussier, Sarah Marinier-Doucet,
10 and Melinda Taylor and myself, Kirsty Sutherland.

11 PRESIDING JUDGE MINDUA: [9:32:57](Interpretation) Thank you very much, Ms
12 Sutherland.

13 I now turn towards the Legal Representatives of Victims.

14 MR LUVENGIKA: [9:33:02](Interpretation) Good morning, your Honour,
15 your Honours. The victims are represented by myself, Maître Fidel Luvengika Nsita.
16 Thank you.

17 PRESIDING JUDGE MINDUA: [9:33:14](Interpretation) Thank you very much,
18 Maître Nsita.

19 This morning we will continue with hearing P-0547.

20 I now turn towards Madam Witness.

21 Good morning, Madam witness. How are you?

22 WITNESS: MLI-OTP-P-0547 (On former oath)
23 (The witness speaks Songhai)

24 THE WITNESS: [9:33:31](Interpretation) I'm well, thanks be to God.

25 PRESIDING JUDGE MINDUA: [9:33:34](Interpretation) Thank you very much,

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1 Madam Witness. On behalf of the Chamber, I would like to welcome you.

2 I would like to remind you that you are still under oath, and you must tell the truth,
3 the whole truth and nothing but the truth.

4 THE WITNESS: [9:33:58](Interpretation) This is a promise that I took, and, I have
5 a headache, which makes it difficult for me even to open my eyes, but nevertheless I
6 will do my best to see this through.

7 PRESIDING JUDGE MINDUA: [9:34:24](Interpretation) The Chamber is very
8 grateful to you and for all the efforts that you are making. Finally, I'd like to remind
9 you that we must all speak slowly, clearly and observing pauses.

10 THE WITNESS: [9:35:00](Interpretation) Very well.

11 PRESIDING JUDGE MINDUA: [9:35:03](Interpretation) So we are now going to
12 pass the floor to the Defence to continue and finish their cross-examination.

13 THE WITNESS: [9:35:23](Interpretation) Okay.

14 QUESTIONED BY MS SUTHERLAND: (Continuing)

15 Q. [9:35:31] Good morning, Madam Witness. I hope you managed to rest well.

16 A. [9:35:44] Yes, I'm well. Thank you.

17 Q. [9:35:50] Madam Witness, do you recall a march held by women in Abaradjou?

18 A. [9:36:14] The march that the women did?

19 Q. [9:36:23] Yes, that's what I'm asking about.

20 Do you remember?

21 A. [9:36:29] Yes, I remember, indeed.

22 Q. [9:36:44] Is it correct that this was a protest against the conduct of Hamed
23 Moussa?

24 A. [9:36:59] Yes, it was the march that the women did to go to the BMS to show

25 Hamed Moussa that whatever happened, he mustn't open a prison for women at the

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1 BMS.

2 Q. [9:37:39] But you did not take part in the march yourself?

3 A. [9:37:46] No.

4 Q. [9:37:56] But it's correct that this march took place before you were taken to the
5 BMS?

6 A. [9:38:09] Yes, it took place before I was taken to the BMS.

7 Q. [9:38:26] Thank you. Madam Witness, I'm just going to ask you some
8 questions about the room that you were held in at the BMS.

9 A. [9:38:43] Okay.

10 Q. [9:38:46] Yesterday -- yesterday -- and the transcript reference is at real-time
11 English transcript 152, at page 7, lines 14 to 17, yesterday you said you were detained
12 in a room in which, I quote:

13 "... the light that came in was through the window in the door which was broken."

14 A. [9:39:47] I said that there was light there, but I didn't remark it. But there was
15 light that I saw within the room, and that came from the window that was
16 broken -- from the door with the window that was broken.

17 Q. [9:40:05] So do I understand correctly that this was sunlight coming in?

18 A. [9:40:19] Yes, indeed. It was sunlight that entered.

19 Q. [9:40:30] And is this the same door that was broken by the girl who had
20 a mental breakdown?

21 A. [9:40:43] Yes. Before I arrived, I found that the door had already been broken.
22 The girl -- well, I didn't know her before I went there, but it was afterwards that I
23 recognised her. I asked. Because where -- with the tailor I get my clothes from, we
24 met each other, and one day * I saw her there, and -- but we didn't ever speak to each
25 other.

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1 Q. [9:41:59] But this was something that was discussed at the tailor? Or you just
2 met her at the tailor? Sorry, I'm confused, Madam Witness.

3 A. [9:42:17] In fact, we never spoke to each other.
4 What I said was that, when I passed by my tailor's, we saw each other, but we never
5 spoke to each other. And we still have never spoken to each other.

6 Q. [9:42:54] Thank you very much.
7 Discussing just a little bit more in detail the account you gave yesterday about what
8 happened to you at the BMS -- and, Madam Witness, I'm going to allow for
9 interpretation, please wait for my question.

10 You mentioned yesterday -- and the transcript reference is English realtime 152,
11 page 7, lines 1 to 2. You mentioned that you had heard the call to prayer. Is this
12 when the man came to your cell?

13 A. [9:44:29] In fact, I cannot lie, but when the man came, the people had not left for
14 the mosque, and it was after that that I heard the call for prayer. Because it wasn't
15 the time of the call for prayer when people went to the mosque.

16 Q. [9:45:04] Did he bandage your eyes in the cell?

17 A. [9:45:19] It was when I left that he took me where he wanted me to take me.
18 And, that's where * he blindfolded me.

19 PRESIDING JUDGE MINDUA: [9:45:50](Interpretation) Madam Prosecutor.

20 MS YAMAGUCHI: [9:45:52] Thank you, Mr President.

21 Yesterday, before we started discussing the arrival of the man, we went into private
22 session. So, just out of abundance of caution, I believe we should also go into private
23 session for these questions.

24 MS SUTHERLAND: [9:46:12] Mr President, I have no further questions on this
25 point.

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1 PRESIDING JUDGE MINDUA: [9:46:16](Interpretation) Very well.

2 We should normally go into private session, but because the Defence has no further
3 questions to put, we shall stay in open session.

4 Please continue, Ms Sutherland.

5 THE WITNESS: [9:46:56](Interpretation) I knew why he blindfolded me as well.

6 That was so that I wouldn't be able to recognise him.

7 MS SUTHERLAND:

8 Q. [9:47:28] Madam Witness, is it correct that one of the other women in the room
9 told you that she had been brought there by Hamed Moussa?

10 A. [9:47:56] The person who Hamed Moussa took, that was a friend who I spoke
11 about yesterday. The prison, it's not just one person or two persons who are taken
12 there -- me too, I don't want to lie, I'm just saying what I'm aware of and what
13 concerns me.

14 Q. [9:48:48] Madam Witness, I was talking specifically about the other women who
15 were in the room with you at the BMS.

16 A. [9:49:07] The person who I shared the cell with -- well, there were three of them,
17 in fact. There were two, and the smaller one who was younger than us, and
18 then if -- do you want me to lie, then you have to tell me.

19 What I'm -- there are things that I'm not aware of. How am I going to lie with regard
20 to that? Or the cause that brought me here; I don't know.

21 The person who's -- you are defending today, I don't know that person, and I could
22 never imagine that we were going to be face-to-face. And I left everything to come
23 here.

24 How would it help me to come here to lie about anything?

25 You are certainly doing your work. But what happened in our country, I'm aware of

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1 that, I know, and the person who you are defending also knows that.

2 Q. [9:51:12] Madam Witness, I'm asking specifically about something that we
3 understand you told the Prosecution before. We're just seeking to clarify.

4 A. [9:52:11] That's the reason why I'm here. That's why I left everything to come
5 here, particularly because I have headaches. But I decided to come, and I took the
6 commitment to do so, and that's the reason why I'm here. And I decided to come
7 here to tell the truth.

8 PRESIDING JUDGE MINDUA: [9:52:32](Interpretation) Madam Witness, obviously,
9 you have yourself said that the Defence is doing its work. It's not easy for you. It's
10 not easy for the Defence either. But, you see, these are -- the law and the rules. We
11 all obey it.

12 So, the Defence has to put questions in order to verify things. This doesn't mean that
13 the Defence thinks that you are lying or is pushing you to lie. So I hope that you will
14 continue to keep replying as well as possible.

15 THE WITNESS: [9:53:48](Interpretation) Very well.

16 PRESIDING JUDGE MINDUA: [9:53:52](Interpretation) Thank you very much.
17 Ms Sutherland.

18 MS SUTHERLAND:

19 Q. [9:54:01] Madam Witness, I'm very sorry to hear about your headache. I know as
20 well how difficult it is to be in a courtroom with a headache.

21 A. [9:54:32] Yes.

22 Q. [9:54:35] My question was based on the information we have about the
23 interview you had with the Prosecution. And if it would assist you, I can ask to have
24 the relevant passage read to you.

25 A. [9:55:16] Yes, you can come back to that.

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1 Q. [9:55:20] Perhaps it would assist everybody, including the interpreters, to have
2 the relevant paragraph shown on the screens. And that is OTP tab 1,
3 MLI-OTP-0039-0861-R02, at page 0874, and the paragraph number is 47.
4 And it maybe swifter, Mr President, with your leave, if the interpreters could read it
5 directly into the transcript.

6 PRESIDING JUDGE MINDUA: [9:56:16](Interpretation) Yes.

7 We need a French interpreter because the text is in French.

8 (The text read to the witness by the Songhai interpreter)

9 PRESIDING JUDGE MINDUA: [9:57:25](Interpretation) No,
10 because there is a question on -- from the French interpreter, if she should read the
11 text, but I said, no, because we -- well, it's being translated by the Songhai
12 interpreters.

13 Please continue, Songhai interpreter.

14 THE INTERPRETER: [9:58:41] End of the paragraph, your Honour.

15 PRESIDING JUDGE MINDUA: [9:58:44](Interpretation) Very well. Ms Sutherland.

16 MS SUTHERLAND: [9:58:49] Thank you very much.

17 Q. [9:58:49] Madam Witness, does that help you to remember what you told the
18 Prosecution?

19 A. [9:59:03] Yes, I told them that.

20 Q. [9:59:06] So it's correct -- sorry, Madam Witness, for complete clarity, it's correct
21 that one of the other women in the room told you that she was brought there by
22 Hamed Moussa?

23 A. [10:00:13] The person who it's about is my friend who I spoke about. But the
24 person who I was in the cell with, we didn't have an exchange about whether
25 he -- about who had taken her. This was about the friend of my friend.

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1 Q. [10:00:38] Thank you. And yesterday, you were talking to us about your
2 release -- and the English real-time transcript reference is 152, page 18, lines 20 to 21.

3 Madam Witness, you told us that, I quote:

4 "... the community leaders from the neighbourhood had come ..."

5 Please wait for my question.

6 If that could be interpreted, please.

7 Do you know how these community leaders learnt of your arrest?

8 A. [10:02:27] The community leaders, how did they hear about it? Well, there was
9 no other solution than to go and see them. My husband was the one who went and
10 see them -- to see them for that purpose.

11 Q. [10:02:42] You named two notables; Baba Boyba (phon) and - forgive my
12 pronunciation - Amadou Belle. Do you -- your -- it's obvious that your husband was
13 concerned. Do you know if he asked any others?

14 A. [10:03:35] As to whether he talked to other people, I do not know. All that I do
15 know is that he sought people who would go and plead my case, plead in my favour.
16 And it was also the community leaders who went to plead my cause.

17 I can't say that they specifically rose to the occasion for my case. But the person with
18 whom I shared the cell with, they also supported that person, because that's what
19 they do whenever things like this happen.

20 Q. [10:04:50] Can you think of any other person, any other neighbourhood
21 community leader who would know about how your release was arranged?

22 PRESIDING JUDGE MINDUA: [10:05:08](Interpretation) Madam Prosecutor.

23 MS YAMAGUCHI: [10:05:10] I believe the question has already been asked and
24 answered.

25 MS SUTHERLAND: [10:05:17] Mr President, I don't believe the question about

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1 whether any -- she can identify any other has been asked before or that we've had
2 a satisfactory answer.

3 So I would say that it absolutely hasn't been asked and answered.

4 PRESIDING JUDGE MINDUA: [10:05:38](Interpretation) Madam Prosecutor, I don't
5 see the answer, but I am starting to get concerned because if she were to provide
6 names, we could be running a risk here.

7 Ms Sutherland, we shall move into private session for this answer. I don't know.

8 Mr Courtroom Officer, private session, please.

9 (Private session at 10.06 a.m.)

10 THE COURT OFFICER: [10:06:12] We're in private session, Mr President.

11 PRESIDING JUDGE MINDUA: [10:06:19](Interpretation) Thank you very much,
12 Mr Courtroom Officer.

13 So, Madam Witness, could you please answer this question?

14 THE WITNESS: [10:06:53](Interpretation) Really, I do not know. It may be that my
15 husband talked to other people, but I -- I'm not aware of that.

16 PRESIDING JUDGE MINDUA: [10:07:13](Interpretation) There we are,
17 Ms Sutherland.

18 So we are going to go back into open session now.

19 Mr Courtroom Officer, open session, please.

20 (Open session at 10.07 a.m.)

21 THE COURT OFFICER: [10:07:26] We're back in open session, Mr President.

22 PRESIDING JUDGE MINDUA: [10:07:34](Interpretation) Thank you very much,
23 Mr Courtroom Officer.

24 Ms Sutherland.

25 MS SUTHERLAND:

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1 Q. [10:07:42] Madam Witness, isn't it correct that Baba Boyba (phon) has died?

2 A. [10:08:01] Yes, he did die not too long ago, and I was at Bamako at the time. I
3 was in Bamako at the time.

4 Q. [10:08:11] And it's also correct that Amadou Belle has died?

5 A. [10:08:32] He also died, and he also died when I was in Bamako. When I was
6 doing this, neither of them were deceased.

7 Q. [10:09:19] Madam Witness, sorry, I don't understand what you mean by "when I
8 was doing this."

9 Do you mean when you were in Bamako or during -- what do you mean?

10 A. [10:10:00] Yes. I was saying that when I made my statement, both of them
11 were not yet deceased.

12 Q. [10:10:15] But do I understand correctly that you were in Bamako when they
13 died?

14 A. [10:10:52] Yes, indeed. When I realised that I could no longer stay there, I went
15 to Bamako and I stayed there.

16 There was also something else. They took me from Timbuktu to Bamako.

17 Q. [10:11:27] Who took you?

18 A. [10:11:50] Who took me to Bamako? It is they who took me to Bamako as well.
19 And the ones who brought me here, too.

20 THE INTERPRETER: [10:12:01] The witness's answer is very unclear.

21 PRESIDING JUDGE MINDUA: [10:12:07](Interpretation) Mr Prosecutor.

22 MR DUTERTRE: [10:12:09](Interpretation) Mr President, your Honours, I don't
23 really see the relevance of all these questions. And secondly, the questions are vague.
24 Going to Bamako -- when taken to Bamako. We know that there was a statement.
25 Then there was something else.

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1 You know, all of this is very confused, and I don't even see if the witness is really
2 following all of this, and then we're going to go into questions that might have
3 a bearing on protective issues. So we should not really go into that, unless
4 Ms Sutherland, outside of the presence of the witness, can tell us where she's going
5 and how this is all relevant.

6 Thank you, your Honour.

7 PRESIDING JUDGE MINDUA: [10:12:45](Interpretation) Ms Sutherland, I'm
8 entirely in agreement with Mr Prosecutor. So the questions are rather vague. "When
9 were you in Bamako?"

10 And then, the issue of the relevance. So if you are hell-bent on continuing in this
11 vain, then maybe you would need to explain to the witness (sic), outside of the
12 presence of the witness, what you're driving at.

13 MS SUTHERLAND: [10:13:29]

14 Q. [10:13:30] Madam Witness, you mentioned giving a statement in Bamako. Was
15 that the statement to the Malian judge, or were you talking about a different
16 statement?

17 A. [10:14:09] It was the deposition that I made in front of the judge; that was the
18 one.

19 Q. [10:14:15] But in front of that judge, you didn't name these individuals as having
20 negotiated your release, is that correct?

21 A. [10:14:50] Well, I did say so, it might not have been taken down. But the way I
22 told things there, is the same way that I'm recounting things here.

23 Q. [10:15:33] And when you spoke to the Prosecution, were they still alive?

24 A. [10:16:09] No, they were not yet deceased. And I had even indicated where
25 they were.

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1 Q. [10:16:52] Madam Witness, we may return to that, but for now, it's correct that
2 in this court you've named people who can no longer provide us with information as
3 to the circumstances of your release or the way it was negotiated?

4 PRESIDING JUDGE MINDUA: [10:17:12](Interpretation) Mr Prosecutor.

5 MR DUTERTRE: [10:17:13](Interpretation) I am objecting to that question. She is
6 arguing with the witness and this is the subject of pleadings - as Ms Sutherland
7 knows only too well - she can do *ex post facto*.

8 So if we are talking about the statement that she gave to the Malian judge, the recount
9 that she made of the events is about 15 lines in length, so there aren't -- isn't
10 much detail to furnish here.

11 PRESIDING JUDGE MINDUA: [10:17:43](Interpretation) Ms Sutherland, I really
12 don't appreciate this question, because when you asked the witness, "Is it true that in
13 this courtroom you have named people who are no longer in a position to testify," this
14 is veering towards being argumentative.

15 So please rephrase your question.

16 MS SUTHERLAND: [10:18:07] I didn't suggest that they would testify. I said
17 "provide information." But, also, I don't believe that I was being argumentative. I
18 was presenting a proposition to the witness, which the Prosecutor yesterday asked
19 me to state our case.

20 It's a case of being damned if you do and damned if you don't because I've done so,
21 given her the opportunity to answer, and then he objects.

22 PRESIDING JUDGE MINDUA: [10:18:38](Interpretation) Very well. Now let's just
23 move on. Thank you. I have understood.

24 MS SUTHERLAND: [10:18:47]

25 Q. [10:18:48] Madam Witness, moving to a different topic. Where did you hear

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1 about the glass window breaking? Where? Was it in the market or, as you
2 mentioned, the tailor? Where was it?

3 A. [10:19:43] When I heard about the window breaking, it was when I went inside.
4 That's where I heard about it. I didn't hear about it at the market; I didn't hear about
5 it at any one's house. I heard it and noted the day when I entered.

6 And I do not believe that when we have something that we have seen with one's own
7 eyes, one can come and then lie about it. This is, after all, something that one has
8 seen oneself.

9 Q. [10:20:38] Madam Witness, I'm not disputing this. I'm asking about the market
10 that you've mentioned.

11 Are you talking about the market next to the BMS or near the BMS?

12 A. [10:21:19] It is Yobou Tao that is near the BMS. And it was at Yobou Tao that
13 they did everything that they were going to do.

14 Q. [10:21:35] And is it at Yobou Tao --

15 A. [10:21:42] I saw certain things with my very own eyes in the market.

16 Q. [10:21:50] And what you didn't see with your own eyes at the market, is it at the
17 market that you heard talk of other issues? And is this where you learnt the story
18 about how the glass was broken?

19 A. [10:23:11] How I heard about the broken glass, it was at the time when the
20 soldiers arrived and the victims were being rounded up. Every time they spoke,
21 they would have a fit.

22 It was during the meetings that she had recounted what had happened. And she
23 often had fits, but we never talked about it in particular. And this is even a place
24 where I entered myself and saw it with my own eyes.

25 Q. [10:24:35] When you say "meetings," what meetings are you talking about?

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1 A. [10:24:43] The meetings I'm talking about are sensitisation meetings when the
2 Islamists left.

3 Q. [10:25:17] Madam Witness, who organised these meetings?

4 A. [10:25:27] I do not know. When the crisis finished, many people came to
5 Timbuktu. It's difficult to know who they all were, because many people came.

6 Q. [10:26:15] And the local people who attended the meetings, can you tell us more
7 about those?

8 If necessary, we can ask to go into private session.

9 A. [10:27:00] Giving you the names of whom? Really, I don't know. These are
10 people who came. I don't know the names of their -- of their father, their mother.
11 I -- I can't lie. I'm not in a position to tell you.

12 Q. [10:27:15] But you heard about what had happened to them?

13 PRESIDING JUDGE MINDUA: [10:27:32](Interpretation) Mr Prosecutor.

14 MR DUTERTRE: [10:27:34](Interpretation) Mr President, the question is very vague
15 about what happened to them. Who are we talking about? It's rather general in
16 nature. Maybe we need to specify.

17 PRESIDING JUDGE MINDUA: [10:27:45](Interpretation) Ms Sutherland.

18 MS SUTHERLAND:

19 Q. [10:27:48] Madam Witness, earlier you explained that you heard this girl talk
20 about the story about what happened to her. Did you hear about other -- other
21 people's experiences during 2012?

22 A. [10:29:01] (No interpretation)

23 THE INTERPRETER: [10:29:01] The English booth cannot hear the interpretation
24 from the Songhai interpreter. The sound has disappeared.

25 PRESIDING JUDGE MINDUA: [10:29:13](Interpretation) Interpretation, please?

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1 THE SONGHAI INTERPRETER: [10:29:20](Interpretation) I'm sorry, Mr President.

2 THE WITNESS: [10:29:28](Interpretation) A room full of people; how can I ascertain
3 what happened to so-and-so and so-and-so? It's not only to us that it happened to.
4 It happened to many people. With a room full of people, how can I know? Or do
5 you want me to lie?

6 MS SUTHERLAND: [10:29:47]

7 Q. [10:29:48] Madam Witness, I'm only asking you if you heard other people's
8 experiences. Not for you to identify each individual.

9 A. [10:30:19] Yes, what I want to say -- the story of my friend, I've told you. But
10 when it comes to people I don't know about, I can't tell you. Do you want me to tell
11 you that such-and-such a person did something or to lie?
12 I don't want to lie because I didn't come here to lie.

13 Q. [10:30:53] I'm asking about what people were talking about generally at the
14 sensitisation meetings. Is it the case that they were telling their experiences during
15 2012?

16 A. [10:31:44] What they said there was that people were flogged. There were
17 people who were married. People also married people. These are the things that
18 were said there. But do you want me to be able to remember all of these things?
19 I'm aware of what happened to me, myself, and I am here today for what happened to
20 me. I didn't come to say what happened to somebody else.

21 Q. [10:32:19] And what did the people arranging the meeting talk about? These
22 sensitisation sessions that you've mentioned.

23 A. [10:33:17] What was said was that they told us that there would come a day
24 when they would help us. They would help us to say everything that had happened
25 to us and to obtain justice. Before these events, I knew nothing of justice. I didn't

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1 know if something happened to you, that you had to go to justice. I didn't know.

2 And, in our country, I never went to the justice in my own country. This is the
3 second time that I've been before a judge, it's the second time today.

4 Q. [10:35:05] Madam Witness, how did these people -- or did these people help you
5 to say what had happened to you?

6 PRESIDING JUDGE MINDUA: [10:35:31](Interpretation) Prosecutor.

7 MR DUTERTRE: [10:35:34](Interpretation) Your Honour, your Honours, I think that
8 the term "help" is a bit ambiguous and I think the questions need to be put that are
9 clear to the witness. And I'm referring to the assessment of the VWS because it can
10 be understood in different ways this term, "help".

11 PRESIDING JUDGE MINDUA: [10:35:59](Interpretation) In French, we have the
12 term, "*aide*", help, and it's that that's causing the issue. Perhaps you could be more
13 explicit about what you mean.

14 MS SUTHERLAND: [10:36:09] Thank you for explaining the ambiguity, Mr
15 President. It doesn't exist in the English.

16 Q. [10:36:14] Madam Witness, did these people assist you in telling your story?

17 THE INTERPRETER: [10:36:47] The sound is getting worse, says the Songhai
18 interpreters.

19 PRESIDING JUDGE MINDUA: [10:36:50](Interpretation) Understood. There are
20 some problems with the sound.

21 THE COURT OFFICER: [10:37:08] Your Honours, I have informed the technicians
22 who are looking into it. Perhaps we could try again. If the problem persists, then it
23 should be resolved shortly.

24 PRESIDING JUDGE MINDUA: [10:37:25](Interpretation) Thank you very much,
25 court officer. We shall wait a couple of minutes.

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1 (Pause in proceedings)

2 PRESIDING JUDGE MINDUA: [10:38:45](Interpretation) Court officer, can we try
3 again? Apparently it's cut.

4 THE COURT OFFICER: [10:38:55] Your Honours, they're trying to reconnect so as to
5 resolve the sound issue.

6 I believe we can try once more. Thank you.

7 PRESIDING JUDGE MINDUA: [10:39:10](Interpretation) Very well. Can the
8 Songhai booth hear me?

9 THE SONGHAI INTERPRETER: [10:39:15](Interpretation) Yes.

10 PRESIDING JUDGE MINDUA: [10:39:18](Interpretation) So apparently the sound
11 has been re-established. We can continue. Ms Sutherland.

12 MS SUTHERLAND: [10:39:24]

13 Q. [10:39:25] And so to repeat my last question, it was: Madam Witness, did these
14 people assist you in telling your story?

15 A. [10:40:24] Yes. Assistance, yes. Well, I consider you, the way you are
16 defending your client, that's also assistance or help. It's not that they gave us
17 something, and they didn't give us any money. Somebody who comes before you,
18 this is help that's given.

19 And even if somebody helps you speak, that's also help.

20 Q. [10:40:55] And how did they help you speak?

21 A. [10:41:20] How did they help us speak? You, the interpreter, who's helping me
22 speak, you are helping me --

23 THE INTERPRETER: [10:41:40] Says the witness --

24 THE WITNESS: [10:41:41](Interpretation) -- because your words, I don't understand
25 them. You're the one who is helping me understand --

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1 THE INTERPRETER: [10:41:52] Says Madam Witness.

2 MS SUTHERLAND: [10:41:55]

3 Q. [10:41:57] Madam Witness, earlier you said they would help us to say
4 everything that had happened to us and to create justice.

5 Do you mean that they helped you to find the words?

6 PRESIDING JUDGE MINDUA: [10:43:25](Interpretation) Yes, Prosecutor.

7 MR DUTERTRE: [10:43:27](Interpretation) Yes, your Honour, your Honours. The
8 question of the (Overlapping speakers)

9 MS SUTHERLAND: [10:43:28] Perhaps this needs to be --

10 MR DUTERTRE: [10:43:29] -- directly asked and answered in one word. There's no
11 need to complete it.

12 MS SUTHERLAND: [10:43:41] Mr President, I'm concerned that these objections are
13 consistently being made in the presence of the witness. It's clear they're influencing
14 her.

15 PRESIDING JUDGE MINDUA: [10:43:51](Interpretation) No, Mr Prosecutor. Well,
16 I think that the last question of the Defence is really -- being explicit about the word
17 "help" because Ms Sutherland is trying to try to find an explanation. So this last
18 question, I give you leave to put it and then we'll stop there, Ms Sutherland.
19 (Overlapping speakers)

20 MR DUTERTRE: [10:44:19] *Monsieur le Président?*

21 PRESIDING JUDGE MINDUA: [10:44:20] *Oui?*

22 MR DUTERTRE: [10:44:21](Interpretation) Not on that point, but the word
23 "influence" is inappropriate. We're not trying to influence the witness. We are just
24 making objections. We're not contesting the decision of the Chamber, but we're not
25 seeking to influence at all.

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1 PRESIDING JUDGE MINDUA: [10:44:33](Interpretation) No, of course. You're
2 professionals. You're not trying to influence the witness, neither the Prosecution nor
3 the Defence for that matter.

4 Ms Sutherland, you have the last question and then we shall move on.

5 MS SUTHERLAND: [10:44:46]

6 Q. [10:44:48] Madam Witness, I was asking if you meant earlier that when you said:
7 "They would help us to say everything that had happened to us ..."
8 Did you mean that they helped you to find the words?

9 A. [10:45:59] Yes. What I told you, I just want to come back to that. If somebody
10 helps you to say the words in the right way to better interpret things, then I think that
11 helps. They didn't help me in a pecuniary fashion with money, but they helped me
12 translate and interpret the words that we had to say. And then they would reread it
13 to us, saying, "That was what was said."

14 PRESIDING JUDGE MINDUA: [10:47:04](Interpretation) I think that's the answer,
15 Ms Sutherland. We can move on now.

16 MS SUTHERLAND: [10:47:13] Forgive me, Mr President. I was waiting for the
17 interpretation.

18 Q. [10:47:17] Madam Witness, you've mention the market. We were talking about
19 it earlier, Yobou Tao, and you talked about the butcher or made reference to the
20 butchers.

21 A. [10:47:48] Yes, the market. Yes, the market, Yobou Tao; that's within the
22 market. What I was saying here, is what I saw with my own eyes and what I haven't
23 said -- or what I haven't seen, I'm not going to say because I'm not going to lie.
24 What happened is what I will tell you, and what I've said is what happened.

25 Q. [10:48:33] Thank you, Madam Witness. I will just ask you to turn to Defence

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1 tab 21, which is [REDACTED]

2 And, Madam Witness, could I ask you to restrict your answers to the questions that I
3 ask you, in the interest of time.

4 A. [10:49:20] Very well.

5 Q. [10:49:36] Is this a butcher you recognise?

6 A. [10:50:03] The butcher at the market is not one or two butchers who are at the
7 market. There are butchers.

8 Where I was speaking about the butchers, I didn't say that everything was done next
9 to one butcher. It's not about one sole butcher's.

10 Q. [10:50:39] Did you know this particular butcher?

11 A. [10:50:58] Which butcher?

12 PRESIDING JUDGE MINDUA: [10:51:03](Interpretation) Maître Nsita.

13 MR LUVENGIKA: [10:51:05](Interpretation) Yes, just to contribute here. I don't
14 have the impression that the witness has the picture that we have on the screen, and,
15 as such, she's a bit lost. She doesn't have the picture, it would seem to me.

16 PRESIDING JUDGE MINDUA: [10:51:19](Interpretation) Court usher, could you
17 check that, please.

18 MS SUTHERLAND: [10:51:27]

19 Q. [10:51:28] Madam Witness, can you see a picture on your screen?

20 A. [10:51:38] Yes, I can see a photograph on the screen.

21 Q. [10:52:01] Do you know the person in this photograph?

22 A. [10:52:19] No, I don't know this person. I can't lie.

23 Q. [10:52:22] And do you know somebody called [REDACTED]?

24 A. [10:52:36] [REDACTED]? No.

25 Q. [10:52:49] Another name is, [REDACTED] -- forgive my pronunciation,

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1 [REDACTED]?

2 THE INTERPRETER: [10:53:21] Message from the Songhai booth: We have not
3 understand well the words spoken by the Defence.

4 PRESIDING JUDGE MINDUA: [10:53:27](Interpretation) Yes, for the moment,
5 nobody's spoken.

6 Ms Sutherland, do you think that it's necessary that she replies to this question or can
7 we move on? No?

8 MS SUTHERLAND: [10:53:44] If I could just -- permit one -- one quick last question,
9 and then I will move on, Mr President. Thank you.

10 PRESIDING JUDGE MINDUA: [10:54:01](Interpretation) Please go ahead.

11 MS SUTHERLAND:

12 Q. [10:54:05] Madam Witness, do you know a butcher [REDACTED]?

13 A. [10:54:14] [REDACTED], the butcher, if you don't recognise them -- it's not the
14 name that they have on their identity card, and it's not with that name that they call
15 themselves at the abattoir. At the abattoir, each butcher has a name that we call
16 them, and he does resemble [REDACTED] (phon).
17 I don't know his real name on his identity card.

18 Q. [10:55:53] [REDACTED]

19 [REDACTED]
20 [REDACTED]

21 A. [10:56:44] The butchers are the people who slaughter the cattle and they sell
22 meat in Yobou Tao.

23 MS SUTHERLAND: [10:56:57] Mr President, forgive me. I believe I failed to seek
24 your leave to go into private session, very briefly?

25 PRESIDING JUDGE MINDUA: [10:57:07](Interpretation) Very well.

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1 Court officer, please take us into private session.

2 (Private session at 10.57 a.m.)

3 THE COURT OFFICER: [10:57:17] We're in private session, Mr President.

4 PRESIDING JUDGE MINDUA: [10:57:21](Interpretation) Thank you very much.

5 Ms Sutherland.

6 MS SUTHERLAND:

7 Q. [10:57:30] Madam Witness, it's -- I appreciate [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 A. [10:58:11] No.

12 MS SUTHERLAND: [10:58:16] Thank you, Mr President.

13 PRESIDING JUDGE MINDUA: [10:58:21](Interpretation) Can we go back into open
14 session, Ms Sutherland?

15 Court officer.

16 (Open session at 10.58 a.m.)

17 THE COURT OFFICER: [10:58:31] We're back in open session, Mr President.

18 MS SUTHERLAND: [10:58:34] Mr President, I was about to -- forgive me.

19 PRESIDING JUDGE MINDUA: [10:58:38](Interpretation) Thank you very much.

20 MS SUTHERLAND: [10:58:39] Mr President, I was about to move into a different
21 line of questioning, but I've noticed the time.

22 PRESIDING JUDGE MINDUA: [10:58:50](Interpretation) No, not yet, Ms Sutherland,
23 because yesterday you promised that you would do a maximum of two hours. So
24 we need 45 minutes to prepare for the next witness, and that's the reason why I
25 would propose that you continue to finish with your cross-examination such that we

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1 can maximise our time.

2 We will just do a break of 45 minutes to go on to the next witness, what do you think?

3 Prosecutor.

4 MR DUTERTRE: [10:59:34](Interpretation) Yes, your Honour. We have to

5 communicate a note to the Defence, which is relevant, and, as such, it has to be able to

6 process it to possibly use it in its questioning.

7 It will be done very shortly, but it means perhaps we'll need the break such that the

8 Defence can potentially use this note.

9 PRESIDING JUDGE MINDUA: [11:00:01](Interpretation) What break are you

10 talking about? Are you talking about the 45-minute break or the break that we

11 normally take?

12 MR DUTERTRE: [11:00:10](Interpretation) The normal break. I apologise for this.

13 This is totally unexpected. But there is information at the last minute, which we

14 have to communicate to the Defence, which has -- which we've just received.

15 PRESIDING JUDGE MINDUA: [11:00:29](Interpretation) I'm just going to consult

16 very quickly.

17 Oh, Ms Taylor.

18 MS TAYLOR: [11:00:34] Mr President, I think it would illuminate things for the

19 Defence if the Prosecutor could kindly refer to which witness they are talking about;

20 whether it's the witness who is currently testifying or the next witness. Because that

21 would obviously impact upon the time we would need for preparation and reaction.

22 PRESIDING JUDGE MINDUA: [11:00:53](Interpretation) Indeed, Ms Taylor.

23 MR DUTERTRE: [11:00:56](Interpretation) Yes, I'm sorry. It was implicit in my

24 words, but it's for the witness who is currently in the courtroom. And that's the

25 reason why the Defence needs to have the time to be able to read this note and

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1 possibly use it, if it so wishes.

2 PRESIDING JUDGE MINDUA: [11:01:13](Interpretation) Prosecutor, for the witness
3 that we have now, P-0547?

4 MR DUTERTRE: [11:01:25](Interpretation) Absolutely. I'm sorry. It is a bit late,
5 but I have just noted that.

6 It's not something which is very long, but the Defence potentially will need it. So
7 therefore it needs time to be communicated -- this information, and to process it, we'll
8 need the current break of half an hour. And then it can continue thereafter with its
9 cross-examination, if need be.

10 PRESIDING JUDGE MINDUA: [11:01:54](Interpretation) That's more serious than I
11 thought.

12 Ms Taylor.

13 MS TAYLOR: [11:01:57] Thank you, Mr President.

14 If this is something that impacts upon the Defence's cross-examination, I do believe
15 we would need to receive the note before conducting further cross-examination in
16 case it impacts on questions.

17 Is it possible for the Prosecution to disclose a courtesy copy? I note that they're
18 referring to processing, and it would appear that it's not likely that if it's processed
19 that we won't get it until the end of the break, which would make it very difficult for
20 the Defence to actually review it, review the cross-examination, and consult with our
21 client within -- seeming we would only be given only two minutes.

22 So this is something which is completely unexpected but has quite an impact on
23 logistics.

24 PRESIDING JUDGE MINDUA: [11:02:47](Interpretation) Thank you very much,
25 Ms Taylor.

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1 I'm going to quickly consult with my colleagues.

2 (Trial Chamber confers)

3 PRESIDING JUDGE MINDUA: [11:04:06](Interpretation) Well, we are rather

4 surprised, all of us. What we are going to do is take the break now. We shall come

5 back in half an hour. Well, let's say 11:35, and until then, immediately the

6 Prosecution will disclose the document in question, the Defence will examine it, and

7 whatever the case be -- may be, when we reconvene, Ms Sutherland, you will have no

8 more than 30 minutes because you must keep your word, Ms Sutherland.

9 Ms Sutherland, I'm awaiting your answer.

10 MS SUTHERLAND: [11:05:08] Mr President, I fear that half an hour simply won't be

11 enough time. I will do my best over the break to refine my cross-examination as

12 much as possible, but you've seen how sometimes we are slowed down quite

13 considerably by the witness's loquaciousness, which I have tried to prevent, and

14 technical problems and the other impediments to the swift conduct of

15 cross-examination.

16 As I said, I will, of course, do my utmost to refine as much as possible, but especially

17 with this new disclosure, I cannot comment at all as to what impact that will have.

18 Half an hour may -- that would -- that would be a very tall order, and it would also be

19 less time than has been afforded to the Prosecution.

20 PRESIDING JUDGE MINDUA: [11:06:15](Interpretation) Yes. Well, with regard to

21 the OTP time, yes, you are right. But you had promised, and I was counting on you

22 because you know how to focus your questions as you say yourself.

23 So I think everything will be fine.

24 So we shall suspend now the hearing.

25 The hearing is suspended for 30 minutes.

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1 THE COURT USHER: [11:06:38] All rise.

2 (Recess taken at 11.06 a.m.)

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

4 THE COURT USHER: [11:38:52] All rise.

5 Please be seated.

6 PRESIDING JUDGE MINDUA: [11:39:09](Interpretation) Court is in session once

7 again.

8 Let's hand over to the Defence, but before so doing -- before allowing you to continue

9 with your cross-examination, Ms Sutherland, I have two matters to raise, the first

10 being the note disclosed by the Prosecution to the Defence.

11 Now, this disclosure, the Chamber had a copy of it and the Chamber is of the mind

12 that the subject has already been discussed before the break, and that it is pointless to

13 revisit it. That's the first point.

14 Second point, the Chamber received a note from the VWU saying that Madam

15 Witness is tired and has headaches. So I wouldn't like to continue this hearing for

16 much longer, and I hope that we are going to confine ourselves to the 30 minutes that

17 we had agreed upon.

18 There we are. So this brings me to programme -- or schedule the rest of today's

19 events.

20 We shall sit now - and, I hope that we're going to remain within these 30 minutes, we

21 shall take our lunch break, which will be a little bit shorter than usual because we will

22 need to reconvene at 13:45, quarter to two. There we are.

23 Ms Sutherland, please.

24 MS SUTHERLAND: [11:41:16] Thank you very much, Mr President.

25 Q. [11:41:18] Madam Witness, yesterday, you mentioned an organisation called

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- 1 WiLDAF. And that reference is the English realtime transcript 152, page 41, line 22.
- 2 Do you know somebody called Niamoye?
- 3 A. [11:41:54] Yes.
- 4 Q. [11:41:57] How do you know her?
- 5 A. [11:42:18] The members of the WiLDAF organisation.
- 6 Q. [11:42:26] And were you part of this organisation with her?
- 7 A. [11:42:41] No. Member? What do you mean? I haven't understood.
- 8 Q. [11:43:00] Did you work with her in WiLDAF? Forgive me, I meant "meet",
- 9 "meet her".
- 10 A. [11:43:51] Somebody working at WiLDAF called Niamoye? Well, I do
- 11 remember having met a lady somewhat older than me in WiLDAF. I shouldn't get
- 12 this wrong. I mustn't lie. I do know her, indeed. Niamoye. Niamoye.
- 13 Q. [11:44:15] Madam Witness, in your interview with the Prosecution, you talked
- 14 about seeing images on France 24, including the man who was whipped.
- 15 I'll allow interpretation and then ask a question.
- 16 Is it correct --
- 17 A. [11:45:03] Yes.
- 18 Q. [11:45:05] Is it correct that you explained that he -- this man is in the same *tontine*
- 19 as you?
- 20 A. [11:45:30] A man with whom I am in the same organisation? As to whether we
- 21 are part of the same organisation? Please explain to me whether we are talking
- 22 about a *tontine* or a small meeting on Saturday. Please explain it to me. I haven't
- 23 understood.
- 24 Q. [11:46:10] The record of your first interviews with the Prosecution uses the -- use
- 25 the word "*tontine*."

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1 A. [11:46:42] Yes, a *tontine*. I do not remember, but if you could refresh my
2 memory, I can answer you.

3 Q. [11:47:08] Well, let me ask you this: Is -- is the man you saw videos of being
4 whipped on France 24 a member of your *tontine*?

5 A. [11:47:46] He is a member of our *tontine*. Yes, he is a member of our *tontine*.
6 And that's why I want you to explain it to me so that I can understand better.

7 Q. [11:48:07] Do you remember that you told the Prosecution that you later learnt
8 that he had received oil, a sheep, rice, and the sum of 100,000 CFA?

9 A. [11:48:41] Yes. Yes, indeed, I did hear that, that he was given a bag of rice,
10 20,000 (sic) litres of oil, a sheep and 5,000 francs.

11 THE INTERPRETER: [11:49:14] Correction: 100,000 francs.

12 THE WITNESS: [11:49:21](Interpretation) After that, I suggested to them that if they
13 needed to talk to him, I could look for his number because we are part of the same
14 *tontine*.

15 MS SUTHERLAND:

16 Q. [11:49:38] Who do you mean by "they"?

17 You said: "After that, I suggested to them ..." Who do you mean? Who did you
18 suggested this to? The phone number.

19 A. [11:50:25] It was to the judge that I told that. He asked me the question as to
20 whether I was aware of what had happened. And I told them what I knew. And
21 that couple -- well, the image of that couple had come out on France 24, and since
22 then, they got married -- since the time that I had news of them, that is.

23 Q. [11:51:16] And about the oil, sheep and rice and the 100,000 CFA, who did you
24 learn this from?

25 A. [11:52:00] We could hear it everywhere. And even when we sat down to talk, I

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1 could hear it. But as to the person themselves, I never put the question to them.

2 And there's no point asking that because it's something that happened, everyone is
3 aware of, and investigating and trying to find out what happened, it's like trying to
4 * hurt that person.

5 Q. [11:52:50] Madam Witness, I was only asking about who you heard it from.

6 We have information that a man called Boua Sidibé worked for WiLDAF in Timbuktu.
7 Do you know him?

8 A. [11:53:42] What? He told me that? He told me that I -- about the 100,000
9 francs and the rice and all that; is that what you mean?

10 Q. [11:53:57] There's clearly a confusion. I was asking you completely separately:
11 Do you know a man called Boua Sidibé who worked for WiLDAF in Timbuktu?

12 A. [11:54:13] Well, in order not to lie, I don't know all of the people who worked
13 there. And I remember the name of WiLDAF because it was with them that I had
14 a last meeting before coming, and somebody could introduce themselves to me and I
15 might forget their name immediately afterwards. So, in order not to lie, I don't
16 know.

17 And even you, who are before me, you know, you have introduced yourself to me,
18 but from where I'm sitting, I can't remember your name. So it's better to say the
19 truth than a lie.

20 Q. [11:55:51] Thank you, Madam Witness. Please restrict yourself, if you can, to
21 answering the question that I asked you because we don't have so much time.

22 You said that you spoke to WiLDAF, you said, Because I spoke. "... I remember the
23 name of WiLDAF because it was with them that I had a last meeting before coming ..."
24 When was this? When and where was this last meeting?

25 A. [11:57:12] It was a big meeting that -- that occurred at the CEDRAB. A big

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1 meeting at the CEDRAB before I came.

2 Q. [11:57:28] When was that?

3 A. [11:57:54] Well, to tell you what day it was, I can't remember. The last meeting
4 took place at the CEDRAB. And, as to when it took place, I really wouldn't be able
5 to tell you. God knows.

6 Q. [11:58:12] Do you mean before you came here?

7 A. [11:58:47] Yes, it was the last meeting to take place before I came. The meeting
8 took place, and then I organised myself to come here. That is what I'm aware of and
9 that is what I said.

10 As for the month and the day, that's quite something else. I do not recall.

11 Q. [11:59:10] Madam Witness, before going to Bamako to speak to the judge, the
12 Malian judge in Bamako, it's correct, isn't it, that you spoke to other people who took
13 a note about what happened to you in Timbuktu?

14 A. [11:59:56] Other people? Where?

15 THE INTERPRETER: [12:00:05] Overlapping speakers.

16 THE WITNESS: [12:00:11](Interpretation) ... did meet with some people, yes.

17 MS SUTHERLAND: [12:00:20]

18 Q. [12:00:21] Madam Witness, we have a document dated February 15, which bears
19 the name [REDACTED] And that's at Defence tab 12, MLI-OTP-0071-0534-R02, at
20 0534.

21 Madam Witness, is it correct that [REDACTED] ?

22 PRESIDING JUDGE MINDUA: [12:00:53](Interpretation) Ms Sutherland, the
23 reference was not understood by the French interpreter.

24 MS SUTHERLAND: [12:01:03] Mr President, I also neglected to seek your leave to
25 go into private session for which I apologise.

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1 PRESIDING JUDGE MINDUA: [12:01:11](Interpretation) Court officer, please take
2 us into private session.

3 MS SUTHERLAND: [12:01:03] And the reference is Defence tab 12,
4 MLI-OTP-0071-0534-R02.

5 (Private session at 12.01 p.m.)

6 THE COURT OFFICER: [12:01:37] We're in private session, Mr President.

7 PRESIDING JUDGE MINDUA: [12:01:39](Interpretation) Thank you very much,
8 court officer.

9 Ms Sutherland.

10 MS SUTHERLAND:

11 Q. [12:01:43] Madam Witness, it's correct, isn't it, that you are also known by the
12 name [REDACTED]?

13 PRESIDING JUDGE MINDUA: [12:01:53](Interpretation) Madam Prosecutor.

14 MS YAMAGUCHI: [12:01:56] Sorry to interrupt.

15 Yesterday we disclosed a lesser redacted version of the same document which
16 contains names of her parents from which the redactions to the names of her -- the
17 parents of [REDACTED] are lifted. We suggest that the Defence uses that version
18 instead of R02 version.

19 MR DUTERTRE: [12:02:25](Interpretation) Your Honour, if I could just add hereto.
20 I think perhaps it's not before the -- well, I'm going to speak in English --
21 (Speaks English) -- so that the witness doesn't understand and I would like that it's
22 not being translated into Songhai.

23 PRESIDING JUDGE MINDUA: [12:02:43](Interpretation) Please go ahead,
24 Prosecutor.

25 MR DUTERTRE: [12:02:46] Mr President, Honourable Judges, the position of the

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1 Prosecution is that this document relates to an entirely different person than the
2 witness.

3 As you can see on this document['s] interior, from the date of birth, from the names of
4 the parents, father, mother, and from the story that is written into it -- so I will advise
5 that Defence should first explore in general questions, what are the names of her
6 parents, date of birth and so on, so that we establish that it is or not related to her and
7 whether she is also called by that name. Because (Interpretation) here, the cart's
8 being put before the horse (Speaks English) and it's a fast ball, and it's not fair to the
9 witness and it's not going to help the Chamber.

10 PRESIDING JUDGE MINDUA: [12:03:43](Interpretation) Yes, Ms Sutherland.

11 MS SUTHERLAND: [12:03:46] Mr President, first of all, I don't think it's necessary
12 to -- well, we didn't receive this disclosure until the middle of our cross-examination,
13 which is itself inappropriate. We have a -- while it's not signed, it has been

14 
15
16

17 PRESIDING JUDGE MINDUA: [12:04:32](Interpretation) Prosecutor.

18 MR DUTERTRE: [12:04:35] Mr President, our submission is that in this document --

19 MS SUTHERLAND: [12:04:44] Does the witness (Overlapping speakers)

20 MR DUTERTRE: [12:04:49] -- that the Defence just mentioned, there might be indeed
21 a confusion between two different persons. But the bottom line is, we should elicit
22 from this witness when she was born, what are the names of her parents, and what is
23 her own name, by which name she is usually known, and then we can know whether
24 this document that the Defence wanted to use is related to this witness and whether it
25 is fair to put it to her as coming from her. Whether or not another witness may be

1 confusing, but two different persons is another story.

2 PRESIDING JUDGE MINDUA: [12:05:42](Interpretation) I don't want to make
3 a comment.

4 Ms Sutherland.

5 MS SUTHERLAND: [12:05:45] Mr President, this is the -- the other witness referred
6 to is the witness who's provided the link to these witnesses for the Prosecution. So
7 for the Prosecution to be disavowing themselves of this and changing what
8 essentially is their case theory as presented to us in the middle of our
9 cross-examination has a manifest impact on our ability to prepare. And this is -- our
10 understanding was that the Prosecution's case was that this is the same person.

11 I've asked her directly if that is a name that she is known by. The fact that it -- it
12 relates -- the document relates to her has been confirmed by another witness who was
13 there and was involved. So -- and also, the divergence between names, that's
14 something that is very common in Timbuktu. We can't rely on that. We can't rely
15 on birth dates, any of these things. We should have been (Overlapping speakers)

16 PRESIDING JUDGE MINDUA: [12:06:37](Overlapping speakers)

17 MS SUTHERLAND: [12:06:38] -- this certainly should have been (Overlapping
18 speakers) disclosed before her testimony commenced.

19 PRESIDING JUDGE MINDUA: [12:06:57](Interpretation) Very well. The
20 interpreter says everybody is speaking at the same time.

21 How are we going to resolve this? Should you put the question directly to the
22 witness to see indeed if it is her? If we do that, we'll make progress.

23 MS SUTHERLAND: [12:07:13] Mr President, that is what I asked the witness.
24 Radically impacts the -- the entire basis of our cross-examination.

25 PRESIDING JUDGE MINDUA: [12:07:36](Interpretation) Put your question,

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1 Ms Sutherland, and we'll see what happens.

2 MS SUTHERLAND:

3 Q. [12:07:41] Madam Witness, are you also known by the name [REDACTED]?

4 A. [12:07:51] [REDACTED]? Is that my name?

5 I would like to ask, is -- this [REDACTED] is this a name or what is it?

6 Q. [12:08:25] It's the name that's given on the front of this document, and another
7 witness has confirmed that this relates to you.

8 A. [12:09:08] My name is Fadimata Mint, and my children call me Anna or Mou
9 (phon). If not, the other name isn't my name.

10 Q. [12:09:28] Well, Madam Witness, this story bears a remarkable resemblance to
11 yours, except that it says that this person was taken to the *prison des femmes*.

12 PRESIDING JUDGE MINDUA: [12:09:46](Interpretation) Prosecutor.

13 MR DUTERTRE: [12:09:47](Interpretation) Yes, Mr President, Honourable Judges.
14 The question was put. The answer was given very clearly. The witness says, "It's
15 not my name."

16 In addition to which the names of her parents, mother and father on this document
17 are different than the ones we have on the witness statement as well as the date of
18 birth and the story.

19 So I think there is no reason to continue on that document.

20 PRESIDING JUDGE MINDUA: [12:10:22] Ms Sutherland, I think the question has
21 been answered already, and we can move on.

22 MS TAYLOR: [12:10:36] I need to address this.

23 PRESIDING JUDGE MINDUA: [12:10:38](Interpretation) Yes, Ms Taylor?

24 MS TAYLOR: [12:10:40] Mr President, I understand that you are addressing this as
25 an issue of asked and answered or that you've received a response. But we haven't

1 yet addressed the fact -- the very large fact that the Prosecution did not disclose key
2 information to us in a timely manner and this has fundamentally impacted on our
3 ability to investigate these allegations.

4 Now, we were entitled to proceed on the basis of the linkages which my colleague,
5 Ms Sutherland, referred to. If the Prosecution believed that there was any
6 inaccuracies or any issues, that should have been disclosed to us in a timely manner.

7 We have not been able to investigate because we have relied on details furnished by
8 the Prosecution. Now, this impacts fundamentally on our ability to investigate this
9 account. It's not just a matter of putting a question as to whether this witness
10 recognises this name or whether this is the same person. Because if it indeed two
11 separate persons, then that's a complete issue that we should have been entitled to
12 investigate. That would have impacted upon on our preparation; it would have
13 impacted on our cross-examination. This cannot be ameliorated with just allowing
14 us to put one question to this witness.

15 Now, I'm raising this because I do consider this is an issue that may require us to
16 recall this witness so that we can actually investigate how it is that there's two
17 individuals who have furnished very similar accounts and for which there's a person
18 who believes that they're the same person. Now, that's something we should have
19 been entitled to investigate before this witness testified.

20 So I am concerned that this Chamber is driving us to conclude our cross-examination
21 when we have been deprived of a right to do so in an effective manner.

22 PRESIDING JUDGE MINDUA: [12:12:28] Okay. Thank you very much, Ms Taylor.

23 Two questions. The first one is about this document. The question has been put to
24 the witness, and the answer is no. She is not the person referred here. That is the
25 first question. The second one is about your complaint regarding the procedure,

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1 whether you should recall this witness or not because, according to you, the
2 disclosure has not been done properly before.

3 For the second question, I think you can write, but now, the question -- the answer by
4 the witness is negative and we should stop because it is time -- we have time
5 constraints as well.

6 MS TAYLOR: [12:13:14] Thank you, Mr President. If I may just mention, the
7 Prosecutor's case that these are different persons was based on indicia that was
8 redacted. Those indicia has been lifted and the Prosecutor has advanced the case
9 that it's because the family details are different.

10 Now, for us to actually investigate and respond to the Prosecutor's -- the witness's
11 claim that she's a different person, we would actually have to know every single
12 detail about her family. We would have to know the names of her parents, the
13 names of her siblings, the birth dates (Overlapping speakers)

14 PRESIDING JUDGE MINDUA: [12:13:44] You want to do it --

15 MS TAYLOR: [12:13:45] These are all --

16 PRESIDING JUDGE MINDUA: [12:13:45] Ms Taylor, you want to do it now? We
17 did it yesterday already.

18 MS TAYLOR: [12:13:50] We don't have, I think, a full family hierarchy of this
19 witness. Now, basically this is highlighting why this is impacting on us. It's not
20 a matter of simply relying on a response from the witness because obviously the
21 Defence is entitled to challenge the correctness of that response. The Defence can't
22 do that if it's ambushed, taken by surprise and not given the necessary ammunition to
23 do so.

24 So I am concerned about the assumption that this is something we can just put to the
25 witness with one question and move on. We can't.

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1 PRESIDING JUDGE MINDUA: [12:14:24] Okay. Now, what is the remedy,
2 according to you, before I refer to my colleagues? What is the remedy?
3 MS TAYLOR: [12:14:31] Mr Witness -- sorry. Mr President, I'm raising it because I
4 do believe that we would have to investigate this and we -- I'm raising it because
5 there's a risk that we will have to recall this witness.
6 We cannot conclude our cross-examination under the current circumstances.
7 PRESIDING JUDGE MINDUA: [12:14:45] Okay. Thank you very much.
8 We're going to suspend the hearing for a few minutes for deliberations.
9 Court is suspended.
10 THE COURT USHER: [12:15:07] All rise.
11 (Recess taken in open session at 12.15 p.m.)
12 (Upon resuming in private session at 12.21 p.m.)
13 THE COURT USHER: [12:21:30] All rise. Please be seated.
14 PRESIDING JUDGE MINDUA: [12:21:47](Interpretation) Court is in session.
15 The Chamber has deliberated. The decision is that for this particular document,
16 obviously, this problem has arisen as a surprise to the Chamber as well and this
17 witness cannot help, at least for the moment. If the Defence would like to investigate,
18 this is not the time nor appropriate place to do so. But the Defence can take up
19 contacts with the Office of the Prosecutor to continue with the investigations.
20 That's the first point.
21 Furthermore, we're not going to go back over this issue. We will put it aside for the
22 moment. If the Defence has other questions, we can continue for another five
23 minutes, approximately, with a view to stopping this cross-examination because I
24 remind everyone the witness's and -- the witness unit has said that this witness is
25 tired and has a headache.

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1 Now, the last problem is that of the concern of Ms Taylor or of the Defence on the
2 subject of possible continuation of cross-examination with Madam Witness, whether
3 about recalling her or not. The Chamber is available for submissions -- written
4 submissions from the Defence in this regard. That is the decision of the Chamber.

5 Now, Ms Sutherland, if you have other questions, you have approximately five
6 minutes in order to put them.

7 Court officer, are we still in private session? We can go into open session, Ms
8 Sutherland?

9 MS SUTHERLAND: [12:24:19] Yes, Mr President. Yes, we can.

10 PRESIDING JUDGE MINDUA: [12:24:24](Interpretation) Court officer, please take
11 us into open session.

12 (Open session at 12.24 p.m.)

13 THE COURT OFFICER: [12:24:29] We're back in open session, Mr President.

14 PRESIDING JUDGE MINDUA: [12:24:43](Interpretation) Thank you very much,
15 court officer.

16 Ms Sutherland.

17 MS SUTHERLAND: [12:24:45]

18 Q. [12:24:45] Madam Witness, speaking specifically about your meeting with the
19 Malian judge in Bamako -- and we have that at Defence tab 5,
20 MLI-OTP-0037-1576-R02 at 1576.

21 Madam Witness, according to this, you were arrested by people from the *brigade des*
22 *moeurs*, which is to be found at page 1577. Is it correct that *brigade des moeurs* refers
23 to the people working for Mohamed Moussa?

24 Do we have Songhai interpretation?

25 PRESIDING JUDGE MINDUA: [12:26:03](Interpretation) Interpretation?

1 THE WITNESS: [12:26:42](Interpretation) Yes, that's what I consider because the
2 person who opened the prison told me that he decided who would enter or not and
3 that made me think that it was him.

4 Q. [12:26:58] This document also names the interpreter as somebody called
5 Alassane Wangara. Did you know him in Timbuktu?

6 A. [12:27:27] Yes.

7 Q. [12:27:30] How did you know him?

8 A. [12:28:00] Yes, I just know that he's from Timbuktu. But before he was an
9 interpreter or before he interpreted, we never spoke.

10 Q. [12:28:16] Madam Witness, yesterday, you said that [REDACTED] were the
11 only two women you knew who married Islamists.

12 And the reference is the English real-time transcript 152, page 23.

13 Do you recall telling the Prosecution that the only other girl you knew who married
14 an Islamist was a *fille de la brousse*, but that you didn't know her name?

15 And the reference for that is OTP tab 1, MLI-OTP-0039-0681-R02 at page 0875,
16 paragraphs 50 and 51.

17 A. [12:29:50] Yes, I remember.

18 Q. [12:29:53] Did you learn her name after you met with the Prosecution the first
19 time?

20 A. [12:30:51] I didn't know her name, but I asked people, members of her family. I
21 asked them if she existed or not and they told me that she existed.

22 Q. [12:31:12] And to be clear, this is [REDACTED]?

23 A. [12:31:38] No, she's a girl who comes from the bush.

24 Q. [12:31:55] So you told the Prosecution you knew of [REDACTED]
25 and a *fille de la brousse*. But then yesterday you said that you knew about -- only

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1 about two women, and this was [REDACTED]?

2 A. [12:33:22] With regard to [REDACTED], I learnt this at a later stage and it was she
3 herself who explained it to me. And in our tradition, when one of us has a husband,
4 you congratulate her for that. Now, as to whether she went into details or not, well,
5 we don't ask that.

6 Q. [12:34:22] Madam Witness, at the time that you met the Prosecution for your
7 interviews the first time, you told them that you didn't know of any cases other than
8 [REDACTED] and the *fille de la brousse*?

9 A. [12:35:20] Yes, that is what I told them and they didn't put in-depth questions.
10 But as to the questions they did put to me, I know everything that I said. And even
11 when questions are put to me, if I know something and if something comes back to
12 me, that's what I answer.

13 Q. [12:36:00] You --

14 PRESIDING JUDGE MINDUA: [12:36:03](Interpretation) Ms Sutherland, I do
15 believe that you can think about wrapping up now.

16 MS SUTHERLAND: [12:36:11]

17 Q. [12:36:22] But you confirm that you --

18 (Counsel confer)

19 MS SUTHERLAND: [12:37:17] Madam Witness, thank you very much for answering
20 my questions.

21 And Mr President, that concludes the cross-examination that we've been able to
22 conduct thus far.

23 PRESIDING JUDGE MINDUA: [12:37:50](Interpretation) Thank you very much, Ms
24 Sutherland.

25 So I'm going to turn to the Office of the Prosecutor to put the habitual question as to

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1 whether there are any supplementary concerns, mindful of the fact that Madam

2 Witness is not in good health. She has headaches and she's tired.

3 MS YAMAGUCHI: [12:38:15] Mr President, we have no additional questions.

4 PRESIDING JUDGE MINDUA: [12:38:20](Interpretation) Thank you very much,

5 Madam Prosecutor, for your understanding.

6 So, Madam Witness, let me turn to you now to thank you very sincerely for having

7 very actively taken part in our hearings. Interpretation, please.

8 THE WITNESS: [12:38:57](Interpretation) Yes.

9 PRESIDING JUDGE MINDUA: [12:39:00](Interpretation) You have answered the

10 questions very clearly with a great deal of good will and courage and I'd like to

11 thank you again for that.

12 Your testimony has now come to an end, and I would like to wish you good luck and

13 a great deal of courage for your future.

14 THE WITNESS: [12:39:48](Interpretation) May God hear you.

15 PRESIDING JUDGE MINDUA: [12:39:51](Interpretation) And, of course, I wish you

16 a safe journey home. Thank you very much.

17 THE WITNESS: [12:40:04](Interpretation) May God accept your prayers.

18 PRESIDING JUDGE MINDUA: [12:40:07](Interpretation) There we are. We shall

19 now suspend the hearing with a view to reconvening at 13.45. We shall have

20 a shorter break with a view to catching up on some time.

21 The hearing is suspended.

22 (The witness is excused)

23 THE COURT USHER: [12:40:23] All rise.

24 (Recess taken at 12.40 p.m.)

25 (Upon resuming in open session at 1.48 p.m.)

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1 THE COURT USHER: [13:48:30] All rise.

2 Please be seated.

3 PRESIDING JUDGE MINDUA: [13:48:46](Interpretation) The hearing shall now
4 resume.

5 Good afternoon, everyone.

6 This afternoon, we will be hearing testimony from Prosecution Witness P-0608.

7 Now, this is a new witness. So we will now begin with introductions, beginning
8 with the OTP,

9 Mr Prosecutor.

10 MR SANDOVAL: [13:49:39] Good afternoon, Mr President. Good afternoon,
11 your Honours. I am Raymond Sandoval, trial lawyer in the Office of the Prosecutor,
12 appearing with fellow trial lawyer Dianne Luping and, senior trial lawyer, Gilles
13 Dutertre.

14 PRESIDING JUDGE MINDUA: [13:49:53](Interpretation) Thank you very much.
15 And now Defence.
16 Counsel.

17 MS TAYLOR: [13:49:58] Good afternoon, Mr President. Good afternoon,
18 your Honours. Good afternoon to everyone in the courtroom.

19 The Defence for Mr Al Hassan is represented this afternoon by Maître Julia Basile and
20 myself, Melinda Taylor.

21 We have a difficulty in that none of our witness buttons are working. So, on this
22 bench, we can't see the witness at all. So it's not just one computer. Virtually all of
23 the -- the buttons.

24 PRESIDING JUDGE MINDUA: [13:50:31](Interpretation) Court --

25 THE COURT OFFICER: [13:50:34] Your Honours, the issue has been resolved I'm

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1 informed.

2 PRESIDING JUDGE MINDUA: [13:50:41](Interpretation) Ms Taylor, is that the case?

3 Has the issue been dealt with?

4 MS TAYLOR: [13:50:46] No, Mr President.

5 MR SANDOVAL: [13:50:47] Mr President?

6 PRESIDING JUDGE MINDUA: [13:50:53](Interpretation) I see the Prosecution has

7 something to say as well.

8 Prosecutor?

9 MR SANDOVAL: [13:50:58] I believe we -- we have a similar problem, but I'm just
10 checking with my colleague if it's -- if it's been resolved. It's now working.

11 PRESIDING JUDGE MINDUA: [13:51:09](Interpretation) Very well, because the
12 Chamber can see the witness.

13 I now turn to the Legal Representatives of Victims. Counsel?

14 Microphone, please.

15 MR LUVENGIKA: [13:51:26](Interpretation) Good afternoon, your Honours. The
16 victims are represented by myself, Mr Nsita Luvengika. Thank you.

17 PRESIDING JUDGE MINDUA: [13:51:41](Interpretation) Yes, thank you. I see it's
18 a -- quite a small team today.

19 Now I turn to Madam Witness.

20 Good afternoon, Madam Witness. Can you hear me?

21 WITNESS: MLI-OTP-P-0608 (The witness speaks French)

22 (The witness gives evidence via video link)

23 THE WITNESS: [13:51:51](Interpretation) Yes, I can hear you just fine. Good
24 afternoon, counsel.

25 PRESIDING JUDGE MINDUA: [13:52:03](Interpretation) Thank you very much.

1 I'm not a counsel. I am the Presiding Judge.

2 THE WITNESS: [13:52:09](Interpretation) Okay. Good afternoon, your Honour.

3 PRESIDING JUDGE MINDUA: [13:52:10](Interpretation) On behalf of the Chamber,

4 I would like to welcome you. And you will be giving testimony so as to help the

5 Chamber determine the truth in the case of Mr Al Hassan.

6 Madam Witness, as you know, a number of protective measures have been put in

7 place to ensure that your identity is not revealed to the public.

8 THE WITNESS: [13:52:43](Interpretation) Yes.

9 PRESIDING JUDGE MINDUA: [13:52:45](Interpretation) Each time you need to

10 provide details that could identify you, we will move into private session; that way,

11 no one other than the people here in this courtroom will be able to hear you.

12 Have you understood?

13 THE WITNESS: [13:53:09](Interpretation) Yes.

14 PRESIDING JUDGE MINDUA: [13:53:11](Interpretation) Thank you very much,

15 Madam Witness.

16 I will now ask you to take the solemn oath pursuant to the Rules of Evidence and

17 Procedure. Now, I believe you have a piece of paper on the table, is that so?

18 THE WITNESS: [13:53:36](Interpretation) Yes.

19 PRESIDING JUDGE MINDUA: [13:53:37](Interpretation) On that paper you will

20 find the solemn undertaking whereby you shall swear to tell the truth. If you could

21 read out the oath.

22 THE WITNESS: [13:53:53](Interpretation) I solemnly declare that I shall tell the truth,

23 the whole truth and nothing but the truth.

24 PRESIDING JUDGE MINDUA: [13:54:01](Interpretation) Thank you very much,

25 Madam Witness. You are now under oath.

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1 The staff of the victims and witnesses section and the representatives of the OTP have
2 already explained to you what that means.

3 THE WITNESS: [13:54:25](Interpretation) Yes.

4 PRESIDING JUDGE MINDUA: [13:54:27](Interpretation) Very well. I don't see any
5 need to review that.

6 Now, just some practical instructions for you.

7 Please remember that throughout your entire testimony, everything that is said in this
8 courtroom is being transcribed by court reporters and interpreted simultaneously into
9 several languages by our interpreters. Therefore, it is important for you to speak
10 clearly and slowly. Please begin to speak only once the person questioning you has
11 finished putting his question.

12 Now, first of all, the Prosecution will be asking you some questions, then by the Legal
13 Representative of Victims and, finally, by the Defence.

14 Without any further ado, I will call upon the Prosecution to begin their
15 examination-in-chief.

16 Mr Prosecutor, I would like to say that the Chamber will be sitting for two hours
17 nonstop so as to maximise the use of our time.

18 MR SANDOVAL: [13:56:05] Thank you, Mr President. Understood. May I proceed,
19 Mr President?

20 PRESIDING JUDGE MINDUA: [13:56:15](Interpretation) Yes, indeed. Go ahead.

21 MR SANDOVAL: [13:56:18] Thank you, Mr President.

22 Mr President, I'd like to start in private session, and I intend to remain in private
23 session for 10 minutes to ask the witness a series of identifying questions.

24 PRESIDING JUDGE MINDUA: [13:56:33](Interpretation) Quite so. Court officer,
25 private session, please.

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1 (Private session at 1.56 p.m.)

2 THE COURT OFFICER: [13:56:40] We're in private session, Mr President.

3 PRESIDING JUDGE MINDUA: [13:56:47](Interpretation) Thank you, court officer.

4 Mr Prosecutor.

5 MR SANDOVAL: [13:56:53] Thank you, Mr President.

6 QUESTIONED BY MR SANDOVAL:

7 Q. [13:56:55] Good afternoon, Ms Witness. Can you hear me?

8 A. [13:57:02] Good afternoon. Yes, I can hear you just fine.

9 Q. [13:57:05] So we are now in private session so only the people in the courtroom
10 can hear what you will say while we are in private session.

11 Before I proceed, could I just confirm that you have the court binder with you?

12 A. [13:57:25] No, I don't have it with me. Oh, okay. It is in the room.

13 Q. [13:57:32] Okay. Thank you, Ms Witness. I'll -- I'll be referring to certain
14 documents later on which are found in your court binder but which will also be
15 shown on the screen.

16 So, Ms Witness, could you please state your name.

17 A. [13:57:50] My name is [REDACTED]

18 Q. [13:57:54] And do you have any other names or nicknames?

19 A. [13:57:59] Yes, I do. I'm also called [REDACTED] At home, people call me

20 [REDACTED]

21 Q. [13:58:15] And are you also known as [REDACTED]?

22 A. [13:58:23] Yes, I'm also called [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 Q. [13:58:47] Thank you, Ms Witness. I'll be asking you about [REDACTED] a -- a bit

- 1 later on.
- 2 You were born on [REDACTED] correct?
- 3 A. [13:58:58] Yes.
- 4 Q. [13:59:02] And you were born [REDACTED], in Mali?
- 5 A. [13:59:10] Yes, I was born [REDACTED], Mali.
- 6 Q. [13:59:14] And you are of [REDACTED] ethnicity?
- 7 A. [13:59:23] Yes. My mother and father are [REDACTED] and so am I.
- 8 Q. [13:59:30] Do you speak [REDACTED] fluently?
- 9 A. [13:59:35] Yes, I do speak [REDACTED] fluently.
- 10 Q. [13:59:42] And what other languages do you speak?
- 11 A. [13:59:47] I speak [REDACTED] and I think that's all.
- 12 Q. [14:00:00] You also speak [REDACTED]?
- 13 A. [14:00:10] Yes, [REDACTED] I do speak it, but not fluently. I understand everything
- 14 that's said, but I'm not as good at speaking [REDACTED] as I am when it comes to speaking
- 15 [REDACTED]
- 16 Q. [14:00:28] And you also understand a bit of [REDACTED]?
- 17 A. [14:00:34] Yes, I understand [REDACTED] When people speak to me, I understand
- 18 everything. I did study [REDACTED] as well. I understand it to some extent.
- 19 I can follow a conversation.
- 20 Q. [14:00:55] And, Ms Witness, you are Muslim?
- 21 A. [14:01:01] Yes, I am Muslim.
- 22 Q. [14:01:06] And what is the highest level of education that you have?
- 23 A. [14:01:12] I have [REDACTED]
- 24 Q. [14:01:23] And you're [REDACTED]
- 25 [REDACTED] is that correct?

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1 A. [14:01:39] Yes, [REDACTED]

2 [REDACTED]

3 Q. [14:01:56] And since when you have occupied that role?

4 A. [14:02:01] Since [REDACTED]

5 Q. [14:02:11] So, to be clear, you were -- you -- you had this position in the period
6 2012 to 2013?

7 A. [14:02:22] Yes. 2012 and 2013, [REDACTED]

8 [REDACTED]

9 Q. [14:02:44] And you're [REDACTED], is that correct?

10 A. [14:02:51] Yes, I am [REDACTED]

11 Q. [14:03:00] For example, you are [REDACTED]

12 [REDACTED] is that

13 correct?

14 A. [14:03:19] I was [REDACTED]

15 [REDACTED] but I'm no longer in that role.

16 Q. [14:03:41] And you are [REDACTED]

17 [REDACTED] is that correct?

18 A. [14:03:52] Yes, that's right. [REDACTED]

19 Q. [14:04:03] And you mentioned earlier [REDACTED] Were you

20 [REDACTED] in the period of 2012 to 2013?

21 A. [14:04:13] Yes, I was [REDACTED]

22 Q. [14:04:25] And you mentioned that [REDACTED]

23 [REDACTED]?

24 A. [14:04:35] Yes, that is correct. [REDACTED]

25 Q. [14:04:46] Did you also [REDACTED]?

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1 A. [14:04:56] Yes. I [REDACTED]

2 Q. [14:05:07] And did you also [REDACTED]

3 [REDACTED]?

4 A. [14:05:14] [REDACTED]

5 Q. [14:05:26] So you [REDACTED]?

6 A. [14:05:36] Yes, I [REDACTED]

7 Q. [14:05:41] And do you [REDACTED]

8 [REDACTED]

9 [REDACTED] is that correct?

10 A. [14:06:12] Yes, that's correct. [REDACTED]

11 Q. [14:06:16] [REDACTED]?

12 A. [14:06:23] [REDACTED]

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

17 Q. [14:07:15] And how about [REDACTED]

18 [REDACTED]?

19 A. [14:07:27] [REDACTED]

20 [REDACTED]

21 Q. [14:07:43] And in relation [REDACTED] is that

22 correct?

23 A. [14:07:50] Yes, that's correct. [REDACTED]

24 [REDACTED]

25 Q. [14:08:12] So -- just so we're all of the same understanding, can you briefly

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1 explain [REDACTED]?

2 A. [14:08:22] Yes, I can. [REDACTED] - may I go ahead?

3 Q. [14:08:30] Yes, please.

4 A. [14:08:31] [REDACTED]

5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]

11 Q. [14:09:38] And how did you [REDACTED]?

12 A. [14:09:43] [REDACTED]

13 [REDACTED]
14 [REDACTED]

15 there was [REDACTED] s well. That was starting in 20 -- 2008 and

16 2009. I was always in that [REDACTED]

17 It was the first time that we had access to [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 Q. [14:10:49] And did you [REDACTED]?

21 A. [14:10:58] [REDACTED]

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

1 At one point I had some problems [REDACTED]

2 [REDACTED]
3 [REDACTED]
4 [REDACTED]

5 [REDACTED] That was a long time ago.

6 Q. [14:12:14] Thank you.

7 A. [14:12:15] So I would [REDACTED]

8 Q. [14:12:16] Thank you, Ms Witness.

9 A. [14:12:21] [REDACTED]

10 Q. [14:12:21] And this -- this [REDACTED] that you referred to, was this in 2012?

11 A. [14:12:32] Yes, in 2012, [REDACTED]

12 Q. [14:12:39] [REDACTED]

13 [REDACTED] during the period 2012 to 2013?

14 A. [14:12:52] Yes, I did during that period of time, 2012, 2013.

15 Q. [14:12:59] And what [REDACTED] about the occupation in
16 Timbuktu?

17 A. [14:13:06] I was [REDACTED] because of the situation I saw.

18 [REDACTED] We were almost -- well, we were
19 left to the devices of those people. We didn't know who they were. That was the
20 first thing.

21 Then we didn't know, on the other side of Mali and on the other side of the world,
22 whether -- we didn't know whether people knew that the city had been left to
23 the -- those people. It was a situation, a kind of situation, a kind of anarchy, and

24 we -- [REDACTED] I could get information and news that
25 in most cases -- most cases it wasn't true. I saw that.

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1

2 was going on in Timbuktu.

3 Q. [14:14:19] Thank you, Ms Witness.

4 Now, during the occupation of Timbuktu, from 2012 to 2013, where were you living?

5 A. [14:14:29] During the occupation, I was in Timbuktu, and I was living with

6

7 I was living there.

8

9

10

11

12 I also got

13

14 Q. [14:15:46]

15 So when

16 did you leave for that period -- after that period?

17 A. [14:16:11] After that period, well, after the occupation, I think -- as I said, I'm not

18 very exact on this, If not, I'm really not

19 very sure because it was a long time ago and I find dates difficult. So it's

20 approximative.

21 What I do know is that

22

23

24 Q. [14:17:11]

25 (Overlapping speakers) --

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1 A. [14:17:17] [REDACTED]

2 Q. [14:17:18] (Overlapping speakers) [REDACTED]
3 [REDACTED]?

4 A. [14:17:22] [REDACTED]
5 [REDACTED] I was in Timbuktu. I came back.

6 Q. [14:17:42] (Overlapping speakers)

7 A. [14:17:50] Yes.

8 Q. [14:17:51] So you were in Timbuktu in [REDACTED]; is that
9 correct?

10 A. [14:18:01] In fact, I was in Timbuktu in [REDACTED]
11 [REDACTED]
12 [REDACTED]

13 Q. [14:18:25] Now, going back to the location [REDACTED] in Timbuktu,
14 in which part of Timbuktu was it located?

15 A. [14:18:47] [REDACTED]
16 sector.

17 Q. [14:18:58] Where was [REDACTED] located relative to [REDACTED]?

18 A. [14:19:07] Well, we're next to [REDACTED]
19 [REDACTED]
20 [REDACTED]

21 Q. [14:19:38] And do you know the bank named BMS?

22 A. [14:19:45] Yes, I know the BMS well. [REDACTED]

23 Q. [14:19:57] Can you describe the building of the BMS, briefly?

24 A. [14:20:02] Yes. Well, it's a building which has an oval shape. Before 2012
25 there was --

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1 THE INTERPRETER: [14:20:28] Inaudible.

2 THE WITNESS: [14:20:30](Interpretation) -- there was a large tree that had been
3 knocked down to build.

4 PRESIDING JUDGE MINDUA: [14:20:35](Interpretation) We are still in private
5 session. Should we continue in this way?

6 MR SANDOVAL: [14:20:39] Yes, Mr President. I have one more question to ask in
7 private session, then I will request that we revert to open session.

8 PRESIDING JUDGE MINDUA: [14:20:51](Interpretation) Very well. Please
9 continue.

10 MR SANDOVAL: [14:20:54]

11 Q. [14:20:56] So you mentioned [REDACTED] Could you
12 indicate approximately what [REDACTED]
13 [REDACTED]?

14 A. [14:21:08] Well, [REDACTED] there's just a large space
15 where there's a container and the BMS is next to the tarmac road and there's a road
16 behind the BMS that goes towards Yobou Tao. [REDACTED]

17 [REDACTED]
18 [REDACTED]

19 Q. [14:21:52] So, Ms Witness, I will now be requesting that we return to open
20 session, so please be careful not to mention anything which could identify you as
21 members of the public will be able to follow what we are saying while in open
22 session.

23 A. [14:22:15] Okay. Noted.

24 MR SANDOVAL: [14:22:18] Mr President, we may revert to open session.

25 PRESIDING JUDGE MINDUA: [14:22:24](Interpretation) Court officer, open

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1 session, please.

2 (Open session at 2.22 p.m.)

3 THE COURT OFFICER: [14:22:29] We are back in open session, Mr President.

4 PRESIDING JUDGE MINDUA: [14:22:36](Interpretation) Thank you, court officer.

5 Prosecutor.

6 MR SANDOVAL: [14:22:40] Thank you, Mr President.

7 Q. [14:22:42] Now, Ms Witness, were you present when armed groups entered

8 Timbuktu?

9 A. [14:22:49] Yes, I was present.

10 Q. [14:22:57] Do you recall what you could hear or see on this day?

11 A. [14:23:03] Yes, I remember. It started firstly, with very loud noises firing at
12 dawn and there was -- it was in the morning that we saw pickups with weapons on
13 top of the pickups and there were these vehicles, they were four-by-fours,
14 Land Cruisers with mud on them. Some of them had mud on them, some didn't.
15 And some of them had flags, some didn't. And they were passing along the road,
16 the road in front of the BMS when you go towards the camp.

17 And that's how we knew that there were troops who were occupying the town of
18 Timbuktu.

19 Q. [14:24:12] Do you recall which armed group or groups entered Timbuktu on
20 that day?

21 A. [14:24:25] The day when they arrived, we didn't really know who -- who they
22 were. Personally, I knew the flag of Azawad MNLA, but we also saw other flags,
23 such as the black flag with writing "Allah Akbar" on it on certain vehicles and on
24 other vehicles there was nothing at all.

25 So sincerely we didn't know who were these occupiers the day on which they arrived.

1 We did not know. It was just rumours. Some people said it was the MNLA, others
2 said, "No, it's other people."

3 Q. [14:25:13] Now, you referred to Azawad MNLA and knowing the flag. Could
4 you describe this flag?

5 A. [14:25:30] Yes. The MNLA flag is stripes. It's a flag which has the same form
6 as the Palestine flag, with a part is black and the colours, it's green, black and red on it.
7 But I don't remember too well the order in which they are. It's a flag that I see every
8 day, the MNLA flag.

9 Q. [14:26:10] And how did you know that this was the MNLA flag?

10 A. [14:26:16] It's a flag that -- that is very much shared on social networks, in
11 particular, on Facebook and Twitter. There were groups on Facebook called, "Anti
12 MNLA". There were people -- there were activists from the MNLA on social
13 networks who have that flag there in their profiles, so I knew them before. And
14 that's what I'm basing myself on when I say -- to say it's the MNLA flag.

15 Q. [14:27:02] Now, when you saw this MNLA flag, can you recall the ethnicity or
16 ethnicities of the people bearing this flag?

17 A. [14:27:22] Yes, visibly Tuareg. People from the north of Mali with white skin.
18 It was visibly, the Tuaregs.

19 Q. [14:27:36] Now, you mention another flag. You described it as a black flag.
20 Did you learn which group used that flag?

21 A. [14:27:49] Yes. When I saw the flag on the first day, sincerely I didn't know
22 who the flag belonged to. But afterwards we found out that -- or we didn't have
23 a precise name, like for the MNLA, but we were told that it was the jihadists.

24 "Kabakoy" [REDACTED]

25 Q. [14:28:29] And what does "Kabakoy" mean?

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1 A. [14:28:39] Well, it -- well, it means the people with beards, the bearded ones or
2 the wahhabists. In Songhaï, at least, when you say "*Kabakoyni*" (phon), this is
3 somebody who's a wahhabist or jihadists. But it has that connotation about bearded
4 ones.

5 Q. [14:29:01] And did you learn whether this group had any other name?

6 A. [14:29:07] No, I didn't find that out. I didn't even try to find out. Having
7 information at that time was difficult in reality; we just listened to RFI. And we had
8 an idea about the type of information that RFI was broadcasting, and, it was on RFI in
9 the morning that we found out what was happening, who was there as well among
10 the occupiers. We found out that there -- that the occupiers were in Timbuktu and
11 that people had been evacuated.
12 Our only means of having reliable information was on RFI, and we thought that RFI
13 was a media belonging to the rebel group.

14 Q. [14:30:15] Did you ever learn who was the head of this group of jihadists?

15 A. [14:30:22] [REDACTED]
16 [REDACTED]
17 [REDACTED]

18 And a colleague spoke to us about the
19 group of Iyad Ag Ghaly and the intervention of that group in favour of the rebels of
20 the MNLA.

21 So I knew that this group of bearded people had Iyad Ag Ghaly as their chief.

22 Q. [14:31:13] Thank you, Ms Witness.

23 Now -- now, please, Ms Witness, remember that we are in open session, so please
24 refrain from providing any information which could identify you.

25 Now, from what you saw or heard, did you know if the MNLA stayed in Timbuktu?

A. [14:31:46] No. After the first day of the occupation, we heard that the MNLA

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1 had been pushed out towards the exit of the town towards the airport, but I wasn't
2 there, and I didn't see them.

3 Q. [14:32:03] And can you recall approximately when the MNLA was pushed out
4 of Timbuktu town towards the airport?

5 A. [14:32:13] No, I don't really know. It was at the start, at the beginning, but I
6 don't know exactly when.

7 Q. [14:32:29] Or relative to the day that the armed groups entered Timbuktu, can
8 you -- can you recall approximately how long after the MNLA was pushed out
9 towards the airport?

10 A. [14:32:57] Yes, a week afterwards. One week.

11 Q. [14:33:05] And how did you know that the MNLA had been pushed out of
12 Timbuktu town?

13 A. [14:33:19] I just heard about it. That was information that was circulating,
14 because people were exchanging information. It could be from neighbours. And
15 there was the radio -- local radio station as well.

16 I just heard about it like that. Not from particular sources. It was just -- when
17 people met, then we would just speak about it. And we would talk about what was
18 happening, who's there, who's not there, what was happening in the town. People
19 would have exchanges on the subject.

20 Q. [14:34:04] And do you recall when the armed groups entered Timbuktu?

21 A. [14:34:10] Yes, I remember. It was the 1st of April.

22 Q. [14:34:23] Of which year?

23 A. [14:34:26] 2012.

24 Q. [14:34:31] Now, after the MNLA was pushed out of Timbuktu town towards the
25 airport, which armed group was in charge of the town, of Timbuktu town?

1 A. [14:34:51] After the MNLA left, it was the bearded ones who were running the
2 town. That's not just the information. They would put their information on Radio
3 Bouctou, but you could also see them on the different roads which they were
4 occupying.

5 They were occupying the headquarters of the *Gouvernorat*. There were a lot of them,
6 but sincerely, they -- at that time, when they arrived, they were not occupied with the
7 population. They were in their camp and at the *Gouvernorat*.

8 Q. [14:35:40] And you mentioned earlier that this group had a black flag. Could
9 you describe that flag further.

10 A. [14:35:49] Yes. A large black flag, which was flying on certain locations that
11 they occupied. A large black flag with "Allah Akbar" written on it and with other
12 writing, which was smaller, but I couldn't say what was written. But "Allah Akbar"
13 was something I could work out on the flag.

14 Q. [14:36:30] Now, how were these jihadists or bearded ones dressed?

15 A. [14:36:48] They were wearing khaki dress. They had trousers which didn't
16 reach their ankles. They would stop between the ankle and the knee, and then they
17 had a long shirt going down to their knees. Some had jackets as well; others didn't.

18 Q. [14:37:14] Can you describe the --

19 A. [14:37:17] (Overlapping speakers) were also wearing military clothing.

20 Q. [14:37:26] So you mentioned that some were wearing *gilets*. Can you describe
21 these *gilets* that they were wearing?

22 A. [14:37:45] Yes. They're small jackets without arms. They are vests. They
23 don't have buttons and they don't have a zip. They put it underneath their long
24 shirts. Some of them -- some of them had pockets in the jackets and -- which they
25 would have ammunition, and others wouldn't. But they put it outside their shirts.

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1 Q. [14:38:26] Was there anything written on these *gilets* ?

2 Can you hear me, Ms Witness?

3 I'll repeat my question. Can you hear me, Ms Witness?

4 PRESIDING JUDGE MINDUA: [14:39:03](Interpretation) Communication has cut.

5 THE COURT OFFICER: [14:39:11] Your Honours, the technicians have been
6 informed.

7 PRESIDING JUDGE MINDUA: [14:39:19](Interpretation) Thank you very much,
8 court officer.

9 (Pause in proceedings)

10 THE WITNESS: [14:39:51] (Speaks English) Can you hear me?

11 MR SANDOVAL: [14:39:54] I can hear you. Can you hear me?

12 THE WITNESS: [14:39:59] (Speaks English) Yes.

13 PRESIDING JUDGE MINDUA: [14:40:03](Interpretation) Perfect.

14 MR SANDOVAL:

15 Q. [14:40:05] Okay. Ms Witness, before we had technical issues, I was asking
16 whether there was anything written on the *gilets* that you saw these jihadists wearing?

17 A. [14:40:16] On the jackets, no, I don't remember. I no longer remember. I don't
18 remember.

19 Q. [14:40:29] And what was the ethnicity or ethnicities of these jihadists?

20 A. [14:40:35] Well, with regards their ethnic origin, it has to be said that there were
21 all different ethnic groups - there were even foreigners - because there were black
22 people, there were white people, Tuaregs, Arabs. There were even foreigners.
23 Hausa.

24 Q. [14:41:10] Could you mention the foreigners that you recall seeing.

25 Sorry. Just to clarify, could you mention the nationalities of the foreigners that you

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1 recall seeing.

2 A. [14:41:33] Yes. Well, I never heard the ethnic group -- okay. With regards to
3 nationality, for example, on the day after the arrival, I identified -- there was a team,
4 a television crew, and I'd identified Arabs and Asians among the crew. And I
5 carried out some research, because they were filming and they were asking things
6 for -- from young people and -- the population were thinking of them on the day of
7 the occupation, and I was able to find the videos on YouTube. And I understood
8 that this was an Al Jazeera crew who was there, and there was a Senegalese person
9 there.

10 Q. [14:42:47] Thank you, Ms Witness.

11 But just to clarify, do you recall what the nationalities of the foreigners among the
12 jihadists were?

13 A. [14:42:59] Yes. Well, I said Senegalese, somebody from Djibouti, Nigeriens, in
14 addition to Malians themselves.

15 MR SANDOVAL: [14:43:23] Mr President, I'd like to move into private session for
16 about five minutes.

17 PRESIDING JUDGE MINDUA: [14:43:30](Interpretation) Court officer.

18 (Private session at 2.43 p.m.)

19 THE COURT OFFICER: [14:43:33] We're in private session, Mr President.

20 PRESIDING JUDGE MINDUA: [14:43:45](Interpretation) Thank you very much,
21 court officer.

22 Prosecutor.

23 MR SANDOVAL: [14:43:52] Thank you, Mr President.

24 Q. [14:43:53] Now, Ms Witness, we are in private session, so only the parties and
25 participants and the judges can follow what we will be discussing.

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3 A. [14:44:25]

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9 Q. [14:45:07]

10 A. [14:45:16]

11 Q. [14:45:29] And do you

12

13 A. [14:45:38] Yes, I remember that.

14 Q. [14:45:49]

15

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17

18

19 So

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21 Mr President, we can revert to open session.

22 PRESIDING JUDGE MINDUA: [14:46:27](Interpretation) Open session, courtroom
23 officer.

24 THE COURT OFFICER: [14:46:33] Before moving into open session, would counsel
25 kindly confirm whether the video may be played with sound in public session.

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1 MR SANDOVAL: [14:46:46] Well, I'll -- I will first be playing a portion of the videos
2 without sound, and they will be broadcast on evidence 2, evidence channel 2. And
3 the -- and we'll be the ones showing the videos, the Prosecution.

4 And the -- and the videos and photos are not to be broadcast to the public.

5 (Open session at 2.47 p.m.)

6 THE COURT OFFICER: [14:47:10] Your Honours, we're in open session.

7 PRESIDING JUDGE MINDUA: [14:47:14](Interpretation) Thank you, court officer.

8 Mr Prosecutor.

9 MR SANDOVAL:

10 Q. [14:47:21] So, Ms Witness, I will be playing the first few seconds of a video with
11 ERN MLI-OTP-0060-9496 without sound.

12 (Viewing of the video excerpt)

13 MR SANDOVAL:

14 Q. [14:47:48] So I've paused at time stamp 00:00:02:23.

15 Do you see the video -- did you see the video on your screen, Ms Witness?

16 A. [14:48:06] Yes, I saw the video.

17 Q. [14:48:08] And do you recognise this video?

18 A. [14:48:12] Yes, I recognise it.

19 Q. [14:48:17] Can you please describe what you see in this video.

20 A. [14:48:24] On the video we see some smoke in the distance around the entrance
21 to Timbuktu.

22 MR SANDOVAL: [14:48:41] Mr President, I'd like to move into private session for
23 about three minutes to ask some follow-up questions.

24 PRESIDING JUDGE MINDUA: [14:48:51](Interpretation) Private session, court
25 officer.

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1 MR SANDOVAL:

2 Q. [14:49:03] [REDACTED]?

3 (Private session at 2.49 p.m.)

4 THE COURT OFFICER: [14:49:06] We're in private session, Mr President.

5 PRESIDING JUDGE MINDUA: [14:49:10](Interpretation) Very well.

6 Mr Prosecutor, now you may go ahead.

7 MR SANDOVAL: [14:49:16] I apologise, Mr President.

8 Q. [14:49:18] [REDACTED]?

9 A. [14:49:25] [REDACTED]

10 Q. [14:49:28] And [REDACTED]?

11 A. [14:49:36] [REDACTED] the toubab [REDACTED]

12 [REDACTED]

13 Q. [14:50:00] Sorry. Can you explain what -- what you mean by the "toubab".

14 A. [14:50:06] Toubab. Well, when we say that, that means Westerners.

15 Q. [14:50:22] And do you recall [REDACTED]?

16 A. [14:50:27] Yes. Well, [REDACTED]

17 That was 1 April 2012.

18 Q. [14:50:46] And just to be clear, when you refer to "they," who are you referring
19 to?

20 A. [14:50:54] I'm talking about the men with beards, the men who came.

21 First, we barely even know who they were, so we just said "them." When I talk
22 about "them," I'm talking about the armed groups.

23 Q. [14:51:15] Thank you for that clarification, Ms Witness.

24 [REDACTED]?

25 A. [14:51:25] [REDACTED]

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1 Q. [14:51:33] So I will now play the video in its entirety with sound. No

2 interpretation is required.

3 (Viewing of the video excerpt)

4 MR SANDOVAL:

5 Q. [14:52:16] Did you hear the video with -- did you -- were you able to watch the

6 video with sound, Ms Witness?

7 A. [14:52:21] Yes, yes, I was able to.

8 Q. [14:52:29] Could you hear any voice or voices in this video?

9 A. [14:52:35] No, I didn't hear any voices.

10 Q. [14:52:49] I will replay the video one more time with -- with ...

11 Okay. I'm sorry. I'll move on.

12 MR SANDOVAL: [14:52:59] Mr President, we can return to open session.

13 PRESIDING JUDGE MINDUA: [14:53:04](Interpretation) Court officer, open session,

14 please.

15 (Open session at 2.53 p.m.)

16 THE COURT OFFICER: [14:53:09] We're back in open session, Mr President.

17 PRESIDING JUDGE MINDUA: [14:53:20](Interpretation) Thank you very much,

18 court officer.

19 Mr Prosecutor.

20 MR SANDOVAL:

21 Q. [14:53:27] Now, Ms Witness, what sound -- what sound do we hear at the

22 beginning of the video?

23 A. [14:53:38] A shelling and a large -- a big explosion, a boom. The first noise was

24 what led me to going up to the roof to see what was going on.

25 Q. [14:53:59] And do you know where the explosion came from?

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1 A. [14:54:10] Yes. Towards the end of the day, a neighbour told me that it was
2 that they had shot at a vehicle in front of the BMS, and then later, I myself saw the
3 vehicle because I went by. No, not the BMS. The BMDA.

4 Q. [14:54:41] And could you explain what the BMDA is?

5 A. [14:54:48] The National Bank of ...

6 THE INTERPRETER: [14:54:58] Inaudible.

7 THE WITNESS: [14:55:00](Interpretation) -- Agriculture. It is a bank that is close to
8 the exit of -- from the city of Timbuktu.

9 THE INTERPRETER: [14:55:11] Correction: The National Agricultural
10 Development Bank. *Banque nationale de développement agricole*, in French.

11 MR SANDOVAL: [14:55:23]

12 Q. [14:55:24] So I'm now moving on to another video, and this is a video with ERN
13 MLI-OTP-0060-9493. Again, this video is not to be broadcast to the public, and it is
14 on evidence channel 2. I will play the first few seconds of the video without sound.
15 (Viewing of the video excerpt)

16 MR SANDOVAL: [14:56:08]

17 Q. [14:56:09] So I've paused this video at timestamp 00:00:11:17. Do you recognise
18 what we see in this video?

19 A. [14:56:22] Yes, I do recognise what we see on this video.

20 Q. [14:56:31] And -- and please describe what we see in this video.

21 A. [14:56:36] Yes. We can see a child who has come back from the camp with
22 a large package that he must have been carrying in it, and we see a vehicle that is
23 heading towards the camp as well. We also see part of the BMS.

24 Q. [14:57:18] And when you say that "we see part of the BMS," do you see the BMS
25 in this current frame, at timestamp 00:00:11:17?

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1 A. [14:57:33] Yes, you see part of it. On the screenshot, you can see that it is
2 indeed the BMS building. You have a shot here of the rear of the building. The
3 side and the rear.

4 MR SANDOVAL: [14:57:59] Mr President, I'd like to move into private session for
5 three minutes for a few follow-up questions.

6 PRESIDING JUDGE MINDUA: [14:58:10](Interpretation) Mr Court Officer, if you
7 could.

8 (Private session at 2.58 p.m.)

9 THE COURT OFFICER: [14:58:16] We're in private session, Mr President.

10 PRESIDING JUDGE MINDUA: [14:58:23](Interpretation) Thank you, courtroom
11 officer.

12 Mr Prosecutor.

13 MR SANDOVAL: [14:58:28] Thank you, Mr President.

14 Q. [14:58:29] [REDACTED]?

15 A. [14:58:37] [REDACTED]

16 Q. [14:58:39] And [REDACTED]?

17 A. [14:58:43] [REDACTED]

18 [REDACTED]

19 Q. [14:59:04] And, again, when you say [REDACTED]?

20 A. [14:59:09] [REDACTED]

21 MR SANDOVAL: [14:59:28] Mr President, we can revert to open session.

22 PRESIDING JUDGE MINDUA: [14:59:33](Interpretation) Court officer, open session,
23 please.

24 (Open session at 2.59 p.m.)

25 THE COURT OFFICER: [14:59:40] We're back in open session, Mr President.

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1 PRESIDING JUDGE MINDUA: [14:59:53](Interpretation) Thank you very much,
2 court officer.

3 Mr Prosecutor.

4 MR SANDOVAL: [15:00:02] Thank you, Mr President.

5 Q. [15:00:03] So I'm moving on to the next video. This is a video with ERN

6 MLI-OTP-0060-9495. And, again, this video is not to be broadcast to the public. I

7 will play the first few seconds of the video without sound on evidence channel 2.

8 (Viewing of the video excerpt)

9 MR SANDOVAL: [15:00:32]

10 Q. [15:00:33] I've paused at timestamp 00:00:01:18.

11 Ms Witness, do you recognise what we see in this video?

12 A. [15:00:47] Yes, I do.

13 Q. [15:00:49] Kindly describe what we see in this video.

14 A. [15:00:54] This is one of the pickup trucks belonging to the people who came

15 into the city. There were some people at the front; others sitting at the back with

16 various pieces of equipment and bags of things in the back of the pickup.

17 But you can't see everything. [REDACTED]

18 MR SANDOVAL: [15:01:32] Mr President, if we can move into private session for

19 about three minutes for a few follow-up questions.

20 PRESIDING JUDGE MINDUA: [15:01:43](Interpretation) Court officer, if you could.

21 (Private session at 3.01 p.m.)

22 THE COURT OFFICER: [15:01:51] We are in private session, Mr President.

23 PRESIDING JUDGE MINDUA: [15:01:59](Interpretation) Thank you very much,

24 court officer.

25 Mr Prosecutor.

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1 MR SANDOVAL: [15:02:06]

2 Q. [15:02:06] [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 A. [15:02:22] [REDACTED]

7 [REDACTED]

8 Q. [15:02:44] And [REDACTED]?

9 A. [15:02:48] [REDACTED]

10 [REDACTED]

11 MR SANDOVAL: [15:03:09] Mr President, we can revert to open session.

12 PRESIDING JUDGE MINDUA: [15:03:15](Interpretation) Court officer, if you could.

13 (Open session at 3.03 p.m.)

14 THE INTERPRETER: [15:03:23] Message from the interpreter: Could the witness
15 be encouraged to speak up.

16 THE COURT OFFICER: [15:03:32] We're back in open session, Mr President.

17 PRESIDING JUDGE MINDUA: [15:03:33](Interpretation) Thank you very much.

18 Mr Prosecutor.

19 MR SANDOVAL: [15:03:36] Thank you, Mr President.

20 Q. [15:03:38] Ms Witness, we have a message from the English interpreter asking
21 you to kindly speak up; so kindly speak louder and, if possible, closer to the
22 microphone.

23 THE INTERPRETER: [15:03:51] Many thanks from the interpretation booth.

24 THE WITNESS: [15:03:54](Interpretation) Okay, you want me to talk louder?

25 MR SANDOVAL: [15:03:58]

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1 Q. [15:03:58] Yes, please. Thank you.

2 So now I'd like to move on to showing you some photographs. I am showing you a
3 photograph with ERN MLI-OTP-0060-9497. This is not to be broadcast publicly, you
4 will see it on evidence channel 2, but it is also in tab 37 of the Court binder.

5 Do you see the photograph on your screen, Ms Witness?

6 A. [15:04:43] Yes, I can see the photograph up on the screen.

7 Q. [15:04:47] Please describe what the photograph shows?

8 A. [15:04:59] Yes, on the photograph, you can see a vehicle. It's an old vehicle full
9 of people. You can see a vehicle full of people, that is, heading towards the exit.

10 You can see some people in the street, particularly children. There's a lot of children
11 in this photograph, children in the street who were looking on. I've -- I've seen it.

12 MR SANDOVAL: [15:05:37] Mr President, I believe we've lost evidence channel 2.

13 If we could request for some assistance, please.

14 PRESIDING JUDGE MINDUA: [15:05:51](Interpretation) Court officer, if you could.

15 THE COURT OFFICER: [15:06:04] We do have the evidence 2 channel active here
16 and for the witness.

17 MR SANDOVAL: [15:06:13] The photograph that we're showing is partially
18 obscured for some reason. Half of it appears to have been highlighted with a grey
19 colour.

20 Apologies, Ms Witness, we're having some technical issues with showing the
21 photograph.

22 Q. [15:06:49] So I'm zooming in into the photo on to the vehicle in the photograph.
23 Can you see the flag that is on the vehicle?

24 A. [15:07:10] Yes, well, actually, I just saw the white vehicle, but now you've
25 zoomed in and I can see the other vehicle behind it, so I can -- yes, I can definitely see

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1 the flag. I can see the flag.

2 Q. [15:07:35] And in which of the two vehicles has the flag that you can see?

3 A. [15:07:40] The vehicle that's behind. The pickup that's behind. The pickup at
4 the front is a transport vehicle, part of -- one of the mass transit vehicles in Timbuktu.

5 Q. [15:07:58] And can you describe the flag that you see?

6 A. [15:08:02] Yes, it's a black flag with something in the middle, some white in the
7 middle. But you can't read it, you can't see what is actually written on it, not from
8 this photograph.

9 Q. [15:08:25] Is this the same flag that you described earlier, the black flag that you
10 described earlier of the jihadists?

11 A. [15:08:40] Yes, yes, it's the same flag.

12 MR SANDOVAL: [15:08:45] Mr President, I'd like to move into private session for
13 about two minutes.

14 PRESIDING JUDGE MINDUA: [15:08:55](Interpretation) Court officer, private
15 session, please.

16 (Private session at 3.08 p.m.)

17 THE COURT OFFICER: [15:09:00] Your Honours, we are in private session.

18 PRESIDING JUDGE MINDUA: [15:09:11](Interpretation) Thank you very much,
19 court officer.

20 Mr Prosecutor.

21 MR SANDOVAL: [15:09:15] Thank you, Mr President.

22 Q. [15:09:16] [REDACTED]?

23 A. [15:09:20] [REDACTED]

24 Q. [15:09:27] [REDACTED]

25 A. [15:09:31] [REDACTED]

1

2

3

4

5 Q. [15:10:08] And you say -- when you refer to the occupation, what date are you
6 referring to?

7 A. [15:10:14] When I talk about the occupation, I'm talking about the 1st of April,
8 the first day that the armed groups entered Timbuktu.

9 Q. [15:10:26] [REDACTED]

10 A. [15:10:31] [REDACTED]

11 [REDACTED]

12 MR SANDOVAL: [15:10:47] Mr President, we can revert to open session.

13 PRESIDING JUDGE MINDUA: [15:10:53](Interpretation) Court officer.

14 (Open session at 3.10 p.m.)

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

16 PRESIDING JUDGE MINDUA: [15:11:12](Interpretation) Thank you very much,
17 court officer.

18 Mr Prosecutor.

19 MR SANDOVAL: [15:11:17] Thank you, Mr President.

20 Q. [15:11:18] Now Ms Witness, before we move on to the next photograph, could
21 you describe what the people on the white vehicle are doing?

22 A. [15:11:34] Yes, the people on the white vehicle are inhabitants who are trying to
23 leave the city of Timbuktu.

24 Q. [15:11:44] Okay, so I'm now moving on to the next photograph. Sorry.

25 Okay, in fact, I will not show any more photographs.

1 So I'd like to move on to another topic.

2 Ms Witness, can you tell us how -- how did life in Timbuktu change after the jihadists
3 took control?

4 A. [15:12:18] Yes, before -- before the jihadists took control, well, the first day, so
5 the first months even -- you could even say, they really didn't do much with the
6 population. There was no longer any school. No longer any school, no longer any
7 administration, no longer any city hall. Practically -- well, the many services and
8 businesses were ransacked, and, now, the people managed to live, all they really
9 could do is go to the market. Some training continued, so they would just go to the
10 market, buy some things and cook. That was life for the women. The life -- life also
11 changed because -- well, in terms of the status of citizens, no one knew who was
12 leading, who was running the show. People just lived like that.

13 Later on, after the first months, the instructions started to be issued. Once they
14 really took control of the places, we were informed of various changes. For example,
15 they required men to no longer wear long trousers, but rather to wear trousers that
16 didn't go all the way down to the ankle.

17 Women had to wear the veil when they went out and there were certain prohibitions.
18 For example, women were not allowed to go out or be with men, unless it was their
19 brother or their husband.

20 Myself, well, I was -- I didn't go out very much and many women acted in that
21 manner so as to avoid any problems.

22 Many people left as well. In terms of the changes, because of all these things,
23 because the city was being controlled -- dominated by unknown people, people went
24 to Mopti or to Bamako, to other regions.

25 Q. [15:15:33] Thank you, Ms Witness. So you mentioned some rules that were

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1 imposed on women. Were there any rules put in place regarding the time of day
2 that women could be out on the streets?

3 A. [15:15:51] Yes, there were these rules. Women had no right to go out at night.
4 As soon as it was dusk, after dusk, women could no longer go out. Any woman
5 who was caught in the street at night could be arrested and taken to the police
6 station -- the Islamic police station.

7 Q. [15:16:21] And Ms Witness, you mentioned that you didn't go out very much
8 and many women acted in that manner to avoid any problems. What problems
9 were these?

10 A. [15:16:36] The problem was to be arrested by the Islamic police. Not just to be
11 locked up. But women were sanctioned with -- by being flogged. For not having
12 respected the rules, women were flogged before they were released. Or sometimes,
13 when your husband or spouse would get you released, there would either be -- there
14 would be a fine that the husband would have to pay or you would be flogged.
15 There were other things that were forbidden, like smoking. Music, that was banned
16 as well. You were not allowed to listen to music publicly. But we kept on watching
17 television in our families. We were never concerned with regards to television as
18 long as it was inside the family.

19 MR SANDOVAL: [15:18:03] Mr President, if I could move into private session for
20 two minutes.

21 PRESIDING JUDGE MINDUA: [15:18:10](Interpretation) Court officer.
22 (Private session at 3.18 p.m.)

23 THE COURT OFFICER: [15:18:15] We are in private session, Mr President.

24 PRESIDING JUDGE MINDUA: [15:18:22](Interpretation) Thank you very much,
25 court officer.

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1 Prosecutor.

2 MR SANDOVAL: [15:18:27] Thank you, Mr President.

3 Q. [15:18:28] Now, Ms Witness, you mentioned the rules imposed in relation to
4 music. Did you know of any musicians in Timbuktu who were affected by this rule?

5 A. [15:18:40] Yes. I knew musicians [REDACTED] was
6 a musician. He preferred to leave because it's his work.

7 Q. [15:19:06] And what was the name of [REDACTED]?

8 A. [15:19:10] [REDACTED] was his name.

9 MR SANDOVAL: [15:19:25] Mr President, we can revert to -- sorry, before that.

10 Q. [15:19:31] So Ms Witness, when you say that he -- this musician preferred to
11 leave, what did you mean by that?

12 A. [15:19:40] When I said he preferred to leave, a lot of people in Timbuktu, they
13 preferred to take refuge somewhere outside of Timbuktu, outside their occupied zone,
14 waiting for the end of it. [REDACTED] He became a refugee as we say,
15 even if it's within the same country, but still we understand that as being a forced
16 exile.

17 Q. [15:20:24] So how did the rule on music affect this musician?

18 A. [15:20:30] How did the rule affect him? Well, because with the jihadists it was
19 clear. His work was making music, [REDACTED]
20 [REDACTED]
21 and the whole practice was forbidden in the occupation.

22 There was no music [REDACTED] by making
23 music, [REDACTED] It was no
24 longer possible for him.

25 So in order for him to be able to continue to earn a living, he left [REDACTED] during

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1 this period because he no longer had a means of earning an income. Just doing his
2 work, he could end up in prison.

3 MR SANDOVAL: [15:22:02] Mr President, we can revert to open session.

4 PRESIDING JUDGE MINDUA: [15:22:09](Interpretation) Court officer.

5 (Open session at 3.22 p.m.)

6 THE COURT OFFICER: [15:22:14] We are back in open session, Mr President.

7 PRESIDING JUDGE MINDUA: [15:22:24](Interpretation) Thank you very much,
8 court officer.

9 Prosecutor.

10 MR SANDOVAL: [15:22:28]

11 Q. [15:22:28] Now, Ms Witness, you referred to women who were flogged before
12 being released. Could you tell us why these women were flogged?

13 A. [15:22:39] Yes, during the occupation, there were rules which had been put in
14 place by the jihadists, and if you were taken to the Islamic police or to the justice, then
15 sanctions would be imposed, and, among the sanctions, well, in terms of the type of
16 fault, women would be locked up if they did not respect the rules -- the new rules or
17 these principles.

18 And, for them, the most important thing was wearing the complete veil and the fact
19 that women really did not have the right to leave at night-time or to be outside at
20 night-time. So if a woman was caught leaving at night-time, when a woman would
21 be arrested in the market for not having worn a veil, then it would be in that case, she
22 would be arrested.

23 For music, it's not easy to be arrested for music. Sometimes there were also groups
24 that were banned from playing at marriages and commemorations,
25 cultural -- traditional cultural events. So when women would meet, they could come

1 and they would disperse them.

2 But they didn't arrest women for gathering together. If you were arrested, it was
3 really because of the not wearing the veil when you leave and you -- when you go out.

4 And you get arrested.

5 Q. [15:24:50] Ms Witness, how did you know that these sanctions of being arrested
6 and of being flogged could be imposed on women?

7 A. [15:25:01] Well, I know that sanctions could be imposed. During the first
8 period when I was in Timbuktu, there weren't really many sanctions. I didn't see
9 arrests in the period from [REDACTED] But, in the period whe [REDACTED]
10 [REDACTED] it was then that I saw in the press, in particular,

11 there was a couple who had been flogged in public in Sankoré square. That's
12 something that I saw in the news. That wasn't in Timbuk- [REDACTED]

13 And I was also -- I also saw myself, such a sanction against a young girl.

14 Q. [15:26:18] When you refer to having seen yourself such a sanction, could you
15 describe this further?

16 A. [15:26:35] Yes. Yes, I can describe it. This was in the period when I had come
17 back to Timbuktu, and there was a young girl who was locked up at the police. And
18 she left -- it was in the evening that she'd gone out, it was 1700 hours, and, why -- I
19 wasn't far away, it was the noise, the children, who -- and then I saw this sanction.
20 The parents came to get her out, to free her, and they said that they would release her,
21 but she was going to be flogged. And they flogged her in public. And I saw that in
22 the street.

23 Q. [15:27:44] Now you referred -- it's in the French transcript and not in the English,
24 you referred to "Tabaski". Could you briefly explain what a "Tabaski" is?

25 A. [15:28:00] Yes, Tabaski is the festival, the Muslim festival of a sacrifice of a sheep.

1 It's a festival, which is commemorated in Timbuktu.

2 Q. [15:28:19] Is this the same as the Eid Al-Adha?

3 A. [15:28:29] Yes, it's the same thing as Eid Al-Adha. I mixed it up with
4 Eid al-Fitr -- Eid el-Kabir, the big festival, we call it.

5 Q. [15:28:43] And do you recall when the Tabaski was in 2012?

6 A. [15:28:51] Well, not the exact date, but I know that it happened in the month of
7 October, and I was in Timbuktu.

8 Q. [15:29:09] Now, you mentioned that this flogging took place at the police.
9 Could you describe that further, where that was?

10 A. [15:29:20] It happened at the Islamic police, the BMS building, the Malian Bank
11 of Solidarity, which had been occupied by them. It had been turned into an Islamic
12 police station during this period and it was there, in the street, next to the tarmac road
13 that it happened.

14 Q. [15:29:57] And did you know the girl who was flogged?

15 A. [15:30:03] No. I didn't know her.

16 Q. [15:30:08] Do you recall approximately how old the girl was at the time?

17 A. [15:30:13] She was an adolescent, 13, 14, 15 years old.

18 Q. [15:30:34] Do you know from which neighbourhood of Timbuktu she was from?

19 A. [15:30:39] I didn't know her. She must have come from another
20 neighbourhood than me. I didn't know her, sincerely. From Hammabangou or
21 Bellaferandi, I -- sincerely, I don't know.

22 Q. [15:30:57] Now did you learn why the girl was flogged?

23 A. [15:31:01] Yes, for not wearing the complete veil. She was wearing a veil like
24 the veil I'm wearing in light cloth and when she was flogged, they pulled part of the
25 veil and she was almost disrobed in public. She was wearing that instead of

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1 a complete black veil.

2 Q. [15:31:52] Now where was this girl taken from prior to being flogged?

3 A. [15:31:57] Before being flogged? They brought her out of the former place
4 where the ATM was at the BMS, which had been turned into a cell for women. She
5 had come out of there. And it's just in front of the door. They didn't take her very
6 far. It's in the street because from the ATM to the street, it's there that she was
7 flogged.

8 Q. [15:32:47] Now going back to the reason why this girl was flogged, you referred
9 to her wearing the wrong veil. How did you learn that this was the reason for her
10 being flogged?

11 A. [15:33:01] I asked -- I asked around me. This is what people told me. As I was
12 in the street, they flogged her and they left, and I asked the people who were in the
13 street -- the young people.
14 This wasn't information that I got from the jihadists. No. It was the people who
15 were around who told me that she'd been arrested because she wasn't wearing the
16 right veil.

17 Q. [15:33:43] Now do you recall who took this girl out of the prison which was in
18 the former ATM room at the BMS?

19 A. [15:34:06] Who exactly? No. I know it was a guard, a former rapper. He
20 was the one who got her out; whereas, the people who decide, they left the inside of
21 the building.

22 And she was flogged by the former commissioner of the Islamic police, Hamed
23 Moussa, who I knew well and I'd seen on several occasions. But he had not given
24 a lot of lashes, nevertheless, they didn't give her the 30. They gave a few of them.
25 And the girl was screaming a lot. And the mother of the girl as well. And then

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1 they let her go.

2 Q. [15:35:04] Thank you, Ms Witness. Now let's take this step by step. You
3 referred to the guard who had taken the girl out of the prison as a "rapper." Did you
4 know his name?

5 A. [15:35:25] I don't remember his name, no. He had a bizarre name. I don't
6 remember the name, but it was a young man. He was a rapper. Somebody who
7 lived with his grandmother, but I don't remember.

8 MR SANDOVAL: [15:35:47] Mr President?

9 Oh, I'm sorry.

10 Q. [15:35:55] Ms Witness, do you know a person named Demba Demba?

11 A. [15:36:02] Yes, yes, that's the name of the rapper. Yes, Demba Demba. That's
12 the name of the rapper. He became a guard within the jihadist movement.

13 MR SANDOVAL: [15:36:26] Now, Mr President, may I request that we move into
14 private session for one minute just for a follow-up question on this.

15 PRESIDING JUDGE MINDUA: [15:36:36](Interpretation) Court officer.

16 (Private session at 3.36 p.m.)

17 THE COURT OFFICER: [15:36:44] We are in private session, Mr President.

18 PRESIDING JUDGE MINDUA: [15:36:53](Interpretation) Thank you very much,
19 court officer.

20 Prosecutor.

21 MR SANDOVAL: [15:36:57] Thank you, Mr President.

22 Q. [15:36:58] Now, Ms Witness, how did you know Demba Demba?

23 A. [15:37:04] [REDACTED]

24 [REDACTED]

25 [REDACTED] I found out that; whereas, he was

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1 among the jihadists, he did try -- well, he was seeing a girl [REDACTED]

2 [REDACTED]. A girl [REDACTED] who was over there.

3 This is what was said. I didn't see that myself, though.

4 He was seeing her while being among the jihadists.

5 Q. [15:38:08] And could you give us the name [REDACTED]?

6 A. [15:38:22] The name of the young person? [REDACTED]

7 [REDACTED] It was a young man who

8 [REDACTED] but I don't remember his name. He's no longer there at the moment.

9 So he was a young man [REDACTED] but I don't remember

10 his name.

11 Q. [15:38:45] [REDACTED]?

12 A. [15:38:50] [REDACTED]

13 Q. [15:38:58] And what is the name of the girl that you referred to -- that Demba

14 Demba was seeing?

15 A. [15:39:04] [REDACTED] was the girl's name. [REDACTED]

16 Q. [15:39:13] And what was the name of [REDACTED] her?

17 A. [15:39:21] [REDACTED] was the name. She's now deceased.

18 MR SANDOVAL: [15:39:32] Mr President, we can revert to open session.

19 PRESIDING JUDGE MINDUA: [15:39:38](Interpretation) Court officer.

20 (Open session at 3.39 p.m.)

21 THE COURT OFFICER: [15:39:43] We are back in open session, Mr President.

22 PRESIDING JUDGE MINDUA: [15:39:53](Interpretation) Thank you very much,

23 court officer.

24 Prosecutor.

25 MR SANDOVAL: [15:39:57]

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1 Q. [15:39:59] So you referred to Demba Demba as one of the guards. Can you
2 describe the clothes that the guards were wearing?

3 MR SANDOVAL: [15:40:28] Mr President, I believe we've lost our connection.

4 PRESIDING JUDGE MINDUA: [15:40:35](Interpretation) Indeed, the court officer is
5 working on it.

6 THE COURT OFFICER: [15:40:39] (Overlapping speakers) Your Honours, the
7 technicians have been notified.

8 (Pause in proceedings)

9 THE WITNESS: [15:42:30](Interpretation) Can you hear me?

10 MR SANDOVAL: [15:42:35] (Overlapping speakers) Yes, I can hear you.

11 Can you hear me?

12 Can you hear me, Ms Witness?

13 THE WITNESS: [15:43:00](Interpretation) Yes, I can hear you.

14 PRESIDING JUDGE MINDUA: [15:43:05](Interpretation) Please go ahead,
15 Prosecutor.

16 MR SANDOVAL: [15:43:08] Thank you, Mr President.

17 Q. [15:43:09] So Ms Witness, you identified one of the guards as Demba Demba.
18 Can you describe the clothes that the guards were wearing?

19 A. [15:43:18] Yes, they wore the same clothing as the jihadists, a long shirt and with
20 short trousers and the vest. Some guards would wear it, some would wear military
21 apparel and a khaki uniform. But on that day, he was wearing khaki.

22 Q. [15:44:00] And when you refer to vests, are these the same vests that you
23 described earlier in relation to the jihadists?

24 A. [15:44:10] Yes, I'm talking about the same clothing. You have a long shirt,
25 which goes down to the knees and then you have this *gilet* -- a vest -- or they wear a

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1 military uniform or military fatigues; that's what they wear. And they always carry
2 weapons as well. And the children who are among them are also armed.

3 Q. [15:44:46] Now you said earlier that this girl who was flogged was supposed to
4 receive 30 lashes. How did you know that?

5 A. [15:45:03] They said so there. When they brought her out, Hamed Moussa said
6 that they were going to give her 30 lashes and the father of the girl protested because
7 he said -- well, it was in public, it happened in public. The father said that he had
8 paid the money, "Why are you going to hit her any ways?"

9 But they didn't listen to the father, and there were some guards, and also the parents
10 of the girl. And the -- the commissioner whipped the girl. But he didn't give her all
11 30 lashes.

12 Q. [15:45:48] And did you hear Hamed Moussa announce that this girl was to
13 receive 30 lashes?

14 A. [15:46:02] I didn't hear it myself. I was quite a distance away. But the
15 information came my way.

16 PRESIDING JUDGE MINDUA: [15:46:12](Interpretation) Ms Taylor.

17 MS TAYLOR: [15:46:13] Mr President, could the sound please be cut off to the
18 witness.

19 PRESIDING JUDGE MINDUA: [15:46:21](Interpretation) Court officer, cut off the
20 sound to the remote location, please.

21 THE COURT OFFICER: [15:46:26] Your Honours, the sound has been cut off.

22 PRESIDING JUDGE MINDUA: [15:46:31](Interpretation) Thank you very much.
23 Ms Taylor.

24 MS TAYLOR: [15:46:34] Thank you, Mr President it may be an issue between
25 the French and the English, but the English did not have earlier that they had said

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1 that she was supposed to be given 30 lashes. And the French, as I understand it, was
2 a little bit vague as well, it was, "*il ne lui a pont donné les 30 qui ont été dits.*"

3 So I would just ask that the Prosecutor be very clear and quote the exact words used
4 by the witness when putting that to her. Because he's now initiated a line of
5 questioning which is based on his summary, rather than the exact quote.

6 PRESIDING JUDGE MINDUA: [15:47:17](Interpretation) Very well.

7 We will end with this.

8 Mr Prosecutor, we going to re-establish the sound and you can put your last --

9 THE INTERPRETER: [15:47:31] Overlapping.

10 MR SANDOVAL: [15:47:31] Mr President? If -- sorry --

11 PRESIDING JUDGE MINDUA: [15:47:32] *Monsieur le Procureur?*

12 MR SANDOVAL: [15:47:34] If I can just respond to Ms Taylor, very briefly?

13 PRESIDING JUDGE MINDUA: [15:47:39](Interpretation) Go ahead.

14 MR SANDOVAL: [15:47:40] Contrary to what Ms Taylor says, the English transcript
15 does make a reference to the expectation that 30 lashes was to be meted out to the girl.

16 And I refer to page 96, lines 6 to 10 of the English transcript, referring to she was
17 flogged by the former commissioner of the Islamic police, Mohamed Moussa, "who I
18 knew well and I'd seen on several occasions, but he had not given a lot of lashes,
19 nevertheless, they didn't give her the 30."

20 PRESIDING JUDGE MINDUA: [15:48:22](Interpretation) Ms Taylor.

21 MS TAYLOR: [15:48:24] Thank you very much, Mr President. I'm sure - as my
22 learned colleague can appreciate - there is a fine -- an important distinction between
23 an implicit assumption as to whether there might be a generic rule understood by this
24 witness and her hearing a specific claim that they would give 30 lashes.

25 So that is why I think it's important for the Prosecutor to use the exact words used by

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1 the witness and not what he understands himself.

2 PRESIDING JUDGE MINDUA: [15:48:57](Interpretation) Very well. What I heard
3 in French was -- corresponds to what the Prosecutor have said, but we'll put the
4 question again to make sure.

5 Court officer, re-establish the sound.

6 Mr Prosecutor put the question to the witness again and that way we will have a clear
7 conscience.

8 THE COURT OFFICER: [15:49:22] Your Honours, the sound to the witness has been
9 re-established.

10 PRESIDING JUDGE MINDUA: [15:49:27](Interpretation) Thank you very much.

11 Mr Prosecutor.

12 MR SANDOVAL: [15:49:30]

13 Q. [15:49:32] Ms Witness, when you mentioned earlier that Mohamed Moussa had
14 not given the girl a lot of lashes, but nevertheless they didn't give her the 30, what did
15 you mean by your reference to the "30"? To the number "30"?

16 A. [15:50:01] That makes reference to the fact that in the past, for example, the
17 video of the couple who were whipped that I looked at via the press, the number of
18 lashes that was decreed were all administered to the lady and to the gentleman. But
19 in -- but in the street, we were told that the -- it was supposed to be 30 lashes given to
20 the girl, but they didn't give five like that. The girl started to scream. A lot of
21 people were there and he stopped. The girl was crying. And that's what I was
22 referring to.

23 PRESIDING JUDGE MINDUA: [15:50:59](Interpretation) Very well. We have our
24 answer.

25 Mr Prosecutor, I think we will leave it at that for today because we have already sat

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1 for two hours.

2 Court officer, open session, please.

3 THE COURT OFFICER: [15:51:20] We are in open session.

4 PRESIDING JUDGE MINDUA: [15:51:29](Interpretation) Thank you very much,

5 court officer.

6 Madam Witness, we have come to the end of today's hearing. I think you will have

7 realised that your testimony has not concluded. You will be continuing tomorrow.

8 On behalf of the Chamber, I would like to thank you most sincerely for your

9 assistance. You have answered the questions very clearly.

10 I wish you a very pleasant evening, and we shall resume tomorrow at (Overlapping

11 speakers)

12 THE WITNESS: [15:52:17](Interpretation) I will be there.

13 PRESIDING JUDGE MINDUA: [15:52:20](Interpretation) Very well.

14 Thank you very much.

15 I remind you, Madam Witness, that you are not allowed to talk about your testimony

16 to anyone at all. Not to members of your family, nor to friends.

17 THE WITNESS: [15:52:35](Interpretation) Yes, yes, I know that and I respect that.

18 PRESIDING JUDGE MINDUA: [15:52:38](Interpretation) Thank you very much.

19 Before adjourning, I would like to thank everyone who has taken part in today's

20 hearing this afternoon, the parties, the participants, court reporters, interpreters,

21 security officers and, of course, the people who are viewing the hearings.

22 I wish everyone a very pleasant evening and we will see one another tomorrow.

23 The hearing is now adjourned.

24 THE COURT USHER: [15:53:21] All rise.

25 (The hearing ends in open session at 3.53 p.m.)

1 CORRECTION REPORT

2 The following correction, marked with an asterisk and not included in the
3 audio-visual recording of the hearing, is brought into the transcript.

4 Page 49 line 17:

5 [REDACTED] is corrected to [REDACTED]

6 SECOND CORRECTIONS REPORT

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

9 Page 24 line 4:

10 "I saw him (sic)" is corrected to "I saw her"

11 Page 5 line 18:

12 "he took me and he put the bandage over my eyes" is corrected to "he blindfolded
13 me"

14 Page 30 line 4:

15 "like" is deleted