

Trial Hearing
WITNESS: MLI-OTP-P-0520

(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, 25 October 2021
10 (The hearing starts in open session at 9.30 a.m.)
11 THE COURT USHER: [9:30:40] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE MINDUA: [9:31:12](Interpretation) Court is in session.
15 Good morning to you all.
16 Court officer, please call the case.
17 THE COURT OFFICER: [9:31:21] Good morning, Mr President, your Honours.
18 This is the situation in the Republic of Mali, in the case of The Prosecutor versus Al
19 Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud, case reference ICC-01/12-01/18.
20 And for the record we are in open session.
21 PRESIDING JUDGE MINDUA: [9:31:44](Interpretation) Thank you very much,
22 court officer.
23 As every morning, we will start with the appearances for the different teams, starting
24 with the Office of the Prosecutor, Madam Prosecutor.
25 MS SARDACHTI: [9:31:56](Interpretation) Good morning, your Honour, your

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- 1 Honours. The Prosecution is represented by Lucio Garcia, senior trial lawyer.
- 2 Marie-Jeanne Sardachti, myself, also senior trial lawyer.
- 3 PRESIDING JUDGE MINDUA: [9:32:10](Interpretation) Thank you very much,
- 4 Madam Prosecutor.
- 5 I now turn to the Defence.
- 6 Counsel.
- 7 MS SUTHERLAND: [9:32:14] Good morning, Mr President, your Honours. The
- 8 Defence for Mr Al Hassan is today represented by Ms Melissa Beaulieu Lussier,
- 9 Mr Iain Edwards, Ms Melinda Taylor, and myself, Kirsty Sutherland.
- 10 PRESIDING JUDGE MINDUA: [9:32:32](Interpretation) Thank you very much,
- 11 Ms Sutherland.
- 12 I now turn towards the Legal Representatives Of Victims.
- 13 MR LUVENGIKA: [9:32:39](Interpretation) Good morning, your Honour, your
- 14 Honours. The victims are represented by Madam Prisque Dipanga, and myself,
- 15 Maître Fidel Luvengika.
- 16 PRESIDING JUDGE MINDUA: [9:32:54](Interpretation) Thank you very much,
- 17 Maître Nsita.
- 18 I now turn towards the witness.
- 19 Good morning, Witness. How are you?
- 20 WITNESS: MLI-OTP-P-0520 (On former oath)
- 21 (The witness speaks Songhai)
- 22 (The witness gives evidence via video link)
- 23 THE WITNESS: [9:33:15](Interpretation) I'm fine, thanks be to God.
- 24 PRESIDING JUDGE MINDUA: [9:33:18](Interpretation) Thank you very much,
- 25 Madam Witness.

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1 On behalf of the Chamber, I would like to welcome you once again. I would remind
2 you that you are still under oath and that you must say the truth, the whole truth and
3 nothing but the truth.

4 THE WITNESS: [9:33:54](Interpretation) Yes.

5 PRESIDING JUDGE MINDUA: [9:33:55](Interpretation) I would also like to tell you
6 that we must all speak slowly and clearly whilst we also observe breaks.

7 Very well. This morning we're going to start with the cross-examination of the
8 Defence.

9 On behalf the Chamber, I would like to thank you for your availability and for your
10 contribution. And I hope that you will continue with the same rigour now that we
11 have started with the questions of the Defence.

12 Without further ado, I now give the floor over to Maître Sutherland.

13 Ms Sutherland.

14 MS SUTHERLAND: [9:35:36] Thank you very much, Mr President.

15 QUESTIONED BY MS SUTHERLAND:

16 Q. [9:35:39] Madam Witness, are you able to see me clearly?

17 A. [9:35:52] Yes.

18 Q. [9:35:55] As we met before a few days ago, and I explained, although I'm
19 looking at the screen, I can see you very clearly. If you need to indicate to me that
20 I'm speaking too quickly or saying anything unclearly, please let me know
21 immediately.

22 A. [9:36:34] Okay.

23 Q. [9:36:35] And just as last week, we ask that you keep your answers relatively
24 short before giving the interpreters a chance to interpret. Please remember to do this
25 again today.

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1 A. [9:37:19] Okay.

2 Q. [9:37:19] If you see me raise my hand like this, it is no disrespect to you, I'm just
3 asking you to take a break to allow the interpreters to do their work.

4 A. [9:37:57] Very well.

5 Q. [9:37:58] Thank you very much, Madam Witness.

6 Now, I'd just like to ask you, when did you first speak to people about what
7 happened to you in 2012?

8 A. [9:38:48] I don't remember.

9 Q. [9:38:48] Madam Witness, is it correct that the first people you spoke to were
10 local people?

11 A. [9:39:21] In God's name, I have forgotten. I really don't remember.

12 Q. [9:39:34] After 2012, did you ever join a victims group?

13 A. [9:40:16] It could be the case that I was in a group, but today I no longer
14 remember.

15 Q. [9:40:27] Madam Witness, you are able to remember what kind of group you
16 became a part of. What was the purpose of it?

17 A. [9:41:18] In the name of God, I do not remember exactly if I joined any kind of
18 group or association. I really don't remember. I do not remember.

19 Q. [9:41:34] Well, Madam Witness, we may just ask a couple of questions to see if
20 we can help you with any memories.

21 And I'd ask you then to turn to tab -- Defence tab 12, and the MLI is

22 MLI-D28-0005-7707. And the source article can be found at Defence tab 9.

23 A. [9:42:32] Yes, okay.

24 Q. [9:42:35] Are you able to see the image clearly, Madam Witness?

25 A. [9:42:55] Yes.

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1 Q. [9:42:56] Do you recognise any of these people?

2 A. [9:43:22] I don't know anybody on the picture.

3 Q. [9:43:30] Madam Witness, if you bear with me I'd ask that you turn to Defence
4 tab 3, which is MLI-D28-0005-7323.

5 Do you recognise this person?

6 A. [9:44:25] I don't see well.

7 Q. [9:44:55] Madam Witness, do you know the name or do you know [REDACTED]
8 [REDACTED]?

9 A. [9:45:36] No.

10 Q. [9:45:37] Madam Witness, I know this is a little bit tiresome, but it won't take
11 very long. I'm just going to ask you to turn to Defence tab 4, that's
12 MLI-D28-0005-7692. Madam Witness, are you able to see the picture of the person?

13 A. [9:46:51] Yes, I see. That's [REDACTED], but I never joined a group.

14 Q. [9:47:00] Madam Witness, do I understand that she is connected to a group, to
15 your understanding?

16 A. [9:47:37] I heard that [REDACTED]
17 [REDACTED]

18 Q. [9:47:49] How did you hear about her?

19 A. [9:48:08] I don't know. I heard people speak about her.

20 Q. [9:48:15] (Overlapping speakers) When you say "people", do you mean local
21 people or foreign people?

22 MS SUTHERLAND: Interpretation, please.

23 THE WITNESS: [9:49:07](Interpretation) I just heard people speak about it, local
24 people, that [REDACTED] but I never spoke to them.

25 MS SUTHERLAND: [9:49:17]

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1 Q. [9:49:18] And did you know [REDACTED]?

2 A. [9:49:55] In God's name, I just heard that [REDACTED] I was
3 never asked what she did as work there. [REDACTED]

4 [REDACTED] and I was never there.

5 Q. [9:50:29] And Madam Witness, if I could ask you to turn to Defence tab 1, that's
6 MLI-D28-0004-3779 and at page 3780. And it's the -- if I could ask that we zoom into
7 the very bottom right-hand corner. That image, yes.

8 Madam Witness, do you recognise the photograph of the woman? Do you recognise
9 anybody in that?

10 A. [9:52:02] No.

11 Q. [9:52:03] Thank you, Madam Witness. And if I could ask you to turn to
12 Defence tab 13, that's MLI-D28-0005-2588.

13 Do you recognise the person in the dark grey shirt on the side -- the left-hand side of
14 the picture?

15 A. [9:53:08] No.

16 Q. (Overlapping speakers) And Madam Witness --

17 A. [09:53:11] I'm only seeing that -- I'm seeing this photograph for the first time
18 now.

19 Q. [9:53:18] Madam Witness, I'm not asking if you recognise the photograph. I'm
20 asking if you are able to help us identify the man wearing glasses.

21 A. [9:53:50] I don't know him.

22 Q. [9:53:55] Thank you. And one last one. It's Defence tab 2, MLI-D28-0004-7042,
23 at page 0 -- forgive me, 7057.

24 Madam Witness, I appreciate it's a very difficult image, but are you able to identify
25 anyone in this picture?

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1 A. [9:55:12] I don't know the person in the photo. It's as if I can't see their face
2 clearly.

3 Q. [9:55:21] Thank you very much, Madam Witness.

4 Can I just ask if anyone -- can I just ask if anyone ever encouraged you to give
5 information about what happened to you in 2012?

6 A. [9:56:11] In what way? I haven't understood.

7 Q. [9:56:23] Well, perhaps -- well, perhaps we'll come back to that. I'm just going
8 to ask you some other questions that are slightly different.

9 Do you know the name [REDACTED]?

10 A. [9:57:06] [REDACTED]? No.

11 Q. [9:57:08] It may be my pronunciation. Just in case, it's [REDACTED]

12 A. [9:57:25] I don't recognise the name.

13 Q. [9:57:32] Do you know about an organisation called [REDACTED]?

14 A. [9:57:52] No, I've never heard of that.

15 Q. [9:57:59] And in this regard, I'm referring to Defence tab 2, MLI-D28-0004-7042
16 at pages 0750 and 7065.

17 Madam Witness, did you hear about any projects to help people following the events
18 of 2012 on the radio or on the television?

19 A. [9:59:19] Yes, I heard information on the radio about associations and projects,
20 but in reality, I didn't know the names of these associations. I didn't know them.

21 Q. [9:59:42] Madam Witness, can you tell us more about what you heard on the
22 radio? Were they explaining what the organisations were doing?

23 A. [10:00:25] In God's name, I don't -- I didn't even understand. I didn't pay
24 attention to the details. I just heard that there were organisations or associations that
25 were helping people.

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1 Q. [10:00:48] Do you remember in what way they were helping people?

2 A. [10:01:09] In God's name, I don't know. I never benefited from any assistance,
3 so I really don't know.

4 Q. [10:01:20] Were you aware of anything that people had to do in order to get the
5 assistance?

6 PRESIDING JUDGE MINDUA: [10:01:38](Interpretation) Maître Prosecutor.

7 MS SARDACHTI: [10:01:40](Interpretation) The witness doesn't know. She said
8 this several times. She's being asked questions about something she doesn't know
9 anything about. There's been three or four such questions. I object.

10 PRESIDING JUDGE MINDUA: [10:01:57](Interpretation) Yes.

11 Ms Sutherland, obviously the witness is unable to give a satisfactory answer. I think
12 you need to stop with such questioning.

13 MS SUTHERLAND: [10:02:12] Thank you, Mr President. I'll move on.

14 Can I just ask one question that does go directly to her own knowledge?

15 Q. [10:02:24] Madam Witness, why did you not seek the assistance of any of these
16 organisations?

17 A. [10:03:06] I didn't. It didn't suit me. Each organisation wanted to write my
18 name down here or there and that didn't -- I was not comfortable with that, so I didn't
19 want to.

20 Q. [10:03:32] We've heard about, or we have information about group meetings
21 taking place, groups in which people discussed what happened in 2012. Does that
22 sound familiar to you in any way?

23 A. [10:04:19] I haven't understood your question.

24 Q. [10:04:24] When the people were trying to take your names down, in what
25 circumstances was this?

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1 A. (No interpretation)

2 PRESIDING JUDGE MINDUA: [10:05:04](Interpretation) Madam Prosecutor, the
3 witness has answered, but we haven't heard the answer yet because the interpretation
4 hasn't occurred.

5 MS SARDACHTI: [10:05:21](Interpretation) Well, the question is based on
6 something erroneous. My learned friend said "when the people were trying to take
7 your names" but I don't see anything about people taking down names. The
8 problem is that the problem -- correction: The question contains something
9 erroneous so the answer would be confusing.

10 PRESIDING JUDGE MINDUA: [10:05:46](Interpretation) Very well, Madam
11 Prosecutor.

12 Perhaps Ms Sutherland will rephrase because the last answer from the witness, she
13 said that -- that it didn't suit her, that she wasn't comfortable. Perhaps -- that was the
14 witness's answer. Perhaps if Ms Sutherland could rephrase.

15 MS SUTHERLAND: [10:06:14] Mr President, just for the -- just to explain, at page 9,
16 lines 13 to 15, the witness stated: "Each organisation wanted to write my name
17 down here or there." That was the premise of my question.
18 But in any event, I will ask a different question.

19 PRESIDING JUDGE MINDUA: [10:06:39](Interpretation) But Ms Sutherland, that's
20 what I just said. I repeated the witness's reply. I just repeated what was on the
21 French transcript. The Prosecution is saying that you have no foundation. I am
22 saying that you do have a foundation based on the witness's last reply. So please
23 rephrase in light of the witness's last reply.

24 MS SUTHERLAND: [10:07:05] Thank you very much, Mr President, and forgive my
25 misunderstanding.

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1 Q. [10:07:17] Madam Witness, we know that you went to speak to a judge in
2 Bamako. Why were you comfortable to give your name for that?

3 A. [10:08:19] In actual fact, if I went to see a judge in Bamako, I don't even
4 remember anymore. I don't remember. I don't know whether I was there to talk to
5 a judge. I don't even remember anymore. I no longer have any memory of that. I
6 don't know whether I was taken to see a judge or -- I don't know.

7 Q. [10:08:58] Madam Witness, I'll repeat the question I asked earlier.
8 Did anybody encourage you to speak about what happened to you in 2012? Did
9 anyone try to persuade you to speak about events in 2012?

10 A. [10:10:23] Well, what I remember is that I spoke only to one organisation with --

11 THE INTERPRETER: [10:10:36] Inaudible.

12 THE WITNESS: [10:10:38](Interpretation) That's who I'm working with now.

13 Other than that, I spoke to no other organisation. And it was such a long time ago, I
14 no longer even remember what happened.

15 MS SUTHERLAND: [10:10:50]

16 Q. [10:10:50] Madam Witness, I'm afraid that we missed the name of the person
17 you identified. If you think it's necessary for us to ask the Judge's person to go into
18 private session, then I can do so.

19 A. [10:11:31] I haven't understood. What do you mean?

20 Q. [10:11:34] Madam Witness, in the answer you just gave you told us: "What I
21 remember is that I spoke only to one organisation with --" and then you identified an
22 individual, but unfortunately we didn't catch the name. So I was asking you if you
23 could please repeat the name. And if you feel that we need to go into private session
24 for you to give it to us, then please let me know.

25 A. [10:13:05] No, I didn't give anyone's name. Even the judge that you mentioned,

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1 I told you that I didn't know that I had gone to see a judge or not. The person I
2 spoke to was the one who we work with now, and all that they said was what I told
3 them. So I don't -- I didn't say -- everything that happened before I have forgotten.
4 I no longer remember.

5 Q. [10:13:50] When you say that you're working with this organisation now, what
6 do you mean?

7 A. [10:14:47] Yes, for example, what we're doing now, I didn't come all on my own.
8 Some people brought me. I'm talking about them. God knows that -- well, you see
9 I told them what I knew, so those are the people. Now the judge that you're talking
10 about, I really don't remember.

11 Q. [10:15:14] And the people who brought you, when did you first meet them?

12 A. [10:15:39] In God's name, I don't remember. I really don't remember.

13 Q. [10:15:44] Madam Witness, was it months or years? Have you been working
14 together for a long time?

15 PRESIDING JUDGE MINDUA: [10:15:59](Interpretation) Madam Prosecutor.

16 MS SARDACHTI: [10:15:58](Interpretation) When I -- when mention is made of the
17 transcript, I think this is not clear. Are we talking about people from the OTP? Are
18 we talking about people from sort of agency or organisation? It is not clear at all
19 from the transcript, *this must to be clarified.

20 PRESIDING JUDGE MINDUA: [10:16:22](Interpretation) You are correct, Madam
21 Prosecutor, but the problem is I think there is a communication problem between the
22 Defence and the witness. Sometimes it is difficult, even for the interpreters, to
23 translate the ideas that are being expressed. Madam Witness spoke about an
24 organisation, then she talked about some people who brought her here. The Defence
25 needs to explore who these people are. I -- I'm trying to understand myself the

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1 change in wording.

2 Mr Prosecutor.

3 MR GARCIA: [10:17:05](Interpretation) If you don't mind, your Honours, I think
4 what's important for my learned friend to do is to make it clear that we're not talking
5 about the Prosecution, but someone else. If I could make that suggestion and maybe
6 we will then make some progress because we -- otherwise, we can make some
7 progress. And I'm certainly not criticising my learned friend.

8 PRESIDING JUDGE MINDUA: [10:17:34](Interpretation) Yes, indeed, you -- we
9 are -- you're saying exactly the same thing. The witness needs to understand that
10 we're not talking about your office. Ms Sutherland, try to make this distinction, if
11 you could, and then we can make some progress.

12 MS SUTHERLAND: [10:17:53] Mr President, I note that the sound remains linked to
13 the witness. That notwithstanding, my question was citing what I had understood
14 from the transcript, as the people who brought her here, precisely because I wasn't
15 sure whether she was referring to the Prosecution or to another organisation, so I
16 wanted to give her the opportunity. But everything that's been said is, of course,
17 very well noted.

18 PRESIDING JUDGE MINDUA: [10:18:35](Interpretation) Go ahead please, please
19 try to make this distinction, and then we will find out whether the witness has
20 something to add. We will see.

21 MS SUTHERLAND: [10:18:44]

22 Q. [10:18:46] Madam Witness, perhaps you can clarify for us which organisation
23 were you referring to when you said the people who brought you here.

24 A. [10:19:48] What am I going to say, the names -- the name of this organisation? I
25 don't even know -- I don't know whether it's an organisation or association. The

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1 people who brought me here, in actual fact I've even forget the name of the agency. I
2 don't know. They gave me their names for who, but I didn't -- for whom they
3 worked, but I didn't -- but I don't remember.

4 PRESIDING JUDGE MINDUA: [10:20:20](Interpretation) Very well.

5 Ms Sutherland, I think there's no point continuing with this particular area or point.

6 MS SUTHERLAND: [10:20:31] If you'll forgive me, I'd just like to confer very briefly.

7 PRESIDING JUDGE MINDUA: [10:20:39](Interpretation) Indeed.

8 (Counsel confer)

9 MS SUTHERLAND: [10:21:28] Thank you for your patience, Mr President.

10 Q. [10:21:29] Madam Witness, may I refresh your memory by referring to a passage
11 in the witness statement that you gave to the Prosecution and which was read back to
12 you a few days ago.

13 Madam Witness, would that be agreeable? Will you permit me?

14 Can she hear me?

15 A. [10:22:34] I can hear you.

16 Q. [10:22:35] Madam Witness, in order to seek to refresh your memory, my
17 colleague is going to read a short passage. And that is to be found at OTP tab 1,
18 MLI-OTP-0060-1857-R03 at page 1878, and that's paragraph 82.

19 MS SUTHERLAND: [10:23:01] Mr President, may I seek your leave to go into
20 private session, please.

21 PRESIDING JUDGE MINDUA: [10:23:17](Interpretation) You are correct,

22 Ms Sutherland.

23 Court officer, private session, please.

24 (Private session at 10.23 a.m.)

25 THE COURT OFFICER: [10:23:28] We're in private session, Mr President.

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1 PRESIDING JUDGE MINDUA: [10:23:31](Interpretation) Thank you.

2 Ms Sutherland.

3 MS SUTHERLAND: [10:23:39] My francophone colleague.

4 PRESIDING JUDGE MINDUA: (Overlapping speakers)

5 MS BEAULIEU LUSSIER: (Interpretation) "I never talked to anyone at all about

6 what I experienced, [REDACTED]

7 because -- because I didn't understand the point of what was going on. [REDACTED]

8 [REDACTED] They

9 talked to many people, put questions to them, even some who hadn't gone to where I

10 had gone. [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 THE WITNESS: [10:25:54](Interpretation) Yes, I remember. I remember [REDACTED] I

14 remember that.

15 MS SUTHERLAND: [10:26:08]

16 Q. [10:26:08] I'd like to approach this chronologically so that we don't get confused.

17 Who were the men whom you did not know? Do you -- what can you tell us about

18 them?

19 A. [10:26:55] The men who were talking or what?

20 Q. [10:27:03] Madam Witness, I'm afraid you're the one who was there, so anything

21 you can tell us is much appreciated.

22 THE INTERPRETER: [10:28:23] Message from the Songhai booth: Your Honour,

23 could Madam Witness allow some pauses so that we can render everything that she

24 has just said.

25 PRESIDING JUDGE MINDUA: [10:28:35](Interpretation) Madam Witness, thank

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1 you for giving us your answer, but please pause from time to time so that the
2 interpreters can translate exactly what you're saying.

3 THE WITNESS: [10:29:08](Interpretation) Okay.

4 PRESIDING JUDGE MINDUA: [10:29:16](Interpretation) So is it possible for you to
5 repeat what you've just said nice and slow, please.

6 THE WITNESS: [10:29:44](Interpretation) What I meant was that we went to see

7 [REDACTED] but I no longer remember. [REDACTED] took us to several places, but I no longer
8 remember that. Mm-hmm.

9 [REDACTED] she gave some documents to someone and that person, when they
10 called me, they said that the names to -- that I had given to [REDACTED] and some other
11 names were not the same. I said it might have been a mistake, but other than that, I
12 don't know what I did.

13 MS SUTHERLAND: [10:30:54]

14 Q. [10:30:54] Madam Witness, in the -- in the paragraph that we read out a few
15 minutes ago, you seem to indicate that [REDACTED] is that correct?

16 A. [10:31:53] [REDACTED]? I don't know. I know that we came to see [REDACTED] There were
17 [REDACTED] but I don't know. Even if I saw [REDACTED] now, I wouldn't remember her.
18 I wouldn't recognise her.

19 Q. [10:32:21] Was this in [REDACTED] or somewhere else?

20 A. [10:32:45] What do you mean what happened [REDACTED]? I
21 haven't understood.

22 Q. [10:33:02] Madam Witness, you said that you went to see [REDACTED] took
23 us to several places". Was this in [REDACTED] or somewhere else?

24 A. [10:33:35] That happened in [REDACTED]

25 Q. [10:33:40] And when did you meet [REDACTED]?

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1 A. [10:34:07] I don't know. I've forgotten. I couldn't say what day or what year it
2 was. I've really forgotten in God's name.

3 Q. [10:34:23] Talking about the meetings that [REDACTED] took you to, do you remember if
4 the people you met were from Mali or were they international?

5 A. [10:35:12] I also don't remember if there -- well, I just don't remember that.

6 Q. [10:35:22] Thank you, Madam Witness. In the statement that was read -- in
7 your statement to the Prosecution, you mentioned "Ils" -- referring to the men
8 (Interpretation) "They questioned a lot of people, even some who hadn't gone there.
9 Myself, I had been there".

10 So do we understand correctly that you heard about other people's experiences in
11 your meetings?

12 PRESIDING JUDGE MINDUA: [10:36:57](Interpretation) Madam Prosecutor.

13 MS SARDACHTI: [10:36:59](Interpretation) Yes, one shouldn't lead the witness into
14 error. She said that she -- she never said that she had heard people speak about the
15 experiences of other people, that's not something that comes out of the transcript.

16 PRESIDING JUDGE MINDUA: [10:37:15](Interpretation) That's not really what it
17 says in the transcript, what you've said.

18 MS SUTHERLAND: [10:37:19] Mr President, the sound is still linked to the witness.
19 I ask that it be cut.

20 PRESIDING JUDGE MINDUA: [10:37:32](Interpretation) Court officer, please cut
21 the sound to the witness.

22 THE COURT OFFICER: [10:37:36] Your Honours, the sound to the witness has been
23 cut off.

24 MS SUTHERLAND: [10:37:38] Mr President, I was reading a sentence from the
25 witness's statement that was already read to her.

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1 PRESIDING JUDGE MINDUA: [10:37:53](Interpretation) You're right,
2 Ms Sutherland. "They questioned a lot of people, even some who hadn't gone there
3 where I myself had been."

4 So your question to the witness is, what of your experiences. That's where the
5 confusion was.

6 MS SARDACHTI: [10:38:16](Interpretation) Yes, I wanted to say that also isn't in the
7 paragraph that was read.

8 PRESIDING JUDGE MINDUA: [10:38:24](Interpretation) That's it. So that's where
9 the confusion comes from, Ms Sutherland. Please put your question being faithful to
10 the text that is in the statement.

11 MS SUTHERLAND: [10:38:46] Mr President, that's a direct quote from
12 MLI-OTP-0060-1850-R03 at 1878, paragraph 82 as was previously read.

13 Q. [10:39:04] Madam Witness, if you knew that people had --

14 THE COURT OFFICER: [10:39:09] The sound needs to be re-established.

15 MS SUTHERLAND: [10:39:12] Forgive me.

16 THE COURT OFFICER: [10:39:21] Your Honours, the sound has been re-established.

17 PRESIDING JUDGE MINDUA: [10:39:25](Interpretation) Thank you very much,
18 court officer.

19 The sound has been re-established with the witness, Ms Sutherland.

20 MS SUTHERLAND: [10:39:51]

21 Q. [10:39:52] Madam Witness, can I ask you to turn to Defence tab 25. And that's
22 MLI-OTP-0039-0574 at -- sorry, at the timestamp 00:14:58:12. And we'll just play it
23 for a few seconds.

24 (Counsel confer)

25 MS SUTHERLAND:

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1 Q. [10:41:44] Forgive me. We'll keep this simple. Could I ask you to turn to
2 Defence tab 5. That's MLI-D28-0005-7695 and it will be shown on -- by your learned
3 *greffiers*.

4 Madam Witness, do you recognise this person?

5 A. [10:42:46] No.

6 Q. [10:42:48] I'm going to go through these quickly. Please turn to Defence tab 6,
7 that's MLI-D28-0005-7696.

8 Made Witness, I need to ask you to state your answer orally for the record.

9 A. [10:43:35] Yes.

10 Q. [10:43:36] Do you understand -- sorry, do I understand correctly that you do
11 recognise this person?

12 A. [10:44:00] No, I don't recognise this woman. I don't know her.

13 Q. [10:44:05] And the same question for Defence tab 7, which is
14 MLI-D28-0005-7697.

15 A. [10:44:40] Mm-hmm.

16 Q. [10:44:40] Do you recognise this person?

17 A. [10:44:55] I've never seen this person. I don't know this person.

18 Q. [10:45:01] And finally, Defence tab 8. That's MLI-D28-0005-7698.

19 PRESIDING JUDGE MINDUA: [10:45:59](Interpretation) Ms Sutherland.

20 MS SUTHERLAND: [10:46:00] Sorry, Mr President, I was allowing her to scrutinise
21 the image in front of her.

22 Q. [10:46:03] Madam Witness, do you recognise this person?

23 A. [10:46:32] Really, it looks like somebody who I have seen, but I no longer
24 remember. But I would say that this is somebody who I have seen.

25 Q. [10:46:49] And which person are you referring to?

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1 A. [10:47:20] The person [REDACTED] I would say that I've seen her somewhere,
2 but I don't remember where.

3 Q. [10:47:43] Isn't this [REDACTED]

4 A. [10:48:03] In God's name, I don't know. I said that I wouldn't even recognise
5 [REDACTED] again. It could be her, but I don't remember. I've forgotten how she looked.

6 Q. [10:48:35] Could I ask you to turn to Defence tab 25, please. That's
7 MLI-OTP-0039-0574, timestamp 00:14:58:12. And this will be shown on evidence
8 channel 2.

9 (Viewing of the video excerpt)

10 MS SUTHERLAND: [10:51:03]

11 Q. [10:51:03] Madam Witness, did you attend meetings like this, similar to this?

12 A. [10:51:34] No.

13 Q. [10:51:36] Were you ever shown --

14 THE INTERPRETER: [10:51:37] Overlapping speakers.

15 THE WITNESS: [10:51:41](Interpretation) No, not a similar meeting.

16 MS SUTHERLAND: [10:51:48]

17 Q. [10:51:48] Were you ever shown photographs or videos by -- by anyone?

18 A. [10:52:19] I've never seen these photos or videos.

19 Q. [10:52:22] Madam Witness, forgive me. The video shows people being shown
20 photographs. I'm asking if you were ever shown photographs.

21 A. [10:53:10] I've seen videos and photos, but I don't recognise them.

22 MS SARDACHTI: [10:53:29](Interpretation) Your Honour.

23 PRESIDING JUDGE MINDUA: [10:53:30](Interpretation) Madam Prosecutor.

24 MS SARDACHTI: [10:53:33](Interpretation) Yes, we just have to clarify this, because
25 we don't know what the context is, what video, what photo, with whom. Because

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1 the first answer from the witness is no. "No, a similar meeting." *Well, there's a
2 problem with the transcript, but the answer is clear: she didn't participate in such
3 meetings. And then a lot of questions are being put in relation to that. So when you
4 look at the transcript of the hearing, it's really not clear. So I would ask that things be
5 clarified for the record.

6 PRESIDING JUDGE MINDUA: [10:54:08](Interpretation) Ms Sutherland.

7 MS SUTHERLAND: [10:54:22]

8 Q. [10:54:23] Madam Witness, when you say that you were shown -- forgive me.

9 Madam Witness, when you say you have seen videos and photos, who was showing
10 them to you?

11 A. [10:55:14] Here, I've seen them here, but I don't know the person. I don't
12 recognise the people who are in the video. I don't recognise them.

13 Q. [10:55:45] Can I ask you to turn to Defence tab 11, which is MLI-D28-0005-7706,
14 please. But before that, can I ask the witness: Have you only been shown videos and
15 photographs here or were you shown them before?

16 A. [10:56:50] No.

17 Q. [10:56:51] Madam Witness, I'd like to refer you to another paragraph in your
18 witness statement, and that's OTP tab 1, MLI-OTP-0060-1857-R03 at page 1880.
19 That's paragraph 89.

20 Madam Witness, my colleague is going to read that into the transcript for us.

21 MS BEAULIEU LUSSIER: (Interpretation) "The investigators told me that they were
22 going to mention names of individuals to me. They asked me to indicate to them if I
23 knew these people: Mohamed Ag Moussa, Mohamed Kasse, Abou Dhar, Al Hassan
24 Ag Abdoulaziz, Sidi Mahamane, Houka Houka, Demba Demba, Adama, Khaled,
25 Daoud Mohamed Al Jomaa, Abou Tourab, Abou Talha, Ahmed Al Faqi, Iyad Ag

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1 Ghaly. I answered that I knew none of these people. I heard people speak about
2 Houka Houka [REDACTED]'s house. [REDACTED] had said that Houka Houka had been arrested
3 and imprisoned, and that if it was him who had done these things to us, we had to
4 say so."

5 PRESIDING JUDGE MINDUA: [11:00:09](Interpretation) Prosecutor.

6 MR GARCIA: [11:00:06](Interpretation) Your Honour, if we could cut the sound for
7 a few moments, just to be able to comment on the proceedings.

8 PRESIDING JUDGE MINDUA: [11:00:17](Interpretation) Court officer, please cut
9 the sound.

10 THE COURT OFFICER: [11:00:19] Your Honours, the sound to the witness has been
11 cut off.

12 PRESIDING JUDGE MINDUA: [11:00:27](Interpretation) Thank you very much.
13 Prosecutor.

14 MR GARCIA: [11:00:29](Interpretation) If you would allow me, your Honour.

15 What I have noted for a certain time is the lack of clarity with regards to certain
16 questions. We were clearly speaking about the meeting or meetings with other
17 people, now we're being asked a question to the witness without seeing whether
18 we're talking about the Prosecution, whether we're talking about other people, and
19 this means that the witness replies in a certain way. And now we come back with a
20 paragraph from her statement where the witness has been shown pictures.

21 Now, you have to take into account the capacity of the witness, the assessment that's
22 been made of the witness. When questions are being put to the witness, you have to
23 be clear, you have to be clear on what you're trying to do, and also clear to the witness
24 that we're not speaking about the Prosecution or members of the Prosecution or
25 people from the Court, or whether we're speaking about other people. Because at

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1 the moment we're going around in circles. She says that she hasn't seen pictures, it's
2 clear that she says, yes. She's talked about the preparatory session here. And then
3 you come back to put questions to her about it with paragraph 86, and it's clear that
4 she was shown pictures. And all this could be avoided if the witness could be told
5 clearly that we're not asking for questions with regards to the investigators from the
6 Office of the Prosecutor but for other people.

7 These are the components I would like to make, because I can see that the -- as my
8 colleague has said, the transcript is not clear and the answers of the witness are not
9 clear in this regard. That's not the witness's fault.

10 PRESIDING JUDGE MINDUA: [11:02:11](Interpretation) Thank you, Prosecutor.

11 Ms Sutherland, I would -- well, I don't want to repeat what the Prosecutor has said,
12 but I think that, first and foremost, he is right. Because if we look at paragraph 89, I
13 have the impression that we've moved on to something completely different without
14 the witness having been notified thereof. So how would you justify that?

15 MS SUTHERLAND: [11:02:38] Mr President, at the outset I would remark that the
16 objection seems a little bit preemptive. But also, out of fairness to the witness, we
17 are -- we have been asked to read the entirety of the paragraph rather than
18 the -- strictly the relevant paragraph -- forgive me, sentences. We are bound,
19 therefore, by the witness statement as formulated by the Prosecution.

20 I would also observe that this is not a paragraph about the witness being shown
21 pictures, it's a paragraph where she's being given names. The questions that we
22 have relate strictly to the part where she's describing being [REDACTED] So it's certainly
23 not in her preparation sessions or her interviews with the Prosecution.

24 But in any event, Mr President, I note that it's 11 and, therefore, it's probably an
25 appropriate time to take the break.

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1 PRESIDING JUDGE MINDUA: [11:03:45](Interpretation) Quite so. We will -- we
2 will end for the time being.

3 Court officer, if you could re-establish the sound, please.

4 THE COURT OFFICER: [11:04:00] Your Honours, the sound to the witness has been
5 re-established and we are still in private session.

6 PRESIDING JUDGE MINDUA: [11:04:09](Interpretation) Indeed. That is why we
7 are now going to go into open session, please.

8 (Open session at 11.04 a.m.)

9 THE COURT OFFICER: [11:04:24] We're back in open session, Mr President.

10 PRESIDING JUDGE MINDUA: [11:04:28](Interpretation) Thank you very much,
11 court officer.

12 Ms Sutherland, we are going to take a break, a 30-minute break, and once we're back
13 we will deal with this objection by the Prosecution. The hearing is now suspended
14 and we will resume at 11.35.

15 (Recess taken at 11.04 a.m.)

16 (Upon resuming in open session at 11.38 a.m.)

17 THE COURT USHER: [11:38:24] All rise.

18 Please be seated.

19 PRESIDING JUDGE MINDUA: [11:38:49](Interpretation) The hearing shall now
20 resume.

21 Ms Sutherland, before the break you were reading out paragraph 89 from the witness
22 statement. The Prosecution objected because you had not previously established a
23 foundation for the need to read out that paragraph to the witness.

24 Now, during the break the Chamber discussed this, and the Prosecution is correct,
25 you did not follow the procedure before reading this paragraph to the witness,

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1 because that is only for refreshing a witness's memory after receiving leave from the
2 Chamber or after finding a contradiction between the witness's testimony and the
3 witness's statement.

4 In any event, the Chamber thinks that this matter has been explored sufficiently and it
5 is now time to move on to something else. So please drop this and move on to
6 something else.

7 MS SUTHERLAND: [11:40:48] Thank you very much, Mr President. That's well
8 noted and I apologise for my transgression.

9 Q. [11:41:03] Madam Witness, speaking specifically about your meetings with
10 [REDACTED] -- Madam Witness, can you hear me?

11 A. [11:41:37] Yes, I can hear you.

12 Q. [11:41:40] Madam Witness, speaking specifically about your meetings with [REDACTED],
13 is it correct that she spoke to you about Houka Houka?

14 A. [11:42:27] Yes, she talked to me about Houka Houka, but I didn't talk to her
15 about Houka Houka. I didn't know him and I didn't say that he did anything to me.
16 She said to me that he had been arrested and I don't know what he did. I don't know.
17 She asked me if I knew about that and I said I didn't know.

18 Q. [11:43:05] Did she show you pictures of the places that he worked?

19 A. [11:43:25] No.

20 Q. [11:43:40] But we understand correctly that she told you that if he had done
21 something, that it should be said?

22 A. [11:44:14] She said to me not to be afraid and if he had done something to say so.
23 I said that I wasn't afraid and he hadn't done anything to us. I didn't even know him,
24 actually.

25 Q. [11:44:28] And did she talk to you about anyone else?

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1 A. [11:44:47] No, no.

2 Q. [11:45:10] Speaking about meetings in Timbuktu with the gentleman you
3 mentioned before.

4 PRESIDING JUDGE MINDUA: [11:45:40](Interpretation) Madam Prosecutor.

5 MS SARDACHTI: [11:45:43](Interpretation) I think we need some context, transcript,
6 which meeting in Timbuktu. It's not clear.

7 PRESIDING JUDGE MINDUA: [11:45:53](Interpretation) I agree with the
8 Prosecution.

9 And what is more, I remind you that we are still in open session.

10 Courtroom officer.

11 MS SUTHERLAND: [11:46:27] If I could refer to page 15, line 16 of the transcript.

12 This is where I gave the reference to the paragraph from the witness's witness
13 statement which we used to refresh her memory about meetings that she'd previously
14 had. And specifically at page 17, line 23.

15 Q. [11:47:31] Madam Witness, earlier you said ...

16 Mr President, in the interest of time, perhaps I might be permitted to read the same
17 passage to her from her witness statement again.

18 PRESIDING JUDGE MINDUA: [11:48:13](Interpretation) No. For what goal?

19 You must follow the procedure.

20 Let's move on to something else because, in any event, I believe we have spent quite a
21 bit of time on this particular topic.

22 MS SUTHERLAND: [11:48:37]

23 Q. [11:48:38] Madam Witness, speaking specifically about [REDACTED]

24 A. [11:48:57] Yes.

25 Q. [11:48:58] It's correct that you met [REDACTED] in Timbuktu?

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1 A. [11:49:15] No, we did not meet in Timbuktu.

2 Q. [11:49:47] Do you -- where did you meet her?

3 And forgive me. Forgive me.

4 Perhaps, Mr President, it would be wise to go to private session.

5 PRESIDING JUDGE MINDUA: [11:50:02](Interpretation) Court officer, private
6 session, please.

7 Ms Sutherland, I think the witness has already answered this question several times.

8 I even remember her reply. You're going back to this same topic. Where are you
9 going with this?

10 (Private session at 11.50 a.m.)

11 THE COURT OFFICER: [11:50:18] Your Honours, we're in private session.

12 PRESIDING JUDGE MINDUA: [11:50:23](Interpretation) Thank you, court officer.

13 Ms Sutherland.

14 MS SUTHERLAND: [11:51:00]

15 Q. [11:51:00] Madam Witness, are you able to remember where you first met [REDACTED]?

16 A. [11:51:28] Yes. Best I remember, we met here. But as for everything else, I
17 don't really remember at all.

18 Q. [11:51:54] Did you meet her with somebody called [REDACTED]
19 (phon)?

20 A. [11:52:24] Yes. [REDACTED]

21 Q. [11:52:32] And did you [REDACTED]?

22 A. [11:52:50] What? I haven't understood.

23 Q. [11:52:53] Did you [REDACTED]?

24 A. [11:53:26] [REDACTED], yes.

25 Q. [11:53:27] And did you chat about the events in Timbuktu in 2012?

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1 A. [11:53:46] No, no. I don't remember that. She didn't tell me anything about
2 that. I don't remember.

3 Q. [11:54:24] Did you talk to [REDACTED]?

4 A. [11:54:49] It's possible that we spoke, but I really don't remember what we
5 talked about, whether I said anything to her or not. I don't remember. I don't
6 remember what we talked about.

7 Q. [11:55:07] Do you remember [REDACTED]

8 [REDACTED]?

9 A. [11:55:32] No, I don't know anything about that.

10 MS SUTHERLAND: [11:56:11] Forgive me. One moment.

11 (Counsel confer)

12 MS SUTHERLAND:

13 Q. [11:56:34] Madam Witness, you were talking earlier about meetings with [REDACTED]

14 Is it correct that you went to -- while you were in [REDACTED] you attended
15 several meetings [REDACTED]?

16 A. [11:57:26] It's possible that we went to several meetings [REDACTED]

17 [REDACTED] but really I don't know the people that we met.

18 Q. [11:57:45] But when you were in these meetings, were you asked about what
19 happened to you in 2012?

20 A. [11:58:15] I don't remember now. It's possible that she asked me, but I don't
21 remember.

22 PRESIDING JUDGE MINDUA: [11:58:22](Interpretation) Ms Sutherland, I think that
23 on this specific topic you can leave it at that because the witness doesn't remember the
24 people she met, she doesn't remember the topic of their discussion, she doesn't
25 remember where they met, so we're wasting time. Move on to something else so

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1 that you can save your own time.

2 MS SUTHERLAND: [11:58:48] Thank you very much, Mr President. Would you
3 permit me one final question on this -- on this train?

4 PRESIDING JUDGE MINDUA: [11:59:02](Interpretation) Very well. One last
5 question, because we need to move on and make some progress, Ms Sutherland.

6 MS SUTHERLAND: [11:59:10] Thank you very much, Mr President.

7 Q. [11:59:12] Madam Witness, is it -- isn't it correct that some of these meetings
8 were to prepare you to see the judge and that you received training?

9 PRESIDING JUDGE MINDUA: [11:59:45](Interpretation) Madam Prosecutor.

10 MS SARDACHTI: [11:59:46](Interpretation) Yes, your Honour. I'd like to say
11 something about the way that the questions are being put. We have received an
12 email from the VWS and they issued several recommendations as to the way of
13 formulating questions. I've noticed several questions that are put in a negative form,
14 "is it not true," so this may be intimidating to the witness. So perhaps -- well, the
15 questions could be put in a positive way.

16 So I also have an impression that we are hearing several compound questions with
17 several components, so if the witness says "yes," we don't know exactly what the
18 witness has answered yes to. So perhaps my learned friend could put the questions
19 in another way.

20 And the word "training", that is leading. I think the words need to be explained so
21 that things are clear.

22 PRESIDING JUDGE MINDUA: [12:01:09](Interpretation) Ms Sutherland, I
23 completely agree with the Prosecutor about these two points. The first is the
24 formulation of questions with double negatives. This can be quite intimidating for
25 the witness.

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1 And the second one is the vocabulary that you use. And I don't know where it
2 comes from, but you're talking about training. So we have to reformulate. I don't
3 know where that came from.

4 MS SUTHERLAND: [12:01:58]

5 Q. [12:01:58] Madam Witness, is it correct that some of these meetings were to
6 prepare you to see the judge and involved explanations of crimes?

7 A. [12:03:07] It's possible, but I don't remember. But what I do know is that we
8 were told what happened to us, and to say what you have to say or what you
9 shouldn't say, that is not the objective and that was not the objective. But personally,
10 I don't remember too much. I don't know what it was.

11 Q. [12:03:41] Thank you very much, Madam Witness. I'd now like to move on to
12 some different questions.

13 A. [12:04:09] Okay.

14 Q. [12:04:11] I recognise that you're having difficulty remembering because it's a
15 long time since things happened.

16 A. [12:04:39] Yes.

17 Q. [12:04:40] But when you went to see the judge, this was [REDACTED]
18 after the events of 2012?

19 A. [12:05:16] Yes.

20 Q. [12:05:42] It's correct that you told the judge in Bamako that there was a
21 ceremony and a celebration of your marriage [REDACTED] ?

22 And the reference for that is Defence tab 23, MLI-OTP-0032-0222-R02 at page 0223.

23 A. [12:06:37] Which judge?

24 Q. [12:06:38] The judge in Bamako.

25 A. [12:06:52] (No interpretation)

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- 1 PRESIDING JUDGE MINDUA: [12:07:00](Interpretation) Madam Prosecutor.
- 2 MS SARDACHTI: [12:07:01](Interpretation) Your Honour, a transcript has just been
- 3 shown.
- 4 Can we cut the sound to the witness, please.
- 5 PRESIDING JUDGE MINDUA: [12:07:16](Interpretation) Court officer.
- 6 THE COURT OFFICER: [12:07:18] Your Honours, the sound to the witness has been
- 7 cut off.
- 8 PRESIDING JUDGE MINDUA: [12:07:24](Interpretation) Thank you very much,
- 9 court officer.
- 10 Madam Prosecutor.
- 11 MS SARDACHTI: [12:07:27](Interpretation) My colleague has just quoted a
- 12 transcript allegedly given to a third-party. It's very important to put the witness in
- 13 the context. All the more given that this is a vulnerable witness. And to put
- 14 questions in such a way as it clearly differentiates between the statement given to the
- 15 Prosecutor and the declaration allegedly given to third parties.
- 16 Furthermore, it has to be pointed out that this document is not signed. There is a
- 17 print at the top, but if we believe paragraph 15 of the witness statement, this
- 18 document shouldn't have been read.
- 19 So in the use of the procedure and to be fair to the witness to be able to find out what
- 20 it's about, then whether it's true or not true, simple questions need to be put so that
- 21 the witness is not mislead and such that it proceeds in a fair way.
- 22 PRESIDING JUDGE MINDUA: [12:08:47](Interpretation) Ms Sutherland, I think the
- 23 Prosecutor is right.
- 24 (Counsel confer)
- 25 MS SUTHERLAND: [12:10:36]

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1 Q. [12:10:37] Madam Witness, we have a transcript of a meeting with a judge that
2 purports -- a judge in Bamako that purports to relate to you. And this says or refers
3 to a marriage celebrated [REDACTED] Is it correct that you told the judge in Bamako that
4 this marriage was celebrated [REDACTED]?

5 Madam Witness?

6 THE COURT OFFICER: [12:12:49] Your Honours, there is no sound to the witness.

7 Shall we re-establish it?

8 PRESIDING JUDGE MINDUA: [12:13:03](Interpretation) Please do, court officer.

9 THE COURT OFFICER: [12:13:09] Your Honours, the sound to the witness has been
10 re-established.

11 PRESIDING JUDGE MINDUA: [12:13:16](Interpretation) Thank you very much,
12 court officer.

13 Madam Prosecutor.

14 MS SARDACHTI: [12:13:22](Interpretation) Just for the record, if the page number
15 could be reiterated. It was page 0223.

16 PRESIDING JUDGE MINDUA: [12:13:30](Interpretation) Very well.

17 Ms Sutherland.

18 MS SUTHERLAND: [12:13:39]

19 Q. [12:13:40] Madam Witness, forgive me. I'll repeat my question. We have a
20 transcript of a meeting with a judge in Bamako that purports to relate to you. This
21 refers to a marriage celebrated [REDACTED]

22 Is it correct that you told the judge in Bamako that your marriage was celebrated [REDACTED]
23 [REDACTED]?

24 THE INTERPRETER: [12:15:06] The English booth also does not hear the witness.

25 PRESIDING JUDGE MINDUA: [12:15:10](Interpretation) Court officer, I think that

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1 there's a problem of sound with the witness.

2 THE WITNESS: [12:15:35](Interpretation) Should I repeat myself?

3 PRESIDING JUDGE MINDUA: [12:15:39](Interpretation) Please do, yes.

4 THE WITNESS: [12:16:03](Interpretation) In fact, the meeting with the judge is
5 something that I really don't remember anything about.

6 Now, with regards to the marriage, that didn't commit me to anything. What is sure
7 is that it was done [REDACTED]

8 MS SUTHERLAND: [12:16:36]

9 Q. [12:16:37] But you agree that there was a celebration [REDACTED]

10 A. [12:17:08] It was done [REDACTED] and I said it was done [REDACTED] But with regards
11 to the judge, it's possible that I spoke to him but I don't remember at all.

12 Q. [12:17:20] Thank you, Madam Witness. Indeed, another witness has indicated
13 on the day of your marriage: They left to celebrate her marriage and accompany her
14 [REDACTED] And the reference is Defence tab 34.

15 PRESIDING JUDGE MINDUA: [12:17:43](Interpretation) Madam Prosecutor.

16 MS SARDACHTI: [12:17:43](Interpretation) I've got the impression that there's
17 confusion with the term marriage. Are we speaking about holding the marriage as
18 such? Are we talking about the relations itself? It's not clear with the terms that are
19 being used and the answers aren't clear either.

20 PRESIDING JUDGE MINDUA: [12:18:08](Interpretation) Yes.

21 Ms Sutherland, you have to choose the terms.

22 MS SUTHERLAND: [12:18:16] Mr President, I'm being very precise using the words
23 that are used in the material which forms the foundation for my questions, and that is
24 "celebration". My learned friend's objection is really a matter for re-examination.

25 PRESIDING JUDGE MINDUA: [12:18:48](Interpretation) Very well. Let's move on,

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1 Ms Sutherland.

2 MS SUTHERLAND: [12:18:57] For the record I'll complete the reference I was just
3 giving, which was MLI-OTP-0080-4372 at page 4379, and that's paragraph 22.

4 Q. [12:19:17] Madam Witness, I'd like to provide you with an explanation we
5 received from a different witness. And the reference is the English edited transcript
6 103 at page 14, lines 12 to 18.

7 PRESIDING JUDGE MINDUA: [12:19:39](Interpretation) Madam Prosecutor.

8 MS SARDACHTI: [12:19:42](Interpretation) Yes, this is a vulnerable witness, so
9 there shouldn't be an argument with the witness. If my colleague has a question to
10 put, she can put the question quite simply. It's not about providing explanations
11 or justifications. This is very complicated. This isn't appropriate with a vulnerable
12 witness.

13 PRESIDING JUDGE MINDUA: [12:20:05](Interpretation) Ms Sutherland, I
14 appreciate your initiative of giving the reference and quoting the precise document,
15 but with regards to the witness, perhaps for us here in the courtroom, please put your
16 question directly to the witness.

17 (Counsel confer)

18 MS SUTHERLAND: [12:20:57] Mr President, by way of explanation, this passage is
19 actually an explanation about Sharia law, or a witness's interpretation thereof, or local
20 law.

21 PRESIDING JUDGE MINDUA: [12:21:21](Interpretation) Yes, but it's not useful for
22 our witness. She's not a specialist in Sharia. Please put your question directly and
23 we'll see how she replies thereto.

24 MS SUTHERLAND: [12:21:33]

25 Q. [12:21:33] Madam Witness, forgive the discussions.

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1 Is it customary in Timbuktu that only women who've been married before, i.e.,
2 divorcees and widows, are involved in marriage negotiations or discussions?

3 A. [12:22:47] I haven't understood.

4 Q. [12:22:51] Before 2012, in Timbuktu, was it customary that only women who had
5 not been married before were asked for their consent in marriage?

6 A. [12:24:06] Frankly, I'm not able to understand this question.

7 Q. [12:24:24] Were you married before 2012?

8 A. [12:24:42] No, I'd never been married.

9 Q. [12:24:49] So according to local custom, isn't it the case -- well, is it the case that
10 you would not be asked or not involved in dowry negotiations?

11 A. [12:25:43] No, there was marriage which you have to consult -- consent to. The
12 parents participate. You don't participate. It's the parents who participate.

13 Q. [12:26:06] So you agree that it's possible that a member of your family was paid
14 money for your hand for this marriage?

15 PRESIDING JUDGE MINDUA: [12:26:23](Interpretation) Madam Prosecutor.

16 MS SARDACHTI: [12:26:24](Interpretation) I'm very sorry, but I have to intervene
17 once again. But once again the vocabulary is complicated and it invites speculation.
18 And it's argumentative with the witness, who's a vulnerable witness.

19 PRESIDING JUDGE MINDUA: [12:26:41](Interpretation) What is the vocabulary
20 which is problematic?

21 MS SARDACHTI: [12:26:46](Interpretation) *Well, the first element of the sentence,
22 "are you in agreement", then the second element of the sentence "to say". Then there is
23 an invitation to conjecture: "Is it possible that a member of your family received
24 money?" You've got three, four different components of the same sentence with an
25 invitation to speculate. So this is not appropriate.

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1 PRESIDING JUDGE MINDUA: [12:27:11](Interpretation) That's it, Ms Sutherland.

2 I think that the Prosecutor is right.

3 MS SUTHERLAND: [12:27:17]

4 Q. [12:27:17] Madam Witness, you were not involved in the negotiations for this
5 marriage; is that correct?

6 A. [12:27:56] Which marriage?

7 Q. [12:27:58] Your marriage in 2012.

8 A. [12:28:28] I wasn't involved in the marriage now. I wasn't involved in the
9 marriage then. This was a marriage which was done by force. I can't even speak
10 about this marriage. I don't even know how it happened.

11 MS SARDACHTI: [12:28:46](Interpretation) Your Honour.

12 PRESIDING JUDGE MINDUA: [12:28:49](Interpretation) Madam Prosecutor.

13 MS SARDACHTI: [12:28:51](Interpretation) I see that the term negotiation was
14 introduced. Could we have the reference for the examination-in-chief.

15 PRESIDING JUDGE MINDUA: [12:29:06](Interpretation) Ms Sutherland, you were
16 speaking about negotiations. Now, throughout the testimony of the witness, I don't
17 think the term negotiation was ever used, unless you have a reference for it.

18 MS SUTHERLAND: [12:30:11] Mr President, I asked the witness earlier about
19 whether, according to local custom, a woman who had not been married before
20 would be involved in marriage negotiations. The -- in dowry negotiations, forgive
21 me. And the witness answered, clearly demonstrating her comprehension: "The
22 parents participate. You don't participate. It's the parent who participate."

23 PRESIDING JUDGE MINDUA: [12:30:50](Interpretation) Yes, well I have the
24 impression that the witness understood as well, but I think that the problem is what
25 the Prosecutor wanted to say. Where it concerns this witness, we've never spoken

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1 about negotiations for the marriage. Well, I don't want to speak on the part of the
2 Prosecutor.

3 Prosecutor, perhaps you could explain.

4 MS SUTHERLAND: [12:31:13] Mr President, I'm mindful that this is being discussed
5 in the presence of the witness, albeit not translated.

6 PRESIDING JUDGE MINDUA: [12:31:29](Interpretation) Yes, but -- well, I see it
7 hasn't been translated at all. We can cut off the sound, if you like. I don't think
8 Madam Witness understands everything, all of that. What would you like?

9 Madam Prosecutor.

10 MS SARDACHTI: [12:31:56](Interpretation) The witness has already answered.
11 She has said that it was a forced marriage.

12 PRESIDING JUDGE MINDUA: [12:32:07](Interpretation) Ms Sutherland, I think we
13 can continue, move on. We shall move on, Ms Sutherland.

14 Court officer, are we in private session?

15 Ms Sutherland, shall we remain in private session or can we go into open session?

16 MS SUTHERLAND: [12:32:35] Mr President, I can ask the next few questions in open, or ...

17 PRESIDING JUDGE MINDUA: [12:32:50](Interpretation) Thank you very much.

18 Court officer, open session, please.

19 (Open session at 12.33 p.m.)

20 THE COURT OFFICER: [12:33:05] We're back in open session, Mr President.

21 PRESIDING JUDGE MINDUA: [12:33:11](Interpretation) Thank you, court officer.

22 The Defence may continue now.

23 MS SUTHERLAND: [12:33:35] Mr President, forgive me, we're just checking

24 whether the questions that I'm referring to from examination-in-chief were in fact

25 asked in open or closed session.

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1 PRESIDING JUDGE MINDUA: [12:33:58](Interpretation) Go ahead, Counsel.

2 MS SUTHERLAND: [12:34:00]

3 Q. [12:34:01] Madam Witness, I'm referring to the transcript of your examination
4 by the Prosecution on Thursday, and that's the edited English transcript 149,
5 specifically at page 55, lines 11 to 12.

6 A. [12:34:36] Okay.

7 Q. [12:34:36] You were asked last week whether you received visits during your
8 marriage in 2012. And you responded, I quote: "Nobody, nobody asked to see me,
9 apart from one of my friends who came."

10 PRESIDING JUDGE MINDUA: [12:35:13](Interpretation) Madam Prosecutor.

11 MS SARDACHTI: [12:35:15](Interpretation) Just one point. I think Madam Witness
12 needs some context. There were several locations. Which location are we talking
13 about? Mention was also made of a prison. Perhaps we could help
14 Madam Witness by giving her more context.

15 PRESIDING JUDGE MINDUA: [12:35:38](Interpretation) Yes, indeed.

16 Ms Sutherland, I think we need to be more specific.

17 MS SUTHERLAND: [12:35:44] Mr President, my learned friend has preempted my
18 next question, which I hope will provide the necessary context.

19 Q. [12:35:54] Madam Witness, you also explained that your friends - and I'm
20 referring to page 56, lines 6 to 8 - [REDACTED]

21 [REDACTED]

22 A. [12:36:32] Yes.

23 Q. [12:36:33] So do we understand correctly that you received this visit at a house
24 in [REDACTED]?

25 A. [12:37:00] No.

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1 Q. [12:37:15] I'm now referring to the edited English transcript 085, page 37, line 7,
2 to page 38, line 15.

3 Madam Witness, another witness has indicated that you received a visit from three
4 other women while at a house located, I quote: [REDACTED]

5 [REDACTED]

6 A. [12:38:26] I have no idea. If it's another witness who told you that, I don't
7 know anything about that. What I know about is what I've told you. If you have
8 another witness who told you something else, well I have no idea about that.

9 MS SUTHERLAND: [12:38:45] Mr President, may I move into private session just
10 for the sake of one question, please.

11 PRESIDING JUDGE MINDUA: [12:38:53](Interpretation) Quite so.

12 Court officer, if you could.

13 (Private session at 12.39 p.m.)

14 THE COURT OFFICER: [12:39:15] We're in private session, Mr President.

15 PRESIDING JUDGE MINDUA: [12:39:17](Interpretation) Thank you very much,
16 court officer.

17 Ms Sutherland.

18 MS SUTHERLAND: [12:39:38]

19 Q. [12:39:39] Madam Witness, do you know [REDACTED]

20 [REDACTED]

21 A. [12:40:19] No, I don't know those women the way you give the names like that.
22 I don't know them.

23 Q. [12:40:42] Do you know [REDACTED]?

24 A. [12:41:03] No.

25 PRESIDING JUDGE MINDUA: [12:41:19](Interpretation) Prosecution.

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1 MS SARDACHTI: [12:41:20](Interpretation) Could we cut off the sound to the
2 witness.

3 PRESIDING JUDGE MINDUA: [12:41:24](Interpretation) Court officer.

4 MS SARDACHTI: [12:41:29](Interpretation) We're in private session?

5 PRESIDING JUDGE MINDUA: [12:41:33](Interpretation) Yes.

6 THE COURT OFFICER: Your Honours, the sound to the witness has been cut off.

7 PRESIDING JUDGE MINDUA: [12:41:38](Interpretation) Thank you very much.

8 MS SARDACHTI: [12:41:38](Interpretation) *As you know, we are not allowed to
9 indicate to a witness that another person is a witness. So to avoid that, my learned
10 friend will have to mention the [REDACTED] women and ask "do you also know".

11 Because otherwise that will be a signal or a clue to the witness that [REDACTED]

12 [REDACTED] We don't want that to happen because it would be a violation of the procedure.

13 PRESIDING JUDGE MINDUA: [12:42:06](Interpretation) Did you hear what the
14 Prosecution has just said?

15 MS SUTHERLAND: [12:42:10] Very much so, Mr President. I have taken great
16 pains to ensure that we're not indicating that anyone is a witness. Unfortunately, we
17 don't know the full names of the [REDACTED] women, so it's not possible for me to give
18 any further indication. I don't believe I have made it -- given the impression that

19 [REDACTED]

20 PRESIDING JUDGE MINDUA: [12:42:45](Interpretation) No, but perhaps out of
21 precaution. Go ahead, Ms Sutherland.

22 MS SUTHERLAND: [12:42:51] Mr President, I'm afraid I'm not in a position to
23 elaborate on the names of [REDACTED] women, simply because I don't know them.

24 PRESIDING JUDGE MINDUA: [12:43:06](Interpretation) No, indeed not, but this is
25 out of precaution, that is why the Prosecution spoke.

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1 MS SARDACHTI: [12:43:18](Interpretation) If she could repeat: Do you know this
2 person, do you know that person, [REDACTED]

3 [REDACTED]
4 [REDACTED]

5 MS SUTHERLAND: [12:43:49] I'll do any best, Mr President.

6 PRESIDING JUDGE MINDUA: [12:43:53](Interpretation) If that -- that would be
7 helpful, out of concern for security.

8 We shall now re-establish the sound.

9 THE COURT OFFICER: [12:43:57] The sound has been re-established.

10 PRESIDING JUDGE MINDUA: [12:44:04](Interpretation) The sound link has been
11 re-established and we are still in private session, court officer.

12 Ms Sutherland.

13 MS SUTHERLAND:

14 Q. [12:44:18] Madam Witness, is it your position that you never received a visit
15 from somebody called [REDACTED]?

16 A. [12:44:52] No, I never saw that person.

17 Q. [12:44:55] And is it your position that you never received a visit from somebody
18 called [REDACTED] in 2012?

19 A. [12:45:20] I don't know that name. It's just now I'm learning them.

20 Q. [12:45:28] And also that you didn't receive a visit from anybody called [REDACTED]

21 A. [12:45:49] No.

22 Q. [12:45:49] Or anybody else apart from [REDACTED]?

23 A. [12:46:04] I didn't see them.

24 Q. [12:46:13] Madam Witness, I'd like to move on to something slightly different.

25 On Thursday, and the transcript reference is English -- edited English transcript 149,

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1 page 43, lines 2 to 4. Madam Witness, you said -- you mentioned the name [REDACTED]
2 You said: "When I heard people or men with whom he worked calling him [REDACTED]
3 I don't know whether that is his true name or not. The people he was working with
4 would call him ... that."

5 A. [12:47:29] Okay.

6 Q. [12:47:31] And it's correct that [REDACTED] is that right?

7 A. [12:48:17] I don't understand all these questions because I have the impression
8 that all these questions were asked in the past and now we're returning to them, so I
9 don't understand why you're asking these questions. Is this what you're talking
10 about or what?

11 Q. [12:48:35] Madam Witness, I'm sorry that you feel frustration. I'm asking you
12 about the meaning of [REDACTED]

13 A. [12:49:24] [REDACTED], I don't know. I heard people calling him by that name.

14 Whether or not it's his name, I don't know. I just heard people calling him [REDACTED]

15 Q. [12:50:04] Do you know if this was a [REDACTED]
16 [REDACTED]?

17 A. [12:50:35] I really don't know anything. I don't know [REDACTED] or what it
18 is.

19 Q. [12:50:51] So if I put it to you that this is [REDACTED]
20 [REDACTED] would you agree it's correct that the people who worked with him wouldn't
21 have used it?

22 PRESIDING JUDGE MINDUA: [12:51:17](Interpretation) Madam Prosecutor.

23 MS SARDACHTI: [12:51:18] (Interpretation) Two questions have already been put
24 on this matter and this is not the appropriate witness to argument. And I believe
25 this is also an invitation to engage in speculation.

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1 PRESIDING JUDGE MINDUA: [12:51:37](Interpretation) Yes. Ms Sutherland,
2 what say you?

3 MS SUTHERLAND: [12:51:53] Is the sound -- well, if it's not
4 translated -- Mr President, our case is that this is not a name that would have been
5 used by people working with somebody, anybody because [REDACTED] and that
6 the name must have come from the local population.

7 PRESIDING JUDGE MINDUA: [12:52:21](Interpretation) Well, in that case, I don't
8 know. Perhaps you should put the question directly to the witness, whether it really
9 was the person's name. But Madam Witness cannot present arguments.

10 MS SUTHERLAND: [12:52:41] I'll reformulate, Mr President. Thank you.

11 PRESIDING JUDGE MINDUA: [12:52:47](Interpretation) If you could. Thank you.

12 MS SUTHERLAND: [12:52:53]

13 Q. [12:52:53] Madam Witness, do you accept that this was a nickname that you
14 heard from local people?

15 PRESIDING JUDGE MINDUA: [12:53:35](Interpretation) Madam Prosecutor, let us
16 listen to the interpretation of the witness's response.

17 THE WITNESS: [12:53:46](Interpretation) Personally I don't know. I heard people
18 calling him [REDACTED] Whether it was the local people who gave him that name or
19 other people who gave that name, I have no idea. I'm not aware of who gave him
20 that name. I'm not aware. I -- I just wanted to say that I was not aware.

21 PRESIDING JUDGE MINDUA: [12:54:14](Interpretation) Madam Prosecutor.

22 MS SARDACHTI: [12:54:14] (Interpretation) The witness has answered and any
23 further questioning about this point would be asked and answered. Just to correct
24 the transcript, Madam Witness did not mention anything about local people.

25 Page 50, lines 8 and 9 real-time, I quote: "The people with whom he worked called

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1 him".

2 PRESIDING JUDGE MINDUA: [12:54:48](Interpretation) Well, there you have it,

3 Ms Sutherland. I'm checking the French transcript. The witness talked about men

4 with whom he was working.

5 MS SUTHERLAND: [12:55:06] Mr President, it's our case that that's faulty because it

6 couldn't have been people he was working with who had called him something so

7 [REDACTED] so I'm putting to her a completely different proposition, that she's heard

8 this from the local people -- local population and not from people who were working

9 with him.

10 PRESIDING JUDGE MINDUA: [12:55:40](Interpretation) Mr Prosecutor.

11 MR GARCIA: [12:55:41](Interpretation) With your leave, your Honour, the witness

12 has already answered this question rather clearly. She said she doesn't know.

13 Now, I appreciate that this is the Defence's theory. They have put questions to the

14 witness. The witness has answered. During examination-in-chief the witness was

15 clear that the people with whom he was speaking referred to him as [REDACTED] and I

16 really do not understand why the Defence is returning to this point and putting

17 further questions. If the Defence thinks that this name was [REDACTED], they can make

18 those pleadings, but I think the witness has answered the question clearly.

19 PRESIDING JUDGE MINDUA: [12:56:32](Interpretation) Ms Sutherland, what do

20 you have to say in response to the Prosecution's statement? Because during

21 examination-in-chief the witness said that it was companions working with him who

22 called him by that name, and now in response to your question in cross-examination,

23 we received the same answer. So how are you going to validate your thesis with this

24 particular witness?

25 MS SUTHERLAND: [12:57:12] Mr President, forgive me. We are, through the

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1 process of cross-examination, trying to challenge the assertion that she made or the
2 claim that she made in examination-in-chief by calling into question its creditability.
3 She hasn't, I believe, in fact confirmed again that this was what the people who
4 worked with him or the person she calls that --

5 PRESIDING JUDGE MINDUA: [12:58:04](Interpretation) Very well. I believe that
6 your colleague who speaks French could cross-check. I remember a few moments
7 ago, page 50 of the transcript, I no longer recall which line, I believe it read "the
8 people who worked with him." I may be mistaken. Please check and then tell us.

9 MS SUTHERLAND: [12:58:35] Mr President, I can see where I have cited what she
10 said in examination-in-chief, but then the witness has said: "[REDACTED] I don't know.
11 I heard people calling him by that name. Whether or not it's his name, I don't know.
12 I just heard people calling him [REDACTED]" And then the only references to working
13 with in fact come from me. So the witness, as I can see, has not confirmed, again,
14 that it was men with whom he was working.

15 PRESIDING JUDGE MINDUA: [12:59:36](Interpretation) Very well. We are going
16 to move forward. Put one last question to the witness and we shall determine
17 exactly what her answer is.

18 MS SUTHERLAND: [12:59:58]

19 Q. [12:59:59] Madam Witness, isn't it the case that you in fact never heard anyone
20 who was working with him call him [REDACTED]?

21 I recognise that that was a double negative.

22 A. [13:00:43] It's in the second house where we were. That's when I heard people
23 say "[REDACTED]" It was his friends or people he was working with who
24 called him [REDACTED] Whether it's his name or not, I don't know.

25 PRESIDING JUDGE MINDUA: [13:01:06](Interpretation) There you have it. We

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1 have a clear answer from the witness.

2 MS SUTHERLAND: [13:01:15] Thank you, Mr President. I'm mindful that we have
3 hit the nose of 1 p.m.

4 PRESIDING JUDGE MINDUA: [13:01:29](Interpretation) Indeed. I was waiting for
5 approval of the witness's answer and then I was going to observe that it was indeed
6 1 o'clock.

7 Court officer, if we could go into open session.

8 (Open session at 1.01 p.m.)

9 THE COURT OFFICER: [13:01:54] We're back in open session, Mr President.

10 PRESIDING JUDGE MINDUA: [13:01:59](Interpretation) Thank you very much,
11 court officer.

12 We shall now suspend for our lunch break and resume at 2.30.

13 The hearing is now suspended.

14 THE COURT USHER: All rise.

15 (Recess taken at 1.02 p.m.)

16 (Upon resuming in open session at 2.35 p.m.)

17 THE COURT USHER: [14:35:59] All rise.

18 Please be seated.

19 PRESIDING JUDGE MINDUA: [14:36:17](Interpretation) Court is in session once
20 again and we'll be handing over to the Defence for the continuation of the
21 cross-examination.

22 But I see that Madam Prosecutor is on her feet.

23 Madam Prosecutor.

24 MS SARDACHTI: [14:36:28](Interpretation) For the court record, I just wanted to
25 inform you that there is a third member of the OTP team who has joined us, that is

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1 the --

2 THE INTERPRETER: Overlapping speakers.

3 PRESIDING JUDGE MINDUA: [14:36:50](Interpretation) Maître Nsita.

4 MR LUVENGIKA: [14:36:50](Interpretation) Mr President, in the same vein as the
5 Office of the Prosecutor I wanted to point out the absence of Prisque Biyeke Dipanga,
6 who is absent this afternoon for this session.

7 PRESIDING JUDGE MINDUA: [14:37:01](Interpretation) Thank you very much
8 Maître Nsita for this point of clarification.

9 Ms Sutherland.

10 MS SUTHERLAND: [14:37:10] And in keeping with this trend, I would like to state
11 for the record that Mr Iain Edwards had a conflicting obligation and is not joining us
12 this afternoon.

13 PRESIDING JUDGE MINDUA: [14:37:24](Interpretation) Thank you very much,
14 Ms Sutherland, for that point of detail.

15 We shall now be continuing with the hearing.

16 MS SUTHERLAND: [14:37:39] Thank you, Mr President.

17 Q. [14:37:43] Madam Witness, can you hear me again?

18 A. [14:37:51] Yes.

19 Q. [14:37:54] I would like now to move on to a few photographs that the
20 Prosecution showed to you during your meetings with them in June 2018 and in the
21 sessions you had with them ten days ago.

22 A. [14:38:42] Yes.

23 Q. [14:38:45] And the reference, your Honours, is OTP tab 1, MLI-0060-1857-R03 at
24 page 1879, paragraph 86. And also Defence tab 31, MLI-OTP-0080-4356-R01 at 4359.
25 And the paragraphs, forgive me, are 19, 22, 24, 25, 27, 34, 36, 46, 52, 54, and finally 55.

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1 Madam Witness, we can see from the notes of these meetings that you did not
2 recognise any of the men shown to you. And that's fine. It's just important for the
3 judges to see the photographs that you did not recognise. And hopefully this won't
4 take very long.

5 Madam Witness, could I ask you, please, to turn to Defence tab 14, which is
6 MLI-OTP-0022-0465.

7 Madam Witness, can you see this photo?

8 PRESIDING JUDGE MINDUA: [14:40:59](Interpretation) Ms Sutherland, you will
9 need to provide the opportunity to the Songhai interpreters to interpret for the
10 witness.

11 THE WITNESS: [14:41:27](Interpretation) Mm-hmm. Yes.

12 MS SUTHERLAND: [14:41:41]

13 Q. [14:41:42] Madam Witness, can you see the image on the screen in front of you?

14 A. [14:41:56] Yes.

15 Q. [14:41:58] It's correct that you did not recognise him?

16 A. [14:42:10] I do not know this person.

17 Q. [14:42:19] I'm turning to Defence tab 15, MLI-OTP-0022-0467. You did not
18 recognise this person?

19 A. [14:42:49] No.

20 Q. [14:42:51] And Defence tab 16, MLI-OTP-0022-0468, please.

21 Madam Witness, the same question: You did not recognise this person?

22 A. [14:43:25] No.

23 Q. [14:43:27] And Defence tab 17, MLI-OTP-0022-0471. You also did not recognise
24 this person?

25 A. [14:43:52] No.

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1 Q. [14:44:00] And Defence tab 18, MLI-OTP-0022-0478. And you did not recognise
2 this person either?

3 A. [14:44:33] No.

4 Q. [14:44:37] And Defence tab 19, MLI-OTP-0022-0480. Nor did you recognise this
5 person?

6 A. [14:45:03] No.

7 Q. [14:45:14] Madam Witness, could I ask you, please, to turn to Defence tab 41.
8 That's MLI-OTP-0041-0605. And the timestamp is 00:00:02:21. And that will be
9 shown on evidence channel 2.

10 Madam Witness, it's also correct that you do not recognise anything in this image?

11 A. [14:46:24] It is clear that I do not recognise anybody in these -- in this image.

12 Q. [14:46:51] Madam Witness, forgive me, we just have a few more images to go
13 through.

14 Could I ask you to turn -- to turn to -- turn to Defence tab 40, which is
15 MLI-OTP-0018-2382.

16 THE COURT OFFICER: [14:47:19] I would kindly request counsel to confirm
17 whether these images may be shown publicly. Thank you.

18 MS SUTHERLAND: [14:47:35] This photograph is confidential.

19 PRESIDING JUDGE MINDUA: [14:47:42](Interpretation) Mr Prosecutor.

20 MR DUTERTRE: [14:47:46](Interpretation) Yes, Mr President, I do believe that this
21 can be shown publicly.

22 PRESIDING JUDGE MINDUA: [14:47:46](Interpretation) Yes, we don't see that to be
23 in any way inconvenient showing this to the public, Ms Sutherland.

24 MS SUTHERLAND: [14:47:57] I understand that it [REDACTED]

25 [REDACTED] If there's no objection, then ...

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1 PRESIDING JUDGE MINDUA: [14:48:14](Interpretation) Mr Courtroom Officer, it
2 can be shown to the public. There's no issue there.

3 MS SUTHERLAND: [14:48:49]

4 Q. [14:48:49] Madam Witness, it's correct that you also don't recognise the person
5 in this image?

6 A. [14:49:08] No, no. I do not know him.

7 Q. [14:49:14] And turning to Defence tab 36, which is MLI-OTP-0018-0415. And
8 the timestamp is 00:00:11:05.

9 It's also correct that you recognise nothing in this image?

10 A. [14:50:27] No.

11 Q. [14:50:36] And turning to Defence tab 39, that's MLI-OTP-0048-0729, you also
12 recognise nothing in this photograph?

13 A. [14:51:16] No.

14 Q. [14:51:34] Thank you very much for your patience, Madam Witness.

15 THE INTERPRETER: [14:51:41] Message from the Songhai interpreters:

16 Mr President, the witness has just said something that we did not understand.

17 Thank you.

18 PRESIDING JUDGE MINDUA: [14:51:54](Interpretation) Madam Witness, could
19 you please repeat what you just said.

20 THE WITNESS: [14:52:15](Interpretation) Yes. In fact, the last half that has just
21 been shown on the screen, I don't really remember. I don't remember. I would -- it
22 would seem like I have a bit of a memory flash, but I don't remember.

23 MS SUTHERLAND: [14:52:32] Thank you for clarifying, Madam Witness.

24 Q. [14:52:38] You've also confirmed --

25 PRESIDING JUDGE MINDUA: [14:52:43](Interpretation) Madam Prosecutor.

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1 MS SARDACHTI: [14:52:46](Interpretation) Yes, for the clarity of the transcript,
2 it's -- it's like something inaudible, so I think it would be a good thing to ask Madam
3 Witness again what she meant because it's not in the transcript.

4 PRESIDING JUDGE MINDUA: [14:53:00](Interpretation) Yes, indeed.

5 Madam Witness, could you please repeat the last response that you provided us.

6 THE WITNESS: [14:53:20](Interpretation) In fact, two buildings were shown to me,
7 but the second building looks like a house that I am familiar with, but I don't
8 remember where I had seen it.

9 PRESIDING JUDGE MINDUA: [14:53:49](Interpretation) Thank you very much,
10 Madam Witness.

11 Ms Sutherland.

12 MS SUTHERLAND: [14:53:59]

13 Q. [14:53:59] Madam Witness, you've also confirmed that you do not know
14 Al Hassan and that he does not know you; is that correct?

15 A. [14:54:14] In fact, I do not know him. I do not know him and I don't know
16 whether he knows me, but I don't know him. Whether he knows me, I don't know.
17 But as for me, I have never seen him.

18 Q. [14:54:53] Madam Witness, I understand you have trouble remembering, but
19 you do in fact remember a flag with a moon and a star; is that correct?

20 A. [14:55:10] No, I do not recall. I don't even recall the flag.

21 Q. [14:55:48] [REDACTED] ?

22 A. [14:56:14] [REDACTED]

23 [REDACTED]

24 Q. [14:56:24] Madam Witness -- Madam Witness, I'd like to refer briefly to a
25 contradiction with your witness statement. That's OTP tab 1,

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1 MLI-OTP-0060-1857-R03 at page 1863, and it's paragraph 27.

2 PRESIDING JUDGE MINDUA: [14:57:20](Interpretation) Madam Prosecutor.

3 MS SARDACHTI: [14:57:22](Interpretation) Yes. We requested what was said
4 previously to be redacted, but were we to continue in this vein, we would like to
5 move into private session, please.

6 PRESIDING JUDGE MINDUA: [14:57:35](Interpretation) Mr Courtroom Officer,
7 private session, please.

8 (Private session at 2.57 p.m.)

9 THE COURT OFFICER: [14:57:48] We're in private session, Mr President.

10 PRESIDING JUDGE MINDUA: [14:57:53](Interpretation) Thank you very much,
11 Mr Courtroom Officer.

12 Ms Sutherland.

13 MS SUTHERLAND: [14:57:57] I'm very grateful to my learned friend for her
14 diligence.

15 Q. [14:58:01] Madam Witness, in this paragraph it reads: [REDACTED]

16 [REDACTED]
17 THE WITNESS: [14:59:02] Yes. In fact, I didn't really look that closely at him to see
18 whether he was [REDACTED]. I didn't really look at him
19 that closely.

20 PRESIDING JUDGE MINDUA: [14:59:14](Interpretation) Madam Prosecutor.

21 MS SARDACHTI: [14:59:15](Interpretation) Yes, in the instructions on the conduct
22 of hearings, it is said that one should read the paragraph in its entirety.

23 PRESIDING JUDGE MINDUA: [14:59:29](Interpretation) Yes.

24 MS SUTHERLAND: [14:59:34] Mr President, I appreciate that it's important to give
25 proper context. I don't believe it's necessary to read a very long, very complicated

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1 paragraph, especially to a witness who has demonstrated how confused she can
2 become, and I of course want to avoid retraumatizing her.

3 I would also note that my learned friend quite rightly also refrained from reading the
4 entirety of paragraphs during her examination-in-chief and would ask that the same
5 courtesy be extended to us in this instance in order to avoid complicating matters
6 with this witness.

7 PRESIDING JUDGE MINDUA: [15:00:22](Interpretation) Yes, Madam Prosecutor, I
8 do believe that for this specific case we can follow Ms Sutherland's methodology.
9 Please go ahead, Counsel.

10 MS SUTHERLAND: [15:00:37]

11 Q. [15:00:49] Madam Witness, moving slightly, I appreciate that you have difficulty
12 remembering the details of your trip to Bamako to speak to the judge in Bamako.
13 Do you remember you met the Prosecution very recently, on 14 and 15 October, so
14 about ten days ago?

15 PRESIDING JUDGE MINDUA: [15:02:06](Interpretation) Ms Sutherland, for this
16 line of question, are we still in private session. I think we can go into open session,
17 can't we?

18 MS SUTHERLAND: [15:02:17] Mr President, I think now, having asked that opening
19 question, we can, indeed. Thank you.

20 PRESIDING JUDGE MINDUA: [15:02:30](Interpretation) Very well. Thank you
21 very much.

22 Court officer, open session, please.

23 (Open session at 3.02 p.m.)

24 THE COURT OFFICER: [15:02:41] We're back in open session, Mr President.

25 PRESIDING JUDGE MINDUA: [15:02:46](Interpretation) Thank you very much,

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1 court officer.

2 Interpretation of the witness's answer, please, from the Songhai booth.

3 THE INTERPRETER: [15:02:58] Message from the Songhai booth, the part has been
4 already interpreted. We're awaiting the answer from the witness.

5 PRESIDING JUDGE MINDUA: [15:03:15](Interpretation) Ms Sutherland, perhaps
6 you have to put the question again.

7 MS SUTHERLAND: [15:03:19]

8 Q. [15:03:19] Madam Witness, do you remember meeting the Prosecution? And
9 the dates are actually 14 and 15 October. That's about ten days ago.

10 A. [15:03:38] Yes.

11 Q. [15:03:48] Do you remember that in that meeting with the Prosecution they read
12 the record of your meeting with the judge in Bamako?

13 A. [15:04:10] I don't know. I really don't know.

14 Q. [15:04:36] Madam Witness, I appreciate it was a long meeting and many things
15 were read to you, but one of those documents was a record of your meeting with the
16 judge in Bamako.

17 A. [15:05:20] Yes, I heard that. Yes. I remember.

18 Q. [15:05:26] And do you remember that you recognised that there were differences
19 between that record and what you had told the Prosecution?

20 PRESIDING JUDGE MINDUA: [15:05:45](Interpretation) Madam Prosecutor.

21 MS SARDACHTI: [15:05:47](Interpretation) Please could the sound be cut to the
22 witness.

23 PRESIDING JUDGE MINDUA: [15:05:51](Interpretation) Court officer, please cut
24 the sound.

25 THE COURT OFFICER: [15:05:56] Your Honours, the sound to the witness has been

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1 cut off.

2 PRESIDING JUDGE MINDUA: [15:06:02](Interpretation) Thank you very much.

3 Madam Prosecutor.

4 MS SARDACHTI: [15:06:05](Interpretation) Yes. Just to say that you shouldn't lead

5 the witness into error, because at paragraph 63 of the same log it's indicated that she

6 states that she told a version. So there's another version. So she told one version

7 [REDACTED] and another version [REDACTED] So we have to check which version has

8 been given to the judge in Bamako.

9 PRESIDING JUDGE MINDUA: [15:06:40](Interpretation) Ms Sutherland.

10 MS SUTHERLAND: [15:06:44] Referring to Defence tab 31, the reference is

11 MLI-OTP-0080-4356-R01 at page 4362. That's where paragraph 62 and 63 can be

12 found. This says that the witness volunteered this information immediately after

13 document MLI-OTP-0032-0222 was read to the witness. For that reason, I would

14 suggest that there's no real lack of clarity as to which account it was that had been

15 recounted to her.

16 PRESIDING JUDGE MINDUA: [15:07:36](Interpretation) Well, I don't know.

17 Apparently there is confusion. Perhaps we have to state this precisely.

18 MS SUTHERLAND: [15:07:55] I can -- I can phrase it differently, Mr President, and

19 ask her about the versions that she gave to [REDACTED] and the version she gave to [REDACTED]

20 which is the wording that is recorded in the witness preparation session log.

21 PRESIDING JUDGE MINDUA: [15:08:15](Interpretation) I think so, because the

22 witness is lost. So please reformulate.

23 Court officer, please can we re-establish the connection.

24 THE COURT OFFICER: [15:08:34] Your Honours, the sound to the witness has been

25 reestablished.

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1 PRESIDING JUDGE MINDUA: Thank you very much, court officer.

2 Ms Sutherland.

3 MS SUTHERLAND: [15:08:43]

4 Q. [15:08:44] Madam Witness, I'm sorry for the confusion.

5 The record of your meetings with the Prosecution recently indicate that you identified
6 a difference between what you said at [REDACTED] and what you said to someone you
7 called [REDACTED]?

8 PRESIDING JUDGE MINDUA: [15:09:23](Interpretation) Madam Prosecutor.

9 MS SARDACHTI: [15:09:25](Interpretation) Yes. Could we go into private session.

10 We have already made a request for a redaction. So if the names are going to be
11 repeated like this.

12 PRESIDING JUDGE MINDUA: [15:09:34](Interpretation) Indeed, I think so.

13 Private session, please, court officer.

14 (Private session at 3.09 p.m.)

15 THE COURT OFFICER: [15:09:44] We're in private session, Mr President.

16 PRESIDING JUDGE MINDUA: [15:09:48](Interpretation) Thank you very much,
17 court officer.

18 Ms Sutherland, your question.

19 MS SUTHERLAND: [15:09:54]

20 Q. [15:09:54] Madam Witness, do you remember -- remember this?

21 MS SUTHERLAND: [15:10:27] Interpretation, please.

22 PRESIDING JUDGE MINDUA: [15:10:41] Ms Sutherland, perhaps you need to
23 repeat because I think the interpreters have forgotten it. When you spoke about the
24 version with [REDACTED] and the version with [REDACTED], then I think the interpreters haven't
25 translated it for the witness.

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1 MS SUTHERLAND: [15:10:57]

2 Q. [15:10:57] Madam Witness, do you remember noticing a difference between a
3 version told to [REDACTED] and another version told to [REDACTED]?

4 A. [15:11:33] No, they weren't the same.

5 Q. [15:11:38] And it's the case that, when asked which was true, you said you
6 couldn't tell.

7 A. [15:12:35] Yes, I don't want to say that there is no difference, but what I said to
8 [REDACTED] the problem is that the names given were names which weren't correct. That's
9 it. Otherwise, the rest was -- accorded with the truth.

10 PRESIDING JUDGE MINDUA: [15:12:54](Interpretation) Madam Prosecutor, the
11 witness has answered. Let's try to move on, no?
12 Ms Sutherland.

13 MS SUTHERLAND: [15:13:07]

14 Q. [15:13:42] During your meeting with the Prosecution, just before your testimony,
15 do you remember indicating that you did not know which version to maintain?

16 PRESIDING JUDGE MINDUA: [15:14:07](Interpretation) Madam Prosecutor.

17 MS SARDACHTI: [15:14:08](Interpretation) A moment ago I objected to the fact that
18 you had to read the whole paragraph and it was considered that it wasn't necessary
19 with regards to the question, but there, with regard to this paragraph, I think that it is
20 necessary to read the entire paragraph to give all the context to Madam Witness,
21 because selecting some sentences here and there can lead the witness into error, and
22 you have to be fair to the witness.

23 PRESIDING JUDGE MINDUA: [15:14:39](Interpretation) Very well. The
24 paragraph is long, but I think we can read it.
25 Ms Sutherland.

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MS SUTHERLAND: [15:14:48] Mr President, in the interests of time and everybody's ears, I'll ask that my learned colleague read it into the transcript.

PRESIDING JUDGE MINDUA: [15:15:04](No interpretation)

MS BEAULIEU LUSSIER: [15:15:10](Interpretation) "Following the reading of the document, the witness confirmed that she had told it to [REDACTED] the last time she arrived [REDACTED]. The witness confirmed that 'now, it has become two versions'. On this question, she stated that she had told one version to [REDACTED] and another version to [REDACTED] - and another version to [REDACTED] - "[REDACTED] is the deputy investigator in the Office of the Prosecutor who took her statement with [REDACTED] investigator). The witness confirms that when she spoke to [REDACTED] she had forgotten this first version. When she saw [REDACTED] she told to him what she remembered on that day. When asked for clarification, she indicated that she had spoken about [REDACTED] in the first version and of [REDACTED] in the second version and that 'ultimately (she) was afraid of lying'. The witness was asked if the version of facts given to the Office of the Prosecutor is true. The witness confirmed that she did not know any longer; in one version she speaks about [REDACTED] in another [REDACTED] so ultimately she no longer knows which version to maintain. She confirms that the two versions are correct apart from the first name of the man who she married. She indicates that now she no longer knows what to say. When asked what the correct first name is, the witness confirms that there are more clarifications in the version given to [REDACTED]. Having put the question again, the witness replies that she knows that the person who married her is called [REDACTED]"

PRESIDING JUDGE MINDUA: [15:17:27](Interpretation) Well, now I think there has to be interpreting for the witness.

THE INTERPRETER: [15:17:35] Message from the Songhai booth: Your Honor, we

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1 are working in consecutive mode, so we don't have the document here either.

2 PRESIDING JUDGE MINDUA: [15:17:48](Interpretation) I know that the -- it's
3 consecutive interpreting and that's the reason why I say it has to be interpreted.

4 Ms Sutherland, can we show the document for the interpreters?

5 MS SUTHERLAND: [15:18:04] Absolutely, Mr President. It's Defence tab 31, and
6 it's paragraph 63, which is to be found again at page 4362. Forgive me, 4363 -- no,
7 starting at 4362.

8 PRESIDING JUDGE MINDUA: [15:18:53](Interpretation) Songhai booth, can you
9 please translate.

10 THE INTERPRETER: [15:20:07] Let me go to the next page, says the interpreter.

11 PRESIDING JUDGE MINDUA: [15:20:13](Interpretation) Go ahead.

12 THE INTERPRETER: [15:20:32] The Songhai booth has lost the page. The page is
13 no longer being broadcast to the Songhai booth.

14 PRESIDING JUDGE MINDUA: [15:20:53](Interpretation) Yes, I have understood.
15 The court officer is trying to fix that now.

16 Ms Sutherland.

17 MS SUTHERLAND: [15:22:43]

18 Q. [15:23:10] Madam Witness, has that refreshed your memory of the meeting you
19 had with the Prosecution recently?

20 A. [15:24:14] In fact, what we're speaking about now, I spoke to [REDACTED] and then I
21 completed that with [REDACTED] And it said that when I spoke to [REDACTED] I didn't speak
22 about [REDACTED] I spoke about [REDACTED] And this reading has mixed things up in
23 my head.

24 Q. [15:24:51] Madam Witness, do you find that people telling you different things
25 mixes things in your head?

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1 A. [15:25:50] In fact, this has really mixed things up for me because there are things
2 that I'm not aware of. I didn't speak about this that much. I said I spoke about it to
3 [REDACTED] more than anyone else. And also because, when I spoke to [REDACTED], I didn't
4 understand everything.

5 Q. [15:26:25] Madam Witness, after your session -- these sessions with the
6 Prosecution, the one very recently, [REDACTED]

7 A. [15:27:21] (No interpretation).

8 Q. [15:27:22] Do you know who that was?

9 A. [15:27:33] I don't know [REDACTED] I don't know who it was.

10 Q. [15:27:48] But [REDACTED]

11 A. [15:28:02] I've nothing -- I've understood nothing in this. Who? I haven't
12 understood anything at all. Was I meant to have [REDACTED]
13 [REDACTED]? I've understood nothing.

14 Q. [15:28:43] But it's correct that you spoke to [REDACTED]

15 A. [15:29:10] [REDACTED]?

16 Q. [15:29:15] Yes, Madam Witness, that's what I'm asking.

17 A. [15:29:33] I hadn't understood this question about [REDACTED] Haven't understood
18 the question about [REDACTED]

19 Q. [15:29:39] Madam Witness, this is my fault for being confusing. The meetings
20 that you had with the Prosecution ten days ago.

21 A. [15:30:07] Yes.

22 Q. [15:30:11] Last week you spoke to [REDACTED]; isn't that right?

23 A. [15:30:35] We might have done. I don't know. We might have done.

24 Q. [15:30:41] Madam Witness, we understand that you explained to [REDACTED] that
25 you were worried about giving evidence at this court.

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- 1 PRESIDING JUDGE MINDUA: [15:31:03](Interpretation) Madam Prosecutor.
- 2 MS SARDACHTI: [15:31:06](Interpretation) The Prosecution is wondering about the
3 relevance of this question and the fact that it has nothing to do with the substance of
4 her testimony.
- 5 PRESIDING JUDGE MINDUA: [15:31:17](Interpretation) Yes, indeed,
6 Ms Sutherland, even -- even the Chamber is wondering as to the relevance of this
7 question.
- 8 MS SUTHERLAND: [15:31:28] We're just enquiring as to what changed her mind,
9 Mr President. We're concerned about her willingness to testify and what
10 was -- what was -- what it was that ameliorated those concerns.
- 11 PRESIDING JUDGE MINDUA: [15:32:09](Interpretation) Madam Prosecutor.
- 12 MS SARDACHTI: [15:32:11](Interpretation) Could the sound be cut off to the
13 witness, please.
- 14 PRESIDING JUDGE MINDUA: [15:32:15](Interpretation) Mr Courtroom Officer,
15 could you please cut the sound off to the witness.
- 16 THE COURT OFFICER: [15:32:20] Your Honours, the sound to the witness has been
17 cut off.
- 18 MS SUTHERLAND: [15:32:25] And, Mr President, I'm also --
- 19 PRESIDING JUDGE MINDUA: [15:32:26](Interpretation) Thank you very much,
20 Mr Courtroom Officer.
- 21 Ms Sutherland, please observe pauses.
- 22 Now, please go ahead.
- 23 MS SUTHERLAND: [15:32:39] Mr President, simply to observe that this was also
24 exceptional contact after the conclusion of the witness preparation sessions, and thus
25 a cause for concern.

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1 PRESIDING JUDGE MINDUA: [15:33:02](Interpretation) Madam Prosecutor, would
2 you like to answer that or ...

3 MR GARCIA: [15:33:09](Interpretation) Mr President, with your leave.

4 PRESIDING JUDGE MINDUA: [15:33:10](Interpretation) Yes.

5 MR GARCIA: [15:33:12](Interpretation) Quite simply, for the Chamber, if the
6 Defence puts the specific question on the basis of the investigator's note

7 MLI-OTP-0083 --

8 THE INTERPRETER: [15:33:30](Interpretation) The interpreter did not catch the
9 number, which was said at the speed of light.

10 MR GARCIA: [15:33:36](Interpretation) -- in which the witness explained her
11 personal situation and the concerns that she had. That is why my colleague got to
12 her feet, taking into account of course the vulnerability of this witness. We really
13 need to be careful as to the questions that we put to her so that she doesn't have to
14 hark back upon these issues.

15 So, these general questions being put to her, it's going to force her to come back on
16 these points of concern, and that is why she was somewhat worried about coming to
17 testify. So I'm not going to go into detail here, [REDACTED]

18 [REDACTED] So we really need to be careful with regard
19 to the vulnerability of this witness.

20 Now, if it is a question that has relevance, then the question has to really be very
21 specific in nature so that it does not expand into other topics.

22 PRESIDING JUDGE MINDUA: [15:34:39](Interpretation) Yes, indeed,

23 Mr Prosecutor, I do agree with you, but the last question of the Defence was about the

24 [REDACTED] the witness after the preparation session, so it was on
25 that basis that the Defence were seeking to question the witness.

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1 MR GARCIA: [15:35:00](Interpretation) Yes. And it was specifically with regard to
2 that conversation that took place. That was when the witness said that she had
3 concerns and there was an investigator's note that was drafted, to which I referred,
4 and the witness therein raised her concerns. And that is why the OTP is worried
5 about the nature of the questions that might be put to the witness. Of course, the
6 Defence is in charge of its cross-examination, but I did want to raise these concerns to
7 the Chamber and to Ms Sutherland.

8 PRESIDING JUDGE MINDUA: [15:35:33](Interpretation) Thank you very much,
9 Mr Prosecutor.

10 Ms Sutherland, I am waiting for the interpretation for you. If you've understood,
11 then please answer.

12 MS SUTHERLAND: [15:35:48] Mr President, again I fear that my learned friend's
13 intervention is somewhat preemptive. First of all though, we do have the
14 investigator's account. We don't have the account of the witness. The investigator's
15 not testifying under oath and we ought to be able to ask questions about contact
16 which falls outside of the protocols in place.

17 I am, of course, extremely mindful of avoiding at all costs any embarrassment that
18 might be caused to the witness regarding this note.

19 The simple question that we have is: What changed her mind? And that does go to
20 her credibility and her relationship with the Prosecution. And for that reason,
21 without going into any of the details contained in the note - and I note that the
22 interpreters weren't able to catch the reference, so I'll provide it again - it's Defence
23 tab 32, MLI-OTP-0080-4366-R01. It's a very simple question. It doesn't go into
24 detail, and for that reason I would submit that it won't upset her and we should be
25 permitted to ask it.

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1 PRESIDING JUDGE MINDUA: [15:37:14](Interpretation) Very well.

2 Now, for the time being, the witness cannot hear what we're saying, so what is this
3 question that you would like to put to her, for us to be able to check?

4 MS SUTHERLAND: [15:37:25] I was explaining to her that we understood that she
5 had been worried about giving evidence before this Court, and we would like to
6 know what changed her mind.

7 PRESIDING JUDGE MINDUA: [15:37:47](Interpretation) Mr Prosecutor, Madam
8 Prosecutor, I do believe that this is an acceptable question. Ms Sutherland will put to
9 the witness once, she will react, and then we'll move on.

10 Mr Courtroom Officer, could you please re-establish the connection with the witness.

11 THE COURT OFFICER: [15:38:12] Your Honours, the sound to the witness has been
12 re-established.

13 PRESIDING JUDGE MINDUA: [15:38:19](Interpretation) Thank you very much,
14 Mr Courtroom Officer.

15 Ms Sutherland.

16 MS SUTHERLAND: [15:38:24]

17 Q. [15:38:26] Madam Witness, thank you very much for your patience. We
18 understand that you were worried about giving evidence last week.

19 A. [15:39:08] Yes.

20 Q. [15:39:09] What changed your mind?

21 A. [15:39:42] Yes, I accepted to come because I had never testified in such a manner
22 and this is why I felt motivated to come. I have never done something like this and
23 this is why I had my concerns.

24 (Counsel confer)

25 MS SUTHERLAND: [15:40:37]

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1 Q. [15:40:38] Madam Witness, I just have a few final questions. Forgive me,
2 they're a little bit disjointed.

3 A. [15:40:58] Yes.

4 Q. [15:40:59] If I could ask you to turn to Defence tab 27. That's
5 MLI-OTP-0039-0861-R02 at page 0875, paragraph 51.

6 And this -- yes, this is -- there's no need to show this to the witness because it relates
7 to the evidence of another witness still to come.

8 PRESIDING JUDGE MINDUA: [15:41:44](Interpretation) Yes, indeed. So we won't
9 be showing it to the witness.

10 MS SARDACHTI: [15:42:12](Interpretation) We should cut the translation off
11 because it is not permitted to say that somebody else has testified.

12 PRESIDING JUDGE MINDUA: [15:42:20](Interpretation) Yes, I do believe that --

13 THE INTERPRETER: [15:42:25] Multiple overlapping speakers. Impossible to
14 interpret at such speed.

15 PRESIDING JUDGE MINDUA: [15:42:30](Interpretation) You don't need to cut off
16 to the witness because Ms Sutherland is going to be putting her question, is she not?

17 THE INTERPRETER: [15:42:39] Message from the English booth: Could --

18 PRESIDING JUDGE MINDUA: [15:42:42](Interpretation) Madam Prosecutor, what
19 would you like to add?

20 MS SARDACHTI: [15:42:45](Interpretation) I'm reading from the transcript, so
21 please do not interpret.

22 PRESIDING JUDGE MINDUA: [15:42:48](Interpretation) The Songhai interpreter
23 should not interpret to the witness what the Prosecutor is going to say, please.

24 THE INTERPRETER: [15:42:57] Message well received: From the Songhai booth.

25 MS SARDACHTI: [15:43:02](Interpretation) This should not be shown to the witness

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1 because this is the deposition or evidence that has -- that is associated with a witness
2 that is -- has yet to testify, so this should not be put to the witness, if I am not
3 mistaken, the fact that there is a witness who has yet to testify.

4 PRESIDING JUDGE MINDUA: [15:43:17](Interpretation) Yes, indeed.

5 So, Ms Sutherland, what -- how are you going to go about things now?

6 MS SUTHERLAND: [15:43:27] I have no intention of divulging the identity of this
7 witness in any way, shape or form. I don't see a distinction between witnesses who
8 have testified and are to testify. We need to be able to put material from witnesses
9 still to come to witnesses who may or may not be in a position to contradict them. I
10 don't believe I've identified to -- anyone to the witness, and nor do I -- nor will I.

11 PRESIDING JUDGE MINDUA: [15:44:11](Interpretation) Very well.

12 So, Mr Courtroom officer, we're going to re-establish the link with the witness.

13 THE COURT OFFICER: [15:44:26] Your Honours, the sound to the witness has been
14 re-established.

15 PRESIDING JUDGE MINDUA: [15:44:30](Interpretation) Thank you very much,
16 Mr Courtroom Officer.

17 Ms Sutherland. Now, Counsel, we have 15 minutes remaining, so we need to wrap
18 up with this witness today, do we not?

19 MS SUTHERLAND: [15:44:42] Very much so, Mr President. If you'll remain
20 patient, we just have a couple more questions.

21 PRESIDING JUDGE MINDUA: [15:45:21](Interpretation) Ms Sutherland.

22 MS SUTHERLAND: [15:45:28]

23 Q. [15:45:29] Madam Witness, another witness, describing somebody who matches
24 your description, has said: (Interpretation) "He had got married on a Friday" --

25 THE INTERPRETER: [15:45:52] We have no source of the text. Could we have a

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1 source of the text, please.

2 MS SUTHERLAND: [15:45:57] That remains Defence tab 27,

3 MLI-OTP-0039-0861-R02 at 0875, paragraph 51.

4 THE INTERPRETER: [15:46:09](Interpretation) Thank you. Which line in the
5 paragraph?

6 MS SUTHERLAND: [15:46:11] About just over halfway down.

7 THE INTERPRETER: [15:46:26] Starting with?

8 MS SUTHERLAND: [15:46:27] *Il l'avait marié.*

9 (Interpretation) "He had married on a Friday and before the next Friday, he told him
10 or her, we do not know, that he had divorced. They had spent three days together
11 and had shared the same bed. Then he had stopped sleeping with her. She did not
12 tell us whether they had sexual relations."

13 (Speaks English) Forgive my pronunciation.

14 THE WITNESS: [15:48:18](Interpretation) I didn't understand. Three days in the
15 same bed?

16 MS SUTHERLAND: [15:48:27]

17 Q. [15:48:27] Madam Witness, another witness has suggested that you were
18 married on a Friday and divorced by the next Friday. Is that accurate?

19 A. [15:49:10] I do not know. You have many witnesses. I don't know anything
20 that I do not say myself.

21 Q. [15:49:44] On the basis of this, Madam Witness, I'm asking you if it's correct that
22 you were married, and divorced by the next week, in 2012?

23 PRESIDING JUDGE MINDUA: [15:50:16](Interpretation) Madam Prosecutor.

24 MS SARDACHTI: [15:50:21](Interpretation) This question has already put -- been
25 put and the witness has already answered.

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1 PRESIDING JUDGE MINDUA: [15:50:28](Interpretation) Yes, Ms Sutherland. I
2 believe that you're repeating the same question, and probably the answer will be the
3 same, because she's just answered that a short while ago.

4 MS SUTHERLAND: [15:50:45]

5 Q. [15:50:46] Madam Witness -- and I'm referring to OTP tab 12,
6 MLI-OTP-0080-3575-R01.

7 Madam Witness, when you were [REDACTED] to meet the Prosecution for the interviews
8 [REDACTED] you were delayed [REDACTED]
9 [REDACTED] according to this note.

10 A. [15:51:47] Yes.

11 Q. [15:51:49] [REDACTED]?

12 A. [15:52:13] [REDACTED]
13 [REDACTED]

14 Q. [15:52:41] Madam Witness, just one final question. Have you -- do you know
15 anyone called [REDACTED]?

16 A. [15:53:36] [REDACTED] no, I don't know her.

17 Q. [15:53:42] Or [REDACTED]?

18 A. [15:53:50] No.

19 Q. [15:54:03] Did you know anyone by those names in 2012?

20 A. [15:54:24] No, I do not know them. I do not know them.

21 Q. [15:54:31] Madam Witness, thank you very much for your patience and for
22 testifying today. Thank you for answering my questions.

23 Mr President, that concludes the cross-examination for Defence.

24 PRESIDING JUDGE MINDUA: [15:54:48](Interpretation) Thank you very much,
25 Ms Sutherland. And thank you very much for keeping your word.

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1 Now I'm turning to the Office of the Prosecutor with a view to ascertaining whether
2 there are any additional questions to be put.

3 MS SARDACHTI: [15:55:16](Interpretation) Are we still in private session,
4 Mr President?

5 PRESIDING JUDGE MINDUA: [15:55:20](Interpretation) Yes, indeed, we are,
6 Madam Prosecutor.

7 MS SARDACHTI: [15:55:25](Interpretation) We have no further questions.

8 PRESIDING JUDGE MINDUA: [15:55:28](Interpretation) Thank you very much,
9 Madam Prosecutor.

10 So, Mr Courtroom Officer, could we please move back into open session.

11 (Open session at 3.55 p.m.)

12 THE COURT OFFICER: [15:55:45] We're back in open session, Mr President.

13 PRESIDING JUDGE MINDUA: [15:55:49](Interpretation) Thank you very much,
14 Mr Courtroom Officer.

15 Madam Witness, this finally marks the conclusion of your testimony. On behalf of
16 the Chamber, I would like to once again thank you for providing your assistance by
17 answering the questions in a very specific and clear manner.

18 THE WITNESS: [15:56:40](Interpretation) Very well.

19 PRESIDING JUDGE MINDUA: [15:56:41](Interpretation) I'd like to thank you for
20 your courage and for your goodwill.

21 Your testimony has now come to an end and I would like to wish you all the best.

22 (The witness is excused)

23 PRESIDING JUDGE MINDUA: [15:57:13](Interpretation) Now, before rising for
24 today, I have an announcement to make to the parties and participants.

25 As you will already be aware, no doubt, our court is grieving because we have lost

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1 *Madam huissière* Rocelyn Jimenez. Of course, this is a terrible situation, and our staff
2 will tomorrow be taking part in the service organised for her funeral. That is why
3 our programme for tomorrow will be changed. We shall start our hearing, as usual,
4 at 9.30, we shall break at 11 o'clock, and we shall reconvene at 11.30 to finish at half
5 past 12. In the afternoon, there will be no hearing. So we will then reconvene the
6 following day after that.

7 So tomorrow morning at 9.30 we shall be here, and the programme for tomorrow, or
8 the schedule, is somewhat modified, as I just said.

9 So, Mr Prosecutor, tomorrow -- or, Madam Prosecutor, which witness will we have?

10 MS SARDACHTI: [15:59:15](Interpretation) It is P-0547.

11 PRESIDING JUDGE MINDUA: [15:59:20](Interpretation) Very well. P-0547.

12 Before we rise for today, I would like to thank all the parties and participants, the
13 court reporters, the interpreters, our security guards, and of course those listening
14 from afar. I'd like to wish you a very pleasant evening and we shall now
15 suspend -- adjourn the hearing.

16 Hearing is adjourned.

17 THE COURT USHER: All rise.

18 (The hearing ends in open session at 3.59 p.m.)

19 CORRECTIONS REPORT

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

22 Page 11 line 19

23 "this needs to be classified." Is corrected to "this must to be clarified."

24 Page 20 lines 1-5

25 "well, there's a problem with the transcript, but she didn't participate in such

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1 meetings. And then a lot of questions are being put, so when you look at the
2 transcript of the hearing it's really not clear, so I'd ask that things be clarified for the
3 record." Is corrected to "Well, there's a problem with the transcript, but the answer is
4 clear: she didn't participate in such meetings. And then a lot of questions are being
5 put in relation to that. So when you look at the transcript of the hearing, it's really not
6 clear. So I would ask that things be clarified for the record.

7 Page 34 lines 21-24

8 "Well, the first, are you in agreement to say, or invitation to conjecture: Is it possible
9 that a member of your family received money? You've got four different
10 components with an invitation to speculate. So it's difficult to understand." Is
11 corrected to "Well, the first element of the sentence, "are you in agreement", then the
12 second element of the sentence "to say". Then there is an invitation to conjecture: "Is it
13 possible that a member of your family received money?" You've got three, four
14 different components of the same sentence with an invitation to speculate. So this is
15 not appropriate."

16 Page 39 lines 8-12

17 "We are not allowed to indicate to a witness that another person has testified. So to
18 avoid that, my learned friend will have to mention the [REDACTED] women and ask do
19 you also know, because otherwise that will be a signal or a hint to the witness that
20 [REDACTED] We don't want that to happen. That would be a violation
21 of the procedure." Is corrected to

22 "As you know, we are not allowed to indicate to a witness that another person is a
23 witness. So to avoid that, my learned friend will have to mention the [REDACTED]
24 women and ask "do you also know". Because otherwise that will be a signal or a clue
25 to the witness that [REDACTED] We don't want that to happen because it

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1 would be a violation of the procedure.”