

Trial Hearing
MLI-OTP-P-1086

(Open Session)

ICC-01/12-01/18

1 International Criminal Court
2 Trial Chamber X
3 Situation: Republic of Mali
4 In the case of The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag
5 Mahmoud - ICC-01/12-01/18
6 Presiding Judge Antoine Kesia-Mbe Mindua, Judge Tomoko Akane and Judge
7 Kimberly Prost
8 Trial Hearing - Courtroom 3
9 Thursday, 26 August 2021
10 (The hearing starts in open session at 9.34 a.m.)
11 THE COURT USHER: [9:34:45] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE MINDUA: [9:35:08](Interpretation) The hearing shall now
15 begin.
16 Good morning, everyone, and welcome back after the summer recess.
17 The Judges of the Chamber are particularly pleased to see you all in good health and
18 very enthusiastic at the -- with the idea of resuming our work.
19 Courtroom officer, kindly call the case.
20 THE COURT OFFICER: [9:35:54] Good morning, Mr President, your Honours.
21 This is the situation in the Republic of Mali, in the case of The Prosecutor versus Al
22 Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud, case number ICC-01/12-01/18.
23 And for the record, we are in open session.
24 PRESIDING JUDGE MINDUA: [9:36:12](Interpretation) Thank you very much,
25 courtroom officer.

1 As usual, we shall begin with introductions of the various teams.

2 First of all the OTP, please. Mr Dutertre.

3 MR DUTERTRE: [9:36:23](Interpretation) Good morning, your Honour, good
4 morning. And, I had prepared a few remarks but, simply put, the Prosecution is
5 very happy to see everyone and we are pleased that the summer recess has gone well,
6 despite the pandemic still under way.

7 The Prosecution team is made up of Mr Garcia, who will be examining the witness for
8 the OTP, with the assistance of Ms Paola Sacchi. And I will be in the courtroom as
9 well, Gilles Dutertre. Thank you very much.

10 PRESIDING JUDGE MINDUA: [9:37:05](Interpretation) Thank you.

11 And now the Defence. Counsel.

12 MS TAYLOR: [9:37:10] Good morning, Mr President. Good morning,
13 your Honours. And good morning to everyone in the courtroom and around the
14 courtroom. The Defence for Mr Al Hassan is represented today by Maître Mohamed
15 Youssef and myself, Melinda Taylor. Thank you.

16 PRESIDING JUDGE MINDUA: [9:37:27](Interpretation) Thank you very much,
17 Counsel.

18 And now the Legal Representatives of Victims. Counsel.

19 MR KASSONGO: [9:37:38](Interpretation) Thank you, your Honour. Good
20 morning, everyone. Welcome back, everyone. The team today is represented by
21 Claire Laplace, who is assisting me, and myself, Mr Kassongo, on behalf of the
22 victims.

23 PRESIDING JUDGE MINDUA: [9:37:59](Interpretation) Thank you very much,
24 Counsel.

25 I wish to greet Mr Al Hassan as well, who, of course, is here, in the courtroom today.

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1 We will now hear from our next witness today, P-1086.

2 And now, I address the witness.

3 Good morning, Mr Witness, can you hear me?

4 WITNESS: MLI-OTP-P-1086

5 (The witness speaks French)

6 (The witness gives evidence via video link)

7 THE WITNESS: [9:38:26](Interpretation) I can hear you, your Honour.

8 PRESIDING JUDGE MINDUA: [9:38:30](Interpretation) Thank you very much, Mr
9 Witness.

10 On behalf of the Chamber, I would like to welcome you. You will be giving your
11 testimony so as to assist the Chamber in determining the truth in the case of
12 Mr Al Hassan.

13 As I'm sure you're aware, protective measures have been put in place so that your
14 identity will not be revealed to the public. Each time you need to provide details
15 that could reveal your identity, we will go into private session. That way no one,
16 other than the people here in the courtroom, will be able to hear you.

17 Have you understood that, Witness?

18 THE WITNESS: [9:39:27](Interpretation) Yes, I have understood. And I thank you,
19 your Honour.

20 PRESIDING JUDGE MINDUA: [9:39:33](Interpretation) Thank you very much, Mr
21 Witness.

22 And now, I will now go on to the solemn undertaking pursuant to the Rules of
23 Procedure and Evidence, Rule 66(1).

24 I believe you have a document in front of you with the solemn undertaking. Do you
25 have it with you?

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1 THE WITNESS: [9:39:59](Interpretation) Yes.

2 PRESIDING JUDGE MINDUA: [9:40:00](Interpretation) Excellent. This is the
3 solemn undertaking whereby you shall swear to tell the truth, the whole truth, and,
4 please, read out this solemn undertaking.

5 THE WITNESS: [9:40:14](Interpretation) I solemnly declare that I shall tell the truth,
6 the whole truth and nothing but the truth.

7 PRESIDING JUDGE MINDUA: [9:40:23](Interpretation) Thank you very much,
8 Witness. Now you are under oath.

9 The staff from the Victims and Witnesses Section and members of the Prosecution
10 have already explained to you what being under oath means, so I will not repeat that
11 exercise.

12 I do have some practical advice for you.

13 Please remember throughout your testimony that everything that is being said in the
14 courtroom is being transcribed by court reporters and interpreted simultaneously into
15 several languages by our interpreters. Thus, it's important for you to speak clearly,
16 and slowly, above all.

17 Do not begin to speak until the person questioning you has finished his or her
18 question. You could count up to three silently to yourself before responding. This
19 pause is absolutely necessary so that your answer can be recorded properly.

20 Naturally, if you have a question, just raise your hand to let us know that you'd like
21 to say something.

22 Have you understood, Mr Witness?

23 THE WITNESS: [9:42:17](Interpretation) Yes, I have understood, your Honour.

24 PRESIDING JUDGE MINDUA: [9:42:22](Interpretation) Thank you very much, Mr
25 Witness. We will now hear your testimony.

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1 First of all you shall be questioned by the Office of the Prosecution, and then by other
2 parties and perhaps by the Chamber.

3 Without any further ado, I hand it over to the Prosecution.

4 Mr Garcia.

5 MR GARCIA: [9:42:56](Interpretation) Good morning, your Honours.

6 Could we go into private session for a few moments, please?

7 PRESIDING JUDGE MINDUA: [9:43:03](Interpretation) For how long? Just for our
8 public.

9 MR GARCIA: [9:43:08](Interpretation) I would say about 10 minutes. And then,
10 after that, I will be tackling two sets of questions on two discrete topics.

11 PRESIDING JUDGE MINDUA: [9:43:19](Interpretation) Very well.

12 Courtroom officer, private session.

13 (Private session at 9.43 a.m.)

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

15 PRESIDING JUDGE MINDUA: [9:43:36](Interpretation) Thank you very much,
16 courtroom officer.

17 Prosecution.

18 MR GARCIA: [9:43:40](Interpretation) Just first of all, your Honour, I believe I heard
19 the voice of the witness without any filtering or scrambling. I believe voice
20 distortion is provided for in the protective measures. Perhaps it's a problem on my
21 side, but I think it is quite important to double-check that. I ask my colleague to find
22 out whether it was just me, or perhaps if -- if this is the case, we'll have to make sure
23 that everything that was said in public is redacted.

24 PRESIDING JUDGE MINDUA: [9:44:24](Interpretation) Courtroom officer.

25 THE COURT OFFICER: [9:44:28](Overlapping speakers) Your Honours, we do have

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1 the clear voice for those in the courtroom and the sound is distorted for those outside
2 the courtroom.

3 PRESIDING JUDGE MINDUA: [9:44:38](Interpretation) So that is just fine.

4 Mr Prosecutor.

5 MR GARCIA: [9:44:43](Interpretation) That is very reassuring. Thank you.

6 PRESIDING JUDGE MINDUA: [9:44:49](Interpretation) Great, go ahead please.

7 QUESTIONED BY MR GARCIA: (Interpretation)

8 Q. [9:44:55] Good morning, Mr Witness.

9 A. [9:44:57] Good morning, Mr Lucio.

10 Q. [9:44:59] We already have had an opportunity to meet one another briefly,
11 virtually, and I hope you are doing well today?

12 A. [9:45:09] Everything is fine by the grace of God.

13 Q. [9:45:13] Mr Witness, I'm not going to repeat the instructions from the Chamber,
14 but I do have a few questions for you and I'll do it now while we're in private session,
15 which means that only the people here in the courtroom can hear your responses.

16 These are questions that will identify you.

17 First of all, could you give us your name and date of birth?

18 A. [9:45:40] Okay. My named is [REDACTED] I was
19 born in [REDACTED] more or less, in the Timbuktu region.

20 Q. [9:46:04] Thank you, Mr Witness. And thank you for allowing a bit of a pause
21 between my question and your answer. Let's continue doing this to make
22 everybody's work easier.

23 Now could you tell us which ethnic group you are from?

24 A. [9:46:28] I'm a Tamasheq person and I -- well, I'm a Tuareg and I speak
25 Tamasheq -- I'm Tamasheq.

1 Q. [9:46:42] Are you part of a particular tribe or community?

2 A. [9:46:52] I'm from [REDACTED].

3 Q. [9:47:01] Thank you. Could you tell us which languages you speak?

4 A. [9:47:10] I haven't quite understood. What do you mean?

5 Q. [9:47:14] You understand [REDACTED] I believe. Do you understand other
6 languages?

7 * A. [9:47:23] My best languages are [REDACTED] I express myself poorly
8 in the others.

9 Q. [9:47:35] Very well. I have some specific questions that I won't be putting to
10 you in public. Have you ever been part of an armed movement or group in the past?

11 A. [9:47:51] In 2012, I was part of the MNLA.

12 Q. [9:47:59] So the National Movement for the Liberation of Azawad. Could you
13 tell us which month you joined the MNLA, approximate terms?

14 A. [9:48:13] I joined in [REDACTED] 2012.

15 Q. [9:48:20] Could you tell us where you were based when you were in the MNLA
16 in 2012?

17 * A. [9:48:33] When I was part of that group in 2012, since we were carrying out an
18 asymmetrical war in that part of Mali, we were not based in a particular spot. But
19 most of the time we were around the three borders area in the Liptako region.

20 Q. [9:49:03] The zone of the three borders, which countries are you talking about?

21 A. [9:49:09] We were closer to the border with Burkina Faso and Niger, but we
22 were in Mali still.

23 Q. [9:49:20] Does that spot have a specific name, that place that is at the three
24 borders?

25 PRESIDING JUDGE MINDUA: [9:49:30](Interpretation) Counsel.

1 MS TAYLOR: [9:49:32] Thank you, Mr President. I apologise for interrupting, but
2 for the last couple of questions and answers, the question has been coming before we
3 have received the English translation. So we just respectfully ask my colleague to
4 wait a few more seconds before posing the next question in French so that we can
5 follow it. Thank you.

6 PRESIDING JUDGE MINDUA: [9:49:56](Interpretation) Thank you very much,
7 Ms Taylor.

8 Prosecutor has -- the Prosecutor has understood.

9 MR GARCIA: [9:50:03](Interpretation) Thank you.

10 Q. [9:50:06] Mr Witness, I'll put the question to you once again. I believe there
11 was a cut-out at some point.

12 You mentioned the three borders and a particular spot, the specific spot where you
13 were based, what was its name?

14 A. [9:50:22] Okay. As I said earlier, we weren't based at one particular specific
15 spot. Most of the time the place that we were most often was in an area south-east of
16 Tessit in the Gao region and we called it [REDACTED] was the name.

17 Q. [9:50:54] Were you based elsewhere during that period in 2012 when you were
18 part of the MNLA?

19 A. [9:51:01] In April, when the army withdrew, we were based a second time to
20 Gossi. And ...

21 Q. [9:51:32] Were you about to continue? You just said "And ..."

22 *A. [9:51:39] There was another position in the Boulikessi area [REDACTED] where we
23 left from, but the main area was in Gossi.

24 Q. [9:51:52] Just to make sure we've understood, April, when the army withdrew,
25 which army were you talking about?

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1 A. [9:52:06] When the Malian army withdrew.

2 Q. [9:52:15] Did you have any particular rank when you were part of the MNLA?

3 A. [9:52:21] I was [REDACTED]

4 * Q. [9:52:33] Now when you were based at that place [REDACTED] did you have
5 a hierarchical superior, and, if so, what was that person's name?

6 * A. [9:52:44] The area commander.

7 The area commander was Akli Iknan, he was the commander of the entire area of
8 Gourma.

9 MR GARCIA: [9:52:58](Interpretation)

10 Q. [9:52:59] Just for the case record, correct me if I'm wrong, but I believe the name
11 was A-K-I-K-N-A-N (sic);
12 is that correct?

13 A. [9:53:11] No. A-K-L-I-N-A-N (sic) and then a space, I-K-N-A-N. Akli Iknan.
14 Akli Iknan.

15 Q. [9:53:35] Thank you, Mr Witness, for clearing that up.

16 That's fine for my questions in private session. I'll now ask the Chamber if we can go
17 into open session and then I will be spending two sessions with you in open session,
18 but please be very careful about any information that might identify you. And if
19 there is any problem, just let us know. Thank you.

20 PRESIDING JUDGE MINDUA: [9:54:06](Interpretation) Courtroom officer, open
21 session, please.

22 (Open session at 9.54 a.m.)

23 THE COURT OFFICER: [9:54:12] We are back in open session, Mr President.

24 PRESIDING JUDGE MINDUA: [9:54:24](Interpretation) Thank you very much,
25 Mr Courtroom Officer.

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1 Prosecutor, please continue.

2 MR GARCIA: [9:54:30](Interpretation) Thank you, your Honour.

3 Q. [9:54:34] Mr Witness, we are going to continue where we left off a few moments
4 ago. Just as I said earlier, please be careful about your responses. And, just to give
5 you some context, you told us that you joined -- you were part of the MNLA, the
6 National Movement for the Liberation of Azawad, in 2012. Could you explain to
7 us - and please do so in general terms - could you explain why you joined the MNLA
8 in 2012?

9 * A. [9:55:12] In 2012, before the crisis broke out, [REDACTED] I
10 worked [REDACTED] areas. I was working [REDACTED]

11 [REDACTED]

12 Q. [9:55:50] Mr Witness.

13 A. [9:55:51] Yes?

14 Q. [9:55:51] Sorry to interrupt, but please answer in general terms.

15 A. [9:55:57] Okay. Fine. I even made the mistake of mentioning the places I was
16 working, which is identifying --

17 THE INTERPRETER: [9:56:10] Overlapping speakers.

18 MR GARCIA: [9:56:13](Interpretation)

19 Q. [9:56:14] No problem, don't worry about that, we will take the necessary
20 measures. Just try to give us general responses and explain in general terms why
21 you joined the MNLA. And you don't need to specify the specific places where you
22 were working at the time, okay? Take your time, and please pause for a few
23 moments before you give your answer.

24 A. [9:56:40] Thank you. As you know, I'm a Tuareg person. And a Tuareg child,
25 during those years when I was growing up, all the children would grow up with the

1 idea of revolt. The children are psychologically prepared for revolt. I was born in
2 the 1980s, you see, and I had experienced the 1990 -- the rebellion in the 1990s before
3 the 2012 crisis. Being a child at that time, you see, the dream of every Tuareg child
4 was to grow up and become a rebel. So we were psychologically being prepared, all
5 Tuareg children.

6 So during my childhood at a time when other kids were playing soccer, we would be
7 making toy weapons in the forests and fighting battles. So you see, ever since I was
8 born, well, my entire childhood, I had that dream of becoming a rebel.

9 We were told about the atrocities committed by the army in the earlier rebellions and
10 uprisings. So the Tuareg children were being pitted against the enemies. * So
11 psychologically, even before the crisis, we were being psychologically prepared,
12 groomed to become rebels. So, any opportunity that presented itself was good to
13 participate in a rebellion. There was also the idea of taking part in a rebellion; that
14 that was a way of truly showing that you were a man and that you were serving the
15 community. So when the crisis broke out, it is true that there were changes, many
16 changes because I had the opportunity to go to school, and, then, I understood many
17 things after that. School and education shaped my mind in a positive sense.

18 And I did not intend to take part in the rebellion at that time, but the initial events,
19 when the crisis broke out in 2012, the first events -- well, when we left our home to
20 go -- and go to the neighbouring country, we had to pack up camp, cross the border.

21 On the way back, we were seized by a pro-government militia group, especially the
22 encampment vehicles that were seized and we were taken prisoner by

23 a pro-government militia. The young people who were (Overlapping speakers)

24 Q. [10:00:02] Take your time. Take your time. Speak slowly. And remember
25 the advice we gave you about identifying information.

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1 A. [10:00:13] Apologies. So as I was saying --

2 PRESIDING JUDGE MINDUA: [10:00:34](Interpretation) Please go ahead, Mr
3 Witness. Why have you stopped?

4 THE WITNESS: [10:00:39](Interpretation) Oh, I -- I'm sorry, I thought I heard
5 a voice.

6 PRESIDING JUDGE MINDUA: [10:00:44](Interpretation) Yes, please go ahead.

7 THE WITNESS: [10:00:47](Interpretation) So the young people who were supposed
8 to move the camps in the vehicles, when they came back to the camp - it was a large
9 camp - they were apprehended by a pre-government militia. They were taken to one
10 side and tortured. We heard that piece of news from the border of the neighbouring
11 state. And then the first idea that came to our minds was that they had been
12 executed because, from the last thing we heard, they had been tied up and tortured
13 and taken away by the army with a view to being handed over to the army, that is.
14 So those were one of the ideas which really compelled me to join the 2012 rebellion.

15 Q. [10:01:40] Thank you, Mr Witness, for this answer.

16 Now, with regard to you personally, when you joined the MNLA, did you undergo
17 any military training at all? How did things happen?

18 A. [10:02:07] When I joined the MNLA, I joined it with my weapon and my
19 ammunition, because we had already been in possession of our weapons and
20 ammunition well before the crisis. I knew the basics for me to be able to join the
21 ranks, but there was the possibility to start an accelerated form of training, and that's
22 what I did. This was a sort of refresher, if you like, which enabled me to hone my
23 skills and it only lasted about a month.

24 Q. [10:03:04] So I need to go back to what you said, and I might do this on occasion,
25 Mr Witness, when I don't understand something, or when we don't understand

1 something.

2 You said - and this is at page 14, line 15 - you said that you already knew the basics.

3 Can you tell us what these basics were. And please remember the advice of the

4 Chamber, take four or five seconds in order to facilitate everyone's work.

5 A. [10:03:35] Yes. Well, when I said that I had the basics, this means that I had

6 elementary knowledge of the handling of weapons and the knowledge of militia

7 et cetera. This was knowledge that I had gleaned throughout my childhood and this

8 enabled me to then join the accelerated training.

9 Q. [10:04:05] A question seeking clarification. So the area that you were based

10 in - remember not to mention a name - how many members of the MNLA were

11 there -- present there?

12 A. [10:04:22] I can't tell you specifically today how many people there were because

13 that was years ago now. Memory can fail you, you know. I would just say that at

14 the beginning, we were more than 400 in number. When I arrived, there were a lot

15 of people coming from all directions with or without a weapon. So at the beginning,

16 there were more than 400 elements.

17 Q. [10:04:57] In terms of weapons, what did you have specifically?

18 A. [10:05:04] I do not know the number of weapons, but I do know that we had

19 assault weapons, Kalashnikov, AK-47s; MPKs, MPK machine-guns; RPGs, 14.5

20 millimetres.

21 Q. [10:05:35] Now, the last one that you mentioned, Mr Witness, of course, you will

22 realise that we will have difficulty.

23 THE INTERPRETER: [10:05:48] There is no pause between question and answer.

24 Could this please be brought to the attention of the Chamber.

25 MR GARCIA: [10:05:55](Interpretation)

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1 Q. [10:05:55] And what are we talking about here, a 14.5? What is that precisely?

2 A. [10:05:59] A 14.5 is a large calibre weapon that the armoured vehicles carry. It
3 is the -- 14.5 is above the 12.7.

4 THE INTERPRETER: [10:06:08] And another number that the witness mentioned.

5 THE WITNESS: [10:06:21] We also use this in anti-air defence.

6 MR GARCIA: (Interpretation)

7 Q. [10:06:30] You say that they're above the 12.7. What are these 12.7 that you're
8 talking about?

9 A. [10:06:38] The 12.7 is also a calibre, what the Russians call the "douchka" or the
10 "darling" in the Russian language. This is a calibre that is just above the 7.62 long
11 calibre.

12 Q. [10:07:00] Very well. And these are calibres that are transported by armoured
13 vehicles, if I understand you correctly.

14 * A. [10:07:04] I said that the 14.5 are, generally speaking, the type of weapons that
15 are carried by armoured cars. The 14.5 and the 12.7 are not personal weapons, but
16 they are generally fixed on vehicles, quite generally speaking, in our country.

17 THE INTERPRETER: [10:07:24] Message from the interpreter: Could the witness
18 please slow down.

19 MR GARCIA: [10:07:27](Interpretation)

20 Q. [10:07:28] Mr Witness, thank you very much for that.

21 You also mentioned to us, prior to this, at the outset of your testimony, you talked to
22 us about zones or areas in which you were present.

23 Now how was the MNLA divided up? Were there zones? And, if so, what were
24 they?

25 A. [10:07:51] The MNLA in 2012 was as well structured as a regular army because

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1 it was headed up by officers who, for the most part, were deserters from the Malian
2 army. These were officers who had left Libya when NATO entered the country.
3 Now, the MNLA was headed up by these individuals who had a great deal of
4 experience and expertise. So the MNLA, as a result, was as well structured as
5 a regular army, which meant that every zone was occupied by a group, a battalion,
6 and each battalion is subdivided in certain locations into a number of companies or
7 units.

8 Q. [10:08:56] And who was the commander-in-chief of the MNLA in 2012?

9 A. [10:09:12] In command, militarily speaking, at the -- it was Ahmed (sic) Ag
10 Najim who was the military commander at the time.

11 THE INTERPRETER: [10:09:25] The name would need to be spelt, from the
12 interpreter.

13 MR GARCIA: [10:09:31](Interpretation)

14 Q. [10:09:41] And you, Mr Witness, I'm putting questions to you with regard to
15 dates and figures, and, of course, we know that it's a long time ago now. I don't
16 want the specific number of days, but how long approximately did you spend within
17 the MNLA?

18 A. [10:10:10] Okay. Well, if my memory serves me correctly, I did not spend more
19 than five months within the MNLA; approximately, five months.

20 PRESIDING JUDGE MINDUA: [10:10:30](Interpretation) Ms Taylor.

21 MS TAYLOR: [10:10:31] Thank you very much, Mr President. There was a note
22 from the interpreters in the English transcript asking if the Prosecutor could spell the
23 names of the persons who were being mentioned. Of course we can guess who
24 they're referring to, but I think it would be helpful, for the clarity of the record, if the
25 witness could spell the name that was just mentioned, and future names.

1 PRESIDING JUDGE MINDUA: [10:10:56](Interpretation) Mr Prosecutor, please
2 make sure that the witness provides us with the precise spelling of the names.

3 MR GARCIA: [10:11:20](Interpretation) Thank you, Mr President. I suppose the
4 Defence is referring -- and the interpreters are referring to page 17, line 7.

5 Q. [10:11:29] Mr Witness, when I asked you who the military commander was, you
6 spoke to us of Mr Mohamed Ag Najim. Could you please spell that for the record.

7 A. [10:11:48] Okay. Mohamed as it is spelt. Ag. There's a space after Mohamed,
8 and then there's Ag, A-G. And then Najim, N-A-J-I-M.

9 Q. [10:12:14] Thank you, Mr Witness. I note that this was the spelling that was
10 already in the transcript, if I'm not mistaken.

11 Mr Witness, I'm also mindful of this myself. I'm going to ask you to speak a little bit
12 more slowly. Of course it is strange to have to speak more slowly than one generally
13 does, but we both have to do so in order to make the work of all those working in this
14 courtroom easier. I'm going to slow down myself somewhat.

15 So, Mr Witness, you yourself, were you in any way involved, or did you take part in
16 any fighting whilst you were within the MNLA?

17 A. [10:13:02] Yes, I did take part in a number of battles.

18 Q. [10:13:11] Against whom?

19 A. [10:13:14] I fought against the army -- against the pre -- the pro-government
20 militia.

21 Q. [10:13:28] So when we are speaking of the army, can you remember at what date
22 approximately you fought against the army?

23 A. [10:13:43] In the month of April. March. March, yes, yes. In March. End of
24 March beginning of April. End of March especially, beginning of April.

25 Q. [10:14:04] So for the record, it's the beginning -- the end of March and the

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1 beginning of April 2012. Am I right in so saying, Mr Witness?

2 A. [10:14:14] Yes, I'd say more to the -- I'd say it was more the end of March than
3 the beginning of April. I can't remember the exact dates anymore, but I do know
4 that it was towards the end of the month of March.

5 Q. [10:14:28] That's fine, Mr Witness. As I said to you, I'm not seeking precise
6 dates. We are all aware of the fact that this all happened quite some time ago now,
7 so I'm just seeking approximations. Thank you for your answers.

8 You also made mention of fighting against pro-government militia. Now, which
9 militia are we talking about here? Please take a few seconds before you answer.

10 A. [10:15:02] Well, when I talk about pro-government militia, I'm talking about
11 militia in general because back then, there was both Tuareg and Arab militia. There
12 were also Songhai and Peulh communities.

13 Q. [10:15:37] Could you please be more specific against which militia you fought
14 against in 2012 and provide a name of said militia, if it does have a name.

15 A. [10:15:57] Very well. With your leave, I would really rather --

16 Q. [10:16:14] Yes, I understand what you're saying, Mr Witness.

17 MR GARCIA: [10:16:19](Interpretation) Mr President, could we please go into
18 private session for a few moments to shed light on a matter and then come back into
19 open session subsequently.

20 PRESIDING JUDGE MINDUA: [10:16:27](Interpretation) Mr Courtroom Officer,
21 open session -- private session, please.

22 (Private session at 10.16 a.m.)

23 THE COURT OFFICER: [10:16:35] We're in private session, Mr President.

24 PRESIDING JUDGE MINDUA: [10:16:45](Interpretation) Thank you very much,
25 Mr Courtroom Officer.

1 Mr Prosecutor.

2 MR GARCIA: [10:16:49](Interpretation)

3 Q. [10:16:49] Mr Witness, I'm sorry, I can't see very well, so it's a bit difficult on
4 occasion.

5 Mr Witness, can you please tell us whether you are in a position to answer this
6 question now that we are in private session. It is only the people in the courtroom
7 who will hear your answer and not the general public.

8 * A. [10:17:09] Yes, of course. Now, with regard to the militia, they are
9 pro-governmental Arab-Tuareg militia, those who were operating in Gourma at the
10 time. That's the same militia that stopped the vehicles that I was talking about earlier,
11 [REDACTED] that was transporting
12 the camp. So these are militia who are Arabs. When I say "Arabs", I mean Berabiche
13 and -- for the most part.

14 And, in addition, the militia is comprised -- at the beginning, it was just Berabiche and
15 then they formed an alliance with the Imghad community militia who were part of
16 the army and who joined the militia with a view to forming a battalion. So it became
17 an Arabo-Tuareg militia. And the most -- most of the soldiers came from the Malian
18 army and they were headed up by an officer of the Kounta community.

19 Q. [10:18:27] Mr Witness, I see that you have observed a pause, which is
20 a wonderful thing, but you made mention of the fact that they were Berabiche Arabs,
21 and then there was an alliance that was formed between the militia and individuals
22 from a community, and this is the name of the community.

23 Can you tell us specifically which community you're talking about with whom the
24 alliance was formed?

25 A. [10:19:00] Yes. As I said at the outset, when the crisis broke at the end of

1 January specifically, the militia mainly comprised Berabiche, who are called Arabs
2 back in our country. And in addition to those Berabiche, who were soldiers from the
3 regular army, the -- either from the national guard or gendarmes, in February and
4 March, it was not only Arabs, but also Tuaregs who joined from the Imghad
5 community. They joined this militia in order to conduct missions together.

6 Q. [10:19:47] So I'm going to slow down, as you will note, Mr Witness. The
7 Imghad community, could you just spell that for us. And I'm going to do this on
8 each occasion when there's a name that we might not have heard beforehand. I'm
9 going to ask you to spell it out to us. Could you spell it, please.

10 A. [10:20:11] Okay. It is spelt I-M-G-H-A-D. I-M-G-H-A-D, D. And it is
11 pronounced Imghad. And this is the Tuareg committee headed up by a general,
12 Elhaj Amou.

13 Q. [10:20:40] Thank you very much, Mr Witness, for this clarification. You
14 mentioned a general, and on my screen it seems inaudible. Could you please spell
15 out the name of this general for us.

16 A. [10:20:58] Okay. Elhaj, E-L-H-A-J. And it can also be spelt L -- E-L-G -- Elhaj.
17 So Elhaj -- Gamhag (phon.) -- Amou, A-M-O-U. Elhaj Ag Amou. Elhaj Ag Amou,
18 A-G A-M-O-U.

19 THE INTERPRETER: [10:21:32] Very confusing.

20 MR GARCIA: [10:21:40](Interpretation)

21 Q. [10:21:40] Thank you very much for this clarification, Mr Witness. We are still
22 in private session. Do you have any further clarification to bring before we move
23 back into open session with regard to the militia against whom you fought.

24 A. [10:21:56] Okay. There is also the militia headed up by Diallo - I only know the
25 name Diallo - which was an operation in the Gao area. The name -- the surname is

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1 Diallo. And this militia is made up of Peulh from Niger and Mali and Songhai.

2 Q. [10:22:24] For the transcript, Mr Witness, in order to confirm with you, it is spelt
3 Diallo, D-I-A-L-L-O, and please correct me if I'm wrong.

4 A. [10:22:35] That is correct.

5 Q. [10:22:38] So, Mr Witness, you answered my questions. We're going to go back into
6 open session now. And will you be able to answer as to dates or approximate dates
7 at which you were involved in this fighting without this being problematic for you?

8 A. [10:23:01] No, I think I would rather not give specific dates of fighting. It
9 would be better.

10 Q. [10:23:09] So, Mr Witness, I'm going to ask you to say in private session now,
11 and that will avoid any questions -- any problems later on.

12 So what were the dates at which you fought?

13 A. [10:23:24] Well, the militia attacked us initially at the location [REDACTED]
14 [REDACTED] and they
15 attacked us with the Malian army. So this was the Tuareg and Berabiche,
16 accompanied with the Malian army, which attacked us initially. We were based in
17 [REDACTED] area. I don't remember the specific date, but I suppose it
18 must have been in [REDACTED].

19 Q. [10:24:03] Very well, Mr Witness. Thank you. I'm going to ask the Chamber if
20 we can move back into open session. And please remember the advice that was
21 given to you and I will interrupt you if something comes up.

22 PRESIDING JUDGE MINDUA: [10:24:19](Interpretation) Courtroom officer, open
23 session, please.

24 THE INTERPRETER: [10:24:22] Message from the interpreters: The -- things need to
25 be slowed down. (Overlapping speakers)

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1 (Open session at 10.24 a.m.)

2 THE COURT OFFICER: (Overlapping speakers) We are back in open session

3 (Overlapping speakers).

4 THE INTERPRETER: [10:24:25] Overlapping speakers. And, far too speedy, with
5 great detail.

6 PRESIDING JUDGE MINDUA: [10:24:34](Interpretation) Thank you very much.

7 Mr Prosecutor.

8 MR GARCIA: [10:24:39](Interpretation)

9 Q. [10:24:40] So, Mr Witness, we're going to continue in the same vein. I'm going
10 to change subject matter somewhat, but you said that you were part of the MNLA in
11 the year 2012 and I would like for you to talk to us about the details -- well, you
12 mentioned the crisis of course. What happened in Timbuktu, specifically in 2012?
13 That is my question to you. Of course, I am asking you about what you heard when
14 you were in the MNLA, if that is the case at all.

15 A. [10:25:25] Well, before answering that question, could I please withdraw to
16 relieve myself?

17 PRESIDING JUDGE MINDUA: [10:25:39](Interpretation) Yes, of course, Mr Witness.

18 You are authorised to leave the room for a few moments.

19 (Pause in proceedings)

20 PRESIDING JUDGE MINDUA: [10:28:12](Interpretation) There we are,

21 Mr Prosecutor. The witness is back.

22 MR GARCIA: [10:28:18](Interpretation)

23 Q. [10:28:21] So, Mr Witness, I'm just going to repeat what I said before. As to
24 what you heard, or what you saw even, during the crisis of 2012, I am asking you for
25 your knowledge as regards the individuals who were members of the MNLA at the

1 time. So take your time, speak slowly, please slow down somewhat. I know that
2 it's the beginning of your examination-in-chief and I speak quite fast, but please make
3 an effort to slow down.

4 A. [10:29:04] All right. In 2012, with the pressure that was being exerted by the
5 MNLA, there was also the pressure exerted by Ansar Dine headed up by Iyad Ag
6 Ghaly, and in the face of this pressure and force, the Malian army was not able to
7 withstand and hold on to those three regions because in addition to this military
8 pressure, there were also political problems in Bamako.

9 So in addition to the problems of the north, there were the political problems that
10 were added to the mix. There was the attack upon Aguelhok, the murderous attack
11 upon Aguelhok, and the discontent of the population that put the power of Bamako
12 in a tight spot. And, in the face of this situation, the Malian army was morally
13 quashed. There was a military strength that they found themselves up against that
14 they were not used to, and the three northern regions were taken over at the same
15 time.

16 In reality also, what really facilitated the taking of those three regions was the
17 demoralisation or the drop in morale of the army. The resistance was not that great
18 and the taking of these three regions was really quite easy and it had been well
19 planned by the officers of the MNLA.

20 So I believe that when those three regions of the north were taken, including
21 Timbuktu, of course, when we heard speak of those first shots that were fired, they
22 were fired even before the MNLA entered the town.

23 But before those first shots were fired, we knew that the MNLA had already given an
24 ultimatum, which it usually did before taking towns or cities. * The MNLA always
25 gives the army an ultimatum to leave the area, and were this ultimatum is not

1 respected, the MNLA has to return and attack.

2 So before the end of the said ultimatum, there was gunshot in Timbuktu between the
3 Malian army and a pro-Arab -- pro-governmental Arab militia present in Timbuktu.
4 So it was the Arabs who launched those initial hostilities before the entry of the
5 MNLA.

6 Q. [10:32:26] Just a moment, Mr Witness. Just a moment. We'll just take a mini
7 break.

8 Now you mentioned an Arabic, or an Arab pro-government militia. Which militia
9 was that? Can you give us more details.

10 A. [10:32:51] There was an Arab pro-government militia in Timbuktu, led by Arab
11 officers who belonged to the Malian army. But I have no further details than that.

12 Q. [10:33:04] Do you know the name of that particular pro-government militia?

13 A. [10:33:11] No. At that time, I didn't know the name of the leader of that militia,
14 but I did know about the existence of that militia.

15 Q. [10:33:25] Well, let's go on. You were explaining to us what happened. Please
16 continue, but take your time and slowly, please.

17 A. [10:33:35] Very well. I was saying that the initial hostilities began -- were
18 begun by the Berabiche, already based in Timbuktu, already armed and equipped for
19 the most part by Mali -- by the Malian army. They began the hostilities because they
20 knew full well that everything was lost in advance. And, as people say, if you see
21 your house being looted, you must be one of the looters.

22 * They knew that the Malian army was about to withdraw; so why not be the first to
23 loot? So they engaged in the first hostilities knowing that nothing more could be
24 done, the army was about to withdraw anyway, so they mustn't lose on all fronts.
25 Since they were local, they could not join: the Malian army in their departure; so it

1 was better to take up a good position before the arrival of the armed movements.

2 So it was a strategic change. It was a matter of survival, really. * So they attacked
3 first, and it was after they had engaged in hostilities that we learned that the army
4 had withdrawn and that the MNLA was at the doorstep of Timbuktu, but had not
5 quite entered the city because Ansar Dine was already there..

6 So it was a complicated state of affairs and I really can't tell you exactly how events
7 unfolded. But I do know that Ansar Dine came in at that period before the MNLA.
8 They entered the city. So there was a lot of clashes between Ansar Dine and the
9 MNLA to gain control of the city.

10 Q. [10:35:46] Just so that we understood properly, if you can help us, please, Mr
11 Witness. You told us that the MNLA came to Timbuktu but didn't actually enter the
12 city. Could you explain in greater detail what happened. What did the MNLA do
13 exactly under the circumstances? Take your time.

14 A. [10:36:23] Well, in the information that I've been giving you but things I didn't
15 see myself - because I was not part of the battalion that was on the outskirts of
16 Timbuktu at the time - but judging from the information I heard, the MNLA did not
17 actually enter the city, but they remained in the outlying neighbourhoods of
18 Timbuktu.

19 * Ansar Dine and the other militias were already there. So for the MNLA entering
20 Timbuktu would be the same as engaging in hostilities with the pro-government
21 militias, who had possibly already taken up positions, and also against Ansar Dine,
22 because there was no conflict between Ansar Dine and the MNLA at the time. The
23 MNLA knew full well that they could not fight Ansar Dine as well. The conflict was
24 over, but they realised they could not begin hostilities against Ansar Dine.

25 Q. [10:37:40] You told us the MNLA remained in the neighbourhoods on the

1 outskirts of Timbuktu. Were they anywhere else, either inside or outside the city of
2 Timbuktu itself?

3 A. [10:37:56] I know ultimately the MNLA decided to establish its garrison, so to
4 speak, at the airport.

5 Q. [10:38:11] Do you know why they decided to stay at the airport and not
6 somewhere else, according to your sources of information?

7 A. [10:38:20] According to my sources, airports are always strategic places,
8 throughout the entire world. And the road between Timbuktu and Koréomé ville
9 where you have the river, the airport is on the road between Timbuktu and Koréomé.
10 Koréomé is the place where you cross the ... *bac*.

11 Q. [10:38:54] Could you spell that out for us, Koréomé, please, for the transcript?

12 A. [10:39:02] K-O-R-A-O-M-A (sic), Koréomé.

13 So I was saying that the airport is on the road between Timbuktu and Koréomé.

14 Koréomé is along the river, and that's also the place where you have the ferry boat.

15 * That's where the ferry boat crosses, takes vehicles across to Gourma, the other side.

16 For the right side of the Niger river, the vehicles go to Douentza to take national road
17 16 to go to Bamako. So that makes the airport a strategic location.

18 What is more, Kabara village is in that area too, and the road between Timbuktu and
19 Kabara. And, at Kabara, there's also the largest supply of fuel that had been left
20 behind by the Malian army, a very large supply depot of fuel, also seized by the
21 MNLA and also beside the airport.

22 Q. [10:40:21] Thank you, Mr Witness, for that detailed information.

23 Now another question. You mentioned that you were not part of the battalion in
24 question. Could you tell us, in approximate terms, how many people made
25 up -- how many men made up that particular battalion that was in the -- that area,

1 that part of Timbuktu, according to your sources of information at the time.

2 A. [10:41:08] I don't remember receiving any information about the actual number
3 of members or men who made up the battalion.

4 Q. [10:41:23] Could you tell us anything at all about the size of the battalion?

5 A. [10:41:30] The size?

6 Q. [10:41:36] The number of combatants? The number of men in that battalion?

7 A. [10:41:42] No, I can't give you the exact number, but I knew there were many.
8 It was the battalion that intervened throughout the entire region of Timbuktu. I
9 would say hundreds, hundreds of combatants. I can't give you an exact number
10 though. I can only give you an estimate, and estimates are not the best thing to
11 determine the truth by.

12 Q. [10:42:22] Thank you -- thank you for being so careful with your responses, we
13 very much appreciate that.

14 We'll just go on to something else.

15 Now, you were talking about the positions taken up by the MNLA in relation to the
16 city of Timbuktu itself. Could you tell us more? Did you have information at that
17 time as to whether the MNLA -- you mentioned the MNLA, you mentioned
18 Ansar Dine, could you tell us about Ansar Dine? According to your information,
19 what happened? How did they find themselves in the town -- or, rather, in the city
20 of Timbuktu?

21 A. [10:43:10] I don't know exactly how and when they entered the city, but I do
22 know that they came with a large military force. And I remember a parade, a sort of
23 a propaganda parade in Timbuktu with armed vehicles, heavy weaponry, just to
24 show that: Here we are. We are strong. We are the ones who are going to ...
25 Watch out anyone who tries to take control of Timbuktu.

1 They were very strong, very powerful, but I can't tell you exactly when they came to
2 Timbuktu.

3 Q. [10:44:01] Now in terms of weaponry, what can you tell us about the weapons
4 that Ansar Dine had at that time?

5 A. [10:44:10] At that time, Ansar Dine had all the weapons that you would imagine
6 a military force. As you know, Ansar Dine was well armed already. They had
7 great resources. I don't know where the resources came from.

8 But what is more, it's important to realise that Ansar Dine also had taken part in the
9 looting of Tessalit camp - Amachach is the other name of it - and, there, they had
10 taken control of that place at the same time as the MNLA. And we all know that that
11 particular camp had all kinds of weaponry, large amounts of weaponry, a lot of
12 ammunition as well that could help someone fight the entire year. So it really was
13 the jackpot for the MNLA and for Ansar Dine.

14 And that camp was a large, large camp. It was like Ali Baba. There was many
15 weapons, a great deal of ammunition, and that certainly helped with the supplies of
16 Ansar Dine. There was also the Aguelhok attack that allowed them to gain strength.
17 The Kidal attack, the Gao attack, during all those attacks they got more and more
18 arms. So I think we can say that Ansar Dine had all kinds of weaponry.

19 Everything you could imagine. And also the weapons that had come from Libya
20 because people from Libya had come from there and joined Ansar Dine. People who
21 had left Mohamed Ag Najim, for example, to join the MNLA. Then later, others
22 joined with their weapons. They too joined Ansar Dine.

23 * So it can be said that Ansar Dine had all kind of different calibre weapons at that
24 time: from 7.62 calibre AK-47s to BM-170s.

25 Q. [10:46:42] You mentioned BM-21, what are those exactly?

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1 A. [10:46:50] The BM-21s are the largest calibre weapons that existed at the time.
2 They were the biggest ones. They were large guns transported by truck. They were
3 the largest launchers of shells that you could transfer by -- by truck. BM-21. I
4 can -- I'm not a specialist, I can't give you all the technical specs.

5 Q. [10:47:28] Obviously, but that explanation is enough for now.
6 You also mentioned AK-47s and 700 something. Could you tell us more about those
7 other weapons? You were a little quick on the draw.

8 A. [10:47:42] I was saying that Ansar Dine had all the different calibres, beginning
9 with the AK-47s, then the BM-21s, who are at the top of the pyramid, so to speak. So
10 first you have the AK-47s, that's one -- lower, smaller calibre. Then, the 12.7s, the
11 14.5s, the BM-21s and so on and so forth.

12 Q. [10:48:23] That's fine. I understand that you're telling us that there were
13 different calibres. Now before we continue, I'm asking you these questions to take
14 advantage of your knowledge.
15 Now just for the record, where did this information come from about the troop levels
16 and that sort of thing? Where did you get that information from, the Ansar Dine
17 troop levels?

18 A. [10:48:56] I didn't have specific information about troop levels for the MNLA
19 or Ansar Dine, but I just knew that our battalion where we were in 2012, there was
20 more than 400 at the beginning, but that number changed over time. There were
21 some people who left, but Ansar Dine, I know that they grew larger day by day.
22 They gained men day by day. They gained power, and, as they gained power, the
23 number -- the troop levels increased as well.

24 What I can tell you today as for the number, well, either just -- this is just what people
25 were saying at the time we were in the middle of the action. We got information,

1 whether it was well-founded or not. There could have been imperfect information,
2 but -- but these are things that people would tell one another. We were in the heat of
3 the action, right on the spot. Right there.

4 Q. [10:50:22] Just for clarity, "we met one another", you're talking about
5 other -- you're talking about yourself and other MNLA members?

6 A. [10:50:31] Yes, this is what we told one another during conversations amongst
7 soldiers, between soldiers and officers. We did have a social life, so to speak, within
8 the group.

9 Q. [10:50:48] Yes, Mr Witness. Now just for us to understand the situation at the
10 time, you mentioned the events that occurred. You mentioned the Berabiche militia.
11 You talked about the various positions taken up by the MNLA combatants. Who
12 was in the city? You may have said it already indirectly, but exactly, who controlled
13 the city of Timbuktu itself?

14 A. [10:51:23] The city of Timbuktu itself, after it was conquered, it was controlled
15 fundamentally by Ansar Dine. But there -- at first, initially, there was a bit of an
16 agreement, albeit fragile, between the MNLA and Ansar Dine so MNLA men could
17 enter the city with their weapons, although they were still based at the airport.
18 After a while, the dealings between the two groups became more difficult. There
19 was more and more tension and we knew the situation couldn't really continue. So
20 gradually tensions increased until the MNLA men could no longer enter Timbuktu
21 with their weapons. But at first, Ansar Dine said that those men from the MNLA
22 could enter the city, but someone -- if someone had a weapon from another
23 movement, they could not enter.
24 So that decision occurred after an incident between the MNLA and Ansar Dine,
25 between two vehicles.

1 * Someone from Ansar Dine shot an MNLA soldier.

2 MR GARCIA: [10:52:55](Interpretation)

3 Q. [10:52:56] Please just a pause, a pause.

4 We'll just let the transcribers catch up, if you will allow me that expression.

5 Now, could you tell us about -- in open session, tell us about this clash or this incident

6 that occurred that led to a change in the situation and that MNLA men were no

7 longer allowed in the city with their weapons?

8 A. [10:53:32] I learned -- I didn't actually see it myself, but I learned -- I did not see

9 it, but my version may not be correct. But the version that I heard, and, this was by

10 word of mouth, the version from the MNLA soldiers that I received from MNLA

11 people -- so this is from the MNLA, some members, led by an officer by the name of

12 Ag --

13 THE INTERPRETER: [10:54:08] Inaudible.

14 THE WITNESS: [10:54:10](Interpretation) From Timbuktu, Ag Minini.

15 MR GARCIA: [10:54:16](Interpretation)

16 Q. [10:54:17] Could you spell out that name for the case record.

17 A. [10:54:22] Ag Minini.

18 Q. [10:54:30] All right. Line 27, M-I-N-I-N- --

19 THE INTERPRETER: [10:54:36] Overlapping. Too (Overlapping speakers)

20 MR GARCIA: [10:54:38](Interpretation)

21 Q. [10:54:41] Very well. Continue.

22 A. [10:54:46] So they were going through the city and they came across an

23 Ansar Dine group. Some witnesses mentioned a patrol led by Abou Talha. I don't

24 know -- I no longer exactly recall what the source or the -- the cause of the

25 misunderstanding was, but there was a misunderstanding. Words were exchanged.

1 And then -- it had something to do with flags and Ansar Dine was telling MNLA
2 couldn't -- could not raise their flags in the city.

3 And the exchanges became stormy. And someone from Ansar Dine hit someone
4 from the other group and then shots were fired at the officer. So he was grazed by
5 a bullet, but he was not killed. It was not a fatal shot. He was taken off and
6 received medical care.

7 Q. [10:56:12] Thank you for pausing. Now, Mr Witness, do you remember more
8 or less when that happened? Which month of 2012? When did that incident occur?

9 A. [10:56:25] I don't remember exactly. I'm not so sure. I can't tell you for sure,
10 but I do think it would have been in April. It must have been in April.

11 Q. [10:56:51] Very well. Thank you for specifying that point. I just wanted to
12 make sure it's quite clear.

13 Now after this incident - correct me if I'm wrong - the members of the MNLA could
14 go into the city of Timbuktu but without weapons, is that correct?

15 A. [10:57:11] After that incident -- that incident was the -- the straw that broke the
16 camel's back. After that incident, Ansar Dine told the MNLA not to enter the city
17 with their weapons.

18 Q. [10:57:32] Now if you know, was there -- this incident having to do with flags,
19 what happened there?

20 * A. [10:57:43] No. The MNLA were not allowed their flags or weapons, or any
21 such signs within Timbuktu. so the MNLA limited itself to the area between the
22 airport and the entrance to Timbuktu.

23 Q. [10:58:01] Mr Witness, if you can tell us more about this. Was there a sort of
24 a checkpoint, a spot where you had to go through to actually enter the city where
25 papers were checked, that sort of thing?

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1 A. [10:58:20] Yes, there was a checkpoint -- an Ansar Dine checkpoint at the exit
2 away from the city leading towards the airport.

3 Q. [10:58:32] What was the purpose of that checkpoint that was there?

4 A. [10:58:46] It was used to check everyone going in or leaving the city. I suppose
5 it wasn't just to check the MNLA. It was also like any army that's occupying a place.
6 You have to carefully check people going in the city and leaving the city.

7 Q. [10:59:14] Thank you.

8 MR GARCIA: [10:59:16](Interpretation) Your Honours, I believe that we have barely
9 one minute left.

10 PRESIDING JUDGE MINDUA: [10:59:23](Interpretation) Correct. We have one
11 minute left and I think we can take our break now for half an hour and resume at
12 11.30.

13 The hearing is suspended.

14 THE COURT USHER: [10:59:38] All rise.

15 (Recess taken at 10.59 a.m.)

16 (Upon resuming in open session at 11.32 a.m.)

17 THE COURT USHER: [11:32:41] All rise.

18 Please be seated.

19 PRESIDING JUDGE MINDUA: [11:32:58](Interpretation) Court is in session once
20 again.

21 So, we need to wait for the witness to return because I believe he is not yet there.

22 (The witness enters the video-link room)

23 PRESIDING JUDGE MINDUA: [11:33:26](Interpretation) Hello, again, Mr Witness.
24 Can you hear me?

25 THE WITNESS: [11:33:36](Interpretation) Yes. Hello. I can hear you.

1 PRESIDING JUDGE MINDUA: [11:33:40](Interpretation) Very well. We shall
2 continue.

3 THE WITNESS: [11:33:45](Interpretation) I can hear you, but I can't see you. Ah,
4 here we are. Yes, I can see you now.

5 PRESIDING JUDGE MINDUA: [11:33:51](Interpretation) Very well. Thank you very
6 much. We shall continue with your testimony.

7 Over to the Office of the Prosecutor.

8 MR GARCIA: [11:33:57](Interpretation) Thank you very much, Mr President,
9 your Honours.

10 Q. [11:34:04] Good morning, again, Mr Witness.

11 A. [11:34:07] Good morning.

12 Q. [11:34:10] So we shall continue where we left off. I simply have a number of
13 questions to wrap up your testimony on this matter. You talked about the positions
14 of the MNLA before we took the break. Now, can you tell us, when and whether the
15 MNLA remained at those positions or whether it left them at a given moment in time?

16 A. [11:34:44] The MNLA was obliged to leave those positions at the end of the
17 month of June, if my memory serves me correctly.

18 Q. [11:34:56] So we're still talking about the end of June 2012, is that correct?

19 A. [11:35:05] Yes, that is correct.

20 Q. [11:35:08] So on the basis of the information that you received, can you explain
21 to the Chamber why the MNLA left those positions at the end of June 2012, please.

22 A. [11:35:27] Very well. As I said previously, Ansar Dine had reinforced its
23 capacity increasingly throughout 2012 in the regions of the north. And, it was
24 reinforcing its positions increasingly to the detriment of the MNLA, which saw itself
25 diminished on a daily basis because people were defecting to the Ansar Dine on

1 a daily basis.

2 People always go to the side of the stronger party and because Ansar Dine was
3 stronger in Timbuktu, people started to defect to Ansar Dine for various reasons.
4 So the MNLA was becoming increasingly feeble and diminished in Timbuktu. And,
5 to this, was the added threat of the attack upon the MNLA. Ansar Dine was putting
6 pressure upon the MNLA to join Ansar Dine or to hand over its weapons. * So the
7 MNLA officer who was there had to change location, to move slightly more towards
8 the west, towards the border with Mauritania, Léré to be precise. He went towards
9 Léré and Gargondo.

10 I don't know where they camped first in that area, but I know that even when they
11 went there, Ansar Dine continued to threaten them, saying that if they did not join
12 Ansar Dine, they just needed to hand over their weapons or endure an attack.

13 * So, as a result, the MNLA, with the small number of troops that remained, the
14 "small number" of human resources and logistics that remained, the officer was
15 forced to make the choice of surrendering his weapons to Mauritania rather than
16 joining Ansar Dine and giving them the weapons.

17 Q. [11:37:57] Very well, Mr Witness. In your testimony you stated - I just want
18 a clarification on a point - you say the people generally side with the stronger party back in
19 my country. Could you please explain to the Court what you mean by this?

20 A. [11:38:18] Very well. Well, what I meant to say by that is that during a time of
21 crisis, as in this very situation, it was the law of the jungle, if you like. And with the
22 aim of surviving and resisting the crisis, people often take a position and side with the
23 stronger party because you need to protect yourself. It's not really on the basis of
24 ideology that you chose a specific group, but it's on the basis of your interests. If, for
25 example, we know that for MNLA, Ansar Dine was the enemy. The enemy of

1 Ansar Dine at the time was the MNLA. The MNLA was no longer able to withstand
2 the force of Ansar Dine, and, in order not to be downtrodden or harmed, many
3 people chose to join Ansar Dine; that could then protect them and enable them to stay
4 home in their country, rather than seeking exile abroad. * That is why many people
5 had to change sides and what led to the MNLA becoming increasingly weakened in
6 Timbuktu. And above all, the fact that the strongest, most armed branch of the MNLA
7 was not in Timbuktu but in the region of Kidal and Gao.

8 Q. [11:39:58] Now, for things to be clear for the record, Mr Witness, when you say
9 "we", when you say "we", people did this and people did that and you mention "we",
10 are you referring to those members of the MNLA, or are you referring to people of
11 your community, or both?

12 A. [11:40:18] When I use the indefinite pronoun "we" or "one", I am referring to
13 many individuals who were within the MNLA and I'm also referring to the
14 community that was present there. There are many communities who had not yet
15 sought exile elsewhere, but who subsequently chose to join Ansar Dine. Even if they
16 weren't with MNLA at the outset, they chose to join Ansar Dine rather than the
17 MNLA because they thought that Ansar Dine would give them more protection than
18 the MNLA.

19 Q. [11:41:01] And just to wrap up with this line of questioning, when you talk
20 about communities there, I suppose you're talking about Timbuktu, are you not? Or
21 what community are we speaking about? Please correct me if I'm wrong.

22 A. [11:41:20] When I talk about community or communities, I'm talking about all
23 communities there in Timbuktu: Songhai, Arabs, all of Tamasheq -- Tuaregs, all of the
24 Arabs who were living -- all the communities who were living in Timbuktu at the
25 time.

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1 Q. [11:41:40] Very well. When the MNLA left that location, where did they go
2 specifically?

3 A. [11:41:48] When the MNLA left, they went to the west of Timbuktu. They initially
4 set up camp somewhere to the west. I don't know whether it's Léré or Gargando.

5 Q. [11:42:09] I raised my hand. Thank you for noticing. Did you say Léré or
6 Gargando, G-A-R-G-A-N-D-O. Is that correct?

7 A. [11:42:17] Yes, that is correct. Towards Gargando and Léré. I know that they
8 camped in Léré. I don't know whether they went via Gargando or not. The
9 commander-in-chief, the head of the MNLA at the time, had many weapons and he
10 had fewer and fewer soldiers, but lots of weapons with no one to handle them. There
11 was a great deal of threats coming from Ansar Dine and he resisted as best he could,
12 but luckily he understood that he could not face up to the strength of Ansar Dine.

13 Q. [11:43:00] What did he do?

14 A. [11:43:10] From what I heard, he went to Mauritania because he was in contact
15 with the head of staff of the MNLA who told him to leave because he could not resist.
16 He did not have enough soldiers to fight against the Ansar Dine, and he was running
17 the risk of the few men that remained being sacrificed. So he was told to take the
18 weapons to the border with Mauritania in order to save their weapons and for
19 Ansar Dine not to take possession of said weapons.

20 Q. [11:43:49] Unless you've already given us his name, what was the name of this
21 commander-in-chief?

22 A. [11:43:57] Well, with your leave, I would rather not --

23 MR GARCIA: [11:44:04](Interpretation) Mr President, could we move into private
24 session for a few moments, please.

25 PRESIDING JUDGE MINDUA: [11:44:10](Interpretation) Mr Courtroom Officer,

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1 private session, please.

2 (Private session at 11.44 a.m.)

3 THE COURT OFFICER: [11:44:21] We are in private session, Mr President.

4 PRESIDING JUDGE MINDUA: [11:44:25](Interpretation) Thank you very much.

5 Mr Prosecutor.

6 MR GARCIA: [11:44:29](Interpretation)

7 Q. [11:44:31] Mr Witness, I asked for permission to move into private session and
8 this is an exceptional basis when circumstances justify.

9 Do you have an issue with answering this question as to the identity of the
10 commander-in-chief whom you just mentioned?

11 A. [11:44:49] Yes, I didn't want to give his name [REDACTED]

12 [REDACTED]

13 Q. [11:45:08] [REDACTED]

14 A. [11:45:13] [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 Q. [11:45:57] Thank you, Mr Witness.

18 I will request of the Chamber, Mr President, that we move back into open session.

19 PRESIDING JUDGE MINDUA: [11:46:04](Interpretation) Mr Courtroom Officer,
20 open session, please.

21 (Open session at 11.46 a.m.)

22 THE COURT OFFICER: [11:46:11] We are back in open session, Mr President.

23 PRESIDING JUDGE MINDUA: [11:46:18](Interpretation) Thank you very much,
24 Mr Courtroom Officer.

25 Mr Prosecutor.

1 MR GARCIA: [11:46:23](Interpretation)

2 Q. [11:46:24] Mr Witness, last question in this line of questioning, just for it to be
3 clear on the record. At that moment in time when the MNLA left from the area of
4 Timbuktu, were there any MNLA troops or soldiers remaining in the north of Mali?
5 And if so, where?

6 A. [11:46:47] Yes, the MNLA was present and in quite a powerful way. It was
7 stronger than Ansar Dine because Ansar Dine was not only Ansar Dine. There was
8 an entire coalition -- MUJAO et cetera, and all the terrorist armed groups who were
9 occupying the area. All of those groups were up against the MNLA, which was in
10 Gao.

11 Subsequently, the MNLA then left Gao, went to Kidal, and some remained in some of
12 the area of Gao and in some of the Gourma area as well.

13 Q. [11:47:36] Do you know why the MNLA left Gao?

14 A. [11:47:49] It was subsequent to the offensive led by the MUJAO, Ansar Dine and
15 Boko Haram against the MNLA in Gao. Then the MNLA left Gao.

16 Q. [11:48:09] I shall put the same question to you as to the departure of the MNLA
17 from Kidal. Why did they leave Kidal?

18 A. [11:48:18] The MNLA never left Kidal. As far as I know, I have no information
19 to the effect that the MNLA left Kidal. * And even with regard to Gao, the MNLA left
20 the regional capital of Gao, but remained within the Gao region.

21 Q. [11:48:48] I am sorry. I was the one who misunderstood. Thank you for those
22 answers.

23 MR GARCIA: [11:48:54](Interpretation) Mr President, I now need to go back into
24 private session for a specific line of question that is very identifying in nature for
25 approximately 20 minutes, maximum 20 minutes. I shall try to go straight to the

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1 point and put as few questions as possible for us not to remain in private session for
2 the remainder of the session.

3 PRESIDING JUDGE MINDUA: [11:49:20](Interpretation) Mr Courtroom Officer,
4 private session, please.
5 (Private session at 11.49 a.m.)

6 THE COURT OFFICER: [11:49:25] We are in private session, Mr President.

7 PRESIDING JUDGE MINDUA: [11:49:36](Interpretation) Thank you very much,
8 Mr Courtroom Officer.
9 Mr Prosecutor.

10 MR GARCIA: [11:49:41](Interpretation) Thank you very much, Mr President,
11 your Honours.

12 Q. [11:49:44] Now, Mr Witness, you will have noticed that we are in private session
13 now for a line of questioning that I shall put to you, after which we shall return to
14 open session. Now I'm going to be putting very specific questions to you and I'd like
15 for you to be specific in your answers as you have been, in fact, up till now.

16 Now, whilst you were a member of the MNLA in 2012, did you move around? Did
17 you travel to Timbuktu or around Timbuktu?

18 A. [11:50:18] Yes, if my memory serves me correctly, I did travel twice to
19 Timbuktu.

20 Q. [11:50:28] Could you tell us in approximate terms at what date or in what month
21 you went -- or months you went to Timbuktu on those two occasions?

22 A. [11:50:41] The first occasion was [REDACTED] and the second occasion was [REDACTED]

23 Q. [11:50:50] Now, Mr Witness, just to guide you and to guide the Chamber as
24 regards the events of your first journey to Timbuktu, I'm going to do this in private
25 session as I have requested of the Chamber. But as concerns your second journey,

1 I'm going to ask that -- the Chamber, if we can talk about this in open session. Is that
2 all right with you?

3 Whatever the case may be, do not worry. I shall be guiding you with my questions
4 and when the time comes, I shall explain to the Chamber if we need to -- if and when
5 we need to return to open session.

6 Now, with regard to this first journey to Timbuktu in 2012, can you please tell us why
7 you made that journey?

8 A. [11:51:44] On that first occasion, I was [REDACTED] with an MNLA unit, which
9 had come [REDACTED]

10 [REDACTED].

11 Q. [11:52:13] So you are speaking of [REDACTED] here. Was it official in nature or
12 not?

13 A. [11:52:28] This was [REDACTED] that was entrusted in us. It was official in nature.

14 Q. [11:52:40] Very well. And you say that [REDACTED] was official. And who
15 entrusted said [REDACTED] in you?

16 A. [11:52:54] At the time, we had been seconded. We had a chief, but as to where
17 the orders had come from, at what level of the hierarchy, I do not know. We were
18 told that there was [REDACTED]

19 [REDACTED]. And as soldiers, it was not our place to ask where
20 the orders had come from and how.

21 Q. [11:53:32] I do understand you, Mr Witness. Now, before continuing, you
22 talked about your hierarchical chief. Can you tell us his name?

23 A. [11:53:45] Are we still in private session?

24 Q. [11:53:47] I am sorry, Mr Witness. Yes, we are still in private session. We
25 shall move into open at one stage, but the Chamber and myself will remind you.

1 A. [11:53:59] Our hierarchical chief was -- I'm sorry. How can one forget the name
2 of one's chief? It was ... Oh dear, what's going on? To forget somebody one
3 knows so well. It was [REDACTED]

4 Q. [11:54:34] Could you please take the time and spell it to us.

5 A. [11:54:38] [REDACTED] spelt as one hears it.

6 [REDACTED]. Name in full: [REDACTED]

7 Q. [11:55:08] Thank you very much for this clarification.

8 You told us that [REDACTED]. Can you please tell us
9 [REDACTED]? And take a few seconds before answering us, Mr Witness.

10 A. [11:55:30] It was [REDACTED]

11 Q. [11:55:38] Please explain to us what the plan was? [REDACTED]

12 [REDACTED]
13 [REDACTED]

14 A. [11:55:57] Initially, [REDACTED].

15 * We even crossed the border, but we left our weapons at the border. We crossed the
16 border [REDACTED]. Afterwards, we came back [REDACTED] and
17 [REDACTED] then we went back to Timbuktu [REDACTED]
18 Timbuktu.

19 Q. [11:56:26] Just a few points of clarification, then I'll let you continue. You said
20 that you crossed the border [REDACTED]
21 [REDACTED]?

22 A. [11:56:45] Yes, indeed. We initially went to make sure [REDACTED]
23 [REDACTED] because they did not know the area well. We had to leave our
24 weapons [REDACTED]

25 [REDACTED]

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[REDACTED]

[REDACTED] where they spent a few days. I

don't remember how many now. [REDACTED]. We

went to [REDACTED] Timbuktu, [REDACTED] we went

to Timbuktu.

THE INTERPRETER: [11:57:45] [REDACTED]

MR GARCIA: (Interpretation)

Q. [11:57:46] We're going to observe a pause here.

Now [REDACTED] Mr Witness, how many people were [REDACTED]

[REDACTED]?

A. [11:57:59] There were [REDACTED].

Q. [11:58:07] Very well. Do you recall who [REDACTED]

[REDACTED]

* A. [11:58:21] Yes, I do remember [REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] I don't know whether it was [REDACTED]

[REDACTED]

Q. [11:59:20] Now, do you remember what [REDACTED]

[REDACTED]

A. [11:59:33] Well, I know that [REDACTED] He

was the one [REDACTED]

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4 Q. [12:00:11] Were you able to

5

6 A. [12:00:19]

7 the radicals in the -- or extremists in the area of Kidal in

8 2011.

9 * Q. [12:00:46]

10 A. [12:00:53]

11 Q. [12:01:04] Very well. Now, if I've understood correctly,

12

13 you stopped in Timbuktu.

14 A. [12:01:30] Yes, exactly. to Timbuktu. To

15

16 Q. [12:01:40] You also mentioned . These were places that

17 you stopped

18 A. [12:02:03] Yes, exactly.

19 Q. [12:02:05]

20 how many were you amongst your team?

21 A. [12:02:17] I don't remember the exact number.

22

23 Q. [12:02:26] Was there a leader? Was someone team leader?

24 * A. [12:02:33] Yes it was it was

25 who was the leader, he was the one that led the team.

1 Q. [12:02:48] Now just for us to properly understand this group of people that you
2 were part of, [REDACTED]

3 [REDACTED]? How did it work?

4 A. [12:03:04] [REDACTED] It was -- it was
5 a closed vehicle. [REDACTED] well, I don't truly remember what kind of car
6 it was exactly.

7 Q. [12:03:25] So there [REDACTED] in all, is that correct?

8 A. [12:03:30] If I remember correctly, there must have been [REDACTED] if I recall
9 correctly. [REDACTED]

10 [REDACTED] as well. We would arrive, there would be an

11 MNLA post, [REDACTED]

12 [REDACTED].

13 Q. [12:04:03] Thank you. Before I go any further in your account, could you tell us
14 whether [REDACTED] were you also
15 supposed [REDACTED]?

16 A. [12:04:23] The initial -- I didn't know what the initial objective was, and, at first, I
17 didn't even know the main objective. I do know that we were in the vehicle and our
18 job was [REDACTED]. We didn't know in advance where we
19 were supposed to go. We only found out when we were about to leave. [REDACTED]

20 [REDACTED]

21 At one point, [REDACTED] I don't know if that was part of
22 the objective as well.

23 Q. [12:04:58] When you went to these various places [REDACTED] these
24 were places controlled by which particular group at the time?

25 * A. [12:05:09] Those places were occupied by the MNLA at the time. [REDACTED] was

1 occupied by the MNLA [REDACTED] was occupied by the MNLA and by the radical groups.

2 Q. [12:05:26] A question that might seem obvious to you, but were you armed
3 when you were doing this [REDACTED]?

4 A. [12:05:34] Of course, [REDACTED].

5 Q. [12:05:38] Tell us about your entry into Timbuktu. Where did you go exactly?

6 * A. [12:05:46] When we got to Timbuktu, we went directly to the airport where the
7 MNLA were based. [REDACTED] We were

8 [REDACTED] when we came [REDACTED]
9 directly [REDACTED] that were there, and we were found a place to
10 stay, [REDACTED]

11 [REDACTED] he came to see us and he left [REDACTED]

12 [REDACTED]. And I didn't ask too many questions [REDACTED]

13 [REDACTED] I tried to be as disciplined as possible. I was happy just
14 to comply with the orders.

15 Q. [12:06:56] Just to be specific, when you got to Timbuktu you went to the airport.
16 So you didn't go into the actual city itself?

17 A. [12:07:05] Oh, yes, yes, we did. We went through the city of Timbuktu itself,
18 yes.

19 If you don't mind, I've drunk too much water. May I ...

20 PRESIDING JUDGE MINDUA: [12:07:18](Interpretation) You are excused, Mr
21 Witness.

22 (Pause in proceedings)

23 PRESIDING JUDGE MINDUA: [12:09:10](Interpretation) Mr Prosecutor, the witness
24 is back, please go ahead.

25 MR GARCIA: [12:09:15](Interpretation)

1 Q. [12:09:17] Now, Mr Witness, you told us just a few moments ago that you went
2 through Timbuktu city itself. Can you explain the circumstances that led to
3 you -- your group going through Timbuktu city?

4 A. [12:09:32] When we got to the airport, [REDACTED]
5 [REDACTED] He had gone by this place where we were staying.

6 [REDACTED]. And initially, at that time, there was
7 quite a bit of tension between MNLA and the Ansar Dine. You could feel the tension.

8 [REDACTED]. I took my weapon and my cartridge belt and I went
9 into the town, and it was in that sam [REDACTED] * We left and went
10 to the entrance of Timbuktu. There was an [REDACTED] type
11 that was parked just at the entrance to the city, and when we got there, we stopped at
12 the Ansar Dine checkpoint. There was a man who met up with us there. He asked
13 us where we were going, where we were from. We told him that we had left the
14 MNLA and we had to go into the town.

15 He asked us for our identity. We gave them -- him our ID. We said which
16 community we were from because at that time, you see, the community that you
17 belonged to played a very important role. No matter what group you were from,
18 you were always asked what community you belonged to. And we gave the names
19 of the communities we were from, and he looked at us closely. He looked at the
20 weapons and he said, "Don't you know that you can't go in here with weapons? * The
21 MNLA do not enter the city with weapons."

22 We explained we were not from Timbuktu. We had just got there. We were not
23 seconded to Timbuktu. We had just arrived, and we wanted to go into the city. He
24 said, "Well, you are nice boys with lovely names and I can see you are from pious
25 origins. I'm very sorry to see you within this group, but all the same, you can go into

1 the city, but put your weapons underneath the seat. Don't let people see them."

2 Q. [12:12:10] Please just pause for a moment, Mr Witness, and I'll ask you some
3 follow-up questions and then we'll go on.

4 [REDACTED]
5 [REDACTED] who was this person? Was this person part of the MNLA?

6 What did the person do exactly?

7 A. [12:12:40] That person at that time [REDACTED] he was not
8 part of the armed group itself. He came [REDACTED] He

9 [REDACTED]
10 [REDACTED] he asked me to go along. I had the go-ahead, I was -- the
11 authorisation from my commander to do this.

12 Q. [12:13:12] Very well. Did you already know that person or was it the first time
13 you had ever met him [REDACTED]?

14 A. [12:13:20] I knew that person already.

15 Q. [12:13:24] Could you tell us how you came to know that person?

16 A. [12:13:29] I knew that person because we are from the same community and
17 from the same large family.

18 Q. [12:13:41] Well, we are now in private session, Mr Witness, so the same advice
19 applies. Only the people here in the courtroom can hear you and we are all bound to
20 respect confidentiality. Can you give us the name of this person who was with you,
21 who asked you to (Overlapping speakers)

22 A. [12:14:02] Even in my statement -- even in my initial statement, which I gave
23 with the representative, this is a person that I rather not mention [REDACTED]

24 [REDACTED] I appreciate -- I really admire
25 this person and I'd rather not say who the person is. * This person did not play such a

1 large role in all that. Truly, I would rather not give this person's name.

2 Q. [12:14:39] Well, I have read your statement, of course, I respect your choice.

3 Just -- just for the court record, so what is the reason -- I understand that this is

4 [REDACTED] why do you not want to give the name? What sort of

5 problems would that occur for you? Explain to us briefly, just so that there is no

6 under (Overlapping speakers)

7 A. [12:15:08] It's not that I'm afraid, but you see, this person [REDACTED]

8 [REDACTED] I give his name, I don't

9 know where that might take us to [REDACTED]

10 One never knows. [REDACTED]

11 [REDACTED] So truly, I would rather keep it to myself, particularly as the

12 subject I am speaking about does not concern him.

13 Q. [12:15:57] Very well, Mr Witness, duly noted. Now when this person, person

14 A, came to see you, was there a specific reason for him [REDACTED]

15 [REDACTED]

16 A. [12:16:19] Well, the way I understood it -- well, you see [REDACTED]

17 I understood, and, [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 Q. [12:16:48] Very well. I've understood that. [REDACTED] Yes, I

21 understand, [REDACTED]? Did he have a specific motive?

22 A. [12:17:02] [REDACTED] That was his aim.

23 [REDACTED]

24 Q. [12:17:18] Were you supposed to go to a specific place?

25 A. [12:17:22] Yes, he told me that we were going to go see Hassan who was in

1 Timbuktu.

2 Q. [12:17:31] You mention "Hassan," who is this person?

3 A. [12:17:38] Hassan Abou Aziz -- Hassan Ag Abdoul Aziz; [REDACTED]

4 [REDACTED]

5 [REDACTED] I had that information. He said to me, "Do you
6 know that Hassan is in Timbuktu now?" And I said, "No, I didn't know that."

7 So at that time, he wanted to go see Hassan in Timbuktu so that Hassan in turn would
8 help him [REDACTED] Hassan knew him.

9 Q. [12:18:28] You said that Hassan [REDACTED]

10 [REDACTED]?

11 A. [12:18:37] [REDACTED]

12 [REDACTED] n

13 [REDACTED].

14 Q. [12:19:06] Very well. So how long have you known this Hassan for?

15 A. [12:19:13] Hassan, I've known about him for a very long time, but I saw him for
16 the first time in 2003 or 2004 in Timbuktu.

17 Q. [12:19:36] Under what circumstances?

18 A. [12:19:39] [REDACTED] when I went

19 back for vacation, I went to spend my vacation with my grandfather in Timbuktu and
20 Hassan was there.

21 THE INTERPRETER: [12:19:57] Correction: Spent my vacation with my elder
22 brother.

23 MR GARCIA: [12:20:02](Interpretation)

24 Q. [12:20:03] Did you meet him before then or after then?

25 A. [12:20:06] Before, no. But afterwards, after 2003, 2004 -- because I didn't stay in

1 Timbuktu for a long time. After 2002, 2003 I met him another time. I don't
2 remember if it was 2009 or 2010, once again, in Timbuktu.

3 Q. [12:20:28] Well, you say that you met him. Did you speak with him? Did you
4 have a discussion with him?

5 A. [12:20:35] Yes, we talked to one another. The last time it wasn't -- well, it was
6 just a meeting. We had ran into each other at relatives. And I was not living in
7 Timbuktu; I was just visiting Timbuktu and our paths crossed. He was living in
8 Zarho back then. He was living there in Zarho.

9 Q. [12:21:07] Very well. Now at the checkpoint there was a conversation with the
10 people who were there. Who exactly was at the checkpoint?

11 * A. [12:21:16] I didn't know the man who was at the checkpoint. He was not the
12 only one. The man who came up to us was a huge man, very tall, very yellowish in
13 colour, very light-skinned, quite tall in stature. He came up to us, he asked us our
14 names. We gave him our names. And once he saw we were from the MNLA, he
15 seemed a bit sad. He said, "Oh, you are fine fellows. You are from good families.
16 Why are you hanging about with these people from the MNLA?" And he said, "You
17 can go through, but as long as you hide your weapons underneath the seat."

18 Q. [12:22:10] And did he ask you why you were going to Timbuktu?

19 A. [12:22:16] I haven't understood your question.

20 Q. [12:22:20] Did you have to explain to him why you were going to Timbuktu?

21 A. [12:22:25] I know [REDACTED] left the vehicle
22 and he talked to the gentleman and I stayed in the vehicle. When he came back, the
23 guy came along. I really didn't pay much attention to their talk, but when he came
24 back and closed the door, the guy gestured at us so that we should put our weapons
25 underneath the seat.

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(Private Session)

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1 PRESIDING JUDGE MINDUA: [12:22:57](Interpretation) Mr Prosecutor, do we still
2 need to continue in private session?

3 MR GARCIA: [12:23:03](Interpretation) Yes, I'm afraid so. There are two sections I
4 would like to go over with the witness that are rather identifying. I don't see any
5 other way than to stay in private session. There are some things that we could
6 review in open session, but if there's specific information about Al Hassan, I'll try to
7 go into open session for the sake of the record. I'll try to be as quick as possible with
8 my questions and as effective as well.

9 PRESIDING JUDGE MINDUA: [12:23:46](Interpretation) Very well, go ahead, but
10 we only have eight minutes more. We are suspending at 12 -- at 1 o'clock -- 12.30,
11 correction.

12 MR GARCIA: [12:24:00](Interpretation)

13 Q. [12:24:01] Now the person who was at the checkpoint belonged to which armed
14 group?

15 A. [12:24:09] Ansar Dine.

16 Q. [12:24:13] Was he armed? Were they armed?

17 A. [12:24:17] Yes, they were armed.

18 Q. [12:24:19] Explain to us what happened. You told us you were able to get into
19 the city. What did you do?

20 A. [12:24:29] Once we managed to get into the city itself, we got into the car. We
21 moved forward. We went to the market, to the large market in Timbuktu. And
22 somewhere in the main market, we stopped and [REDACTED] got out of the car
23 and went into a place that seemed to be occupied by a few young people with arms.
24 He went in, and when he came out, even before he came out, Hassan came out as well.
25 But when he came, I didn't see him. He took me by surprise. [REDACTED] had told

1 him that I was there. He came out. He came and approached me from behind.

2 He -- I turned towards him and he came up to me to take me by surprise. And when

3 he came up to me and -- he said, "Did I scare you?" I said, "No, you didn't scare me."

4 And even though -- even though he was part of Ansar Dine back then, I wasn't afraid

5 of him.

6 And so it was a bit of a joke, you see. We greeted one another. We asked about

7 family members, and then he went up to [REDACTED] and I don't know what happened.

8 I stayed in the vehicle. Once [REDACTED] we went to the airport.

9 Q. [12:26:14] Now before we finish off, just a few points. You said that you went
10 to the main market in Timbuktu, but where did you go with -- you, and this person,
11 person A? Exactly, where did you go?

12 A. [12:26:33] He told me that he was going to see Hassan.

13 Q. [12:26:38] Did he tell you exactly where he was going or planning to go see
14 Mr Hassan?

15 A. [12:26:46] No, I don't remember him telling me exactly where. I remember we
16 were moving towards the main market. He got out somewhere in the main market
17 in Timbuktu. He got out of the vehicle, and there were a few young people sitting in
18 front of the place, and he went in. But he didn't tell me exactly where in the main
19 market we were going to.

20 Q. [12:27:12] Very well. And you said that there were some young people, these
21 youths. Were they armed?

22 A. [12:27:19] Yes, the youths had Kalashnikovs.

23 Q. [12:27:23] Do you remember what clothes they were wearing?

24 A. [12:27:30] They were dressed normally. They weren't in uniforms. * There
25 was also one young fellow who had a scarf, a two-piece headscarf that is very

1 common in our country. What do you call it in Arabic? It's not a turban, it's a
2 headscarf. There were others as well who were wearing turbans.

3 Q. [12:28:03] So the building in question where you stopped and where the young
4 people were, what was it exactly? What spot was it?

5 * A. [12:28:16] I no longer recall the exact location of the building, but it was along
6 the same row as the artisanat, the craft market of Timbuktu.

7 Q. [12:28:29] Do you know what the building was used for? This spot where you
8 had gone to see Al Hassan, the spot where person A went?

9 A. [12:28:37] I can't tell you exactly what the place was used for because there was
10 no sign. I didn't notice any kind of sign there. I know that it was a place that was
11 occupied by people with weapons, not by civilians. People wearing -- bearing
12 weapons.

13 Q. [12:29:02] You say that Mr Hassan was the one who came out and you were
14 joking with him. What were you talking about with him?

15 A. [12:29:15] First of all, I remember asking -- well, I don't remember all the details
16 of the discussion, but I remember asking him for ammunition. Could he provide me
17 with some ammunition. He said no, he couldn't give me ammunition.

18 Then he started making fun of the MNLA. * He said that the MNLA were thieves,
19 vandals, they just pillage things from people, from the community, and so on and so
20 forth. And I didn't hold back from making fun of his side, of Ansar Dine. And I said,
21 "You too, instead of carrying out jihad here (inaudible), you know that we are all
22 Muslims here and the children of (inaudible). What you have learned about Islam you
23 learned here, you didn't learn it anywhere else.

24 * I even teased him saying "I know that you are taking advantage of the situation,
25 when you take the girls there, you put them in the prisons there, I know you are

1 taking advantage". But it was just a joke, [REDACTED].

2 PRESIDING JUDGE MINDUA: [12:30:32](Interpretation) It is 12.30, Mr Prosecutor.

3 We will now go into open session and then we shall suspend.

4 Open session, please.

5 (Open session at 12.30 p.m.)

6 THE COURT OFFICER: [12:30:44] We are back in open session, Mr President.

7 PRESIDING JUDGE MINDUA: [12:30:53](Interpretation) Thank you very much,

8 Mr Courtroom Officer.

9 Now, in accordance with the schedule that was announced, we shall suspend the
10 hearing for our lunch break. It will be somewhat longer than usual and we shall
11 resume at 2.30 in the afternoon.

12 The hearing is now suspended.

13 THE COURT USHER: [12:31:19] All rise.

14 (Recess taken at 12.31 p.m.)

15 (Upon resuming in open session at 2.31 p.m.)

16 THE COURT USHER: [14:31:00] All rise.

17 Please be seated.

18 PRESIDING JUDGE MINDUA: [14:31:21](Interpretation) Court is in session once
19 again.

20 Hello again, Mr Witness. Can you hear me?

21 THE WITNESS: [14:31:44](Interpretation) Yes, I can hear you, Mr President.

22 PRESIDING JUDGE MINDUA: [14:31:47](Interpretation) Thank you very much.

23 So now it is over to the Office of the Prosecutor once again. I would just like to
24 remind you that we would like to hold a public hearing and so I suppose that you
25 would like to start in private session.

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1 MR GARCIA: [14:32:11](Interpretation) Yes, Mr President. I think it will take me
2 15 minutes maximum in private session.

3 PRESIDING JUDGE MINDUA: [14:32:21](Interpretation) Mr courtroom officer,
4 private session, please.
5 (Private session at 2.32 p.m.)

6 THE COURT OFFICER: [14:32:28] We're in private session, Mr President.

7 PRESIDING JUDGE MINDUA: [14:32:32](Interpretation) Thank you very much,
8 Mr Courtroom Officer.
9 Mr Prosecutor.

10 MR GARCIA: [14:32:37](Interpretation)

11 Q. [14:32:39] Hello again, Mr Witness.

12 A. [14:32:41] Hello.

13 Q. [14:32:44] I have a few supplementary questions to put to you whilst we are in
14 private session. I think it will take me approximately 15 minutes.

15 Now, when we rose for lunch, you were mentioning the fact that you had been joking
16 around with Mr Al Hassan and you also mentioned the fact that you asked him to
17 give you ammunition. Now, could you explain to us and to the Court, why you
18 were asking Mr Al Hassan for ammunition?

19 A. [14:33:24] Yes, I was asking Hassan for ammunition because during that time
20 everybody had ammunition, but I needed some. And that's why I asked Hassan to
21 give me some, because he had connections with Ansar Dine.

22 Q. [14:33:53] Do you know whether he held any specific position when you went to
23 visit him?

24 A. [14:34:01] No, I do not know the precise position that Hassan occupied.

25 Q. [14:34:09] Thank you very much, Mr Witness, for this clarification. Now, you

1 also told us that [REDACTED] that he went home.

2 So how did that meeting with Mr Al Hassan come to an end?

3 A. [14:34:27] Well, the meeting ended in all courtesy and then we got into our
4 vehicle to go back to the airport.

5 Q. [14:34:37] So you briefly explained to us the reasons why [REDACTED] wanted to
6 meet Mr Al Hassan [REDACTED] Now, did that come
7 about? [REDACTED]?

8 A. [14:35:02] Well, when we returned to the airport after that visit, I no longer saw
9 [REDACTED] but I heard subsequently that [REDACTED]

10 [REDACTED]
11 [REDACTED]

12 Q. [14:35:28] Did [REDACTED] tell you anything whatsoever with regard to whether
13 Al Hassan was able [REDACTED]?

14 A. [14:35:42] No, he did not talk to me about the outcome of his exchanges with
15 Al Hassan. But we went back -- we went back via the road that goes through
16 Doueza (phon).

17 THE INTERPRETER: [14:36:10] Correction from the English booth: Douentza.

18 MR GARCIA: [14:36:20](Interpretation) With your leave, one moment, please.

19 Q. [14:36:28] You said that Mr Al Hassan had connections or affinities, if you like,
20 with -- can you tell us what you mean by that?

21 A. [14:36:42] Well, as I said to you, before arriving in Timbuktu, [REDACTED]
22 [REDACTED] told me that Hassan was in Timbuktu with
23 Ansar Dine.

24 Q. [14:36:56] Very well. Thank you very much, Mr Witness, for that clarification.

25 Now let's change tack somewhat. Did you have any further interaction, directly or

1 indirectly, with Mr Al Hassan whilst you were at the airport?

2 A. [14:37:19] I do not remember any further interaction that I had with Hassan.

3 Q. [14:37:26] Were you called concerning the theft of a vehicle at some given
4 moment in time?

5 PRESIDING JUDGE MINDUA: [14:37:36](Interpretation) Ms Taylor, please.

6 MS TAYLOR: [14:37:38] Thank you, Mr President. That's a highly leading question.
7 It necessarily impacts upon the probative value of any further answer on this point.

8 PRESIDING JUDGE MINDUA: [14:37:55](Interpretation) Mr Prosecutor, I do agree
9 with Ms Taylor that this is indeed a leading question.

10 MR GARCIA: [14:38:02](Interpretation) Well, Mr President, I put a first question to
11 the witness. Then I put this question to him, and let's see what he says.

12 PRESIDING JUDGE MINDUA: [14:38:15](Interpretation) Well, what was the first
13 question that you put to the witness? I don't remember.

14 MR GARCIA: [14:38:19](Interpretation) I asked the witness whether he had any
15 interactions with Mr Al Hassan, whether it be direct or indirect, whilst he was located
16 at Timbuktu airport.

17 PRESIDING JUDGE MINDUA: [14:38:32](Interpretation) Very well.

18 MR GARCIA: [14:38:34](Interpretation) And according to the Rules of Procedure,
19 we are allowed to put questions to the witness and refresh his memory, if necessary.

20 So I am putting a rather more leading question to the witness, but it will depend upon
21 his answer, whether I can seek further information or leave it as such.

22 PRESIDING JUDGE MINDUA: [14:38:59](Interpretation) Ms Taylor.

23 MS TAYLOR: [14:39:01] Thank you, Mr President. And as the Prosecutor is well
24 aware, there's a very specific procedure for refreshing the witness's memory that
25 should be followed. It's not the case that the Prosecutor can then *proprio motu*

1 suddenly ask leading questions.

2 So we do believe that if the Prosecutor wishes to refresh the witness's memory, that is
3 the procedure that should be followed.

4 PRESIDING JUDGE MINDUA: [14:39:33](Interpretation) Very well, Ms Taylor, but
5 there was that first question that was put to the witness. Let him answer it first.

6 THE WITNESS: [14:39:44](Interpretation) All right. Well, as to interaction direct or
7 indirect, there was indirect interaction with the team of the MNLA of which I was
8 part, which went a few days after having met Al Hassan in Timbuktu. We went
9 from the -- Timbuktu, Douentza, on that road. [REDACTED]

10 got a phone call from Hassan [REDACTED]

11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]

18 MR GARCIA: [14:41:20](Interpretation)

19 Q. [14:41:20] Can you please tell us approximately, when that incident occurred?

20 A. [14:41:24] That incident occurred when we were leaving [REDACTED] I don't know
21 precisely when [REDACTED] It was probably [REDACTED] that this took
22 place, but I can't give you exactly when. That's just an estimation that I can provide
23 you with.

24 Q. [14:41:50] So you say that you received a call from Hassan. And I'm talking
25 about page 68 here, line 24. Who received the phone call from Hassan?

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1 A. [14:42:06] [REDACTED] officer of the
2 MNLA. And, if my memory serves me correctly, I believe that -- I can't remember
3 exactly, but I believe that I did have an exchange. I don't know by what means of
4 communication, I no longer recall. But I do know that he did have -- or did talk to
5 Hassan, [REDACTED].

6 Q. [14:42:44] How did you learn that? That Hassan had communicated [REDACTED]
7 [REDACTED]?

8 A. [14:42:51] [REDACTED] I was
9 able to hear their conversation.

10 Q. [14:43:00] Could you explain to the Court, or to us, why Hassan talked [REDACTED]
11 [REDACTED] when ...

12 A. [14:43:17] I don't understand your question. Could you please rephrase.

13 Q. [14:43:20] So you said that Mr Al Hassan called and that mention was made of
14 [REDACTED]. Do you know why it was that Mr Al Hassan made
15 that phone call?

16 A. [14:43:37] I think that it was Mr Al Hassan. [REDACTED] knows Al Hassan
17 well. He knows his family. [REDACTED] he knows Hassan
18 well. I don't know how this interaction came about or this exchange of contact
19 numbers between [REDACTED] and Mr Al Hassan, but I do know
20 that he called us. There was tension between the MNLA and Ansar Dine, whatever
21 the case may be.

22 PRESIDING JUDGE MINDUA: [14:44:21](Interpretation) Ms Taylor, please.

23 MS TAYLOR: [14:44:26] Thank you, Mr Witness -- sorry, Mr President. The
24 witness has obviously already answered the question, but I would request that the
25 Prosecutor not ask the witness to speculate. He's not a party to this phone call and

1 the Prosecutor has just asked him why Al Hassan called another individual, so he's
2 essentially asking the witness to speculate. So he should ask questions that are
3 directly based on what the witness himself saw or heard.

4 PRESIDING JUDGE MINDUA: [14:44:52](Interpretation) Mr Prosecutor, what
5 would you say to what Ms Taylor just said?

6 MR GARCIA: [14:45:00](Interpretation) I was asking the witness - and we can see
7 from his response - I asked him whether he knew why, why Al Hassan was
8 communicating [REDACTED].

9 The witness [REDACTED] who has knowledge that we are aware
10 of given his testimony, and, according to his response, he drew on his personal
11 connections.

12 PRESIDING JUDGE MINDUA: [14:45:26](Interpretation) Thank you very much.
13 Ms Taylor, I think that in this case it was not speculation.
14 Prosecutor, you may proceed.

15 MR GARCIA: [14:45:33](Interpretation)

16 Q. [14:45:40] So, Witness, you stated that [REDACTED] What
17 then happened? Did you have to inform anybody [REDACTED]?

18 A. [14:45:55] Well, [REDACTED]
19 [REDACTED]
20 [REDACTED]

21 Q. [14:46:14] And to just finish on that specific matter, did you report to anybody,
22 orally or in writing, [REDACTED]?

23 A. [14:46:31] Well, I wasn't in a position to make reports. [REDACTED] I don't
24 know if [REDACTED] made a report. If a report was to be made, it
25 would have been done by him.

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1 Q. [14:47:03] Thank you, Witness.

2 MR GARCIA: [14:47:07](Interpretation) Your Honour, we can now return to open
3 session.

4 And I would like to inform the witness that I intend now to turn to your second stay
5 in Timbuktu; so do be careful not to mention any identifying information.

6 PRESIDING JUDGE MINDUA: [14:47:28](Interpretation) Court officer, please place
7 us in open session.

8 (Open session at 2.47 p.m.)

9 THE COURT OFFICER: [14:47:34] We are back in open session, Mr President.

10 PRESIDING JUDGE MINDUA: [14:47:40](Interpretation) Thank you very much,
11 court officer.

12 Mr Prosecutor, the floor is yours.

13 MR GARCIA: [14:47:49](Interpretation)

14 Q. [14:47:51] Witness, we are now back in open court. When you were testifying,
15 you spoke of a second visit you had made to Timbuktu. Could you tell us what you
16 saw in the city of Timbuktu when you visited it?

17 A. [14:48:15] Well, when I was on-site, what I saw in the city of Timbuktu
18 was - well, first of all - Timbuktu, but it didn't have the usual atmosphere. There
19 wasn't the usual hustle and bustle. No. The women were all completely veiled and
20 all of the men were wearing shorter trousers.

21 So you could see that life in the city was not as it usually was; it was quite desolate.
22 The streets were not busy. There was not much traffic on the roads. One really had
23 the impression that the city was a lot quieter than usual.

24 Q. [14:49:08] When you were in Timbuktu, did you see armed individuals or
25 vehicles?

1 * A. [14:49:16] I was going through the market looking for cigarettes everywhere,
2 but the shopkeepers told me they had no cigarettes. But at one shop, I was starting to
3 despair about finding a cigarette, I started to mutter, complaining about the situation
4 and I said, "My goodness, these people have really ruined our lives. You can't even
5 get a cigarette at the market. It's really a sorry state of affairs."

6 * Now, when the shopkeeper heard that, I think he began to trust me more and he
7 said, "We have cigarettes but are afraid of Marabouts here." And he took out
8 cigarettes from one of the shelves. They were a little bit hidden. He had to
9 take -- remove some rubber, and I think that he sold them to me when he became
10 confident that I was not one of the Islamists or radicals as I prefer to say.

11 Q. [14:50:50] Could you tell me approximately when you were in Timbuktu on that
12 second visit in 2012?

13 A. [14:50:55] Approximately, I would say 

14 Q. [14:51:00] Now, you spoke about a black flag. Which black flag was this?

15 A. [14:51:08] Well, just a black flag with -- bearing an Arabic inscription. The flag
16 which is generally used by the radical groups.

17 Q. [14:51:20] When you refer to "radical groups," who are you referring to?

18 A. [14:51:25] Well, I'm referring to Ansar Dine and other groups because it wasn't
19 just Ansar Dine that used the flag.

20 Q. [14:51:33] And to make sure that we all know what you saw, were there armed
21 individuals in that vehicle?

22 A. [14:51:48] Yes, there were armed individuals in the back of the pickup.

23 Q. [14:51:54] And how much time did you spend in Timbuktu when you spent that
24 time in Timbuktu city?

25 A. [14:52:09] Well, I didn't spend much time in Timbuktu because there was a lot of

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1 tension between the MNLA and the radicals late in June. There was tension in Gao.
2 There was tension in Timbuktu. It didn't feel good. So I think I spent
3 approximately 10 days there. I didn't spend that much time there, just a week or a
4 little longer than a week.

5 Q. [14:52:43] Thank you, Witness. I'd now like to show you two videos. We are
6 going to start with the first one. That is [REDACTED].

7 MR GARCIA: [14:53:12](Interpretation) And I would ask that this video not be
8 broadcast in public. I'm going to put an introductory question to the witness and
9 then I will have some follow-up questions, which I would like to put in private
10 session briefly. * So I'm talking about [REDACTED], that is, tab 13 in the
11 material list and tab 14. There, we will find the transcript, and at tab 15, you will
12 find the translation, which is [REDACTED].

13 THE INTERPRETER: [14:54:09] Interpreter repeats: [REDACTED] for the translation.

14 MR GARCIA: [14:54:16](Interpretation)

15 Q. [14:54:19] So, Witness, we are not going to show the video, and we're going to
16 show you 30 seconds of the video in fact and that in private session. But it's just
17 a short section of video, it's about 30 seconds long.

18 And might I ask, is there a particular button that the witness should press?

19 THE COURT OFFICER: [14:54:40] (Overlapping speakers) The document -- rather,
20 the videos will be played from evidence 2. Provided they have no sound, they can
21 be transmitted directly to the witness and not to the public.

22 THE INTERPRETER: [14:54:51] The interpreter adds that the transcript of this video
23 is at [REDACTED].

24 MR GARCIA: [14:54:58](Interpretation)

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1 Q. [14:54:59] Witness, you're going to see this video on your screen. It will just be
2 30-odd seconds long and I'm going to put a question to you on it thereafter.

3 (Viewing of the video excerpt)

4 MR GARCIA: [14:56:00](Interpretation)

5 Q. [14:56:05] And I'll refer to the actual timestamping when we're in private session,
6 but Witness, can you tell us who was speaking on that video?

7 A. [14:56:17] Well, if we are not in private session, I don't think that I can answer
8 any questions regarding the video.

9 Q. [14:56:26] Well, in that case, we shall move into private session just for a few
10 moments and I shall put the question to you then.

11 PRESIDING JUDGE MINDUA: [14:56:35](Interpretation) Court officer, please put
12 us in private session.

13 (Private session at 2.56 p.m.)

14 THE COURT OFFICER: [14:56:43] We are in private session, Mr President.

15 PRESIDING JUDGE MINDUA: [14:56:47](Interpretation) Thank you.
16 Prosecutor.

17 MR GARCIA: [14:56:52](Interpretation)

18 Q. [14:56:55] Well, just for the transcript to make sure that everything is clearly
19 captured, I would like to state that we showed [REDACTED] to part [REDACTED] I believe,
20 that is the section which we showed to the witness.

21 Now, Witness, you viewed that video. Are you in a position to tell us who the
22 person is who is being interviewed? Who is the person who is answering the
23 questions being put to him?

24 A. [14:57:45] [REDACTED]

25 [REDACTED]

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1 [REDACTED]

2 Q. [14:58:15] So to make sure we all understand correctly, this was [REDACTED]

3 [REDACTED]
4 [REDACTED]
5 [REDACTED]

6 A. [14:58:45] Yes, indeed [REDACTED]

7 [REDACTED]

8 Q. [14:58:55] And in which month approximately did that [REDACTED]
9 [REDACTED]

10 A. [14:59:02] I believe it was [REDACTED] we went to Gao and
11 Timbuktu.

12 Q. [14:59:11] And briefly, what were you [REDACTED] ?
13 [REDACTED] ?

14 A. [14:59:18] [REDACTED]
15 [REDACTED]

16 Q. [14:59:27] Very well. Thank you.

17 MR GARCIA: [14:59:30](Interpretation) Your Honours, I'm happy to return to open
18 court.

19 PRESIDING JUDGE MINDUA: [14:59:37](Interpretation) Court officer, please move
20 us into open court.

21 (Open session at 2.59 p.m.)

22 THE COURT OFFICER: [14:59:48] We are back in open session, Mr President.

23 PRESIDING JUDGE MINDUA: [14:59:51](Interpretation) Thank you.
24 Prosecutor.

25 MR GARCIA: [14:59:54](Interpretation)

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1 Q. [14:59:56] Well, Witness, I would also like to show you a second video, and this
2 is the last one.

3 Court officer, once again, this is a video which should only be presented to the
4 witness, given the confidentiality level which applies to the video, and I would like
5 you to play the first five seconds of that video.

6 And when you have viewed that video, Witness, I will have one question to put to
7 you.

8 (Viewing of the video excerpt)

9 MR GARCIA: [15:01:00](Interpretation)

10 Q. [15:01:02] So did you view the first five seconds of that video? And, if so, can
11 you tell us who you saw on the screen?

12 * A. [15:01:15] That video is out of focus, and I also don't remember it being one of
13 the videos that you showed me earlier.

14 * Q. [15:01:30] I can have the video shown to you once again and we can freeze the
15 image at the beginning or in the middle which are the clearest parts. We can also go
16 further in the video.

17 MR GARCIA: [15:01:45] So perhaps the video could be paused in the middle or at
18 the beginning where the images are somewhat clearer or be scrolled ahead.

19 I'm sorry, your Honour, we have a little technical difficulty.

20 (Viewing of the video excerpt)

21 MR GARCIA: [15:02:38](Interpretation)

22 Q. [15:02:40] So, Witness, this is one of the videos which we have shown to you.

23 * Here, we have a frozen the image at 2 seconds. Are you in a position to identify the
24 person who you see on the screen now?

25 A. [15:02:56] I think that this video is part of a set of amateur videos, poorly

1 focused videos. And as I've said before, when I find that a video is fuzzy, I
2 would -- I would prefer not to identify the person. If a video is fuzzy, one is at risk
3 of misidentifying a person.

4 Q. [15:03:29] Witness, would you like us to show you a little bit more of this video
5 so that you can view it a little longer?

6 A. [15:03:40] Yes, if parts of it are sharper than the parts than I have seen, yes.

7 Q. [15:03:46] Well, we will be happy to show you the video again. This is one of
8 the videos which was shown to you during the preparatory session, one of the videos
9 presented to you by the investigators.

10 (Viewing of the video excerpt)

11 MR GARCIA: [15:04:45](Interpretation)

12 Q. [15:04:48] Is that okay?

13 A. [15:04:53] I -- I'm afraid I can't recall the video. I don't know if it's one of the
14 videos that have already been shown to me.

15 Q. [15:05:02] Well, I think I can reassure you, Witness, because it's on the list I have
16 here. This is one of the videos which was shown to you during the meeting with the
17 investigators and one of the videos which is on the evidence list.

18 Perhaps you're having a problem viewing the video at your end, but what we're
19 seeing here ...

20 * A. [15:05:29] All the videos that I identified before, or in which I made an identification,
21 were reasonably clear. However, I refrained from carrying out the identification procedure in
22 most of the videos because, as I said, these were amateur videos.

23 Q. [15:05:45] Well, let's say this is one of the videos which you consider to be
24 amateur videos. Could you tell us who is the person that you see on the video?
25 If you like, we can show you another extract.

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- 1 A. [15:05:58] Yes, please show me a different extract from a different video.
- 2 Q. [15:06:03] Just a moment, Witness.
- 3 MR GARCIA: [15:06:04](Interpretation) And Presiding Judge, if I could just have
- 4 a few moments.
- 5 PRESIDING JUDGE MINDUA: [15:06:11](Interpretation) Yes, go ahead, Prosecutor.
- 6 MR GARCIA: [15:06:43](Interpretation) I am going to ask the court officer's
- 7 assistance, if I might. Now, this video is video MLI-OTP-0018-0091.
- 8 THE COURT OFFICER: [15:07:15] Would counsel kindly confirm which version, the
- 9 redacted or unredacted version? Thank you.
- 10 MR GARCIA: [15:07:21](Interpretation) Unredacted, Court Officer.
- 11 THE COURT OFFICER: [15:08:16] Would counsel kindly confirm how many
- 12 minutes shall be played. Thank you.
- 13 MR GARCIA: [15:08:23](Overlapping speakers)
- 14 THE WITNESS: [15:08:30](Interpretation) I can identify Hassan on this photo.
- 15 MR GARCIA: [15:08:34](Interpretation) What we see on the screen -- just one
- 16 moment, please, because I'm not quite certain.
- 17 Court officer, are we indeed looking at MLI-OTP-0018-0091?
- 18 THE COURT OFFICER: [15:09:04] Yes. That is on channel -- evidence channel 1
- 19 and it is being shown to the witness also.
- 20 MR GARCIA: [15:09:10](Interpretation) Very well. Then for the transcript, this is
- 21 00:00:00:14. That is the frozen image on the screen.
- 22 Q. [15:09:31] Witness, this is what you are viewing. Who is the person, Witness?
- 23 A. [15:09:50] This is the same video, I believe, the MLI-OTP-0018-0091.
- 24 Q. [15:09:58] Indeed. And who do you see on the screen right now, the
- 25 gentle- -- or the person who is seated?

1 A. [15:10:08] The person with the blue turban on the black chair is Hassan.

2 Q. [15:10:17] I would just like to confirm with you, Witness, to make sure the
3 matter is clear. Is this the same Hassan of whom you spoke, that is, the person who
4 you met and with whom you were joking, that is to say, the person who you visited
5 [REDACTED]? Is it that selfsame Hassan?

6 A. [15:10:42] Yes.

7 Q. [15:10:48] Okay, thank you, Witness. That is sufficient for this video.

8 MR GARCIA: [15:10:55](Interpretation) Thank you, Court Officer, for your
9 assistance in this connection.

10 Q. [15:10:59] Now, Witness, I have a last question for you. You told us that you
11 were a member of the MNLA. Now, I understood that you left the MNLA at one
12 point in time. Can you tell us what incited you to leave the MNLA?

13 A. [15:11:31] Well, the reasons I left the MNLA are numerous and varied. First of
14 all, I am the head of a family. My family was located in a camp in a neighbouring
15 country. * And, when I joined the MNLA, from the outset I did so due to anger, a
16 spirit of vengeance and the conviction that what I was doing was just.

17 And that is why I joined the MNLA. I didn't join the MNLA due to hate or a wish to
18 be cruel or to get involved in the war. Initially, I much appreciated their ideology
19 regarding justice and law. However, as time moved on, I realised that the MNLA,
20 which I had joined at the outset, was no longer the same. In fact, because there had
21 been such disorder within the MNLA -- that the members were breaking up into
22 different community-style groups and the MNLA was no longer what it had been
23 before -- it was no longer a MNLA for everyone. It was now a MNLA of different
24 groups. One -- one man and his cousins and brothers in one zone. So it had
25 become broken up like many, many pieces of a pie.

1 There was also a conflict between the MNLA and the radicals, which I did not
2 understand, because the former MNLA members were battling with the MNLA, but
3 under another flag under a name, and I began to find that absolutely absurd.
4 Furthermore, I thought -- well, I didn't want to just shoot a weapon and even die for
5 no reason. I thought that it was -- it was wiser for me to withdraw from the war and
6 return to my family.

7 Also, I had been much affected by the course of events. I had seen far too many
8 futile deaths, far too much futile suffering, and so it became apparent to me that there
9 was -- there was no real purpose to it all.

10 MR GARCIA: [15:14:21](Interpretation) Your Honour, if I might move into private
11 session for a few moments, please.

12 PRESIDING JUDGE MINDUA: [15:14:26](Interpretation) Court officer, please place
13 us in private session.

14 (Private session at 3.14 p.m.)

15 THE COURT OFFICER: [15:14:33] We're in private session, Mr President.

16 PRESIDING JUDGE MINDUA: [15:14:37](Interpretation) Thank you.

17 Prosecutor.

18 MR GARCIA: [15:14:42](Interpretation)

19 Q. [15:14:44] Witness, if you are in a position to tell us, could you tell us where you
20 went after you left the MNLA? Were you able to stay in Mali or did you go
21 elsewhere?

22 A. [15:14:55] When I left the MNLA, I went to [REDACTED]
23 [REDACTED].

24 Q. [15:15:07] How much time did you spend [REDACTED]?

25 A. [15:15:11] [REDACTED]

1 MR GARCIA: [15:15:26](Interpretation) Your Honour, might we return to open
2 session.

3 PRESIDING JUDGE MINDUA: [15:15:34](Interpretation) Court officer, open session,
4 please.
5 (Open session at 3.15 p.m.)

6 THE COURT OFFICER: [15:15:38] We are back in open session, Mr President.

7 PRESIDING JUDGE MINDUA: [15:15:43](Interpretation) Thank you very much.
8 Mr Prosecutor, please.

9 MR GARCIA: [15:15:47](Interpretation)

10 Q. [15:15:49] Thank you, Mr Witness, for your patience for having answered all
11 these questions. I have one last question for you. Could you please tell us, briefly,
12 why you decided to cooperate with the Court and come and testify on the -- on your
13 experience and what you heard and tell the Chamber all about it?

14 A. [15:16:18] Well, it was the same reasoning that pushed me to testify because I
15 did experience the crisis of 2012. And when I was first contacted by the Office of the
16 Prosecutor, they introduced themselves as the Office of the Prosecutor, that is to say,
17 an independent organ that conducts investigations on the crisis of 2012 in general
18 terms.

19 Now, as it was the International Criminal Court that contacted me, it is in charge of
20 discharging justice and re-establishing justice, and I thought to myself, Well, why not
21 testify. If my testimony can contribute to shedding light on matters, then I can
22 contribute to justice. And why shouldn't I testify?

23 So, one of the things that most motivated to me to testify was to provide my
24 contribution to the cogs of justice or the wheels of justice.

25 Q. [15:17:36] I'd just like to go back a few moments to place this on the public

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1 record, to place certain matters that you said to us in private session and confirm

2 these details, and then this will wrap up my examination-in-chief, Mr Witness.

3 Now, you said that in 2012, you went to a location, the big market of Timbuktu city,

4 in a location that was occupied by armed youths and that you spoke to Hassan Ag

5 Abdoul Aziz. Is that correct?

6 Just quite simply for this to appear in the public record of these hearings.

7 A. [15:18:54] Yes.

8 Q. [15:18:57] Now, this is my last question to you. Thank you very much, Mr

9 Witness, for having answered my questions and -- for having answered all my

10 questions in front of the Court. Thank you so much.

11 MR GARCIA: [15:19:08](Interpretation) That was my last question.

12 PRESIDING JUDGE MINDUA: [15:19:13](Interpretation) Thank you very much,

13 Mr Prosecutor. That is, therefore, the end of your examination-in-chief, I

14 understand.

15 MR GARCIA: [15:19:22](Interpretation) That is indeed the case, Mr President. I

16 know that we had spoke of four and a half hours, but we have cut that short in order

17 to be more efficient.

18 PRESIDING JUDGE MINDUA: [15:19:33](Interpretation) Yes, you are right, in order

19 to be more efficient.

20 So I turn now to the Legal Representatives for Victims after having heard what the

21 Prosecutor had to say, and, ask, do you still intend to put any questions? We did

22 receive a request from you.

23 MR KASSONGO: [15:19:53](Interpretation) Thank you very much, Mr President,

24 your Honours. After having heard the examination-in-chief on the part of the

25 Prosecution, the Legal Representative would like to put a number of questions. But

1 in view of the time and the authorisation that you might grant, I think we might
2 exceed the time limit.

3 So we would just like to put a few brief questions in order to seek clarification in view
4 of the fact that the witness did play a role and did play a role that allowed him to see
5 facts from a different angle, which might clarify matters for us.

6 And, he did go to places that will enable us to familiarise ourselves with some details
7 that could assist us throughout the proceedings.

8 So, therefore, we would seek authorisation from the Chamber to put questions to the
9 witness, and we would seek enough time to do so for the witness to shed light on the
10 questions that we intend to put to him.

11 PRESIDING JUDGE MINDUA: [15:21:11](Interpretation) Ms Taylor, do you have
12 anything to say?

13 MS TAYLOR: [15:21:15] Thank you, Mr President. As per normal, it will depend
14 on the questions being put to the witness. It will also depend on the length of
15 questioning, and this may have of course an impact on the length of the Defence
16 cross-examination. Thank you.

17 PRESIDING JUDGE MINDUA: [15:21:40](Interpretation) Very well. Counsel, you
18 are authorised by the Chamber to put questions to the witness within the parameters
19 that you have just described. Over to you.

20 MR KASSONGO: [15:21:55](Interpretation) Thank you very much, Mr President,
21 your Honours.

22 QUESTIONED BY MR KASSONGO:(Interpretation)

23 Q. [15:22:07] I would like to turn to the witness and introduce myself in view of
24 fact that we have not had the opportunity to talk to each other during the
25 familiarisation phase.

1 Good afternoon, Mr Witness.

2 A. [15:22:24] Good afternoon, Mr Legal Representative for Victims.

3 Q. [15:22:29] Let me introduce myself, Mr Kassongo, assisted by my team of Legal
4 Representatives for Victims. We shall be putting a number of questions to you,
5 which shall not be too lengthy in nature. And, in view of the possible sensitivity of
6 your responses and the risk of revealing your identity, were it to prove necessary,
7 then you can just quite simply provide us with general answers in order to avoid any
8 identification.

9 A. [15:23:11] I have understood. Thank you, and I'm very pleased to meet you.

10 Q. [15:23:17] Thank you, Mr Witness.

11 The Legal Representative for Victims would like to know, in view of your role within
12 the movement, what the usual citizen can do to make the distinction between the
13 various groups that you mentioned; namely, the MNLA, AQMI, MUJAO and
14 Ansar Dine.

15 Could you please give us some details that would enable us to understand that when
16 we speak of such-and-such an element, that element would be a member of one of
17 those four groups.

18 A. [15:24:33] I do apologise, I'm not quite sure what you're honing in on in your
19 question because it's somewhat vague. * Are you trying to clear up the confusion
20 there is between MUJAO, the MNLA, Ansar Dine, AQIM? Or do you want to know
21 specific points about each group?

22 Please tell me, sir.

23 Q. [15:25:11] Thank you, Mr Witness, for asking me for clarification. * Was the
24 attire of the members of the armed MNLA men any different to that worn by AQIM,
25 MUJAO or Ansar Dine?

1 A. [15:25:37] Well, now I'm enlightened because you're talking about clothing.

2 Well, first of all, I would say to you that none of these armed groups is a regular army
3 affiliated to any state for there to be any specific attire. But most frequently, the
4 MNLA and the MUJAO would wear two items of clothing, and so would the army.
5 It was not only MNLA and the Ansar Dine who just wore that. Everyone did.
6 But more specifically, you could recognise them from their shortened trouser legs;
7 even though shortened trouser legs are not only worn by Ansar Dine and MNLA, I
8 know many people who do wear shortened trousers who don't know anything about
9 the MNLA or the Ansar Dine.

10 So what I'm trying to say to you is that there is no specific or particular trait that
11 would allow you to distinguish between a soldier who is Ansar Dine or MNLA from
12 what they were wearing, and that is why people tend to confuse them when you say
13 that one armed group is wearing something specific.

14 Q. [15:27:09] Thank you, Mr Witness, for this clarification. You told us where
15 your movement was positioned in and around Timbuktu and its neighbouring region.
16 My concern is that I would like to know in what state you found the population when
17 * you moved around the outskirts of Timbuktu, and, more specifically, towards the
18 river, on the Douentza, Rharous road to Bamako.

19 Could you please describe this to us, as briefly as possible, as to how the activities of
20 your movement unfolded in those areas.

21 A. [15:28:38] Could you please repeat the last part of your question. You're
22 talking about the operations of my movement? Are you asking me a sociological
23 question about the -- the activities of a society or are you asking me about the
24 activities of a movement?

25 Q. [15:29:02] I'm talking specifically about inhabitants, how they moved around

1 during the operations. How did you control their movements on that section of the
2 road towards Bamako?

3 A. [15:29:22] Well, as far as movements are concerned in terms of transport, before
4 I went to the neighbouring countries, transport between Bamako and Gao, there were
5 still transport companies that were operational along that section of the road on the
6 * RN 16. There was public transport, even though it wasn't as frequent as bef- -- in
7 the past. But even if I never myself used public transport, it did exist.

8 Q. [15:30:13] Okay, Mr Witness. Thank you.

9 Did you talk to any members of the population that was displaced in order to
10 ascertain what their fears were and why they had left Timbuktu in order to go further
11 afield to Bamako?

12 A. [15:30:38] Well, firstly, I never spoke to anybody who left Timbuktu to go to
13 Bamako. I thought that your question would be more general. People didn't only
14 leave Timbuktu to go to Bamako, some went to Mauritania, Algeria, Burkina Faso. I
15 did not have the opportunity to exchange experiences with anybody who left
16 Timbuktu for Bamako.

17 Q. [15:31:16] Very well, Mr Witness. You were in Timbuktu, did you, with your
18 very own eyes, see or were you aware of any cases of flogging in public? For having
19 seen it yourself or been in attendance?

20 * A. [15:31:46] I did not see with my own eyes, as you put it, any floggings in
21 Timbuktu. I was not present at any floggings in Timbuktu or elsewhere, but I did
22 hear people speak about floggings and other practices.

23 Q. [15:32:11] Could you tell us a little bit more about this, if possible.

24 A. [15:32:14] What do you mean? What do you mean, "say a little bit more about
25 it?" It's like handing the fore -- the floor to me without telling me what I should be

1 speaking about.

2 Q. [15:32:27] Well, Mr Witness, you just said that you heard people speak about
3 this. Could you please tell us what you heard people say.

4 A. [15:32:37] Ah, okay. You mean, what I heard on the grapevine. I heard that
5 there were scenes of flogging in Timbuktu and Gao under Sharia law because Sharia
6 law was being applied in 2012, in Timbuktu in Gao, and if somebody were to commit
7 adultery or another sin, then they would be submitted to flogging.

8 Q. [15:33:11] Very well, Mr Witness. You described the climate that -- or the
9 atmosphere that reigned in Timbuktu when you went there. You said that you saw
10 with your very own eyes - after having spoken to the tradesmen - you saw men with
11 shortened trousers and women wearing the veil. Why did you say that Timbuktu
12 was -- that things were a little unusual in Timbuktu? Why was that?

13 A. [15:34:04] Well, it wasn't -- it was unusual because, as you know, at the time,
14 Timbuktu was occupied by Ansar Dine. So a woman couldn't walk around in a -- in
15 a string or in a miniskirt. They had to respect the rules of attire under Islam or the
16 dress code.

17 Q. [15:34:34] Thank you very much, Mr Witness. The Legal Representatives
18 would like to thank you for the clarifications that you have provided us with.

19 A. [15:34:45] You're welcome.

20 Q. [15:34:47] And we'd like to wish you a very pleasant end to your testimony.

21 MR KASSONGO: [15:34:58](Interpretation) Mr President, your Honours, the Legal
22 Representative for Victims has now finished seeking clarification from the witness.

23 PRESIDING JUDGE MINDUA: [15:35:05](Interpretation) Thank you very much,
24 Counsel. You have been just as efficient as the Prosecutor.

25 So, now I'm going to turn to the Defence and ask what Ms Taylor has the intention of

1 doing.

2 MS TAYLOR: [15:35:25] Thank you, Mr President. Obviously, the Prosecutor was
3 envisaged to take four and a half hours, which would have meant that the Defence
4 would have started mid-morning tomorrow. Now we can start now, but I think it
5 would be in the interests of efficiency that we use the afternoon to go through the
6 transcripts and ensure that we can tailor our cross-examination to fall within the time
7 limit, given that we now have to curtail it by approximately an hour and a half.

8 PRESIDING JUDGE MINDUA: [15:36:08](Interpretation) Very well, Ms Taylor. So
9 you suggest that we rise for today and you shall continue tomorrow morning. Is
10 that correct?

11 MS TAYLOR: [15:36:19] Yes, exactly, Mr President. And we don't believe that we
12 will take any more than the hours allocated to us, and we will certainly finish before
13 the end of Friday.

14 PRESIDING JUDGE MINDUA: [15:36:36](Interpretation) Very well. We have
15 understood.

16 Mr Witness, I shall turn to you now. You will have understood that your testimony
17 has come to an end for today, but it is not over as we shall continue tomorrow
18 morning with the cross-examination on the part of the Defence. Before adjourning
19 today's hearing, I would like to remind you that you must not speak to anybody
20 about your testimony, whether it be members of your family or friends, were you to
21 come into contact with them this evening.

22 Have you understood?

23 THE WITNESS: [15:37:36](Interpretation) Yes, Mr President. I have understood.

24 PRESIDING JUDGE MINDUA: [15:37:41](Interpretation) Very well. Now as
25 always, before we draw today's session to a close, I would like to thank everybody in

1 and around the courtroom -- the parties, the participants, the court reporters and the
2 interpreters, the security officers, and, of course, those present in the public gallery
3 and further afield.

4 I would like to wish everybody a very nice evening, and we shall meet again
5 tomorrow morning at 9.30.

6 Court is adjourned.

7 THE COURT USHER: [15:38:20] All rise.

8 (The hearing ends in open session at 3.38 p.m.)

9 CORRECTIONS REPORT

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

12 Page 7 lines 7-8:

13 "A. [9:47:23] My best languages are  As for the others, I can
14 speak reasonably well -- okay."

15 is corrected to :

16 "A. [9:47:23] My best languages are  I express myself poorly
17 in the others. "

18 Page 7 lines 17-19:

19 "A. [9:48:33] When I was part of that group in 2012, since we were carrying out an
20 asymmetrical war in that part of Mali, we were not based in a particular spot. We
21 were deployed. We were towards the Liptako area on the front, so to speak."

22 is corrected to :

23 "A. [9:48:33] When I was part of that group in 2012, since we were carrying out an
24 asymmetrical war in that part of Mali, we were not based in a particular spot. But
25 most of the time we were around the three borders area in the Liptako region."

1 Page 8 lines 22-23:

2 "A. [9:51:39] There was another position around Boulikessi where we left from, "

3 is corrected to:

4 "A. [9:51:39] There was another position in the Boulikessi area, [REDACTED] where we
5 left from, "

6 Page 9 lines 4-5:

7 "Q. [9:52:33] Now when you were based at that place, [REDACTED] did you have
8 someone that you reported to specifically, and, if so, what was that person's name?"

9 is corrected to

10 "Q. [9:52:33] Now when you were based at that place [REDACTED] did you have a
11 hierarchical superior, and, if so, what was that person's name?"

12 Page 9 lines 6-12:

13 "A. [9:52:44] The zone commander. The zone commander was -- he was the
14 commander of the entire area.

15 THE INTERPRETER: [9:52:53] Message from the interpreter: Could the witness
16 repeat the name.

17 MR GARCIA: [9:52:58](Interpretation)

18 Q. [9:52:59] Just for the case record, correct me if I'm wrong, but I believe the name
19 was A-K-I-K-N-A-N (sic); is that correct?"

20 is corrected to:

21 "A. [9:52:44] The area commander. The area commander was Akli Iknan, he was
22 the commander of the entire area of Gourma.

23 MR GARCIA: [9:52:58](Interpretation)

24 Q. [9:52:59] Just for the case record, correct me if I'm wrong, but I believe the name
25 was A-K-I-K-N-A-N (sic); is that correct?"

1 Page 10 lines 9-10:

2 "A. [9:55:12] In 2012, before the crisis broke out,

3

4 is corrected to :

5 "A. [9:55:12] In 2012, before the crisis broke out,

6

7 Page 11 lines 10-12:

8 "So psychologically, even before the crisis, we were being psychologically prepared,
9 groomed to become rebels."

10 is corrected to

11 "So psychologically, even before the crisis, we were being psychologically prepared,
12 groomed to become rebels. So, any opportunity that presented itself was good to
13 participate in a rebellion."

14 Page 14 lines 14-16:

15 "A. [10:07:04] I said that the 14.5 are, generally speaking, weapons that are carried
16 by the armoured cars. But generally speaking, these are weapons that are fixed on
17 vehicles, quite generally speaking, in our country."

18 is corrected to:

19 "A. [10:07:04] I said that the 14.5 are, generally speaking, the type of weapons that
20 are carried by armoured cars. The 14.5 and the 12.7 are not personal weapons, but
21 they are generally fixed on vehicles, quite generally speaking, in our country."

22 Page 18 lines 8-12:

23 "A. [10:17:09] Yes, of course. Now, with regard to the militia, the
24 pro-governmental militia, that is -- is the Arab-Tuareg militia. This is the militia that
25 stopped the vehicles that I was talking about earlier, the vehicles of my cousins and

1 brothers who were transporting the camp at the time."

2 is corrected to :

3 "A. [10:17:09] Yes, of course. Now, with regard to the militia, they are
4 pro-governmental Arab-Tuareg militia, those who were operating in Gourma at the
5 time. That's the same militia that stopped the vehicles that I was talking about earlier,
6 [REDACTED] was transporting
7 the camp."

8 Page 22 line 24 to page 23 line 1:

9 "They had given the army an ultimatum; that of leaving the area, and were this
10 ultimatum not to be respected, then the MNLA was going to enter and attack."

11 is corrected to :

12 "The MNLA always gives the army an ultimatum to leave the area, and were this
13 ultimatum is not respected, the MNLA has to return and attack."

14 Page 23 line 22 to Page 24 line 1:

15 "So that was one of the reasons why the pro-government militia did that. They knew
16 that the Malian army was about to begin; so they realised that, why not be one of the
17 first to loot? They knew that it was hopeless; that the army was about to withdraw,
18 so they mustn't lose out on any of that. There were thousands of them along with
19 the Malian army in their departure; so it was better to find a good position and take a
20 good position before the arrival of the others."

21 is corrected to :

22 "They knew that the Malian army was about to withdraw; so why not be the first to
23 loot? So they engaged in the first hostilities knowing that nothing more could be
24 done, the army was about to withdraw anyway, so they mustn't lose on all fronts.
25 Since they were local, they could not join: the Malian army in their departure; so it

1 was better to take up a good position before the arrival of the armed movements."

2 Page 24 lines 2-5:

3 "So after -- that was all after they engaged the hostilities, after we learned that the
4 army had withdrawn and the MNLA was at the doorstep of Timbuktu, but had not
5 quite entered the city."

6 is corrected to :

7 "So they attacked first, and it was after they had engaged in hostilities that we learned
8 that the army had withdrawn and that the MNLA was at the doorstep of Timbuktu,
9 but had not quite entered the city because Ansar Dine was already there."

10 Page 24 lines 19-22:

11 "Ansar Dine was already there. The militia was already there. So as for the MNLA
12 going into Timbuktu, would be the same as entering into hostilities. And the others
13 had already taken up positions. Ansar Dine was there and there was no conflict
14 between Ansar Dine and the MNLA at the time. "

15 is corrected to :

16 "Ansar Dine and the other militias were already there. So for the MNLA entering
17 Timbuktu would be the same as engaging in hostilities with the pro-government
18 militias, who had possibly already taken up positions, and also against Ansar Dine,
19 because there was no conflict between Ansar Dine and the MNLA at the time. "

20 Page 25 lines 15-17:

21 "That's where the ferry boat crosses, takes vehicles across to the left side of the -- of
22 the river. So the airport was, you see, a strategic location."

23 is corrected to :

24 "That's where the ferry boat crosses, takes vehicles across to Gourma, the other side.
25 For the right side of the Niger river, the vehicles go to Douentza to take national road

1 16 to go to Bamako. So that makes the airport a strategic location."

2 Page 27 lines 23-24:

3 "So Ansar Dine had all kind weapons, all kinds of different calibres: AK-47s,

4 BM-170s et cetera."

5 is corrected to :

6 "So it can be said that Ansar Dine had all kind of different calibre weapons at that

7 time: from 7.62 calibre AK-47s to BM-170s."

8 Page 30 line 1:

9 "There was a clash and shots were fired. Someone from Ansar Dine shot --

10 THE INTERPRETER: [10:52:53] Overlapping speakers."

11 is corrected to :

12 "Someone from Ansar Dine shot an MNLA soldier."

13 Page 31 lines 20-22:

14 "A. [10:57:43] No. The weapons were not allowed, flags were not allowed. The

15 MNLA could not fly its flags. They could not bring weapons into the city. They

16 were restricted to the airport area."

17 is corrected to :

18 "A. [10:57:43] No. The MNLA were not allowed their flags or weapons, or any

19 such signs within Timbuktu. so the MNLA limited itself to the area between the

20 airport and the entrance to Timbuktu. "

21 Page 34 lines 6-9:

22 "So the officers of the MNLA who were present there were obliged to change position

23 to move towards the west, towards Léré, towards the frontier with Mauritania. They

24 went to Léré and another location."

25 is corrected to :

1 "So the MNLA officer who was there had to change location, to move slightly more
2 towards the west, towards the border with Mauritania, Léré to be precise. He went
3 towards Léré and Gargondo."

4 Page 34 lines 13-16:

5 "So the MNLA, with its diminished numbers and diminished logistics and resources,
6 the officers were obliged to either hand over their weapons or join Ansar Dine."
7 is corrected to:

8 "So, as a result, the MNLA, with the small number of troops that remained, the
9 "small number" of human resources and logistics that remained, the officer was forced
10 to make the choice of surrendering his weapons to Mauritania rather than joining
11 Ansar Dine and giving them the weapons."

12 Page 35 lines 4-7:

13 "That is why many people chose to change camp, if you like, or to change sides. And
14 the -- the more armed parts of MNLA was not in Timbuktu. They were in Kidal and
15 elsewhere, one should remember."

16 is corrected to:

17 "That is why many people had to change sides and what led to the MNLA becoming
18 increasingly weakened in Timbuktu. And above all, the fact that the strongest, most
19 armed branch of the MNLA was not in Timbuktu but in the region of Kidal and Gao."

20 Page 38 lines 19-20:

21 "And even with regard to Kidal, the MNLA left the county town, but remained within
22 the area of Gao."

23 is corrected to:

24 "A. [11:48:18] And even with regard to Gao, the MNLA left the regional capital of
25 Gao, but remained within the Gao region."

1 Page 41 lines 15-18:

2 "We even went over the border. But we left our weapons at the border and we went
3 over the border [REDACTED] And, we came back over the border,
4 [REDACTED] we went back to Timbuktu [REDACTED] Timbuktu."

5 is corrected to:

6 "We even crossed the border, but we left our weapons at the border. We crossed the
7 border where [REDACTED]. Afterwards, we came back [REDACTED] and
8 [REDACTED] we went back to Timbuktu [REDACTED]
9 Timbuktu."

10 Page 42 lines 15-18:

11 "A. [11:58:21] Yes, I do remember [REDACTED]

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

16 is corrected to:

17 "A. [11:58:21] Yes, I do remember [REDACTED]

18 [REDACTED]
19 [REDACTED]
20 [REDACTED]

21 Page 42 line 25 to page 43 line 3:

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

25 is corrected to :

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[REDACTED]

Page 43 line 9:

"Q. [12:00:46] [REDACTED]
[REDACTED]

is corrected to :

"Q. [12:00:46] [REDACTED]

Page 43 lines 24-25:

"A. [12:02:33] [REDACTED] himself -- [REDACTED] himself was the leader. [REDACTED] was
the leader."

is corrected to:

"A. [12:02:33] Yes it was [REDACTED] himself, it was [REDACTED] himself who
was the leader, he was the one that led the team."

Page 44 line 25 to page 45 line 1:

"A. [12:05:09] Those places were occupied by the MNLA at the time. Gao was
occupied by the MNLA and the -- another group."

is corrected to

"A. [12:05:09] Those places were occupied by the MNLA at the time. Gossi was
occupied by the MNLA, Gao was occupied by the MNLA and by the radical groups."

Page 45 lines 6-10:

"A. [12:05:46] When we got to Timbuktu, we went directly to the airport where the
MNLA had its headquarters. [REDACTED]

[REDACTED]
[REDACTED]

1 [REDACTED]
2 is corrected to :
3 "A. [12:05:46] When we got to Timbuktu, we went directly to the airport where the
4 MNLA were based. [REDACTED]. We were
5 [REDACTED] when we came [REDACTED]
6 directly [REDACTED] that were there, and we were found a place to
7 stay, [REDACTED]"

8 Page 45 lines 10-12:

9 [REDACTED] he would come and see us [REDACTED]

10 [REDACTED]"

11 is corrected to :

12 [REDACTED] he came to see us and he left [REDACTED]

13 [REDACTED]."

14 Page 46 lines 9-11:

15 "We left, and we went -- you see, at the exit of Timbuktu, there was a vehicle that was
16 parked just at the entrance to the city"

17 is corrected to :

18 "We left and went to the entrance of Timbuktu. There was an armoured vehicle, of the
19 RHM (phon) type that was parked just at the entrance to the city"

20 Page 46 lines 20-21:

21 " The MNLA people do not enter the city without (sic) weapons.""

22 is corrected to :

23 "The MNLA do not enter the city with weapons."

24 Page 47 line 25 to page 48 line 1:

25 " This person played a ..."

1 is corrected to

2 " This person did not play such a large role in all that."

3 Page 48 lines 11-12:

4 "So truly, I would rather keep it to myself."

5 is corrected to :

6 "So truly, I would rather keep it to myself, particularly as the subject I am speaking
7 about does not concern him."

8 Page 48 lines 18-19:

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11 is corrected to :

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13 Page 50 line 12-14:

14 "A. [12:21:16] I didn't know the man who was at the checkpoint. The man who
15 came up to us was a large, large man, very tall, very yellowish in colour, very
16 light-skinned, quite tall and thin."

17 is corrected to :

18 "A. [12:21:16] I didn't know the man who was at the checkpoint. He was not the
19 only one. The man who came up to us was a huge man, very tall, very yellowish in
20 colour, very light-skinned, quite tall in stature."

21 Page 52 line 24 to page 53 line 2:

22 "There was also one young fellow who had a scarf, often worn -- it's a very common
23 kind of scarf that wraps around the head. What you call it -- it's not a turban exactly.
24 Many people wore that kind of scarf."

25 is corrected to

1 "There was also one young fellow who had a scarf, a two-piece headscarf that is very
2 common in our country. What do you call it in Arabic? It's not a turban, it's a
3 headscarf. There were others as well who were wearing turbans."

4 Page 53 lines 5-6:

5 "A. [12:28:16] I no longer recall the exact location of the building, but it was along
6 the same row where you find the crafts that are sold in the market."

7 is corrected to :

8 "A. [12:28:16] I no longer recall the exact location of the building, but it was along
9 the same row as the artisanat, the craft market of Timbuktu."

10 Page 53 lines 18-23:

11 "He said that they were thieves. They just loot, take things from the community.
12 And I said to him -- I, too, had not hold back. I was joking around as well. And I
13 said, "Well, we're both -- we're all Muslims here." And he said -- basically, I said to
14 him, "Well, go wage Jihad where you should. Not ..."

15 is corrected to :

16 "He said that the MNLA were thieves, vandals, they just pillage things from people,
17 from the community, and so on and so forth. And I didn't hold back from making
18 fun of his side, of Ansar Dine. And I said, "You too, instead of carrying out jihad here
19 (inaudible), you know that we are all Muslims here and the children of (inaudible).
20 What you have learned about Islam you learned here, you didn't learn it anywhere
21 else. "

22 Page 53 line 24 to page 54 line 1:

23 "I even teased him. I said -- now, I -- I was teasing him. I was saying that, "You
24 were taking advantage" -- that he was taking advantage of the situation. "You're
25 smuggling girls into the prison," and so on and so forth."

1 is corrected to :

2 "I even teased him saying "I know that you are taking advantage of the situation,
3 when you take the girls there, you put them in the prisons there, I know you are
4 taking advantage". But it was just a joke, between cousins."

5 Page 58 lines 16-17:

6 [REDACTED]

7 [REDACTED] (Overlapping speakers)"

8 is corrected to :

9 [REDACTED]
10 [REDACTED]

11 Page 62 lines 1-5:

12 "A. [14:49:16] Well, when I was in the city, it was to find cigarettes in the market.
13 Only one vehicle passed by on that day bearing a black flag. I recall that it was the
14 only vehicle with armed passengers. I was going here and there looking for
15 cigarettes, visiting shops, and, at one shop, I was getting a bit desperate, a bit put-out,
16 and I started to complain about the situation and I said, "My goodness, these people
17 have really ruined our lives. You can't even get a pack of cigarettes at the market.""

18 is corrected to:

19 "A. [14:49:16] I was going through the market looking for cigarettes everywhere,
20 but the shopkeepers told me they had no cigarettes. But at one shop, I was starting to
21 despair about finding a cigarette, I started to mutter, complaining about the situation
22 and I said, "My goodness, these people have really ruined our lives. You can't even
23 get a cigarette at the market. It's really a sorry state of affairs""

24 Page 62 lines 6-7:

25 "Now, when the shopkeeper heard that, I think he began to trust me more and he said,

1 "We have cigarettes. In fact, we have some Marlboros." "

2 is corrected to:

3 " Now, when the shopkeeper heard that, I think he began to trust me more and he
4 said, "We have cigarettes but are afraid of Marabouts here.""

5 Page 63 lines 10-11:

6 "So I'm talking about [REDACTED] that is, tab 6 in the material list and tab 14."

7 is corrected to :

8 "So I'm talking about [REDACTED] that is, tab 13 in the material list and tab
9 14."

10 Page 66 lines 12-13:

11 " A. [15:01:15] That video is out of focus, and I think that it may be part of the video
12 that you showed me earlier. "

13 is corrected to :

14 "A. [15:01:15] That video is out of focus, and I also don't remember it being one of
15 the videos that you showed me earlier."

16 Page 66 lines 14-16:

17 "Q. [15:01:30] I can have the video shown to you once again and we could stop so
18 that you can have a better look and tell me what you recognise."

19 is corrected to:

20 "Q. [15:01:30] I can have the video shown to you once again and we can freeze the
21 image at the beginning or in the middle which are the clearest parts. We can also go
22 further in the video."

23 Page 66 line 23:

24 "Here, we have a frozen image."

25 is corrected to :

1 "Here, we have a frozen the image at 2 seconds."

2 Page 67 lines 20-23:

3 "A. [15:05:29] All the videos that I identified before were very clear. However, in
4 the case of videos which I found to be amateur videos, I said that I wouldn't be
5 making identification."

6 is corrected to:

7 "A. [15:05:29] All the videos that I identified before, or in which I made an
8 identification, were reasonably clear. However, I refrained from carrying out the
9 identification procedure in most of the videos because, as I said, these were amateur
10 videos."

11 Page 69 lines 15-16:

12 "And, when I joined the MNLA, from the outset I did so due to anger and -- and I was
13 convinced that what I was doing was just."

14 is corrected to :

15 "And, when I joined the MNLA, from the outset I did so due to anger, a spirit of
16 vengeance and the conviction that what I was doing was just."

17 Page 74 lines 19-20:

18 "Are you trying to shed light on the confusion that might arise between the elements
19 of MUJAO, MNLA, Ansar Dine?"

20 is corrected to :

21 "Are you trying to clear up the confusion there is between MUJAO, the MNLA, Ansar
22 Dine, AQIM?"

23 Page 74 lines 23-25:

24 "Did the -- was the attire of the members of the armed group -- of the armed group,
25 MNLA, any different from the attire worn by the MUJAO, Ansar Dine et cetera?"

1 is corrected to :

2 "Was the attire of the members of the armed MNLA men any different to that worn
3 by AQIM, MUJAO or Ansar Dine?"

4 Page 75 lines 17-18:

5 "you moved around in the suburbs of Timbuktu, and, more specifically, towards the
6 river, on the river to Douentza -- on the road to Douentza and Bamako."

7 is corrected to :

8 "you moved around the outskirts of Timbuktu, and, more specifically, towards the
9 river, on the Douentza, Rharous road to Bamako."

10 Page 76 line 6:

11 "ML 16."

12 is corrected to :

13 "RN 16."

14 Page 76 lines 20-22:

15 "A. [15:31:46] I did not see any flogging taking place in Timbuktu. I was not in
16 attendance in any such happenings, but I did hear people speak about it, and I heard
17 about the practice."

18 is corrected to :

19 "A. [15:31:46] I did not see with my own eyes, as you put it, any floggings in
20 Timbuktu. I was not present at any floggings in Timbuktu or elsewhere, but I did
21 hear people speak about floggings and other practices."