

Trial Hearing
WITNESS: MLI-OTP-P-0654

(Open Session)

ICC-01/12-01/18

1 International Criminal Court
2 Trial Chamber X
3 Situation: Republic of Mali
4 In the case of The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag
5 Mahmoud - ICC-01/12-01/18
6 Presiding Judge Antoine Kesia-Mbe Mindua, Judge Tomoko Akane and
7 Judge Kimberly Prost
8 Trial Hearing - Courtroom 3
9 Monday, 13 September 2021
10 (The hearing starts in open session at 9.30 a.m.)
11 THE COURT USHER: [9:30:52] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE MINDUA: [9:31:18](Interpretation) Court is in session.
15 Good morning, everyone, and a good start to your week.
16 Court officer, please, could you call the case.
17 THE COURT OFFICER: [9:31:41] Good morning, Mr President, your Honours.
18 This is the situation in the Republic of Mali, in the case of The Prosecutor versus
19 Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud, case reference
20 ICC-01/12-01/18.
21 And for the record, we are in open session.
22 PRESIDING JUDGE MINDUA: [9:32:06](Interpretation) Thank you very much,
23 Court officer.
24 As we do every morning, we shall continue with the appearances, firstly with the
25 Office of the Prosecutor.

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- 1 Prosecutor.
- 2 MS LUPING: [9:32:14] Good morning, Mr President. Good morning, your
- 3 Honours.
- 4 Appearing on behalf of the Prosecution this morning is a slightly different team. We
- 5 have Mr Duterte, Ms Yayoi Yamaguchi, and myself, Dianne Luping.
- 6 PRESIDING JUDGE MINDUA: [9:32:38](Interpretation) Thank you very much,
- 7 Madam Prosecutor.
- 8 I now turn towards the Defence.
- 9 Counsel.
- 10 MS TAYLOR: [9:32:48] Good morning, Mr President. Good morning, your
- 11 Honours. The Defence for Mr Al Hassan is represented by Maître Julia Basile, and
- 12 myself, Melinda Taylor. Thank you.
- 13 PRESIDING JUDGE MINDUA: [9:32:59](Interpretation) Thank you very much,
- 14 Ms Taylor.
- 15 And now I turn to the Legal Representatives of Victims.
- 16 MR KASSONGO: [9:33:11](Interpretation) Thank you, your Honour. Good
- 17 morning, your Honour, your Honours. Wishing you all a good start to the week.
- 18 The legal representatives are represented by Madam Claire Laplace, who's assisting
- 19 me, and myself Maître Kassongo. Thank you.
- 20 PRESIDING JUDGE MINDUA: [9:33:21](Interpretation) Thank you very much,
- 21 Maître Kassongo.
- 22 Today we are going to continue with the hearing of the Prosecution witness, P-064
- 23 with, of course -- P-0654 -- with, of course, the examination-in-chief of the Prosecutor.
- 24 So I'm now going to turn towards the witness.
- 25 Good morning, Witness. Are you well?

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- 1 WITNESS: MLI-OTP-P-0654 (On former oath)
- 2 (The witness speaks French)
- 3 (The witness gives evidence via video link)
- 4 THE WITNESS: [9:33:53](Interpretation) Good morning, Your Honour. Yes, I am
- 5 well.
- 6 PRESIDING JUDGE MINDUA: [9:33:52](Interpretation) Thank you very much,
- 7 Witness.
- 8 On behalf of the Chamber, I would like to welcome you once again.
- 9 THE WITNESS: [9:34:03](Interpretation) Thank you.
- 10 PRESIDING JUDGE MINDUA: [9:34:04](Interpretation) And I would like to remind
- 11 you that you are still under oath and that you must say the truth, the whole truth, and
- 12 nothing but the truth.
- 13 I would remind you, finally, about my instructions with regards to taking the floor.
- 14 We all have to speak slowly, clearly. And we have to mark pauses. That's it.
- 15 Without any further ado, I now give the floor to the Prosecutor.
- 16 Madam Prosecutor, could you tell me how much time you still need.
- 17 MS LUPING: [9:34:57] Thank you, Mr President. As I indicated last week, I have
- 18 certainly been doing my utmost to ensure I will not take the full four hours that are
- 19 left to me. I hope to be between two and a half to maximum three hours, hopefully
- 20 two and a half hours. So by the end of the second session, if all goes well.
- 21 PRESIDING JUDGE MINDUA: [9:35:32](Interpretation) Very well.
- 22 I thought that it would be at the end of the first session. But never mind. Please go
- 23 ahead. You have the floor.
- 24 QUESTIONED BY MS LUPING: (Continuing)
- 25 Q. [9:35:47] Good morning, Mr Witness.

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1 A. [9:35:48] Good morning, Counsel.

2 Q. [9:35:49] Last week at transcript 128, the French real-time, at page 55, line 27, to
3 page 56, line 1, you mention the destruction of the mausoleums at the grand mosque
4 of Djinguereber.

5 Could you explain, first of all, where are the -- sorry, where is the grand mosque of
6 Djinguereber? Where is it located?

7 A. [9:36:23] The grand mosque of Djinguereber is situated, firstly, at the very heart
8 of Timbuktu. And to the east of the mosque you have a library, an old library,
9 Ben Essayouti library. And on the west side you have Imam Ben Essayouti
10 (inaudible) cycle. And then in the central area you have, to the -- to the north, you
11 have buildings which are inhabited. And in the south you have the Al Bakaye camp,
12 which is the military garrison of Timbuktu.

13 Q. [9:37:32] And can you describe what happened to the mausoleums at
14 Djinguereber. Describe the destruction there.

15 A. [9:38:08] As in all the other mausolea which were destroyed, in the Djinguereber
16 mausolea they also suffered the same fate. The only difference was that when it
17 came to the mausolea, the grand mosque, they don't have the same architects here.
18 Those mausolea are stuck to the wall of the mosque. And it's often difficult for
19 people, for a foreigner or somebody who doesn't know the location to know that it's a
20 mausolea because it's mixed up with the interior of the mosque. But those who do
21 know, they know that there are saints who are buried there.

22 And one morning I was doing my rounds, my routine, and what I found was that
23 there was a group that had gathered behind the mosque. And I asked what was
24 happening and I was told that it was the mausolea. Well, I was told that it was the
25 mausolea that had been destroyed. I think it happened very early in the morning.

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1 That meant that not many people were aware of what was happening. I thought I'd
2 try and find out, understand, what had happened. And I think that's the way in
3 which it was destroyed.

4 Q. [9:39:48] And did you learn who destroyed them?

5 A. [9:40:15] Yes. The Islamists in 2012, the Islamists who were occupying the
6 town in 2012.

7 Q. [9:40:29] And when was this that they were destroyed?

8 A. [9:40:33] During the same period, June, when the other mausolea were also
9 destroyed.

10 Q. [9:40:48] And do you know what happened at the mosque after they were
11 destroyed?

12 A. [9:41:01] Well, I know after the destruction they gathered all the banco up, all
13 the bits, the debris from the walls, all the banco from the mausolea. They took it
14 away and they adjusted everything so you no longer saw any traces of the mausolea.
15 It was razed to the ground. That's what they did.

16 Q. [9:41:29] Mr Witness, I am now going to show you a video extract.

17 It can be shown publicly. It's at tab 399. The ERN is [REDACTED] And it can be
18 played without sound and it does not require any interpretation.

19 (Viewing of the video excerpt)

20 MS LUPING: [9:42:01]

21 Q. [9:42:03] Mr Witness, I've now stopped at 00:00:00:15.

22 Do you know where this is?

23 A. [9:42:32] Yes. That's Djinguereber mosque, and that's where you see the
24 pickaxe marks, and that's the mausolea.

25 Q. [9:42:40] And can you describe what is happening in this scene.

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1 A. [9:42:43] This is when they're actually destroying it. That's the destruction that
2 you can see.

3 Q. [9:42:53] And do you recognise anybody in this image?

4 A. [9:42:58] I can just see Islamist combatants in their usual attire. A certain local
5 cameraman. That's it.

6 Q. [9:43:35] And could you explain who is the local cameraman you said you can
7 see there.

8 A. [9:43:49] It resembles [REDACTED]. At least the person who's holding the
9 tripod seems to resemble [REDACTED]

10 Q. [9:44:27] (Overlapping speakers) And can you describe what he's wearing so we
11 can identify where he is in this image.

12 A. [9:44:34] Yes. There are two people who are not wearing combatant's attire.
13 So one's got a shirt and trousers. The other's wearing red attire. And the person
14 who's wearing a red attire is the person -- is the cameraman that I'm thinking of.
15 You can't see his face, it's a bit blurred, but he's holding a tripod with a -- with a
16 portable telephone, a mobile telephone, to film.

17 Q. [9:45:18] And the person wearing a white shirt and trousers that you mentioned,
18 do you recognise him?

19 A. [9:45:31] Just like that, I can't recognise him. It's a bit blurred.

20 Q. [9:45:35] I'm going to remove this video excerpt.

21 And the next video excerpt can also be playing -- sorry, played in public. The ERN
22 is 0012-1817. And I will be asking for interpretation for this short excerpt. The
23 transcript is at tab 329, and it's 0069-1664. I'm going to begin from the -- from the
24 very beginning.

25 (Viewing of the video excerpt)

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1 MS LUPING: [9:46:34] And I've stopped at 00:00:00:14.

2 Q. [9:46:39] Mr Witness, do you recognise this location?

3 A. [9:46:42] Yes. That's still behind Djinguereber mosque, the mausolea that were
4 destroyed. And that's the wall which had been razed to the ground.

5 MS LUPING: [9:47:13] I'm now going to play this with sound. And, again, a
6 reminder that I would request interpretation for this very short extract.

7 (Viewing of the video excerpt)

8 MS LUPING: [9:47:25] Sorry. I'm not hearing any sound. So I'm just going to
9 increase the volume.

10 (Viewing of the video excerpt)

11 MS LUPING: [9:47:54]

12 Q. [9:47:59] Mr Witness, could you hear what the person was saying?

13 A. [9:48:02] No, I didn't hear it.

14 MS LUPING: [9:48:21] I just want to ask if the interpreters also have the transcript,
15 and I'll try to increase the volume one more time.

16 (Viewing of the video excerpt)

17 MS LUPING: [9:48:38]

18 Q. [9:48:38] Could you hear it this time, Mr Witness?

19 A. [9:48:43] I heard a voice.

20 Q. [9:48:48] Never mind. I will remove this excerpt.

21 This next excerpt does not require any interpretation and it is found at tab 326. That
22 is 0012-1816. And I will be playing it from the beginning.

23 (Viewing of the video excerpt)

24 MS LUPING: [09:49:22] And I've stopped at 00:00:00:16.

25 Q. [09:49:28] Mr Witness, do you recognise this location?

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1 A. [9:49:44] Yes. This is the west side of Djinguereber mosque.

2 Q. [9:49:48] And what do we see here?

3 A. [9:50:00] As I said, this is part of the west side. It's not the part which was
4 attacked. The part that was attacked is a bit further around.

5 MS LUPING: [9:50:10] I'm going to remove this excerpt now.

6 Mr President, could we briefly go into private session.

7 PRESIDING JUDGE MINDUA: [9:50:24](Interpretation) Court Officer, please could
8 you take us into private session.

9 (Private session at 9.50 a.m.)

10 THE COURT OFFICER: [9:50:34] We're in private session, Mr President.

11 PRESIDING JUDGE MINDUA: [9:50:38](Interpretation) Thank you very much,
12 Court Officer.

13 Madam Prosecutor.

14 MS LUPING: [9:50:45]

15 Q. [9:50:45]

16 [REDACTED]?

17 A. [9:51:12]

18 [REDACTED]

19 Q. [9:51:26]

20 A. [9:51:30]

21 [REDACTED]
22 [REDACTED]

23 MS LUPING: [9:52:03] Mr President, I believe we can move back into public session.

24 PRESIDING JUDGE MINDUA: [9:52:09](Interpretation) Court officer.

25 (Open session at 9.52 a.m.)

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1 THE COURT OFFICER: [9:52:18] We're back in open session, Mr President.

2 PRESIDING JUDGE MINDUA: [9:52:22](Interpretation) Thank you very much,
3 Court Officer.

4 Prosecutor.

5 MS LUPING:

6 Q. [9:52:34] Mr Witness, two transcript references - that's T-128, the French edited
7 version, at page 45, line 28, to page 46, line 1; and transcript 131, the French real-time,
8 at page 58, line 26, to page 59, line 8 - you stated that the Al Farouk monument was
9 also damaged.

10 My question first is: Where is the Al Farouk monument?

11 A. [9:53:18] The Al Farouk monument is in the town centre, in the medina, in
12 Timbuktu. The medina is the old town. It's at the heart of the administrative
13 buildings such as the *gouvernorat*, the police station, the town hall, and the camp, and
14 the treasury as well.

15 Opposite the monument, you have the square which is dedicated to celebrating
16 independence and other such festivals. And all around it, you have a tarmac road
17 which goes around it. And then you have roads that open up into three main roads.
18 So in the south of the monument, you have a road going to Kabara. On the north,
19 you have a tarmac road going to the town centre. And on the west, you have the
20 road which goes to the camp just up to the BMS.

21 Q. [9:55:02] And can you explain what the monument is. What does it signify?

22 A. [9:55:16] First of all, Al Farouk, this is a symbol for Timbuktu, this devil on a
23 white horse. And this is transmission between the communities, between
24 Djinguereber and Timbuktu, to magnify this white cavalier or horseman is -- on the
25 days of independence, the inhabitants of Timbuktu asked that Al Farouk be

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1 symbolised. And since then it was decided to make a monument, and this is the
2 monument which was made, and it represents Al Farouk.

3 And for the people of Timbuktu, that means a lot of things. Not only is it the Al
4 Farouk symbol, which is on a banco pillar, and it's well made, all done with local
5 materials, on limestone, clay, and cement. And it's heavy, which makes it possible
6 for this monument, which is well built, to resist the difficult climate. And the
7 symbol Al Farouk, which was majestically built in a square called the Square of
8 Independence, Independence Square.

9 So that is in a public place, but it's also a sacred place. It has both. It has two
10 characters, two natures, public and sacred.

11 Q. [9:58:13] And could you explain what is the *monument des martyrs*.

12 A. [9:58:46] Well, after the independence in '91, there was a revolution in Mali
13 which meant -- which led to the country having -- which installed democracy
14 thereafter. And lots of human lives were sacrificed in order to achieve that. So the
15 monument of martyrs was -- there were monuments to martyrs set up all over Mali.
16 And in Timbuktu, you had to find a symbolic place situated in the Medina in order to
17 celebrate this great day or this period which brought change to the country.
18 So, in terms of its geographical position, the monument of martyrs is in the Sankore
19 neighbourhood, in the east, compared to the centre. You've got the ex-PMI centre,
20 and then it's known by the name of PMI, *Protection Maternelle et Infantile*. That's the
21 health centre. And in the south there's the -- the neighbourhood, in the Sankore
22 neighbourhood. In the south you have the Abaradjou area, and in the west you have
23 the small market. That's its geographical position.

24 Q. [10:00:44] And do you know what happened to the monument of the martyrs?

25 A. [10:01:01] The monument of the martyrs, there were such monuments

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1 throughout the whole country. One woman was depicted who was mourning the
2 loss of her children, so that particular depiction --

3 Q. [10:01:21] Sorry to interrupt you, Mr Witness. I think there was a
4 misunderstanding of my question.

5 During the occupation in Timbuktu, did anything happen to the monument of the
6 martyrs?

7 A. [10:01:42] Yes, the monument of the martyrs was destroyed.

8 Q. [10:01:45] And it was -- it was destroyed by whom?

9 A. [10:02:03] The Islamists of that time. Personally, I don't know which
10 combatants actually destroyed it.

11 Q. [10:02:11] I'm now going to -- I'm now going to show a short video excerpt. It
12 can be shown in public, found at tab 136. It's 0012-1519. It can be played without
13 sound and no interpretation is necessary. I'll be playing it from the start.

14 (Viewing of the video excerpt)

15 MS LUPING: [10:02:43]

16 Q. [10:02:43] Mr Witness, I'm just pausing at 00:00:06:16.

17 What do we see in this image?

18 A. [10:02:52] Just the monument. I see a man who is stopped, and he is facing a
19 plaque which is affixed to the wall.

20 Q. [10:03:18] And which monument is this?

21 A. [10:03:24] The monument of the martyrs.

22 Q. [10:03:34] And you said that the man has just stopped.

23 Stopped doing what?

24 A. [10:03:57] He took a particular position --

25 THE INTERPRETER: [10:04:02] Inaudible.

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1 THE WITNESS: [10:04:04](Interpretation) -- destruction of the plaque so that this
2 person who was -- who had been glorified would no longer be visible.

3 MS LUPING: [10:04:17](Overlapping speakers)

4 And I'm now going to -- I played till the end, and I'm now removing the excerpt.

5 Mr President, if I could briefly go into private session.

6 PRESIDING JUDGE MINDUA: [10:04:33](Interpretation) Private session,

7 Courtroom Officer.

8 (Private session at 10.04 a.m.)

9 THE COURT OFFICER: [10:04:45] We're in private session, Mr President.

10 PRESIDING JUDGE MINDUA: [10:04:47](Interpretation) Thank you very much,

11 Courtroom Officer.

12 Madam Prosecutor.

13 MS LUPING: [10:04:56]

14 Q. [10:04:58] [REDACTED]
15 [REDACTED]?

16 A. [10:05:20] [REDACTED]

17 Q. [10:05:25] [REDACTED]
18 [REDACTED]?

19 A. [10:05:39] [REDACTED]

20 Q. [10:05:53] [REDACTED]?

21 A. [10:06:05] [REDACTED]

22 Q. [10:06:13] [REDACTED]?

23 A. [10:06:18] [REDACTED]

24 THE INTERPRETER: [10:06:27] Inaudible.

25 MS LUPING: [10:06:29] And I just note, this name was not previously captured

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1 properly in the English transcript.

2 Q. [10:06:35] [REDACTED] ?

3 A. [10:06:55] I haven't understood.

4 Q. [10:06:58] [REDACTED]

5 Is that correct?

6 A. [10:07:05] Exactly.

7 MS LUPING: [10:07:16] Mr President, we can move back into public session.

8 PRESIDING JUDGE MINDUA: [10:07:21](Interpretation) Open session, Courtroom
9 Officer.

10 (Open session at 10.07 a.m.)

11 THE COURT OFFICER: [10:07:26] We're back in open session, Mr President.

12 PRESIDING JUDGE MINDUA: [10:07:28](Interpretation) Thank you very much.
13 Madam Prosecutor.

14 MS LUPING: [10:07:42]

15 Q. [10:07:43] Mr Witness, from what you saw or you heard, what was the
16 significance of the mausoleums that had been destroyed for members of the
17 population?

18 A. [10:07:57] The mausoleums represented everything for the people of Timbuktu
19 and -- well, first of all, for people who are familiar with the -- with history, know that
20 the reputation and the special nature of the tourist locations, all of those things are
21 based on these mausoleums in Timbuktu. These are places that -- where people
22 from the community can go to reflect. The people are very much subjected to God,
23 closer to God and they can relay the grievances of the community to the all-powerful.
24 Often to -- to pray that people who have passed away may rest in peace. Every
25 Mondays and Fridays the faithful go to these places and ask God for protection, they

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1 ask for wisdom, to grant them wisdom, protection for their relatives who are buried
2 at these locations. Today these are a form of cultural property. They are part of
3 worldwide heritage. They don't belong just to Mali because thousands and
4 thousands of people travel from all over the world to come and visit these
5 mausoleums, which have a history.

6 The mausoleums represent everything for Timbuktu. And when you think of
7 Timbuktu, you think about the mausoleums. You think about the manuscripts.

8 Q. [10:11:02] Mr Witness, at page 15, line 10, you just spoke of the manuscripts.
9 What happened to the manuscripts, if you could briefly explain that?

10 A. [10:11:18] Just like the mausoleums, the reputation and the history of Timbuktu
11 are based on the manuscripts. Unlike the mausoleums, the manuscripts are
12 something used to teach us, to inspire us. And today, the manuscripts are envied by
13 Western people, by Africans, by researchers. Everyone wants access to these
14 manuscripts, for example, for a thesis. The manuscripts talk about everything.
15 They say everything and the manuscripts represent all of Timbuktu.

16 Q. [10:12:29] And do you remember anything happening to any of the manuscripts
17 in Timbuktu?

18 A. [10:12:37] Yes. The manuscripts were burnt at the Ahmed Baba centre. That
19 is the place where the manuscripts were being stored. The manuscripts were set on
20 fire one morning very, very early.

21 Q. [10:13:29] And do you know when the manuscripts were burnt? What month
22 and year?

23 A. [10:13:45] The manuscripts were burnt one or two months after the mausoleums
24 had been destroyed. So I don't remember the exact period of time, but it wasn't the
25 same time as the destruction of the mausoleums.

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1 Q. [10:14:12] And did you learn who burnt the manuscripts?

2 A. [10:14:17] Yes. The Islamists at that time, in 2012, who were occupying the city.

3 Q. [10:14:35] Now, Mr Witness, I'm going to be showing you a short video excerpt.

4 It is found at [REDACTED] tab 412, of the binder. Its transcript is as tab 413. And I

5 would be requesting interpretation. The transcript is 0020-0612. It is a very short

6 excerpt, and I'll be requesting interpretation. I'll be playing from the start and first

7 asking you if you recognise the individual.

8 (Viewing of the video excerpt)

9 MS LUPING: [10:15:26] I stopped at 00:00:00:18.

10 Q. [10:15:30] Do you recognise this individual?

11 A. [10:15:33] Yes, that is a Malian journalist.

12 Q. (Overlapping speakers) What's his name?

13 A. [10:15:44] [REDACTED]

14 Q. [10:15:52] And we can see "ORTM" at the top right corner.

15 Is that the same TV network that you've mentioned previously in your testimony?

16 A. [10:16:09] Yes, it is the same television.

17 MS LUPING: (Overlapping speakers) and I'll be playing it with sound, and I will be
18 requesting interpretation.

19 (Viewing of the video excerpt)

20 THE INTERPRETER: [10:16:40] (Interpretation of the video excerpt)

21 Sight translation:

22 [REDACTED] Increasingly, the occupants of the city of Timbuktu are

23 attacking the symbols of the city of 333 saints. After the destructions of the statues

24 depicting the horsemen, it was now the turn of the mausoleum to be profaned by the

25 armed Islamists. A situation that has sparked anger and concern within the

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1 population of Timbuktu. A report by" -- (Overlapping speakers)

2 MS LUPING:

3 Q. [10:17:22] (Overlapping speakers) Mr Witness, I'm just pausing at 00:00:37:18.

4 Do you recognise this image? What is it?

5 A. [10:17:29] Yes. This is the Al Farouk monument. You can see the white
6 horseman that I was telling you about.

7 MS LUPING: [10:17:42](Overlapping speakers) to play it with sound and request the
8 interpretation to continue.

9 (Viewing of the video excerpt)

10 THE INTERPRETER: [10:17:49] (Interpretation of the video excerpt)

11 "Journalist: After one month of occupation armed groups -- by armed groups, the city
12 of Timbuktu is gradually" --

13 Overlapping.

14 MS LUPING: [10:17:59]

15 Q. [10:18:01] (Overlapping speakers) Mr Witness, I paused at 00:00:51:08. Do you
16 recognise the individual we see here?

17 A. [10:18:08] Yes.

18 Q. [10:18:20] And who is it?

19 A. [10:18:21] Sanda Ould --

20 Q. [10:18:24] (Overlapping speakers) I'm going to keep playing, with sound, and
21 request ongoing interpretation.

22 PRESIDING JUDGE MINDUA: [10:18:27](Interpretation) Ms Taylor.

23 MS TAYLOR: [10:18:29] Thank you, Mr President.

24 Could there be more of a break between the end of interpretation and the questions,
25 because we keep having the interpretation being cut off and we keep losing some of

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1 the witness's answers as well. Thank you.

2 PRESIDING JUDGE MINDUA: [10:18:50](Interpretation) Ms Prosecutor, did you
3 hear Ms Taylor's remark?

4 MS LUPING: [10:18:57] My apologies to the interpreters, and to your Honours, and
5 to my colleagues in the courtroom.

6 I will now continue playing and, Mr Witness, I would ask -- sorry, I would ask for
7 ongoing interpretation.

8 (Viewing of the video excerpt)

9 THE INTERPRETER: [10:19:11] (Interpretation of the video excerpt)

10 "Sanda Ould Bouamama: The fact that we did that, Al Farouk, people think that
11 Al Farouk is governing the city. Well, for us -- that ... that ... that, we can't accept
12 that because it is against our religion, we want people to be devoted to Allah, not to a
13 symbol.

14 "Journalist: As far as the mausoleums of the saints Sidi Mahmoud and Hama
15 Mahmoud are concerned, no reason was given. These acts of repeated sabotage of
16 the symbols of the holy city have sparked the anger of the inhabitants of Timbuktu,
17 some of whom have remained despite the occupation. A protest march" --

18 MS LUPING: [10:20:06](Overlapping speakers) I'm just -- I note that I played to the
19 end and I'm now going back to a timestamp 00:01:29:00.

20 Mr President, could we go into private session, please.

21 PRESIDING JUDGE MINDUA: [10:20:21](Interpretation) Private session, please,
22 Courtroom Officer.

23 (Private session at 10.20 a.m.)

24 THE COURT OFFICER: [10:20:43] We're in private session, Mr President.

25 PRESIDING JUDGE MINDUA: [10:20:49](Interpretation) Thank you very much,

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1 Courtroom Officer.

2 Madam Prosecutor.

3 MS LUPING:

4 Q. [10:20:54] Mr Witness, we see names of individuals who are part of this news
5 item. [REDACTED] is that the individual you have mentioned before?

6 A. [10:21:04] Yes.

7 Q. [10:21:06] And [REDACTED] is that correct?

8 A. [10:21:27] Indeed. Here in this particular case, [REDACTED] He did
9 not remain in Timbuktu.

10 Q. [10:21:44] And [REDACTED] who are these
11 individuals?

12 A. [10:21:52] [REDACTED]

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23 THE INTERPRETER: [10:23:50] And the witness ends by saying -- overlapping.

24 MS LUPING: [10:23:58](Overlapping speakers) to public session.

25 PRESIDING JUDGE MINDUA: [10:24:03](Interpretation) Open session,

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- 1 Courtroom Officer.
- 2 (Open session at 10.24 a.m.)
- 3 THE COURT OFFICER: [10:24:08] We're back in open session, Mr President.
- 4 PRESIDING JUDGE MINDUA: [10:24:10](Interpretation) Thank you very much.
- 5 Madam Prosecutor.
- 6 MS LUPING: [10:24:14] Thank you. I'm going to briefly show an alternative extract.
- 7 And it should be at 00:01:08:20. Sorry, at the moment I have 00:01:09:02.
- 8 Q. [10:24:42] Mr Witness, do you know who this individual is?
- 9 A. [10:24:50] That is a notable person.
- 10 Q. (Overlapping speakers)
- 11 THE INTERPRETER: [10:24:53] Overlapping.
- 12 THE WITNESS: [10:24:58] (Interpretation) Abdou Salam.
- 13 THE INTERPRETER: [10:25:01] Inaudible.
- 14 MS LUPING: [10:25:10] And I just want to note for the record the video is 0001-6925.
- 15 I'll be playing it with sound and I'll request interpretation. And the transcript can be
- 16 found at tab 389, and that is 0056-0575.
- 17 Before I play it, I just note that the name has been captured in the English but not in
- 18 the French transcript.
- 19 Q. [10:25:46] Mr Witness, I believe you stated Abdou Salam; is that correct?
- 20 A. [10:25:56] Abdou Salam Oumar Ascofare.
- 21 Q. [10:26:25] And could you spell the last name Ascofare.
- 22 A. [10:26:31] A-S-C-O-F-A-R-É *accent aigu*.
- 23 MS LUPING: [10:27:08] I'm now going to be playing it with sound and I request
- 24 interpretation.
- 25 (Viewing of the video excerpt)

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1 MS LUPING: [10:27:16] And I'm just stopping, for the record, at 00:01:19:11. And
2 I'm going to remove the extract.

3 Q. [10:27:29] Mr Witness, at transcript 131 - that's the French real-time - at page 56,
4 lines 8 to 16, you described destruction taking place at a location called Kabara.
5 Could you briefly explain what was destroyed at Kabara.

6 A. [10:28:01] Yes, Kabara. A mausoleum was destroyed there.

7 Q. [10:28:17] And by whom?

8 A. [10:28:20] By the Islamists at that time.

9 Q. [10:28:28] Mr Witness, I'm now going to change topics. I'm going to be
10 showing you a series of images. The first image will be at tab 128 of your binder. If
11 someone could give you assistance. I'll show it one the screen as well, but it may
12 help for you to have the hard copy binder in front of you, please.

13 That's tab 128 and the image is 0020-0105.

14 A. [10:29:47] Yes, I've had a look at it.

15 Q. [10:29:49] And do you recognise this person?

16 A. [10:29:52] Yes.

17 Q. [10:29:57] Who is it?

18 A. [10:30:04] Yahia Abou Hammam.

19 MS LUPING: [10:30:10] Mr President, could we just briefly go into private session.

20 PRESIDING JUDGE MINDUA: [10:30:16](Interpretation) Courtroom officer, private
21 session, please.

22 (Private session at 10.30 a.m.)

23 COURT OFFICER: [10:30:29] We're in private session, Mr President.

24 PRESIDING JUDGE MINDUA: [10:30:31](Interpretation) Thank you very much,
25 court officer.

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1 Madam Prosecutor.

2 MS LUPING:

3 Q. [10:30:36] [REDACTED] ?

4 A. [10:30:40] [REDACTED]

5 Q. [10:30:49] [REDACTED]

6 [REDACTED] ?

7 A. [10:30:54] Yes, I remember that.

8 Q. [10:31:02] And -- pardon me.

9 A. [10:31:07] [REDACTED]

10 Q. [10:31:16] [REDACTED] ?

11 A. [10:31:25] [REDACTED] I can't know the place or the date.

12 MS LUPING: [10:31:44] Mr President, we can go back into public session.

13 PRESIDING JUDGE MINDUA: [10:31:49](Interpretation) Ms Taylor, did you want
14 to intervene in private session?

15 MS TAYLOR: [10:31:55] I believe it can be in open. It was just to ask the Prosecutor
16 if we could have the spelling of the last name because it hasn't been captured in either
17 transcripts, as far as I can see. We just have the first name.

18 PRESIDING JUDGE MINDUA: [10:32:15](Interpretation) While we're waiting,

19 Court Officer, could we go into open session.

20 (Open session at 10.32 a.m.)

21 COURT OFFICER: [10:32:34] We're back in open session, Mr President.

22 PRESIDING JUDGE MINDUA: [10:32:36](Interpretation) Thank you very much,
23 Court Officer.

24 Prosecutor.

25 MS LUPING:

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1 Q. [10:32:41] Mr Witness, you gave the name of the individual that we could see in
2 an image, and the first name given was Yahia. The other two names were not
3 captured in the record, although I did hear it. I heard you say the name.
4 Could you repeat the name, please, for the record.

5 A. [10:33:08] Yahia is his name. Yahia Abou Hammam.

6 Q. [10:33:24] And, Mr Witness, I'm now showing you a brief video excerpt. And it
7 can be found at tab 360, 0012-1949. And I have it paused at 00:00:01:18.

8 Mr Witness, do you recognise this image?

9 A. [10:33:53] Yes. This at the entry to Timbuktu.

10 MS LUPING: [10:34:13] Could I ask a question briefly in private session,
11 Mr President?

12 PRESIDING JUDGE MINDUA: [10:34:16](Interpretation) Indeed.
13 Court officer.

14 (Private session at 10.34 a.m.)

15 COURT OFFICER: [10:34:24] We're in private session, Mr President.

16 PRESIDING JUDGE MINDUA: [10:34:27](Interpretation) Thank you very much.
17 Prosecutor.

18 MS LUPING: [10:34:30]

19 Q. [10:34:31] [REDACTED] ?

20 A. [10:34:41] [REDACTED]

21 Q. [10:34:43] [REDACTED] ?

22 A. [10:34:58] [REDACTED]

23 [REDACTED]

24 Q. [10:35:09] And still briefly in private session, because I only have one question
25 about this image.

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1 I'm showing you an image, 0012-1914. [REDACTED]

2 [REDACTED] ?

3 A. [10:35:39] The previous one or this one?

4 Q. [10:35:41] This image that we see in front of us.

5 Can you see it on your screen? It's on evidence channel 2, 0012-1914. And you see
6 on the top there it says "*Police Islamique*".

7 [REDACTED] ?

8 A. [10:36:01] [REDACTED]

9 [REDACTED] ?

10 A. [10:36:08] [REDACTED] As I explained, the
11 Islamic police was at BMS before it went to the *gouvernorat*.

12 MS LUPING: [10:36:47] I'm now going to remove this from the screen.

13 And, Mr President, I believe we can now go back into public session.

14 PRESIDING JUDGE MINDUA: [10:36:58](Interpretation) Court officer, please take
15 us back into open session.

16 (Open session at 10.37 a.m.)

17 THE COURT OFFICER: [10:37:02] We're back in open session, Mr President.

18 PRESIDING JUDGE MINDUA: [10:37:04](Interpretation) Thank you very much,
19 Court Officer.

20 Madam Prosecutor.

21 MS LUPING:

22 Q. [10:37:09] Mr Witness, I'm going to show you one image now. It can be shown
23 in public and it's found at tab 448 of your binder. The ERN is 0022-0471.

24 Do you have it in front of you?

25 A. [10:38:03] Yes.

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1 Q. [10:38:04] And do you recognise this person?

2 A. [10:38:08] Yes. I saw him in Timbuktu. He was the one who stated that he
3 was the perpetrator of the destruction of the Al Farouk monument.

4 Q. [10:38:32] And -- and do you know which institution he worked with?

5 A. [10:39:01] He was in Ansar Dine, but I don't know if he was in the police or in
6 the morality brigade.

7 MS LUPING: [10:39:17] Mr President, I do need to now go into private session.

8 PRESIDING JUDGE MINDUA: [10:39:26](Interpretation) Court Officer.

9 (Private session at 10.39 a.m.)

10 THE COURT OFFICER: [10:39:38] We're in private session, Mr President.

11 PRESIDING JUDGE MINDUA: [10:39:40](Interpretation) Thank you very much.

12 Madam Prosecutor.

13 MS LUPING: [10:39:53] Thank you.

14 Q. [10:39:53] Mr Witness, I'm now going to be briefly changing topics.

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25 [REDACTED] there were communications papers where you saw pictures of women in

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1 the attire -- in the appropriate attire for Muslim women, in the appropriate dress for
2 Muslim women, and there were also awareness-raising messages.

3 As I said, this was also an important centre where there was awareness-raising
4 materials which was produced. [REDACTED] there were these voluminous
5 documents [REDACTED]

6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED] a major person of this
10 fundamentalist Islam movement, Abdelmalek Droukdel. And that drew
11 everybody's attention, being a known personality.

12 The document appeared interesting, [REDACTED]
13 [REDACTED] that was particularly interesting [REDACTED]

14 [REDACTED]
15 [REDACTED]
16 Q. [10:44:06] [REDACTED]
17 [REDACTED]?

18 A. [10:44:36] Yes. [REDACTED] Abdel Droukdel, in the
19 strategy, he wanted to gain the trust of the population in order to create an Islamic
20 state, an emirate. And he reproached the combatants to have -- for having
21 anticipated, brought forward, the application of Sharia. He also condemned what
22 had happened between them with the separatist groups and he said that -- that they
23 should cooperate with these groups because they could be potential allies if there was
24 a foreign Western intervention. You've applied Sharia too early and that could lead
25 to failure. Firstly, because you have to first gain the trust of the population. You

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1 have to explain the basis, the grounds of your mission before you start applying it.

2 So that seemed interesting to me, and I think in my analysis I had the same vision as

3 Abdelmalek Droukdel had.

4 Q. [10:47:05]

5 [REDACTED]
6 [REDACTED]

7 A. [10:47:26] [REDACTED] Sanda Ould Boumama. [REDACTED]

8 [REDACTED] He's from the -- he's from the area. [REDACTED]

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

14 Q. [10:48:46] Now, Mr Witness, at transcript 128, page 23, at lines 26 to 28, you

15 described your interactions with Al Hassan. And you stated: (Interpretation) "And

16 it was with him, furthermore, that I would regularly leave to see or to address a lot of

17 things."

18 (Speaks English) Could you explain what you meant when you said, [REDACTED]

19 [REDACTED]"

20 A. [10:49:42] Yes. [REDACTED]

21 [REDACTED]

22 [REDACTED] you had to go through the police to

23 have access to the combatant, and the police were the point of attraction for most of

24 the combatants. Even if they weren't from that institution, you had to know who

25 was able to answer a concern that somebody might have. [REDACTED]

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3 [REDACTED] one would have to go through Al Hassan to see the person in question. And [REDACTED]

4 [REDACTED]

5 [REDACTED] was still Al Hassan who was there,

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 Q. [10:52:11] And still at page 25, lines 10 to 12, when you were still making your
12 comments about Mr Al Hassan, you stated, and I quote: (Interpretation) "And every
13 time that there was a problem, it was easy for me to approach him. And that made
14 things a lot easier for me."

15 (Speaks English) When you stated: (Interpretation) It made things a lot easier for me
16 there (Overlapping speakers)

17 (Speaks English) What you meant?

18 A. [10:53:02] Yes. I just wanted to say that [REDACTED]

19 [REDACTED] if I went through the person who was
20 most accessible to me, firstly, within the commissariat, that was the focal point for
21 everyone. [REDACTED]

22 [REDACTED]

23 Q. [10:53:46] Now, Mr Witness, I'm going to be showing you a document, and then
24 I'm going to be asking you certain questions about that document in public session.
25 But first, I want to refer you to an -- a document at tab 99 of your binder. That's

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1 [REDACTED] And it cannot be diffused publicly, but I will ask questions related to it in
2 public session.

3 The heading is: (Interpretation) [REDACTED]

4 [REDACTED]."

5 (Speaks English) [REDACTED]

6 Mr Witness, can you tell me when you have it in front of you in your binder. It's
7 easier, I think, if you had the entirety of this document in front of you.

8 A. [10:55:12] Yes, I've got it.

9 Q. [10:55:16] [REDACTED]?

10 A. [10:55:21] [REDACTED]?

11 Q. [10:55:37] If you look through it, [REDACTED]

12 including a heading that says: (Interpretation) [REDACTED]"

13 (Speaks English) And if you please keep reading through it.

14 A. [10:56:10] Yes.

15 Q. [10:56:10] My question is, [REDACTED]

16 [REDACTED]?

17 A. [10:56:18] [REDACTED]

18 Q. [10:56:26] And if we look at page 349, in the second paragraph there, where it

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

25 PRESIDING JUDGE MINDUA: [10:57:18](Interpretation) Ms Taylor.

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1 MS TAYLOR: [10:57:19] Thank you, Mr President.

2 Now, the Prosecutor has read out the first sentence from this and then left out the
3 second sentence from the paragraph.

4 Now, the Defence in the past has been directed by this Chamber not to do that, to
5 read out paragraphs in their entirety and not to take out random elements in a
6 piecemeal manner.

7 Now, if the Prosecutor is going to use this paragraph, it should be the full paragraph
8 that's read into the record.

9 PRESIDING JUDGE MINDUA: [10:57:58](Interpretation) Madam Prosecutor.

10 MS LUPING: [10:58:00] Mr President, I can actually assure my colleague and
11 your Honours that we will be requesting that the entirety of this article, in fact, be
12 submitted as evidence. So you will have everything before you. I simply read the
13 first sentence simply to situate the witness and my question is relating to the sentence
14 I read.

15 Now, if my learned colleague wishes to ask a specific question of the witness in
16 cross-examination about that, she's more than welcome. I have no problem also
17 reading it out to the witness at all. I'm happy to do as you wish, Mr President, but I
18 would be -- I will, in any event, be seeking the entirety of this to be submitted.

19 PRESIDING JUDGE MINDUA: [10:58:49](Interpretation) Very well.

20 Ms Taylor, do you hear that? The witness can answer the question of the Prosecutor
21 because he seems to know the document. And you've got cross-examination, but I'm
22 listening to you.

23 MS TAYLOR: [10:59:02] Thank you, Mr President.

24 It's a matter of consistency in the sense that in the past when we have tried to adopt
25 this approach we've had a very strict reaction from the Chamber. In each instance,

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1 we must read the paragraph. Now, we can't have one rule for the prosecution and
2 one rule for the Defence, so if this is a rule that's going to be applied in this case, it has
3 to be applied uniformly.

4 PRESIDING JUDGE MINDUA: [10:59:29](Interpretation) What's the objective of
5 reading the whole paragraph? That's it. It's to be fair to the witness. But the
6 witness is aware of this article, so it's just to save time. For you, you've got your
7 cross-examination. We're not going to read everything just for the pleasure of
8 reading it.

9 MS TAYLOR: [10:59:50] We are entirely in agreement and actually submitted leave
10 to appeal on that point. But thus far, that has been the rule applied in this case.
11 And we do have concern that the rules keep changing whenever it's the Prosecution
12 posing the questions. So if we're going to have a rule, we do think the rule has to
13 apply to both parties. Otherwise, it creates an inequality of arms.

14 PRESIDING JUDGE MINDUA: [11:00:22](Interpretation) Yes, Ms Taylor. But I'm
15 going to explain. What is the *ratio legis*? A rule always has a spirit behind it, and
16 that's the spirit of the rule that I was explaining a moment ago.

17 Very well. It's 11 o'clock. We're going to suspend.

18 Court officer, are we in private session? Let's go back into open session, please.

19 (Open session at 11.00 a.m.)

20 THE COURT OFFICER: [11:00:44] We're are back in open session, Mr President.

21 PRESIDING JUDGE MINDUA: [11:00:57](Interpretation) Very well.

22 Madam Witness, it's 11 o'clock. We're going to suspend. We'll be back at 11.30.

23 Court is suspended.

24 THE COURT USHER: [11:01:08] All rise.

25 (Recess taken at 11.01 a.m.)

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- 1 (Upon resuming in open session at 11.34 a.m.)
- 2 THE COURT USHER: [11:34:51] All rise.
- 3 Please be seated.
- 4 PRESIDING JUDGE MINDUA: [11:35:19](Interpretation) The hearing shall now
- 5 resume.
- 6 Madam Prosecutor, continuation of your examination-in-chief.
- 7 MS LUPING: [11:35:32] Thank you, Mr President, your Honours.
- 8 If I could return, please, to private session. It won't be for too long, but I do need to
- 9 deal with the item that we were addressing just before the break.
- 10 PRESIDING JUDGE MINDUA: [11:35:42](Interpretation) Microphone. Was your
- 11 microphone --
- 12 MS LUPING: [11:35:47] Yes, my -- my microphone -- my microphone is on.
- 13 PRESIDING JUDGE MINDUA: [11:35:49] Okay.
- 14 MS LUPING: [11:35:56] I can repeat that.
- 15 PRESIDING JUDGE MINDUA: [11:36:01] Okay. Fine. (Interpretation) Very well.
- 16 MS LUPING: [11:36:12] (Overlapping speakers) It was just to request, please, to
- 17 return to private session, Mr President.
- 18 PRESIDING JUDGE MINDUA: [11:36:19](Interpretation) Private session,
- 19 Courtroom Officer.
- 20 (Private session at 11.36 a.m.)
- 21 THE COURT OFFICER: [11:36:26] We're in private session, Mr President.
- 22 PRESIDING JUDGE MINDUA: [11:36:29](Interpretation) Thank you.
- 23 Madam Prosecutor.
- 24 MS LUPING:
- 25 Q. [11:36:31] Mr Witness, just before the break, I was reading a passage to you, and

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1 I'm going to repeat it:

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11 A. [11:38:14]

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17 Q. [11:39:27] Now, Mr Witness, I ask you to turn to the next page, and that's at

18 page 0350. And I'm going to read the entirety of the next paragraph to avoid

19 any -- any interruptions:

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1 (Speaks English)(Overlapping speakers) End of quote.

2 My question -- Mr President, there seems to be a problem with the English transcript.

3 It appears to have frozen. The -- the French is up to date. Now it's coming.

4 PRESIDING JUDGE MINDUA: [11:41:31](Interpretation) We do have the
5 English transcript, Madam Prosecutor.

6 MS LUPING: [11:41:38] Yes, Mr President. But the entirety of what I read out has
7 not been recorded in the English transcript. It has been captured, however, in the
8 French. I would just request, in the interest of time, if I could simply continue, and I
9 hope that this will be remedied subsequently.

10 Q. [11:42:05] So, Mr Witness [REDACTED] referring to Mr Al Hassan,
11 [REDACTED] was - and I quote:

12 (Interpretation) "A permanent officer to deal with the routine matters or everyday
13 matters."

14 (Speaks English)(Overlapping speakers) End of quote.

15 [REDACTED]

16 A. [11:42:38](Interpretation) He was more often at the police station than elsewhere.

17 He was the one who received all the complaints from people in the town, and he

18 would forward them on to the right person, or he would find the forms or -- he was

19 there and he would listen to people when they came in. [REDACTED] he

20 was more present in the office rather than out in the field. Routine matters,

21 day-to-day matters, minor complaints [REDACTED]

22 There are always little clashes amongst people in the general population. Some

23 people would go and complain to the police about something. [REDACTED]

24 [REDACTED]

25 Q. [11:43:43] I'm now going to just read a passage from the first page again, and

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1 then I'll ask you a question in public session, and I'll also read another passage on
2 page 0350. I'll refer to it and ask that question also in public session. [REDACTED]

3 [REDACTED]
4 [REDACTED]
5 [REDACTED] AlHassane?"

6 THE INTERPRETER: [11:44:19] Sight translation.

7 (Interpretation) [REDACTED]

8 [REDACTED]
9 [REDACTED]

10 [REDACTED] was - [REDACTED]

11 the second in command in the Islamic police." (Speaks English)(Overlapping
12 speakers) End of quote.

13 Mr President, if we could return to public session for my next question.

14 PRESIDING JUDGE MINDUA: [11:45:03](Interpretation) Open session, Courtroom
15 Officer.

16 (Open session at 11.45 a.m.)

17 THE COURT OFFICER: [11:45:07] We're back in open session, Mr President.

18 PRESIDING JUDGE MINDUA: [11:45:18](Interpretation) Thank you very much.

19 Madam Prosecutor.

20 MS LUPING:

21 Q. [11:45:22] Mr Witness, [REDACTED] described Mr Al Hassan as the second in
22 command for the Islamic police, [REDACTED]

23 A. [11:45:49] [REDACTED] within the police station there was a chief, but
24 the chief wasn't in direct contact with the population.

25 PRESIDING JUDGE MINDUA: [11:45:55](Interpretation) Ms Taylor.

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1 MS TAYLOR: [11:45:57] Thank you, Mr President.

2 I didn't want to interrupt the witness, but, again, I think it's important for the
3 Prosecutor to read out entire sentences rather than cutting them in half, given that
4 sentence has a part which is relevant. So, if we're speaking of fairness to the witness,
5 it's the entire sentence that should be read.

6 PRESIDING JUDGE MINDUA: [11:46:14](Interpretation)(Overlapping speakers)

7 Madam --

8 MS LUPING: [11:46:28](Overlapping speakers) Mr President, to avoid this very
9 interruption, I read the entirety of a paragraph that wasn't even entirely necessary. I
10 then went back to one part to ask a specific question.

11 Now, I -- I do hope that -- to be able to end this day, that I'll be able to carry on with
12 my examination. I have, as requested by Defence counsel, at her request, read the
13 entirety of a paragraph, and it wasn't even necessary.

14 I now am, I believe, entitled to ask the question on the specific part that I'm wanting
15 to ask about.

16 And I would also like to remind, Mr President, my learned colleague, that we are in
17 public session.

18 PRESIDING JUDGE MINDUA: [11:47:11](Interpretation) Ms Taylor, we are in
19 open session, and I'd already dealt with this problem before the break. The witness
20 is familiar with the document, and the paragraph has been -- well, it wasn't even
21 particularly necessary to read it all out. And the question is specific. You can
22 always return to this in cross-examination. But for the time being, please sit down
23 and the Prosecutor shall continue.

24 Madam Prosecutor.

25 MS LUPING: [11:47:47] Mr President --

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1 Q. [11:47:48] Sorry, Mr Witness. I apologise. I'm going to just repeat my
2 question and then just note what you have started saying, and I'd ask you to complete
3 your -- your response.

4 [REDACTED] described Mr Al Hassan as being the second in command
5 at the Islamic police, [REDACTED]

6 Your response, captured at page 36, lines 22 to 23, of the transcript, were as follows:

7 (Interpretation) "Within the police station there was a chief who was not in direct
8 contact with the population."

9 (Speaks English) Could you please carry on in your response.

10 A. [11:48:37] Yes. Going by my experience, each time that -- well, for example, he
11 served as an intermediary with [REDACTED] and I saw that Al Hassan would refer to
12 someone.

13 Once I saw this person, it didn't seem to me that he was from Timbuktu or from Mali.

14 He looked a lot like someone from Mauritania, the man.

15 I said to myself, "Well, each time I go to ask for something, Al Hassan has to go inside,
16 and then he comes back and gives me an answer." So he would go somewhere and
17 ask for the person's opinion. He couldn't decide things all on his own. That's what
18 I was saying to myself.

19 Q. [11:49:48] Now, Mr Witness, I'm also going to refer to another description [REDACTED]

20 [REDACTED] I'm going to quote: (Interpretation): "Lahsane may be guilty of militating
21 within the jihadist movement."

22 (Speaks English) (Overlapping speakers) End of quote. And I'm referring here to
23 page 0350.

24 [REDACTED]
25 A. [11:50:35] Well, everything -- it was -- it's -- well, everything, especially that had

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1 been said about -- in the media. And what I saw, there's a major contradiction.

2 One thing that is common to both versions is that, at one time, he was, during that
3 period, the member of an Islamist movement. So if he can be accused of everything
4 because he was active within this movement. [REDACTED]

5 Q. [11:51:38] Now, Mr Witness, I'm going to move on to a different subject. And
6 I'm going to remove the item that was on the screen.

7 At transcript 127 - that's the French transcript - at page 68, lines 4, to page 69, lines 16,
8 you describe the establishment of a *Comité de crise* headed by Halle Ousmane.

9 Do you recall his role being taken over by somebody else? And if so, when?

10 A. [11:52:31] Officially, the establishment of the crisis committee, Halle Ousmane
11 was the president. His second in command was Diadié Hamadoun. But I believe
12 that the committee at one particular point in time said, "Given the political status of
13 the president, it would be a good thing to bring forward the vice-president to
14 continue the committee's work," because the Islamists did not at all want politicians.
15 So the crisis committee, having that in mind, realised that they had to isolate the
16 mayor a bit. And Diadié Hamadoun had to be brought forward, and he became the
17 direct intermediary.

18 Q. [11:54:09] Now, Mr Witness, I heard you state Diadié Hamadoun; is that
19 correct?

20 A. [11:54:18] The pronunciation is not right. Diadié.

21 Q. [11:54:25] Diadié Hamadoun, could you spell it for the record, please.

22 A. [11:54:30] D-I-A-D-I-É, *accent aigu*. And then H-A-M-A-D-O-U-N.

23 THE INTERPRETER: [11:54:55] Inaudible.

24 MS LUPING: [11:55:03]

25 Q. [11:55:03] And did the crisis committee continue throughout the occupation?

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1 A. [11:55:18] Until the liberation, there was nobody that responded on behalf of the
2 people or the community of Timbuktu, except for this crisis committee.

3 Q. [11:55:46] And do you recall learning about any of these meetings of the crisis
4 committee with the Islamists?

5 A. [11:55:58] Yes. There was a meeting held several times. I was informed of
6 that, but I didn't attend. But in some -- but I did take part in some meetings. There
7 was a -- the meetings were in the yard of the city hall. The crisis committee would
8 speak to the officials. For example, Abou Zeid, Sanda Ould, and, if I remember
9 correctly, Mohamed Moussa was there, Adama was there. It was a large meeting
10 that was to consider, first of all, the issue of celebrating Maouloud, and other issues
11 were dealt with as well at that meeting.

12 What I noticed was that everything that was said in French was explained quietly by
13 Sanda to Abou Zeid. That was one of the meetings that I attended.

14 And the last meeting was also at the city hall, where I did not have the opportunity to
15 attend. [REDACTED]

16 [REDACTED] This time it was in the meeting room, in the deliberations room,
17 at city hall.

18 At the meeting, there was Adama, Lahsane. Three or four people were there. He
19 mentioned three or four people, to forward a message, actually, a warning, even an
20 ultimatum, to the young people of Timbuktu.

21 So, during the meeting, there was a discussion about going on to the radio. The
22 crisis committee would go on to the radio and say to the people that the strikes have
23 started and young people are laughing at them, making fun of them. And when
24 the -- their combatants go off to the field to fight, some take advantage of them being
25 away to steal things from their houses. Others yell things and say "Allô, Konna" as

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1 they go by. They mention Konna. That is where the battle was. That proved that
2 the young people wanted to make fun of them. So the people on the crisis
3 committee wanted to tell the people that they didn't want any harm to be done to
4 anyone. And if ever someone steals, there will be no trial. We will -- they will be
5 executed directly. So those -- that was the message to be -- got across. And this
6 account, this faithful account, was given to me. And so that's what I can say. That
7 was the last meeting between the Crisis Committee and the occupants of that time.
8 Because all the leaders were on the -- were at the front, and the last who had -- the last
9 ones who had stayed behind were the ones who met with the Crisis Committee.

10 Q. [12:01:39] Thank you, Mr Witness.

11 And I'm going to refer to page 41, lines 4 to 5, of the French transcript where you
12 stated: (Interpretation) "Either to steal. There wouldn't be a process. We would
13 execute them directly."

14 (Speaks English) Could you explain, from what you heard, who -- who said that?

15 A. [12:02:10] Well, in reality, I didn't ask [REDACTED] to know who was
16 whom when it came to leading the meeting, but I think that each of the responsible
17 persons present took the floor. I didn't interest myself in who said what in particular.
18 I was, in particular, interested in the meeting's content.

19 Q. [12:02:38] But just so we are clear for the record, was this message, the one about
20 that they would execute anybody who stole things, did this come from the Islamists
21 or from -- or was it a member of the *Comité de crise* who stated that? Just so the
22 record is clear.

23 A. [12:03:05] This message came from the Islamists. When they left the town,
24 there was a young person -- well, one of their vehicles had broken down in the
25 northeast of Timbuktu at the time when the combatants were leaving. And

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1 on -- there was -- it was -- there was fuel on board this lorry. So the young people in
2 the neighbourhood got this lorry because they wanted to take the fuel from it.
3 Unfortunately, they were caught. Some of them fled. Another was followed and
4 shot and he died. In addition to the meeting that took place with the Crisis
5 Committee to pass on this warning, the Crisis Committee itself also broadcast to give
6 the information to the population via the vice-president, Diadié Hamadoun. And so
7 the population said, well, these people were stubborn. They had been warned.
8 That's it.

9 Q. [12:05:08] Thank you, Mr Witness.

10 I'm now moving to a different subject. Before the break, you described the burning
11 of manuscripts that took place in Timbuktu and you described the nature of those
12 manuscripts. I'm now going to show you a very short video excerpt. And the ERN
13 is 0012-1771. It -- it can be played without sound and it does not require any
14 interpretation. And I'll be starting from the beginning.

15 (Viewing of the video excerpt)

16 MS LUPING: [12:06:29]

17 Q. [12:06:29] Mr Witness, do you know what we see on the screen in front of us?

18 A. [12:06:33] Yes. You've got the boxes which contain the manuscripts and the
19 manuscripts have been incinerated. As you can see, it's just ashes alongside it and
20 the boxes have been thrown onto the ground.

21 MS LUPING: [12:07:16] I'll be playing a few more seconds.

22 (Viewing of the video excerpt)

23 MS LUPING: [12:07:34] And I'm pausing at 00:00:23:02.

24 Q. [12:07:39] What is that that we see on the screen?

25 A. [12:07:43] Here, you've got the cover of a manuscript. And if you see, the

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1 booklet wasn't touched because it's made in leather, the cover, but the paper burned
2 but the cover didn't.

3 MS LUPING: [12:08:21] I'm now going to remove this excerpt. And, Mr President,
4 I would ask that we briefly go into private session.

5 PRESIDING JUDGE MINDUA: [12:08:30](Interpretation) Court Officer.

6 (Private session at 12.08 p.m.)

7 THE COURT OFFICER: [12:08:35] We're in private session, Mr President.

8 PRESIDING JUDGE MINDUA: [12:08:47](Interpretation) Thank you very much.
9 Prosecutor.

10 MS LUPING: [12:08:49]

11 Q. [12:08:49] [REDACTED]
12 [REDACTED]?

13 A. [12:09:00] [REDACTED]

14 Q. [12:09:03] [REDACTED]?

15 A. [12:09:07] [REDACTED] The day on which they burnt the manuscripts.

16 Q. [12:09:19] I'm now going to show you a different excerpt, and that's 0012-1767.
17 I will be asking -- I'll play it first without sound, and then I'll be asking for -- for -- I'll
18 be playing it with sound and requesting a translation. It's at tab 236, the transcript.
19 And that is at 0069-1844. And the translation is at tab 237. And that is 0069-5708.
20 First, I'll play it without sound from the start.

21 (Viewing of the video excerpt)

22 MS LUPING: And I'm stopping at 00:00:04:06.

23 Q. [12:10:12] What do we see on the screen, Mr Witness?

24 A. [12:10:17] So that's the manuscript which the fire hadn't reached.

25 Q. [12:10:30] [REDACTED]

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

2 Q. [12:10:38] [REDACTED]

3 [REDACTED]

4 A. [12:10:45] [REDACTED]

5 Q. [12:10:50] I'll be playing it from the start, and this time I'll play it with sound.

6 And I request interpretation.

7 (Viewing of the video excerpt)

8 THE INTERPRETER: [12:11:10](Interpretation of the video excerpt)

9 "That's not good."

10 MS LUPING: [12:11:25]

11 Q. [12:11:25] [REDACTED]

12 [REDACTED]

13 A. [12:11:40] [REDACTED] "Does it still smell of fire?"

14 And they say, "Yes."

15 And other people also speak. Some people say that -- they say that it's purely evil.

16 Q. [12:12:13] I'm now going to remove this excerpt.

17 And, Mr President, I would request that we go back into public session.

18 PRESIDING JUDGE MINDUA: [12:12:23](Interpretation) Court Officer,

19 public session, please.

20 (Open session at 12.12 p.m.)

21 THE COURT OFFICER: [12:12:29] We are back in open session, Mr President.

22 PRESIDING JUDGE MINDUA: [12:12:43](Interpretation) Thank you very much,

23 Court Officer.

24 Madam Prosecutor.

25 MS LUPING: [12:12:48]

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1 Q. [12:12:49] Mr Witness, I'm now showing you another video excerpt, and it is
2 0012-1515. I've stopped it at 00:00:49:02.

3 Do you recognise this person?

4 A. [12:13:22] Yes.

5 Q. [12:13:22] And who is that?

6 A. [12:13:25] San Chirfi Alpha. In addition to his position as a notable in
7 Timbuktu, a prominent person, he was also the regional director of the Malian office
8 of tourism and culture. He was a researcher, a cultured man.

9 Q. [12:14:07] And do you recognise the location?

10 A. [12:14:09] Yes. In Timbuktu, in the Djinguereber neighbourhood. Not the
11 mosque, but the neighbourhood.

12 MS LUPING: Mr President, I would request authorisation to go into private session.

13 PRESIDING JUDGE MINDUA: [12:14:36](Interpretation) Court officer.

14 (Private session at 12.14 p.m.)

15 PRESIDING JUDGE MINDUA: [12:14:41](Interpretation) Court officer.

16 THE COURT OFFICER: [12:14:41] We're in private session, Mr President.

17 PRESIDING JUDGE MINDUA: [12:14:42](Interpretation) Thank you very much,
18 court officer.

19 Prosecutor.

20 MS LUPING:

21 Q. [12:14:49] [REDACTED]

22 A. [12:15:01] [REDACTED]

23 Q. [12:15:03] [REDACTED]

24 A. [12:15:18] [REDACTED]

25 Q. [12:15:37] [REDACTED]

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1 A. [12:15:46] 2012.

2 Q. [12:15:48] And do you know what this video excerpt is about?

3 A. [12:16:07] It's -- deals with several different subjects: The issue of manuscripts,
4 the buildings. It's about the situation. [REDACTED]

5 MS LUPING: [12:16:40] Mr President, your Honours, in the interest of time, I do not
6 propose to play this video.

7 Q. [12:16:52] Now, I do have a question, Mr Witness, while we are in private
8 session.

9 [REDACTED]

10 A. [12:17:20] Yes.

11 Q. [12:17:22] I'd ask you to turn to tab 102 of your binder. That's the first binder
12 that you have in your possession. The ERN of the document is 0012-1972. You can
13 see it's a two-page document and it's headed: (Interpretation) [REDACTED]

14 [REDACTED] (Speaks English) [REDACTED]
15 [REDACTED]

16 Do you have that document in front of you, sir?

17 A. [12:18:38] (No interpretation)

18 Q. [12:18:41] It was tab 102, 102.

19 A. [12:18:43] Yes, I've got it.

20 Q. [12:18:44] [REDACTED]

21 A. [12:18:56] [REDACTED]

22 Q. [12:18:57] [REDACTED]

23 A. [12:19:12] [REDACTED]
24 [REDACTED]

25 Q. [12:19:45] And I am going to read certain parts of it to you, and I'm going to first

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1 read the part and then I will ask to go into public session. First, the part that I'm
2 going to read [REDACTED]

3 [REDACTED]

4 Now, first, I'll ask you to look at the very end of the first page where it's stated:

5 (Interpretation) "The tourist destination that Timbuktu has become an abandoned city
6 full of arms, a town without soul where everybody mistrusts each other."

7 (Speaks English) Mr President, I'd ask if we could go into public session.

8 PRESIDING JUDGE MINDUA: [12:20:53](Interpretation) Court officer,
9 public session, please.

10 (Open session at 12.20 p.m.)

11 THE COURT OFFICER: [12:20:58] Thank you. We're back in open session,
12 Mr President.

13 PRESIDING JUDGE MINDUA: [12:21:06](Interpretation) Thank you very much,
14 court officer.

15 Prosecutor.

16 MS LUPING: [12:21:15]

17 Q. [12:21:15] Mr Witness, [REDACTED] described Timbuktu as
18 being -- or I'll quote: (Interpretation) "Become a city which was abandoned full of
19 arms without soul where everybody mistrust each other"?

20 A. [12:21:47] Yes. First of all, you just have to ask a lot of tourists who went to the
21 town which at the time was a safe destination. You had nothing to fear. It was a
22 town where people knew how to welcome a foreigner, a stranger. It was calm,
23 peaceful. But [REDACTED] it had become an abandoned city, that's because today it's
24 contrary to everything that we saw, no tourists. Firstly, those who are there have
25 weapons and they go around everywhere. It's a town that's losing its soul. [REDACTED]

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1 [REDACTED] And apparently, the town has been abandoned.

2 MS LUPING: [12:23:10] Now, Mr President, if we could just return to private
3 session.

4 PRESIDING JUDGE MINDUA: [12:23:15](Interpretation) Court Officer, private
5 session, please.

6 (Private session at 12.23 p.m.)

7 THE COURT OFFICER: [12:23:24] We're in private session, Mr President.

8 PRESIDING JUDGE MINDUA: [12:23:29](Interpretation) Thank you very much.
9 Madam Prosecutor.

10 MS LUPING:

11 Q. [12:23:34] [REDACTED] ?

12 A. [12:23:44] [REDACTED]

13 [REDACTED]

14 Q. [12:24:06] Now, I'm going to remove this item [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 A. [12:24:38] [REDACTED]

19 Q. [12:24:39] [REDACTED]

20 A. [12:24:42] [REDACTED]

21 [REDACTED]

22 Q. [12:25:18] [REDACTED]

23 A. [12:25:19] [REDACTED]

24 Q. [12:25:21] [REDACTED]

25 [REDACTED]

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1 A. [12:25:27] Yes, Timbuktu was still occupied.

2 Q. [12:25:31] The first video excerpt I'm going to be showing to you is at tab 436.

3 It is 0069-3750. I'll be asking for interpretation. I'll be showing different excerpts

4 from this. I'm not going to be playing the entirety. The transcript is at tab 427 and

5 the ERN for this is 0078-0340. But first I shall play it without sound.

6 (Viewing of the video excerpt)

7 MS LUPING: [12:26:16] And I've stopped at 00:00:00:15.

8 Q. [12:26:23] [REDACTED]?

9 A. [12:26:28] [REDACTED]

10 Q. [12:26:30] [REDACTED]

11 A. [12:26:46] [REDACTED]

12 [REDACTED]

13 Q. [12:26:55] I'm now going to be playing a short first excerpt with sound and I'd

14 ask for interpretation. I'm going to be playing up to two minutes.

15 (Viewing of the video excerpt)

16 THE INTERPRETER: [12:27:23] (Interpretation of the video excerpt)

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

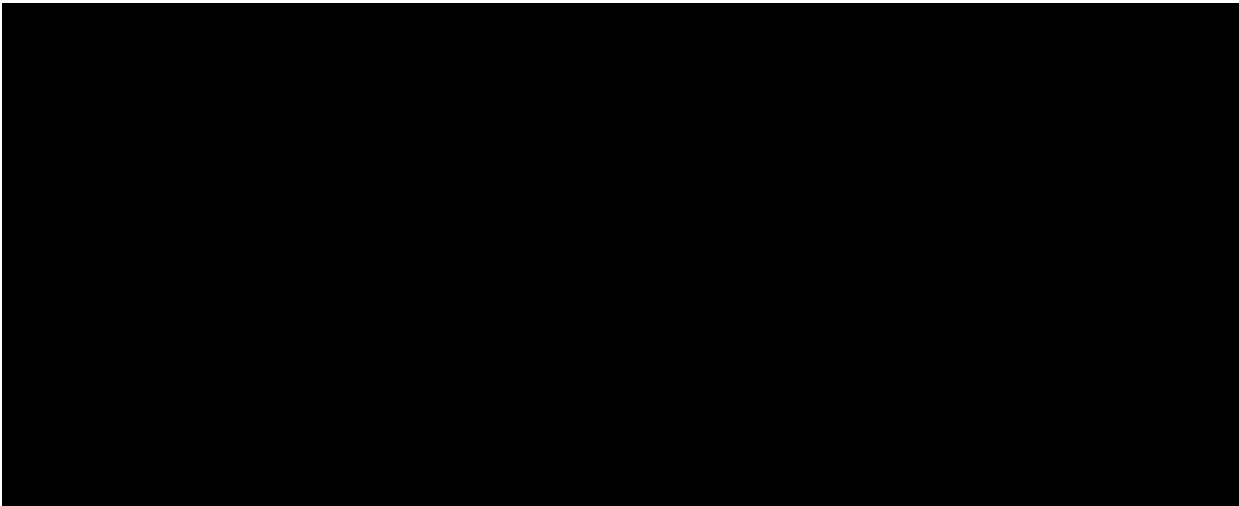
25 [REDACTED]

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MS LUPING:

Q. [12:29:26] [REDACTED]

Just to make sure we have it for the record, can you confirm what your religion is,
Mr Witness?

A. [12:29:43] I'm a Muslim.

Q. [12:29:57] [REDACTED]

[REDACTED]

A. [12:30:06] [REDACTED] violence wasn't in our culture. We -- it
accepted all these invasions, all these occupations. And often, it got a benefit from it.

Q. [12:30:26] I'm playing just one more extract from this particular video excerpt.
I'll be playing it from 00:00:05:47 for proximately a minute. And I am also requesting
interpretation.

THE COURT OFFICER: [12:30:48] Would counsel, before starting to play the video,
confirm which lines of the transcript should be displayed. Thank you.

MS LUPING: [12:31:07] One moment, please.

It will start at page 2 of 0078-0340. So that's page 0342. And it is from lines 58.

And I'm just going to play on.

(Viewing of the video excerpt)

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1 THE INTERPRETER: [12:33:07] (Interpretation of the video excerpt)

2 Sight translation, line 58.

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12 I'm now going to -- Mr Witness, I'm going to remove this video excerpt from your
13 screen.

14 And the next video excerpt, it's at 0069-3751. And I'll be starting from the beginning,
15 first without sound, stopping at 00:00:00:15.

16 (Viewing of the video excerpt)

17 MS LUPING:

18 Q. [12:35:03]

19

20 A. [12:35:28] Yes.

21 Q. [12:35:29] I'm now going to be playing different short excerpts from this. I'll be
22 starting from 27 seconds.

23 And I will be requesting interpretation. The transcript is at 0078-0344. This is at the
24 beginning of the transcript.

25 (Viewing of the video excerpt)

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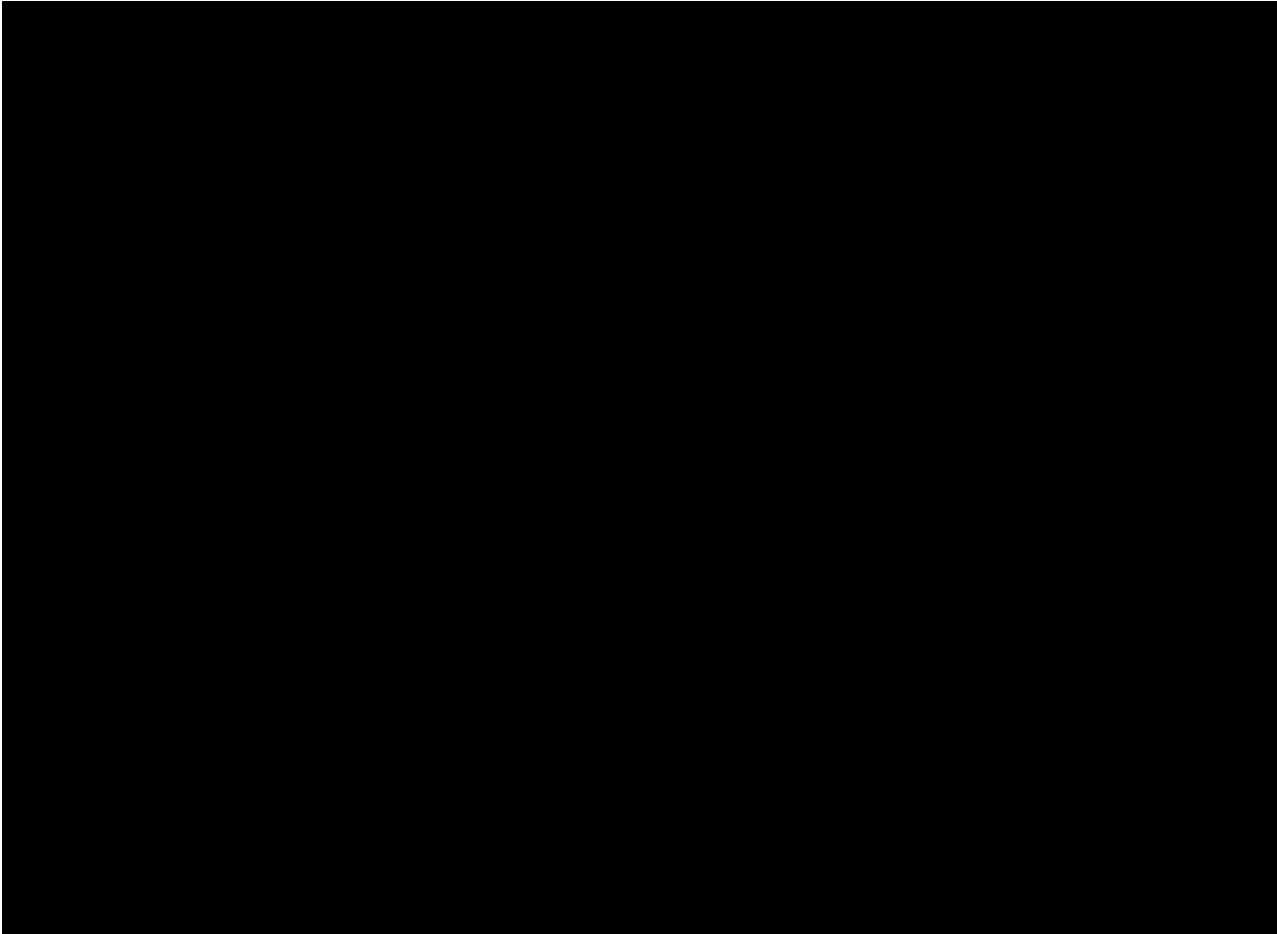
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1 THE INTERPRETER: [12:36:43] (Interpretation of the video excerpt)

2 Sight translation, starting at line 10:

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16 Now --

17 PRESIDING JUDGE MINDUA: [12:38:36](Interpretation) Ms Taylor.

18 MS TAYLOR: [12:38:37] Thank you, Mr President.

19 I would just ask if it would be possible to have the English transcript continue until
20 the end, because it hasn't been inserted into the French and there's a risk that I won't
21 have the edited versions before I commence cross-examination. So if at least I have
22 one version of the transcripts that has what the witness said in it, it is of assistance.

23 PRESIDING JUDGE MINDUA: [12:39:02](Interpretation) Thank you very much.

24 Madam --

25 MS LUPING: [12:39:03](Overlapping speakers) Mr President, your Honours, this

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1 passage is captured, and I can confirm that it continues up to line 33 at page 0344 of
2 the transcript. This transcript is available in French. It's one of the working
3 languages of the Court. I do believe, in the interest of time, that this can be inserted
4 into the transcript and that counsel have more than enough time also to have it in
5 English when it's inserted there.

6 But in the interest of time, Mr President, your Honours, I do believe that we can
7 continue, and that would be my submission. There is a working copy. It's not as if
8 this is an unknown entity to the Defence.

9 PRESIDING JUDGE MINDUA: [12:40:16](Interpretation) Continue, please.

10 Madam Prosecutor.

11 MS LUPING: [12:40:41] Oh, apologies, Mr President. I missed that you suggested
12 to move on.

13 Q. [12:40:49] [REDACTED]

14 [REDACTED]

15 A. [12:41:21] As I said earlier, of all the various occupations, Timbuktu was able to
16 learn some lessons. The one of 2012 was a reminder that women should not wear
17 indecent clothing, and the attitude of young people influenced by new technologies
18 was such that people even had spoken out against that attitude. The proof of that
19 was that there was the establishment of a commission for the establishment of values
20 and morality of Timbuktu. [REDACTED]

21 [REDACTED]
22 [REDACTED]

23 The committee wanted to remind people that we had to behave in a dignified way in
24 front of visitors to the city. There were a number of incidents, or things went wrong
25 a few times. But nowadays, I've seen that these sort of problems have gone away.

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[REDACTED]

Q. [12:43:09] (Overlapping speakers) Thank you, Mr Witness. I'm now taking this
extract off and I'm showing you the last video.
It has the ERN 0069-3752. And I'll be asking for interpretation. The relevant
excerpt -- sorry, I'll first -- yes. The transcript is at 0078-0349. And that's at tab 431.
And I will be playing from 08:33. And that's at page 352, line 106, to page 353,
line 134.

[REDACTED]

A. [12:44:18] [REDACTED]

(Viewing of the video excerpt)

THE INTERPRETER: [12:44:57] (Interpretation of the video excerpt)

Sight translation:

[REDACTED]

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[REDACTED]

[REDACTED] --- (Overlapping speakers)

MS LUPING: [12:47:33] (Overlapping speakers) And it finished at 11:32.

Q. [12:47:35] [REDACTED]

[REDACTED]

A. [12:47:53] Yes. Just in relation to everything that I experienced. When I saw that one of the first marches were organised by the women to challenge the attitude and the behaviour towards them, then the way weapons were being carried around so much. Everyone was afraid. That was a form of pressure that was -- it wasn't clear-cut. It was just under the surface, so to speak. If anyone had asked me for my advice, I would have told the occupiers to do this or to do that. But the last document --

THE INTERPRETER: [12:48:50] Inaudible.

THE WITNESS: [12:48:53](Interpretation) -- sets out everything [REDACTED] in this regard.

And to the Malian government, after being inspired by everything that was going on in the world and in light of what was going on in the town, I said to myself that war was never an option to escape a crisis. [REDACTED] some alternatives, with options like -- like what had happened in Algeria, Nigeria, Mauritania. One could take those nations as an example to find a way out of the crisis. [REDACTED]

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1 "Unity, yes, but a secular system, that is debatable."

2 The proof of that is that I am from a region where 90 per cent of the area has never
3 met anyone from the government. People rarely turn to the justice system. They
4 don't even know how the conventional justice system works. All problems are
5 settled at the level of the local customary authorities.

6 And as I have said, one of the prohibitions in our community was to -- to bring
7 someone close or a family member to the authorities. Doing that sort of thing is
8 officially prohibited.

9 So, you see --

10 MS LUPING: [12:51:10](Overlapping speakers) Thank you, Mr Witness. I'm just
11 conscious of the time because we only have 10 minutes left before the break, and I do
12 believe I can finish in that time.

13 Mr President, I believe we can move into public session.

14 PRESIDING JUDGE MINDUA: [12:51:29](Interpretation) Courtroom officer.
15 (Open session at 12.51 p.m.)

16 THE COURT OFFICER: [12:51:32] We're back in open session, Mr President.

17 PRESIDING JUDGE MINDUA: [12:51:35](Interpretation) Thank you very much.
18 Madam Prosecutor.

19 MS LUPING:

20 Q. [12:51:41] Mr Witness, from what you heard or what you saw, what was the
21 reaction of the population of Timbuktu to the departure of the Islamists?

22 A. [12:52:14] First of all, everyone was joyous after they left. The people had been
23 holed -- had been holed up in their houses for eight months, so they were able to go
24 back into the main avenues of the city. That's what I saw.

25 I didn't ask people what they thought, but I saw that it was a celebration everywhere.

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1 People were praising. And to illustrate that, the day of the retaking of the town,
2 when the army came back into the town, you could see it on everybody's faces. And
3 that day, God sent a very light rain to us that day. And it was not the raining season.
4 That is what I remember of that day. That's what I remember of that day in 2013.

5 Q. [12:53:21] Mr Witness, you said that the army entered the town. Which
6 armies?

7 A. [12:53:40] The Malian armies with the support of the French army.

8 Q. [12:53:43] (Overlapping speakers) And I'm now going to play two short excerpts,
9 one at a time. And I'll start from the beginning, the first second without sound.

10 And it's 0012-2077.

11 Mr Witness, do you recognise what this event is that is shown in this -- at 00:00:00:21?

12 (Viewing of the video excerpt)

13 MS LUPING: [12:54:38]

14 Q. [12:54:38] Mr Witness, did you hear my question?

15 A. [12:54:42] Yes. Could you repeat. I haven't quite understood.

16 Q. [12:54:54] (Overlapping speakers) Do you recognise the event that is depicted in
17 this image?

18 A. [12:54:58] Yes. This is the day of the reconquest.

19 MS LUPING: [12:55:12](Overlapping speakers) And I will now play this with sound.
20 There's a problem with the sound. I'll just try that again. And it can be transmitted
21 publicly.

22 THE COURT OFFICER: [12:55:25] Would counsel kindly confirm what the ERN of
23 the transcript is, please.

24 MS LUPING: [12:55:30] Oh, the ERN of the transcript is at tab 368, 0069-0413. I'll
25 be playing it, as I say, with sound.

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1 (Viewing of the video excerpt)

2 MS LUPING: [12:56:06] And I pause that at 00:00:22:20.

3 And one final excerpt.

4 (Viewing of the video excerpt)

5 MS LUPING: [12:56:53] And that is at 0012-2071. And I have paused at 00:00:23:09.

6 Q. [12:57:08] Do you recognise the event seen at this image?

7 A. [12:57:13] That's still the --

8 THE INTERPRETER: [12:57:23] Overlapping.

9 MS LUPING: [12:57:24](Overlapping speakers) I'm going to play it now with sound.

10 (Viewing of the video excerpt)

11 MS LUPING:

12 Q. [12:57:46] And, Mr Witness, I've just paused at 00:00:43:18. Do you know the
13 building that we see behind these people?

14 A. [12:58:00] Yes. That's the former headquarters -- well, the centre for the
15 promotion of virtue and the prohibition of vice. Here we see the -- all the
16 communities gathering here to make sure that they were really gone and to take over
17 the place.

18 MS LUPING: [12:58:37](Overlapping speakers) Mr President, for my very last
19 question for this witness, could I please move into private session, briefly.

20 PRESIDING JUDGE MINDUA: [12:58:44](Interpretation) Private session, please.
21 (Private session at 12.58 p.m.)

22 THE COURT OFFICER: [12:58:48] We're in private session, Mr President.

23 PRESIDING JUDGE MINDUA: [12:58:55](Interpretation) Thank you very much.

24 Madam Prosecutor.

25 MS LUPING: [12:59:00] Thank you, Mr President.

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- 1 Q. [12:59:01] [REDACTED]
- 2 [REDACTED]
- 3 A. [12:59:26] [REDACTED]
- 4 Q. [12:59:27] [REDACTED]
- 5 A. [12:59:29] [REDACTED]
- 6 MS LUPING: [12:59:37] Mr President, I believe we can go back into public session.
- 7 PRESIDING JUDGE MINDUA: [12:59:43](Interpretation) Open session, Courtroom
- 8 Officer.
- 9 (Open session at 12.59 p.m.)
- 10 THE COURT OFFICER: [12:59:50] We're back in open session, Mr President.
- 11 PRESIDING JUDGE MINDUA: [12:59:59](Interpretation) Thank you very much.
- 12 Madam Prosecutor.
- 13 MS LUPING:
- 14 Q. [13:00:08] Mr Witness, I wish to thank you. I have no further questions for you.
- 15 A. [13:00:12] Thank you.
- 16 PRESIDING JUDGE MINDUA: [13:00:13](Interpretation) Thank you very much,
- 17 Madam Prosecutor, because you kept your word, that's a very good thing. It is
- 18 now 1 o'clock.
- 19 Before we take our break, I now turn to Mr Kassongo, the Legal Representative of
- 20 Victims.
- 21 What do you have to say after having listened to the Prosecution? Of course, we do
- 22 have your filings. What is your intent?
- 23 MR KASSONGO: [13:00:39](Interpretation) Thank you, your Honour.
- 24 The Legal Representative of Victims has a few small questions to obtain some
- 25 clarification and additional information on behalf of the victims. About half an hour,

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1 I would say, would be enough for those questions. With your leave, of course,
2 your Honour.

3 PRESIDING JUDGE MINDUA: [13:01:09](Interpretation) Thank you very much,
4 Mr Kassongo. The Chamber authorises you.

5 And now, Ms Taylor, what comes next? Mr Kassongo says that he will need about
6 30 minutes, and that will take us to about 3 o'clock.

7 Are you ready to begin at 3 o'clock, Ms Taylor?

8 MS TAYLOR: [13:01:46] Thank you, Mr President.

9 We can begin, although it would obviously be preferable to start tomorrow so that we
10 could revise, in light of all the information that's come out this morning, but we can
11 begin.

12 I do hope we have the binders ready. I think we do. So I do believe we are
13 logistically ready.

14 The only issue that I'm raising is that I'd like to check with the Registry as to whether
15 items are being printed in Bamako. Just my concern is the impact that that might
16 have for the witness, given that I had the understanding that it's easier for him to see
17 documents.

18 So I would like to verify that, if that's possible, because I understand there's a lot to be
19 printed. We can also liaise over the break to make sure the ones that I intend to use
20 are printed.

21 PRESIDING JUDGE MINDUA: [13:02:30](Interpretation) Thank you very much,
22 Ms Taylor. Thank you. The Chamber is very grateful for your flexibility.

23 Our wish is to start immediately, obviously, immediately after the legal
24 representatives, in particular, because the witness -- I'm concerned that we can't keep
25 the witness until next week.

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- 1 So we're going to suspend, and then we will have the break, and we'll be back at 2.30.
- 2 THE COURT USHER: [13:03:06] All rise.
- 3 (Recess taken at 1.03 p.m.)
- 4 (Upon resuming in open session at 2.32 p.m.)
- 5 THE COURT USHER: [14:32:52] All rise.
- 6 Please be seated.
- 7 PRESIDING JUDGE MINDUA: [14:33:04](Interpretation) Court is in session once
- 8 again.
- 9 We shall now be hearing the Legal Representatives for Victims and their questions.
- 10 Maître Kassongo, over to you, please.
- 11 MR KASSONGO: [14:33:37](Interpretation) Thank you very much, Mr President.
- 12 QUESTIONED BY MR KASSONGO: (Interpretation)
- 13 Q. [14:33:52] May I firstly greet the witness and call him "Mr Witness".
- 14 A. [14:33:56] Good afternoon. Good afternoon, Counsel.
- 15 Q. [14:34:02] Thank you very much, Mr Witness. I'm looking for your face. I
- 16 shall often be obliged to look to my right because I don't have your face right in front
- 17 of you. So it's far easier -- or would have been far easier for me to be -- to look
- 18 straight ahead, but I'd be looking to one side. Do excuse me for that.
- 19 Mr President, with your leave, I would like to remind the manner in which my
- 20 questioning will be unfolding to the witness.
- 21 As we are speaking the same language, it is very simple for us to go slowly, to remind
- 22 him of this need.
- 23 And, secondly, in view of the developments during the examination-in-chief, I shall
- 24 not revisit any identifying elements and I shall be couching my questions in a more
- 25 general manner. And I would request that the witness provide me with brief

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1 responses, as brief as possible, in order to avoid any risk of identification.

2 Mr Witness.

3 A. [14:35:32] Yes.

4 Q. [14:35:33] This morning you described to us the historical importance of the
5 mausoleums associated with the city of Timbuktu.

6 Could you please tell us why, in which -- in what way these monuments are historical
7 and their importance, please.

8 A. [14:36:06] Thank you, Counsel.

9 Were I to classify these monuments, I would say that we have monuments that are
10 historical in nature, because most of these monuments were left behind by
11 individuals, ancients, elders, who marked the history of the city, firstly, the cemeteries
12 around the city. And in each cemetery, we have saints, saints who came from
13 elsewhere also, and others who came to transmit their knowledge.

14 So, in terms of acknowledgment, Timbuktu wanted to show this act of good faith. A
15 Yemenite who comes all this way on foot solely to come and transmit his knowledge.
16 I'm talking about Jaman Halan (phon), the great saint with a bald head. He wanted
17 to transmit all of his knowledge to Timbuktu. And such an individual, such a
18 personality, should not go unnoticed in history. This is why little maisonettes were
19 built to commemorate the memory of these men.

20 And we also have manuscripts that were written by major personalities of Timbuktu's
21 history, in addition to which we have the symbolic buildings within the state, such as
22 the monument of the martyrs, Independence Square.

23 Timbuktu, in addition to its reputation, has a symbolic meaning for Mali. And as
24 you saw, in 2012, UNESCO really pulled its weight when the city came under attack.
25 Once the monuments and buildings started to be affected, the international

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1 community came to the fore.

2 And that is why I'm saying to you that the monuments are really very essential for
3 those from Timbuktu and those from the international community as well.

4 Q. [14:39:01] Thank you very much, Mr Witness. I have one additional question
5 with regard to these mausoleums.

6 Are these locations where people gather to pray?

7 A. [14:39:27] No, these locations are not where people gather to pray, but some of
8 the mausoleums are located in places of prayer. But they have never been locations
9 where people go to pray. As you saw, Sidi Yahia mosque.

10 But when you take Sidi Mahmoud, who is the patron of saints, he is buried in a grave
11 which is not a location of prayer. So these saints are spread -- or these mausoleums
12 are not necessarily locations where people go to prayer -- to pray.

13 In 2012, people were -- venerated these mausoleums. And they said and went as far
14 as to say that people of Timbuktu thought of these saints as God. So this is where
15 the -- the attacks upon these mausoleums originated from.

16 Q. [14:40:56] Thank you very much, Mr Witness.

17 Still within the same vein, could you please tell us if these mausoleums were
18 constructed by any old mason, or do they have to have a certain skill set in order to
19 build them?

20 A. [14:41:34] Yes. These mausoleums do need to follow -- need to be built in a
21 certain manner. Each mausoleum has a guardian family which then gives over the
22 construction of these mausoleums to specific masons who are designated by lineage.
23 So, if there is degradation of the mausoleums, you can't just go and take any old
24 mason to rebuild it. It is up to the family to designate the specific mason who has
25 over the years and whose ancestors have over the years been continuously

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1 responsible for the upkeep of this mausoleum. So that is a particularity of these
2 mausoleums.

3 If, however, you take the example of the mosques, each year in Timbuktu there are
4 festivities. And when you need to go to renew the cladding of the mosque, it is the
5 entire community that is brought together to do it. And here, there is no distinction,
6 both Christians and Muslims will take part in this activity, because the symbolism is
7 that men and women can take part. Women bring water, men bring all things
8 necessary for the masonry work. And anyone can take the banco or the earth or clay
9 that you can then take and give over to the mason to do the work.

10 So these are some of the salient points marking the -- the construction and --

11 THE INTERPRETER: [14:43:43] Overlapping speakers.

12 MR KASSONGO: [14:43:45](Interpretation)

13 Q. [14:43:46] Thank you very much, Mr Witness, for this clarification. And I'd like
14 to put another question to you with regard to the affection that those hailing from
15 Timbuktu had for these mausoleums. You said that they are really very possessive
16 of these mausoleums.

17 During the occupation, how did they perform the upkeep of these mausoleums?

18 And how did they, indeed, frequent them during the occupation?

19 A. [14:44:30] The occupier did not even give the people of Timbuktu the time to
20 continue the upkeep of these mausoleums, but the occupation from 1 April did not
21 stop the population from gathering at these mausoleums.

22 When the destructions commenced, however, this gathering of people became
23 perturbed. I never had ever seen the people of Timbuktu frustrated and affected as
24 much as I did on the day when the announcement was made that the mausoleums
25 were being destroyed in Timbuktu. There was a silence that took over the city.

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1 There was a feeling of fear. It's difficult to describe to you precisely what happened
2 on that day in Timbuktu.

3 Q. [14:45:44] Thank you very much, Mr Witness, for this clarification, which now
4 brings me to wrap up with another question on this topic.

5 The mausoleums were reconstructed in Timbuktu. Did you have the opportunity to
6 discuss with the people of Timbuktu or, more particularly, with the families
7 concerned?

8 A. [14:46:28] Yes, Counsel, because I am one of them. And once the
9 announcement had been made that the mausoleums were being renovated, the
10 Timbuktu -- those of Timbuktu heaved a sigh of relief because they saw these
11 mausoleums once again coming out of the ground, being rebuilt, and a phase of
12 history began.

13 These events went hand in hand with a commitment on the part of the international
14 community which enabled all the mausoleums of Timbuktu to be reconstructed.

15 The sacred door was restored. It had been completely destroyed. And also the
16 cultural buildings that had been affected also were renovated slowly. They might
17 have been slightly modified as a result, but they did come into being once again,
18 despite having been ransacked and destroyed.

19 So everything has been reconstructed in Timbuktu. Everything stand -- is once again
20 standing proud in Timbuktu, and people can now pray to the saints, gather to
21 pray -- pray for these saints, and people can regularly attend the mosques once again.
22 So that is what I can say. And the feeling that I have is shared by all those from
23 Timbuktu.

24 Q. [14:48:45] Thank you very much, Mr Witness.

25 This enables me to now broach another topic of interest to the Legal Representatives

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1 for Victims with a view to obtaining clarification, because, quite simply, you hail from
2 Timbuktu, and you can provide us with this clarification.

3 Now, what happened to the artists? What happened to those people who were
4 involved in entertainment during the occupation of 2012?

5 A. [14:49:31] During the occupation, all musical activities were interrupted. The
6 occupier did not want any artists. They did not want any chorists singing about the
7 saints, or they did not want any prayer sessions organised by them or any musical
8 entertainment. So I can't -- from 1 April until 1 -- until the end of December, I don't
9 recall any musical event taking place in Timbuktu.

10 Q. [14:50:21] Thank you very much, Mr Witness.

11 Now, the Legal Representatives for Victims would like to obtain clarification from
12 you with regard to traffic. The police is in charge of traffic control.

13 Was it possible in the year 2012, to your knowledge, to -- could you tell us whether
14 people could travel in and out of Timbuktu in order to deliver stocks of goods that
15 might have been at the time forbidden by the Sharia? For example, cigarettes,
16 cosmetics. What happened to this commerce during the occupation, if you can
17 provide us with any clarification in this regard.

18 A. [14:51:48] Yes. In terms of trade, there were many products that were
19 forbidden. As I said at an earlier stage, this was the case for cigarettes. Tobacco in
20 all its forms was forbidden. And cosmetics and even some beauty products were
21 formally prohibited.

22 What is more, first-aid products would come on to the market which did break the
23 prices because there was no more customs service. So the town was being supplied
24 by those very same trades persons, and they would supply the market with these
25 goods.

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1 But what happened was that many of these trades persons who had supplied beauty
2 products and other products that came from the south of Timbuktu, from the south of
3 Mali, that is, these products were -- came from Mopti. And it was difficult to bring
4 them to the northern part of the country, quite simply because they were not welcome,
5 these products, as they were deemed to be contrary to religion.

6 Q. [14:53:36] Thank you very much, Mr Witness.

7 A penultimate question to wrap up. To your knowledge, in 2012, what did you see?

8 And how did the policemen exert their control in the -- in and around the town?

9 Were they always armed? Were they visibly armed? And what kind of weapons
10 were these policemen carrying?

11 A. [14:54:22] On a regular basis, I would note the presence of these patrols. And,
12 mostly, it was pursuant to Sharia. As I said, they were in charge of regulating traffic,
13 controlling traffic.

14 There are one-way streets in Timbuktu, and at a given moment in time during the
15 occupation, there were the separatists, there were the Islamists, there were some
16 citizens, and these one-way roads were being ignored. So they had to restore order.
17 It became subsequently formally prohibited to go down a one-way street. These
18 one-way streets were subsequently fully respected.

19 And, yes, the patrol was armed because each combatant had his weapon. And when
20 I talked to some combatants, I asked them why they didn't put their weapons down
21 and quite simply do their job, to which he would respond that each combatant had to
22 be armed, firstly to defend himself and then to provide better security for the
23 members of the population.

24 So that is why you will always see that the combatants were carrying a weapon.

25 That's what one of the combatants said to me anyway.

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1 Q. [14:56:21] Thank you very much, Mr Witness.

2 The last question. I would ask that you not furnish any details of an identifying
3 nature.

4 If we revisit the issue of detention or women in prison - my question is quite
5 simple - why was there no report about the manner in which these women were
6 released? [REDACTED]

7 [REDACTED]

8 A. [14:57:23] Well, at the time, maybe the journalists were under pressure. Maybe
9 they were fearful. But there were other means if there was not a specific audio
10 report or audiovisual report. But there were things written on the social media.

11 [REDACTED]

12 [REDACTED]

13 PRESIDING JUDGE MINDUA: [14:57:52](Interpretation) Ms Taylor, please.

14 MS TAYLOR: [14:57:54] Thank you, Mr President.

15 That was a highly inappropriate question that was put to the witness. It was
16 predicated on a leading piece of information. The LRV did not cite to an existing
17 transcript. And, again, I'm -- I'm aware that the witness is on the line. I'm happy if
18 we could cut off the line to the witness, I can explain further. But it's not appropriate
19 to put questions which are predicated on an assumption, and this question was
20 predicated on a very leading assumption.

21 Now, the Representative for Victims are not exempt from the general rules that apply.
22 They have to first establish a foundation for such a question, and that was not done in
23 this case.

24 PRESIDING JUDGE MINDUA: [14:58:44](Interpretation) Maître Kassongo, I do
25 believe that the Defence is right. You did not lay a foundation for your question.

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- 1 MR KASSONGO: [14:58:57](Interpretation) Thank you, Mr President. I, therefore,
2 prefer to withdraw this question.
- 3 PRESIDING JUDGE MINDUA: [14:59:01](Interpretation) Thank you very much. I
4 understand.
- 5 MR KASSONGO: [14:59:02](Interpretation)
6 Q. [14:59:04] Mr Witness, the Legal Representatives have now finished putting
7 their questions to you, any questions that we had and clarification we were seeking.
8 Thank you very much, once again, for these points of clarification.
- 9 A. [14:59:28] Thank you very much.
- 10 MR KASSONGO: [14:59:31](Interpretation) Thank you very much, Mr President,
11 your Honours. The Legal Representatives for Victims has no further questions for
12 this witness.
- 13 PRESIDING JUDGE MINDUA: [14:59:37](Interpretation) Thank you very much,
14 Maître Kassongo, for your questions.
15 I am even more grateful to you because you have kept your word. It is nearly
16 3 o'clock now.
- 17 And now I turn to the Defence for the beginning of the cross-examination.
18 Ms Taylor.
- 19 MS TAYLOR: [15:00:19] Thank you, Mr President.
20 I would firstly like to note for the record that I've been joined by my colleague,
21 Ms Dolly Chahla. So the Defence for Mr Al Hassan is now represented by
22 Ms Dolly Chahla, Maître Julia Basile, and myself, Melinda Taylor. So there was that
23 change over the break.
- 24 PRESIDING JUDGE MINDUA: [15:00:45](Interpretation) Thank you very much,
25 Ms Taylor. Of course, I welcome Ms Dolly Chahla. I believe that's the name. I

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1 hope I've pronounced the name correctly.

2 MS TAYLOR: [15:01:04] Mr President, to start, I do have some questions of an
3 identifying nature. So I believe it will be necessary to go into private session.

4 PRESIDING JUDGE MINDUA: [15:01:20](Interpretation) Private session,
5 Courtroom Officer.

6 (Private session at 3.01 p.m.)

7 THE COURT OFFICER: [15:01:25] We're in private session, Mr President.

8 PRESIDING JUDGE MINDUA: [15:01:31](Interpretation) Thank you very much.
9 Ms Taylor.

10 QUESTIONED BY MS TAYLOR:

11 Q. [15:01:37] Good afternoon, Mr Witness.

12 My name is Melinda Taylor and I'll be putting questions to you on behalf of the
13 Defence. I believe we spoke to each other at the courtesy meeting that was last
14 week.

15 A. [15:01:54] Thank you, Counsel.

16 Q. [15:01:58] And, Mr Witness, it's -- I will, of course, ask the Presiding Judge to go
17 into private session and to do so with his leave. But if I'm in open session and I put a
18 question to you that you believe you have to respond to by giving identifying
19 information, if you could just raise your hand so that I can then ask the permission of
20 the Presiding Judge to go into private session. And in that way, the public won't be
21 alerted.

22 A. [15:02:32] Okay.

23 Q. [15:02:34] [REDACTED]

24 [REDACTED]

25 A. [15:02:58] [REDACTED]

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1 Q. [15:03:00] [REDACTED]

2 [REDACTED]

3 A. [15:03:12] [REDACTED]

4 Q. [15:03:21] [REDACTED]

5 A. [15:03:26] [REDACTED]

6 [REDACTED]

7 Q. [15:03:57] [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 A. [15:04:33] [REDACTED]

13 PRESIDING JUDGE MINDUA: [15:04:35](Interpretation) Madam Prosecutor.

14 MS LUPING: [15:04:36] I would like to make an objection, Mr President,
15 your Honours. And I'd ask that the sound be cut off to the witness when I do so.

16 PRESIDING JUDGE MINDUA: [15:04:45](Interpretation) Courtroom Officer, cut off
17 the sound to the witness, please.

18 THE COURT OFFICER: [15:04:55] Your Honours, the sound at the VTC location has
19 been cut off.

20 PRESIDING JUDGE MINDUA: [15:05:00](Interpretation) Thank you very much.
21 Madam Prosecutor.

22 MS LUPING: [15:04:59] Mr President, your Honours, I recall the advice or
23 instructions that were given before the start of cross-examination yesterday where
24 Defence counsel was reminded that questions with very unclear relevance [REDACTED]

25 [REDACTED] might appear threatening or even

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1 menacing to them, and in the Prosecution's submission that this would be an example
2 of that. It is unclear what the relevance is of knowing the name [REDACTED]

3 [REDACTED]
4 PRESIDING JUDGE MINDUA: [15:05:46](Interpretation) Ms Taylor, it is true that
5 the objection from the Defence is well founded. In the Chamber's instructions from
6 last week, we said to avoid asking for names because this can be intrusive and even
7 threatening. So, in this case, I think it is necessary to establish the relevance or
8 perhaps provide an explanation, cut off the sound to the witness, and explain why
9 you are seeking a name rather than just trying to elicit a name.

10 MS TAYLOR: [15:06:24] Mr President, do I have confirmation that the sound is cut
11 off to the witness? Because I heard him -- hear him cough.

12 Now, I have no intention to threaten this witness in any way. [REDACTED]

13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 The witness can of course be asked if he prefers not to give it. I don't want him to
23 provide information if he doesn't want to do so. But I don't believe the witness will
24 have a problem in doing so.

25 PRESIDING JUDGE MINDUA: [15:07:50](Interpretation) Counsel, what is the

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1 relevance in relation to our topic and the testimony of P-0654 and, above all,
2 the -- their relevance to the charges?

3 MS TAYLOR: [15:08:06] Mr President, this case concerns a number of entities in
4 Timbuktu. [REDACTED]

5 [REDACTED] Their role is relevant to this
6 case. [REDACTED] That is relevant to

7 his -- information he receives [REDACTED]

8 [REDACTED]

9 Now, I don't intend to ask further -- follow-up questions. But sometimes it is very
10 helpful to have clarity on relations between people, [REDACTED]

11 [REDACTED]

12 PRESIDING JUDGE MINDUA: [15:08:55](Interpretation) Very well.

13 Before giving the floor to the Prosecutor, you yourself mentioned the difficulty. You
14 said that there are so many people, [REDACTED] who have intervened in

15 Timbuktu. So just imagine now, if you ask for the names of all those people [REDACTED]

16 [REDACTED] I think you
17 need to be quite restricted in your questions.

18 And I will now give the floor to the Prosecution.

19 MS LUPING: [15:09:31] Thank you, Mr President, your Honours.

20 First of all, it's very unclear to us - and we'd like the precise reference because we are
21 in private session - as to [REDACTED] Defence counsel's referring.

22 That's the first point.

23 The second point, [REDACTED]

24 [REDACTED] is not the point. The point is simply what is the exact relevance to the issues
25 in this case.

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1 [REDACTED]
2 What is pertinence or the relevance of the name [REDACTED] to the facts in this case?

3 And in our submission, it is threatening and menacing to have to be asked as -- the
4 witness to be asked what is the name [REDACTED]

5 [REDACTED] That can only be seen indirectly as threatening.

6 Those are our submissions. Thank you.

7 PRESIDING JUDGE MINDUA: [15:10:44](Interpretation) There you have it,

8 Ms Taylor. I think we can drop this question and move on.

9 MS TAYLOR: [15:10:47] Certainly, Mr President.

10 If I may just for the record though give the name [REDACTED]
11 [REDACTED]
12 [REDACTED]

13 PRESIDING JUDGE MINDUA: [15:11:06](Interpretation) Very well.

14 We will now reconnect the sound and you will move on to something else.

15 Courtroom officer.

16 THE COURT OFFICER: [15:11:23] Your Honours, the sound at the VTC location has
17 been re-established.

18 PRESIDING JUDGE MINDUA: [15:11:30](Interpretation) Thank you very much.

19 Ms Taylor, you may proceed.

20 MS TAYLOR: [15:11:42]

21 Q. [15:11:42] Mr Witness, I'm going to put some --

22 PRESIDING JUDGE MINDUA: [15:11:45](Interpretation) I beg your pardon.

23 We're still in private session? We remain in private session.

24 Go ahead, Ms Taylor.

25 MS TAYLOR: [15:11:55]

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1 Q. [15:11:55]

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5 A. [15:12:11]

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7 Q. [15:12:24]

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9 A. [15:12:44]

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13 Q. [15:13:25]

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15 A. [15:13:34]

16 Q. [15:13:42]

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18 A. [15:13:52]

19

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21 Q. [15:14:26]

22

23 A. [15:14:34]

24 Q. [15:14:47]

25

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1 A. [15:15:06]

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6 Q. [15:15:48]

7 A. [15:15:56]

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10 Q. [15:16:38]

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12 A. [15:16:46]

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19 Q. [15:18:16]

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22 A. [15:18:51]

23 Q. [15:19:04]

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25 A. [15:19:22] I haven't understood. Could you rephrase your question.

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1 Q. [15:19:27] Thank you, Mr Witness.

2 At various points, [REDACTED]

3 [REDACTED]

4 A. [15:19:47] Indeed.

5 Q. [15:19:50] [REDACTED]

6 [REDACTED]

7 A. [15:20:03] No. [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 Q. [15:20:45] [REDACTED]

13 [REDACTED]

14 A. [15:20:53] [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 Q. [15:21:29] This morning the Prosecution played videos [REDACTED]

18 [REDACTED] This was

19 at transcript 132, page 57.

20 [REDACTED] ?

21 A. [15:22:08] [REDACTED] It was in 2012.

22 Q. [15:22:12] Do you recall whether it was in the second part of the year?

23 A. [15:22:30] I couldn't tell you.

24 Q. [15:22:37] [REDACTED]

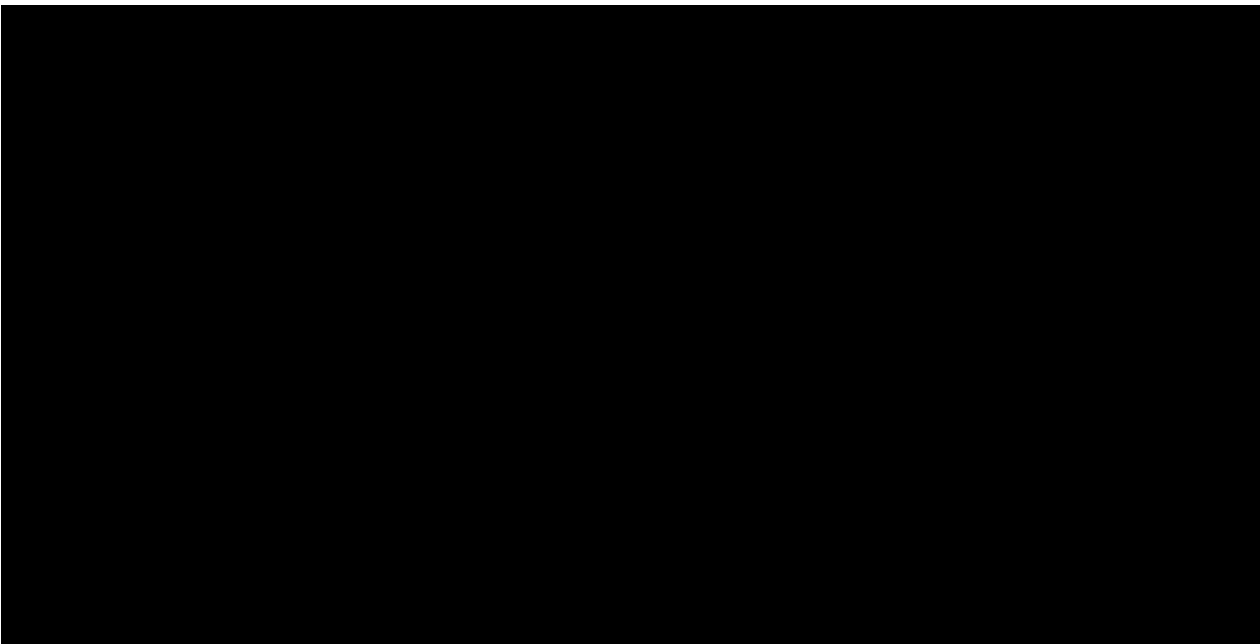
25 A. [15:22:40] [REDACTED]

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10 PRESIDING JUDGE MINDUA: [15:24:09](Interpretation) Ms Taylor, I don't want to
11 interrupt or interfere, but, you know, the principle of our hearings is that evidence
12 should be given in open court. If I could give you a piece of advice, perhaps you
13 could proceed as the OTP did, some time in private session and then going into open
14 session, or perhaps shortening the questions that you put in private session.
15 For example, the five questions, they may be relevant, but it's not -- not all that
16 important. We've been in private session for nearly 20 minutes now. I'm saying
17 this because of the principle of having proceedings conducted in open court.

18 MS TAYLOR: [15:25:12] Thank you, Mr President.

19 The Chamber has in the past advised us to group our questions and to have all the
20 ones in private session together. So then I can go into open session. That was
21 entirely my intention. I am dealing with all the questions related to 

22  I really don't have that many more to go, and then I'll be going into open
23 session.

24 But if -- if we go in and out, I think we'll lose more time than if I can just ask the
25 remaining, I believe, five or six questions, which all directly relate 

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2 PRESIDING JUDGE MINDUA: [15:25:54](Interpretation) Thank you very much.

3 Go ahead.

4 MS TAYLOR:

5 Q. [15:26:01]

6 A. [15:26:10] With whom?

7 Q. [15:26:16] I apologise. We did get a bit distracted there.

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10 A. [15:26:36] Yes.

11 Q. [15:26:38] Do you recall

12 A. [15:26:42] I can't remember.

13

14 Q. [15:27:14]

15 A. [15:27:17] I didn't ask him.

16 Q. [15:27:19]

17

18 A. [15:27:31]

19 Q. [15:27:44]

20 A. [15:27:50] Yes, of course.

21 Q. [15:27:58] And this was the case in 2012?

22 A. [15:28:13]

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4 Q. [15:29:15]

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9 A. [15:29:42]

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17 Q. [15:31:02]

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19 A. [15:31:16]

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24 MS TAYLOR: [15:32:13] Mr President, I do believe we can go into open session.

25 PRESIDING JUDGE MINDUA: [15:32:19](Interpretation) Mr Courtroom Officer,

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- 1 open session, please.
- 2 Madam Prosecutor.
- 3 MS. LUPING: [15:32:27] (Overlapping speakers) Mr President, before we go into
- 4 public session, it was just a question for clarity. We don't have any year.
- 5 PRESIDING JUDGE MINDUA: [15:32:32](Interpretation) Mr Courtroom Officer,
- 6 wait one second.
- 7 THE COURT OFFICER: [15:32:38] We are still in private session, Mr President.
- 8 PRESIDING JUDGE MINDUA: [15:32:32](Interpretation) Very well. Please
- 9 (Overlapping speakers)
- 10 THE INTERPRETER: [15:32:43] Overlapping speaker.
- 11 MS LUPING: [15:32:44] (Overlapping speakers) Mr President, your Honours, it's
- 12 simply just to have clarity as to the time period for the last response we had from the
- 13 witness. We don't have any year or any time indicated.
- 14 MS TAYLOR: [15:32:54] I'm happy to ask the question, although we were discussing
- 15 a particular period. But I can put the question to him.
- 16 PRESIDING JUDGE MINDUA: [15:33:05](Interpretation) Please go ahead,
- 17 Ms Taylor.
- 18 MS TAYLOR:
- 19 Q. [15:33:08] Now, Mr Witness, the Prosecution's asked for clarity concerning the
- 20 time period that you were referring to. If you could kindly state for the record what
- 21 time period you're referring to.
- 22 A. [15:33:25] Of course. It was 2012.
- 23 PRESIDING JUDGE MINDUA: [15:33:30](Interpretation) Thank you very much,
- 24 Mr Witness.
- 25 Mr Courtroom Officer, open session, please.

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1 (Open session at 3.33 p.m.)

2 THE COURT OFFICER: [15:33:38] We are back in open session, Mr President.

3 PRESIDING JUDGE MINDUA: [15:33:53](Interpretation) Thank you very much,
4 Mr Courtroom Officer.

5 Ms Taylor, please.

6 MS TAYLOR: [15:33:58] Thank you, Mr President.

7 Q. [15:34:00] As you're aware, Mr Witness, we're in open session, and I will need to
8 dip into a private session a few times, but we'll try and stay, to the extent possible, in
9 open session.

10 Now, speaking of the time period before 2012, is it correct that the sale of alcohol was
11 prohibited in the old town, that is, the medina of Timbuktu?

12 A. [15:34:31] Before the occupation, it was formally prohibited to sell alcohol in the
13 medina. However, there were bars, restaurants and hotels that are located outside of
14 the medina, and that is where alcohol can be found.

15 Q. [15:34:58] Is it correct that even in recent years there's been local opposition to
16 bars and alcohol in Timbuktu?

17 A. [15:35:09] Of course. There is a committee that was set up, the commission for
18 the valorisation of our culture and values and to fight against bad practice. This
19 committee was set up in the year 2011.

20 Firstly, there were many things that needed to be forbidden in the city, as I said to
21 you. At a given moment in time, the youth went off the rails somewhat, and the
22 issue ...

23 PRESIDING JUDGE MINDUA: [15:36:20](Interpretation) Madam Prosecutor.

24 MS LUPING: [15:36:23] Thank you, Mr President, your Honours. Could I just ask
25 that the sound be cut off to the witness for the objection I'm about to make.

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1 PRESIDING JUDGE MINDUA: [15:36:35](Interpretation) Mr Courtroom Officer,
2 could you please cut off the feed with the witness.

3 THE COURT OFFICER: [15:36:39] Your Honours, the sound at the VTC location has
4 been cut off.

5 PRESIDING JUDGE MINDUA: [15:36:45](Interpretation) Thank you very much,
6 Mr Courtroom Officer.

7 Madam Prosecutor.

8 MS LUPING: [15:36:50] Mr President, your Honours, this is an objection relating to
9 relevance. Finding out what the situation is in the most recent years, which the
10 witness has now confirmed relate to events in 2011, are very well outside the time
11 frame of the period relating to the charges. And in our submission, what is
12 happening or potentially happening right now in terms of perhaps certain parts of the
13 population in Timbuktu have no bearing on this case and are not related to the events
14 in 2012 and 2013. So the objection is one of relevance.

15 PRESIDING JUDGE MINDUA: [15:37:35](Interpretation) Ms Taylor.

16 MS TAYLOR: [15:37:36] I really hope we're not going to get a spate of objections like
17 this. The Prosecution's case is based on the thesis that the rules or policies applied in
18 2012 were new, that they were foreign, that it was something foreign to Timbuktu
19 population and Timbuktu culture. The Prosecution itself spent a great deal of time
20 going through articles in 2013, 2014 about the education system after the intervention.
21 So I'm very surprised that we are being prevented from posing questions which are
22 directly relevant, particularly given this witness's answers.

23 [REDACTED]
24 [REDACTED] So I do believe that we should be given the opportunity to
25 put these questions on life before and after 2012 in order to ascertain what the actual

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1 position was amongst the local population in Timbuktu to the issues at stake in this
2 case.

3 PRESIDING JUDGE MINDUA: [15:38:48](Interpretation) Madam Prosecutor.

4 MS LUPING: [15:38:54] Mr President, your Honours, just to be clear, the issues or
5 the questions that were put to the witness related to the time period before 2012 and
6 2013, and the new nature of the rules was clearly relevant to this case. Items that
7 have been shown to this witness that relate to a period after the occupation have been
8 put to this witness, not to ask about specific events necessarily occurring afterwards
9 but to ask about comments that were made relating to events, again, in 2012 and 2013
10 and about ongoing consequences or suffering of victims of the occupation after the
11 period of the occupation.

12 It's not correct to assert that we have been asking questions about the thinking or the
13 views of certain members of the population in Timbuktu after the occupation. That
14 is not correct.

15 And we would maintain our objection that these -- this information now being
16 elicited is not relevant to the charges before this Chamber.

17 PRESIDING JUDGE MINDUA: [15:40:16](Interpretation) Madam Prosecutor, I don't
18 really follow you here because, of course, our charges are in 2012 and 2013. And the
19 Prosecutor's case was to compare the situation before the occupation by the groups in
20 question and during the occupation by said groups.

21 Now, according to the explanation furnished just now by Ms Taylor, she is also
22 developing her case. But she's exploring. We know what is going -- was going on
23 before -- during the occupation, but she's seeking to ascertain what was going on after
24 the occupation.

25 Ms Taylor.

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1 MS TAYLOR: [15:41:19] Thank you, Mr President.

2 And I can assure you that I don't -- oh, I apologise. I do believe -- I thought that you
3 were referring to me, but I can assure you that I will be drawing a link to events
4 before and during and that I don't intend to spend that much time, if any, on the
5 events afterwards.

6 PRESIDING JUDGE MINDUA: [15:41:43](Interpretation) Mr Courtroom Officer,
7 could we seek to re-establish the feed with the witness, please.

8 THE COURT OFFICER: [15:41:59] Your Honours, the sound at the VTC location has
9 been re-established.

10 PRESIDING JUDGE MINDUA: [15:42:03](Interpretation) Thank you very much,
11 Mr Courtroom Officer.

12 Ms Taylor.

13 MS TAYLOR: [15:42:19] If I could bring up Defence tab 158. It's

14 MLI-D28-0005-2471.

15 And I don't know if you have it printed with you, Mr Witness. Otherwise, if it could
16 be shown on the evidence channel 1 for you.

17 This is an article from 4 July 2015. It's titled Timbuktu (Speaks French).

18 THE INTERPRETER: [15:42:45] Could counsel please wait for the article to be
19 brought up on to the screen. Thank you.

20 Sight translation of the title of the article:

21 "Timbuktu: Women from Hamabangou Demonstrate Against a Saleswoman Selling
22 Alcohol."

23 PRESIDING JUDGE MINDUA: [15:43:31] (Overlapping speakers)

24 MS LUPING: [15:43:32] Mr President, it's just to get clarity from Defence counsel.

25 We have the updated list of materials, and that item doesn't appear at tab 28. So it

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1 was just a request to clarify what tab number that it can be found at.

2 MS TAYLOR: [15:43:43] It might have -- I apologise. It might have just come out
3 incorrectly. Tab 158. And it's currently shown on evidence 1 in front of the
4 Prosecution.

5 If I may continue.

6 Q. [15:44:18] Mr Witness, can you see this in front of you? It refers to:

7 (Interpretation) "Several women supported by the youth came out into the streets on
8 Wednesday at approximately 4 p.m. to demonstrate against a woman selling alcohol
9 in the Hamabangou district. The demonstrators requested that the prosecutor of the
10 town drive out this lady --(Overlapping speakers)

11 THE INTERPRETER: [15:44:45] Overlapping speakers. The interpreter was not
12 allowed to finish her sight translation.

13 THE WITNESS: [15:45:01](Interpretation) I said, "What is the question?"

14 PRESIDING JUDGE MINDUA: [15:45:04](Interpretation) Madam Prosecutor.

15 MS LUPING: [15:45:06] Mr President, now, we understand, obviously, we are in
16 cross-examination, but there's been absolutely no foundation established whatsoever
17 to show this -- the witness this document. There's no apparent link to what has been
18 said so far in terms of the author. I'm looking at the author, and I'm seeing the
19 nature of the article and the date of the article in 2015. In our submission,
20 your Honours, there must be at least a few preliminary questions asked before we can
21 actually establish that this witness is in a position to comment on this article.

22 PRESIDING JUDGE MINDUA: [15:45:40](Interpretation) Thank you very much,
23 Madam Prosecutor.

24 Now, Ms Taylor, according to the procedure that we have established, there needs to
25 be a foundation before inviting the witness to answer the question, a foundation

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1 surrounding this article, that is.

2 MS TAYLOR: [15:46:02] Thank you, Mr President.

3 I haven't actually put any questions to the witness yet on this article. My first
4 question was going to be whether he's aware of this protest, is this something he's
5 familiar with. All I've done so far is read out the title and subtitle of the article.

6 And I do hope we don't have this back-and-forth for the rest of the cross-examination.

7 PRESIDING JUDGE MINDUA: [15:46:39] (Overlapping speakers)

8 MS LUPING: [15:46:43] Mr President, it's just a question of procedure. This
9 witness can be asked that question without first being shown the document. And
10 we certainly hope that this is not going to be the practice for the rest of the
11 cross-examination.

12 The rules are quite simple. We need to establish a line or a link with the witness
13 before the document be shown. The questions can be asked, the witness can then
14 indicate whether or not he is or is not aware of any such march, and then the
15 document be shown. We're doing this in the wrong way, your Honours.

16 That would be -- those are my submissions.

17 PRESIDING JUDGE MINDUA: [15:47:23](Interpretation) Yes, Madam Prosecutor.

18 But both are possible. What you are suggesting, that is to say, first asking whether
19 there was a march and then show the document, well, we can also show the
20 document to him first

21 [REDACTED]

22 Ms Taylor.

23 MS TAYLOR: [15:47:49] Thank you, Mr President.

24 Q. [15:47:51] Now, earlier I'd already put to you the question whether you're aware
25 of any local opposition to the sale of alcohol. And I'll repeat the question that I just

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1 put before the objection was made, which is, this specific article refers to a protest by
2 women and young, *jeune*, in the area of Hamabangou against someone who was
3 selling alcohol. It's an article dated 4 July 2015.

4 Are you familiar with this? Do you have any personal knowledge of what is being
5 described here?

6 A. [15:48:36] Yes. There was a demonstration against a lady in Hamabangou, I do
7 remember, but it was not against the sale of alcohol as such. It was that around her
8 cabaret, lots of prohibited things were going on. Men and women were meeting up,
9 young men, and there were yobs making a lot of noise at the time. I remember that.
10 It wasn't just women. But lots of people rose up against the lady, saying that she
11 needed to leave the neighbourhood. I remember that.

12 But as to a demonstration of just women, agh, it might -- it's possible, but I'm not
13 aware of that. There was a local opposition containing women, young people and
14 older people.

15 Q. [15:49:48] Mr Witness, this -- this area, this court of Hamabangou, is this outside
16 the medina? That is, is it in the new town?

17 A. [15:50:08] Yes, it is the new town. The medina has four neighbourhoods, if you
18 want me to describe it to you. We have Badjinde, Djingareyber, Sarekena and
19 Sankore, which are surrounded by tarmac. Everything outside of this old town is
20 deemed to be part of the new city or town.

21 Q. [15:50:43] Mr Witness, if we could just turn to page 2472. I'll just read out a
22 paragraph.

23 Actually, earlier, at the second paragraph on this page, the article states:

24 (Interpretation) "Worse still, 'they left behind them the remainder of their drinks,
25 which caught the curiosity of very young children, and we can't accept that,' confided

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1 the president of the association of young people of Hamabangou."

2 (Speaks English) It then states at paragraph 4:

3 (Interpretation) "From the house where Adja is to be found, the demonstrators went
4 to the *palais de justice* of the town where they shared their concern with the prosecutor.

5 'We made her aware that if they do not take care of this, we (the inhabitants of the
6 neighbourhood), we will take responsibility into our own hands,' said the president of
7 the association who is also a journalist with the local radio."

8 (Speaks English) Mr Witness, this refers to the president of a collective of *jeune de*
9 *Hamabangou*, who is also a local journalist.

10 Do you know who this is referring to?

11 A. [15:52:49] To be quite honest, I do not know a president of a collective who
12 would also be a journalist from a local radio. However, I do know the lady Adja. I
13 know where she lived in Hamabangou.

14 Q. [15:53:10] Now, Mr Witness, I'm going to refer to a document which should not
15 be shown to the public. It should be only shown to you. And we're in open session,
16 but I believe we'll have to go into private session for some discreet questions, and
17 then we can go back into open session.

18 The document in question is Defence tab 209. It's [REDACTED] It's a
19 document dated 25 February 2017. And I'll ask one question before asking the leave
20 of the President to go into open session -- closed session. Apologise.

21 Mr Witness, is this a document you recognise?

22 A. [15:54:31] Yes.

23 MS TAYLOR: [15:54:32] Mr President, may we go into private session?

24 PRESIDING JUDGE MINDUA: [15:54:35](Interpretation) Mr Courtroom Officer,
25 private session, please.

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- 1 (Private session at 3.54 p.m.)
- 2 THE COURT OFFICER: [15:54:40] We're in private session, Mr President.
- 3 PRESIDING JUDGE MINDUA: [15:54:49](Interpretation) Thank you very much,
- 4 Mr Courtroom Officer.
- 5 Ms Taylor.
- 6 MS TAYLOR:
- 7 Q. [15:54:53] [REDACTED]
- 8 A. [15:54:57] I have something --
- 9 PRESIDING JUDGE MINDUA: [15:55:15] (Overlapping speakers)
- 10 THE WITNESS: [15:55:10](Interpretation) [REDACTED]
- 11 [REDACTED]
- 12 PRESIDING JUDGE MINDUA: [15:55:15](Interpretation) [REDACTED]
- 13 [REDACTED]
- 14 THE WITNESS: [15:55:24](Interpretation) I saw it on the board before we came into
- 15 private session.
- 16 PRESIDING JUDGE MINDUA: [15:55:28](Interpretation) Mr Courtroom Officer,
- 17 what is the situation? [REDACTED]
- 18 THE COURT OFFICER: [15:55:33] Your Honours, the document was only shown to
- 19 the witness and not to the public.
- 20 PRESIDING JUDGE MINDUA: [15:55:45](Interpretation) There we have it,
- 21 Mr Witness. It is being shown to you, but it is not available to the public. All right?
- 22 THE WITNESS: [15:55:49](Interpretation) All right.
- 23 PRESIDING JUDGE MINDUA: [15:55:50](Interpretation) Ms Taylor.
- 24 MS TAYLOR: [15:55:52] Thank you, Mr President.
- 25 Q. [15:55:54] [REDACTED]

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1 [REDACTED] What you see on the screen is not what the public sees.

2 [REDACTED]

3 A. [15:56:09] Of course. [REDACTED]

4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]

8 Q. [15:56:52] It may assist, Mr Witness, if we scroll down, because then I believe
9 you will see a photograph at the top.

10 No. Sorry. The other way. I apologise.

11 There appears to be a problem with how it's showing on the screen. It's not the way
12 ours shows, but that's something I can resolve perhaps tomorrow.

13 [REDACTED]
14 [REDACTED]

15 A. [15:57:29] Yes.

16 Q. [15:57:36] And these photographs, where are they? What location do they
17 concern?

18 A. [15:57:43] This is, once again, Hamabangou neighbourhood where there was a
19 nightclub called Kaleme (phon).

20 Q. [15:57:58] [REDACTED]

21 A. [15:58:08] No. That's [REDACTED] after the events, after the occupation. And the
22 media had already started to say that the town had been infiltrated by extremists. [REDACTED]

23 [REDACTED]

24 Q. [15:58:41] I apologise, Mr Witness. There was an issue with my question.

25 [REDACTED]

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3 A. [15:59:01]

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5 MS TAYLOR: [15:59:27]

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15 THE INTERPRETER: End of sight translation.

16 MS TAYLOR: [16:00:33] Mr President, it's now 4 o'clock, but I believe we'll be able to
17 start in open session tomorrow.

18 PRESIDING JUDGE MINDUA: [16:00:44](Interpretation) Very well. So we shall
19 stop now.

20 Mr Courtroom Officer, could we move into open session, please.

21 (Open session at 4.00 p.m.)

22 THE COURT OFFICER: [16:00:58] We are back in open session, Mr President.

23 PRESIDING JUDGE MINDUA: [16:01:10](Interpretation) Thank you very much,
24 Mr Courtroom Officer.

25 So, Mr Witness, I am now turning to you. This marks the end of our day. And this

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1 marks the end of your testimony for today. Unfortunately, once again, we will need
2 you to testify once more tomorrow at 9.30 a.m. Thank you very much for your
3 goodwill.

4 THE WITNESS: [16:01:38](Interpretation) You're welcome.

5 PRESIDING JUDGE MINDUA: [16:01:40](Interpretation) Of course, in the interim,
6 you are prohibited from speaking to anybody about your testimony.

7 Now, before we rise for today, I would like, once again, to express my gratitude to all
8 the parties and the participants, to the court reporters and the court interpreters, to
9 the security officers and, quite naturally, to the members of the public. And I would
10 like to wish you all a very pleasant evening and see you tomorrow morning.

11 Court is adjourned.

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

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