

Trial Hearing
MLI-OTP-P-0610

(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 Judge
7 Kimberly Prost
8 Trial Hearing - Courtroom 3
9 Monday, 22 November 2021
10 (The hearing starts in open session at 9.32 a.m.)
11 THE COURT USHER: [9:32:12] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE MINDUA: [9:32:42](Interpretation) The Court is in session.
15 Good morning to everyone.
16 And, a good start to the week.
17 Court officer, please call the case.
18 THE COURT OFFICER: [9:33:01] Good morning, Mr President, your Honours.
19 This is the situation in the Republic of Mali, in the case of The Prosecutor versus Al
20 Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud, case reference ICC-01/12-01/18.
21 And for the record, we are in open session.
22 PRESIDING JUDGE MINDUA: [9:33:23](Interpretation) Thank you very much,
23 court officer.
24 Before carrying out the appearances, I would like to pay homage to all the staff here
25 present in the courtroom and around the courtroom for their availability. While the
26

1 other members of staff are required to be at home during this pandemic, we are all
2 making sacrifices to ensure that the Court's work continue. I'd like to thank you
3 enormously for that.

4 And now, we move to the appearances.

5 Office of the Prosecutor.

6 MS SCHOETERS: [9:34:11] Good morning, your Honours. Good morning
7 colleagues. Today, for the Office of the Prosecutor, Mr Gilles Dutertre, seated next to
8 me, Madam Claudine Umurungi, seated behind me and Sandra Schoeters.

9 PRESIDING JUDGE MINDUA: [9:34:27](Interpretation) Thank you very much,
10 Madam Prosecutor Schoeters.

11 I now turn towards the Defence.

12 MR EDWARDS: [9:34:37] Good morning, your Honours. Representing
13 Mr Al Hassan today is lead counsel, Maître Melinda Taylor. Next to me,
14 Maître Melissa Beaulieu Lussier and myself, Iain Edwards. I'm appearing before
15 you for the first time. It's a privilege. Thank you.

16 PRESIDING JUDGE MINDUA: [9:35:03](Interpretation) Thank you very much,
17 Counsel, and the Chamber would also like to welcome you.

18 I now turn to the Legal Representatives of Victims.

19 Counsel.

20 MR LUVENGIKA: [9:35:14](Interpretation) Good morning, your Honour,
21 your Honours. The victims are represented by Madam Prisque Dipanga, and I have
22 the honour of presenting a new arrival to the team, replacing Madam Laplace and,
23 that is, Madam Anouk Kermiche, who is now case manager, part time, in the team
24 and myself, Maître Fidel Nsita.

25 PRESIDING JUDGE MINDUA: [9:35:43](Interpretation) Thank you very much,

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1 Maître Nsita. And, of course, I would like to welcome the lawyer who is a member
2 of your team who has just arrived.

3 Now, this morning, we are going to start to hear Witness P-0610. That's it.

4 So I now turn towards Madam Witness.

5 Madam Witness, good morning. Can you hear me?

6 WITNESS: MLI-OTP-P-0610

7 (The witness speaks French)

8 (The witness gives evidence via video link)

9 THE WITNESS: [9:36:20](Interpretation) Yes, good morning.

10 PRESIDING JUDGE MINDUA: [9:36:22](Interpretation) Madam Witness, on behalf
11 of the Chamber, I would like to welcome you. You are going to testify with the view

12 to aiding the Chamber establish the truth in the case concerning Mr Al Hassan.

13 Madam Witness, protective measures have been implemented with a view to

14 protecting your identity and ensure it's not revealed to the public. As such,

15 whenever you have to give details which could reveal your identity, we will speak

16 about that in private session. As such, nobody, other than those present in the

17 courtroom, will be able to hear you.

18 Have you understood that well?

19 THE WITNESS: [9:37:29](Interpretation) Yes.

20 PRESIDING JUDGE MINDUA: [9:37:31](Interpretation) Thank you, Witness. I will

21 now carry out your solemn undertaking under Rule 66(1) of the Rules of Procedure

22 and Evidence.

23 On your table, you have a paper with a form, is that correct?

24 THE WITNESS: [9:37:58](Interpretation) Yes.

25 PRESIDING JUDGE MINDUA: [9:38:00](Interpretation) Very well. This is the

1 solemn undertaking, according to which you have to swear to tell the whole truth.

2 So I would ask you to read aloud what is written on this document, if you would be
3 so kind.

4 THE WITNESS: [9:38:24](Interpretation) Solemn undertaking: I solemnly declare
5 that I will tell the truth, the whole truth and nothing but the truth.

6 PRESIDING JUDGE MINDUA: [9:38:40](Interpretation) Thank you very much,
7 Madam Witness. You are now under oath.

8 The representatives of the VWU and the Prosecutor's representatives have already
9 explained to you what that means. So I have some instructions of a practical nature.
10 You must bear in mind throughout your testimony that everything that's said in this
11 courtroom is transcribed by court reporters and this is interpreted simultaneously
12 into several different languages by interpreters. It is, therefore, important to speak
13 clearly and slowly. Do not start to speak before the person putting a question to you
14 has finished putting said question.

15 THE WITNESS: [9:40:10](Interpretation) Okay.

16 PRESIDING JUDGE MINDUA: [9:40:11](Interpretation) In particular, when the
17 person putting the questions speaks French and you speak French, you have to try
18 and mark a pause before answering to allow our interpreters who are working into
19 English and Arabic and other languages to translate. Of course, if you have a question,
20 please raise your hand to indicate that you wish to intervene.

21 You are going to be questioned, firstly, by the Office of the Prosecutor, thereafter by
22 the Legal Representatives for Victims, and, thereafter, by the Defence.

23 So without further ado, I will give the floor to the Office of the Prosecutor to start
24 with the examination-in-chief.

25 Madam Prosecutor.

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1 MS SCHOETERS: [9:41:18] Thank you, Mr President.

2 QUESTIONED BY MS SCHOETERS:

3 Q. [9:41:24] Good morning, Madam Witness.

4 A. [9:41:27] Good morning.

5 Q. [9:41:28] We already met you in the witness preparation session and also briefly
6 during the courtesy meeting last week. But for the record, my name is Sandra
7 Schoeters, and I'll be asking you questions on behalf the Office of the Prosecutor. If
8 any of my questions is not clear, please raise your hand, and I'll reformulate it or I'll
9 repeat it.

10 Mr President, your Honours, I'd like to go into private session for approximately five
11 minutes to cover the personal background of the witness.

12 PRESIDING JUDGE MINDUA: [9:42:11](Interpretation) Indeed, Prosecutor.

13 Court officer, private session, please.

14 (Private session at 9.42 a.m.)

15 THE COURT OFFICER: [9:42:20] We're in private session, Mr President.

16 PRESIDING JUDGE MINDUA: [9:42:30](Interpretation) Thank you very much,
17 court officer.

18 Madam Prosecutor.

19 MS SCHOETERS:

20 Q. [9:42:39] Madam Witness, what is your full name?

21 A. [9:42:42] My name is [REDACTED]

22 Q. [9:42:51] You were born in Timbuktu on [REDACTED] weren't you?

23 A. [9:42:52] Yes.

24 Q. [9:42:53] Your ethnicity is Songhai, isn't it?

25 A. [9:42:59] Yes.

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- 1 Q. [9:43:00] You are a Muslim, aren't you?
- 2 A. [9:43:05] Yes.
- 3 Q. [9:43:06] Which languages do you speak?
- 4 A. [9:43:11] I speak French, Songhai and Bambara.
- 5 Q. [9:43:20] Is it correct that you also speak a bit of Arabic [REDACTED]?
- 6 A. [9:43:28] Yes.
- 7 Q. [9:43:34] Is it correct that you write French?
- 8 A. [9:43:38] Yes.
- 9 Q. [9:43:45] Is it correct that you are currently married to [REDACTED]?
- 10 A. [9:44:00] Yes.
- 11 Q. [9:44:01] Is it correct that you married [REDACTED]?
- 12 A. [9:44:08] Yes.
- 13 Q. [9:44:09] For how long had you known him before you got married?
- 14 Shall I repeat the question, Madam Witness?
- 15 A. [9:44:43] Yes.
- 16 Q. [9:44:43] How long had you known [REDACTED] before you got married to him?
- 17 Had you known him for a while already? For a long time?
- 18 A. [9:44:59] No.
- 19 Q. [9:45:05] Do you have children, Madam Witness?
- 20 A. [9:45:11] Yes.
- 21 Q. [9:45:11] Is it correct that you have siblings, brothers and sisters?
- 22 A. [9:45:19] Yes.
- 23 Q. [9:45:21] I understand that you have sisters. [REDACTED]
- 24 [REDACTED]
- 25 A. [9:45:33] Yes.

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- 1 Q. [9:45:41] [REDACTED]
- 2 A. [9:45:48] [REDACTED]
- 3 Q. [9:45:50] [REDACTED]
- 4 A. [9:46:00] [REDACTED]
- 5 Q. [9:46:01] [REDACTED]
- 6 [REDACTED]
- 7 [REDACTED]
- 8 *A. [9:46:21] Yes, [REDACTED]
- 9 [REDACTED]
- 10 Q. [9:46:32] And what are the names [REDACTED] that you told us? [REDACTED]
- 11 [REDACTED]
- 12 A. [9:46:41] [REDACTED]
- 13 Q. [9:46:53] [REDACTED]
- 14 [REDACTED]
- 15 A. [9:47:08] Yes.
- 16 Q. [9:47:09] [REDACTED]
- 17 A. [9:47:15] [REDACTED]
- 18 Q. [9:47:31] Could you perhaps spell the name -- the names that you've mentioned?
- 19 So I believe you mentioned [REDACTED]?
- 20 A. [9:47:44] Yes.
- 21 Q. [9:47:45] How do you spell [REDACTED]
- 22 A. [9:47:53] [REDACTED]
- 23 Q. [9:47:55] And could you pronounce the letters separately of the name?
- 24 A. [9:48:06] Yes. [REDACTED]
- 25 Q. [9:48:15] And the name of [REDACTED] I believe it was -- that was mentioned?

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- 1 A. [9:48:25] Yes.
- 2 Q. [9:48:27] Could you spell it as well?
- 3 A. [9:48:30] [REDACTED]
- 4 Q. [9:48:40] And another name. I'm not sure whether it was [REDACTED]?
- 5 A. [9:48:49] Yes [REDACTED]
- 6 Q. [9:48:53] Can you spell it?
- 7 A. [9:48:56] Yes, [REDACTED]
- 8 Q. [9:49:03] And then you mentioned [REDACTED] other names. And the [REDACTED]
- 9 you mentioned, could you please spell their names as well?
- 10 A. [9:49:23] [REDACTED]
- 11 Q. [9:49:34] And how do you spell them?
- 12 A. [9:49:37] [REDACTED]
- 13 Q. [9:49:47] And the other name you mentioned?
- 14 A. [9:49:51] [REDACTED]
- 15 Q. [9:50:03] And you also mentioned [REDACTED] a bit earlier on.
- 16 How do you spell [REDACTED]?
- 17 A. [9:50:13] [REDACTED]
- 18 Q. [9:50:21] And I believe you also mentioned [REDACTED].
- 19 A. [9:50:30] [REDACTED]
- 20 Q. [9:50:34] Okay, [REDACTED]
- 21 And what's the family name of [REDACTED]
- 22 A. [9:50:40] [REDACTED]
- 23 Q. [9:50:42] And what's the family name of [REDACTED]?
- 24 A. [9:50:52] Also [REDACTED]
- 25 Q. [9:50:53] (Overlapping speakers) and what's the family name of [REDACTED]?

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- 1 A. [9:50:56] [REDACTED]
- 2 Q. [9:50:59] Is it correct that you are [REDACTED] Madam Witness?
- 3 A. [9:51:07] Yes.
- 4 Q. [9:51:10] [REDACTED]
- 5 *A. [9:51:16] [REDACTED]
- 6 Q. [9:51:25] And where were you living in 2012 when the armed groups took
7 control of the north of Mali?
- 8 A. [9:51:36] In Timbuktu.
- 9 Q. [9:51:41] And in which neighbourhood were you living?
- 10 A. [9:51:47] [REDACTED]
- 11 Q. [9:51:50] What was your activity or occupation in 2012?
- 12 A. [9:51:56] I had no activity.
- 13 Q. [9:52:03] Did you go to school?
- 14 A. [9:52:06] Yes.
- 15 Q. [9:52:11] Where did you go to school?
- 16 A. [9:52:15] [REDACTED]
- 17 Q. [9:52:23] [REDACTED]
- 18 A. [9:52:28] I haven't understood the question.
- 19 Q. [9:52:33] [REDACTED]
- 20 A. [9:52:38] [REDACTED]
- 21 Q. [9:52:47] [REDACTED]
- 22 A. [9:52:50] [REDACTED]
- 23 Q. [9:52:53] Did you live in Timbuktu for all of 2012?
- 24 A. [9:53:04] No.
- 25 Q. [9:53:06] In which month in 2012 did you leave Timbuktu?

1 A. [9:53:13] In the month of April.

2 Q. [9:53:27] And where did you go to?

3 A. [9:53:33] [REDACTED]

4 Q. [9:53:38] Why did you leave for [REDACTED]?

5 *A. [9:53:42] To continue with my studies, because it was no longer possible to
6 study in Timbuktu.

7 Q. [9:53:47] Madam Witness, I'll ask the Chamber now if we can go back into open
8 session, which means that the public can hear what you say. Please be careful not to
9 mention your name, the names of your family members or locations where you or
10 your family members live. In my next questions, I will also not use the word
11 [REDACTED] but I will refer to [REDACTED] as the town you have just mentioned.

12 Do you understand, Madam Witness?

13 A. [9:54:23] Yes.

14 MS SCHOETERS: [9:54:33] If we could go back into public session, your Honours.

15 PRESIDING JUDGE MINDUA: [9:54:39](Interpretation) Indeed. Court officer.
16 (Open session at 9.54 a.m.)

17 THE COURT OFFICER: [9:54:45] We are back in open session, Mr President.

18 PRESIDING JUDGE MINDUA: [9:54:52](Interpretation) Thank you very much,
19 court officer. Madam Prosecutor

20 MS SCHOETERS: [9:54:57]

21 Q. [9:54:57] How long did you stay in the town you've just mentioned?

22 A. [9:55:04] Four months.

23 Q. [9:55:14] Where did you go when you left this town?

24 A. [9:55:20] To Timbuktu.

25 Q. [9:55:29] And which month did you go back to Timbuktu, if you are able to

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1 recall?

2 A. [9:55:42] In the month of August.

3 Q. [9:55:46] Was it during Ramadan?

4 A. [9:55:54] Yes.

5 Q. [9:55:57] Could you continue studying, Madam Witness, after your return to
6 Timbuktu when the groups were -- were there?

7 A. [9:56:15] No.

8 Q. [9:56:18] Now, could boys as well as girls attend the school you had gone to
9 before the arrival of the groups?

10 A. [9:56:38] *Non*.

11 Q. [9:56:40] Madam Witness, I am referring to the school you've mentioned before
12 in private session, so the school you had gone to before the groups arrived in the
13 town of Timbuktu, could both boys and girls go to that school where you went to?

14 A. [9:57:03] No.

15 Q. [9:57:11] Did any of the schools reopen during the presence of the Islamists in
16 Timbuktu?

17 A. [9:57:19] No.

18 Q. [9:57:26] How do you know this?

19 A. [9:57:34] I heard people say there wasn't any school.

20 Q. [9:57:40] And could boys and girls sit together in the class at the school that
21 reopened?

22 MR EDWARDS: [9:58:08] Your -- your Honour, forgive me.

23 PRESIDING JUDGE MINDUA: [9:58:12](Interpretation) Counsel.

24 MR EDWARDS: [9:58:14] Could we cut the feed to the witness, please.

25 PRESIDING JUDGE MINDUA: [9:58:23](Interpretation) Court officer, please cut the

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1 feed.

2 THE COURT OFFICER: [9:58:29] Your Honours, the sound to the witness has been
3 cut off.

4 PRESIDING JUDGE MINDUA: [9:58:33](Interpretation) Thank you very much,
5 court officer.
6 Counsel.

7 MR EDWARDS: [9:58:36] I'm -- I'm sure the point I'm about to make has already
8 been picked up by your Honours, but the witness said that schools did not open after
9 the arrival of the groups, and my learned friend's question is predicated on the basis
10 that schools did reopen after the groups arrived in Timbuktu.

11 PRESIDING JUDGE MINDUA: [9:59:03](Interpretation) Naturally. Madam
12 Prosecutor, how would you answer that?

13 MS SCHOETERS: [9:59:08] I think I -- the witness may not have understood one of
14 the earlier questions, and I would like to rephrase it.

15 PRESIDING JUDGE MINDUA: [9:59:26](Interpretation) Maître.

16 MR EDWARDS: [9:59:29] Your Honour, my learned friend attempted twice to elicit
17 evidence from the witness about whether boys and girls could attend the same school
18 before the arrival of the groups. Twice she gave the same answer, which was no.
19 That question has been asked twice. It has been answered twice. There's no basis,
20 in my submission, for my learned friend to believe that the witness has
21 misunderstood the question. The question was very clear on both occasions, and the
22 answer was very clear on both occasions.

23 PRESIDING JUDGE MINDUA: [10:00:02](Interpretation) Yes.

24 *MR DUTERTRE: [10:00:12](Interpretation) Yes, Your Honour. I think that there is
25 some uncertainty here, and the witness may not have understood. In French, page

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1 12, lines 25 and 26, we read:

2 "Could boys and girls go to the school that you were going to before the arrival of
3 the groups?"

4 But the actual question was, "When you were going to school before the groups
5 arrived, were there boys and girls going to school?" But the way it is phrased, the
6 witness might have understood that the question was about school afterwards, and ...
7 and it was just about identifying the school that she was going to before the arrival
8 of the groups. So I believe that the question could have been better phrased. We are
9 at fault here. But the question is somewhat vague, so the witness may not have
10 understood. So the question is, when she was going to school, before the arrival of
11 the groups, were there boys and girls attending this school?

12 PRESIDING JUDGE MINDUA: [10:01:04](Interpretation) Very well. Apparently, there
13 was some ambiguity when we look at the French transcript; so, Madam Prosecutor,
14 please rephrase for once and for all, and then we shall then move forward.
15 Court officer, please re-establish the sound.

16 THE COURT OFFICER: [10:01:25] Your Honours, the sound to the witness has been
17 re-established.

18 PRESIDING JUDGE MINDUA: [10:01:32](Interpretation) Thank you very much.
19 Madam Prosecutor

20 THE WITNESS: [10:01:37](Interpretation) Yes.

21 MS SCHOETERS: [10:01:39]

22 Q. [10:01:41] Madam Witness, when you went to school before April - so at the
23 beginning of 2012, the first months of 2012, January, February, March, when you went
24 to school at that particular school - were there boys and girls going to that school?

25 A. [10:02:06] Yes.

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1 Q. [10:02:08] And were boys and girls in the same class at this school -- in the same
2 group?

3 A. [10:02:26] Yes.

4 Q. [10:02:29] Now, after the arrival of the groups, you said that you couldn't
5 continue studying. Were there any schools reopening during the presence of the
6 Islamists in -- of the groups in Timbuktu? To your knowledge, was there any school
7 reopening so that students or pupils could attend classes again?

8 A. [10:03:10] Yes, there was one school. Just one.

9 Q. [10:03:19] And how do you know that this particular school reopened?

10 A. [10:03:32] I have friends who were studying there.

11 Q. [10:03:41] Could boys and girls attend the school that reopened?

12 A. [10:03:52] Yes. The boys and the girls were separate though, separate from one
13 another.

14 Q. [10:04:01] And again how do you know this, that they were separate from
15 another?

16 A. [10:04:11] A friend told me so.

17 Q. [10:04:18] In which month in 2012 did the armed groups enter Timbuktu, if you
18 remember?

19 A. [10:04:32] It was in February.

20 Q. [10:04:43] Which groups entered Timbuktu in 2012, if you recall?

21 A. [10:04:56] Azawad, the Azawad groups.

22 Q. [10:05:01] How do you know that Azawad entered the town of Timbuktu?

23 A. [10:05:12] They were in cars and they drove around the town calling out,
24 "Azawad, Azawad".

25 Q. [10:05:32] Did you see this yourself, Madam Witness?

- 1 A. [10:05:33] Yes, they went in front of our door.
- 2 THE INTERPRETER: [10:05:37] Correction: I was in front of our door.
- 3 MS SCHOETERS: [10:05:44]
- 4 Q. [10:05:44] Which other groups entered Timbuktu?
- 5 A. [10:05:49] Azawad, then the Islamists, MUJAO, there were many.
- 6 Q. [10:06:12] And how do you know this?
- 7 A. [10:06:15] I heard people saying that the groups Ansar Dine, MUJAO were in
- 8 the city of Timbuktu.
- 9 Q. [10:06:28] You left soon after the arrival of the groups. Now, after your return
- 10 to Timbuktu in the summer, did you see the Islamists in the town of Timbuktu?
- 11 A. [10:06:48] Yes.
- 12 Q. [10:06:51] Could you please describe the Islamists? What did they look like?
- 13 A. [10:07:02] They were white, they wore clothing ...
- 14 Q. [10:07:24] How were they -- sorry. How were they dressed? Because in the
- 15 English I heard they were wearing clothing. Could you describe what they were
- 16 wearing?
- 17 A. [10:07:36] White clothes and black clothes.
- 18 Q. [10:07:50] What language or languages did the Islamists speak?
- 19 A. [10:07:58] Arabic.
- 20 Q. [10:08:04] Did you hear them speak any other languages?
- 21 A. [10:08:13] No.
- 22 Q. [10:08:19] Were the Islamists armed?
- 23 A. [10:08:27] No.
- 24 Q. [10:08:34] And according -- or to your knowledge, where did those Islamists
- 25 come from?

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- 1 A. [10:08:50] I don't know.
- 2 Q. [10:08:57] Which buildings did the Islamists use in the town of Timbuktu?
- 3 A. [10:09:07] They used the BD -- they used the BDM for the Islamic police.
- 4 Q. [10:09:23] Did they use any other buildings in town -- in the town of Timbuktu?
- 5 A. [10:09:34] I don't know.
- 6 Q. [10:09:44] And how do you know that the Islamic police used the BDM?
- 7 A. [10:09:59] One day, I was *going by with my sister on our way to the market. I
8 saw the BDM and it was written "Islamic police" on it.
- 9 Q. [10:10:13] And could you describe exactly what you saw when you passed by
10 the building?
- 11 A. [10:10:29] Yes, I went in front of the door and there were Islamists there, right in
12 front of the door, and some cars that they were stopping, in front of the door.
- 13 Q. [10:10:48] And can you describe the Islamists standing in front of the door or in
14 front of the building?
- 15 A. [10:10:58] No.
- 16 Q. [10:11:06] And were those Islamists standing in front of the building, were they
17 carrying any weapons?
- 18 A. [10:11:23] Yes.
- 19 Q. [10:11:30] Madam Witness, what changed in life in Timbuktu after the arrival of
20 the armed groups?
- 21 A. [10:11:56] The city of Timbuktu ...
- 22 Q. [10:12:15] Madam Witness, are you okay?
- 23 A. [10:12:21] Yes, yes.
- 24 Q. [10:12:29] Shall I repeat the question?
- 25 A. [10:12:35] Yes.

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1 Q. [10:12:38] How or what changed in life in Timbuktu after the armed groups
2 arrived?

3 *A. [10:12:54] Everything changed, even people's lives changed. People couldn't
4 go out, people couldn't have fun. People couldn't do anything.

5 Q. [10:13:07] And could you or other women move around freely in the city?

6 A. [10:13:24] No.

7 Q. [10:13:27] And you said that people couldn't go outside. They couldn't leave
8 their houses. People couldn't do anything. Why not, Madam Witness? Can you
9 explain why this was the case?

10 A. [10:13:49] Because of fear. People were afraid.

11 Q. [10:13:58] They were afraid of whom?

12 A. [10:14:03] The Islamists.

13 Q. [10:14:07] And why were they afraid?

14 MR EDWARDS: [10:14:19] Your Honour?

15 PRESIDING JUDGE MINDUA: [10:14:23](Interpretation) Counsel?

16 MR EDWARDS: [10:14:24] Could the feed be cut, please?

17 PRESIDING JUDGE MINDUA: [10:14:32](Interpretation) Court officer, please cut
18 off the sound.

19 THE COURT OFFICER: [10:14:36] Your Honours, the sound to the witness has been
20 cut off.

21 PRESIDING JUDGE MINDUA: [10:14:41](Interpretation) Thank you very much,
22 court officer.

23 Counsel.

24 MR EDWARDS: [10:14:45] This witness is in a position to say why she may have
25 been afraid to walk around because of the Islamists. She's not in a position to say

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1 why the population in general was afraid to walk around in Timbuktu because of the
2 Islamists. If my learned friend wants to ask questions about fear of the Islamists, I
3 would respectfully submit that it would be more proper for her to ask about this
4 witness and her reaction and her feelings, not about the world at large.

5 PRESIDING JUDGE MINDUA: [10:15:25](Interpretation) Madam Prosecutor.

6 MS SCHOETERS: [10:15:27] I will certainly ask why this witness was afraid of the
7 Islamists, but I also just wanted to ask for clarification - and, I can rephrase it to the
8 witness - why, to her knowledge, the other people, also people she knew, members of
9 her family, friends were afraid of the Islamists.

10 PRESIDING JUDGE MINDUA: [10:15:49](Interpretation) Well, there you have it.

11 That is a good wording.

12 We shall now re-establish the sound link.

13 Court officer, if you could.

14 THE COURT OFFICER: [10:15:58] Your Honours, the sound to the witness has been
15 re-established.

16 PRESIDING JUDGE MINDUA: [10:16:03](Interpretation) Thank you very much,
17 court officer.

18 Madam Prosecutor.

19 MS SCHOETERS: [10:16:07]

20 Q. [10:16:09] Madam Witness, to your knowledge, as far as you know, why were
21 the people in Timbuktu afraid of the Islamists?

22 A. [10:16:25] They were afraid because the -- if the Islamists caught someone who
23 was opposed to them, they would take them to prison.

24 THE INTERPRETER: [10:16:49] Correction: If the Islamists caught someone who
25 was not covered up properly, they would take them to prison.

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1 MS SCHOETERS: [10:17:04]

2 Q. [10:17:06] And why could you, Madam Witness, not go outside and move
3 around the town freely?

4 A. [10:17:21] Because I was afraid of the Islamists.

5 Q. [10:17:29] And why were you personally afraid of the Islamists?

6 A. [10:17:35] I was afraid of the Islamists because if they caught you in the city and
7 you weren't wearing a headscarf, they would take you to prison.

8 Q. [10:18:04] Madam Witness, I would now like to move to another set of
9 questions.

10 Could you tell us exactly what happened to you when you were in Timbuktu?

11 A. [10:18:27] Yes.

12 Q. [10:18:32] Please go ahead, tell us what happened to you.

13 A. [10:18:38] I was forced to marry someone. The Islamists forced me to.

14 Q. [10:18:56] And whom were you forced to marry to?

15 A. [10:19:02] The Islamists.

16 Q. [10:19:15] Can you describe from the very beginning, step by step, how these
17 Islamists entered into your life?

18 A. [10:19:37] One day, the three Islamists came to my mother's home and asked to
19 marry me. They asked for my hand in marriage.

20 Q. [10:19:55] Were you at home when the Islamists came?

21 A. [10:20:00] No.

22 Q. [10:20:06] Where were you?

23 A. [10:20:12] I was at the neighbour's house.

24 Q. [10:20:19] How did you learn then that your -- that the Islamists came to your

25 house to say that one of the Islamists wanted to marry you? How do you know this?

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1 A. [10:20:33] My mother told me so.

2 Q. [10:20:40] Could you please tell us everything what your mother said about this
3 visit by the Islamists?

4 A. [10:20:55] She told me that the Islamists had come to ask for my hand in marriage
5 and it was not possible to refuse. If we refused, they would kill us or hurt us.

6 Q. [10:21:17] Did your mother tell you anything else about the Islamists? Did they
7 tell you how they behaved, what they did?

8 A. [10:21:37] No.

9 Q. [10:21:43] Did your mother tell you what they were wearing, the Islamists?

10 A. [10:21:49] No.

11 Q. [10:21:55] Did your mother tell you whether they had any weapons with them?

12 A. [10:22:02] No.

13 Q. [10:22:07] Did your mother tell you what language the Islamists spoke?

14 A. [10:22:14] No, she didn't tell me that either.

15 Q. [10:22:22] So your -- how did you react to the marriage proposal, Madam
16 Witness?

17 A. [10:22:44] I was afraid, but we had no choice because they were running the
18 show in Timbuktu.

19 Q. [10:23:01] So is it correct that you didn't want to marry the witness -- the
20 Islamist?

21 A. [10:23:11] Yes.

22 Q. [10:23:13] Did you tell your mother that you didn't want to marry the Islamist?

23 A. [10:23:21] Yes.

24 Q. [10:23:24] And how did your mother react to that?

25 A. [10:23:39] She reacted badly.

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1 Q. [10:23:43] What do you mean by that, Madam Witness?

2 *A.[10:23:47] She reacted badly because if I didn't marry him, it would be worse for us.

3 Q. [10:24:03] And how did your mother feel?

4 A. [10:24:17] She felt badly.

5 Q. [10:24:20] And how did you feel, Madam Witness?

6 A. [10:24:24] Also badly.

7 MS SCHOETERS: [10:24:31] Your Honours, I would like to go into private session
8 for two questions, the answer to which could identify the witness.

9 PRESIDING JUDGE MINDUA: [10:24:42](Interpretation) Quite so.

10 Court officer, private session, if you could.

11 (Private session at 10.24 a.m.)

12 THE COURT OFFICER: [10:24:54] We are in private session, Mr President.

13 PRESIDING JUDGE MINDUA: [10:25:01](Interpretation) Thank you.

14 Madam Prosecutor.

15 MS SCHOETERS: [10:25:06]

16 Q. [10:25:07] Madam Witness, when did the Islamists come to your house,
17 approximately, if you remember?

18 A. [10:25:18] I haven't understood your question.

19 Q. [10:25:22] I was asking, if you remember, when the Islamists came to your house,
20 how much time after your return to Timbuktu was it?

21 A. [10:25:38] [REDACTED]

22 MS SCHOETERS: [10:25:50] Your Honours, we can go back to open session, please.

23 PRESIDING JUDGE MINDUA: [10:25:55](Interpretation) Very well.

24 Court officer, if you could.

25 (Open session at 10.26 a.m.)

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- 1 THE COURT OFFICER: [10:26:03] We are back in open session, Mr President.
- 2 PRESIDING JUDGE MINDUA: [10:26:09](Interpretation) Thank you very much.
- 3 Madam Prosecutor.
- 4 MS SCHOETERS: [10:26:15]
- 5 Q. [10:26:16] Madam Witness, did these Islamists come back to your home after
- 6 this first visit?
- 7 A. [10:26:26] Yes.
- 8 Q. [10:26:29] Could you tell us about this second time that the Islamists came to
- 9 your home?
- 10 A. [10:26:38] Yes. They came with a dowry to arrange the marriage.
- 11 Q. [10:26:56] Were you at home when the Islamists came for the second time?
- 12 A. [10:27:02] No, I wasn't.
- 13 Q. [10:27:08] Where were you when the Islamists came for the second time?
- 14 A. [10:27:15] I was at the neighbour's house.
- 15 Q. [10:27:24] Why had you gone to the neighbours?
- 16 A. [10:27:30] I went to the neighbours because I was afraid that they would find me
- 17 at the house.
- 18 Q. [10:27:46] When you say "I was afraid that they would find me at the house,"
- 19 who is "they"?
- 20 A. [10:27:57] The Islamists.
- 21 Q. [10:28:02] How do you know that the Islamists came to your house for a second
- 22 time?
- 23 A. [10:28:10] My mother told me so.
- 24 Q. [10:28:18] What did your mother tell you about this visit? Could you give us
- 25 all the details, please.

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1 A. [10:28:29] She told me that the Islamists had come. They came with -- with the
2 dowry to arrange the marriage.

3 Q. [10:28:51] Did your mother tell you whether the Islamists said anything else?

4 A. [10:29:01] No.

5 Q. [10:29:03] Did your mother give you any other details about this visit? Did she
6 tell you how much money was handed over?

7 A. [10:29:19] No.

8 Q. [10:29:21] Did she tell you how many Islamists had come?

9 A. [10:29:31] She told me three Islamists had come.

10 Q. [10:29:38] Did your mother tell you what the Islamists were wearing?

11 A. [10:29:48] No.

12 Q. [10:29:51] Did your mother tell you whether the Islamists had any weapons?

13 A. [10:30:02] No.

14 Q. [10:30:05] How did your mother react to the Islamists?

15 A. [10:30:24] My mother was relieved, but she had no choice.

16 Q. [10:30:35] And, "she had no choice," again, what do you mean?

17 A. [10:30:44] She had no choice when it came to the marriage.

18 Q. [10:31:03] How did you react, Madam Witness?

19 A. [10:31:08] I reacted badly.

20 Q. [10:31:17] Can you explain?

21 A. [10:31:25] Yes. I didn't want to marry him. Didn't want anything to do with
22 him.

23 Q. [10:31:47] When you say, "I didn't want to marry him," whom do you mean?

24 *A. [10:32:02] The Islamists, the one who asked to marry me.

25 Q. [10:32:07] Did you tell your mother that you didn't want to marry him?

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1 A. [10:32:13] Yes.

2 Q. [10:32:22] And what did your mother respond to you when you said that you
3 didn't want to marry him?

4 A. [10:32:29] My mother told me that I had to accept. Otherwise, they would
5 harm us.

6 Q. [10:32:48] How long after the first visit did the second visit take place?

7 A. [10:33:07] Three days' afterwards.

8 Q. [10:33:12] Is there anything else or any other details you can tell us about this
9 second visit, Madam Witness, if you remember anything else?

10 A. [10:33:23] No.

11 Q. [10:33:33] To your knowledge, was the marriage request -- the marriage
12 proposal from the Islamist discussed in your family? And please just answer with
13 yes or no.

14 A. [10:33:48] Yes.

15 MS SCHOETERS: [10:33:54] Your Honours, I would like to go into private session
16 for a few brief questions that are identifying. I would, amongst others, like to elicit
17 a name.

18 PRESIDING JUDGE MINDUA: [10:34:07](Interpretation) Indeed. Court officer.
19 (Private session at 10.34 a.m.)

20 THE COURT OFFICER: [10:34:23] We are in private session, Mr President.

21 PRESIDING JUDGE MINDUA: [10:34:28](Interpretation) Thank you very much,
22 court officer.

23 Madam Prosecutor.

24 MS SCHOETERS: [10:34:34]

25 Q. [10:34:35] Who in the family was consulted about the Islamist's marriage request?

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1 And you can give the name now, Madam Witness.

2 A. [10:34:49] [REDACTED]

3 Q. [10:35:00] How are you related to him?

4 A. [10:35:04] [REDACTED]

5 Q. [10:35:16] Why was [REDACTED] consulted about the marriage proposal?

6 Madam Witness, are you okay?

7 A. [10:36:00] Yes.

8 Q. [10:36:02] [REDACTED]

9 [REDACTED]

10 A. [10:36:19] [REDACTED]

11 Q. [10:36:26] And how do you know that [REDACTED] was consulted about
12 the marriage request?

13 A. [10:36:36] He said that to my mother.

14 Q. [10:36:51] And your mother told you that [REDACTED] had talked to her
15 about the marriage proposal; is that correct?

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

17 MS SCHOETERS: [10:37:16] Your Honour, I think we can go back to open session,
18 please.

19 Excuse me, apparently we don't have the answer of the witness to the last question in
20 French.

21 Q. [10:37:36] So, Madam Witness, could you perhaps repeat the answer to your last
22 question -- to my last question, sorry.

23 A. [10:37:47] What was your last question?

24 Q. [10:37:50] My last question was whether it's correct that your mother told you
25 that [REDACTED] had talked to her about the marriage proposal?

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- 1 A. [10:38:02] Yes.
- 2 MS SCHOETERS: [10:38:07] Okay, your Honours.
- 3 PRESIDING JUDGE MINDUA: [10:38:12](Interpretation) Court officer, open session,
4 please.
5 (Open session at 10.38 a.m.)
- 6 THE COURT OFFICER: [10:38:17] We're back in open session, Mr President.
- 7 PRESIDING JUDGE MINDUA: [10:38:27](Interpretation) Thank you very much,
8 court officer.
9 Madam Prosecutor.
- 10 MS SCHOETERS:
- 11 Q. [10:38:35] Madam Witness, what did this member of your family, whom you
12 have just mentioned by name in private session, say about you marrying the Islamist?
13 What did he say about that?
- 14 MR EDWARDS: [10:38:54] Your Honour.
- 15 MS SCHOETERS: [10:38:58]
- 16 Q. [10:38:58] To your knowledge, Madam Witness.
- 17 PRESIDING JUDGE MINDUA: [10:39:00](Interpretation) Yes.
- 18 MR EDWARDS: [10:39:01] Thank you. It's not an objection as such, it's just
19 clarification. Can it be clarified whether the question relates to what the relative said?
20 Whether it was what the relative said to the Islamists or what the relative said to this
21 witness's mother or someone else?
22 At the moment, the question is a little vague. But it's not an objection.
- 23 PRESIDING JUDGE MINDUA: [10:39:29](Interpretation) Indeed.
- 24 Madam Prosecutor, please could you repose that question.
- 25 MS SCHOETERS: [10:39:39]

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1 Q. [10:39:41] Did you learn what this relative said to your mother about the
2 marriage request?

3 A. [10:39:59] No.

4 Q. [10:40:02] As far as you know, did your relative talk to the Islamists about the
5 marriage request?

6 A. [10:40:21] I don't know.

7 Q. [10:40:26] Was this family member in agreement with the marriage proposal?

8 A. [10:40:33] No.

9 Q. [10:40:45] And how do you know that he was not in agreement?

10 A. [10:41:01] All that, it was my mother who told me that. Everything that I say.

11 Q. [10:41:12] And, as far as you know, why wasn't your -- this family member in
12 agreement with the marriage?

13 A. [10:41:31] Because it was an Islamist.

14 Q. [10:41:37] And what do you mean by that, Madam Witness, "because it was an
15 Islamist"?

16 A. [10:41:48] Because the Islamists scare people. They frighten people.

17 Q. [10:42:03] Now you've spoken about -- you spoke about a second time that the
18 Islamists came to your home. Did the Islamists come back afterwards to your home?

19 A. [10:42:21] Yes. To set the date of marriage.

20 Q. [10:42:30] Were you at home when they came for the third time?

21 A. [10:42:39] No.

22 Q. [10:42:42] Where were you, Madam Witness?

23 A. [10:42:46] I was with a friend.

24 Q. [10:42:53] And why were you with a friend?

25 A. [10:42:59] I didn't want them to find me at home.

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1 Q. [10:43:11] When you say, "I didn't want them to find me at home," who are you
2 referring to?

3 A. [10:43:23] To the Islamists.

4 Q. [10:43:32] And how do you know that the Islamists had come again to your
5 home?

6 A. [10:43:50] My mother told me.

7 Q. [10:43:54] What did your mother tell you about this visit?

8 A. [10:44:00] She said that the Islamist had come to set the date of the marriage.

9 Q. [10:44:17] Did your mother tell you anything else about this visit?

10 A. [10:44:28] No.

11 Q. [10:44:39] And how did your mother react to the Islamists setting a date for the
12 marriage, to your knowledge?

13 A. [10:45:04] She reacted badly.

14 Q. [10:45:09] What do you mean by "badly"?

15 A. [10:45:14] She reacted in a bad way.

16 Q. [10:45:36] And how did you react, Madam Witness, about the setting of a date
17 for the marriage?

18 A. [10:45:44] I reacted badly.

19 Q. [10:46:02] Why, Madam Witness?

20 A. [10:46:05] I was afraid of the Islamists.

21 Q. [10:46:17] And is there anything else you can tell us about this visit?

22 A. [10:46:34] No.

23 Q. [10:46:40] Do you know which language the Islamists were speaking when they
24 came to your home? Did your mother tell you?

25 A. [10:46:52] Yes. She said they spoke in Arabic.

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- 1 Q. [10:47:04] Did the Islamists come again to your home after this visit?
- 2 A. [10:47:20] No.
- 3 Q. [10:47:22] Did they come to your home for the marriage?
- 4 A. [10:47:54] Yes.
- 5 Q. [10:48:00] Where were you when the Islamists came again to your house for the
- 6 marriage? Where were you?
- 7 A. [10:48:10] I was at home.
- 8 Q. [10:48:18] And where were you in the house?
- 9 A. [10:48:22] Yes.
- 10 Q. [10:48:30] I'm sorry, I'll just repeat the question.
- 11 Where, exactly, in the house were you when the Islamists came for the marriage?
- 12 A. [10:48:42] I was in a bedroom.
- 13 Q. [10:48:50] Did you see the Islamists?
- 14 A. [10:48:56] No.
- 15 Q. [10:48:59] Could you hear the Islamists?
- 16 A. [10:49:07] No.
- 17 Q. [10:49:10] How do you know then that the Islamists came to your house again?
- 18 A. [10:49:25] My friend told me.
- 19 Q. [10:49:31] And what did your friend tell you about this visit?
- 20 A. [10:49:39] My friend told me that the Islamists were there for the marriage.
- 21 Q. [10:49:55] And did your friend tell you how many Islamists came?
- 22 * A. [10:50:10] Yes, she told me that there were three of them.
- 23 Q. [10:50:15] Did your friend tell you how the Islamists were dressed?
- 24 A. [10:50:22] No.
- 25 Q. [10:50:30] Did your friend tell you whether the Islamists had any arms,

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1 weapons?

2 A. [10:50:37] No.

3 Q. [10:50:44] When did your friend tell you this?

4 *A. [10:50:58] When she saw -- when she saw them, she went directly into the room
5 to tell me that.

6 Q. [10:51:17] Did your friend tell you anything else about what he had seen or
7 heard?

8 PRESIDING JUDGE MINDUA: [10:51:33](Interpretation) Maître Edwards.

9 MR EDWARDS: [10:51:35] Could the feed be cut, please.

10 PRESIDING JUDGE MINDUA: [10:51:39](Interpretation) Court officer, please cut
11 the feed.

12 THE COURT OFFICER: [10:51:42] Your Honours, the sound to the witness has been
13 cut off.

14 PRESIDING JUDGE MINDUA: [10:51:48](Interpretation) Thank you very much,
15 court officer.

16 MR EDWARDS: [10:51:52] Thank you, your Honour.

17 At this stage, it's simply not clear whether this friend observed as an eyewitness that
18 which happened at the witness's home or whether he heard about what was -- what
19 had happened at the witness's home. I note the very last part of my friend's
20 question:

21 "Did your friend tell you anything else about what he had seen or heard?"

22 This needs to be clarified, please.

23 PRESIDING JUDGE MINDUA: [10:52:32](Interpretation) Indeed. Madam
24 Prosecutor, please reformulate. Court officer.

25 THE COURT OFFICER: [10:52:46] Your Honours, the sound to the witness has been

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1 re-established.

2 PRESIDING JUDGE MINDUA: [10:52:52](Interpretation) Thank you very much,
3 court officer. Madam Prosecutor

4 MS SCHOETERS: [10:52:56]

5 Q. [10:52:57] Did your friend see the Islamists at your home when they were there
6 for the marriage?

7 A. [10:53:09] Yes.

8 Q. [10:53:13] Did he hear what the Islamists were saying? Was he in front of
9 the -- did the Islamists speak in front of him?

10 A. [10:53:29] No.

11 Q. [10:53:31] And just another question in between. Which language were the
12 Islamists speaking during this visit?

13 A. [10:53:46] In Arabic.

14 Q. [10:53:54] Did anyone else give you any details about this visit?

15 A. [10:54:15] No.

16 Q. [10:54:20] And now, Madam Witness, you've talked about different visits by the
17 Islamists to your mother's house. To help us understand, do you know in which
18 language your mother and the Islamists were communicating?

19 A. [10:54:46] In Arabic. But my mother doesn't understand Arabic.

20 Q. [10:54:55] So your mother doesn't understand Arabic. How was she then able
21 to communicate with the Islamists who spoke Arabic?

22 A. [10:55:09] She called one of our neighbours who understands Arabic.

23 MS SCHOETERS: [10:55:18] Your Honours, if we could go briefly into private
24 session just for a few follow-up questions. It won't take long.

25 PRESIDING JUDGE MINDUA: [10:55:29](Interpretation) Certainly.

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1 Court officer.

2 (Private session at 10.55 a.m.)

3 THE COURT OFFICER: [10:55:37] We're in private session, Mr President.

4 PRESIDING JUDGE MINDUA: [10:55:45](Interpretation) Thank you very much,
5 court officer.

6 Madam Prosecutor.

7 MS SCHOETERS:

8 Q. [10:55:50] Madam Witness, do you recall the name of the neighbour who
9 interpreted between the Islamists and your mother?

10 A. [10:55:59] Yes.

11 Q. [10:56:04] Can you please give us the name of the neighbour.

12 A. [10:56:09] Yes [REDACTED]

13 Q. [10:56:15] Could you perhaps spell the name.

14 A. [10:56:21] [REDACTED]

15 Q. [10:56:32] And you've mentioned the friend who came to tell you that the
16 Islamists were there. Could you give us the name of the friend, please.

17 A. [10:56:43] Yes.

18 Q. [10:56:52] Go ahead.

19 A. [10:56:58] [REDACTED]

20 Q. [10:57:04] And, again, could you please spell the name.

21 A. [10:57:12] Yes. [REDACTED]

22 PRESIDING JUDGE MINDUA: [10:57:46](Interpretation) Madam Prosecutor?

23 MS SCHOETERS: [10:57:48] Your Honours, I think we can go back into open session
24 now. Thank you.

25 MR EDWARDS: [10:57:55] Can we get the spelling, please, for that last name.

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1 PRESIDING JUDGE MINDUA: [10:58:03](Interpretation) Indeed.

2 Madam Prosecutor, that's what I wanted to -- I'm concerned. Has the witness spelt
3 the two names correctly?

4 Please check.

5 What was the spelling of the last name? And probably the first one as well.

6 MS SCHOETERS:

7 Q. [10:58:23] Madam Witness, could you please repeat the spelling of the two
8 names that you've given. And I would like to ask you to first spell again the name of
9 the neighbour who interpreted what the Islamists said, who interpreted that to your
10 mother. Could you please first give -- spell the name of that neighbour again.

11 Thank you.

12 A. [10:58:49] [REDACTED]

13 Q. [10:59:14] And could you now the spell the name of your friend who told you
14 that the Islamists had come to the house. Could you spell that name again, please.

15 A. [10:59:30](No interpretation) [REDACTED]

16 Q. [10:59:41] Could you spell it letter by letter, please.

17 A. [10:59:56] [REDACTED]

18 Q. [11:00:18] So we are talking about two different persons, the neighbour and the
19 friend? It's two different persons?

20 A. [11:00:29] Yes.

21 Q. [11:00:29] Thank you.

22 PRESIDING JUDGE MINDUA: [11:00:41](Interpretation) Madam Prosecutor, it's
23 11 o'clock. So we are going to have a break for half an hour, and we'll back.

24 So, first of all, we'll go into open session, court officer.

25 (Open session at 11.01 a.m.)

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- 1 THE COURT OFFICER: [11:01:04] We're back in open session, Mr President.
- 2 PRESIDING JUDGE MINDUA: [11:01:12](Interpretation) Thank you very much,
- 3 court officer.
- 4 So we are going to have a break, and we'll back at 11.30.
- 5 Court is suspended.
- 6 THE COURT USHER: [11:01:24] All rise.
- 7 (Recess taken at 11.01 a.m.)
- 8 (Upon resuming in open session at 11.41 a.m.)
- 9 THE COURT USHER: [11:41:32] All rise. Please be seated.
- 10 PRESIDING JUDGE MINDUA: [11:41:53](Interpretation) The hearing shall now
- 11 resume.
- 12 And I would like to ask the Prosecution to continue with their examination.
- 13 Madam Prosecutor.
- 14 MS SCHOETERS: [11:42:17]
- 15 Q. [11:42:19] Madam Witness, how did your friend - who you've talked about
- 16 before the break - how did this friend learn or understood that the Islamists were
- 17 there for the marriage? For your marriage to the Islamist.
- 18 * A. [11:42:40] My mother told her that.
- 19 Q. [11:42:55] Did your mother tell you anything else?
- 20 A. [11:43:02] No.
- 21 Q. [11:43:05] Sorry -- sorry, I think I was not concentrating. So it was your mother
- 22 who told your friend that the Islamists were there for the marriage?
- 23 A. [11:43:19] Yes.
- 24 Q. [11:43:39] And the marriage, did it happen the day that your friend told you that
- 25 the Islamists were there for the marriage? Did it happen the same day?

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1 A. [11:44:01] Yes.

2 Q. [11:44:04] How did the marriage take place?

3 * A. [11:44:23] How did the marriage happen? The marriage happened --

4 THE INTERPRETER: [11:44:26] Inaudible.

5 THE WITNESS: [11:44:27](Interpretation) -- when the Islamists came to our home,
6 and they spoke to my elder brother about that, and the marriage happened the same
7 day. Yes, the same day.

8 MS SCHOETERS: [11:44:48] Your Honours, if we could go into private session
9 for few questions, please.

10 MR EDWARDS: [11:44:54] Your Honour, there was an part of the witness's answer
11 which --

12 PRESIDING JUDGE MINDUA: [11:44:59](Interpretation) Counsel, when you ask to
13 address the Court, you wait until I give you the floor; also, for purposes of
14 interpretation.

15 You may go ahead.

16 MR EDWARDS: [11:45:11] My apologies, your Honour. It won't happen again. I
17 was just anxious to make the point that the witness gave an answer, part of which
18 was inaudible. But before we move on, perhaps that could be clarified. Certainly,
19 in the English translation it comes across as -- it's been interpreted as "Inaudible."

20 PRESIDING JUDGE MINDUA: [11:45:37](Interpretation) Yes, quite so.

21 Madam Prosecutor, could you have the witness repeat her answer.

22 MS SCHOETERS: [11:45:46]

23 Q. [11:45:48] Madam Witness, unfortunately, not everything what you answered to
24 my previous question was transcribed and understood.

25 Could you please repeat your answer. And the question was: How did the

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1 marriage take place?

2 A. [11:46:17] The marriage went badly. They brought the dowry, and they gave it
3 to my elder brother, and then the marriage took place.

4 Q. [11:46:35] And where did the marriage take place?

5 A. [11:46:44] In the home of my elder brother.

6 MS SCHOETERS: [11:46:49] Your Honours, if we could go into private session,
7 please.

8 PRESIDING JUDGE MINDUA: [11:46:55](Interpretation) Quite so.

9 Court officer, private session, please.

10 (Private session at 11.47 a.m.)

11 THE COURT OFFICER: [11:47:03] We are in private session, Mr President.

12 PRESIDING JUDGE MINDUA: [11:47:12](Interpretation) Thank you very much,
13 court officer.

14 Madam Prosecutor.

15 MS SCHOETERS: [11:47:17]

16 Q. [11:47:19] [REDACTED] Madam Witness?

17 A. [11:47:24] [REDACTED]

18 Q. [11:47:32] [REDACTED]

19 A. [11:47:43] [REDACTED]
20 [REDACTED]

21 Q. [11:47:56] You said that the marriage took place at the home of your elder
22 brother.

23 [REDACTED]

24 A. [11:48:05] [REDACTED]

25 Q. [11:48:11] What's the name of the elder brother where the marriage -- at the

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- 1 home of who the marriage took place?
- 2 A. [11:48:26] [REDACTED]
- 3 Q. [11:48:30] [REDACTED] The one you talked about earlier on; is that correct?
- 4 A. [11:48:37] Yes.
- 5 Q. [11:48:41] Was there any celebration, Madam Witness?
- 6 A. [11:48:53] No.
- 7 Q. [11:48:56] Was there a ceremony at the mosque?
- 8 A. [11:49:10] No, not there either.
- 9 Q. [11:49:16] Did you receive a document stating that you were married?
- 10 A. [11:49:27] No.
- 11 Q. [11:49:32] Had you ever met in person the man that you had been married to at
- 12 that point in time?
- 13 A. [11:49:52] I haven't understood your question.
- 14 Q. [11:49:56] Actually, let me ask you another question, first.
- 15 The man that you were married to, was he present at your brother's home for the
- 16 marriage?
- 17 A. [11:50:21] I don't know.
- 18 Q. [11:50:29] Had you ever met the Islamist you were married to? Had you ever
- 19 met him personally before the marriage?
- 20 A. [11:50:43] No.
- 21 Q. [11:50:47] The day you got married, did you know the name of the Islamist you
- 22 were married to or you were being married to?
- 23 A. [11:51:02] No.
- 24 Q. [11:51:10] And did you learn his name later? At a later point in time.
- 25 A. [11:51:21] Yes.

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1 Q. [11:51:23] And, what was his name?

2 A. [11:51:28] [REDACTED]

3 Q. [11:51:32] Could you please spell the name, Madam Witness.

4 A. [11:51:38] [REDACTED]

5 Q. [11:52:22] Thank you.

6 When did you learn the name [REDACTED] When did you learn the name of the Islamist
7 you were married to?

8 A. [11:52:42] The following day when he came with his friend, I heard his friend
9 call him [REDACTED]

10 Q. [11:52:54] We'll come back to that in a while, Madam Witness.

11 Madam Witness, how did you feel about having been married to this man?

12 A. [11:53:14] I felt bad.

13 Q. [11:53:18] Why did you feel bad?

14 A. [11:53:21] Because I didn't love him.

15 Q. [11:53:35] What happened after the marriage?

16 A. [11:53:46] After the marriage, the evening, a friend of my mother and my
17 mother took me a -- to a house close to my home.

18 Q. [11:53:57] Excuse me, your Honours. I had forgotten to ask to go into public
19 session again. If we could please go back into open session. And if you want, I can
20 ask the question again in open session, your Honour.

21 PRESIDING JUDGE MINDUA: [11:54:14](Interpretation) Indeed, yes. Court officer,
22 if you could.

23 (Open session at 11.54 a.m.)

24 THE COURT OFFICER: [11:54:23] We are back in open session, Mr President.

25 PRESIDING JUDGE MINDUA: [11:54:32](Interpretation) Thank you very much,

1 court officer.

2 Madam Prosecutor, with the same question, please.

3 MS SCHOETERS: [11:54:38]

4 Q. [11:54:38] Madam Witness, I'm going to repeat my previous question. If you
5 could please repeat your answer.

6 What happened after the marriage?

7 A. [11:54:57] After the marriage, a friend of my mother and my friend, we went to
8 a house close to our home.

9 Q. [11:55:09] Was there anyone else accompanying you?

10 A. [11:55:14] No.

11 Q. [11:55:22] Can you describe the house you went to?

12 A. [11:55:26] It's a house built of banco beside our house.

13 Q. [11:55:45] Can you explain why you went to the house?

14 A. [11:55:57] No.

15 Q. [11:56:00] Who told you to go to the house?

16 A. [11:56:09] My mother.

17 Q. [11:56:15] Why did your friends accompany you?

18 A. [11:56:32] Since it was my friend, I asked her to go with me. I was alone.

19 Q. [11:56:50] Was there anyone in the house when you arrived there?

20 A. [11:57:00] No.

21 Q. [11:57:03] Did you stay at the house alone?

22 A. [11:57:15] I stayed with my friend.

23 Q. [11:57:21] Did your friend stay there the whole night?

24 A. [11:57:31] No.

25 Q. [11:57:37] When did your friend leave the house?

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- 1 A. [11:57:52] When the Islamists got there. Then she left.
- 2 Q. [11:58:04] Do you recall when the Islamists arrived, approximately?
- 3 A. [11:58:11] No.
- 4 Q. [11:58:18] Was it day or night? Late in the evening?
- 5 A. [11:58:28] Late in the evening.
- 6 Q. [11:58:35] How many Islamists arrived at the house?
- 7 A. [11:58:44] Two.
- 8 Q. [11:58:52] Did you know these men, these Islamists?
- 9 A. [11:58:57] (No interpretation). *Non.*
- 10 Q. [11:59:00] Did they both introduce themselves to you?
- 11 A. [11:59:13] No.
- 12 Q. [11:59:16] Did they talk to you?
- 13 A. [11:59:25] Yes.
- 14 Q. [11:59:28] And did you understand what they were saying?
- 15 A. [11:59:41] No.
- 16 Q. [11:59:44] Which language did they speak?
- 17 A. [11:59:48] Arabic.
- 18 Q. [11:59:54] So if I understand you correctly, Madam Witness, at the time you
- 19 didn't speak Arabic, but since when do you understand a bit of Arabic as you had
- 20 mentioned at the very beginning?
- 21 A. [12:00:09] When I did -- when you do second year at school, you do Arabic.
- 22 Q. [12:00:26] Did these men -- these Islamists talk to each other?
- 23 A. [12:00:38] I don't know.
- 24 Q. [12:00:41] What did these men look like?
- 25 A. [12:00:56] I haven't understood.

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- 1 Q. [12:00:59] Can you describe the Islamists that were with you at the house?
- 2 A. [12:01:10] No.
- 3 Q. [12:01:15] Did they have weapons with them, the Islamists?
- 4 A. [12:01:22] No. I don't think so.
- 5 Q. [12:01:31] What were they doing, both Islamists?
- 6 A. [12:01:38] They were sitting down speaking between them, but I didn't
- 7 understand what they were saying.
- 8 Q. [12:01:54] How long did the Islamists stay -- Islamists stay at the house?
- 9 A. [12:02:07] I don't know.
- 10 Q. [12:02:11] Did they both stay at the house the whole time?
- 11 A. [12:02:21] No.
- 12 Q. [12:02:24] So what happened, Madam Witness?
- 13 A. [12:02:28] At a particular time, his friend left and he stayed.
- 14 Q. [12:02:41] And when you say "he stayed", to whom are you referring?
- 15 A. [12:02:52] To the Islamist.
- 16 Q. [12:02:58] What happened then, Madam Witness?
- 17 *A. [12:03:23] Afterwards, the Islamist tried to touch me, but I refused to let him
- 18 touch me.
- 19 Q. [12:03:38] And what happened afterwards?
- 20 A. [12:03:56] He slapped me, and then he raped me like that.
- 21 Q. [12:04:05] And did this happen the first night that you were at the house with
- 22 him?
- 23 A. [12:04:23] Yes.
- 24 Q. [12:04:29] How did you feel, Madam Witness?
- 25 A. [12:04:40] I felt very bad.

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- 1 Q. [12:04:49] Did you also feel bad physically?
- 2 A. [12:04:59] Yes.
- 3 Q. [12:05:03] Can you describe the pains you felt?
- 4 A. [12:05:23] Yes.
- 5 Q. [12:05:29] I know it's maybe difficult for you, Madam Witness, but could you
- 6 describe what kind of pain you felt? Where did it hurt in your body? Where did
- 7 your body hurt?
- 8 A. [12:06:10] Inside myself.
- 9 Q. [12:06:20] Did the man stay in the room for the whole night?
- 10 A. [12:06:33] No.
- 11 Q. [12:06:38] When did he leave?
- 12 A. [12:06:42] In the night.
- 13 Q. [12:06:58] And how did you feel, Madam Witness, in your head? In your
- 14 heart?
- 15 A. [12:07:15] I felt really, really bad.
- 16 Q. [12:07:23] What happened the morning after this happened to you?
- 17 A. [12:07:40] In the morning, the friend of my mother came to get me to take me to
- 18 my mother's house.
- 19 Q. [12:07:51] And why did this friend of your mother came to the house to come
- 20 and get you?
- 21 A. [12:08:00] Because that is the tradition, that she comes to get me.
- 22 Q. [12:08:18] And what exactly is the "tradition"?
- 23 A. [12:08:31] If the woman goes to her husband's at night, in the morning, there's
- 24 an older lady or an old woman who comes to find me -- to find one.
- 25 Q. [12:08:47] And had the man already left the house when the friend of your

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1 mother arrived?

2 A. [12:08:57] Yes.

3 Q. [12:09:04] And when the friend of your mother came to pick you up, in what
4 state were you?

5 A. [12:09:20] I was very, very ...

6 MS SCHOETERS: [12:09:44] I'm sorry, I didn't catch the English translation. Could
7 we have the English translation?

8 THE INTERPRETER: [12:09:54] She said: My state "was very, very ..." but did not
9 finish.

10 MS SCHOETERS: [12:10:02]

11 Q. [12:10:03] Could you walk alone, Madam Witness?

12 A. [12:10:11] Only a bit. I could only walk bit by bit.

13 Q. [12:10:31] Did your friend help you to get to your mother's home?

14 A. [12:10:45] Yes.

15 Q. [12:10:50] When you arrived at home, did you see your mother?

16 A. [12:11:00] Yes.

17 Q. [12:11:03] Did you tell your mother what had happened to you?

18 A. [12:11:15] No.

19 Q. [12:11:20] Why not?

20 A. [12:11:29] Nothing at all.

21 Q. [12:11:35] And perhaps I will just repeat it briefly: Why did you not talk to
22 your mother or tell your mother what had happened to you?

23 A. [12:11:57] Nothing at all.

24 Q. [12:12:01] What did you do that day, Madam Witness?

25 A. [12:12:13] I stayed at home, I slept. And my mother made some traditional

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1 medicine for me.

2 Q. [12:12:31] Did you see a doctor or did a doctor come to see you after what had
3 happened to you?

4 A. [12:12:40] No.

5 Q. [12:12:49] And did the traditional medicine help?

6 A. [12:13:00] Yes.

7 Q. [12:13:07] Did you see your Islamist husband again?

8 A. [12:13:23] No.

9 Q. [12:13:26] Did the Islamist you had been married to, did he come back to your
10 mother's house at one point?

11 A. [12:13:50] No.

12 Q. [12:13:52] Have you or any family member heard anything about the Islamist
13 you had been married to ever again?

14 A. [12:14:25] No.

15 Q. [12:14:27] Did your neighbours and friends ever find out what happened to
16 you?

17 A. [12:14:48] Yes.

18 Q. [12:14:53] And how did your neighbours and friends react to you after they
19 learnt what had happened to you?

20 A. [12:15:18] They reacted badly. When they saw me --

21 Q. [12:15:27] In what sense --

22 A. [12:15:29] -- they started talking about me.

23 Q. [12:15:51] In the French, you used the term "*chuchoter*." What do you mean by
24 that?

25 A. [12:16:04] They were criticising me, they were talking about me.

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1 THE INTERPRETER: [12:16:10] "*Chuchoter*" is to whisper.

2 MS SCHOETERS:

3 Q. [12:16:20] And do you know why they were criticising you? In what way were
4 they criticising you?

5 *A. [12:16:32] If they saw me, they would start to talk and laugh at me.

6 MS SCHOETERS: [12:16:57] Your Honours, if we could go into private session for
7 just a few questions.

8 PRESIDING JUDGE MINDUA: [12:17:04](Interpretation) Court officer.

9 (Private session at 12.17 p.m.)

10 THE COURT OFFICER: [12:17:10] We are in private session, Mr President.

11 PRESIDING JUDGE MINDUA: [12:17:20](Interpretation) Thank you very much,
12 court officer.

13 Prosecutor.

14 MS SCHOETERS: [12:17:27]

15 Q. [12:17:29] Madam Witness, did you ever tell anyone about what happened to
16 you with the Islamist?

17 A. [12:17:45] No.

18 MS SCHOETERS: [12:17:56] Mr President, if we could go back into open session,
19 please.

20 PRESIDING JUDGE MINDUA: [12:18:02](Interpretation) Court officer.

21 (Open session at 12.18 p.m.)

22 THE COURT OFFICER: [12:18:10] We are back in open session, Mr President.

23 PRESIDING JUDGE MINDUA: [12:18:18](Interpretation) Thank you very much,
24 court officer.

25 Madam Prosecutor.

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1 MS SCHOETERS: [12:18:26]

2 Q. [12:18:28] To your knowledge, Madam Witness, were there many instances of
3 women who made a similar experience as what you've described to us, as what
4 happened to you?

5 A. [12:18:43] I haven't understood.

6 Q. [12:18:51] I'll rephrase.

7 To your knowledge, Madam Witness, were there other women in Timbuktu who
8 made a similar -- who made a similar experience as you in regards to what you've just
9 described to us?

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

11 Q. [12:19:24] How did you learn about this?

12 A. [12:19:41] I heard about it. I had a friend who would sometimes meet me and
13 tell me what was happening in town.

14 MS SCHOETERS: [12:20:06] Your Honours, if we could go briefly into private
15 session, please.

16 PRESIDING JUDGE MINDUA: [12:20:15](Interpretation) Of course.
17 Court officer.

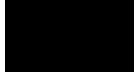
18 (Private session at 12.20 p.m.)

19 THE COURT OFFICER: [12:20:20] We are in private session, Mr President.

20 PRESIDING JUDGE MINDUA: [12:20:28](Interpretation) Thank you, court officer.
21 Madam Prosecutor.

22 MS SCHOETERS: [12:20:36]

23 Q. [12:20:39] Madam Witness, could you give us the name of the friend who told
24 you?

25 A. [12:20:45] Yes, 

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1 Q. [12:20:49] Is it the same [REDACTED] as the one you have mentioned before?

2 A. [12:21:00] Yes.

3 Q. [12:21:02] And could I please ask you to write down the name because the
4 transcript wasn't very clear on the spelling of that name; so may I ask you to write
5 down that name on a piece of paper, please.

6 A. [12:21:27] Yes. [REDACTED] (sic).

7 Q. [12:22:06] Thank you, Madam Witness.

8 Madam Witness, do you know -- do you personally know of cases of women who
9 made a similar experience as you?

10 A. [12:22:44] No.

11 Q. [12:23:01] Do you know if anything at all happened to [REDACTED]?

12 A. [12:23:20] [REDACTED] yes.

13 Q. [12:23:27] And we are referring to [REDACTED] The one you
14 mentioned at the beginning of your testimony, right?

15 A. [12:23:41] Yes.

16 Q. [12:23:44] How old was [REDACTED] in 2012?

17 A. [12:23:55] [REDACTED] years old.

18 Q. [12:23:58] Now, Madam Witness, for the purpose of being able to continue in
19 public session, I will be referring to [REDACTED] as "Madam A", and I would like to ask you
20 to not use the name of [REDACTED] but to say "Madam A" instead. So each time you want
21 to mention the name [REDACTED] you don't do so, but you say "Madam A".

22 Do you understand this, Madam Witness?

23 A. [12:24:37] Yes.

24 MS SCHOETERS: [12:24:41] Your Honours, if we could go back into open session,
25 please.

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- 1 PRESIDING JUDGE MINDUA: [12:24:48](Interpretation) Court officer.
- 2 (Open session at 12.24 p.m.)
- 3 THE COURT OFFICER: [12:24:53] We're back in open session, Mr President.
- 4 PRESIDING JUDGE MINDUA: [12:25:00](Interpretation) Thank you very much,
- 5 court officer.
- 6 Madam Prosecutor.
- 7 MS SCHOETERS: [12:25:05]
- 8 Q. [12:25:07] Madam Witness, could you tell us what happened to Madam A.
- 9 A. [12:25:19] Yes.
- 10 Q. [12:25:23] Please go ahead, we're listening to you.
- 11 A. [12:25:30] Yes. Madam A was also forced to marry.
- 12 Q. [12:25:44] And who was the man that Madam A was forced to marry?
- 13 A. [12:26:05] She was married by an Arab.
- 14 Q. [12:26:10] And who was this Arab that Madam A was married to?
- 15 A. [12:26:20] I don't know his name, but he was an Arab from Timbuktu.
- 16 Q. [12:26:31] Can you please tell us how this marriage took place.
- 17 A. [12:26:45] Yes.
- 18 Q. [12:26:48] Go ahead.
- 19 * A. [12:26:58] [REDACTED]
- 20 [REDACTED]
- 21 [REDACTED]
- 22 A. [12:26:58] [REDACTED]
- 23 THE INTERPRETER: [12:27:34] [REDACTED]
- 24 [REDACTED]
- 25 MS SCHOETERS: [12:27:47]

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1 Q. [12:27:49] And you say the Arab came to your mother's house. How did your
2 mother react to the Arab?

3 PRESIDING JUDGE MINDUA: [12:28:15](Interpretation) Maître Edwards.

4 MR EDWARDS: [12:28:17] Thank you.

5 Can we please establish a foundation first for these questions. It's not been
6 established. Well, I notice that the feed hasn't yet been cut - it doesn't need to
7 be - but a factual foundation, which I'm sure friend understands, needs to be laid for
8 these questions and I'd ask that that be done.

9 PRESIDING JUDGE MINDUA: [12:28:57](Interpretation) Madam Prosecutor, did
10 you hear the objection from the Defence?

11 MS SCHOETERS: [12:29:01] Yes, but it was the witness herself who said:

12 "When the Arab came to my mother's house to ask for her hand ..."

13 MR EDWARDS: [12:29:11] Can we cut the feed, please.

14 PRESIDING JUDGE MINDUA: [12:29:19](Interpretation) Court officer, please cut
15 the feed.

16 THE COURT OFFICER: [12:29:24] Your Honours, the sound to the witness has been
17 cut off.

18 PRESIDING JUDGE MINDUA: [12:29:29](Interpretation) Thank you very much,
19 court officer.

20 Maître Edwards

21 MR EDWARDS: [12:29:34] Forgive me, your Honour, I thought this could be done
22 more in code, but obviously that can't be done.

23 Throughout the witness's evidence about what happened to her, the visit that took
24 place at her mother's home and so on, the evidence has been that she was not present
25 and that everything that she knows of what contact there was between her mother

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1 and these Islamists she heard via her mother -- or, rather, third parties. At the
2 moment, we seem to be proceeding on an assumption that the witness was present
3 and saw and heard that which occurred with regard to Madam A, and it seems to me
4 that that is a dangerous assumption to make in the circumstances.

5 I hope I've been clear.

6 PRESIDING JUDGE MINDUA: [12:30:30](Interpretation) Madam Prosecutor, what
7 is your response to that remark?

8 MS SCHOETERS: [12:30:39] That was actually going to be one of my next questions,
9 how the witness knew this.

10 PRESIDING JUDGE MINDUA: [12:30:51](Interpretation) Very well.

11 We shall now resume -- or re-establish, rather, the sound link.

12 Court officer, if you could.

13 THE COURT OFFICER: [12:31:07] Your Honours, the sound to the witness has been
14 re-established.

15 PRESIDING JUDGE MINDUA: [12:31:09](Interpretation) Thank you very much,
16 court officer.

17 Madam Prosecutor.

18 MS SCHOETERS: [12:31:16] Just one moment, your Honour.

19 Q. [12:31:34] So, Madam Witness, I'm going to repeat my question, which I had
20 asked before.

21 You said the Arab came to your mother's house to ask for Madam A's hand. How
22 did you know that this happened, Madam Witness?

23 A. [12:32:10] [REDACTED]

24 [REDACTED]

25 Q. [12:32:25] Did the Arab come to your mother's home or did he go to the home of

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1 Madam A's mother? Just to be clear.

2 A. [12:32:39] The home of the mother of Madam A.

3 Q. [12:33:04] And I understood from you that Madam A didn't agree to the
4 marriage with the Arab man. How do you know that Madam A did not agree to the
5 marriage proposal?

6 A. [12:33:25] She told me so.

7 Q. [12:33:28] When you say "she", who are you referring to? Madam A?

8 A. [12:33:36] Yes, Madam A.

9 Q. [12:33:39] And how did the person whom the Arab man talked to at Madam A's
10 house, how did -- or, to whom at Madam A's house did the Arab talk to? Could you
11 please tell us.

12 A. [12:34:11] Well, I don't know.

13 Q. [12:34:17] And did Madam A refuse the marriage when the Islamist -- when the
14 Arab was there?

15 Pardon, when the Arab was there at her mother's home?

16 A. [12:34:37] Yes, Madam A refused.

17 Q. [12:34:47] Did the Arab man ask anyone else for Madam A's hand?

18 A. [12:35:02] No.

19 Q. [12:35:08] So what happened after Madam A refused the marriage proposal?

20 A. [12:35:25] Since Madam A refused, the Arab left and called the Islamists to force
21 Madam A.

22 Q. [12:35:45] Did the Islamists come to Madam A's house?

23 A. [12:35:59] No.

24 Q. [12:36:03] Was it customary in Timbuktu for Arab men to marry black women?

25 Before the arrival of the groups, was that customary? Did that happen a lot?

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1 A. [12:36:33] Yes.

2 Q. [12:36:49] So I just want to be sure you understood the question correctly.

3 Before the arrival of the armed groups, did -- was it happening a lot that Arab men
4 were marrying black women?

5 A. [12:37:08] Yes.

6 Q. [12:37:12] So what happened to Madam A in the end? So she refused the
7 marriage, but what happened to her?

8 A. [12:37:22] She refused. The Arab called the Islamists so that they would force her.

9 Q. [12:37:42] And how did the Islamists force -- or did the Islamists force Madam A
10 to marry the Arab man, to your knowledge?

11 A. [12:37:59] Yes. Yes. The Islamists forced Madam A.

12 Q. [12:38:08] And do you know how the Islamists forced Madam A to marry the
13 Arab man?

14 A. [12:38:21] No.

15 Q. [12:38:34] Could you tell us approximately in -- how soon after the Arab man
16 came to Madam A's house, how soon after the marriage took place?

17 A. [12:39:05] One week.

18 Q. [12:39:10] In which month did the marriage take place, if you remember?

19 A. [12:39:18] No, I don't remember.

20 Q. [12:39:25] Did the marriage take place before or after you were married to the
21 Islamist?

22 A. [12:39:36] Before.

23 Q. [12:39:39] And how was the marriage between Madam A and the Arab man
24 celebrated?

25 THE INTERPRETER: [12:40:10] A note from the interpreter in the Arabic booth: Is

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1 it possible to ask the witness to stay back from the table, because the microphone is
2 very sensitive, and every movement that she makes comes in my ears and I cannot
3 hear her clearly. Thank you.

4 THE WITNESS: [12:40:27](Interpretation) I don't remember.

5 MS SCHOETERS: [12:40:31]

6 Q. [12:40:32] Madam Witness, I just got a message from the Arabic interpreter who
7 is asking whether you could stay away from the table, because when you touch the
8 table, it gives disturbing noises to the interpreter and the interpreter then can't hear
9 you very well.

10 A. [12:41:03] Okay.

11 Q. [12:41:05] Can you tell us what happened to Madam A after she got married to
12 the Arab man?

13 A. [12:41:24] I don't remember.

14 Q. [12:41:38] Where was Madam A living after she got married to the Arab man?

15 A. [12:41:50] In Timbuktu.

16 Q. [12:41:53] And where in Timbuktu? Was she living at her mother's place or
17 somewhere else?

18 A. [12:42:03] In her mother's house.

19 Q. [12:42:14] How long did the marriage between Madam A and the Arab man
20 last?

21 A. [12:42:31] I don't remember.

22 Q. [12:42:38] Do you remember whether, at a certain point, the marriage came to an
23 end?

24 A. [12:42:51] No.

25 Q. [12:42:54] Have you ever seen the Arab man that Madam A was married to?

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- 1 A. [12:43:18] No.
- 2 Q. [12:43:21] What did -- was Madam A still married to the Arab man when the
3 armed groups left Timbuktu?
- 4 A. [12:43:50] No.
- 5 Q. [12:43:58] So what did Madam A do when the marriage had come to an end?
- 6 A. [12:44:19] She kept on studying and then she got married again.
- 7 Q. [12:44:30] To the best of your knowledge, Madam Witness, did Madam A talk to
8 anyone outside the family about what had happened to her?
- 9 A. [12:44:53] No.
- 10 Q. [12:44:58] Madam Witness, I'm now going to go to a next set of questions.
11 You've already briefly addressed this before, I think, but could women dress the way
12 they wanted when the Islamists were in Timbuktu?
- 13 A. [12:45:22] No.
- 14 Q. [12:45:26] So how should women dress in Timbuktu when the Islamists groups
15 were there?
- 16 A. [12:45:43] Women were supposed to wear a headscarf.
- 17 Q. [12:45:57] And were there any other rules how women should be dressed?
- 18 A. [12:46:13] No.
- 19 Q. [12:46:16] What would the Islamists do if they noticed that women were not
20 dressed according to their rules?
- 21 A. [12:46:35] They would take them to prison.
- 22 Q. [12:46:42] And where were these women imprisoned or put in prison?
- 23 A. [12:46:56] At the Islamic police.
- 24 Q. [12:47:05] And where was this "Islamic police" where the women were put in
25 prison?

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1 A. [12:47:19] At the large market in Timbuktu, Yobou Tao.

2 Q. [12:47:29] And were they put in a specific building?

3 A. [12:47:40] Yes.

4 Q. [12:47:42] Which building?

5 A. [12:47:52] The BDM building. It's a bank.

6 Q. [12:48:00] And do you personally know someone who was put in prison at this
7 bank by the Islamists? And please just answer with yes or no, Madam Witness.

8 A. [12:48:15] Yes.

9 MS SCHOETERS: [12:48:22] Your Honours, if we could go into private session for
10 a few brief questions to elicit further details on this concrete case of women being put
11 in the women's prison at the bank.

12 PRESIDING JUDGE MINDUA: [12:48:35](Interpretation) Court officer, private
13 session, please.

14 (Private session at 12.48 p.m.)

15 THE COURT OFFICER: [12:48:41] We're in private session, Mr President.

16 PRESIDING JUDGE MINDUA: [12:48:52](Interpretation) Thank you very much.
17 Madam Prosecutor.

18 MS SCHOETERS: [12:48:57]

19 Q. [12:48:58] Madam Witness, what is the name of the person whom you know and
20 whom the Islamists put in the prison at the bank? Could you give us the name,
21 please, of this person.

22 A. [12:49:16] Yes, [REDACTED] is her name.

23 Q. [12:49:21] And what is her last name?

24 A. [12:49:25] [REDACTED]

25 Q. [12:49:32] And is -- what is your relationship with this particular [REDACTED]?

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1 A. [12:49:44] She is [REDACTED]

2 Q. [12:49:53] Okay. So she is [REDACTED]

3 Now, for the purpose of public session, I will be referring

4 to [REDACTED] as "Madam B", and I would like you to use Madam B instead of [REDACTED]

5 [REDACTED] as well.

6 Is that okay, Madam Witness? Do you understand?

7 A. [12:50:22] Madam B, okay.

8 Q. [12:50:24] Good.

9 MS SCHOETERS: [12:50:27] Your Honours, if we could go into public session.

10 PRESIDING JUDGE MINDUA: [12:50:32](Interpretation) Of course, Madam

11 Prosecutor. Court officer, if you could.

12 (Open session at 12.50 p.m.)

13 THE COURT OFFICER: [12:50:41] We're back in open session, Mr President.

14 PRESIDING JUDGE MINDUA: [12:50:49](Interpretation) Thank you very much,

15 court officer.

16 Madam Prosecutor, please.

17 MS SCHOETERS:

18 Q. [12:50:56] Madam Witness, could you tell us what happened to Madam B?

19 A. [12:51:06] Yes.

20 Q. [12:51:07] Go ahead.

21 A. [12:51:11] Madam B was sitting in front of her door and some Islamists went by

22 in a vehicle. She was wearing a headscarf, but she wasn't wearing -- she wasn't

23 wearing a long-sleeved blouse and that is why they took Madam B to prison.

24 Q. [12:51:47] And in which prison was Madam B put?

25 A. [12:51:57] The Islamic prison. Islamic police.

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1 Q. [12:52:10] So at a building you've just mentioned, where the Islamic police
2 was -- at the bank, you mean?

3 A. [12:52:21] Yes.

4 Q. [12:52:26] Can you please describe the bank?

5 A. [12:52:39] Yes.

6 Q. [12:52:46] Please -- please go ahead.

7 A. [12:52:50] The bank is a white building.

8 Q. [12:53:15] Are there different storeys?

9 A. [12:53:24] Yes.

10 MS SCHOETERS: [12:53:31] Mr Court Officer, I would now like to show a still
11 image of a video. And the video is MLI-OTP-0015-0495, and the still image is at 00
12 hours, 28 minutes, 50 seconds, 22 *centieme*, and, of course, this will be shown without
13 sound because it's just a still image and it can be shown in public.

14 PRESIDING JUDGE MINDUA: [12:54:23](Interpretation) Mr Edwards.

15 MR EDWARDS: [12:54:28] It's not an objection as such, but the probative value of
16 showing a still image in the context of the questions that have just been put, to be
17 followed up by what is no doubt going to be the same sort of leading question that
18 was asked of the witness when she gave her statement to the OTP, and, indeed, the
19 same sort of leading question that was asked of the witness in the context of her
20 preparation just a few days ago, it deprives the evidence that we're going to hear from
21 this witness of any value at all.

22 The fact of the matter is that because leading (Overlapping speakers)

23 PRESIDING JUDGE MINDUA: [12:55:16](Interpretation) Counsel, counsel, I believe
24 that you are quite hasty here. We haven't even yet seen the material, and you are
25 arguing. No. No. First, let us see what this is all about.

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1 MR EDWARDS: [12:55:31](Overlapping speakers)...yes, your Honour.

2 PRESIDING JUDGE MINDUA: [12:55:31](Interpretation)(Overlapping speakers)

3 Madam Prosecutor.

4 MS SCHOETERS: [12:55:48] What I see here on the image is not what I wanted to
5 show. So if you could put it a bit further because this is at 28:50:00 and I had asked
6 for 28:50:22. So if you could just ...

7 It's fine like that as well. Thank you.

8 So for the record, we are now at the still image of MLI-OTP-0015-0495, and the image
9 is stopped or shown at 00:28:51:02.

10 (Viewing of the video excerpt)

11 MS SCHOETERS: [12:56:38]

12 Q. [12:56:44] Madam Witness, can you see the image in front of you?

13 A. [12:56:53] Yes.

14 Q. [12:56:57] What do you see on this image?

15 A. [12:57:07] That's the Islamic police.

16 Q. [12:57:12] Is this the building you were just talking about before?

17 A. [12:57:19] Yes.

18 Q. [12:57:22] And is this the building you said that the -- the women who didn't
19 dress properly were put in prison?

20 A. [12:57:34] Yes.

21 MS SCHOETERS: [12:57:38] And, Mr Court Officer, the image can be removed.

22 Q. [12:57:52] Madam Witness, what happened once Madam B was in prison?

23 A. [12:58:08] Madam B was put in prison because she was not covered up. She
24 spent about one day there in prison. After that, her husband went to fetch her.

25 Q. [12:58:35] And how do you know all of this?

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1 A. [12:58:46] I visited her, and she told me about this. When Madam B arrived, I
2 went to visit her.

3 Q. [12:59:10] You say, "When Madam B arrived."
4 What do you mean? When she arrived back home from prison or ... what do you
5 mean?

6 A. [12:59:23] She said what had happened to her in prison. She told her that -- she
7 told me that the Islamists had put her in prison. She told me that.

8 Q. [12:59:44] And did she tell you -- did Madam B tell you whether the Islamists
9 said anything to her when she was released?

10 A. [12:59:56] Yes. The Islamists said to her that from that time onwards, if she -- if
11 she wore that kind of --

12 THE INTERPRETER: [13:00:22] Inaudible.

13 THE WITNESS: [13:00:24](Interpretation) -- she would be struck.

14 MS SCHOETERS: [13:00:30]

15 Q. [13:00:31] I'm sorry, Madam Witness. But could you please repeat your answer
16 because part of it was inaudible.

17 So could you please repeat your answer.

18 A. [13:00:42] The Islamists said to her that if she wore those kinds of clothing again,
19 she would be hit, struck.

20 Q. [13:01:02] Did the Islamists tell her anything else?

21 A. [13:01:08] No.

22 MS SCHOETERS: [13:01:19] Your Honours, I am just looking at the time. Would
23 you like to briefly continue, or would you like to stop now?

24 PRESIDING JUDGE MINDUA: [13:01:29](Interpretation) No, Madam Prosecutor.

25 It's one o'clock now. We're going to break here. We shall have a shorter break

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- 1 today because the Chamber's going to meet in the afternoon.
- 2 We shall, therefore, be back at two o'clock.
- 3 The Court is suspended.
- 4 THE COURT USHER: [13:02:01] All rise.
- 5 (Recess taken at 1.02 p.m.)
- 6 (Upon resuming in open session at 2.02 p.m.)
- 7 THE COURT USHER: [14:02:43] All rise. Please be seated.
- 8 PRESIDING JUDGE MINDUA: [14:03:01](Interpretation) Court is in session again.
- 9 Now over to Madam Prosecutor for the continuation of the examination-in-chief.
- 10 MS SCHOETERS: [14:03:25]
- 11 Q. [14:03:29] Madam Witness, before the break, we were talking about Madam B.
- 12 When --
- 13 A. [14:03:48] Yes.
- 14 Q. [14:03:48] -- when did what you described happened to Madam B? How long
- 15 was it after your return to Timbuktu?
- 16 A. [14:04:10] Two months later.
- 17 Q. [14:04:18] (Microphone not activated)
- 18 THE INTERPRETER: [14:04:23] Microphone please, Counsel.
- 19 MS SCHOETERS: [14:04:27]
- 20 Q. [14:04:27] Now, I'm moving to a different subject. Do you remember having
- 21 told your story about your marriage to the Islamist to a Malian judge?
- 22 A. [14:04:41] Yes.
- 23 Q. [14:04:53] Did you sign the statement that you gave to the judge in Mali about
- 24 your marriage to the Islamist?
- 25 A. [14:05:10] Yes.

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1 Q. [14:05:14] Was this statement taken from you before the Malian judge, was it
2 read back to you? Or did you have the opportunity to read it before signing it?

3 A. [14:05:31] Yes.

4 Q. [14:05:45] Could you clarify how you went about the procedure in front of the
5 Malian judge?

6 A. [14:06:14] What was the procedure?

7 Q. [14:06:18] Yes, what was -- could you read the document that was made by the
8 Malian judge? Could you read it before you signed it?

9 A. [14:06:40] Yes, I did read it before signing it.

10 Q. [14:06:45] Okay. Thank you very much, Madam Witness.

11 This ends the examination-in-chief. I have no further questions.

12 PRESIDING JUDGE MINDUA: [14:07:02](Interpretation) Thank you very much,
13 Madam Prosecutor, for your efficiency.

14 Now, of course I'm going to turn to the Legal Representatives for Victims now to ask
15 them the usual question in view of the fact that we have already, of course, received
16 your request.

17 Maître?

18 MR LUVENGIKA: [14:07:29](Interpretation) Yes, your Honour, Mr President,
19 your Honours. Now having followed the examination-in-chief on the part of the
20 Prosecution, the Legal Representatives for Victims do not have any questions to put
21 to this witness, and we thank you.

22 PRESIDING JUDGE MINDUA: [14:07:45](Interpretation) Thank you very much,
23 Maître Nsita, for your efficiency, also.

24 Now, I am now turning to the Defence in order to ascertain whether they are at the
25 ready.

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1 Mr Edwards?

2 MR EDWARDS: [14:08:04] Thank you very much, your Honour. Yes, we are
3 certainly ready to start. I can tell you right now that unfortunately I'm not going to
4 be in a position to finish today, but we can certainly make a start and make good
5 progress.

6 PRESIDING JUDGE MINDUA: [14:08:25](Interpretation) Very well. Thank you
7 very much, Counsel.

8 MR EDWARDS: [14:08:33] If I could just have the Court's --

9 PRESIDING JUDGE MINDUA: [14:08:37](Interpretation) Just a moment, please.
10 Mr Courtroom Officer, what would you like?

11 THE COURT OFFICER: [14:08:51] Your Honours, I would wish to read the REG
12 numbers that have been assigned to handwritten notes on to the record.

13 PRESIDING JUDGE MINDUA: [14:09:05](Interpretation) Very well, please go
14 ahead.

15 THE COURT OFFICER: [14:09:08] The two documents written by the witness will be
16 assigned numbers MLI-REG-0001-0213 and MLI-REG-0001-0214.

17 PRESIDING JUDGE MINDUA: [14:09:32](Interpretation) Thank you very much,
18 Mr Courtroom Officer.

19 Now I am turning to Madam Witness. Madam Witness, the Office of the Prosecutor
20 has finished its examination-in-chief. I shall now be handing over to the Defence for
21 the cross-examination. So I would call upon you to answer the questions by the
22 Defence with goodwill and clarity as you did with the Office of the Prosecutor.

23 THE WITNESS: [14:10:15](Interpretation) Okay.

24 PRESIDING JUDGE MINDUA: [14:10:17](Interpretation) Thank you very much.
25 So Mr Edwards, over to you.

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1 MR EDWARDS: [14:10:28] Thank you, your Honour.

2 QUESTIONED BY MR EDWARDS:

3 Q. [14:10:34] Good afternoon, Madam Witness. Can you hear me and can you see
4 me?

5 A. [14:10:40] Yes.

6 Q. [14:10:43] Thank you.

7 As you will have gathered from his Honour, my name is Iain Edwards. I'm one of
8 the lawyers representing Mr Al Hassan in this case.

9 PRESIDING JUDGE MINDUA: [14:11:05](Interpretation) Please hang on a moment,
10 Counsel, I believe we have a communication issue.

11 THE COURT OFFICER: [14:11:18] Your Honours, the technicians have been
12 informed of this.

13 PRESIDING JUDGE MINDUA: [14:11:23](Interpretation) Thank you very much,
14 Mr Courtroom Officer.

15 MR EDWARDS: [14:11:35] I seem to have offended someone even before I start.

16 PRESIDING JUDGE MINDUA: [14:11:45](Interpretation) Not at all. These are the
17 vagaries of our technical environment.

18 (Pause in proceedings)

19 PRESIDING JUDGE MINDUA: [14:12:03](Interpretation) There we are. We have
20 our witness once again.

21 Now, Mr Edwards, please.

22 MR EDWARDS: [14:12:10] Thank you.

23 Q. [14:12:12] I was in the process of saying, Madam Witness, that my name is Iain
24 Edwards and I'm one of the lawyers representing Mr Al Hassan.

25 As with the questions from the Prosecution, I'm going to ask you please to listen

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1 carefully to those questions, and, in your answers, to provide short sentences because
2 that is the best way to help the interpreters do their job, to help the interpreters
3 capture what you have to say. All right?

4 A. [14:13:06] Yes.

5 Q. [14:13:07] And as with the Prosecutor, if any of my questions are unclear to you,
6 if you would like me to repeat any of my questions, if you would like me to
7 reformulate a question which is unclear to you, please don't hesitate to ask me.
8 Okay?

9 A. [14:13:29] Okay.

10 Q. [14:13:32] And of course, if, at any point, you would like a break, again, please
11 don't hesitate to ask.

12 A. [14:13:47] Okay.

13 Q. [14:13:48] If in the course of an answer that you're giving it seems to be too long
14 or the interpreters aren't able to interpret what you're saying, I may raise my hand
15 like that.

16 Do you see?

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

18 Q. [14:14:11] And by that, I will mean no disrespect to you at all, it just means that
19 you should perhaps just stop for a moment and let the interpreters catch up.

20 Is that all right?

21 A. [14:14:24] Yes.

22 Q. [14:14:31] So we will make a start, Madam Witness.

23 And I'm afraid, your Honour, that at the beginning, I'm going to have to ask that we
24 go into a private session for what I hope will just be a short time.

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

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1 Mr Courtroom Officer, could we move into private session, please.

2 (Private session at 2.15 p.m.)

3 THE COURT OFFICER: [14:15:02] We are in private session, Mr President.

4 PRESIDING JUDGE MINDUA: [14:15:07](Interpretation) Thank you very much,

5 Mr Courtroom Officer.

6 Mr Edwards.

7 MR EDWARDS: [14:15:14] Thank you.

8 Q. [14:15:15] What I'd like to do, please, Madam Witness, is to start with exploring

9 how it is that you first came to meet with investigators from the Office of the

10 Prosecutor.

11 Do you follow?

12 A. [14:15:33] Yes.

13 Q. [14:15:37] Now, we have information that [REDACTED]

14 [REDACTED]

15 Your Honour, for the record, this is a document reference MLI-OTP-0076-0269, which

16 is at tab 21 of our list.

17 [REDACTED]

18 [REDACTED]

19 A. [14:16:35] Yes.

20 Q. [14:16:39] [REDACTED]

21 [REDACTED]

22 A. [14:16:56] Yes.

23 Q. [14:16:59] [REDACTED]

24 [REDACTED]

25 A. [14:17:14] Yes.

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1 Q. [14:17:17] [REDACTED]

2 [REDACTED]

3 A. [14:17:28] Yes.

4 Q. [14:17:31] [REDACTED]

5 [REDACTED]

6 A. [14:17:57] For a year.

7 Q. [14:18:01] [REDACTED] would that be right?

8 A. [14:18:13] Yes.

9 Q. [14:18:18] [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 A. [14:18:39] Yes.

13 Q. [14:18:52] When was the last time you were in contact with that person?

14 A. [14:19:07] In the year 2018.

15 Q. [14:19:11] Can you tell us a little bit about the circumstances of that last meeting
16 in 2018, please?

17 A. [14:19:22] No, I do not recall, but I do know that it was in the year 2018 that we
18 last met.

19 Q. [14:19:43] Where did you last meet in 2018?

20 A. [14:19:49] In Timbuktu.

21 Q. [14:20:00] Does that person also live in Timbuktu?

22 A. [14:20:11] Yes.

23 Q. [14:20:13] Was -- are you able to remember whether it was an arranged meeting
24 or a meeting by chance or something else?

25 A. [14:20:25] It was a meeting.

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1 Q. [14:20:42] Yes. Forgive me, the question maybe wasn't entirely clear.

2 Was it a chance encounter in the street, at the market, or was it a meeting that had
3 been prearranged?

4 A. [14:20:58] It was a meeting that was prearranged.

5 Q. [14:21:09] Thank you.

6 [REDACTED]

7 [REDACTED]

8 A. [14:22:06] Yes.

9 Q. [14:22:08] It may be that that has refreshed your memory as to what the
10 circumstances of the meeting were. Are you able now, thinking about it, to recall
11 a little more about what the circumstance of that meeting were?

12 A. [14:22:41] Yes.

13 Q. [14:22:47] Thank you. That's very helpful.

14 Can you now tell us a little bit more about what the circumstances of that meeting
15 were in as much detail as you can, please.

16 A. [14:23:03] Yes. We were in a meeting, and the members of WiLDAF asked us

17 [REDACTED]

18 Q. [14:23:45] Thank you.

19 Do I understand from that answer that your meeting with this individual from
20 WiLDAF took place in a group setting? Or was it more of a one-on-one meeting?

21 A. [14:24:12] No, we were not alone. We were there with other people as well.

22 Q. [14:24:27] Thank you. Can you remember where the meeting took place in
23 Timbuktu?

24 A. [14:24:46] No.

25 Q. [14:24:49] That last question was perhaps a bit too vague and a bit too general.

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1

2

Something like that.

3

A. [14:25:07]

4

Q. [14:25:24] And we're in private session, so you can tell us

5

?

6

A. [14:25:35]

7

Q. [14:25:48]

8

A. [14:25:55] Yes.

9

Q. [14:25:59] When did you first meet Ouma Dahi?

10

A. [14:26:08] In a meeting. She came to introduce herself, saying that she can

11

leave -- and that she was there to help us.

12

THE INTERPRETER: [14:26:31] The witness mentioned WiLDAF, but it was unclear.

13

THE INTERPRETER: [14:26:46] Correction from the English booth: She came to

14

introduce herself. She said that --

15

PRESIDING JUDGE MINDUA: [14:26:47] Microphone, please.

16

THE INTERPRETER: [14:26:47] -- she was part of WiLDAF and that she was there to

17

help us.

18

MR EDWARDS: [14:26:56] Yes, thank you very much.

19

Q. [14:26:58] I think my question was when -- when did you first meet Ouma Dahi.

20

Let's -- let's take it step by step. All right?

21

First of all, do you remember the year when you first met Ouma Dahi?

22

A. [14:27:23] 2015 -- '16.

23

Q. [14:27:40] 2016. Thank you.

24

And she came, she said that she -- she was able to -- to help. Tell us a little bit about

25

the arrangements. How did it -- how did it come to pass that you ended up in the

1 same room or at the same location as Ouma Dahi?

2 A. [14:28:21] It was Ouma Dahi who organised a meeting with the victims.

3 Q. [14:28:41] How did victims come to know that the meeting was going to take
4 place? How was it publicised?

5 A. [14:28:52] It was Ouma who told us that the meeting was organised for the
6 victims.

7 Q. [14:29:28] What I'm trying to understand is, did Ouma come to your home and
8 tell you about the meeting, or was it publicised in -- was it on the radio, was it
9 publicised through leaflets or some other way? How did -- how was the meeting
10 actually arranged?

11 Do you understand my question?

12 A. [14:29:52] Yes, I have understood. But I do not recall.

13 Q. [14:29:59] Well, that -- that of course is understandable. It was a long time ago
14 and we understand that.

15 We have information, Madam Witness, that WiLDAF would call *Tombouctiens*,
16 especially women, to gather at the *place* Sankoré, to have meetings.

17 MR EDWARDS: [14:30:22] And, your Honour, for the record, I'm referring to the
18 statement of P-2140, which is MLI-OTP-0081-0400, at 0402, paragraph 15.

19 Q. [14:30:44] So, Madam Witness, this call to gather at the *place* Sankoré, does that
20 sound familiar to you? Does that ring a bell?

21 A. [14:30:55] No.

22 Q. [14:31:11] Even if you never met at the *place* Sankoré, were you aware that
23 meetings sometimes did take place at the *place* Sankoré?

24 A. [14:31:24] I do not recall.

25 Q. [14:31:34] Okay. The very first meeting that you had, the meeting arranged by

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1 Ouma Dahi, are you able to recall approximately how many other victims from
2 Timbuktu attended?

3 A. [14:32:08] There were a lot of women. There were some that I knew, but some
4 that I didn't.

5 Q. [14:32:18] Okay. But was it only women?

6 A. [14:32:25] Yes.

7 Q. [14:32:27] And in what way did Ouma Dahi say that WiLDAF could help, could
8 assist?

9 *A. [14:32:46] Ouma Dahi said that WILDAF was there to help the victims speak
10 about what they went through during the crisis."

11 Q. [14:33:14] Yes.

12 PRESIDING JUDGE MINDUA: [14:33:19](Interpretation) Counsel, should we
13 continue in private session?

14 MR EDWARDS: [14:33:24] Thank you very much, your Honour. In fact, I was just
15 about to move into questions about some of the other women who attended these
16 meetings. So I think, with your Honour's leave, it would be prudent to remain in
17 private session just for a little while longer. I certainly don't want to have the
18 identity of other vulnerable people disclosed in public.

19 PRESIDING JUDGE MINDUA: [14:33:56](Interpretation) I'm in agreement, Counsel.
20 But as you know, our main concern is the publicity of proceedings. But please go
21 ahead.

22 MR EDWARDS: [14:34:11] Yes. Thank you, your Honour. I'll do my best to move
23 through this period as quickly as possible so that the publicity of proceedings can be
24 respected.

25 Q. [14:34:21] Your last answer, Madam, was that Ouma Dahi - D-A-H-I, for the

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1 transcribers - said that WiLDAF was there to -- or she was there so that victims could
2 speak about what they went through during the crisis.

3 A. [14:34:53] Yes.

4 Q. [14:34:55] Was (Overlapping speakers)

5 MR DUTERTRE: [14:34:56] *Monsieur* (Overlapping speakers)

6 PRESIDING JUDGE MINDUA: [14:34:57] (Overlapping speakers) *Monsieur le*

7 *Procureur*.

8 MR DUTERTRE: [14:35:01](Interpretation) Your Honour? I've got a moment of
9 hesitation because Maître Edwards is giving the spelling of how the name should be
10 spelt. * I don't think that the witness had indicated that; so perhaps it is Mr Edwards
11 who is putting that directly on the transcript."

12 PRESIDING JUDGE MINDUA: [14:35:22](Interpretation) Yes. I think counsel
13 wanted to go quickly, but that isn't the procedure. So we will check with the
14 witness.

15 MR EDWARDS: [14:35:31] Thank you, your Honour. Forgive me, I was just trying
16 to speed things along.

17 Q. [14:35:34] Madam Witness, can you please spell the last name, the family name
18 of Ouma Dahi for us?

19 A. [14:35:48] No.

20 Q. [14:36:00] All right.

21 Perhaps it's something we can come back to later. Perhaps my learned friend and I
22 can arrive at some agreement in due course. I don't want to take up more time.
23 Yes.

24 PRESIDING JUDGE MINDUA: [14:36:15](Interpretation) Apparently the OTP is in
25 agreement with you. Please continue.

1 MR EDWARDS: [14:36:22] Ah, that's always lovely to hear.

2 Q. [14:36:25] Apart from providing a space, an opportunity to victim -- for victims
3 to talk about what they had experienced, were there other concrete ways in which
4 Ouma Dahi and WiLDAF were able to assist women like you in Timbuktu?

5 A. [14:36:59] No.

6 Q. [14:37:10] You said a moment ago that some of the women who attended these
7 meetings, you knew and others you didn't. Would you please give us the names of
8 some of the women that you knew. Again, we're in private session, so feel free,
9 without fear, to give us those names, please.

10 A. [14:37:38] Yes. I know [REDACTED]

11 Q. [14:38:02] Now, [REDACTED] of course, is a very common name. Do you know her
12 family name or perhaps the name of her parents or the name of the husband?
13 Anything else that can narrow it down?

14 A. [14:38:21] [REDACTED]

15 Q. [14:38:33] I see, yes. Okay, thank you.

16 And the other name that you mentioned, [REDACTED] that's her full name. Her
17 first name and her family name, is it?

18 A. [14:38:49] Yes.

19 Q. [14:38:51] So those are two people. Anyone else that you can recall?

20 A. [14:39:00] No.

21 Q. [14:39:03] Did you go do the meeting with these two, or are they just people that
22 you met at the meeting? I'm talking about the first meeting, of course.

23 A. [14:39:16] That was the first meeting I met the two of them.

24 Q. [14:39:25] Now, do I understand that this was the first of a number of meetings
25 that you attended organised by WiLDAF?

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1 A. [14:39:40] Yes.

2 Q. [14:39:43] Are you able to approximately tell us how many WiLDAF meetings
3 you attended over the years?

4 A. [14:40:07] We had a lot of meetings.

5 Q. [14:40:11] Were these meetings that took place on a regular basis? Every week?
6 Every two weeks? Every month? Did it operate like that?

7 A. [14:40:28] [REDACTED]

8 Q. [14:40:33] [REDACTED]

9 A. [14:40:38] Yes.

10 Q. [14:40:40] [REDACTED]

11 A. [14:40:53] Yes.

12 Q. [14:40:57] And just so that it's absolutely clear, these meetings were always
13 group meetings, is that right?

14 A. [14:41:09] Yes.

15 MR EDWARDS: [14:41:12] I'd like to continue, your Honour, in this vain, but I think
16 now we can move into public session.

17 PRESIDING JUDGE MINDUA: [14:41:26](Interpretation) Indeed, Maître Edwards.
18 Court officer.

19 (Open session at 2.41 p.m.)

20 THE COURT OFFICER: [14:41:37] We're back in open session, Mr President.

21 PRESIDING JUDGE MINDUA: [14:41:45](Interpretation) Thank you very much,
22 court officer.

23 Counsel.

24 MR EDWARDS: [14:41:49] Thank you.

25 Q. [14:41:51] Would it be fair to say that during these regular meetings you had the

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1 opportunity to hear the stories of what had happened to a fairly large number of
2 women from Timbuktu?

3 A. [14:42:19] Yes.

4 Q. [14:42:22] And did the same -- did attendees of these meetings often speak on
5 multiple occasions about what had happened to them?

6 A. [14:42:39] Yes.

7 Q. [14:42:44] Was it always the same women who attended these meetings? Or
8 would the attendees change over time?

9 A. [14:43:04] Yes.

10 Q. [14:43:07] That's absolutely my fault. I asked you a question which provided
11 two alternative answers. I'm going to ask the question again so that we're clear.
12 Was it always the same women who attended these meetings?

13 A. [14:43:28] Yes.

14 Q. [14:43:33] Did the composition of the women who attended these meetings
15 occasionally change?

16 A. [14:43:43] Yes.

17 MR DUTERTRE: [14:43:50](Interpretation) Mr President.

18 PRESIDING JUDGE MINDUA: [14:43:50](Interpretation) Prosecutor.

19 MR DUTERTRE: [14:43:51](Interpretation) We're repeating a certain number of
20 questions. I'm not sure that the witness fully understands the questions. Perhaps it
21 would be good if my learned friend could simplify things.

22 Furthermore, the Prosecution didn't give its explicit agreement on the name of the
23 person mentioned, Ouma ... I'm not quite sure. We don't know exactly the spelling
24 of that witness.

25 PRESIDING JUDGE MINDUA: [14:44:17](Interpretation) Very well.

1 I think that you are going to discuss that with the Defence, are you not? For the
2 name of the person I'm talking about.

3 MR DUTERTRE: [14:44:31](Interpretation) Well, there was a decision of the
4 Chamber on Friday, which we'd like to refer to and fully respect, if I can speak in an
5 elusive manner.

6 PRESIDING JUDGE MINDUA: [14:44:45](Interpretation) Well, we're -- we're going
7 to move on.

8 Please put your question to the witness, but in a more simple way.

9 MR EDWARDS: [14:44:57] Yes. Can I just explain, your Honour, that it was
10 entirely my fault. I asked a question that admitted of two options, and,
11 unfortunately, because my question wasn't clear, the -- there was a single answer of
12 "yes" from the witness. So I'm afraid I did have to repeat my questions, but only so
13 that the answer was clear to your Honours. That's why it may have appeared
14 repetitive and I apologise.

15 PRESIDING JUDGE MINDUA: [14:45:32](Interpretation) Very well. Please
16 continue, counsel.

17 MR EDWARDS: [14:45:37]

18 Q. [14:45:38] Is it right, Madam Witness, that the person from WiLDAF that
19 convenes these meetings made it clear that it was better for the women to speak about
20 what had happened to them rather than keep their experiences a secret?

21 A. [14:46:06] Yes.

22 Q. [14:46:16] And you were one of the women who spoke at these meetings about
23 what you had experienced?

24 A. [14:46:28] Yes.

25 Q. [14:46:30] Without giving any names, apart from the organiser of these

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1 meetings - you've already given us her name as being a member of WiLDAF - were
2 there other leaders of WiLDAF or other facilitators of that organisation that attended
3 these meetings?

4 A. [14:46:59] No.

5 Q. [14:47:05] During these meetings, did you notice whether the organiser took
6 notes of what the women participants were saying?

7 A. [14:47:23] Yes.

8 Q. [14:47:25] When you gave your account of what had happened to you, did you
9 notice that this -- that the organiser of these meetings was taking notes of what your
10 account was?

11 A. [14:47:41] Yes. She took notes.

12 Q. [14:47:45] Were you ever asked to sign any notes taken by this organiser?

13 A. [14:47:52] I don't remember.

14 Q. [14:48:05] All right.

15 MR EDWARDS: [14:48:07] Your Honour, I'll be guided by the bench now. I have
16 a fairly short series of photographs to show to the witness. I don't know -- it seems
17 to me that it would be prudent for this to happen in private session, but it won't take
18 very long.

19 PRESIDING JUDGE MINDUA: [14:48:38](Interpretation) The Chamber doesn't
20 know what photographs they are. So we'll go into private session, then we'll see.

21 MR EDWARDS: [14:48:50] I'm grateful.

22 PRESIDING JUDGE MINDUA: [14:48:57](Interpretation) Court officer.
23 (Private session at 2.49 p.m.)

24 THE COURT OFFICER: [14:49:02] Your Honours, we're in private session.

25 PRESIDING JUDGE MINDUA: [14:49:11](Interpretation) Very well. Thank you.

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1 Maître Edwards.

2 MR EDWARDS: [14:49:15] Thank you, your Honour.

3 Q. [14:49:18] Could we please have on the screen for the Court and for the witness
4 the document at our tab 1. For the record, it's MLI-D28-0004-7042. And the
5 particular page that I'm interested in, please, is 7057.

6 And I wonder if the court officer would be good enough to zoom in on the photo at
7 the top left-hand corner.

8 Now, Witness, you see the photo in front of you?

9 A. [14:50:23] Yes.

10 Q. [14:50:25] And let me make it clear, I would be the first to accept that it's not
11 easy to identify this person from the angle of the photo and from what we see of the
12 person's face, but on the face of it, do you think you recognise who this person is?

13 A. [14:50:48] Yes.

14 Q. [14:50:49] Who is it, please?

15 A. [14:50:54] The man or the woman?

16 Q. [14:51:01] Well, let's start with the man who we see a little more clearly than the
17 woman.

18 A. [14:51:08] Yes.

19 Q. [14:51:10] His name, please, Madam.

20 A. [14:51:15] I don't know his name, but he was called Sidibe.

21 Q. [14:51:21] Yes. And how do you know him?

22 *A. [14:51:25] Sidibe? He was the first person to come and bring victims to
23 WiLDAF. It was afterwards that Ouma came.

24 Q. [14:51:52] I see. [REDACTED]

25 [REDACTED]

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1 A. [14:52:01] Yes.

2 Q. [14:52:07] And did you develop a -- a friendly relationship with him?

3 A. [14:52:13] Yes.

4 Q. [14:52:17] And -- excuse me. And, did he play a role similar to the role of
5 Ouma Dahi?

6 A. [14:52:39] Yes.

7 PRESIDING JUDGE MINDUA: [14:52:44](Interpretation) Prosecutor.

8 MR DUTERTRE: [14:52:48](Interpretation) Yes, your Honour. It's very vague to
9 say "a similar role," a friendly relationship. It's not very precise. * I would remind
10 everyone that this witness was [REDACTED] old at the time of the events. You can see the
11 way she's replying. Perhaps the questions need to be a bit more targeted and precise
12 than very general questions, which can be interpreted in very different ways, and the
13 answers thereto can be interpreted in very different ways.

14 So I'm just calling for a bit more precision such that it's useful for the Chamber.

15 PRESIDING JUDGE MINDUA: [14:53:23](Interpretation) Maître Edwards, I'm in
16 agreement with the Prosecutor.

17 MR EDWARDS: [14:53:26] The Prosecutor is, of course, absolutely right, as is
18 your Honour, but the comment was a little premature because I was going to go
19 into -- I was going to ask further questions to elicit exactly the information that he and
20 your Honour wants.

21 Q. [14:53:51] Did Mr Sidibe work for WiLDAF at the same time as Ouma Dahi, or
22 did he take over from her role?

23 A. [14:54:10] Yes. Ouma Dahi took the place of Mr Sidibe.

24 Q. [14:54:24] Now how long before you first met Ouma Dahi did you first meet
25 Mr Sidibe?

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1 * A. [14:54:41] It was a while... two months, three months, something like that.

2 Q. [14:54:51] And your meeting, did you have -- did you take part in group
3 meetings [REDACTED]

4 A. [14:55:07] Yes.

5 Q. [14:55:09] And again, meetings where women would express themselves, would
6 talk about their experiences in Timbuktu during the time of the -- the presence of the
7 groups that we've been talking about?

8 A. [14:55:26] Yes.

9 Q. [14:55:31] And did Mr Sidibe also encourage the women to speak and to not
10 keep secrets, to divest themselves of their -- of their stories?

11 A. [14:55:45] Yes.

12 Q. [14:55:50] And how many meetings -- sorry. Let me start again.

13 As with [REDACTED]

14 A. [14:56:05] Yes.

15 Q. [14:56:14] After Ouma Dahi took over from Mr Sidibe, did you see Mr Sidibe
16 again?

17 A. [14:56:34] No.

18 Q. [14:56:36] Thank you.

19 Now, we see in the photo - as we're looking at the photo, sitting to the left - a figure of
20 someone wearing robes in purple, it looks like sitting on the floor.

21 I just want to be absolutely clear.

22 Is that person someone that you think you can identify? I only ask the question
23 because of an answer that you gave a few moments ago.

24 PRESIDING JUDGE MINDUA: [14:57:18](Interpretation) Prosecutor.

25 MR DUTERTRE: [14:57:20](Interpretation) Your Honour, you absolutely don't see

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1 the person on the photograph. It's three quarters cut off, so I think that this question
2 isn't useful, and I don't think it's fair to ask the witness to speak about that.

3 * Furthermore, the witness has answered no.

4 MR EDWARDS: [14:57:37] If I --

5 PRESIDING JUDGE MINDUA: [14:57:38](Interpretation) Maître, yes? Please go
6 ahead.

7 MR EDWARDS: [14:57:41] Your Honour, I'm not trying to make a bad point. I
8 was just trying to clarify things for the Chamber. Your Honour will recall that when
9 I -- when we first had the image up, the witness said, Who are you talking about?

10 The man or the woman?

11 I just want clarification that she's not able to identify the woman. I think we all
12 probably know what the answer is going to be. But I -- if she is, that's something
13 that -- that ought to be explored.

14 If your Honour doesn't think it's going to be helpful, I can move on.

15 PRESIDING JUDGE MINDUA: [14:58:19](Interpretation) Well, that's the impression
16 that we had when the witness asked if it was the woman or the man. But there, she
17 has said, no - page 92, line 24 to line 25 - in the French transcript.

18 MR EDWARDS: [14:58:42] Thank you. I've -- I've been told that an answer came
19 out in the French transcript which didn't come out in the English translation, so I'll
20 move on, your Honour.

21 Q. [14:58:53] All right. If we could please remove that image from the screen and
22 now bring up the document at tab 2, which is MLI-D28-0005-2588. And this is a shot
23 taken from MLI-OTP-0011-0165.

24 Okay. First, Madam Witness, do you see the image in front of you? Just say yes or
25 no for now.

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1 A. [14:59:39] Yes.

2 Q. [14:59:41] And what I'm interested in is the gentleman wearing glasses on the
3 left-hand side of the photo.

4 Do you see? He's wearing it looks like a grey T-shirt, and his arms are folded.

5 Do you recognise that person?

6 A. [15:00:02] No.

7 Q. [15:00:04] All right. Thank you.

8 Well, we'll remove that photo.

9 Can we please bring up [REDACTED] This is at tab 3, please, your Honour,
10 and it's a shot from a Facebook page.

11 And if I could ask the court officer to zoom in on the -- that's it, the photo in the circle
12 in the middle of the screen. I wonder if that could be zoomed in on a little bit more
13 in the hope that that won't impact on the resolution of the photo. Yes.

14 Madam Witness, do you see -- do you see the -- the image there on the screen of
15 a man with not too much hair on his head? Yes.

16 A. [15:01:24] Yes.

17 Q. [15:01:24] Do you recognise that gentleman?

18 A. [15:01:27] No.

19 Q. [15:01:30] All right. Thank you. A couple more of these to go through, please.

20 Tab 5, in the Defence folder, it's [REDACTED]

21 And that's just going to take a second to come up. If we can zoom in on the photo.

22 Thank you.

23 Do you see the lady on the far right of the photo in a pink or purple dress with a pink
24 or a purple headscarf? That's the person I'd like you to focus on, please.

25 Do you recognise her?

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1 A. [15:02:47] Yes.

2 Q. [15:02:48] And could you please give us her name.

3 A. [15:02:59] Her name is [REDACTED]

4 Q. [15:03:11] Do you recognise any of the other individuals in this photo?

5 A. [15:03:21] No.

6 PRESIDING JUDGE MINDUA: [15:03:25](Interpretation) Mr Prosecutor.

7 MR DUTERTRE: [15:03:28](Interpretation) Yes, Mr President. Just a point. It is
8 inaudible in the French version. Maybe my colleague would like to ask the witness
9 to spell the name of the individual. This would be for the clarity of the record.

10 PRESIDING JUDGE MINDUA: [15:03:41](Interpretation) Mr Edwards, are you not
11 interested in having the precise spelling of this name?

12 MR EDWARDS: [15:03:47] Yes. Thank you, your Honour. It's an excellent idea.

13 Q. [15:03:50] Would you be -- are you in a position, Madam Witness, to spell that
14 individual's name, please? Do you have a piece of paper and a pen in front of you?
15 That might make things a little easier, if you write it out first and then spell.

16 A. [15:04:10] Yes. [REDACTED]

17 THE INTERPRETER: [15:04:57] The interpreter is not sure of the last letter.

18 MR EDWARDS: [15:05:03]

19 Q. [15:05:04] Madam Witness, could you just repeat the very last letter that you
20 pronounced.

21 THE INTERPRETER: [15:05:11] The witness say [REDACTED] In the French version:

22 [REDACTED]

23 MR EDWARDS: [15:05:21]

24 Q. [15:05:22] All right. We'll figure that out.

25 And this individual in the pink dress, how do you know her?

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1 A. [15:05:30] [REDACTED]

2 Q. [15:05:52] Thank you.

3 As far as you know, did she have any association or any connection with WiLDAF?

4 THE INTERPRETER: [15:06:01] Correction: [REDACTED]

5 THE WITNESS: [15:06:04](Interpretation) Well, I do not know.

6 MR EDWARDS: [15:06:07]

7 Q. [15:06:08] Okay. That's -- that's fair enough. Thank you very much.

8 MR EDWARDS: [15:06:16] All right. Can we take that off the screen, please. And

9 can we now have up [REDACTED]

10 Your Honour, this is an image taken from [REDACTED]

11 My apologies, your Honour, I've read out the wrong number. Let's start again.

12 MLI-D28-0005-7969.

13 PRESIDING JUDGE MINDUA: [15:07:55](Interpretation) Madam Prosecutor.

14 MS SCHOETERS: [15:07:58](Overlapping speakers) Yes, I just wanted to ask

15 whether it would possible if the Defence would like to ask whether the witness knows

16 any person shown on an image, that images are shown without the names below

17 them visible already, as what happened with one of the previous documents.

18 Perhaps if you could ask the court officer to zoom in before it is shown to the witness.

19 MR EDWARDS: [15:08:26] Your Honour, as far as I'm concerned, happy for that

20 course to be taken.

21 PRESIDING JUDGE MINDUA: [15:08:33](Interpretation) Mr Edwards, please be

22 patient because I was still listening to the interpretation of what Madam Prosecutor

23 had to say.

24 So I didn't follow what you just said.

25 MR EDWARDS: [15:08:50] Yes, all I was saying is that of course that's -- that's not

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1 an -- that's not an unreasonable suggestion. I'm happy for that course to be taken;
2 although I note in passing that the witness is quite able to say that she does or does
3 not recognise a person even if the name is shown underneath an image.
4 All right. I look over to my learned friend if that's -- if the image that's on the screen
5 is something that she's content with. Yes. Can that be shown to the witness then,
6 please.

7 PRESIDING JUDGE MINDUA: [15:09:32] *Monsieur le greffier*?

8 THE COURT OFFICER: [15:09:35] Your Honours, just an intervention on our part.

9 Yes, while it may be technical -- it may be possible from a technical standpoint to
10 move the image to the evidence screen, the image does get distorted somewhat and
11 it's not entirely possible to have the names not shown to the witness immediately.
12 So I don't know what solution we could propose, but it does present some difficulties
13 for us.

14 PRESIDING JUDGE MINDUA: [15:10:12](Interpretation) Yes, there we are. So let's
15 continue.

16 MR EDWARDS: [15:10:16] Thank you very much.

17 Q. [15:10:18] Madam, do you see an image on your screen?

18 A. [15:10:23] Yes.

19 Q. [15:10:27] And my apologies, it's a rather dark image but, nevertheless, doing
20 your best, do you recognise that face?

21 A. [15:10:39] No.

22 Q. [15:10:45] Okay. Thank you.

23 All right, let's remove that from the screen. I'm just going to try, I think, one more.

24 MLI-D28-0005-7981.

25 (Counsel confers)

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1 MR EDWARDS: [15:11:40] So we'll come back to this image a little later. We can
2 stop with this exercise for now. I'll move on to a different area of questions, if I may,
3 your Honour.

4 PRESIDING JUDGE MINDUA: [15:12:04](Interpretation) In open session?

5 MR EDWARDS: [15:12:07] Yes, please.

6 PRESIDING JUDGE MINDUA: [15:12:13](Interpretation) Mr Courtroom Officer, are
7 we in open session? So -- oh, well then may we go into open session.

8 (Open session at 3.12 p.m.)

9 THE COURT OFFICER: [15:12:24] We're back in open session, Mr President.

10 PRESIDING JUDGE MINDUA: [15:12:28](Interpretation) Thank you very much,
11 Mr Courtroom Officer.

12 Mr Edwards, please.

13 MR EDWARDS: [15:12:36]

14 Q. [15:12:38] Madam Witness, we're in possession of evidence, of information that
15 people from WiLDAF would give residents of Timbuktu, women who had stories to
16 tell, money for answering their questions.

17 MR EDWARDS: [15:12:52] And my reference for that, your Honour, is as follows.

18 MLI-OTP-0081-0400 at 0402, paragraph 15. It's also information that arises out of the
19 transcript of evidence from 27 October of this year, page 41 of the provisional
20 transcript.

21 Q. [15:13:24] So is that right, Madam Witness? WiLDAF would give those who
22 had an account to provide money?

23 A. [15:13:45] I do not know.

24 Q. [15:13:52] Are you saying that they never gave you money?

25 PRESIDING JUDGE MINDUA: [15:14:01](Interpretation) Yes, Mr Prosecutor.

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1 MR DUTERTRE: [15:14:05](Interpretation) Asked and answered, your Honour.

2 THE WITNESS: [15:14:15](Interpretation) No.

3 MR EDWARDS: [15:14:17]

4 Q. [15:14:19] Were you working -- or was anyone in your household working when
5 you first met representatives from WiLDAF?

6 A. [15:14:42] No.

7 Q. [15:14:45] We heard -- I'm trying to ask a question so that I don't have to go into
8 private session. We've heard about a certain family member who passed away in
9 2012.

10 After that person passed away, what source or sources of income did your family
11 have?

12 A. [15:15:29] Our family was ...

13 THE INTERPRETER: [15:15:52] The witness has not completed her sentence.

14 MR EDWARDS: [15:15:57]

15 Q. [15:15:59] Madam Witness, could you -- is this an answer that you would prefer
16 to give in private session?

17 A. [15:16:13] No.

18 Q. [15:16:15] Could you -- could you answer the question then, please?

19 A. [15:16:22] Our family was somewhat inseparable.

20 Q. [15:16:57] It may be that the question just wasn't understood.

21 At the time when you first met with representatives from WiLDAF, what was or what
22 were the sources of income for your family?

23 Do you understand the question, Madam?

24 A. [15:17:23] Yes.

25 PRESIDING JUDGE MINDUA: [15:17:26](Interpretation) Madam Prosecutor.

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1 MS SCHOETERS: [15:17:28] Your Honours, I wonder what the relevance of the
2 question is, because the witness already said that she didn't accept money from
3 WiLDAF. So what is the relevance of this question?

4 PRESIDING JUDGE MINDUA: [15:17:45](Interpretation) Yes, Counsel. I really
5 don't see the relevance of this question. What is your answer to that?

6 MR EDWARDS: [15:17:52] I can certainly give the answer, but the feed would have
7 to be cut from the witness, if I may.

8 PRESIDING JUDGE MINDUA: [15:18:06](Interpretation) Mr Courtroom Officer,
9 could you please cut the feed off with the witness.

10 THE COURT OFFICER: [15:18:12] Your Honour, the sound to the witness has been
11 cut off.

12 PRESIDING JUDGE MINDUA: [15:18:17](Interpretation) Thank you very much,
13 Mr Courtroom Officer.

14 So, Mr Edwards, frankly, this question is intrusive. And as to the relevance, the
15 witness has already said that she did not receive any money from WiLDAF; so how
16 can you justify such a question?

17 MR EDWARDS: [15:18:36] Your Honour, even though the witness has said that she
18 didn't receive any money, what I'm seeking to explore is whether there may have
19 been an expectation of receiving some money, whether from WiLDAF itself or - and
20 I'm teeing something up for further questions, which we probably won't reach until
21 tomorrow - from the OTP itself.

22 And it would be my submission that that is a valid avenue of questioning to explore.

23 PRESIDING JUDGE MINDUA: [15:19:26](Interpretation) Counsel, the bench is
24 somewhat reticent; so please set that question aside or have a think and think of
25 another way of going about presenting your case.

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1 But this direct question will not do.

2 Mr Courtroom Officer, please.

3 THE COURT OFFICER: [15:19:47] Your Honours, the sound to the witness has been
4 re-established.

5 PRESIDING JUDGE MINDUA: [15:19:58](Interpretation) Thank you very much,
6 Mr Courtroom Officer.

7 Counsel.

8 MR EDWARDS: [15:20:01]

9 Q. [15:20:03] Okay. I'll think about this and perhaps come back to it tomorrow.

10 I want to ask you a few questions about your departure from Timbuktu to the place
11 that you talked about this morning in answer to questions from the Prosecutor. Let
12 me pause there, and ask if you understand what I mean when I'm talking about the
13 place that you travelled to from Timbuktu? I'm not going to say the name of the
14 place, but you understand where I mean?

15 A. [15:20:52] Yes.

16 Q. [15:20:54] You went from Timbuktu to that place after the arrival of these
17 groups, is that right?

18 A. [15:21:06] Yes.

19 Q. [15:21:09] And en -- en route to that place, that involved you passing a control
20 point operated by the -- what you described as the "Azawad" group, is that correct?

21 A. [15:21:37] Yes.

22 Q. [15:21:42] And how do you know that that was a control point of the Azawad
23 group, in particular?

24 A. [15:21:51] In front of this point was written "Azawad post".

25 Q. [15:22:10] Yes. All right. And was the process of getting past that post

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1 straightforward?

2 A. [15:22:18] Yes.

3 Q. [15:22:31] And then, we know from your evidence this morning that you spent
4 a certain number of months in that other place before returning to Timbuktu.

5 I'd like to briefly -- I see the time, but perhaps I'll just deal with this last point before
6 we break, with their Honours' leave.

7 On your return to Timbuktu, you became aware of there being a number of groups of
8 collectively Islamists, is that right?

9 A. [15:23:12] Yes.

10 Q. [15:23:15] And without going into what those groups were -- well, you told us
11 this morning they include MUJAO and Ansar Dine. But looking at your statement to
12 the Prosecution, is it right to say that you weren't able to distinguish these different
13 Islamist groups, one from another?

14 A. [15:23:49] No.

15 Q. [15:23:53] They all dressed fairly similarly, is that right?

16 A. [15:23:58] Yes.

17 Q. [15:24:04] And then we've heard you speak of the Islamic police. There was
18 another group that was commonly referred to in Timbuktu as the gendarmerie, is that
19 right?

20 A. [15:24:27] Yes.

21 Q. [15:24:31] Were they also referred to as the *Hesbah*?

22 A. [15:24:37] I do not know that.

23 Q. [15:24:48] In your statement, you also talk about *la justice Islamique*. Do you
24 remember telling the Prosecution about *la justice Islamique* ?

25 A. [15:25:07] Yes.

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1 Q. [15:25:08] Was it the case -- is it the case that, by way of shorthand, all of these
2 groups were often commonly referred to simply as *la police Islamique* ?

3 A. [15:25:26] No.

4 Q. [15:25:38] Did you refer -- commonly or not, did you refer to these groups
5 collectively as "*la police Islamique*"?

6 PRESIDING JUDGE MINDUA: [15:25:54](Interpretation) Mr Prosecutor.

7 MR DUTERTRE: [15:25:56](Interpretation) Mr President, these groups, well, it's very
8 general (Overlapping speakers)

9 MR EDWARDS: [15:26:02] Forgive me, if my -- if my learned friend is going to take
10 this sort of objection, can we cut the sound, please, so that the witness isn't
11 forewarned of --

12 PRESIDING JUDGE MINDUA: [15:26:12](Interpretation) Yes, indeed.

13 Mr Courtroom Officer, could you please cut off the feed.

14 THE COURT OFFICER: [15:26:18] Your Honours, the sound to the witness has been
15 cut off.

16 PRESIDING JUDGE MINDUA: [15:26:23](Interpretation) Yes, the sound has been
17 cut off.

18 Now, Mr Edwards, I do believe that the Prosecutor is right. It is very vague, your
19 question.

20 Mr Prosecutor.

21 MR DUTERTRE: [15:26:34](Interpretation) Yes, Mr President, it's not the only vague
22 question that has been put. Furthermore, if Mr Edwards wants to quote something, I
23 hope -- I would like him to do so with the references to the transcript.

24 He also said that the witness learnt that when she returned, there was Islamists
25 present, but in her testimony from this morning page 17, lines 9 to 16, we understand

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1 that it was also from the outset that she saw the Islamists and the MUJAO entering.

2 So we should not transform what the witness has said and we should quote exactly
3 from what she did say.

4 PRESIDING JUDGE MINDUA: [15:27:14](Interpretation) Yes, indeed.

5 Mr Edwards.

6 MR EDWARDS: [15:27:17] Yes, if my -- if my question gave the impression that by
7 referencing these different Islamic groups, that she only learned of these on her return,
8 that's my fault and I apologise. I certainly didn't mean to transform what it is that
9 she said.

10 Your Honour, I see the time. This is a matter that will need some follow-on, and,
11 with your leave, it may be that if we were to take a break two minutes early, that
12 will -- this is a convenient point is really what I'm trying to say.

13 PRESIDING JUDGE MINDUA: [15:28:05](Interpretation) Yes, Counsel. Generally
14 speaking, we try to make maximum use of the Chamber's time, but on this occasion
15 we shall stop.

16 Now, Mr Dutertre.

17 MR DUTERTRE: [15:28:16](Interpretation) My tongue ran away with me. The
18 witness said that she heard at the outset that the Islamists -- had heard that the
19 Islamists had entered. She had not seen. I wanted to be specific, and, if I'm asking
20 others to be specific, then I should be too.

21 PRESIDING JUDGE MINDUA: [15:28:37](Interpretation) Yes, Mr Dutertre,
22 thank you very much for this.

23 So, we have finished for today and we shall continue tomorrow. Is that correct?

24 MR EDWARDS: [15:28:52] Yes, please.

25 PRESIDING JUDGE MINDUA: [15:28:54](Interpretation) Mr Courtroom Officer,

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1 could we please move back into open session.

2 THE COURT OFFICER: [15:29:02] Your Honours, we are in open session and the
3 sound to the witness has been re-established.

4 PRESIDING JUDGE MINDUA: [15:29:10](Interpretation) Thank you very much,
5 indeed, Mr Courtroom Officer.

6 So now, Madam Witness, you will have understood that we have come to the end of
7 today's hearing, but your testimony is not yet over. So you shall be returning
8 tomorrow morning at 9.30 for the continuation of your testimony.

9 THE WITNESS: [15:29:42](Interpretation) Very well.

10 PRESIDING JUDGE MINDUA: [15:29:44](Interpretation) Very well.

11 On behalf of the Chamber, I would like to, once again, thank you for having answered
12 the questions put to you in a very clear manner. I would also like to remind you that
13 you are not allowed to speak to anybody about your testimony, whether it be
14 members of your family or friends.

15 Are you in agreement?

16 THE WITNESS: [15:30:17](Interpretation) Yes.

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

18 So before rising for today, I would like to thank, once again, all those who have
19 contributed to our work today. I am thinking, of course, of the parties and
20 participants, the court reporters, the interpreters, our security guards, and, of course,
21 our public.

22 So I say to all, have a very nice evening and see you tomorrow.

23 Court is adjourned.

24 THE COURT USHER: [15:30:58] All rise.

25 (The hearing ends in open session at 3.30 p.m.)

1 CORRECTIONS REPORT

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

4 Page 7 line 8:

5 "A. [9:46:21] Yes. [REDACTED]"

6 is corrected to:

7 "A. [9:46:21] Yes, [REDACTED]

8 [REDACTED]

9 Page 9 line 5:

10 "A. [9:51:16] [REDACTED]

11 is corrected to :

12 "A. [9:51:16] [REDACTED]

13 Page 10 lines 5-6:

14 "A. [9:53:42] To continue with my studies, because it wasn't possible to study in
15 Timbuktu."

16 is corrected to:

17 "A. [9:53:42] To continue with my studies, because it was no longer possible to
18 study in Timbuktu."

19 Page 12 line 24 to page 13 line 11:

20 "MR DUTERTRE: [10:00:12](Interpretation) I think there is some uncertainty here,
21 and the witness may not have understood. In French, page 12, lines 25, 26, we
22 read:"Could boys and girls go to the school before the arrival of the Islamists?"
23 But the question was phrased somewhat differently. The way it is phrased, the
24 witness might have understood that the question was about the school after the
25 arrival of the Islamists.

1 So I believe that the question could be better phrased. There is some lack of
2 accuracy."

3 is corrected to:

4 "MR DUTERTRE: [10:00:12](Interpretation) Yes, Your Honour. I think that there is
5 some uncertainty here, and the witness may not have understood. In French, page
6 12, lines 25 and 26, we read: "Could boys and girls go to the school that you were
7 going to before the arrival of the groups?"

8 But the actual question was, "When you were going to school before the groups
9 arrived, were there boys and girls going to school?" But the way it is phrased, the
10 witness might have understood that the question was about school afterwards, and ...
11 and it was just about identifying the school that she was going to before the arrival of
12 the groups.

13 So I believe that the question could have been better phrased. We are at fault here. But
14 the question is somewhat vague, so the witness may not have understood. So the
15 question is, when she was going to school, before the arrival of the groups, were there
16 boys and girls attending this school?"

17 Page 17 lines 3-4:

18 "A. [10:12:54] Everything changed, even people's lives changed. People couldn't
19 go outside, people couldn't leave their houses. People couldn't do anything."

20 is corrected to :

21 "A. [10:12:54] Everything changed, even people's lives changed. People couldn't
22 go out, people couldn't have fun. People couldn't do anything."

23 Page 21 line 2:

24 "A. [10:23:47] She reacted badly because if I didn't marry him, it would be worse
25 for me."

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1 is corrected to :

2 "A. [10:23:47] She reacted badly because if I didn't marry him, it would be worse
3 for us."

4 Page 23 line 24:

5 "A. [10:32:02] The Islamists, those who asked me to marry."

6 is corrected to:

7 "A. [10:32:02] The Islamists, the one who asked to marry me."

8 Page 29 line 22:

9 "A. [10:50:10] Yes, there were three of them. That's what I was told."

10 is corrected to:

11 "A. [10:50:10] Yes, she told me that there were three of them. "

12 Page 30 lines 4-5:

13 "A. [10:50:58] When he saw -- when he saw them, that they had gone directly into
14 the room. Or he went directly into the room to tell me that."

15 is corrected to :

16 " A. [10:50:58] When she saw -- when she saw them, she went directly into the
17 room to tell me that."

18 Page 34 line 18:

19 "A. [11:42:40] My mother told me that."

20 is corrected to:

21 "A. [11:42:40] My mother told her that."

22 Page 35 lines 3-7:

23 "A. [11:44:23] The marriage was --

24 THE INTERPRETER: [11:44:26] Inaudible.

25 THE WITNESS: [11:44:27](Interpretation) -- because the Islamists came to our home,

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1 and they spoke to my elder brother, and the marriage happened the same day. Yes,
2 the same day."

3 is corrected to:

4 "A. [11:44:23] How did the marriage happen? The marriage happened --

5 THE INTERPRETER: [11:44:26] Inaudible.

6 THE WITNESS: [11:44:27](Interpretation) -- when the Islamists came to our home,
7 and they spoke to my elder brother about that, and the marriage happened the same
8 day. Yes,
9 the same day."

10 Page 41 lines 17-18:

11 "A. [12:03:23] Afterwards, the Islamists tried to touch me, but I refused to let him
12 touch me."

13 is corrected to:

14 " A. [12:03:23] Afterwards, the Islamist tried to touch me, but I refused to let him
15 touch me."

16 Page 45 line 5:

17 "A. [12:16:32] If they saw me, they were laughing at me. "

18 is corrected to:

19 "A. [12:16:32] If they saw me, they would start to talk and laugh at me."

20 Page 48 line 19:

21 "A. [12:26:58] [REDACTED]"

22 is corrected to:

23 "A. [12:26:58] [REDACTED]"

24 Page 70 lines 9-10:

25 "A. [14:32:46] So it was said that Ouma Dahi was there to help the victims speak

1 about what they went through during the crisis."

2 is corrected to:

3 "A. [14:32:46] Ouma Dahi said that WILDAF was there to help the victims speak
4 about what they went through during the crisis."

5 Page 71 lines 10-11:

6 "I don't think that the witness had indicated that; so perhaps that should be put
7 directly to the transcript."

8 is corrected to:

9 "I don't think that the witness had indicated that; so perhaps it is Mr Edwards who is
10 putting that directly on the transcript."

11 Page 77 lines 22-23:

12 "A. [14:51:25] Sidibe? He was the first person to come to accompany victims in
13 WiLDAF. That was after Ouma came."

14 is corrected to

15 "A. [14:51:25] Sidibe? He was the first person to come and bring victims to
16 WiLDAF. It was afterwards that Ouma came."

17 Page 78 lines 9-10:

18 "I would remind everyone that this witness is talking [REDACTED]"

19 is corrected to:

20 "I would remind everyone that this witness was [REDACTED] old at the time of the
21 events."

22 Page 79 line 1:

23 "A. [14:54:41] It must be one month, two months, three months, like -- like that."

24 is corrected to:

25 "A. [14:54:41] It was a while... two months, three months, something like that."

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- 1 Page 80 line 3:
- 2 "Furthermore, the witness has answered."
- 3 is corrected to Page 80 line 3:
- 4 "Furthermore, the witness has answered no."
- 5