

Trial Hearing
MLI-OTP-P-0654

(Open Session)

ICC-01/12-01/18

1 International Criminal Court
2 Trial Chamber X
3 Situation: Republic of Mali
4 In the case of The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag
5 Mahmoud - ICC-01/12-01/18
6 Presiding Judge Antoine Kesia-Mbe Mindua, Judge Tomoko Akane and Judge
7 Kimberly Prost
8 Trial Hearing - Courtroom 3
9 Tuesday, 7 September 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: [9:32:40](Interpretation) Court is in session. Good
15 morning to all.
16 Mr Courtroom Officer, could you please call the case.
17 THE COURT OFFICER: [9:32:55] Good morning, Mr President, your Honours.
18 This is the situation in the Republic of Mali, in the case of The Prosecutor versus Al
19 Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud, case reference ICC-01/12-01/18.
20 And for the record, we are in open session.
21 PRESIDING JUDGE MINDUA: [9:33:13](Interpretation) Thank you very much, Mr
22 Courtroom Officer.
23 We shall start with the appearances.
24 Firstly, the Office of the Prosecutor, please.
25 MS LUPING: [9:33:28] Good morning, Mr President, your Honours. Appearing on

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1 behalf of the Prosecution this morning are the same people as yesterday, that's Ms
2 Dutertre, Mr Sandoval and myself, Dianne Luping.

3 PRESIDING JUDGE MINDUA: [9:33:43](Interpretation) Thank you very much,
4 Madam Prosecutor Luping.

5 I'm turning now to the Defence.

6 Counsel.

7 MS TAYLOR: [9:33:50] Good morning, Mr President. Good morning,
8 your Honours. Good morning to everyone in the courtroom and around the
9 courtroom. The Defence for Mr Al Hassan is represented today by Maître Julia
10 Basile and myself, Melinda Taylor. Thank you.

11 PRESIDING JUDGE MINDUA: [9:34:06](Interpretation) Thank you very much,
12 Ms Taylor.

13 Now over to the Legal Representatives for Victims, Maître.

14 MR KASSONGO: [9:34:13](Interpretation) Good morning, Mr President. Good
15 morning, your Honours. The Legal Representatives for Victims team today
16 comprises Madam Prisque Dipanga Biyéke, who is assisting me, and myself,
17 Maître Kassongo. We'd like to thank you.

18 PRESIDING JUDGE MINDUA: [9:34:35](Interpretation) Thank you very much,
19 Maître Kassongo.

20 Now let me turn to the witness. As we are all aware, we shall be continuing today
21 with the testimony of P-0654, OTP witness. Good morning, Mr Witness. How are
22 you this morning?

23 WITNESS: MLI-OTP-P-0654 (On former oath)

24 (The witness speaks French)

25 (The witness gives evidence via video link)

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1 THE WITNESS: [9:35:02](Interpretation) Good morning, Mr President. I am well.

2 PRESIDING JUDGE MINDUA: [9:35:04](Interpretation) Thank you very much, Mr
3 Witness.

4 THE WITNESS: [9:35:05](Interpretation) Thank you.

5 PRESIDING JUDGE MINDUA: [9:35:05](Interpretation) On behalf of the Chamber I
6 would once again like to welcome you, and I would like to also remind you that you
7 are still under oath and that you should speak the truth, the whole truth and nothing
8 but the truth.

9 Lastly, I would also like to remind you of my practical advice with regard to
10 addressing the Court.

11 Now, without any further ado, I shall hand over to the Office of the Prosecutor for the
12 continuation of the examination-in-chief. Madam Prosecutor, please.

13 MS LUPING: [9:35:48] Thank you, Mr President.

14 QUESTIONED BY MS LUPING: (Continuing)

15 Q. [9:35:55] And good morning, Mr Witness.

16 A. [9:35:57] Good morning.

17 Q. [9:35:58] Mr Witness, yesterday you described a meeting that took place
18 between members of the Islamists group as well as *notables* from within the local
19 population.

20 Could you -- can you recall when that meeting took place? What date.

21 A. [9:36:22] I do not remember the precise date, but I remember that it is the first
22 week of April, the first week of the occupation.

23 Q. [9:36:40] And you explained that Iyad Ag Ghaly was present at that meeting.

24 Can you recall if there were any other meetings that Iyad Ag Ghaly had in Timbuktu?

25 A. [9:36:59] Well, I did not take part in any meeting between Iyad and the

1 population, so I do not remember whether he convened any other meetings.

2 Furthermore, I know that the crisis committee had submitted some concerns with
3 regard to Iyad and a number of things were listed because there were examinations
4 for the pupils. There was also the issue of weapons that were going around the city
5 and frightening people. And those were the two major grievances that the civilians
6 had raised in order to meet with Iyad.

7 Now, I don't know whether they did that in writing or whether they actually
8 convened a meeting. I wasn't there.

9 Q. [9:38:19] Thank you. Could you clarify what you mean about the concern
10 about, first of all, examinations for the pupils.

11 A. [9:38:30] Yes. Because as I said, the pupils, because of the crisis, the Malian
12 state had asked the pupils who had to sit their exams to go to Mopti, in another
13 region. So they had to negotiate their travelling or travels with the occupiers for
14 those pupils to be able to sit their examinations, and that was one of the major
15 concerns.

16 That is it precisely, to answer your question in a nutshell.

17 Q. [9:39:14] And in terms of the schooling, is this what happened? Did the
18 schools keep going and were they able to have their examinations?

19 A. [9:39:25] Yes, those who were due to sit their exams did go, and then there was
20 an agreement reached for the schools to be reopened. That was especially the
21 *terminale*, the class of examinations. And then schools were reopened on the basis of
22 some conditions, the girls and boys girls had to be separated. And secondly -- well,
23 that was the main reason, if you like. There needed to be a separation between the
24 girls and the boys in classes. That was the main reason.

25 Q. [9:40:18] And when you say the schools were reopened, had they been closed?

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1 And, if so, why?

2 A. [9:40:29] Yes. Due to the occupation, the schools had to close. April was
3 virtually the end of the school year anyway because examinations are held in the
4 month of June. So all those pupils who were in those examination classes, the higher
5 classes, that is, had to continue in order not to lose an entire year of schooling. And
6 that is why they negotiated with the occupiers for at least those children who were in
7 the upper classes to be able to continue to study and pass their exams.

8 Q. [9:41:14] You also said a second issue that had been raised with Iyad was the
9 issue of weapons that were going around the city and frightening people. Could
10 you explain what you meant by that.

11 A. [9:41:29] Yes. There were too many men carrying weapons, and at nighttime,
12 there was gunfire willy-nilly, and the elderly and people who went to pray at the
13 mosques were frightened because they were -- they thought they might be hit by
14 a -- a shot.

15 So the crisis committee then conveyed that information to Iyad.

16 MS LUPING: [9:42:19] Mr President, could I briefly ask to be able to go into private
17 session for questions of an identifying nature.

18 PRESIDING JUDGE MINDUA: [9:42:33](Interpretation) Mr Courtroom Officer,
19 could we go into private session, please.

20 (Private session at 9.42 a.m.)

21 THE COURT OFFICER: [9:42:41] We're in private session, Mr President.

22 PRESIDING JUDGE MINDUA: [9:42:45](Interpretation) Thank you very much, Mr
23 Courtroom Officer.

24 Madam Prosecutor.

25 MS LUPING: [9:42:50] Thank you, Mr President.

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1 Q. [9:42:52] Mr Witness, we're now in closed session or private session, which
2 means nobody outside the courtroom can hear your responses.
3 You said that you did not meet with Iyad Ag Ghaly with other members of the
4 population. Do you recall, however, ever meeting or seeing Iyad Ag Ghaly yourself?
5 And if so, where?

6 A. [9:43:18] [REDACTED]
7 [REDACTED]
8 [REDACTED]

9 Q. [9:43:43] [REDACTED]

10 A. [9:43:50] [REDACTED]
11 [REDACTED] [REDACTED] [REDACTED]
12 [REDACTED]
13 [REDACTED] [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]

19 THE INTERPRETER: [9:45:04] Correction --

20 THE WITNESS: [9:45:05](Interpretation) -- [REDACTED]

21 [REDACTED]

22 MS LUPING: [9:45:11]

23 Q. [9:45:12] [REDACTED]
24 [REDACTED]

25 A. [9:45:18] [REDACTED]

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1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 Q. [9:46:08] [REDACTED]
8 A. [9:46:15] [REDACTED]
9 [REDACTED]
10 Q. [9:46:36] [REDACTED]
11 [REDACTED]
12 A. [9:46:44] [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 Q. [9:47:22] [REDACTED]
17 [REDACTED]
18 A. [9:47:35] [REDACTED]
19 Q. [9:47:41] [REDACTED]
20 A. [9:47:47] [REDACTED]
21 Q. [9:47:55] [REDACTED]
22 [REDACTED]
23 A. [9:48:07] [REDACTED]
24 [REDACTED]
25 THE INTERPRETER: [9:48:24] Overlapping speakers.

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1 THE WITNESS: [9:48:33](Interpretation) [REDACTED]

2 [REDACTED]

3 MS LUPING: [9:48:37] Mr President, I believe we can go back into public session.

4 PRESIDING JUDGE MINDUA: [9:48:45](Interpretation) Very well.

5 Mr Courtroom Officer, please.

6 (Open session at 9.48 a.m.)

7 THE COURT OFFICER: [9:48:52] We're back in open session, Mr President.

8 PRESIDING JUDGE MINDUA: [9:48:58](Interpretation) Thank you very much, Mr
9 Courtroom Officer.

10 Madam Prosecutor.

11 MS LUPING: [9:49:05] Thank you.

12 Q. [9:49:07] Mr Witness, I will be asking you about any other meetings that were
13 held by the crisis committee with members of the groups later on.

14 But first, I wanted to ask you, in the early days, going back to the early days of the
15 occupation, if you can recall any other senior leaders that you saw or heard about that
16 were in Timbuktu.

17 A. [9:49:44] Well, during the very first days of the occupation, the most influential
18 individual was Mohamed Najim, who was already well known by all through the
19 media because he had been Gaddafi's security officer. And when he returned to his
20 native country of Mali, he was well received by the Malian authorities. So Mohamed
21 Najim was announced, his presence was announced in Timbuktu. And, we needed
22 to find out who those -- Mohamed Najim was.

23 So he was the only influential personality on that first day of 1 April.

24 Q. [9:50:44] And Mohamed Najim was with which group?

25 A. [9:50:51] He was from the MNLA.

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1 Q. [9:50:58] And what was his ethnicity and nationality?

2 A. [9:51:05] He's a Tuareg. And he's originally Malian, but he has Libyan
3 nationality for having served in the Libyan -- Libyan army.

4 Q. [9:51:24] And after that first day - and later on, in those early days of the
5 occupation - were there other senior leaders that you became aware of from amongst
6 the Islamists?

7 * A. [9:51:46] Yes. As time went by we discovered new faces, and I saw Oumar Ould
8 Hamaha who was also called Barbe Rouge...

9 THE WITNESS: (Interpretation) -- and who was also from the region of Timbuktu.
10 So he would come. And he spoke Songhai, he spoke Arabic, French, English.
11 He's a polyglot. And his approach with the population was so easy, easygoing. He
12 was ready to address any concerns, and whoever wanted to could put questions to
13 him.

14 He appeared during that first week in Timbuktu.

15 Q. [9:52:46] And with which --

16 A. [9:52:50] And the following week I saw, in particular, Abou Zeid. [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 Q. [9:53:20] Mr Witness -- Mr Witness, I just want to remind you you're in public
20 session. I will ask you questions about this event later, but I want to remind you
21 you're in public, which means everybody outside this courtroom can hear you.

22 I will make a request to redact that information. But I would please ask you to -- to
23 remember when you're in public session, that others can hear you.

24 Now, Mr Witness, you've mentioned that you saw Abou Zeid, and I'll ask you more

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1 questions about that later.

2 Were there any other senior leaders that you saw in Timbuktu?

3 A. [9:54:08] Apart from Oumar Ould Hamaha, Abou Zeid and Mohamed Najim, in
4 those first weeks of the occupation I did not see any other influential leaders.

5 MS LUPING: [9:54:30] Mr President, I'd now like to ask to briefly go into private
6 session.

7 PRESIDING JUDGE MINDUA: [9:54:40](Interpretation) Mr Courtroom Officer,
8 private session, please.

9 (Private session at 9.54 a.m.)

10 THE COURT OFFICER: [9:54:47] We're in private session, Mr President.

11 PRESIDING JUDGE MINDUA: [9:54:53](Interpretation) Thank you very much.
12 Madam Prosecutor.

13 MS LUPING: [9:54:59]

14 Q. [9:54:59] Mr Witness, we're now in private session.

15 [REDACTED]

16 [REDACTED]

17 A. [9:55:22] [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

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1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 Q. [9:57:51] [REDACTED]
12 [REDACTED]
13 A. [9:58:05] [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 Q. [9:58:42] [REDACTED]
19 [REDACTED]
20 A. [9:58:54] [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 Q. [9:59:26] Thank you. [REDACTED]

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1 [REDACTED]
2 * A. [9:59:47] [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]

21 Q. [10:01:55] And when you say that "he took me on," what do you mean by that?

22 A. [10:02:01] I'm sorry, can you put the question again.

23 Q. [10:02:15] In the English transcript we have it stated that, "So he took me on".

24 And I wanted to a clarification of what you meant by that.

25 A. [10:02:33] I haven't understood. He took me ...

1 Could you reformulate the sentence.

2 Q. [10:02:50] I'm actually looking at the French transcript, and it appears to be very
3 different to the English. It says:

4 (Interpretation) [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 A. [10:03:43] [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 Q. [10:04:26] [REDACTED]

16 [REDACTED]

17 A. [10:04:36] [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 Q. [10:05:28] [REDACTED]

24 [REDACTED]

25 A. [10:05:40] [REDACTED]

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1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 Q. [10:06:17] [REDACTED]

6 A. [10:06:26] [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 MS LUPING: [10:07:17] Mr President, I believe we can now return to public session.

12 PRESIDING JUDGE MINDUA: [10:07:24](Interpretation) Court officer, please take
13 us into open session.

14 (Open session at 10.07 a.m.)

15 THE COURT OFFICER: [10:07:32] We're back in open session, Mr President.

16 PRESIDING JUDGE MINDUA: [10:07:48](Interpretation) Thank you very much.
17 Madam Prosecutor.

18 MS LUPING: [10:07:51]

19 Q. [10:07:52] Now, Mr Witness, you've mentioned a person called Sanda. Could
20 you provide his full name, please.

21 A. [10:07:59] Sanda Ould Boumama. This is an Arab person. He is from
22 Timbuktu. He has Mauritanian nationality.

23 Q. [10:08:14] And what is --

24 A. [10:08:17] Sanda was --

25 Q. [10:08:18] I'm sorry.

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1 A. [10:08:20] It's fine.

2 Q. [10:08:21] Please continue, Mr Witness.

3 A. [10:08:25] So I was saying that Sanda had been in Mauritania, and afterwards he
4 went to -- he was a student leader in Mauritania, and then he was in Mauritania, and
5 then he went to the Islamic Maghreb -- Al Qaeda in the Islamic Maghreb, where he
6 was caught by the Malian army. And he was freed, which was done in the exchange
7 for an expatriate called Pierre ...

8 And afterwards, he became an extremist.

9 THE ENGLISH INTERPRETER: [10:09:13] The expatriate was called Pierre Camatte.
10 And afterwards he saw him in 2012. With the occupation, he came to Timbuktu.

11 MS LUPING: [10:09:31]

12 Q. [10:09:32] And do you know what Sanda Ould Boumama's role was within the
13 groups in Timbuktu?

14 A. [10:09:39] Well, he was pretty much the main spokesperson. He was the one
15 who spoke on behalf of the group Ansar Dine, and he was close to all the leaders.
16 Often I saw him with Abou Zeidi (phon), and he would be with Abou Bam (phon)
17 and often with Oumar. He was -- he was close to all the leaders.

18 THE ENGLISH INTERPRETER: [10:10:12] "[...] he would be with Abou Hammam."

19 MS LUPING: [10:10:20]

20 Q. [10:10:21] And you've mentioned Abou Hammam. Do you know what his full
21 name was?

22 A. [10:10:28] Yahia Abou Hammam. Yahia.

23 Q. [10:10:36] And do you know what his nationality is and ethnicity?

24 A. [10:10:44] Yahia? I don't know, but I was told that he was Algerian by way of
25 nationality. That's his origin. * Some people are saying he's Algerian. Some say he's

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1 Algero-Mauritanian.

2 MS LUPING: [10:11:07] Mr President, I just have to briefly go into private session
3 for one follow-up question.

4 PRESIDING JUDGE MINDUA: [10:11:13](Interpretation) Court Officer, please take
5 us into private session.

6 (Private session at 10.11 a.m.)

7 THE COURT OFFICER: [10:11:21] We're in private session, Mr President.

8 PRESIDING JUDGE MINDUA: [10:11:26](Interpretation) Thank you very much,
9 court officer.

10 Prosecutor.

11 MS LUPING: [10:11:30]

12 Q. [10:11:31]

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14 A. [10:11:45]

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1 [REDACTED]

2 Q. [10:13:26] [REDACTED]

3 [REDACTED]

4 * A. [10:13:38] [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 MS LUPING: [10:14:27] Mr President, I believe we can go back into public session.

10 PRESIDING JUDGE MINDUA: [10:14:35](Interpretation) Please take us into open
11 session, court officer.

12 (Open session at 10.14 a.m.)

13 THE COURT OFFICER: [10:14:42] We are back in open session, Mr President.

14 PRESIDING JUDGE MINDUA: [10:14:49](Interpretation) Thank you very much,
15 court officer.

16 Madam Prosecutor, please continue.

17 MS LUPING: [10:14:55]

18 Q. [10:14:57] Mr Witness, still just remaining within the first few days of the
19 occupation, you have described Islamists coming into Timbuktu and you described
20 individuals who belonged to the group Ansar Dine.

21 Can you recall what kind of clothing this group wore?

22 A. [10:15:25] Yes. Ansar Dine wore particular clothing. They had khaki
23 uniforms. They had trousers which were short, and they were wearing turbans.
24 And some of them had the Ansar Dine marking and others didn't, but they just wore
25 the clothing where you would understand that these were Islamist combatants.

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1 So some of them wore the Ansar Dine vest; whereas, others didn't.

2 Q. [10:16:21] And you also described a flag that they used, a black flag with white
3 writing. Is that correct?

4 A. [10:16:37] Exactly.

5 Q. [10:16:41] I'm now going to be showing on evidence channel 2 a short video clip.
6 It's a video at tab 388. That's MLI-OTP-0001-6925. The -- there is no sound required
7 and no interpretation. And it -- it can be displayed publicly. The timestamp is
8 from 00:00:50:04. Apologies. There is a problem.

9 (Viewing of the video excerpt)

10 MS LUPING: [10:17:31] And I'm stopping at 00:00:51:07.

11 Q. [10:17:38] Mr Witness, the black flag that you see, do you recognise it?

12 A. [10:17:48] Yes. That's the flag of the Islamist group -- the Islamist groups.

13 Q. [10:18:12] Now when the Islamist groups came to Timbuktu, do you know what
14 structures or institutions they put into place to run the city?

15 A. [10:18:51] From the month of June, they set up four major institutions. The first
16 setup, which coordinated everything, was the Islamic police, and that was the most
17 visible one. Afterwards, there was the morals brigade, there was the centre for
18 education. And there was a -- what they call the ... so where the brig- -- the morals
19 brigade was. And then there was the Islamic justice, which was set up as well.
20 And the fourth institution was the army.

21 THE INTERPRETER: [10:19:36] And there was the centre of education as well, *centre*
22 *d'éducation pour le convenable et d'interdiction pour le blâmable*, in French.

23 MS LUPING: [10:19:53]

24 Q. [10:19:54] Now you have stated --or it's on record as saying, as stating - that it
25 was from the month of June that these four institutions were put in place.

1 What was put in place, if anything, before that so that the city could keep organised?

2 A. [10:20:16] Yes, before these institutions were set up, there was the Islamic police,
3 as I said, which was most visible. And they were regulating traffic. They were
4 there for the security of the population in town. At the time, Sharia wasn't practised,
5 wasn't properly applied; so there was the -- they set up these institutions from the
6 month of June so people could see that this was a state which was now operational.

7 Q. [10:21:12] Now, you stated that the Islamic police was the most visible.
8 And they were visible from when in terms of timing of the -- within the context of the
9 occupation?

10 A. [10:21:32] From the -- from the end of April, some troops or some elements were
11 already led by Adama. Adama had a number that he would give to people if you
12 were threatened or such like. He said, "Call us on this number."
13 Since then, he became the most popular man in Timbuktu because everybody had his
14 telephone number and everybody called him. Every time that there was an incident
15 or that anything happened that wasn't good, people would give him a call.
16 And he was the person who was really the key figure in this place.

17 Q. [10:22:22] And do you know any other names for Adama?

18 A. [10:22:30] We -- we called him Commissioner Adama. That's all I know about
19 him.

20 Q. [10:22:41] And other than Adama, do you know of any other leaders within the
21 Islamic police?

22 *A. [10:22:51] Well, I knew that all the combatants at the time were under the control
23 of Adama. He led this institution for a long time before he was relieved. But under
24 Adama's control, he led these institutions for a long time before he was relieved - and
25 that was after a complaint from the population - and Adama had his position in

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1 the -- as commissioner taken away from him.

2 And then they brought another -- Al Hassan, another person from Timbuktu to take
3 his place.

4 And that is how the Islamic police underwent such a change.

5 Q. [10:23:45] And you said that there was a -- first of all, you said there was
6 a complaint from the population and that Adama, his position was taken away from
7 him.

8 Could you explain what you mean by that.

9 A. [10:24:00] Yes. During a party, there were girls who were beaten by
10 Islamic -- or Islamists in front of their house, by Islamist combatants in front of their
11 house. And then the leaders of the neighbourhood went to Sanda to provide him
12 with the information. They said they couldn't understand how people could enter
13 a private home in order to beat women and this is inadmissible.
14 So he also, too, took the information to a higher level. He saw that it was Adama's
15 team who was at the base -- or who was behind it. And so there was the sanction,
16 which was to relieve him of the post of commissioner. But at the same time, he
17 would be an inspector.

18 So he was still active in the field.

19 Q. [10:25:07] And can you recall when this was, when this happened? That he
20 was removed from his role.

21 A. [10:25:15] No, I don't remember the date.

22 Q. [10:25:24] Now you said that a person called Al Hassan, another person from
23 Timbuktu, took his place.

24 Can you give us the full name for Al Hassan.

25 A. [10:25:43] Al Hassan is Al Hassan Ag Abdoul Aziz. But he's known like that,

1 by his name.

2 Q. [10:25:57] Now you say you can't recall precisely when this happened, that he
3 took over Adama's role. But do you recall if this was before or after Ramadan?

4 A. [10:26:11] I don't remember the period, but what I do know is that during a
5 long -- well, for a long time, he was the one who was in charge. And I regularly
6 left -- go out with him to do a lot of different things.

7 But I don't know the period it was exactly, but I would deal with a lot of things with
8 him.

9 Q. [10:26:46] And in what year was that?

10 A. [10:26:50] That was in 2012.

11 Q. [10:26:53] And when you say that you would go out with him to do a lot of
12 different things, who -- who are you talking about precisely?

13 A. [10:27:05] I'm speaking about Al Hassan. Al Hassan was in the commissariat.
14 Not only did we speak, we were the same. We spoke the same language. We had
15 the same religion. He was more accessible for me than Adama.

16 I didn't know him before; so whenever there was problems, it was easy for me to
17 approach him. And that made it easy. It made a lot of things easier for me.

18 Q. [10:27:48] And before he took over Adama's role, what was Al Hassan doing?

19 A. [10:27:57] Beforehand I hadn't had the opportunity to meet him in the
20 movement. I saw him on the first days when I was meant to sign a document or
21 when a document was meant to be signed for me. But I saw him for the first time
22 [REDACTED] So then I went
23 over there, and I explained things to him, and he told me that he would let me know.
24 And then we basically stayed there until we were given a sign -- stayed in the
25 courtyard.

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1 MS LUPING: [10:29:16] Mr President, if I could ask to briefly go into private session.

2 PRESIDING JUDGE MINDUA: [10:29:26](Interpretation) Court officer.

3 (Private session at 10.29 a.m.)

4 THE COURT OFFICER: [10:29:32] We're in private session, Mr President.

5 PRESIDING JUDGE MINDUA: [10:29:38](Interpretation) Thank you, court officer.

6 Madam Prosecutor.

7 MS LUPING: [10:29:42]

8 Q. [10:29:43] Thank you.

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 A. [10:30:00] [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 Q. [10:31:00] And you stated that you saw him - I'm going to use the

21 French - *les premiers jours*.

22 Could you explain what you meant by that.

23 A. [10:31:14] What I mean by the "first days"?

24 Q. [10:31:25] Yes. I'm talking about what month and what year?

25 A. [10:31:32] Well, I know that the year is 2012, but as to the precise days and

1 months, I wouldn't be in a position to confirm. So when I said for the first time I met
2 him when Adama was no longer working there, I could then talk directly to Hassan,
3 as I said, and that's why I easily went to the police. That was before [REDACTED]

4 [REDACTED]
5 Q. [10:32:18] [REDACTED]

6 A. [10:32:36] [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]

19 THE INTERPRETER: [10:34:16] Could the witness please be requested to enunciate
20 a little bit better. Thank you.

21 MS LUPING: [10:34:31]

22 Q. [10:34:33] Thank you, Mr Witness.

23 I've just had a request from the interpreter if you could please enunciate or -- or speak
24 a little bit more clearly.

25 [REDACTED]

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- 1 A. [10:35:05] [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 Q. [10:36:49] [REDACTED]
17 [REDACTED]
18 A. [10:37:13] [REDACTED] [REDACTED] [REDACTED]
19 Q. [10:37:29] [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 A. [10:37:54] [REDACTED]
23 Q. [10:38:09] [REDACTED]
24 A. [10:38:16] [REDACTED]
25 Q. [10:38:26] [REDACTED]

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1 [REDACTED]
2 [REDACTED]
3 A. [10:38:43] [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 Q. [10:39:19] [REDACTED]
7 [REDACTED]
8 A. [10:39:32] [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 Q. [10:39:56] [REDACTED]
12 [REDACTED]
13 A. [10:40:04] [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 Q. [10:40:35] [REDACTED]
18 A. [10:40:38] [REDACTED]
19 Q. [10:40:43] [REDACTED]
20 [REDACTED]
21 A. [10:40:53] [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

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- 1 [REDACTED]
- 2 MS LUPING: [10:41:43] Mr President, I will now be showing a document, which
- 3 does need to be shown still in private session. It's on evidence channel 2.
- 4 Q. [10:41:57] It is at tab 59, Mr Witness, of your hard copy first binder. It's also on
- 5 your screen. It is MLI-OTP-0012-1966.
- 6 I just ask if you can see this document before you, Mr Witness?
- 7 A. [10:42:25] Yes. I do have it before me.
- 8 Q. [10:42:30] I'd like you to briefly read it to yourself. And I note for the record it
- 9 refers to: [REDACTED]
- 10 [REDACTED]
- 11 It's headed: (Interpretation) [REDACTED]
- 12 [REDACTED]
- 13 A. [10:43:03] [REDACTED]
- 14 [REDACTED]
- 15 Q. [10:43:15] And you recognise this document?
- 16 A. [10:43:22] Yes.
- 17 Q. [10:43:25] [REDACTED]
- 18 [REDACTED]
- 19 A. [10:43:36] [REDACTED]
- 20 Q. [10:43:44] [REDACTED]
- 21 [REDACTED]
- 22 [REDACTED]
- 23 A. [10:44:11] [REDACTED]
- 24 Q. [10:44:13] [REDACTED]
- 25 A. [10:44:22] [REDACTED]

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5 Q. [10:45:08] And I now have showing a document at tab 113 of your binder.

6 That's 0012-1368. I also note that the translation is the next document in the physical

7 binder at tab 114. That's 0014-5619.

8 Mr Witness, you see a document in front of you?

9

10

11

12 Do you recognise this document?

13 A. [10:46:08] Yes, I do recognise it.

14 Q. [10:46:17]

15

16

17 A. [10:46:29] Precisely.

18

19 Q. [10:46:58] And I now turn to the translation at tab 114, 0014-5619. And we have

20 at the top (French spoken):

21 (Interpretation)

22 Heading: (Interpretation)

23 There is a name:

24

25 (Interpretation)

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1 [REDACTED]

2 A. [10:48:02] [REDACTED]

3 Q. [10:48:07] [REDACTED]

4 A. [10:48:12] [REDACTED]

5 Q. [10:48:18] [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 A. [10:48:54] [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 Q. [10:50:17] [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 A. [10:50:26] [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 Q. [10:50:54] [REDACTED]

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1

[REDACTED]

2

[REDACTED]

3

A. [10:51:08]

[REDACTED]

4

[REDACTED]

5

[REDACTED]

6

[REDACTED]

7

[REDACTED]

8

Q. [10:51:55] Now, you've also stated (French spoken). Could you explain what

9

was meant by that.

10

(Interpretation):

[REDACTED]

11

[REDACTED]

12

A. [10:52:17] Yes.

[REDACTED]

13

[REDACTED]

14

[REDACTED]

15

[REDACTED]

16

MS LUPING: [10:52:54] Mr President, I believe we can now go back into public

17

session.

18

PRESIDING JUDGE MINDUA: [10:53:02](Interpretation) Mr courtroom officer,

19

open session please.

20

(Open session at 10.53 a.m.)

21

THE COURT OFFICER: [10:53:10] We are back in open session, Mr President.

22

PRESIDING JUDGE MINDUA: [10:53:18](Interpretation) Thank you very much.

23

Madam Prosecutor.

24

MS LUPING: [10:53:22]

25

Q. [10:53:24] Mr Witness, I'm going to go back to your description of the work of

1 the Islamic police. And you stated that they were in the *Gouvernorat* at one point in
2 time.

3 Do you know what their headquarters were at the beginning of the occupation?

4 A. [10:53:55] At the beginning of the occupation, the police was at the BMS
5 (Overlapping speakers)

6 Q. [10:54:12] And --

7 THE INTERPRETER: [10:54:17] Overlapping speakers. Sorry.

8 MS LUPING: [10:54:38]

9 Q. [10:54:39] Mr Witness, it state -- it states here, that you'd said that:

10 "At the beginning of the occupation, the police were at the BMS and ... before,
11 (*inaudible*) at the *Gouvernorat*."

12 Could you explain what you had stated. It has not been captured in the record.

13 A. [10:55:00] I said: At the beginning of the occupation, the police was at the BMS;
14 and the morality brigade was at the *caisse d'épargne*, opposite the court. Afterwards,
15 that same brigade went to the BMS, and the police left to go to the *Gouvernorat*.

16 Q. [10:55:32] And do you recall when it was that the police left to go to the
17 *Gouvernorat* in?

18 A. [10:55:39] It was still in 2012 during the occupation, but I wouldn't be able to tell
19 you the precise day or month.

20 Q. [10:55:58] And when the Islamic police were at their first headquarters at the
21 BMS, did you ever visit the BMS at that time?

22 A. [10:56:13] Yes, I did go there. I went there on one occasion -- twice, yes, before
23 the morality brigade came back there.

24 Q. [10:56:34] And when did you go to the BMS when the Islamic police were
25 located there?

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1 Do you recall when it was at the time of the occupation?

2 A. [10:56:46] No, I do not recall. No.

3 Q. [10:56:57] Do you recall who was the *commissaire* at the time when you went to
4 the BMS?

5 A. [10:57:08] When I went to the BMS, Adama was the *commissaire*. And I also
6 found Hassan there once, but I don't know what his position was at the time.

7 Q. [10:57:34] And when you say you saw Hassan there at the BMS, do you recall
8 what he was doing there?

9 A. [10:57:44] No, I don't really know. I don't even know what his function or
10 position was at the time.

11 Q. [10:58:08] Now, you stated that amongst the functions of the Islamic police,
12 there was their role in regulating traffic and providing security for the population.
13 Do you recall any other work of the police, Islamic police?

14 A. [10:58:36] Well, its mission was mainly to regulate traffic and then to provide
15 security for people and possessions in town. I know that that is the role of all police,
16 that is, to bring information up to the hierarchy. But I wouldn't be able to confirm
17 that.

18 Out in the field, those were the various missions that we saw them conducting on
19 a regular basis.

20 MS LUPING: [10:59:32] Mr President, I see that as we're fast approaching 11 o'clock,
21 if we could -- I suggest that we break here.

22 PRESIDING JUDGE MINDUA: [10:59:44](Interpretation) Yes. You are right. It is
23 indeed 11 o'clock. We shall rise, and we shall reconvene at 11.30.

24 Court is suspended.

25 THE COURT USHER: [10:59:58] All rise.

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1 (Recess taken at 10.59 a.m.)

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

3 THE COURT USHER: [11:30:49] All rise.

4 Please be seated.

5 PRESIDING JUDGE MINDUA: [11:31:07](Interpretation) Court is in session.

6 Prosecutor, you have the floor to continue with your examination-in-chief.

7 Madam, Prosecutor.

8 MS LUPING: [11:31:26] Thank you, Mr President.

9 Q. [11:31:29] Now, Mr Witness, just before the break, you mentioned that you had
10 been to the BMS on a couple of instances whilst the Islamic police was still located
11 there. And I asked if you could recall the -- when this was. You stated you
12 don't -- you don't recall it.

13 But could I ask: Do you know if it was before or after Ramadan? If you can
14 remember.

15 A. [11:32:00] I can't remember, frankly.

16 MS LUPING: [11:32:15] Mr President, could I just ask to briefly go into private
17 session for one question.

18 PRESIDING JUDGE MINDUA: [11:32:22](Interpretation) Court officer, can you take
19 us into private session, please.

20 (Private session at 11.32 a.m.)

21 THE COURT OFFICER: [11:32:34] We are in private session, Mr President.

22 PRESIDING JUDGE MINDUA: [11:32:38](Interpretation) Thank you very much.
23 Madam Prosecutor.

24 MS LUPING: [11:32:42]

25 Q. [11:32:43] Mr Witness, what was the purpose of your visits to the BMS, to the

1 Islamic police, on those two occasions?

2 A. [11:32:57] [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 MS LUPING: [11:33:25] Mr President, I believe we can go back into public session.

6 PRESIDING JUDGE MINDUA: [11:33:32](Interpretation) Public session, please,
7 court officer.

8 (Open session at 11.33 a.m.)

9 THE COURT OFFICER: [11:33:40] We are back in open session, Mr President.

10 PRESIDING JUDGE MINDUA: [11:33:44](Interpretation) Thank you very much.

11 Madam Prosecutor.

12 MS LUPING: [11:33:47]

13 Q. [11:33:48] Mr Witness, when you visited the BMS and -- at the time the Islamic
14 police were based at the BMS, do you know if anybody was -- from the Islamic police
15 were living at this location?

16 A. [11:34:09] Yes. There were combatants who were there on the first floor. I
17 didn't know them. But I know that underneath, there were the offices. And, on the
18 floors, there was rooms which could be inhabited.

19 Q. [11:34:46] You said that one of the functions of the police was to deal with
20 security.

21 Do you know if they dealt with any arrests or detentions of people?

22 A. [11:35:10] I don't know. When you are caught doing an offence or crime, you
23 are immediately handed over to the morality brigade or the morals brigade.

24 Q. [11:35:27] And what type of offence or a crime are you referring to?

25 A. [11:35:37] Well, somebody who, for example, goes in the wrong direction, then

1 that person is stopped. He's given a ticket, and then he goes to the morals police.

2 And then -- that's the first offence. And then, he's going to pay a fine for doing that.

3 And if he does it one, two or three times in addition to -- sometimes there's a fine.

4 But beyond that, there could be a physical sanction as well for having driven the
5 wrong way down a one-way street.

6 Q. [11:36:36] And you gave the example if somebody goes in the wrong direction.

7 What do you mean by that?

8 A. [11:36:51] For example, you have roads where you can only go in one direction.

9 You cannot return on the same road. That's what's called a one-way road. You can
10 only go out on that road. Now, see, if somebody tries to force themselves coming
11 back on that road, then there is the law which intervenes at that time.

12 Q. [11:37:20] Can you please describe what type of clothing the police wore.

13 A. [11:37:34] As I said, the police are identifiable from their -- their vests where it's
14 written "Islamic police" on their jackets. So it's easy to spot them. They don't have
15 clothes which are typically military uniform. It's more of a traditional type of dress,
16 a khaki dress, short trousers with boubous as well, which doesn't go all the way -- so
17 the arms don't go all the way to their wrists.

18 Q. [11:38:17] And I just noticed that in French you used the word *gilets*, but in the ...

19 Oh, no, it's been corrected now. Yes. Now we have "vests."

20 Could you explain what colour the vests were.

21 A. [11:38:39] Well, sometimes they were dark blue, sometimes they were marine
22 blue or light blue, and sometimes they were even black.

23 Q. [11:38:53] And what were the ethnicities of the people working with the Islamic
24 police?

25 Do you recall?

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1 A. [11:39:04] Well, they're all different types of ethnic groups among the Islamic
2 police, but the majority were Tuareg. But there were Songhai, Bambara, Peulh. All
3 ethnic groups were there.

4 Q. [11:39:27] And their nationalities?

5 What were the nationalities of people working with the Islamic police?

6 A. [11:39:43] Well, generally, in the Islamic police, there were Burkinabe. You had
7 Senegalese, Franco-Senegalese, Nigerians, Chadians. So there were mainly nationals
8 from the Sahel.

9 Q. [11:40:19] And you've mentioned Adama.

10 Can you recall what his ethnicity was?

11 A. [11:40:27] Adama personally said that -- to me, that he was Peulh, Chadian of
12 origin. And he grew up -- a large part of his youth was spent in Mali.

13 Q. [11:40:47] And you've stated that Al Hassan was originally from Timbuktu.
14 What was -- what is his ethnicity?

15 A. [11:40:57] Al Hassan is a Tuareg. That's it.

16 Q. [11:41:09] And do you know what his background is like? What jobs he's had
17 before? What type of education he's had before?

18 A. [11:41:27] From my research on Al Hassan, as with other nationals of Timbuktu,
19 he carried out studies at secondary school, and he was a health official, and he was at
20 a certain time in the Zorho zone for the community health centre. But the
21 person -- his father was popular. He was a former vet and who -- he was a former
22 vet who was a native from Goundam, the circle of Goundam.

23 THE INTERPRETER: [11:42:26] They are natives from the circle of Goundam,
24 corrects the interpreter.

25 MS LUPING: [11:42:31]

1 Q. [11:42:32] And you've referred to him coming from a certain zone
2 called -- in -- in French, it's been recorded as "Zoro." In English as "Zogo."
3 Could you please spell the place.

4 A. [11:42:46] Z-O-R-H-O, Zorho.

5 Q. [11:42:56] And other than Adama and Al Hassan, can you recall any other
6 leaders within the Islamic police?

7 A. [11:43:05] Well, I know that in all these institutions that I'm referring to, there
8 are always a supreme leader. In the case of the Islamic police, I remember that on
9 two occasions when I approached Al Hassan, he told me, "Okay." He will contact
10 the chief. * And once I went back, and there was a Mauritanian there - and I was able
11 to understand that he was Mauritanian, he wasn't Malian - and I could see that
12 because of his turban, and they said something to each other. And Al Hassan
13 transmitted what he had said. So he took the decision elsewhere.

14 And with regards to Islamic justice, it was the same thing. Above all these
15 institutions, you had Abou Zeid who decided on things because I had ... understand
16 that one day after a trial, there was someone who the population had called for
17 attenuating circumstances for, and that's something that had to be discussed with
18 Zeid. And, at that time, it wasn't the Islamic judge - it was Houka Houka - in the
19 region to decide immediately on that. In the morals brigade, I know that Mohamed
20 Moussa had a certain degree of authority. I never saw him be influenced by anyone
21 else, but I do know that he was also under Abou Zeid.

22 And the army, everybody knows that that was an institution which wasn't in town.
23 But even if it was in town, it wasn't coordinated. But it had a different hierarchy,
24 and it was generally led from people from elsewhere, from foreign
25 countries -- Algeria, Mauritania, Pakistan, but it had a different hierarchy. So it was

1 led by Mujahideen.

2 So to conclude, I would say when it comes to the commissariat, that Al Hassan was
3 a sub-commissioner, I would say, when it comes to the commissariat.

4 Q. [11:45:56] And you referred to a Mauritanian within the Islamic police.

5 Do you recall his name?

6 A. [11:46:05] I don't remember his name, but I do know that on two occasions when
7 I went to see Al Hassan, he went to see this person before coming back to me with an
8 answer.

9 Q. [11:46:46] Now you've described Al Hassan as a – as:

10 (Interpretation) Perhaps a sub-commissioner. Could you explain what you mean
11 by that.

12 A. [11:47:03] Well, the use of this expression means that there is a head above him,
13 above this sub-commissioner. So he wasn't the supreme leader, and that's the reason
14 why I use that phrase, deputy commissioner.

15 MS LUPING: [11:47:33] Mr President, I'll just ask to move into private session very
16 briefly.

17 PRESIDING JUDGE MINDUA: [11:47:41](No interpretation) *Monsieur le greffier, huis*
18 *clos partiel, s'il vous plaît.*

19 (Private session at 11.47 a.m.)

20 THE COURT OFFICER: [11:47:49] We are in private session, Mr President.

21 PRESIDING JUDGE MINDUA: [11:47:54](Interpretation) Thank you very much.

22 Madam Prosecutor.

23 MS LUPING: [11:47:57]

24 Q. [11:48:00](Overlapping speakers) Mr Witness, you stated that there were

25 a couple of occasions when you went to see Al Hassan, and he said -- you -- he went

1 to see this person before coming back to you with an answer.

2 Can you please explain what you mean by this. What -- what happened?

3 A. [11:48:14]

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13 Q. [11:49:32]

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17 A. [11:49:59]

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5 MS LUPING: [11:51:31] Mr President, I believe we can go back into public session.

6 PRESIDING JUDGE MINDUA: [11:51:37](Interpretation) Court officer.

7 (Open session at 11.51 a.m.)

8 THE COURT OFFICER: [11:51:42] We are back in open session, Mr President.

9 PRESIDING JUDGE MINDUA: [11:51:54](Interpretation) Thank you very much,
10 court officer.

11 Madam Prosecutor.

12 MS LUPING: [11:51:58]

13 Q. [11:51:59] Mr Witness, within the Islamic police, you've mentioned Adama,
14 Al Hassan, and a Mauritanian.

15 Do you recall other members within the Islamic police? First, individuals who were
16 Malians?

17 A. [11:52:11] Yes. Starting with the Malian -- starting with the Malians, I didn't
18 know many Malians. But furthermore, I discovered there a Franco-Senegalese
19 person and a French person. The French person, Gilles Legian, and the
20 Franco-Senegalese was Abdrhamane. The French was called Gilles Legian. So I
21 asked for information about them regularly.

22 Q. [11:53:07] And now we have the spelling for Gilles Legian in the English
23 transcript but not the French transcript.

24 Could you spell Gilles Legian for us.

25 A. [11:53:22] J-E- -- G-I-L-L-E-S. And later, L-E-G-I-A-N, Gilles Legian.

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1 Q. [11:53:45] And you said he was a -- he was a member of the Islamic police.

2 Do you recall from when that was?

3 A. [11:53:55] Who's that?

4 Q. [11:54:01] Starting first with Gilles Legian.

5 From when do you know he was a member of the Islamic police?

6 A. [11:54:11] I don't know. But since I knew him, he was with the Islamic police.

7 Q. [11:54:21] And from when did you know him?

8 A. [11:54:27] Legian?

9 Q. [11:54:38] Yes.

10 A. [11:54:41] I knew him in the first month of the occupation.

11 Q. [11:54:52] And you have stated that there was a French-Senegalese called

12 Abdrhamane. Again we have the -- a spelling in the English transcript but not the

13 French.

14 Could you please spell that name, please.

15 A. [11:55:19] Abdrhamane, A-B-D-R-H-A-M-A-N-E, Abdrhamane.

16 Q. [11:55:41] And do you know from when Abdrhamane was with the Islamic
17 police?

18 A. [11:55:54] No. But I met him in the month of November, I think. That's where

19 I met him regularly, in the court of the Islamic police.

20 Q. [11:56:18] And other than these two individuals, can you recall names of others
21 who were within the Islamic police?

22 A. [11:56:27] No. The others? They were members of the brigade. Bakar, he
23 wasn't Malian. He was a Mauritanian-Senegalese, Bakar. He was also given the
24 name of Firhaoun.

25 Q. [11:57:10] And, can you spell Firhaoun.

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1 * A. [11:57:17] F-I-R-H-A-O-U-N. Now, it's a -- it's a word from local language. It's not
2 a French word. Some people put an "e" on the end.

3 Q. [11:57:49] And do you know if this was a nickname and, if so, what it -- what it
4 meant?

5 A. [11:57:57] Yes, it's a nickname. It's just a name that the community gave this
6 man, taking into account his reactions at the time towards the population.

7 MS LUPING: [11:58:38] Mr President, could I ask to briefly go into private session.

8 PRESIDING JUDGE MINDUA: [11:58:45](Interpretation) Court officer.

9 (Private session at 11.58 a.m.)

10 THE COURT OFFICER: [11:58:50] We are in private session, Mr President.

11 PRESIDING JUDGE MINDUA: [11:59:00](Interpretation) Thank you very much,
12 court officer.

13 Madam Prosecutor.

14 MS LUPING: [11:59:02]

15 Q. [11:59:02] [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 A. [11:59:14] [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

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1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 Q. [12:02:18] [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 A. [12:02:41] [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

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1 Q. [12:03:37] [REDACTED]

2 [REDACTED]

3 A. [12:03:47] [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 Q. [12:05:00] [REDACTED]

14 [REDACTED]

15 A. [12:05:15] [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 Q. [12:05:52] [REDACTED]

21 A. [12:05:57] [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 Q. [12:06:16] [REDACTED]

25 [REDACTED]

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1 [REDACTED]

2 A. [12:06:32] [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 Q. [12:07:53] [REDACTED]

12 [REDACTED]

13 A. [12:08:02] [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 Q. [12:08:46] [REDACTED]

19 A. [12:08:53] [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 Q. [12:09:21] [REDACTED]

23 A. [12:09:29] [REDACTED]

24 [REDACTED]

25 THE INTERPRETER: [12:09:54] Inaudible.

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1 THE WITNESS: [12:09:57](Interpretation) [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 MS LUPING: [12:10:20]

7 Q. [12:10:21] And could you clarify what you mean about whether people were
8 really complying with the requirements of the occupiers. Which requirements are
9 you referring to?

10 A. [12:10:48] I am talking about a city where alcohol is not sold, nor is -- nor are
11 cigarettes. People do not smoke in the street. There is no prostitution. So if you
12 see a man and a woman who are illegally arrested in -- in a -- in a little street, for
13 example, these are criteria that the occupiers wanted to be put in place in Timbuktu.

14 Q. [12:11:37] Final question in private session before moving back into public.

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 A. [12:11:58] [REDACTED]

19 Q. [12:12:15] No. My question was different.

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

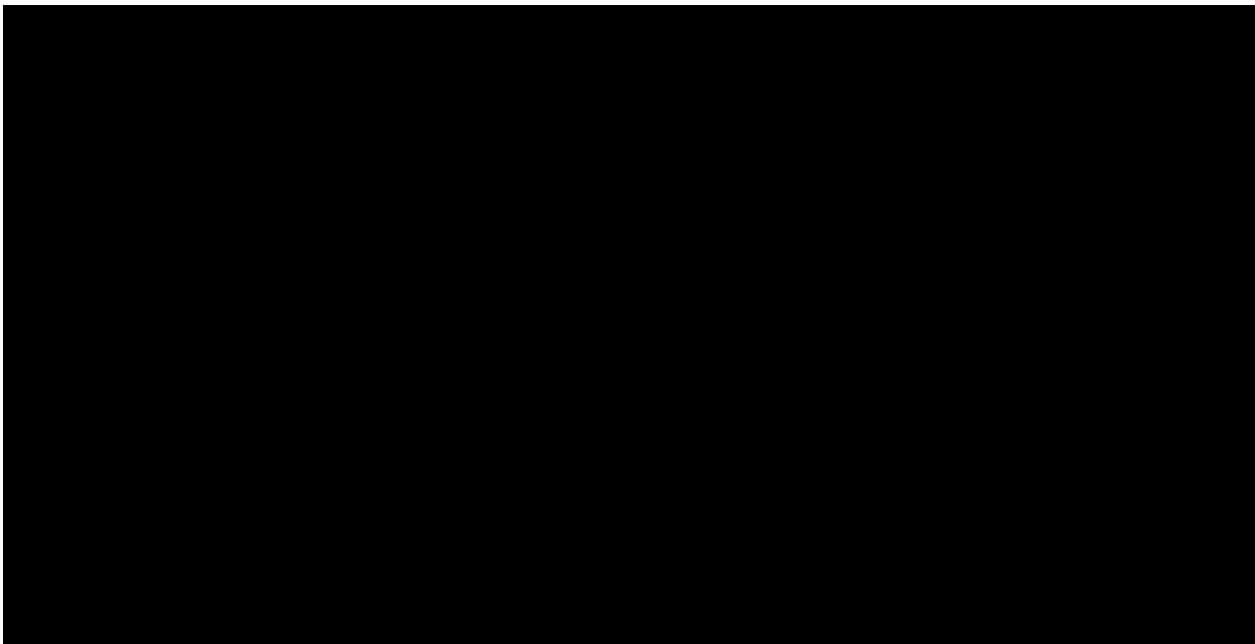
25 A. [12:12:43] [REDACTED]

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10 MS LUPING: [12:13:53] Mr President, I think we can go back into public session.

11 PRESIDING JUDGE MINDUA: [12:14:00](Interpretation) Mr Courtroom Officer,

12 open session, please.

13 (Open session at 12.14 p.m.)

14 THE COURT OFFICER: [12:14:07] We are back in open session, Mr President.

15 PRESIDING JUDGE MINDUA: [12:14:15](Interpretation) Thank you very much.

16 Madam Prosecutor.

17 MS LUPING: [12:14:18]

18 Q. [12:14:19] Mr Witness, I'm now going to show you a photograph. It's going to

19 be shown on evidence channel 2. It's at tab 126 of your first hard copy binder. The

20 ERN is 0012-1914.

21 And I'm just going to ask, Mr Witness, do you have that image in front of you?

22 A. [12:15:00] Yes.

23 Q. [12:15:01] And what is it?

24 A. [12:15:04] Yes. This is the Islamic police when it was located at the BMS.

25 MS LUPING: [12:15:16] Mr President, I have two questions that need to be asked in

1 private session. Could I please ask to go briefly into private.

2 PRESIDING JUDGE MINDUA: [12:15:28](Interpretation) Of course. Mr
3 Courtroom Officer, please.

4 (Private session at 12.15 p.m.)

5 THE COURT OFFICER: [12:15:34] We are in private session, Mr President.

6 MS LUPING: [12:15:39]

7 Q. [12:15:40] [REDACTED]

8 PRESIDING JUDGE MINDUA: [12:15:45](Interpretation) Thank you very much.

9 MS LUPING: [12:15:46]

10 Q. [12:15:46] [REDACTED]

11 A. [12:15:54] [REDACTED]

12 Q. [12:15:57] I have another exhibit I need to show to you in private, before we
13 move back into public session. And it is at tab 4 of your binder, ERN 0056-0367.
14 Do you recognise this document?

15 A. [12:16:33] Yes. This is a diagram where I wanted to show the location or
16 position of the *Gouvernorat* and the various cardinal points, and also the position of
17 the BMS.

18 Q. [12:17:07] So you can confirm that you drew this?

19 A. [12:17:12] Precisely, this is a diagram that I drew.

20 MS LUPING: [12:17:24] Mr President, I'd ask that we go back into public session.

21 PRESIDING JUDGE MINDUA: [12:17:30](Interpretation) Open session, please,
22 Mr Courtroom Officer.

23 (Open session at 12.17 p.m.)

24 THE COURT OFFICER: [12:17:37] We are back in open session, Mr President.

25 PRESIDING JUDGE MINDUA: [12:17:44](Interpretation) Thank you very much.

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1 Madam Prosecutor.

2 MS LUPING: [12:17:49]

3 Q. [12:17:51] Mr Witness, I'm now going to show you a brief video extract. It can
4 be played publicly. No sound is needed. No interpretation. It's at tab 362. It's
5 a video, so it's the -- it's MLI-OTP-0012-1952. I'm going to be playing first from zero
6 seconds. I'm pausing at 00:00:15:22.

7 Do you recognise the location?

8 * A. [12:18:57] Yes. This is the second headquarters of the Islamic police at the
9 Gouvernorat in Timbuktu.

10 THE INTERPRETER: [12:19:14] Overlapping speakers.

11 MS LUPING: [12:19:17]

12 Q. [12:19:17] I'm now going to play on for a few seconds.

13 (Viewing of the video excerpt)

14 MS LUPING: [12:19:20] And I've stopped at 00:00:21:12.

15 Q. [12:19:21] Do you recognise this sign?

16 A. [12:19:30] Yes.

17 Q. [12:19:35](Overlapping speakers) Could you explain what it is.

18 A. [12:19:39] Well, you can see written, in French, "POLICE ISLAMIQUE," with the
19 local numbers written on either side where people could call them.

20 Now, on either sides, you can see that there is the logo of Ansar Dine.

21 Q. [12:20:15] I'm now going to continue playing a few more seconds.

22 (Viewing of the video excerpt)

23 MS LUPING: [12:20:40] And I'm stopping at 00:00:41:23.

24 Q. [12:20:43] Do you know what that location?

25 A. [12:20:47] Yes. It is still the *place de l'Indépendance*, independence square,

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1 outside the *Gouvernorat*, and that is the entrance door to the *Gouvernorat*. Where you
2 have the bars, the security bars, that's where the entrance is.

3 Q. [12:21:24] I've just fast forwarded to 01:13 seconds.

4 Could you explain what that is.

5 * A. [12:21:38] That is the independence monument, Al Farouk, which was also
6 pillaged and which is opposite the Timbuktu *Gouvernorat*.

7 Q. [12:22:00] I'm going to play.

8 (Viewing of the video excerpt)

9 MS LUPING: [12:22:05] And now I stop at 01:26 seconds.

10 Q. [12:22:08] What is that? Can you describe what that building is that we see at
11 the end of the road.

12 A. [12:22:17] The building at the end of the road -- well, I can see there's the town
13 hall, the city hall. That's the city hall.

14 Now, if you carry on, the -- this is the main road leading into town. If you continue
15 to the left ... There we are. That is the road that continues all the way to the BMS.

16 MS LUPING: [12:23:08] Mr President, could I just briefly go into private session?

17 PRESIDING JUDGE MINDUA: [12:23:13](Interpretation) Mr Courtroom Officer,
18 please, private session.

19 (Private session at 12.23 p.m.)

20 THE COURT OFFICER: [12:23:23] We are in private session, Mr President.

21 PRESIDING JUDGE MINDUA: [12:23:30](Interpretation) Thank you very much.

22 Madam Prosecutor.

23 MS LUPING: [12:23:34]

24 Q. [12:23:34] [REDACTED]

25 A. [12:23:41] [REDACTED]

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1 Q. [12:23:47] I'm just going to show you one other document in private session
2 before we move out. That is at tab 6 of your binder. That's 0056-0369.

3 Do you recognise this document in front of you?

4 A. [12:24:26] Yes.

5 THE INTERPRETER: [12:24:31] Overlapping speakers.

6 MS LUPING: [12:24:33]

7 Q. [12:24:34] Can you explain what it is.

8 THE INTERPRETER: [12:24:36] Could counsel please wait for the interpretation.

9 Thank you.

10 THE WITNESS: [12:24:38](Interpretation) [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 MS LUPING: [12:24:55]

14 Q. [12:24:57] [REDACTED]

15 A. [12:25:05] [REDACTED]

16 MS LUPING: [12:25:13] We can go back into public session, Mr President.

17 PRESIDING JUDGE MINDUA: [12:25:21](Interpretation) Mr Courtroom Officer,
18 open session, please.

19 (Open session at 12.25 p.m.)

20 THE COURT OFFICER: [12:25:30] We are back in open session, Mr President.

21 PRESIDING JUDGE MINDUA: [12:25:36](Interpretation) Thank you very much.

22 Madam Prosecutor.

23 MS LUPING: [12:25:41]

24 Q. [12:25:43] Mr Witness, you have described the morality brigade. Could you
25 explain what type of clothing members of the morality brigade wore.

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1 A. [12:25:59] Well, the elements of the morality brigade had virtually the same
2 attire as the members of the Islamic police. And it was just the missions that would
3 differ. Otherwise, it was still the same khaki attire with shortened trousers and
4 boubous on the sleeves that did not come down their wrists. And the difference was
5 that you often saw them wearing waistcoats with Ansar Dine.

6 So that wasn't the police or the *brigade des mœurs*. That was just Ansar Dine.

7 THE INTERPRETER: [12:27:07] Could the witness please be requested to
8 enunciate and ...

9 MS LUPING: [12:27:18]

10 Q. [12:27:21] I'm just going to show you two brief video excerpts that can be shown
11 in public. It can be played without sound and no interpretation. That is at tab 219.
12 The ERN is 0012-1724. I'll be playing it without sound.

13 (Viewing of the video excerpt)

14 Q. [12:27:50] And I paused at 00:00:10:16.

15 Mr Witness, do you recognise the location?

16 A. [12:28:01] Yes. This is the former headquarters of the police that was given
17 over to the morality brigade.

18 Q. [12:28:16] I'm now continuing to play. And I'm pausing at 00:00:20:16.

19 And what do we see now? Whose offices do we see?

20 A. [12:28:38] Well, we can see that this is the entrance. To the left-hand side, that
21 is the main entrance. And if you go to the right, that is the chief's office. But if you
22 go in, on the left-hand side, you have somebody who you can explain your problem
23 to who will then orientate you, send you in the right direction.

24 Q. [12:29:14] And I am stopping at 00:00:27:06.

25 Do you know who this person is?

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1 *A.[12:29:24] I do not know this individual personally, but I know he is a child soldier.

2 Q. [12:29:31] (Overlapping speakers) And do you know to what group this person
3 belonged (Overlapping speakers)

4 THE INTERPRETER: [12:29:33] Overlapping speakers.

5 The witness's answer is not complete.

6 THE WITNESS: [12:29:41](Interpretation) I see him at the Ansar Dine headquarters.

7 (Viewing of the video excerpt)

8 MS LUPING: [12:30:11]

9 Q. [12:30:12] And I just played that clip to the end.

10 I'm going to play a second clip, again, without sound.

11 (Viewing of the video excerpt)

12 MS LUPING: [12:30:47]

13 Q. [12:30:48] And now you see two individuals on the left. I'm stopping at

14 00:00:04:00.

15 Do you know to what group these two men belonged to?

16 A. [12:31:02] Yes. As I said, these are people from the morality brigade. This
17 is -- they are wearing the attire that I said. These are their short trousers, and they
18 are wearing boubous. And you can see that the sleeves don't reach their wrists, and
19 they are wearing turbans. And if -- if they were Tuareg, they would be with
20 a Tuareg turban. * And if they were Puehls, you would see that they were wearing
21 scarves. If they were Songhai, they would also often wear turbans.

22 (Viewing of the video excerpt)

23 MS LUPING: [12:31:55]

24 Q. [12:31:55] I'm pausing at 00:00:27:08.

25 The motorbikes and the vehicle, do you know to what group they belonged?

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1 * A. [12:32:05] The vehicle, I don't know. But I know [REDACTED]

2 [REDACTED] Now, the Jakarta motorbikes, certainly --the one inside could belong
3 to-- either it's a motorbike that has been taken for an offence or it's a motorbike
4 belonging to a Mujahideen.

5 Q. [12:33:05] I'm stopping at 00:56:18.

6 The people in the truck, do you know to what group these people belonged?

7 A. [12:33:18] That's a group of MNLA who come from a mission. So, necessarily,
8 they had to show their presence inside the town.

9 MS LUPING: [12:33:53] Mr President, if I could ask two questions in private session.

10 PRESIDING JUDGE MINDUA: [12:34:03](Interpretation) Court officer.

11 Ms Taylor.

12 MS TAYLOR: [12:34:07] It may be that the Prosecutor is going to come to this, but so
13 far we don't have the MLI reference for that video. We have the one from the one
14 before, but not for this one.

15 MS LUPING: [12:34:21] I'm grateful to my colleague, and apologies. I thought I
16 had stated it.

17 * That is 0012-1725, and it was at tab 221.

18 PRESIDING JUDGE MINDUA: [12:34:52](Interpretation) Court officer.

19 THE COURT OFFICER: [12:34:57] My apologies. Just give me one second.

20 (Private session at 12.35 p.m.)

21 THE COURT OFFICER: [12:35:15] We are in private session, Mr President.

22 PRESIDING JUDGE MINDUA: [12:35:20](Interpretation) Thank you very much,
23 court officer.

24 Madam Prosecutor.

25 MS LUPING: [12:35:25] Thank you, Mr President.

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1 Q. [12:35:27] [REDACTED]

2 [REDACTED]

3 A. [12:35:32] [REDACTED]

4 MS LUPING: [12:35:34] Mr President, we can return to public session.

5 PRESIDING JUDGE MINDUA: [12:35:40](Interpretation) Court officer, please take
6 us into open session.

7 (Open session at 12.35 p.m.)

8 THE COURT OFFICER: [12:35:47] We are back in open session, Mr President.

9 PRESIDING JUDGE MINDUA: [12:35:56](Interpretation) Thank you very much,
10 court officer. Madam Prosecutor.

11 MS LUPING: [12:36:01] Thank you.

12 Q. [12:36:01] Mr Witness, you have described the morality brigade, and you've
13 mentioned a leader called Mohamed Moussa. Can you explain what his ethnicity
14 was and nationality.

15 A. [12:36:26] He's Malian by nationality. He's a Tuareg. He is from the
16 Timbuktu region.

17 Q. [12:36:33] And do you know what his role was specifically within the morality
18 brigade?

19 A. [12:36:41] As I said, he was the leader of that institution. Often he would go on
20 patrols with his troops or officers. That's what I know about him.

21 Q. [12:37:08] And do you remember who was the leader of that institution before
22 Mohamed Moussa?

23 A. [12:37:16] No. I knew this institution under Mohamed Moussa. And
24 when -- it was the savings bank. Telecentre, it was called.

25 Q. [12:37:42] And do you recall any other members of the -- the morality brigade?

1 A. [12:37:55] No. Most of the men were within that institution, they were meant
2 to apply Sharia. That was its objective. So there, I also saw some policemen who
3 were working for the brigade as well, for the morality brigade as
4 well -- Bakar -- they were there, too.

5 There were other men there as well whose names I don't have.

6 Q. [12:38:31] And you stated that you also saw some policemen who were working
7 for the brigade as well. Can you clarify what you meant by that.
8 Did you see members of the brigade and police working together?

9 PRESIDING JUDGE MINDUA: [12:38:52](Interpretation) Ms Taylor.

10 MS TAYLOR: [12:38:54] Thank you, Mr President.

11 That's a highly leading question, and the Prosecution is aware of that. That
12 necessarily impacts upon any value of any answer we get.

13 So I would invite my colleague not to use leading questions. We've already had
14 a spate of questions today and yesterday where the Prosecutor would rephrase or
15 paraphrase the witness's answers in a way that was not accurate.

16 So we really think it's important to be very careful with questioning.

17 PRESIDING JUDGE MINDUA: [12:39:29](Interpretation) Madam Prosecutor.

18 MS LUPING: [12:39:30] Mr President, I disagree. I don't think it's leading at all.

19 I'm simply stating what the witness said. I quoted from the English transcript that
20 the Defence is quite clearly able to see as well: "I also saw from some policemen who
21 were working for the brigade as well."

22 My follow-up question is just to clarifying what he saw; whether he saw members of
23 these two groups working together.

24 I don't see how that is leading.

25 PRESIDING JUDGE MINDUA: [12:39:56](Interpretation) Ms Taylor, I'm trying to

1 reread the transcript in French. And I think that the Prosecutor is right.

2 MS TAYLOR: [12:40:04] If I may be heard, Mr President.

3 There is a clear difference between "working for" and "working with."

4 Now, the Prosecutor has re-characterised this in a way to support its case; so that's a
5 leading element.

6 If the Prosecutor wants to use the witness's words, then under paragraph 52 of the
7 decision on the conduct of the proceedings, it's the exact words and not a variant that
8 supports the Prosecution's case that should be used.

9 PRESIDING JUDGE MINDUA: [12:40:34](Interpretation) Very well. Please, could
10 you reformulate.

11 MS LUPING: [12:40:40] Yes, Mr President.

12 Q. [12:40:40] Mr Witness, I'm quoting you from page 64. That is, at lines 10 to 11:
13 "I also saw some policemen who were working for the brigade as well, for the
14 morality brigade as well."

15 Could you clarify what you saw.

16 A. [12:40:58] Well, I was giving an example, an example of Bakar. Often you
17 would see him with the police, and often he was also with the brigade. So these two
18 institutions, which would often work with each other, because they were working in
19 tandem with each other, and that's why I would say it was the police who were
20 dealing with traffic. They would be wearing vests with "Islamic Police" written on it.
21 And the other combatants, you would just see them in the attire that I described
22 previously, with a turban.

23 Everybody was wearing their original turban.

24 Q. [12:41:48] And I'm now quoting you from page 66, line 3 to 5: "So these two
25 institutions, which would often work with each other, because they were working in

1 tandem with each other." Could you provide examples of what you meant by that.

2 A. [12:42:11] Well, when the police were carrying out a patrol, somebody would be
3 surprised or caught in the act, and then the police would give a ticket to somebody.
4 He would send the person to the brigade, and the brigade would then fine the person.
5 And if -- that would be a ticket. And he would go back to the police with that ticket
6 in order to pay the money.

7 And there would be -- if, for example, there was a motor -- somebody with a -- a
8 motorbike rider had committed an offence, if he was intercepted by the police, this
9 policeman would then take the motorbike, and he would use it to the control post.
10 And then he would send the owner to the morality brigade. He would pay the fine
11 there, and then he would get a ticket. And with this ticket, he could get his
12 motorbike back.

13 And that's the way I say that these two institutions worked in common with each
14 other.

15 Q. [12:43:24] You stated, "When the police were carrying out a patrol, somebody
16 would be surprised or caught in the act." Could you give an example of the types of
17 acts that you are talking about?

18 A. [12:43:39] Well, I gave an example of if somebody was going the wrong way
19 down a one-way road or if somebody was caught generally, well, it wasn't the police
20 mission. That was the morality brigade.

21 For example, if it was somebody who was smoking, that would be the morality
22 brigade. But if it was about intelligence or information, that could be the -- that
23 could be the police. They were the ones investigating in town, and they also had to
24 get -- provide information to the person who needed it. But -- that's how I do know
25 that the institutions were working together.

1 Q. [12:44:21] Now, Mr Witness, you also described the Islamic justice or Islamic
2 tribunal.

3 Do you know what types of cases the Islamic justice dealt with?

4 A. [12:44:45] Generally, it was the major crimes, such as, murder, malfeasance, theft,
5 large-scale theft. And when the Mujahideen were surprised or caught in the act,
6 then these were issues like -- that would be dealt with by the Islamic justice.

7 Q. [12:45:26] And did you ever attend any of the hearings of the Islamic justice?

8 A. [12:45:33] Yes. I was at a hearing once.

9 Q. [12:45:46] Can you describe what that case was about.

10 A. [12:45:50] This was the case of a young person who had to keep the EDM fuel.
11 And at a specific time, I think the police carried out investigations, and they caught
12 this person who was stealing fuel. He worked for EDM, *Énergie du Mali*. He was
13 arrested, and there was a trial.

14 * I didn't go to the start of the trial, but I did -- I was present for some of the hearing.

15 And I saw the Islamic judge, Houka Houka Ag Housseini. And next to him, there
16 were some advisers, the imam from Bellafarandi and there were others whom I don't
17 know. Finally, they told the public that they would give the judgment the next day.

18 And, unfortunately, the next day, I was not there, but I was there to get news. And it
19 appeared that the crisis committee had been called upon to express their indignation
20 about the behaviour of this person. And there was a fine. * I don't know if it was a
21 600 million, or something like that. And his parents started to contribute.

22 [REDACTED]

23 [REDACTED] "What is the difference between theft of Mahamane Dédéou and the
24 misappropriation of the other person?"

25 [REDACTED] "The other person -- one is an abuse of power, misappropriation of

1 public funds, and -- because when that person was in charge of something, he
2 misappropriated. He had to provide it back. And in the case -- and there was
3 a fine that would be set out.
4 However, with regards to theft, necessarily, he had to have his hand amputated, the
5 hand with which he -- the hand with which he took the object.

6 But I wasn't able to attend the trial on that day, but I did -- I did get the news of it.

7 Q. [12:49:20] And can you confirm or remember where the Islamic justice was
8 located?

9 A. [12:49:42] The Islamic justice was located in an apartment. Hotel La Maison
10 was its name. It belonged to a French Malian. It was a hotel which had been
11 converted into the Islamic -- the palace of justice, the Islamic palace of justice.

12 Q. [12:50:16] And you referred to Houka Houka. Do you know what ethnicity
13 and nationality he had?

14 A. [12:50:27] Malian. He was of Malian origin.

15 Also Kel Ansar. He was responsible for Islamic justice. He was from the region of
16 Timbuktu, from the circle of Goundam, to be precise.

17 Q. [12:51:07] And you also mentioned the imam.

18 Can you recall who else worked as members of the Islamic tribunal.

19 A. [12:51:27] Well, I know, alongside the judge, there were two people on the left,
20 two others on the right. They're from Timbuktu, that I knew. I had a relations with
21 them, a rapport with them, the imam of Bellafarandi, Daoud.

22 Q. [12:51:59] I'm going to now show two very short video clips that can be shown
23 in the public. The first is at tab 435, and that's 00:18:02:42, without sound, no
24 interpretation required.

25 (Viewing of the video excerpt)

- 1 MS LUPING: [12:52:31] And I'm pausing at 00:13.
- 2 Q. [12:52:36] First of all, do you know to what group these two individuals
- 3 belonged, starting first with the person on the left?
- 4 A. [12:52:47] Yes. That's a member of the Islamic police, and the other is from the
- 5 brigade. These are combatants who are made available to justice.
- 6 Q. [12:52:58] And do you recognise the location?
- 7 A. [12:53:02] That's at the headquarters of the *Palace de justice*.
- 8 Q. [12:53:12] The next short clip is at tab 438. That's 00:18:02:49. Again, no sound
- 9 required. Playing from the start, and that's at 01 seconds.
- 10 Do you recognise any individuals in this image?
- 11 A. [12:53:40] Yes. He's the one in the middle, or the one in the middle is the
- 12 Islamic judge. On his right, now you have the imam *de* Bellafarandi, Daoud.
- 13 You've got the Islamic judge in the middle -- middle -- in the middle, Houka Houka,
- 14 sitting on his right.
- 15 Q. [12:54:07] And do you recognise the person on the right, wearing black?
- 16 A. [12:54:17] No, I don't recognise him.
- 17 Q. [12:54:23](Overlapping speakers) Do you know where this location is?
- 18 A. [12:54:26](Overlapping speakers) Huh?
- 19 Q. [12:54:27] Do you know where this is?
- 20 A. [12:54:30] Yes. That's at the headquarters of the Islamic justice, Hotel La
- 21 Maison.
- 22 Q. [12:54:38] Now, you have also described the media commission. What was the
- 23 headquarters of the media commission or committee - sorry - media committee?
- 24 A. [12:54:58] The media committee was located at ORTM, at the ORTM.
- 25 Q. [12:55:11] And do you know for how long the media committee was located at

1 the ORTM? When did they first move in there?

2 A. [12:55:20] From the start of the occupation until the end of the occupation.

3 Q. [12:55:42] And other than the building of the ORTM, do you know any other
4 buildings that the occupiers took over when they moved into Timbuktu?

5 A. [12:55:52] Yes. Generally, they would take public buildings, but they would
6 never take buildings belonging to individuals.

7 I remember sometimes ... went to occupy the hotel belonging to somebody, and,
8 finally, when they found out that it belonged to an individual, then they moved their
9 men from there.

10 And they'd just occupied the public buildings -- social services, buildings occupied by
11 the army, administration, that sort of thing.

12 Q. [12:56:53] Now, you mentioned that a person called Radwan was a member of
13 the media committee. Can you recall others who were members of the media
14 committee, other than Radwan?

15 A. [12:57:14] Well, I know that Radwan was there always at the HQ. He had
16 a post at the HQ. But you can consider Sanda as the spokesperson of the media
17 committee. Abou Dakar (phon) who, also, was responsible for local radio, which
18 was broadcast.

19 THE ENGLISH INTERPRETER: [12:57:41] "Abou Dardar."

20 THE WITNESS: [12:57:42](Interpretation) So the person who was -- who held a post
21 at the HQ, that was Radwan.

22 MS LUPING: [12:57:57]

23 Q. [12:57:58] Now, you stated that there was also an armed force or an armed
24 group that was another institution that was in Timbuktu. Can you recall where they
25 were based?

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1 A. [12:58:11] Well, there, as I stated, there wasn't a camp dedicated to the Islamic
2 army. I said perhaps coordination left the town. But the soldiers were mixed.
3 There were all different nationalities there. There wasn't a specific camp to say, "Oh,
4 that is the camp of the Mujahideen."

5 Q. [12:58:55] Now, you said earlier on that there was a force *armées*; that was
6 another institution in Timbuktu. Is that correct?

7 * A. [12:59:20] Yes. I spoke about the setting up of four institutions, because I
8 understood that the police were in town just for the security of persons and property
9 and for traffic control. And then there was the morality brigade who was there, as the
10 name indicates. There was the centre of recommendation of the blameless, which
11 was there for the morality police.

12 And -- but the Islamic justice was there to decide on cases of major scope or cases
13 which were considered to be of -- important cases, and the army was there for
14 security outside the town. And that's why I said, within the town, there wasn't
15 a specific camp.

16 Now, there could have been a camp elsewhere. That I do not know. That is
17 possible.

18 MS LUPING: [13:00:29] Mr President, yes, I've just -- I've noticed the time. It's now
19 1 o'clock, and I can break here.

20 PRESIDING JUDGE MINDUA: [13:00:41](Interpretation) Indeed, Madam
21 Prosecutor.

22 It's 1 o'clock. We are now going to have a break for lunch, and we will be back at
23 2.30, as usual.

24 Court is suspended.

25 THE COURT USHER: [13:00:57] All rise.

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1 (Recess taken at 1.00 p.m.)

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

3 THE COURT USHER: [14:31:39] All rise. Please be seated.

4 PRESIDING JUDGE MINDUA: [14:31:58](Interpretation) The hearing shall now
5 resume. And I'll hand over to the OTP for continuation of examination-in-chief.
6 Madam Prosecutor.

7 MS LUPING: [14:32:18] Thank you, Mr President.

8 Q. [14:32:22] Now, Mr Witness, before the break, you had described how Sanda
9 Ould Boumama had stated -- and I'm going to quote from the French transcript:
10 (Interpretation) "Short trousers are recommended by religion. But in the days to
11 come, they will organise some awareness campaigns to explain to the people how
12 a good Muslim should behave." End of quote.
13 You also explained that Sanda Ould Boumama had said this during the first days of
14 the occupation, within the first 10 days of the occupation.
15 My question is this: Could you explain what campaigns or sensibilisation occurred
16 in Timbuktu.

17 A. [14:33:54] These were media campaigns during which they explained to people
18 what the new attitude was to be adopted. As for the media and communications,
19 they had posters. And I saw them just after the reconquest. And on these posters,
20 they showed how women should dress, what kinds of clothing were recommended.
21 And then there were other posters or signs showing what men should wear so that
22 the various parts of the body used for ablutions -- that's why they often asked for
23 short pieces of clothing, so that the parts of the body for ablutions would not be
24 covered, and -- and that was not appropriate for -- for prayer.
25 The parts that were for ablutions should not be covered up with clothing.

1 Q. [14:35:24] You also described how one of the members of the Islamic police
2 explained -- and I'm going to again use what is stated in the French transcript:
3 (Interpretation) "The requirements of the occupants."

4 And the examples that you gave were:

5 * (Interpretation) "No alcohol or cigarettes are to be sold. People are not to smoke in
6 the street, not the smallest reproach -- we wouldn't want to see a man and a woman
7 illegally arrested in the street."

8 Could you provide examples of other requirements of the occupants.

9 PRESIDING JUDGE MINDUA: [14:36:26](Interpretation) Ms Taylor.

10 MS TAYLOR: [14:36:28] Thank you, Mr President.

11 We've had some quotations from the transcripts.

12 Would it be possible for the Prosecutor to please give the references each time so we
13 have a record, particularly because it's cross-quoting between transcripts.

14 PRESIDING JUDGE MINDUA: [14:36:48](Interpretation) Ms --

15 MS LUPING: [14:36:53] The last reference I can give is from page 50, lines 24, to
16 page 51, line 2. And the one before that was at page 15, lines 20 to line 24.

17 Q. [14:37:10] So, Mr Witness, I'm just going to repeat my question.

18 Can you give other examples of requirements of the occupants.

19 A. [14:37:29] Those were the major points in terms of their requirements. Other
20 than that, I don't know of any others. In actual fact, you see, at first, it -- at first it
21 was a ban on selling cigarettes. The first day they began to destroy bars where
22 alcoholic drinks were sold. It was forbidden to sell cigarettes. People could not
23 smoke in the street. And then the young girls and young boys walking down the
24 street together, that was also officially banned.

25 Q. [14:38:31] And do you remember when this was being forbidden?

1 A. [14:38:36] That was the first week, the first week of the occupation in April.

2 Those things were clearly communicated to the population.

3 Q. [14:38:58] And during this early period of the occupation, can you recall who
4 was enforcing these rules?

5 A. [14:39:08] There was no specific person. All the combatants were following
6 those instructions and making -- they would go into a shop and make sure that no
7 one was selling cigarettes. Often commanders would go into bars and actually
8 destroy the crates of beer. It wasn't one specific person. It was a collective thing.

9 Q. [14:39:49] And do you know if people were being punished if they didn't follow
10 these rules?

11 A. [14:39:55] Yes, for example, people were punished. People, who, for example,
12 engaged in fornication were punished. Those who stole were punished. Those
13 who killed others were punished. So there you have it. For the public good, some
14 people were punished and put in prison.

15 Q. [14:40:31] Now, you gave an example that those who engaged in fornication
16 were punished.

17 Could you describe the example you were giving. Could you explain what
18 happened and who these people were.

19 A. [14:40:50] Unfortunately, I came in late, so to speak, and I don't know about that.
20 Some people filmed some videos. I wasn't there. I came in towards the end of the
21 scene, and they were being whipped. At that time, [REDACTED]

22 [REDACTED]

23 Q. [14:41:18] And just to clarify, you said that they were being whipped.

24 Can you explain who these people were that you saw being whipped.

25 Do you recall their names?

1 A. [14:41:38] No, I don't remember their names. And I know little about the
2 couple, but some of the scene was -- I was there. There was a crowd, and they were
3 whipping this couple, administering lashes.

4 Q. [14:42:05] And where did this happen? Do you remember where this took
5 place?

6 A. [14:42:11] Yes, at Place Sankoré, and it was in the morning.

7 Q. [14:42:18] And do you recall when this was?

8 A. [14:42:22] It was still in 2012. It was one of the first acts of Sharia that was
9 imposed. It was one of the first punishments; namely, this punishment of
10 fornication. When I got there, I -- I saw some people there. I stopped. And I said,
11 "Can you explain to me what is going on?"

12 And then they explained that Sharia law was being applied and that any act of
13 fornication would be impossible to pardon. And that -- that is the part that I was
14 able to see, and [REDACTED]

15 Q. [14:43:24] Now, you've also stated that was -- there was punishment for theft.
16 And you've mentioned already twice now the name of an individual called Dédéou
17 Maiga.

18 Could you please describe what happened to him.

19 A. [14:44:20] He was accused of stealing some materials from someone, and he was
20 in a house alongside the house of the owner of the materials, and he was accused of
21 stealing some items. They caught him. They did an investigation. They found
22 some of the items ultimately. They asked what the source of them were. And ...

23 THE INTERPRETER: [14:45:12] Inaudible.

24 THE WITNESS: [14:45:14](Interpretation) ... after his trial, he had his right hand cut
25 off.

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1 MS LUPING: [14:45:22]

2 Q. [14:45:24] And did you see him being amputated?

3 A. [14:45:31] I saw the whole scene. I was there from the beginning till the end

4 [REDACTED]

5 THE INTERPRETER: [14:45:45] [REDACTED]

6 THE WITNESS: [14:45:21] [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 THE INTERPRETER: [14:46:10] Interpreter correction: [REDACTED]

11 [REDACTED]

12 MS LUPING: [14:46:14]

13 Q. [14:46:14] And can you recall who else was present during this event?

14 Can you remember which leaders were there?

15 A. [14:46:23] Many people were there at this event. At the time Commissioner

16 Adama, Abou Talha, Bakar. There were several combatants who were there

17 because -- well, there were the, first of all, the people who ensured security of the site,

18 the people who were there to organise it, and also the people who were there to take

19 the victim away. So -- plus the -- those who were looking on, the people who were

20 curious.

21 So there were a lot of people on the site. There were doctors as well at the location.

22 Q. [14:47:26] You stated that there were many combatants that were there, and

23 some who were assuring the security of the site. Do you know which part of the

24 organisation they belonged to? These people who were securing the site. Which

25 institution?

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1 A. [14:47:49] All the combatants were from Ansar Dine. Even if they were in
2 other movements, they were there under the banner of Ansar Dine.

3 Q. [14:48:12] And you've referred to the *commissaire*, Adama, being present. Do
4 you recall any others from the Islamic police who were present?

5 A. [14:48:24] The few people who I knew, who I saw, and -- are the same. * There were
6 many combatants, Songhai, Bozo, Tamasheq, all kinds of people were amongst them.
7 But amongst the leaders, those were the ones, the people I've just mentioned.

8 PRESIDING JUDGE MINDUA: [14:49:03](Interpretation) Madam Prosecutor, I beg
9 your pardon. I have a question for the witness.

10 Mr Witness?

11 THE WITNESS: [14:49:10](Interpretation) Yes.

12 PRESIDING JUDGE MINDUA: [14:49:13](Interpretation) You just said page 75, line
13 21 of the French transcript, that there were also some doctors present at the event.

14 My question is this: Could you tell me, if you know, of course, whether the
15 physicians had administered anaesthesia before the people in charge of implementing
16 the punishment actually carried out the amputation?

17 THE WITNESS: [14:49:46](Interpretation) [REDACTED]
18 [REDACTED]

19 PRESIDING JUDGE MINDUA: [14:49:53](Interpretation) Thank you very much,
20 Mr Witness.

21 Madam Prosecutor.

22 MS LUPING: [14:50:00]

23 Q. [14:50:02] And, Mr Witness, can you recall the names of any of the doctors who
24 were present at the amputation?

25 A. [14:50:13] Chief physician of Timbuktu, Dr Ibrahim Maiga.

1 Q. [14:50:28] And can you describe in some detail what happened? Describe the
2 event, including who carried out the punishment?

3 A. [14:50:39] First of all, when the victim was brought out of the van, he was sitting
4 on a chair. Both hands were tied to the arms of the chair. He had no shoes on.

5 [REDACTED]

6 [REDACTED]

7 [REDACTED] [REDACTED]

8 [REDACTED]

9 So the victim was there on his chair. At one point, they sent out a message
10 explaining to people who were there what he had been accused of and what would be
11 decided. So after the explanation, they asked the combatants who shall volunteer.
12 Two people raised their hands. I don't know -- combatants I didn't know. They
13 raised their hand. There were two volunteers to cut off his hand, and then one man
14 left from behind the general public and he had the kit. He --

15 THE INTERPRETER: [14:52:24] Inaudible.

16 THE WITNESS: [14:52:25](Interpretation) He put down the kit and he himself
17 volunteered, and he was Bakar. And he did --

18 THE INTERPRETER: [14:52:39] Inaudible.

19 THE WITNESS: [14:52:40](Interpretation) -- * his two raka'ahs before amputating the
20 young man's hand.

21 Once it was all done, the hand fell and it was wrapped in a white handkerchief and
22 the doctor was asked to take care of him and they went to the hospital. I followed
23 them all the way to the hospital. The man came out of the operating room at 2300
24 hours.

25 [REDACTED]

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[REDACTED]

13 MS LUPING: [14:54:38]
14 Q. [14:54:39] I'm sorry to interrupt you, Mr Witness, but I just want to remind you
15 that we are in public session and I'm conscious of not wanting to have to request too
16 many redactions.
17 PRESIDING JUDGE MINDUA: [14:55:03](Interpretation) You would like us to go
18 into private --
19 MS LUPING: [14:55:11] (Overlapping speakers) Yes, please. If we could revert to
20 public (sic) session.
21 PRESIDING JUDGE MINDUA: [14:55:12](Interpretation) Courtroom Officer.
22 (Private session at 2.55 p.m.)
23 THE COURT OFFICER: [14:55:19] We are in private session, Mr President.
24 PRESIDING JUDGE MINDUA: [14:55:24](Interpretation) Thank you, Courtroom
25 Officer.

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1 Madam Prosecutor.

2 MS LUPING: [14:55:30]

3 Q. [14:55:32] Mr Witness, you were describing the events [REDACTED]. I had to
4 ask that you continue this in private session. [REDACTED]

5 [REDACTED]

6 A. [14:55:55] [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 Q. [14:58:13] Thank you.

25 Mr Witness, I'm now going to ask to go back into public session, but when I do, can I

1 ask to -- you to -- can I please remind you [REDACTED]
2 [REDACTED] I will ask you more questions, if
3 necessary, in private session about those.
4 MS LUPING: [14:58:36] Mr President, if we could return to public session.
5 PRESIDING JUDGE MINDUA: [14:58:42](Interpretation) Of course. Courtroom
6 Officer, open session.
7 (Open session at 2.58 p.m.)
8 THE COURT OFFICER: [14:58:47] We are back in open session, Mr President.
9 PRESIDING JUDGE MINDUA: [14:58:54](Interpretation) Thank you very much,
10 Courtroom Officer.
11 Madam Prosecutor.
12 MS LUPING: [14:59:01] Thank you, Mr President.
13 Q. [14:59:02] Mr Witness, you described the actual event of the amputation. You
14 explained that it was an individual called Bakar who carried out the punishment.
15 Can you clarify what are the other names for Bakar to make sure we have the correct
16 person?
17 A. [14:59:20] As I said, he had a nickname. The people of Timbuktu referred to
18 him as Firhao -- Firhaoun. That was his nickname. Other than that, I just knew him
19 by the name Bakar.
20 Q. [14:59:53] (Overlapping speakers) And you said that he was using -- in French
21 it's the -- the words are *le trousseau*. In English it's referred to as "the kit". Could
22 you explain what he used to carry out the amputation?
23 A. [15:00:05] Well, the kit included -- it was like a toolbox with a saw, the cutter,
24 scissors and all that stuff. I didn't have time to look closely at all the content, but I
25 know that there was a -- it was a -- like a small chest. It was open and he was able to

1 take out the saw and cut the hand off. And he said the *'llahu Akbar*.

2 THE INTERPRETER: [15:00:50] Interpreter correction: The witness referred to
3 a *coupe-coupe*, a machete.

4 MS LUPING: [15:01:01]

5 Q. [15:01:03] And after Dédéou's hand was cut off, what happened next? Where
6 was he brought to next?

7 A. [15:01:17] He was taken by the security officials to the hospital where he was
8 admitted. So from 1800 hours to 2300 hours, he was there.

9 Q. [15:01:40] And from what you could see or what you could hear, what was the
10 reaction of the population to the cutting off of Dédéou's hand?

11 A. [15:01:56] Well, it showed the population that Sharia was now being applied
12 everywhere from now on and nobody could take the risk of doing anything else.

13 The time -- the town was calm. They were -- coward. The morale was broken.

14 There was hardly any movement in the town. There was a silence. It was as silent
15 as a cemetery. That's what it was. It was how the town was.

16 PRESIDING JUDGE MINDUA: [15:02:40](Interpretation) Madam Prosecutor, please
17 excuse me once again.

18 Because Witness, I have a question for you.

19 THE WITNESS: [15:02:50](Interpretation) Yes.

20 * PRESIDING JUDGE MINDUA: [15:02:51](Interpretation) A moment ago, on page 81,
21 on lines 20-21, you state that the person who should apply the sentence had left -- he
22 had got a saw out from his tool kit.

23 Did he use a saw -- do you know what a saw is? It takes time to cut something with
24 a saw.

25 THE WITNESS: [15:03:15](Interpretation) It was a saw or a knife. Whatever the

1 case, the hand was -- or when he returned, there was just the nerves which were left.

2 And the nerves had been cut by several cuts which had removed the hand, and it fell
3 to the ground. There was --

4 THE INTERPRETER: [15:03:38] Overlapping speakers.

5 THE WITNESS: [15:03:39](Interpretation) So there was -- so first of all, there was a
6 saw, and then there was a knife.

7 PRESIDING JUDGE MINDUA: [15:03:45](Interpretation) Thank you very much,
8 Witness.

9 Prosecutor.

10 MS LUPING: [15:03:51]

11 Q. [15:03:53] Thank you.

12 Now, Mr Witness, you -- you stated - and I'm going to quote you. That's at page 82,
13 line 7, of the French transcript - that after the -- after the amputation: *Le moral était*
14 *cassé*. End of quote.

15 Could you explain what you meant by that.

16 A. [15:04:19] Their morale was broken. Their spirit was broken.

17 Q. [15:04:29] What I meant was: What did you mean that, *Le moral était cassé* ?

18 A. [15:04:41] Yes, well, for the first time, seeing somebody with his hand or organs
19 cut off, that was the first time. So the fact that this information was relayed from
20 person-to-person, this was ... Well, I don't know how to say it. People were
21 surprised. The people didn't feel comfortable. That's what they felt. The
22 town -- everybody stayed inside their houses. That's what I wanted to say. So their
23 morale was broken. Nobody wanted to go outside or go for a walk. That's why I
24 say that they had no morale. They'd lost their spirit. It was broken.

25 Q. [15:05:44] Now, I'm just going to be showing a number of short extracts.

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1 (Microphone not activated)

2 PRESIDING JUDGE MINDUA: [15:06:36](Interpretation) Madam Prosecutor,
3 microphone please.

4 MS LUPING: [15:06:40] I do apologise. I'll be -- I'll start from the beginning. My
5 apologies, Mr Witness. My apologies, everybody. I will repeat that.

6 I'll be showing a short excerpt. That's at tab 138, 0012-1544. No sound and no
7 interpretation is needed. I'm playing it without sound. And I'm stopping
8 at 00:00:04:19.

9 Q. Mr Witness, do you recognise the person that we see at the forefront of this
10 image on the right of the screen?

11 (Viewing of the video excerpt)

12 THE WITNESS: [15:07:21](Interpretation) Yes. That's Abou Talha. He's person
13 who's responsible for security outside, within Ansar Dine.

14 MS LUPING: [15:07:34] I'm now going to continue to play.

15 (Viewing of the video excerpt)

16 MS LUPING: Now, I've stopped at 00:00:23:14. We see a person at the bottom right
17 of the screen.

18 Q. Do you know to which group this person belonged?

19 A. [15:08:12] Yes, he's from the Islamic police. He's a combatant.

20 (Viewing of the video excerpt)

21 MS LUPING: [15:08:44]

22 Q. [15:08:45] Now, do you know where this is filmed? Where is the location that
23 we are seeing?

24 A. [15:09:01] Here, that's in the detention centre of Gaddafi, behind Hôtel Azalaï.

25 Q. [15:09:14] And do you know what day this is filmed? On what occasion?

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1 A. [15:09:23] Yes. This is on the occasion of the amputation of Mahamane Dédéou.

2 I remember, but I don't remember the date.

3 Q. [15:09:41] Now, the next excerpt I'll be playing -- that's at tab 149. It is a video

4 excerpt, 0012-1549. I'm -- I'm playing it from the very start.

5 (Viewing of the video excerpt)

6 MS LUPING: [15:10:35]

7 Q. [15:10:36] I'm stopping at 00:00:29:02.

8 Do you recognise anybody in this scene?

9 A. [15:10:48] Yes. The person who's filming -- that's Commissioner Adama.

10 Q. [15:11:00] Can you please describe where he is situated in the image so that

11 we're clear for the record.

12 A. [15:11:08] He's in the middle, right in the middle. He's got short trousers, not

13 wearing -- shoes, but he's got white shoes. He's got a white shirt with a towel -- with

14 a Saudi turban and a vest. And he's holding his video camera, and he's filming.

15 (Viewing of the video excerpt)

16 MS LUPING: [15:11:57]

17 Q. [15:11:58] And do you know what day this was?

18 A. [15:12:01] No. I don't remember.

19 Q. [15:12:09] Do you know what event this was?

20 A. [15:12:16] Okay. Well, this is still the atmosphere prior to the amputation.

21 MS LUPING: [15:12:48] I now have another extract that can be also shown in public.

22 It requires no sound, no interpretation. I'm going to be starting from the beginning.

23 And I stop at .22 seconds.

24 Q. Do you recognise any individuals in this scene?

25 A. [15:13:08] Yes. There's the chief doctor who's right in the middle of the screen

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1 with a white shirt who's looking to the other side and who's speaking to his assistant,
2 and his assistant has a bag in his hand. And that's his vehicle which is stopped,
3 a white Hilux vehicle. The doctor's wearing blue trousers.

4 Q. [15:13:47] And do you recognise the event?

5 PRESIDING JUDGE MINDUA: [15:13:50](Interpretation) Ms Taylor.

6 MS TAYLOR: [15:13:53] Thank you, Mr President.

7 I believe the Prosecution hasn't given the reference to this video.

8 PRESIDING JUDGE MINDUA: [15:14:03](Interpretation) Madam Prosecutor.

9 MS LUPING: [15:14:05] Quite right. It's 0012-1547.

10 Q. [15:14:19] And, Mr Witness, can you recall what event this is?

11 A. [15:14:22] Yes. This is still the atmosphere prior to the amputation.

12 (Viewing of the video excerpt)

13 * MS LUPING: [15:15:13] I have another short excerpt at 0012-1546 starting from 14 00

14 -- no sound, no interpretation needed.

15 (Viewing of the video excerpt)

16 MS LUPING: [15:15:35] I'm stopping at 00:00:13:10.

17 Q. Mr Witness, is there anybody on this scene that you recognise?

18 A. [15:15:47] In this group, no.

19 Q. [15:15:57] Do you know what the event was?

20 A. [15:16:00] This is still the atmosphere around the time of the amputation.

21 PRESIDING JUDGE MINDUA: [15:16:21](Interpretation) Ms Taylor.

22 MS TAYLOR: [15:16:24] Thank you, Mr President.

23 The Defence has something to raise, and I do believe it might be best to raise it
24 without the witness being on the line, if it's possible. Otherwise, I'd have to do so in
25 much more obscure terms.

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1 PRESIDING JUDGE MINDUA: [15:16:49](Interpretation) Court officer, is it possible
2 to cut the line with the witness?

3 THE COURT OFFICER: [15:16:55] Your Honours, the sound has been cut off at the
4 VTC location. Thank you.

5 PRESIDING JUDGE MINDUA: [15:17:05](Interpretation) Thank you very much,
6 court officer.

7 Ms Taylor.

8 MS TAYLOR: [15:17:09] Thank you, Mr President.

9 And I'm not going to mention the name of the witness I'm about to refer to. I will
10 refer to the transcript number, but this exact extract was played with a witness - and
11 I'm referring to transcript 89, page 70, and it was under questioning from the
12 Prosecution - the witness provided a different response as concerns the event in
13 question.

14 And we do believe that if it was the position of the Prosecution that this video was
15 filmed at the amputation - and that's a matter, out of fairness, that should have been
16 put to that witness - it's a matter of concern for the Defence that the Prosecution
17 elicited entirely different evidence from a witness, and that rather than putting its
18 case fairly to that witness as to when this video was taken, they let the matter stand
19 that it was taken at the execution, rather than the amputation.

20 And that's an issue that should have gone directly to the credibility of that witness.

21 So we respectfully submit, it should have gone directly to the credibility of that
22 witness, given that the witness had stated that they were not present during the
23 amputation.

24 So we do believe - as an administrator of justice - if the Prosecution is of the position
25 that a video is taken on a certain date or in a certain place, out of fairness, that should

1 be put to all the witnesses through which it submits its videos.

2 It's highly unfair to the Defence to have a contrary case and to tailor its case to the
3 witnesses.

4 PRESIDING JUDGE MINDUA: [15:18:57](Interpretation) Thank you, Ms Taylor. I
5 was waiting for the end of the interpretation so I know which witness you're speaking
6 about, Ms Taylor.

7 But I wanted to listen to Madam Prosecutor.

8 MS LUPING: [15:19:14] Mr President, your Honours, as you can appreciate, the
9 Prosecution has a multitude of different video excerpts. You'll also appreciate that
10 this is an extremely short excerpt. We now have -- and I appreciate that the sound
11 has been cut off to -- to this witness. [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 Now, the fact that a previous Prosecution witness may have been mistaken as to
15 where the event took place, for an extremely short excerpt which, basically, shows
16 members of the armed group next to vehicles, surrounded by sand, I'd -- you know,
17 the Prosecution, with all due respect, would disagree that this should have been used
18 or put to that witness as a matter of their credibility.

19 And in any event, your Honours, we would argue that this is wholly inappropriate.
20 It would have been a wholly inappropriate process to take during another witness's
21 testimony. It's simply the evidence that is before them. It is for that witness -- the
22 previous witness to express what he thought he saw and to articulate it.

23 It is for your Honours, in fact, to make the ultimate determination at the end of the
24 process, having seen the video footage, having heard the testimony of the different
25 witnesses, and, it wouldn't have been the correct procedure at that point.

1 Thank you.

2 MS TAYLOR: [15:20:34] Mr President, if I may briefly. I believe there's
3 a misunderstanding here as to the nature of our objection.

4 PRESIDING JUDGE MINDUA: [15:20:47](Interpretation) Very well. So you
5 followed what Prosecutor said, and I think that she's right. When a witness is
6 presented with an excerpt and they make a mistake, that -- it's not up to the
7 Prosecution to say, you're wrong. The Prosecution's not going to be there to testify.
8 So what would you like to add to that?

9 MS TAYLOR: [15:21:11] Thank you, Mr President.

10 And the issue isn't the date or accuracy of the video. The issue is the accuracy of that
11 witness's testimony. That witness stated under oath that they were not present
12 during the amputation.

13 Now, if the Prosecution was aware that it had a video that controverted the veracity
14 of that witness's testimony, then that is an issue that should have been put to that
15 witness while they were here under oath. That's a matter that goes to the fairness of
16 the witness. It also goes to the fairness of the proceedings as a whole. They can't
17 simply remain silent because they don't want to impugn the creditability of their own
18 witness.

19 And they can't have it both ways. They can't have it that there's a truthful witness
20 on one hand; that they can have him under oath saying that he's not present at an
21 amputation and then, when another witness comes, advance an entirely contrary case.

22 PRESIDING JUDGE MINDUA: [15:22:09](Interpretation) Madam Prosecutor.

23 MS LUPING: [15:22:11] Yes. And, your Honours, just very briefly, we are at a loss
24 to understand, your Honours, as to how this video excerpt confirms that a prior
25 Prosecution witness was present at an event that he stated he was not present at.

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1 That's the first point.

2 Secondly, if the Defence felt that this is a point that should have been put to that
3 previous witness, it was entirely open to the Defence to have done so during his
4 cross-examination.

5 And a third point I would make - this is just simply a footnote, really, to the matter
6 and the facts - this footage is also filmed, I understand, at the same location as the
7 execution of a member of the group, which may also explain the mistake that was
8 made by a prior witness.

9 But for all these reasons, we still maintain our position that it would have been
10 wholly inappropriate for the Prosecution to suggest to a prior Prosecution witness
11 they were mistaken to somehow try to get their testimony to conform to our
12 arguments or our case. Thank you.

13 PRESIDING JUDGE MINDUA: [15:23:24](Interpretation) Very well. Ms Taylor,
14 I'm convinced by the Prosecution's thesis.

15 So we're going to move forward. We've got a witness there, and you present an
16 excerpt, and that person speaks about it, and the witness speaks about it.

17 So, Prosecutor, please continue.

18 MS LUPING: [15:23:43] Thank you, Mr President.

19 I believe the witness has been cut off from this exchange. If -- if he could be ...

20 PRESIDING JUDGE MINDUA: [15:23:51](Interpretation) You're right.

21 Court officer, please could you re-establish the link.

22 THE COURT OFFICER: [15:23:57] Your Honours, the sound has been re-established.

23 PRESIDING JUDGE MINDUA: [15:24:05](Interpretation) Thank you.

24 Witness, thank you for your patience.

25 THE WITNESS: [15:24:12](Interpretation) You're welcome.

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1 MS LUPING: [15:24:15] Thank you.

2 Mr President, your Honours, I'm now going to be showing a series of additional
3 video excerpts. They can be played in public. The first excerpt is 0012-1571. I'll be
4 playing it first without sound. But then I'll be playing it with sound but without
5 interpretation required.

6 (Viewing of the video excerpt)

7 MS LUPING: [15:24:46] I've played it to 00:00:00:22.

8 Q. [15:24:54] Mr Witness, do you recognise the person in this image?

9 A. [15:25:02] Yes. That's Mahamane Dédéou who's had his -- whose right hand
10 was amputated.

11 Q. [15:25:12] Do you recognise the location?

12 A. [15:25:14] Yes. It's -- he's at the regional hospital in one of the beds.

13 Q. [15:25:21] I'm now be playing it with sound.

14 (Viewing of the video excerpt)

15 MS LUPING: [15:26:01] The next -- next excerpt I'll be playing at 0012-1572. I will
16 be playing first without sound, but then I will be requesting interpretation. The
17 transcript -- that's at MLI-OTP-0069-1658. That's at tab 164 of the binder. I'm
18 stopping at .15 seconds.

19 (Viewing of the video excerpt)

20 Q. Mr Witness, do you recognise the person that we see?

21 A. [15:27:01] Yes. That's still Mahamane Dédéou. Yes. It's still in the hospital
22 bed.

23 Q. [15:27:20] I'm now going to play it with sound, and I'm requesting
24 interpretation.

25 THE COURT OFFICER: [15:27:27] Your Honours, sorry to interrupt.

1 Do you wish to play this in public session as the document is classified as
2 confidential?

3 MS LUPING: [15:27:37] It can be played publicly.

4 Sorry. I'm going to start that again. There's a problem with sound.

5 (Viewing of the video excerpt)

6 THE INTERPRETER: [15:27:58](Interpretation of video excerpt)

7 "My named is Mohamed (sic) Dido Maiga. I'm 25 years old. So my name is

8 Mahamane Dido Maiga. I'm 25 years old.

9 And your profession?

10 I'm a plumber, plumber by way of profession."

11 * MS LUPING: [15:28:43] The next clip, it's 0012-1569 found at tab 156. The transcript,
12 found at tab 157, is 0069-1654. I'm going to first play a very short bit without sound,
13 and then I'll be requesting sound and interpretation. I've stopped at 01.13.

14 Q. [15:29:18] Mr Witness, is this the same person?

15 A. [15:29:22] Yes. This is still the same person in the same -- the same person in
16 the same bed in the hospital.

17 THE INTERPRETER: [15:29:35] Overlapping speakers.

18 MS LUPING: [15:29:37] Sorry. Again I'm having technical difficulties.

19 (Viewing of the video excerpt)

20 THE ENGLISH INTERPRETER: [15:29:51](Interpretation of video excerpt)

21 "So, this is the application of Sharia. Effectively, I committed the crime of theft, and

22 with regard to Sharia, my hand should be cut off. But before doing so, they

23 reassured me that in doing so, they would take me completely under care, an effective

24 taking care of me, whether it was -- concerned foods, medicines, or other until my

25 health had been re-established. And once it had been re-established, I would be

1 forgotten and all my faults would be deleted.

2 Well, this is the application of Sharia. I committed the crime of theft. With regards
3 to Sharia, my hand had to be cut off. But before doing so, they reassured me that in
4 doing so, they were going to take complete care of me and effective responsibility for
5 me, whether it be for food, medicines. And once I had -- once my health was
6 restored, then this would be forgotten and my offences would be deleted."

7 MS LUPING: [15:31:07] Again, the next excerpt at 0012-1570. I'll initially be
8 playing it without sound, but requesting interpretation. The transcript at tab 159 is
9 0069-1830.

10 The translation at tab 160 is 0069-1923.

11 (Viewing of the video excerpt)

12 MS LUPING: [15:31:45]

13 Q. [15:31:45] Mr Witness, I've stopped at .15.

14 Can you confirm: Is this the same person and the same location?

15 A. [15:31:56] Yes, this is the same person and the same location.

16 Q. [15:32:08] I'll now replay this with sound and request interpretation.

17 (Viewing of the video excerpt)

18 THE INTERPRETER: [15:32:23](Interpretation of video excerpt)

19 "Unidentified Person: Okay. I invite everyone, everyone else, those who have
20 already made a mistake, that they understand that today, it is Sharia; that they should
21 be afraid of God. There is only one God, glory to be -- glory be to him and praise be
22 to him." End of site translation.

23 MS LUPING: [15:33:11] The next excerpt at 0012-1568. And I'm playing it from the
24 beginning. I'm pausing at 00:20.

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1 Q. [15:33:20] Mr Witness, who are the two individuals that we see on the screen?

2 (Viewing of the video excerpt)

3 * THE WITNESS: [15:33:31](Interpretation) There are three people: the victim Sanda
4 Ould Boumama who is wearing white, and to his right the head doctor Ibrahim
5 Maiga.

6 THE WITNESS: [15:33:37](Interpretation) -- wearing white and then to the left, the
7 head doctor, Ibrahim Maiga.

8 MS LUPING: [15:33:47] Mr President, I would request briefly go into private
9 session.

10 PRESIDING JUDGE MINDUA: [15:33:54](Interpretation) Private session, courtroom
11 officer.

12 (Private session at 3.34p.m.)

13 THE COURT OFFICER: [15:34:00] We are in private session, Mr President.

14 PRESIDING JUDGE MINDUA: [15:34:03](Interpretation) Thank you very much.
15 Madam Prosecutor.

16 MS LUPING: [15:34:07]

17 Q. [15:34:09] Mr Witness, I have shown you a series of short video excerpts that

18 [REDACTED]

19 And I'm referring to 0012-1544, 0012-1549, 0012-1547, 0012-1546, and 0012-1545. [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 A. [15:34:55] [REDACTED]

23 [REDACTED]

24 Q. [15:35:15] And now I've shown you a series of video excerpts that [REDACTED]

25 [REDACTED]

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1 [REDACTED] I refer to 0012-1571, 0012-1572, 0012-1569,
2 0012-1570, and 0012-1568.

3 [REDACTED]

4 A. [15:35:56] [REDACTED]

5 Q. [15:36:02] [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 A. [15:36:30] [REDACTED]

12 Q. [15:36:44] [REDACTED]

13 A. [15:36:49] [REDACTED]

14 Q. [15:37:08] And I just want to make sure that I have the -- that this is accurate in
15 the record.

16 In the French transcript, we have written that [REDACTED]

17 [REDACTED]

18 Is that correct? Or is that an error?

19 A. [15:37:24] Huh?

20 Q. [15:37:37] Could you repeat the name [REDACTED]

21 [REDACTED]

22 A. [15:37:48] [REDACTED]

23 THE INTERPRETER: [15:37:51] Correction: [REDACTED]

24 MS LUPING: [15:38:00](Overlapping speakers) Thank you.

25 I had understood, and now we have it correct in the French transcript, [REDACTED]

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1 I would just ask that the English transcript also be corrected.

2 THE INTERPRETER: [15:38:06] Interpreter correction (Overlapping speakers)

3 MS LUPING: [15:38:11]

4 Q. [15:38:15] I'm now going to be showing you another short excerpt.

5 (Viewing of the video excerpt)

6 MS LUPING: [15:38:34] That is 0012-1573. That's at tab 165. I'll be playing it first

7 without sound, and then I will be requesting sound with interpretation. The

8 transcript is tab 166. That's 0069-1832, and the translation is at tab 167, 0069-1926.

9 And I've stopped at 01:1- --

10 PRESIDING JUDGE MINDUA: [15:39:09](Interpretation) Madam Prosecutor, please,

11 slow down when you provide reference numbers.

12 MS LUPING: [15:39:16] I apologise to the interpreters and the transcribers.

13 I will repeat again the transcript numbers, and the translation transcript at tab 166,

14 0069-1832. Translation is at tab 167. That's 0069-1926. And the video itself is at

15 0012-1573. And I've stopped at 00:00:01:15.

16 Q. [15:40:05] Mr Witness, can you confirm if you recognise the person that we see

17 in this image.

18 (Viewing of the video excerpt)

19 THE WITNESS: [15:40:14](Interpretation) Which person?

20 MS LUPING:

21 Q. [15:40:23] The person at the front of the image that we -- that I hope you see in

22 front of you. It's on evidence channel 2.

23 Do you recognise this person?

24 A. [15:40:33] Yes.

25 Q. [15:40:37] And who is that?

- 1 A. [15:40:40] Sanda Ould Boumama.
- 2 Q. [15:40:45] And do you recognise this event?
- 3 A. [15:40:53] [REDACTED]
- 4 Q. [15:40:58] [REDACTED]
- 5 A. [15:41:03] [REDACTED]
- 6 Q. [15:41:05] [REDACTED]
- 7 A. [15:41:09] [REDACTED]
- 8 Q. [15:41:13] [REDACTED]
- 9 A. [15:41:19] [REDACTED]
- 10 [REDACTED]
- 11 THE INTERPRETER: [15:41:24] Overlapping.
- 12 MS LUPING: [15:41:26](Overlapping speakers) I'm now going to play from the very
- 13 beginning of this extract, and I will be playing now with sound.
- 14 (Viewing of the video excerpt)
- 15 MS LUPING: [15:41:38] I'm sorry. I'm still having technical problems. I'll try once
- 16 more.
- 17 (Viewing of the video excerpt)
- 18 MS LUPING: [15:42:05] No. Apologies. I seem to be having technical difficulties.
- 19 (Viewing of the video excerpt)
- 20 THE ENGLISH INTERPRETER: [15:42:27](Interpretation of video excerpt)
- 21 Sight translation:
- 22 "Unidentified Speaker: Mr Sanda Ould BOUMAMA, for the first time, we have seen
- 23 the application of Sharia in Timbuktu, especially the amputation of hands.
- 24 SOB: Mm.
- 25 Unidentified Person: We saw it with Mahamane Dido MAIGA. So in what

1 other -- in what context do you situate this practice? SOB: So I said that in -- in -- it
2 is -- it is in our programme of applying Sharia. It is a mistake that was committed by
3 our brother, Mahamane Dido MAIGA, and it was treated in accordance with what
4 God tell us, that is, Sharia. So I think that when you make a minor comparison
5 between the application of Sharia and what is done in other places and, above all, in
6 Mali and in neighbouring countries, with this kind of -- of behaviour, I think that it is
7 very little. So that ... I think that I've even seen people who were burnt in NIGERIA,
8 and I've also seen other people who were beaten to death in Bamako. So -- but all
9 that, that is not a problem because ... the problem that the others do not go along with
10 and they will never accept that the application of Sharia will be a reality in our Islamic
11 world. So I think the problem now is application -- is the application of Sharia. It is
12 not something else.

13 Unidentified Person: So now in Timbuktu, from now on, what is your message for
14 all -- for all."

15 MS LUPING: [15:44:44]

16 Q. [15:44:45] Mr Witness, in that segment, we hear Sanda Ould Boumama
17 speaking.

18 [REDACTED]

19 A. [15:44:58] [REDACTED]

20 PRESIDING JUDGE MINDUA: [15:45:04](Interpretation) Madam Prosecutor, are we
21 continuing in private --

22 MS LUPING: [15:45:08] Yes, Mr President, just to explain. [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

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1

[REDACTED]

2

Q. [15:45:35] [REDACTED]

3

[REDACTED]

4

A. [15:45:43] [REDACTED]

5

Q. [15:45:51] [REDACTED]

6

A. [15:45:56] [REDACTED]

7

[REDACTED]

8

[REDACTED]

9

[REDACTED]

10

[REDACTED]

11

[REDACTED]

12 THE INTERPRETER: [15:46:51] Sorry about that. [REDACTED]

13

[REDACTED]

14

MS LUPING: [15:46:57]

15

Q. [15:46:58] I'm now also going to be showing an item in -- and it needs to be

16

shown confidentially still. It's at tab 68, It's 0012-1965.

17

Mr Witness, I'd like you to read that document silently on your own. And I've -- I've

18

shown it also on the screen. It's headed: [REDACTED]

19

And at the bottom is written: [REDACTED]

20

[REDACTED]

21

A. [15:47:42] [REDACTED]

22

Q. [15:47:43] [REDACTED]

23

A. [15:47:48] [REDACTED]

24

Q. [15:47:54] [REDACTED]

25

A. [15:47:58] [REDACTED]

Trial Hearing
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(Private Session)

ICC-01/12-01/18

1 Q. [15:48:03] [REDACTED]

2 A. [15:48:12] [REDACTED]

3 Q. [15:48:19] [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 A. [15:49:16] [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 MS LUPING: [15:50:02] Thank you.

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

19 PRESIDING JUDGE MINDUA: [15:50:17](Interpretation) Courtroom officer.

20 THE COURT OFFICER: [15:50:34] Thank you.

21 We are back in open session, Mr President.

22 (Open session at 3.50 p.m.)

23 PRESIDING JUDGE MINDUA: [15:50:42](Interpretation) Thank you very much.

24 Madam Prosecutor.

25 MS LUPING: [15:50:45] Yes, Mr President.

1 Q. [15:50:46] Mr Witness, you described how the uncle of Dédéou was also in
2 prison, as well as a jihadist who wanted to flee with Dédéou.

3 Do you recall the name of that jihadist who tried to flee with Dédéou?

4 * A. 15:51:06 Yes, Bocar. Bocar was a man from Burkina Faso who was in Timbuktu.
5 He was a tiler. I don't know what you call that -- those who tile the houses. Anyway,
6 he arrived in Timbuktu through a local entrepreneur by the name of Baba Zenou
7 Ader.

8 THE WITNESS: [15:51:41](Interpretation) With the arrival of the Mujahideen, he
9 found himself inside the movement, and so that is how it came to be that -- well,
10 a young girl filed a complaint saying that he wanted to abuse her. So he was
11 punished and put in prison.

12 When he was in his cell, he wanted to escape. He even did escape. He got out with
13 Dédéou, and they found themselves behind the river. They wanted to head south.
14 As they were running away, some informants reported them. Already, *they
15 had a bounty of 300,000 CFA on their heads. And the information came in that they
16 were behind the river. And, automatically, a pickup went and looked for them, and
17 they were collared. And they brought them back the next day.

18 Boubacar was punished in public. And a few days after that there was the trial of
19 Dédéou, which -- and he ultimately had his hand cut off.

20 MS LUPING: [15:53:14]

21 Q. [15:53:15] Now, you said that Dédéou and Bocar both managed to escape from
22 prison.

23 Do you know who was holding them at the time, which prison they were being held?

24 A. [15:53:35] There was a prison in Timbuktu. That's the prison that the Islamists
25 used as well for all the prisoners, especially the prisoners who had committed crimes.
26 For small -- for minor crimes, they were kept in a cell at the BMS, or at the briga- -- at

1 the morality brigade.

2 THE INTERPRETER: [15:54:12] Correction: In a cell, at the BMS, at the ...

3 Overlapping.

4 MS LUPING: [15:54:24]

5 Q. [15:54:27] And where was this -- you referred to *la maison d'arrêt*. Where was
6 this located in Timbuktu?

7 A. [15:54:29] The prison was behind the Djingareyber mosque.

8 Q. [15:54:39] And did you learn what happened to Dédéou Maiga after his
9 amputation? What happened to him afterwards?

10 A. [15:54:51] A few days after he had his hand cut off, I travelled. And once I was
11 back, I asked about him, and I was told that he had gone to San. Because several
12 times I would go see his family, and I saw that socially he had been rejected and --

13 THE INTERPRETER: [15:55:23] Inaudible.

14 THE WITNESS: [15:55:428](Interpretation) -- almost lost his mind. He had no more
15 hope, even though his case was dealt with by Handicap International, an NGO.

16 All the same, he -- he received a plastic hand, and they even wanted to guarantee that
17 he would have a plumbing store, but he wanted to head south, go to another place.

18 He went to Bamako. And during the reconquest, he went back to Timbuktu. And
19 instead of getting support from his family, he lost hope. And, ultimately, he died
20 after that.

21 MS LUPING: [15:56:22]

22 Q. [15:56:24] And do you know roughly how long after the events Dédéou Maiga
23 died?

24 A. [15:56:38] Two years. He died in 2017, and the reconquest was in 2013, and the
25 occupation was in 2012. Two or three years.

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(Open Session)

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- 1 MS LUPING: [15:57:13] Mr President, your Honour, as I see it, it's three minutes
2 before the end of the session, and I have a completely different topic to start with the
3 witness. It might more expedient to start tomorrow morning with a new topic.
- 4 PRESIDING JUDGE MINDUA: [15:57:28](Interpretation) So you are giving up your
5 three minutes.
- 6 Well, courtroom officer, we are in private or open?
- 7 THE COURT OFFICER: [15:57:41] Yes, we are in open session.
- 8 PRESIDING JUDGE MINDUA: [15:57:44](Interpretation) Very well.
- 9 Mr Witness, we are coming to the end of your testimony for today, but we will be
10 continuing tomorrow, unfortunately. So you will be coming back tomorrow at 9.30,
11 as we usually do. On behalf of the Chamber, I thank you for giving clear answers
12 and thank you for responding with such goodwill to the questions put to you.
- 13 In the meantime, don't forget that you are not allowed to talk about your testimony to
14 anyone. Not to family members. Not to friends, in the event that you are contact
15 with them this evening.
- 16 Have you understood?
- 17 THE WITNESS: [15:58:42](Interpretation) Yes, I certainly have understood,
18 your Honour.
- 19 PRESIDING JUDGE MINDUA: [15:58:45](Interpretation) Thank you very much,
20 Mr Witness.
- 21 Before adjourning for today, I would like to thank all the staff who helped to make
22 this hearing a success today, the parties and participants, the court reporters and the
23 interpreters, the security officers, and our public.
- 24 As usual, I wish everyone a pleasant evening.
- 25 And until tomorrow, the hearing is now adjourned.

1 THE COURT USHER: [15:59:21] All rise.

2 (The hearing ends in open session at 3.59 p.m.)

3 CORRECTIONS REPORT

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

6 Page 69 line 19

7 "his two raka'ahs" Is added

8 Page 92 lines 14-15

9 "they had put a bounty on their heads" Is corrected to " they had a bounty of 300,000

10 CFA on their heads"

11 SECOND CORRECTIONS ERPORT

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

14 Page 9 lines 7-8:

15 " A. [9:51:46] Yes. As time went by we discovered new faces, and I saw Oumar Ould
16 Hamaha who was –

17 THE INTERPRETER: [09:52:04] Inaudible."

18 is corrected to

19 " A. [9:51:46] Yes. As time went by we discovered new faces, and I saw Oumar Ould
20 Hamaha who was also called Barbe Rouge..."

21 Page 12 lines 2-4:

22 " A. [9:59:47] [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 is corrected to

" A. [9:59:47] [REDACTED]

[REDACTED]

3 [REDACTED]

4 Page 12 line 9-12:

[REDACTED]

[REDACTED]

[REDACTED]

8 [REDACTED]

9 is corrected to

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

14 [REDACTED]

15 Page 15 line 25 - Page 16 line 1:

16 "Some people are saying he's Algerian. Some say he's Mauritanian."

17 is corrected to

18 "Some people are saying he's Algerian. Some say he's Algero-Mauritanian."

19 Page 16 lines 22-24:

[REDACTED]

[REDACTED]

22 [REDACTED]

23 is corrected to

[REDACTED]

25 [REDACTED]

1 [REDACTED]

2 Page 17 lines 4-6:

■ "A. [10:13:38] [REDACTED]

■ [REDACTED]

5 [REDACTED]

6 is corrected to

■ "A. [10:13:38] [REDACTED]

■ [REDACTED]

9 [REDACTED]

10 Page 19 lines 22-23:

11 "A. [10:22:51] Well, I know that -- knew that -- all the combatants at the time."

12 is corrected to

13 " A. [10:22:51] Well, I knew that all the combatants at the time were under the control
14 of Adama. He led this institution for a long time before he was relieved."

15 Page 36 lines 10-12:

16 "And once I went back, and there was a Mauritanian there - and I was able to
17 understand that he was Mauritanian, he wasn't Malian - and I could see that because
18 of his turban, and he said something to me."

19 is corrected to

20 "And once I went back, and there was a Mauritanian there - and I was able to
21 understand that he was Mauritanian, he wasn't Malian - and I could see that because
22 of his turban, and they said something to each other."

23 Page 41 line 1:

24 " A. [11:57:17] F-I-R-H-A-O-U-M (phon). Now, it's a -- it's a word from local
25 language."

1 is corrected to

2 " A. [11:57:17] F-I-R-H-A-O-U-N. Now, it's a -- it's a word from local language."

3 Page 48 lines 8-9:

4 "A. [12:18:57] Yes. This is the second headquarters of the Islamic police at the
5 Gouvernorat in Tim- ..."

6 is corrected to

7 " A. [12:18:57] Yes. This is the second headquarters of the Islamic police at the
8 Gouvernorat in Timbuktu."

9 Page 49 lines 5-6:

10 " A. [12:21:38] That is the independence monument, which was also pillaged and
11 which is opposite the Timbuktu Gouvernorat."

12 is corrected to

13 " A. [12:21:38] That is the independence monument, Al Farouk, which was also
14 pillaged and which is opposite the Timbuktu Gouvernorat"

15 Page 52 line 1:

16 "A. [12:29:24] I do not know this individual in person (Overlapping speakers)"

17 is corrected to

18 " A. [12:29:24 I do not know this individual personally, but I know he is a child
19 soldier."

20 Page 52 lines 20-21:

21 "And if they were Puehls, you would see that they were wearing scarves."

22 is corrected to

23 "And if they were Puehls, you would see that they were wearing scarves. If they were
24 Songhai, they would also often wear turbans."

25 Page 53 lines 1-4:

1 "A. [12:32:05] The vehicle, I don't know. But I know the [REDACTED]
2 [REDACTED] But the other one inside could belong to -- either it's a motorbike that
3 has been taken for an offence or it's a Mujahideen motorbike."

4 is corrected to

5 "A. [12:32:05] The vehicle, I don't know. But I know the Yamaha, the blue Yamaha,
6 that was for me. Now, the Jakarta motorbikes, certainly --the one inside could belong
7 to-- either it's a motorbike that has been taken for an offence or it's a motorbike
8 belonging to a Mujahideen."

9 Page 53 line 17:

10 "That is 00:12:17:25, and it was at tab 221."

11 is corrected to

12 "That is 0012-1725, and it was at tab 221."

13 Page 58 lines 14-17:

14 "I didn't go to the start of the trial, but I did -- I was present for some of the hearing.

15 And I saw the Islamic jus. And next to him, there were some advisers, the imams, and
16 there were others who I don't know. But, ultimately, they -- there was the imam of
17 Bellafarandi, and what they did, they would give the judgment the next day."

18 is corrected to

19 "I didn't go to the start of the trial, but I did -- I was present for some of the hearing.

20 And I saw the Islamic judge, Houka Houka Ag Housseini. And next to him, there
21 were some advisers, the imam from Bellafarandi and there were others whom I don't
22 know. Finally, they told the public that they would give the judgment the next day."

23 Page 58 lines 20-21:

24 "I don't know if it was a 100 million, or something like that. And his parents [REDACTED]
25 [REDACTED]

1 is corrected to

2 "I don't know if it was a 600 million, or something like that. And his parents started to
3 contribute."

4 Page 62 lines 7-9:

5 "A. [12:59:20] Yes. I spoke about the setting up of four institutions, because I
6 understood that the police were in town just for the security of persons and property."

7 is corrected to

8 " A. [12:59:20] Yes. I spoke about the setting up of four institutions, because I
9 understood that the police were in town just for the security of persons and property
10 and for traffic control."

11 Page 64 lines 5-7:

12 " (Interpretation) "No alcohol or cigarettes are to be sold. People are not to smoke in
13 the street.""

14 is corrected to

15 "(Interpretation) "No alcohol or cigarettes are to be sold. People are not to smoke in
16 the street, not the smallest reproach -- we wouldn't want to see a man and a woman
17 illegally arrested in the street.""

18 Page 68 lines 5-6:

19 "There were many combatants, Bozo, Tamasheq, all kinds of people were amongst
20 them."

21 is corrected to

22 "There were many combatants, Songhai, Bozo, Tamasheq, all kinds of people were
23 amongst them."

24 Page 73 lines 20-22:

25 "PRESIDING JUDGE MINDUA: [15:02:51](Interpretation) A moment ago, on page 80,

1 on lines 20-21, you state that the person who should apply the sentence had left -- he
2 had got a saw out from his tool kit."
3 is corrected to
4 "PRESIDING JUDGE MINDUA: [15:02:51](Interpretation) A moment ago, on page 81,
5 on lines 20-21, you state that the person who should apply the sentence had left -- he
6 had got a saw out from his tool kit."
7 Page 77 lines 13-14:
8 "MS LUPING: [15:15:13] I have another short excerpt at 00:12:15:46 starting from 14 00
9 -- no sound, no interpretation needed."
10 is corrected to
11 "MS LUPING: [15:15:13] I have another short excerpt at 0012-1546 starting from 14 00
12 -- no sound, no interpretation needed."
13 Page 83 line 11:
14 "MS LUPING: [15:28:43] The next clip, it's 00:12:15:69 found at tab 156."
15 is corrected to
16 "MS LUPING: [15:28:43] The next clip, it's 0012-1569 found at tab 156."
17 Page 85 lines 3-5:
18 "THE WITNESS: [15:33:31](Interpretation) There are three people: The victim --
19 THE INTERPRETER: [15:33:36] Inaudible."
20 is corrected to
21 "THE WITNESS: [15:33:31](Interpretation) There are three people: the victim Sanda
22 Ould Boumama who is wearing white, and to his right the head doctor Ibrahim
23 Maiga."
24 Page 92 lines 4-7:
25 "A. [15:51:06] Yes, Bocar. Bocar was a man from Burkina Faso who was in Timbuktu.

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1 He was a carreleur. He worked on the vehicles. He was in Timbuktu. He was
2 working for Baba –
3 THE INTERPRETER: [15:51:39] Inaudible."
4 is corrected to
5 "A. 15:51:06 Yes, Bocar. Bocar was a man from Burkina Faso who was in Timbuktu.
6 He was a tiler. I don't know what you call that -- those who tile the houses. Anyway,
7 he arrived in Timbuktu through a local entrepreneur by the name of Baba Zenou
8 Ader."