

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 Thursday, 9 September 2021
10 (The hearing starts in open session at 9.30 a.m.)
11 THE COURT USHER: [9:30:47] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE MINDUA: [9:31:05](Interpretation) The hearing shall now
15 commence.
16 Good morning, everyone.
17 Courtroom officer, kindly call the case.
18 THE COURT OFFICER: [9:31:30] Good morning, Mr President, your Honours.
19 This is the situation in the Republic of Mali, in the case of The Prosecutor versus Al
20 Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud, case reference ICC-01/12-01/18.
21 And, for the record, we are in open session.
22 PRESIDING JUDGE MINDUA: [9:31:49](Interpretation) Thank you very much,
23 courtroom officer.
24 We will now begin naturally with introductions. First of all, the Office of the
25 Prosecution.

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1 Madam Prosecutor.

2 MS LUPING: [9:32:03] Thank you. Good morning, Mr President. Good morning,
3 your Honours. Appearing again on behalf of the Prosecution are the same team,
4 Mr Dutertre, Mr Sandoval and myself, Dianne Luping.

5 PRESIDING JUDGE MINDUA: [9:32:16](Interpretation) Thank you very much,
6 Madam Prosecutor.

7 And now the Defence. Counsel.

8 MS TAYLOR: [9:32:23] Good morning, Mr President. Good morning,
9 your Honours. Good morning to everyone in the courtroom and anyone around the
10 courtroom. The Defence for Mr Al Hassan is represented today by Maître Julia
11 Basile and myself, Melinda Taylor.

12 Thank you very much.

13 PRESIDING JUDGE MINDUA: [9:32:41](Interpretation) Thank you very much,
14 Ms Taylor.

15 Legal Representatives of Victims.

16 MR KASSONGO: [9:32:49](Interpretation) Thank you, your Honour. Good
17 morning, everyone. The victims are represented today by Biyéké Dipanga, who is
18 assisting me, and myself, Mr Kassongo. And the team thanks you, your Honour.

19 PRESIDING JUDGE MINDUA: [9:33:07](Interpretation) Thank you very much,
20 Mr Kassongo.

21 This morning, we continue with the testimony of P-0654, who is a Prosecution witness.

22 I now address the witness.

23 But I see the Madam Prosecutor. Just one moment.

24 Good morning, Mr Witness.

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

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1 (The witness speaks French)

2 (The witness gives evidence via video link)

3 THE WITNESS: [9:33:37](Interpretation) Good morning. I am well.

4 PRESIDING JUDGE MINDUA: [9:33:39](Interpretation) Thank you very much. On
5 behalf of the Chamber, I would like to once again welcome you.

6 THE WITNESS: [9:33:47](Interpretation) Thank you.

7 PRESIDING JUDGE MINDUA: [9:33:47](Interpretation) And I remind you that you
8 are still under oath, and you must tell the truth, the whole truth and nothing but the
9 truth. Of course, you must remember the practical instructions that I gave you about
10 testifying. Please speak slowly, clearly, and include some pauses so that our court
11 reporters and interpreters can do their work properly.

12 Madam Prosecutor, please proceed.

13 What did you want to say?

14 MS LUPING: [9:34:30] Thank you, Mr President.

15 QUESTIONED BY MS LUPING: (Continuing)

16 Q. [9:34:34] And good morning, Mr Witness.

17 A. [9:34:36] Good morning, Counsel.

18 Q. [9:34:39] Mr Witness, before I start, I would ask the court usher or court officer
19 who is with you to assist in ensuring that you have your binder with you and open.
20 I will be asking you to look at an item at tab 91 of your binder.

21 But before I do, yesterday, you spoke of a -- a peaceful demonstration where women
22 were demonstrating about what was happening to them.

23 Can you remember, after the occupation, if there was any need for some kind of
24 a support or assistance for women and children?

25 A. [9:35:32] Yes. After the recapturing of the city, humanitarian organisations

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1 provided support to the people to help these vulnerable women who, at one
2 particular point in time, had been facing problems and even the -- and even survival.
3 The Red Cross and other organisations provided assistance to ease the suffering of the
4 women and children.

5 THE INTERPRETER: [9:36:33] Interpreter correction: These vulnerable families.

6 MS LUPING: [9:36:38]

7 Q. [9:36:40] (Overlapping speakers) Can you recall the types of problems that they
8 were encountering?

9 A. [9:36:47] First of all, given the crisis which had kept women from carrying out
10 their usual activities and restricted young people's ability to find employment, people
11 found themselves in a very precarious situation. If people did not have support,
12 people would even leave, and, suddenly, a number of charitable organisations had
13 understood the situation and immediately they provided assistance to these people to
14 help them become more resilient and also to encourage them to remain at
15 home -- remain where they were.

16 MS LUPING: [9:37:52] Mr President, could I request to briefly go into private
17 session.

18 PRESIDING JUDGE MINDUA: [9:37:59](Interpretation) Private session, please.
19 (Private session at 9.38 a.m.)

20 THE COURT OFFICER: [9:38:05] We are in private session, Mr President.

21 PRESIDING JUDGE MINDUA: [9:38:12](Interpretation) Thank you very much,
22 courtroom officer.

23 Prosecutor.

24 BY MS LUPING: [9:38:21]

25 Q. [9:38:22] Mr Witness, I would ask now that assistance be given to you to open

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1 your first binder at tab 91. The document is 0012-2027.

2 A. [9:38:45] Yes.

3 Q. [9:38:47] And I would just ask you if [REDACTED]

4 [REDACTED] is:

5 (Interpretation) [REDACTED]

6 [REDACTED]

7 (Speaks English)(Overlapping speakers) -- bottom you have [REDACTED]

8 [REDACTED]

9 A. [9:39:18] Yes.

10 Q. [9:39:21] [REDACTED]

11 A. [9:39:28] Yes, I do. [REDACTED]

12 Q. [9:39:38] [REDACTED]

13 A. [9:39:41] [REDACTED]

14 Q. [9:39:47] [REDACTED]

15 A. [9:39:54] [REDACTED]

16 [REDACTED]

17 Q. [9:40:28] And [REDACTED]?

18 A. [9:40:42] [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 So, in a way, I was [REDACTED]

22 Q. [9:41:14] Mr Witness [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

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1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]

7 MS LUPING: [9:42:21] Mr President, could we go into public session again, please.

8 PRESIDING JUDGE MINDUA: [9:42:28](Interpretation) Courtroom officer, open
9 session.

10 (Open session at 9.42 a.m.)

11 THE COURT OFFICER: [9:42:33] We are back in open session, Mr President.

12 PRESIDING JUDGE MINDUA: [9:42:42](Interpretation) Thank you very much.

13 Madam Prosecutor.

14 MS LUPING: [9:42:48] Thank you, Mr President.

15 Q. [9:42:49] Mr Witness, we were discussing an NGO called AWECO, and you had

16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]

20 Could I ask you, what kind of psychological support were you talking about?

21 A. [9:43:25] First of all, AWECO, the NGO, had, as its main mandate, the
22 assessment of the security level. And then, it intended to take stock of the
23 psychological situation of the people who had been victims of the occupation and
24 thus ... So their intent was to return and help encourage people, raise their spirits.
25 And they said that they would return, and, that this time, they would provide

1 psychological assistance to the women and the children who had been the first
2 victims of the occupation.

3 This psychological support consisted of giving new hope to these women who had
4 stopped some of their activities and to young people.

5 Given that the administration had returned, many of these young people had been
6 left to their own devices -- no work, nothing to do, and so these young people had
7 had difficulties because of the lack of employment.

8 So the NGO decided to provide psychological assistance to such people.

9 Q. [9:45:17] And When you -- apologies.

10 When you stated that they were victims or the first victims of the occupation, what
11 did you mean by that?

12 A. [9:45:30] I'm referring to the occupation, and such an occupation of that nature
13 targeted primarily women.

14 If you were looking at my statement, I think you would say that women were
15 targeted because of the clothing that they were wearing. They were not to be seen in
16 the street. And so, they could not conduct their usual activities and that became
17 a problem for them. So they were victims.

18 As for the children, if the mother is affected, the children also become collateral
19 victims. As for young people, I gave an account of how there was very little
20 employment.

21 You see, so fewer and fewer people had any sort of possibilities to find employment;
22 so people's situation became more and more precarious.

23 That is why I talked about women and children being the first victims.

24 Q. [9:47:17] And you stated -- and I'm going to read what you stated in the French:
25 (Interpretation) "Women were not supposed to be seen in the street, as usual." End

1 of quote.

2 What -- what did you mean by that? Why could they not be seen in the streets?

3 A. [9:47:43] Women used to work as vendors. They would walk around with
4 supplies, foodstuffs on their heads. They would take part in distribution of goods
5 and supplies; so they had many activities just like men.

6 But with the occupation, that was impossible because it was officially prohibited.

7 The occupiers thought that women should stay at home, and they should be
8 accompanied by their husband if they were to leave the house. They were supposed
9 to be properly dressed.

10 And so, you see, it was different to before the occupation when women were free to
11 move about. Go wherever they liked. Come back to the house whenever they
12 wanted to.

13 MS LUPING: [9:49:05] Mr President, could I just briefly go into private session.

14 PRESIDING JUDGE MINDUA: [9:49:13](Interpretation) Private session, please,
15 courtroom officer.

16 (Private session at 9.49 a.m.)

17 THE COURT OFFICER: [9:49:19] We are in private session, Mr President.

18 PRESIDING JUDGE MINDUA: [9:49:25](Interpretation) Thank you very much.
19 Madam Prosecutor.

20 MS LUPING: [9:49:30] Thank you, Mr President.

21 Q. [9:49:35] Mr Witness, again I ask for assistance to be given to you. This time, to
22 open the document at tab 79 of your binder, and the ERN for that is 0012-1997. And
23 I'd ask that you let me know when you have this document in front of you.

24 A. [9:50:04] Yes, I have it.

25 Q. [9:50:07] [REDACTED]

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1 A. [9:51:27] [REDACTED]

2 Q. [9:51:32] [REDACTED]

3 A. [9:51:37] Yes. Yes, I do.

4 Q. [9:51:42] And [REDACTED]?

5 A. [9:51:48] [REDACTED]

6 Q. [9:51:51] I'm going to [REDACTED]

7 [REDACTED]

8 (Interpretation) [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 A. [9:52:34] Well, [REDACTED] the former

13 occupants, because at that time, we were in the very middle of the liberation. So [REDACTED]

14 [REDACTED] the Islamists.

15 Q. [9:53:03] [REDACTED]

16 [REDACTED]

17 (Interpretation) [REDACTED] on the

18 [REDACTED]

19 [REDACTED]

20 MS LUPING: [9:53:51] Mr President, could I ask if we could please go into public

21 session for my following question.

22 PRESIDING JUDGE MINDUA: [9:53:58](Interpretation) Open session,

23 Mr Courtroom Officer.

24 (Open session at 9.54 a.m.)

25 THE COURT OFFICER: [9:54:02] We are back in open session, Mr President.

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1 PRESIDING JUDGE MINDUA: [9:54:05](Interpretation) Thank you very much,
2 courtroom officer.

3 Madam Prosecutor.

4 MS LUPING: [9:54:09]

5 Q. [9:54:10] Mr Witness, you stated that the women were dressed in the colours of
6 their preference and that they, and, I quote:

7 "[...] ne sont pas restées en marge [...]" End of quote.

8 Could you explain what you were talking about and what you meant by that?

9 A. [9:54:29] Just after the recapture of the city of Timbuktu, the young people and
10 the women decided to organise a folkloric activity that would bring together all the
11 various groups from within their culture. So there were the masons, the farmers, the
12 butchers. Everyone had come out and gathered at Sankoré square to thank the
13 Malian army and the French army.

14 So the women did not want to be on the sidelines on this great day. They wanted to
15 express their gratitude by providing support; namely, in the form of foodstuffs to the
16 Malian soldiers.

17 As for the French soldiers led by Colonel Gese at the time, they wanted to praise them
18 and express warm greetings to them, because already much of the French army was
19 preparing ...

20 You see, this was part of Operation Serval, and many of these soldiers would be
21 replaced by MISMA forces.

22 Q. [9:56:22] And you stated:

23 (Interpretation) You mentioned that the women were wearing their favourite colours.

24 (Speaks English) What were you referring to there?

25 A. [9:56:43] Yes. During the occupation, they were obliged to wear black clothing.

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1 Is black the favourite colour of women?

2 In this particular case, in such -- at such an event, nothing was imposed upon the
3 women. They could wear the clothing that they preferred. The colours that they
4 wanted to -- white, multiple colours.

5 They were free to wear their favourite clothing.

6 Q. [9:57:21] Now, Mr Witness, yesterday, and the day before, in fact, you spoke of
7 a man called Bocha (phon) who had been punished for allegedly raping or trying to
8 rape a woman from Timbuktu.

9 Do you recall hearing any other instances of rapes of women or girls by members of
10 the armed groups in Timbuktu?

11 A. [9:58:06] That was the case of Bocar, who was ... quite clear about that. And
12 everyone kept a close eye on that case on how it developed.

13 I don't go by what people were saying. It was the only case that I knew about
14 officially. The only case that -- for which there was an actual complaint and
15 punishment.

16 There were many complaints as well. I did not attend any official trial or anything
17 like that or any punishment. So I couldn't really tell you about that.

18 PRESIDING JUDGE MINDUA: [9:59:13](Interpretation) Ms Taylor.

19 MS TAYLOR: [9:59:15] Thank you, Mr President. It seems that the Prosecution has
20 now gone on to a new line of questioning. And I just note that with regard to tab 79,

21 [REDACTED]

22 [REDACTED]

23 [REDACTED] So far, we have no information on that point and I think it
24 is necessary to put that in the record.

25 PRESIDING JUDGE MINDUA: [9:59:42](Interpretation) Indeed, Madam Prosecutor.

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1 Tab 79 and what --

2 MS LUPING: [9:59:56](Overlapping speakers) I will return to that. I'm going to do
3 that in private session. I have a grouping of additional questions to ask and I was
4 simply wanting to be able to elicit specific information first in public session, but I
5 was proposing to return to that.

6 PRESIDING JUDGE MINDUA: [10:00:15](Interpretation) Thank you very much.

7 MS LUPING: [10:00:26]

8 Q. [10:00:26] Now, before we were interrupted, Mr Witness, you were
9 explaining - and I'm going to quote you:

10 (Interpretation) "A lot of them also complained." (Speaks English) My question is
11 what -- or who were, rather, making these many complaints?

12 A. [10:01:07] Well, I don't want to go much further than what I said. These were
13 rumours that were circulating. People were talking and there were rumours that
14 women had been raped, but I've got no proof of that.

15 And, officially, I didn't take part in any debate around this question, nor in a sanction
16 of a third party with regards to a rape.

17 MS LUPING: [10:01:37] Mr President, could we now return to private session.

18 PRESIDING JUDGE MINDUA: [10:01:44](Interpretation) Court officer.

19 (Private session at 10.01 a.m.)

20 THE COURT OFFICER: [10:01:49] We are private session, Mr President.

21 PRESIDING JUDGE MINDUA: [10:01:57](Interpretation) Thank you very much,
22 court officer.

23 Prosecutor.

24 MS LUPING: [10:02:04] Thank you, Mr President.

25 Q. [10:02:09] Now, Mr Witness, you stated yesterday, or described yesterday, how

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1 [REDACTED] had been detained and you explained that you spoke to
2 them yourself and you confirmed that they had not been raped.

3 My question is this, why did you ask [REDACTED] if they had been raped?

4 A. [10:02:48] Well, firstly, in most of the cases, girls were victims of rapes by
5 combatants. And in asking this question, what I wanted to know -- well, that's why I
6 had asked if they had been raped or sexually harassed or sexually abused.

7 Q. [10:03:38] And you stated:

8 (Interpretation) "Because it's the matter that in most cases, these girls are subject to
9 rapes by combatants."

10 (Speaks English) Could you explain what you meant by that?

11 A. [10:04:00] No, I just said that. That's what was said. So for me, it was an
12 opportunity to check this, to see if it was false or not. And that's it.

13 Q. [10:04:16] Now, Mr Witness, turning to -- still [REDACTED]

14 [REDACTED]:

15 [REDACTED]

16 I hope I'm pronouncing that correctly.

17 Could you explain what that [REDACTED]?

18 A. [10:05:03] [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

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1 [REDACTED]

2 [REDACTED]

3 Q. [10:06:18] And do you recall, roughly, when [REDACTED]?

4 A. [10:06:25] Well, I know [REDACTED] it was the month of
5 February or March, after the passage of the French President in Timbuktu. The

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED] if my memory serves me well.

12 Q. [10:07:48] I'm ... Sorry. If you could just clarify what year at the end of
13 February and the beginning of March that you're referring to, what year was that?

14 A. [10:08:12] 2013.

15 Q. [10:08:16] Now, still in private session, I am going to first show you another
16 document and ask that you be given assistance to turn to tab 106. And the ERN for
17 that document is 0012-2064. And can you let me know, please, when you have that
18 document before you.

19 A. [10:09:18] Yes, I can see it.

20 Q. [10:09:21] [REDACTED]

21 A. [10:09:27] [REDACTED]

22 Q. [10:09:31] [REDACTED]

23 A. [10:09:34] [REDACTED]

24 [REDACTED]

25 Q. [10:09:47] Apologies. I didn't have my microphone on. Could you explain,

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1 [REDACTED]
2 A. [10:10:23] Well, [REDACTED] was

3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED] on it.

8 [REDACTED]
9 Q. [10:11:18] And you stated:

10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]? Just so we're clear.

14 A. [10:11:51] Yes. What would happen is that I would think -- well, the fact that I
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED] And that's in that context [REDACTED]

19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED] was about doing.

24 Q. [10:13:00] [REDACTED]
25 [REDACTED]

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1 [REDACTED]

2 A. [10:13:16] Yes. [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 Q. [10:14:00] And I'd like you to first briefly [REDACTED] and
8 then I'll be asking you some questions. Please let know when you've finished
9 reading it.

10 A. [10:15:42] Yes.

11 Q. [10:15:45] And first, could you explain [REDACTED] Ossama, fils Abou
12 Zeid? Who is he?

13 A. [10:16:18] Yes, this was one of the combatants who, in Timbuktu, everybody
14 called him the son of Abou Zeydi because they knew Abou Zeydi was Algerian.
15 And Ossama was noted in Timbuktu.

16 In the first hours of the occupation, he was in a pickup, and also when the combatants
17 withdrew, he was one of the them. So he was also -- he was one of the last to
18 withdraw or retreat.

19 All the machines of the state, all the engineering -- there were vehicles -- which were
20 set on fire, and [REDACTED] that had also been set on fire.

21 And at a particular time, some people told me that they saw his vehicle opposite the
22 thermal power station.

23 Now, if you wanted to destroy the station where the vehicle -- or, was the vehicle
24 broken down and simply there? I had no confirmation in that regard, but
25 nevertheless a lot of witnesses confirmed that his -- his vehicle was opposite the

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1 thermal power station. [REDACTED] That's what I have to
2 say about that -- about Ossama.

3 Q. [10:18:12] And do you recall when [REDACTED]

4 [REDACTED]

5 A. [10:18:26] [REDACTED]

6 [REDACTED]

7 [REDACTED] The destruction of some of the state machinery,

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 Q. [10:19:21] [REDACTED]

12 [REDACTED]

13 A. [10:19:35] Well, as I said, perhaps [REDACTED]

14 But I said, [REDACTED]

15 [REDACTED]

16 Q. [10:20:00] [REDACTED]

17 [REDACTED]

18 A. [10:20:14] [REDACTED]

19 PRESIDING JUDGE MINDUA: [10:20:24](Interpretation) Ms Taylor.

20 MS TAYLOR: [10:20:25] Thank you, Mr President. We've had the same question

21 now put in three different ways. So I do think it's not appropriate for the Prosecutor

22 to keep asking the same question in a different phrasing.

23 PRESIDING JUDGE MINDUA: [10:20:45](Interpretation) Madam Prosecutor, what

24 would you reply to that?

25 MS LUPING: [10:20:50] Mr President, I asked the witness to explain, first of all, [REDACTED]

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1 [REDACTED]

2 [REDACTED]

3 Sorry. Could I ask that the -- my response be cut off from the witness. I don't want
4 his -- his answers to be influenced by this exchange.

5 PRESIDING JUDGE MINDUA: [10:21:15](Interpretation) Court officer, please, can
6 you cut the link to the witness, please.

7 THE COURT OFFICER: [10:21:23] Your Honours, the sound has been cut off at the
8 VTC location.

9 PRESIDING JUDGE MINDUA: [10:21:28](Interpretation) Please continue, Madam
10 Prosecutor.

11 MS LUPING: [10:21:32](Overlapping speakers) Mr President, your Honours, I'm just
12 trying to understand [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED].

16 He's explained [REDACTED] and now I sought to

17 clarify with the first example [REDACTED] And he has
18 now confirmed that to be the case.

19 If your Honours are satisfied that this is indeed [REDACTED] if Defence counsel
20 is satisfied that this is [REDACTED] I don't need to ask whether in each instance,

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 PRESIDING JUDGE MINDUA: [10:22:44](Interpretation) Ms Taylor, Madam

25 Prosecutor has explained that [REDACTED]

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1 [REDACTED]

2 So the Prosecution is ready to move onto something else. So do you want to add

3 something to this?

4 MS TAYLOR: [10:23:07] Thank you, Mr President. At page 19, line 18, we have:

5 [REDACTED] We then had

6 an answer. At page 20, we had the Prosecutor ask again: [REDACTED]

7 [REDACTED] Again,

8 we had another answer.

9 Then, the Prosecutor at the third question - which, is what I objected to - was when

10 the Prosecutor again put this question: [REDACTED]

11 [REDACTED]

12 Now, the impact of asking the same question three times is to effectively lead the

13 witness on this issue, and we do respectfully submit it's inappropriate for the

14 Prosecutor to suggest that we would have to accept their interpretation of the

15 witness's answer in order to move on.

16 The Prosecutor's had multiple opportunities to put this question to the witness. It's

17 not appropriate to keep putting the question in a more leading format to the witness

18 in order to shoehorn him into a particular answer.

19 We believe that the Prosecutor should move on with the record as it stands.

20 PRESIDING JUDGE MINDUA: [10:24:22](Interpretation) Ms Taylor, I think you've

21 gone a bit too far here when you're saying that the Prosecutor was putting the

22 question in a way to trap the witness. She was just trying to understand [REDACTED]

23 [REDACTED] It's not because the answer was insufficient that the Prosecutor was

24 being specific about it.

25 So I do actually agree with her.

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1 Well, we can move on to something else. So please continue, Madam Prosecutor.

2 MS LUPING: [10:24:57] Thank you, Mr President. And I would ask if the sound
3 could now be connected.

4 And, sorry, just for the record to be clear. The Prosecution disagrees that it is
5 leading. We are simply following up and seeking to clarify responses being
6 provided, but thank you, Mr President.

7 PRESIDING JUDGE MINDUA: [10:25:17](Interpretation) Madam Prosecutor, I've
8 already resolved this problem. Please don't add anything else.

9 Court Officer, please, could you re-establish contact.

10 THE COURT OFFICER: [10:25:27] Your Honours, the sound has been re-established
11 at the VTC location.

12 PRESIDING JUDGE MINDUA: [10:25:33](Interpretation) Thank you very much.
13 Please continue, Madam Prosecutor.

14 MS LUPING: [10:25:38] Thank you, Mr President.

15 Q. [10:25:38] Mr Witness, I'm now [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 Could you first explain who this individual is and whether this is the same person
19 you have mentioned previously?

20 A. [10:26:11] Yes. Gilles Le Guen was a combatant. One of the Islamists of
21 French nationality. I spoke about him. He was in the ranks of Ansar Dine. That's
22 him.

23 Q. [10:26:31] [REDACTED] ABDEL DJALIL [REDACTED] Is this another
24 name by which he was known?

25 A. [10:26:48] Yes, that's his nom de guerre. Like all the combatants at a certain

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1 time, they would be given the name of a great warrior who had carried out jihad on
2 behalf of the prophet; so that was their inspiration.

3 So they'd take the name of a warrior and attribute it to that person.

4 Q. [10:27:18] [REDACTED]

5 [REDACTED]

6 A. [10:27:31] [REDACTED]

7 he left.

8 Q. [10:27:48] And I'm going [REDACTED] you

9 [REDACTED] [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 MS LUPING: [10:29:09] Mr President, could I ask if we could go into public session.

20 PRESIDING JUDGE MINDUA: [10:29:15](Interpretation) Court officer, please take
21 us into open session.

22 (Open session at 10.29 a.m.)

23 THE COURT OFFICER: [10:29:20] We back in open session, Mr President.

24 PRESIDING JUDGE MINDUA: [10:29:33](Interpretation) Thank you very much,
25 court officer.

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1 Prosecutor.

2 MS LUPING: [10:29:38] Thank you, Mr President. Thank you, court officer.

3 Q. [10:29:45] Mr Witness, you described the combatant Gilles Le Guen, as - and I'm
4 going to quote ... Sorry. I -- I will just simply restate: As useful to the population
5 for having denounced the inhumane attitude of Mohamed Moussa.

6 Could you explain, Mr Witness, how Mr Le Guen's denunciation --

7 A. [10:30:28] (Overlapping speakers)

8 Q. [10:30:29] -- if I just finish the question. I apologise. How the leaders of the
9 group responded to his denunciation of Mohamed Moussa's attitude.

10 PRESIDING JUDGE MINDUA: [10:30:50](Interpretation) Ms Taylor.

11 MS LUPING: [10:30:53] Excuse me, Mr President. If I could ask that the sound be
12 cut off --

13 (Overlapping speakers)

14 MS TAYLOR: [10:30:5] Yes, I was going to do that.

15 MS LUPING: [10:30:55] -- if it's substantive.

16 PRESIDING JUDGE MINDUA: [10:30:59](Interpretation) Ms Luping, when I give
17 the floor to Ms Taylor, you are not to speak.

18 You are not allowed to speak.

19 Ms Taylor.

20 MS TAYLOR: [10:31:14] Thank you very much, Mr President. And I was, in fact,
21 going to ask for the sound to be cut.

22 It will be brief.

23 PRESIDING JUDGE MINDUA: [10:31:21](Interpretation) Courtroom officer, please
24 cut off the contact.

25 THE COURT OFFICER: [10:31:27] The sound has been cut off at the VTC location.

1 PRESIDING JUDGE MINDUA: [10:31:30](Interpretation) Thank you very much.

2 Ms Taylor.

3 MS TAYLOR: [10:31:33] Thank you very much, Mr President.

4 Now according [REDACTED] refers to Gilles Le Guen having
5 denounced an attitude. There's absolutely no information about the context of that
6 denunciation. We don't know to whom that denunciation was made. We don't
7 know if it was a public denunciation or a private denunciation.

8 For that reason, the Prosecution must first lay a foundation as concerns the context of
9 that denunciation before the Prosecution can put questions to the witness, assuming
10 that leaders of the group were aware of this denunciation.

11 The Prosecutor's question was predicated on the leaders of the group being aware of
12 a particular denunciation from Gilles Le Guen.

13 That leap has not yet been made. So we simply suggest that the Prosecutor should
14 first, openly ask for information about what the witness is referring to when he refers
15 to a "denunciation," and only if there's a foundation can they then go to the leaders of
16 the group.

17 PRESIDING JUDGE MINDUA: [10:32:49](Interpretation) Thank you very much,
18 Ms Taylor.

19 Ms Luping, I think Ms Taylor is correct. This is in keeping with the instructions that
20 we have issued.

21 Go ahead.

22 MS LUPING: [10:33:00](Overlapping speakers) Mr President, I don't have a problem
23 indeed with -- with doing that. I was making reference though to previous
24 information that the witness has already given about the denunciation made by Gilles
25 Le Guen. He testified about it yesterday. He testified about how Gilles Le Guen

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1 had denounced and provided information to Oumar Ould Ham- -- Hamama relating
2 to the treatment of women in the detention cells. And it was as a result of Gilles Le
3 Guen's intervention that the women were released. He -- he's already testified on
4 this point. I'm happy, however, Mr President, indeed, to make it absolutely clear
5 that when he's referring to it a second time, that that is indeed -- you know, what
6 indeed is he referring to. There's no problem with that.

7 PRESIDING JUDGE MINDUA: [10:33:52](Interpretation) Very well. Thank you
8 very much, Madam Prosecutor.

9 Courtroom officer, please re-establish contact.

10 THE COURT OFFICER: [10:34:03] Your Honours, the sound has been re-established
11 at the VTC location.

12 PRESIDING JUDGE MINDUA: [10:34:07](Interpretation) Thank you very much.
13 Madam Prosecutor.

14 MS LUPING: [10:34:13] Thank you, Mr President.

15 Q. [10:34:14] Mr Witness, I will now repeat what you had stated. You said it was
16 useful for the population that Gilles Le Guen had denounced the inhumane attitude
17 of Mohamed Moussa.

18 Could you please clarify what event you were referring to here that Gilles Le Guen
19 had denounced.

20 PRESIDING JUDGE MINDUA: [10:34:46](Interpretation) Ms Taylor, I don't know
21 what you have to say.

22 Don't you think you should let the Prosecutor do her work? What is going on?

23 MS TAYLOR: [10:34:59] Thank you, Mr President.

24 Again, the text does not refer to an event. Can we just stick to the text and ask the
25 witness to clarify what he means.

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1 PRESIDING JUDGE MINDUA: [10:35:14](Interpretation) Ms Prosecutor, reform.

2 MS LUPING: [10:35:20]

3 Q. [10:35:20] Mr Witness, when you said that Gilles Le Guen was useful for the
4 population for having denounced the inhumane attitude of Mohamed Moussa, could
5 you explain what you meant by that.

6 A. [10:35:41] I had said that Gilles Le Guen had provided a great deal of assistance,
7 not just for the Islamic movement, because he proved his technical abilities by helping
8 with the power station that was not in service and -- that was the first thing.

9 And then secondly, he was closer to the people. He had easy access to the young
10 people. *He would preach to them instead of showing his muscle.

11 And thirdly, he himself noticed that many women were in this small room that I
12 referred to yesterday. And he was the one who reported that information to Oumar
13 Ould Hamaha, and he said that women were crammed into a room like sardines. So
14 Oumar went to the morality brigade. He did not find the leader there, and, he,
15 himself, broke down the door to free these women.

16 So I mentioned -- I know that -- that is my justification for [REDACTED] that.

17 MS LUPING: [10:37:37] Mr President, if I could briefly go into private session.

18 PRESIDING JUDGE MINDUA: [10:37:43](Interpretation) Courtroom officer.

19 (Private session at 10.37 a.m.)

20 THE COURT OFFICER: [10:37:51] We are in private session, Mr President.

21 PRESIDING JUDGE MINDUA: [10:37:56](Interpretation) Thank you very much,
22 courtroom officer.

23 Ms Prosecutor.

24 MS LUPING: [10:38:04]

25 Q. [10:38:05] Mr President -- sorry. I'm misspeaking.

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1 Mr Witness, yesterday, I asked you if the information about these women being kept
2 in the cell by the morality brigade, whether it was known by others. You responded
3 yes, and you stated that [REDACTED]

4 [REDACTED]

5 My question is this: Do you recall speaking to any of the other -- my first question:
6 Do you recall speaking to any of the other leaders about this?

7 A. [10:38:50] Well, I did not talk about that with any of the leaders, [REDACTED] and,

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 So that is how I came to understand that he was the one who had denounced the
13 situation. He had passed on the information to Oumar.

14 But I did not speak to any of the leaders at any point in time about this attitude.

15 Q. [10:40:03] And do you recall when [REDACTED] [REDACTED]

16 [REDACTED]?

17 A. [10:40:21] Yes. It was in April -- no, not April. June, when Sharia law was in
18 full implementation. It was fully operational.

19 Q. [10:40:39] Do you recall how long roughly it was after the women were freed
20 that [REDACTED]?

21 A. [10:40:48] No, I didn't ask. And it was the word "liberation" that was of interest
22 to me. But the reasons and -- well, that was not -- the reasons for having them in the
23 cell, that did not interest me. All I was interested in was the event.

24 THE INTERPRETER: [10:41:23] Overlapping.

25 MS LUPING: [10:41:25]

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1 Q. [10:41:25](Overlapping speakers) Sorry, Mr Witness. I think there may be a
2 misunderstanding.

3 What I mean is, I'm trying to understand the timing [REDACTED]
4 [REDACTED]

5 Do you remember how long after the women were freed that [REDACTED]
6 [REDACTED]?

7 A. [10:41:49] Oh, I see. The period of time. Well, it was the same week. I
8 couldn't say two or three days later, but -- but it was the same week. After the
9 liberation of these women, [REDACTED] And, how shall I put this?

10 [REDACTED]
11 [REDACTED]
12 [REDACTED]

13 But before that, [REDACTED] Oumar had gone to
14 break down the door and free the women without specifying that ...

15 THE INTERPRETER: [10:42:47] Inaudible. [REDACTED]
16 [REDACTED]

17 MS LUPING: [10:42:59]

18 Q. [10:42:59](Overlapping speakers) And you stated: [REDACTED]

19 Do you recall who his chief was or leader was at that time?

20 A. [10:43:10] He was the head of the morality brigade, Mohamed Moussa.

21 Q. [10:43:20] And -- sorry.

22 And do you know when Gilles Le Guen was working with the morality brigade?

23 A. [10:43:44] It's impossible for me to know that. At one point, he was at the
24 police, and, at one point, he was no longer part of the morality brigade. The proof
25 was that twice I saw him at the Islamic police. So, to my mind, he was a police

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1 officer. And if he was punished for denouncing something and if the punishment
2 came from the morality brigade, well, I couldn't tell you which institution he was
3 working for and then when he started to work in these institutions.

4 Furthermore, I received information to the effect that he was present in the north for
5 a while. I learned more about him from some villagers, but not -- not -- it was not
6 about the extremists groups, the extremist movements. So there you have it.

7 MS LUPING: [10:45:05] Mr President, I think we can return to public session.

8 PRESIDING JUDGE MINDUA: [10:45:10](Interpretation) Yes, indeed. Courtroom
9 officer, open session, please.

10 (Open session at 10.45 a.m.)

11 THE COURT OFFICER: [10:45:21] We are back in open session, Mr President.

12 PRESIDING JUDGE MINDUA: [10:45:29](Interpretation) Thank you very much,
13 courtroom officer.

14 Madam Prosecutor.

15 MS LUPING: [10:45:38]

16 Q. [10:45:46] Now, Mr Witness, you described how Sanda explained that there was
17 going to be a sensibilisation in Timbuktu for the *bon comportement des musulmans*.

18 Could you clarify whether there were any rules put in place about how things were
19 done at the local mosques. And, if so, could you explain what happened at the
20 mosques.

21 A. [10:46:33]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED] And, as for the mosque, the imams were asked to say during their

25 sermons -- well, to notify people of the following points: Official prohibition of bars

1 being opened or any establishments where dancing occurred in Timbuktu. They
2 were formally banned. A formal ban on the selling of cigarettes. The -- the young
3 people walking down the street and doing all kinds of things, that was not allowed.
4 People found caught red-handed engaging in adultery. Any form -- any woman
5 who did not dress in accordance with the Muslim religion would be punished as well,
6 or her spouse would be punished.
7 So those were the messages that were passed on in the sermons at the mosques. All
8 the imams were asked to pass on these messages to all Muslims.
9 So that was the strategy that they adopted.

10 Q. [10:48:55] And from what you --

11 PRESIDING JUDGE MINDUA: [10:49:19](Interpretation) I beg your pardon, Madam
12 Prosecutor.

13 Mr Witness, you just said that the message was intended for all Muslims or for all -- I
14 think you said, "all Muslims"?

15 THE WITNESS: [10:49:31](Interpretation) Exactly.

16 PRESIDING JUDGE MINDUA: [10:49:33](Interpretation) But was the code of
17 conduct intended only for Muslims or for all citizens of the city?

18 THE WITNESS: [10:49:44](Interpretation) When I said "Muslims," I meant -- well,
19 that was the expression they used with me. What is more, the mosque was
20 frequented by Muslim people. So that was the context. That is why I'm focusing on
21 the word "Muslim."

22 PRESIDING JUDGE MINDUA: [10:50:06](Interpretation) So my last question about
23 this is: Were there -- what about the followers of other religions? What do you
24 know about that? What can you tell us about that?

25 THE WITNESS: [10:50:24](Interpretation) Well, the way I read the situation, for

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1 them, no one from another religion, other than the -- those who followed the Muslim
2 religion. The proof of that was that during their awareness-raising campaign, they
3 never made any mention of non-Muslims, not even incidentally. Because the
4 churches had already been ransacked and the crosses had been removed and the
5 Muslim community in Timbuktu had already left.

6 So the people who remained were Muslims, and the messages were intended for
7 these Muslim people.

8 PRESIDING JUDGE MINDUA: [10:51:18](Interpretation) You said the Muslim
9 community that was in Timbuktu had already left the city. The Muslim?

10 THE WITNESS: [10:51:29](Interpretation) Christian.

11 PRESIDING JUDGE MINDUA: [10:51:31](Interpretation) Oh, Christian. I see.

12 Thank you very much, Madam Prosecutor.

13 MS LUPING: [10:51:38] Thank you, Mr President.

14 Q. [10:51:42] Now, there are a number of points I want to follow up here,
15 Mr Witness.

16 First, you stated that at the mosques, the imams were asked to -- in their sermons to
17 pronounce on a number of points. And you've explained those points.

18 My first question is: From what you saw or you heard, what was the reaction of the
19 imams to the fact that these announcements were to be made in the mosques by
20 them?

21 A. [10:52:30] They had no other reaction than passing on the message. And,
22 above all, there was no contradiction with the usual -- well, with the sermons before
23 the prayers. It was a matter of providing the information of the time, and that was
24 going on. If the government had a message to get across and they addressed the
25 community, the mosque was one way to get the message across, and it was an easy

1 way to get the message to the target groups.

2 So it was the same technique being used by the occupants of that time to get their
3 awareness-raising messages across.

4 Q. [10:53:38] And to your knowledge, could an imam disagree to make the
5 pronouncement or not?

6 A. [10:54:05] Well, I did not see or hear of any imam opposing any such
7 announcements. What is more, an imam who opposed the pronouncement of the
8 sermon by one of the combatants, that did happen in one neighbourhood of
9 Timbuktu.

10 The imam objected to the gentleman speaking before the group, and the combatant at
11 the time had summoned the imam to the -- before the head of the morality brigade,
12 Mohamed Moussa. And he automatically summoned the imam and said to -- he
13 should come to be heard. And since -- well, before the occupation, there had been
14 a dispute between this imam and the head of the morality brigade. The imam grew
15 frightened thinking that this would -- well, that -- settle -- that scores would be settled.
16 And so ultimately, he took off. He disappeared. He left the mosque, the faithful,
17 and the city.

18 When I received the information, I automatically alerted the prominent people, and I
19 told that an imam had just fled, facing Muslim people -- like him, and that there was
20 no explanation for that.

21 So he had been affected by his peers, that is to say, his counterparts from other
22 mosques through the high Islamic council, the highest regional institution of the
23 imams and the Muslims.

24 Furthermore, he was already in the region of Mopti. He was told to drop everything
25 and to return. And, that same week, he came back to Timbuktu. So there you have

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1 it.

2 Q. [10:57:16] And what is the name of that imam?

3 A. [10:57:21] His name was Imam Boyni. I'll spell it out. B-O-Y-N-I. And the
4 mosque where he prayed was Hammabangou mosque.

5 THE INTERPRETER: [10:58:05] Hammabangou.

6 MS LUPING: [10:58:06]

7 Q. [10:58:07] And do you recall when that happened? That the imam was taken to
8 the morality brigade and then fled Timbuktu. Do you remember the time period
9 that this happened?

10 A. [10:58:17] I didn't follow up on his return to the brigade. I said that when he
11 was summoned, he got frightened. He was thinking that -- that a score would be
12 settled. And when the local -- the prominent local people were alerted, they called
13 upon him to return. And he returned to Timbuktu. And I couldn't tell you what
14 happened after that, but he continued at the mosque, and he cohabitated in the same
15 city with the same person, Mohamed Moussa, and the same commander.

16 THE INTERPRETER: [10:59:15] Correction: The same combatant.

17 MS LUPING: [10:59:21] Mr President, I see there is only one minute. If we could
18 turn to private session for just one question for now. I obviously have additional
19 questions.

20 PRESIDING JUDGE MINDUA: [10:59:41](Interpretation) Very well. Private
21 session, please, courtroom officer.

22 (Private session at 10.59 a.m.)

23 THE COURT OFFICER: [10:59:50] We are in private session, Mr President.

24 PRESIDING JUDGE MINDUA: [10:59:57](Interpretation) Thank you very much.

25 Madam Prosecutor.

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1 MS LUPING: [11:00:01]

2 Q. [11:00:02] Mr Witness, you said that you alerted the prominent local people.

3 Who were the people -- the prominent local people that you alerted? Can you give
4 us their name.

5 A. [11:00:14] [REDACTED]

6 [REDACTED]

7 MS LUPING: [11:00:46] Mr President, is it possible for me to ask for the names of
8 these individuals now, or would you prefer we break now?

9 PRESIDING JUDGE MINDUA: [11:00:59](Interpretation) How much time do you
10 need?

11 MS LUPING: [11:01:03] Simply to ask the names for these -- these individuals he's
12 just mentioned.

13 PRESIDING JUDGE MINDUA: [11:01:07](Interpretation) Go ahead. Put your
14 question, please.

15 MS LUPING: [11:01:10] Thank you.

16 Q. [11:01:10] [REDACTED]

17 [REDACTED]

18 Could you give his name, please.

19 A. [11:01:23] [REDACTED]

20 Q. [11:01:36] Thank you.

21 And you said you also alerted the [REDACTED]

22 [REDACTED]

23 A. [11:01:51] [REDACTED]

24 THE INTERPRETER: [11:01:58] [REDACTED]

25 MS LUPING: [11:02:17] Thank you.

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1 Mr President, I believe we can go back into public session, and I can obviously take
2 my break now.

3 PRESIDING JUDGE MINDUA: [11:02:24](Interpretation) Quite so. Courtroom
4 officer, open session, please.

5 (Open session at 11.02 a.m.)

6 THE COURT OFFICER: [11:02:30] We are back in open session, Mr President.

7 PRESIDING JUDGE MINDUA: [11:02:36](Interpretation) Thank you very much,
8 courtroom officer.

9 It is 11.02. We will now suspend for about half an hour and resume at 11.30.

10 The hearing is suspended.

11 THE COURT USHER: [11:02:51] All rise.

12 (Recess taken at 11.02 a.m.)

13 (Upon resuming in open session at 11.31 a.m.)

14 THE COURT USHER: [11:31:21] All rise. Please be seated.

15 PRESIDING JUDGE MINDUA: [11:31:38](Interpretation) Court is in session.

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

17 MS LUPING: [11:31:57] Thank you, Mr President. Could I ask that for the next two
18 questions or so that we go into private session.

19 PRESIDING JUDGE MINDUA: [11:32:07](Interpretation) Court officer, private
20 session, please.

21 (Private session at 11.32 a.m.)

22 THE COURT OFFICER: [11:32:18] We are in private session, Mr President.

23 PRESIDING JUDGE MINDUA: [11:32:23](Interpretation) Thank you very much,
24 court officer.

25 Prosecutor.

1 MS LUPING: [11:32:31]

2 Q. [11:32:31] Yes. Mr Witness, we're now in private session which means nobody
3 can hear what you're saying, and just before the break, you described how the Imam
4 Boyni - I hope I'm pronouncing it correctly - that he fled Timbuktu and then returned.
5 Could you explain to the Chamber how you know about these events.
6 How did you know about Imam Boyni and what happened?

7 A. [11:33:02] Yes. There was a health official who called me because at that time,
8 his wife or one of his wives, he had two of them, the youngest was hospitalised in the
9 regional hospital of Timbuktu, so he alerted me of it.
10 And he said that during that time, his husband -- her husband had fled. And so he
11 carried out investigations. And ultimately, it was confirmed that he had fled.
12 So I, too, I also alerted the prominent figures.

13 Q. [11:34:10] And you stated -- I just want to clarify this. It may simply be an
14 error. It says:

15 (Interpretation) The man alerted me. He told me that his husband had fled.

16 (Overlapping Speakers)(Speaks English) Is that correct? Is that what you said?

17 Were you referring to a man or a woman?

18 A. [11:34:44] A man or a woman? Who is a man or a woman?

19 Q. [11:34:57] You -- I was asking you how you learnt about the imam, Boyni. And
20 you said that one of his wives was at the hospital. Currently it's recorded that it was
21 a man who alerted you that their husband had fled.

22 Were you referring to the wife? Was it the wife who told you that her husband had
23 fled?

24 A. [11:35:34] No. So a health official called me to say that one of his wives -- or
25 one of the wives of the imam had been hospitalised and was in the regional hospital

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1 of Timbuktu, while his wife (sic) had fled.

2 Q. [11:36:05] Thank you for that clarification, Mr Witness. That part about the
3 *agent de santé* was not captured in the transcript, hence the confusion.

4 What is the name of the *agent de santé* to whom you've referred?

5 A. [11:36:25] I can no longer remember the name. At the time, in 2012, [REDACTED]

6 [REDACTED]
7 [REDACTED] and I didn't necessarily know everyone. But if there was

8 [REDACTED]

9 Q. [11:36:50] And from whom did you learn that the imam was brought to the
10 morality brigade?

11 Who told you that?

12 A. [11:37:02] Well, that was information that came from the town. I didn't insist
13 on discussions or anything else -- I didn't take part in the discussions or anything else.
14 What I know, furthermore, is that the high council intervened between the imam and
15 Mohamed Moussa. I don't know what came out of their conversations, but all that I
16 know is that it finished with the cohabitation that I referred to. He -- the combatants
17 were in Timbuktu, Mohamed Moussa was in his post in Timbuktu, and that the imam
18 continued to pray in his mosque.

19 Q. [11:38:13](Overlapping speakers) And you said that the *le haut conseil* intervened
20 between the imam and Mohamed Moussa. How did you -- how do you know that?
21 Who told you that?

22 A. [11:38:25] Well, I don't remember. But the information was confirmed. I
23 wasn't there. But nevertheless, I do know that the high council did intervene. I
24 don't remember how I got that information. Everything -- all that I know is that it
25 did happen.

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1 Q. [11:38:55] (Overlapping speakers) [REDACTED]

2 [REDACTED]

3 A. [11:39:09] [REDACTED]

4 [REDACTED]

5 Q. [11:39:25] I'm now going to show you an exhibit. I would ask that the witness
6 be assisted in having the binder in front of him. That's at tab 105. It's 0012-2030.

7 And, Mr Witness [REDACTED]

8 (Interpretation) [REDACTED]

9 [REDACTED]

10 [REDACTED] (Overlapping speakers)

11 A. [11:40:29] [REDACTED].

12 Q. [REDACTED]

13 [REDACTED]
14 [REDACTED]
15 [REDACTED]

16 Now, Mr Witness, when [REDACTED] the new occupants of the town asking the imams
17 in all the mosques to take longer time in their prayers and to only focus on the Koran,
18 which of these new occupants were demanding this of the imam?

19 A. [11:41:35] Well, this was still the Islamists [REDACTED]. And they asked the
20 imams in the mosques that they -- when reading the *sourates*, that they are the
21 prayers -- they are from the Koran. And even during the Nafilah, that's specifically
22 for Ramadan. And that was justified, and that's -- it was done so that the faithful
23 could pass their time to God, the Prophet, and giving more time to prayer than to
24 other occupations. In addition to these ... imams, there were other provisions that
25 were taken.

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1 Q. [11:42:54] [REDACTED]
2 (Interpretation) [REDACTED] it's formally forbidden for restaurant owners and other eateries
3 to work before 1500 hour [REDACTED]

4 My first question is this: Do you recall how this was imposed? This new -- that this
5 rule, rather.

6 A. [11:43:36] Yes. I was one of the people who heard the message during the
7 awareness raising when Ramadan was approaching. The first day of Ramadan,
8 these measures were put into practice. It -- it was about stopping all activities
9 related to eating and drinking, so that when it came to places where you could have
10 grilled foods or other food, they could only be operational after 1500 hours. So you
11 would have these activities to eating and drinking. That could only come after the
12 end of the fast, and that was in the month of Ramadan.

13 Q. [11:44:46] And you referred to it as *de nouvelles mesures*.
14 So before this time, what was the usual time that the restaurants and other locations
15 were able to work? What was -- what was the prior times?

16 A. [11:45:11] Well, there wasn't a precise time. A butcher who decides to grill his
17 meat, he can do that at any time. But specifically when it came to the month of
18 Ramadan, they demanded to stop all activities before 1500 hours to not make people
19 want to eat or to drink.

20 Q. [11:45:43] All right. [REDACTED]
21 [REDACTED] a warning was given which warned the imams
22 who'd not preach as they should, that they would lose their functions and they would
23 be replaced by another person. [REDACTED]

24 Who gave this warning to the imams?

25 A. [11:46:14] The leaders, the Islamists, the occupiers. They were the ones who

1 would pass on these messages to the imams. And whenever messages were given to
2 be passed on, these had to be relayed in a particular way, in a proper way. And if an
3 imam was reticent, he could be relieved of his functions and replaced by somebody
4 else. That was the risk he took.

5 Q. [11:46:59] And how was this warning given to the imams? In what way was
6 this message given to the imams?

7 A. [11:47:16] Well, they have a framework for consultation between them. The
8 only interlocutor of the Islamists were the imams, the marabouts, the chiefs. They
9 would have a framework. With -- the Islamists leaders would visit the president of
10 the high council, and then he would meet his other colleagues in order to pass on the
11 information. It could be done in that way. There wasn't an official document.
12 There wasn't a general assembly.

13 As I said, this is a specific case through which the messages were relayed.

14 Q. [11:48:23] And how do you know this? That the Islamists leaders themselves
15 would visit the *président du Haut conseil*, who, in turn, met with his own colleagues to
16 pass on that -- the information.

17 How do you know that?

18 A. [11:48:48] On one or two occasion, I've seen Sanda and other combatants visit
19 the imam. Sometimes I've seen them meet the imam at the mosque. Even if I didn't
20 participate in the discussions, I know that they took advantage of these opportunities
21 to pass on messages and to have exchanges.

22 Q. [11:49:31] And this specific warning, how did you learn about this specific
23 warning that imams could be replaced?

24 A. [11:49:53] [REDACTED]
25 [REDACTED]

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1 [REDACTED] I don't remember which imam it was, but
2 there was a broadcast on one of the radio stations, and I don't remember which one it
3 was. But the information had been given that any imam who did not respect the
4 measures set out would be relieved of his functions and replaced by somebody else.
5 And that wasn't somebody within the Islamist movement, but within the community
6 itself.

7 [REDACTED]
8 Q. [11:51:07] And you said that this information was given on the radio.

9 Can you give us the names of the two radio stations to which you are referring now.

10 A. [11:51:28] Yes. There were two radio stations that gave broadcasts. There was
11 Radio El Farouk, and the other one was Radio Bouctou.

12 Q. [11:51:51] And you stated before the break -- and that's at page 32, line 23 of
13 today's French transcript:

14 (Interpretation) "They used the private radio stations in the square."

15 (Speaks English) Are these the two radio stations that you were talking about?

16 A. [11:52:20] Exactly. Those are the two radio stations that I was talking about.

17 Q. [11:52:25] Now, coming [REDACTED]

18 [REDACTED]
19 [REDACTED]
20 [REDACTED]

21 (Speaks English) My first question is this: [REDACTED]

22 (Interpretation) .. [REDACTED] about precarity and the pressure of the
23 Islamists -- concern for their jobs ...

24 (Speaks English)(Overlapping speakers) What [REDACTED]?

25 A. [11:53:38] I haven't understood the question.

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1 Q. [11:54:00] I will repeat my question.

2 You [REDACTED]

3 (Interpretation) Psychological pressure of the Islamists.

4 (Speaks English)(Overlapping speakers) What were you talking about?

5 A. [11:54:17] When you have something imposed on an individual with regards to

6 their work and you say that they are not doing their job properly, then that is

7 a constraint on them. So that it's -- for example, it affects their income. When you

8 say that these people have to stop until after 1500 hours, and the butcher, for example,

9 who usually grilles his meat because -- he can't bother everybody. Because

10 everybody has to fast, he cannot do it. And so he loses his clients. And that creates

11 a situation of poverty. And that's why some people say that -- that too much is just

12 too much.

13 MS LUPING: [11:55:58] Mr President, I do have some more questions I'd like to first

14 ask in public session. If we could move back into public. Oh, sorry. Before we

15 do -- I apologise. I apologise. Before we do --

16 Q. [11:56:13] Mr Witness, [REDACTED]

17 session [REDACTED]?

18 A. [11:56:31] During Ramadan. I can't remember what month it was [REDACTED]

19 [REDACTED].

20 Q. [11:56:49] And the year?

21 A. [11:56:52] 2012.

22 Q. [11:57:05] And do you know if [REDACTED]

23 when or where?

24 A. [11:57:14] No. [REDACTED] And the proof of that is that it is

25 [REDACTED]

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1 THE INTERPRETER: [11:57:21] And the interpreter adds at the end of the last

2 answer, he also said: At the beginning of the month of Ramadan.

3 MS LUPING: [11:57:36] Mr President, I believe we can now move into public session

4 for my next questions.

5 PRESIDING JUDGE MINDUA: [11:57:46](Interpretation) Court officer, please take

6 us into open session.

7 (Open session at 11.57 a.m.)

8 THE COURT OFFICER: [11:57:53] We are back in open session, Mr President.

9 PRESIDING JUDGE MINDUA: [11:57:59](Interpretation) Thank you very much.

10 Madam Prosecutor.

11 MS LUPING: [11:58:04] Thank you.

12 Q. [11:58:06] Mr Witness, I'll refer to page 32, line 26, to page 33, line 3, of the

13 French transcript. You referred to various *interdictions*.

14 (Interpretation) Prohibitions.

15 (Overlapping speakers)(Speaks English) I'm just going to list them again, and then I'll

16 have one question.

17 (Interpretation) A formal ban on opening bars and dancing bars in Timbuktu.

18 (Speaks English) So the first question I have there, before this *interdiction*, what was

19 the situation in Timbuktu? Were there bars, and was there dancing?

20 A. [11:58:55] Yes. Before the occupation, there was bars, and there was dancing.

21 Q. [11:59:11] And at the bars, was there alcohol or not before the occupation?

22 A. [11:59:26] Alcohol was served.

23 Q. [11:59:37] Next, you referred to:

24 (Interpretation) formal -- formal prohibition on the sale of cigarettes.

25 A. [11:59:49] Yes. The sale of cigarettes was formally prohibited. Any person

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1 caught smoking would be sanctioned.

2 Q. [12:00:02] And -- before --

3 A. [12:00:04] That's it.

4 Q. [12:00:06] Before the occupation, was it possible to openly sell cigarettes or not
5 without punishment?

6 A. [12:00:20] Yes. Before the occupation, cigarettes were amongst the various
7 items that were sold. And the proof of that was that the state even had an agency
8 that supplied cigarettes. It was called the SONATAM, National Company for
9 Tobacco and Matches of Mali. And they had a shop in Mali.

10 Q. [12:00:56] You referred to *débandade des jeunes dans les rues est aussi formellement*
11 *interdite*.

12 A. [12:01:15] Yes. Before the occupation, you might see young boys and girls
13 walking together. But with the occupation, that was prohibited.

14 Q. [12:01:34] And I just note that the French transcript is missing the word *la*
15 *débandade* before *des jeunes dans les rues*.

16 And what I said in French is entirely missing from the English transcript and I
17 assume that that will be corrected.

18 You next stated:

19 (Interpretation): Any person caught red-handed in the -- in adultery, committing
20 adultery.

21 A. [12:02:31] Yes. Before the occupation, as I had said, you wouldn't be surprised
22 to see men and women, young girls, young boys, who were up against a wall or out
23 in the dunes or alongside the river.

24 So those were -- those attitudes were prohibited, and any person caught in such an act
25 would be punished.

1 Q. [12:03:17] And then finally, you stated:

2 (Interpretation) Any woman not dressed in accordance with religion will be punished,
3 or her spouse will be punished.

4 A. [12:03:39] Yes. Indeed. During the occupation, all women were
5 recommended to a black veil or dress, a black robe that would cover the entire body
6 from head to toe. That was recommended to women.

7 Now, if some women were opposed to that clothing, they could be punished. For
8 example, there was the case of the lady that I mentioned to you earlier. Her spouse
9 tried to justify her clothing, and he was actually lashed. Whipped.

10 Q. [12:04:57] And before the occupation, could women or their spouses be
11 sanctioned in this way?

12 A. [12:05:07] No. Women were free to wear whatever kind of clothing they
13 wanted to. They -- and their husbands did not have to intervene, and there would
14 be no punishment. No women were free.

15 Q. [12:05:31] Now, you stated before the break that these new rules were
16 transmitted not only in the mosques, but also by the -- by two private radio stations.
17 And you have named Radio Bouctou and Radio El Farouk.

18 My question is this: Who was transmitting these messages on Radio Bouctou and
19 Radio El Farouk?

20 A. [12:06:19] Well, both radio stations had someone in charge, and Abou Dardar
21 was his name. He was the person in charge of those radio stations. Now, the
22 messages that he would broadcast or that were given to him, I don't know how it
23 worked [REDACTED].

24 Q. [12:06:51] And can you explain, who is Abou Dardar?

25 A. [12:06:57] Abou Dardar was a combatant who had also come as part of the

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1 movement of the occupation by the Islamists. And apparently he was Tunisian
2 originally. I couldn't confirm that or not, but I did have good contacts with him.

3 Q. [12:07:43] And do you know to which institution of the Islamists he belonged
4 to?

5 A. [12:08:00] Well, I don't know which institution he belonged to, but I do know
6 that he was a member of the -- a member of the media commission.

7 Q. [12:08:48] Now, Mr Witness, also before the break, at page 34 - it's is starting
8 from line 4 - in response to a question from our Presiding Judge, you stated -- and I
9 quote: (Interpretation) "Right from the first day, the churches and the crosses had
10 already been ransacked." End of quote.

11 (Speaks English) My question is this: Who ransacked the churches and the crosses?

12 A. [12:09:44] Well, it didn't happen in front of me. But the following day, I went
13 by the three churches that I knew and the crosses were no longer at the top. So I said
14 to myself they must have destroyed those crosses. I didn't see any images. I didn't
15 ask, but they were somewhat hostile to crosses or crucifixes. The proof of that was
16 that when the Malian Red Cross wanted to intervene, the cross -- the symbol was
17 officially prohibited and they were not allowed to enter Timbuktu, so I refer to that.

18 But I didn't actually see the destruction by anyone whatsoever. And, as I said, every

19 [REDACTED] that day
20 I did notice that the crosses had disappeared.

21 Q. [12:11:29] Now, at page 51, line 2, of the French transcript you said:

22 (Interpretation) They were the ones who destroyed the crosses.

23 (Overlapping speakers)(Speaks English) Who is "them"?

24 A. [12:11:59] In which sentence? I haven't quite understood the sentence.

25 Q. [12:12:07] You said:

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1 (Interpretation) "And so I said to myself, they were the ones who destroyed the cross."

2 (Overlapping speakers)

3 (Speaks English) Who did you think had destroyed the crosses?

4 A. [12:12:25] The Islamists.

5 Q. [12:12:32] And do you -- you said -- sorry, you said:

6 (Interpretation) "Right from the very first days."

7 (Overlapping speakers) (Speaks English) That the -- from the first days, the

8 crosses -- that the churches and the crosses had been ransacked.

9 When did you notice that the churches and the crosses had been ransacked? From
10 what days?

11 A. [12:13:05] I was saying the -- the -- on the second, the Islamists entered
12 Timbuktu, and on the third, there was an initial operation and that was to destroy all
13 the places where beer or alcohol were being served or sold. During that operation as
14 well, the crosses of the churches -- I didn't say really the -- the churches, but the
15 crosses of the churches were destroyed.

16 So that was during the same operation, and the -- that was right after they occupied
17 the city. That was one of the very first things that they did.

18 The proof of that is the -- that same week, cartons of cigarettes were seized as well at
19 the SONATAM - that government outlet - and those cigarettes were burnt in front of
20 everyone behind Hotel Bouctou.

21 Q. [12:14:45] And you stated that the emblem of the cross of the Malian Red Cross
22 was formally forbidden to enter Timbuktu. Who forbade the cross of the Malian Red
23 Cross to enter Timbuktu?

24 A. [12:15:30] Sanda himself spoke to the president of the Red Cross

25 [REDACTED] A delegation from the

1 high Islamic council was supposed to arrive in Timbuktu and they would be

2 accompanied by a delegation from the Malian Red Cross.

3 And the day before, just before the Islamists of Timbuktu received the information to

4 the effect that Red Cross vehicles were already crossing Mopti, headed towards

5 Timbuktu, so they said they didn't want to see those vehicles in Timbuktu with the

6 emblem of the Red Cross.

7 Automatically, the members of the Red Cross took a number of measures to conceal

8 the crosses and the red markings. So those vehicles were turned into ordinary white

9 vehicles. You couldn't read anything on them. You couldn't read anything that

10 would be seen as hostile to the occupants of that time.

11 So that is how they managed to get to Timbuktu.

12 Q. [12:17:14] I'm going to ask you more questions about that in private session, but

13 first, before the break, at page 34, lines 5 to 12, you stated that, "The Christian

14 community had already left the town of Timbuktu."

15 My question is this: From what you heard or -- or saw, do you know why the

16 Christian community had already left Timbuktu?

17 A. [12:17:58] I don't know. But I said to myself it would have been out of fear.

18 They would have feared for their lives thinking that, if they were followers of another

19 religion, they would be assaulted or treated differently. And that is why the

20 community saw what was on the horizon and left.

21 And yet, I saw with my own eyes at the regional hospital, I did see an NGO -- an

22 international NGO that had come to support the hospital. And within that

23 organisation, there were some people who were not Muslim. And yet, they were

24 never worried at that time, not a single day. So I'm talking about

25 Solidarity International. That was the NGO.

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1 It included Africans following other religions and they spoke with the Islamic leaders.

2 But the doctors told me that they were never worried about their religion.

3 Q. [12:19:59] And what was the name of this international NGO?

4 A. [12:20:04] I said Solidarity International.

5 MS LUPING: [12:20:18] Mr President, could we briefly go into private session.

6 PRESIDING JUDGE MINDUA: [12:20:25](Interpretation) Courtroom Officer.

7 (Private session at 12.20 p.m.)

8 THE COURT OFFICER: [12:20:30] We are in private session, Mr President.

9 PRESIDING JUDGE MINDUA: [12:20:39](Interpretation) Thank you very much,

10 Courtroom Officer.

11 Madam Prosecutor.

12 MS LUPING: [12:20:49]

13 Q. [12:20:49] Mr Witness, when you described what happened during a visit of the

14 Malian Red Cross, you said, and I quote: [REDACTED]

15 [REDACTED] End of quote.

16 Could you explain [REDACTED]

17 A. [12:21:12] [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

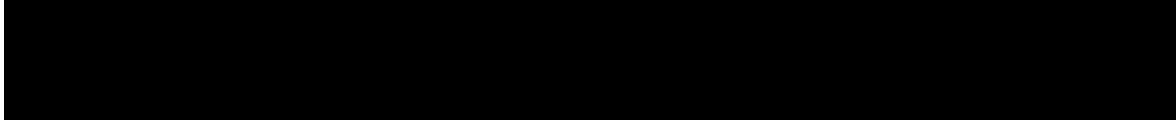
23 [REDACTED]

24 [REDACTED]

25 And the Red Cross wanted to help with the fuel for the power station so that the city

1 would not be endlessly in the dark because of a lack of electricity.

2 Q. [12:23:01] Now, Mr Witness, I'm going to show you a very short video extract.

3 
4

5 It is found at tab 375, the ERN is 0012-2116. I'll be first playing it without sound, but
6 then I will be playing it with sound. That is the plan, and I will be requiring
7 interpretation.

8 So for the information of the interpreters, the transcript is found at tab 376 and the
9 number is 0069-7546.

10 (Viewing of the video excerpt)

11 MS LUPING: [12:24:56]

12 Q. [12:24:59] Mr Witness, can you see this image in front of you?

13 A. [12:25:04] Yes.

14 Q. [12:25:05] I'm playing it first from start, and then I'll be stopping and I'll be
15 asking if you recognise anybody.

16 (Viewing of the video excerpt)

17 I've stopped at one -- 00:00:01:21. Do you recognise the man in the forefront of this
18 video?

19 A. [12:25:27] Yes, I do. This is the great imam of Timbuktu.

20 Q. [12:25:35] And can you give his name?

21 A. [12:25:38] Abderrahmane Ben Essayouti.

22 Q. [12:25:45] And do you recall what event is depicted?

23 A. [12:25:53] Yes. You can see that this was the first Friday --

24 THE INTERPRETER: [12:26:03] Inaudible.

25 THE WITNESS: [12:26:06](Interpretation) -- the occupants -- without the occupants.

1 MS LUPING: [12:26:24]

2 Q. [REDACTED]

3 A. [REDACTED]

4 Q. [REDACTED]

5 A. [12:26:30] [REDACTED] that first Friday without the occupants was a news item
6 and the imam was asked what the sermon would be. After the departure of the
7 Islamists, what would his message be to the people? [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 Q. [12:28:29] (Overlapping speakers) And I would ask for interpretation, please,
18 from the interpreters. I would like to repeat again, the transcript is at tab 376, that's
19 0069-7546. I'm playing this with sound.

20 (Viewing of the video excerpt)

21 THE INTERPRETER: [12:28:52] (Interpretation of video excerpt)

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

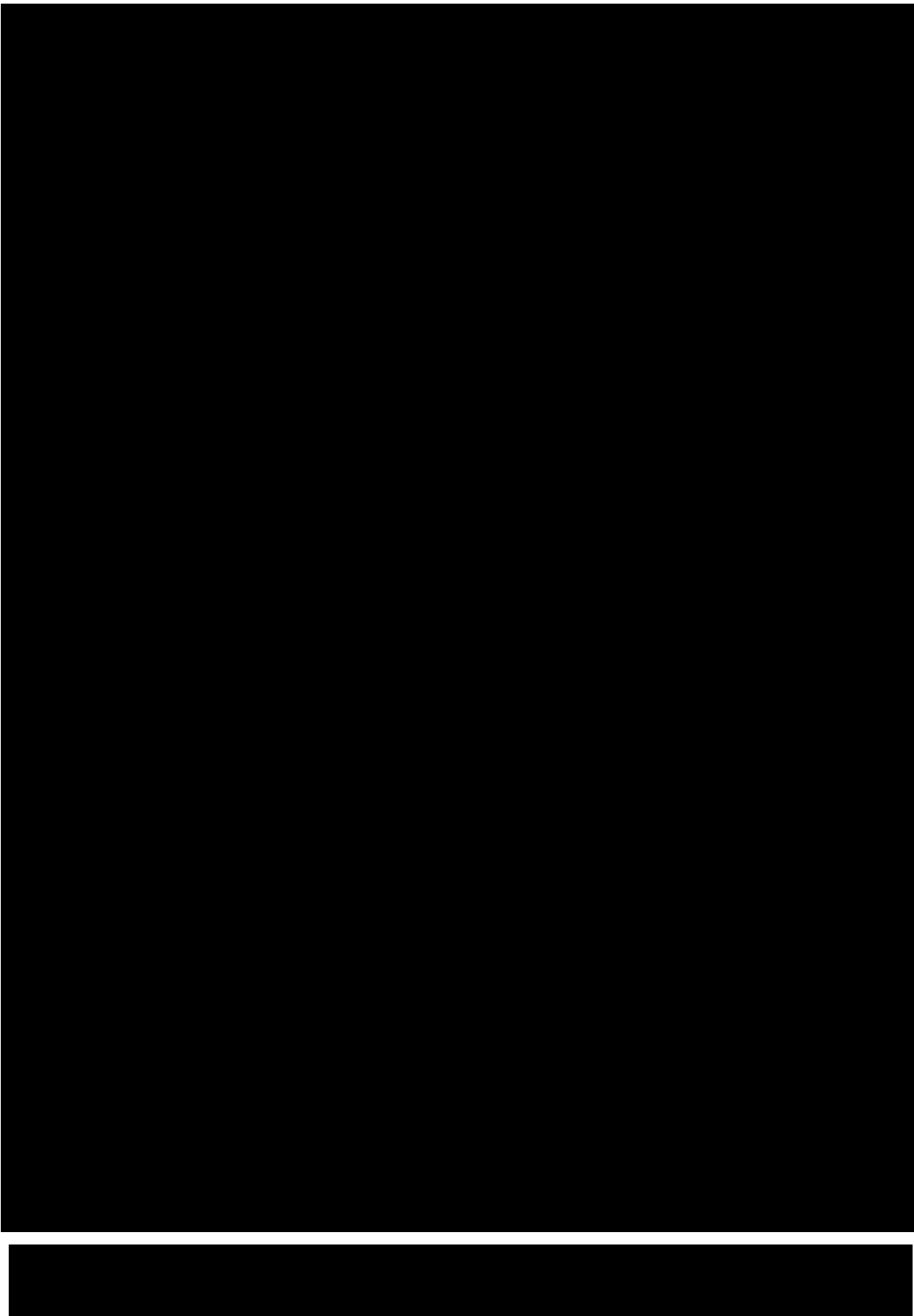
25 [REDACTED]

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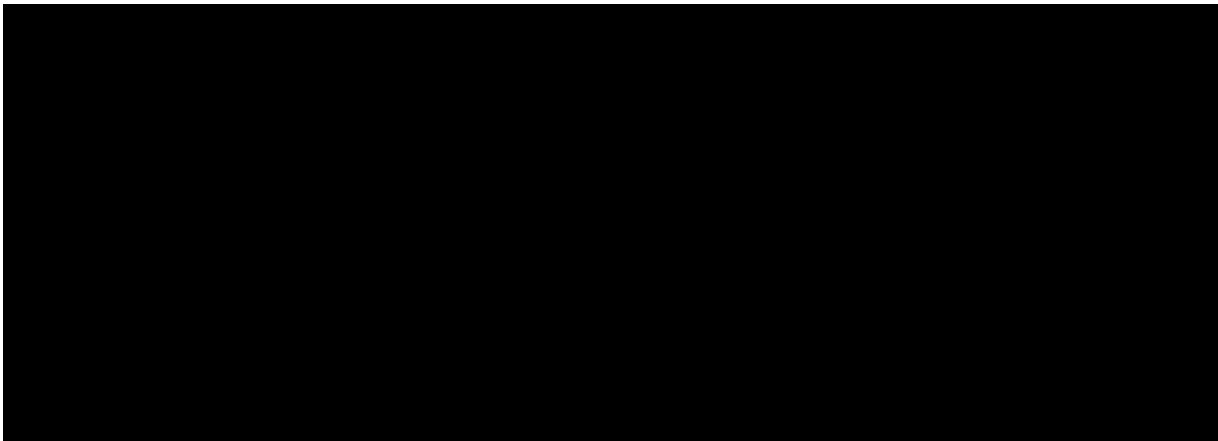


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[Silence, 00:02:20 - 00:02:39]

[00:02:39 End of recording]

MS LUPING: [12:31:44]

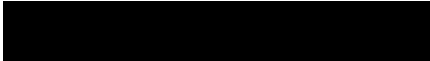
Q. [12:31:44] Mr Witness?

A. [12:31:49] Yes.

Q. [12:31:50] 



A. [12:32:02] The day after the Islamists left, some young people wanted to take the property of the white community, those who had shops or trades, and the residences of these combatants to also take weapons. So a message needed to come out in this regard because these areas were also booby-trapped. So they could go into a house of a combatant and they might set off a booby trap. And if a civilian goes into this house, they might have to suffer the consequences.

Q. [12:33:14]  what kind of atmosphere there was in the mosque, he responded:

"Yes, it was quite full because people are full of joy and everyone was there."

From what you could hear or you saw, why is it that the mosques -- mosque was full and people were joyful?

A. [12:33:41] Since their arrival, people were reticent to go to pray in the mosques.

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1 That was justified because when you see what happens elsewhere, when you see
2 assassinations or attacks on mosques, then that is something that's justified.

3 Something -- people preferred not to go to the mosques so that one day they wouldn't
4 fall victim to an attack.

5 Another reason was because a lot of them were afraid of them. They didn't want to
6 have direct contact with them.

7 PRESIDING JUDGE MINDUA: [12:34:45](Interpretation) Madam Prosecutor, we're
8 still in private session.

9 MS LUPING: [12:34:51] I apologise. I do apologise, your Honours. It was because

10 [REDACTED] But you're

11 absolutely right. These additional questions can be moved into public. My

12 apologies. If we can indeed go to public.

13 PRESIDING JUDGE MINDUA: [12:35:09](Interpretation) Court officer.

14 (Open session at 12.35 p.m.)

15 THE COURT OFFICER: [12:35:14] We are back in open session, Mr President.

16 PRESIDING JUDGE MINDUA: [12:35:25](Interpretation) Thank you very much,

17 Court officer.

18 Madam Prosecutor.

19 MS LUPING: [12:35:30]

20 Q. [12:35:31] Mr Witness, you described how people were reticent to go pray in the
21 mosques because they were fearful. Can you say who they were fearful of?

22 A. [12:35:51] On the first Friday, without the Islamists, Djingareyber mosque, the
23 great mosque, was assaulted by its population and that's why -- well, there are two
24 reasons why. The first reason, during the occupation, people think that at any time
25 there could be attacks within the mosque and that's why some of them were reticent.

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1 Second reason, a lot of the faithful were trying to put some distance between the
2 Islamists and themselves to not be humiliated, and that's why a lot of them were
3 reticent when it came to going to pray in the mosque. And the faithful who went
4 there, you could count on -- on one hand.

5 Those are the two main reasons.

6 Q. [12:37:23] And when you state that the faithful were trying to put some distance
7 between the Islamists and themselves to not be humiliated, what did you mean by
8 that?

9 A. [12:37:40] Well, when a father sees that there's a small boy and how he behaves,
10 often it's shocking. He says to an adult to pull his trousers up, or he will say it's up
11 to him to learn religion. Sometimes -- well, in order to not react badly in front of this
12 combatant, people prefer not to give them any occasion to do so. That's -- that's it,
13 basically.

14 Q. [12:38:38] And when you say that a small boy says to an adult to pull his
15 trousers up, what small boys are you referring to?

16 A. [12:38:58] When a 15-year-old, 16-year-old, 18-year-old combatant tells a person,
17 who's 60 years old, to pull their trousers up, then -- or roll their trousers up, then the
18 education, the upbringing is changing the direction. Now, it's the child that's
19 bringing up or educating the adult; whereas it should come from the parent. They
20 should -- parents should be the one who teach the proper conduct to the children.

21 Q. [12:39:46] And combatants of which group were doing this?

22 A. [12:39:53] These were the Islamists.

23 Q. [12:40:01] And whose rules were they applying to pull up the trousers?

24 A. [12:40:09] These were the measures that were taken -- the trousers. Trousers
25 were formally prohibited, even if I didn't state that specifically.

1 So sometimes there would be a patrol from the morality police. They would come
2 with scissors. And if you didn't do that, they would just cut the legs so that
3 they -- they would resemble shorts.

4 And I was told that if I wanted to get on with them, no longer to wear my long
5 trousers. And so I made special clothing because I had the intention of doing my
6 work with shorts, with a boubou, with short sleeves as well. And there, I -- I
7 conformed with them.

8 And when you have somebody who doesn't understand that - they cannot
9 understand how a young person is teaching them lessons - that creates points of
10 divergence. And if you ever go there and you see that there's a young person who
11 has received instructions that have to be applied, if you refuse, you risk having
12 sanctions meted out against you by the Islamists.

13 Q. [12:42:07] And you stated:

14 (Interpretation) "This was among the measures that were taken."

15 (Speaks English) Whose measures were those?

16 A. [12:42:33] I haven't understood the question.

17 Q. [12:42:34] You said -- you described the rules about the trousers. Whose rules
18 were they?

19 A. [12:42:41] These were the rules of the occupiers, the Islamists.

20 Q. [12:42:54] And you gave examples of young combatants telling adults what they
21 should be wearing. Did you ever learn or see of any such examples of that
22 happening?

23 A. [12:43:06] Regularly. That's what I often saw.

24 Once I was sitting in a group, and two young people arrived. We knew that they
25 didn't -- they weren't 20 years old. I knew that. Two of them came, and they found

1 the group who were sitting down, and one of us were wearing some jeans and they
2 were down to the ground. They came. They were very respectful. They greeted
3 him, and they told the man to shorten the trouser leg, otherwise he would be make
4 them dirty. He wouldn't be able to shorten them. And before making the proposal,
5 they explained that trousers dragging on the ground could prejudice prayer.
6 So the man, he said, no. It was his choice, and he wanted to leave it like that -- leave
7 them like that.
8 So one of the young men got out some scissors, and I intervened to say to the man,
9 "You have to roll up your trouser legs. It doesn't cost you anything to fold them up
10 and leave it like that in order to avoid a useless conflict."
11 And that's a case that happened; that I saw in front of me.
12 In another case, there was another day in the market with an elderly person. We
13 were speaking. *Kader Kalil was his name. He's no longer alive. And there was
14 a team who had come with a pickup, and a second individual came out. They went
15 up to this old man. They greeted him first, and then they told him to shorten his
16 trousers legs. And he was wearing a boubou, but he was wearing trousers
17 underneath. The boubou was in three different items. And he was reticent. He
18 didn't want to do so.
19 And myself, I addressed him to tell him to shorten his trouser legs, to roll them up,
20 and he said -- and he -- "Leave me, and let the people continue with their work."
21 No -- well, what he wanted, he wanted to resist, but I showed him, no, it's not
22 necessary.
23 And those are two cases where I was present, and that was my reaction that I can
24 mention to you.
25 MS LUPING: [12:46:32] Mr President, could I just briefly go into private session to

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1 ask for the names of these individuals.

2 PRESIDING JUDGE MINDUA: [12:46:48](Interpretation) Court officer, please take
3 us into private session.

4 (Private session at 12.46 p.m.)

5 THE COURT OFFICER: [12:46:53] We are in private session, Mr President.

6 PRESIDING JUDGE MINDUA: [12:46:56](Interpretation) Thank you very much,
7 court officer.

8 Madam Prosecutor.

9 MS LUPING: [12:47:02] Thank you.

10 Q. [12:47:02] Mr Witness, could you [REDACTED] that you

11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]

16 Q. [12:48:16] And just one additional follow-up question in private session.

17 You stated, Mr Witness, that a number of the faithful were distancing themselves
18 from the Islamists for fear of humiliation. How do you know that?

19 A. [12:48:34] From the conversations and the two examples that I've given you.

20 That's the proof. Those are perfect illustrations of the attitude of the inhabitants of
21 Timbuktu.

22 Of course, they were peaceful people. They were those who are proud. They were
23 people who wanted to reply with violence -- with violence.

24 Q. [12:49:18] You also said that another reason that people were keeping their
25 distance from the Islamists was to avoid divergences. Can you explain. How do

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1 you know that?

2 A. [12:49:36] I'm one of them. I'm in the society. I have exchanges with these
3 people. I discussed things with them. I know people -- since the occupation, and
4 some people preferred to stay at -- to stay at home.

5 I met a woman who, from April 2012, never saw a combatant. Never left her house.
6 Because she was scared of coming across a combatant, whether they're separatists or
7 Islamists. I know people who since the occupation never left their front gate.

8 And -- so there were pictures on the television -- on Malian television where -- which
9 people saw about the occupation in Timbuktu. And that was the first time that
10 people said to me, "I didn't know that the marabouts there behaved in that way,"
11 because -- because they called the Islamists "marabouts." And that's why I said that I
12 know my society. I know the people.

13 I saw -- I saw Tuaregs. I saw -- I saw -- I saw women, Tuaregs and Arabs who never
14 put one foot outside since occupation, until the liberation, because they were scared of
15 being humiliated. That's it.

16 Q. [12:51:29] Now, you said you met this woman. What was her name?

17 A. [12:51:34] I haven't understood the question.

18 Q. [12:51:43] You described a woman who, from April 2012, had never seen
19 a combatant because she hadn't left her home. My question -- and you said you met
20 her. My question is --

21 A. [12:51:58] (Overlapping speakers)

22 Q. [12:52:00] -- what is her name?

23 A. [12:52:03] [REDACTED] is her name.

24 Q. [12:52:13] Can you spell that.

25 A. [12:52:16] [REDACTED]

1

2 MS LUPING: [12:52:52] Mr President, I believe we can go back in public session.

3 PRESIDING JUDGE MINDUA: [12:52:56](Interpretation) Court officer, please take
4 us back into open session.

5 (Open session at 12.52 p.m.)

6 THE COURT OFFICER: [12:53:09] We are back in open session, Mr President.

7 PRESIDING JUDGE MINDUA: [12:53:11](Interpretation) Thank you very much,
8 court officer.

9 Madam Prosecutor.

10 MS LUPING: [12:53:15]

11 Q. [12:53:16] Yes. Mr Witness, in the short video excerpt that we watched, we can
12 hear somebody asking the imam or saying to him:

13 (Interpretation) "I think that also in your preaching, you preach for a tolerant Islam."

14 Now, from what you have heard or what you saw, what did you understand the
15 imam to mean by an Islam *tolérant*?

16 A. [12:54:00] Firstly, in -- Timbuktu had a tolerant Islam, because with the
17 occupation of 2012, that wasn't the first time, despite -- despite how old it is, it's
18 been occupied many times by many different communities and ethnic groups. But
19 the only message that prevailed was to accept and to tolerate. That was a message
20 which came with the foundation of the town and remains to this day. And the proof
21 of the Moroccan occupation, where one of the most-renowned scholars with an
22 unparalleled reputation, Ahmed Baba, was deported to Morocco. When he
23 returned, 14 years afterwards, after the day of his freedom, he asked the Timbuktu
24 population not to harm their Moroccan brothers. And it's this spirit which was
25 cultivated by the people in Timbuktu all the time.

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1 So the imam is referring to this message, which was made, and which the people of
2 Timbuktu also accepted. The Christians work there -- the Christians live there
3 peacefully. With festivals, you have Muslim and Christian festivals. They're
4 celebrated by everyone. You would be surprised to go to Timbuktu and look at the
5 Christian community. In Tabaski, they eat sheep, as well as the Muslims. When
6 you have the feast at the end of the year, that is celebrated with Christians in
7 Timbuktu. If they say Jesus, the Muslim community renders homage to the prophet,
8 Isa.

9 So it's this spirit, which means that there has never been a religious confrontation.
10 You have tolerant Islam, which is what I've just shown, and that's why the imam
11 made reference to it. For example, the example I gave where the Christian
12 community also slaughter sheep in their families.

13 Q. [12:57:26] Now, Mr Witness, I'm moving to a different exhibit I'm going to be
14 showing now.

15 It can be shown publicly. I do not require -- I won't be playing it with any sound. It
16 requires no interpretation.

17 Mr Witness, you should see it on evidence channel 2 in front of you. It's tab 417, it's
18 MLI-OTP-0015-0495. I'm going to start from 00:35:52:24. And it's without sound.
19 And I'll be asking you whether you recognise a specific individual.

20 (Viewing of the video excerpt)

21 MS LUPING: [12:59:03] For the record I have stopped at 00:36:39:14.

22 Q. [12:59:13] Mr Witness, do you recognise any individuals in this image?

23 A. [12:59:19] Well, I recognise the man with the black turban, Gilles Le Guen, alias
24 Abdel Jalil.

25 Now, with regard to what mosque it is, I couldn't tell you that. But at the start of the

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1 pictures, I saw people who were entering, and that type of limestone you can only see
2 in Timbuktu. So I would say it's in Timbuktu town.

3 Q. [13:00:04] And you said you recognise a man with a black turban as Gilles Le
4 Guen. Can you describe what colour his clothing is?

5 A. [13:00:24] He's wearing a blue boubou, black turban.

6 Q. [13:00:36] Is he the person on the left or the person on the right?

7 A. [13:00:41] He's the one [REDACTED] on the right, opposite.

8 MS LUPING: [13:00:50] Mr President, I can stop here. I'm just going to take the
9 excerpt off the screen (Overlapping speakers)

10 PRESIDING JUDGE MINDUA: [13:00:59](Interpretation) Indeed, Madam
11 Prosecutor. Indeed. It's 1 o'clock, Madam Prosecutor. We are going to interrupt
12 our session for lunch and we will be back at 2.30 as usual.
13 Court is suspended.

14 THE COURT USHER: [13:01:25] All rise.

15 (Recess taken at 1.01 p.m.)

16 (Upon resuming in open session at 2.36 p.m.)

17 THE COURT USHER: [14:36:42] All rise.

18 Please be seated.

19 PRESIDING JUDGE MINDUA: [14:37:05](Interpretation) Court is in session once
20 again.

21 Before handing over to the Office of the Prosecutor, I would like to hand down a brief
22 oral ruling.

23 Mr Courtroom Officer, could you please cut off the sound with the witness.

24 THE COURT OFFICER: [14:37:37] Your Honours, I can confirm that the sound has
25 been cut off at the VTV location.

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1 PRESIDING JUDGE MINDUA: [14:37:44](Interpretation) Thank you very much,
2 Mr Courtroom Officer.

3 Before continuing with the testimony of P-0654, I would like to briefly provide some
4 guidelines from the Chamber. I would like to remind you -- remind the Office of the
5 Prosecutor that pursuant to the instructions on the conduct of proceedings, any
6 questioning of the witness must be led in an appropriate and targeted manner. The
7 topics relevant to the charges must therefore be broached in a precise and succinct
8 manner.

9 To date, the Chamber has observed that the Prosecutor has repetitively put questions
10 to Witness P-0654, questions which, in the opinion of the Chamber, have given rise to
11 excessively detailed responses, going to topics that have been sufficiently covered
12 since the opening of the proceedings.

13 So, I would like to underscore the fact that despite the fact that 19 hours have been
14 given over to the examination-in-chief of this witness, the Office of the Prosecutor is
15 not obliged to entirely use up this time. And I would like to remind you that the
16 management of the proceedings is, in a final instance, up to the Chamber, and, as a
17 result, I shall not hesitate to limit the time given over to the Prosecution, were it to
18 prove necessary.

19 There we are with the oral hearing (sic).

20 Now, I had already raised this matter of the time available with the Defence as well,
21 and if a time is allocated to one party or another, of course this is the maximum
22 amount of time, which does not mean that you necessarily need to use all of that time,
23 and you can stop before that time has elapsed.

24 Now, Madam Prosecutor, it's over to you. We shall now establish -- or re-establish
25 the link with the witness.

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1 Mr Courtroom Officer, please.

2 THE COURT OFFICER: [14:41:30] Your Honours, the sound has been re-established
3 at the VTV location.

4 PRESIDING JUDGE MINDUA: [14:41:36](Interpretation) Thank you very much,
5 Mr Courtroom Officer.

6 Now, Mr Witness, once again, I would like to ask you to excuse the Chamber, we had
7 a few domestic matters to sort out.

8 Madam Prosecutor, over to you.

9 MS LUPING: [14:41:52]

10 Q. [14:41:54] Mr Witness, you had been discussing before the break the issue of an
11 individual called Imam Boyni and how he had fled Timbuktu.

12 I'd now like to ask the presiding judge if I can please go into private session.

13 Sorry, before I do, Mr President, I obviously just wanted to note, your Honours, that I
14 have taken due note of your decision, and obviously I will be seeking to not simply
15 repeat what other witnesses have dealt with and I will be focusing on the materials
16 pertinent to this witness. I wanted to be clear about that.

17 PRESIDING JUDGE MINDUA: [14:42:51](Interpretation) Thank you very much,
18 Madam Prosecutor, for your understanding.

19 Now, how long will this private session be? Because we do have people in the
20 public gallery and we need to tell them. Mr Courtroom Officer, are we in private
21 session, are we?

22 THE COURT OFFICER: [14:43:23](Overlapping speakers) No, we're not. We're in
23 open session.

24 PRESIDING JUDGE MINDUA: [14:43:26](Interpretation) Very well.

25 So Madam Prosecutor, how many minutes, approximately?

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1 MS LUPING: [14:43:32] Mr President, I am asking to briefly go into private session.

2 I'll repeat the request. Thank you.

3 PRESIDING JUDGE MINDUA: [14:43:41](Interpretation) Very well.

4 Mr Courtroom Officer, private session, please.

5 (Private session at 2.43 p.m.)

6 THE COURT OFFICER: [14:43:50] We are in private session, Mr President.

7 PRESIDING JUDGE MINDUA: [14:43:57](Interpretation) Thank you very much,

8 Mr Courtroom Officer.

9 Madam Prosecutor.

10 MS LUPING: [14:44:04] Thank you.

11 Q. [14:44:04] Mr Witness, I would ask that somebody assist you in bringing up

12 before you from tab 103, a document, and that is 0012-2009.

13 Mr Witness, this document is headed:

14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]

18 Q. [14:45:08] And I refer you, in particular,

19 [REDACTED] to an imam from "Hamabangou" and it refers to Imam Boyni, B-O-Y-N-I.

20 [REDACTED]

21 A. [14:46:15] Yes, [REDACTED]

22 Q. [14:46:19] And are these the events that you had described during the open
23 session, that you described before the lunch break?

24 A. [14:46:32] Yes, precisely.

25 [REDACTED]

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1

2

and other leaders of the movements of Ansar Dine, AQMI, and MUJAO.

3

4

I'm going to ask you more questions

5

about that in open session, but first I want to understand,

6

?

7

A. [14:47:31] at the height of the occupation.

8

MS LUPING: [14:47:57] Mr President, I believe we can go back into public session.

9

PRESIDING JUDGE MINDUA: [14:48:05](Interpretation) Mr Courtroom Officer,

10

open session, please.

11

(Open session at 2.48 p.m.)

12

THE COURT OFFICER: [14:48:12] We are back in open session, Mr President.

13

PRESIDING JUDGE MINDUA: [14:48:16](Interpretation) Thank you very much,

14

Mr Courtroom Officer.

15

Madam Prosecutor.

16

MS LUPING: [14:48:23] Thank you, Mr President.

17

Q. [14:48:27] Mr Witness, you had described a meeting that took place with "Iyad

18

Ag Ghaly, Yahya Ould Hammam" and other leaders of the movements Ansar Dine,

19

AQMI, and MUJAO. And you referred to 100 vehicles with combatants that also

20

came with these leaders.

21

My first question is, did this meeting take place in Timbuktu? Just so I understand

22

clearly what you meant.

23

PRESIDING JUDGE MINDUA: [14:49:15](Interpretation) Ms Taylor.

24

MS TAYLOR: [14:49:18] Thank you, Mr President.

25

I do think it's quite prejudicial to read out extracts from this document in

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1 a piecemeal manner. I do believe that the Prosecutor is going to put this to the
2 witness. Out of fairness, the first two paragraphs should be put to the witness.

3 MS LUPING: [14:49:39] Mr President, with all due respect -- (Overlapping speakers)

4 PRESIDING JUDGE MINDUA: [14:49:46] (No interpretation)

5 MS LUPING: [14:49:48] -- with all due respect, Mr President, your Honours, the
6 witness has had an opportunity to -- to review the exhibit in question. [REDACTED]

7 [REDACTED]
8 He is -- I'm asking for specific information related to this. He's is able to look at the
9 exhibit himself. It's -- it's before him.

10 I am simply asking very -- a specific question about a meeting that took place.

11 PRESIDING JUDGE MINDUA: [14:50:22](Interpretation) Ms Taylor, I'm in
12 agreement with what Madam Prosecutor just said. There are two points. In terms
13 of fairness, the witness is already familiar with this item. We've already talked about
14 it. And what is more, this item of evidence is before the witness and he can consult
15 it. And, secondly, for security reasons, we are not going to start reading through it
16 again.

17 Now, Madam Prosecutor, please continue.

18 MS LUPING: [14:50:51] Thank you.

19 Q. [14:50:51] Mr Witness, I'm going to repeat my question.

20 I noted that you had referred to a meeting with various leaders of the movements
21 Ansar Dine, AQMI, and MUJAO, including, Iyad Ag Ghaly and Yahya Ould
22 Hammam, and there had -- or been a reference as well to about 100 vehicles of
23 combatants who were also there.

24 My first question is -- is to clarify where precisely this meeting took place.

25 A. [14:51:46] This meeting took place in Farach, in the *cercle* of Goundam,

1 Timbuktu region, but not Timbuktu city.

2 Q. [14:52:16] And when you spoke of the population of Timbuktu, who were you
3 referring to? Population of what part of Timbuktu?

4 A. [14:52:33] After this meeting, this large-scale meeting that was held in Farach,
5 the return was spectacular. These vehicles, with their combatants, and these major
6 figures of occupation, and it was during this meeting that Iyad was chosen as the
7 supreme leader of the movement, unanimously, without any contestation. And
8 upon returning to Timbuktu, this news had to be delivered, and that's why I talked
9 about hundreds of vehicles entering the city of Timbuktu. From Farach, they came
10 to Timbuktu city, but the meeting itself was not held in Timbuktu.

11 Q. [14:54:04] And on the return to Timbuktu, were any of the leaders of these
12 movements also entering Timbuktu?

13 A. [14:54:18] These leaders came from everywhere -- Kidal, Gao, and Timbuktu,
14 and it was from there that we understood that there were Ansar Dine elements and
15 elements from AQMI and MUJAO. But the three entities, unanimously, during this
16 meeting, decided to designate the Ansar Dine movement as the leader movement in
17 order to apply Sharia in the north of Mali.

18 Q. [14:55:18] And do you recall when this meeting took place?

19 A. [14:55:24] I don't remember the precise period, but it was at the height of the
20 occupation in 2012.

21 Q. [14:55:45] And do you recall if it was the beginning, the middle or the end of the
22 occupation? Roughly when during the occupation?

23 A. [14:56:03] I find it difficult to place this in time. I just know it's during the
24 occupation. It wasn't at the beginning. I wouldn't be able to tell you whether it's in
25 the middle or towards the end.

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1 Q. [14:56:28] And when combatants returned to Timbuktu after the meeting, do
2 you know which leaders returned with them to Timbuktu city?

3 A. [14:56:43] I saw images of it, but I was not at the meeting myself. I saw some
4 pictures, images, in which I recognised Iyad because he was being held up
5 to -- because of his victory. *I saw Yahya Ould Hammam, I saw Mokhtar Belmokhtar,
6 I saw Oumar Ould Hamaha in those images.

7 So I wouldn't be able to comment on what I saw. [REDACTED]

8 [REDACTED] the spectacular return with the combatants crying
9 "Allah Akbar." This was at the end of a general assembly in Farach.

10 MS LUPING: [14:57:59]

11 Q. [14:58:00] And you said you saw images of these leaders. These images were
12 taken of them where?

13 A. [14:58:11] On the sites. On the -- on the -- on the sites of the meeting.

14 THE INTERPRETER: [14:58:21] Says the witness.

15 MS LUPING: [14:58:23]

16 Q. [14:58:25] And I'm not sure if there has been a misunderstanding, but my
17 question was a different one.

18 On the return to Timbuktu city, were there any leaders that returned with the
19 combatants -- that you saw returning to Timbuktu city?

20 I'm not talking about Farach at the moment.

21 A. [14:58:55] Yes. Upon arriving in Timbuktu, each chief would then take
22 over -- be in charge of their region, and then they continued on Kidal.

23 Belmokhtar -- Mokhtar Belmokhtar to Gao, and the others returned to Timbuktu.

24 Otherwise, they all came back to Timbuktu before going back to their various
25 respective regions.

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1 Q. [14:59:35] So which chiefs were returning to Timbuktu, so we are clear?

2 A. [14:59:42] Iyad came back to Timbuktu before going on to Kidal. He had come
3 back to Timbuktu and remained. Mokhtar Belmokhtar stayed -- came to Timbuktu,
4 stayed, and then went on to Gao because he had stayed quite some time before
5 continuing on to Gao. But Iyad, the very next day, after his appointment, I believe
6 that he went on.

7 MS LUPING: [15:00:25] Mr President, if we could go into private session.

8 PRESIDING JUDGE MINDUA: [15:00:31](Interpretation) Private session, courtroom
9 officer, please.

10 (Private session at 3.00 p.m.)

11 THE COURT OFFICER: [15:00:42] We are in private session, Mr President.

12 PRESIDING JUDGE MINDUA: [15:00:46](Interpretation) Thank you very much.

13 Madam Prosecutor.

14 MS LUPING: [15:00:51]

15 Q. [15:00:51] And, Mr Witness, how -- how do you know that these leaders came
16 through Timbuktu? Did you see them? Or were you told about this?

17 A. [15:01:02] Well, Iyad I saw because the convoy that went by ... Iyad was -- well,
18 the vehicle was surrounded by other people as well who were expressing their joy,
19 and so we realised that Iyad was in that vehicle. Then, during the return to
20 Timbuktu, a few days after, he was still there in Timbuktu.

21 And as for Mokhtar, I had no certainty. I couldn't say for sure. But his presence

2 [REDACTED] he was there before he went on to

23 Gao. [REDACTED] so that is how I came to know
24 that.

25 As for Iyad, I can confirm, I saw him. And all around him -- you see, he had

1 prevailed. He was victorious. Yahya as well I saw. And then ...

2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]

6 PRESIDING JUDGE MINDUA: [15:03:06](Interpretation) Go ahead.

7 MS LUPING: [15:03:10]

8 Q. [15:03:10] Mr Witness, I'm now referring to a video excerpt at tab 216. That's

9 0012-1723. And I will be asking for interpretation. I refer to tab 217. That's

10 transcript 0069-1840. And the translation is tab 218, and I refer to 0069-1938.

11 Mr Witness, I'm going to be playing it without sound, and I'll be asking you if you

12 recognise who the individual is. And I've stopped at 16 seconds, 16.2, .02.

13 (Viewing of the video excerpt)

14 MS LUPING: [15:04:10]

15 Q. [15:04:14] Mr Witness, do you recognise this person?

16 A. [15:04:16] Yes.

17 Q. [15:04:16] (Overlapping speakers) And who is that?

18 A. [15:04:17] (Overlapping speakers)

19 *THE WITNESS: [15:04:28] *That is Abdrahamane,. He was a French/Senegalese

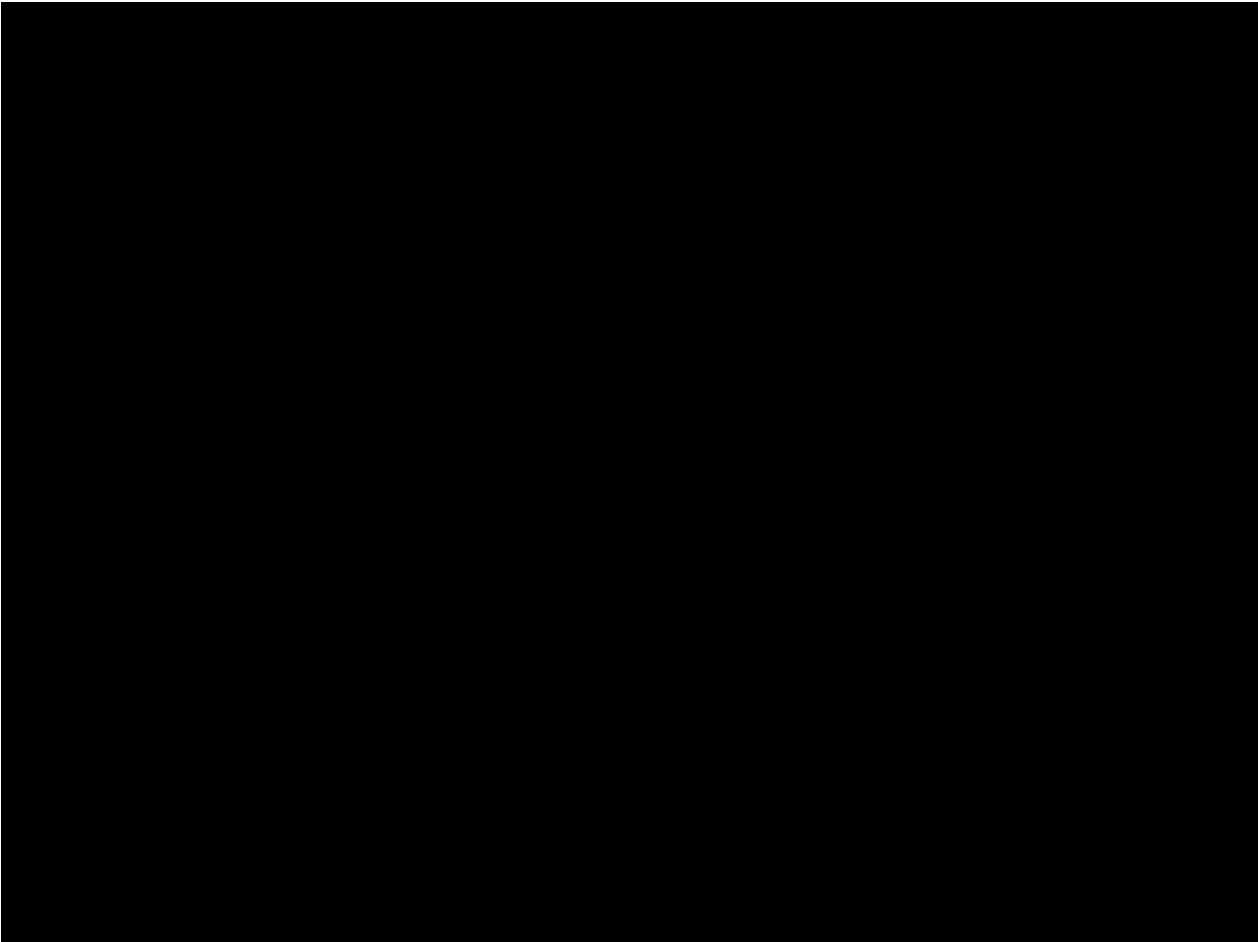
20 citizen who was working for the Islamic Police.

21 MS LUPING: [15:04:34]

22 [REDACTED]
23 [REDACTED]

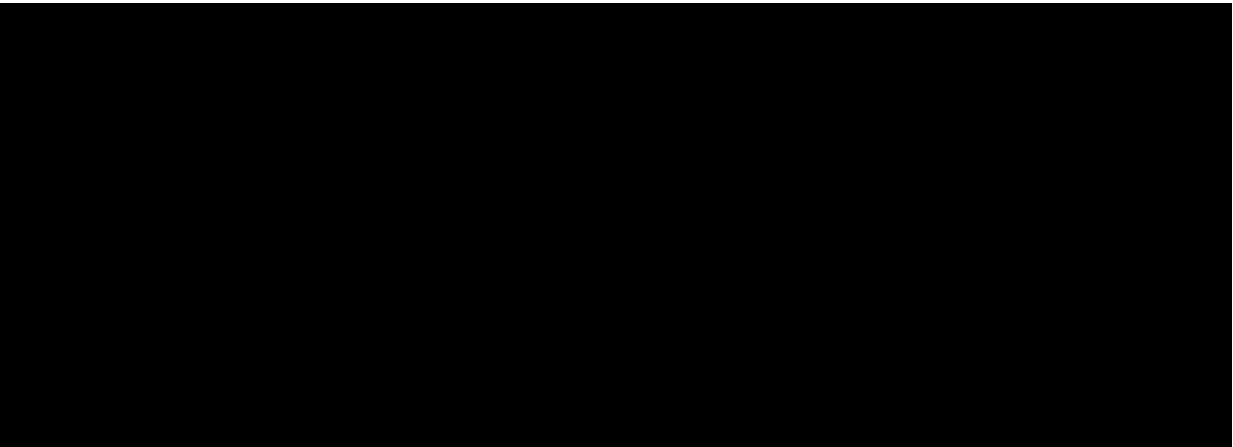
24 [REDACTED]
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14 Q. [15:06:54] And I would now ask that there be interpretation for this short
15 excerpt. I'll be playing it with sound again from -- it should be from 15 seconds.
16 And it needs interpretation.
17 (Viewing of the video excerpt)
18 THE INTERPRETER: [15:07:30] (Interpretation of video excerpt)
19 Sight translation:

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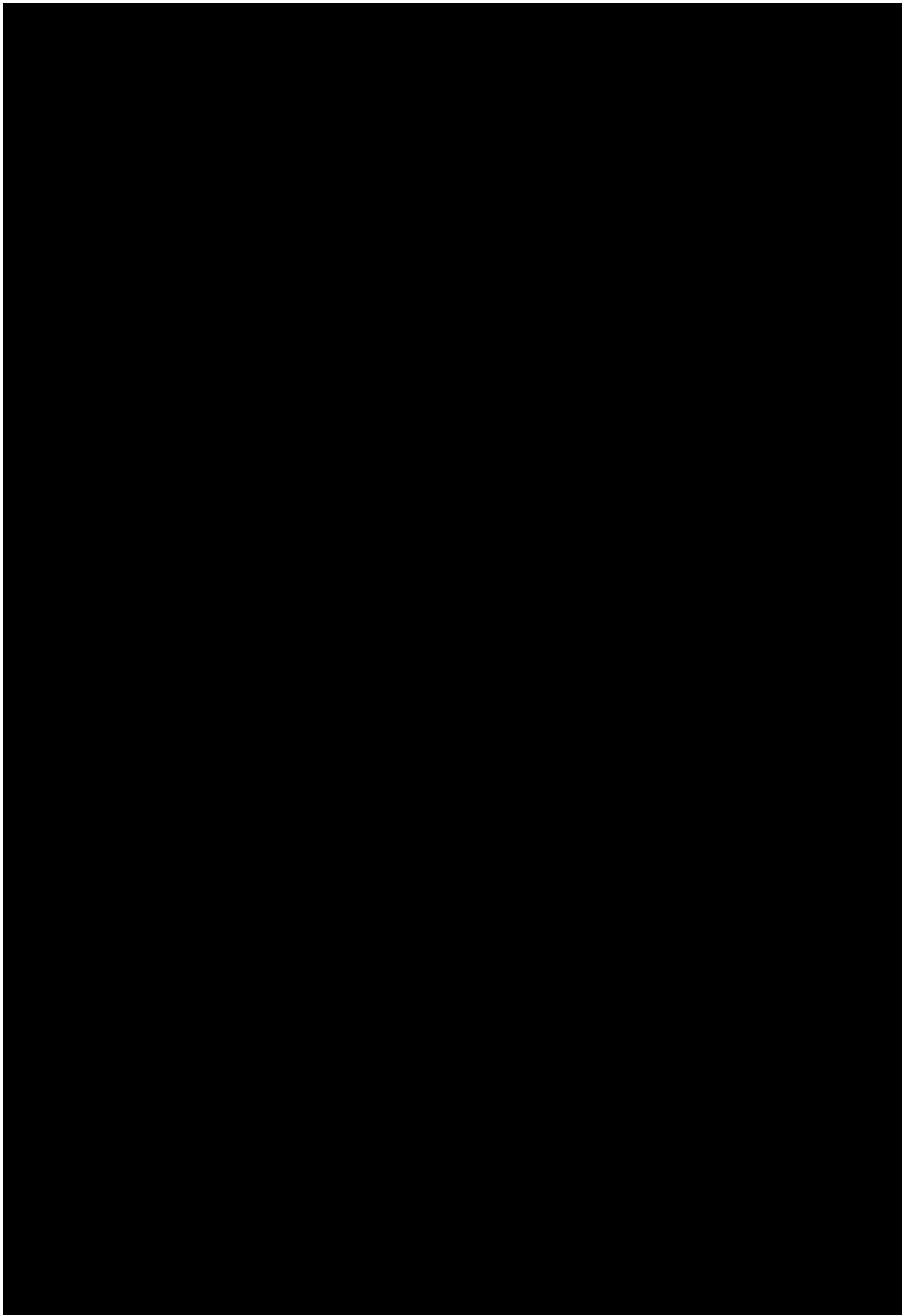


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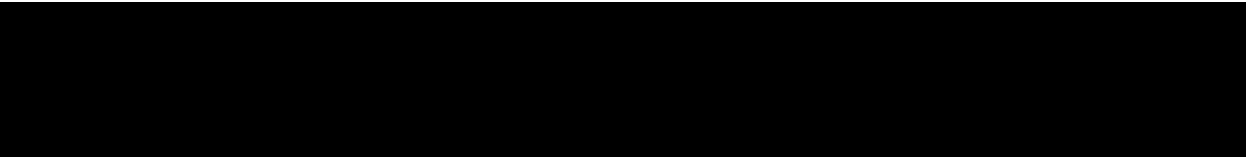


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MS LUPING: [15:10:06]

Q. [15:10:07](Overlapping speakers) Mr Witness, I'm just now pausing before I continue. I'm pausing at 00:02:50:17.

Q. [15:10:08] Just briefly, if you recognise the emblem on the left of this individual's vest.

A. [15:10:23] Whether I recognise it?

Q. [15:10:24](Overlapping speakers) Yes?

A. [15:10:37] *That's not the emblem of... It's just -- it reads, "la ilaha ila Allah".

*That's...

I don't know how you would say that.

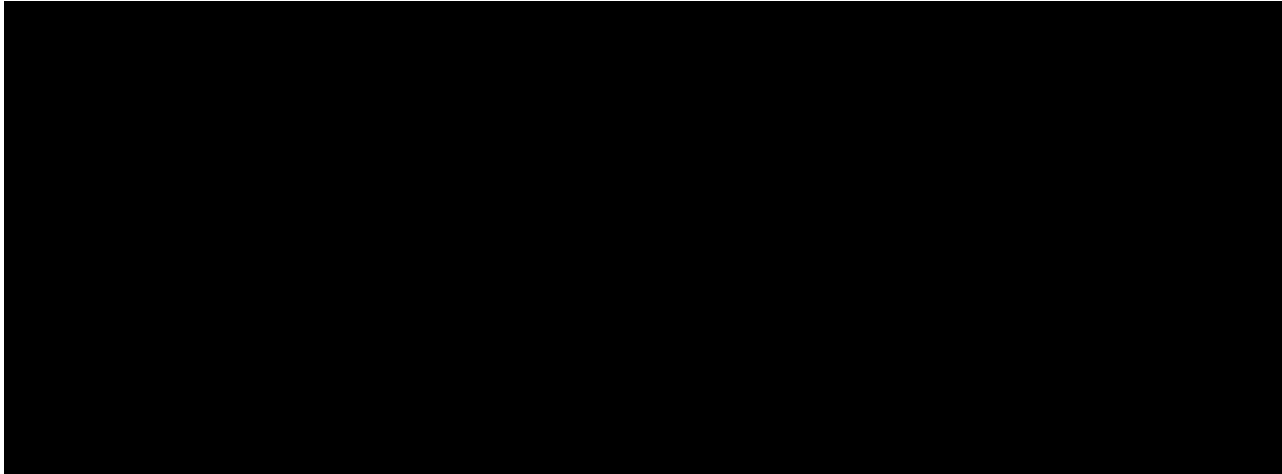
It's not actually an emblem of a movement.

And, it glorifies his commitment saying that there is no God but God who created us all.

MS LUPING: [15:11:15] And I'm now going to continue to play, and I still want sound, and I still want interpretation.

THE INTERPRETER: [15:11:22] (Interpretation of video excerpt)

Sight translation line 27 onwards:

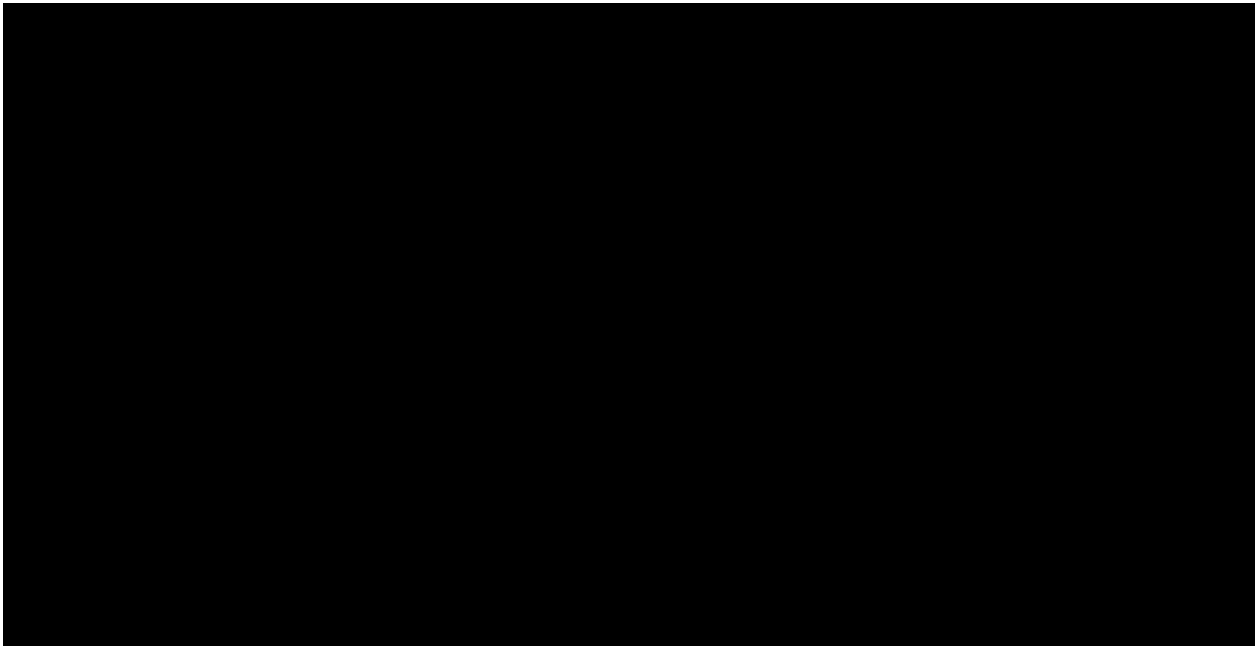


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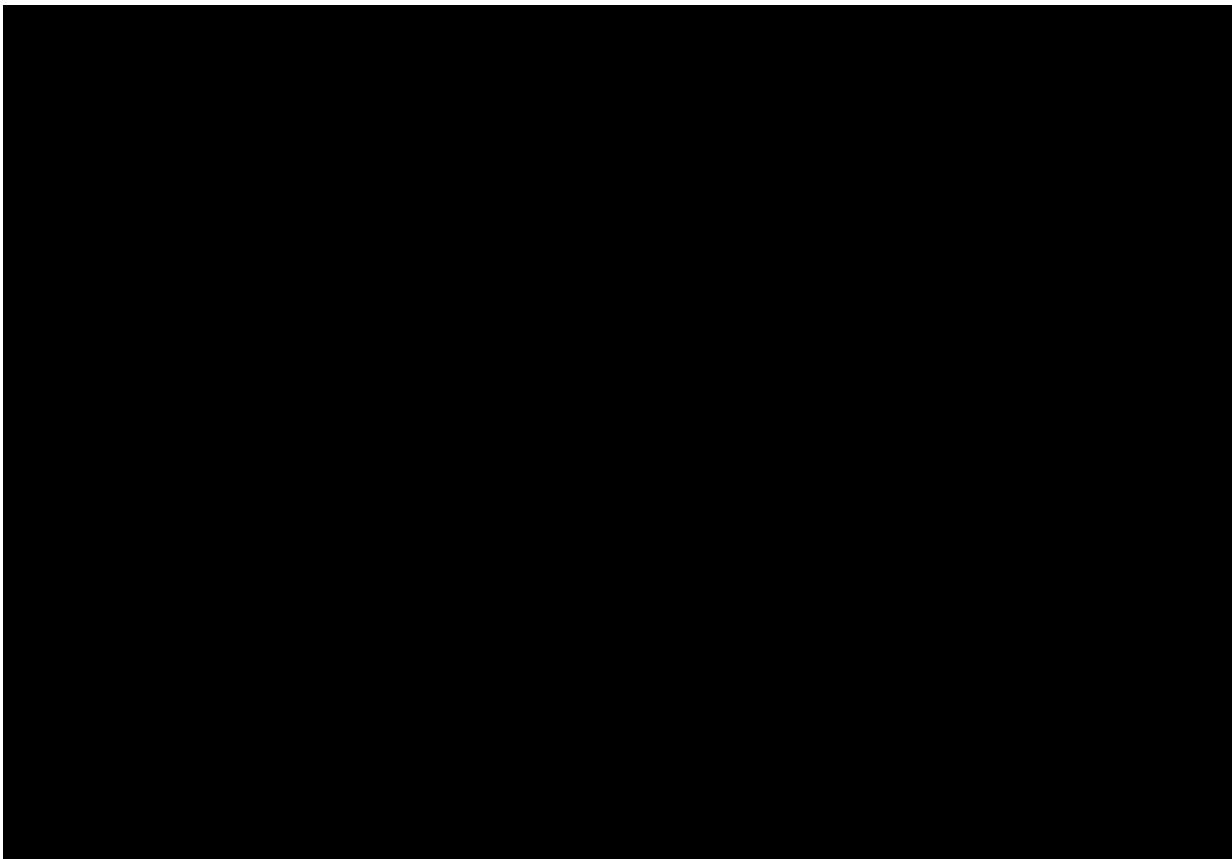
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10 MS LUPING: [15:13:39]

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23 Q. [15:15:21] Mr Witness, I'm now going to just simply show you the image from
24 another video extract. That's at tab 213, 0012-1722. And I have the image at
25 00:01:16:17.

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1 And can you confirm if this is the same person.

2 Mr Witness, did you hear my question?

3 A. [15:16:12] Yes.

4 Q. [15:16:13] (Overlapping speakers) I asked if you could confirm, is this the same
5 person?

6 A. [15:16:19] Yes, it's the same one, the same Abderrahmane.

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18 A. [15:17:25]

19 MS LUPING: [15:17:36] Mr President, I believe we can go back into public session.

20 PRESIDING JUDGE MINDUA: [15:17:43](Interpretation) Open session, courtroom
21 officer, please.

22 (Open session at 3.17 p.m.)

23 THE COURT OFFICER: [15:17:49] We are back in open session, Mr President.

24 PRESIDING JUDGE MINDUA: [15:17:57](Interpretation) Thank you very much.

25 Madam Prosecutor.

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1 MS LUPING: [15:18:01]

2 Q. [15:18:02] Yes. Now, Mr Witness, you have made mention of an individual
3 called Oumar Ould Hamaha. Could you explain which institution he worked for in
4 Timbuktu?

5 A. [15:18:20] Oumar was from the army, but he also was in Ansar Dine. In actual
6 fact, he came in with AQIM. I was somewhat familiar with the path he had taken,
7 and I know that he came via AQIM, but, you know, AQIM, MUJAO, all those
8 movements in the territory were under the Ansar Dine banner, so to speak. He was
9 an officer responsible for exterior security within the movement of the Islamists in
10 Mali.

11 MS LUPING: [15:19:19] Mr President, could I request that we go into private session.
12 It -- it will be (Overlapping speakers)

13 PRESIDING JUDGE MINDUA: [15:19:30](Interpretation) Private session.
14 (Private session at 3.19 p.m.)

15 THE COURT OFFICER: [15:19:36] We are in private session, Mr President.

16 PRESIDING JUDGE MINDUA: [15:19:46](Interpretation) Thank you very much.
17 Madam Prosecutor.

18 MS LUPING: [15:19:49]

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22 A. [15:20:21] 2012.

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25 If there's any follow-up questions, I will ask them in public.

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1 PRESIDING JUDGE MINDUA: [15:24:03](Interpretation) Go ahead, please.

2 MS LUPING: [15:24:16] I'm stopping at 00:00:00:14.

3 Q. [15:24:18] Mr Witness, do you recognise the person we see on the screen?

4 A. [15:24:27] Yes, this is Oumar.

5 Q. [15:24:35] And I note for the record this video excerpt is at tab 385, that's

6 0020-0104. I'll now be playing with sound and I request interpretation. The

7 transcript can be found at 0056-0790. The translation can be found at tab 387 and

8 that's 0061-1132.

9 I'm playing it from the start.

10 (Viewing of the video excerpt)

11 THE INTERPRETER: [15:25:10] (Interpretation of video excerpt) Sight translation.

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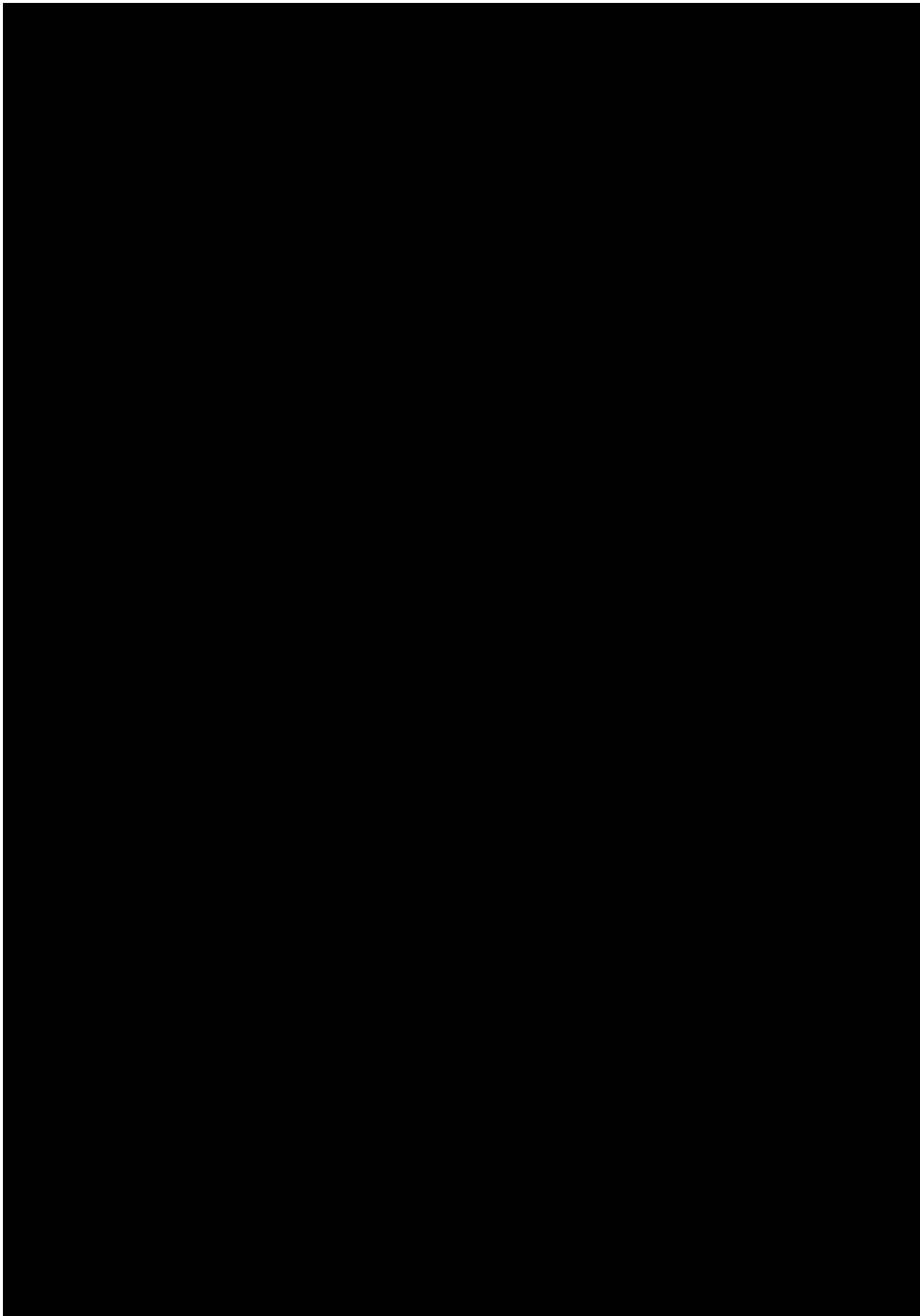
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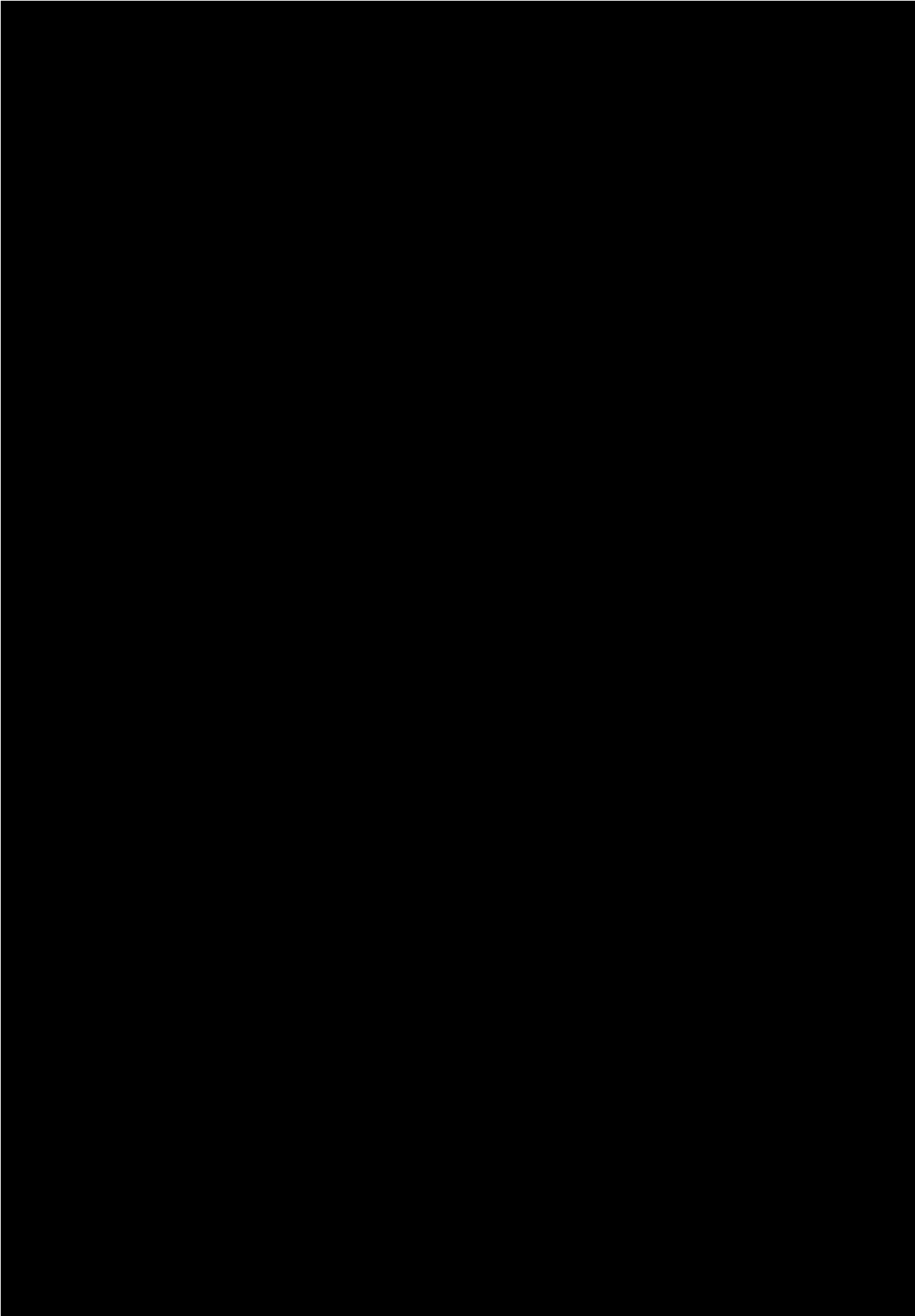


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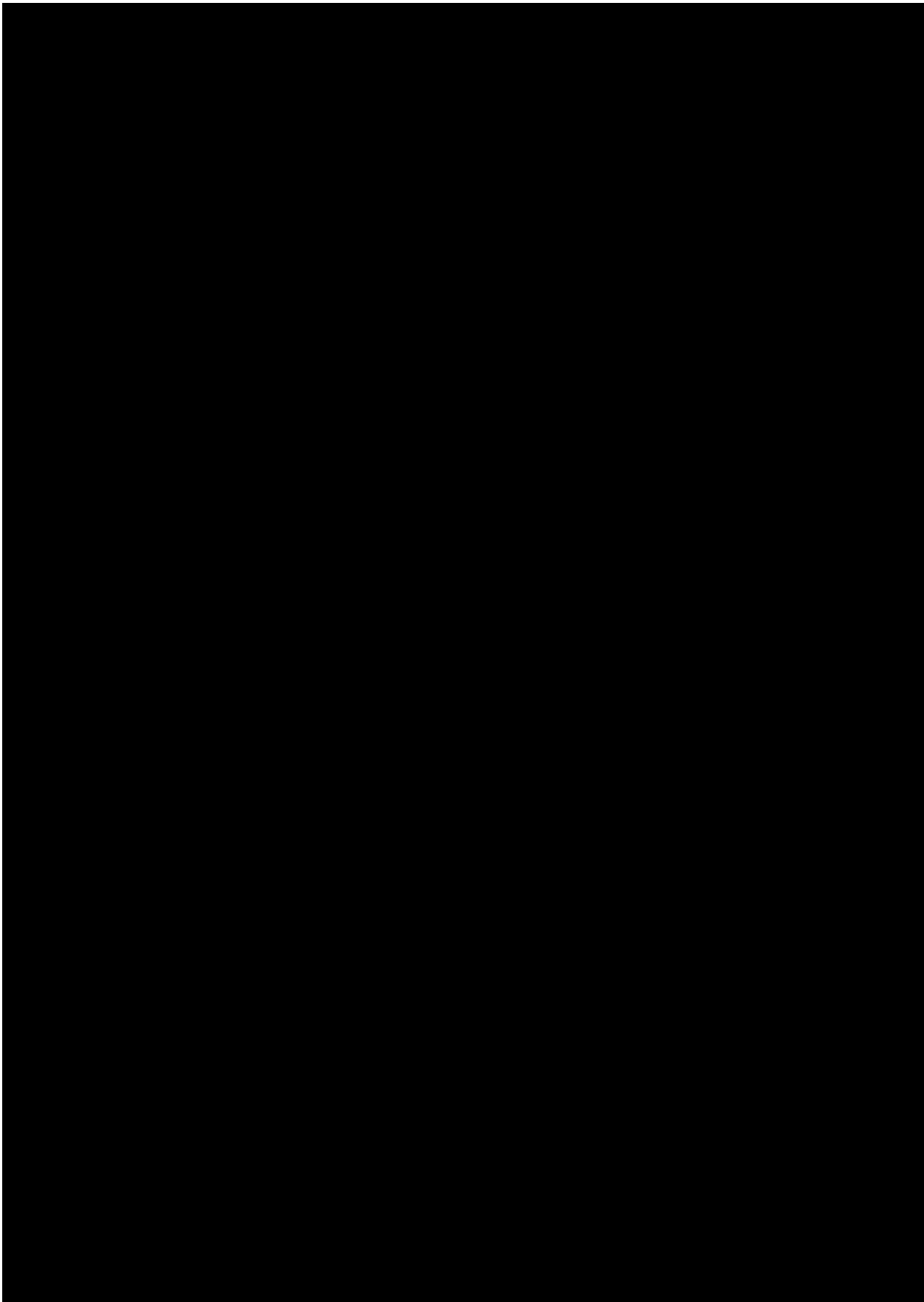


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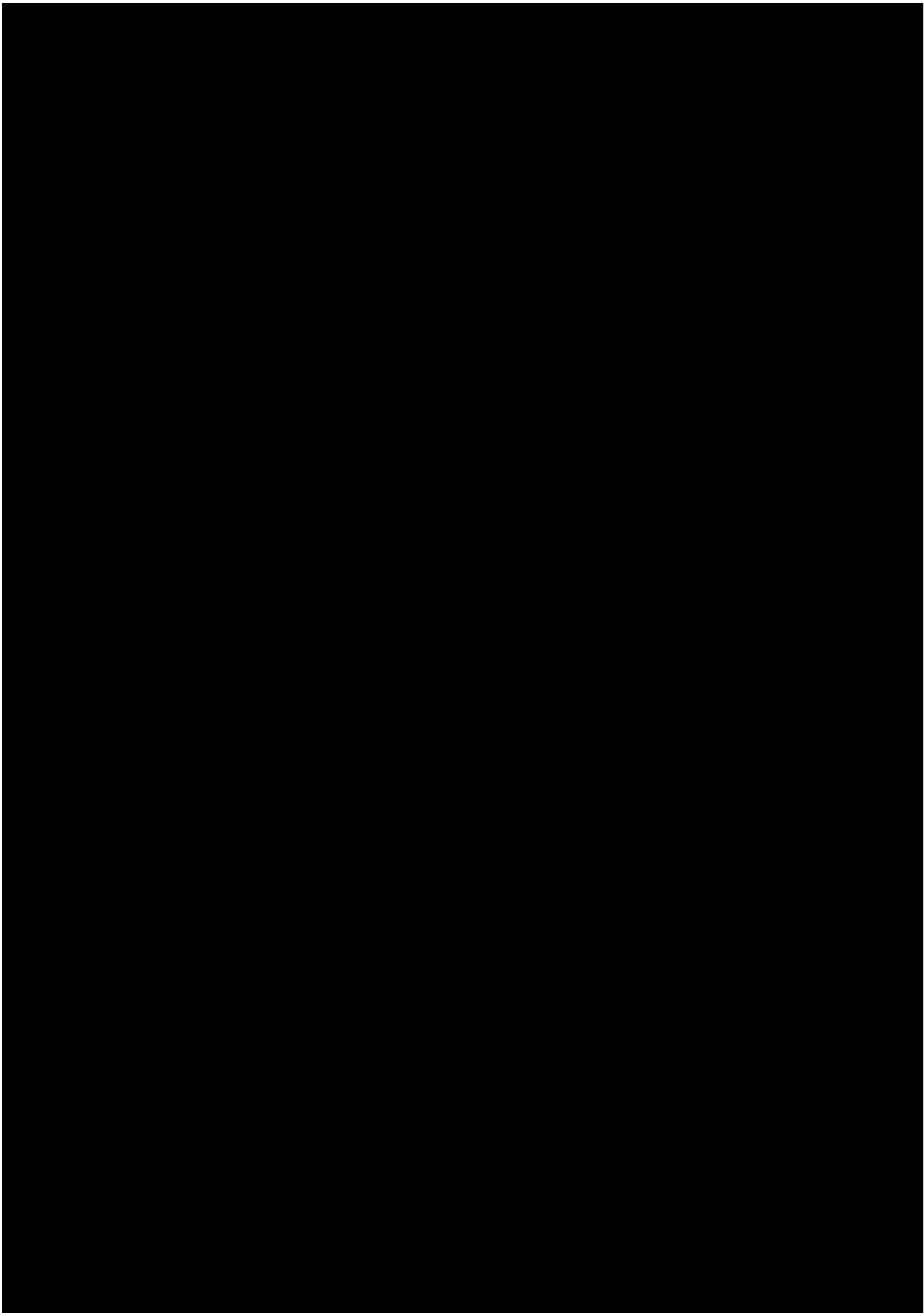


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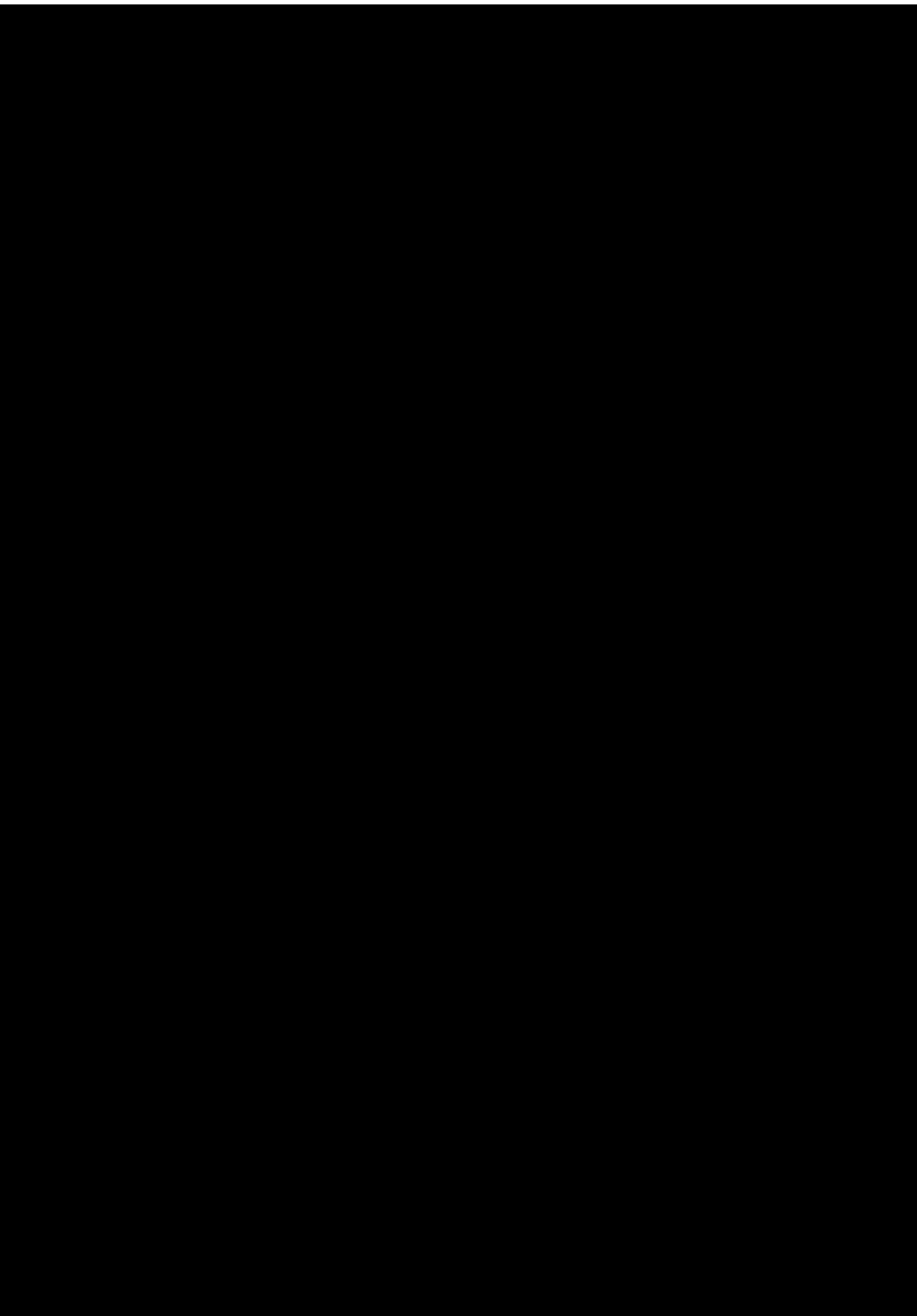


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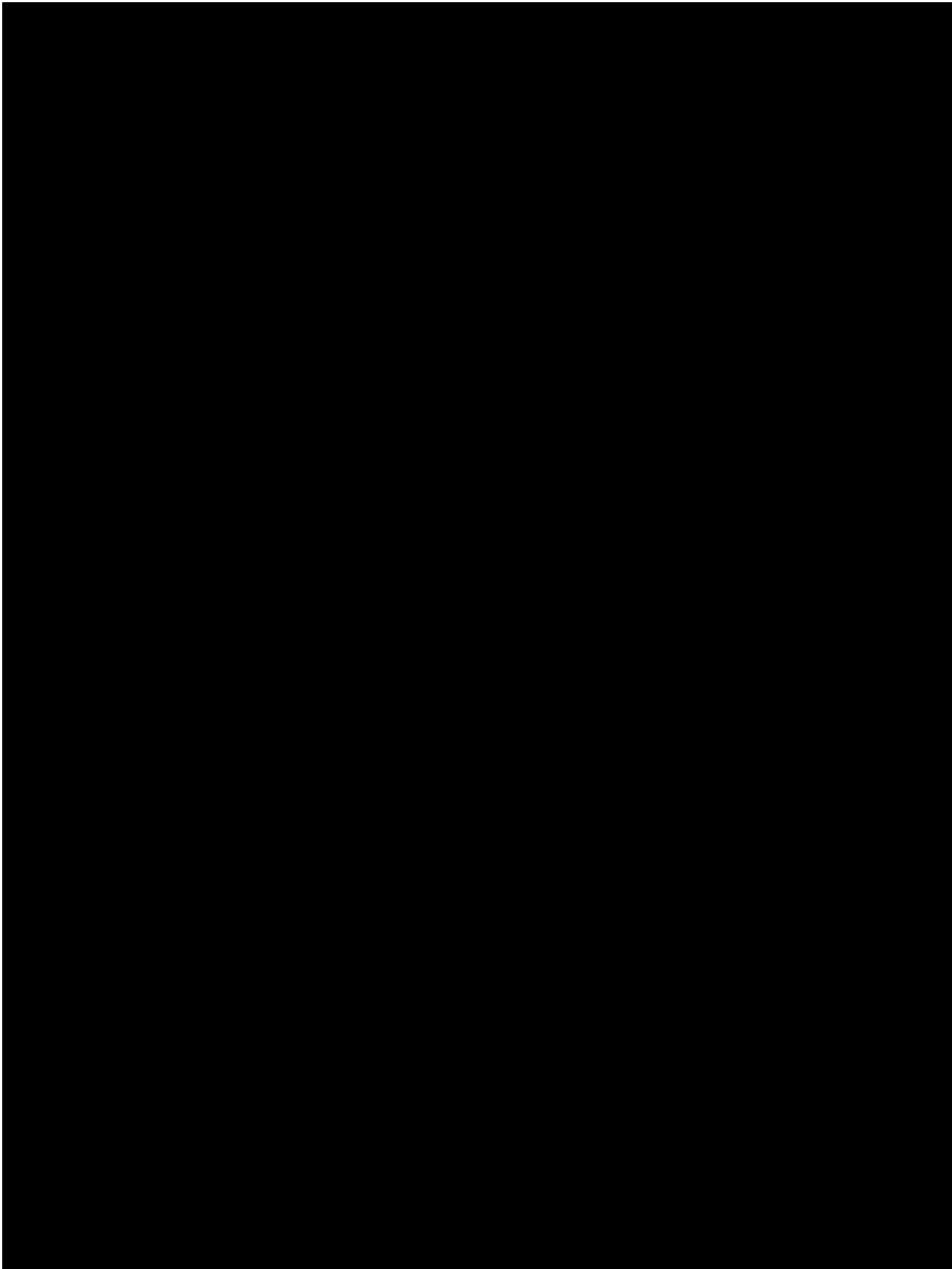


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24 PRESIDING JUDGE MINDUA: (Interpretation) Ms Taylor, please.
25 MS TAYLOR: [15:36:03] Thank you, Mr President, but I don't think that the English

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1 has caught up with the French. I think it's quite far behind.

2 THE INTERPRETER: [15:36:10] Message from the English booth: Sight translation
3 takes a long time.

4 PRESIDING JUDGE MINDUA: [15:36:18](No Interpretation)(Overlapping speakers)
5 *Interprétation anglaise, s'il vous plaît.*

6 THE INTERPRETER: [15:36:21] Message from the English booth: It will take some
7 time to provide this sight translation. People will need to be patient, please.

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11 PRESIDING JUDGE MINDUA: [15:36:45](Interpretation)(Overlapping speakers)

12 Has the English booth understood?

13 THE INTERPRETER: [15:36:49] The English booth has fully understood and the
14 English booth is doing its job.

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21 The interpreter could not see the rest of the sentence.

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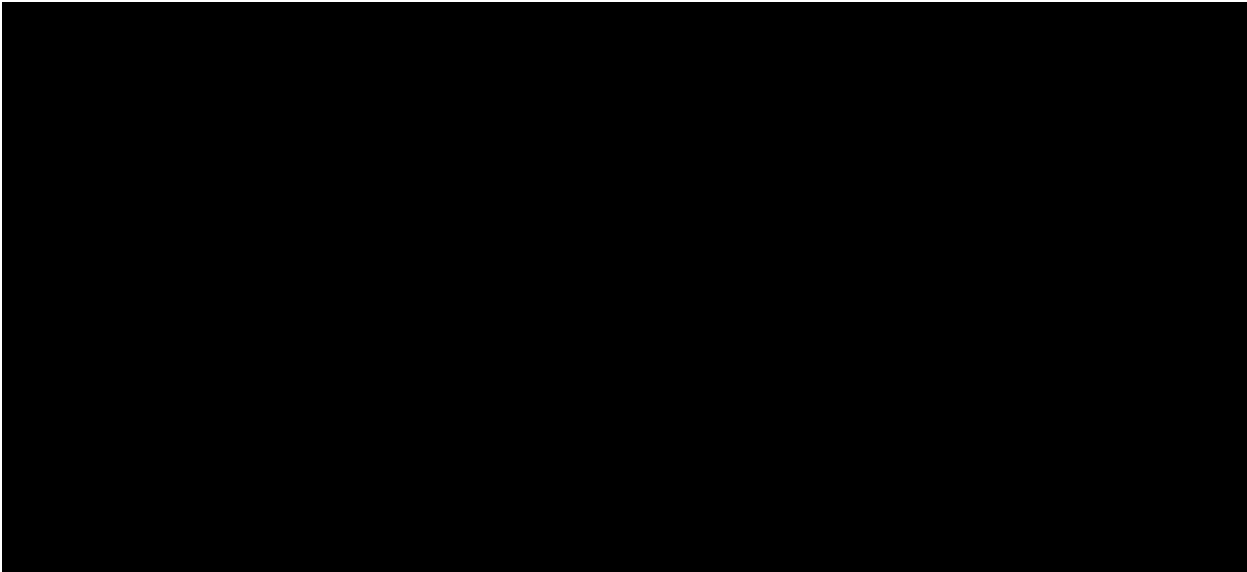
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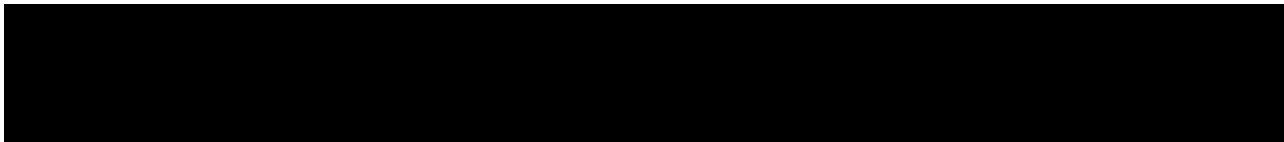


9 Question from the English booth: Would they like us to continue? It will take quite
10 some time.

11 Message from the English booth to counsel: Would they like us to continue? It will
12 take quite some time.

13 MS LUPING: [15:39:03] Mr President, if I could make a suggestion. The
14 interpreters have asked whether it's necessary to continue the interpretation at this
15 stage. Can I make a suggestion that, as we have done with other video excerpts in
16 the past, that the transcript simply be inserted for the video so as to save time. It's
17 not necessary to get the exact interpretation. I can reassure my learned colleague
18 that, at this stage, I don't intend to ask follow-up questions regarding the content.

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21 PRESIDING JUDGE MINDUA: [15:39:44](Interpretation) Ms Taylor, I do believe
22 that you have followed and I think that this is a good suggestion.

23 MS TAYLOR: [15:39:52] Thank you, Mr President. Yes, the Defence has no
24 objection. I just want to make clear to the interpreters there was in no way
25 a criticism at all. And just perhaps in the future, if the -- perhaps if the transcript can

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1 be put up for the interpreters so that they don't have to do a sight translation.

2 MS LUPING: [15:40:14] As I understand it, in fact -- oh, sorry.

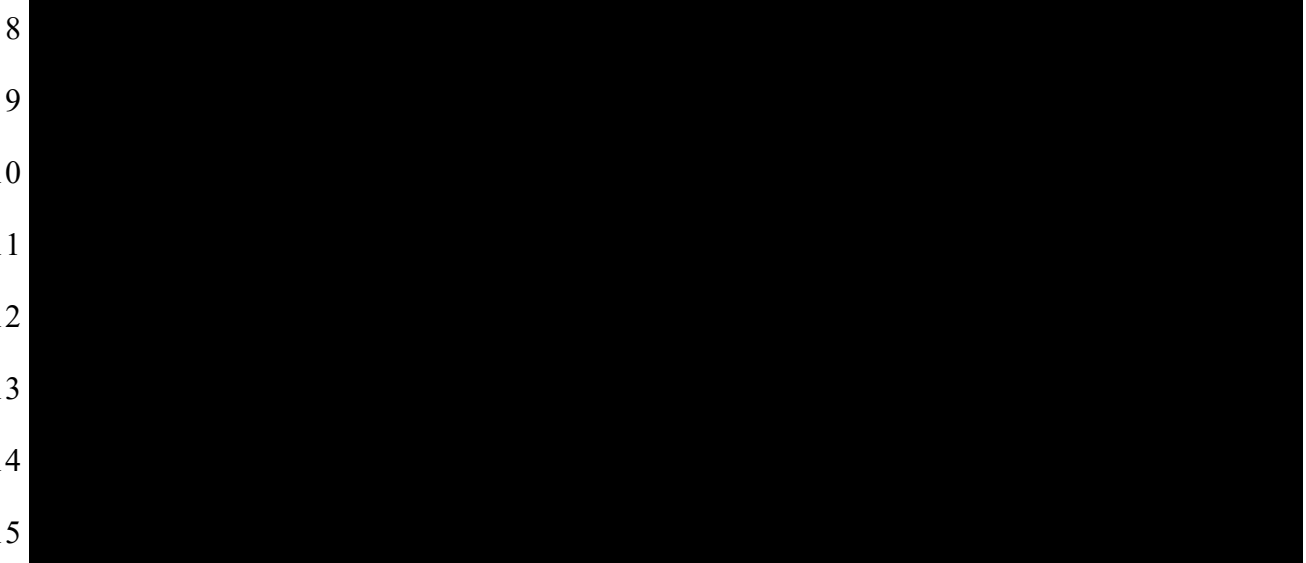
3 PRESIDING JUDGE MINDUA: [15:40:16](Interpretation) Very well. Let's move on.

4 MS LUPING: [15:40:19](Overlapping speakers) Thank you, Mr President. As I

5 understand it, the interpreters are receiving simultaneously the transcripts on the

6 screen. And I'm having nods from the court ushers and the court officer. But in the

7 interests of time --



16 PRESIDING JUDGE MINDUA: [15:41:45](Interpretation) Madam Prosecutor
17 (Overlapping speakers)

18 THE INTERPRETER: [15:41:47] Overlapping speakers

19 MS LUPING: [15:41:48](Overlapping speakers) ... if we could return to public
20 session, please.

21 PRESIDING JUDGE MINDUA: (Interpretation) Mr Courtroom Officer, please.

22 THE COURT OFFICER: [15:41:59] We are back in open session, Mr President.
23 (Open session at 3.42 p.m.)

24 PRESIDING JUDGE MINDUA: [15:42:07](Interpretation) Thank you very much, Mr
25 Courtroom Officer.

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1 Madam Prosecutor.

2 MS LUPING: [15:42:11]

3 Q. [15:42:11] Mr Witness, can you recall when Oumar Ould Hamaha left

4 Timbuktu?

5 A. [15:42:19] Well, Oumar was one of the last actors to resist the Serval attacks in

6 Timbuktu during that period.

7 Q. [15:42:49] And do you recall the movement that he created, a new movement?

8 And if so, what was the name of that movement?

9 A. [15:43:03] Just after those first attacks that targeted Islamist movements in the

10 area, not in Timbuktu city, there was a first march of the -- on the part of the Arab

11 community to ask France to stop these attacks that could cause harm to the

12 population because there already had been attacks in Diabali, and Léré. So there

13 was a peaceful march that took place in Timbuktu to request that these attacks stop.

14 After this march, Oumar started a movement called Ansar Sharia, and one afternoon

15 in Timbuktu, we saw vehicles with combatants, for the most part, Arabs, and this was

16 said to be the new movement that had been created. There we are.

17 Q. [15:44:25] And do you recall when that was?

18 A. [15:44:29] That was in the month -- it was the first week of December when the

19 strikes started in Diabali and Konna.

20 MS LUPING: [15:45:05] Mr President, I'd ask if we can briefly go into private session.

21 It will not be for a very long time.

22 PRESIDING JUDGE MINDUA: [15:45:16](Interpretation) Mr Courtroom Officer,

23 private session, please.

24 (Private session at 3.45 p.m.)

25 THE COURT OFFICER: [15:45:39] We are in private session, Mr President.

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1 PRESIDING JUDGE MINDUA: [15:45:42](Interpretation) Thank you very much.

2 Madam Prosecutor.

3 MS LUPING:

4 Q. [15:45:44] Now, Mr Witness, I'm going to be bringing a document up for you,
5 and it has the ERN MLI-OTP-0012-1953.

6 I apologise, if you could just give me a few seconds, I need to find the tab.

7 And whilst that is being found, Mr Witness, I would just ask if you look at the
8 document on the screen in front of you. I will provide the tab number, but for now it
9 has the heading -- it starts, rather, with the words:

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12 (Overlapping speakers) Can you see that?

13 A. [15:47:12] It's blurry.

14 Q. [15:47:16] And it's at tab 64 of your first binder.

15 Do you now have it in front of you, Mr Witness?

16 A. [15:47:58] Mm-hmm.

17 Q. [15:47:59] I'd like you to briefly read that document to yourself.

18 A. [15:49:25] Yes, I have it read it.

19 Q.

20 A.

21 Q.

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24 THE INTERPRETER: [15:49:58] The name that the interpreter did not catch because
25 it was mumbled.

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1 MS LUPING: [15:50:02]

2 Q. [15:50:03] I'd just like to clarify your response, Mr Witness.

3 At page 94, line 26 to 28, and after I asked you when the new movement Ansar Sharia
4 was created, your response was: (Interpretation) "That was in the first week of
5 December when the strikes started in Diabali and Konna."

6 (Overlapping speakers) And now in your response, you're referring to the month of
7 November. Could you please clarify your response as to the month.

8 A. [15:50:53] I can confirm that it was in the month of December. [REDACTED]

9 [REDACTED]

10 MS LUPING: [15:51:18] Mr President, I believe we can go back into public session.

11 PRESIDING JUDGE MINDUA: [15:51:27](Interpretation) Mr courtroom officer,
12 please.

13 (Open session at 3.51 p.m.)

14 THE COURT OFFICER: [15:51:33] We are back in open session, Mr President.

15 PRESIDING JUDGE MINDUA: [15:51:46](Interpretation) Thank you very much,
16 Mr courtroom officer.

17 Madam Prosecutor, please.

18 MS LUPING: [15:51:53]

19 Q. [15:51:55] Mr Witness, you -- I'm switching to a completely different topic now.
20 You described how the two radio stations at Timbuktu were Radio Bouctou and
21 Radio Al Farouk, and you said --

22 PRESIDING JUDGE MINDUA: [15:52:19](Interpretation) Ms Taylor.

23 MS TAYLOR: [15:52:21] Thank you, Mr President.

24 I'm intervening because the Prosecutor has indicated they're moving to another topic.
25 We have the rough time period of what we just saw, but not what it purports to be.

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1 The Prosecutor hasn't elicited any evidence as to what we just saw. In particular, if
2 it's -- I'm not going into any further details. But as was the case with other
3 documents, similar documents, that was a necessary question.

4 PRESIDING JUDGE MINDUA: [15:52:53](Interpretation) Madam Prosecutor.

5 MS LUPING: [15:52:55] Mr President, I cited the relevant part, and I asked when it
6 was created, and the document is very clear as to what it contains. I do believe the
7 document does speak for itself. If the Chamber would like to hear some answers
8 or -- more information about it, I'm happy to go back into private session to do so.
9 But I do believe the document does speak for itself and he has indicated the
10 information necessary, as far as the Prosecution's concerned.

11 PRESIDING JUDGE MINDUA: [15:53:32](Interpretation) Ms Taylor. We are in open
12 session, Ms Taylor. Please go ahead.

13 MS TAYLOR: [15:53:39] Yes. Certainly, Mr President. I'm very aware of that.
14 But I don't believe it's appropriate to say that a document speaks for itself as there are
15 obviously different types of documents and there are obviously different levels of
16 how documents are used and that impacts upon the reliability and the authenticity.
17 So we do believe that as was the case with other documents, this is an issue that could
18 be elicited in private session, but it should indeed be done so.

19 PRESIDING JUDGE MINDUA: [15:54:10](Interpretation) Ms Taylor, well, Madam
20 Prosecutor says that she is satisfied and that she obtained the response that she
21 wanted and that she's not going to use these items in any other manner.

22 So do you want us to go back into private session for the rest?

23 MS TAYLOR: [15:54:27] Thank you, Mr President.

24 If you say that it's not going to be used, is it -- if it's going to be submitted into
25 evidence, we do need some basic indicia of what this is.

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1 PRESIDING JUDGE MINDUA: [15:54:44](Interpretation) Madam Prosecutor.

2 MS LUPING: [15:54:45] Mr President, we don't have any problem with asking
3 the -- the witness a very simple question, but we would need to -- indeed to return to
4 private session to do so. Because obviously this is an item that we want to have
5 submitted as evidence.

6 PRESIDING JUDGE MINDUA: [15:54:59](Interpretation) Very well. Mr courtroom
7 officer, private session, please.

8 (Private session at 3.55 p.m.)

9 THE COURT OFFICER: [15:55:07] We are in private session, Mr President.

10 PRESIDING JUDGE MINDUA: [15:55:15](Interpretation) Thank you very much,
11 Mr courtroom officer.

12 Madam Prosecutor.

13 MS LUPING: [15:55:23]

14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]

18 A. [15:55:49] This movement was set up in Timbuktu. This is based --

19 THE INTERPRETER: [15:56:15] Overlapping speakers.

20 MS LUPING: [15:56:16]

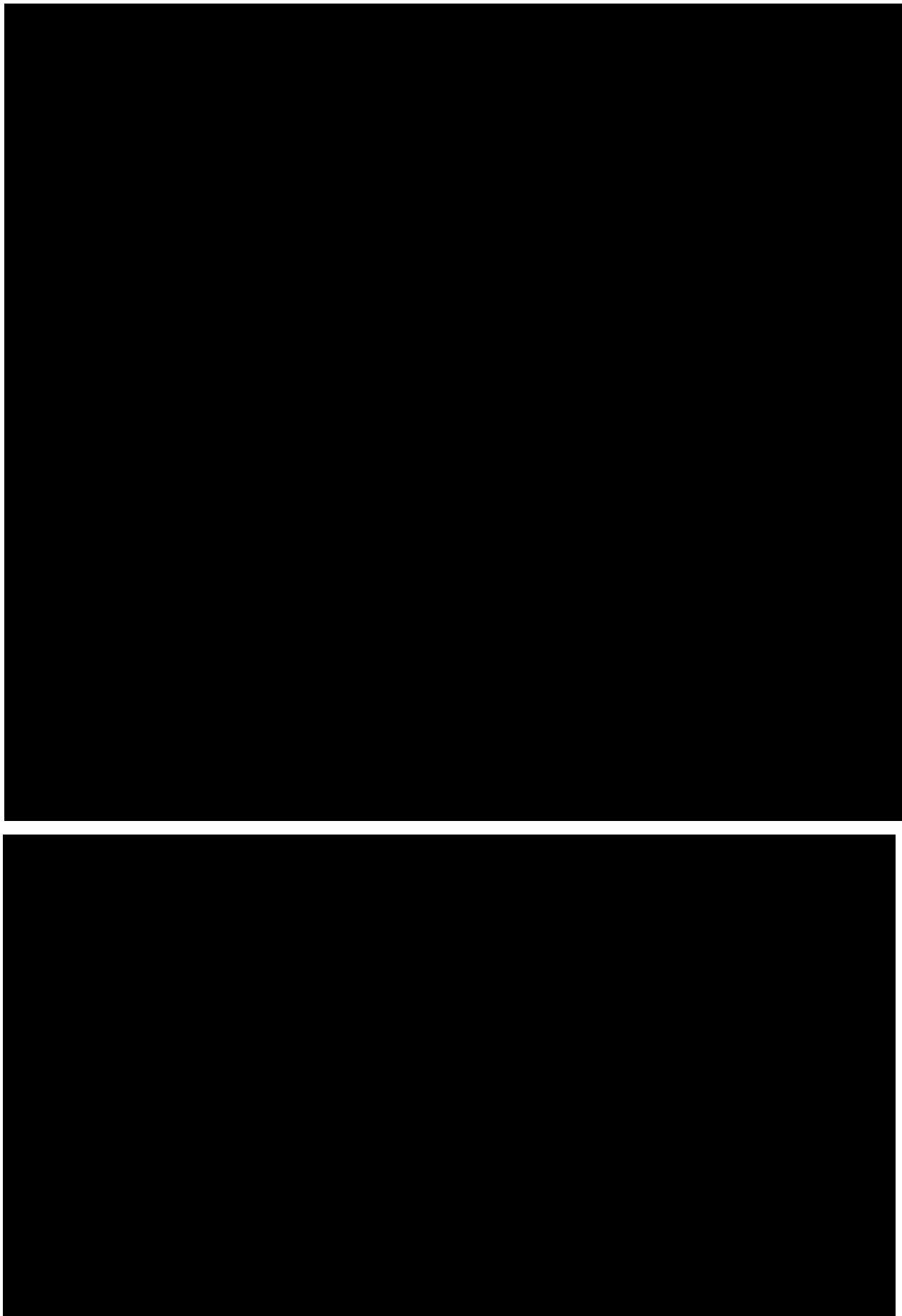
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1 time.

2 PRESIDING JUDGE MINDUA: [15:58:39](Interpretation) Very well. The Chamber
3 is illuminated.

4 We're going to go into open session, Mr courtroom officer, please.

5 (Open session at 3.58 p.m.)

6 THE COURT OFFICER: [15:58:55] We are back in open session, Mr President.

7 PRESIDING JUDGE MINDUA: [15:59:03](Interpretation) Thank you very much,
8 Mr Courtroom Officer.

9 Madam Prosecutor.

10 MS LUPING: [15:59:13] Mr President, it seems I have only time for -- it's only one
11 minute before the session ends. I was switching topics. I can ask one question
12 before the break, as -- it's as you prefer. It's a completely new topic.

13 PRESIDING JUDGE MINDUA: [15:59:33](Interpretation) Very well. So put your
14 question, and then we'll continue tomorrow. Put that first question.

15 MS LUPING: [15:59:42]

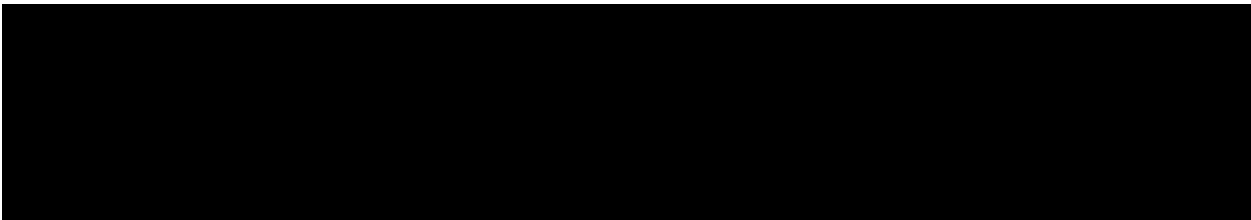
16 Q. [15:59:42] Mr Witness, you described how Abou Dardar was in control at the
17 radio stations, Radio Bouctou and Radio Al Farouk.

18 Could you explain from when he was the one in control at these two radio stations.

19 A. [16:00:06] Well, from the first hours of the occupation, it was Adama who was
20 controlling everything. So over time, things were put in place and the officials were
21 put in position at each level. Now, Abou Dardar, for the private radio, was the first
22 in charge. The media committee was -- the permanent member was Radwan.

23 There was Abou Dardar and Sanda and Oumar all on this media committee because
24 they were expressing themselves on behalf of the movement. And they immediately
25 automatically became members of this media committee.

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PRESIDING JUDGE MINDUA: [16:01:31](Interpretation) Very well, Madam
Prosecutor. It is 16:01. So I think it is time for us to rise for today.
Mr Witness.
THE WITNESS: [16:01:54](Interpretation) Yes, Mr President.
PRESIDING JUDGE MINDUA: [16:01:55](Interpretation) On behalf of the Chamber,
I would like to, once again, very sincerely thank you for having answered these
questions with a lot of clarity and patience.
Unfortunately, your testimony is not yet over. So you shall be back tomorrow at 9.30
a.m. Until then, as you are aware - but I'd like to remind you of it again - you are not
allowed to speak of your testimony to anybody at all, whether it be friends or
members of your family. There we are. Thank you very much.
So all my gratitude, of course, to the parties and the participants, to the court
reporters and to the interpreters, and to our security guards. And to our public who
are always by our side, I thank you very much indeed.
And I wish you all a pleasant evening and see you all again tomorrow morning.
Court is adjourned.
THE COURT USHER: All rise.
(The hearing ends in open session at 4.03 p.m.)
CORRECTIONS REPORT
The following corrections, marked with an asterisk and not included in the
audio-visual recording of the hearing, are brought into the transcript.
Page 25 line 10

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(Open Session)

ICC-01/12-01/18

1 "He would preach to them. He could show his muscles."

2 Is corrected to "He would preach to them instead of showing his muscle."

3 Page 26 line 11

4 "[REDACTED] Is translated and added

5 Page 33 lines 5-6

6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]

10 Page 51 line 21 to Page 52 line 8

11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]

22 [Silence, 00:02:20 - 00:02:39]

23 [00:02:39 End of recording]" Is translated and added

24 Page 56 line 13

25 "Abdel (sic) Kalil, he was." Is corrected to "Kader Kalil was his name."

1 Page 68 line 5

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4 Page 68 lines 6-7"

5 "THE INTERPRETER: [14:57:15] The interpreter missed one name.

6 THE WITNESS: [14:57:19](Interpretation) --" Are deleted

7 Page 70 line 19

8 "THE INTERPRETER: [15:04:25] Inaudible " Is deleted

9 Page 70 lines 19-20

10 "A French/Senegal citizen." Is corrected to "That is Abdrahamane,. He was a

11 French/Senegalese citizen who was working for the Islamic Police."

12 Page 72 lines 17-18 Is corrected to Page 72 line 17 to Page 73 line 2

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14 Is corrected to

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(Open Session)

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1 Page 73 line 11

2 "THE INTERPRETER: [15:10:48] The witness speaks Arabic.

3 THE WITNESS: [15:10:51](Interpretation)" Are deleted

4 Page 73 lines 10-12

5 "That's not the emblem. It's just -- it's written --" Is corrected to

6 "That's not the emblem of... It's just -- it reads, "la ilaha ila Allah". That's..."

7 Page 76 line 20

8 [REDACTED]
9 [REDACTED]

10 Page 77 lines 9-12

11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]

18 Page 77 lines 17-19

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

24 Page 81 lines 15-17 Is corrected to Page 81 line 15 to Page 84 line 20

25 [REDACTED]

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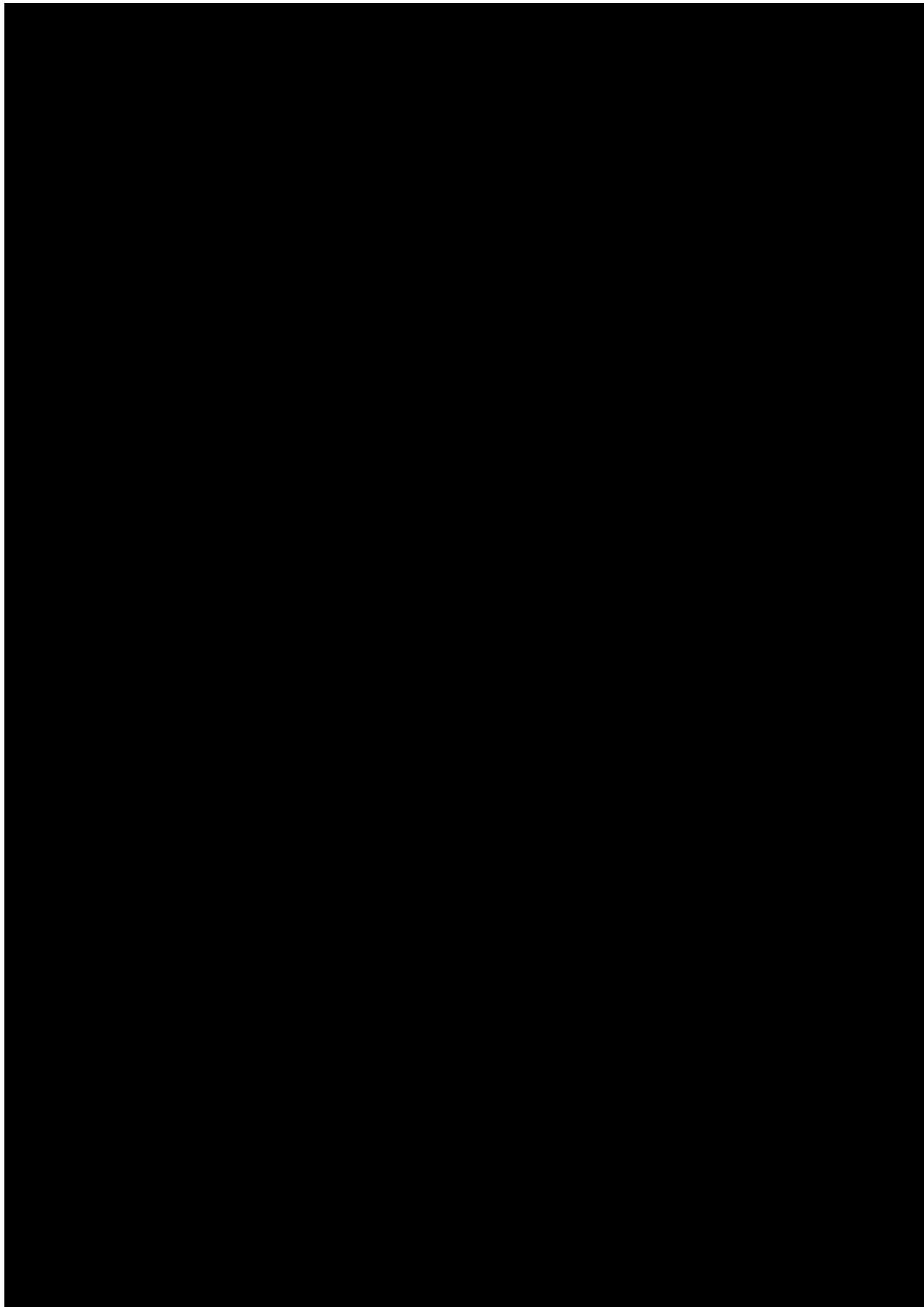
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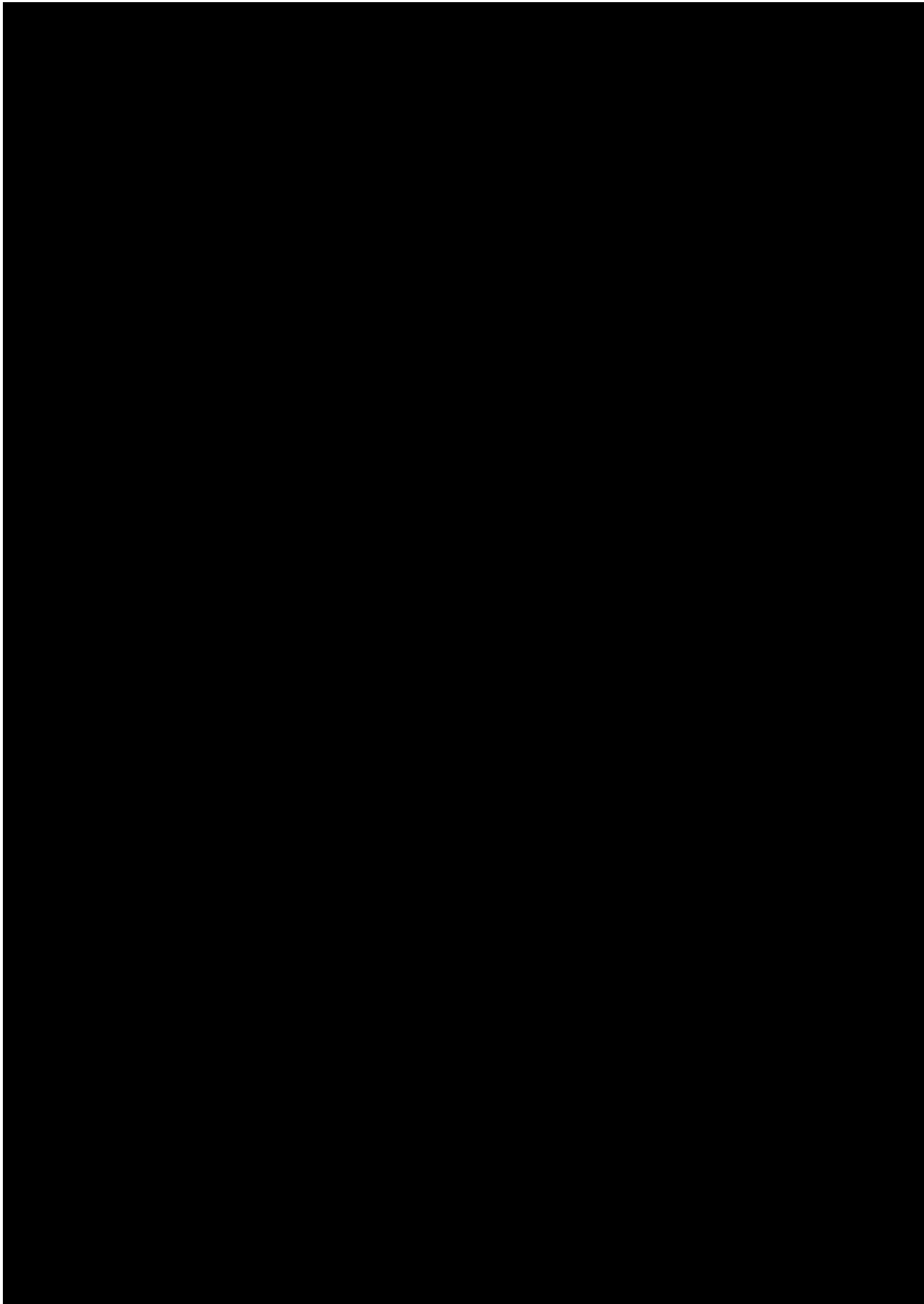


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