

Trial Hearing
MLI-OTP-P-0603

(Open Session)

ICC-01/12-01/18

1 International Criminal Court
2 Trial Chamber X
3 Situation: Republic of Mali
4 In the case of The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag
5 Mahmoud - ICC-01/12-01/18
6 Judge Antoine Kesia-Mbe Mindua, Presiding, Judge Tomoko Akane and Judge
7 Kimberly Prost
8 Trial Hearing - Courtroom 3
9 Thursday, 2 September 2021
10 (The hearing starts in open session at 9.31 a.m.)
11 THE COURT USHER: [9:31:34] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE MINDUA: [9:32:05](Interpretation) The hearing shall now
15 commence.
16 Good morning, everyone.
17 Courtroom officer, please call the case.
18 THE COURT OFFICER: [9:32:19] Good morning, Mr President, your Honours.
19 This is the situation in the Republic of Mali, in the case of the Prosecutor versus Al
20 Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud, case number ICC-01/12-01/18.
21 And for the record, we are in open session.
22 PRESIDING JUDGE MINDUA: [9:32:41](Interpretation) Thank you very much,
23 courtroom officer.
24 As is the case every morning, we will now proceed with introductions, starting with
25 the OTP.

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1 Mr Prosecutor.

2 MR DUTERTRE: [9:32:53](Interpretation) Good morning, your Honours. The OTP
3 is represented today by Marie-Jeanne Sardachti; Mr Lucio Garcia, who is also seated
4 behind me; Sandra Schoeters to my right; and myself, Gilles Dutertre. And it will be
5 my colleague, Sandra Schoeters, who will be questioning the witness. I also take
6 the opportunity to greet everyone here in the courtroom.

7 PRESIDING JUDGE MINDUA: [9:33:23](Interpretation) Thank you, Mr Prosecutor.
8 Now the Defence.
9 Counsel.

10 MS SUTHERLAND: [9:33:28] Good morning, Mr President, your Honours.
11 The Defence for Mr Al Hassan is today represented by Ms Melinda Taylor,
12 Ms Sarah Marinier-Doucet; Ms Julia Basile; and myself, Kirsty Sutherland. And
13 good morning to everybody.

14 PRESIDING JUDGE MINDUA: [9:33:48](Interpretation) Thank you very much,
15 Counsel.

16 And now the Legal Representatives of Victims.

17 Counsel.

18 MR KASSONGO: [9:33:55](Interpretation) Good morning, your Honours. Good
19 morning, everyone.

20 The Representatives of the Victims today are as follows: Claire Laplace and myself,
21 Mayombo Kassongo. Thank you.

22 PRESIDING JUDGE MINDUA: [9:34:14](Interpretation) Thank you very much,
23 Counsel.

24 I now address our witness. And just to begin, we will now be hearing the testimony
25 today of Witness P-0603.

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1 Interpretation?

2 Good morning, Ms Witness, can you hear me?

3 WITNESS: MLI-OTP-P-0603

4 (The witness speaks Songhai)

5 (The witness gives evidence via video link)

6 THE WITNESS: [9:35:10](Interpretation) Yes. God -- thanks be to God everything
7 is fine.

8 PRESIDING JUDGE MINDUA: [9:35:20](Interpretation) Thank you.

9 THE WITNESS: [9:35:28](Interpretation) Thank you.

10 PRESIDING JUDGE MINDUA: [9:35:29](Interpretation) On behalf of the Chamber, I
11 would like to welcome you.

12 You will be giving testimony today so as to help the Chamber establish the truth in
13 the case of Mr Al Hassan.

14 THE WITNESS: [9:36:04](Interpretation) Okay.

15 PRESIDING JUDGE MINDUA: [9:36:06](Interpretation) Madam Witness, a number
16 of protective measures have been put in place so that your identity is not revealed to
17 the public.

18 THE WITNESS: [9:36:27](Interpretation) As God wishes.

19 PRESIDING JUDGE MINDUA: [9:36:30](Interpretation) Each time you need to
20 provide details that might reveal your identity, we will go into private session.

21 THE WITNESS: [9:36:52](Interpretation) Okay, that's fine.

22 PRESIDING JUDGE MINDUA: [9:36:54](Interpretation) That way no one, with the
23 exception of the people here in this courtroom, will be able to hear you.

24 THE WITNESS: [9:37:12](Interpretation) Okay, that's fine. As God wishes.

25 PRESIDING JUDGE MINDUA: [9:37:22](Interpretation) I will now proceed with

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1 your solemn undertaking * pursuant to Rule 66.1 of the Rules of Procedure and
2 Evidence.

3 Kindly repeat after me: I solemnly declare.

4 THE WITNESS: [9:38:07](Interpretation) I solemnly declare.

5 PRESIDING JUDGE MINDUA: [9:38:09](Interpretation) That I will tell the truth.

6 THE WITNESS: [9:38:15](Interpretation) I solemnly declare that I shall tell the truth.

7 PRESIDING JUDGE MINDUA: [9:38:21](Interpretation) The whole truth and
8 nothing but the truth.

9 THE WITNESS: [9:38:29](Interpretation) I will say nothing unless that -- unless it is
10 the truth.

11 PRESIDING JUDGE MINDUA: [9:38:33](Interpretation) Thank you very much.

12 Very well.

13 Ms Witness, you are now under oath. The workers at the VWS and the Prosecution
14 have already explained to you what that means.

15 THE WITNESS: [9:39:11](Interpretation) Yes, they explained that to me.

16 PRESIDING JUDGE MINDUA: [9:39:18](Interpretation) Thank you very much. I
17 now have some practical instructions for you.

18 THE WITNESS: [9:39:39](Interpretation) Okay, fine.

19 PRESIDING JUDGE MINDUA: [9:39:40](Interpretation) You must remember
20 throughout your entire testimony that everything that is being said in this courtroom
21 is being transcribed by court reporters and translated simultaneously into several
22 languages by interpreters.

23 THE WITNESS: [9:40:08](Interpretation) Okay, that's fine.

24 PRESIDING JUDGE MINDUA: [9:40:13](Interpretation) It's very important to speak
25 clearly and slowly.

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1 THE WITNESS: [9:40:26](Interpretation) Okay, fine.

2 PRESIDING JUDGE MINDUA: [9:40:29](Interpretation) Only begin speaking once
3 the person questioning you has stopped putting his question to you.
4 Naturally, if you have a question, just raise your hand to let us know that you would
5 like to say something.

6 THE WITNESS: [9:41:03](Interpretation) Okay, fine.

7 PRESIDING JUDGE MINDUA: [9:41:08](Interpretation) We will now hear your
8 testimony. First you will be questioned by the Office of the Prosecutor and, possibly,
9 by the Legal Representatives of Victims and, finally, by the Defence. And perhaps
10 also by the Chamber.

11 THE WITNESS: [9:41:55](Interpretation) Okay.

12 PRESIDING JUDGE MINDUA: [9:41:59](Interpretation) Without any further ado, I
13 will now call upon Ms Prosecutor for her examination-in-chief.
14 Madam Prosecutor.

15 MS SCHOETERS: [9:42:10] Good morning, your Honours. Good morning,
16 colleagues. And good morning, Madam Witness.

17 QUESTIONED BY MS SCHOETERS:

18 Q. [9:42:22] We already met during the witness preparation sessions via Webex.
19 But my name -- for the record, my name is Sandra Schoeters. And I'll be asking you
20 questions on behalf of the Prosecution today.

21 If any of my questions are not clear, please doesn't hesitate to let me know, and I'll
22 rephrase the question.

23 A. [9:43:14] Okay, fine. If God so wishes.

24 MS SCHOETERS: [9:43:20] Mr President, to cover the witness's personal and
25 professional background, I would like to request that we go into private session for

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1 approximately 5 minutes.

2 PRESIDING JUDGE MINDUA: [9:43:36](Interpretation) For about five minutes.

3 Courtroom officer, private session, please.

4 (Private session at 9.43 a.m.)

5 THE COURT OFFICER: [9:43:52] We are in private session, Mr President.

6 PRESIDING JUDGE MINDUA: [9:43:56](Interpretation) Thank you very much.

7 Madam Prosecutor.

8 MS SCHOETERS: [9:44:00]

9 Q. [9:44:01] Madam Witness, could you please state your full name.

10 A. [9:44:29] To say my name? [REDACTED] is my name.

11 Q. [9:44:32] And what is your last name?

12 A. [9:44:46] [REDACTED]

13 Q. [9:44:48] Where were you born, Madam Witness?

14 A. [9:45:08] I was born in Timbuktu.

15 Q. [9:45:10] I can see from your statement that you were born on [REDACTED]

16 is that correct?

17 A. [9:45:38] That is true. Absolutely true

18 Q. [09:45:43] What is your ethnicity?

19 A. [9:46:00] [REDACTED]

20 [REDACTED]

21 Q. [9:46:14] What is your religion?

22 A. [9:46:32] My religion is Islam.

23 Q. [9:46:36] What languages do you speak, Madam Witness?

24 A. [9:47:02] * As a witness, I speak Songhai, but I also speak both languages, I

25 speak Tamasheq, also called Bella and Songhai, but it's Songhai that I speak better.

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1 Q. [9:47:19] As to your level of education, did you ever go to school?

2 A. [9:47:39] No, I never went to school.

3 Q. [9:47:42] Can you read or write?

4 A. [9:48:00] No, neither.

5 Q. [9:48:04] What do you do for a living presently, at this time?

6 A. [9:48:24] [REDACTED]

7 Q. [9:48:30] What did you do for a living in 2012?

8 A. [9:49:12] At that time, I was [REDACTED]

9 Q. [9:49:13] And in which town were you [REDACTED]

10 A. [9:49:13] [REDACTED]

11 Q. [9:49:17] And where were you [REDACTED]?

12 A. [9:49:37] [REDACTED]

13 Q. [9:49:43] Madam Witness, as the fact that you were [REDACTED]

14 [REDACTED] could identify you, I would like to ask you not to refer to that

15 activity when we are in public session.

16 A. [9:50:24] Okay, fine.

17 Q. [9:50:27] Madam Witness, were you present in Timbuktu for the whole period
18 that the armed groups were there?

19 A. [9:51:01] I didn't go anywhere. I was there the whole time from beginning to
20 end.

21 MS SCHOETERS: [9:51:08] Mr President, if we could go now into open session,
22 please.

23 PRESIDING JUDGE MINDUA: [9:51:15](Interpretation) Thank you very much,
24 Ms Prosecutor.

25 Courtroom officer, open session, please.

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1 (Open session at 9.51 a.m.)

2 THE COURT OFFICER: [9:51:30] We are back in open session, Mr President.

3 PRESIDING JUDGE MINDUA: [9:51:34](Interpretation) Thank you very much,
4 courtroom officer.

5 Madam Prosecutor.

6 MS SCHOETERS: [9:51:39]

7 Q. [9:51:40] Madam Witness, we are now in open session, and the public can follow
8 what is being said.

9 A. [9:52:05] Okay, I understand. I will accompany you in this task.

10 THE INTERPRETER: [9:52:16] Correction: May God accompany us in this task.

11 MS SCHOETERS: [9:52:21]

12 Q. [9:52:21] I'm now going to ask you questions about what happened in
13 Timbuktu.

14 A. [9:52:40] Okay, fine.

15 Q. [9:52:42] When did the armed groups arrive in Timbuktu?

16 A. [9:53:35] They came in around dawn, about --

17 THE INTERPRETER: [9:53:43] Correction: At dusk.

18 THE WITNESS: [9:53:46](Interpretation) About 1800 hours. First it was the -- well,
19 they broke the BMS building. They vandalised it. The next day, the Islamists came
20 in. The first people that came in were the MNLA.

21 MS SCHOETERS: [9:54:05]

22 Q. [9:54:05] How do you know it was the MNLA?

23 A. [9:54:21] They were the ones who said that their group was called the MNLA.

24 Q. [9:54:30] And could you please tell us what the MNLA would wear.

25 A. [9:54:54] The MNLA people wore the same uniforms just like the uniforms that

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1 our soldiers wear. That's what they were wearing.

2 Q. [9:55:07] You've also mentioned the Islamists. What were they wearing?

3 A. [9:55:44] They were wearing large boubous, khaki coloured. And they also had
4 some vests. They were wearing vests as well, with pockets, as well as very short
5 trousers, * unlike the MNLA people who wore uniforms -- in fact longer military trousers.

6 Q. [9:56:14] Madam Witness, you mentioned that the MNLA vandalised the bank.
7 Did you see that with your own eyes? And just answer with yes or no, please.

8 A. [9:56:54] I saw it with my own eyes.

9 MS SCHOETERS: [9:57:02] Mr President, I would now like to request to go into
10 private session for about eight minutes. It's to discuss the basis of knowledge of the
11 witness and exact locations. And I would also like to show two videos and to talk
12 about these locations.

13 PRESIDING JUDGE MINDUA: [9:57:28](Interpretation) Courtroom officer, private
14 session, please.

15 (Private session at 9.57 a.m.)

16 THE COURT OFFICER: [9:57:39] We are in private session, Mr President.

17 PRESIDING JUDGE MINDUA: [9:57:44](Interpretation) Thank you very much,
18 courtroom officer.

19 Madam Prosecutor.

20 MS SCHOETERS: [9:57:49]

21 Q. [9:57:49] Madam Witness, where were you exactly when the MNLA entered
22 the BMS?

23 A. [9:58:29] [REDACTED]
24 [REDACTED]

25 They also had weapons.

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- 1 Q. [9:58:50] I would now like to show video MLI-OTP-0012-1726. It's
2 a confidential video, and I would like to show the whole video without sound. It's
3 only 24 seconds.
- 4 A. [9:59:32] Okay, fine.
- 5 MS SCHOETERS: [9:59:34] Mr Court officer, we would like to play it from channel
6 2.
- 7 THE COURT OFFICER: [9:59:41] Yes, the evidence is already on channel 2.
- 8 MS SCHOETERS: [9:59:46]
- 9 Q. [9:59:47] Madam Witness, can you see the start of the video on your screen?
- 10 A. [10:00:05] Yes, I can see it.
- 11 Q. [10:00:08] Okay, so we are now first going to play the whole video.
12 (Viewing of the video excerpt)
- 13 MS SCHOETERS: [10:00:54]
- 14 Q. [10:00:54] What did you see on the video, Madam Witness?
- 15 A. [10:01:18] I saw the video, and that is the road we're talking about. That's
16 the place.
- 17 Q. [10:01:26] I'm now going to show you the video from the beginning until about
18 14:21.
- 19 (Viewing of the video excerpt)
- 20 MS SCHOETERS: [10:01:49]
- 21 Q. [10:01:49] What do you see here, Madam Witness?
- 22 A. [10:02:03] I can see that they're in front of the BMS and that they are taking their
23 motorbike.
- 24 Q. [10:02:16] Now, Madam Witness, I would like to stop the video at 19:00. But
25 just before going there, you said, I can see them with the motorbikes.

1 Who is "them"?

2 A. [10:03:04] Yes, these are the Islamists. But I don't know the people who are on
3 the motorbike.

4 Q. [10:03:14] Now we are going to go to 19:00, if we can stop there.

5 For the record, we stopped the video at 19:01.

6 Madam Witness, could you tell us what you see there on this image.

7 A. [10:04:28] Yes, the road that you've just shown is the road that goes towards
8 the lycée, and this is the road going to the secondary school, * and each time those
9 people came out, they would go towards the school, [REDACTED]

10 Q. [10:04:46] [REDACTED]
11 [REDACTED]

12 A. [10:05:19] [REDACTED]
13 [REDACTED]
14 [REDACTED]

15 Q. [10:05:41] I would now like to show video MLI-OTP-0018-0693. It's
16 confidential, and I would like to show it from timestamps 44 seconds to 1:20 seconds.
17 And -- and we will play it without sound.

18 A. [10:06:48] (No interpretation)

19 Q. [10:06:49] So we will first -- first of all, Madam Witness, do you see the image on
20 your screen?

21 A. [10:07:08] Yes, I can see it. [REDACTED]

22 Q. [10:07:17] We are at 44:13. That's where the video was stopped. Now I would
23 suggest that we play this excerpt until 1:20 and that you first watch it.

24 A. [10:07:45] Very well.

25 (Viewing of the video excerpt)

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1 MS SCHOETERS: [10:08:30]

2 Q. [10:08:31] The video was stopped -- stopped at 01:21:07.

3 What did you see, Madam Witness, in this brief excerpt?

4 A. [10:09:21] Yes, I saw the pictures [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 Q. [10:09:45] Can you just remind us again [REDACTED]

8 [REDACTED]

9 A. [10:10:33] [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 Q. [10:10:47] [REDACTED]

13 A. [10:11:10] I haven't understood the question. Could you repeat it, please.

14 Q. [10:11:14] I was asking whether [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 A. [10:11:50] [REDACTED]

18 Q. [10:11:55] Okay. Could you tell us if you see anything else to describe [REDACTED]

19 [REDACTED]

20 A. [10:12:44] * Yes. [REDACTED]

21 [REDACTED]

22 Q. [10:12:58] Madam Witness [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 A. [10:14:03] [REDACTED]

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5 PRESIDING JUDGE MINDUA: [10:14:32](Interpretation) Prosecutor, I think that
6 the Chamber is sufficiently edified with regards to this question. You can go on to
7 another matter and then return into open session.

8 MS SCHOETERS: [10:14:46] Agreed, Mr President. That was my -- my plan.

9 Q. [10:14:51] Madam Witness, during the period when the armed groups were
10 present, [REDACTED] - sorry, you've answered that.

11

12 A. [10:15:36] [REDACTED]

13 Q. [10:15:41] [REDACTED]

14 A. [10:16:07] [REDACTED]

15

16 Q. [10:16:23] When you say "they," who do you mean?

17 A. [10:16:46] I was talking about the people who held weapons. [REDACTED]

18

19 Q. [10:16:57] Madam Witness, for the parts of your testimony in public session, I
20 would like you to refer [REDACTED]

21 [REDACTED] I would like you to use "location A".

22 Do you understand, Madam Witness?

23 A. [10:17:42] Very well. I understand.

24 MS SCHOETERS: [10:17:45] Mr President, if we could go into open session, please.

25 PRESIDING JUDGE MINDUA: [10:17:52](Interpretation) Court officer, please take

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1 us into open session.

2 (Open session at 10.18 a.m.)

3 THE COURT OFFICER: [10:18:03] We're back in open session, Mr President.

4 PRESIDING JUDGE MINDUA: [10:18:10](Interpretation) Thank you very much,
5 court officer.

6 Prosecutor.

7 MS SCHOETERS: [10:18:13]

8 Q. [10:18:14] Okay, Madam Witness. You mentioned that the MNLA damaged
9 the BMS.

10 What happened the next day?

11 A. [10:18:55] Yes, the next day, the Islamists came in, and they turned towards
12 Kabara -- they went back to Kabara, and the Islamists remained.

13 Q. [10:19:10] So could you clarify who returned to Kabara.

14 A. [10:19:36] * The people of MNLA went towards Kabara road. The Islamists
15 stayed in town at the BMS, and that's how they were separated.

16 Q. [10:19:47] Okay. Thank you.

17 When -- did you witness any other attacks?

18 A. [10:20:34] Yes. Up to the seventh day, they started to take loudspeakers to
19 make announcements. They told us in seven days they would apply Sharia.

20 Q. [10:20:50] And once you mentioned the MNLA arrived in town, then the Islamic
21 arrived in town.

22 And what did you notice after the arrival of these groups?

23 A. [10:21:46] What happened when they came, the MNLA -- MNLA were walking
24 around the town. And when the Islamists saw that they were too present in the
25 town, they cut them off from Timbuktu. And that's why they went to Kabara. And

1 so the Islamists took control of Timbuktu, and the others went to Kabara.

2 Q. [10:22:11] Madam Witness, you mentioned that you saw persons from
3 the groups with loudspeakers.

4 What did they say through these loudspeakers?

5 A. [10:22:56] So, when they spoke into the loudspeakers, they spoke Tamasheq,
6 Songhai, and Arabic. And everybody was explaining things in their respective
7 languages.

8 Q. [10:23:08] Did you hear these messages in person?

9 A. [10:24:29] They came, and they said that they would apply Sharia law. * And we
10 told them that they had said what they wanted to say, but that they had not spoken
11 to God. They were saying that when they would apply Sharia, then the hijab would
12 be restored. And they said that men must wear trousers that are not too long otherwise
13 they would be shortened, and that women must also cover up their face, nose and
14 their arms as well. That's what they said. And you couldn't move around town well.

15 Q. [10:25:15] Did they say anything else, Madam Witness?

16 A. [10:25:47] * That's what they said, that they came for their Sharia and that is
17 what they did. And they would flog people day and at night. If people -- if they
18 saw people with a cigarette, for example, then they would be punished. Or those
19 people who were not wearing the veil.

20 Q. [10:26:17] So you mentioned cigarettes.

21 Did people have a right to drink alcohol, or did they say anything about alcohol?

22 A. [10:26:52] Yes, they were very precise. They told people on an individual basis.
23 And that's why I didn't want to mix it up. So people who didn't accept tobacco, and
24 for old people as well, it wasn't alcohol that they were going to accept. If somebody
25 drinks alcohol, they're not going to be left.

1 Q. [10:27:42] And did they say anything about music?

2 A. [10:28:34] So you would be flogged for music. There was no music. The town
3 was brought to a halt. Even if there were marriages, baptisms, whatever, you could
4 not play music.

5 When it came to different events in town, all events were stopped, and this was done
6 with weapons.

7 Q. [10:29:03] When you talk about events, which events do you mean?

8 A. [10:30:01] When I talk about events, I'm talking about marriages. If people get
9 married, well, that's not something they can celebrate. Baptisms too. Nothing was
10 possible at that time. And when we walked, we had to say, "Allah Akbar, Allah
11 Akbar. * And even on Fridays from 1300 hours, they wanted everything to be shut
12 down. Yet before -- before all that, people had known, people knew Islam.

13 Q. [10:30:37] Did they say anything in particular about praying?

14 A. [10:31:11] Yes, the prayers -- they forced people to go to the prayers with
15 weapons. * And those people, even if they were praying, it did not serve any purpose.
16 They didn't have any peace of mind, you see.

17 Q. [10:31:30] And did they say anything about stealing?

18 A. [10:32:34] (No interpretation)

19 PRESIDING JUDGE MINDUA: [10:32:39](Interpretation) Interpretation?

20 THE INTERPRETER: [10:32:44] The interpreter apologises. His microphone was
21 not on.

22 THE WITNESS: [10:32:51](Interpretation) They said that anyone who stole would
23 have his arm cut off; anyone who was caught fornicating would be stoned; and

24 anyone who got pregnant outside of marriage, the man would receive a hundred

25 lashes, and the woman would receive a hundred lashes. And they also would force

1 them to get married.

2 MS SCHOETERS: [10:33:39]

3 Q. [10:33:39] And were women and men allowed to walk on the streets together or
4 build up friendships or appear in public together? Without being married, of course.

5 A. [10:34:44] Their people were all over the town. They would even go into
6 people's houses. They did not sleep, day or night. They were always conducting
7 their investigations. * And we were often surprised because sometimes we would see
8 them behind us. People did not go to them, but they were -- they were always there.
9 They were always present.

10 Q. [10:35:09] Madam Witness, you mentioned that people were forced with
11 weapons to go praying.

12 Did you witness that yourself? Did you see that yourself?

13 A. [10:36:17] I saw that case at the BMS. There was an imam by the name of Jeune
14 Baba. * People were praying at his place but they would come and ask the people to
15 go and pray at their BMS. People refused. But all the same, they would take
16 everyone they could get his hands on with them; and sometimes even take crazy
17 people or less important persons or weak people to go there and pray with them.

18 Q. [10:36:51] So when you say "he would take people," who is the "he"?
19 Is it the imam or someone else?

20 A. [10:37:32] Their Sharia. The imam people were praying in front of their imam.
21 But they would get all kinds of people, even crazy people, and force them to go and
22 pray with them.

23 Q. [10:37:52] Now you've talked about those people with loudspeaker who would
24 say all of these things to the population. As of when did you start hearing these
25 messages? When was the first time that you saw these messages?

1 A. [10:38:31] What are you talking about? I haven't understood your question.

2 Q. [10:38:37] I was just asking: Did you hear -- so the groups arrived in town, in
3 Timbuktu. And when did they start using the loudspeaker to announce these
4 messages?

5 A. [10:40:48] That's what I said. One Sunday, we were sitting there at the market.
6 And when he appeared, it was Hamed Moussa, Hamed Moussa. And he was
7 preaching Sharia, and he was saying that people -- he was saying to people that
8 Sharia would be applied. * And the women in the market answered him saying that
9 he had not been talking with God. They told him that he had not spoken to God.

10 [REDACTED] an old lady
11 called Jumawe (phon) who answered him. She said, I'm not even a woman. What
12 would I have to do with men?

13 And he said that they were the new authorities and what they said was going to go;
14 that they were going to apply their Sharia.

15 Q. [10:41:44] Now, we've been talking about people announcing messages with
16 a loudspeaker.

17 Were there any other means of communication or means that the Islamic or
18 the groups would use to pass on their message?

19 A. [10:44:18] Yes, just like I said, on Sunday they came back. * That same Sunday,
20 that was the day that an Arab man said that a young man had stolen something from
21 him. That young man was [REDACTED] and they said that they were
22 going to apply their Sharia. They took him towards Gaddafi's canal. We were at our
23 spot in tears. They took him, and they did what they had to do. We were still at our
24 place. We were crying --

25 THE INTERPRETER: [10:45:00] Inaudible.

1 THE WITNESS: [10:45:02](Interpretation) One of their officers came up to us and
2 asked us why we were crying, and we said we didn't know such things were going on.
3 We had already -- always known religion and what we had known was that people
4 were always free to practice their religion and what we see is something that makes
5 us cry. He said that from that time onwards, their Sharia would apply. And we said to
6 them, no. They had not talked to God. And each person was free to practice his or her
7 religion, be they Muslim or -- or Christian. That was around dusk, and that was when
8 they cut the man's arm off and then took him to the hospital.

9 THE INTERPRETER: [10:46:03] Message from the Songhai interpreter --

10 PRESIDING JUDGE MINDUA: [10:46:07](Interpretation) Madam Prosecutor, of
11 course I'm not going to question the interpretation, but I think that with this witness,
12 we are working in consecutive mode, not simultaneous.
13 I'm a bit worried if the person speaks for quite a long extent, we may miss some parts.
14 Perhaps we could interrupt the witness and break down the interpretation into more
15 manageable chunks. Do you see what I mean?

16 MS SCHOETERS: [10:46:44] I think it's a very good idea.

17 Q. [10:47:01] So, Madam Witness, if you are going to give a long answer, it may be
18 wiser, as Mr President said, to stop after a few sentences and give the interpreter
19 the chance to interpret. And then you can continue with the next part of what you
20 want to say. Yes? But I'll try to -- to go back what (Overlapping speakers)

21 A. [10:47:46] Okay, fine. Understood.

22 Q. [10:47:50] So, Madam Witness, you mentioned that the man who had stolen and
23 who had his hand cut off, he was taken to the Gaddafi canal and that it was around
24 dusk.

25 Did you watch this amputation yourself?

1 A. [10:48:38] Yes, indeed. * We saw them take the guy away in front of us.

2 Q. [10:48:52] But did you watch the moment that they cut off his hand?

3 A. [10:49:37] Yes. It happened in front of me. Because when they brought

4 him -- well, they brought him to the hospital. And three days after that, [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 THE INTERPRETER: [10:50:01] Correction: [REDACTED]

8 THE WITNESS: [10:50:08](Interpretation) [REDACTED]

9 [REDACTED]

10 MS SCHOETERS: [10:50:10]

11 Q. [10:50:11] What happened to this young man after the amputation, if you know?

12 * A. [10:50:39] Nothing happened but he did not survive. He died.

13 MS SCHOETERS: [10:50:54]

14 Q. [10:50:55] Madam Witness, are you okay?

15 A. [10:51:02] I'm all right. I'm all right. I'm all right. Thank God I'm all right.

16 Q. [10:51:10] And how did your relatives, your friends, felt after this amputation?

17 A. [10:52:01] Well, what can you say when you are powerless in such a situation?

18 You can't say anything. * And the man moved about everywhere -- Later on he went
19 to Bamako, and that is where he died.

20 Q. [10:52:28] Madam Witness, at the time in 2012 in Timbuktu, was there a radio,
21 a radio station?

22 A. [10:53:11] Yes, at that time there were only two radio stations, Radio Al Farouk
23 and Radio Timbuktu. * One of them remained at Radio Bouctou and the others were
24 at Radio Farouk. Both were there at that time.

25 Q. [10:53:39] And where was this -- what were they -- what kind of messages or

1 what kind of programmes were they broadcasting?

2 A. [10:54:56] When they had messages to send out, usually -- it was usually over

3 Radio Timbuktu. * The Islamist who set up at Al Farouk, that one, there was no

4 problem with him. He would come to the radio station, and once he was done, he

5 would go back home. He would send out his messages in Arabic, and I didn't even

6 understand their language.

7 If there were other messages, sometimes they would get their loudspeakers and go to

8 the market and go around speaking, and the children would follow them. In

9 the case of an amputation, the children would follow, but the adults would not

10 because they -- they did not want to go and see how someone was going to shame

11 another person.

12 Q. [10:56:01] Now where was this Radio Al Farouk?

13 A. [10:56:18] The first floor of the *Artisanat* building.

14 Q. [10:56:26] And who was working at Al Farouk? Can you give us the name,

15 please, if you know.

16 THE INTERPRETER: [10:56:52] Overlapping. Overlapping speakers. Could

17 the witness please repeat her response.

18 THE WITNESS: [10:57:01](Interpretation) Are you talking about the Islamist?

19 MS SCHOETERS: [10:57:06]

20 Q. [10:57:06] Yes. Tell us who was in charge of Radio Al Farouk.

21 A. [10:57:28] * Are you talking about the Islamists who just arrived or the ones who

22 were there before, before he arrived?

23 Q. [10:57:38] If you can please give us both.

24 A. [10:58:09] When they came, it was Mahamane Askia. That was when they

25 were amongst the ... hands of Mali. But as for the Islamists, I don't know.

1 Q. [10:58:32] Now, you've mentioned that the Islamic spread their message and
2 told people what to do. And you've mentioned also in some cases the punishments.
3 For instance, if somebody would listen to music, the person would be flogged. If
4 a married couple -- or a couple would, in case of adultery, the man would be stoned,
5 or they would be stoned. And if a woman was to get pregnant without being
6 married, there would be a hundred lashes for the man and a hundred lashes for
7 the woman.

8 Now, what would happen -- and of course if the people would -- * if someone stole,
9 then it would be amputation.

10 And what would happen if someone were to drink alcohol? You said they were not
11 going to be left. What do you mean by that?

12 A. [11:01:18] The person -- a person who was found drinking --

13 THE INTERPRETER: [11:01:25] Inaudible.

14 THE WITNESS: [11:01:27](Interpretation) * In fact he would be taken, and he would
15 be taken to a designated place and be whipped well would be flogged just -- just as
16 was the case for cigarettes or tobacco.

17 MS SCHOETERS: [11:01:44] Mr President, if you would allow, I think it's about time
18 for the break. Could we have a break now?

19 PRESIDING JUDGE MINDUA: [11:01:57](Interpretation) Yes, indeed. It is
20 11 o'clock, Madam Prosecutor. We shall now suspend for half an hour and resume at 11.30.
21 The hearing is suspended.

22 THE COURT USHER: [11:02:14] All rise.

23 (Recess taken at 11.02 a.m.)

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

25 THE COURT USHER: [11:32:38] All rise.

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1 Please be seated.

2 PRESIDING JUDGE MINDUA: [11:33:05](Interpretation) Court is in session.

3 Madam Prosecutor has the floor to continue with the examination-in-chief.

4 Madam Prosecutor.

5 MS SCHOETERS: [11:33:22]

6 Q. [11:33:23] Hello, Madam Witness. Before the break, you said -- you said that

7 people were being punished for smoking cigarettes, that they were being flogged.

8 Have you witnessed a person being flogged because he smoked a cigarette? Did you

9 see that yourself happen?

10 A. [11:34:44] * I saw that, yes I saw it. I saw two or three people at least. [REDACTED]

11 [REDACTED] They did that to them.

12 Q. [11:35:19] Did you actually see them being flogged, or did you hear about it?

13 A.[11:35:57] I did not hear about it. * I said that this was done in front of u [REDACTED]

14 [REDACTED] When they arrested them, they went to flog them, and then they came back.

15 MS SCHOETERS: [11:36:18] And for just one small question regarding this topic, I

16 would like to go into private session, Mr President.

17 PRESIDING JUDGE MINDUA: [11:36:27](Interpretation) Court officer, please take

18 us into private session.

19 (Private session at 11.36 a.m.)

20 THE COURT OFFICER: [11:36:43] We're in private session, Mr President.

21 PRESIDING JUDGE MINDUA: [11:36:46](Interpretation) Thank you very much,

22 court officer.

23 Prosecutor.

24 Q. [11:36:52] Madam Witness, how do you know these persons, the persons you

25 mentioned? [REDACTED]

1 A. [11:37:25] [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 Q. [11:37:53] Thank you for clarifying that, Madam Witness.

5 Mr President, we could go back into public session.

6 PRESIDING JUDGE MINDUA: [11:38:03](Interpretation) Court officer, please take
7 us into open session.

8 (Open session at 11.38 a.m.)

9 THE COURT OFFICER: [11:38:15] We're back in open session, Mr President.

10 PRESIDING JUDGE MINDUA: [11:38:23](Interpretation) Thank you very much,
11 court officer.

12 Prosecutor.

13 MS SCHOETERS: [11:38:26]

14 Q. [11:38:27] Now, you said when they took them -- when they arrested them, they
15 went to flog them, and then they came back. Where did they take them? And
16 without mentioning the names, please. The three persons you've mentioned, where
17 were they taken to when they were arrested?

18 A. [11:39:26] At the bank, the bank. Those who smoked cigarettes, they were
19 the people who were taken to the bank. The others were taken to the roundabout for
20 the application of Sharia.

21 Q. [11:39:42] And when you mention bank, which bank is it? Could you specify.
22 Is it the BMS?

23 A. [11:40:10] That's the BMS. * It is the white people who called it BMS. We call it " the bank".

24 Q. [11:40:22] Madam Witness, did you witness another person being flogged for
25 smoking? Do you have another example?

1 A. [11:41:02] * Yes, I saw a case, of an old person called Foma. They wanted to
2 take him by force, and he refused, and he fell to the ground, and he was flagellated
3 right there. He was flogged there. And the person who did that was called Faraouna.
4 We did not know his name but we called him by that name. He was a tall person.

5 Q. [11:41:28] Madam Witness, if I understand your story, the name of the victim is
6 Foma? Can you please confirm.

7 A. [11:41:59] Yes, of course, I can confirm that. And I even know his house. And
8 since it happened, he is not -- he is not calm, or his spirits are not well since then.

9 Q. [11:42:17] And who flogged Foma? Could you give us a name, please, of the
10 person who did this.

11 A. [11:42:47] We didn't know the name of the people. They know the names, but
12 we didn't know his name. * But we saw him to be severe. He was a wicked person;
13 and that's why he was called Faraouna.

14 Q. [11:43:03] Could you please describe, give a physical description of Faraouna.

15 A. [11:43:42] Yes, if I see him I can recognise him. But all I can say is that he's very
16 dark in colour, and he is large, he's thin. * Really, one knows nothing about him and this is
17 somebody to be in contact with? One whose name was asked for, but we don't even know it.

18 Q. [11:44:01] You said he was tall. Was he taller than the average man?

19 A. [11:44:29] Yes, he is bigger than other people. He's very tall and dark.

20 Q. [11:44:39] And where was Foma flogged? Where did this happen?

21 A. [11:45:15] Foma was flogged near where the clothing people were selling their
22 wares. They were -- he was in the road at the time, near where the shop where
23 the Arabs were. He was in the street with a sheep that he was selling.

24 Q. [11:45:41] Could you give us the name of the place, in which neighbourhood it
25 was. The name of the neighbourhood and the location.

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1 A. [11:46:35] Yes, this was the *Artisanat*, behind it. That's where he was very often
2 seated, and that's where he was questioned and flogged.

3 Q. [11:46:52] Just if you remember, Madam Witness, could you tell us when this
4 happened.

5 A. [11:47:15] His flogging, that was -- took place in the afternoon.

6 Q. [11:47:23] And could you tell us what period of the year it was. Was it before
7 or after Ramadan in 2012, if you remember?

8 A. [11:48:20] No, it was before that. And he was a trader. And when he had
9 a -- he had -- he would take it, his sheep, to the butcher to be butchered, to the abattoir,
10 and there was a -- butchers behind, and that's where he went and where he was
11 caught.

12 Q. [11:48:51] Now, Madam Witness, I'm now going to another subject. You've
13 talked about the fact that women who didn't
14 wear a veil when the armed groups were there would be punished.

15 Do you know of a woman punished for not wearing a veil? And please just answer
16 with yes or no, if you can.

17 PRESIDING JUDGE MINDUA: [11:49:47](Interpretation) Ms Sutherland.

18 MS SUTHERLAND: [11:49:50] Thank you, Mr President. My apologies for
19 interrupting, but may we have the reference for that, please.

20 MS SCHOETERS: [11:50:13] We're going to look for it. Just one moment.

21 In the French version, it's page 18, line 12.

22 PRESIDING JUDGE MINDUA: [11:50:57](Interpretation) Very well. I think that
23 the witness can now answer the question.

24 THE WITNESS: [11:51:18](Interpretation) Yes, of course.

25 MS SCHOETERS: [11:51:27]

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1 Q. [11:51:28] And how was this girl punished?

2 A. [11:52:33] (No interpretation)

3 Q. [11:52:34] Apologies, Madam Witness. Perhaps we should have a small pause
4 in your story so that the interpreter can interpret, because it is getting long.

5 A. [11:52:55] Yes. The girl I spoke about is called Azou, and when they came to
6 find her, they said that she was not covered. * And Azou is a girl who had crises or
7 feats. And she was taken -- she was taken to BMS. And she was striking the window
8 of the BMS, [REDACTED]

9 Q. [11:53:36] So you can continue now, what you wanted to tell us,
10 Madam Witness.

11 Please continue.

12 A. [11:54:11] Yes. [REDACTED]
13 [REDACTED] Azou had left and gone to get water,
14 and they had said that she was not covered. And knowing that she had a crisis [REDACTED]

15 [REDACTED]
16 THE INTERPRETER: [11:54:38] And the interpreter notes that her names was Azou
17 Dicko in the previous answer.

18 THE WITNESS: [11:54:46](Interpretation) Furthermore, they begged -- they -- they
19 begged that she be left, but they wouldn't accept that. * People even begged them to
20 release her, but they wouldn't accept that.

21 MS SCHOETERS: [11:55:04]

22 Q. [11:55:05] Now, you mentioned that they took the girl when she was getting
23 some water. Who is "they"? Who took the girl?

24 A. [11:55:48] It was the Islamists. The new authorities. They were the ones who
25 applied Sharia.

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1 Q. [11:56:05] I am just checking with you, Madam Witness. There may have been
2 an interpretation problem. Because what you say is interpreted twice, actually,
3 before it arrives here in my headphone. So I just wanted to check something.
4 It says here in my transcript, "She begged them to leave her, but she wouldn't accept
5 that."

6 Is that what you actually said? And, if so, who is the "she" and the "her"?

7 A. [11:57:26] It's not the girl. It was the parents of the child who begged
8 the Islamists to leave the girl, but they refused. They didn't accept that.

9 Q. [11:57:38] Thank you, Madam Witness. Now it's clear.

10 Can you describe the part of the BMS where the girl was put in prison.

11 A. [11:58:31] When you get to the BMS, where there's the window, when you go
12 a bit behind, that is where they put the women. And you could see them through
13 the window.

14 Q. [11:58:51] Apologies. You said that the girl was making movements behind
15 the window. And what -- what else happened?

16 A. [11:59:54] You could see the girl. She was banging on the glass, and she was
17 hitting it. * It is when she was just about to have a feat that she started to hit the glass, and
18 that is how she injured her hand. And afterwards,

19

20 Q. [12:00:19] For how long was the girl in prison, if you know?

21 A. [12:00:38] One night and one day.

22 MS SCHOETERS: [12:00:44] Mr President, I would now like to go into private
23 session just for a few small questions about the base of knowledge of the witness, and
24 it will take I think approximately four minutes.

25 PRESIDING JUDGE MINDUA: [12:01:05](Interpretation) Courtroom officer, private

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1 session, please.

2 (Private session at 12.01 p.m.)

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

4 PRESIDING JUDGE MINDUA: [12:01:30](Interpretation) Thank you very much.

5 Madam Prosecutor.

6 MS SCHOETERS: [12:01:38]

7 Q. [12:01:39] Madam Witness, [REDACTED]

8 [REDACTED]

9 A. [12:02:09] [REDACTED]

10 (phon).

11 Q. [12:02:22] [REDACTED]

12 [REDACTED]

13 A. [12:03:06] [REDACTED]

14 THE INTERPRETER: [12:03:12] Inaudible.

15 THE WITNESS: [12:03:15](Interpretation) [REDACTED]

16 [REDACTED]

17 MS SCHOETERS: [12:03:23]

18 Q. [12:03:24] Could you give us the name of the parents of Azou, please.

19 A. [12:03:40] Yes, I can.

20 Q. [12:03:42] Please go ahead, Madam Witness. We are in private session, so you
21 can give the names.

22 A. [12:04:05] The mother is [REDACTED] and her father is [REDACTED]

23 [REDACTED]

24 Q. [12:04:26] Madam Witness, could you please repeat the name of the mother
25 slowly, because I think it's not reflected well in the transcript.

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1 A. [12:04:53] [REDACTED]

2 Q. [12:05:33] And I'm afraid that in the transcript the name of the father is missing.

3 So if you could please pronounce it again very slowly so that it can be caught in
4 the transcript.

5 A. [12:05:36] [REDACTED]

6 Q. [12:05:55] And how -- or how do you know why Azou Dicko got arrested?

7 How do you know this? I mean, how do you know that the reason was that she was
8 taking water without being veiled? How do you know this?

9 A. [12:06:46] [REDACTED]

10 Q. [12:06:52] [REDACTED]

11 [REDACTED]

12 A. [12:07:14] [REDACTED]

13 Q. [12:07:22] [REDACTED]

14 A. [12:07:44] [REDACTED]

15 [REDACTED]

16 Q. [12:08:00] And what were the effects of her -- of Azou having been in prison on
17 Azou?

18 Excuse me. Did you hear my question?

19 A. [12:08:47] No, I didn't hear it.

20 PRESIDING JUDGE MINDUA: [12:08:51](Interpretation) Ms Sutherland.

21 MS SUTHERLAND: [12:08:57] Thank you, Mr President. May I ask that
22 the question be phrased, given that the witness hasn't heard it yet, in a more open
23 manner.

24 PRESIDING JUDGE MINDUA: [12:09:15](Interpretation) Ms Prosecutor,
25 Ms Sutherland has asked that the question be rephrased.

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1 MS SCHOETERS: [12:09:37]

2 Q. [12:09:38] What was -- how did Azou feel after she was in prison? Or how did
3 she behave after she was in prison?

4 A. [12:10:13] Thank God she -- she was a kid. And now, thank God, it's okay.

5 Q. [12:10:40] And how did she feel straight after the events at the time in 2012?

6 A. [12:11:15] I wasn't able to see what happened to her, because, you see, the crisis
7 that she had, they thought -- well, they found that she had already had that crisis.
8 She had already had that crisis.

9 MS SCHOETERS: [12:11:35] Mr President, I think we can go back into open session
10 now. Thank you.

11 PRESIDING JUDGE MINDUA: [12:11:41](Interpretation) Yes, indeed, Madam
12 Prosecutor.

13 Courtroom officer, open session.

14 (Open session at 12.11 p.m.)

15 THE COURT OFFICER: [12:11:53] We are back in open session, Mr President.

16 PRESIDING JUDGE MINDUA: [12:11:59](Interpretation) Thank you very much,
17 courtroom officer.

18 Madam Prosecutor.

19 MS SCHOETERS: [12:12:10]

20 Q. [12:12:11] Madam Witness, now I will ask questions about the men in Timbuktu
21 during the occupation.

22 Were the men of Timbuktu in agreement with all the rules and punishments by
23 the Islamic?

24 PRESIDING JUDGE MINDUA: [12:13:05](Interpretation) Ms Sutherland.

25 MS SUTHERLAND: [12:13:07] Mr President, my learned friend for the Prosecution

1 is repeatedly asking the witness to speculate. This witness cannot possibly testify as
2 to the -- whether the men of Timbuktu were in agreement.

3 PRESIDING JUDGE MINDUA: [12:13:33](Interpretation) Ms Sutherland, I'm not so
4 sure about your objection because the witness was living in Timbuktu, and she could
5 see the situation, the general situation, and what was going on at that time. I think
6 the question has been put properly. It's not speculative.

7 Madam Witness, please respond.

8 THE WITNESS: [12:14:14] What was your question?

9 MS SCHOETERS: [12:14:18]

10 Q. [12:14:18] I'll repeat the question.

11 Were the men of Timbuktu in agreement with all these rules and punishments by
12 the Islamic?

13 A. [12:15:01] The men were not in agreement because there was no longer any
14 authority and they had no choice. When they came in, they were in a position of
15 strength, and they asked those men to go along -- rather, to join their cause.

16 Q. [12:15:27] And did the men of Timbuktu do something to show that they didn't
17 agree?

18 A. [12:16:11] Yes, of course. The men gathered and organised a march to go see
19 them and say that they were not in agreement, but they almost killed all those men,
20 until the men were able to flee. They left their shoes behind them. They picked up
21 all those shoes, left them at the mosque, and told people they could go and get their
22 shoes at that mosque. They could go and get their shoes back there.

23 Q. [12:16:50] Madam Witness, you said - and I'm looking at the transcript
24 now - "The men gathered and organised a march to go see them."
25 Who is "them"? Who did they go and see?

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1 A. [12:17:32] * Yes. The men went to the Islamists at the BMS. That happened at
2 the BMS.

3 Q. [12:17:45] How many men participated in the protest march?

4 A. [12:18:16] Many, many men. There were many men.

5 When they saw that it wasn't working, that's when they stopped. But that day,
6 many men took part in that march.

7 Q. [12:18:31] When you say "many men", is it more than a hundred?

8 A. [12:19:03] Many people. I couldn't tell you the exact number, but I can say
9 more than a hundred. There certainly were lots of people.

10 Q. [12:19:16] What happened when they got to the bank, to the BMS?

11 A. [12:19:47] Nothing else, except that the Islamists started to shoot. And once
12 they started to shoot, the men fled.

13 Q. [12:20:01] Madam Witness, did you see this happen with your own eyes?

14 A. [12:20:30] They started to shoot, the men fled, and we fled too. We didn't want
15 to be hit by stray bullets.

16 THE INTERPRETER: [12:20:47] Note from the interpreter: The witness began her
17 reply by saying, "I swear we were sitting when it started, when they started to shoot."

18 MS SCHOETERS: [12:21:03] Mr President, could we go briefly for one question into
19 private session.

20 PRESIDING JUDGE MINDUA: [12:21:20](Interpretation) Courtroom officer, private
21 session, please.

22 (Private session at 12.21 p.m.)

23 THE COURT OFFICER: [12:21:25] We're in private session, Mr President.

24 MS SCHOETERS: [12:21:29]

25 Q. [12:21:31] Madam Witness --

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1 PRESIDING JUDGE MINDUA: [12:21:32](Interpretation) Thank you.

2 Madam Prosecutor.

3 MS SCHOETERS: [12:21:37]

4 Q. [12:21:38] Madam Witness [REDACTED]

5 [REDACTED]

6 A. [12:22:20] [REDACTED]

7 [REDACTED]

8 * THE INTERPRETER: [12:22:34] Correction: [REDACTED]

9 THE WITNESS: [12:22:38](Interpretation) [REDACTED]

10 [REDACTED] The men didn't have any work. No one had any work to do [REDACTED]

11 [REDACTED]

12 MS SCHOETERS: [12:22:53] We can go back into open session, please.

13 PRESIDING JUDGE MINDUA: [12:22:59](Interpretation) Open session, please.

14 (Open session at 12.23 p.m.)

15 THE COURT OFFICER: [12:23:09] We are back in open session, Mr President.

16 PRESIDING JUDGE MINDUA: [12:23:15](Interpretation) Thank you, courtroom
17 officer.

18 Madam Prosecutor.

19 MS SCHOETERS: [12:23:20]

20 Q. [12:23:21] Now, you said that the Islamists fired or shot. Did you recognise any
21 of the persons shooting?

22 A. [12:24:03] No. I didn't know any of them. We were -- we were not trying to
23 get information about them.

24 Q. [12:24:20] Madam Witness, do you remember approximately when the men's
25 march took place? How much time was it after the arrival of the group? Was it

1 days, weeks, months?

2 A. [12:25:22] Truly, I couldn't tell you which week or period, because we -- we
3 don't really know about counting by week. But I can tell you that after they
4 announced their Sharia, after that time, that's when the march was.

5 Q. [12:25:50] Thank you, Madam Witness.

6 Now, we've spoken or you've spoken about the men. Now I would like to talk about
7 the women.

8 Were the women of Timbuktu in agreement with all these rules and punishments by
9 the *Islamique*, as far as you know?

10 A. [12:26:57] What I do know is that none of the women agreed with that, because
11 when they came, it -- it was not some kind of common agreement. They imposed
12 the Sharia. They did not consult anyone. They imposed it on the people, and none
13 of the women agreed to it.

14 Q. [12:27:24] Did the women do something to show that they didn't agree?

15 A. [12:28:12] Yes, that's right. We had a march because we could no longer go to
16 the market. * We could no longer run our little businesses. We couldn't go out
17 wearing the clothes that we wanted to wear. And that's why we held that march.
18 People were scattered. Each person was in his or her area, but we did do this march.

19 Q. [12:28:54] Do you know approximately when this march took place? Was it
20 before or after Ramadan that year, 2012, if you remember?

21 A. [12:29:27] (No interpretation)

22 Q. [12:30:26] Madam Witness, apologies, but could you please take a small break,
23 and then we're going to ask the interpreter to interpret what you have just said, and
24 then I'll let you continue your story after the interpretation. Is that okay? Yeah?

25 THE INTERPRETER: [12:31:12] Message from the Songhai booth: Could

1 the witness please repeat what she said.

2 MS SCHOETERS: [12:31:19] Yes, I heard a message from the Songhai booth.

3 Q. [12:31:24] So, Madam Witness, could you please repeat what you have just said
4 but very slowly, and perhaps break it down in smaller parts so that the interpreter
5 can interpret everything so that we get your message.

6 A. [12:32:32] I was saying that when they chased after a lady in the market and hit
7 her, it was at that time that we, other women, all stopped in our tracks and said to
8 ourselves, "We're going to do something about this."

9 Q. [12:33:08] Continue, please.

10 A. [12:33:37] So, when we gathered together, we said to each other that we would
11 organise a march to say that we are not in agreement. Women then met at the
12 market, gathering together from their various neighbourhoods.

13 The wife of Mohamed Moussa, who used to sell pieces of cloth to women for 20,000
14 CFA, we said that that was too expensive.

15 Q. [12:34:23] Continue, Madam Witness.

16 A. [12:35:01] So, when we said that we could not buy that tissue or cloth at that
17 high price, * we then gathered together to go to the BMS, we marched towards
18 the BMS, and then they shot into the air. And whenever they would shoot into
19 the air, we would lie down on the ground. When they had finished shooting, we
20 would then stand up again and go back to our march towards the BMS. And when
21 they shot, we would then again lie down on the ground.

22 Q. [12:35:43] Madam Witness, can you tell us how the women participating in
23 the march were dressed.

24 What were they wearing?

25 A. [12:36:32] Well, we were wearing the usual clothes when we came to the market,

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1 saris and hijabs.

2 I haven't finished telling you the story. So every time they would shoot into the air,
3 we would lie on the ground, and then we would get up again, until Mr Talha came
4 out and asked what -- for others -- for the others to wait and listen to what we had to
5 say.

6 Q. [12:37:18] I'll come back to that in a minute, Madam Witness.

7 Could you tell us how many women there were in the march.

8 A. [12:38:05] There were many of us, many women. These were women who had
9 come to the market, and then we had gathered together to go on the march. There
10 were many of us. * When we demonstrated like that, they --

11 THE INTERPRETER: [12:38:27] Overlapping speakers.

12 THE WITNESS: [12:38:30](Interpretation) [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]

16 MS SCHOETERS: [12:38:53]

17 Q. [12:38:54] Okay. Madam Witness, I like to first ask some more general
18 questions, and then we will continue where you left off now.

19 So you said there were many women in the march. What does it mean? Was it
20 more than a hundred?

21 Excuse me, did you hear my question?

22 A. [12:39:56] I just heard it now. I hadn't heard it before.

23 Q. [12:40:02] I'll repeat the question.

24 A. [12:40:14] Okay. All right.

25 Q. [12:40:17] So were there more than a hundred women participating in the march?

1 Just to give us an idea of the size of the amount of participants.

2 A. [12:41:27] In fact, there were many people present. I think there were more
3 than one hundred women. [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 Q. [12:42:16] Madam Witness, I have -- we will go back on this part of your story,
10 but I have just two small questions before we get into that. If you could briefly
11 answer those, and then I think we will go into private session. But if you could
12 answer the following questions.

13 I'll just give the interpreter the chance to interpret.

14 A. [12:43:08] Yes, I can answer your question if I have an answer.

15 Q. [12:43:13] Okay. Here is the question, the first one.

16 Were any men participating in the march? In that march. In the women's march.

17 A. [12:43:46] There was no man in our midst, with the exception of the imam of
18 Bellaferandi who was accompanying his younger sister, rather, his sister.

19 Q. [12:44:03] Was anyone armed of those participating in the march?

20 A. [12:44:34] Are you talking about women or the men?

21 Q. [12:45:06] Well, I'm talking about the women. And then, as far as I could
22 understand, there was only one man participating. I am talking about those people
23 protesting.

24 Was any of the protesters armed?

25 A. [12:45:23] There wasn't a single woman in our midst who had a -- either a knife

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1 or even a gun.

2 MS SCHOETERS: [12:45:44] Mr President, for the continuation of the story, I would
3 like to go into private session, please. And I think it will take about 20 to 30 minutes,
4 I think, with interpretation.

5 PRESIDING JUDGE MINDUA: [12:46:09](Interpretation) Mr Courtroom officer,
6 could we go into private session, please.

7 (Private session at 12.46 p.m.)

8 THE COURT OFFICER: [12:46:23] We are in private session, Mr President.

9 PRESIDING JUDGE MINDUA: [12:46:28](Interpretation) Thank you very much,
10 Mr Courtroom officer.

11 Madam Prosecutor, please.

12 MS SCHOETERS: [12:46:34]

13 Q. [12:46:35] Madam Witness, [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 A. [12:47:26] [REDACTED]

17 [REDACTED]

18 Q. [12:47:49] [REDACTED]

19 A. [12:48:14] Her name is on the paper that I gave you.

20 Q. [12:48:22] But do you remember the name, and could you gave it to us here,
21 because it is what you are telling us here, before the judges, which is of importance.
22 So if you have the name, if you remember the name, could you please give it to us
23 here during the hearing.

24 A. [12:49:12] I do not remember her name [REDACTED]

25 [REDACTED] But I don't remember the name.

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1 MS SCHOETERS: [12:49:35] Your Honours, could I try to refresh the memory of
2 the witness regarding this point?

3 PRESIDING JUDGE MINDUA: [12:49:48](Interpretation) Yes, I believe you can.
4 Please go ahead.

5 MS SCHOETERS: [12:49:56]

6 Q. [12:49:57] [REDACTED]

7 A. [12:50:21] Yes.

8 Q. [12:50:26] [REDACTED]

9 [REDACTED]

10 A. [12:50:48] [REDACTED]

11 Q. [12:50:53] Thank you. Now, you said that [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 A. [12:51:37] [REDACTED]

15 [REDACTED]

16 Q. [12:51:51] And how do you know that [REDACTED]

17 A. [12:52:38] * Okay. [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 And that's -- that's all. [REDACTED]

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4 So, those in charge, as I was saying, were Sanda, Hassan, and Hamed Moussa.

5 Q. [12:55:19] Now, I'm going to interrupt you here for a moment, Madam Witness,
6 just to ask some follow-up questions.

7 So you talked to us about

8

9 A. [12:55:53]

10 Q. [12:56:02]

11

12

13 A. [12:56:38]

14

15 Q. [12:56:52]

16

17 Could you shortly explain.

18 A. [12:58:00] All right.

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24 Q. [12:58:48]

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1 A. [12:59:25]

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3 Q. [12:59:35]

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5 A. [13:00:48]

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11 PRESIDING JUDGE MINDUA: [13:01:30](Interpretation) Madam Prosecutor, is it

12 1 p.m. It is time for us to rise for lunch, and we shall reconvene at 2.30 p.m.

13 Court is --

14 Yes, Mr Prosecutor.

15 MR DUTERTRE: [13:01:50](Interpretation) I do believe we're still in private session,

16 are we not, Mr President?

17 PRESIDING JUDGE MINDUA: [13:01:58](Interpretation) Mr Courtroom Officer,

18 could we please go back into open session.

19 (Open session at 1.02 p.m.)

20 THE COURT OFFICER: [13:02:08] We are back in open session, Mr President.

21 PRESIDING JUDGE MINDUA: [13:02:14](Interpretation) Very well.

22 Thank you, Mr Courtroom Officer.

23 I repeat, we will now take our lunch break and resume at 2.30. The hearing is

24 suspended.

25 THE COURT USHER: [13:02:30] All rise.

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1 (Recess taken at 1.02 p.m.)

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

3 THE COURT USHER: [14:31:25] All rise.

4 Please be seated.

5 PRESIDING JUDGE MINDUA: [14:31:52](Interpretation) Court is in session once
6 again.

7 And the Prosecutor will be continuing her examination-in-chief of the witness.

8 Madam Prosecutor, please.

9 MS SCHOETERS: [14:32:08] Thank you, Mr President.

10 Q. [14:32:13] Madam Witness, you said that [REDACTED] - I'm just going to
11 take off my mask, just one moment.

12 Madam Witness, you said that [REDACTED] -- Mr President, could we go
13 into private session, please.

14 PRESIDING JUDGE MINDUA: [14:32:42](Interpretation) There we are.

15 Mr Courtroom Officer, could we please go into private session.

16 (Private session at 2.32 p.m.)

17 THE COURT OFFICER: [14:32:57] We're in private session, Mr President.

18 PRESIDING JUDGE MINDUA: [14:33:02](Interpretation) Thank you very much,
19 Mr Courtroom Officer.

20 Madam Prosecutor, please.

21 MS SCHOETERS: [14:33:10]

22 Q. [14:33:11] Before the break you said that [REDACTED]
23 [REDACTED] ?

24 A. [14:33:49] [REDACTED]

25 Q. [14:33:57] And why not?

1 A. [14:34:19] Because [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 Q. [14:34:33] [REDACTED]

5 A. [14:34:50] [REDACTED]

6 Q. [14:34:57] Could you describe what they were wearing.

7 A. [14:35:33] They were just wearing their normal khaki clothing that they
8 normally wear. They didn't -- they weren't wearing anything else. Sometimes they
9 would wear waistcoats.

10 Q. [14:35:55] Did they have weapons?

11 A. [14:36:08] Yes.

12 Q. [14:36:11] Now what happened next, Madam Witness?

13 A. [14:36:43] Nothing happened next, apart from the three men arriving, Hassan,
14 Sanda and Hamed Moussa. They came by [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 Q. [14:37:50] Just one moment, Madam Witness.

20 Now you said that -- you said that you saw Sanda, Hamed Moussa and Hassan.

21 Now, did you see anyone else?

22 A. [14:38:32] No, we didn't see anybody else, apart from those three persons who
23 are the chiefs. * [REDACTED]

24 [REDACTED]

25 Q. [14:38:56] And did -- did Hassan, Hamed Moussa and Sanda talk to anybody

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1 [REDACTED]
2 A. [14:39:41] [REDACTED]
3 [REDACTED]
4 Q. [14:39:56] [REDACTED]
5 A. [14:40:18] [REDACTED]
6 Q. [14:40:26] [REDACTED]
7 [REDACTED]
8 A. [14:40:57] [REDACTED]
9 Q. [14:41:02] [REDACTED]
10 [REDACTED]
11 A. [14:41:36] [REDACTED]
12 [REDACTED]
13 Q. [14:41:55] [REDACTED]
14 [REDACTED]
15 A. [14:42:38] [REDACTED]
16 [REDACTED]
17 Q. [14:42:55] [REDACTED]
18 A. [14:43:23] [REDACTED]
19 [REDACTED]
20 Q. [14:43:37] [REDACTED]
21 [REDACTED]
22 A. [14:44:34] [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

1 Q. [14:45:10] [REDACTED]

2 [REDACTED]

3 Now, what happened?

4 A. [14:46:26] After that, Sanda and Hamed Moussa [REDACTED] Hassan, [REDACTED]

5 [REDACTED] Hamed Moussa [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 Q. [14:47:06] [REDACTED]

9 A. [14:47:37] [REDACTED]

10 [REDACTED]

11 Q. [14:47:54] [REDACTED]

12 A. [14:48:12] [REDACTED]

13 [REDACTED]

14 Q. [14:48:24] And when you say "when they arrived", to whom do you refer?

15 A. [14:49:00] It's when they arrived, it was at that moment that they called each
16 other by their names. They welcomed or greeted each other by their names.

17 Q. [14:49:18] And when you say "they", when they arrived, "they", which persons
18 are this? Could you give the names.

19 A. [14:49:51] What do you mean? [REDACTED]

20 Q. [14:49:56] No, I mean, you said, when they arrived, they addressed themselves
21 with their names. I would just like to know which persons you are referring to.

22 A. [14:50:33] Of course it's Hamed Moussa, Sanda and Hassan. They were
23 the ones who were greeting each other by name.

24 Q. [14:50:51] And did Hassan say anything [REDACTED]?

25 A. [14:51:11] No, Hassan didn't say anything.

1 Q. [14:51:16] Had you seen Hassan before?

2 A. [14:51:30] No, I had never seen him before.

3 Q. [14:51:41] And had you seen Sanda before?

4 A. [14:52:12] I had seen Sanda because [REDACTED]

5 [REDACTED] And Hamed Moussa, we saw him at the market and he said that he was
6 applying the Sharia. We would often see him.

7 Q. [14:52:35] And when you heard Hassan speaking, which language was he
8 speaking?

9 A. [14:53:13] Amongst themselves they would speak Tamasheq and Arabic. But
10 with us, they would speak to us in Songhai.

11 Q. [14:53:32] And what did -- what did Sanda say?

12 A. [14:54:07] Sanda said that they do not want to see women at the market because
13 women are their mothers and sisters and they do not want to see them at the market
14 without a veil.

15 Q. [14:54:39] And you said that Hassan [REDACTED]

16 [REDACTED]

17 A. [14:55:11] [REDACTED]

18 [REDACTED]

19 Q. [14:55:33] What did he say?

20 A. [14:56:02] Hamed Moussa told us that if we went to the market we should buy
21 a hijab, that his wife was already selling for 20,000 francs. That we should buy it and
22 wear it. And we should also wear gloves on our hands. And if we did that, we
23 would be allowed to go out and move around freely.

24 Q. [14:56:44] Now I'm just checking, because at the transcript -- and I am in
25 the English version, page 56, -- oh, no, page 57, lines 1 and 2, it says, [REDACTED]

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3 A. [14:57:45]

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5 Q. [14:57:58] Okay. And you said that Hassan was

6

7 A. [14:58:42] (No interpretation).

8 PRESIDING JUDGE MINDUA: [14:58:45](Interpretation) (Overlapping speakers)

9 Ms Sutherland, please.

10 MS SUTHERLAND: [14:58:49] Thank you, Mr President. I have to ask that my

11 learned friend for the Prosecution stop putting words into the witness's mouth.

12 We've had "is it the BMS." We've twice had "more than one hundred", and we also

13 had "arrested" without proper foundation. And now we've had

14 when in fact it only said that

15 PRESIDING JUDGE MINDUA: [14:59:36](Interpretation) Madam Prosecutor, have

16 you followed the objection on the part of the Defence? So please be careful and do

17 not put words into the witness's mouth.

18 Please go ahead.

19 I do believe that the witness had said something and we need an interpretation into

20 French and English of what she said.

21 THE INTERPRETER: [15:00:11] This is the Songhai booth: Could the witness be

22 asked to repeat what she has just said.

23 PRESIDING JUDGE MINDUA: [15:00:21](Interpretation) Please re-put your

24 question. The witness shall then reply.

25 MS SCHOETERS: [15:00:32]

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1 Q. [15:00:33] Do you know [REDACTED] ?

2 A. [15:00:52] No, I didn't know.

3 Q. [15:00:56] [REDACTED]

4 A. [15:01:37] [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 Q. [15:02:14] Have you seen Hamed Moussa [REDACTED] ? Sorry, sorry -- sorry,
9 just one other question.

10 And who said that, the last part that you mentioned, Madam Witness?

11 A. [15:03:01] What was just said was the -- it was the police officer, Hassan. It
12 was the other one who said that. The police officer, Hassan.

13 PRESIDING JUDGE MINDUA: [15:03:15](Interpretation) We are still in private
14 session, Madam Prosecutor.

15 MS SCHOETERS: [15:03:25] I think we can go into public session, Mr President.

16 PRESIDING JUDGE MINDUA: [15:03:35](Interpretation) Quite so.

17 Courtroom Officer, open session, please.

18 (Open session at 3.03 p.m.)

19 THE COURT OFFICER: [15:03:47] We are back in open session, Mr President.

20 PRESIDING JUDGE MINDUA: [15:03:54](Interpretation) Thank you very much.
21 Madam Prosecutor.

22 MS SCHOETERS: [15:03:58]

23 Q. [15:04:01] Madam Witness, before the break you talked to us about persons
24 being punished for smoking. Do you have any other examples that you witnessed,
25 apart from the ones that you mentioned?

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1 A. [15:04:49] Other than the people who were whipped at Sankoré, just them.

2 And an old man as well.

3 Q. [15:05:19] And the old man you're referring to who was beaten, what was his
4 name? Was it a different man than the one we discussed before?

5 A. [15:06:01] * The old man who used to repair refrigerators, they caught him smoking in
6 his home. His name was -- well, he was flogged in front of the house of Kader Khalil.

7 Q. [15:06:25] Do you know or -- who hit him?

8 A. [15:06:48] It was Kandar (phon), who hit him.

9 THE INTERPRETER: [15:06:50] Correction: Talha, who hit him.

10 MS SCHOETERS: [15:06:56]

11 Q. [15:07:05] You mentioned the name, Kader Khalil. Who is Kader Khalil?

12 A. [15:07:45] Kader Khalil was the director of Radio Timbuktu (phon). He had his
13 house around the large market. * It was in front of his ... it was there that the old man
14 who repairs refrigerators was sitting. And it so happened that Talha was going by.
15 He saw him smoking. He had a whip in his hand and he whipped him. Barely after
16 three lashes, the old man fell down and urinated.

17 PRESIDING JUDGE MINDUA: [15:08:27](Interpretation) Very well, Ms Sutherland.
18 Ms Prosecutor.

19 MS SCHOETERS: [15:08:37]

20 Q. [15:08:38] How do you know --

21 PRESIDING JUDGE MINDUA: [15:08:39](Interpretation) No, no, no, Ms Sutherland
22 wanted to object, but then I believe she changed her mind.

23 Please continue, Ms Prosecutor.

24 MS SCHOETERS: [15:08:52]

25 Q. [15:08:53] What was the condition of the man after he had been flogged?

1 A. [15:09:34] After that, the old man, he lay -- he stayed down there until some men
2 came by and raised him up somewhat. After that, he managed to head towards his
3 house. His house was behind the cemetery. He was able to get there and
4 we -- until his son came one day to take him to Bamako, and we heard later on that he
5 died there.

6 Q. [15:10:11] How do you know Talha's name?

7 A. [15:10:40] We knew him because he was always sitting in front of the shop and
8 his face was not hidden. He always had a whip in his hand. So that's how we
9 knew it was him.

10 Q. [15:10:56] Can you give a physical description of Talha?

11 A. [15:11:11] Yes.

12 Q. [15:11:14] Please go ahead.

13 A. [15:11:33] Talha is young, not all that old. He is somewhat tall and he has a bit
14 of a pointy nose.

15 Q. [15:11:51] And who is Talha? What does he do? What did he do at the time?

16 A. [15:12:17] I couldn't tell you what job he did; other than that, he always had
17 a whip in his hand and he would come and go. And when he would see someone,
18 he would hit them.

19 Q. [15:12:39] What languages did Talha speak?

20 A. [15:13:14] He spoke Arabic. When he whipped that old man, he wasn't
21 a leader then. It was later on that he became a leader, replacing Adama.

22 Q. [15:13:38] Before you mentioned that you saw Talha often seated in front of
23 a shop. Which shop? If you know.

24 A. [15:14:12] [REDACTED]

25 [REDACTED]

1 Q. [15:14:32] And what did Talha usually wear?

2 A. [15:14:58] Usually he wore the same clothing, the khaki clothing I mentioned.

3 He usually wore the khaki clothing and trousers, but with the -- the hems high up or
4 turned up.

5 Q. [15:15:23] Could you tell us when the incident where Talha flogged
6 the man -- the incident you referred to, when did this happen? Could you tell us.
7 Was it before or after the women's march?

8 A. [15:16:12] It was after the women's march, that is when the old man was
9 whipped. No one could do a march after that.

10 Q. [15:16:29] And can you tell us approximately how much after the women's
11 march the incident took place?

12 A. [15:17:21] It didn't last all that long. It didn't last a long time. It wasn't long
13 after the women's march. These were people -- each week, they would bring
14 something new. And we would -- we would have to apply it. They would bring in
15 something new every week, and then it would be necessary to apply it or to comply
16 with it.

17 Q. [15:17:55] Madam Witness, I'm now going to change.

18 When you say "something new," what do you mean by that?

19 A. [15:18:55] What I meant by that was truly each time they would come, and then
20 the next day they would have new excuses to do us harm. And each time they
21 would -- well, they'd -- they'd have an excuse to do something against us. And they
22 really traumatised us. And, frankly, we suffered greatly with those people.

23 Q. [15:19:31] And when you say "those people," you mean -- who do you mean?

24 A. [15:19:48] The Islamists, of course.

25 You must realise that those Islamists were not foreigners. They were our people.

1 They were Malians. They weren't from Egypt. They weren't from France or
2 Algeria. They were truly people from our country who came and mistreated us,
3 sometimes out of a desire to get vengeance. They weren't foreigners.

4 Q. [15:20:53] Madam Witness, I'm now going to change -- you mentioned earlier on
5 that it was, in French, an *exemple de prétexte*.

6 What do you mean by that? Pretext of what?

7 A. [15:22:23] When I said excuses or pretext, often they would come and find us in
8 front of our place when we were just sitting at the doorstep. And they would say,
9 "Oh, you aren't covered up." And sometimes they were just young kids, and they
10 would take sticks and hit us. * And when we reacted, they -- and when we responded,
11 they would lock us up because we -- had hit those kids.

12 Q. [15:23:06] Now I'm going to change topic, Madam Witness.

13 You said earlier on that at the time it was not allowed for a man and a woman to have
14 a sexual relationship without being married or to have a child without being married
15 and, that, if a man and a woman not married to each other were caught, then they
16 would be flogged.

17 A. [15:24:21] Let me explain to you. I was saying that it was forbidden for
18 a woman and a man who were not married to walk together. And then I said, if they
19 surprised someone who had a child outside of marriage, they would find the man
20 and the woman, and each one would get a hundred lashes. After that, they would
21 force them to get married.

22 Q. [15:24:59] Do you know of a couple that was flogged because they had a sexual
23 relationship without being married? Please just answer with yes or no,
24 Madam Witness, without mentioning names.

25 A. [15:25:36] Yes.

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1 MS SCHOETERS: [15:25:42] Mr President, the Prosecution would like to request
2 a private session for about eight minutes to elicit information contained in the witness
3 statement at paragraphs 38 to 43, which could identify the witness.

4 PRESIDING JUDGE MINDUA: [15:26:05](Interpretation) Very well.

5 Courtroom officer, private session, please.

6 (Private session at 3.26 p.m.)

7 THE COURT OFFICER: [15:26:17] We are in private session, Mr President.

8 PRESIDING JUDGE MINDUA: [15:26:22](Interpretation) Thank you very much,
9 courtroom officer.

10 Madam Prosecutor.

11 MS SCHOETERS: [15:26:27]

12 Q. [15:26:27] Madam Witness, which couple you know was flogged for having
13 a sexual relationship without being married?

14 A. [15:27:00] [REDACTED] and his wife.

15 Q. [15:27:06] How did you know [REDACTED] and the girl?

16 A. [15:27:40] [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]

20 Q. [15:28:06] And in which neighbourhood was the couple living?

21 A. [15:28:26] [REDACTED] and his wife?

22 Q. [15:28:29] Yes.

23 A. [15:28:41] They were in [REDACTED]

24 Q. [15:28:47] What happened after the *Islamique* learned about [REDACTED] relationship
25 with the girl he was not married to?

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1 A. [15:29:30] We didn't -- I don't know. I don't know -- we didn't know until they
2 came and got them and they took them away.

3 Q. [15:29:41] And they took them away from where?

4 A. [15:30:01] They went and got them at -- at their home, at their house.

5 Q. [15:30:11] And where were they brought to from their house?

6 A. [15:30:37] * From the house, they took them to the BMS and held them until the
7 day for applying the Sharia.

8 Q. [15:30:50] [REDACTED]

9 [REDACTED]

10 A. [15:31:18] [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 MS SCHOETERS: [15:31:44] Mr President, I think we can go into public session now.

14 PRESIDING JUDGE MINDUA: [15:31:51](Interpretation) Yes, indeed.

15 Mr Courtroom Officer, please, public session.

16 please, public session.

17 (Open session at 3.32 p.m.)

18 THE COURT OFFICER: [15:32:03] We are back in open session, Mr President.

19 PRESIDING JUDGE MINDUA: [15:32:10](Interpretation) Thank you very much,

20 Mr Courtroom Officer.

21 Madam Prosecutor, please.

22 MS SCHOETERS: [15:32:16]

23 Q. [15:32:17] Madam Witness, you mentioned a couple being flogged.

24 How did you know that they were going to be flogged?

25 A. [15:33:07] On that day, they issued a *communiqué*. They went around with

1 loudspeakers saying, "Come along. We are going to apply the Sharia." So they
2 made an announcement over loudspeakers. That is how we got to know of it.

3 Q. [15:33:37] When did the flogging of the couple took place, approximately? Was
4 it before or after Ramadan 2012?

5 A. [15:34:29] The truth be told, I no longer recall.

6 Q. [15:34:36] Where did the flogging of the couple take place?

7 A. [15:34:57] In Sankoré.

8 Q. [15:35:03] What time of the day did the flogging take place?

9 A. [15:35:29] It was in the morning before midday.

10 Q. [15:35:35] Did you watch the flogging?

11 A. [15:36:16] When they were taken to be flogged, it so happened that we were
12 leaving the city. We didn't stop. We went behind the crowd, and then we left.
13 We didn't stop.

14 Q. [15:36:40] How many floggings did [REDACTED] and his girlfriend each get?

15 PRESIDING JUDGE MINDUA: [15:36:55](Interpretation) Ms Sutherland, please.

16 THE WITNESS: [15:37:26] (No interpretation)

17 PRESIDING JUDGE MINDUA: [15:37:27](Interpretation) Yes, Ms Sutherland.

18 MS SUTHERLAND: [15:37:29] Thank you, Mr President. Mr President, the witness
19 has just said that she wasn't there. So any answer she gives as to the number of flogs
20 that were received by either party must be based on hearsay.

21 PRESIDING JUDGE MINDUA: [15:37:50](Interpretation) You are right in so saying.
22 It is on the basis of hearsay. But the witness answered. We're waiting for
23 the interpretation of her answer, and then the Chamber will assess.

24 Could we please have the interpretation.

25 THE WITNESS: [15:38:16](Interpretation) Well, in such a situation, what we heard

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1 was that 100 lashings were given. We didn't stop and see how many lashings were
2 given, but subsequently we heard that they themselves took them to hospital.

3 PRESIDING JUDGE MINDUA: [15:38:42](Interpretation) There we are,
4 Ms Sutherland. It's very clear that the witness was not present; that she said what
5 she had heard.

6 Madam Prosecutor, please go ahead.

7 MS SCHOETERS: [15:38:53]

8 Q. [15:38:55] What else happened to [REDACTED] and his girlfriend after they were
9 flogged?

10 A. [15:39:27] Of course, after the flogging, they were given medication, and they
11 were taken away. They stayed home. And then they were married, after which I
12 do not know what happened to them.

13 Q. [15:39:46] You say that they were married.
14 Who married them?

15 A. [15:40:27] In principle, when you find a child with a woman or a woman
16 pregnant, you wait for the child to be born, you wait for the baptism to have occurred,
17 and then a religious marriage is conducted. But they didn't wait for all that to
18 happen. They heard that they had had a child together, and they married them.

19 Q. [15:40:59] And when you say "they married them," who is the "they"?

20 A. [15:41:54] The Islamists. [REDACTED] But
21 after the flogging, it was the Islamists who married them.

22 MS SCHOETERS: [15:42:18] Your Honours, I would like to go briefly into private
23 session for the basis of the knowledge of certain of the points mentioned by
24 the witness and for identification purposes.

25 PRESIDING JUDGE MINDUA: [15:42:39](Interpretation) Courtroom officer, could

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1 we go into private session, please.

2 (Private session at 3.42 p.m.)

3 THE COURT OFFICER: [15:42:50] We are in private session, Mr President.

4 PRESIDING JUDGE MINDUA: [15:42:57](Interpretation) Thank you very much,
5 Mr Courtroom Officer.

6 Madam Prosecutor, please.

7 MS SCHOETERS: [15:43:03]

8 Q. [15:43:04] Madam Witness, how do you know that [REDACTED] and his girlfriend were
9 brought to the hospital after having been flogged?

10 A. [15:43:48] [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 Q. [15:44:26] [REDACTED]

14 A. [15:44:58] [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 Q. [15:45:36] And how do you know that the Islamists, *Islamique*, married [REDACTED] and
18 his girlfriend?

19 A. [15:46:18] I heard people saying this, because that what -- was what was being
20 said. * The Islamists found that that intention was there, and it was the Islamists who
21 actually married them.

22 Q. [15:46:44] You said you heard people say this.

23 Do you remember anyone in particular talking to you about this?

24 A. [15:47:27] People were talking about this everywhere. Everyone was saying
25 that the Islamists are the ones who married them.

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1 Q. [15:47:40] Now I would like to show a video, MLI-OTP-0039-0574.

2 It's confidential, and it will be played without sound.

3 And we would play it from timestamp 14:20 to 18:02.

4 (Viewing of the video excerpt)

5 MS SCHOETERS: [15:49:06] The -- is it -- can the witness see it already,

6 Mr Court Officer?

7 Q. [15:49:25] Madam Witness, can you see the image on the screen?

8 A. [15:49:45] Yes, of course.

9 Q. [15:49:47] So for the record, the image is at 15:05.

10 Who do you see on this image, Madam Witness?

11 A. [15:50:15] This is [REDACTED].

12 Q. [15:50:25] We have now moved the video, and we are now at timestamp 19:01.

13 Madam Witness, who do you see on the image?

14 A. [15:50:53] [REDACTED]

15 PRESIDING JUDGE MINDUA: [15:50:58](Interpretation) Madam Prosecutor, it

16 would seem to me that we are still in private session.

17 MS SCHOETERS: [15:51:06] We are going to end the private session now. But just

18 one more small question, if I'm allowed to.

19 Q. [15:51:17] Madam Witness, when you say [REDACTED] Just to be
20 very clear.

21 A. [15:51:36] It is [REDACTED]

22 Q. [15:51:40] Thank you, Madam Witness.

23 Mr President, we can now go into open session, please.

24 PRESIDING JUDGE MINDUA: [15:51:51](Interpretation) Very well,

25 Madam Prosecutor.

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1 Mr Courtroom Officer, open session, please.

2 (Open session at 3.52 p.m.)

3 THE COURT OFFICER: [15:52:01] We are back in open session, Mr President.

4 PRESIDING JUDGE MINDUA: [15:52:09](Interpretation) Thank you very much,

5 Mr Courtroom Officer.

6 Madam Prosecutor, please continue.

7 MS SCHOETERS: [15:52:15]

8 Q. [15:52:15] Madam Witness, how often did floggings take place in Timbuktu in
9 2012?

10 A. [15:52:53] Floggings took place on a number of occasions. Frequently, that is.

11 Q. [15:53:06] Now I would like to go to some individuals you have mentioned
12 before during your testimony.

13 (Counsel confer)

14 THE INTERPRETER: [15:53:44] Message from the Songhai booth: Mr President,
15 we didn't understand correctly what was just said.

16 PRESIDING JUDGE MINDUA: [15:53:56](No interpretation)

17 MS SCHOETERS: [15:53:57] No problem because we'll go to another subject.

18 Q. [15:54:00] Madam Witness, can you tell us what was the practice regarding
19 marriages before the arrival of the armed groups.

20 A. [15:54:49] Even if there was a marriage, you could not conduct a ceremony in
21 their presence. They did not allow that.

22 Q. [15:55:02] Madam Witness, when you say, "They did not allow that," to whom
23 do you refer?

24 A. [15:55:25] I'm -- I'm referring to the Islamists when they were in charge of the
25 country.

1 Q. [15:55:50] And what was the practice regarding marriages before the arrival of
2 the armed groups?

3 A. [15:56:26] Before their arrival, marriages were celebrated with music and
4 a ceremony, but -- and signatures. But upon their arrival, there was no more of any
5 of this -- no music, no signatures, no ceremonies.

6 Q. [15:56:55] With the Islamic, were women free to choose -- local women free to
7 choose them, who they married?

8 A. [15:57:47] You would marry the man you wanted to marry. There were no
9 obligations. There were ceremonies and signatures at that moment in time.

10 Q. [15:58:06] Madam Witness, "that moment in time," which moment in time are
11 you referring to? Before the groups arrived or after the groups arrived?

12 A. [15:59:01] That was well before the arrival of the Islamists when we used to
13 conduct religious and civilian marriages with ceremonies and signatures. That was
14 well before they arrived.

15 Now, when they arrived, everything stopped. Everything was forbidden, and none
16 of all of that was allowed anymore.

17 MS SCHOETERS: [15:59:32] Mr President, I'm just looking at the clock.

18 Would this be a good time to finish the hearing?

19 PRESIDING JUDGE MINDUA: [15:59:46](Interpretation) Very well,

20 Madam Prosecutor.

21 It is 1 minute to 4. So we shan't take things too far, and we shall stop here.

22 Madam Witness, we have come to the end of your testimony for today.

23 Interpretation, please.

24 The Chamber would like to very sincerely thank you for having answered

25 the questions with a great deal of clarity and good will.

1 Tomorrow morning at 9.30, you shall continue testifying.
2 Until then, please do not forget that you are not allowed to talk to anybody about
3 your testimony, whether it be to members of your family or friends were you to come
4 into contact with them this evening.

5 There we are. I can see that you have understood very well.

6 So it remains for me to express my heartfelt gratitude to the parties and participants
7 and the Court interpreters and court reporters, without of course forgetting our
8 security officers and our public. Thank you very much. And I wish you all a very
9 pleasant evening. See you tomorrow morning, as per usual.

10 Court is adjourned.

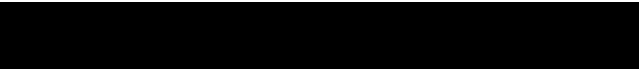
11 THE COURT USHER: [16:02:04] All rise.

12 (The hearing ends in open session at 4.02 p.m.)

13 CORRECTION REPORT

14 The following correction, marked with an asterisk and included in the audio-visual
15 recording of the hearing, is brought into the transcript.

16 Page 6 line 19

17 

18 CORRECTIONS REPORT 3

19 The following corrections, marked with an asterisk (*) and included in the
20 audio-visual recording of the hearing, are brought into the transcript.

21 Page 35 line 16:

22 "We could no longer run our little businesses?"

23 is corrected to:

24 "We could no longer run our little businesses."

25 Page 49 line 5-6:

1

2 is corrected to:

3

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

6 Page 4 line 1:

7 pursuant to Rule 6 (sic)"

8 is corrected to:

9 " pursuant to Rule 66.1"

10 Page 6 line 24-25:

11 " A. [9:47:02] As a witness, I speak Songhai, but I speak Tamasheq, also called Bella
12 and Songhai, but it's Songhai that I speak better."

13 is corrected to:

14 " A. [9:47:02] As a witness, I speak Songhai, but I also speak both languages, I
15 speak Tamasheq, also called Bella and Songhai, but it's Songhai that I speak better."

16 Page 7 line 12:

17 "A. [9:49:37]

18 is corrected to:

19 " A. [9:49:37]

20 Page 9 line 5:

21 " unlike the MNLA people who wore longer trousers."

22 is corrected to:

23 " unlike the MNLA people who wore uniforms -- in fact longer military trousers."

24 Page 11 line 8-9:

25 " and those people are going towards the school,"

1 is corrected to:

2 " and each time those people came out, they would go towards the school,"

3 Page 11 line 12-14:

4 [REDACTED]
5 [REDACTED]

6 is corrected to:

7 [REDACTED]
8 [REDACTED]
9 [REDACTED]

10 Page 12 line 5-6:

11 [REDACTED]

12 is corrected to:

13 [REDACTED]

14 Page 12 line 9-10:

15 [REDACTED]

16 is corrected to:

17 [REDACTED]

18 Page 12 line 20-21:

19 [REDACTED]
20 [REDACTED]

21 is corrected to:

22 [REDACTED]
23 [REDACTED]

24 Page 12 line 25 - Page 13 line 3:

25 [REDACTED]

1

2

3 is corrected to:

4

5

6

7

8 Page 14 line 14-15:

9 "The MNLA went to Kabara. The Islamists stayed in town at the BMS, and that's

10 how they stayed."

11 is corrected to:

12 " The people of MNLA went towards Kabara road. The Islamists stayed in town at

13 the BMS, and that's how they were separated."

14 Page 15 line 9-13:

15 " And they said what they said, but they didn't speak to God. They were saying that

16 when they were going to apply Sharia, then the hijab would be restored. And they

17 said that men must wear shorts and -- and women must also cover up their nose, their

18 arms as well."

19 is corrected to:

20 " And we told them that they had said what they wanted to say, but that they had

21 not spoken to God. They were saying that when they would apply Sharia, then the

22 hijab would be restored. And they said that men must wear trousers that are not too

23 long otherwise they would be shortened, and that women must also cover up their

24 face, nose and their arms as well."

25 Page 15 line 16-17:

1 " That's what they said, they came for Sharia. And they would flog people."

2 is corrected to:

3 " That's what they said, that they came for their Sharia and that is what they did.

4 And they would flog people day and at night."

5 Page 16 line 11-12:

6 " and from 1300 hours, they wanted everything to be shut, and people had to know

7 Islam."

8 is corrected to:

9 " And even on Fridays from 1300 hours, they wanted everything to be shut down.

10 Yet before -- before all that, people had known, people knew Islam. "

11 Page 16 line 15-16:

12 " And those people, even if they were prayer-ing, they didn't have any peace of mind,

13 you see."

14 is corrected to:

15 " And those people, even if they were praying, it did not serve any purpose. They

16 didn't have any

17 peace of mind, you see."

18 Page 17 line 7-9:

19 " And we were surprised because sometimes we would see them at the strangest time.

20 They were -- they were always there."

21 is corrected to:

22 " And we were often surprised because sometimes we would see them behind us.

23 People did not go to them, but they were -- they were always there. "

24 Page 17 line 14-16:

25 " People were praying at home, and they were asked to go and pray at the BMS.

1 People refused. But all the same, he would take everyone he could get his hands on
2 and sometimes even crazy people or mentally weak people to go there and pray."

3 is corrected to:

4 " People were praying at his place but they would come and ask the people to go
5 and pray at their BMS. People refused. But all the same, they would take everyone
6 they could get his hands on with them; and sometimes even take crazy people or less
7 important persons or weak people to go there and pray with them."

8 Page 18 line 8-11:

9 " And the people in the market said that he had not been talking with God. [REDACTED]

10 [REDACTED] an old lady who
11 answered him. She said, I'm not even a woman."

12 is corrected to:

13 " And the women in the market answered him saying that he had not been talking
14 with God. They told him that he had not spoken to God. [REDACTED]

15 [REDACTED] an old lady called Jumawe
16 (phon) who answered him. She said, I'm not even a woman. "

17 Page 18 line 19 - Page 19 line 7:

18 " That same Sunday -- that was the day that there was an Arab who said that there
19 was a young

20 man who had stole something, that man was [REDACTED] and they
21 said that they were going to apply their Sharia. They took him towards Gaddafi's
22 canal. We were at our spot. They took him, and they did what they had to do. We
23 were still at our place. We were --

24 THE INTERPRETER: [10:45:00] Inaudible.

25 THE WITNESS: [10:45:02](Interpretation) One of their officers came up to us and

1 asked us why we were crying, and we said we didn't know what was going on. We
2 had already -- always known, and people were always ... He said that from that
3 time onwards, their Sharia would apply. And we said to them, no. They had not
4 talked to God. And each person was free to practice his religion, be they Muslim or
5 -- or Muslim. That was around dusk, and that was when they cut the man's arm off
6 and then took him to the hospital."

7 is corrected to:

8 "That same Sunday, that was the day that an Arab man said that a young man had
9 stolen something from him. That young man was [REDACTED] and
10 they said that they were going to apply their Sharia. They took him towards Gaddafi's
11 canal. We were at our spot in tears. They took him, and they did what they had to do.
12 We were still at our place. We were crying --

13 THE INTERPRETER: [10:45:00] Inaudible.

14 THE WITNESS: [10:45:02](Interpretation) One of their officers came up to us and
15 asked us why we were crying, and we said we didn't know such things were going on.
16 We had already -- always known religion and what we had known was that people
17 were always free to practice their religion and what we see is something that makes
18 us cry. He said that from that time onwards, their Sharia would apply. And we said to
19 them, no. They had not talked to God. And each person was free to practice his or her
20 religion, be they Muslim or -- or Christian. That was around dusk, and that was when
21 they cut the man's arm off and then took him to the hospital."

22 Page 20 line 1:

23 " We saw them take the guy in front of us."

24 is corrected to:

25 " We saw them take the guy away in front of us."

1 Page 20 line 12-14:

2 " A. [10:50:39] (No interpretation)

3 THE INTERPRETER: [10:50:46] Inaudible. Inaudible.

4 THE WITNESS: [10:50:51](Interpretation) And he died."

5 is corrected to:

6 " A. [10:50:39] Nothing happened but he did not survive. He died."

7 Page 20 line 18:

8 "And the man stayed toward -- "

9 is corrected to:

10 "And the man moved about everywhere -- "

11 Page 20 line 23-24:

12 " One remained at the one radio station and the other person at the other one -- the
13 others, rather, at Radio Al Farouk."

14 is corrected to:

15 " One of them remained at Radio Bouctou and the others were at Radio Farouk."

16 Page 21 line 3-6:

17 " The Islamists who set up at Al Farouk, that one, there was no problem. He would
18 come to his radio station. And once he was done, he would go back home. He
19 would send out his messages in Arabic, and I didn't even understand their language."

20 is corrected to:

21 " The Islamist who set up at Al Farouk, that one, there was no problem with him. He
22 would come to the radio station, and once he was done, he would go back home. He
23 would send out his messages in Arabic, and I didn't even understand their language."

24 Page 21 line 21-22:

25 " A. [10:57:28] Are you talking about the Islamist who just arrived or the one who

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1 was there before, before they arrived?"

2 is corrected to:

3 "A. [10:57:28] Are you talking about the Islamists who just arrived or the ones who
4 were there before, before he arrived?"

5 Page 22 line 8-9:

6 " if someone stole them, it would be amputation."

7 is corrected to:

8 " if someone stole, then it would be amputation."

9 Page 22 line 14-15:

10 "THE WITNESS: [11:01:27](Interpretation) Or he would be taken, and he would be
11 whipped well would just -- just as was the case for cigarettes or tobacco."

12 is corrected to:

13 "THE WITNESS: [11:01:27](Interpretation) In fact he would be taken, and he would
14 be taken to a designated place and be whipped well would be flogged just -- just as
15 was the case for cigarettes or tobacco."

16 Page 23 line 10-11:

17 " A. [11:34:44] I saw that, yes. I saw two or three people. [REDACTED]

18 [REDACTED] "

19 is corrected to:

20 " A. [11:34:44] I saw that, yes I saw it. I saw two or three people at least. [REDACTED]

21 [REDACTED] They

22 did that to them."

23 Page 23 line 13-14:

24 " A. [11:35:57] I said that this was done in front of us. When they arrested them,
25 they went to flog them, and then they came back."

1 is corrected to:

2 " A. [11:35:57] I did not hear about it. I said that this was done in front of us

3 [REDACTED] When they arrested them, they went to flog them,
4 and then they came back."

5 Page 24 line 23:

6 " The bank called BMS. We call it "bank".

7 is corrected to:

8 " It is the white people who called it BMS. We call it " the bank".

9 Page 25 line 1-4:

10 " A. [11:41:02] Yes, I saw a case, a former -- an old person. They wanted to take
11 him by force, and he refused, and he fell to the ground, and he was flagellated there.
12 He was flogged there. And he was called Foma. But we called him that. He was
13 a large person."

14 is corrected to:

15 " A. [11:41:02] Yes, I saw a case, of an old person called Foma. They wanted to
16 take him by force, and he refused, and he fell to the ground, and he was flagellated
17 right there. He was flogged there. And the person who did that was called
18 Faraouna. We did not know his name but we called him by that name. He was a tall
19 person."

20 Page 25 line 12-13:

21 " But it was severe. He was not nasty. And that's why he was called Faroun
22 (phon)."

23 is corrected to:

24 " But we saw him to be severe. He was a wicked person; and that's why he was
25 called Faraouna."

1 Page 25 line 16-17:

2 " And this is somebody whose name was asked for, but we don't even know it."

3 is corrected to:

4 " Really, one knows nothing about him and this is somebody to be in contact with?

5 One whose name was asked for, but we don't even know it."

6 Page 27 line 6:

7 " And Azou is a girl who has a crisis,"

8 is corrected to:

9 " And Azou is a girl who had crises or feats."

10 Page 27 line 19-20:

11 " She begged them to leave her, but they wouldn't accept that."

12 is corrected to:

13 " People even begged them to release her, but they wouldn't accept that."

14 Page 28 line 17:

15 " And that is how she injured her hand."

16 is corrected to:

17 " It is when she was just about to have a feat that she started to hit the glass, and that

18 is how she injured her hand."

19 Page 29 line 13:

20 

21 is corrected to:

22 

23 Page 30 line 14-15:

24 " A. [12:07:44] Well, when they take someone and take them to prison, and -- well,

25 they would whip you first."

1 is corrected to:

2 " A. [12:07:44] Well, she told me that when they take someone and take them to
3 prison, and -- well, they would whip them first before releasing them."

4 Page 33 line 1-2:

5 " A. [12:17:32] Yes. The men went. And it was the Islamists at the BMS. That
6 happened at the BMS."

7 is corrected to:

8 " A. [12:17:32] Yes. The men went to the Islamists at the BMS. That happened at
9 the BMS."

10 Page 34 line 8-11:

11 " THE INTERPRETER: [12:22:34] Correction: [REDACTED]

12 THE WITNESS: [12:22:38](Interpretation) - [REDACTED] The men didn't
13 have any work. No one had any work to do. [REDACTED]

14 [REDACTED]

15 is corrected to:

16 " THE INTERPRETER: [12:22:34] Correction: [REDACTED]

17 [REDACTED]

18 THE WITNESS: [12:22:38](Interpretation) -- [REDACTED]

19 [REDACTED] The men didn't have any work. No one had any work to do. [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 Page 36 line 17:

23 " we then gathered together at the BMS,"

24 is corrected to:

25 " we then gathered together to go to the BMS,"

1 Page 37 line 10-11:

2 " When we --"

3 is corrected to:

4 " When we demonstrated like that, they --"

5 Page 40 line 17-21:

6 " A. [12:52:38] Okay. [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 is corrected to:

12 "A. [12:52:38] Okay. [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 Page 44 line 23-24:

18 [REDACTED]

19 [REDACTED]

20 is corrected to:

21 [REDACTED]

22 [REDACTED]

23 Page 50 line 5-6:

24 "A. [15:06:01] The old man who used to repair refrigerators, they caught him

25 smoking in his home. His name -- well, in front of the house of Kader Khalil."

1 is corrected to:

2 "A. [15:06:01] The old man who used to repair refrigerators, they caught him
3 smoking in his home. His name was -- well, he was flogged in front of the house of
4 Kader Khalil."

5 Page 50 line 13-16:

6 " It was there when -- [REDACTED] The old man repairs refrigerators and
7 Talha was going by. He saw him smoking. He had a whip in his hand and he
8 whipped him. After three lashes, the old man fell down, until --"

9 is corrected to:

10 " It was in front of his ... it was there that the old man who repairs refrigerators was
11 sitting. And it so happened that Talha was going by. He saw him smoking. He had a
12 whip in his hand and he whipped him. Barely after three lashes, the old man fell
13 down and urinated."

14 Page 53 line 10-11:

15 " And when we responded, they -- and when we responded, they would walk us out
16 because we -- we had hit those kids."

17 is corrected to:

18 "And when we reacted, they -- and when we responded, they would lock us up
19 because we -- had hit those kids."

20 Page 55 line 6-7:

21 " A. [15:30:37] From their home, they took them to the BMS with a view to applying
22 the Sharia."

23 is corrected to:

24 " A. [15:30:37] From the house, they took them to the BMS and held them until the
25 day for applying the Sharia."

Trial Hearing
MLI-OTP-P-0603

(Private Session)

ICC-01/12-01/18

1 Page 58 line 14-15:

2 " A. [15:44:58] [REDACTED]

3 [REDACTED]

4 is corrected to:

5 " A. [15:44:58] [REDACTED]

6 [REDACTED]"

7 Page 58 line 20-21:

8 " The Islamists said that there was that intention, but it was the Islamists who actually
9 married them."

10 is corrected to:

11 " The Islamists found that that intention was there, and it was the Islamists who
12 actually married them."