

Trial Hearing
WITNESS: MLI-OTP-P-0603

(Open Session)

ICC-01/12-01/18

1 International Criminal Court
2 Trial Chamber X
3 Situation: Republic of Mali
4 In the case of The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag
5 Mahmoud - ICC-01/12-01/18
6 Presiding Judge Antoine Kesia-Mbe Mindua, Judge Tomoko Akane and
7 Judge Kimberly Prost
8 Trial Hearing - Courtroom 3
9 Friday, 3 September 2021
10 (The hearing starts in open session at 9.31 a.m.)
11 THE COURT USHER: [9:31:17] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE MINDUA: [9:31:46](Interpretation) Court is in session.
15 Good morning to all.
16 Mr Courtroom Officer, could you please call the case.
17 THE COURT OFFICER: [9:31:59] 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 number ICC-01/12-01/18.
20 And for the record, we are in open session.
21 PRESIDING JUDGE MINDUA: [9:32:19](Interpretation) Thank you very much,
22 Mr Courtroom Officer.
23 We shall check on the various teams, starting with the Office of the Prosecutor.
24 Mr Prosecutor, please.
25 MR DUTERTRE: [9:32:33](Interpretation) Good morning, Mr President.

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1 Good morning, your Honours.

2 The OTP today is represented by Madam Sandra Schoeters, to my right, by

3 Mr Lucio Garcia behind me, and by Marie Claudine Umurungi right at the back.

4 I would like to greet everyone in and outside the courtroom. And, Mr President,

5 could I make a brief observation, even if that's during the introduction? Or would

6 you like to grant me the floor subsequently?

7 PRESIDING JUDGE MINDUA: [9:33:06](Interpretation) Let's deal with

8 the introductions first.

9 Now over to the Defence.

10 Counsel.

11 MS SUTHERLAND: [9:33:12] Good morning, Mr President, your Honours,

12 everybody with us today. The Defence for Mr Al Hassan is today represented by

13 Ms Melinda Taylor, Ms Sarah Marinier-Doucet, and myself, Kirsty Sutherland. And

14 with your leave, Mr President, we would like to ask if Ms Julia Basile can join later

15 today.

16 PRESIDING JUDGE MINDUA: [9:33:42](Interpretation) Yes, absolutely,

17 Ms Sutherland. Thank you very much for your presentation.

18 Over to the Legal Representatives for Victims, Mr Kassongo.

19 MR KASSONGO: [9:33:52](Interpretation) Thank you very much, Mr President,

20 your Honours, and good morning to all. The Legal Representatives for Victims

21 today still comprises Madam Claire Laplace who is assisting me and myself,

22 Maître Kassongo. We'd like to thank you.

23 PRESIDING JUDGE MINDUA: [9:34:09](Interpretation) Thank you very much,

24 Maître Kassongo.

25 Mr Prosecutor, before addressing the witness, please address the Court.

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1 MR DUTERTRE: [9:34:18](Interpretation) Thank you, Mr President. I shall be brief.
2 Just to say that we had foreseen six hours for this witness. We have taken four hours
3 and 14 minutes yesterday, if I am correct. Now, we have cut down our questioning
4 as much as possible, so we'll probably need about 20 to 25 minutes this morning only.
5 Now what I'm trying to get to is that it will depend on how the hearing unfolds today.
6 The OTP is ready to start the next witness on Monday, depending on what the VWS
7 needs in terms of time, *PCR tests, et cetera. But in any event, the Prosecution is ready
8 on our side. I did want to inform the Chamber of that. Thank you very much.

9 PRESIDING JUDGE MINDUA: [9:35:03](Interpretation) Thank you very much,
10 Mr Prosecutor, for this important piece of information. And the Chamber would like
11 to thank you for your efficiency.
12 With regard to the witness for Monday, I think I'm going to turn now to the Defence
13 to see whether you are ready. Let's see what you have to say.
14 Ms Taylor, could we start on Monday with the next witness?

15 MS TAYLOR: [9:35:29] Thank you, Mr President. But I do believe the arithmetic of
16 the Prosecution might be a bit awry because, given that they have taken or will take at
17 least approximately five hours for this witness and given that the LRV will be posing
18 questions to this witness, the Defence cross-examination will of course be continuing
19 on Monday. And we do need to take into account that this is a witness for which we
20 had delayed disclosure and that that has impacted obviously on Defence preparation.
21 Now, as concerns the next witness, we do believe that it might be slightly putting
22 the cart before the horse to already be talking about calling another witness on
23 Monday when we have yet to start cross-examination for this witness.

24 PRESIDING JUDGE MINDUA: [9:36:24](Interpretation) Thank you very much,
25 Ms Taylor. Absolutely. We shall see as we move forward.

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1 Now I'd like to turn to the witness. This morning of course we shall be continuing
2 with the testimony of P-0603 and Madam Witness is before us. I'm going to address
3 her now.

4 Good morning, Madam Witness, can you hear me?

5 WITNESS: MLI-OTP-P-0603 (On former oath)

6 (The witness speaks Songhai)

7 (The witness gives evidence via video link)

8 THE WITNESS: [9:36:59](Interpretation) Good morning, I can hear you well.

9 PRESIDING JUDGE MINDUA: [9:37:05](Interpretation) Thank you very much,
10 Madam Witness.

11 On behalf of the Chamber I would like to once again welcome you.

12 Interpretation, please.

13 THE WITNESS: (No interpretation)

14 PRESIDING JUDGE MINDUA: [09:37:29](Interpretation) Madam Witness said
15 something and it wasn't interpreted.

16 THE WITNESS: [9:37:32](Interpretation) Yes, thank you.

17 PRESIDING JUDGE MINDUA: [9:37:35](Interpretation) Madam Witness, I would
18 like to remind you that you are still under oath and that you should speak the truth,
19 the whole truth and nothing but the truth.

20 THE WITNESS: [9:37:58](Interpretation) I shall speak the truth, the whole truth and
21 nothing but the truth.

22 PRESIDING JUDGE MINDUA: [9:38:06](Interpretation) Thank you very much,
23 Madam Witness.

24 I would also like to remind you that you need to express yourself clearly and at
25 a moderate pace, even a slow pace.

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1 THE WITNESS: [9:38:34](Interpretation) Yes, God willing.

2 PRESIDING JUDGE MINDUA: [9:38:38](Interpretation) Please wait a few moments
3 before you answer the questions, and please do not speak at the same time as
4 somebody else.

5 THE WITNESS: [9:38:57](Interpretation) Yes, very well. God willing.

6 PRESIDING JUDGE MINDUA: [9:39:00](Interpretation) Thank you very much,
7 Madam Witness.

8 Now, without any further ado, I'm going to hand over to the OTP for the continuation
9 of the examination-in-chief.

10 Madam Prosecutor, please.

11 QUESTIONED BY MS SCHOETERS: (Continuing)

12 Q. [9:39:16] Good morning, Madam Witness.

13 A. [9:39:25] Good morning.

14 Q. [9:39:27] Did the Islamic marry local women from Timbuktu?

15 A. [9:39:55] I didn't understand. Take women how?

16 Q. [9:40:03] I'll just repeat the question. Did the Islamic get married to women
17 from Timbuktu? To women who were local.

18 A. [9:40:30] Yes, they did marry women.

19 Q. [9:40:37] What do you know about these marriages?

20 A. [9:41:02] Yes, I do know one case -- of one case, [REDACTED]

21 [REDACTED]

22 Q. [9:41:14] Madam Witness, just one moment.

23 Mr Prosecutor, could we -- Mr President, sorry, could we please go into private
24 session for about four minutes, I would say, to preserve the identity of the witness.
25 And also not everyone may be aware of the circumstances of this marriage for this

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- 1 particular girl.
- 2 PRESIDING JUDGE MINDUA: [9:41:46](Interpretation) Granted,
- 3 Madam Prosecutor.
- 4 Mr Courtroom Officer, could we please go into private session.
- 5 (Private session at 9.41 a.m.)
- 6 THE COURT OFFICER: [9:41:57] We're in private session, Mr President.
- 7 PRESIDING JUDGE MINDUA: [9:42:03](Interpretation) Thank you very much,
- 8 Mr Courtroom Officer.
- 9 Madam Prosecutor.
- 10 MS SCHOETERS: [9:42:09]
- 11 Q. [9:42:10] Madam Witness, what's the name of the girl?
- 12 A. [9:42:26] Her name is [REDACTED]
- 13 Q. [9:42:29] And her last name is?
- 14 A. [9:42:46] Yes, I can.
- 15 THE INTERPRETER: [9:42:54] Message from the Songhai booth, Mr President: We
- 16 didn't hear what the witness said.
- 17 PRESIDING JUDGE MINDUA: [9:43:03](Interpretation) Madam Witness, could you
- 18 please repeat what you said.
- 19 THE WITNESS: [9:43:14](Interpretation) Yes, I can repeat.
- 20 MS SCHOETERS: [9:43:18]
- 21 Q. [9:43:19] Madam Witness, could you please give us the last name of [REDACTED]
- 22 A. [9:43:33] [REDACTED]
- 23 Q. [9:43:36] From which neighbourhood was the girl?
- 24 A. [9:43:52] She comes from [REDACTED]
- 25 Q. [9:43:57] To whom did she get married?

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1 A. [9:44:10] To Adama.

2 MS SCHOETERS: [9:44:16] Mr President, I think we can go back into open session.

3 PRESIDING JUDGE MINDUA: [9:44:24](Interpretation) Ms Sutherland, do you
4 want to intervene in private session?

5 MS SUTHERLAND: [9:44:27] Yes, please, Mr President.

6 PRESIDING JUDGE MINDUA: [9:44:31](Interpretation) Please go ahead.

7 MS SUTHERLAND: [9:44:32] Out of fairness to the Defence, we would ask that
8 the Prosecution seek to elicit the name of [REDACTED]

9 Mr President, by way of -- by way of further explanation, in the latterly -- the most
10 recently redacted -- most recent version of the witness's statement which was
11 disclosed to us very recently, the name of [REDACTED] remains redacted, and this
12 impedes the ability of the Defence to investigate properly.

13 PRESIDING JUDGE MINDUA: [9:45:28](Interpretation) Madam Prosecutor, you
14 redacted [REDACTED]

15 MS SCHOETERS: [9:45:33] Mr President, we can ask the name.

16 PRESIDING JUDGE MINDUA: [9:45:43](Interpretation) Very well. Please go
17 ahead.

18 MS SCHOETERS: [9:45:45]

19 Q. [9:45:47] Madam Witness, please give us the name of [REDACTED]
20 [REDACTED]

21 A. [9:46:11] The name of [REDACTED]
22 [REDACTED]

23 PRESIDING JUDGE MINDUA: [9:46:31](Interpretation) Ms Sutherland, is that all
24 right for you?

25 MS SUTHERLAND: [9:46:35] Yes, Mr President. Although I don't understand

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1 what the witness means by [REDACTED]

2 THE INTERPRETER: [9:46:47] Message from the Songhai booth -- message from
3 the Songhai booth: It's an error of interpretation, Mr President.

4 PRESIDING JUDGE MINDUA: [9:46:57](Interpretation) Please go ahead.

5 THE INTERPRETER: [9:46:59] The Songhai booth: The name of [REDACTED]
6 [REDACTED]

7 PRESIDING JUDGE MINDUA: [9:47:14](Interpretation) Very well.

8 Well, subsequently you will have your cross-examination, will you not, Madam
9 Sutherland?

10 Madam Prosecutor, are we going to go back into open session?

11 MS SCHOETERS: [9:47:26] Yes, we can go back into open session.

12 PRESIDING JUDGE MINDUA: [9:47:29](Interpretation) Open session, please,
13 Mr Courtroom Officer.

14 (Open session at 9.47 a.m.)

15 THE COURT OFFICER: [9:47:42] We are back in open session, Mr President.

16 PRESIDING JUDGE MINDUA: [9:47:45](Interpretation) Thank you very much,
17 Mr Courtroom Officer.

18 Madam Prosecutor.

19 MS SCHOETERS: [9:47:50]

20 Q. [9:47:51] Madam Witness, what happened to the girl? And we are now in open
21 session so please don't mention the name.

22 A. [9:48:31] Now she is no longer married to that man. She's married to another.

23 Q. [9:48:38] Can you describe us what happened at the time of the marriage.

24 A. [9:49:04] Well, he married her and then took her away. Nothing further.

25 THE INTERPRETER: [9:49:15] Correction: They took her away.

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1 MS SCHOETERS: [9:49:21]

2 Q. [9:49:22] You say, "they took her away." Was the family in agreement with
3 the marriage, if you know, as far as you know?

4 A. [9:50:02] No, the family was not in agreement. But the marriage was
5 conducted and she was taken away. Nobody could do anything against it. And
6 she was taken away.

7 Q. [9:50:23] How do you know this, Madam Witness?

8 A. [9:50:53] We know this because if it is a marriage that we are informed about,
9 we would all have taken part. But it is only they who did or conducted the marriage
10 and they took her away with their vehicle.

11 Q. [9:51:32] How long did the marriage last?

12 A. [9:52:06] The marriage didn't last long. Because it was just after they got
13 married that the Malian authorities started to come. And when the Malian
14 authorities arrived, he divorced her.

15 Q. [9:52:39] And who is Adama? Can you tell us.

16 A. [9:53:10] It was Adama who was in charge of the Islamic police.

17 Q. [9:53:22] Did you hear about any other local women in Timbuktu who married
18 Islamic or who were taken away by the Islamic to get married?

19 A. [9:54:06] Well, the city is a large place. It might have happened, but I'm not
20 aware. What I am aware of is what happened with us or around us.

21 Q. [9:54:26] How do you know Adama, Madam Witness?

22 A. [9:54:54] [REDACTED]

23 [REDACTED]

24 MS SCHOETERS: [9:55:20] Mr President, could I briefly go into closed session to
25 elicit further details on this?

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- 1 PRESIDING JUDGE MINDUA: [9:55:30](Interpretation) Mr Courtroom Officer,
2 could we please go into private session.
3 (Private session at 9.55 a.m.)
4 THE COURT OFFICER: [9:55:42] We're in private session, Mr President.
5 PRESIDING JUDGE MINDUA: [9:55:48](Interpretation) Thank you very much,
6 Mr Courtroom Officer.
7 Madam Prosecutor.
8 MS SCHOETERS: [9:55:52]
9 Q. [9:55:52] Madam Witness, what happened exactly?
10 A. [9:56:16] Do you mean on the day that I got to know Adama? Is that what you
11 mean?
12 Q. [9:56:22] Yes, that's what I mean. What happened the day that you got to know
13 Adama?
14 A. [9:56:51] (No interpretation) (Overlapping speakers)
15 THE COURT OFFICER: [9:57:36] Your Honour, we -- (Overlapping speakers)
16 THE INTERPRETER: [9:57:38] Message from the Songhai booth --
17 PRESIDING JUDGE MINDUA: [9:57:45](Interpretation) Mr Courtroom Officer,
18 I didn't understand.
19 THE INTERPRETER: [9:57:50] Message from the English booth: The Songhai
20 interpreter was starting to give us a message.
21 PRESIDING JUDGE MINDUA: [9:57:58](Interpretation) Ms Sutherland, one
22 moment, please.
23 THE COURT OFFICER: [9:58:05] We don't have a visual of the Songhai interpreters,
24 but they're back now. Apologies for that.
25 PRESIDING JUDGE MINDUA: [9:58:15](Interpretation) Very well.

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1 Ms Sutherland, the witness answered. I didn't want to intervene.

2 Do you want to take the floor after her answer has been interpreted or before?

3 MS SUTHERLAND: [9:58:29] Mr President, I think it would be prudent to intervene
4 before her answer or any answer is interpreted.

5 PRESIDING JUDGE MINDUA: [9:58:40](Interpretation) Please go ahead. We're all
6 ears.

7 MS SUTHERLAND: [9:58:43] Mr President, the -- the -- again, the passages relating
8 to this incident in the most recently disclosed witness statement remain extremely
9 heavily redacted, so much so that it's impossible for the Defence to determine who is
10 being spoken about, the relationship with the witness. We have been completely
11 prevented from interrogating, investigating or being able to seek any evidence to
12 contradict this point, meaning we are completely unable to cross-examine her on this
13 material.

14 There's no time frame, only a general description of events that
15 the witness -- *the witness did not witness herself, appears to be hearsay.
16 There's insufficient notice given to the Defence and eliciting evidence on this point is
17 therefore, we say, unduly prejudicial and the Prosecution should be prevented from
18 doing so.

19 PRESIDING JUDGE MINDUA: [9:59:48](Interpretation) So the remedy for you
20 would be to not authorise the line of questioning on this subject?

21 MS SUTHERLAND: [9:59:57] That's one remedy. The only other remedy would be
22 to suspend cross-examination until a later date such that we can investigate.

23 PRESIDING JUDGE MINDUA: [10:00:14](Interpretation) Very well. I shall now
24 turn to Madam Prosecutor.

25 What do you think of Ms Sutherland's objection?

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1 MS SCHOETERS: [10:00:26] It was the witness who came up with the first initial
2 question. We just wanted to further -- elicit further information about this. But we
3 can move on, Mr President.

4 It is up to you to decide. We leave it in the hands of the Chamber.

5 PRESIDING JUDGE MINDUA: [10:00:50](Interpretation) The Chamber will confer
6 very briefly.

7 (Trial Chamber confers)

8 PRESIDING JUDGE MINDUA: [10:01:53](Interpretation) Ms Sutherland, as you will
9 have seen, the Chamber has consulted very briefly and is of the opinion that
10 the witness can speak about this issue and you have the time to go back on it during
11 the cross-examination in order to verify the witness statement and testimony.

12 That's the decision of the Chamber, Ms Sutherland. So you have the time to reflect
13 on that.

14 Madam Prosecutor --

15 MS SUTHERLAND: [10:02:25] Sorry, just to ask a point of clarification.

16 PRESIDING JUDGE MINDUA: [10:02:28](Interpretation) Yes.

17 MS SUTHERLAND: [10:02:29] Does that mean that we can defer
18 the cross-examination to Monday, which we'll have enough time to finish on Monday
19 anyway?

20 There's other -- there's no way that we can prepare to cross-examine her without
21 investigating on this point.

22 PRESIDING JUDGE MINDUA: [10:02:51](Interpretation) No, Ms Sutherland, you're
23 not going to delay the entire cross-examination just for this precise question. That's
24 impossible.

25 I can understand that you would delay your questions on this to Monday, but not

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1 the entire cross-examination.

2 Let's please move on. We're wasting time here.

3 Prosecutor, can we go into open session, or what's the situation?

4 MS SCHOETERS: [10:03:27] I think we should briefly remain in private session.

5 And if we could ask the interpreter --

6 PRESIDING JUDGE MINDUA: [10:03:37](Interpretation) Please go ahead. Let's
7 save time.

8 MS SCHOETERS: [10:03:44] If the interpreter, the Songhai interpreter -- or what was
9 interpreted could be interpreted into English or French. Because the witness gave an
10 explanation, but we don't know what she said.

11 THE WITNESS: [10:04:06](Interpretation) [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 MS SCHOETERS: [10:04:45] Mr President, we can go back into open session, please.

23 PRESIDING JUDGE MINDUA: [10:04:53](Interpretation) Very well.

24 Court officer, please take us into open session.

25 (Open session at 10.05 a.m.)

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- 1 THE COURT OFFICER: [10:05:10] We're back in open session, Mr President.
- 2 PRESIDING JUDGE MINDUA: [10:05:14](Interpretation) Thank you very much,
- 3 court officer.
- 4 Court officer.
- 5 MS SCHOETERS: [10:05:22] I would now like to show a picture and I would like to
- 6 call up MLI-OTP-0048-0729. And it is public.
- 7 Q. [10:06:30] Madam Witness, can you see the picture?
- 8 A. [10:06:43] Yes, I can see it.
- 9 Q. [10:06:44] What do you see on this picture?
- 10 A. [10:06:59] I can see the BMS.
- 11 Q. [10:07:04] Could you mark on this picture where Azou was held.
- 12 A. [10:07:31] On this? On this?
- 13 Where there's the sofa, where people are seated.
- 14 MS SCHOETERS: [10:08:20] (Interpretation) Very well. (Speaks English) I'm
- 15 looking at the court officer, if this could be given a registration number.
- 16 Now I would like --
- 17 PRESIDING JUDGE MINDUA: [10:08:38](Interpretation) Court officer -- please wait,
- 18 Madam Prosecutor.
- 19 Court officer.
- 20 THE COURT OFFICER: [10:08:44] Your Honours, the document will be assigned
- 21 reference number MLI-REG-0001-0211.
- 22 PRESIDING JUDGE MINDUA: [10:08:51](Interpretation) Thank you very much,
- 23 court officer.
- 24 Prosecutor.
- 25 MS SCHOETERS: [10:08:55] And now I would like my colleague to show

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1 MLI-OTP-0018-0415. It is confidential. And we will show the image at 00:00:00:21

2 and it will be shown through evidence 2.

3 Q. [10:09:29] Do you see the image, Madam Witness?

4 A. [10:09:41] Yes, I can see it.

5 Q. [10:09:43] What do you see on this picture?

6 A. [10:09:56] The *gouvernorat*.

7 Q. [10:10:00] Now I would like to ask my colleague to play a video,

8 MLI-OTP-0041-0612.

9 (Viewing of the video excerpt)

10 MS SCHOETERS: [10:10:33] Without sound. And we are at timestamp -- it should

11 be timestamp 00:00:07:07.

12 We stopped it actually at timestamp 06:06. And it can be shown through channel 2.

13 Q. [10:11:21] Madam Witness, can you see it, the image?

14 A. [10:11:33] Yes, I can see it.

15 Q. [10:11:37] Where -- who do you see on this image?

16 A. [10:11:56] It's Adama who I can see.

17 Q. [10:12:00] Where exactly is Adama positioned on the image?

18 A. [10:12:25] Adama is on this side, on my left.

19 Q. [10:12:30] And can you describe what he is wearing.

20 A. [10:12:57] He's wearing khaki clothing, as well as a turban around his neck,

21 a scarf around his neck. And his hands are crossed in front of him.

22 Q. [10:13:15] Is he wearing something on the head?

23 A. [10:13:33] No, nothing. He's not wearing a hat or anything else.

24 Q. [10:13:40] Is this the same Adama about whom we talked before?

25 A. [10:13:55] Yes, of course.

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1 Q. [10:13:59] I would now like to show a picture.

2 And I'm turning towards the court officer. It is MLI-OTP-0043-0034. It is
3 confidential.

4 And if the previous -- if channel 2 could be closed because I still see it here on
5 the screen.

6 Madam Witness, did you see the picture?

7 A. [10:15:19] Yes.

8 Q. [10:15:21] Who do you see on the picture?

9 A. [10:15:36] That's Hamed Mossa.

10 Q. [10:15:40] And I would now like to show the next picture.

11 And again, court officer, if you could call MLI-OTP-0022-0480. It is public.

12 And whilst we're waiting for the picture, Madam Witness, I would like just to ask for
13 the -- you recognised, you said, Hamed Mossa. Is it the same Hamed Mossa we
14 were talking about before during your testimony?

15 A. [10:16:40] Of course it's Hamed Mossa. It's the same.

16 Q. [10:16:47] Madam Witness, do you now see the next picture, which is 0022-0480?
17 Can you see it?

18 Who is on this picture?

19 A. [10:17:08] Yes, I can see it. Here it's Talha.

20 Q. [10:17:17] Is it -- again, the same question. Is it the same Talha you were
21 talking about during your testimony?

22 A. [10:17:50] Yes, it's the same Talha.

23 Q. [10:17:52] I turn again towards the court officer for the next picture. It is
24 MLI-OTP-0022-0473. And it is confidential.

25 Can you see the picture, Madam Witness?

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- 1 A. [10:18:47] Yes.
- 2 Q. [10:18:49] Who is it on the picture?
- 3 A. [10:19:02] It's Sanda.
- 4 Q. [10:19:07] Is it the same Sanda you were referring to throughout your
5 testimony?
- 6 A. [10:19:25] It's the same Sanda.
- 7 Q. [10:19:28] I would now like to call, Mr Court officer, MLI-OTP-0059-0391. And
8 if you could please zoom in on the picture on the first page.
- 9 THE COURT OFFICER: [10:19:51] Would counsel kindly confirm whether it's
10 the redacted or unredacted version that should be shown. Thank you.
- 11 MS SCHOETERS: [10:20:02] It should be the redacted version.
- 12 But, Mr Court officer, I think there is only an unredacted version of this. It's public.
13 You can show the unredacted version.
- 14 PRESIDING JUDGE MINDUA: [10:21:13](Interpretation) Ms Sutherland.
- 15 MS SUTHERLAND: [10:21:15] Thank you, Mr President. I'm wondering which
16 version was previously shown to the witness, whether it was the redacted version or
17 the unredacted version.
- 18 MS SCHOETERS: [10:21:25] It was the unredacted version.
- 19 PRESIDING JUDGE MINDUA: [10:21:31](Interpretation) Very well.
- 20 Q. [10:21:51] Madam Witness, do you see the picture?
- 21 A. [10:22:06] Yes.
- 22 Q. [10:22:08] Who is on the picture?
- 23 A. [10:22:19] It's Azou.
- 24 Q. [10:22:22] And is it the same Azou as the Azou you mentioned during your
25 testimony?

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- 1 A. [10:22:41] It's indeed Azou that I see before me.
- 2 Q. [10:22:47] And I turn towards the court officer. I would like now to call
- 3 MLI-OTP-0022-0478. It's confidential.
- 4 Madam Witness, do you see the picture?
- 5 A. [10:23:44] Yes.
- 6 Q. [10:23:47] Who is on the picture?
- 7 A. [10:24:01] It's Azou -- it's -- it's Abou. Abou. Of course it's Abou.
- 8 Q. [10:24:13] Do you know the last name of Abou?
- 9 A. [10:24:27] I don't know.
- 10 Q. [10:24:31] How do you know Abou?
- 11 A. [10:24:58] * [REDACTED]
- 12 [REDACTED]
- 13 [REDACTED]
- 14 Q. [10:25:17] I would now like to ask my colleague to show MLI-OTP-0041-0605.
- 15 It's confidential. And we are going to show it at timestamp --
- 16 THE INTERPRETER: [10:25:37] The interpreter adds that in the previous answer
- 17 the name [REDACTED]
- 18 MS SCHOETERS: [10:25:58] And we are showing the image at the very beginning of
- 19 the video, so at timestamp 00:00:00:00.
- 20 Madam Witness --
- 21 Court officer, if you could use channel 2.
- 22 Q. [10:26:20] Madam Witness, do you see the image?
- 23 A. [10:26:35] Yes.
- 24 Q. [10:26:35] Who do you see?
- 25 A. [10:26:48] The person opposite me, that's Hassan.

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1 Q. [10:26:53] When you say "the person opposite me", which person is it? Where
2 is he sitting?

3 A. [10:27:19] He's on my left-hand side and he is facing me.

4 Q. [10:27:27] Can you describe what he's wearing.

5 A. [10:27:56] He's wearing clothing, a turban. And there's a table in front of him.
6 And there are books, notebooks, on there.

7 Q. [10:28:11] Madam Witness, is this the same person you talked about before
8 during your testimony? Is it the same person you refer to as the police officer?

9 A. [10:28:53] It's him, the same person. Hassan is facing me. The same person.

10 Q. [10:29:03] So it is Hassan the police officer?

11 A. [10:29:20] Yes.

12 Q. [10:29:24] Thank you, Madam Witness.

13 I have no further questions for you.

14 This ends my questioning, Mr President, your Honours.

15 PRESIDING JUDGE MINDUA: [10:29:45](Interpretation) Thank you very much,
16 Madam Prosecutor. The Chamber is grateful that you've kept your word.

17 I now turn to the Legal Representative of Victims. Obviously we've received your
18 submissions, written submissions, and I don't know if you wish to intervene still.

19 MR KASSONGO: [10:30:07](Interpretation) Thank you, your Honour,
20 your Honours.

21 Having heard the examination-in-chief, certainly certain responses to our previous
22 questions have been answered. Nevertheless, we would have certain small
23 questions for additional information from the witness, if that is authorised by
24 the Chamber. Quite simply because the witness has lived and experienced
25 throughout this period, she is a witness who was able to observe a certain number of

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1 aspects, details, which would make it possible to clarify certain concerns and different
2 points. And for that we would ask the Chamber just for a moment in order to
3 question the witness. It wouldn't be very long. And it would not go into too many
4 confidential details.

5 Thank you, your Honour.

6 PRESIDING JUDGE MINDUA: [10:31:28](Interpretation) Thank you very much,
7 Maître Kassongo.

8 I'm going to turn to the Defence now for the ritual question.

9 Ms Sutherland.

10 MS SUTHERLAND: [10:31:37] We have no objection in principle but of course
11 reserve the right to object in the event that the question so warrants it.

12 PRESIDING JUDGE MINDUA: [10:31:52](Interpretation) Yes, indeed,
13 Ms Sutherland.

14 So, Maître Kassongo, it's over to you for the questions on behalf of the Legal
15 Representatives for Victims.

16 MR KASSONGO: [10:32:07](Interpretation) Thank you very much, Mr President,
17 your Honours.

18 I shall now turn to Madam Witness to say good morning to her after our previous
19 meeting.

20 THE WITNESS: [10:32:34](Interpretation) Good morning.

21 QUESTIONED BY MR KASSONGO: (Interpretation)

22 Q. [10:32:36] Madam Witness, please allow me to call you "Madam Witness" and
23 allow me to put questions to you with regard to a number of little details, and please
24 be mindful not to provide any details that might reveal any confidential material to
25 the extent possible.

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1 Madam Witness, could you tell us, in your own words, precisely what the impact of
2 *the occupation was, as you were in a position to see what was going on

3 [REDACTED] What kind of changes did you note on the faces of
4 the members of the population? *And what did they think and say with regard to the
5 occupation?

6 PRESIDING JUDGE MINDUA: [10:35:06](No interpretation)

7 THE WITNESS: [10:35:08](Interpretation) The population suffered to a great extent
8 and their lives changed a great deal. Really, the population suffered greatly. There
9 was nobody to help them and the population suffered greatly. There was no
10 assistance.

11 MR KASSONGO: [10:35:30](Interpretation)

12 Q. [10:35:32] Thank you very much, Madam Witness, for this clarification.

13 I summarise what you said previously. You mentioned persecution on or against
14 members of the population.

15 PRESIDING JUDGE MINDUA: [10:35:57](Interpretation) Ms Sutherland.

16 MS SUTHERLAND: [10:35:59] Mr President, I appreciate Mr Kassongo's efforts and
17 understand why he's inclined to paraphrase, but unfortunately I don't believe that
18 that's an appropriate way to approach this. We will ask for specific references. I
19 also don't remember any use of the word "persecution". So it's improper and highly
20 leading to pursue this line of questioning.

21 Thank you.

22 PRESIDING JUDGE MINDUA: [10:36:31](Interpretation) Maître Kassongo, I do

23 agree with the Defence because "persecution" is, after all, a legal term, and our
24 witness is not equipped for that. And I didn't hear speak of persecution either. So
25 please rephrase.

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1 MR KASSONGO: [10:36:48](Interpretation) Absolutely, Mr President. Thank you.

2 Q. [10:36:58] We are talking about the behaviour with regard to a place or location
3 of prayer. You spoke about prayer being -- or praying being imposed upon
4 the population and a new manner of praying being imposed upon the population.
5 That's what I'm driving at.

6 Could you please tell us whether the civilians would continue to frequent
7 the mausoleums according to the cult or -- of the -- or the adoration of the elders.

8 A. [10:38:47] The mausoleums were destroyed and Maouloud was forbidden. So
9 men used to hide in order to do that.

10 Q. [10:39:19] Thank you very much for that point of clarification, Madam Witness.
11 Now, another concern that I have with regard to some of the trades that were active
12 or conducted in and around the market [REDACTED] you talked about
13 the changes in dress code and the way in which women dressed. We would like to
14 know what the trades of the women craftsmen became. For example,
15 the hairdressers, those women who sold female -- or products for women on
16 the market, what was their situation during the occupation?

17 A. [10:42:12] Really everything today is fine. Everything has got back to normal.
18 And the way I'm dressed today is how we can dress now. So thank goodness,
19 everything has got back to normal.

20 Q. [10:42:33] Thank you, Madam Witness. I won't be too lengthy.

21 Two brief questions: *In your own words, could you please describe to us the impact
22 of this spectacle of public floggings whilst it was unfolding. What impact did it have
23 on the population that was watching the floggings going on?

24 A. [10:43:42] After the flogging --

25 MR KASSONGO: [10:43:49](Interpretation) Mr President, we do not have the feed.

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1 PRESIDING JUDGE MINDUA: [10:43:53](Interpretation) Interpretation, please.

2 *A. [10:43:56] When they flogged people, we suffered, we cried, we were saddened,
3 we screamed, we took upon ourselves especially since we did not know where to go.
4 Furthermore, praise be to Allah, today no one flogs us and we do not flog anyone.
5 Everyone minds his own business

6 MR KASSONGO: [10:44:05](Interpretation)

7 Q. [10:44:06] Thank you very much, Madam Witness.

8 Just one last little question: When the infamous marriage was celebrated, to your
9 knowledge --

10 THE COURT OFFICER: [10:44:18] Your Honours, I do apologise. We have lost
11 connection with the interpreters, the Songhai interpreters.

12 PRESIDING JUDGE MINDUA: [10:44:27](Interpretation) Yes, indeed. Let's be
13 patient for a moment.

14 THE COURT OFFICER: [10:44:40] We have been re-established. Thank you.

15 PRESIDING JUDGE MINDUA: [10:44:46](Interpretation) Thank you very much,
16 Mr Courtroom Officer.

17 Please continue, Maître Kassongo.

18 MR KASSONGO: [10:44:54](Interpretation) Thank you, Mr President. Yes, one last
19 question to the witness on this part.

20 Q. [10:44:59] Madam Witness, could you please tell us whether with regard to this
21 marriage that was celebrated, according to your knowledge, were the groom and his
22 friends armed?

23 You said that they'd left in a vehicle. But during the marriage were they armed?

24 And was a dowry given, to your knowledge?

25 A. [10:46:10] I wouldn't be able to say with regard to the dowry. Well, the men

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1 would carry weapons wherever they went and whatever they did. If they got
2 married, if they moved around, they would carry weapons.

3 Now, as far as the dowry is concerned, I wouldn't be able to say. They got married
4 without inviting anybody.

5 Q. [10:46:40] Thank you very much, Madam Witness. The Legal Representatives
6 for Victims has no further questions for you. Thank you very much. And I wish
7 you all the best for the rest of your testimony.

8 Thank you, Mr President, your Honours. The Legal Representatives have now
9 finished their questioning.

10 PRESIDING JUDGE MINDUA: [10:47:03](Interpretation) Thank you very much,
11 Maître Kassongo, for your questions. You also kept your word in not being over
12 lengthy and we'd like to thank you.

13 So let me now turn to the Defence.

14 We have approximately 15 minutes left before the break.

15 What do you say, Ms Sutherland?

16 MS SUTHERLAND: [10:47:25] Mr President, it might be cleaner and allow us to
17 establish a proper flow of questioning if we were to start in half an hour and allow
18 the witness a break as well.

19 PRESIDING JUDGE MINDUA: [10:47:47](Interpretation) Absolutely, Ms Sutherland.
20 I think that's a wise way of proceeding.

21 As it is 10.46, or 45 if we round it up, we shall reconvene at quarter past 11.

22 Is that all right for you?

23 MS SUTHERLAND: [10:48:06] I'm in your hands, Mr President.

24 PRESIDING JUDGE MINDUA: [10:48:12](Interpretation) Very well.

25 We shall reconvene at 11.15.

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- 1 Court is suspended.
- 2 THE COURT USHER: [10:48:23] All rise.
- 3 (Recess taken at 10.48 a.m.)
- 4 (Upon resuming in open session at 11.19 a.m.)
- 5 THE COURT USHER: [11:19:53] All rise.
- 6 Please be seated.
- 7 PRESIDING JUDGE MINDUA: [11:20:19](Interpretation) Court is in session.
- 8 The Defence has the floor for its cross-examination.
- 9 Madam Witness, can you hear me?
- 10 THE WITNESS: [11:20:42](Interpretation) Yes.
- 11 PRESIDING JUDGE MINDUA: [11:20:44](Interpretation) Very well,
- 12 Madam Witness. Now the evidence is going to put questions -- now the Defence is
- 13 going to put questions to you. Please answer with care, as you have been doing for
- 14 the Office of the Prosecutor.
- 15 Thank you very much.
- 16 Ms Sutherland.
- 17 MS SUTHERLAND: [11:21:21] Mr President, before I address the witness, I do need
- 18 to raise a legal argument.
- 19 PRESIDING JUDGE MINDUA: [11:21:36](Interpretation) Please go ahead,
- 20 Ms Sutherland.
- 21 MS SUTHERLAND: [11:21:39] Mr President, your Honours, Article 67(1), as you are
- 22 fully aware, places upon this Court a strict positive duty to ensure the Defence is
- 23 afforded adequate time and facilities to prepare its defence. This of course includes
- 24 notice of evidence that is to be elicited. Rule 81(2) - forgive me - reads:
- 25 "Where material or information is in the possession or control of the Prosecutor which

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1 must be disclosed in accordance with the Statute, but disclosure may prejudice

2 further or ongoing" --

3 THE INTERPRETER: [11:22:08] Could counsel slow down for the interpreters,

4 please.

5 PRESIDING JUDGE MINDUA: [11:22:14](Interpretation) Ms Sutherland, if you

6 would like to go back to the document which was redacted which we spoke about

7 this morning, the Chamber has already issued its decision. I'd hope that it's not on

8 that point. If it's on that point, I will take the floor from you and we shall continue

9 with the cross-examination.

10 MS SUTHERLAND: [11:22:42] Mr President, in your email on the relevant

11 redactions -- and forgive me.

12 Sorry, what was the date?

13 On 23 June you indicated that we would be able to apply for a postponement, as

14 necessary, where necessary to investigate. The Prosecution in this instance has,

15 despite a detailed request for the lifting of redactions for which they -- to which

16 Mr Duterte responded, saying, and I quote --

17 PRESIDING JUDGE MINDUA: [11:23:20](Interpretation) No, Ms Sutherland. It's

18 not like that that we're going to proceed. On this point the Chamber has already

19 made a decision. So, if that's what you want to speak about, I'm not giving you

20 the floor. Whatever the case, the Prosecution has already said that it was -- that it

21 wouldn't base itself on that evidence. And as the witness has already spoken, we

22 have accepted to listen to the answer, but I don't think that the Prosecution is going to

23 base itself on that. *She is here to testify. And if necessary, she will say so, and we'll

24 come back to it. But for the moment, please continue with

25 the cross-examination.

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1 MS SUTHERLAND: [11:24:03] Mr President, we have, by my calculation and with
2 the assistance of your *greffiers*, we have five hours and 10 minutes remaining to
3 cross-examine. This witness is scheduled to testify on Monday.

4 There's -- the mention of the next witness coming forward is a complete red herring.
5 I'm happy to continue this afternoon, but we will be exercising our right to continue
6 on Monday.

7 PRESIDING JUDGE MINDUA: [11:24:44](Interpretation) Ms Sutherland, I don't see
8 what the problem is.

9 The Office of the Prosecutor has said that the next witness can come from Monday.
10 But the Chamber never said that you were banned from continuing with your
11 cross-examination on Monday. But I would just like to say, as by way of advice, if
12 the Chamber says that the Defence has the same amount of time as the Office of the
13 Prosecutor - for example, if the Prosecutor has five hours and the Defence has five
14 hours as well for the cross-examination, or inversely - that doesn't mean that
15 necessarily the cross-examination must take five hours. It could be the case that
16 the Defence or the Office of the Prosecutor or whoever is carrying out
17 the cross-examination could say, I've got no questions. Or they could take less time
18 than it was for the examination-in-chief. It's not fixed. That's just from my
19 experience. It's up to you to heed my advice or not.

20 So please carry out the cross-examination, if you would be so kind.

21 MS SUTHERLAND: [11:26:02] Mr President, I fully appreciate that I'm not obliged
22 to use five minutes and 10 minutes -- five hours and 10 minutes. It is, however,
23 given that we've had the recent disclosure of identities of family members, the nature
24 of relationships, all of which is brand new evidence, it is all material that we have to
25 investigate. We're going to have to try and do that over the course of the weekend.

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1 It just so happens that this -- this witness is scheduled over the course of a weekend.

2 To have to start my cross-examination at all in such circumstances is extremely
3 problematic. I will do so, but I will have to ask, I suspect, to suspend the hearings
4 relatively early today so that we can get on with our investigations and finish on
5 Monday.

6 The safeguard is that we are allowed to investigate. If we -- if we flagrantly
7 disregard the rules, that are in place for a very good reason, and the safeguards that
8 lie within them, which, unfortunately, I believe happens fairly frequently, then -- then
9 that's a -- then that's grounds for a very serious unfairness to the Defence and
10 consistent prejudice.

11 PRESIDING JUDGE MINDUA: [11:27:20](Interpretation) Ms Sutherland, I hope that
12 it's an error of interpreting, because what I heard was that you said that the rights of
13 the Defence had -- had been abused quite frequently. Or that -- you can't say that to
14 this Chamber, to this Chamber which I'm presiding over, because I'm very -- I'm very
15 mindful in this regard. So when it comes to other chambers, a lot of people don't do
16 what I'm doing. So when it comes to the rights of the Defence, they are never
17 jeopardised within this Chamber, and I hope that this is an error of interpretation.

18 So I now turn towards the Office of the Prosecutor. You heard that all this problem
19 is because of the redactions that were made, and I hope that -- and Madam Prosecutor
20 said that she could go without this evidence.

21 So if it's on the base of that, Ms Sutherland, that you're asking for a delay or
22 the suspension of the hearing before time, then I would have to have precision from
23 the Office of the Prosecutor.

24 Do you intend to base yourself on this item of evidence?

25 MR DUTERTRE: [11:28:38](Interpretation) No, we aren't going to do so. The witness

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1 came up with this story here. *We are here to hear the witness. We didn't intend to
2 rely on it specifically, so we will not retain it in our evidence, and the future will show
3 that. There is no problem here and the rights of the Defence are respected.
4 Nevertheless, we shall send a less redacted version of the statement to the Defence to
5 avail them of that.

6 PRESIDING JUDGE MINDUA: [11:29:12](Interpretation) Very well, Ms Sutherland.
7 I think that this is done and this case has been resolved.

8 MS SUTHERLAND: [11:29:21] Thank you, Mr President.

9 PRESIDING JUDGE MINDUA: [11:29:26](Interpretation) I would like to say, above
10 all, that there is no need to suspend the hearing because of that, because that is now
11 resolved. Very well.

12 Please could you start with your cross-examination.

13 THE COURT OFFICER: [11:29:44] Your Honours, I'm sorry to interrupt, but we
14 have lost the English transcript and it is being looked into at this moment. Thank
15 you.

16 PRESIDING JUDGE MINDUA: [11:32:04](Interpretation) Ms Sutherland, we don't
17 have a transcript in English. Do you mind starting with the French transcript?

18 MS SUTHERLAND: [11:32:05] I don't have a problem starting with the French
19 transcript, apart from, with the new system, I can't actually see the French transcript,
20 so -- it's very far away.

21 PRESIDING JUDGE MINDUA: [11:32:06](Interpretation) I very much appreciate
22 your cooperation, Ms Sutherland. But I know that your colleague follows French
23 very well and she's able to help us.

24 THE COURT OFFICER: [11:32:07] Your Honours, it appears that the English
25 transcript is back. Thank you.

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1 PRESIDING JUDGE MINDUA: [11:32:08](Interpretation) Very well, court officer.

2 Thank you.

3 Ms Sutherland, please let's, let's save time here. Thank you.

4 QUESTIONED BY MS SUTHERLAND:

5 Q. [11:32:08] Madam Witness, are you able to see me clearly?

6 A. [11:32:09] Yes, of course.

7 Q. [11:32:09] You may remember that we met a couple of days ago and I explained
8 to you that it would be very difficult for me to look you in the eye, as it were. I mean
9 no disrespect. I am in fact watching you on my screen here. And, as I said before,
10 if anything I say to you is unclear or you are uncomfortable, please let me know
11 immediately.

12 A. [11:32:36] Very well.

13 Q. [11:32:39] Witness, please forgive me. I'm currently trying to --

14 A. [11:32:42] Please God.

15 Q. [11:32:45] -- currently trying to connect to the transcript because, as you may
16 have heard, we've had some difficulty.

17 Madam Witness, the Defence has the right, as well as the obligation, to conduct
18 investigations during the trial as we go along, and as a result I'd like to ask you some
19 more general questions about Timbuktu at the relevant time and subsequently.

20 Madam Witness, do you understand?

21 A. [11:34:27] Yes, I understand.

22 Q. [11:34:30] And I'll also remind you that today, as the Presiding Judge has
23 already reminded you, you remain under oath, even when we are questioning you.

24 I --

25 A. [11:34:53] Very well.

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1 Q. [11:35:07] I too am bound by the desire and rules to protect your identity and
2 will ask to go into private session where necessary. In the event that you would like
3 to disclose any information that may disclose your identity, please be mindful. If
4 we're in private session, then you're free to answer fully.

5 A. [11:36:01] Very well.

6 Q. [11:36:04] Madam Witness, at the moment we are in open session. So please be
7 cautious.

8 A. [11:36:26] Very well. May it please God.

9 Q. [11:36:30] Madam Witness, I understand that in Timbuktu organisations known
10 as tontines exist. Do you know anything about a tontine?

11 A. [11:37:10] Yes.

12 Q. [11:37:11] Just one or several?

13 A. [11:37:35] The tontine I'm in, that's the one I'm aware of, but there a lot of other
14 tontines. But I'm in -- I'm aware of it because I'm in one.

15 Q. [11:37:45] Madam Witness, the other tontines, are you able to describe those to
16 us, please?

17 A. [11:38:37] No, I don't know that because I don't know about the ones I'm not in.
18 I'm only aware of what is the situation in the tontine that I'm in.

19 Q. [11:38:54] Is the tontine that you're a member of -- how long have you been
20 a member of that?

21 A. [11:39:26] Since I was a child until you become a grandparent, but that's a long
22 time.

23 Q. [11:39:38] Does the tontine that you're a member of contain both men and
24 women, or is it women only?

25 A. [11:40:12] Previously, there were men and women. Now there are only women.

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1 *But once men and women were separated from one another, we were organizing
2 marriages and circumcisions amongst ourselves.

3 PRESIDING JUDGE MINDUA: [11:43:01](Interpretation) Ms Sutherland, obviously
4 the Chamber doesn't want to get involved in your cross-examination, but to this point,
5 we don't see exactly where you want to go with this.
6 What is the relevance of this line of questioning?

7 MS SUTHERLAND: [11:43:03] Mr President, as you know, the Defence is extremely
8 interested in the nature of various organisations that were operating in Timbuktu in
9 previous years and today. And tontine, I understand, is a word or -- that's used not
10 just for what we classically understand to be a tontine but also for women's groups
11 and other forms of organisations. So I will be seeking to elicit details about
12 the nature of the witness's relationships in that regard. I don't wish to labour
13 the point. I don't *anticipate this will take too long. But I would like to hear what
14 the witness has to say, especially in light of the various revelations we've had today
15 about her relationships.

16 PRESIDING JUDGE MINDUA: [11:43:08](Interpretation) Please go ahead, but
17 please doesn't spend too much time on that.

18 MS SUTHERLAND: [11:43:08] Mr President, I have no transcription, either in
19 English or French.

20 PRESIDING JUDGE MINDUA: [11:43:09](Interpretation) You're right,
21 Ms Sutherland. There's a problem.
22 Court officer.

23 THE COURT OFFICER: [11:43:09] Yes. The technicians are aware of it and they are
24 looking to resolve it. Thank you.

25 PRESIDING JUDGE MINDUA: [11:43:09](Interpretation) So let's wait a moment.

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1 THE COURT OFFICER: [11:43:25] Your Honours, the English transcript is working
2 now. Thank you.

3 PRESIDING JUDGE MINDUA: [11:43:32](Interpretation) Very well. We're going
4 to work with the English transcript for the moment. Please continue, Ms Sutherland.

5 MS SUTHERLAND: [11:43:39] Mr President, if you just give me a moment because
6 mine has frozen, so I have to just reconnect. My apologies.

7 Q. [11:44:32] Madam Witness, you just told me - and I apologise for the delay - that
8 these tontines for men and women are in solidarity with each other when, for
9 example, there is a marriage. Could you explain that a little bit, more, please.

10 A. [11:45:37] *We help one another, we pay our contributions, we spend our days
11 with one another, we do everything together until the celebration of the marriage
12 comes to an end, and then everyone goes back to his own business.

13 Q. [11:46:00] Are you saying it's a friendship circle or something more formal?

14 A. [11:46:42] *Yes. This is something that happens inside the groups. It's something
15 that we write and we do amongst friends. And any person who comes to your home
16 and takes part, the day that it is his turn, you go to his home and you take part. And
17 when it's your turn to undertake a similar activity, then others will do the same for
18 you.

19 Q. [11:47:03] Do I understand that this is a group that you turn to for exceptional
20 expenses?

21 May we have interpretation, please.

22 A. [11:47:56] Yes, it's every time that you have an event or something like that, then
23 your friends come to your aid because -- because you have hosted people.

24 Q. [11:48:25] Is this a group with whom you share news and gossip?

25 A. [11:49:03] It's a group where we share advice, and we also help each other out,

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1 and we help each other accomplish tasks.

2 Q. [11:49:21] Madam Witness, I'm very interested in the type of help and the tasks
3 to which you refer. So could you please explain more.

4 A. [11:50:31] Yes, the assistance can be the handing over money when there's an
5 event, or we can help each other physically when there's an event. Or if there's 20 of
6 us, then 20 of us can stump up or chip in the sum of 20,000 francs that can assist that
7 person greatly.

8 Q. [11:51:01] Madam Witness, how many people are in your tontine currently?

9 A. [11:51:37] When we were younger, there were about 50 of us. But since then
10 some of us have travelled or married, gone to Bamako, Côte d'Ivoire. But we are
11 about 20 now. But others can see our group and want to join it. That's a possibility.

12 Q. [11:52:09] So it's a public -- a public group, in a sense.

13 A. [11:52:28] Yes.

14 MS SUTHERLAND: [11:52:31] Mr President, I would like to seek to elicit some
15 identities of people related to the tontine for which I believe it would be prudent to go
16 into -- ask to go into private session.

17 PRESIDING JUDGE MINDUA: [11:52:48](Interpretation) Yes, Ms Sutherland, we
18 shall indeed move into private session.

19 But, see, I did ask you the question as to the relevance of this line of questioning. For
20 the past 30 minutes we've been on the subject of the tontine. You have not yet
21 broached the substance of *the testimony of the witness and
22 then you're going to *be claiming the full number of hours for your -- for your
23 cross-examination. So try to use your time in a ... well, astutely. You know, another
24 judge would quite simply say, move on to another subject. Do you see what I'm
25 saying here?

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1 So private session, please, Mr Courtroom Officer.

2 (Private session at 11.53 a.m.)

3 THE COURT OFFICER: [11:53:53] We're in private session, Mr President.

4 PRESIDING JUDGE MINDUA: [11:53:58](Interpretation) Thank you very much,
5 Mr Courtroom Officer.

6 Ms Sutherland.

7 MS SUTHERLAND: [11:54:03]

8 Q. [11:54:03] Madam Witness, are you able to identify whether your tontine has
9 a leader?

10 A. [11:54:41] *All the members of our tontine are leaders, because we are all adult
11 women. We have not chosen someone to be the leader. Every time we want to talk
12 about something, we meet and we talk about it, and right away we come to an
13 agreement. We do not have a leader. We are all equal.

14 Q. [11:55:03] Madam Witness, can you please identify members of the tontine for
15 the benefit of the Court, please.

16 A. [11:55:29] Do you want me to give you everyone's name?

17 Q. [11:55:35] If you can do so swiftly, that would be greatly appreciated.

18 PRESIDING JUDGE MINDUA: [11:55:42](Interpretation) One minute,
19 Ms Sutherland. The Chamber will confer.

20 (Trial Chamber confers)

21 PRESIDING JUDGE MINDUA: [11:57:10](Interpretation) Ms Sutherland,
22 the Chamber has conferred. Now, you see, we find your line of questioning rather
23 disturbing. The decision or ruling is such:
24 The Chamber does not desire to know the names of the members of the tontine. So
25 you can put one large -- last question to the witness as to the relevance of this line of

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1 questioning, and then we'll move on to something else.

2 That is the decision reached by the Chamber. We don't need any of the names.

3 And you can put one last question to the witness on the relevance of this line of
4 questioning and then we'll move on.

5 MS SUTHERLAND: [11:58:04]

6 Q. [11:58:04] Madam Witness, can you tell us, without telling us the names --

7 Actually, Mr President, in that case, we can return to public session. Forgive me.

8 PRESIDING JUDGE MINDUA: [11:58:13] (Overlapping speakers)

9 MS SUTHERLAND: [11:58:13] Forgive me. Out of -- out of an abundance of
10 caution, perhaps best just for this one question to remain in private session.

11 PRESIDING JUDGE MINDUA: [11:58:27](Interpretation) Please go ahead,
12 Ms Sutherland.

13 MS SUTHERLAND: [11:58:30]

14 Q. [11:58:31] Madam Witness, can you tell us whether you worked together and
15 what type of work the people in your tontine do. Are they 

16 

17 A. [11:59:25] Each person has their own trade where they earn a living.

18 PRESIDING JUDGE MINDUA: [11:59:31](Interpretation) There we go. That's fine.

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

20 (Open session at 11.59 a.m.)

21 THE COURT OFFICER: [11:59:46] We're back in open session, Mr President.

22 PRESIDING JUDGE MINDUA: [11:59:52](Interpretation) Thank you very much,
23 Mr Courtroom Officer.

24 Ms Sutherland, please.

25 MS SUTHERLAND: [11:59:56]

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1 Q. [11:59:58] Madam Witness, do you remember speaking to different people about
2 your experiences in 2012?

3 A. [12:00:34] We didn't have anyone to tell that to.

4 Q. [12:00:41] What about after the French arrived?

5 A. [12:01:06] We didn't see anyone, nobody.

6 Q. [12:01:12] Madam Witness, we know that you spoke to members of
7 the Prosecution, for example. Did you speak to other people about the events
8 of 2012?

9 A. [12:01:55] Well, that's what I was saying. I didn't say anything to anyone.
10 Nobody asked me any questions. And that's something I don't talk about.

11 Q. [12:02:09] Madam Witness, if I could ask you to turn to Prosecution tab 1.
12 That's MLI-OTP-0059-0361-R04 at page 0364.

13 Madam Witness, I'm not asking you to read anything. This is in French.

14 Madam Witness, this is the statement that you gave to the Prosecution and was
15 discussed with you a few days ago. Do you remember?

16 A. [12:03:43] Yes.

17 Q. [12:03:47] I will read to you paragraph 19, which says: (Interpretation) "Just
18 *after the crisis, a white man, accompanied by a Songhai-speaking guide, came to
19 the market and put questions to us on the misunderstandings that had occurred with
20 the Islamists during the crisis. I do not know who he was working for. They put
21 questions. They said that they would return but we never saw them again."

22 A. [12:05:13] We didn't see them.

23 Q. [12:05:18] Madam Witness, you -- do you remember this being read back to you
24 by the Prosecution in 2018?

25 A. [12:05:52] Yes, indeed.

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1 Q. [12:05:54] And you agreed that it was correct?

2 A. [12:06:20] You mean the people came to ask me that we hadn't seen each other?

3 THE INTERPRETER: [12:06:32] Unclear: From the Songhai interpreter.

4 MS SUTHERLAND: [12:06:39]

5 Q. [12:06:39] I'm asking if you remember that, just after the crisis, a white person
6 with a guide who spoke Songhai came to the market to ask questions -- ask you
7 questions.

8 A. [12:07:17] Yes.

9 Q. [12:07:20] Does this help refresh your memory, Madam Witness?

10 A. [12:07:36] Yes, it has somewhat refreshed my memory.

11 Q. [12:07:42] Can you tell us what you remember about this person?

12 A. [12:08:16] All that I can say in this regard is that the city is quite normal today
13 and everything's back as it should be.

14 Q. [12:08:30] That's very nice, Madam Witness. I'm asking about immediately
15 after the crisis. Do you know, for example, whether this man -- or if it was a man, if
16 this person worked for a government or a civil society organisation, for a radio station,
17 for a newspaper?

18 What can you tell us about that?

19 A. [12:09:26] I can't tell you that. But what I do remember is that he said he would
20 come back. But as to where he worked, we don't know. We didn't see him again.

21 Q. [12:09:42] How did he find you?

22 A. [12:10:47] *He came up to us [REDACTED] When they
23 arrived, they had devices around their necks. Then their guide said to him, "Look,
24 those people are here. [REDACTED] He told us that they would come to
25 see us and ask us questions. He said to us, "can they ask you some questions?" We

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1 said to him: where we are now, we do not have time for questions, especially since we
2 are trying [REDACTED] He told us that he would go, but he would come back
3 to see us again and talk to us. He did not come back, and we did not ask about him
4 either. And that was the end of the exchange."

5 And he said, "Oh, all right then, I'll go away and I'll come back again." But he never
6 came back again. That's how things happened.

7 THE INTERPRETER: [12:11:35] Message from the courtroom officer in the field.

8 PRESIDING JUDGE MINDUA: [12:11:42](Interpretation) Yes, Mr Courtroom
9 Officer.

10 THE COURT OFFICER: [12:11:42](Via video link)(Interpretation) The witness is
11 asking for a break of a few minutes.

12 PRESIDING JUDGE MINDUA: [12:11:45](Interpretation) Yes, absolutely. She may
13 leave the room for a few moments.

14 Did you hear, Ms Sutherland, that the witness would like a break?

15 MS SUTHERLAND: [12:11:59] Indeed, Mr President. I was about to ask for
16 the same. She clearly looks fatigued.

17 PRESIDING JUDGE MINDUA: [12:12:16](Interpretation) Mr Courtroom Officer in
18 the field, the witness can leave the room for a few moments.

19 THE COURT OFFICER: [12:12:24](Via video link)(Interpretation) She just needs five
20 minutes.

21 PRESIDING JUDGE MINDUA: [12:12:29](Interpretation) Very well. Five minutes.
22 Thanks.

23 (The witness exits the video-link room)

24 (Pause in the proceedings)

25 PRESIDING JUDGE MINDUA: [12:13:11](Interpretation) Yes, Ms Taylor, I was

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1 getting a little worried because I couldn't see you anymore. Is everything all right?

2 Very well. Good.

3 (Pause in proceedings)

4 PRESIDING JUDGE MINDUA: [12:20:04](Interpretation) Court officer in the field,
5 can you hear me?

6 THE COURT OFFICER: [12:20:10](Via video link)(Interpretation) Yes, your Honour,
7 I can hear you.

8 PRESIDING JUDGE MINDUA: [12:20:14](Interpretation) Well, is the witness well?

9 THE COURT OFFICER: [12:20:20](Via video link)(Interpretation) She is well, but
10 she's tired.

11 Your Honour.

12 PRESIDING JUDGE MINDUA: [12:20:53](Interpretation) Yes, court officer.

13 THE COURT OFFICER: [12:20:55](Via video link)(Interpretation) The witness is
14 showing signs of fatigue.

15 PRESIDING JUDGE MINDUA: [12:20:59](Interpretation) Do you know
16 approximately in how much time she'll be able to come back? Could you put
17 the question to her.

18 THE COURT OFFICER: [12:21:06](Via video link)(Interpretation) Yes, I can consult
19 her.

20 PRESIDING JUDGE MINDUA: [12:21:15](Interpretation) Thank you.

21 (Pause in proceedings)

22 (The witness enters the video-link room)

23 THE COURT OFFICER: [12:22:31](Via video link)(Interpretation) Your Honour.

24 PRESIDING JUDGE MINDUA: [12:22:34](Interpretation) Yes, court officer. I can
25 see --

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1 THE COURT OFFICER: [12:22:35](Via video link)(Interpretation) The witness is
2 ready to continue.

3 PRESIDING JUDGE MINDUA: [12:22:41](Interpretation) Very well.
4 Witness, are you well?

5 THE WITNESS: (No Interpretation)

6 PRESIDING JUDGE MINDUA: [12:22:48](Interpretation) Very well, we shall
7 continue.

8 If you feel tired, just let me know, please.

9 Interpreting. Could we have the interpretation.

10 THE WITNESS: [12:23:10](Interpretation) Okay.

11 PRESIDING JUDGE MINDUA: [12:23:13](Interpretation) Ms Sutherland.

12 MS SUTHERLAND: [12:23:18]

13 Q. [12:23:19] Madam Witness, before your break you described to us a man who
14 came to the market with a guide and who asked you if you were willing to talk to him,
15 and you said, "Well, where we are, we can't tell you anything." And he said, "All
16 right then, I'll go away and I'll come back again."
17 Can you remember anything about the guide?

18 A. [12:24:44] *We did not know any of them. We did not know them. We did not
19 see them again, and we did not ask about them either.

20 Q. [12:24:52] How did he know you, do you know?

21 A. [12:25:15] *They knew me because they would often go to the market where we
22 were seated. That is how they knew me.

23 Q. [12:25:29] Madam Witness, do you remember talking to anybody
24 about -- anybody else about what happened and giving substantive information?

25 A. [12:26:17] I didn't speak to any other person, and I didn't speak to anybody else

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1 about it. When the town became stable -- after the town had become stable, I didn't
2 speak about that with anybody else at all.

3 Q. [12:26:41] Madam Witness, can I read you another paragraph from the same
4 statement that you previously gave to the Prosecution.

5 And the reference is OTP tab 1, MLI-OTP-0059-0361-R04, this time at page 0386, and
6 the paragraph number is 102. It's a -- it's a very long paragraph, going over several
7 pages, but I'm at the passage referring specifically to the article published by
8 the Financial Times.

9 THE COURT OFFICER: [12:28:15] My apologies. Would counsel kindly repeat
10 the reference or confirm what the reference is. Thank you.

11 MS SUTHERLAND: [12:28:23] I've been corrected. It's, in fact, paragraph 103, and
12 the page number is -- well, the full reference is MLI-OTP-0059-0361-R04 at page 0386.
13 Although the paragraph begins a few pages before.

14 MR DUTERTRE: [12:29:03](Interpretation) I'm just wondering to what extent
15 Ms Sutherland should reflect on going into private session in order to do this. I
16 shan't say any more in this regard.

17 PRESIDING JUDGE MINDUA: [12:29:19](Interpretation) Yes, that would be
18 prudent, Ms Sutherland.

19 Court officer, please take us into private session.

20 (Private session at 12.29 p.m.)

21 THE COURT OFFICER: [12:29:32] We're in private session, Mr President.

22 PRESIDING JUDGE MINDUA: [12:29:38](Interpretation) Thank you very much.
23 Ms Sutherland.

24 MS SUTHERLAND: [12:29:47]

25 Q. [12:29:49] Thank you, Madam Witness. I will read this in English, simply

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1 because my French pronunciation is so poor.

2 I'm sure I'll be corrected if anything is inaccurate.

3 It reads: "The investigators told me they were going to show me [REDACTED]
4 [REDACTED]" which we will pull up, please, which is
5 contained at Defence tab 8.

6 THE COURT OFFICER: [12:30:55] My apologies to counsel. Would you kindly
7 confirm which document you wish to have displayed to the witness. Thank you.

8 MS SUTHERLAND: [12:31:03] My apologies. It's [REDACTED] and that's at
9 Defence tab 8.

10 We're happy to do it, Mr *Greffier*.

11 THE COURT OFFICER: [12:31:31] The document is currently being displayed on
12 evidence 1. Thank you.

13 MS SUTHERLAND: [12:31:42]

14 Q. [12:31:43] Madam Witness, I'm going to ask that this is scrolled down.

15 Further, please, to about [REDACTED] And that's perfect. Thank you.

16 Madam Witness, you told the Prosecutor -- does this refresh your memory? Do you
17 remember being shown this?

18 A. [12:32:53] Yes.

19 Q. [12:32:56] [REDACTED]

20 A. [12:33:14] Yes, of course.

21 Q. [12:33:18] For the benefit of the Court, can you tell us who that is, please.

22 THE INTERPRETER: [12:33:37] Message from the Songhai booth: Your Honour,
23 the words of the witness weren't well understood. They weren't well heard.

24 MS SUTHERLAND: [12:33:48]

25 Q. [12:33:49] Madam Witness, could you please repeat your answer. I'm afraid we

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1 didn't hear it clearly.

2 A. [12:34:10] [REDACTED]

3 Q. [12:34:24] Do you remember speaking to somebody who - [REDACTED]

4 [REDACTED] ?

5 A. [12:35:01] [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 Q. [12:35:16] I'm sorry, I don't understand. [REDACTED] do you mean
9 the day that we were talking about in relation to the -- the last passage I read to you?

10 A. [12:36:07] No. What I was saying is that [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 Q. [12:36:25] [REDACTED]

14 [REDACTED]

15 A. [12:36:55] I can see --

16 PRESIDING JUDGE MINDUA: [12:37:07](Interpretation) Interpretation, please, in
17 French.

18 THE INTERPRETER: [12:37:11] Asks the Presiding Judge.

19 THE WITNESS: [12:37:13](Interpretation) [REDACTED]

20 [REDACTED]

21 MS SUTHERLAND: [12:37:20]

22 Q. [12:37:21] Madam Witness, you previously said to the Prosecution that [REDACTED]

23 [REDACTED] And it continues:

24 [REDACTED]

25 [REDACTED]

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1 [REDACTED]
2 [REDACTED] As I said, a white man
3 and their guide who spoke Songhai approached us and we spoke with them but
4 without going into much detail. They had been -- they were told that the Islamists
5 were beating people and that we were trying to stop it. [REDACTED]

6 [REDACTED]
7 [REDACTED]
8 A. [12:39:58] (No interpretation)
9 MR DUTERTRE: [12:39:59](Interpretation) Your Honour, just a procedural remark.
10 First of all, there has to be an indication of exactly where that is read, a reference and
11 ERN number or paragraph. But I can already say that it's *0059-0386.
12 Furthermore, it's read not completely. There are elements from the sentence that are
13 missing and I think that Ms Sutherland should read it from French or give
14 the paragraph to a francophone within the team so it can be read completely so it
15 corresponds with the Chamber's instructions with regards to the conduct of
16 proceedings. And it should be complete and fair for the witness, who needs to be
17 able to see all of what this witness is being questioned about.

18 Thank you very much.

19 PRESIDING JUDGE MINDUA: [12:41:01](Interpretation) Thank you very much.
20 You speak about the French text, but we've got the article in English.
21 Is there a French text you're talking about?

22 MR DUTERTRE: [12:41:09](Interpretation) It's precisely the ambiguity, what Madam
23 Sutherland is reading from English. So I don't have the translation of it. It must
24 have been a translation made by the Defence. It comes from the statement
25 *0059-0361. It should be clear for everyone, for the transcript, for the witness herself.

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1 And it should be read completely, by way of fairness to the witness, if you look at
2 *paragraph 52 of the Conduct of the Proceedings.

3 PRESIDING JUDGE MINDUA: [12:41:36](Interpretation) Ms Sutherland.

4 MS SUTHERLAND: [12:41:37] I've given the reference I think three times now, and
5 I've read the paragraph, as I understand it, in its entirety. We can, of course, have it
6 read in French by my colleague.

7 Once again, the reference, for the complete avoidance of any possible remaining
8 doubt, is OTP tab 1, MLI-OTP-0059-0361-R04, and the page number is 0386, even
9 though the paragraph is extremely long, and the paragraph number is 103.

10 THE INTERPRETER: [12:42:17] The English interpreter would like to make
11 a correction to line 51, 18 -- page 51, 18 -- line 18 of the transcript: [REDACTED]

12 [REDACTED]
13 PRESIDING JUDGE MINDUA: [12:42:34](Interpretation) Very well.

14 Are you going to read it in French?

15 MS SUTHERLAND: [12:42:39] Ms Marinier-Doucet will read it in French.

16 PRESIDING JUDGE MINDUA: [12:42:49](Interpretation) Very well, Counsel.

17 MS MARINIER-DOUCET: [12:42:52](Interpretation) "The investigators indicated to
18 me that they were going to show me [REDACTED]

19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED] As I had said,
25 a white person and their guide who spoke Songhai approached us and we spoke with

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1 them but without going into a lot of detail. We told them that the Islamists were
2 beating people and that we were trying to stop all that [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 PRESIDING JUDGE MINDUA: [12:45:16](Interpretation) Ms Sutherland.

6 MS SUTHERLAND: [12:45:24]

7 Q. [12:45:25] Madam Witness, do you remember this occurring soon after
8 the French arrived?

9 A. [12:45:56] What do you mean by after the arrival of the French?

10 Q. [12:46:00] I mean after the end of the crisis, Madam Witness.

11 Or was it later?

12 A. [12:46:36] It was when those people left entirely. It was when they started to
13 leave. That's when those people came to see us.

14 Q. [12:46:56] And do you remember what you told them?

15 A. [12:47:14] Memories of what?

16 Q. [12:47:20] I apologise for my ambiguity, Madam Witness. I'm asking do you
17 remember -- if you're able to remember the information that you did give to these
18 people.

19 A. [12:48:02] Are you talking about your people or other people? I don't
20 remember talking to anybody else --

21 THE INTERPRETER: [12:48:14] Overlapping speakers.

22 THE WITNESS: [12:48:16] -- apart from your people.

23 PRESIDING JUDGE MINDUA: [12:48:18](Interpretation) Ms Sutherland, I do
24 believe that the witness has answered this question sufficiently, don't you think?

25 (Counsel confer)

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1 MS SUTHERLAND: [12:48:35] Mr President, I'll -- I'll lead the witness more so that
2 we can avoid wasting time.

3 PRESIDING JUDGE MINDUA: [12:48:56](Interpretation) Please go ahead.

4 MS SUTHERLAND: [12:48:58]

5 Q. [12:48:59] Madam Witness, it's correct, is it not, that you told this -- these people,
6 or people like them, [REDACTED]
7 [REDACTED] is that correct?

8 A. [12:50:06] It was not me alone who made that suggestion. It was in common
9 agreement [REDACTED] We agreed on this. We agreed on
10 [REDACTED]

11 Q. [12:50:29] Madam Witness, it's correct, isn't it, that you gave [REDACTED]
12 [REDACTED] Yes or no?

13 A. [12:51:10] It is true, because [REDACTED]
14 [REDACTED]
15 [REDACTED]

16 Q. [12:51:25] Thank you.

17 MS SCHOETERS: [12:51:42] Mr President.

18 PRESIDING JUDGE MINDUA: [12:51:40](Interpretation) Madam Prosecutor.

19 MS SCHOETERS: [12:51:42] I think we need to be -- or it would be recommendable
20 that the Defence is a bit more clear in the way the questions are formulated. It
21 should be told to the witness who the Defence is referring to when the question is put
22 to the witness.

23 The Defence said, and I'm quoting page 56, lines 23 to 25: "Madam Witness, it's correct,
24 isn't it, that you gave the name Mossa and Sanda but not the name Hassan? Yes or
25 no?"

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1 To whom would the witness have given these names? The witness needs to be put
2 in context and the witness should be afforded the opportunity to understand
3 the question.

4 I think it's better [REDACTED]

5 [REDACTED]

6 [REDACTED] The witness must have -- must understand the question.

7 MS SUTHERLAND: [12:53:06] Mr President, I think it's --

8 PRESIDING JUDGE MINDUA: [12:53:10](Interpretation) Yes, Ms Sutherland.

9 MS SUTHERLAND: [12:53:11] Thank you, Mr President. I believe it's clear that
10 the witness fully understands. She gave -- gave a very complete answer. There's
11 absolutely no need to confuse matters [REDACTED]

12 [REDACTED]

13 She's been offered an opportunity to contradict what we assert and she's, in fact,
14 confirmed it. There is absolutely no ambiguity remaining.

15 PRESIDING JUDGE MINDUA: [12:53:45](Interpretation) Ms Sutherland, I don't
16 know whether the witness fully understood. We can check.

17 I can see that Madam Prosecutor is still on her feet.

18 MS SCHOETERS: [12:54:03] I would just like to remind the Defence of the
19 assessment that was given of this witness, and it would only be fair to her that she is
20 given the complete context and that the paragraph is read to her.

21 MS SUTHERLAND: [12:54:21] It's the --

22 MS SCHOETERS: [12:54:23] And I'm also referring again to paragraph 52 of the
23 (Microphone not activated).

24 MS SUTHERLAND: [12:54:39] Mr President, I've actually lost sound. So I've lost
25 interpretation. I don't know what's happening. I'm on the English channel.

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1 Can anyone hear me? Okay.

2 I can't (Overlapping speakers).

3 THE INTERPRETER: [12:54:52] Yes, Ms Sutherland, we can hear you. There was
4 nothing to interpret then.

5 PRESIDING JUDGE MINDUA: [12:55:01](No interpretation)

6 THE COURT OFFICER: [12:55:03] The English interpreter has confirmed that they
7 can hear counsel and they have responded. Thank you.

8 MS SUTHERLAND: [12:55:16] Well, I'll just listen to the sound of my own voice.
9 I can put it to the witness that she told --

10 PRESIDING JUDGE MINDUA: [12:55:29](Interpretation) Now, you said that
11 the witness answered, but did she really understand the question that she was
12 answering? Maybe we need to replace it in the context, Ms Sutherland.

13 Mr Prosecutor.

14 MR DUTERTRE: [12:55:46](Interpretation) Yes, indeed, Mr President.

15 If you want to confront the witness with thing [REDACTED] we need to say
16 exactly which sentence we're referring to and ask the witness whether this is exactly
17 [REDACTED] and then continue. But the question as it has been put is somewhat
18 misleading for the witness because we need to know whether what is [REDACTED]

19 [REDACTED] And the question is a little bit tricky for the witness to answer
20 in a manner in which it is phrased. There's a question or issue of fairness and then
21 we need to go via the stages I have just mentioned.

22 PRESIDING JUDGE MINDUA: [12:56:31](Interpretation) Yes, let's not lose any more
23 time.

24 THE INTERPRETER: [12:56:35] Overlapping speakers.

25 MS SUTHERLAND: [12:56:38] Mr President, the directions on the conduct of

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1 proceedings is precisely the converse. It's only if the witness demonstrates that she

2 is unable to understand that I may exceptionally request to refresh her memory.

3 This is material that is public and I've put the question to her. She understood it and

4 she answered.

5 The ambiguity is arising from the Prosecution throwing dust into the air, that there is

6 no ambiguity, and I believe we can move on.

7 PRESIDING JUDGE MINDUA: [12:57:14](Interpretation) No, no, no. I do agree

8 that the witness has answered, but the objection raised by the OTP is valid.

9 Now, for more assurance, more clarity, you need to define the context, put

10 the question to the witness, and then we have a definitive answer.

11 THE WITNESS: [12:57:37](Interpretation) Mr President.

12 PRESIDING JUDGE MINDUA: [12:57:39](Interpretation) Yes, Madam Witness.

13 Could we have interpretation, please.

14 THE INTERPRETER: [12:57:51] Message from the Songhai booth: The witness is

15 speaking Bambara now.

16 THE WITNESS: [12:58:09](Interpretation) I wanted to speak Songhai for you to be

17 able to understand these exchanges.

18 PRESIDING JUDGE MINDUA: [12:58:20](Interpretation) Yes, please go ahead.

19 THE WITNESS: [12:59:06](Interpretation) *He has to understand what I'm saying. I

20 didn't say that!

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

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So that is what I

said. What I have said must be understood the way I am saying it.

PRESIDING JUDGE MINDUA: [12:59:31](Interpretation) Thank you very much,
Madam Witness. We have understood.

Well, there we are, Ms Sutherland, you can see that there is an issue of context here.

Yes, did you want to add something, because ...

MS SUTHERLAND: [12:59:59](Overlapping speakers) Only that it's 1 o'clock and
this may be an appropriate time to break.

PRESIDING JUDGE MINDUA: [13:00:06](Interpretation) You're right. We shall
rise and then look into all this.

Are we in open session, Mr Courtroom Officer, or private?

THE COURT OFFICER: [13:00:13] We're in private session.

PRESIDING JUDGE MINDUA: [13:00:17](Interpretation) There we are, so could we
go back into open session, please.

(Open session at 1.00 p.m.)

THE COURT OFFICER: [13:00:33] We are back in open session, Mr President.

PRESIDING JUDGE MINDUA: [13:00:37](Interpretation) Thank you very much,
Mr Courtroom Officer.

It is 1 p.m. and we shall rise for lunch now and reconvene at 2.30 as usual.

Court is suspended.

THE COURT USHER: [13:00:51] All rise.

(Recess taken at 1.00 p.m.)

(Upon resuming in open session at 2.40 p.m.)

THE COURT USHER: [14:40:02] All rise.

Please be seated.

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1 PRESIDING JUDGE MINDUA: [14:40:39](Interpretation) The hearing shall now
2 resume.

3 Ms Sutherland, before lunch we were having a discussion about your last remark in
4 relation to the meeting between the witness and a certain gentleman. In this regard,
5 the Chamber has decided to provide the following oral ruling:

6 In light of the special measures granted to Witness P-0603, the Chamber wishes to
7 remind counsel that short questions that go directly to the heart of the matter must be
8 put to the witness, to Madam Witness.

9 More specifically, the Chamber asks counsel to avoid, as much as possible, any
10 reference to the witness's statement or to other documents unless that is absolutely
11 necessary. Instead, direct questions or even leading questions, if necessary, should
12 be put. For example, the Chamber was of the view that it was not necessary or
13 useful to go through the witness's statement to have her answer questions that
14 the Defence asked about her discussion with a journalist and the article that resulted
15 from that discussion.

16 Similarly, when it comes to matters relating to the women's march, for instance,
17 counsel should directly address the issues that they would like to deal with without
18 making reference to what the witness allegedly said on other occasions.

19 As decided by the Chamber on several occasions in the past, a witness's previous
20 statements must be used only to refresh the witness's memory or to deal with
21 a contradiction.

22 In the case of this witness, the Chamber thus requests counsel -- rather that -- requests
23 that parties briefly explain why they would like to use the statement before actually
24 using it.

25 Thus, for the remainder of P-0603's testimony, the Chamber requests counsel to give

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1 the witness, clearly but briefly, the relevant context and then to put direct questions to
2 her about the details that counsel is attempting to elicit.

3 So there you have it. This is because of the particular situation of this witness.

4 So we will now continue with cross-examination, but before that, Ms Sutherland, how
5 much time do you still need for your cross-examination?

6 MS SUTHERLAND: [14:46:04] Mr President, I asked your learned *greffier* for an
7 indication of how much time I've already used, the answer was one hour and seven
8 minutes. The Prosecution and LRV together used five hours and 10 minutes. I will
9 reserve the right to use all of that time. We will be finished, even with all of that
10 time used, by lunchtime on Monday. And the whole of Monday was reserved for
11 this witness.

12 PRESIDING JUDGE MINDUA: [14:46:57](Interpretation) Fine, Ms Sutherland. I
13 gather you wish to use all your time and you're telling us that you expect to be
14 finished by -- well, Monday, just before lunch.

15 MS SUTHERLAND: [14:47:11] By my calculation, yes, because that would mean we
16 have three hours on Monday morning and one and a half hours today, which is four
17 and a half, which is more than the time remaining to me. So unless there are any
18 huge disruptions that would -- that would -- that would be the estimate.

19 PRESIDING JUDGE MINDUA: [14:47:35](Interpretation) That is just fine. And it
20 was just to allow us to make our own arrangements on our side.

21 If you are inclined to finish by 4 o'clock, we will continue till 4 o'clock. Since that is
22 not the case, since there is a meeting of judges from the trial division at 4 o'clock
23 today, I will have to adjourn at quarter to 4 so that the judges will have some time to
24 prepare for their meeting and you can then continue on Monday morning. Is that
25 fine with you? And this will also give our witness a bit of time to rest.

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1 So there you have it.

2 We will now continue, Ms Sutherland.

3 MS SUTHERLAND: [14:48:29] Mr President, I'm very willing to adjourn earlier if
4 that would make your lives easier. I have been a little bit disturbed to note that
5 the witness before you came in had her head on the table and was apparently
6 extremely sleepy. So I am worried about overly tiring her.

7 I don't want to adjourn now, I'm just saying that some latitude can be afforded.

8 PRESIDING JUDGE MINDUA: [14:49:03](Interpretation) Thank you, Counsel, for
9 your concern, but let us continue and we will see how it goes with Madam Witness.
10 Please go ahead, Ms Sutherland.

11 MS SUTHERLAND: [14:49:17] Also, Mr President, we would like to alert
12 the Chamber, it's not going to disrupt this afternoon's hearing, but we have
13 a translation issue which has been identified and we hope -- we've been in touch with
14 the Registry and the interpreters and it should be remedied as soon as possible, and
15 hopefully we'll be able to discuss it on Monday morning. But don't be troubled by it.
16 It's under control.

17 PRESIDING JUDGE MINDUA: [14:49:48](Interpretation) Very well. That's -- that's
18 perfect.

19 MS SUTHERLAND: [14:49:52]

20 Q. [14:49:53] Good afternoon, Madam Witness. How are you feeling?

21 A. [14:50:10] Yes, I am fine. Thank God.

22 Q. [14:50:15] Please let us know if you feel particularly tired. It's important that
23 you're comfortable.

24 A. [14:50:43] Very well. It's all right. I can talk. I feel -- I feel fine.

25 Q. [14:50:53] Madam Witness, we know that the Prosecution has shown you

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1 photographs and videos. Do you remember?

2 A. [14:51:21] Yes, I remember.

3 Q. [14:51:24] At any time since the crisis has anybody else shown you photographs
4 or videos from 2012?

5 A. [14:52:02] No one. Except here, I was shown some photographs here. But
6 other than that, no one else.

7 Q. [14:52:17] Have you heard about any meetings where people discussed what
8 happened when the crisis -- during the crisis?

9 A. [14:52:54] *With what happened during the crisis, were meetings held? Even
10 now, after the crisis, people just stick to their own business. We did not know about
11 any meetings. We did not hear any talk about meetings.

12 Q. [14:53:18] Madam Witness, we're going to -- well, you remember this morning I
13 mentioned that we need to conduct our investigation a little bit on the stand.

14 A. [14:53:58] I haven't understood.

15 Q. [14:54:01] Madam Witness, I'm going to show you some pictures. We'd like
16 your help in understanding what they relate to.

17 A. [14:54:31] Very well. If I know anyone I will let you know. And if I -- if
18 I don't know someone, I'll tell you that as well. I'm not going to tell any lies about
19 anyone.

20 Q. [14:54:49] Thank you very much, Madam Witness.

21 So if I could ask to turn to Defence tab 34 -- sorry, Defence tab 33. MLI-OTP -- my
22 apologies, [REDACTED] And it's on evidence channel 2.

23 Madam Witness, can you see the photograph?

24 A. [14:56:10] The person who is there is -- who has been stopped there, that one.

25 Q. [14:56:23] Madam Witness, if you're able to identify anybody, then please do so.

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1 A. [14:56:49] I see the person, but I haven't quite understood the face. I can't
2 identify the face.

3 Q. [14:57:04] Madam Witness, I think we heard a name before, but it hasn't come
4 through on the transcript. Could you repeat it, please.

5 A. [14:57:29] Yes, I can. That person looks like 

6 Q. [14:57:45] And there are three people. Which one are you referring to? Could
7 you describe the colour of the shirt.

8 A. [14:58:20] He's wearing a sort of a grey shirt with a little bit of -- a grey shirt
9 with a little bit of green as well.

10 MS SUTHERLAND: [14:58:38] Mr President, I've been remiss in asking your leave to
11 go in -- failing to ask your leave to go into private session.

12 PRESIDING JUDGE MINDUA: [14:58:49](Interpretation) For how long,
13 Ms Sutherland.

14 MS SUTHERLAND: [14:58:53] We have a number of photographs we'd like to show
15 the witness. It depends on the speed with which she answers. I don't want to rush
16 her. Maybe 20 minutes.

17 PRESIDING JUDGE MINDUA: [14:59:14](Microphone not activated)

18 THE INTERPRETER: [14:59:21] Microphone, please.

19 PRESIDING JUDGE MINDUA: [14:59:27](Interpretation) Yes, all the photographs
20 have to be shown in private session, Ms Sutherland, that's my question.

21 MS SUTHERLAND: [14:59:48] I -- well, yes (Overlapping speakers)

22 PRESIDING JUDGE MINDUA: [14:59:52](Interpretation) Because 20 minutes in
23 private session, that's a bit much. The general principle is that proceedings are in
24 open court.

25 MS SUTHERLAND: [15:00:04] I completely agree, Mr President. I will seek to

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1 minimise it. A couple of the photographs relate to or possibly relate to those subject
2 to protective measures or protection, but not all. So ...

3 PRESIDING JUDGE MINDUA: [15:00:36](Interpretation) The Chamber shall confer
4 for a few moments.

5 MS SUTHERLAND: [15:00:41] Mr President, it's the linkage to them that
6 might -- that is perilous.

7 (Trial Chamber confers)

8 PRESIDING JUDGE MINDUA: [15:02:03](Interpretation) There we are,
9 Ms Sutherland, the Chamber has conferred and the first question is to ascertain what
10 kind of investigation or questioning you want to lead with the presentation of these
11 photographs.

12 Secondly, there is a way of presenting a photograph and then the witness can give her
13 opinion. Now, if you think that the follow-up question will then lead to
14 the identification of the witness or somebody else who is protected, then we can move
15 into private session. But I don't think that for 20 minutes, without any reason, we
16 should be going into private session. There we are. That's what we're going to do.

17 MS SUTHERLAND: [15:02:52] Thank you very much, Mr President.

18 For the follow-up questions for this particular photograph I would ask that we can go
19 into private session, please, as briefly as possible.

20 PRESIDING JUDGE MINDUA: [15:03:11](Interpretation) Very well.

21 Mr Courtroom Officer, private session, please.

22 (Private session at 3.03 p.m.)

23 THE COURT OFFICER: [15:03:20] We're in private session, Mr President.

24 PRESIDING JUDGE MINDUA: [15:03:27](Interpretation) Thank you very much,
25 Mr Courtroom Officer.

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1 Ms Sutherland, please.

2 MS SUTHERLAND: [15:03:34]

3 Q. [15:03:35] Madam Witness, how do you know this individual? The one you've
4 identified.

5 A. [15:04:08] * [REDACTED]

6 [REDACTED]

7 Q. [15:04:26] How long have you known him?

8 A. [15:04:49] [REDACTED]

9 Q. [15:04:59] What do you mean by [REDACTED]?

10 A. [15:05:34] I know that that was where he worked. [REDACTED]

11 But I don't know what he did there. I know that that was his place of work.

12 THE INTERPRETER: [15:05:44] Message from the English booth: The Songhai

13 interpreter said [REDACTED] The interpreter assumed that he meant [REDACTED].

14 MS SUTHERLAND: [15:05:58]

15 Q. [15:05:59] [REDACTED]

16 A. [15:06:42] Do you mean that gentleman? No, we never talked about anything
17 at all. This isn't somebody that I have ever had discussions with, and nor would I.

18 Q. [15:07:12] Are you able to give us the name of your friend, please. You said
19 that [REDACTED] Who is your friend?

20 A. [15:07:59] [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 Q. [15:08:26] Madam Witness, did you tell [REDACTED] that you were interviewed
25 by the ICC?

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1 PRESIDING JUDGE MINDUA: [15:08:57](Interpretation) Yes, Mr Prosecutor.

2 MR DUTERTRE: [15:09:01](Interpretation) If I may object. The witness said,

3 *French transcript, page 65, line 27: "This is somebody that I was not in the habit of

4 talking to." We never talked about anything at

5 all. This isn't somebody that I have ever had discussions with, and nor would I."

6 It's clear that she has not had discussions with this person. I do not see the purpose

7 of this question and I object to it.

8 PRESIDING JUDGE MINDUA: [15:09:29](Interpretation) Ms Sutherland, did you

9 hear *what -- the objection that the Prosecutor just raised?

10 MS SUTHERLAND: [15:09:34] I did, and I would ask that this is not interpreted to

11 the witness. We're just seeking the reference, but Prosecutor I'm sure well knows

12 that they are in possession - they disclosed it to us - of an investigator's note in which

13 this individual enquires after the witness and discloses that he's aware of her

14 relationship with the ICC.

15 PRESIDING JUDGE MINDUA: [15:10:25](Interpretation) Yes, Mr Prosecutor.

16 MR DUTERTRE: [15:10:26](Interpretation) I don't know whether there's a problem

17 of pronunciation of the name as well. There might be homonyms, very similar

18 names, and that may be where the confusion stems from between a note that was

19 communicated or disclosed and possibly another individual whose name is quite

20 similar. So maybe the Defence should explore once again what is the exact name of

21 the individual in the photograph.

22 PRESIDING JUDGE MINDUA: [15:11:01](Interpretation) Ms Sutherland, is there no

23 confusion?

24 MS SUTHERLAND: [15:11:16] Mr President, there's absolutely no confusion,

25 because she's given the name clearly, she's confirmed his occupation, she's confirmed

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1 his relationship to another individual who we -- about whom we know. And we
2 know who this individual is, we know what his reference number is, and
3 the Prosecution have at tab -- and the Court have at tab 18 the relevant investigations
4 note, which is MLI-OTP-0080-3494.

5 PRESIDING JUDGE MINDUA: [15:12:01](Interpretation) Well, maybe one would
6 need to put the question directly to the witness.

7 What is your theory?

8 MS SUTHERLAND: [15:12:11] I'm grateful, Mr President. That's what I did,
9 I believe. I'm very grateful. I'll do it again.

10 PRESIDING JUDGE MINDUA: [15:12:19](Interpretation) Please do it -- do so.

11 Please put the question again.

12 MS SUTHERLAND: [15:12:30]

13 Q. [15:12:31] Madam Witness, I'll just ask you again: Did you tell [REDACTED]
14 that you were in touch with the ICC or the Prosecution?

15 A. [15:13:31] So you didn't understand what I said. What I was saying is that I
16 have not spoken to this gentleman or nor would I speak to him about the Court or say
17 what I said to the officials of the Court. I'm not in a habit of talking to this person
18 and I don't even know about -- [REDACTED] And I was even told not to
19 talk about what we are doing at the Court to whomsoever.

20 Q. [15:14:11] Thank you very much, Madam Witness. We'll move on.

21 If I could ask you to have a look at Defence tab 24, and that's MLI-D28-0004-3766.

22 And, Mr President, we can return to open session.

23 PRESIDING JUDGE MINDUA: [15:14:38](Interpretation) Mr Courtroom Officer,
24 open session please.

25 (Open session at 3.14 p.m.)

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- 1 THE COURT OFFICER: [15:14:46] We are back in open session, Mr President.
- 2 PRESIDING JUDGE MINDUA: [15:14:53](Interpretation) Thank you very much,
- 3 Mr Courtroom Officer.
- 4 Ms Sutherland.
- 5 MS SUTHERLAND: [15:14:59]
- 6 Q. [15:15:00] Madam Witness, can you see the picture in front of you?
- 7 A. [15:15:18] Yes, I can see.
- 8 Q. [15:15:20] Can you tell me whether you are able to identify him.
- 9 A. [15:15:41] I don't know anyone in that photograph.
- 10 Q. [15:15:46] Thank you, Madam Witness.
- 11 Now turning to Defence tab 25. That's MLI-D28-0005-7021.
- 12 Madam Witness, can you see the image?
- 13 A. [15:16:23] *Yes, I can
- 14 *Q. [15:16:35] Do you know this person?
- 15 *A. [15:16:42] No, I do not know this individual. I don't know any of these people.
- 16 Q. [15:16:46] Please bear with us. So Defence -- please turn to Defence tab 26,
- 17 which is MLI-D28-0004-7370.
- 18 The photograph is a little bit strange, but are you able to identify this person?
- 19 A. [15:17:56] *I don't know. If I see the photo and I recognize someone, I will say so.
- 20 If I don't know anyone, I will say that I don't recognize anyone.
- 21 Q. [15:18:08] Thank you. Madam Witness, do you mean you do not know this
- 22 person?
- 23 A. [15:18:59] No, I do not know this person.
- 24 At our age, we don't know the children of this new generation, and we can't really
- 25 live other people's lives.

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1 PRESIDING JUDGE MINDUA: [15:19:42](Interpretation) Madam Prosecutor,
2 please.

3 MS SCHOETERS: [15:19:46] Just for the record, if it could be specified on which
4 page the picture was taken that is now shown to the witness, just to have
5 the reference of the page of the document you refer to first.

6 MS SUTHERLAND: [15:20:03] Bear with me. I leave the technical stuff to
7 the younger generation myself, so.
8 That's at page 7375, and my apologies not -- for not being clear.

9 And if we could turn to Defence tab 27, please. That's MLI-D28-0005-7022.

10 Q. [15:21:23] Madam Witness, can you see?

11 A. [15:21:32] Yes, I can see.

12 Q. [15:21:38] Are you able to identify this person?

13 A. [15:21:54] This is the imam of Bellaferandi.

14 Q. [15:22:02] Is --

15 MS SUTHERLAND: [15:22:15] Mr President, for perhaps two or three questions it
16 may be prudent to briefly go into private session.

17 PRESIDING JUDGE MINDUA: [15:22:30](Interpretation) Very well.

18 Mr Courtroom Officer, private session, please.

19 (Private session at 3.22 p.m.)

20 THE COURT OFFICER: [15:22:43] We're in private session, Mr President.

21 PRESIDING JUDGE MINDUA: [15:22:48](Interpretation) Thank you very much.

22 Ms Sutherland.

23 MS SUTHERLAND: [15:22:51]

24 Q. [15:22:52] Madam Witness, is he currently the imam of Bellaferandi?

25 A. [15:23:14] Yes, of course. He's still the imam of Bellaferandi. That's his

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1 neighbourhood.

2 Q. [15:23:30] Madam Witness, yesterday -- and the reference I have is transcript 125,
3 that's the real-time English transcript from yesterday, page 53, line 20.

4 Madam Witness, [REDACTED]

5 [REDACTED] ?

6 A. [15:24:13] [REDACTED]

7 [REDACTED]

8 Q. [15:24:23] [REDACTED]

9 A. [15:24:46] Yes.

10 PRESIDING JUDGE MINDUA: [15:24:48](Interpretation) Madam Prosecutor.

11 MS SCHOETERS: [15:24:49] The question was not very precise: [REDACTED]

12 [REDACTED]

13 Could you give the complete context that you're referring to, please. [REDACTED]

14 [REDACTED]

15 PRESIDING JUDGE MINDUA: [15:25:15](Interpretation) Ms Sutherland.

16 MS SUTHERLAND: [15:25:16] I'm waiting for the -- I'm waiting for the exact
17 transcript. [REDACTED]

18 MS SCHOETERS: [15:25:28] It's for the witness's sake.

19 MS SUTHERLAND: [15:25:30] I know.

20 Q. [15:25:59] Madam Witness yesterday - and the reference is transcript 125 English
21 real-time, page 54, line -- lines 1 to 3 - you were asked: [REDACTED]

22 [REDACTED]

23 And you answered: [REDACTED] I'll let that be translated.

24 A. [15:27:06] That's how I know him. He's called the imam. I don't know
25 anything else. He's just called "imam". I'm not going to lie and give him another

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1 name. Everyone calls him "imam" and so do I.

2 Q. [15:27:22] Thank you, Madam Witness. I'm not contesting that.

3 Yesterday you [REDACTED] Do you
4 remember?

5 A. (No Interpretation)

6 Q. [15:28:19] Madam Witness, I have to ask you to keep your answers shorter,
7 please.

8 A. [15:28:49] Very well. I have understood.

9 Q. [15:28:55] So do you remember, yes or no?

10 A. [15:29:10] Yes, I do remember.

11 Q. [15:29:13] I just want to confirm is this [REDACTED] that
12 you described?

13 PRESIDING JUDGE MINDUA: [15:29:27](Interpretation) Madam Prosecutor.

14 MS SCHOETERS: [15:29:36] Yes, before the witness was talking and we didn't get
15 the interpretation of what she said. That was just before the Defence counsel said,
16 "Madam Witness, I have to ask you to keep your answers shorter, please."

17 Could we have the interpretation of what was said by the witness before that.

18 PRESIDING JUDGE MINDUA: [15:30:12](Interpretation) Yes, Madam Prosecutor.
19 I'm trying to find the excerpt.

20 Maybe, Ms Sutherland, you could put the question to the witness again.

21 MS SUTHERLAND: [15:30:24] Mr President, I'm afraid that won't cure it because I
22 did do just that. I understand my learned friend is referring to the passage in
23 Songhai that was never interpreted into either French or English.

24 MS SCHOETERS: [15:30:42] If it would be possible to get an interpretation of that
25 section, just for the record also.

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1 PRESIDING JUDGE MINDUA: [15:30:54](Interpretation) Well, indeed we don't
2 have it in English or French, so you'll have to put the question to the witness again.
3 How are we going to --

4 MS SCHOETERS: [15:31:03] In the English transcript it was at page 77, line -- line 5,
5 no? Yes, it was here at page 77, line 5: "Thank you, Madam Witness. I'm not
6 contesting. Yesterday you [REDACTED]

7 [REDACTED] Do you remember?"

8 And then there was no interpretation. And then Defence counsel said:

9 "Madam Witness, I have to ask you to keep your answers shorter, please."

10 If the -- if the interpreter could be asked to give the interpretation, or if the witness
11 could be asked to repeat what she said.

12 PRESIDING JUDGE MINDUA: [15:31:54](Interpretation) Exactly. That's exactly
13 what I had in mind.

14 Now, Ms Sutherland, could you ask the witness to repeat her response.

15 MS SUTHERLAND: [15:32:14]

16 Q. [15:32:15] Madam Witness, I'm sorry, there's a part of something you said that
17 we haven't received here in The Hague. I asked you, "Yesterday you [REDACTED]

18 [REDACTED] Do you remember?"

19 Please could you repeat your answer.

20 A. [15:33:08] Of course it -- it was the same imam.

21 Q. [15:33:18] And to be completely clear, that was [REDACTED] ?

22 A. [15:34:04] [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

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4 PRESIDING JUDGE MINDUA: [15:34:25](Interpretation) Mr Prosecutor.

5 MR DUTERTRE: [15:34:26](Interpretation) I would be most grateful to

6 Ms Sutherland, if she's speaking about [REDACTED] could she be more specific.

7

8

9 [REDACTED] But just so that things are crystal clear to the

10 witness, I think we need to be very specific [REDACTED]

11 PRESIDING JUDGE MINDUA: [15:35:00](Interpretation) Very well, Mr Prosecutor.

12 But so far *we know that we are talking about [REDACTED] isn't that

13 so? Ms Sutherland, you've heard the objection.

14 MS SUTHERLAND: [15:35:13] Perhaps in his eagerness to object, Mr Dutertre

15 interrupted the witness, who I believe was still giving her answer. And we were still

16 receiving the interpretation.

17 The -- I -- I really think that there is absolutely no ambiguity remaining and that we're

18 all crystal clear. The witness is clearly becoming frustrated by being asked over and

19 over again when her answers are clear.

20 And we would like the end of the interpretation, please.

21 PRESIDING JUDGE MINDUA: [15:36:08](Interpretation) What are you asking for,

22 Ms Sutherland? *I think everything was interpreted, wasn't it?

23 MS SUTHERLAND: [15:36:16] Mr Dutertre interrupted while we were still receiving

24 the answer from the witness, and it's at lines 10 to 13 of page 79 of the English

25 transcript. The witness -- the witness was giving her response and, unfortunately,

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- 1 we were never permitted to hear the end.
- 2 THE INTERPRETER: [15:36:41] Message from the interpreter: Could --
- 3 PRESIDING JUDGE MINDUA: [15:36:43](Interpretation) Yes, I can see that
- 4 the English transcript indicates "and we" and then there's an interruption. I don't
- 5 know -- do you have it in French?
- 6 Perhaps Ms Sutherland's colleague could assist so we don't have to ask the same
- 7 question to the witness.
- 8 MS SUTHERLAND: [15:37:38] It's complete in the French, so we don't need to
- 9 labour the point any further. Thank you.
- 10 PRESIDING JUDGE MINDUA: [15:37:45](Interpretation) Very well.
- 11 We're still in private session, Ms Sutherland, or are we going into open session?
- 12 MS SUTHERLAND: [15:37:52] We can return to open session. Thank you very
- 13 much, Mr President.
- 14 PRESIDING JUDGE MINDUA: [15:37:58](Interpretation) Very well.
- 15 Courtroom officer.
- 16 (Open session at 3.38 p.m.)
- 17 THE COURT OFFICER: [15:38:06] We're back in open session, Mr President.
- 18 PRESIDING JUDGE MINDUA: [15:38:11](Interpretation) Thank you, courtroom
- 19 officer.
- 20 Ms Sutherland.
- 21 MS SUTHERLAND: [15:38:16]
- 22 Q. [15:38:18] Madam Witness, could we turn to Defence tab 28, please. That's
- 23 MLI-D28-0004-6984.
- 24 Can you see the image, Madam Witness?
- 25 A. [15:38:52] Yes.

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1 Q. [15:38:56] Do you know this individual?

2 A. [15:39:06] No, I don't.

3 Q. [15:39:09] And could we turn to Defence tab 30 -- oh, actually, we'll leave that
4 for now, in view of the time.

5 Defence tab 31, please. That's MLI-D28-0005-7023.

6 Madam Witness, do you recognise this individual?

7 A. [15:40:08] The person I see, no, I don't know that person.

8 Q. [15:40:14] Would you be assisted by a closer photo?

9 THE INTERPRETER: [15:40:41] Message from the Songhai booth: The question
10 was not understood.

11 PRESIDING JUDGE MINDUA: [15:40:55](Interpretation) Please repeat.

12 THE WITNESS: [15:41:03](Interpretation) Yes.

13 PRESIDING JUDGE MINDUA: [15:41:08](Interpretation) Ms Sutherland.

14 THE WITNESS: [15:41:24](Interpretation) You showed me the photo and you -- and
15 I said I didn't know the person. Then you asked if you zoomed in, if I could
16 recognise the person. I said that, yes, if you zoom in, I could look and see if I knew
17 the person or not.

18 MS SUTHERLAND: [15:41:45]

19 Q. [15:41:46] Madam Witness, in that case can I ask you to turn to Defence tab 32,
20 which is MLI-D28-0005-7024.

21 Madam Witness, does that help?

22 A. [15:42:38] That helps, but I don't know that person. I don't know that person.
23 Truly, I don't know that person. I don't know that person.

24 Q. [15:42:52] This may be a matter of the nuances of English, but do you mean you
25 don't know them personally, or you do not recognise them?

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1 PRESIDING JUDGE MINDUA: [15:43:10](Interpretation) *Mr Prosecutor.

2 MR DUTERTRE: [15:43:12](Interpretation) Asked and answered. The witness has
3 said *that if she knows the person, she will say so. If she doesn't know the person, she
4 will say so as well. Defence can repeat the question twice until they get the answer
5 they are looking for, but the witness has been clear.

6 PRESIDING JUDGE MINDUA: [15:43:37](Interpretation) Move on.

7 MS SUTHERLAND: [15:43:40] Incredibly rude.

8 Please turn to Defence tab 7. That's MLI-OTP-0022-0482.

9 Q. [15:44:08] Madam Witness, can you see the image?

10 A. [15:44:21] Yes, I can see.

11 Q. [15:44:24] Do you know this person?

12 A. [15:44:33] No.

13 Q. [15:44:35] Madam Witness, thank you very much.

14 Mr President, I'm very mindful of the time and your obligations.

15 PRESIDING JUDGE MINDUA: [15:44:56](Interpretation) You would like us to end
16 now? Very well. We shall now adjourn.

17 MS SUTHERLAND: [15:45:05] I understood that you needed to finish at this time
18 today.

19 PRESIDING JUDGE MINDUA: [15:45:11](Interpretation) Yes, it is the time. When
20 you actually put the question, there still were two minutes I think. Very well.

21 Madam Witness, we will now adjourn today's hearing, and this will naturally allow
22 you to take some rest because we've taken a lot of time. But your testimony is,
23 unfortunately, not yet over. We will continue on Monday morning.

24 Once again, on behalf of the Chamber I would like to thank you very much for
25 answering with such goodwill and clarity. I remind you that between now and

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1 Monday you are not allowed to speak about your testimony to anyone whatsoever.

2 I wish you a good weekend and do get some rest.

3 As is the case before we adjourn, I would like to once again thank the parties,
4 participants, court reporters, interpreters, security officers, and the people listening in.

5 So I would like to wish everyone a good weekend and we shall resume on Monday
6 morning.

7 The hearing is now adjourned.

8 THE COURT USHER: [15:47:25] All rise.

9 (The hearing ends in open session at 3.47 p.m.)

10 CORRECTIONS REPORT

11 The following corrections, marked with an asterisk and included in the audio-visual
12 recording of the hearing, are brought into the transcript.

13 Page 11 line 15

14 "the witness did not -- the witness herself" Is corrected to "the witness did not
15 witness herself"

16 Page 60 line 9

17 "what the objection" Is corrected to "what -- the objection"

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

20 Page 3 lines 7-8

21 "et cetera. Thank you very much." Is corrected to "PCR tests, et cetera. But in any
22 event, the Prosecution is ready on our side. I did want to inform the Chamber of that.
23 Thank you very much."

24 Page 13 lines 11-21

25 [REDACTED]

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18 Page 18 lines 11-13

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Is corrected to

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24 Page 21 line 2

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"the occupation was upon you as you were in a position" Is corrected to "the

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1 occupation was, as you were in a position"

2 Page 21 lines 4-5

3 "And what did they say amongst themselves with regard to this event?" Is corrected
4 to "And what did they think and say with regard to the occupation?"

5 Page 22 lines 21-2

6 "Could you please describe to us what the spectacle of the public floggings was whilst
7 it was unfolding." Is corrected to "In your own words, could you please describe to us
8 the impact of this spectacle of public floggings whilst it was unfolding."

9 Page 23 lines 2-5

10 "THE INTERPRETER: [10:43:56] The Songhai booth: Well, people would just be in
11 it for themselves. That's how things happen today." Is corrected to

12 "A. [10:43:56] When they flogged people, we suffered, we cried, we were saddened,
13 we screamed, we took upon ourselves especially since we did not know where to go.
14 Furthermore, praise be to Allah, today no one flogs us and we do not flog anyone.
15 Everyone minds his own business."

16 Page 26 lines 23-24

17 "It's not there to testify. If there's a need to do so, it will do so, and we'll come back to
18 it" Is corrected to "She is here to testify. And if necessary, she will say so, and we'll
19 come back to it."

20 Page 29 lines 1-3

21 "We don't intend to use it specifically, so we will not retain it in our evidence, and in
22 the future we'll see what's done." Is corrected to "We are here to hear the witness. We
23 didn't intend to rely on it specifically, so we will not retain it in our evidence, and the
24 future will show that."

25 Page 32 lines 1-2

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1 "But we are in solidarity with each other when, for example, there is a marriage or
2 such like." Is corrected to "But once men and women were separated from one
3 another, we were organizing marriages and circumcisions amongst ourselves."

4 Page 32 line 13

5 "accept" Is corrected to "anticipate

6 Page 33 lines 10-12

7 "Yes, you -- in this organisation, you meet with the person who is having the event
8 and you spend the day with that person until that event is over. And once the event is
9 over, then you go home." Is corrected to "We help one another, we pay our
10 contributions, we spend our days with one another, we do everything together until
11 the celebration of the marriage comes to an end, and then everyone goes back to his
12 own business."

13 Page 33 lines 14-15

14 "Yes. This is something that we do. And if there's an activity or somebody has to
15 travel, then we chip in." Is corrected to "Yes. This is something that happens inside
16 the groups. It's something that we write and we do amongst friends. And any person
17 who comes to your home and takes part, the day that it is his turn, you go to his home
18 and you take part."

19 Page 34 line 21

20 "the deposition of the -- or testimony of the witness" Is corrected to "the testimony of
21 the witness"

22 Page 34 lines 22-23

23 "be acclaiming the full number of hours for your -- for your cross-examination. So,
24 see -- try and see the nexus here." Is corrected to "be claiming the full number of
25 hours for your -- for your cross-examination. So try to use your time in a ... well,

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1 astutely."

2 Page 35 lines 10-13

3 "We are fully grown individuals in our tontine. If we have something to say, then we
4 just talk about it. We don't have a leader as such." Is corrected to

5 "All the members of our tontine are leaders, because we are all adult women. We
6 have not chosen someone to be the leader. Every time we want to talk about
7 something, we meet and we talk about it, and right away we come to an agreement.
8 We do not have a leader. We are all equal."

9 Page 37 line 18

10 "outside" Is corrected to "after"

11 Page 38 line 22 to Page 39 line 4

12 "In fact, [REDACTED] and he came, and he had something around his
13 neck. He was with the guide and the guide said to him, "These are the people who
14 know all about everything that happened." And he asked us if we could talk to him.
15 And we said, "Well, where we are, we can't tell you anything."" Is corrected to

16 "He came up to us [REDACTED] When they arrived, they had
17 devices around their necks. Then their guide said to him, "Look, those people are here.

18 [REDACTED] He told us that they would come to see us and ask us
19 questions. He said to us, "can they ask you some questions?" We said to him: where
20 we are now, we do not have time for questions, especially since we are trying [REDACTED]

21 [REDACTED] He told us that he would go, but he would come back to see us again
22 and talk to us. He did not come back, and we did not ask about him either. And that
23 was the end of the exchange.""

24 Page 41 lines 18-19

25 "I don't know. I no longer remember him. I didn't even ask about him afterwards." Is

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corrected to "We did not know any of them. We did not know them. We did not see them again, and we did not ask about them either."

Page 41 lines 21-22

"Well, he knew me because he saw me seated in the market, and I also saw him in the same way when he was passing through." Is corrected to "They knew me because they would often go to the market where we were seated. That is how they knew me."

Page 45 line 11

"0059" Is corrected to "0059-0386"

Page 45 line 24

"0059-0 -" Is corrected to "0059-0361."

Page 46 line 2

"the Rules of Procedure and Evidence" Is corrected to "paragraph 52 of the Conduct of the Proceedings"

Page 46 line 23 to Page 47 line 2

[REDACTED]

[REDACTED] As I had said, a white person, and their guide who spoke Songhai approached us and we spoke with them without going into a lot of detail. We told them that the Islamists were beating people and they were trying to stop all that." Is corrected to [REDACTED]

[REDACTED] As I had said, a white person and their guide who spoke Songhai approached us and we spoke with them but without going into a lot of detail. We told them that the Islamists were beating people and that we were trying to stop all that."

Page 51 line 19 to Page 52 line 2

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1 "Well, what you are arguing about, I think you haven't understood me. [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED] That's what I wanted you to

5 understand." Is corrected to

6 "He has to understand what I'm saying. [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED] So that is what I said. What I have said must be understood

14 the way I am saying it."

15 Page 56 lines 9-11

16 "At the time of the crisis meetings were held. After the crisis no one, no one was

17 taking care of the crisis. No one was doing anything about that." Is corrected to

18 "With what happened during the crisis, were meetings held? Even now, after the

19 crisis, people just stick to their own business. We did not know about any meetings.

20 We did not hear any talk about meetings."

21 Page 59 lines 5-6

22 [REDACTED]

23 [REDACTED] Is corrected to [REDACTED]

24 [REDACTED]

25 [REDACTED]

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1 Page 60 lines 3-4

2 "transcript, French, page 65, line 27: "This is somebody that I did not have the habit."

3 Is corrected to "French transcript, page 65, line 27: "This is somebody that I was not in
4 the habit of talking to.""

5 Page 62 line 14

6 "Yes, I can see. No, I do not know this individual. I don't know any of these people."

7 Is corrected to "Yes, I can."

8 Page 62 lines 14 and 15

9 "Q. [15:16:35] Do you know this person?

10 A. [15:16:42] No, I do not know this individual. I don't know any of these people."

11 Is translated and added

12 Page 62 lines 19-20

13 "As to whether I can see anyone I know here, well, I would say that I don't know that
14 person." Is corrected to "I don't know. If I see the photo and I recognize someone, I
15 will say so. If I don't know anyone, I will say that I don't recognize anyone."

16 Page 66 line 22 to Page 67 line 3

17 [REDACTED]

18 [REDACTED]

19 [REDACTED] Is corrected to

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

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1 Page 67 lines 8-9

2 [REDACTED]

3 [REDACTED] Is corrected to [REDACTED]

4 [REDACTED]

5 Page 67 lines 12-13

6 "we have been talking about [REDACTED]" Is corrected to "we know

7 that we are talking about [REDACTED] isn't that so?"

8 Page 67 line 22

9 "I think you wanted the interpretation." Is corrected to "I think everything was

10 interpreted, wasn't it?"

11 Page 70 line 1

12 "Prosecutor" Is corrected to "Mr Prosecutor"

13 Page 70 lines 3-5

14 "that she does not know this person. Defence can repeat the question multiple times

15 until they get the answer they are looking for, but I don't --" Is corrected to

16 "that if she knows the person, she will say so. If she doesn't know the person, she will

17 say so as well. Defence can repeat the question twice until they get the answer they

18 are looking for, but the witness has been clear."