

Trial Hearing
WITNESS: MLI-OTP-P-0636

(Open Session)

ICC-01/12-01/18

1 International Criminal Court
2 Trial Chamber X
3 Situation: Republic of Mali
4 In the case of The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag
5 Mahmoud - ICC-01/12-01/18
6 Judge Antoine Kesia-Mbe Mindua, Presiding, Judge Tomoko Akane and Judge
7 Kimberly Prost
8 Trial Hearing - Courtroom 3
9 Monday, 15 March 2021
10 (The hearing starts in open session at 9.32 a.m.)
11 THE COURT USHER: [9:32:13] All rise. The International Criminal Court is
12 now in session. Please be seated.
13 PRESIDING JUDGE MINDUA: [9:32:32](Interpretation) Court is in session.
14 Good morning to all.
15 Madam courtroom officer, could you please call the case.
16 THE COURT OFFICER: [9:32:51] (Interpretation) Good morning, Mr
17 President, your Honours.
18 The situation in Mali in the case against Mr Al Hassan, reference
19 ICC-01/12-01/18.
20 And we are in open session.
21 PRESIDING JUDGE MINDUA: [9:33:09](Interpretation) Thank you very
22 much, courtroom officer. We shall start with the appearances as usual.
23 The Office of the Prosecutor, please, first of all.
24 MR GARCIA: [9:33:27](Interpretation) Good morning, your Honours,
25 we -- Mr Garcia this morning, Mr Sandoval to my left and Mr Gilles Dutertre to

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- 1 my rear. Thank you and good morning.
- 2 PRESIDING JUDGE MINDUA: [9:33:36](Interpretation) Thank you very
3 much.
- 4 THE INTERPRETER: [9:33:37] Message from the English booth: We can
5 hear -- at the remote location, we can hear the interpretation of the colleagues
6 and it is very off-putting. Something will need to be done about it.
7 Apologies.
- 8 MS SUTHERLAND: [9:33:55] Mr President, did you hear the message from
9 the English booth?
- 10 PRESIDING JUDGE MINDUA: [9:34:10](Interpretation) Yes.
11 Madam courtroom officer, could you please do something about this. The
12 English interpreter can't work because she can't hear what's being said.
- 13 THE COURT OFFICER: [9:34:23] (Interpretation) Yes, Mr President, I'm
14 looking at the ...
- 15 THE INTERPRETER: [9:34:29] Overlapping of channels. I can't work.
- 16 THE BAMBARA-FRENCH INTERPRETER: [9:34:32](Overlapping speakers)
- 17 THE INTERPRETER: [9:34:37] Message from the English booth to the
18 courtroom officer, if she can hear me: I can hear the interpretation from the
19 remote location coming out on my channel, and, as a result, I can't hear two
20 people at once.
- 21 THE COURT OFFICER: [9:35:06] I think we are missing the interpretation
22 back. I'm checking with my colleagues, the interpreters.
- 23 THE BAMBARA-FRENCH INTERPRETER: [9:35:10](Overlapping speakers)
- 24 THE INTERPRETER: [9:35:20] Can you hear me [REDACTED],
- 25 THE COURT OFFICER: [9:35:20](No interpretation)

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- 1 THE BAMBARA-FRENCH INTERPRETER: [9:35:42](Interpretation) Can you
2 hear us in French?
- 3 THE INTERPRETER: [9:35:44] Says the remote interpreter.
4 But this is not the problem. I will send an email t [REDACTED]
- 5 THE BAMBARA-FRENCH INTERPRETER: [9:35:57](Interpretation) From the
6 remote location: We just have one microphone. We open this microphone
7 and we speak. We do not have any other equipment. And, we can hear the
8 sound in the courtroom on our loud speaker.
- 9 THE INTERPRETER: [9:36:2] Says the remote interpreter.
- 10 THE COURT OFFICER: [9:36:22] And I'm going to ask the English
11 booth whether there -- because I'm currently listening to all channels and I'm
12 hearing everyone perfectly, so I don't understand the issue actually.
- 13 THE BAMBARA-FRENCH INTERPRETER: [9:36:35](Overlapping speakers)
14 THE INTERPRETER: [9:36:35] [REDACTED] I have to turn my mic --
- 15 THE BAMBARA-FRENCH INTERPRETER: [9:36:36](Overlapping speakers)
16 THE INTERPRETER: [9:36:36] -- all I can hear, when I'm trying to work, is the
17 gentleman at the remote location interpreting. So I can't interpret because he
18 is speaking over what I'm trying to interpret.
- 19 THE COURT OFFICER: [9:36:47] Yes, so we just now need to ask the
20 interpreters to wait until everyone is done with (Overlapping speakers)
- 21 THE INTERPRETER: [9:36:51](Overlapping speakers) I don't think it can
22 work that way, because they are coming out -- they're coming out on a -- we
23 need to ask a technical individual to help us out here, because they are coming
24 out on the channel that is stopping me from working. I do apologise.
- 25 THE COURT OFFICER: [9:37:17](Interpretation) It would seem that there is a

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1 technical issue in the sense that the various interpreters are not -- are working
2 on the same channel, which means that the English interpreter can only hear
3 what the remote interpreter is saying, which means that she cannot interpret.
4 I'm going to have to call a technician in, I'm not sure how long it's going to take
5 us to solve this issue, but I'm in your hands.

6 PRESIDING JUDGE MINDUA: [9:37:51](Interpretation) Yes, please, can you
7 call the technicians and we shall wait in situ.

8 THE COURT OFFICER: [9:38:03] (Interpretation) My colleagues have been
9 asked to come and solve the problem. I do apologise for the inconvenience.

10 PRESIDING JUDGE MINDUA: [9:38:15](Interpretation) Thank you very
11 much.

12 (Pause in proceedings)

13 PRESIDING JUDGE MINDUA: [9:41:08](Interpretation) We will go into
14 private session while we do the technical testing.

15 THE COURT OFFICER: [9:41:16] (Interpretation) Yes, your Honour.

16 PRESIDING JUDGE MINDUA: [9:41:21](Interpretation) Thank you very
17 much.

18 (Private session at 9.41 a.m.)

19 THE COURT OFFICER: [9:42:18] Just for the record of the case, I see that my
20 colleagues are currently assisting the interpreters in the booth, so I'm going to
21 wait for a sign just to confirm when we can proceed.

22 So I'm going to do a test: one, two, three. one, two, three, four, five.

23 (Interpretation) One, two, three.

24 [REDACTED]: [9:43:00] Please, tell [REDACTED] to continue. This is just
25 a procedural issue.

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- 1 THE COURT OFFICER: [9:43:04](Overlapping speakers)
- 2 [REDACTED]: [9:43:05] [REDACTED] please continue with the session. This is just
- 3 a procedural issue with the interpreters, they don't (indiscernible). We have
- 4 to continue. There is no technical issue.
- 5 THE COURT OFFICER: [9:43:09] Okay. This is just an operational issue
- 6 with the interpreters. I am informed there is no technical issue at the moment.
- 7 We are just going to try to clarify that as soon as possible.
- 8 In the meantime, I'm asked to speak in order to proceed with the test. So
- 9 (French spoken)
- 10 [REDACTED]: [9:43:33] Yes [REDACTED] please just proceed with the session.
- 11 Let's proceed with the session.
- 12 THE COURT OFFICER: [9:43:33](Overlapping speakers) So just normal?
- 13 [REDACTED]: [9:43:34] Yes, please.
- 14 THE COURT OFFICER: [9:43:35](Overlapping speakers) I'm going to ask to
- 15 go into open session, is that okay?
- 16 [REDACTED]: [9:43:36] That should be fine, [REDACTED]
- 17 THE COURT OFFICER: [9:43:39] Should be fine?
- 18 [REDACTED]: [9:43:44] Yes. Let's go on, please.
- 19 THE COURT OFFICER: [9:43:47] Okay, thank you.
- 20 [REDACTED]: [9:43:48] Yes.
- 21 THE COURT OFFICER: [9:43:49] So with your permission, Mr President
- 22 (Overlapping speakers) we can go into open session now and proceed with the
- 23 proceedings.
- 24 PRESIDING JUDGE MINDUA: [9:43:58](Interpretation) Yes, madam
- 25 courtroom officer, did you hear that the colleagues in Bamako need to work in

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- 1 consecutive mode and not simultaneously, yes?
- 2 THE COURT OFFICER: [9:44:19](Interpretation) Yes, Mr President,
- 3 absolutely, it is consecutive and each participant needs to wait for the end of
- 4 the intervention before they start interpreting, which of course is a challenge
- 5 logistically speaking, but we shall move ahead.
- 6 PRESIDING JUDGE MINDUA: [9:44:41](Interpretation) Thank you very
- 7 much. We will go back to open session. Thank you.
- 8 (Open session at 9.44 a.m.)
- 9 THE COURT OFFICER: [9:44:51](Interpretation) We are back in open
- 10 session, Mr President, your Honours.
- 11 PRESIDING JUDGE MINDUA: [9:45:03](Interpretation) The Defence has
- 12 already introduced themselves, has it?
- 13 MS SUTHERLAND: [9:45:11] Not yet, Mr President, but I will do so now.
- 14 The Defence for Mr Al Hassan is today represented by Ms Melinda Taylor, Ms
- 15 Sarah Marinier-Doucet and myself, Kirsty Sutherland.
- 16 PRESIDING JUDGE MINDUA: [9:45:36](Interpretation) Thank you very
- 17 much, Ms Sutherland. I have observed the pause because there was an
- 18 interpretation into Bambara.
- 19 Now, over to the Legal Representatives of Victims.
- 20 Counsel.
- 21 MR LUVENGIKA: [9:45:53](Interpretation) Good morning, your Honour,
- 22 good morning, your Honours. The victims are represented today by
- 23 Maître Fidel Nsita Luvengika, that is to say, myself.
- 24 PRESIDING JUDGE MINDUA: [9:46:19](Interpretation) Thank you very
- 25 much, Maître Nsita.

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- 1 Today, we shall be hearing the testimony of the 27th witness of the Prosecution,
- 2 that is, witness P-0636.
- 3 I shall turn now to the witness.
- 4 Good morning, Madam Witness, can you hear me?
- 5 WITNESS: MLI-OTP-P-0636
- 6 (The witness speaks Bambara)
- 7 (The witness gives evidence via video link)
- 8 THE WITNESS: [9:47:07](Interpretation) Yes, good morning, I can hear you.
- 9 PRESIDING JUDGE MINDUA: [9:47:18](Interpretation) Thank you very
- 10 much, Madam Witness.
- 11 On behalf of the Chamber, I would like to welcome you. You shall be
- 12 testifying with a view to assisting the Chamber in establishing the truth in the
- 13 case against Mr Al Hassan.
- 14 THE WITNESS: [9:47:46](Interpretation) Yes, I have understood.
- 15 PRESIDING JUDGE MINDUA: [9:47:50](Interpretation) Protective measures
- 16 have been put in place with a view to making sure that your identity is not
- 17 revealed to the public.
- 18 THE WITNESS: [9:48:14](Interpretation) I have understood.
- 19 PRESIDING JUDGE MINDUA: [9:48:17](Interpretation) Every time that you
- 20 will give details that might be -- that might reveal your identity, we shall
- 21 discuss this in private session.
- 22 THE WITNESS: [9:48:40](Interpretation) Yes, I have understood.
- 23 PRESIDING JUDGE MINDUA: [9:48:44](Interpretation) So apart from the
- 24 individuals in this courtroom, nobody else will be able to hear what you have
- 25 to say.

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1 THE WITNESS: [9:49:01](Interpretation) Yes, I have understood.

2 PRESIDING JUDGE MINDUA: [9:49:04](Interpretation) Very well. So I am
3 now going to take your oath according to 66(1) of the Rules of Procedure and
4 Evidence.

5 Madam Witness, do you have before you a piece of paper on which the solemn
6 undertaking is written? Or maybe the courtroom officer at the remote
7 location?

8 THE WITNESS: [9:49:53](Interpretation) Yes.

9 PRESIDING JUDGE MINDUA: [9:50:12](Interpretation) Madam Witness, you
10 shall be repeating after me what I am going to say now.

11 THE WITNESS: [9:50:26](Interpretation) Yes, I have understood.

12 PRESIDING JUDGE MINDUA: [9:50:28](Interpretation) I solemnly
13 undertake ...

14 THE WITNESS: [9:50:39](Interpretation) I solemnly undertake ...

15 PRESIDING JUDGE MINDUA: [9:50:42](Interpretation) That I shall speak the
16 truth ...

17 THE WITNESS: [9:50:46](Interpretation) That I shall speak the truth ...

18 PRESIDING JUDGE MINDUA: [9:50:50](Interpretation) All -- the whole truth
19 and nothing but the truth.

20 THE WITNESS: [9:50:58](Interpretation) And nothing but truth.

21 PRESIDING JUDGE MINDUA: [9:51:05](Interpretation) Thank you very
22 much, Madam Witness. You are now under oath. The representatives of the
23 VWS and the OTP have already explained to you precisely what this means.

24 THE WITNESS: [9:51:36](Interpretation) Yes, that is true.

25 PRESIDING JUDGE MINDUA: [9:51:39](Interpretation) Now, I do have some

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1 practical advice to give you. You should bear in mind throughout your
2 testimony that everything that is said in this courtroom is transcribed by court
3 reporters and interpreted by interpreters.

4 THE WITNESS: [9:52:15](Interpretation) Yes, I have understood.

5 PRESIDING JUDGE MINDUA: [9:52:18](Interpretation) So it is important to
6 speak clearly and slowly.

7 THE WITNESS: [9:52:30](Interpretation) Yes.

8 PRESIDING JUDGE MINDUA: [9:52:33](Interpretation) You should only
9 start to speak when the person putting questions to you has finished putting
10 the question to you.

11 THE WITNESS: [9:52:49](Interpretation) I have understood.

12 PRESIDING JUDGE MINDUA: [9:52:52](Interpretation) So maybe count to
13 three in your head before answering. This pause is essential to make sure that
14 your statement is duly taken down.

15 THE WITNESS: [9:53:19](Interpretation) I have understood.

16 PRESIDING JUDGE MINDUA: [9:53:21](Interpretation) Of course, if you do
17 have any questions, raise your hand to indicate that you would like to take the
18 floor.

19 THE WITNESS: [9:53:36](Interpretation) Very well.

20 PRESIDING JUDGE MINDUA: [9:53:39](Interpretation) Very well, so now
21 we shall hear your testimony. First of all, questions will be put to you by the
22 Office of the Prosecutor, subsequent to which the legal representatives will be
23 putting questions to you and then the Defence.

24 THE WITNESS: [9:54:08](Interpretation) I have understood.

25 PRESIDING JUDGE MINDUA: [9:54:11](Interpretation) Very well. Thank

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- 1 you very much.
- 2 Without further ado, I shall hand the floor over now to the Office of the
- 3 Prosecutor.
- 4 Mr Prosecutor, please, over to you.
- 5 MR GARCIA: [9:54:30](Interpretation) Thank you very much very much, Mr
- 6 President, your Honours.
- 7 QUESTIONED BY MR GARCIA:(Interpretation)
- 8 MR GARCIA: [9:54:38]
- 9 Q. Good morning, Madam Witness.
- 10 A. [9:54:44] Good morning.
- 11 Q. [9:54:44] So this is not the first time that we have met, we have already
- 12 met before. I'd like to welcome you to the Court.
- 13 A. [9:55:05] I am happy that that is the case.
- 14 Q. [9:55:08] So Madam Witness, it's a little bit unusual because you can see
- 15 me on a screen and I can see you too.
- 16 A. [9:55:25] I have understood.
- 17 Q. [9:55:29] But be reassured that I am looking at you, I shall be looking at
- 18 you throughout the -- throughout the time that I shall be putting questions to
- 19 you.
- 20 A. [9:55:46] Yes, I have understood.
- 21 Q. [9:55:51] So we shall move forward slowly. If you have any issues,
- 22 please just quite simply raise your hand or interrupt me.
- 23 A. [9:56:07] Yes, I have understood.
- 24 Q. [9:56:14] Is that all right with you, Madam Witness?
- 25 A. [9:56:20] Yes, that's fine with me and I have understood.

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1 MR GARCIA: [9:56:26](Interpretation) Now Mr President, with your leave, I
2 would like to move into private session for five to 10 minutes just to broach
3 some questions that might be identifying in nature. I would like to broach
4 matters and questions that might render the testimony simpler further down
5 the line and we will save time.

6 PRESIDING JUDGE MINDUA: [9:56:50](Interpretation) Very well. Madam
7 courtroom officer, private session, please.

8 (Private session at 9.57 a.m.)

9 THE COURT OFFICER: [9:57:01] We are now in private session, Mr President
10 and Judges.

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

13 Mr Prosecutor, please.

14 MR GARCIA: [9:57:20](Interpretation)

15 Q. [9:57:21] So Madam Witness, as you have just noted, we are in private
16 session, which quite simply means that the people present in this courtroom
17 are the ones in a position to hear what you have to say. Do you understand?

18 A. [9:57:42] Yes, I have understood.

19 Q. [9:57:51] So every time we go into private session on the leave of the
20 Chamber, this will be the case.

21 A. [9:58:07] I have understood.

22 Q. [9:58:10] So Madam Witness, could you initially please give us your
23 name?

24 A. [9:58:17] Yes, no problem.

25 Q. [9:58:27] Please go ahead, Madam.

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- 1 A. [9:58:32] My name is [REDACTED]
- 2 Q. [9:58:38] And are you known by any other name? A diminutive?
- 3 A. [9:58:47] Yes, my other name is [REDACTED]
- 4 Q. [9:58:53] Thank you, Ma'am. And in which year were you born or the
5 date? Could you provide us with it if you are aware?
- 6 A. [9:59:06] I was born on [REDACTED] that is to say,
7 [REDACTED]
- 8 Q. [9:59:33] And where were you born precisely, Madam Witness?
- 9 A. [9:59:39] I was born in [REDACTED]
10 [REDACTED]
- 11 Q. [9:59:54] And where did you spend your youth?
- 12 A. [9:59:59] I spent my youth [REDACTED].
- 13 Q. [10:00:07] Very well. And I would like to know when the armed groups
14 were in Timbuktu in 2012-2013, where were you?
- 15 A. [10:00:21] I was in Timbuktu.
- 16 Q. [10:00:29] Which neighbourhood?
- 17 A. [10:00:45] [REDACTED]
- 18 Q. [10:00:52] Does this neighbourhood have any other name or is it ...
- 19 A. [10:01:06] [REDACTED]
- 20 Q. [10:01:21] Now regarding your residence [REDACTED] where were you
21 living -- with whom were you living at the time?
- 22 A. [10:01:45] [REDACTED]
- 23 THE INTERPRETER: [10:01:55] Correction from the witness --
- 24 THE WITNESS: [10:01:56](Interpretation) [REDACTED]
- 25 MR GARCIA: [10:02:00](Interpretation)

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- 1 Q. [10:02:01] Could you give us the name [REDACTED]
2 [REDACTED] ?
3 A. [10:02:09] [REDACTED]
4 Q. [10:02:29] Could you, Madam Witness, tell us -- I can see that the spelling
5 is missing, could you spell out that name, the name [REDACTED] Or
6 could you just say it more slowly. I see that you're smiling. Maybe if you just
7 pronounce the name more slowly.
8 A. [10:03:03] [REDACTED] name.
9 Q. [10:03:20] [REDACTED] ? Does that name ring a bell?
10 A. [10:03:29] That is the name of [REDACTED]
11 Q. [10:03:42] And the name, [REDACTED] ? Does that name ring
12 a bell, and, if so, who is that person?
13 A. [10:03:59] That is [REDACTED]
14 Q. [10:04:09] Just to make sure we've got this right, when the armed groups
15 were in Timbuktu, where were you living? Where were you living? Where
16 were you sleeping every night? Where were you eating?
17 A. [10:04:39] [REDACTED]
18 Q. [10:04:54] Very well, thank you for clearing that up, Madam Witness. At
19 the same time when the armed groups were in Timbuktu, were you [REDACTED] ?
20 A. [10:05:07] Yes, I was [REDACTED]
21 Q. [10:05:19] Could you give us the name of the person you wer [REDACTED]
22 [REDACTED] ,
23 A. [10:05:25] Yes, I can give you that name.
24 Q. [10:05:34] Please go ahead, Madam Witness?
25 A. [10:05:39] [REDACTED]

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- 1 Q. [10:06:07] You mentioned [REDACTED]
2 [REDACTED],
3 A. [10:06:27] Yes [REDACTED]
4 Q. [10:06:38] How long have you been [REDACTED]?
5 A. [10:06:46] I was [REDACTED]
6 Q. [10:06:55] Thank you for that information. Now I'm going to ask you
7 some general questions. What is your ethnicity?
8 A. [10:07:08] I'm a [REDACTED]
9 Q. [10:07:20] And what languages do you speak?
10 A. [10:07:30] I can speak several languages, but I'm much more at ease
11 speaking Bambara because I hav [REDACTED] for a very
12 long time.
13 Q. [10:07:50] Can you speak Songhai, for example?
14 A. [10:07:55] Yes, I understand Songhai.
15 Q. [10:08:02] Do you understand French?
16 A. [10:08:06] Yes, I can manage in French.
17 Q. [10:08:13] Madam Witness, I have to ask you these questions, are you able
18 to read French as well?
19 A. [10:08:27] Yes, I can manage when it comes to reading French.
20 Q. [10:08:41] Do you understand Arabic?
21 A. [10:08:51] When I was in the north, I understood a few words of Arabic,
22 but I'm sure you realise that when you don't practice or -- a language, you lose
23 it. So now I would say that I don't speak Arabic.
24 Q. [10:09:24] Last question, Madam Witness, in this area, could you give us
25 the name of your father?

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- 1 A. [10:09:38] [REDACTED]
- 2 THE INTERPRETER: [10:09:52] Message from the interpreter: Could the
3 middle name be repeated for the record.
- 4 MR GARCIA: [10:10:05](Interpretation)
- 5 Q. [10:10:07] The name of your mother, please?
- 6 A. [10:10:15](No interpretation)
- 7 THE BAMBARA-FRENCH INTERPRETER: [REDACTED]
8 [REDACTED]
- 9 MR GARCIA: [10:10:22]
- 10 Q. [10:10:22] Are your parents still alive?
- 11 A. [10:10:28] My father [REDACTED] my mother [REDACTED]
- 12 Q. [10:10:36] Thank you very much, Madam Witness, for giving us that
13 information. We'll ask the Chamber now if we can go back into open session.
14 Just a reminder, once we're back in open session, do not mention the names
15 that you just gave us - your relatives, people close to you - just mention the
16 family relationship, uncle, aunt. Sorry, Madam Witness, could you repeat the
17 name of your father slowly, the complete name because I don't think we quite
18 got it.
- 19 A. [10:11:35] [REDACTED]
- 20 Q. [10:12:02] Thank you, Madam Witness.
- 21 MR GARCIA: [10:12:06](Interpretation) Your Honour, if we could go back
22 into open session, please.
- 23 PRESIDING JUDGE MINDUA: [10:12:17](Interpretation) Open session,
24 please.
- 25 (Open session at 10.12 a.m.)

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1 THE COURT OFFICER: [10:12:24] (Interpretation) We are back in open
2 session.

3 PRESIDING JUDGE MINDUA: [10:12:31](Interpretation) Thank you.
4 Mr Prosecutor.

5 MR GARCIA: [10:12:36](Interpretation)

6 Q. [10:12:39] Madam Witness, we are now in open session so I'd like to ask
7 you to be very careful. If there's a question you don't understand, just
8 interrupt me or just raise your hand and I will stop and then you can tell me if
9 there is something wrong for you and I can rephrase my question.
10 Is that okay with you?

11 A. [10:13:07] Yes, I've understood. No problem.

12 Q. [10:13:28] Madam Witness, my initial questions will have to do with the
13 period of time during which the armed groups were present in Timbuktu, 2012
14 and 2013.

15 A. [10:13:55] Yes.

16 Q. [10:13:57] Now I believe that you were living in Timbuktu during that
17 time and I don't need to specify exactly where.

18 A. [10:14:13] Yes, that is correct.

19 Q. [10:14:16] Madam Witness, could you tell us about the first time you saw
20 these armed groups in Timbuktu. What did you see?

21 A. [10:14:28] I haven't understood your question. Could you repeat it.

22 Q. [10:14:51] Yes, Madam Witness. You were saying that you were living
23 in Timbuktu when the armed groups were there. Could you tell us what you
24 saw? Did you see those armed groups? Tell us about that.

25 A. [10:15:07] Yes, I've understood. When they came, they wanted to

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1 become the masters of the town.

2 Q. [10:15:43] Very well. Madam Witness, could you describe them to us?

3 How were they dressed?

4 A. [10:15:54] What I remember is that they were always wearing
5 khaki-coloured clothing and they had turbans.

6 Q. [10:16:24] And to the best of your recollection, were they wearing --

7 THE INTERPRETER: [10:16:35] Correction --

8 MR GARCIA:

9 Q. [10:16:35] -- carrying weapons?

10 A. [10:16:38] They were armed.

11 Q. [10:16:45] Madam Witness, I'm talking about what you saw yourself.

12 Did they go about the town on foot or in -- in a vehicle?

13 A. [10:16:57] They went about in vehicles, not on foot.

14 Q. [10:17:12] Could you tell us in general terms - I know that you're not an
15 expert when it comes to cars, we don't expect that of you - but could you
16 describe those vehicles that they were riding around in?

17 A. [10:17:28] They were Toyotas.

18 Q. [10:17:43] Were they normal cars? Were they large? Small?

19 A. [10:17:57] They weren't large or small. They were vehicles with an open
20 cab at the back.

21 Q. [10:18:21] Madam Witness, could you tell us about life was like with
22 those people when they came into the city?

23 A. [10:18:47] What do you mean, life with those people? I haven't
24 understood.

25 Q. [10:18:57] How -- what was your experience with them? Had you any

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1 problems with them? Did other people have problems with them?

2 A. [10:19:15] There were problems with everyone because they wanted to
3 subject people to their will.

4 Q. [10:19:36] And in light of your experience, what you saw, heard,
5 could -- what do you mean? What do you mean by "their will"? Explain to
6 the Court.

7 A. [10:19:52] Yes, could you repeat the question.

8 Q. [10:20:03] Yes, of course. You do well by asking me to repeat the
9 question. You said that they wanted to submit the people to their will. For
10 me to understand and for the judges as well, can you tell us what you meant by
11 that? What did you mean?

12 A. [10:20:27] They wanted to become the masters of the town.

13 Q. [10:20:46] Madam Witness, did your way of living change once they were
14 there?

15 A. [10:21:05] Yes, it did change my way of life.

16 Q. [10:21:15] How did your mode of life change?

17 A. [10:21:20] They came to impose their strict rules upon us that everyone
18 had to obey.

19 Q. [10:21:39] Tell us, Madam Witness, what were these strict rules that
20 everyone had to obey?

21 A. [10:21:46] They required men to shorten their trousers. As for women,
22 they had to be entirely veiled. Only their hands could be seen, the rest of the
23 body had to be covered up.

24 Q. [10:22:23] In light of what you saw and what you experienced, what
25 would happen when a person didn't respect those rules?

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1 A. [10:22:36] If you didn't follow the rules, they had weapons, we didn't, and
2 they did whatever they wanted to with us.

3 Q. [10:23:05] You, Madam Witness, you personally, did you have problems
4 with those people?

5 A. [10:23:32] Yes, I had serious problems with them.

6 Q. [10:23:47] Madam Witness, I know this may be difficult, but I'd like us to
7 now talk about what happened to you personally. We will begin in open
8 session and, at one point, I'll be asking the Chamber to go into private session,
9 but for now, could you tell us how the problem began? The problem that you
10 had with those people in general terms?

11 A. [10:24:26] Could you repeat the question.

12 Q. [10:24:53] Madam Witness, tell us how the problem that you had with
13 those people began?

14 A. [10:25:09] Yes, I've understood.

15 Q. [10:25:15] So explain to us right from the beginning, what happened?
16 But take your time, take it one step at a time.

17 A. [10:25:29] I had problems with them because of my clothing. You see, it's
18 not easy to wear the veil. When I was going to fetch water, you see, my veil
19 fell to the ground.

20 Q. [10:26:28] Okay. We'll take this story of what happened to you one step
21 at a time. So your veil fell to the ground. Then what happened? Just
22 quietly, slowly explain to us what happened.

23 A. [10:26:49] It was one evening, late in the evening, I was almost back home,
24 I was carrying water on my head. They followed me in a vehicle. The
25 vehicle came up to me, two gentleman came out of the vehicle. I asked them

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1 what was going on and they said that I wasn't wearing a veil.

2 Q. [10:27:47] Before we go on to the next part, you mentioned "them." Who
3 are these people in the vehicle?

4 A. [10:28:05] They were Islamists, but I don't know their name.

5 Q. [10:28:10] Did they have weapons?

6 A. [10:28:14] Yes, they did.

7 Q. [10:28:20] So you had just said that they got out of their vehicle -- they
8 jumped out of their vehicle and they said that you weren't wearing a veil.

9 What happened after that? Tell us just one little part at a time.

10 A. [10:28:43] What happened was that one of them pushed me into the
11 vehicle. When someone has a weapon and you don't, you're in a weak
12 position. Some of them spoke Arabic, others Tamasheq. I didn't understand
13 Arabic very well, but I did understand the Tamasheq.

14 MR LUVENGIKA: [10:29:40](Interpretation) Your Honour, our team is at
15 a strict minimum right now and I do have a -- a need to visit the ...

16 PRESIDING JUDGE MINDUA: [10:29:55](Interpretation) Go ahead, counsel.

17 THE WITNESS: [10:30:03](Interpretation) Yes, I understand.

18 MR GARCIA: [10:30:07](Interpretation)

19 Q. [10:30:10] Now before we go any further, you say that they were speaking
20 Tamasheq and Arabic. Were you able to understand anything that they were
21 saying to you?

22 A. [10:30:31] Even when you don't understand the language, according to
23 the gestures of people and their movements, you can understand what they're
24 trying to get across in terms of a message.

25 Q. [10:30:53] Very well, Madam Witness, and what gestures were they

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1 making that led you to understand what was going on?

2 A. [10:31:05] Well, the one who was speaking Arabic, when he'd stopped
3 speaking, the one speaking Tamasheq said, "Take this bedeviled child and take
4 her and put her in that place where the mosquitoes are to be found."

5 Q. [10:31:40] Very well, Madam Witness, we shall get there. I just wanted
6 to come back to that part of your testimony and ask you what happened
7 subsequently? I understand that those people jumped out of their vehicle,
8 and what happened next?

9 A. [10:32:00] What do you mean by that?

10 Q. [10:32:12] What I would like to quite simply know, Madam Witness, is
11 whether they put you in their vehicle? Or whether you stayed at that
12 location?

13 A. [10:32:24] Yes, I was obliged to get into their vehicle. I didn't have
14 a choice.

15 Q. [10:32:36] Madam Witness, could you please tell us whether they took
16 you anywhere?

17 A. [10:32:42] Yes.

18 Q. [10:32:54] Are you in a position to tell us how long the journey took from
19 the moment at which you were taken and put in the vehicle and taken to that
20 location?

21 A. [10:33:14] Well, it didn't take very long because Timbuktu is not a large
22 town and these people were driving fast.

23 Q. [10:33:41] I know that these questions might be a little bit overly specific,
24 but are you able to remember, Madam Witness, how long it took to get from
25 the place where you were put in the vehicle to the other place in terms of

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1 minutes? Is it more or less than half an hour?

2 A. [10:34:09] To be quite honest, it would be difficult for me to tell you or
3 give you an idea of the time it took. It happened a long time ago, and, as you
4 know, it was a real nightmare for me and when that is the case, one has
5 a tendency to want to try and forget it.

6 Q. [10:34:52] I do understand you only too well, Madam Witness, but are
7 you in a position to tell us where that location that you were taken to is located?
8 In which neighbourhood?

9 A. [10:35:03] As you know, when one is in a state of panic, one doesn't really
10 pay attention to the location. This place was called the Islamic police. The
11 Islamic police. That's what it was called.

12 Q. [10:35:45] There we are, Ma'am. I see that you're looking for something.
13 Do you need water or something?

14 A. [10:35:51] No, nothing.

15 Q. [10:36:00] So I would like for to you describe that location to us, the
16 location where you were taken?

17 A. [10:36:11] Yes, it would seem that it was a house and the inhabitants had
18 been pushed out of that house. I don't really know the official place name.

19 Q. [10:36:46] I do understand, Madam. Do you remember the colour of the
20 walls?

21 A. [10:36:52] To be quite honest, I was in a state of panic and I didn't really
22 look at the colour of the walls.

23 Q. [10:37:15] I do understand you perfectly, and just be aware that when I
24 put questions to you, it's just to ascertain whether you know these things or
25 not.

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1 Madam Witness, are you in a position to tell us -- you're talking here of a house,
2 were there a number of storeys to this house according to what you can
3 remember and what you can tell us?

4 A. [10:37:54] The place they took me to was not a house with several storeys,
5 there might have been storeys elsewhere, but the place that I went to was
6 a one-storeyed house. It did not have any other storeys.

7 Q. [10:38:27] Now, Madam Witness, I would like for us to go through what
8 happened to you. When you arrived at that house, what did you see?

9 A. [10:38:38] Yes, when I arrived, the cell or the place where women were
10 put was empty. There were lots of people in the house itself and a lot of
11 people outside as well.

12 Q. [10:39:25] You said that there were a lot of people inside and outside the
13 house. How were these people dressed?

14 A. [10:39:34] Are you talking about those who were inside and outside the
15 house?

16 Q. [10:39:57] Well, Madam Witness, I understand you arrived there in the
17 vehicle. Can you please tell us about the people you saw who were standing
18 outside the house, what were they wearing?

19 A. [10:40:14] All of those who were standing outside were wearing khaki
20 clothing and they had turbans around their heads.

21 Q. [10:40:32] Were they armed?

22 A. [10:40:35] They were all armed.

23 Q. [10:40:40] Now before continuing, during the journey to that location, did
24 somebody tell you why you had been arrested?

25 A. [10:40:55] Who do you mean?

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1 Q. [10:41:06] Those people in the vehicle with you, the ones who were armed,
2 did they, at any moment in time, tell you why they had arrested you?

3 A. [10:41:18] No, they didn't tell me anything.

4 Q. [10:41:27] So when you got to the location, you said that there were
5 people who were outside all wearing the same attire, who were armed.

6 Did -- or -- did anyone explain to you at that moment in time, why you had
7 been arrested?

8 A. [10:41:50] No, I didn't speak to anyone about it and nobody spoke to me.

9 Q. [10:42:03] A few moments ago, you mentioned somebody speaking to
10 you about mosquitoes, what exactly was that?

11 A. [10:42:19] Yes, these were still the people who had arrested me.

12 Q. [10:42:31] And what precisely did they say to you?

13 A. [10:42:37] What do you mean?

14 Q. [10:42:46] You said that somebody spoke to you about mosquitoes, about
15 the place where the mosquitoes were to be found. Could you please explain
16 that to me?

17 A. [10:43:04] That's just what they said. They said that this woman from
18 hell needed to be put in that location where the mosquitoes were to be found
19 for two days for her to know just what she'd done.

20 Q. [10:43:46] Now Madam Witness, when we left off, you were talking
21 about -- you were describing about what -- you were describing what
22 happened to you and what you saw outside of the building.

23 Now, we need to take this step by step because I think we're going a little bit
24 too fast.

25 A. [10:44:22] Where precisely are you talking about? Do you mean inside

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1 the house?

2 Q. [10:44:28] Yes, I'm sorry, Madam, maybe I wasn't clear enough, but when
3 you got to that house, what happened? Can you explain this to us in little
4 steps.

5 A. [10:44:45] In fact, what happened was that I was put in a cell in that house
6 where there was just a mat on the floor and, at night time, two men arrived.
7 One of them had a weapon, one entered and the other remained at the door.

8 Q. [10:45:32] One moment, please.

9 MR GARCIA: [10:45:33](Interpretation) Mr President, with your leave, could
10 we move into private session.

11 PRESIDING JUDGE MINDUA: [10:45:40](Interpretation) Madam courtroom
12 officer, could we please move into private session.

13 (Private session at 10.45 a.m.)

14 THE WITNESS: [10:45:49](Interpretation) Yes, I have understood.

15 THE COURT OFFICER: [10:45:52] (Interpretation) We are in private session,
16 Mr President.

17 PRESIDING JUDGE MINDUA: [10:45:54](Interpretation) Thank you very
18 much, Madam courtroom officer.

19 Mr Prosecutor please.

20 MR GARCIA: [10:45:58](Interpretation) I'm sorry, interpreter, I did interrupt
21 you. Could you please continue with the interpretation, I wouldn't like things
22 to fall by the wayside.

23 THE BAMBARA-FRENCH INTERPRETER: [10:46:11] Yes, what she said was
24 that at night time, two men arrived, one of whom was armed, the other was not.
25 One of whom went inside the room and the other remained standing at the

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1 door.

2 MR GARCIA: [10:46:31](Interpretation)

3 Q. [10:46:34] Very well, we're going to take this slowly, Madam Witness.

4 Could you please tell us where you were located in this house? Where you
5 were taken to?

6 A. [10:46:50] They put me in the Islamic police cell.

7 Q. [10:47:02] So you're talking to us about a cell. Could you describe that
8 cell or that room to us, is it a small room?

9 A. [10:47:19] The cell was not that small, but it was just one room.

10 Q. [10:47:29] So for us to have an idea in the courtroom, how many paces
11 would it have taken to you to go from one side of the room to the other?

12 A. [10:47:45] To be quite honest, I didn't pay attention to that.

13 Q. [10:48:01] For you to be understood correctly, was it a small room?

14 A. [10:48:14] Well, I can't tell you whether it was a very large or small room,
15 but it was just one room. Just the one room.

16 Q. [10:48:28] Very well, Madam Witness. Was there a door leading to the
17 outside?

18 A. [10:48:37] Yes, there was a door.

19 Q. [10:48:44] And if you recall, could you describe to us what that door was
20 like?

21 A. [10:48:51] It was a glass door.

22 Q. [10:49:05] And was there a window in that room?

23 A. [10:49:11] Yes, there was a little window.

24 Q. [10:49:18] And were you alone in that room or was there somebody else
25 when you got there?

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1 A. [10:49:31] At the beginning I was alone, but then subsequently another
2 person was brought to join me in that room.

3 Q. [10:49:59] Very well, for us to be clear on the matter, the other person
4 arrived how long after you were put in that room?

5 A. [10:50:10] It was the very next day that that person was brought.

6 Q. [10:50:30] Very well, I'll come back to this person subsequently because I
7 want to move forward in a chronological manner.

8 According to your recollection, did that room have a particular smell?

9 A. [10:51:08] The room smelt badly and I think that people were urinating
10 there. Anyway, it didn't smell nice.

11 Q. [10:51:33] Were you free to leave the room?

12 A. [10:51:40] What do you mean by that, if I wanted to go out?

13 Q. [10:51:53] Were you free to leave?

14 A. [10:51:56] Well, had I been able to leave, I wouldn't have even come.

15 Q. [10:52:12] According to your recollection, was there anyone guarding that
16 room?

17 A. [10:52:18] Yes, I do suppose there were people guarding the room, but
18 whatever the case, they would lock the door. I was locked in.

19 Q. [10:52:41] And Madam Witness, were you in a position to be able to look
20 out of the window or the door and see the outside?

21 A. [10:52:56] As I said, it was a glass door. When you're inside, you can't
22 see what is going on outside, but from the outside, people could see what was
23 going on inside the room.

24 Q. [10:53:17] Thank you, Madam.

25 MR GARCIA: [10:53:19](Interpretation) Mr President, your Honours, I would

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- 1 request that we take the break now. I know that we are six minutes ahead of
2 time, but in view of the chronology of events, I think it would be best to move
3 on to something else just after the break.
- 4 And I would like to tell the Chamber that I will not be using up all the time that
5 I had intended to.
- 6 PRESIDING JUDGE MINDUA: [10:53:49](Interpretation) Very well, we shall
7 move back into open session, please.
- 8 (Open session at 10.54 a.m.)
- 9 THE WITNESS: [10:54:05](Interpretation) Yes, I have understood.
- 10 THE COURT OFFICER: [10:54:07](Interpretation) We are in open session, Mr
11 President, your Honours.
- 12 PRESIDING JUDGE MINDUA: [10:54:11](Interpretation) Thank you very
13 much very much, Madam courtroom officer.
- 14 So we shall suspend the hearing and reconvene at 11.30.
- 15 The hearing is suspended.
- 16 (Recess taken at 10.54 a.m.)
- 17 (Upon resuming in open session at 11:36 a.m.)
- 18 THE COURT USHER: [11:36:16] All rise. Please be seated.
- 19 PRESIDING JUDGE MINDUA: [11:36:30](Interpretation) The hearing shall
20 now resume.
- 21 Mr Prosecutor, please proceed with your examination-in-chief.
- 22 MR GARCIA: [11:36:58](Interpretation) Could we go into private session?
- 23 PRESIDING JUDGE MINDUA: [11:37:06](Interpretation) How long?
- 24 MR GARCIA: [11:37:09](Interpretation) Ten minutes maybe. We don't want
25 to reveal anything.

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- 1 PRESIDING JUDGE MINDUA: [11:37:21](Interpretation) Very well.
2 Courtroom officer.
3 (Private session at 11.37 a.m.)
4 THE COURT OFFICER: [11:37:47](No interpretation)
5 THE INTERPRETER: [11:37:48] Overlapping speakers.
6 MR GARCIA: [11:37:54](Interpretation)
7 Q. [11:37:54] Good morning, once again, Madam Witness. I have some
8 more information I'd like to ask you for.
9 Now, just before the break, you were telling us that you were in a room and I'd
10 like to ask you some questions about what happened after that. Do you
11 remember how much -- how long you stayed in that room?
12 A. [11:38:33] I was there for three days. On the third day, they let me go.
13 Q. [11:38:52] Very well, Madam Witness. I'd like us to go slowly,
14 chronologically. Could you tell us what happened? Could you tell us about
15 the first night? Did something happen then?
16 A. [11:39:18] Could you repeat the question, I didn't understand. The first
17 night? I don't know what you want exactly.
18 Q. [11:39:57] very well, I will rephrase my question, I will try to help you.
19 You told us that you spent three days in that room. Did I understand you
20 correctly?
21 A. [11:40:09] Yes.
22 Q. [11:40:18] Now before the break, Ma'am, you told us that there were two
23 men who had come in during the night, one with a weapon, one without.
24 A. [11:40:56] I don't think you've understood.
25 Q. [11:41:00] Thank you, Madam Witness, that's exactly what you have to do.

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1 Please explain to me - I'm reading off of the transcript now - explain to us what
2 we should understand?

3 A. [11:41:19] You said that I said that one had a weapon and one didn't,
4 that's not what I said. They both had a weapon.

5 Q. [11:41:43] Thank you -- thank you very much, Madam Witness,
6 sometimes there may be problems with the interpretation, but you're doing
7 very well by making these corrections, if there are mistakes.

8 So is it correct that two men -- two armed men went into your room at night?

9 A. [11:42:25] Yes, that's what I said.

10 Q. [11:42:31] Very well, thank you, Ma'am. Just to make sure we've
11 understood you correctly, you stayed there for three days, was it the first
12 evening or the second?

13 A. [11:42:45] The first evening.

14 Q. [11:43:02] Very well. Just to make sure things are clear and everyone
15 understands -- if I've understood you correctly, before the break you said that
16 you were alone at that time or was there someone else with you in the room?

17 A. [11:43:21] I was alone in that room. Maybe someone else was detained,
18 but I wasn't with them. I was alone in my room.

19 Q. [11:43:48] Madam Witness, I know that this is difficult, but tell us what
20 happened when these two armed men came in to your room the first night?

21 A. [11:44:03] When they came, they tried to rape me. I tried to defend
22 myself, but someone who has a weapon facing someone without a weapon,
23 you can't be the same. You're not on the same level, if you understand what I
24 mean.

25 Q. [11:44:58] Yes, I understand, Madam Witness, but I do have to ask some

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1 other questions. You say that they tried to rape you, were they successful?

2 A. [11:45:12] They were successful in raping me. I couldn't do anything. I
3 couldn't defend myself. There was no one to protect me, but I didn't have
4 a weapon, I had to go along with what they said.

5 Q. [11:45:59] I have to ask you this question, Madam Witness, please be
6 patient, but was it one of these people who raped you or both?

7 A. [11:46:14] When they raped me, there were three of them. One was
8 guarding the door, one inside who was pointing his gun at me, and the other
9 one who was raping me.

10 Q. [11:46:54] Just to make sure things are clear, I realise this -- this is difficult,
11 now those other two people, did they rape you too?

12 A. [11:47:10] They -- well, you know, they're not even human beings. They
13 passed one woman to another. That's what they did.

14 Q. [11:47:40] So Madam Witness, to make this sure, the three men, the three
15 of them raped you?

16 A. [11:47:50] They all raped me, but I had no power at that time.

17 Q. [11:48:11] Madam Witness, when you say "rape", it may be difficult, but I
18 would like to ask you to explain exactly what you mean in your own words.

19 A. [11:48:31] It's very embarrassing to say those words, but it's necessary, so
20 I'll say it. It's necessary.

21 Q. [11:49:01] If you wish, Madam Witness, fine, but otherwise we can also
22 use a diagram if you would like to do that? Could you ...

23 MR GARCIA: [11:49:11](Interpretation) Now the person who is at the remote
24 location, could that person please take out item 3, * MLI-OTP-0080-1836 and
25 1837.

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1 THE WITNESS: [11:49:54](Interpretation) Yes, I understand.

2 MR GARCIA: (Interpretation)

3 Q. [11:49:59] Madam Witness, could you please look at

4 MLI-OTP-0080-1837 - and, someone at the remote location will help you there

5 with that - could you please take a pen and circle, please circle the part of the

6 man that he used to rape you. Just circle the part.

7 MR GARCIA: [11:51:42](Interpretation) Now I don't know whether there's

8 a way of seeing the circle. Just for the case record, I believe the copy will be

9 scanned. The sexual organ of the man has been circled.

10 Q. [11:51:55] If we could now move to MLI-OTP-0080-1836 and you will see

11 that it is a drawing of a woman and I would like you to do the same thing,

12 basically. Could you circle the part of the body where the person used his

13 sexual organ on you.

14 Thank you.

15 MR GARCIA: [11:53:00](Interpretation) Once again, we will scan this

16 document.

17 And for the purposes of the case record, the sexual organ of the woman has

18 been circled by the witness. One last thing --

19 PRESIDING JUDGE MINDUA: [11:53:25](Interpretation) Court officer, will

20 you be registering this?

21 THE COURT OFFICER: [11:53:30](Interpretation) Yes, indeed, the court

22 officer at the remote location will scan the image and it will be forwarded to

23 you with the proper ERN number and the like.

24 PRESIDING JUDGE MINDUA: [11:53:39](Interpretation) Thank you.

25 Prosecutor.

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- 1 MR GARCIA: [11:53:42](Interpretation)
- 2 Q. [11:53:43] One last question, was there penetration?
- 3 A. [11:53:48] Well, you can't rape without penetration.
- 4 Q. [11:54:11] Thank you. Thank you for answering these questions.
- 5 That is -- that was the first evening, if I've understood correctly?
- 6 A. [11:54:20] Yes.
- 7 Q. [11:54:30] Just to make sure everything is clear, I would like just to ask
- 8 you this question: Did the rapes occur in the same room that you were taken
- 9 to at first or another place?
- 10 A. [11:54:46] It wasn't in the room where we were. We were taken
- 11 elsewhere. We were taken elsewhere.
- 12 Q. [11:55:22] Very well, if I've understood correctly, the rapes did not occur
- 13 in the same room where you were taken. Where was this other room where
- 14 the rapes occurred? Could you describe this room to us?
- 15 A. [11:55:38] I can't give you much of a description of a -- place, because I
- 16 would have to talk about furniture and that, but there were no -- no pieces of
- 17 furniture. There was just a carpet on the floor.
- 18 Q. [11:56:20] And the people who raped you, could you tell us how they
- 19 were dressed?
- 20 A. [11:56:27] They were all wearing their clothing. There were two who
- 21 were younger, one who was older. He wasn't exactly old but not young either.
- 22 They all had khaki-coloured clothing.
- 23 Q. [11:57:07] Madam Witness, after the three men raped you, then what
- 24 happened? Did you stay in that room?
- 25 A. [11:57:18] No, I didn't stay there. They took me back to where I was

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1 before.

2 Q. [11:57:40] very well. And in that room, did anything else happen that
3 first night?

4 A. [11:57:51] Like what? What else?

5 Q. [11:58:10] Well, it's a good thing that you asked me to be more specific.
6 Did anything else happen or did you just stay in that room until the next day?

7 A. [11:58:23] Nothing else happened to me. I stayed there until the next
8 day. The only thing that happened to me is that they didn't give me anything
9 to eat. When my family brought food, they refused to give me the food.

10 Q. [11:59:01] Which family member came to try and bring you some food?

11 A. [11:59:08] My aunt and his (sic) son came with food. They begged them
12 to give --

13 PRESIDING JUDGE MINDUA: [11:59:28](Interpretation) Mr Prosecutor, do
14 you think we should remain in private session?

15 MR GARCIA: [11:59:43](Interpretation) Indeed, your Honour, I am fearful
16 because these questions are somewhat identifyin I'll have
17 to proceed chronologically and this may involve [REDACTED] of the
18 witness. So it's very difficult to go on with her account in public; otherwise, I
19 think we'll have to do quite a bit of redactions and I fear we may not be able to
20 handle all that redaction.

21 PRESIDING JUDGE MINDUA: [12:00:25](Interpretation) Very well. Please
22 proceed.

23 MR GARCIA: [12:00:32](Interpretation)

24 Q. [12:00:35] Madam Witness, you were sleeping in that room, was there
25 a place for you to sleep? Was there a bed? How did you sleep?

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- 1 A. [12:00:53] There was no bed. There was nothing. We just lent up
2 against the wall until the morning.
- 3 Q. [12:01:12] You say that you remembered -- that you remained there for
4 three days in total and you mention the fact that another person joined you the
5 day after?
- 6 A. [12:01:37] Yes.
- 7 Q. [12:01:40] Can you remember who that other person was?
- 8 A. [12:01:45] Yes, I do remember, it was a girl.
- 9 Q. [12:01:55] Did you already know that girl previously?
- 10 A. [12:02:00] Yes, I did know her before.
- 11 Q. [12:02:09] How did you know her?
- 12 A. [12:02:12] We hail from the same neighbourhood and our families do not
13 live far from each other.
- 14 Q. [12:02:27] Do you recall her name?
- 15 A. [12:02:31] I do not remember her name. She had a nickname, but I left
16 there a long time ago and I can't remember it anymore.
- 17 Q. [12:02:49] And in terms of age, was she younger, the same age or a bit
18 older than you? Can you give us any information on that?
- 19 A. [12:03:03] The truth be told I can't really tell you her age because she was
20 rather overweight and overweight people, well, you get a false idea of their
21 age.
- 22 Q. [12:03:25] Very well, but if I understand you correctly, this person was
23 not very old?
- 24 A. [12:03:33] She was not old. She was young. But just by looking at her, I
25 would say that she was a little bit older than me.

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1 Q. [12:03:54] Were you able to talk to her?

2 A. [12:03:58] Yes, we did talk, we were from the same place. We spoke.

3 Q. [12:04:09] Did she explain to you why she was in that room with you?

4 A. [12:04:15] She quite simply told me that she had been arrested and taken
5 there, but she didn't tell me why she had been arrested, and I didn't ask her
6 because at that moment in time, we both had our problems.

7 Q. [12:04:49] Thank you for that answer.

8 PRESIDING JUDGE MINDUA: [12:04:55](Interpretation) Ms Sutherland, you
9 are on your feet?

10 MS SUTHERLAND: [12:04:59] I'm sorry to interrupt, but I would be grateful
11 if my learned friend could provide us with the reference of where the witness
12 said -- forgive me, my learned friend says at page 37, lines 20 to 22:

13 You say that you remembered that you remained there for three days in total
14 and you mention the fact that another person joined you the day after.
15 I'd be grateful for the reference.

16 PRESIDING JUDGE MINDUA: [12:05:39](Interpretation) Mr Prosecutor?

17 MR GARCIA: [12:05:42](Interpretation) Yes, it is at 27:2, timestamp -- and the
18 lines 4 to 7, and it was timestamp 10:44, and, "It was the next day that the other
19 person was brought." That is line 6 of that page, 27:2.

20 PRESIDING JUDGE MINDUA: [12:06:11](Interpretation) Very well, please
21 proceed.

22 MR GARCIA: [12:06:17](Interpretation)

23 Q. [12:06:19] So I was just simply going to put this question to you, this
24 person who was brought into the room, was she with you during those three
25 days or at a given moment in time, did she leave the room?

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1 A. [12:06:39] She was there and, one day, she was taken somewhere and
2 when she came back, she said that the same thing had happened to her. I
3 didn't ask her any further questions, but what is sure is that when I left, she
4 was still there.

5 Q. [12:07:38] You say that one day, when she came back -- I'd like to explore
6 that with you for a few moments. Who took her out of that room? Who took
7 her elsewhere?

8 A. [12:07:52] Well, I don't really know those people. What is sure is that
9 they have light skin, but when you don't know somebody's name, you can't put
10 a name to them.

11 Q. [12:08:22] Well, if I understand you correctly, this is something that you
12 saw with your very own eyes? That people took her somewhere else?

13 A. [12:08:34] I personally saw them come in, to open the door, take her out
14 and take her somewhere. But as for the rest, I wasn't present. I can't tell you.

15 Q. [12:08:57] And when she returned, when she was brought back into the
16 room, are you able to tell us what state she was in, the girl?

17 A. [12:09:09] Well, I don't exactly know what state she was in, but she came
18 back in tears. She had her problems, I had mine. All we wanted to
19 do -- both of us, was leave that place.

20 Q. [12:09:44] And for this to be clear, Madam Witness, once you had come
21 back from that other room yourself, did you tell her what had happened to you?
22 Did you tell that girl?

23 A. [12:09:59] Yes, I did explain it to her.

24 Q. [12:10:16] And quite simply if you are able to recall, you say that you
25 remained there for three days. Was it three nights or two days? Two nights

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1 and one day? How did it unfold?

2 A. [12:10:36] I spent three nights and two days there. The -- on the third
3 day, they released me in the evening.

4 THE INTERPRETER: [12:11:04] Correction from the Bambara booth: In
5 the afternoon.

6 THE WITNESS: [12:11:10](Interpretation) So I spent two nights and three
7 days, and, on the third day, I was released in the afternoon.

8 MR GARCIA: [12:11:28](Interpretation)

9 Q. Thank you, Madam, I know it is difficult for you to recollect all these
10 details.

11 Can you explain to us whether anything else happened to you after that first
12 night?

13 A. [12:11:41] Well, that's just what I explained. What I've just explained to
14 you is what happened to me.

15 Q. [12:12:01] Very well. Could you explain to us how you came to be
16 released on that third day?

17 A. [12:12:10] On the third day, they took me out and took me to a room. I
18 don't know whether it was a living room or something. There was an elderly
19 gentleman and I was put to stand in front of him and he spoke certain words to
20 me. He was speaking Arabic, which I didn't understand, and when he
21 finished speaking to me, I left. I was released.

22 Q. [12:13:10] And that location where you were detained, the house - as you
23 referred to it - did you go back to that location at any subsequent moment in
24 time?

25 A. [12:13:21] I never went back there.

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1 Q. [12:13:35] And before we continue, had you already seen that place
2 beforehand, before you were taken there, to that house?

3 A. [12:13:48] Well, had I not been arrested, I had never seen that place, you
4 know, I'd never gone walking in that area.

5 Q. [12:14:18] And after you were released, what did you do? Where did
6 you go?

7 A. [12:14:26] I went home. I didn't do anything further.

8 Q. [12:14:40] When you say "home," if I understand you correctly, that is ...?

9 A. [12:14:52] I went to [REDACTED]

10 MR GARCIA: [12:15:11](Interpretation) Mr President, we can move into open
11 session now.

12 PRESIDING JUDGE MINDUA: [12:15:15](Interpretation) Madam Witness,
13 please be careful not to give any names of your relatives in open session.

14 Court officer, please, could we move into open session.

15 (Open session at 12.15 p.m.)

16 THE COURT OFFICER: [12:15:44] (Interpretation) We are in open session, Mr
17 President.

18 PRESIDING JUDGE MINDUA: [12:15:49](Interpretation) Thank you very
19 much.

20 Mr Prosecutor.

21 MR GARCIA: [12:15:52](Interpretation)

22 Q. [12:15:53] Madam Witness, we are once again in open session, so I would
23 like you to be very careful and to answer briefly and in a general manner.

24 Did you talk to the members of your family to tell them what happened to you
25 whilst you were in detention?

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1 A. [12:16:14] I didn't speak to anybody immediately.

2 Q. [12:16:45] And why didn't you speak to anybody -- to any of your
3 relatives at the time?

4 A. [12:16:54] In view of the manner in which things unfolded, it would have
5 been shameful for me to go and speak to my relatives about what happened.

6 Q. [12:17:21] Did you speak to [REDACTED] about it at the time?

7 A. [12:17:29] No, I didn't talk to [REDACTED] about it. It was a very long
8 time afterwards that I spoke to [REDACTED] about it.

9 Q. [12:17:46] How did [REDACTED] react?

10 A. [12:17:59] When I told her everything, everything that had happened to
11 me, she tried to tell me things that might make me forget this incident.

12 Q. [12:18:38] Madam Witness, tell me, were there any consequences to what
13 happened to you, physically speaking?

14 A. [12:19:10] I still bear the consequences because if you go through certain
15 things, it is as if my life had already come to an end.

16 Q. [12:19:37] I shall come back to that in private session, but I'd like to put a
17 different question to you for the time being. You mentioned at the beginning
18 before we took the break, that the location that you were taken to, if I
19 understood you correctly, was the Islamic police.

20 A. [12:20:23] Yes, that is what people said. I don't know places very well.

21 Q. [12:20:31] I would like to, quite simply, ask you to speak in general terms,
22 to not go into detail too much. You say that people said that. Who were
23 those people who told you that that was the Islamic police?

24 A. [12:20:54] Well, when things like that happen, people talk about that and
25 people did, and even if you don't know a place, you -- when you get there, you

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1 realise that such and such a place represents something. And there was their
2 flag upon which there was writing.

3 Q. [12:21:43] When you say that there was their flag and writing on it, can
4 you tell us a little bit more about that?

5 A. [12:21:52] Like what, for example?

6 Q. [12:22:03] I'm just asking you a question because at the end of your
7 previous answer, you said that there was their flag with their writing on it.
8 Could you tell us what their flag was?

9 A. [12:22:20] Well, there was Arabic written and their flag is different from
10 ours.

11 Q. [12:22:51] Are you in a position to describe to us what that flag looked
12 like, if you recall?

13 A. [12:23:00] I do remember it a little bit, not much, but I could provide you
14 with a brief description.

15 Q. [12:23:16] Please go ahead.

16 A. [12:23:20] Well, they had a black flag with a white circle in the middle of
17 it and Arabic written.

18 MR GARCIA: [12:23:51](Interpretation) Mr President, could we move into
19 private session for five or 10 minutes to broach a number of questions that
20 could be identifying for the witness, please.

21 PRESIDING JUDGE MINDUA: [12:24:03](Interpretation) Courtroom officer,
22 could we move into private session, please.

23 (Private session at 12.24 p.m.)

24 THE WITNESS: [12:24:12](Interpretation) I have understood.

25 THE COURT OFFICER: [12:24:13] (Interpretation) We are in private session.

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1 PRESIDING JUDGE MINDUA: [12:24:18](Interpretation) Thank you very
2 much.

3 Mr Prosecutor, please.

4 MR GARCIA: [12:24:22](Interpretation)

5 Q. [12:24:24] So in response to one of the questions I put to you, you said
6 a few moments ago that it was as if my whole life had already come to an end.

7 Could you explain to us, did you continue to live at [REDACTED]

8 [REDACTED] after what arrived to you?

9 A. [12:24:53] Well, when I said that my life was at an end, after my -- after
10 the events, I spoke [REDACTED] about it and by virtue of what she said to me, I
11 felt that my life was over. But you know, that wasn't the end of it. When she
12 spoke [REDACTED] about it, the way that they spoke to me subsequently really
13 made me disgusted in myself.

14 Q. [12:25:54] And to your knowledge, why did they speak to you like that?

15 A. [12:26:01] Well, since those events, they no longer loved or accepted me.
16 They considered me to be another person.

17 Q. [12:26:25] Very well, Madam Witness, I would like to understand the
18 physical consequences upon your being. Are there any physical consequences
19 to what happened to you?

20 A. [12:26:38] There were physical consequences for me, because I will never
21 be able to forget what happened to me until my dying day.

22 Q. [12:27:20] Did you continue to live at the house [REDACTED]

23 [REDACTED]?

24 PRESIDING JUDGE MINDUA: [12:27:38](Interpretation) Ms Sutherland?

25 MS SUTHERLAND: [12:27:41] Sorry (Overlapping speakers)

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1 THE WITNESS: [12:27:53](Interpretation) When you live with people and you
2 don't get on, things are difficult. I lived with them and (Overlapping
3 speakers) ...

4 THE INTERPRETER: [12:28:03] Overlapping speakers.

5 MS SUTHERLAND: [12:28:05] Mr President, that question was, I would
6 submit, unacceptably leading.

7 PRESIDING JUDGE MINDUA: [12:28:26](Interpretation) Which question are
8 we talking about, Ms Sutherland?

9 MS SUTHERLAND: [12:28:31] My friend for the Prosecution asked: Did
10 you continue to live at the house [REDACTED]

11 [REDACTED]

12 The question is leading. Very leading.

13 PRESIDING JUDGE MINDUA: [12:29:10](Interpretation) I was waiting for
14 the interpretation to come through, Ms Sutherland. No, the Prosecutor put
15 a first question, the witness didn't really understand what he said and so he
16 clarified.

17 Please proceed, Mr Prosecutor.

18 MR GARCIA: [12:29:42](Interpretation) Thank you, Mr President.

19 Q. [12:29:45] Madam Witness, we just want to understand why it is that you

20 [REDACTED] What happened to make that the
21 case?

22 *A. [12:30:02] Ever since those things happened, they could no
23 longer stand me, because they thought I was a certain kind
24 of person, a lesser kind of
25 person.

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1 MR GARCIA: (Interpretation)

2 Q. [12:30:27] Thank you for making that clear, Madam Witness. I'll try to
3 be more specific. You said that you were the victim of rape. Were there
4 consequences of that rape? Did you get pregnant, for example, anything else?

5 PRESIDING JUDGE MINDUA: [12:31:07](Interpretation) Maître Sutherland.

6 MR GARCIA: [12:31:10](Interpretation) Mr Garcia, I believe the witness is
7 still online, I understand -- connected. I understand or I think I understand
8 the objection coming up. I think it would be better if we cut off the connection
9 and then the --

10 PRESIDING JUDGE MINDUA: [12:31:39](Interpretation) Courtroom officer,
11 please cut off the link.

12 THE COURT OFFICER: [12:31:45] (Interpretation) The sound has been cut
13 off.

14 PRESIDING JUDGE MINDUA: [12:31:50](Interpretation) Ms Sutherland,
15 exactly what is your objection?

16 MS SUTHERLAND: [12:31:56] Well, it's redundant now because it's already
17 been said to the witness, but again that was an extremely leading question.

18 PRESIDING JUDGE MINDUA: [12:32:16](Interpretation) What's going on
19 with -- why is it that they're translating down there because the sound was cut
20 off?

21 THE COURT OFFICER: [12:32:26](Interpretation) Yes, indeed, the sound has
22 been cut off. The witness is not hearing and -- and actually the witness has an
23 urgent need and has --

24 THE INTERPRETER: [12:32:42] Overlapping speakers.

25 PRESIDING JUDGE MINDUA: [12:32:50](Interpretation) I am reassured. So

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1 the interpreters can hear us, but not the witness. Very well.

2 Mr Prosecutor?

3 MR GARCIA: [12:33:02](Interpretation) Well, it's clear, your Honour, that the
4 general rule is that one cannot put leading questions. Now, we are getting to
5 a point in the testimony of the victim -- of the witness, we have asked some
6 questions to establish the foundation and then you have to put the question.
7 There aren't 20,000 different ways of putting the question; it's a rather simple
8 question. Otherwise, I'll need 10 questions to get to where we're going. The
9 victim and witness section has given us recommend -- given its
10 recommendation, I'm adapting my questioning, that is why I'm proceeding in
11 this way and that is why I put the question so directly.

12 PRESIDING JUDGE MINDUA: [12:33:52](Interpretation) I quite agree with
13 you.

14 Ms Sutherland, that is why -- well, your second-last objection was not upheld.
15 Similarly, this time, the Prosecution has asked an open-ended question. The
16 witness is having trouble understanding the question and we're trying to save
17 some time and so the Prosecutor tried to make the question more specific; so I
18 don't think you can be quite so demanding. We are proceeding in this
19 manner to save some time.

20 And the witness is back. Please re-establish the audio link.

21 Mr Prosecutor.

22 THE COURT OFFICER: [12:34:45] (Interpretation) The sound has been
23 reconnected.

24 MR GARCIA: [12:34:55](Interpretation) Just these last few questions and then
25 I'll be asking you to go back into open session.

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1 PRESIDING JUDGE MINDUA: [12:35:02](Interpretation) Very well. Go
2 ahead.

3 MR GARCIA: [12:35:07](Interpretation)

4 Q. [12:35:07] Madam Witness, I'd just like to repeat the question, which is
5 a very important one for us. Now, I understand that in your testimony you
6 said that you had been the victim of rape. I would like to ask you whether
7 you got pregnant subsequent to these rapes? Yes or no?

8 THE INTERPRETER: [12:35:42] Message from the interpreter: We have not
9 heard the question in French.

10 THE COURT OFFICER: [12:35:50] (Interpretation) Field interpreter? I
11 believe your microphone was not on. Could you --

12 THE BAMBARA-FRENCH INTERPRETER: [12:36:05] (Interpretation) It's
13 okay now.

14 THE WITNESS: [12:36:25](Interpretation) I wasn't pregnant. I didn't get
15 pregnant.

16 MR GARCIA: [12:36:33](Interpretation)

17 Q. [12:36:35] Very well, thank you, Madam Witness.
18 Did you have children after?

19 A. [12:36:53] After I got pregnant and I had a child.

20 Q. [12:37:03] Just to make sure I'm being clear, what year was that? When
21 was it approximately? When did you have that pregnancy and then a child?

22 A. [12:37:16] I said that my life was over because at the time I was not
23 pregnant. After I got pregnant, but the father -- my husband refused to
24 recognise the child. I -- even the father didn't recognise the child. And the
25 child is still with me here.

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1 Q. [12:38:11] Just to make sure things are clear for us, when you found out
2 that you were pregnant, was that during the time that the armed groups were
3 still in Timbuktu or it was after they left Timbuktu?

4 A. [12:38:28] When I was pregnant, they were still there. But when I gave
5 birth, the Malian army and the French army were in Timbuktu. The
6 rebels -- the jihadists had already left.

7 Q. [12:39:05] How did you your family, friends -- family and friends react
8 when they saw the child?

9 *A. [12:39:18] When the child arrived, at first there was no problem, they
10 even baptised the child, but gradually as the child was growing up, then the
11 problems started. They said that the child was light-skinned and they were
12 dark-skinned. They said that the child could not be their child. [REDACTED]

13 [REDACTED]
14 [REDACTED]

15 [REDACTED] But they said, "No, no, that child's not
16 our child," and they told me to get out. And I said -- I said that the child had
17 already come into this world and we couldn't just abandon the child, so I had
18 to leave with the child.

19 Q. [12:40:44] [REDACTED]?

20 A. [12:40:47] [REDACTED]

21 [REDACTED]
22 [REDACTED]

23 Q. [12:41:32] Thank you, Madam Witness.

24 MR GARCIA: [12:41:35](Interpretation) Just to advise the Chamber that I
25 have about 30-more minutes, I was wondering if it might be possible to have

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1 the break now and once we resume, we'll have two lines of questioning -- two
2 different lines of questioning that won't take more than 30 minutes and then I
3 will have finished my examination-in-chief.
4 I'm making this request in light of what was reported by the victims and
5 witnesses section and what I can see for myself as I put questions to the
6 witness.
7 PRESIDING JUDGE MINDUA: [12:42:20](Interpretation) You are correct,
8 Mr Prosecutor. I think it's time for the witness to take some rest.
9 So we are going to -- we are still in private session, let us go back into open
10 session.
11 Courtroom officer.
12 (Open session at 12.42 p.m.)
13 THE COURT OFFICER: [12:42:45] (Interpretation) We are back into open
14 session.
15 PRESIDING JUDGE MINDUA: [12:42:54](Interpretation) Thank you very
16 much.
17 We will now suspend and resume at -- what time, courtroom officer? What
18 time?
19 THE COURT OFFICER: [12:43:05] (Interpretation) It is in your hands, of
20 course. Did you want to keep the same -- the same timing or do you want to
21 opt for the time that was initially scheduled?
22 MR GARCIA: [12:43:23](Interpretation) I have about 30 minutes more.
23 PRESIDING JUDGE MINDUA: [12:43:26](Interpretation) We will keep to the
24 usual schedule. We will suspend now and resume at 2:30 in the afternoon.
25 Ms Sutherland?

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- 1 MS SUTHERLAND: [12:43:41] Mr President, we prepared our
2 cross-examination on the understanding that we would have five hours and
3 the Prosecution would have five hours. Thus that we would be starting our
4 cross-examination tomorrow. We have disclosed our lists this morning on
5 that understanding. If the Prosecution are going to take significantly less than
6 five hours, that is going to have a significant impact on our cross-examination.
7 Could I ask for some clarity as to when we should be expected to start and
8 request that it be tomorrow?
- 9 PRESIDING JUDGE MINDUA: [12:44:34](Interpretation) I will consult my
10 colleagues, Ms Sutherland.
11 (The Trial Chamber confers)
- 12 PRESIDING JUDGE MINDUA: [12:45:11](Interpretation) The Chamber has
13 conferred. Your request has been accepted. You will begin your
14 cross-examination tomorrow morning.
15 We shall now take our break and resume at 2.30 and that will be for the end of
16 the examination-in-chief, and we will begin with questions from the legal
17 representative of victims.
18 The hearing is now suspended.
19 (Recess taken at 12.46 p.m.)
20 (Upon resuming in open session at 14:33 p.m.)
- 21 THE COURT USHER: [14:33:01] All rise.
22 Please be seated.
- 23 PRESIDING JUDGE MINDUA: [14:33:23](Interpretation) The hearing shall
24 now resume.
25 The OTP may address the Chamber with continuation of the

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1 examination-in-chief. I see Mr Nsita?

2 MR LUVENGIKA: [14:33:41](Interpretation) Yes, your Honour, for the
3 transcripts purpose, I would just like to mention that Ms Claire Laplace has
4 joined us at today's hearing. Thank you.

5 PRESIDING JUDGE MINDUA: [14:33:56](Interpretation) Thank you, it's very
6 important to mention that your colleague is indeed here in the courtroom.
7 Mr Prosecutor.

8 MR GARCIA: [14:34:07](Interpretation) Thank you, your Honours.

9 Q. [14:34:10] Good afternoon, Madam Witness.

10 A. [14:34:17] Good afternoon.

11 Q. [14:34:21] Madam Witness, just to say right at the outset that I don't have
12 a lot of questions for you, maybe half an hour. Please be patient and I'll get
13 through the rest of my questions.

14 A. [14:34:48] I understand.

15 Q. [14:34:52] Madam Witness, just before the break you told us that you
16 became pregnant.

17 A. [14:35:13] Yes, that's right.

18 Q. [14:35:16] Madam Witness, now, if you can talk to us about that, did you
19 hear of other cases such as your own, women getting pregnant in your
20 neighbourhood or elsewhere in Timbuktu, any other cases you knew about?

21 A. [14:35:39] Yes, the Islamists married some girls and they were not able to
22 marry others.

23 MR GARCIA: [14:36:10] Your Honour, if we could go into private session to
24 put a number of questions to the witness.

25 PRESIDING JUDGE MINDUA: [14:36:17](Int.) Certainly, Mr Prosecutor.

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1 Courtroom officer, private session, please.

2 (Private session at 2.36 p.m.)

3 THE COURT OFFICER: [14:36:31] (Interpretation) We are in private session.

4 PRESIDING JUDGE MINDUA: [14:36:34](Interpretation) Thank you,
5 courtroom officer.

6 Mr Prosecutor.

7 MR GARCIA: [14:36:40](Interpretation)

8 Q. [14:36:42] Ma'am, tell us about these cases that you heard about. Begin
9 with your own neighbourhood, cases of women who had got pregnant.

10 A. [14:37:04] The only case that I know about was the case of a girl who lived
11 [REDACTED] I heard people say that that girl had got pregnant after
12 sexual relations with the Islamists.

13 Q. [14:37:41] Very well. I'd like to ask you a few more questions before we
14 go back into open session. Do you remember that girl's name?

15 A. [14:37:50] I knew her name before, but I no longer recall it today.

16 Q. [14:38:10] Do you remember the name of her parents?

17 A. [14:38:16] I don't remember her parents' name, but I do know that there
18 was a woman called [REDACTED] she was her mother. Her mother was [REDACTED]

19 Q. [14:38:42]

20 A. [14:38:47] [REDACTED]
21 [REDACTED] and so because of that, I knew the family.

22 Q. [14:39:16] We're going to go back into open session and we're going to ask
23 some general questions to you. Please give general answers without
24 mentioning [REDACTED]'s name, please.

25 A. [14:39:40] Yes, I understand.

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1 PRESIDING JUDGE MINDUA: [14:39:55](Interpretation) We are going back
2 into open session?

3 MR GARCIA: [14:39:59](Interpretation) Yes, indeed. I'll try to put very
4 general questions.

5 PRESIDING JUDGE MINDUA: [14:40:05](Interpretation) Courtroom officer,
6 please if we could go back into open session.

7 (Open session at 2.40 p.m.)

8 THE COURT OFFICER: [14:40:11] (Interpretation) We are in open session.

9 PRESIDING JUDGE MINDUA: [14:40:13](Interpretation) Thank you.
10 Prosecutor.

11 MR GARCIA: [14:40:16](Interpretation)

12 Q. [14:40:17] I'd just like to remind you of what you just said. You said
13 that -- well, you told us about a girl who had got pregnant after having sexual
14 intercourse with the Islamists. Can you tell us what you knew about this
15 exactly?

16 A. [14:40:39] All I can say is that I heard people say that she was pregnant.
17 I can't tell you much more than that.

18 Q. [14:41:19] Just to make sure it's perfectly clear, did you see this girl when
19 she was pregnant?

20 A. [14:41:33] Yes, I did see her when she was pregnant, I saw it with my own
21 eyes.

22 Q. [14:41:52] And did you have an opportunity to see the child that she gave
23 birth to?

24 A. [14:42:05] Honestly, I didn't see the child because I don't know when she
25 had the baby.

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1 Q. [14:42:18] One other point, Madam Witness, were you able to see the

2 [REDACTED] ?

3 A. [14:42:58] [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 Q. [14:43:33] Thank you, Madam Witness. Just answer the question

7 specifically. [REDACTED]

8 [REDACTED] ?

9 A. [14:43:57] [REDACTED] ?

10 Q. [14:44:08] [REDACTED] ?

11 A. [14:44:14] [REDACTED] ?

12 Q. [14:44:27] [REDACTED]

13 [REDACTED] ?

14 A. [14:44:42] [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 Q. [14:45:18] That is why I am asking you this question in relation to this
18 incident. You say that the girl got pregnant because she had had sex with the
19 Islamists. From where you were, did you see the Islamists at that residence or
20 not?

21 A. [14:45:42] Yes, I did see Islamists in that residence, in that yard or
22 compound.

23 Q. [14:46:03] And when you saw them, what were they doing exactly?

24 A. [14:46:10] I can't tell you much because I wasn't in that house. What I do
25 know is that they would come and park the vehicle and go into the compound,

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1 into the house.

2 Q. [14:46:42] Did you later learn through conversation or anything else what
3 had happened, why they would go to that compound and what they went to
4 do in that house?

5 A. [14:46:59] What I learned from the compounds is that -- what I learned
6 through the conversations was that they wanted to marry the girl, the parents
7 did not agree and they went to get the girl and to take her away forcibly.

8 Q. [14:47:49] Just to make sure this is perfectly clear, you said they came to
9 get the girl, who were these people, "they"? How were they dressed?

10 A. [14:48:08] They were Islamists, ever since they came from the north, I
11 never saw them with any other kind of clothing, I'm talking about the
12 khaki-coloured clothing.

13 Q. [14:48:44] Once again, Madam Witness, I'd like to ask you to call upon
14 your memory. Do you remember what happened when they went into that
15 house, into that compound? What happened after that?

16 A. [14:49:01] Even though I heard about it, honestly, it was a long time ago
17 and I don't remember.

18 Q. [14:49:33] Very well. Thank you, Madam Witness.

19 Another question: You also said that she had had sex with these Islamists,
20 where did that occur?

21 A. [14:49:52] I don't know. I heard people say that they had taken the girl
22 forcibly with them, but I don't know where they took her.

23 MR GARCIA: [14:50:43](Interpretation) Your Honour, if we could go into
24 private session for just a few moments.

25 PRESIDING JUDGE MINDUA: [14:50:52](Interpretation) Courtroom officer,

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1 private session, please.

2 (Private session at 2.50 p.m.)

3 THE COURT OFFICER: [14:50:59] (Interpretation) We are in private session.

4 PRESIDING JUDGE MINDUA: [14:51:08](Interpretation) Thank you.

5 Mr Prosecutor.

6 MR GARCIA: [14:51:11](Interpretation)

7 Q. [14:51:12] Madam Witness, just to make sure that we've understood
8 properly, you told us what happened with this girl. Was there any particular
9 person who told you this story?

10 A. [14:51:32] Yes, I remember the person who told me that.

11 Q. [14:51:58] Who was it?

12 A. [14:52:01] As I said [REDACTED]
13 [REDACTED] mentioned what had happened and that is where I
14 heard about it.

15 Q. [14:52:40] And were you present when [REDACTED] mentioned this
16 during this meeting?

17 A. [14:52:57] Well, actually, I wasn't there [REDACTED]
18 [REDACTED]

19 THE COURT OFFICER: [14:53:38] I'm just drawing the attention of the
20 Prosecution that we are reaching the maximum of redactions in 30 minutes
21 very soon. Thank you.

22 MR GARCIA: [14:53:55](Interpretation) I beg your pardon, madam
23 courtroom officer, I -- we've reached the maximum of redactions?

24 THE COURT OFFICER: [14:54:15] I just received one redaction. We are in
25 private session, so of course there is no problem for now. I just took the

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1 opportunity of a small silence, not to interrupt anyone, to draw your attention
2 that indeed if we receive one more redaction, it might be complicated for my
3 colleagues to implement it. So it's just a heads up to anticipate. Thank you.

4 MR GARCIA: [14:54:41](Interpretation) Thank you for that information.

5 Q. [14:54:48] Thank you for that information, Madam Witness.

6 I have another question to ask you that may have to deal with [REDACTED]

7 [REDACTED] Did any people close to you have problems, any kind of problems
8 with the Islamists that you can recall?

9 A. [14:55:22] Yes, I have [REDACTED] did have problems with the
10 Islamists.

11 Q. [14:55:56] Could you tell us what this problem was?

12 A. [14:56:01] What happened was [REDACTED]

13 [REDACTED]
14 [REDACTED] Some Islamists came by, they parked and they
15 went into the house. And what I can tell you is that I saw [REDACTED]

16 [REDACTED]

17 Q. [14:57:33] First of all, could you give us the name [REDACTED]?

18 A. [14:57:42] [REDACTED] is her name.

19 Q. [14:57:53] Were you present when all of that happened?

20 A. [14:57:58] I was there. [REDACTED]

21 [REDACTED] The Islamists were threatening the old one and
22 they were saying that if he didn't cooperate, they would kill him.

23 Q. [14:58:37] You said they were threatening the old guy, who is this person?

24 A. [14:58:44] [REDACTED]

25 Q. [14:58:57] Is this something you heard or did you see it yourself?

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- 1 A. [14:59:04] I heard about it. [REDACTED]
2 but [REDACTED] we could hear, don't you think?
3 Q. [14:59:28] Exactly what did you hear, if you can recall? What were
4 people saying?
5 A. [14:59:37] What I heard was the old man opposed them [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 Q. [15:00:29] What language were they speaking?
10 A. [15:00:37] The old man was speaking Tamasheq.
11 Q. [15:00:45] So quite simply for the transcript, because we note that the
12 name [REDACTED] does not appear, so I understand that the name [REDACTED]
13 is [REDACTED]; is that correct, Madam Witness?
14 A. [15:01:05] Her name is [REDACTED] That's the name
15 commonly used [REDACTED] But her first name is [REDACTED]
16 Q. [15:01:24] Thank you for this clarification, Witness. And another point
17 for clarification: When you say that [REDACTED] was opposed to them leaving
18 with the girl, are we speaking about [REDACTED] here or are we talking about the
19 younger girl?
20 A. [15:01:46] It is [REDACTED] not the small girl.
21 Q. [15:02:08] And if you're able to remember, did that happen before, before
22 you were detained or afterwards?
23 A. [15:02:22] It was after the incident with me.
24 Q. [15:02:44] And simply to finish with your account of what happened, the
25 Islamists who were present, were they able to leave with [REDACTED] or not?

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1 A. [15:03:04] They were not able to leave with [REDACTED] because the old man
2 was firmly opposed to that, he didn't accept it.

3 Q. [15:03:22] So you observed these Islamists, were they armed from what
4 you saw?

5 A. [15:03:50] They are always armed, even when they are in the mosque,
6 they are always armed.

7 Q. [15:04:10] Thank you, Madam Witness, for these clarifications. I just
8 have two small points to clarify before finishing the questions that I wanted to
9 put to you today.

10 I'd just like us to go back to earlier this morning when you said there was
11 another girl who had been taken into the room where you were detained.

12 Could you tell us something about the family of that girl? If you know
13 anything about that girl's family?

14 A. [15:04:43] I don't know anything about that girl, but in our

15 [REDACTED]

16 Q. [15:05:13] So what was the neighbourhood she lived in?

17 A. [15:05:18] [REDACTED]

18 [REDACTED]
19 [REDACTED]
20 [REDACTED]

21 Q. [15:05:56] Do you know anything about the [REDACTED] whether she
22 had an [REDACTED]?

23 A. [15:06:02] Yes, she had an [REDACTED]

24 Q. [15:06:14] Did anything happen to him, do you know anything about his
25 fate?

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1 A. [15:06:23] Yes, I know something happened to him.

2 Q. [15:06:31] What happened to him?

3 A. [15:06:34] What happened was that th [REDACTED] went in order to ask
4 the Islamists to [REDACTED] There was a quarrel, they were against it, and
5 he got angry and he tried to go [REDACTED] The Islamists wanted to
6 make it understood t [REDACTED] what had happened and he didn't
7 want to listen to them and [REDACTED]
8 [REDACTED]

9 Q. [15:07:39] And how did you know this story?

10 A. [15:07:49] [REDACTED]
11 how we found out.

12 Q. [15:08:07] So just so we are clear, when you speak about [REDACTED]
13 [REDACTED]?

14 A. [15:08:20] [REDACTED]

15 Q. [15:08:40] Do you remember how -- or do you remember what his name
16 was?

17 A. [15:08:47] Honestly, I don't know his name, I don't know.

18 Q. [15:09:05] Thank you, Madam Witness, for all these clarifications.

19 MR GARCIA: Your Honour, your Honours, if we could go back into open
20 session.

21 PRESIDING JUDGE MINDUA: [15:09:25](Interpretation) Court officer, please
22 take us into open session.

23 (Open session at 3.09 p.m.)

24 THE COURT OFFICER: [15:09:33](Interpretation) We are in open session,
25 your Honour.

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1 PRESIDING JUDGE MINDUA: [15:09:41](Interpretation) Thank you very
2 much.

3 Prosecutor.

4 MR GARCIA: [15:09:46](Interpretation)

5 Q. [15:09:47] So, Madam Witness, this was my -- these were my last
6 questions for you. You have told us about what happened to you when you
7 were at the Islamic police station. And I just want to try to see exactly when
8 that happened, so I'm going to ask you a few questions about that.

9 A. [15:10:38] Yes, you're speaking about which event?

10 Q. [15:10:43] The event that concerns you, what happened to you when you
11 were at the Islamic police station?

12 A. [15:10:50] Yes, that was during the conflict in the north, it was in [REDACTED]
13 [REDACTED] it was in 2012 to 2013.

14 Q. [15:11:14] Thank you. I just wanted to put some questions to you. I'm
15 going to give you three choices: Was it at the start when the armed groups
16 arrived? Was it in the middle? Or was it towards the end when the armed
17 groups were leaving? You spoke about the fact that the French troops came
18 afterwards, so was it at the start or in the middle or was it towards the end, if
19 you are able to remember?

20 A. [15:11:48] Yes, at the start there weren't problems with persecution, but
21 towards the middle of the occupation, they started to take the women and to
22 attack people and they really wanted to dominate and master the town and
23 that's when the abuses started being committed.

24 Q. [15:13:08] Madam Witness, did you witness anything concerning
25 mausolea in Timbuktu?

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1 A. [15:13:19] Yes, I saw a lot of things concerning the mausolea.

2 Q. [15:13:41] So Madam Witness, tell us briefly what you saw.

3 A. [15:13:49] Yes, I had heard that they were destroying the mausolea, that
4 they were moving the rubble. And myself, I saw it, they were destroying the
5 mosques -- the mausolea --

6 THE INTERPRETER: Corrects the interpreter.

7 THE WITNESS: [15:14:36](Interpretation) -- and they were spreading the
8 rubble into the sand.

9 MR GARCIA:

10 Q. [15:14:43] What neighbourhood were you in when you saw that yourself?

11 A. [15:14:57] [REDACTED]

12 Q. [15:15:13] So just so we are clear, this destruction of the mausolea that
13 took place, was it before the incident that you spoke about which happened at
14 the Islamic police station, or was it afterwards?

15 A. [15:15:47] All these events happened towards the middle of the
16 occupation.

17 Q. [15:16:07] Are you able to tell us if it was before or after what happened
18 to you?

19 A. [15:16:27] Yes, the destruction of the mausolea was after the incident
20 when I was at the Islamic police station.

21 Q. [15:16:50] Thank you, Madam Witness. I have no further questions for
22 you.

23 MR GARCIA: Thank you, your Honour, your Honours.

24 PRESIDING JUDGE MINDUA: [15:17:43](Interpretation) Thank you very
25 much, Prosecutor.

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- 1 So I now turn towards Maître Nsita to ask if the Legal Representatives of
2 Victims have questions they would like to put, having heard the
3 examination-in-chief by the Office of the Prosecutor. Maître Nsita?
4 I would like to point out that the Prosecutor used 2 hours and 39 minutes.
5 Maître Nsita, if you would be so kind.
6 MR LUVENGIKA: [15:18:28](Interpretation) Thank you, your Honour. I just
7 have a few questions by way of clarification which I wish to put to the witness.
8 PRESIDING JUDGE MINDUA: [15:18:37](Interpretation) So I now turn
9 towards the Defence for the usual question. Ms Sutherland, do you have any
10 objections?
11 MS SUTHERLAND: [15:18:44] Thank you, Mr President. No objection in
12 principle, though of course we reserve the right pending hearing the actual
13 questions. Thank you.
14 PRESIDING JUDGE MINDUA: [15:18:56](Interpretation) Thank you very
15 much, Ms Sutherland.
16 Maître Nsita, the Chamber gives you leave to proceed.
17 MR LUVENGIKA: [15:19:06](Interpretation) Thank you very much,
18 your Honour, your Honours.
19 QUESTIONED BY MR LUVENGIKA: (Interpretation)
20 Q. [15:19:11] Good afternoon, Madam Witness.
21 A. [15:19:16] Good evening.
22 Q. [15:19:24] Yes, so I introduced myself this morning, I am Maître Fidel
23 Nsita. I represent the victims of Timbuktu, victims of the events that you
24 spoke about with the Prosecutor.
25 I wanted to ask you a few questions to aid my understanding which will

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1 complete your account, but if you don't know the answer, please just tell me
2 that you don't know.

3 And in order to ensure the publicity of proceedings, I'm going to try and stay
4 in open session, so please be careful in the answers that you give, taking into
5 account the fact that we are in open session.

6 A. [15:20:59] I understand.

7 Q. [15:21:02] My first question is about whether you can help the Chamber,
8 the judges and everybody participating here, about your motives or what
9 drove you to testify here about what happened to you?

10 A. [15:21:26] Yes, I can tell you.

11 Q. [15:21:49] If you would be so kind, we are listening to you.

12 A. [15:21:56] If I had the courage to come and testify about what happened
13 it's because I had people who proposed to help me. Because I was injured and
14 alone, I couldn't get help, and so people proposed to help me get reparations
15 and that's how I accepted to testify.

16 Q. [15:22:40] Yes. To go into what happened to you, for what happened
17 that you wish to get reparations for, how do you feel today about what
18 happened to you? How do you feel emotionally within you?

19 A. [15:23:08] Like what, for example?

20 Q. [15:23:20] Well, what -- what does your current life represent for you?
21 Your personal life, the life of your children, what does all of that represent for
22 you?

23 A. [15:23:40] I'd like to thank God because at the time of the events I was
24 thinking of abandoning my child, but because of the support I received I was
25 able to bring up my child and for that I'd like to thank God.

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1 Q. [15:24:32] Yes, please excuse me, I know it's hard for you to be able to
2 speak about everything that happened to you again, but when you said that
3 you wanted to abandon your child, why would you have done that?

4 A. [15:24:55] [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 And today, thank God, I thank God for the fact that the child is alive.

9 Q. [15:26:13] Could you tell us how many children you have?

10 A. [15:26:21] I've only got one child.

11 Q. [15:26:34] Does your child go to school?

12 A. [15:26:41] Yes, I put him to school this year.

13 Q. [15:26:48] Could you tell the Chamber what is the view of your family
14 and people towards the child?

15 A. [15:27:01] [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 nobody's telephoned me to ask how the child is till this day.

19 Q. [15:27:59] Could you tell us since the events, were you able to get any
20 psychological support or material support for you or your child?

21 A. [15:28:15] There were people who helped me psychologically, but I didn't
22 have anybody help me financially because I didn't tell this story to a lot of
23 people and I didn't explain my story to everyone.

24 Q. [15:28:57] Yes, thank you, Madam Witness. I'm coming to the end of my
25 questions. What are your current concerns with regard to your child?

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1 A. [15:29:11] All that I'm trying to get for my child is that I ask that God
2 makes him live and he has enough to live and grow up. That's all I ask God
3 for.

4 Q. [15:29:54] Thank you, Madam Witness. I have finished with my
5 questions.

6 MR LUVENGIKA: [15:30:00](Interpretation) Your Honour, your Honours, I
7 have finished. I would like to thank you.

8 PRESIDING JUDGE MINDUA: [15:30:08](Interpretation) Thank you very
9 much, Maître Nsita, for your questions.
10 Since the Defence will not begin its cross-examination today, we have come to
11 the end of today's sitting.

12 Madam Witness, the Bench thanks you for answering the questions put to you
13 with great clarity and courage.

14 THE WITNESS: [15:31:02](Interpretation) I'm honoured and I thank you.

15 PRESIDING JUDGE MINDUA: [15:31:07](Interpretation) But as you've
16 noticed, the Defence has not yet begun its cross-examination; thus, tomorrow
17 you will continue giving testimony.

18 THE WITNESS: [15:31:34](Interpretation) Yes.

19 PRESIDING JUDGE MINDUA: [15:31:39](Interpretation) Remember that you
20 are not allowed to talk about your testimony to anyone at all.

21 THE WITNESS: [15:32:01](Interpretation) Yes, I understand.

22 PRESIDING JUDGE MINDUA: [15:32:04](Interpretation) You may not speak
23 to your family members or to friends in the event that you are in contact with
24 them this evening.

25 THE WITNESS: [15:32:35](Interpretation) I will not speak to anyone, not even

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- 1 my father. My father doesn't even know that I'm part of this process --
- 2 THE INTERPRETER: [15:32:49] Correction: -- this trial.
- 3 PRESIDING JUDGE MINDUA: [15:32:51](Interpretation) Have a very good
- 4 evening and rest.
- 5 I now turn to the parties and participants.
- 6 THE WITNESS: [15:33:04](Interpretation) I understand.
- 7 PRESIDING JUDGE MINDUA: [15:33:07](Interpretation) I thank the parties
- 8 and participants for their cooperation. I thank the court reporters and the
- 9 interpreters and as well the security officers and of course anyone listening to
- 10 the proceedings.
- 11 So we will resume tomorrow at 9.30 to hear the same witness and we will
- 12 begin with the cross-examination of the Defence.
- 13 Court is adjourned.
- 14 THE COURT USHER: All rise.
- 15 (The hearing ends in open session at 3.33 p.m.)
- 16 CORRECTIONS REPORT
- 17 The following corrections, marked with an asterisk and not included in the
- 18 audio-visual recording of the hearing, are brought into the transcript.
- 19 Page 43 lines 22-25:
- 20 "A. [12:30:02] Ever since those things happened, they no longer --
- 21 THE INTERPRETER: [12:30:10] Inaudible.
- 22 THE WITNESS: [12:30:11](Interpretation) They thought I was sort of a kind
- 23 of a -- a person -- a lesser person."
- 24 Is corrected to
- 25 "A. [12:30:02] Ever since those things happened, they could no longer stand

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1 me, because they thought I was a certain kind of person, a lesser kind of
2 person."

3 Page 47 lines 9-18:

4 "A. [12:39:18] When the child arrived at first, there were no problems.
5 They even baptised the child. But gradually as the child was growing up,
6 then the problems started. People said that he was light skinned and they
7 were dark skinned, [REDACTED]
8 [REDACTED] But they said, "No, no, that child's not our child," and they
9 told me to get out. And I said -- I said that the child had already come into
10 this world and we couldn't just abandon the child; so they forced me to go
11 away with the child."

12 Is corrected to

13 "A. [12:39:18] When the child arrived, at first there was no problem, they
14 even baptised the child, but gradually as the child was growing up, then the
15 problems started. They said that the child was light-skinned and they were
16 dark-skinned. They said that the child could not be their child [REDACTED]

17 [REDACTED]
18 [REDACTED]

19 [REDACTED] But they said, "No, no, that child's not
20 our child," and they told me to get out. And I said -- I said that the child had
21 already come into this world and we couldn't just abandon the child, so I had
22 to leave with the child."

23 SECOND CORRECTIONS REPORT

24 The following corrections, marked with an asterisk and not included in the
25 audio-visual recording of the hearing, are brought into the transcript.

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- 1 Page 31 lines 24-25:
- 2 "MLI-OTP-0080-1816 and 1817" is corrected to "MLI-OTP-0080-1836 and 1837"
- 3 Page 64 line 17
- 4 ' [REDACTED] ' is corrected to [REDACTED] '