

Trial Hearing
WITNESS: 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
7 Judge Kimberly Prost
8 Trial Hearing - Courtroom 3
9 Friday, 27 August 2021
10 (The hearing starts in open session at 9.33 a.m.)
11 THE COURT USHER: [9:33:11] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE MINDUA: [9:33:29](Interpretation) The hearing shall now
15 begin. Good morning, everyone.
16 Courtroom officer, please call the case.
17 THE COURT OFFICER: [9:34:04] Good morning, Mr President, your Honours.
18 This is the situation in the Republic of Mali, in the case of The Prosecutor versus Al
19 Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud, case number ICC-01/12-01/18.
20 And for the record, we are in open session.
21 PRESIDING JUDGE MINDUA: [9:34:15](Interpretation) Thank you very much,
22 courtroom officer.
23 As is the case every morning, we will now hear from the various teams, beginning
24 with the OTP, Mr Garcia.
25 MR GARCIA: [9:34:27](Interpretation) Good morning, your Honours. I'm Lucio

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1 Garcia for the OTP. Mr Dutertre is with me as well, and Ms Paola Sacchi.

2 Thank you.

3 PRESIDING JUDGE MINDUA: [9:34:39](Interpretation) Thank you.

4 And now the Defence, Counsel.

5 MS TAYLOR: [9:34:49] Good morning, Mr President. Good morning,

6 your Honours. And good morning to everyone in the courtroom and around the

7 courtroom. The Defence for Mr Al Hassan is represented today by Maître Mohamed

8 Youssef and myself, Melinda Taylor. Thank you.

9 PRESIDING JUDGE MINDUA: [9:35:03](Interpretation) Thank you very much,

10 Ms Taylor.

11 And now the Legal Representatives of Victims.

12 Counsel.

13 MR KASSONGO: [9:35:22](Interpretation) Good morning, everyone. The team

14 representing the victims is as yesterday, Claire Laplace and myself, Mr Kassongo.

15 PRESIDING JUDGE MINDUA: [9:35:26](Interpretation) Thank you very much,

16 Mr Kassongo.

17 This morning we will continue with the testimony of Witness P-1086, a Prosecution

18 witness naturally.

19 I now turn to the witness.

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

21 WITNESS: MLI-OTP-P-1086 (On former oath)

22 (The witness speaks French)

23 (The witness gives evidence via video link)

24 THE WITNESS: [9:35:54] Good morning, your Honour. Yes. I can hear you.

25 PRESIDING JUDGE MINDUA: [9:35:59](Interpretation) Thank you very much,

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1 Mr Witness. Once again, welcome on behalf of the Chamber.

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

4 I would also like to remind you about our practical instructions in relation to your
5 testimony.

6 Please speak clearly and at a moderate pace, even a slow pace, so as to facilitate the
7 work of our court reporters and interpreters. So there you have it.

8 Without any further ado, I will now call upon Ms Taylor to begin her
9 cross-examination by the Defence.

10 Counsel.

11 QUESTIONED BY MS TAYLOR:

12 Q. [9:37:20] Good morning, Mr Witness. How are you this morning?

13 A. [9:37:22] Excellent, Ms Taylor. Marvelous.

14 Q. [9:37:25] That's good to hear.

15 So, Mr Witness, I'm going to start my questioning in open session. So I just bring
16 that to your attention not to give my answers that might identify you. And if you
17 believe we need to go into private session, please raise your hand and I will ask the
18 Presiding Judge if we can go into private session.

19 I would also ask if you could keep your answers short and to the point to make it
20 easier for the interpreters.

21 And again, if there's any problems with the connection, if you can't hear me, again, if
22 you could just raise your hand.

23 A. [9:38:15] Yes. I've understood, Ms Taylor.

24 Q. [9:38:17] Now, Mr Witness, during your time with the MNLA, did you suffer
25 from insomnia?

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1 A. [9:38:30] Thank you for your question, Ms Taylor. When I was a member of
2 the MNLA I did not have any health problems that were worth mentioning, except
3 when you sleep all night long with a weapon, it's quite normal that you don't sleep
4 fully. Other than that, I don't remember any particular instances of insomnia that
5 would be an illness or a condition.

6 Q. [9:39:19] Was this a stressful and disturbing time for you?

7 A. [9:39:42] Ms Taylor, during that time, I was unfortunate enough to see many
8 things that I would not have liked to have seen. I saw death around me. I saw
9 some things that are certainly not pleasant to see. I did notice a bit of a change in
10 myself when I went back to social life. I didn't life -- I didn't sleep the way I slept
11 before I joined the MNLA. * Even the sound of cars driving over gravel or asphalt
12 often makes me start and wake up, thinking that it's a helicopter. So it took me a
13 while to get used to my return to normal life in society.
14 When you spend three months in a conflict with an armed group, it's quite normal for
15 some behaviours, unusual behaviours, whether you're affected -- that you might be
16 affected by some unusual behaviours.

17 Q. [9:40:55] Do you find it difficult to remember specific dates clearly?

18 A. [9:41:12] Exactly, Ms Taylor. Like everyone else, it's not always easy to
19 remember specific dates, especially if many years have gone by.

20 And also, when you are under oath, as I am today, and soon as there's the slightest
21 doubt, you say that you can't speak with absolute certainty about dates.

22 Q. [9:41:48] Do you also find it hard to remember clearly the order in which things
23 happened?

24 A. [9:41:55] I think it's easier for me to remember the timeline than to remember the
25 actual dates themselves. I don't have any trouble remembering the series or the

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1 order of events that I remember. But it is normal, it's part of nature, to forget some
2 things. When I'm not sure about something, I certainly do say that I don't remember
3 exactly.

4 Q. [9:42:44] Now, Mr Witness, yesterday you testified in relation to the Tuareg
5 rebellions in the '90s. Based on what you heard and what you know, were Tuaregs
6 subjected to forms of ethnic cleansing by the state authorities in the periods prior to
7 2012?

8 A. [9:43:11] I remember the 1990s and the rebellion during that time. I was still a
9 child at that time. I was at primary school. I was in the fourth year of primary
10 school. My family and I, we were living in the bush like -- almost like wild animals.
11 We couldn't even go into the town to buy grain. We had to go to a neighbouring
12 country. * There was a mission, called "Kokadie mission" led by the Malian army
13 and the goal of that mission was to exterminate the entire Tuareg community, the
14 white community living around Timbuktu. And I believe that's common knowledge
15 these days -- these days.

16 Q. [9:44:14] I believe you referred to a place. Did you refer to a place called
17 K-O-K-A-D-I-E? Operation, sorry. An operation called K-O-K-A-D-I-E.

18 A. [9:44:44] Yes, the operation was called Kokadie operation. And the purpose
19 was to wipe, to cleanse, and to exterminate the community. In other words, to wipe
20 the slate clean so to speak.

21 Q. [9:45:11] Did this experience of ethnic cleansing lead you or the persons you
22 knew to fear that you could be victims of ethnic cleansing again in 2011 and 2012?

23 A. [9:45:40] You know, thanks to the experience of what I went through in the
24 1990s, by 2012 many people did not wait. As soon as the first attack occurred in
25 January 2012, that was when hostilities began. That is when many people fled to the

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1 neighbouring country. And that was owing to the experience they had gone
2 through in the 1990s.

3 During the 1990s, people were slow to leave the country and go into exile. And that
4 truly cost them. There were mass -- massacres. I myself remember a few when I
5 was a child, during my childhood.

6 Q. [9:46:41] To your knowledge, was there a tribunal in the Rharous area which
7 displayed a skull with the words *Le grand rebelle criminel Boniamine*.

8 I see that the French interpreter didn't hear what I said, so I'll repeat it.

9 Mr Witness, are you aware whether there was a tribunal in Rharous area - for the
10 interpreters, that's R-H-A-R-O-U-S - which displayed a skull with the words *Le grand*
11 *rebelle criminel Boniamine*. That's B-O-N-I-A-M-I-N-E.

12 A. [9:47:56] Yes, I do remember that, that tribunal in Rharous in 2012. There was a
13 label stuck onto the skull and it said * "Boniamine Al Ansari", the great Tuareg
14 assassin rebel." I was part of the team that went with the witness... the team that
15 removed the boxes at the tribunal. It was in 2012. The skull was filmed. Yes,
16 indeed. I knew Boniamine. And I took all the time I needed to look at the skull,
17 and I recognised a tooth that was missing. And I found that the skull had the same
18 missing tooth as the person. So all the physical aspects bore out that it was indeed
19 the skull * of Boniamine whom I had known in 93, 94. That was in 2012. He was
20 part of a team of soldiers who were executed in Rharous by their fellow soldiers in
21 2012 during the events, during the rebellion of the 1990s.

22 Q. [9:49:28] And was this skull displayed in the tribunal as a warning to show what
23 happened to those who stood up for Tuareg rights?

24 A. [9:49:59] * The skull was shown, displayed in a not so blatant way, to scare
25 people at the tribunal, to show them that : Look, this is what we do to criminals at the

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1 Rharous tribunal.

2 Q. [9:50:08] Now, speaking of the situation in the north before 2012, was there a
3 vacuum or absence of public services?

4 A. [9:50:36] Before 2012 -- you see, there was tourism well before 2012. Well
5 before 2012, the government did not have complete control over northern Mali. And
6 that was well before the 2012 crisis.

7 As for justice, let's not even talk about the justice system because the justice system
8 was quite lacking. There were cases of corruption because when a case went to trial,
9 it became a matter of money, and the poorest people never received justice. You had
10 to be rich to win a trial in northern Mali. Even if you were a victim, if -- well, if you
11 were a victim, you were afraid to begin any sort of lawsuit. So if you were the victim
12 of injustice, people usually tried to seek justice for themselves rather than turning to a
13 court because the lawsuits became a money-making enterprise well before that time
14 in northern Mali.

15 Q. [9:52:05] And did you yourself ever encounter a lawyer?

16 A. [9:52:21] I never met a lawyer, but I know that * in Mali there one can study to
17 become a lawyer or a jurist. But, no, I never met with a lawyer.

18 Q. [9:52:34] And speaking of the north, is it correct that the parties weren't
19 necessarily assisted or represented by lawyers?

20 A. [9:52:41] I do know that in relation to everything that led to lawsuits in northern
21 Mali, I'm not aware of any party that was in touch with a lawyer. It was more a
22 matter of people being summoned. People would go to the *chefs-lieux*. But I never
23 heard any talk of lawyers.

24 Q. [9:53:21] And did the judges generally come from Bamako?

25 A. [9:53:27] All the judges -- all the judges that I knew about -- well, * I didn't know

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1 any judge personally, but all the judges I remember in the areas came from the circle.
2 I never heard of any talk about a Tuareg or an Arab or Songhai judge, never a
3 national from the north area. All the judges I heard about came from south. If they
4 came from the north, it would be even worse because you see, there was the
5 difference between the rich and the poor, between the weak and the strong. And if
6 the judge was Songhai or Tuareg or Arab, that would be even worse because there
7 would be favouritism. And even if a Tuareg judge were to decide fairly between a
8 Tuareg person and someone from another community, the verdict would not be
9 accepted because the judge would always be * accused of favoritism. So, even if they
10 always hailed from the south, we never had the impression that there was any justice
11 as such.

12 Q. [9:55:07] So would it be fair to say that the system of justice in the north lacked
13 legitimacy among your community?

14 PRESIDING JUDGE MINDUA: [9:55:19](Interpretation) Mr Prosecutor.

15 MR GARCIA: [09:55:19](Interpretation) I think the question should be rephrased, or
16 perhaps we could -- perhaps counsel could go to another line of questioning. It's one
17 thing to ask the witness how he felt about some things, but to ask the witness to speak
18 on behalf of an entire community, that's quite a stretch. And the communities -- well,
19 these are not simple terms. So the witness has come to give testimony. And I really
20 don't see what is the point talking to the witness about these things. I believe the
21 questions go beyond the witness's knowledge, and there's a certain degree of
22 speculation involved and conjecture in all of that.

23 PRESIDING JUDGE MINDUA: [9:56:08](Interpretation) Ms Taylor (Overlapping
24 speakers)

25 MS TAYLOR: Mr President, I can reformulate my question.

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1 PRESIDING JUDGE MINDUA: (Interpretation) Very well. Rephrase. Thank you.

2 Agreed.

3 MS TAYLOR: [9:56:22]

4 Q. [9:56:22] Now, Mr Witness, based on what you saw and heard, was there a lack
5 of teachers in schools?

6 A. [9:56:46] Yes, there was a great shortage of teachers in schools, particularly in
7 the last few years. There were many schools, but the number of teachers was far
8 from enough. And the few teachers that there lacked experience and pedagogical
9 aptitude. So not only did we have very poorly educated teachers who had gone into
10 teaching and were undertrained, to increase the number of teachers, which was very
11 insufficient to begin with. * So, in terms of education, health and justice, the
12 situation was really deplorable in the north.

13 Q. [9:57:28] And was cost or expense an issue as concerns access to health care?

14 A. [9:57:51] There were many problems. To the north, these were communities
15 without resources who lived from livestock and agriculture. People did not have the
16 resources to buy medications. There was very little in a number of locations.
17 Medications were rather expensive for the community. And even if a person had the
18 money to pay for medication, the care, * the health care that we need wasn't there in
19 the north.

20 Q. [9:58:34] And were there cases of banditry and theft?

21 A. [9:58:50] That's always existed, well before the crisis, cases of theft, cases of
22 banditry well before the rebellion and during the rebellion because we lived in a poor
23 area with unemployment, lack of education. And when poverty and lack of
24 education go hand in hand, it's completely normal to have theft, juvenile delinquency
25 and banditry.

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1 Q. [9:59:24] Now, it's correct, isn't it, that Al-Qaeda was present in the north before
2 the events of 2012?

3 A. [9:59:39] Al-Qaeda was indeed present well before the events of 2012, especially
4 in the Kidal region, Timbuktu and Gao, those areas. Even if their existence at that
5 time before the crisis had not led to many hostilities amongst -- between the armed
6 groups and the Malian army, there was a kind of an understanding that allowed them
7 to move about more freely than is the case today. But they -- they were there indeed
8 well before 2012.

9 Q. [10:00:19] Now, in terms of this understanding, is it correct that the Malian
10 government treated Al-Qaeda the same as other civilians in the north?

11 A. [10:00:44] In 2010 and 2011, I recall soldiers from radical groups who would
12 move around town armed. There was also the presence of the state of course as well,
13 that is to say, the Malian army or representatives of the prefecture or the
14 sub-prefecture. But I recall there was a kind of understanding between the state and
15 those radical groups. They were allowed to move about, and there were no clashes
16 between the two. So it was a kind of non-aggression pact.

17 Q. [10:01:40] And is it correct that before 2012, no one cared about the marrying
18 locals in these areas?

19 MR GARCIA: [10:01:59] (Interpretation) Your Honour, I object.

20 PRESIDING JUDGE MINDUA: [10:02:09](Interpretation) What is the basis for
21 objection?

22 MR GARCIA: [10:02:11] (Interpretation) * If we look at the question, Mr President, I
23 wonder how the witness can answer it. What are we talking about? Are we calling
24 upon his personal knowledge? "And is it correct that in 2012 no one cared about..."
25 Who are we talking about? "locals getting married": which people? I think that the

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1 question is ambiguous. I think it should be rephrased and made more specific.

2 And also it be made clear if one is asking the witness to answer based on his personal
3 knowledge or on what basis.

4 PRESIDING JUDGE MINDUA: [10:02:46](Interpretation) Ms Taylor, in my opinion,
5 this question is quite vague. What are you expecting of the witness exactly?

6 MS TAYLOR: [10:02:53] Mr President, I'm very surprised by the Prosecution's
7 objection, given that they should be familiar with this witness's transcripts and the
8 videos. And I think, given that, they might be aware that the very questions I'm
9 putting to this witness are very well known to this witness. But I'm happy to move
10 on to that video.

11 PRESIDING JUDGE MINDUA: [10:03:19](Interpretation) I think that it would be
12 fairer to the witness to move to the video.

13 Yes, Witness.

14 THE WITNESS: [10:03:28] If we might, I would prefer to go into private session.

15 PRESIDING JUDGE MINDUA: [10:03:45](Interpretation) Very good. We shall
16 move into private session.

17 Court officer, please do what is necessary.

18 THE COURT OFFICER: [10:03:51](Interpretation) We're in private session,
19 Mr President.

20 (Private session at 10.03 a.m.)

21 PRESIDING JUDGE MINDUA: [10:03:55](Interpretation) Thank you, Court officer.
22 Ms Taylor.

23 MS TAYLOR: [10:03:59] Thank you, Mr President. We're going to play OTP tab 13.

24 That's [REDACTED] And the transcript, I believe there's an OTP transcript.

25 The timestamps were the ones that were played yesterday, that's [REDACTED] The

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1 transcript is tab 14. That's [REDACTED]. And we'll play it with sound.

2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]

11 MS TAYLOR: [10:06:56]

12 Q. [10:06:56] Mr Witness, according to the transcripts of this video [REDACTED]

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

16 [REDACTED]?

17 A. [10:07:33] Yes, indeed, Ms Taylor. But those are things that I couldn't say in
18 open session [REDACTED]

19 [REDACTED] I have understood

20 that I should not address matters that might identify me and that's why I was reticent
21 to talk about this period.

22 What was said in that video extract is entirely reliable [REDACTED]

23 [REDACTED]

24 Q. [10:08:30] Now, Mr Witness, in this video [REDACTED]

25 [REDACTED]?

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1 [REDACTED] ?

2 A. [10:08:49] [REDACTED]

3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]

13 Q. [10:10:26] Okay. I'd like to play the same video without sound [REDACTED]

14 [REDACTED]

15 It will be played on evidence 2.

16 (Viewing of the video excerpt)

17 MS TAYLOR: [10:12:37] And if we can now go back and freeze [REDACTED]

18 [REDACTED].

19 Q. [10:12:56] Mr Witness, do you recognise this individual with sunglasses?

20 A. [10:13:09] No, I don't recognise that person. I don't know the person wearing
21 glasses here, and the video is also not clear enough. I only recognise the person who
22 is in front, but I don't recognise the person behind. I can see that [REDACTED]

23 [REDACTED] Colonel Assalat Ag Habi, who was an
24 officer of the MNLA.

25 PRESIDING JUDGE MINDUA: [10:14:10](Interpretation) Ms Taylor, is it necessary

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1 to continue in private session with this series of questions?

2 MS TAYLOR: [10:14:15] Yes, Mr President. It identifies the witness. And I'm
3 going to go on to questions which concern the footage.

4 PRESIDING JUDGE MINDUA: [10:14:36](Interpretation) Very good.

5 MS TAYLOR: [10:14:37]

6 Q. [10:14:38] Mr Witness, you've referred to someone called Assalat. Was he the
7 commander in Gao?

8 A. [10:14:55] Yes. Assalat, Assalat Habi, the person who is often called Assalat
9 Habi was an official who was in fact a deserter, he had deserted the Malian army in
10 2012, * he was a MNLA officer and he was indeed based in Gao. He was amongst
11 those who had led the assault on the Gao camp in 2012.

12 Q. [10:15:23] Now, Mr Witness, we saw individuals walking in formation. To
13 your knowledge, was this footage, was this of the MNLA?

14 A. [10:15:52] Yes, absolutely, Mr Taylor, what we're looking at there were recruits
15 [REDACTED] So yes, * MNLA elements.

16 Q. [10:16:05] [REDACTED] ?

17 A. [10:16:10] [REDACTED]
18 [REDACTED].

19 Q. [10:16:26] I would like to bring up Defence tab 12. It's [REDACTED].
20 It could be shown on evidence 1. I'm not going to read it, [REDACTED]
21 [REDACTED].

22 Mr Witness, do you recall [REDACTED] ? [REDACTED]
23 [REDACTED].

24 A. [10:17:18] I'm afraid I didn't catch the question. You asked me [REDACTED]

25 [REDACTED] I

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1 haven't understood your question I'm afraid.

2 Q. [10:17:35] I apologise for that, Mr Witness. [REDACTED]

3 [REDACTED]

4 [REDACTED] Overlapping speakers)

5 A. [10:17:56] [REDACTED].

6 Q. [10:17:59] Now, this article links to a video. The video is Defence tab 13.

7 That's [REDACTED]. And I'm going to play [REDACTED] without sound.

8 And I'm playing it on evidence 2.

9 (Viewing of the video excerpt)

10 MS TAYLOR: [10:18:58]

11 Q. [10:18:58] Mr Witness, is this the same footage that I showed before? To be
12 clear, I'm talking about the people walking in formation.

13 A. [10:19:24] [REDACTED]

14 [REDACTED]

15 Q. [10:19:40] I'm going to play the same 10 seconds again with sound. And the
16 transcript is Defence tab 14. [REDACTED]

17 (Viewing of the video excerpt)

18 MS TAYLOR: [10:20:38]

19 Q. [10:20:39] Now, Mr Witness, according to this transcript [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 Now, yesterday, page 40, line 60, and also at page 46, you testified that the MNLA left
23 the city of Gao at the end of June 2012.

24 So, Mr Witness, was this footage shot in June 2012?

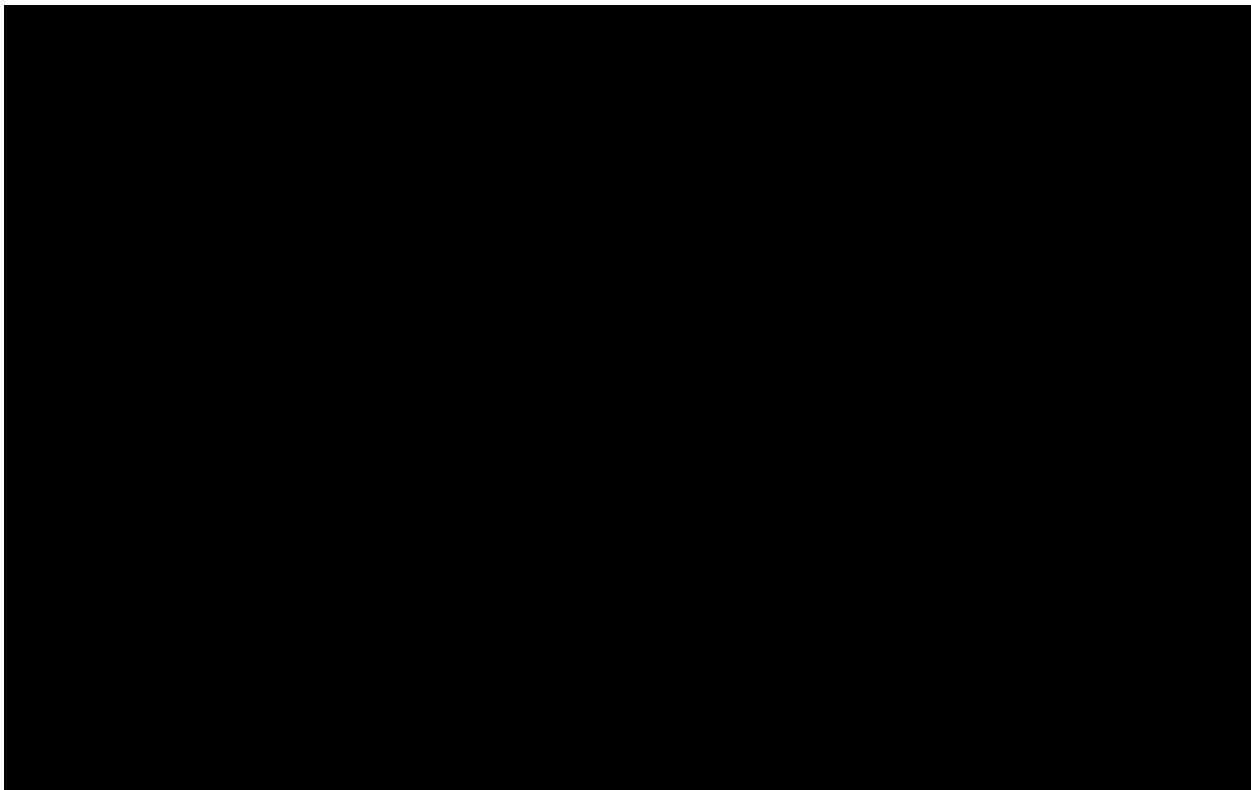
25 A. [10:21:22] Ms Taylor, as far as I know [REDACTED]

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12 MS TAYLOR: [10:23:06] Mr President, I have one more question to ask in private
13 session, then we can move to open session.

14 Q. [10:23:13] Now, Mr Witness, yesterday at page 14 you discussed an incident at
15 the beginning of 2012 when pro-government militia took and tortured two drivers

16 [REDACTED]. What was the ethnicity of the drivers?

17 A. [10:23:47] The drivers, and indeed everybody in the vehicle [REDACTED]

18 [REDACTED]
19 [REDACTED]

20 [REDACTED] When they returned, they
21 were intercepted by that pro-governmental militia, which was led by a member of the
22 Malian army. They were tied up and tortured and what they recounted to us upon
23 their return was really an atrocity. I could hardly believe it when I heard that they
24 had been arrested, tied up, beaten up, transported in inhumane conditions. I even
25 thought they would die. I never expected to see them alive again. Because when

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1 people are taken like that in a period of crisis, generally, they're executed
2 straightaway.

3 Q. [10:25:03] Did you learn or hear anything about why the pro-government militia
4 tortured them?

5 A. [10:25:18] Well, you know, first of all, the fact that they were moving camp
6 across a border, they were in a pickup and they were Tuaregs. Now, the fact that
7 they were in pickups and were Tuaregs, that would have given the impression that
8 they had affinities with the rebels. And as I understood, that is what they were
9 accused of, of having affinity with the rebels, the MNLA, which had just begun the
10 offensive in the Menaka region at that time. So they were treated as rebels without
11 there being any proof that they were rebels. If you're Tuareg and you're in a pickup
12 and at that point in time if you're spotted by the army, you would be treated as a
13 rebel even if there was no proof that you were a rebel.

14 PRESIDING JUDGE MINDUA: [10:26:25](Interpretation) Ms Taylor, I think that we
15 can move now into open session. The Court feels that it has been sufficiently
16 apprised of these matters.

17 MS TAYLOR: [10:26:31] Thank you, Mr President.

18 PRESIDING JUDGE MINDUA: [10:26:34](Interpretation) Court officer, open session,
19 please.

20 THE COURT OFFICER: (Interpretation) We are back in open session, Mr President.
21 (Open session at 10.26 a.m.)

22 PRESIDING JUDGE MINDUA: [10:26:50](Interpretation) Thank you very much,
23 Court Officer.

24 Ms Taylor.

25 MS TAYLOR: [10:26:55]

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1 Q. [10:26:55] So, Mr Witness, just to caution you, the Presiding Judge has ordered
2 us to go into open session, so I would just invite you not to provide any information
3 that could identify you. And if you feel you need to do so to answer a question, if
4 you could raise your hand.

5 Now, Mr Witness, after you joined the MNLA, did you interact with any individuals
6 who had deserted from the Malian army?

7 A. [10:27:38] Ms Taylor, could you repeat the question, please?

8 Q. [10:27:42] In 2012, after you joined the MNLA, did you interact with any
9 individuals who had deserted from the Malian army and joined the MNLA?

10 A. [10:28:09] When hostilities broke out in 2012, all Malian army soldiers who were
11 in the ranks of that army deserted the army, or most of them did, to join the rebellion.
12 Others, too, left the army to go to refugee camps to go into exile elsewhere because
13 one had the experience of the 1990s and * the earlier conflicts. Because, when rebellion
14 broke out in the north of Mali, all of the Arabo-Tuareg in the army are directly
15 targeted by their brothers in arms.

16 There was also a lack of confidence in the event of an attack or an ambush. The
17 Tuaregs or the Arabs were always automatically accused of aiding and * abetting. So,
18 given our experience of previous years, as I said previously, with what occurred in
19 Rharous with the execution of Boniamine and his other brothers in arms who were
20 surprised at night and shot by their brothers in arms and other events with many
21 other brothers in arms from the elements of the Malian armed forces who were
22 executed by their brothers. * This has been an experience for the Tuaregs and the
23 Arabs in the army.

24 So when the crisis broke out, many felt that to save their own lives they had no choice
25 but to join the rebellion or to go into exile in a neighbouring country.

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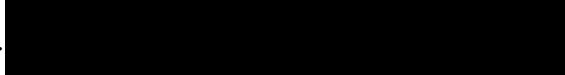
1 Q. [10:30:06] So did any of these deserters tell you how the Malian army treated
2 Tuaregs and Arabs at this time?

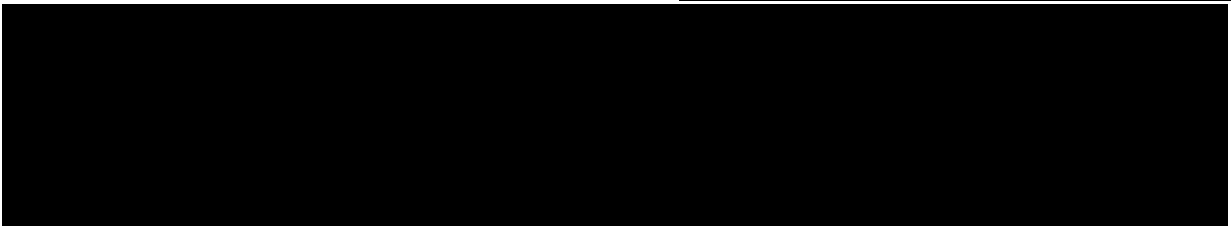
3 A. [10:30:30] Ms Taylor, I think it would be preferable if you could specify your
4 question further, if you could rephrase it so it's clearer to me. Thank you.

5 Q. [10:30:51] Mr Witness, you've just said at line 21, lines 22 to 23, that "we had
6 seen where people had been shot and killed by their own brothers in arms and we
7 had seen members of the Malian army who had been shot dead by their own
8 comrades."

9 So my follow-up question is, Mr Witness: Did any of the people who deserted from
10 the Malian army and joined the rebels, did they tell you about how the Malian army
11 had treated Tuaregs and Arabs within their ranks?

12 A. [10:31:48] That was a practice that began a long time ago, ever since the rebellion
13 of the previous years. Before 2012, those practices became quite common within the
14 army. When the rebellion broke out in the north, of course there was no longer any
15 trust within the Malian army. The -- it was the Tuaregs. In actual fact, other
16 Tuaregs deserted of their own free will with weapons to join the rebels. So a few
17 events like that led to a loss of trust in the Tuaregs and Arabs within the army. Each
18 time a problem occurred, the Malian army thought that a Tuareg person was involved.
19 So if you are Tuareg or an Arab, that's all they needed to come to the conclusion that
20 you were involved.

21 * In 2012, for example, there was a Tuareg who did the (inaudible) and who stayed in
22 Sévaré among his brothers in arms and I was... 

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3 Q. [10:33:42] Now, yesterday at page 23, you referred to a militia headed by
4 someone called Diallo, D-I-A-L-L-O.

5 Was this militia also known as the Ghanda Koy?

6 A. [10:34:06] Yes, Ms Taylor, that militia was indeed known by the name of
7 Ghanda Koy led by Diallo, who was actually one of the leaders of that same militia in
8 the 1990s. And then he joined the Malian army, the gendarmerie, actually. And
9 when the crisis broke out in 2012, he organised that same militia. He set up the same
10 militia drawing upon civilians, Songhai and Peuhl civilians. The role of that militia
11 wasn't really to go to the front, but rather to conduct sweep operations in the
12 countryside. When they came across people along the road they would execute
13 them, or they often would go into the encampments to kill people because of their
14 ethnic origin. That was the modus operandi of that militia, but they didn't have the
15 capacity and the strength at that time to square off against -- rather, to take part in the
16 fighting of 2012 because those -- that fighting was quite powerful. They weren't as
17 well trained and as well armed to square off against the rebels. Their main role was
18 to track down Tuaregs and Arabs in the towns and on the outskirts of towns and
19 villages.

20 Q. [10:35:51] Were you aware of any incidents involving the Ghanda Koy that
21 occurred in 2012?

22 A. [10:35:58] Indeed, Ms Taylor, in 2012, one of the reasons -- one of the main
23 reasons that led us to attack the Diallo camp, the camp of the Ghanda Koy militia, was
24 the fact that we received news that they were in the zone with two or three vehicles.
25 The information was reported to us. Apparently, they killed two or three

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1 young people. They came across two or three young people from the encampment.
2 They executed them. After executing them, they cut off their ears and put their ears
3 in the palm of their hands. So we mobilised a mission to go on site. We found the
4 young people in that position and, indeed, their ears had been cut off and placed in
5 their hands. So this led us to going after -- to continuing the mission. We caught
6 up with these people. We engaged in battle with them. There were several deaths
7 amongst them, but that day Diallo was not there. Those days Diallo was in Gao,
8 according to the information received, and there were several deaths on the
9 Ghanda Koy side, people who had not fled.

10 Q. [10:38:03] Now, based on what you heard in 2012, was there a difference
11 between what you read and heard in the media about what the MNLA was alleged to
12 have done as compared to what you yourself saw happen?

13 A. [10:38:36] Well, you know, in our part of the world the media exaggerates a
14 great deal when it comes to freedom of expression. There were no media that
15 followed the usual practices. In our part of the world, journalists say
16 whatever -- well, whatever the government tells them to say. The media really is in
17 no way a provider of reliable information. They say what suits them. When I hear
18 that in 2012 there had been rapes, well, they tend to turn the news into a Greek
19 tragedy and the media dramatised the situation so much they really contributed to
20 the media war, because it was really a media war. If the state, if the government, lost
21 on the front, they did have one weapon we didn't have, namely, the press. So they
22 used the press to tarnish the image of the MNLA accuse -- saying the MNLA of war
23 crimes and crimes against humanity.
24 In actual fact, they were afraid of being accused of war crimes. When the MUJAO,
25 with the assistance of civilians from Gao, when the MUJAO used civilians to drive out

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1 a number of MNLA members who were * standing guard in (inaudible) Bilal Ag
2 Cherif in Gao, there was a large camp with all kinds of weapons at Kaygourou, that is
3 to say Gao camp, located a few kilometers from the city. All this manpower and all
4 this artillery could pound the city and conduct proper clashes in the city. But all
5 those major troop levels and all these stories of heavy weaponry, well, the MNLA
6 headquarters refused strongly to intervene in the town because they were afraid that
7 it might be a trap, a trap into which they would fall and then the MNLA would be
8 accused of war crimes. Because if they conducted intensive fighting in town,
9 naturally there would be more civilian casualties and they naturally avoided that trap.
10 They didn't want the international community to accuse them of war crimes and
11 crimes against humanity.
12 They decided to withdraw, to get out of there, and to leave Gao to the radicals and to
13 leave with dignity.

14 Q. [10:41:43] Now, Mr Witness, just turning to a different topic, yesterday in
15 relation to the Berabiche militia in Timbuktu, you testified at page 28, lines 15:
16 "They began the hostilities because they knew full well that everything was lost in
17 advance. And as people say, if you see your house being looted, you must be one of
18 the looters. So that was one of the reasons why the pro-government militia did that."
19 Mr Witness, since you weren't present in Timbuktu at the time, is it correct that you
20 were not in a position to confirm whether the Berabiche militia engaged in actual
21 hostilities with the Malian army?

22 A. [10:43:05] Well, Ms Taylor, as I said, first of all, the events that occurred in 2012,
23 when it was conquered in 2012, it is important to realise that I was not in Timbuktu at
24 that time, nor was I part of the MNLA battalion that engaged in combat in that
25 specific area. So everything that I said about the victory in Timbuktu, it was based

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1 on information that we received within the MNLA because our brothers in arms were
2 there and they had relatives with whom they were communicating.

3 Q. [10:43:54] Now, it's correct that in Timbuktu, based on what you heard from
4 your fellow soldiers, the Berabiche militia didn't take any steps to ensure the security
5 and protection of civilians in Timbuktu?

6 A. [10:44:30] I haven't understood your question. When you say Berabiche, which
7 Berabiche are you talking about? The militia or Berabiche people in general? I
8 haven't understood the question.

9 Q. [10:44:45] Thank you, Mr Witness.

10 So we were just saying that what you said yesterday was that after the Malian
11 authorities left, the Berabiche militia effectively stepped in and took advantage of this
12 vacuum.

13 Now, when they did so, is it correct that they didn't take any steps to provide
14 protection and security to civilians in Timbuktu?

15 A. [10:45:28] As for providing security or ensuring the security of operations in
16 Timbuktu by the Berabiche, I don't know and I don't want to say anything about that.
17 What I do know is that I learned that the Berabiche were the first to begin hostilities
18 because they were already with the Malian army before that attack. They were the
19 first to open hostilities and they were also the first to use the loot, the booty, and that
20 is one of the reasons why they began hostilities before the arrival of the MNLA. I
21 don't know exactly how, but the MNLA were not the first to begin hostilities in
22 Timbuktu to the best of my knowledge. The MNLA stayed on the outskirts of the
23 city because of the presence of these armed groups that were not from the Malian
24 army so as to avoid a conflict of interest with these militia who had already taken up
25 positions. The MNLA thought it would be better not to actually enter the city.

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1 Q. [10:46:39] So going to the MNLA, it's correct that the MNLA had checkpoints in
2 the areas around Timbuktu?

3 A. [10:46:51] Ms Taylor, the MNLA, when it was based at the airport, there even
4 were checkpoints between the airport and the city. I saw another MNLA checkpoint.
5 There was another point at Kabara. There was a post at -- towards the Ber area, so I
6 can't tell you where the MNLA positions were everywhere. But there were areas
7 occupied by the MNLA at that time. But then with time, with the situation
8 worsening and tensions rising between the MNLA and Ansar Dine, these small
9 checkpoints tended to disappear slowly because those checkpoints could not be held.

10 Q. [10:48:07] And did the MNLA conduct searches of people who were passing
11 through the checkpoints?

12 A. [10:48:18] Yes, Ms Taylor, the MNLA did indeed search all the people who went
13 through the checkpoints that they held. It's also important to realise that many
14 groups of badly intentioned people took advantage of the MNLA flag to carry out
15 unhealthy activities such as theft. They tended to go through vehicles and steal
16 things. Many groups, many groups of thieves organised themselves. They had
17 weapons and they hid behind the MNLA flag to carry out many acts of theft and
18 looter -- and looting.

19 THE INTERPRETER: [10:49:18] Correction.

20 MS TAYLOR: [10:49:19]

21 Q. [10:49:20] And did you hear whether they would also impose heavy tolls on
22 people, charge them to go through?

23 A. [10:49:51] I think that at some places some men did have transporters pay of
24 course.

25 Q. [10:50:01] Now, at page 28, line 24 to 25, you've referred to badly intentioned

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1 people who took advantage of the MNLA flag.

2 Was there a problem of discipline or organisation among the members of the MNLA
3 in Timbuktu?

4 A. [10:50:37] Indeed, Ms Taylor. The MNLA, after the departure of the
5 government administration, the MNLA was no longer organised as it was initially.

6 All the evil people were just soldiers, and often they were set aside -- they went off to
7 the side. They became -- they formed small groups, became uncontrollable. Some
8 became thieves. Some carried out all kinds of other illegal activities.

9 But in any event, what I do know is that all those people were not acting on behalf of
10 the MNLA headquarters. Many of them were actually arrested and imprisoned by
11 the MNLA.

12 Now, in these large areas, the MNLA had many troops and they became uncontrolled,
13 they engaged in all kinds of activities, and even with the MNLA flag.

14 Q. [10:51:48] Now, speaking --

15 MR GARCIA: [10:51:57](Interpretation) I'm sorry to interrupt, your Honour.

16 PRESIDING JUDGE MINDUA: [10:52:00](Interpretation) Prosecutor.

17 MR GARCIA: [10:52:03](Interpretation) Thank you. Just to raise one point. I
18 don't know what happened, but I think we lost the connection with the witness.

19 Line 6, there seems to be an "inaudible", and I myself didn't hear what the witness
20 said. It was something about ethnicity and then the witness went on. I don't know
21 whether the English transcript shows the same sort of thing, but I think we may have
22 lost a little bit of the testimony.

23 PRESIDING JUDGE MINDUA: [10:52:35](Interpretation) That is correct.

24 Ms Taylor, do you have the English? Or if you could check with the witness.

25 MS TAYLOR: [10:52:54] There doesn't appear to be anything missing in the English.

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1 So I believe that the French can easily be corrected afterwards, at least with the
2 assistance of the audio tapes, given that we don't have a third language involved here.

3 MR GARCIA: [10:53:31](Interpretation) I would rather agree under normal
4 circumstances, but I think the recording dropped out for a moment. We have the
5 witness with us. Perhaps he could just repeat what he said and perhaps fill in the
6 missing material.

7 PRESIDING JUDGE MINDUA: [10:53:51](Interpretation) Where is this gap?

8 MR GARCIA: [10:53:57](Interpretation) Page 31, line 26:

9 "... more organised than they were at first (inaudible) ethnicity all the immoral
10 people."

11 PRESIDING JUDGE MINDUA: [10:54:08](Interpretation) Ms Taylor, did you see
12 that particular passage? Page 31, line 26 -- 24, 25, 26. In French I can see
13 organised -- "no longer organised the way they were initially." And then the
14 transcript reads "inaudible".

15 Could the witness reply.

16 MS TAYLOR: [10:54:36] Thank you, Mr President. The problem is that there's
17 nothing missing in the English. I'm happy to read out the English and then ask the
18 witness if there's anything additional. I think that's the easiest. But I do realise that
19 we're running out of time here, so I would hope this wouldn't be included.

20 So, Mr Witness, at page 29, lines 17 to 20 in the English, you said:

21 "The MNLA, after the departure of the government administration, the MNLA was
22 no longer organised as it was initially. All the evil people were just soldiers, and
23 often they were just set aside -- they went off to the side."

24 Is there anything missing from this?

25 A. [10:55:30] In actual fact, to add, just to clear up this part, I would like to say that

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1 initially at the beginning of the administration, the MNLA -- well, there was a free
2 territory no longer occupied by the administration. And the soldiers within the
3 MNLA who were really under the control of the MNLA, the MNLA expanded. They
4 had many new people join. Most of them were immoral. And these people who
5 were immoral organised themselves and formed small groups and carried out thefts,
6 looting, or other crimes out of the control of the MNLA. And often they -- they had
7 this label of the MNLA, you see.

8 PRESIDING JUDGE MINDUA: [10:56:26](Interpretation) That is fine.

9 Continue, Ms Taylor, please.

10 MS TAYLOR: [10:56:30]

11 Q. [10:56:30] Now, Mr Witness, for my next question, if you feel you need to
12 answer in private session, please raise your hand.

13 Now, speaking of the first part of 2012, it's correct, isn't it, that some MNLA officers or
14 sympathisers continued to live inside Timbuktu during this period?

15 A. [10:57:09] I haven't understood the question, Ms Taylor.

16 Q. [10:57:11] During this first part of 2012, is it correct that some members of the
17 MNLA continued to live in their homes inside Timbuktu?

18 A. [10:57:30] I don't know whether the question -- whether the question is vague or
19 if it's not quite properly situated in time. But in any event, I don't remember
20 speaking about people within the MNLA who continued to live in Timbuktu. Why
21 not? The MNLA had many sympathisers in Timbuktu, and they remained.

22 And -- well, they had their sympathisers, some people who did not go into exile, who
23 remained in the city. So I don't see how I could give testimony to the effect that
24 people within the MNLA had remained in the city. I couldn't say that, Ms Taylor.

25 In any event, I wouldn't want to give the name of someone who I know who was part

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1 of the MNLA. It might have been so, but I wouldn't want to say so because I left
2 Timbuktu early when the tensions first began. And a while later in July, I remember
3 I left the country.

4 MS TAYLOR: [10:59:02] Mr President, for my follow-up questions, I would need to
5 go into private session. I think it would be easier for the witness to answer on a
6 more specific basis.

7 PRESIDING JUDGE MINDUA: [10:59:12](Interpretation) How much time would
8 you need for that private session, Ms Taylor?

9 MS TAYLOR: [10:59:21] I believe that the -- actually, that the next following
10 questions all go into very specific individuals and specific incidents that were
11 addressed by the Prosecution in private session.

12 PRESIDING JUDGE MINDUA: [10:59:39](Interpretation) I'm putting the question
13 for the sake of the people listening in the public gallery.

14 We will now take our break. We are going to resume at 11.30. If you tell me how
15 much time you need for private session, I can let the people in the public gallery
16 know, and then they will know when we will resume in open session.

17 MS TAYLOR: [11:00:02] Thank you, Mr President.

18 It will depend on the witness's answers, but I believe I would need at least 40 minutes
19 to an hour to go through these incidents. I think it's not possible to go through them
20 without identifying the witness. These were all issues which were addressed in
21 private session yesterday.

22 PRESIDING JUDGE MINDUA: [11:00:27](Interpretation) Well, let us say this: We
23 will allocate 30 minutes for that. We will now take our break. We shall resume at
24 11.30. You put your questions in private session until noon. And at noon we will
25 assume in open session.

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- 1 Does that suit you? There we have it.
- 2 Very well. We will now suspend the hearing. The hearing is now suspended.
- 3 THE COURT USHER: All rise.
- 4 (Recess taken at 11.00 a.m.)
- 5 (Upon resuming in open session at 11.32 a.m.)
- 6 THE COURT USHER: [11:32:43] All rise.
- 7 Please be seated.
- 8 PRESIDING JUDGE MINDUA: [11:33:04](Interpretation) Proceedings are resumed.
- 9 Our witness is present.
- 10 And Ms Taylor, you have the floor. Now, would you like us to move directly into
- 11 private session?
- 12 MS TAYLOR: [11:33:21] Yes, Mr President.
- 13 PRESIDING JUDGE MINDUA: [11:33:26](Interpretation) Very well. And please do
- 14 try and adhere to the instructions given to you by the Chamber to ensure that these
- 15 proceedings are held in public as much as possible and that our audience knows what
- 16 they can expect from us.
- 17 Court officer, please move us into private session.
- 18 (Private session at 11.33 a.m.)
- 19 THE COURT OFFICER: [11:33:48](Interpretation) We are in private session,
- 20 Mr President.
- 21 PRESIDING JUDGE MINDUA: [11:33:55](Interpretation) Thank you very much,
- 22 court officer.
- 23 Ms Taylor.
- 24 MS TAYLOR: [11:33:59]
- 25 Q. [11:33:59] Now, Mr Witness, as you've heard, we're in private session, but

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1 because we're only supposed to spend a limited amount of time in private session, I
2 would just ask if you could kindly keep your answers short and to the point, if that's
3 okay.

4 So, Mr Witness, my first question is: Do you know an individual called [REDACTED]
5 [REDACTED]? I'll repeat it, and I'll spell it. [REDACTED]
6 [REDACTED]

7 THE INTERPRETER: [11:35:23] Inaudible.

8 PRESIDING JUDGE MINDUA: [11:35:26] (Interpretation) Court officer, we do not
9 hear the witness.

10 THE WITNESS: [11:35:30] (Interpretation) Yes. Yes, I know [REDACTED]

11 MS TAYLOR:

12 Q. [11:35:37] And was he living in Timbuktu in 2012?

13 A. [11:35:52] As far as I know, he was. He was living in Timbuktu in 2012.

14 However, he was living in Timbuktu in 2012, but he did leave Timbuktu to go to a
15 neighbouring country at one point in time. I don't know when that was, but he did
16 live for much of 2012, I believe, in Timbuktu.

17 Q. [11:36:24] And does he have a brother called [REDACTED]?

18 A. [11:36:39] Yes. He has a younger brother called [REDACTED]

19 Q. [11:36:46] And to your knowledge, [REDACTED]?

20 MR GARCIA: [11:36:51](Interpretation) Objection.

21 PRESIDING JUDGE MINDUA: [11:36:55](Interpretation) Prosecutor.

22 MR GARCIA: [11:36:58](Interpretation) I have an objection regarding the relevance
23 of this question in light of the nature of the testimony given by the witness. And I do
24 not see at all where the Defence is heading with this.

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

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1 MS TAYLOR: [11:37:13] Mr President, it's in this witness's prior statement, and it's
2 directly linked to this witness's description of the individual. So if the investigator
3 was allowed to elicit this information, I'm not sure why the Defence is not allowed to
4 do so. It goes directly to the credibility of that individual.

5 PRESIDING JUDGE MINDUA: [11:37:40](Interpretation) Prosecutor.

6 MR GARCIA: [11:37:42](Interpretation) That is a totally different thing. Its
7 pertinence or relevance is different in the situation where an investigator is meeting
8 with a witness and a courtroom where the rule is relevance, and it is a matter of
9 relevance that must lead the parties in putting their questions. This type of question
10 has already been refused by the Court, I believe. Last year, a similar line of
11 questioning was refused by the Court. The question is whether [REDACTED]
12 [REDACTED] relating to their
13 credibility. * So, this is the second time this kind of question is resurfacing but
14 through the back door with another witness.

15 PRESIDING JUDGE MINDUA: [11:38:41](Interpretation) The Court does not see the
16 necessity to put that question. Please move on. Thank you.

17 MS TAYLOR: [11:38:47]

18 Q. [11:38:49] Mr Witness, based on your knowledge, [REDACTED]

19 [REDACTED]?

20 A. [11:39:15] In this connection, I would just like to point out that [REDACTED]

21 [REDACTED] is a young person who I knew, knew quite well. It is a child [REDACTED]

22 [REDACTED]
23 [REDACTED] is
24 somebody who I like very much [REDACTED]

25 [REDACTED]. Now, as that relates to the

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1 matter [REDACTED].

2 Q. [11:40:12] Do you know an individual named [REDACTED] also
3 known as [REDACTED]?

4 A. [11:40:23] Yes. I know [REDACTED] the name which you stated.

5 Q. [11:40:33] Is he a relative of yours?

6 A. [11:40:45] Yes. I confirm that [REDACTED] is a member of my family have.

7 Q. [11:40:56] And is he also a relative [REDACTED]?

8 A. [11:41:00] Yes. I confirm that [REDACTED].

9 Q. [11:41:12] I would just like to bring up tab 15. That's [REDACTED].

10 That might be the wrong one. So I apologise. That's tab 16. It's

11 [REDACTED]. If that could be played on evidence 1.

12 Mr Witness, is there an individual that you identify as [REDACTED] on this
13 page?

14 A. [11:42:26] Yes. I see [REDACTED]
15 [REDACTED].

16 Q. [11:42:41] So just to confirm for the record, it's someone wearing a white turban
17 and sunglasses to the left of the page?

18 A. [11:43:00] Yes, indeed, Ms Taylor. It is the person who you see on the left
19 wearing a hurban -- turban, rather, with his teeth and his lips fully visible.

20 Q. [11:43:14] Now, when you went to Timbuktu in 2012, did you meet with
21 [REDACTED]

22 A. [11:43:30] Yes.

23 Q. [11:43:32] [REDACTED]?

24 A. [11:43:50] Okay. Well, on this topic, Ms Taylor, and given that I am under oath,
25 you are asking me to say things which I refused to say yesterday. Now, as I am

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1 under oath, I said yesterday [REDACTED]
2 whose name I do not wish to cite in court.

3 Now, given that I am under oath --

4 Q. [11:44:28] Mr Witness, if you don't wish to answer that, that's okay. I'm not
5 going to force you to answer it.

6 A. [11:44:35] Thank you, Ms Taylor. I think that -- or I see that, in any case, given
7 your procedure, [REDACTED]

8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]

15 Q. [11:45:44] And since Mr Al Hassan [REDACTED] was he someone that he
16 knew from before 2012?

17 A. [11:46:03] Yes. Yes, it's somebody who he knew well before 2012.

18 Q. [11:46:07] And would it be correct that he's someone he interacted with
19 regularly?

20 A. [11:46:15] [REDACTED] was a very close relation to Hassan and
21 indeed to me. [REDACTED] well before the crisis. And during the
22 crisis, Hassan and Abdoul Aziz (phon) were in contact.

23 Q. [11:46:44] Now, speaking of this first visit to Timbuktu, yesterday at page 65,
24 you testified that when you saw Al Hassan, you joked with him about girls.

25 Now, did you joke about this because you used to see him out socialising and dancing

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1 with girls?

2 A. [11:47:30] Well, as I said, we were joking. That does not mean that Hassan in
3 any way tends to be having -- tends to be overly interested in girls. [REDACTED]

4 [REDACTED] I was teasing him, I was delighted to see him that day, I was
5 ribbing him with little fibs. It was a way of just communicating [REDACTED] That
6 doesn't mean that I have known Hassan to be involved in any kind of debauchery or
7 any kind of an unhealthy interest in women.

8 MS TAYLOR: [11:48:23] Mr President, I believe I can ask some follow-up questions
9 in open session.

10 PRESIDING JUDGE MINDUA: [11:48:34](Interpretation) Very good. Thank you,
11 Ms Taylor.

12 Court officer, please return us to open session.

13 (Open session at 11.48 a.m.)

14 COURT OFFICER: [11:48:39] (Interpretation) We are back in open session,
15 Mr President.

16 PRESIDING JUDGE MINDUA: (Interpretation) Thank you very much, court officer.
17 Ms Taylor.

18 MS TAYLOR: [11:49:00]

19 Q. [11:49:01] Now, Mr Witness, again, without identifying you, is it correct that at
20 this point in time, you had not heard anyone speak of cases of women being arrested
21 or brought to the police in Timbuktu?

22 MR GARCIA: [11:49:23](Interpretation) If I might.

23 PRESIDING JUDGE MINDUA: [11:49:23](Interpretation) Yes, Mr Prosecutor.

24 MR GARCIA: [11:49:25](Interpretation) Could it be specified what date or period of
25 time this question relates to.

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1 PRESIDING JUDGE MINDUA: [11:49:30](Interpretation) Ms Taylor, indeed.

2 Could you situate this question in time because we're looking at a considerable period
3 of time.

4 MS TAYLOR: [11:49:40] Yes, Mr President. I just said at this moment then, this
5 incident that we just discussed.

6 Q. [11:49:45] At this point in time, when you were speaking to the individual that
7 we discussed in private session, it's correct that you had not heard of anyone
8 speaking of women being arrested or brought to the police?

9 A. [11:50:11] No. I don't recall having heard about any women being arrested or
10 locked up in any way at that period of time. No.

11 Q. [11:50:27] And did you hear of any cases of women marrying Islamists in
12 Timbuktu?

13 A. [11:50:42] Later, quite some time after 2012, I heard talk about a woman who
14 apparently had been punished for a crime, the crime of adultery or some crime in
15 connection with marriage and that she had been convicted and that after the
16 punishment -- the conviction, the punishment, the judge who took the decision at the
17 time married the woman. That's something that I heard. It was hearsay, if you like,
18 the type of thing that people would tell one another.

19 Q. [11:51:37] Now, yesterday, at page 83 to 84, the Prosecution showed you an
20 image from a video. That's MLI-OTP-0018-0091. And you said that the person in
21 the video was Hassan. Do you recall that image that you saw or what the person
22 was wearing in that image?

23 A. [11:52:15] Yes, of course. I recall the image. The person was seated on a chair
24 and was wearing military attire.

25 Q. [11:52:22] Now, it's correct, isn't it, that you yourself never saw Al Hassan

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1 wearing these type of clothes?

2 A. [11:52:44] * In any case, this is the first time I have seen the image of Hassan
3 wearing military uniform, in this photo. I am not used to seeing Hassan in military
4 uniform.

5 MS TAYLOR: [11:52:59] I believe I'll have to go into private session to ask the
6 following questions.

7 PRESIDING JUDGE MINDUA: [11:53:10](Interpretation) We can go into private
8 session but for a short period of time, if you please, Ms Taylor.

9 Court officer.

10 (Private session at 11.53 a.m.)

11 THE COURT OFFICER: [11:53:18](Interpretation) We are in private session,
12 Mr President.

13 PRESIDING JUDGE MINDUA: [11:53:26](Interpretation) Thank you, court officer.
14 Ms Taylor.

15 MS TAYLOR: [11:53:29]

16 Q. [11:53:31] Now, Mr Witness, yesterday you testified [REDACTED]

17 [REDACTED]
18 [REDACTED]
19 [REDACTED]

20 I'd like to bring up Defence tab 25. This is MLI-OTP-0012-0211. And it's a

21 document [REDACTED] If that could be
22 shown on evidence 1.

23 According to this document, it states:

24 (Interpretation) "According to information, [REDACTED]

25 [REDACTED]

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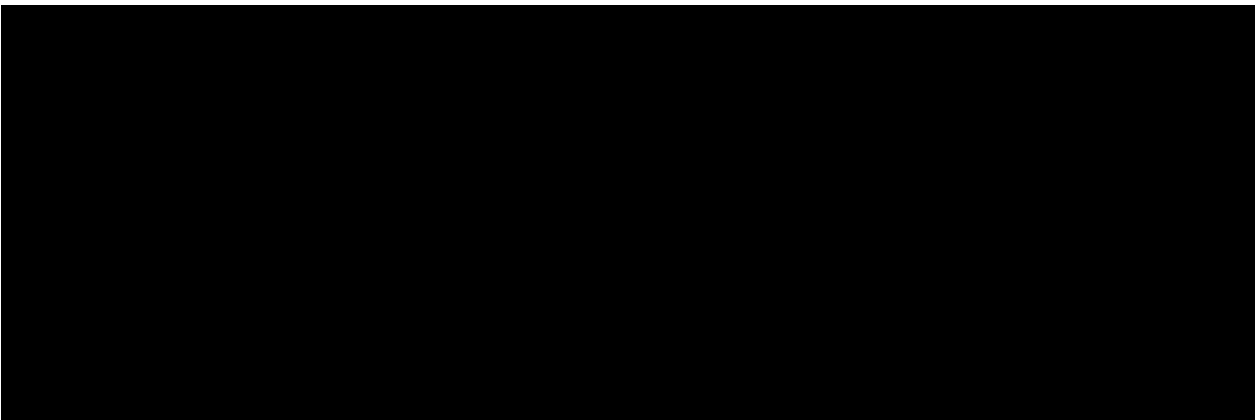


6 Does this appear to be referring to the same incident that you were describing?

7 A. [11:55:41]

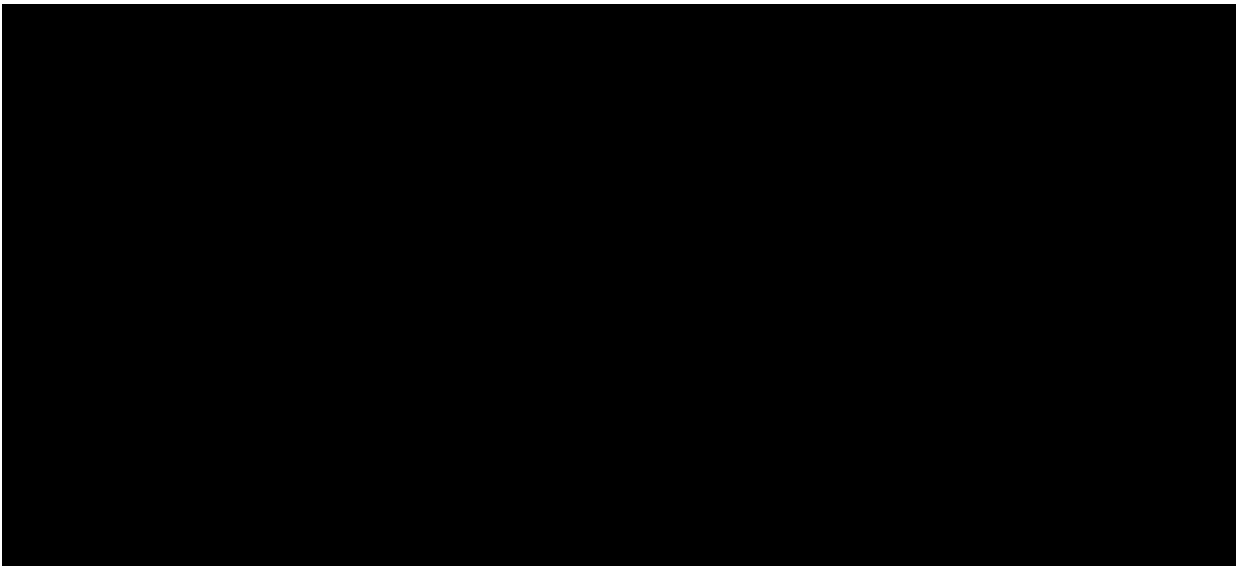


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14 Q. [11:56:39] Now, Mr Witness, according to P-147, a Prosecution witness -- and
15 this is [REDACTED] paragraph 60. This person stated:

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24 Mr Witness, does this appear to refer to the same incident?

25 A. [11:58:07] You have read out a text regarding events to which I was not a

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1 witness and of which I know nothing at all. So I would repeat what I said. [REDACTED]

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

5 [REDACTED]

6 Now, I don't know whether the information which is presented on the screen in front
7 of me now relates to that incident or not. [REDACTED]

8 [REDACTED]

9 Q. [11:59:03] Now, Mr Witness, at page 37 yesterday, you testified concerning an
10 incident involving Talha and an MNLA officer called Ag Minini over an issue of
11 going into Timbuktu with the MNLA flag. There was a dispute.

12 [REDACTED]
13 [REDACTED]

14 A. [11:59:48] Yes, indeed, Ms Taylor. [REDACTED]

15 [REDACTED] And as I said, these are
16 events which were discussed in the MNLA amongst us there. I myself was not
17 directly involved in the incident.

18 Q. [12:00:17] If I could bring up Defence tab 11. This is MLI-D28 -- I believe
19 actually I can ask these questions in open session, Mr President.

20 PRESIDING JUDGE MINDUA: [12:00:36](Interpretation) Court officer, open court,
21 please.

22 MS TAYLOR: [12:00:51] If we could show on evidence 1 --

23 THE COURT OFFICER: Sorry.

24 (Open session at 12.01 p.m.)

25 THE COURT OFFICER: [12:01:12] We are back in open session, Mr President.

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1 PRESIDING JUDGE MINDUA: [12:01:16](Interpretation) Thank you very much,
2 courtroom officer.

3 Ms Taylor.

4 MS TAYLOR: [12:01:21]

5 Q. [12:01:22] Mr Witness, if we could show on evidence 1 Defence tab 11, that's

6 MLI-D28-0005-6466. This is an article dated 19 June 2012. It's titled (Interpretation)

7 "Timbuktu: Skirmishes and accidents decimate the MNLA ranks."

8 (Speaks English) With your permission, if I could ask my colleague, Maître Youssef,

9 to read out a couple of paragraphs.

10 PRESIDING JUDGE MINDUA: [12:02:03](Interpretation) Mr Youssef, please go

11 ahead.

12 MR YOUSSEF: [12:02:08](Interpretation)

13 * "MNLA combatants from Goundam, arriving at the return were called upon by

14 Ansar Dine members to remove the flag flying over the vehicle. A sharp altercation

15 began, tensions rose quickly and there was a fistfight, and people were hitting one

16 another with the butts of their rifles. At the end of the operation, there was one person

17 injured on the side of Ansar Dine and four people injured on the MNLA side,

18 including the head of the mission, who ultimately died subsequent to his wounds on

19 Saturday." End of quote.

20 MS TAYLOR: [12:03:31]

21 Q. [12:03:31] Mr Witness, does this incident concerning a dispute regarding a flag

22 appear to be the same incident you were referring to?

23 A. [12:03:52] I have the impression that it is the same incident. But it's reported

24 upon here in a press article, and it's too dramatic, unlike the actual facts which I heard

25 about because the head of mission who was injured did not die subsequent to his

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1 wounds. But I see -- what I see here in this article is not at all reliable.

2 Q. [12:04:23] If I could bring up then Defence tab 40. It's MLI-D28-0005-6840. If
3 this could be shown on evidence 1.

4 This is an article titled (Interpretation) "Skirmish in northern Mali between Ansar
5 Dine and the MNLA." (Speaks English) And it's dated 13 June 2012.

6 And with the permission of the Chamber, if my colleague, Maître Youssef, could read
7 the first paragraph -- or, actually, the whole article.

8 PRESIDING JUDGE MINDUA: [12:05:37](Interpretation) Please go ahead,
9 Mr Youssef.

10 MR YOUSSEF: [12:05:40](Interpretation)

11 "The checkpoint at the northern exit of Timbuktu is being held by the Ansar Dine

12 Islamic group. As the group of Iyad Ag Ghaly, the head of the movement, has

13 prohibited any man bearing arms to enter the holy city since the past three days, an

14 MNLA pickup with four combatants on board tried to force their way through this

15 Wednesday, 13 June 2012, at the end of the morning. Attay Ag Mohamed,

16 spokesperson for the Azawad movement in the city, gave the following account:

17 'There was a clash or a skirmish between some guys from the MNLA who wanted to
18 enter the city of Timbuktu. Some Ansar Dine members intercepted the vehicle and
19 tried to disarm the four men who were in the vehicle. There was a response.'

20 It was a violent response: The four members of the MNLA were injured. As for

21 Ansar Dine, two men who were manning the checkpoint allegedly died and two

22 others were wounded.

23 The wounds were caused by bullets, as this doctor told us, the doctor who was

24 providing care at the hospital: 'In fact, we had six people come in and they had been

25 shot after a number of clashes. Some had been shot in the abdomen, others had had

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1 shots to the head or the face. One was injured worse than the others.'

2 As for Ansar Dine, an Islamic group that currently controls Timbuktu, they are saying
3 that it was a mere argument and not a violent clash. Discussions must be held
4 between the two movements, the MNLA wishes to do all it can to avoid any new
5 direct clashes."

6 End of sight translation.

7 MS TAYLOR: [12:08:15]

8 Q. [12:08:16] Now, Mr Witness, as we can see, there's a difference between the level
9 of violence that's being reported. But is it correct that there was a dispute between
10 the MNLA and Ansar Dine and that this is the same dispute that you were referring
11 to?

12 A. [12:08:48] Well, everything would indicate that this is the same incident, given
13 the similarities between the two accounts. There's a few differences in the report.
14 That's quite normal because we're talking about the press here. When an event like
15 this occurs, each person has his version of the events. The people who express their
16 version and who are influenced by their judgment and their emotions often say what
17 it suits them to say. Then you have the press, and they tend to provide reports even
18 though information may not be reliable.

19 * So, this event happened certainly at this time, but I can't tell you with complete
20 certainty which version is true and which version is not because there are several
21 versions. I mentioned the abduction very vaguely because I don't have a lot of
22 information about the event. I just heard about the event, and that was by word of
23 mouth by -- through various people who gave an account. These people who were
24 talking about that, I'm not saying that the people who told me about this told me
25 everything with complete fidelity. * What is certain, is that I didn't meet any victim of

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1 this incident for them to be able to tell me about it in a precise and accurate way.

2 Q. [12:10:38] Mr Witness, there was a dispute over a flag between the MNLA and

3 Ansar Dine in June, [REDACTED]

4 [REDACTED]

5 So, Mr Witness, given your difficulty with dates [REDACTED]

6 [REDACTED]?

7 A. [12:11:18] When I talked about the events, I must acknowledge that, as I first

8 said in all the estimates that I gave of dates, I've always said things like "about" or

9 "more or less." So I'm just giving estimates. In this case, these events I said towards

10 the end of April. And when I say that, it could also be early July. You see, after

11 years and years, when events occur, you -- it's not easy to give an exact account of an

12 event. That's why I always specify that it was around a certain period of time or in a

13 certain time frame.

14 Q. [12:12:15] Now, it's correct, isn't it, that Douentza was under the control of the

15 MNLA in June 2012?

16 A. [12:12:24] When we went through Douentza after leaving Timbuktu, we spent

17 several nights there. Only the MNLA was there, although Ansar Dine patrols would

18 go by and come back because there had not yet been any hostilities yet. The

19 hostilities had not begun between the armed groups. * The MNLA had a post at the

20 entrance to Douentza in the direction of Bamako. But when we left, [REDACTED]

21 [REDACTED] I can't tell you exactly what happened after that in

22 Douentza; I can't tell you if Douentza was controlled by the MNLA or by Ansar Dine.

23 I can tell you that when the clashes begin, all the MNLA positions fell back and the

24 people concentrated themselves -- or gathered, rather, in the Gourma area.

25 Q. [12:13:55] Mr Witness, do you recall if when you left Timbuktu, either you or the

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1 person you were with - I'm not mentioning names because we're in

2 public session - did you announce that you were travelling towards Douentza?

3 A. [12:14:25] Could you repeat the question.

4 Q. [12:14:28] Just reminding you we're in public session. Do you recall if you or

5 the person you were with told Al Hassan that your group was travelling towards

6 Douentza or in that area?

7 A. [12:14:57] I don't remember that, but I do know that the team leader had contact

8 with Al Hassan [REDACTED]

9 [REDACTED]. We were constantly in touch with

10 him. And he too was in touch with Hassan.

11 Q. [12:15:35] Now, Mr Witness, according to the quote I read out earlier, P-147 told

12 the Prosecution that the hospital director had been informed of a conversation

13 between Sanda Ould Boumama, who is a spokesperson for Ansar Dine, and the

14 MNLA chief in Gao.

15 Now, I know it's been over nine years since this happened, but are you in a position

16 to testify as to whether your chief spoke to either his chief in Gao or other persons in

17 Timbuktu about the stolen vehicle?

18 A. [12:16:24] I can't confirm that because military leaders are very discreet by

19 nature. They have many communications that one is not aware of, and one does not

20 ask questions about who one person might be with.

21 Q. [12:16:52] Now, it's correct that the MNLA individuals who stole this vehicle

22 were taken to the MNLA camp in Gossi?

23 A. [12:17:14] They were taken to Gossi, and from Gossi, I don't know what

24 happened to them because the vehicles dispersed. I don't know went with them. I

25 wasn't in the vehicle that was carrying those young * people who stole the vehicle.

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1 THE INTERPRETER: Inaudible.

2 THE WITNESS: [12:17:31](Interpretation) [REDACTED]

3 [REDACTED] I don't know what happened to those young people after that.

4 MS TAYLOR:

5 Q. [12:17:41] But just to clarify, [REDACTED] That's
6 correct?

7 A. [12:17:50] [REDACTED] the vehicles dispersed and each
8 person went to his post, but I don't know exactly what happened with those
9 young people. Were they taken to the camp and did they remain there or did they
10 go with someone else? I can't confirm that. [REDACTED]

11 [REDACTED]
12 MS TAYLOR: [12:18:22] If I could refer to OTP tab 1, and I'll just give the reference.
13 This is MLI-OTP-0073-1101, turning to page 1115, paragraph 75. And I think this
14 would have to be read out in private session.

15 PRESIDING JUDGE MINDUA: [12:19:11](Interpretation) Private session, please,
16 courtroom officer.

17 (Private session at 12.19 p.m.)

18 THE COURT OFFICER: (Interpretation) We're in private session, Mr President.

19 PRESIDING JUDGE MINDUA: [12:19:27](Interpretation) Thank you very much,
20 courtroom officer.

21 I suppose it's Mr Youssef who will read out this passage?

22 MS TAYLOR: [12:19:39] With your leave. Thank you, Mr President.

23 PRESIDING JUDGE MINDUA: [12:19:42](Interpretation) Go ahead. Quickly.

24 MR YOUSSEF: [12:19:50](Interpretation) Paragraph 75:

25 [REDACTED] Hassan called [REDACTED] who was in

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1 charge of [REDACTED]
2 [REDACTED]
3 [REDACTED] the hospital in Timbuktu. Since we were talking
4 about medications for the hospital [REDACTED]
5 [REDACTED] just as it was going off the
6 paved road to avoid the checkpoint. [REDACTED]
7 We contacted Hassan [REDACTED] which was
8 controlled by the MNLA. [REDACTED]
9 [REDACTED] " End of quote.

10 MS TAYLOR:

11 Q. [12:21:19] Now, Mr Witness, according to the statement you gave to the
12 Prosecutor, it says that [REDACTED]

13 [REDACTED] Does this refresh your memory?

14 A. [12:21:50] Exactly, Ms Taylor. But so far, I'd like to stick to my position [REDACTED]
15 [REDACTED] that doesn't mean that they stayed there or that they
16 were held there. I said that as soon as they were [REDACTED] I don't know what
17 happened to them after that. [REDACTED]
18 That's all.

19 Q. [12:22:15] Now, in this paragraph you referred to the fact that [REDACTED]

20 [REDACTED]

21 Is it correct that Hassan or Ansar Dine were concerned [REDACTED]

22 [REDACTED] ?

23 A. [12:22:31] I don't know what Ansar Dine wanted, but I do know that -- well,
24 what I understood that day was that Hassan wanted [REDACTED]

25 [REDACTED]

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1 MS TAYLOR: [12:23:06] I believe I can go into open session, Mr President.

2 PRESIDING JUDGE MINDUA: [12:23:13](Interpretation) Very well. Courtroom
3 officer, open session, please.

4 (Open session at 12.23 p.m.)

5 THE COURT OFFICER: [12:23:20](Interpretation) We are back in open session,
6 Mr President.

7 PRESIDING JUDGE MINDUA: [12:23:30](Interpretation) Thank you very much,
8 courtroom officer.

9 Ms Taylor.

10 MS TAYLOR: [12:23:34]

11 Q. [12:23:36] Now, Mr Witness, is it correct that either in 2012 or afterwards, you
12 yourself have never heard anyone say Al Hassan acted in a negative or harsh manner
13 to the people of Timbuktu in 2012?

14 A. [12:24:13] Well, you know, in that regard, Hassan well before 2012, by nature he
15 always was a young fellow who had received a good education. He came from an
16 exceptional family. His father was a retired civil servant. He was raised well. His
17 mother raised him correctly with respect for social values. The Hassan I knew, when
18 he was young, was really an open person, always smiling, a good person. In my
19 humble opinion, he was unable to do harm. He was always ready to help people in
20 the good meaning. As for -- of the word -- as for 2012 and the crisis, the public
21 opinion in Timbuktu, within the community, people were surprised to see that Al
22 Hassan is now considered to be a criminal at the international level.
23 They -- knowing him and also given that -- he may be accused of involvement in
24 terrorist activities in 2012, but that's not surprising today.
25 In 2012, when the radicals took control * of the three regions of the north, if you don't

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1 mind my putting in that way, it became survival of the fittest. People were left to
2 their own devices. The country was not present. The army fled and left people to
3 their fate. The international community as well did not intervene. So for a long
4 period of time the people who stayed in the country were left to their own devices.
5 So all of a sudden people had to adjust to the situation, adapt. Many Tuareg
6 communities found themselves forced to engage in practices for the -- well, they were
7 driven by the instinct of -- for survival. The radicals were tough on communities
8 that did not embrace their values.

9 So, for example, if one community did not have anyone within the ranks of the
10 radicals, that community was persecuted worse. So that led many people to put a
11 number of pawns in there and it also motivated many people to join the groups, not
12 out of conviction but, rather, for survival. * Because some people stayed and did not
13 go into exile, and for those people to survive, to live, and to enjoy freedom, they were
14 forced to collaborate with the forces present. And the forces that were present in 2012,
15 particularly after June, were the radical groups. So, I believe - and this is also a matter
16 of public opinion in the region - some people say that Hassan was used as a scapegoat
17 by the international community to set an example, to show the world that justice and
18 impunity exist., but not in the context of the facts exactly which turned out to be
19 correct with regards to him. And so far, I haven't seen anyone who has -- who is
20 really happy with the situation that Hassan is now in. People give an account of the
21 situation and the treatment he received before he was handed over to the ICC, that he
22 suffered greatly and he was tortured a great deal before he was handed over to the
23 ICC. Some people even say that fortunately he got to the ICC, otherwise, he would
24 not have -- he would not have survived.

25 Q. [12:29:00] Now, focusing specifically on 2012, did you hear, or were you told,

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1 that Mr Al Hassan would try to help people when he could?

2 A. [12:29:16] Exactly. In 2012 -- I heard people say that in 2012 Hassan helped a
3 lot of people in Timbuktu and he was even amongst the people who remained in
4 Timbuktu to help people and to make people's lives easier in Timbuktu.

5 Q. [12:29:49] Now, before 2012, to your knowledge, did Al Hassan tend -- attend
6 the Festival of the Desert?

7 A. [12:30:03] Yes. Before 2012, Hassan enjoyed partying. And of course he took
8 part in all the major celebrations, including the Festival of the Desert.

9 Hassan -- before 2012, Hassan was not -- well, it wasn't the Hassan who's described
10 now as a radical. Back then, he was an ordinary young guy who liked life, who was
11 smiling, who wanted to enjoy life. It wasn't the kind of Hassan we see described in
12 the media now, described as a fanatic. Hassan, he was Muslim like all of us, but
13 he -- he was -- he loved life. He was on the right side.

14 Q. [12:31:08] So is it correct that he wasn't opposed to music or music concerts?

15 A. [12:31:28] On the contrary, back then before 2012, Hassan, quite -- he liked
16 participating in music. I had a brother -- or, rather, a friend. I call him my big
17 brother, but he was a friend, and he was a very good guitarist, very well known in
18 Timbuktu. And whenever he was performing, Hassan was always there. He loved
19 music. The Hassan that I used to know used to really love Tuareg music, guitar, et
20 cetera.

21 Q. [12:32:03] Now, just speaking of the period after 2012, in particular, 2015, 2016,
22 is it correct that Al Hassan was associated with the Congress for Justice for Azawad,
23 the CJA?

24 MR GARCIA: [12:32:22](Interpretation) Your Honour.

25 PRESIDING JUDGE MINDUA: [12:32:24](Interpretation) Prosecutor.

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1 MR GARCIA: [12:32:27](Interpretation) I did not interrupt earlier because I wanted
2 to see where the line of questioning was going, but I see that -- I'm looking at the
3 transcript of the questions and I'm afraid it's not clear to me what period of time we're
4 talking about, this matter of the music, et cetera.

5 PRESIDING JUDGE MINDUA: [12:32:51](Interpretation) Well, I heard the witness
6 saying each time before 2012, prior to 2012.

7 MR GARCIA: [12:33:01](Interpretation) Yes, indeed. I heard that also, but I would
8 prefer it that things be more specific. Leaving that open like that means that one can
9 plead anything following on from there.

10 PRESIDING JUDGE MINDUA: [12:33:12](Interpretation) Ms Taylor, have
11 you -- would you like to proceed?

12 MS TAYLOR: [12:33:15] Thank you, Mr President. My last question was very
13 specific. I was referring to 2015, 2016. And I would ask the Prosecutor not to use
14 our time. Thank you.

15 Your Honour, a new question. I've given a specific time period. Mr President, I
16 believe I should be allowed to ask this question without further interruption.

17 MR GARCIA: [12:33:34](Interpretation) Your Honour, I was referring to the
18 question which precedes this one.

19 PRESIDING JUDGE MINDUA: [12:33:42](Interpretation) Just one moment. I heard
20 questions regarding the period prior to 2012. The Defence is now referring to 2015.

21 Ms Taylor, do try and be specific about the period of time to which you want the
22 witness to speak.

23 MS TAYLOR: [12:34:05] Thank you, Mr President.

24 Q. [12:34:09] To your knowledge, did Mr Al Hassan attend the Festival of the
25 Desert in, for example, 2010?

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1 A. [12:34:32] I'm afraid I was just taking a drink. Could you repeat the question?

2 Q. [12:34:35] Did Mr Al Hassan attend the versions of the Festival of the Desert that
3 were held before 2012? That is, the ones that were held in 2010 and 2011.

4 A. [12:34:54] Absolutely.

5 Q. [12:34:56] Now, going back to my other question which concerned the period of
6 2015, 2016, is it correct that Mr Al Hassan was associated or a member of the Congress
7 for Justice for Azawad?

8 A. [12:35:22] Yes, indeed. As you know, like many young people, Hassan in 2015
9 and 2016 was made one of the leaders of the military, of the CJA, Congress for Justice
10 in Azawad, * on the east side of Timbuktu. And even when he was arrested - in fact,
11 he was arrested when he was deeply involved in CJA work - he, together with other
12 colleagues, what I heard was that when he was arrested he was -- he was in the full
13 throes of his work for the CJA.

14 Now, I didn't see Hassan during the period that he was a military leader at the CJA,
15 but it was well known that he was a leader of the CJA.

16 Q. [12:36:20] Was one of the individuals who set up the CJA called Hama Ag
17 Mahmoud?

18 A. [12:36:30] Yes. Hama Ag Mahmoud is one of the founders of the CJA and he
19 was one of the political leaders of the movement. And that would have applied at
20 the period when Hassan was arrested.

21 Q. [12:36:56] And is it correct that Hama Ag Mahmoud was associated with the
22 MNLA in 2012?

23 A. [12:37:05] Yes. In 2012, Hama Ag Mahmoud was one of the political leaders
24 of the MNLA.

25 Q. [12:37:16] And is it correct that Hama Ag Mahmoud was not associated with

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1 Islamists or extremists?

2 A. [12:37:25] As far as we know, Hama Ag Mahmoud has never had any links
3 with the Islamists.

4 Q. [12:37:43] And to your knowledge, was the CJA involved in the Algiers Peace
5 Process?

6 A. [12:38:01] The CJA was an inclusive movement which had been created
7 following a number of cases of dissidence in the CMA. So I know that the CJA was
8 referred to in 2016 and became official early in 2017. I'm not quite sure when, but
9 already back in 2016 I think the CJA was being set up.

10 Q. [12:38:43] And was there a split in the CJA at the end of 2016?

11 I might not be clear. Did the CJA split into two? Was there a CJA one and a CJA
12 two? And did this occur at the end of 2016?

13 A. [12:39:20] Yes, indeed. I know that in 2017 there was the CJA one, which
14 occupied the west of Timbuktu, and CJA two occupied the east. And Hassan was a
15 part of the CJA which occupied the east of Timbuktu.

16 Q. [12:39:48] And is it correct that an individual called Nasser was associated with
17 the CJA from the west and Hama continued to be associated with the CJA in the
18 east?

19 A. (No interpretation)

20 Q. [12:40:18] I believe -- Mr Witness, I believe it might be necessary to go into
21 private session; is that correct?

22 A. [12:40:25] Yes.

23 PRESIDING JUDGE MINDUA: [12:40:28](Interpretation) Court officer, private
24 session, please.

25 (Private session at 12.40 p.m.)

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1 THE COURT OFFICER: (Interpretation) We are in private session, Mr President.

2 PRESIDING JUDGE MINDUA: [12:40:41](Interpretation) Thank you, Court Officer.

3 Ms Taylor.

4 MS TAYLOR: [12:40:45]

5 Q. [12:40:45] Mr Witness, we're now in private session.

6 Are you able to answer my question?

7 A. [12:40:56] Yes. Mr Nasser, who was a leader, he was playing the role, if you
8 like, of tribal chief and he was one of the founders of the CJA together with Hamma
9 Ag Mahmoud. In fact, it was Nasser and Hamma Ag Mahmoud who together
10 founded the CJA at the beginning. However, there were -- there was dissent,
11 disagreements between them of a social and a political nature. The two leaders
12 couldn't agree with each other and, therefore, the CJA split into two. So this split
13 into the CJA east and the CJA west was due to internal dissent.

14 The CJA west was under Nasser and Colonel Abbas, and CJA east remained under
15 the political leadership of Hamma Ag Mahmoud and Hassan Abdoul Aziz.

16 Q. [12:42:20] Mr Witness, just to clarify, I have a series of questions concerning
17 [REDACTED] the CJA. Is it your wish to answer these questions in private session or
18 are you able to answer them in open session?

19 A. [12:42:35] When I speak about [REDACTED], I'm talking
20 about problems relating [REDACTED] and I don't want to address [REDACTED]
21 [REDACTED].

22 PRESIDING JUDGE MINDUA: [12:42:51](Interpretation) Please proceed, Ms Taylor,
23 but keep it brief, please.

24 MS TAYLOR: [12:42:57] I'm going to bring up Defence tab 2. This is

25 [REDACTED] This is an article dated 2 February 2017 and it concerns a

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1 meeting between the chief of MINUSMA and the chief of a Kel Ansar tribe and a CJA
2 bureau. And with the permission of the Presiding Judge, if Maître Youssef could
3 just read out the first paragraph for identification purposes.

4 PRESIDING JUDGE MINDUA: [12:43:36](Interpretation) Please proceed,
5 Mr Youssef.

6 MR YOUSSEF: [12:43:43](Interpretation) [REDACTED]

7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]

13 THE WITNESS: [12:44:33](Interpretation) Could I have a five-minute break, please?

14 PRESIDING JUDGE MINDUA: [12:44:40](Interpretation) Yes, absolutely. You may
15 absent yourself, Witness.

16 (The witness exits the video-link room)

17 PRESIDING JUDGE MINDUA: [12:45:08](Interpretation) In the absence of the
18 witness, Ms Taylor, I'd like to put a question to you.

19 This information that we're reading in these articles are public in nature. Why are
20 you reading it anew and why does he not wish to testify publicly? [REDACTED]

21 [REDACTED]. He just will testify to public information.

22 What do you say?

23 MS TAYLOR: [12:45:36] Thank you, Mr President. The purpose for showing this
24 article was not to go into the contents of the article, but to actually then show the
25 photo to the witness and ask him to identify [REDACTED]

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5 I don't have many questions regarding [REDACTED] but I do believe the witness has
6 expressed a clear desire or concern about addressing these issues in open session.

7 And I will be brief and then we can -- the rest can be open session.

8 PRESIDING JUDGE MINDUA: [12:46:23](Interpretation) Thank you. The Court is
9 relying on you to -- to keep the -- the private session as short as possible.

10 (The witness enters the video-link room)

11 PRESIDING JUDGE MINDUA: [12:49:15](Interpretation) Ms Taylor, the witness is
12 available anew. Please proceed.

13 MS TAYLOR: [12:49:18] Thank you, Mr President.

14 If the registrar could scroll down so it's possible to see the photo on this article.

15 Q. [12:49:28] Now, Mr Witness, can you see in this photo an individual called

16 [REDACTED]?

17 A. [12:49:37] Yes. I would like to state that the image is a bit blurred, particularly
18 for those who are in the back. But I see an individual who looks like [REDACTED]

19

20

21

22 the far left that is to say, of the image, I see a gentleman who's dressed in white with a
23 turban, but it's actually unwound around his neck. And that gentleman is

24

25 Q. [12:50:57] So just to clarify, would [REDACTED] be the one sitting next to the tall

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1 cabinet, white cabinet, next to a window? Or air-conditioning unit.

2 A. [12:51:24] [REDACTED] is seated beside what looks like a white air-conditioning unit.

3 He's at the back of the room or further away, if you like, and he's at the far left of that

4 couch. [REDACTED].

5 THE INTERPRETER: And the interpreter adds that earlier the witness said that he

6 looks like [REDACTED] also by his -- the size and posture of his body.

7 MS TAYLOR: [12:52:03]

8 Q. [12:52:03] Now, based on what you either saw or heard in 2017, did [REDACTED] have
9 good connections with the international forces around Timbuktu?

10 A. [12:52:24] Yes, indeed. [REDACTED] had close, indeed close relations with
11 the international forces. The head of the base had a good relationship with the head
12 of the Barkhane. And it seems -- the Barkhane and the international forces there.
13 And it seems that the CJA east -- no, I correct. The CJA west is very close to the state
14 security and the Barkhane forces. So it worked closely with state security forces and
15 Barkhane.

16 Q. [12:53:20] In 2017, did you hear of instances of individuals being falsely arrested
17 by Barkhane due to rivalries between tribes?

18 A. [12:53:36] Well, you know, in 2017, what everybody says, notably, regarding the
19 arrest of Hassan, when it comes to the arrest of Hassan, the general public in
20 Timbuktu and the international community indeed point or consider that the CJA
21 west was indirectly responsible for it. CJA west and east were in competition, one
22 with each other. [REDACTED]

23 who was -- [REDACTED] And indeed, Hassan's extended
24 family and the community in general continued to believe [REDACTED]

25 [REDACTED] because, back then,

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1 there was a great deal of competition between the CJA east and the CJA west. So
2 [REDACTED] one part of the CJA had split off and was
3 no longer under the control or answering or responding to the orders of the CJA west.

4 MS TAYLOR: [12:55:12] Mr President, I have one more question to put in private
5 session, but I believe I have to do so because it's referring to a Facebook page of [REDACTED]

6 [REDACTED]

7 PRESIDING JUDGE MINDUA: [12:55:25](Interpretation) Please do so rapidly,
8 Ms Taylor.

9 THE WITNESS: [12:55:32](Interpretation) And I would like to know whether the
10 questions which I've just answered, whether they were not in private session.

11 MS TAYLOR: They were in private session.

12 PRESIDING JUDGE MINDUA: [12:55:45](Interpretation) We were and continue to
13 be in private session.

14 THE WITNESS: [12:55:49](Interpretation) Ah, I understand. Thank you very much.

15 MS TAYLOR: [12:55:56] I'll give you a clear warning when we go into
16 public session.

17 Now, if we could bring up Defence tab 15. This is MLI-D28-0005-6491. If it could
18 be shown on evidence 1.

19 Q. [12:56:26] This is a communiqué issued [REDACTED] It's a
20 communiqué issued by the *Coordination des mouvements de l'Azawad* in December 2017.

21 And it states: (Interpretation)

22 * "The Coordination of Azawad Movements denounces a forceful operation
23 conducted this Monday 18 December 2017 by the Barkhane force under
24 instrumentalisation in the village of Tin-abaw, located 20 kilometres to the south of
25 Menaka.

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1 Having searched most of the homes in the village, the Barkhane soldiers arrested and
2 removed two young people who were close to a local dignitary, Sagdi Ag Maditt who
3 recently joined the CMA. The two young people were:

4 Amyata Ag Iddine and Hima Ag Seydaha.

5 The Coordination of Movements of the Azawad condemns the instrumentalisation of
6 the Barkhane by people -- persons who are unpopular and calls upon it to no longer
7 be -- involve itself in the community -- in community dynamics. If it continues to do
8 so it will lose all credibility amongst the local people."

9 (Speaks English) Mr Witness, this press release refers to bargain Barkhane being
10 instrumentalised by community dynamics.

11 Is this consistent with what you heard or saw in 2017?

12 PRESIDING JUDGE MINDUA: [12:58:22] Prosecutor.

13 MR GARCIA: [12:58:24](Interpretation) I'm going to object on the basis of a lack of
14 relevance. This is an article dated 2017. Now, I didn't object to earlier questions
15 because there may have been some relevance, some distant relevance. But here I fail
16 to see the relevance. It seems that some purpose is being followed or sought, but it is
17 not related to the charges against this individual or the testimony given.

18 PRESIDING JUDGE MINDUA: [12:58:56](Interpretation) Ms Taylor, I think that we
19 are very far removed from the charges here. I think that you should abandon this
20 line.

21 MS TAYLOR: [12:59:04] Thank you, Mr President. With the greatest respect, the
22 Prosecutor has relied on Mr Al Hassan's activities after 2012 in multiple submissions.
23 Now, the Defence should be entitled to ask questions concerning the circumstances of
24 his arrest. Otherwise, that will create a clear degree of prejudice [REDACTED]

25 [REDACTED],

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1 particularly given how much the Prosecutor has relied on issues of character
2 concerning Mr Al Hassan and on allegations concerning his continued allegiances
3 postdating 2012.

4 PRESIDING JUDGE MINDUA: [12:59:46](Interpretation) Yes, Ms Taylor. Please
5 proceed. Put your question and then I suggest we move on from this topic.

6 MS TAYLOR: [13:00:01] Mr President, just to be clear, I did have further questions
7 regarding another individual arrested with Mr Al Hassan. So before giving my last
8 question, I would like to know if I'm going to be permitted to ask questions
9 concerning this individual.

10 PRESIDING JUDGE MINDUA: [13:00:30](Interpretation) I am concerned because
11 we are moving further and further from the charges. So I offer you one question,
12 Ms Taylor, to complete this.

13 MS TAYLOR: [13:00:39] Mr President, this witness is linked to 2012, and my
14 question actually concerns 2012 with this individual. So I'll make it clear that this
15 has a link both to 2012 and subsequent events. I'm not going to ask about the
16 Facebook page. I'm now asking a question concerning the individual and the
17 linkage to 2012.

18 PRESIDING JUDGE MINDUA: [13:01:09](No interpretation)

19 MS TAYLOR: [13:01:11]

20 Q. [13:01:13] Mr Witness, do you know an individual called [REDACTED]
21 (phon)?

22 A. [13:01:23] Yes, I know [REDACTED]

23 Q. [13:01:29] Was he affiliated with the MNLA in 2012?

24 A. [13:01:40] He was a major partisan of the MNLA and also a well-known person

25 [REDACTED] He was not

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1 involved in the armed part of the movement. But he was a strong supporter and a
2 strong activist, [REDACTED].

3 Q. [13:02:10] And to your knowledge, did [REDACTED] have any involvement in the
4 activities of JNIM or extremists in 2017?

5 A. [13:02:38] To the best of my knowledge, he was never involved in terrorist
6 activities.

7 MS TAYLOR: [13:02:49] Mr President, I see that it's 1 o'clock. I probably have
8 about 10 to 15 minutes. So I can continue if it would mean that we finish with the
9 witness.

10 I see the Prosecution nodding.

11 PRESIDING JUDGE MINDUA: [13:03:04](Interpretation) Yes. I believe everyone is
12 in agreement. We can continue. But we're going to open session.

13 MS TAYLOR: [13:03:13] Yes, Mr President.

14 PRESIDING JUDGE MINDUA: [13:03:27](Interpretation) Very well.

15 Courtroom officer, open session, please.

16 (Open session at 1.03 p.m.)

17 THE COURT OFFICER: [13:03:35] We are back in open session, Mr President.

18 PRESIDING JUDGE MINDUA: [13:03:44](Interpretation) Thank you very much.

19 Ms Taylor.

20 MS TAYLOR: [13:03:49]

21 Q. [13:03:51] Now, Mr Witness, just to alert you, we're in public session, but I'm
22 moving to a new subject. But, again, if there's anything that you feel would identify
23 you, please put up your hand.

24 Now, Mr Witness, yesterday at page 40 - and here we're talking about 2012 - you
25 testified that because Ansar Dine was stronger in Timbuktu, people started to defect

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1 to Ansar Dine for various reasons.

2 Now, based on what you saw and heard in 2012, is it correct that people joined or
3 worked with Ansar Dine because it was the only realistic way to achieve security and
4 social justice for Tuaregs in that area at that time?

5 A. [13:05:01] Exactly. That's the idea I wanted to express, Ms Taylor. In actual
6 fact, you realise that in 2012 - and this is still the case - the armed movements,
7 both -- and the radical movements became in actual fact instruments that people used
8 to gain strength, to protect themselves, or to harm other people, other enemy
9 communities. So at that level, when Ansar Dine took control of the Timbuktu area,
10 the MNLA was weakening and there was dissension within the ranks.

11 And in light of that situation, people -- well, people living -- communities in the
12 region could no longer protect themselves. And they saw that the MNLA could no
13 longer afford protection. So the instinct to survive led them, obliged them, to join or
14 to collaborate with the occupying forces.

15 We know that the radical groups, although they are radical, they do tend to be more
16 flexible with the communities who have people amongst their ranks than would be
17 the case with communities that do not collaborate with them. So that led people to
18 join Ansar Dine, not because of ideology but, rather, out of an instinct to survive or in
19 an attempt to gain security.

20 Q. [13:06:56] Now, yesterday at page 42 you stated that many people chose to join
21 Ansar Dine that could protect them and enable them to stay home in their country
22 rather than seeking exile.

23 Now, Mr Witness, is it correct that if people went into exile, there was a risk that they
24 would lose their property and * assets?

25 A. [13:07:40] I'd like to tell you that, in that regard, exile for the Tuareg people is

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1 particularly difficult and is as much as an ordeal as remaining in danger. Often
2 when you go into exile, you see the Arab and Tuareg communities and the
3 communities in the Sahara live from agriculture and livestock. And the conditions
4 that allow them to carry out these activities which are part of their very life are not to
5 be found in neighbouring countries. They can't go to Burkina or Algeria or other
6 countries to live that way.

7 So these communities find themselves obliged to -- well, the communities remained in
8 Timbuktu. They did not go into exile in Mauritania because they live -- they support
9 themselves from agriculture and livestock. You can't take your land with you and
10 live off of 5 kilos of rice a month.

11 When you live in such poverty, that is a form of humiliation, to leave your life behind,
12 your animals behind, lose your dignity. So the Tuareg people were faced with a
13 dilemma, either to go into exile to survive or to opt for humiliation, abject poverty,
14 and lose what they had behind them. So they decided to stay where they were, to
15 live with their property in dignity, taking the risk of continued danger and to adjust
16 to the situation, despite being abandoned by the Malian army and the
17 international community.

18 Q. [13:09:45] Now, Mr Witness, we have on the record the particular camp you
19 went to. And without naming it, can you indicate whether you were subjected to
20 any acts of harassment at that camp.

21 A. [13:10:00] Could you be more specific. What kind of harassment do you mean?

22 Q. [13:10:15] Were you arrested or interrogated?

23 A. [13:10:23] Ever since the time I joined the MNLA, I don't remember being
24 arrested within the movement. But when I left, when I left the movement, that is
25 when I went to a foreign country. That is where I was arrested and harassed because,

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1 of course, I had been a member of the MNLA.

2 Q. [13:10:55] And based on what you saw or heard when you were in this camp,
3 how were the Tuaregs in this camp treated by the authorities running the camp?

4 A. [13:11:07] Oh, I just understood what sort of context you were talking about.

5 You mentioned the refugee camp. I think that to answer that question, I would
6 rather that we go into private session because I can't give details about the camp in
7 question without locating the camp. And each camp is different. Each camp has its
8 own characteristics.

9 PRESIDING JUDGE MINDUA: [13:11:38](Interpretation) We will go into private
10 session.

11 Mr Witness, please be brief.

12 Courtroom officer, private session.

13 (Private session at 1.11 p.m.)

14 THE COURT OFFICER: [13:11:55](Interpretation) We're in private session,
15 Mr President.

16 PRESIDING JUDGE MINDUA: [13:11:58](Interpretation) Thank you very much.
17 Ms Taylor.

18 THE WITNESS: [13:12:03](Interpretation) When I got to the camp, of course I was
19 stopped once by an officer from that country, an officer who was managing the camp.
20 He represented the camp security. He saw a video, you see, and he also had a list of
21 several MNLA combatants. It was a Word file. I don't know who he got it from.
22 And he thought there -- he had collaborators amongst the Tuaregs within the camp
23 who fed him information. [REDACTED]

24 [REDACTED]

25 [REDACTED]

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1 [REDACTED]
2 [REDACTED] He said to me, "Do you know that when
3 you're part of the MNLA, you're not allowed to stay in a refugee camp with the other
4 refugees?" And I told him that although I was from the MNLA, I was still a member, I
5 wouldn't be in the camp. But I had left the movement, and that's why I was in the
6 camp. And I think that whether I was part of the MNLA or not at the time, I was
7 still entitled to go into exile in [REDACTED] even though I was a member of the
8 MNLA. A man is what he does and now I am not an MNLA soldier. If I were, I
9 wouldn't be here. So he also showed me a list of people. It was on a Word file.
10 My name was there and he -- I said, "I don't know where you got this list from." But
11 one thing for sure, this list has no legal value because, even if you gave me a
12 computer, I could draw up a similar list. There's no stamp, no sign of any sort of
13 official authority that issued anything.
14 Several times I was called in, I was harassed, and ultimately I understood that the
15 officer wanted to give me a hard time. No matter what, he was looking for anything
16 to get at me, to deny me my right to exile.
17 A young fellow from my encampment was then detained after me and they asked
18 him the same questions about me. He refused to answer. He was about to be
19 transferred due --
20 THE INTERPRETER: [13:15:18] Inaudible.
21 THE WITNESS: [13:15:19](Interpretation) * He refused to answer and was
22 immediately transferred [REDACTED] He was transferred with
23 terrorists who were arrested [REDACTED] in the same period. He was tied up, tortured
24 and transferred to [REDACTED] just because he had refused [REDACTED]
25 [REDACTED] So I realised that ultimately, no matter, someone with that kind -- an

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1 authority, when an authority wants to do you harm, he'll always find some kind of
2 excuse to harm you, even if he didn't have a fair excuse. And so, ultimately,
3 arrangements were made for me to go back to the country -- to my country in
4 [REDACTED].

5 MS TAYLOR: [13:16:09] I have one final question which I believe I can ask in
6 open session.

7 Q. [13:16:14] Mr Witness, just before doing so, I'm going to show you an article
8 about --

9 PRESIDING JUDGE MINDUA: [13:16:17](Interpretation) Very well. Yes. Now
10 open session. Courtroom off --

11 THE INTERPRETER: Overlapping.

12 MS TAYLOR: [13:16:24] I apologise.

13 Q. Mr Witness, just before going into open session, I'm going to show an article
14 which describes a refugee camp, [REDACTED].

15 Now, just to confirm, is that the camp you were at? So that we don't need to discuss
16 this in public session.

17 A. [13:16:47] Okay. Just to gain some time, I think I don't need the video to tell
18 you about the camp because we're in private session. Since we're in private session,
19 I was [REDACTED].

20 PRESIDING JUDGE MINDUA: [13:17:12](Interpretation) Very well.

21 Ms Taylor, is that sufficient? We don't need the video?

22 MS TAYLOR: [13:17:17]

23 Q. [13:17:19] Mr Witness, would it be correct that in that camp there was an issue of
24 lack of medicine, lack of food, and lack of security?

25 A. [13:17:40] Of course. In that camp, there was a lack of food, lack of medications.

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1 You must realise -- well, not at all times. The treatment wasn't up to scratch. But
2 there was a health centre, even though it was not entirely inadequate. In terms of
3 security, you couldn't say that you were safe. You were always being singled out,
4 always being watched by the authorities. There's always that distrust when you're
5 an Arab or Tuareg person in [REDACTED]. Now things have moved along and
6 they've understood that terrorism is not the same as identity, that being an Arab or
7 a Tuareg does not mean you're a terrorist.

8 When we got to [REDACTED] back then we were always seen as terrorists or
9 potential terrorists. Whenever there was an attack, there would always be arrests
10 within the camp, arbitrary, unground -- unfounded arrests. They always did that
11 sort of thing. They always thought we had affinities with the terrorists.

12 Q. [13:19:02] Mr Witness, there's a saying in English, to be caught between a rock
13 and a hard place, which refers to when you're faced with two impossible --

14 PRESIDING JUDGE MINDUA: [13:19:15](Interpretation) Ms Taylor, I believe the
15 witness has given a sufficient response.

16 We now go into open session?

17 MS TAYLOR: [13:19:22] Yes, Mr President.

18 PRESIDING JUDGE MINDUA: [13:19:27](Interpretation) Open session, please,
19 courtroom officer.

20 (Open session at 1.19 p.m.)

21 THE COURT OFFICER: [13:19:51](Interpretation) We're back in open session,
22 Mr President.

23 PRESIDING JUDGE MINDUA: (Interpretation) Thank you very much, courtroom
24 officer.

25 Ms Taylor.

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1 MS TAYLOR: [13:19:54]

2 Q. [13:19:55] Mr Witness, there's a saying in English of being caught between a rock
3 and a hard place, which is when you're faced with two very difficult or impossible
4 choices.

5 Now, turning to 2012, would that be an accurate reflection of the choice for Tuaregs in
6 terms of either staying in Timbuktu or going into exile, that both were very bad
7 options?

8 A. [13:20:41] You know, it depends on a number of circumstances: The place you
9 live, your geographical location.

10 In 2012, when the rebellion broke out, the people who were closest to Mauritania
11 went there, people closest to Algeria went there, went into exile, and the people
12 closest to Burkina Faso or Niger went to those countries, especially since -- the ones
13 who on the right of the Niger River. The countries that were closest were Burkina
14 Faso and Niger. When you go into exile, often you have no choice. You just cross
15 the nearest border. And I was saying that it depended on the circumstances. Why?
16 When you live from fishing or from livestock raising, the conditions, the weather
17 conditions and the geographical location, are important. * In Burkina Faso and Niger,
18 that is more favourable than Mauritania. So the communities that lived in
19 Mauritania, that were closer to the border with Mauritania, knew that they couldn't
20 go with their animals. Nor could they conduct agriculture in Mauritania. And that
21 was the same case in Algeria.

22 So a Tuareg person would be more likely to go to Burkina Faso to engage in
23 agriculture than in Mauritania. * I think that the people who are... What is obvious,
24 rather, is that the people who are located more towards Haoussa, that is to say on the
25 left bank of the Niger river in the region of Timbuktu, did not have the opportunity to

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1 take their property and animals with them and to rear livestock in either Mauritania
2 or Algeria. This is why most people who were cast out went into exile - that's in the
3 Saharan area, the area located on the left bank of the river Niger in the region of
4 Timbuktu.

5 Q. [13:22:56] And was the situation for very young children or infants in the camps,
6 was that difficult?

7 A. [13:23:16] Exactly. The health conditions for children and nursing children
8 were very bad. We even had malaria which -- well, this was an area -- well, it was
9 quite a restricted area which is not part of our habit. Most of us thought that we
10 were being penned up like animals. When you delineate a certain area and you say
11 you mustn't go beyond this area, you are humiliated. You're kept to a couple square
12 kilometres and you're told that's your territory, you're not allowed to go outside
13 that -- you can't go past that line without authorisation. So immediately, we felt we
14 were prisoners. And I think that, faced with that life of being prisoners, in addition,
15 there was a lack of food aid. Each month, if you had a household of three people,
16 you couldn't have more than 10 or 15 kilos per month. And how can a household of
17 three live off of 15 kilos of rice per month?

18 What's more, it's quite normal, when there is famine or hunger, when food is in short
19 supply to live properly. Obviously illness and malnutrition go with that,
20 particularly for the children. Food for children and nursing children, it's not the
21 same kind of food as for adults. So there was the same problem, finding adequate
22 food for young nurslings in the camp.

23 MS TAYLOR: [13:25:25] Mr President, I don't have any further questions.

24 PRESIDING JUDGE MINDUA: [13:25:36](Interpretation) Thank you very much,
25 Ms Taylor, for your cross-examination.

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1 I now turn to the Prosecution to see whether or not they have further questions.

2 MR GARCIA: [13:25:44](Interpretation) No further questions. Thank you.

3 PRESIDING JUDGE MINDUA: [13:25:52](Interpretation) Excellent.

4 We have now come to the end of our day and we have concluded hearing the
5 testimony of this witness. And I also see that the additional minutes that the
6 Registry granted us are coming to an end.

7 Mr Witness, we have come to the end of your testimony. On behalf of the Chamber,
8 I would like to sincerely thank you. You have answered the questions very clearly
9 with a great amount of detail and with very -- a great deal of goodwill I would say,
10 both questions from the OTP, the Defence, and the Legal Representatives of Victims.
11 Once again, I thank you and I wish you success in your further endeavours.

12 THE WITNESS: [13:27:01](Interpretation) Thank you. Thank you, your Honour.

13 PRESIDING JUDGE MINDUA: [13:27:03](Interpretation) You're welcome.

14 (The witness is excused)

15 PRESIDING JUDGE MINDUA: [13:27:01](Interpretation) I now turn to the
16 Prosecution.

17 Our next witness will be coming up when?

18 MR DUTERTRE: [13:27:11](Interpretation) Tuesday, 31 August.

19 PRESIDING JUDGE MINDUA: [13:27:17](Interpretation) At 9.30?

20 MR DUTERTRE: [13:27:23](Interpretation) 9.30.

21 PRESIDING JUDGE MINDUA: [13:27:25](Interpretation) Understood. The witness
22 is not ready to appear on Monday.

23 Now, as the hearing draws to a close, I'd like to thank everyone in and around the
24 courtroom, parties and participants of course, court reporters and interpreters. I
25 thank our security officers. And finally I thank the public, both in the public gallery

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1 and those listening in from afar. Sometimes it is difficult when hearings are held in
2 private session, and each time the public has been understanding. So I thank
3 everyone.

4 There you have it. We shall now end our hearing for the week, and I wish everyone
5 a very good weekend.

6 The hearing is now adjourned.

7 THE COURT USHER: All rise.

8 (The hearing ends in open session at 1.28 p.m.)

9 CORRECTION REPORT

10 The following correction, marked with an asterisk and not included in the
11 audio-visual recording of the hearing, is brought into the transcript.

12 Page 4 lines 11-12:

13 "Even the sound of a footstep crunching on gravel or an asphalt would make me
14 nervous." Is corrected to

15 "Even the sound of cars driving over gravel or asphalt often makes me start and wake
16 up, thinking that it's a helicopter."

17 CORRECTIONS REPORT 2

18 The following corrections, marked with an asterisk (*) and not included in the
19 audio-visual recording of the hearing, are brought into the transcript.

20 Page 5 line 12-14:

21 "There was a mission led by the Malian army and the goal of that mission was to
22 exterminate the entire Tuareg community, the white community living around
23 Timbuktu."

24 is corrected to:

25 "There was a mission, called "Kokadie mission" led by the Malian army and the goal

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1 of that mission was to exterminate the entire Tuareg community, the white
2 community living around Timbuktu."

3 Page 6 line 13-15:

4 ""Boniamine, the great Tuareg rebel." I was part of the team that went with the
5 witness to that place in 2012."

6 is corrected to:

7 ""Boniamine Al Ansari", the great Tuareg assassin rebel." I was part of the team that
8 went with the witness... the team that removed the boxes at the tribunal. It was in
9 2012."

10 Page 6 line 19:

11 "of Boniamine."

12 is corrected to:

13 "of Boniamine whom I had known in 93, 94."

14 Page 6 line 24-25:

15 "The skull was shown, displayed, yes, to scare people at the tribunal, to show: Look,
16 this is what we do to criminals at the Rharous tribunal."

17 is corrected to:

18 "The skull was shown, displayed in a not so blatant way, to scare people at the
19 tribunal, to show them that : Look, this is what we do to criminals at the Rharous
20 tribunal."

21 Page 7 line 16-17:

22 "in Mali there are law firms, there is education for people interested in law."

23 is corrected to:

24 "in Mali there one can study to become a lawyer or a jurist."

25 Page 7 line 25 - Page 8 line 3:

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1 "I didn't meet any judge in a familiar way, but all the judges I remember in the areas
2 came from the circle. I never heard of any talk about a Tuareg or an Arab or Songhai
3 judge, never a national from the area. They all came from elsewhere."

4 is corrected to:

5 "I didn't know any judge personally, but all the judges I remember in the areas came
6 from the circle. I never heard of any talk about a Tuareg or an Arab or Songhai judge,
7 never a national from the north area. All the judges I heard about came from south."

8 Page 8 line 9-10:

9 "accused of playing favourites. So we were always targets. We never had the
10 impression that there was any justice as such."

11 is corrected to:

12 "accused of favoritism. So, even if they always hailed from the south, we never had
13 the impression that there was any justice as such."

14 Page 9 line 11-12:

15 "So all this to say, the situation was really deplorable in the north."

16 is corrected to:

17 "So, in terms of education, health and justice, the situation was really deplorable in
18 the north."

19 Page 9 line 18:

20 "the health care wasn't there in the north."

21 is corrected to:

22 "the health care that we need wasn't there in the north."

23 Page 10 line 22-23:

24 "Well, if we look at the basis for the question, I wonder how the witness can even
25 answer that question. There's reference here to 2012 and locals being married."

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1 is corrected to:

2 "If we look at the question, Mr President, I wonder how the witness can answer it.

3 What are we talking about? Are we calling upon his personal knowledge? "And is it

4 correct that in 2012 no one cared about..." Who are we talking about? "locals getting

5 married": which people?"

6 Page 12 line 2:

7 "(Viewing of the video excerpt)."

8 is corrected to:

9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]

17 but nobody said anything about it.""

18 Page 14 line 10:

19 "and he was indeed based in Gao."

20 is corrected to:

21 "he was a MNLA officer and he was indeed based in Gao."

22 Page 14 line 15:

23 "MNLA soldiers."

24 is corrected to:

25 "MNLA elements."

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1 Page 16 line 1-3:

2 [REDACTED]
3 [REDACTED]

4 is corrected to:

5 [REDACTED]
6 [REDACTED]

7 Page 16 line 18-20:

8 [REDACTED]
9 [REDACTED]

10 is corrected to:

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

14 Page 18 line 13-15:

15 "the earlier conflicts, so we all knew that when conflicts broke out in the north of Mali,
16 all the Tuaregs and similar would leave the Malian army to join their brothers in
17 arms."

18 is corrected to:

19 "the earlier conflicts. Because, when rebellion broke out in the north of Mali, all of the
20 Arabo-Tuareg in the army are directly targeted by their brothers in arms."

21 Page 18 line 17-21:

22 "abetting, as that was our experience of previous years. And then given our
23 experience in Rharous and exterminations that we had seen where people had been
24 shot and killed by their own brothers in arms, and we had seen members of the
25 Malian army who had been shot dead by their own comrades."

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1 is corrected to:

2 "abetting. So, given our experience of previous years, as I said previously, with what
3 occurred in Rharous with the execution of Boniamine and his other brothers in arms
4 who were surprised at night and shot by their brothers in arms and other events with
5 many other brothers in arms from the elements of the Malian armed forces who were
6 executed by their brothers."

7 Page 18 line 22:

8 "And that is what led to many defecting."

9 is corrected to:

10 "This has been an experience for the Tuaregs and the Arabs in the army."

11 Page 19 line 21-22:

12 "So if a Tuareg had remained amongst his comrades in arms -- well, I learned that he
13 was executed by his comrades."

14 is corrected to:

15 "In 2012, for example, there was a Tuareg who did the (inaudible) and who stayed in
16 Sévaré among his brothers in arms and I was..

17

18 Page 19 line 23-25:

19

20

21

22 is corrected to:

23

24

25 Page 22 line 1-3:

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1 "standing guard in Gao, there was a large camp with all kinds of weapons. That was
2 the Gao camp a few kilometres from the town."

3 is corrected to:

4 "standing guard in (inaudible) Bilal Ag Cherif in Gao, there was a large camp with all
5 kinds of weapons at Kaygourou, that is to say Gao camp, located a few kilometers
6 from the city. All this manpower and all this artillery could pound the city and
7 conduct proper clashes in the city. "

8 Page 31 line 13:

9 "We've had this before in relation to another witness."

10 is corrected to:

11 "So, this is the second time this kind of question is resurfacing but through the back
12 door with another witness."

13 Page 31 line 22:

14 [REDACTED]

15 is corrected to:

16 [REDACTED]

17 Page 36 line 2-3:

18 "In any case, it was the first time that I saw Hassan in a military uniform. I had not
19 seen that before."

20 is corrected to:

21 "In any case, this is the first time I have seen the image of Hassan wearing military
22 uniform, in this photo. I am not used to seeing Hassan in military uniform."

23 Page 39 line 13-19:

24 ""MNLA combatants, arrive at the return were called upon by Ansar Dine members
25 to remove the flag flying over the vehicle. Arguing that no flag should be visible

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1 within the city, other than the Islamists' flag. A sharp altercation began, tensions rose
2 quickly and there was a fistfight, and people were hitting one another with the butts
3 of their rifles. At the end of the operation, there was one person injured on the side of
4 MNLA and four people injured on the MNLA side, including the head of the mission,
5 who ultimately died subsequent to his wounds on Saturday.""

6 is corrected to:

7 ""MNLA combatants from Goundam, arriving at the return were called upon by
8 Ansar Dine members to remove the flag flying over the vehicle. A sharp altercation
9 began, tensions rose quickly and there was a fistfight, and people were hitting one
10 another with the butts of their rifles. At the end of the operation, there was one person
11 injured on the side of Ansar Dine and four people injured on the MNLA side,
12 including the head of the mission, who ultimately died subsequent to his wounds on
13 Saturday.""

14 Page 41 line 19-20:

15 "But I can't tell you with complete certainty which version is true and which version is
16 not because there are several versions."

17 is corrected to:

18 "So, this event happened certainly at this time, but I can't tell you with complete
19 certainty which version is true and which version is not because there are several
20 versions."

21 Page 41 line 25:

22 "There was a victim and I was told about it."

23 is corrected to:

24 "What is certain, is that I didn't meet any victim of this incident for them to be able to
25 tell me about it in a precise and accurate way."

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1 Page 42 line 19-22:

2 "The MNLA had a post at the entrance towards -- but when we left [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 is corrected to:

6 "The MNLA had a post at the entrance to Douentza in the direction of Bamako. But

7 when we left [REDACTED] I can't tell you

8 exactly what happened after that in Douentza; I can't tell you if Douentza was

9 controlled by the MNLA or by Ansar Dine."

10 Page 43 line 25:

11 "people who --"

12 is corrected to:

13 "people who stole the vehicle."

14 Page 46 line 25 - Page 47 line 1:

15 "of the north, if you don't mind my putting it that way, it became survival of the

16 fittest."

17 is corrected to:

18 "of the three regions of the north, if you don't mind my putting in that way, it became

19 survival of the fittest."

20 Page 47 line 12-19:

21 "Many people went into exile, and for those people to survive, to live, and to -- well,

22 those people were forced to collaborate with the forces present. And the forces that

23 were present in 2012, particularly after June, were the radical groups. So, personally, I

24 think that Hassan was active in the region and some people say that he was used as a

25 scapegoat by the international community to set an example, to show the world that

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1 justice and impunity exists. But the facts don't -- well, this really wasn't fair. People
2 say all kinds of things."

3 is corrected to:

4 "Because some people stayed and did not go into exile, and for those people to
5 survive, to live, and to enjoy freedom, they were forced to collaborate with the forces
6 present. And the forces that were present in 2012, particularly after June, were the
7 radical groups. So, I believe - and this is also a matter of public opinion in the region -
8 some people say that Hassan was used as a scapegoat by the international community
9 to set an example, to show the world that justice and impunity exist., but not in the
10 context of the facts exactly which turned out to be correct with regards to him."

11 Page 50 line 10-12:

12 "and even when he was arrested - in fact, he was arrested when he was deeply
13 involved in CJA work - he, together with other colleagues, what I heard was that
14 when he was arrested he was -- he was in the full throes of his work for the CJA."

15 is corrected to:

16 "on the east side of Timbuktu. And even when he was arrested - in fact, he was
17 arrested when he was deeply involved in CJA work - he, together with other
18 colleagues, what I heard was that when he was arrested he was -- he was in the full
19 throes of his work for the CJA."

20 Page 54 line 18-19:

21 [REDACTED]

22 is corrected to:

23 [REDACTED]

24 Page 56 line 22-24:

25 ""The Coordination of Azawad Movements denounces a forced operation which took

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1 place and was carried out by the Barkhane force in the village of Tin-abaw, which is
2 situated at 20 kilometres to the south of Menaka."

3 is corrected to:

4 ""The Coordination of Azawad Movements denounces a forceful operation conducted
5 this Monday 18 December 2017 by the Barkhane force under instrumentalisation in
6 the village of Tin-abaw, located 20 kilometres to the south of Menaka."

7 Page 60 line 24:

8 "animals?"

9 is corrected to:

10 "assets ?"

11 Page 63 line 21-23:

12 "THE WITNESS: [13:15:19](Interpretation) -- as a terrorist, along with the tourists
13 (phon) from Bolakassi (phon). He was tortured to [REDACTED] just because he had
14 refused t [REDACTED]

15 is corrected to:

16 "He refused to answer and was immediately transferred [REDACTED]
17 [REDACTED] He was transferred with terrorists who were arrested [REDACTED] in the
18 same period. He was tied up, tortured and transferred [REDACTED] just because
19 he had refused [REDACTED]."

20 Page 66 line 17:

21 "In Burkina Faso,"

22 is corrected to:

23 "In Burkina Faso and Niger,"

24 Page 66 line 23 - Page 67 line 1:

25 "The people -- well, it's obvious that people who were more towards Hausa, towards

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1 the Niger River, did not have that opportunity to take their property and their
2 animals with them and to engage in agriculture in those countries. So most went to
3 the Sahara area, in the Timbuktu area."
4 is corrected to:
5 "I think that the people who are... What is obvious, rather, is that the people who are
6 located more towards Haoussa, that is to say on the left bank of the Niger river in the
7 region of Timbuktu, did not have the opportunity to take their property and animals
8 with them and to rear livestock in either Mauritania or Algeria. This is why most
9 people who were cast out went into exile - that's in the Saharan area, the area located
10 on the left bank of the river Niger in the region of Timbuktu."