

Trial Hearing
WITNESS: MLI-OTP-P-0160

(Open Session)

ICC-01/12-01/18

1 International Criminal Court
2 Trial Chamber X
3 Situation: Republic of Mali
4 In the case of The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag
5 Mahmoud - ICC-01/12-01/18
6 Judge Antoine Kesia-Mbe Mindua, Presiding, Judge Tomoko Akane and Judge
7 Kimberly Prost
8 Trial Hearing - Courtroom 3
9 Monday, 1 March 2021
10 (The hearing starts in open session at 9.31 a.m.)
11 THE COURT USHER: [9:31:54] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE MINDUA: [9:32:16](Interpretation) Court is in session.
15 Good morning to all.
16 Madam courtroom officer, could you please call the case.
17 THE COURT OFFICER: [9:32:38](Interpretation) Good morning, Mr President,
18 your Honours.
19 Situation in the Republic of Mali, in The Prosecutor versus Al Hassan Ag
20 Abdoul Aziz Ag Mohamed Ag Mahmoud, case number ICC-01/12-01/18.
21 And we are in open session.
22 PRESIDING JUDGE MINDUA: [9:32:54](Interpretation) Thank you very
23 much, Madam courtroom officer.
24 We shall commence with the appearances.
25 First of all, the Office of the Prosecutor please.

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1 MS YAMAGUCHI: [9:33:05] Good morning, Mr President, your Honours.

2 Today the Prosecution is represented by Lucio Garcia, on my left; Gilles

3 Dutertre, on my back; and myself, Yayoi Yamaguchi. Thank you.

4 PRESIDING JUDGE MINDUA: [9:33:22](Interpretation) Thank you very

5 much, Madam Prosecutor.

6 Over to the Defence.

7 Counsel, please.

8 MS TAYLOR: [9:33:28] Good morning, Mr President, good morning

9 your Honours. Good morning to everyone inside and outside the courtroom.

10 The Defence for Mr Al Hassan is represented today by Ms Dolly Chahla and

11 myself, Melinda Taylor. Thank you.

12 PRESIDING JUDGE MINDUA: [9:33:46](Interpretation) Thank you very

13 much, Ms Taylor.

14 Now to the Legal Representatives for Victims, please.

15 MR LUVENGIKA: [9:33:56](Interpretation) Good morning, Mr President,

16 your Honours. The Legal Representatives for Victims this morning is

17 represented by -- or are represented by Madam Claire Laplace and by myself,

18 Maître Fidel Nsita Luvengika.

19 PRESIDING JUDGE MINDUA: [9:34:10](Interpretation) Thank you very

20 much, Maître Nsita.

21 Today, we shall be commencing the testimony of the 24th Prosecution witness,

22 being witness P-0160. Let me turn to the witness, now.

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

24 WITNESS: MLI-OTP-P-0160

25 (The witness speaks French)

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1 (The witness gives evidence via video link)

2 THE WITNESS: [9:34:37](Interpretation) Yes, good morning. I can hear you
3 perfectly.

4 PRESIDING JUDGE MINDUA: [9:34:43](Interpretation) Thank you very
5 much, Mr Witness. On behalf of the Chamber, I would like to welcome you.
6 You shall be testifying with a view to assisting the Chamber in establishing the
7 truth in the case against Mr Al Hassan.

8 Mr Witness, protective measures have been put in place with a view to making
9 sure that your identity is not revealed to the public. Every time that you
10 might give identifying information, we shall speak about this in closed or
11 private session and, as such, only those people within the courtroom will be
12 able to hear what you have to say. Have you understood what I just said?

13 THE WITNESS: [9:36:00](Interpretation) Yes, indeed, Mr President.

14 PRESIDING JUDGE MINDUA: [9:36:03](Interpretation) Thank you very
15 much, Mr Witness.

16 Now I should like to administer the oath according to Rule 66(1) of the Rules of
17 Procedure and Evidence.

18 Mr Witness, on your table in front of you, you certainly have a document. Is
19 that it, in front of you? There we are. This is the solemn undertaking by
20 which you will undertake to speak the truth and I would like you to read it out
21 aloud, to read this document out aloud. Please go ahead.

22 THE WITNESS: [9:36:45](Interpretation) Thank you very much, Mr President.
23 Solemn undertaking: I hereby declare -- I solemnly declare that I shall speak
24 the truth, the whole truth and nothing but the truth.

25 PRESIDING JUDGE MINDUA: [9:37:04](Interpretation) Thank you very

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1 much, Mr Witness. You are now under oath. The VWS and the Office of the
2 Prosecutor have already explained to you what this means.

3 So I have a few items of practical advice to give to you: You should bear in
4 mind throughout your testimony that everything that is said in this courtroom
5 is transcribed by court reporters and simultaneously interpreted into a number
6 of languages by the interpreters. So it is important to speak clearly and slowly.

7 Only start to speak once the person who is putting questions to you has
8 finished putting their question to you, and maybe count to three in your head
9 before answering. This pause is essential to enable your statement or
10 testimony to be taken down.

11 Of course, if you have a question, raise your hand to indicate to the Chamber
12 that you would like to intervene.

13 Have you understood what I just said?

14 THE WITNESS: [9:39:00](Interpretation) Yes, indeed, Mr President.

15 PRESIDING JUDGE MINDUA: [9:39:05](Interpretation) Thank you very
16 much, Mr Witness. We shall now hear your testimony. You will be
17 questioned initially by the Office of the Prosecutor and then possibly by the
18 Legal Representatives for Victims and, finally, by the Defence for the
19 cross-examination, that is.

20 It may be that one or other of the judges might like to put a question to you,
21 we'll see.

22 So, without any further ado, I will hand you over to the Office of the
23 Prosecutor.

24 Madam Prosecutor, please.

25 MS YAMAGUCHI: [9:39:48] Thank you very much, Mr President.

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1 QUESTIONED BY MS YAMAGUCHI:

2 Q. [9:39:54] Good morning, Mr Witness. We already met during the
3 witness preparation sessions last week. But, for the record, my name is Yayoi
4 Yamaguchi and I'll be asking you questions on behalf the Prosecution today.
5 If any of my questions is not clear, please don't hesitate to let me know and I'll
6 rephrase the question.

7 Mr President, to cover the witness's personal and professional background I
8 would like to request that we go into private session for approximately 5 to 10
9 minutes.

10 PRESIDING JUDGE MINDUA: [9:40:31](Interpretation) You are right in so
11 saying, Madam Prosecutor.

12 Madam courtroom officer, private session, please.

13 (Private session at 9.40 a.m.)

14 THE COURT OFFICER: [9:40:48](Interpretation) We are in private session,
15 your Honour.

16 PRESIDING JUDGE MINDUA: [9:40:55](Interpretation) Thank you very
17 much.

18 Madam Prosecutor.

19 MS YAMAGUCHI: [9:40:58]

20 Q. [9:40:59] Mr Witness, for the record, could you please state your full
21 name and the date of birth?

22 A. [9:41:09] Thank you very much, Mr President, and thank you for all the
23 staff present. My name is [REDACTED]

24 Q. [9:41:40] Could you please tell us your ethnicity?

25 A. [9:41:46] I am [REDACTED].

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1 Q. [9:41:56] And what is your religion?

2 A. [9:42:00] I am a Muslim.

3 Q. [9:42:08] Could you tell us which languages you speak?

4 A. [9:42:13] I speak as official languages [REDACTED]

5 [REDACTED] a bit of Songhai.

6 Q. [9:42:43] Thank you, Mr Witness. Could you just briefly describe your
7 educational background?

8 A. [9:42:53] Your Honour, after having attended primary school, I went to
9 secondary school, [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 Q. [9:44:02] Could you tell us when you completed [REDACTED]

15 A. [9:44:19] [REDACTED]

16 [REDACTED]

17 Q. [9:44:37] And what did you do after [REDACTED]

18 A. [9:44:46] After [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

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8 So, in summary, that is my professional background.

9 Q. [9:47:44] Thank you very much, Mr Witness. Could you just tell us

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11 A. [9:48:01]

12 Q. [9:48:17] And what is your profession or function?

13 A. [9:48:22] I am a

14

15 Q. [9:48:41] Now, could you just clarify

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17 A. [9:49:01]

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19 Q. [9:49:29]

20 A. [9:49:37]

21 Q. [9:49:54]

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23 A. [9:50:08]

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we undertook

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negotiations with the elderly, that is to say, well-known figures within society,

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the community and religious leaders, in order to validate the principles relative

8

to human rights through various protocols,

9

So we have this

10

technical package, so to speak. And we also undertake monitoring activities

11

as part of our research package to make an inventory of certain situations or

12

events in terms of human rights violations so that we can hand on this

13

information to other people,

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Q. [9:53:11] Thank you.

20

Does such type of activities cover the north of

21

Mali, including Timbuktu?

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A. [9:53:27] Indeed,

23

24

we have contact persons who we refer to as focal points.

25

In the regions of the north, such as Timbuktu,

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1 [REDACTED]

2 [REDACTED]

3 Q. [9:54:41] Was there any project specifically related to Timbuktu which
4 you participated in?

5 A. [9:54:58] Yes, indeed, your Honour. In Timbuktu, we worked on two
6 main projects, [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 THE INTERPRETER: Correction: [REDACTED]

11 PRESIDING JUDGE MINDUA: [9:56:18](Interpretation) Mr Witness, I heard
12 that you are addressing the Prosecutor as "your Honour". The person putting
13 questions to you is Madam Yamaguchi and she is Prosecutor. You are
14 addressing either the Chamber or directly me please, and not Madam
15 Yamaguchi. Have you understood correctly?

16 THE WITNESS: [9:56:49](Interpretation) I do apologise and I accept with my
17 apologies.

18 PRESIDING JUDGE MINDUA: [9:56:56](Interpretation) Thank you very
19 much, Mr Witness.

20 MS YAMAGUCHI: [9:57:04]

21 Q. [9:57:04] Mr Witness, you mentioned two projects specifically related to
22 Timbuktu. Could you tell us what was your role in relation to those projects?

23 A. [9:57:17] [REDACTED]

24 [REDACTED]

25 [REDACTED] within the region of Timbuktu. And as

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1 such, this coordination work was undertaken with a field team which, with my
2 participation and my technical assistance and my advice and orientation,
3 undertook all of the documentation work that today is available at two levels.
4 The first level of work was undertaken in the form or forms that we developed
5 and administered and summarised. And the second part of the work was to
6 set up a database at two levels; [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 Q. [9:59:21] Thank you, Mr Witness. I will be asking in more detail about
10 the work you did in relation to these projects in Timbuktu.

11 Now I'd just like to ask you about your presence, if any, in Timbuktu. Did
12 you visit Timbuktu at any point for these projects?

13 A. [9:59:42] Mr President, I would answer to that, that indeed, [REDACTED]

14 [REDACTED]

15 [REDACTED] for the team, and often I worked with the team in order to
16 meet those people who were affected by the crisis.

17 So when I say "affected by the crisis", these are people who are victims of
18 human rights violations. I personally took part in some of the meetings or
19 interviews, up to about 50 per cent of the work, in order to ensure that the
20 work that was being undertaken was pedagogical in nature and would enable
21 us to establish a situation or documentation that one day would be of use.
22 Because at the time, the legal clinics and the civil society organisations and the
23 administration were virtually nonexistent and inefficient, and some of the
24 affected individuals needed another service. That is why I really wanted to be
25 present myself personally to undertake reliable and efficient work.

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1 Q. [10:01:46] Thank you very much, Mr Witness.

2 Now could you please just clarify until when [REDACTED]

3 A. [10:01:58] [REDACTED]

4 [REDACTED]

5 Q. [10:02:21] (Microphone not activated) Excuse me.

6 Now I would like to ask you about the work you did [REDACTED] in more

7 detail but in open session, [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED] And I would propose that we refer to the project [REDACTED]

11 [REDACTED] "project

12 A", and [REDACTED] "project B".

13 Would that be okay?

14 A. [10:03:29] That's just fine, your Honour.

15 PRESIDING JUDGE MINDUA: [10:03:39](Interpretation) Prosecutor, would

16 you like us to go into open session?

17 MS YAMAGUCHI: [10:03:46] Yes.

18 PRESIDING JUDGE MINDUA: [10:03:48](Interpretation) Courtroom officer,

19 could we go into open session please.

20 (Open session at 10.03 a.m.)

21 THE COURT OFFICER: [10:03:57](Interpretation) We are back in open

22 session.

23 PRESIDING JUDGE MINDUA: [10:04:03](Interpretation) Thank you very

24 much.

25 Madam Prosecutor, please go ahead.

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1 MS YAMAGUCHI: [10:04:09] Thank you, Mr President.

2 Q. [10:04:10] Now, Mr Witness, we are now in open session and the public
3 can follow these proceedings. If you have any concerns about answering
4 a question I ask, please let us know and I will ask the President to go into
5 private session.

6 Now I would like to ask you about your work with the NGO in a chronological
7 order, and I'll start with 2012.

8 Could you please tell us what type of work you did after joining the NGO?

9 A. [10:04:48] When I was working for the NGO, after the crisis of 2012, we
10 were asked to deal with a particular situation of IDPs, people from the north
11 who had fled to the centre of the country, more specifically to Bamako. Since
12 the NGO works in the area of women's rights, most of the victims, the IDPs,
13 were women or children.

14 Now, in light of the information, the NGO requested assistance for these IDPs
15 and tried to determine why they had been displaced and to determine what
16 sort of -- to what extent their rights had been affected. That is the work that
17 we began doing, gathering information about cases of rights being violated, for
18 example, forced marriages, rapes. [REDACTED]

19 [REDACTED] with a number of
20 people who had been subjected to these kinds of violence.

21 Now, of course, the most striking cases were cases of sexual violence. That
22 was of much greater interest to the organisation and thus -- there were other
23 organisations doing the same work as we were doing, but they did not have
24 a great deal of resources.

25 So we were approached by another organisation in relation to a number of

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1 serious cases, so we had to handle these cases.
2 When this other organisation helped us get in touch with those people, we
3 organised a team and we travelled to meet these people, and it became quite
4 obvious that indeed these people were IDPs living in precarious circumstances.
5 For that reason, we realised that violations had occurred that were of concern
6 to our organisation, that was within the framework of the organisation's
7 general work, and, ultimately, we requested funding from a donor
8 organisation so that we could obtain funding for project A. And this project,
9 project A, allowed us to implement the project and, indeed, we saw clearly that
10 people had been displaced to Bamako. Here in Bamako, people had left the
11 north, they had fled the situation. They had fled because they felt ashamed
12 within society and so they had moved south, to the centre of the country.
13 We were informed of other cases that had occurred in Timbuktu, apparently,
14 and we asked ourselves whether we should restrict ourselves to working in
15 Bamako or should we go and help these people whose rights had been violated
16 in Timbuktu.
17 So as part of project A, the NGO organised two trips to go and see what was
18 going on and to collect information about these violations. Myself, I carried
19 out my first mission in [REDACTED] my second in [REDACTED] and then after
20 that, a number of further missions.
21 Now these missions were to take stock of the information in the field, to
22 determine who the stakeholders were and who might be in a position to help
23 us document the cases. In this manner, we were able to set up a team, a team
24 made up of both men and women who were familiar with the field, who spoke
25 the languages so that we could reach our goal.

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1 The goal was to meet these people whose rights had been violated and
2 determine exactly what had happened to them, how the violations occurred,
3 who carried out the violations and what their expectations were.
4 We met these members of the team who often worked at legal clinics, often
5 these people had some training in human rights. So we identified these
6 people, I established the team, and I said to them -- well, I explained to them
7 what their mission was. Once I was back in Bamako, we got working on the
8 various tools to be used and the media or -- for example, what I mean by this is
9 the forms used to identify the victims.
10 Once there was an agreement on the methodology, we had to decide how we
11 were going to ensure the confidentiality of the victims and how we could
12 ensure the safety of the people we would be meeting with.
13 Consequently, we adopted the principle of anonymity and, to respect this
14 principle of anonymity, we decided to use codes. If the form was filled out,
15 the person who was supposed to fill out the form would be the only person.
16 We would meet with the affected person and only that person would know
17 what information had been provided, that is to say, put on the form. No other
18 person was supposed to know who the person was and so to do that, we set up
19 a mechanism, a *cahier de notes*, a sort of a notebook, that made it possible to fill
20 out the form.
21 In the notebook, we have the full identity of the victim: First name, family
22 name. The entire profile: Age, gender. And that was the information
23 within the *cahier de notes*, the notebook. But on the form, we used codes.
24 Q. [10:14:57] Mr Witness, I'm sorry to interrupt but I would like to try to ask
25 you about your work as I mentioned in a chronological order; so if we could

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1 first focus on your work in 2012 for now. You've already provided us a lot of
2 information relating to project A - and, I will be coming back to certain aspects
3 to clarify - but for now I would like to ask you about 2012. Would that be
4 okay?

5 A. [10:15:28] Yes.

6 Q. [10:15:36] Thank you.

7 Now, you mentioned at the beginning of your answer that you were starting to
8 meet with IDPs - and, that is an acronym of internally displaced persons - that's
9 correct?

10 A. [10:15:58] Yes, I can confirm that.

11 Q. [10:16:07] And you mentioned a crisis in the north, could you please
12 explain what you mean by that?

13 A. [10:16:15] Thank you, Madam Prosecutor.

14 The crisis in the north occurred after the northern area of Mali was occupied
15 from March 2012 to liberation in February 2013.

16 [REDACTED]

17 [REDACTED] I knew it was necessary to leave the
18 occupied territory, this territory occupied by the Islamists. No government
19 presence was there. No one from the government was there and the Islamists
20 could do whatever they wanted to impose their social norms.

21 We had to leave in 2012, my family and I, and go to Bamako. Being in
22 Bamako, I knew that the same thing was going on in Timbuktu.

23 Q. [10:18:09] Sorry to interrupt again, but please be careful not to mention
24 where and when you were present. Remember your identity is -- has to be
25 protected from disclosure to the public; so please pay attention when you are

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1 answering your questions.

2 Now you referred to Islamists, could you please explain what you mean by
3 that?

4 A. [10:18:37] Thank you, Madam Prosecutor. When I say Islamist, I mean
5 a member of an armed group who came to impose their understanding, their
6 ways of doing things in relation to religious belief -- the religious faith of Islam.
7 We, at the time, myself and many others, who had understood that this was
8 a matter of interpretation of Islam, we were not in agreement with their way of
9 using -- by their way of using faith as a tool within communities. Many
10 people fled to Bamako because -- did not want to be subjected to the abuse and
11 the violence of the Islamic police who had been set up in the areas.

12 Q. [10:20:04] Thank you very much for that clarification.

13 Do you know which group specifically were part of what you referred to as
14 Islamists?

15 A. [10:20:17] In general terms, we knew that they were armed groups, armed
16 groups among which, if I may be allowed to mention, the MNLA, the MUJAO,
17 and Ansar Dine.

18 Q. [10:20:56] Thank you. And what was the source of your information
19 about the names of those specific armed groups?

20 A. [10:21:08] I told you a few moments ago that I myself was in the field and
21 I had experienced the field and twice it happened that I met them for our own
22 personal needs; namely, to determine where they were from. Often we would
23 meet them during prayers when we were praying together. Often we
24 deliberately did so, so that we could find out what sort of Islamic behaviours
25 were required and so we could have a few moments to -- a few moments to

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1 communicate with some of these people who actually were walking about the
2 town. They were a police force and often they would patrol in vehicles, but
3 sometimes on foot. When some members of the police --

4 Q. [10:22:31] If we could -- you could please try to focus your answers to the
5 specific question I have asked.

6 Now just -- you mentioned that you met or prayed together with members of
7 armed groups. Could you clarify where that took place and when?

8 A. [10:22:53] [REDACTED]

9 [REDACTED]

10 Q. [10:23:18] Just for the record, could you clarify where that was?

11 A. [10:23:24] I was lucky to meet in Gao, to meet some of them in Gao.

12 Q. [10:23:52] Thank you. Now I would like to go back to your meetings
13 with IDPs in Bamako. You mentioned that they were coming from the north
14 of Mali. Could you give us some examples of the cities in the north where
15 they were coming from?

16 A. [10:24:15] Okay. Madam Prosecutor, since I had met with and heard
17 some of these people, most of them came from Goundam Cercle, in the city of
18 Timbuktu to be specific. Goundam Cercle.

19 Q. [10:24:54] Thank you. Now you mentioned that some other
20 organisations would inform you and your colleagues of some victims' presence
21 and they helped you get in touch with them. Now once you heard about
22 these victims, where did you meet with those IDPs?

23 A. [10:25:21] Thank you, Madam Prosecutor. When we received the initial
24 information about the cases, we travelled. The team travelled and went ...
25 those victims at home, to make sure that during the first short interview, we

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1 could determine that these were indeed cases of interest to us.

2 After that, for the requirements of the actual interview, we gave them
3 appointments at our office and we took statements from them there. You see,
4 we had a system for listening to the people and providing information and
5 advice to them. So first, we would have a home visit, and then we would
6 invite them to come to our offices, to our premises, and we would listen to
7 them and take a statement from them.

8 Q. [10:26:43] Thank you. Now, you mentioned that you were a team of
9 people. Do you recall how many people worked with you?

10 A. [10:26:56] Thank you. The team was set up and there were -- there was
11 one team in Bamako, three people. I was part of that team, including myself.
12 And then there was a team of five people in Timbuktu.

13 THE INTERPRETER: [10:27:25] Interpreter correction: three people plus
14 myself.

15 MS YAMAGUCHI: [10:27:33]

16 Q. [10:27:35] Thank you. Now when you would visit for the initial meeting
17 the victims' homes, did you talk to them in the presence of other persons in
18 addition to members of your team? What I mean is, were there, for example,
19 family members or other friends or someone close to the victim who were
20 present in the initial meeting?

21 A. [10:28:05] When we met with the victims, there was no other external
22 person, just our team and the person in question, that is to say, the victim.

23 Q. [10:28:29] Now among the victims you personally met, was there anyone
24 who came from Timbuktu?

25 A. [10:28:42] Absolutely. Absolutely. The witnesses that we met here

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1 came, in 90 per cent of the cases, from Timbuktu.

2 THE INTERPRETER: [10:29:06] Correction: Eighty per cent of the cases from
3 Timbuktu.

4 MS YAMAGUCHI: [10:29:11]

5 Q. [10:29:11] I understand it's been several years since you had these
6 meetings, but do you happen to recall any specific victim from Timbuktu
7 whom you met in Bamako?

8 A. [10:29:27] As part of the team, I myself met three particularly striking
9 cases in Bamako, and of these three particularly striking cases, two of the
10 people were from Timbuktu.

11 Q. [10:30:01] I would like to ask you in a bit of detail about the two cases you
12 recall. First, let's start with one of the two cases, how did you learn about this
13 particular victim?

14 A. [10:30:24] Thank you, Madam Prosecutor. When speaking of these
15 victims, this was a referral that was made by a fellow organisation that did not
16 have the means, as I said, to take them under their wing. Unfortunately, this
17 organisation had not met with them.

18 But amongst victims, the information can get through that we were together
19 and -- "I know that there's such and such a person is in such and such a locality,
20 I can give you their number for you to have access to that person because that
21 person is living in a difficult situation."

22 So it was under such conditions that we were informed of a first case of sexual
23 slavery and we met the individual here in Bamako, subsequent to that first
24 piece of information that was given by the other NGO.

25 The person was rather surprised because this was the first occasion that she

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1 was identifying herself as such - as a victim, despite the fact that she did not
2 have much response to her situation. She was a displaced person. She was
3 a displaced person within a family that -- where most of -- or most of her needs
4 were not satisfied. So she was traumatised. She was traumatised because
5 she had been sexually enslaved. And she had fled to Bamako as a displaced
6 person and did not have the means to survive. And, she still had a child to
7 take care of.

8 Now, the second case was a young lady who was still at school and was
9 obliged, subsequent to the violence that she endured, that -- in the form of
10 physical assault and attempted rape, was obliged to take refuge in Bamako
11 with the family of her cousin who was looking askance at her. And this very
12 striking case required the intervention of our organisation to meet her needs
13 because these people had been assaulted and lost their human rights, so we
14 thought that it was necessary for us to bring them the minimum of assistance.
15 So these were the reasons that led us to go out into the field.

16 Q. [10:33:42] Thank you, Mr Witness.

17 I would like to first focus on the first case you mentioned about sexual slavery.
18 Do you recall when you met this victim for the first time?

19 A. [10:33:57] I believe that I met this victim during the month of February
20 2013. And when we met to visit this individual at their home, it gave us the
21 opportunity to visit on a number of occasions and ensure and provide -- and
22 ensure this person that we would provide them with the services of an NGO
23 and accompany her.

24 Q. [10:34:58] And when you first met with this victim, were you together
25 with your two other colleagues?

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1 A. [10:35:05] For that first victim, there were two of us who went to see her.

2 Two of us, a colleague and myself, for that first visit to her residence.

3 Subsequent to that, a second meeting was organised and there were three of us
4 with a view to persuading her that she could come and visit us at our office in
5 order to receive advice from us.

6 Q. [10:35:46] When you were meeting with this victim, who was the
7 leader -- or who led the meeting?

8 A. [10:36:01] For the first time or on the first occasion, I was there as an
9 assistant and it was the other lady, a colleague, a lady colleague, who was in
10 charge. I was somewhat in the background because, she being a lady, from
11 a pedagogical viewpoint, it was the better idea to put her at ease with a woman
12 asking her questions and with a lady taking care of her who often made her
13 smile.

14 I was in the background and I took notes and often I did intervene.

15 Q. [10:36:48] Do you recall in which language these meetings with this
16 victim took place?

17 A. [10:37:11] The victim came from Goundam Cercle, and of course her
18 language is Songhai, but she speaks Bamana, the national language, very well.
19 So in order to put her at her ease and indicate to her that she was with people
20 who could help her and provide her with the necessary assistance, when my
21 colleague was speaking to her, I would refer to her -- to the culture in order for
22 her to understand that we were from the same background. We -- the
23 interview was in Bamana, but I would often speak to her in Songhai for her to
24 understand that I had the same background as her and that I understood that
25 background.

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1 Q. [10:38:19] Thank you, Mr Witness. As I understand during this meeting,
2 you explained to her the type of assistance you could provide to her. Now,
3 what type of information did you collect from her during your first or second
4 meeting with this victim?

5 A. [10:38:42] Thank you, Madam Prosecutor. During the first meeting, we
6 wanted to make sure first and foremost that the victim would allow us to take
7 notes, so that was just with a notebook, for the purposes of identification and
8 making a profile of the case. And she also needed to admit to us what she had
9 endured - and, were she to be in a position to do so, she could come and meet
10 us at our office in order to recount the events in their fullness. It was during
11 this meeting at the office and when looking at the notes that had been taken,
12 we needed to question the victim on the facts because the form included a part
13 that -- where the events had to be described, what occurred, how it occurred,
14 who the perpetrator was, what the consequences of said event were; and
15 whether the individual, since that moment in time, has any need for recourse,
16 whether they have been taken into care and what that person's needs are, and
17 whether that person has already met with somebody and told them what
18 happened to them.

19 So those are the various aspects that are included on that form. But as I said
20 to you, it was coded.

21 Q. [10:40:48] Do I understand correctly, that this form was filled in when the
22 victim came to your office to provide more detailed information regarding the
23 facts of her victimisation, would that be correct?

24 A. [10:41:14] Yes, precisely, Madam Prosecutor.

25 Q. [10:41:24] Now, do you recall the details this victim provided to you

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1 during that meeting in the office?

2 A. [10:41:34] Yeah, well, it was a few years ago. But what I can tell you is
3 that the individual admitted to us that she was travelling somewhere when
4 their vehicle was stopped by the Islamic police, who were armed, in order to
5 make the passengers get out of the vehicle.
6 They then reproached them from -- and told them that women had to go to one
7 side and men to the other. And as a result, she and other women, three or
8 four other women, found themselves together in a group. Unfortunately for
9 her, she was invited to go to a certain place where she was used as a sexual
10 slave for approximately one week. And according to what she had to say, she
11 did everything that she could to justify herself, saying that she was pregnant,
12 saying that she had an STD, but none of that enabled her release and she had to
13 satisfy others' sexual pleasures and was released a week subsequent to that.
14 That is what I can remember from the meeting and from what she told us.
15 As to the other aspects of her account, they must be -- they must have been
16 taken down on the form, in coded form, of course.

17 Q. [10:43:58] Thank you, Mr Witness. I would like to just ask a few
18 questions to clarify the accounts you recall regarding this victim's victimisation.
19 So you mentioned that this victim was taken to a certain place where she was
20 used as a sex slave. Did she describe to you where this location was?

21 A. [10:44:26] The victim was travelling from Bintagoungou village to Gona.
22 So this location is to be found between those two localities. She was on her
23 way. So it was a camp that was set up for those needs. So the vehicle was
24 stopped whilst it was travelling for that purpose and, unfortunately, this meant
25 that the lady was arrested or detained for the purposes of sexual slavery. She

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1 told me it was a gentleman of a certain age, in his sixties, for whom she had to
2 become a sex slave.

3 Q. [10:45:35] Thank you. Now you mentioned that the victim tried to
4 escape from being subjected to sexual violence by saying things like she was
5 pregnant or she had STD. So I understand correctly that those excuses were,
6 in fact, not correct?

7 A. [10:46:00] No, no, no, she herself said it was a manner of getting herself
8 out of the situation, but unfortunately, what she claimed was not heard.

9 Q. [10:46:25] And you mentioned that according to her accounts she was
10 stopped by the Islamic police. Is that the entity she mentioned during the
11 interview you had with her?

12 A. [10:46:43] Unfortunately, this is where the difficulty resides. These
13 armed groups arrived at virtually the same time, so people found it difficult to
14 ascertain who is Ansar Dine, who is MUJAO and who is MNLA. And, were
15 an intellectual be able to be in a position to make the distinction by dint of their
16 uniforms, most of the victims were not in a position to do so.

17 Q. [10:47:47] So do I understand correctly that the victim was unable to
18 identify exactly which group was responsible for her victimisation?

19 A. [10:48:00] Yes, indeed, Madam Prosecutor, because there is a part of the
20 form that asks whether you are in a position to identify the perpetrator or the
21 perpetrators, and, on many occasions, the victims will say the Islamic police.
22 Now this Islamic police, is it from the MUJAO? Is it from Ansar Dine? Is it
23 from the MNLA? The victims were not in a position to answer that question
24 and, generally speaking, people were confused as to who was MUJAO and
25 who was MNLA.

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1 Q. [10:48:57] Now do you recall, according to the victim, where this incident
2 took place? Sorry, when this incident took place?

3 A. [10:49:14] The event took place in the course of 2012.

4 Q. [10:49:29] Now I understand it's been several years since you interviewed
5 this victim, but do you happen to recall her name today?

6 A. [10:49:42] Ah, well, I think my memory is failing me.

7 Q. [10:50:08] Of course, if you do remember, we can ask you to provide
8 that name in private session.

9 A. [10:50:17] Madam Prosecutor, I do apologise, we were working on the
10 basis of confidentiality using our notebooks and that is where we took those
11 names down. But were we to then leave the notebooks and go to the forms,
12 then we forget about the names and we retain the codes. That's the difficulty
13 I'm up against.

14 Q. [10:50:50] No problem, Mr Witness.

15 Do you at least approximately remember -- do you at least recall the
16 approximate age of this victim?

17 A. [10:51:03] As I was saying, Madam Prosecutor, the first victim whose case
18 I have just described to you was aged between -- well, 25 or 27, around there.

19 Q. [10:51:33] Now, you mentioned that she was raped for a period of one
20 week. Did that rape result in any pregnancy, if you recall?

21 A. [10:51:45] Well, it was very difficult for me on a personal level because
22 when I met her for the first time with my colleague, my lady colleague, we
23 were surprised because she was in the company of two children between
24 whom there was not an age difference of even a year. And then we -- we
25 wondered whether they were her children and we asked her. She said yes.

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1 So as I was questioning her, then she was breastfeeding those two children at
2 the same time, and I must say to you that there was not a year's difference
3 between those two children, which meant that she had lived through those
4 circumstances. When she met us at the office, she went into the details and
5 she told us that she had given birth twice within the period of one year.

6 Q. [10:53:25] Now, when you met these two children of this victim, was
7 there any visible difference in their physical appearance?

8 A. [10:53:38] Well, I must say that one of them was really rather aggressive
9 and she said -- well, the one that was aggressive wanted to have both breasts,
10 wanted to breastfeed from both breasts, whilst the brother was already
11 occupying one of those breasts. So he tried to move the other breast -- the
12 other brother out of the way in order to have access to both. And it was at
13 that moment in time that the mother said, "Can you see that this is the son of an
14 Islamist who still has the traits of his father." That really -- well, that bothered
15 me. I remember that.

16 Q. [10:54:42] And was there any difference, for example, in terms of the
17 colour of the skin, between the two children?

18 A. [10:54:55] The difference was obvious because one was lighter skinned
19 than the other.

20 Q. [10:55:06] Now -- so she had a small child at the time of the incident. Do
21 I understand correctly then she was married at the time of the incident?

22 A. [10:55:29] Yes, indeed, Madam Prosecutor, she was married at the time of
23 the incident, and she left her child to go to Douentza and come back to her
24 family.

25 Q. [10:55:55] And do you recall what happened to her marriage after the

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1 incident?

2 A. [10:56:01] I must say that there are some cases that affected us because
3 this woman was abandoned by her husband subsequently. Yes, abandoned
4 by her husband quite simply because she admitted that, after having been
5 sexually enslaved, she felt that she was pregnant. And I believe that it was
6 the parents of the husband who put pressure on the husband to abandon her.
7 Yes.

8 Q. [10:57:06] Thank you, Mr Witness.

9 Now you mentioned that you filled in a form to record the detail of her
10 accounts. Just to clarify exactly how you proceeded in recording the details of
11 the information provided by this victim, did you directly fill in the information
12 into this form during the interview? Or was that done after the interview?

13 A. [10:57:36] Thank you, Madam Prosecutor. As I said, we had a notebook
14 and this notebook served its purpose in terms of consistency of the account of
15 recording it and then this enabled us to populate the form. So on the basis of
16 these notes that we had taken in the notebook, we would make a summary in
17 order to fill in the form. But we didn't fill the form in directly in the office.

18 Q. [10:58:21] Again, just to make sure that I understood you correctly, so the
19 form was filled in on the basis of the notes taken during the interview after the
20 interview?

21 A. [10:58:45] The form was filled in immediately and then read back in the
22 presence of the individual for them to be able to confirm that what has been
23 noted down is what they stated on the same day.

24 Q. [10:59:16] Thank you, Mr Witness.

25 Now I'm looking at the time, I believe this might be a good moment to have

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1 a break.

2 PRESIDING JUDGE MINDUA: [10:59:29](Interpretation) Yes, indeed,
3 Madam Prosecutor, it is one minute to 11, I think it is time for us to rise.
4 We shall suspend the hearing for half an hour and reconvene at 11.30.
5 The hearing is suspended.

6 THE COURT USHER: All rise.

7 (Recess taken at 10.59 a.m.)

8 (Upon resuming in open session at 11.30 a.m.)

9 THE COURT USHER: [11:30:28] All rise.

10 Please be seated.

11 PRESIDING JUDGE MINDUA: [11:30:48](Interpretation) The hearing shall
12 now resume and we continue with examination-in-chief by the OTP.

13 Madam Prosecutor, please proceed.

14 MS YAMAGUCHI: [11:31:06] Thank you very much, Mr President.

15 Q. [11:31:12] Now, Mr Witness, I would like to just clarify a few points from
16 the previous court session. You mentioned that the victim you were -- we
17 were discussing just before we went into a break was married at the time of the
18 incident and she left her child to go to somewhere called Douentza. We could
19 not properly record it, so if you could please spell it out, the name of the
20 location?

21 A. [11:31:48] I said that the victim left Dintagoungou -- Bintagoungou to go
22 to Goundam and then go back.

23 Q. [11:32:18] Could you please spell the name of the first location you
24 mentioned, Bintagoungou.

25 A. [11:32:31] B-I-N-P-A-J-O-U-N-G-O-U -- Bintagoungou.

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1 Q. [11:33:10] Thank you very much. And that is the location where she left
2 her child, the firstborn child, when she was travelling; would that be correct?

3 A. [11:33:25] Yes, that's the locality where she was living, where she was
4 married.

5 Q. [11:33:32] Thank you. Now, have you received a binder containing
6 documents which I would like to show to you in the course of your testimony?

7 A. [11:33:49] Yes, Madam Prosecutor.

8 Q. [11:34:00] I'm sorry, I had one -- another clarification question, in fact.
9 Could you please tell us where this Bintagoungou was located vis-à-vis the city
10 of Timbuktu?

11 A. [11:34:22] It is part of Goundam Cercle in the north.

12 Q. [11:34:37] And do you know approximately how far it is from the city of
13 Timbuktu?

14 A. [11:34:43] No, I have no idea.

15 Q. [11:34:59] Thank you, Mr Witness. Now please turn to tab 4 in your
16 binder.

17 For us in the courtroom, the ERN is MLI-OTP-0049-0752. And Madam
18 courtroom officer, please do not broadcast this document to the public.

19 Mr Witness, do you recognise this document?

20 A. [11:36:05] Yes, Madam Prosecutor.

21 Q. [11:36:18] Could you tell us what it is.

22 A. [11:36:22] This is the story of the woman that I met.

23 Q. [11:36:46] Are you referring to the victim who came from Timbuktu and
24 you interviewed in Bamako?

25 A. [11:36:57] Indeed, Madam Prosecutor.

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1 Q. [11:37:14] So just to be clear for the record, this is the same case as that we
2 were discussing earlier on?

3 A. [11:37:24] Yes, Madam Prosecutor.

4 Q. [11:37:37] Thank you. Now you mentioned another case regarding
5 a young lady who had been a victim of physical assault and attempted rape.
6 Could you please just briefly describe the incident as described by this victim.

7 A. [11:37:59] Madam Prosecutor, this was a young girl going to *lycée* and we
8 met with this young person and she told us this: When she was abducted, she
9 spent some time in the prison for women. One evening, a man came to her
10 cell to see her and he tried to rape her. Physically, she was a sturdy young
11 woman and so she was able to defend herself against her attacker. She used
12 her strength to refuse and then there was a fight. After this fight, the assailant
13 threatened her and took some shards of glass and tried to have his way with
14 her. Unfortunately, during the struggle, she was struck and fell to the ground
15 and she was cut by the shards of glass. At the time of the events, she suffered
16 trauma in addition to her injuries.

17 Now the sexual act did not occur, but she came out of the incident with injuries.
18 And the assailant -- at this moment when I met the woman, it was quite
19 pathetic, really. She undressed to show me her scars. You see, when
20 a woman in Africa goes to bed, she only has a *pagne* wrapped around her, the
21 middle part of the body. So she had these scars and her trauma -- she had
22 psychological trauma as well.

23 And this even affected her schooling. Quite often, she would have
24 a breakdown right in the middle of class and she herself said that these
25 breakdowns were caused by flashbacks. She was seeing the events again and

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1 she had a hard time dealing with that.

2 We met with that person in Timbuktu and we could see she was having a very
3 difficult time getting over the psychological shock. When we visited her at
4 home, ultimately, thanks to assistants, we attempted to help her forget what
5 had happened to her body and to her heart.

6 So that really struck us. And we requested psychological assistance for this
7 young woman so she could recover, resume her schooling and succeed,
8 reintegrate in society.

9 So that was the second case.

10 Q. [11:42:33] Thank you very much, Mr Witness. I would like to clarify
11 a few points you described to us. First, do you recall when and where exactly
12 you met with this victim?

13 A. [11:42:43] It was [REDACTED] in Timbuktu, that is when we met this victim.

14 Q. [11:42:58] And was the victim able to tell you when the incident of this
15 physical assault and attempted rape occurred?

16 A. [11:43:11] Yes.

17 Q. [11:43:20] And when was this?

18 A. [11:43:26] I do know that the assault occurred at the Islamists' base,
19 because she told us that after being shut up in the women's prison, she was
20 then taken to the base of the Islamic police where she underwent this assault in
21 2013 in Timbuktu.

22 Q. [11:44:09] Now you referred to the Islamic police and the prison of
23 women, are these the terms mentioned by the victim?

24 A. [11:44:25] Yes.

25 Q. [11:44:37] Was she able to identify or describe the perpetrator?

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1 A. [11:44:47] Yes. But as I said, victims had trouble identifying which
2 group the perpetrators belong to, whether it was. Otherwise, it was indeed
3 a member of the Islamic police.

4 Q. [11:45:26] Was she able to describe, for example, the ethnicity or the
5 languages spoken by the perpetrator?

6 A. [11:45:39] Yes. She just said that there was a difference of language
7 because she did not at all understand the language that the assaultant was
8 speaking. But, she is -- she was shy, you see. When she refused to him, she
9 spoke in her own language, Songhai.

10 Q. [11:46:24] And was she able to tell you if the perpetrator understood her
11 in Songhai?

12 A. [11:46:33] No, the assaultant did not understand her, did not speak her
13 language.

14 Q. [11:46:52] Thank you. Now in terms of the methodology you followed
15 in terms of interviews and recording the information provided by the victim,
16 did you follow the same or similar procedure as what you described earlier on
17 in relation to the victim who had a child as a result of rape?

18 A. [11:47:16] Indeed, we used the same methodology. First contact was
19 with the notebook, and the methodology was such that during the first meeting
20 we gave the person, that we would collaborate with the victim. What's more,
21 we asked if the victim felt comfortable being interviewed at her home or at our
22 premises. The best for us was for us -- for us, the best was to have her come to
23 our premises because we had a special room to interview people and do the
24 technical work, so to speak.

25 So it was the same methodology, with the exception that in the field in

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1 Timbuktu, often we would have to -- depending on the number of people
2 interviewed per day, we would have to take notes all day and ask the victim to
3 come back the next day or two days later to confirm what we had recorded on
4 the forms. Otherwise, it was the same methodology: Home visit, an
5 interview at the office or often at my home, when the victim felt threatened or
6 if the victim felt shame.

7 Q. [11:49:22] Thank you, Mr Witness.

8 Now, you already told us about some of the work you did in 2003, but I would
9 like to ask in more detail now about project A, which you already mentioned
10 earlier on in your testimony.

11 Now, do you recall when this project A started?

12 A. [11:49:54] Thank you. Project A began late in 2013 and continued into
13 2014. By April 2013, we had already begun activities, for example, the
14 guidance. Even -- you see, project A was used as a relay point, so to speak, for
15 activities in 2013 to 2016. So that's what I can tell you about project A.

16 Q. [11:50:39] Could you briefly just explain what you mean by project A
17 being a relay point?

18 A. [11:50:48] We began activities in 2012 in Bamako at the initiative of the
19 organisation itself. After that, we asked for project A to be used as a tool to
20 continue the work that we had begun. So the work did not stop. The
21 funding of project A allowed us to continue activities until 2013.

22 Q. [11:51:45] Sorry, just to clarify, until when did project A continue? You
23 mentioned, I thought, until 2014?

24 A. [11:52:08] In accordance with the agreement with the donor, project A
25 was supposed to end in December. Contractually, it was supposed to end in

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1 December 20 --

2 THE INTERPRETER: Inaudible.

3 THE WITNESS: [11:52:26](Interpretation) -- but because of the delay it
4 continued until March 2014. So that way, you see, the initial funding began in
5 2013 and then went on until 2014. Fortunately for us, the project was
6 extended for a second phase and the second phase took us to the end of 2014.
7 That's for project A.

8 MS YAMAGUCHI:

9 Q. [11:52:59] Thank you. Now could you tell us which regions or cities
10 were the focus of this project?

11 A. [11:53:18] Project A was implemented in four locations - well, five, if you
12 include Bamako - Diabaly, Timbuktu, Gao, and a number of neighbourhoods in
13 Bamako, the neighbourhoods where the IDPs were living in Bamako.

14 THE INTERPRETER: [11:53:50] Interpreter correction: The first location was
15 Douentza.

16 MS YAMAGUCHI:

17 Q. [11:54:04] Thank you. And you mentioned earlier that you had focal
18 points in Timbuktu and there were five of them; would that be correct?

19 A. [11:54:14] We began with three, actually, and then we increased that to
20 five. Three women and two men.

21 Q. [11:54:37] And were you personally involved in the selection of these five
22 focal points?

23 A. [11:54:49] Well, we had a number of requirements. The person had to be
24 from the place, had to know the language, had to be discreet, had to be
25 respectful of the mission statement, so to speak, or the mission of the project,

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1 and be available to do the work.

2 Q. [11:55:32] And were you responsible for identifying who would be the
3 appropriate persons to act as focal points?

4 A. [11:55:45] Yes, absolutely, Madam Prosecutor, because the thing
5 was -- the important thing was that we had to be neutral and independent for
6 the reliability of the data, and also we had to respect the personalities of the
7 people we met, the victims. And above all, we had to continue respecting the
8 principle of confidentiality throughout all the work. So I myself advised
9 which people should be recruited. And those people were already members
10 of legal clinics that had been established and had at least basic knowledge of
11 investigation techniques.

12 And so I can acknowledge that, you see, I was the coordinator and I worked on
13 the selection of the people and the various tools that were to be used, as well as
14 the processing of the information.

15 Q. [11:57:30] Thank you, Mr Witness.

16 Now you mentioned, in the selection of focal points, languages was one factor
17 to consider. Now, were there occasions when you would use an interpreter to
18 conduct interviews?

19 A. [11:57:48] Never. We selected the people on that basis. We never sent
20 someone to be interviewed by someone who didn't speak the language.

21 Q. [11:58:13] And in the course of interviews, how did you elicit information
22 from victims? Did you have a set of sort of standard questions or were
23 victims asked to recount their stories in a free manner?

24 A. [11:58:37] We had standard questions, but at the same time we would let
25 the victim tell us everything that had happened and we would let the victim

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1 say what she had to say. So it was a semi-directed interview.

2 Q. [11:59:17] You mentioned earlier that approximately 80 per cent of
3 interviews were -- well, you attended approximately 80 per cent of interviews.
4 Was that the case already for project A?

5 PRESIDING JUDGE MINDUA: [12:00:01](Interpretation) Ms Taylor.

6 MS TAYLOR: [12:00:05] Thank you, Mr President. Could we have
7 a reference for that, specifically regarding 80 per cent.

8 PRESIDING JUDGE MINDUA: [12:00:17](Interpretation) Madam Prosecutor.

9 MS YAMAGUCHI: [12:00:21] If we could have just one moment to find the
10 appropriate reference.

11 PRESIDING JUDGE MINDUA: [12:00:32](Interpretation) Go ahead, please.

12 MS YAMAGUCHI: [12:00:52] Apologies, in the transcript at page 11, line
13 24 -- line 22 to 24, he mentioned, in fact, he personally took part in some of the
14 meetings or interviews up to about 50 per cent. I'm sorry, I had heard 80 per
15 cent while listening to the translation in -- I apologise.

16 PRESIDING JUDGE MINDUA: [12:01:33](Interpretation) Very well. Please
17 continue.

18 MS YAMAGUCHI: [12:01:40]

19 Q. [12:01:42] Mr Witness, do you recall approximately how many meetings
20 or interviews you personally attended?

21 A. [12:01:52] Out of the 420, I believe that I attended approximately 200
22 thereof. Because in total we undertook 420 interviews, of which, when I was
23 in Bamako and when I was in Timbuktu and in the other localities, I attended
24 or took part in approximately 200, that is to say, approximately 50 per cent of
25 them.

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1 Q. [12:02:48] Thank you, Mr Witness.

2 Just to be clear, so these 400 -- a total of 420 interviews include not only
3 interviews conducted in Timbuktu, but also those conducted in other locations;
4 is that correct?

5 A. [12:03:08] Yes, indeed, that is why I refer to 80 per cent of those
6 interviews having taken place in Timbuktu. It was in that location that 80 per
7 cent was referred to.

8 Q. [12:03:35] Thank you very much for that clarification.

9 Now, when interviews were conducted by focal points in Timbuktu where you
10 did not personally participate, what was your role, if any?

11 A. [12:03:53] My role was to provide the link, if you like, or the nexus
12 between the notebook and the form. I would transcribe all of the information
13 that had been noted down. The form provided a summary of this information
14 that was read back to the witness -- to the victim for them to be able to confirm
15 that that is indeed what they said and that they were in agreement for this
16 information to be handed on.

17 Q. [12:04:44] You mentioned you transcribed the notebook. Did you do so
18 electronically or by hand?

19 A. [12:04:59] The notebook was written in manually and even the forms
20 were filled in by hand. It was only when gathering data in the databank that
21 we would then transcribe these manual or handwritten forms into an electronic
22 format, whether it be in Word or in Advanced Excel or Martus, and that is the
23 purposes of traceability.

24 Q. [12:05:58] And these forms, which are filled in by hand, with respect to
25 interviews conducted by resource persons, did you review the forms they

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1 completed?

2 A. [12:06:08] Yes, indeed, my major responsibility in this work was to
3 provide the nexus between the notebook and the forms, and when I
4 understood quite often that they did not reflect each other, I would then make
5 the most of my moving around in the field to go and meet with those people.
6 Because we would read their names, first names and last names on the
7 notebook, and then we would have a code in the form, and this would enable
8 me to make sure and to verify that the information was reliable.

9 Q. [12:07:19] Now, what did you do with the forms and the notebook you
10 and your team collected in the context of project A?

11 A. [12:07:30] Thank you, Madam Prosecutor. The forms that were filled in
12 by us were then processed and validated at the decision-making level within
13 the NGO and transmitted to other locations for care to be given. So the ONG
14 or the NGO was part of a coalition and was affiliated to another structure
15 which could assess the opportunities for further action to be taken. We had
16 the mandate to establish the facts -- the events that had occurred during or by
17 way of the meetings with the victims.

18 Q. [12:08:42] Could you please just clarify what you meant by "another
19 structure"?

20 A. [12:08:55] Well, the other structure was a law office of women and men,
21 lawyers, who had the capacity to be able to ascertain whether a case could or
22 could not be referred to the judicial process. Otherwise, within our NGO, our
23 mandate was merely to describe how the offence had unfolded; whereas the
24 other structure had - or structures - had the ability to pursue the matter in
25 judicial terms.

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1 Q. [12:09:49] And do you know if this law office, in fact, brought or referred
2 a case which you had documented to the judicial process?

3 A. [12:10:04] Thank you. Well, in the entire process, a classification would
4 take place based on which a referral could occur and proceedings could be
5 instituted. On the bulk of or from the entirety of these meetings, that is to say
6 182 cases that were heard, I had classified as priority -- whether it be
7 psychosocial follow-up care, judicial process et cetera, there were 17.
8 After having undertaken this work, I always wrote a commentary for -- to
9 describe what happened to accompany the victim in the best possible way. So
10 I would say that, We, the team, had worked together and we are transmitting
11 this dossier to you with these considerations. And on the basis of that report,
12 the NGO would assess the dossier and transmit it.

13 But at that given moment in time, we were already out of the circuit because
14 we were not allowed to know what level of processing the other partner
15 structure had granted to said dossier, because discretion was really the name of
16 the game as was confidentiality, which meant that we didn't even go and see
17 what happened on the other side as to whether such-and-such a case had been
18 considered and was being processed further. That wasn't part of our
19 mandate.

20 Q. [12:12:25] Now, you mentioned 182 cases. Was that the total number of
21 cases you documented in the context of project A?

22 A. [12:12:40] I would even say that this was in the context of both projects,
23 both A and B, there was 182 cases.

24 Q. [12:13:04] Now, before turning to project B, I would just like to ask if you
25 have taken any steps to verify the information provided by victims you've met

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1 in the context of project A. Could you please explain.

2 A. [12:13:24] There were measures that would enable us to ensure that the
3 information was relevant by, firstly, relying upon the credibility and the trust
4 involved. Every time I went out into the field, I would bring back a certain
5 amount of information. I didn't bring back the notebooks that they had
6 transmitted because of the security of the data, but I would bring back
7 a photocopy of the forms and then I would cross-check to ascertain whether the
8 information was indeed consistent and reliable.

9 And often, as I said, I would find a lack of concordance between the data given
10 in note form and in the form itself; so I would then go back into the field with
11 those forms and meet with the victims so that we could work on them.
12 I was certain that we needed to work in order to establish data that could be
13 used further down the road, whether it be for the judicial process, whether it be
14 for reparations or any other purpose. So I was really making sure that we
15 were dealing with quality data. This was a daily undertaking, making sure
16 that the data was reliable and relevant.

17 Q. [12:15:42] And when you would meet a victim, did you also explain to
18 them that it is important to speak the truth?

19 A. [12:15:59] Yes, indeed. In the initial briefing, we would belabour this
20 point and we would also underscore the fact that this work should have been
21 done by specialised and qualified individuals who, unfortunately, were not
22 present.

23 But these -- we people who were doing this work did have the responsibility to
24 come up with something and establish some facts that could be verified and
25 that could be transferred possibly for the purposes of judicial proceedings.

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1 And were this to be the case, we would explain to them that these -- this
2 information was going to be cross-checked and would need to be cross-checked,
3 but we didn't go into details. This was the opportunity for us to reassure
4 them that we wanted the truth and that they had to tell us precisely what had
5 happened, what had been done.

6 They had this information beforehand, and this was why throughout the entire
7 process we were able to identify the truth from what was not true and also
8 from the important cases from those that were less important. So of the 420,
9 we retained 182, which we looked at carefully and categorised in table form.

10 Q. [12:18:02] Thank you very much, Mr Witness.

11 I'd like to now -- now turn to project B. Do you recall when this project B
12 started?

13 A. [12:18:17] The B project started at the end of 2014, after financing was
14 negotiated. But really, it started -- it was implemented in 2015, culminating in
15 the report in 2016, because the final report of the project was validated in the
16 first quarter of 2016.

17 Q. [12:18:55] Could you briefly describe the objective of project B?

18 A. [12:19:09] Project B was essentially aimed at contributing to providing
19 documentation via monitoring to assist project A, because when we
20 approached them, we told them that we were stopping our activities, winding
21 them up, and that we needed to continue because we had drummed up a lot of
22 interest in project A.

23 And project B then came to life under the circumstances, and was entitled,
24 "Monitoring and documentation". They needed to come up with a Martus
25 databank on the basis of the information that we provided.

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1 So that really was the orientation of project B.

2 Q. [12:20:33] Just to clarify, when you refer to -- for example, when you
3 mentioned when we -- when you approached them, who are you referring to?

4 A. [12:20:43] I was talking to the fundraisers of project B.

5 Q. [12:20:57] Now, which regions or cities were the focus of this project B?

6 A. [12:21:20] Project B was specifically aimed at Timbuktu, not the other
7 localities. Specifically Timbuktu.

8 Q. [12:21:31] And when you say "Timbuktu", is it the town or city of
9 Timbuktu or did it cover the region of Timbuktu?

10 A. [12:21:41] Project B was uniquely the town of Timbuktu.

11 Q. [12:21:55] And why did you decide to focus on the town of Timbuktu?

12 A. [12:22:04] Well, this was subsequent to negotiations with the fundraisers
13 because they said that they did not have that much in the way of finance
14 because we told them project A had come up with a certain amount of results
15 in terms of documentation available and in terms of the expectations. But
16 because of what they were interested in, they said that they did not want to get
17 involved in assistance or care or treatment. They wanted to assist in
18 completing the documentation and they said that we would work together
19 with them, with their financing on monitoring and coming up with basic data
20 to --

21 THE INTERPRETER: [12:23:14] Unintelligible.

22 THE WITNESS: [12:23:17](Interpretation) And unfortunately, from the end of
23 2015, project B was not extended and we had to draw things to a close.

24 MS YAMAGUCHI: [12:23:29]

25 Q. [12:23:31] Mr Witness, just the last part I think from when you were

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1 saying that basically fundraisers wanted to assist in completing the
2 documentation, there was a bit of a lack -- in the transcript, the transcript could
3 not be properly transcribed. So if you could please repeat that part.

4 A. [12:24:00] I said that when we looked -- or when we started project B,
5 they said they would be working with us solely on monitoring and not on
6 caring for the victims. So in 2016, we undertook -- 2015, we undertook this
7 work and, unfortunately, for us, the project was not extended. Project B came
8 to an end in 2015, and the report was produced in January 2016.

9 Q. [12:24:53] Now this project focusing on monitoring on documentation,
10 why was it focused on the location -- as a location the city of Timbuktu and not
11 other locations in the north of Mali?

12 A. [12:25:09] As I said earlier, it was just a question of financial means to be
13 able to cover activities in the six localities - Diabaly, Gao, Timbuktu,
14 Douentza - they said no. They were interested in the city of Timbuktu with
15 regard to the money that they had at their disposal.

16 Q. [12:25:57] And do you know why your fundraisers were interested in
17 Timbuktu, in particular?

18 A. [12:26:07] I wouldn't be able to tell you with regard to the fundraisers, but
19 we as an organisation were from the outset curious to hear that a women's
20 prison had come into being. A women's prison. And we thought to
21 ourselves, for our country, this is a first. Why should there be a women's
22 prison? Who were the detainees? What went on in there and under what
23 conditions? That was how we as an organisation became interested in this
24 issue.

25 And when we came together, or when we met with the displaced persons, they

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1 said to us that they had been lucky enough to be able to flee but that others had
2 remained behind because they did not have the means to come -- they did not
3 have the means to flee. And they remained in total humiliation and
4 completely abandoned.

5 So according to the amount of money that you have available, you can choose
6 where to intervene, as was the case in project B.

7 Q. [12:28:09] Thank you for that clarification, Mr Witness.

8 Now was this project focused on violations committed during the period when
9 the city was under control of armed groups or did that cover also violations
10 committed afterwards?

11 A. [12:28:34] During both projects, we took into account the events that had
12 occurred during the occupation and the crisis of 2012. But it did come about
13 that there were other cases after 2012, after the occupation, and these cases
14 specifically -- well, it was the Islamists that had been chased out, if I can use
15 that expression, by the allied forces, and they tried to come back and reoccupy
16 the location.

17 So in 2013, there was an attempt on their part to come back and regain control
18 and this -- this resulted in a number of victims when there were clashes with
19 the Malian army. People were injured with bullet shrapnel et cetera. And
20 there were even individuals who were identified as being accomplices with
21 one party or another and who were taken away. And they disappeared.

22 So there were cases of violations during the occupation, that is to say, 2012, for
23 the most part, and there are cases that we have documented that took place
24 after the occupation when they -- they attempted to reoccupy the town and
25 when violent acts were committed by other perpetrators who were not

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1 Islamists.

2 Q. [12:31:03] And did you have sort of a cutoff date in terms of the violations
3 committed after the period of occupation? What was the time frame of the
4 violations covered in the report?

5 A. [12:31:25] As best as I can recall, the liberation began in February 2013.
6 February 2013. That was when all the armed groups liberated the area
7 subsequent to the allies' intervention. During March, all the way until April,
8 there still was instability because there were these attempts to regain the
9 territory, but that didn't last. There were a few clashes reported between the
10 armed groups and the Malian army, to be specific, but from 2012, all of 2012
11 until 2013, March 2013, that was the time of the occupation. That was the
12 period during which the Islamists ruled.

13 Q. [12:32:49] I will try to rephrase my question. So your report did cover
14 crimes committed after the occupation ended in March 2013, according to your
15 analysis. But what would be then the latest crimes or violations that you
16 documented and that is covered in the report? Was it sometime in 2013 or
17 2014?

18 PRESIDING JUDGE MINDUA: [12:33:31](Interpretation) Ms Taylor.

19 MS TAYLOR: [12:33:33] Thank you, Mr President. Firstly, that's a very long
20 question, which should be broken down. Secondly, there is no reference
21 again to the first part of the question, which purports to derive from his
22 testimony.

23 So again, I would ask the Prosecutor to ask a shorter and open question.

24 PRESIDING JUDGE MINDUA: [12:34:01](Interpretation) There you have it.
25 You did put a rather long question to the witness. Could you rephrase and

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1 take it one step at a time.

2 MS YAMAGUCHI: [12:34:13]

3 Q. [12:34:17] Mr Witness, your report covered not only crimes committed
4 during the occupation, but those committed afterwards as well; is that correct?

5 A. [12:34:33] Yes.

6 PRESIDING JUDGE MINDUA: [12:34:39](Interpretation) Ms Taylor.

7 MS TAYLOR: [12:34:40] For future reference, that was a leading question.

8 And in the future, the Prosecutor should ask questions in an open manner.

9 She has put it forward as a proposition and then said, Is it correct?

10 That's how Defence conducts cross-examination. It's not how the Prosecution
11 should be putting open questions during examination-in-chief.

12 PRESIDING JUDGE MINDUA: [12:35:07](Interpretation) I agree with you,
13 Ms Taylor.

14 Madam Prosecutor, rephrase.

15 MS YAMAGUCHI: [12:35:14] Thank you, Mr President.

16 Q. [12:35:19] Mr Witness, could you please just clarify what are the
17 time frame or time periods of violations which are documented in this report
18 or -- in the context of your project?

19 A. [12:35:33] The cases of violations that we documented cover 2012 and
20 2013. In actual fact when I say 2013, I mean up until January, the beginning of
21 January 2013. But in actual fact, it was mostly the crimes committed -- the
22 violations of rights that were committed during 2012 to be specific.

23 Q. [12:36:19] Thank you very much for that clarification.

24 Now, could you tell us how many people were involved in this project?

25 And please don't give any names because we are in open session.

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1 A. [12:36:42] I would say in all about 10 people, five of which were the
2 Timbuktu team, four for the Bamako office, and myself.

3 Q. [12:37:08] Could you please clarify just for the record what you meant by
4 "Timbuktu team"?

5 A. [12:37:18] In the case of the Timbuktu team, I meant three people -- five
6 people, three women, two men, for the purposes of collecting after meetings
7 with the persons affected. In the case of Bamako, we had the two people who
8 worked directly with me, one man, one woman, they were information
9 collection officers. We had the person who was in charge of the programme,
10 the programme officer, who ensured the safety and security of the documents,
11 and then the president of the organisation.

12 Q. [12:38:21] And did this Bamako team include people who worked on
13 project A?

14 A. [12:38:31] Yes. Both of them, they were collecting with me.

15 Q. [12:38:53] And when you say "both of them", are you referring to only
16 two persons?

17 A. [12:39:04] Indeed, the lady and the gentleman.

18 Q. [12:39:13] I will ask you in detail about the cases you documented in this
19 project, but just -- I'd just like to briefly cover the general conclusions or
20 findings.

21 Could you -- you mentioned already that there were 182 cases documented in
22 project A. And just for -- to clarify, did that include cases you documented in
23 project A?

24 A. [12:39:53] Yes. In actual fact, we did not go back to the cases we had
25 already identified in project A when we were carrying out project B. Project B

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1 was in synergy with project A in terms of actual data; that means there were
2 affected people from project A who were included in project B.
3 But the important thing for us was that there were not two separate items of
4 data. Project B needed 150 cases within the city of Timbuktu and -- and we
5 were able to cover more than 150 cases. I believe 152 cases. So -- correction,
6 182.

7 So project B, 182. And project A, well, I couldn't even tell you what the total
8 number was. But the important thing for us is that when reviewing the
9 documents we have to focus on the 182 that were worked upon or analysed in
10 project B. But project A, we can't tell you right now that we were only at 182
11 cases. There were more in the six locations, Bamako, Diabaly, Douentza,
12 Timbuktu and Gao.

13 Q. [12:42:11] Thank you, Mr Witness. Now earlier on we talked about
14 interviews you conducted with victims coming from Timbuktu but conducted
15 in Bamako. Now, did this project B cover also cases documented in Bamako?

16 A. [12:42:32] No, project B was specifically for Timbuktu.

17 Q. [12:42:52] Now I would like to ask you about the methodology which you
18 adopted for project B. Earlier on we already talked about how you would
19 identify victims and conduct interviews with them. For project B was there
20 any change in the methodology?

21 A. [12:43:13] Well, the first thing to say is that the forms that we had agreed
22 upon with the donors were not the same. The forms from project A were not
23 similar to the ones for project B. But there were some similarities between
24 them because project A went beyond what project B was intended for. Project
25 A had as its ambition, identifying the needs of those requiring assistance and

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1 perhaps even opening up paths for assistance.

2 In contrast, project B was just for the monitoring of specific cases; namely, to
3 determine what has happened, when, who and how. So there was
4 a difference between the two. And we had the two forms that were filled out
5 per project and recorded by the unit responsible of the NGO. Everything was
6 carefully retained and entrusted to a single person.

7 Q. [12:44:54] You mentioned for cases documented in project A you did not
8 go back to the same victim in the context of project B. So if the forms were
9 different, how did you complete the new type of form with respect to those
10 cases documented in project A?

11 A. [12:45:21] It is true that some of the victims from project A were also
12 included in project B, and, when filling out the forms for project B, we had to
13 go look at a copy of project A and find -- meet with the same victims for the
14 purposes of getting information for the form of project B.
15 So there were the victims of project B that are also found in the victims of
16 project A.

17 Q. [12:46:09] Thank you for that clarification.

18 Now, in the context of project B, did you also interview victims yourself?

19 A. [12:46:23] Yes. Yes.

20 Q. [12:46:40] Do you recall approximately how many cases of victims you
21 met in the context of project B?

22 A. [12:46:49] 182 for project B. The purpose -- the target, rather, was 150
23 but we got to 182.

24 Q. [12:47:16] And did you personally meet with 182 victims?

25 A. [12:47:24] Yes, project B was carried out by the Timbuktu team. And

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1 when I mean "carried out", I mean -- well, actual interviewing, there was just
2 one person and me. So I personally took part in the interviewing of the
3 people in project B.

4 Q. [12:48:05] So with respect to project B, there was no interview where you
5 were not present, is that -- do I understand correctly?

6 A. [12:48:28] Yes.

7 Q. [12:48:31] Now you mentioned that you started to use a different type of
8 form for project B. Do you recall where you kept those forms?

9 A. [12:48:46] As for project B, the notebook -- notebooks, rather, were kept
10 by the NGO. But all the forms for the Martus database were shown to the
11 donor, the donor organisation that had commissioned this study; so all the
12 records or forms and the database were transferred after validation of the
13 report and are now the property of the donor organisation of project B.
14 But the NGO was responsible for the investigations of project B and asked to
15 have copies of the forms and that was done.

16 Q. [12:50:08] And do you know where the notebooks are kept presently?

17 A. [12:50:15] The notebooks should be with the NGO. It was just the forms
18 and the database that were passed on to the donor organisation.

19 Q. [12:50:40] Now in the context of project B, did you meet with any other
20 persons than victims in Timbuktu?

21 A. [12:50:55] No. Project B was specifically for Timbuktu and all the
22 victims that are part of it are only victims from Timbuktu, not from other
23 places.

24 Q. [12:51:17] Sorry, I will rephrase my question. So apart from meeting
25 victims, did you also meet with any other persons or possibly organisations in

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1 the context of project B?

2 A. [12:51:34] The people we met during project B, well, the organisations
3 were members of the coalition defending human rights and the work in the
4 field was just a matter of making contact with people and gathering
5 information to facilitate -- facilitate synergy of action. None of the
6 organisations contributed to the work of project B, but we did share
7 information because we were operating in the same field and on the same data.

8 Q. [12:52:32] Thank you. Now, in the course of collecting information from
9 victims in the field in Timbuktu, did you encounter any difficulties?

10 A. [12:52:47] Yes, but they were not insurmountable. Because there is the
11 method, that was often difficult -- acceptance of the approach taken was
12 difficult for us because the cultural considerations and the parts of society do
13 not like someone to present him or herself as a victim for certain kinds of
14 violations of rights. So there was the morality aspect, the culture. It was not
15 always easy. It was difficult to get interviews with some people. But we had
16 our objective to reach and we knew that these cases had been -- we had been
17 informed of these cases and we had to keep on going. For seven or eight
18 months, I can tell you, I was able to convince a number of victims to confide in
19 me just using a pedagogical approach that was much more simple
20 really -- familiarity, advice, orientation, guidance to the victim. Just saying
21 things like, "What's on your mind? What's on your heart? Tell me." And,
22 you know, if you have something to say, it's easier to manage it that way. But
23 it wasn't always easy given the cultural considerations and the personality of
24 the particular victim.

25 Q. [12:55:10] You mentioned that, "the parts of the society do not like

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1 someone to present him or herself as a victim for certain kinds of violations".

2 Could you give us an example of the type of violations where this was the case.

3 A. [12:55:29] Thank you, Madam Prosecutor. In the field in Timbuktu,

4 truth be told, for a woman to acknowledge that she has been raped, that's not

5 a simple thing for them to say and that's not a simple task to accomplish.

6 Often you have to really persevere and be solutions-oriented in order to reach

7 that goal. Several times we visited people in their homes, several times, to

8 sort of take that person out of their cultural milieu and get them to talk. We

9 give the impression -- we may have given the impression that the person was

10 harassed or threatened, but we had solid information. We knew that the

11 person had been in the women's prison or at the base and we knew that the

12 woman had been subjected to an attempted rape or something like that.

13 So there was one case that comes to my mind, and, it was seven or eight

14 months of persevering before the person ultimately acknowledged that she had

15 been raped. Otherwise, she would have hidden it. Because this is not an

16 easy thing to say to the authorities; that you have been the victim of a rape.

17 So that's what I meant by the social and cultural aspects.

18 Q. [12:57:23] Thank you, Mr Witness. Now do you recall how long

19 approximately your team worked on collecting information from victims for

20 the purpose of project B?

21 A. [12:57:46] Officially, I could say three months because for project B we

22 took some time to develop and validate the tools. The actual collection of data

23 took three months. I'm talking about project B.

24 Q. [12:58:37] And what did you do after you finished collecting information

25 from victims?

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1 A. [12:58:44] After collecting the information for project B, we had those
2 forms and we proceeded in a systematic way. Once we got to Bamako, we
3 processed the information that had been gathered from the forms and we did
4 the rest of the work with the Bamako people, and for validation of the working
5 mechanism, the charts, the categories and all of that. Then we fine-tuned the
6 report. It was presented to the organisation in Bamako as accepted and
7 authorised and then it was presented at a national workshop.

8 Q. [12:59:58] Thank you very much, Mr Witness.

9 I'm looking at the time, it's almost 1 o'clock, so I believe this is an opportune
10 time to have a break.

11 PRESIDING JUDGE MINDUA: [13:00:14](Interpretation) You are correct,
12 Madam Prosecutor. It is 1 p.m. and we shall suspend for an hour and a half
13 and resume at 2.30.

14 The hearing is -- oh, the court officer has let me know that the Prosecution team
15 has taken two hours and 47 minutes.

16 The hearing is now suspended.

17 (Recess taken at 1.00 p.m.)

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

19 THE COURT USHER: [14:31:35] All rise.

20 Please be seated.

21 PRESIDING JUDGE MINDUA: [14:31:53](Interpretation) The hearing shall
22 now resume and the office of the Prosecution shall continue with their
23 examination-in-chief.

24 Madam Prosecutor.

25 MS YAMAGUCHI: [14:32:12] Thank you, Mr President.

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1 Q. [14:32:17] Mr Witness, good afternoon.

2 A. [14:32:24] Good afternoon.

3 Q. [14:32:26] Were you able to have a good break during the lunch break?

4 A. [14:32:32] Yes, kind of.

5 Q. [14:32:40] I would just like to come back to a few points you mentioned
6 before the lunch break.

7 First, you mentioned that there was one case that comes to your mind where,
8 after seven or eight months of persevering, the victim acknowledged she had
9 been raped.

10 And I refer to the transcript, page 60, line 12 to 14.

11 Mr Witness, could you briefly describe to us what this victim told you?

12 A. [14:33:22] It is true that you have to really go back in time for some
13 interviews, some statements. This was a female victim, a woman, who
14 initially took part in an interview just saying that she -- she had been harassed
15 and intimidated, put in prison, but she didn't go any further than that.
16 Gradually, well, one day, she came to my home and she told me that she really
17 needed to get something off her chest. And so I said yes, and she began to cry
18 and she just fell apart. At that time, I realised that she had something to say
19 but that she couldn't say it or she didn't quite want to say what she had to say.
20 So I said to myself that I had to excuse her and give her some time. So I began
21 the process for a home visit so that she could have an opportunity to go back to
22 what had happened and she could talk to me about what she was hiding
23 within herself. And often I was repelled, sent away.
24 But of the 182 cases, I had very few truly prominent striking cases that was in
25 keeping with the importance of the work, so I insisted. I didn't want to give

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1 the victim a hard time or put pressure on her so that she might acknowledge
2 what happened. So I -- I just took a gradual approach, and, ultimately it paid
3 off, and this process was over six months.
4 Ultimately, I was able to convince this lady to say what was bothering her so
5 much and she told me ultimately that she had hidden the fact that she had
6 been raped for a very long time but she still felt -- had the scars inside her.
7 And I said to her, "Do you want me to go back to your statement, back to your
8 form?" And she said, "Yes." And I said, "Are you quite sure of what you
9 have told me?" And she said, "Yes." And I said, "Is this relevant? Do you
10 have new information that would justify my taking back the form?" And
11 I -- and she said that if I didn't trust her, well, she would have to put her trust
12 in God, because the time had come for her to say what had happened to her
13 and she acknowledged that she had been raped.
14 That is the particular case I was telling you about.

15 Q. [14:37:40] Thank you, Mr Witness. Did this victim mention
16 approximately when this incident occurred?

17 A. [14:37:53] Yes. In general, the periods of time are record on the form. I
18 don't remember the actual number of the form, but the date in terms of months
19 and years, that information is on the form. And it was during 2012. In the
20 middle of 2012.

21 Q. [14:38:35] Did she also mention where this rape incident occurred?

22 A. [14:38:42] Yes, she did. She said that -- well, in that particular case, she
23 even heard the name of the perpetrator and she knew exactly where it had
24 happened and she even said the name of the assailant, the perpetrator.

25 Q. [14:39:18] Do you recall the name of the perpetrator mentioned by the

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1 victim?

2 A. [14:39:27] Yes, absolutely.

3 Q. [14:39:32] Could you please tell us.

4 A. [14:39:36] At that time when she confided in me, she said Amadou Mossa
5 was the name.

6 Q. [14:40:01] Was she able to give any additional information relating to this
7 perpetrator in terms of, I don't know, ethnicity or the type of work he did?

8 A. [14:40:16] She just told me that she -- well, since that name is associated
9 with the militia, she thought he was one of the leaders. But the act had been
10 committed. There was no consent. And she remembered but she didn't go
11 any further than that. She just mentioned the name -- his name, the fact that
12 he had red skin and she didn't go into more details than that.

13 Q. [14:41:10] You mentioned she was raped for a long time. Was she
14 detained or restricted in terms of her movement during that period?

15 A. [14:41:36] Yes, she had been detained. And the act occurred within the
16 women's prison.

17 Q. [14:41:53] Thank you, Mr Witness.

18 I will move on to another clarification question I wanted to pose to you. You
19 mentioned that after you finished collecting information from victims, you
20 processed the information that had been gathered from the forms and you did
21 the rest of the work with the Bamako people.

22 And I am referring to the transcript at page 61, line 7 to 10.

23 Now, Mr Witness, were you personally involved in this process of processing
24 or analysing information gathered from the forms?

25 A. [14:42:42] Absolutely. It was my responsibility to pool all the

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1 records -- the forms, rather, and put them in a safe place. Each time we
2 completed a form for once and for all, I would look at it and I would say to
3 myself, Well, this form is to be used for other purposes.
4 So I had to make sure that it was filled out properly. I had to ensure that the
5 notes in the notebook and the information on the form were consistent. And
6 then the form would be sent for filing. So I was very much involved in all of
7 that.

8 Q. [14:43:49] Thank you. And you indicated that after the processing of
9 information from victims, you fine-tuned the report.

10 And I'm referring to transcript page 61, line 7 to 8.

11 Now I would like to ask you about the drafting process of this report. Just to
12 clarify, were you personally involved in the drafting of the report?

13 A. [14:44:25] Yes.

14 Q. [14:44:38] Could you please briefly describe your role in relation to the
15 drafting process?

16 A. [14:44:46] Initially, my colleague in Bamako shared the information with
17 the focal points in the field to draft -- with a view to writing a draft. But the
18 structure of the report was done by myself, so the drafting plan was done by
19 myself. We shared the information and then the -- then the plan was
20 validated. On that basis, he had to contact the teams in the field to determine
21 what items should be placed in each paragraph. The headings and the
22 subtitles had been prepared after that. Once he finished with the draft report,
23 he submitted it to me. We read it over in relation to the work that had already
24 been done in a very systematic way, methodological way, and then I prepared
25 the charts and diagrams. We shared the results and then we did the charts

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1 and the diagrams. So we did the second part of the drafting together; so I was
2 personally involved in the drafting of the report.

3 Q. [14:47:00] And just to have a clear understanding, could you please
4 explain what information was included in the report?

5 A. [14:47:12] If I recall, we began by presenting the area where the
6 information was collected. Then we had the various stages of preparation, the
7 development of the tools, the test, and the validation of the test with the donor
8 organisation, the financial organisation. And then the operations, that is to
9 say, the investigations, and what sort of approach we took, and as well the
10 results. The results were recorded in charts and they were interpreted and
11 that interpretation took the form of diagrams. So that was the part that
12 followed the presentation of the results.

13 After that, we wrote a bit about some difficulties we had had and then we
14 made some suggestions regarding the responsibility of organisations within
15 civil societies.

16 So that is how the report was structured. We appended various documents to
17 the report and we provided some sort of a breakdown really of the various
18 kinds of rights violations.

19 Q. [14:49:10] Thank you, Mr Witness.

20 Now, after you and your team prepared the first draft, how did you ensure
21 that the report had been properly drafted and that all the relevant information
22 was included? Was it reviewed by anyone else within the organisation?

23 A. [14:49:39] Once we had finished drafting the report, we set aside some
24 time to determine whether we had included everything. That was perhaps
25 three days. And we asked to have a sharing session with the administration

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1 of the NGOs -- of the NGO, rather, three people that we called to share the
2 results that we had obtained from the work we had done. And on the basis of
3 observations, in any event, there were some proposals for alternate wording
4 and the like, but we knew that the report had to be presented at our level and
5 we had to have the seal of approval from the organisation. So taking our
6 responsibilities, we shared the report with some people from the organisation
7 so that the report should be adopted at our level.

8 The approved report was sent on to the donor organisation which, in light of
9 the information found in the report, asked that the report be approved at
10 a national workshop. So that organisation referred to its own partners and the
11 report was an example of the work that had been done.

12 So the first step was validation of the report and the themes of the organisation.

13 Then the organisation sent it on for approval and then supported the activity.

14 Q. [14:52:08] Thank you very much, Mr Witness.

15 And was this report published after it was finalised and approved?

16 A. [14:52:18]

17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]

25 Q. [14:53:40] Thank you. Now please turn to tab 3 in your binder.

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1 The ERN of this document is [REDACTED] And Madam court officer,
2 please do not broadcast this document to the public.

3 Mr Witness, do you have the document in front of you?

4 A. [14:54:44] Yes.

5 Q. [14:54:47] Do you recognise this document?

6 A. [14:54:50] Yes.

7 Q. [14:54:55] Could you tell us what it is.

8 A. [14:54:59] This is the report I was talking about, the report we drafted and
9 validated by the organisation and approved by the partners.

10 THE INTERPRETER: [14:55:21] Correction: By the partner, singular.

11 MS YAMAGUCHI:

12 Q. [14:55:28] Do I understand correctly that -- so this is the report that was
13 produced as a result of project B?

14 A. [14:55:39] Yes. Yes, that's right.

15 Q. [14:55:48] Excuse me. Please turn to page 6 of the report, which
16 corresponds to the ERN [REDACTED]

17 The graphs included in this document indicate that the cases were divided into
18 nine different categories. Were there any victims who suffered from -- victims
19 or cases that were relevant to multiple categories of crimes?

20 A. [14:57:06] In our work, we didn't bring out that point. We just took the
21 cases by kind of category, but the breakdown -- the various categories or the
22 overlap or interrelationship between the various categories, we didn't bring out
23 that point.

24 Q. [14:57:49] So for example, if a victim suffered from both rape and
25 arbitrary arrest, how did you categorise this victim?

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1 A. [14:58:08] In the -- we would put that in the case of rape, and subsequent
2 to the arrest, but on the form, the arrest was mentioned but we could categorise
3 that as a case of rape.

4 Q. [14:58:42] And could you explain why you would put such a case into
5 rape rather than arbitrary arrest?

6 A. [14:58:56] In our approach, we stressed the most serious violations and
7 that is why in those cases we would downplay the arrest and really focus on
8 the rape.

9 Q. [14:59:26] Are there any categories where there was an overlap and the
10 same persons appear under two or more categories?

11 A. [14:59:41] Yes. In their comments in the description or the explanation
12 of the events, it would happen that victims would say to us that after
13 harassment, she had not replied to the satisfaction of the assailants and the
14 harassment led to arrest. And then after the arrest, flogging occurred.
15 So there was a link between the three elements, but since it wasn't a causal link,
16 then we would classify the victim under flogging. So harassment, arrest, were
17 minor in comparison to floggings. That is how we proceeded.

18 Q. [15:01:19] Thank you. Now please turn to page 7 of the report which
19 corresponds to the ERN [REDACTED] There is a chart on the top regarding the
20 identification of perpetrators. Could you please tell us how you categorised
21 cases into the four categories mentioned here?

22 So, Identified, Armed groups, Armed forces, and Non-determined.

23 A. [15:02:12] I recall that on the sheet, there was an aspect linked to these
24 four levels and some victims -- or some of the interviewed persons were able to
25 say exactly what the victim (sic) was in terms of ethnicity, in terms of

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1 activity - Islamic police, for example, or member of the armed forces. Or some
2 victims said that they were unable to categorise the victim (sic), but they knew,
3 for example, that it was somebody who was carrying a weapon.

4 So those were the three aspects: Can one identify the victim (sic)? Yes.

5 Was the victim (sic) part of an armed group? Yes. Was the victim (sic)
6 a member of the armed forces?

7 If not, the victim has no knowledge of the assailant. That was the -- those
8 were the steps that we followed.

9 Q. [15:03:55] Okay, I would like to go through each of the categories in a bit
10 more detail.

11 Now, in the paragraph just below this chart, it is mentioned that out of 182
12 victims, only 23 persons could identify alleged perpetrators and that two
13 names, Demba Demba and Amadou Mossa, both from the Islamic police, were
14 frequently cited by the victims.

15 Now, just to clarify, what was the source -- source of information regarding
16 these two persons being members of the Islamic police?

17 A. [15:04:46] If you look at the sheets, you will see that these names occur on
18 a number of these sheets. We -- in Bamako, well, we didn't know who was
19 going to be involved and these people were known as being part of the Islamic
20 police in that locality. So whenever there were discussions, exchanges with
21 the victims, they always said they were part of the Islamic police led by Demba
22 Demba or Amadou Mossa. We didn't look into this further, but they were
23 mentioned repeatedly by people, notably the 23 persons mentioned here.

24 Q. [15:06:09] And just to be clear, under which category did you include
25 a case where the victim named specifically Demba Demba or Amadou Mossa?

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1 A. [15:06:25] Identified assailant.

2 Q. [15:06:47] And if the victim mentioned only the Islamic police, for
3 example, which category did you include such a case?

4 A. [15:06:58] Armed group.

5 Q. [15:07:10] Now the same paragraph indicates that 69 victims attributed
6 the aggression to members of Ansar Dine and AQIM.

7 Just to understand clearly for the record, where did you include those cases
8 among the four categories?

9 A. [15:07:31] That would have been in armed group.

10 Q. [15:07:52] Now the second paragraph mentions that Malian armed forces
11 were also identified as perpetrators of violations. Do you recall when those
12 crimes attributed to Malian armed forces took place in most cases?

13 A. [15:08:13] These crimes took place after the occupation and during the
14 attempt at reoccupation by the armed groups. There was a confrontation
15 between the Malian armed forces and the armed groups had returned to
16 reoccupy the area. At that time, some people were identified as being
17 involved or an accomplice of the armed groups or as having relationships with
18 the armed groups - such as marriage and other similar relationships - and
19 names were given by other people as having -- as them having violated rights.
20 And then in the -- some were in -- taken quickly to the military camp to be
21 interrogated; others were taken and just disappeared completely.
22 So these were situations that we were aware of in the terrain and which
23 appeared in statements during the interviews. People didn't try and conceal
24 things from us.

25 Q. [15:10:09] Thank you, Mr Witness.

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1 And again, just to be clear, could you please tell us which category you would
2 include those cases attributed to Malian armed forces?

3 A. [15:10:29] That would be the category armed forces.

4 Q. [15:10:35] Now, apart from Ansar Dine, AQIM and Malian armed forces,
5 which are mentioned here, was there any other group that was identified as
6 responsible by victims?

7 A. [15:10:58] Well, sometimes I recall victims having mentioned MUJAO
8 there on the sheets. I can remember that being the case.

9 Q. [15:11:29] Was there any other group that was mentioned by victims?

10 A. [15:11:37] No, there were just those three.

11 Q. [15:11:55] Thank you. And for the last category, non-determined, do I
12 understand correctly that those are cases where the victim was unable to
13 specifically name the alleged perpetrator or the group?

14 A. [15:12:19] Yes, precisely.

15 Q. [15:12:36] Thank you. Now based on your analysis on patterns of crimes
16 and identification of perpetrators, were you able to conclude which types of
17 crimes were commonly attributed to Ansar Dine or AQIM?

18 A. [15:12:56] Unfortunately, we didn't carry out that type of work.

19 Q. [15:13:19] Now I would like to ask in more detail about certain types of
20 crimes documented in the report from project B and I'd like to start with rape
21 and attempted rape.

22 Please turn to page 8 of the report which corresponds to the ERN [REDACTED]
23 Now I understand victims often had difficulty attributing their victimisation to
24 a certain group or forces, but do you recall which group or perpetrators this
25 category -- victims of this category often mentioned as responsible?

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1 A. [15:14:32] Armed groups.

2 Q. [15:14:52] Now according to the summary on this page in relation to rape
3 and attempted rape, women and girls who had been interviewed reported
4 having been raped during the occupation of the city by the so-called Islamists
5 when they were arbitrarily detained in their prison. You also mentioned
6 a couple of times the prison of women.

7 Now did victims explain to you exactly where this prison was located within
8 the town of Timbuktu?

9 A. [15:15:37] Yes. I even went to that place to identify it.

10 Q. [15:15:57] Could you describe the location for us?

11 A. [15:16:02] The building which had been converted into the women's
12 prison had previously been the headquarters of the BMS, the -- so it was
13 a building abandoned by the bank when the bank left and all the
14 administration left and then it was taken over and turned into a prison for the
15 women. And it's right in the centre of the town.

16 Q. [15:16:52] Do you recall when you visited this former bank which was
17 turned into a prison?

18 A. [15:17:02] That was during my second mission, in [REDACTED]

19 Q. [15:17:24] And do you recall the reasons for which these victims of rape
20 were imprisoned in this location?

21 A. [15:17:42] Not all rape victims were raped in the prison; others were also
22 raped at the base. I think I already mentioned that. But I think that it can be
23 said that most of the victims had been imprisoned for having failed to adhere
24 to the dress code imposed by Islam and the -- according to the armed groups.
25 And -- and according to their rules, one had to be completely covered and any

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1 woman who did not completely cover herself or who did not comply with
2 certain regulations was apprehended.

3 So it was basically failure to respect the principles imposed by the Islamic
4 police. That was the main reason for women being taken to the women's
5 prison. I think that's how I would put it.

6 Q. [15:19:49] Thank you. And on the basis of what the victims told you
7 about, do you recall how long in general they were kept in prison? If you
8 recall.

9 A. [15:20:06] In most cases, it varied from one day to seven days. One day
10 was minor cases which were rapidly flogged and then freed. Two days,
11 flogging. Three days and flogging. That was for some cases -- most cases, in
12 fact. But seven days was, normally speaking, where there was aggression
13 involved, aggression and attempted rape. But it was rare to hear of somebody
14 who had spent longer there and not been raped. That's what I heard from the
15 women there.

16 So one can get an idea of the number of women who fell victim to this practice.

17 Q. [15:21:47] Now earlier during this session, you told us already about one
18 case of rape committed while in detention, the victim who was reluctant to
19 confide in you about that specific aspect of her victimisation.

20 And I understand it's been many years, but do you recall any other case of rape
21 in detention which you heard about victims?

22 A. [15:22:19] Well, it's very difficult to go into certain details to explain most
23 of the cases, but there were victims who said that they had consented despite
24 themselves, in spite of themselves because they felt that if they didn't do so,
25 they would never be returned to their families. And because they were

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1 supported by their families, they carried out activities that allowed them to face
2 the fact. And if they were in prison, it was difficult to say no, they had to
3 consent.

4 And once it had happened, once the perpetrator was satisfied, had achieved
5 what he wanted, then the victim would be freed. There were cases like that.
6 But it was an absolutely complex multidimensional situation we were facing
7 with, so we didn't go always into all the details. We just managed to do what
8 we managed to do.

9 Q. [15:24:34] Thank you, Mr Witness. Now apart from the 11 cases
10 documented in this case, did you hear about any other cases of rape in prison
11 that had occurred during the occupation of Timbuktu?

12 A. [15:24:50] Well, Madam Prosecutor, talking about cases of rape is very
13 difficult. It was very difficult because before I went to the location, I
14 had -- well, I had dimensions for -- for considering rape, and as the coordinator
15 of the organisation, I was involved in workshops which made me realise that
16 there are various categories for determining whether there is -- whether rape
17 has taken place or not. And on the basis of that, I myself asked on every
18 occasion the victims to be prudent because we were going to be writing down
19 something that could not be verified. And rape can normally only be verified
20 up to 72 hours after the event, and now we were talking about months passing
21 since the act.

22 So, whether -- we had the question of asking the victims whether they had been
23 raped and whether they would be able to swear by the Koran that they had
24 been raped. Knowing the cultural influence, that makes things difficult and
25 that means there may be people who were raped who we didn't meet, people

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1 that we met but who did not said they had been raped. So it's really a matter
2 of the commitment and the possibility of discovering whether these people
3 were willing to swear by the Koran that they had been raped.

4 So what we have are the results here of our work.

5 Q. [15:27:51] Did you meet anyone who claimed to be a victim of rape but
6 you were not satisfied with her accounts?

7 A. [15:28:01] Yes.

8 Q. [15:28:25] Do you recall approximately how many cases of such instances
9 occurred?

10 A. [15:28:38] I could say that there were a few infrequent occasions because
11 when there were cases of rape mentioned, and, we knew the people who we
12 were interviewing, I was very rigorous to ensure that the person would tell me
13 the truth.

14 If this project were not -- I explained that this project was not a way of giving
15 assistance or reparations and if you have a case of a false victim, then that
16 could reflect on all of us.

17 Q. [15:29:56] Thank you very much for that explanation.

18 Now I would like to turn to forced marriages. So please look again at the
19 table included in page 8 of the report, which corresponds to the ERN [REDACTED]
20 It indicates that seven cases of forced marriages were documented by your
21 project. Now again, I understand the victims were often unable to identify
22 perpetrators or groups, but do you recall today if -- well, first of all, if victims
23 of this category were able at all to identify the perpetrators or the group
24 responsible?

25 A. [15:30:51] Yes, all the victims told us about Islamic armed groups - and, in

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1 most cases, they came to put pressure on one of the relatives or they would
2 charm the person and convince the victim to marry him - with the difficulty of
3 whether to determine whether it was a person from Ansar Dine or MUJAO.

4 In any event, all the victims did say that they were from the armed groups.

5 Q. [15:31:55] What kind of pressure was applied to families in those cases of
6 forced marriage?

7 A. [15:32:11] The least case was financial pressure. During the occupation,
8 some activities could not be carried out; so families had a hard time providing
9 for themselves, and, in some cases, it would just be the wife and the daughter.
10 They would be easy prey. And then later, you see, people realised that you
11 couldn't take the risk of confronting someone. Things could change
12 overnight.

13 So these armed groups would drive through the town, walk around, and they
14 would intimidate people or use force. They were the occupiers. They were
15 the police. And, in one way or another, they could need -- or they could need
16 satisfaction for what they wanted.

17 In most cases, they put pressure on the families to have the children for
18 marriage against their will.

19 Q. [15:33:44] And among the seven cases of forced marriage documented
20 here, do you recall if there was any where children were born as a result of
21 these forced marriages?

22 A. [15:34:03] Out of two cases I think we -- I think there was a birth after
23 marriage, and those two were with five others. Those two cases were with the
24 five others to make up that category "forced marriage".

25 In other cases, the ladies were left without children.

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1 Q. [15:34:50] Thank you. And do you know, according to the accounts of
2 victims, what happened to those marriages at the end of the occupation?

3 A. [15:35:11] At the end of the occupation, the bridegrooms had gone off.
4 And so the women remained alone, afraid and stigmatized. Their neighbours
5 might stigmatize them saying, "Oh, you didn't wait, you didn't listen and now
6 you gave your daughter or your sister to the armed groups and now they've
7 left, and now you will live with the regret of that for the rest of your life."

8 Or the second thing would be the girl herself or the woman who would say to
9 herself, "Well, they're gone now. What's to become of me? Will I be lucky?
10 Will I be able to remarry in this place?"

11 And three of them said to us that their best opportunity was to leave so
12 that -- and not to stay behind in shame.

13 Q. [15:36:40] Thank you, Mr Witness. Now in the table on the this page,
14 page 8, just under "marriage", "forced marriage" cases, there is another category
15 called "abandoned families". Could you please explain what this category is
16 about?

17 A. [15:37:07] The abandoned families were the people left behind with
18 children. At the end of the conflict, at the time of liberation, the fathers took
19 off and the children were left behind. There were five such abandoned
20 families and I have met with all five families. I have generously distributed
21 kits to the families to provide some support to the ladies first, and I talked to
22 the mothers, since the fathers were no longer around. I talked to them about
23 the future of their children once the administration was back so that they could
24 have the various administrative documents; for example, a birth certificate or
25 a replacement birth certificate. And I talked to them about the children's

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1 educational needs as well, since the fathers were no longer around, the mothers
2 were left behind with the children without any support.

3 Q. [15:38:51] And are the victims of abandoned families different from
4 victims of forced marriage?

5 A. [15:39:06] I said earlier that there were just two forced marriages that led
6 to a birth out of the five forced marriages.

7 Q. [15:39:30] Okay. Now again, I understand it's been several years and it's
8 difficult to recall specific cases, but today, do you still have in your memory
9 any example of cases of forced marriage?

10 A. [15:40:05] Yes, there's a young lady whose mother gave her in marriage,
11 forced marriage, to a member of the Islamic police. The important thing here
12 is that the key element really, is that in the cases of forced marriage,
13 fundamentally a violation -- there was a violation of a cultural and social
14 principle in Timbuktu. When one enters into a marriage on the basis of
15 pressure tactics, it is such that, you see, the bridegroom would come to the
16 home of the woman, and rather than the woman going to the -- the woman
17 would remain under her father's roof and the husband would come to see her.
18 So that situation psychologically was disturbing for these women who have
19 been abandoned because everyone would see the members of the armed
20 groups leaving and coming, and now they're not around anymore. So who is
21 going to go out with these girls or these women now?

22 A young lady who came and confided in us told us that her only chance really
23 is to leave the place and find something somewhere else. But unfortunately,
24 she really has nowhere to go. No relatives anywhere else.

25 So we're -- our idea was to help her leave Timbuktu so she could go elsewhere

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1 and rejoin society there.

2 Q. [15:42:45] And do you recall when this incident happened according to
3 the victim?

4 A. [15:42:58] The marriage was in 2012 and it only lasted the nine or 10
5 months of occupation, and, it was just two or three months after the marriage,
6 the space was then liberated. But you see, since she had been a wife to
7 a member of the armed groups, she still is stigmatized and that was in 2012.

8 Q. [15:43:48] And just to be clear, did this victim -- did this incident occur in
9 Timbuktu?

10 A. [15:44:02] Yes, absolutely, in Timbuktu.

11 Q. [15:44:13] And the -- you mentioned that the -- well, you referred to
12 a member of the Islamic police as the person to whom this victim was forcibly
13 married. Is that what the victim told you?

14 A. [15:44:33] Yes. Except in one case, it was the mother of the victim who
15 acknowledged that her daughter and herself had been subjected to -- well, that
16 they had been put under pressure. They had --

17 THE INTERPRETER: [15:45:10] Correction: They had to get away from the
18 pressure --

19 THE WITNESS: [15:45:18](Interpretation) -- or either they had to accept it or
20 they had to leave Timbuktu. It was the mother in that case. Otherwise, all
21 the others -- practically, it was the victims.

22 MS YAMAGUCHI: [15:45:26]

23 Q. [15:45:28] So just to be clear, in the case of this young lady you were
24 talking to us about as a victim of forced marriage, was -- did she herself
25 mention a member of the Islamic police as her so-called husband?

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1 A. [15:45:49] Yes, because the first contact was established after an evening.
2 And when the members of the police went back to their base, they came across
3 these people going back to their residence and they parked the vehicle and
4 went into the house. She fled to the bedroom and her mother went out
5 to affront them and they were clear. They said they wanted the girl for
6 marriage.

7 That's how it happened. And immediately she recognised these people who
8 had got out of the car and tried to talk to them. They were members of the
9 Islamic police.

10 Q. [15:46:57] And do you recall the name of this victim?

11 A. [15:47:05] I repeat, Madam Prosecutor, I was working with codes. I was
12 a little bit distant. You see, on the forms we had codes and it was my
13 responsibility to populate the database with the information from the forms.
14 So I worked a lot with the forms.

15 Secondly, when violence is being inflicted, in a way to avoid this violence,
16 you -- you try not to remember the names of the victims. So the names would
17 be on the identification record. You might find the name there. But the final
18 forms, the final versions of the forms did not have names. They had codes.
19 Just codes. Thus the identity of a victim was not revealed to us.

20 Q. [15:48:14] Thank you for that clarification.

21 Now apart from the seven cases documented in this report, did you meet or
22 hear of other victims of forced marriage in Timbuktu?

23 A. [15:48:29] No. We identified the seven cases.

24 Q. [15:48:44] Now I'd like to turn to the category of arbitrary arrest and
25 imprisonment. Please look at page 8 of the report, which corresponds to the

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1 ERN [REDACTED] Again, the table on the top indicates 52 cases of arbitrary
2 arrest and imprisonment documented by your project.

3 Were victims of this category able to identify the perpetrators or the group
4 responsible?

5 A. [15:49:39] Thank you, Madam Prosecutor. That's a very easy question.
6 Most of the victims were arrested for carrying out activities that were deemed
7 to be illegal by the police or they were arrested for clothing infractions. It was
8 the police who were checking that, whether or not women were clothed
9 properly or making sure that women were not engaged in revenue-producing
10 activities.

11 So on that basis, if you look at these cases of people who had break -- who had
12 broken the Islamic police's rule, you would usually see that they were taken
13 into custody and flogged and then freed. That was the usual practice.
14 So these were the common occurrences in Timbuktu at that time.

15 Q. [15:51:18] Could you please just explain what you mean by
16 "revenue-producing activities"? Why was it forbidden for women to engage
17 in such activities?

18 A. [15:51:31] Income-generating activities are the day-to-day activities that
19 women engaged in to make some money. For example, doing hairdressing,
20 which was forbidden. At the time, no woman was allowed to wear braids.
21 No woman was to appear barefoot or have their hands uncovered without
22 gloves. No woman was allowed to sell any cosmetics. No woman was
23 allowed to engage in any activities that would mean that they would be
24 walking in the street. No selling, nothing like that. A woman on her own
25 could do nothing like that.

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1 So those activities were prohibited and thus the power of women was
2 restricted. They were simply not allowed to carry out any activity that would
3 allow them to earn any kind of money.

4 Q. [15:53:04] Thank you, Mr Witness.

5 Now please look at page 9 of the report, which corresponds to ERN [REDACTED]
6 There is a brief summary regarding arbitrary arrest and imprisonment. And
7 the last sentence of the summary mentions that a form of judgment took place
8 after detention accompanied by a whip.

9 Now, do you recall any cases where the victim was punished pursuant to
10 a judgment as described here?

11 A. [15:53:52] Yes. Our way of interpreting things was that -- well, one
12 speaks of a judgment. If there's an arrest and a person is taken to the women's
13 prison, then a decision was taken by the police officer who had arrested the
14 person and the prison official who could decide what the punishment would
15 be. And, usually, the punishment was flogging and the decision was, How
16 many lashes, depending on the extent of the violation of the rules set by the
17 Islamic police.

18 If it was a woman who had been caught because she was not clothed
19 appropriately, she would get 10 lashes. If it was a woman who had
20 been -- who had been arrested for trading in the street, commercial activities, it
21 was five to 10 lashes.

22 So that is how the word "judgment" got in here, to describe what happened.

23 Q. [15:55:46] Thank you. Now please turn to page 6 of the report, which
24 corresponds to the ERN [REDACTED] Now as I understand, the graph in the
25 middle of this page indicates different types of crimes divided by gender of the

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1 victim and we can see that there are more women who were victims of
2 arbitrary arrests and imprisonment.

3 Now, according to the information you received, could you explain to us why
4 this was the case?

5 PRESIDING JUDGE MINDUA: [15:56:50](Interpretation) Ms Taylor?

6 MS TAYLOR: [15:56:51] Thank you, Mr President. The Prosecutor is very
7 much asking the witness to speculate and to testify beyond the scope of his
8 competence. He's here to testify about what he heard from individuals. He's
9 not in a position to testify to the intent of perpetrators.

10 PRESIDING JUDGE MINDUA: [15:57:20](Interpretation) Madam Prosecutor.

11 MS YAMAGUCHI: [15:57:26] Thank you, Mr President. The question I have
12 asked is - according to the information this witness received - whether he could
13 explain why there were more female victims of arrest, arbitrary arrest and
14 imprisonment.

15 We are only asking him to describe on the basis of what he has personally
16 observed and met and understood from meetings with victims, why this clear
17 difference in gender balance can be observed in relation to this particular
18 category of crime.

19 PRESIDING JUDGE MINDUA: [15:58:27](Interpretation) Ms Taylor, the
20 witness worked for a long time with victims, so the witness may have heard
21 from the victims exactly why this situation occurred.

22 So you can answer.

23 I don't -- well, I don't know quite what you want to say.

24 MS TAYLOR: [15:58:54] Thank you, Mr President. I will lend myself to
25 saying this is a fact witness, not an expert witness. He's therefore not in

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1 a position to provide any opinion and he can only - as you have just said - state
2 what he himself remembers to have heard. He cannot provide his opinion on
3 what he believes to be the case.

4 PRESIDING JUDGE MINDUA: [15:59:27](Interpretation) This is what I
5 understood. Now the witness can tell us what he observed, what he heard
6 from the victims.

7 So there you have it, Mr Witness, please go ahead.

8 THE WITNESS: [15:59:45](Interpretation) Thank you, your Honour.

9 I think that the answer makes reference to the code of ethics that we had to
10 begin this work. Our mission was to go out and see what had happened and
11 to meet with the people affected with a view to describing, locating and
12 referring to the times when the perpetrators did what they did and the needs of
13 people. That's all. But when it comes to observing things in the field - and,
14 given our personal analysis - we did not go to that level. So that is why we
15 avoided engaging in a sort of analysis, such as what the Prosecutor is driving
16 at.

17 PRESIDING JUDGE MINDUA: [16:01:00](Interpretation) Very well, Madam
18 Prosecutor, you have heard the response which I think is very clear.

19 MS YAMAGUCHI: [16:01:09] Yes, thank you, Mr President and Mr Witness.

20 Q. [16:01:13] Now apart from the 52 cases documented --

21 PRESIDING JUDGE MINDUA: [16:01:20](Interpretation) Madam Prosecutor,
22 you forgot to look at the clock.

23 Mr Witness, it is 4 p.m., and the time has come for us to suspend the hearing
24 for today.

25 I can see that according to the Registry's observations, the Prosecution has used

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1 four hours and 13 minutes; so you are on notice.

2 Mr Witness, the Chamber thanks you greatly for answering the questions very
3 clearly with great precision. Unfortunately, your testimony has not come to
4 an end and tomorrow, you shall continue giving your testimony.

5 In the meantime, don't forget that you are not allowed to talk about your
6 testimony to anyone whatsoever. Not to family members, not to friends, in
7 the event that you might be in touch with them this evening. Have you
8 understood?

9 THE WITNESS: [16:02:51](Interpretation) Absolutely, your Honour.

10 PRESIDING JUDGE MINDUA: [16:02:53](Interpretation) Thank you very
11 much, Mr Witness.

12 We will now conclude, but before, I would like to thank as usual the parties
13 and participants. I would like to express my gratitude to the court reporters
14 and interpreters - and I'm not forgetting our security officers either - and of
15 course I thank the public.

16 I wish everyone a pleasant evening and we will see one another tomorrow here
17 at 9.30.

18 Court is adjourned.

19 (The hearing ends in open session at 4.03 p.m.)