

Trial Hearing
WITNESS: MLI-OTP-P-0638

(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 1
9 Monday, 7 December 2020
10 (The hearing starts in open session at 9.31 a.m.)
11 THE COURT USHER: [9:31:26] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE MINDUA: [9:31:52](Interpretation) Court is now in session.
15 Good morning to everyone.
16 Court officer, would you be so kind as to call the case.
17 THE COURT OFFICER: [9:32:05] Thank you, Mr President.
18 The situation in the Republic of Mali, in the case of The Prosecutor versus Al Hassan
19 Ag Abdoul Aziz Ag Mohamed Ag Mahmoud, case reference ICC-01/12-01/18.
20 And for the record, we are in open session.
21 PRESIDING JUDGE MINDUA: [9:32:25](Interpretation) Thank you very much.
22 As usual, we are going to start with the appearances, starting with the Office of the
23 Prosecutor.
24 Mr Allafi, please.
25 MR ALLAFI: [9:32:41](Interpretation) Good morning, your Honour, your Honours.

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1 The team of the Office of the Prosecutor has not changed, Paola Sacchi, Gilles Dutertre
2 and Lucio Garcia and myself, Mousa Allafi. Thank you.

3 PRESIDING JUDGE MINDUA: [9:33:02](Interpretation) Thank you very much,
4 Mr Allafi.

5 Ms Taylor.

6 MS TAYLOR: [9:33:09] Good morning, Mr President. Good morning,
7 your Honours. Good morning, everyone in the courtroom. The Defence for
8 Mr Al Hassan is represented today by Ms Kirsty Sutherland, Ms Sarah
9 Marinier-Doucet, Ms Dolly Chahla and myself, Melinda Taylor. Thank you.

10 PRESIDING JUDGE MINDUA: [9:33:28](Interpretation) Thank you very much,
11 Ms Taylor.

12 Legal Representative of Victims.

13 Mr Nsita.

14 MR LUVENGIKA: [9:33:34](Interpretation) Good morning, your Honour. Good
15 morning, your Honours.

16 The legal representatives team is composed of Claire Laplace and myself, Fidel Nsita
17 Luvengika. Thank you.

18 PRESIDING JUDGE MINDUA: [9:33:52](Interpretation) Thank you, Mr Nsita.

19 This morning we are going to continue with the hearing of the 19th Prosecution
20 witness, this is Witness P-0638.

21 I'm now turning towards the witness.

22 Good morning, Witness. Can you hear me?

23 WITNESS: MLI-OTP-P-0638 (On former oath)

24 (The witness speaks French)

25 THE WITNESS: [9:34:19] Good morning, your Honour. The witness is present.

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1 PRESIDING JUDGE MINDUA: [9:34:26](Interpretation) Thank you very much,
2 Witness.

3 On behalf of the judges of the Chamber, I would like to welcome you once again.

4 THE WITNESS: [9:34:33](Interpretation) Thank you. Thank you.

5 PRESIDING JUDGE MINDUA: [9:34:35](Interpretation) I'm going to remind you
6 that you are still under oath and that you must tell the truth, the whole truth and
7 nothing but the truth.

8 THE WITNESS: [9:34:52](Interpretation) Solemn undertaking ...

9 THE INTERPRETER: [9:34:53] Reads the witness.

10 PRESIDING JUDGE MINDUA: [9:34:54](Interpretation) No, no, no. Are you
11 getting the interpretation? Because I'm getting it back. As we speak the same
12 language, please could you try to observe a break every time.

13 THE WITNESS: [9:35:11](Interpretation) Yes.

14 PRESIDING JUDGE MINDUA: [9:35:13](Interpretation) Please doesn't answer
15 directly, because there's the interpreting, so you need to wait every time. Please try
16 to count up to three in your head before answering.

17 I think that everything has been addressed now.

18 So we're going to continue with the examination-in-chief carried out by the Office of
19 the Prosecutor and I'm going to pass over to Mr Allafi to follow up on his questions.
20 Very well.

21 THE WITNESS: [9:35:59](Interpretation) Very well.

22 PRESIDING JUDGE MINDUA: [9:36:00](Interpretation) Prosecutor.

23 MR ALLAFI: [9:36:02](Interpretation) Thank you, your Honour.

24 Before starting with my questions, I would like to address you, your Honours, to say
25 that I am very aware of the protective measures that you mentioned on Friday, but

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1 I'm also aware of the issue of the publicity of proceedings. And as we said on Friday,
2 it's important that this -- we deal with details in private session, but our public is
3 present and they also need to be able to follow.

4 So I will make an effort to manage my questions such to ensure that we do what's
5 necessary in private session such that, once again, the public can follow us and that it
6 won't all be in private session and, as such, I hope that will be acceptable to you,
7 your Honour.

8 PRESIDING JUDGE MINDUA: [9:37:08](Interpretation) I'm certainly in agreement
9 with that. The Chamber is aware of your efforts. Thank you very much.

10 MR ALLAFI: [9:37:14](Interpretation) Thank you, your Honour.

11 QUESTIONED BY MR ALLAFI: (Continuing)

12 Q. [9:37:21] Good morning, Witness.

13 A. [9:37:24] Good morning.

14 Q. [9:37:25] How are you this morning?

15 A. [9:37:26] Very well, thank you.

16 Q. [9:37:31] Witness, I'm now going to take up from where we stopped on Friday.

17 And we were speaking about life in Timbuktu before and after, before the arrival of
18 the Islamists and Ansar Dine and after the arrival. And I'm now going to continue in
19 open session and, therefore, once again, I would kindly ask you not to give personal
20 details and, if you do, please give me a sign and I will ask for leave to go into private
21 session.

22 Now, my first question today concerns a point that you mentioned on Friday. And
23 in French transcript, number 55 (sic), it's page 55, line 8, and so it's related to music
24 and the fact that you played or one would play music or listen to music, or dance, for
25 example.

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1 How was that prior to the arrival of the Islamists and Ansar Dine in Timbuktu?

2 THE INTERPRETER: [9:38:53] Page 57, line -- transcript 57, pages 55, lines 8.

3 THE WITNESS: [9:38:53](Interpretation) Well, I'm going to say that before
4 the arrival ...

5 MR ALLAFI: Q. [9:38:57] Yes, before the arrival?

6 A. [9:38:59] Well, before the arrival of the Islamists, we had radios which played
7 music on every day, every evening. We had discotheques. There were marriages,
8 there were baptisms, music would be played there, too. And there were festivals in
9 the desert as well, where all the major artists from all over the world were invited to
10 play their music, 70 kilometres from Timbuktu, and there were festivals within
11 the town.

12 Now, when it comes to music, the music in Timbuktu - all the time we were listening
13 to music every day - there was Radio Lafia, Radio Jamana, Radio Al Farouk, Radio
14 Al Fayda, Radio Tahanint, Radio ORTM as well. All these different radio stations
15 play music. They have events in Tamasheq, in Arabic, in Songhai, in Bambara, in
16 French and English. You have different events. Sometimes you'll have a presenter
17 who will present traditional music and they will inform people about traditional
18 Tuareg music, and some people come to play traditional music, Songhai music, and
19 there are others who come to play traditional Bambara music, and you'll have other
20 people who come to play international music.

21 There are hip-hop events. There are lots of different events, musical events that
22 people listen to. That's part of our daily life and that helps us forget a lot of different
23 things, because when you listen to music, the music gives you advice and, in our
24 tradition that exists, it's part of our tradition.

25 Q. [9:41:15] Thank you very much for these explanations that you gave us.

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1 Everything that you've just said was -- well, did that continue after the arrival of
2 the Islamists and Ansar Dine? After their arrival, was it the same thing?

3 A. [9:41:35] When the Islamists arrived. I haven't understood.

4 Q. [9:41:41] Everything that you've just said with regards to music, festivals,
5 different types of music and what you did in Timbuktu prior to the arrival of the
6 Islamists, all that, was it the same or did it change after the arrival of the Islamists and
7 Ansar Dine?

8 A. [9:42:02] When they arrived, they condemned all of that.

9 Q. [9:42:09] Thank you. Witness, just a last question on this subject, but please,
10 this is a general question, so please don't give me personal information in this regard.

11 * Once again, this is a subject that you mentioned last Friday in the French transcript
12 57, 55, line 9, page 68, line 9 as well. So, in French, so you said about consuming
13 alcohol. So my question, what was the relationship like with alcohol prior to
14 Ansar Dine and afterwards, what was it like?

15 *[9:42:55] Well, there were hotels in Timbuktu and there were bars. Now, where it
16 concerned alcohol, you had the French hotel, which is at the entrance, which had just
17 been finished before their arrival. It was damaged as well. There was Hotel Bouctou,
18 there was Hotel Colombe, and there was Sahara Passion, which was a hostel. There
19 was Amana, there was Kaleme, which was a nightclub, there was the Paillote
20 nightclub. There were people's homes, there were many places where alcohol wasn't
21 even prohibited. There were even places you could go to and pay, you would go
22 there, you could do whatever you wanted. If you wanted to drink, you could drink.
23 If you didn't want to drink, you didn't have to drink. There were major figures in
24 Timbuktu, great imams, prominent people even, and if you drank, they didn't do
25 anything to you. That was all. That was before.

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1 Q. [9:44:02] So my usual question in this regard: Now, what was it like after
2 the arrival of the Islamists? Did it change?

3 A. [9:44:11] All these places were set on fire. They were burnt down. They burnt
4 all the bars. Burnt down all the bars. It was forbidden, prohibited.

5 Q. [9:44:27] And, Witness, with regards to these questions, now you're saying that
6 they burnt them down, so how do you know that?

7 A. [9:44:41] Well, in a place you could walk past, you knew that it was -- it had
8 been burnt down. You could see that it was black. There was smoke coming out of
9 it. * All that, I walked past all that, I saw that there was smoke everywhere, and then
10 the entire city as well, everything they did, they didn't even hide it from the
11 population. And also in the entire town, everything that they did, they didn't even
12 hide it from the population. They set these places on fire.

13 Q. [9:45:09] Thank you. When you say "they", who are "they" you're referring to?

14 A. [9:45:15] That's the mujahideen. The mujahideen burnt everything, because
15 when I say mujahideen, I mean Islamists in general, Ansar Dine, MUJAO, AQMI or
16 AQIM. There are lots of different groups and it was -- afterwards, it was Ansar Dine,
17 MUJAO, AQIM.

18 Q. [9:45:50] Thank you. And this is a usual question, but I have to ask it anyway,
19 how do you know that they were the mujahideen? The Islamists who did that, how
20 do you know that?

21 A. [9:46:03] Well, they -- who burnt the bars before? Nobody burnt any bars
22 before. Nobody did.

23 Q. [9:46:15] Thank you. I've finished with this line of questioning concerning life
24 beforehand and afterwards and I'm now going to continue with regard to what you
25 said on Friday in the French transcript 57, 63, lines 13. Now, in answer to a question

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1 about who was governing and controlling the region of Timbuktu, and you said that
2 it was Ansar Dine a hundred per cent. Now, according to you, Witness, who was
3 the chief of Ansar Dine, the person who governed after the departure of the MNLA?

4 A. [9:47:03] The chief -- you said not to give names.

5 Q. [9:47:14] You can just give me, if you know, the name of the leader of
6 Ansar Dine, just that. And afterwards we can go into private session, if there's
7 a need to do so.

8 A. [9:47:29] The leader of Ansar Dine, I heard it was Sanda. Sanda was the chief
9 or leader of Ansar Dine.

10 Q. [9:47:39] And what did you hear about him?

11 A. [9:47:45] Well, he spoke -- he was the person who you saw in the leadership
12 position because he was the one who was close to the major leaders, but he was
13 the person who was the second leader, if you like, the spokesperson. He was the one
14 who used to speak -- he would speak. That's -- that's it.

15 Q. [9:48:28] Thank you. When you said he was the one who would speak, what
16 does that mean?

17 A. [9:48:34] That means when there were events, he was the first person who
18 the people in Timbuktu heard speak. Even if they had Sharia, he would come to
19 speak in Timbuktu, because he speaks Arabic and he speaks Songhai as well.

20 Q. [9:49:05] Thank you. And when he spoke, could you give examples? What did
21 he speak about?

22 A. [9:49:16] He said that Islam -- he would speak about Islam. When they cut
23 the hand off somebody, he was saying, "Somewhere I have seen where a thief is burnt,
24 set on fire. What we've done, the jihadists, have cut the hand of this person." He
25 would speak and speak. And if there was a journalist who was there, he would

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1 come to where the journalist was and he would speak to the journalist. That's
2 the way it went.

3 Q. [9:50:06] Now, what you just mentioned, you mentioned that they cut
4 somebody's hand off, that's an issue I'm going to come back later -- to later, but did
5 you hear that yourself? Did you hear him speaking about it?

6 A. [9:50:22] Yes, I heard him. Yes, myself. I heard him talking about that myself.

7 Q. [9:50:28] Thank you, Witness.

8 Witness, are you able to say where you heard that, for example?

9 A. [9:50:50] Yes, I heard that [REDACTED]

10 [REDACTED]

11 Q. [9:51:05] Thank you very much. We're going to redact that.

12 Thank you, Witness. * Your Honours, I'd like to go into private session for one or two
13 questions.

14 PRESIDING JUDGE MINDUA: [9:51:24](Interpretation) Court officer, could you
15 take us into private session, please.

16 (Private session at 9.51 a.m.)

17 THE COURT OFFICER: [9:51:41] We're in private session, Mr President.

18 PRESIDING JUDGE MINDUA: [9:51:43](Interpretation) Thank you very much.

19 Mr Prosecutor.

20 MR ALLAFI: [9:51:49](Interpretation) Thank you very much, your Honour.

21 Q. [9:51:53] Witness, [REDACTED] Now, before going
22 into details about [REDACTED] did you see Sanda? Did you speak to him?
23 Did you know him?

24 A. [9:52:14] I saw him. [REDACTED]

25 [REDACTED]

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[REDACTED]
[REDACTED] Before Timbuktu, there were bars, there was music, there were people who didn't respect their parents. Young people were smoking, drinking, but everything has stopped now [REDACTED] That was before. [REDACTED]
start to speak, speak, speak and speak. That's it.

Q. [9:53:23] Thank you. Now, you mentioned the fact that he said that there are things [REDACTED] Are you able to tell the Chamber what these things are?

* A. [9:53:40] No, it was... it was language. They said that it was forbidden. Even me... because they even said to me, "You have to know how to speak." They threatened me. [REDACTED] They said to me, "You have to be careful. You have to know what you are saying." That's the way it was. He said, [REDACTED]

Q. [9:54:30] Thank you.

MR ALLAFI: [9:54:35](Interpretation) Your Honour, I can go back into open session.

PRESIDING JUDGE MINDUA: [9:54:43](Interpretation) Can you take us into open session, please.

(Open session at 9.54 a.m.)

THE COURT OFFICER: [9:54:53] We are back in open session, Mr President.

PRESIDING JUDGE MINDUA: [9:55:00](Int.) Thank you very much. Prosecutor.

MR ALLAFI: [9:55:03](Interpretation) Thank you, your Honour.

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1 Q. [9:55:07] We are in open session once again, so you know the instructions in this
2 regard.

3 A. [9:55:17] Yes, I'm learning.

4 Q. [9:55:22] I'm there to remind you of it, so there won't be any problems. We're
5 now going to go back to what we were speaking about earlier, the Islamists and
6 Ansar Dine.

7 Now, Witness, to the best of your knowledge, were there people from Timbuktu who
8 joined Ansar Dine and the Islamists?

9 * A. [9:55:46] In Timbuktu, we saw our own brothers who joined them, our own
10 brothers. They joined the Islamists. The Islamists came, they were intelligent, they
11 used our brothers against us, and that's what hurt us. We were crying, our own
12 brothers were against us. The Bella, the Songhai, the Tuareg, the Arabs. Yes.

13 Q. [9:56:18] Thank you. Did you have friends who joined the group?

14 A. [9:56:29] I didn't have friends in the group. [REDACTED]

15 [REDACTED] who joined the group.

16 Q. [9:56:40] [REDACTED] ?

17 Do you have names?

18 A. [9:56:51] Yes.

19 MR ALLAFI: [9:57:00](Interpretation) Your Honour, I'm sorry, but I'll need to go
20 into private session.

21 PRESIDING JUDGE MINDUA: [9:57:05](Interpretation) Court officer, private
22 session, if you'd be so kind.

23 (Private session at 9.57 a.m.)

24 THE COURT OFFICER: [9:57:14] We are in private session.

25 PRESIDING JUDGE MINDUA: [9:57:19](Interpretation) Thank you very much.

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1 Prosecutor.

2 MR ALLAFI: [9:57:21](Interpretation) Thank you, your Honour.

3 Q. [9:57:25] Witness, we're in private session, so you can speak. You spoke about

4 [REDACTED] they joined the group. Could you tell the

5 Chamber, if you know, who these people were?

6 A. [9:57:42] Al Hassan [REDACTED] Houka Houka [REDACTED] they're his

7 children [REDACTED]. They're in it as well.

8 Q. [9:57:58] Very well.

9 Witness, you said Al Hassan, do you know his full name?

10 A. [9:58:21] Al Hassan Ag Abdoul Aziz.

11 [REDACTED]

15 Q. [9:59:02] Witness, I'm going to ask you to write the name you've just said.

16 So if the court officer would be so kind as to assist us.

17 PRESIDING JUDGE MINDUA: [9:59:11](Interpretation) Court officer.

18 THE WITNESS: [9:59:55](Interpretation) * That's the name.

19 PRESIDING JUDGE MINDUA: [9:59:59](Interpretation) Yes, please write the name.

20 Could we have a look at that now on which channel?

21 I think we have a technical glitch.

22 THE COURT OFFICER: [10:02:50] Indeed, Mr President, we are not getting any
23 signal from the retroprojector, I would suggest the court usher to show the document
24 to parties and participants.

25 PRESIDING JUDGE MINDUA: [10:03:02](Interpretation) Yes. The document can

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1 be shown to the parties and participants and it can be registered.

2 THE COURT OFFICER: [10:03:09] Yes, the document will bear the number

3 MLI-REG-0001-0016.

4 PRESIDING JUDGE MINDUA: [10:04:31](Interpretation) Very well.

5 Mr Prosecutor.

6 MR ALLAFI: [10:04:34](Interpretation) Thank you very much, your Honour.

7 Q. [10:04:41] Mr Witness, you say that you know Al Hassan [REDACTED]

8 [REDACTED] Do you see Al Hassan? Did you see him before

9 the arrival of the Islamists?

10 A. [10:04:59] Before, yes, before.

11 Q. [10:05:02] How many times did you see him?

12 A. [10:05:05] Many times.

13 Q. [10:05:12] Have you ever spoken to him?

14 A. [10:05:14] No.

15 Q. [10:05:21] And given that you've seen him several times, are you in a position to

16 tell me what he was doing for a living and what * he was like before he joined the

17 group?

18 A. [10:05:36] Before, I don't know what he did. But I do know he did study the

19 Koran. He knows how to read and write. That's all I know. Because his father,

20 * Abdoul Aziz, taught the Koran a lot to the children [REDACTED] All the children

21 [REDACTED] would go to learn the Koran from his father. Many children, many.

22 Q. [10:06:12] Thank you.

23 And you say that you saw him many times. Do you remember where?

24 A. [10:06:20] In Timbuktu [REDACTED]

25 [REDACTED]

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1 Q. [10:06:44] Under what circumstances did you see him?

2 A. [10:06:49] * I saw him when he was young. And then, when I saw him again, he
3 was young. He was very young. He had a DT (phon) motorcycle. And it was a
4 friend [REDACTED] Because I ... we had a little

5 [REDACTED]
6 That was before the occupation. We would listen to music, we would drink. Well, I
7 could not go into the family home, because the elderly are there. It's true, I would
8 drink, but I respect the elders. I can't enter into their family home. I can drink when
9 it's my family and greet them, [REDACTED] I go to the grin. And at
10 the grin, we drink. I can't enter the home of the elderly, that's all. For the rest, I don't
11 know him well [REDACTED]
12 [REDACTED] that's all.

13 Q. [10:08:00] Thank you, Mr Witness.

14 And you mentioned Al Hassan and you said he was one of the people who joined
15 the group. How did you know that?

16 A. [10:08:14] We saw him.

17 Q. [10:08:17] Where?

18 A. [10:08:18] I saw him at the BMS.

19 Q. [10:08:25] Very well. I'd like to go back to that point in a few moments, but
20 first, what did he do within this group? You say that you joined the group, but what
21 did he do inside the group?

22 A. [10:08:41] I don't know what he was doing, because I didn't know what his work
23 was. But if you join the Islamists, you become an Islamist. That's how it is.

24 Q. [10:09:03] You say that you saw him at the BMS. Could you tell us what he
25 was doing there?

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1 A. [10:09:14] * The first day that I saw him, he was there, standing, he wasn't
2 wearing a vest, he wasn't wearing Islamist style of clothing. It was later that I saw him
3 in this Islamist-style clothing.

4 Q. [10:09:34] You say that you saw him wearing Islamist clothing. What does that
5 mean?

6 A. [10:09:43] It means the Islamists have their own style of dressing. They have
7 small pieces of material, often yellow, or yellowish, and they have blue vests that they
8 wear and they have weapons. And their trousers are cut short at the bottom.

9 Q. [10:10:08] And when did you see him?

10 A. [10:10:11] At the time of the occupation. And after two weeks, I saw him then.
11 He was wearing Islamic clothing. It really surprised me. It really surprised me.

12 Q. [10:10:30] Thank you. And you say that you saw him the first time at the BMS,
13 and when was that?

14 A. [10:10:40] The first day, the -- I think the third day that the Islamists had arrived
15 in Timbuktu, the third or the fourth day after they arrived. He was not wearing
16 Islamist clothing at that time.

17 Q. [10:11:08] Thank you, Mr Witness.

18 And then after that, you were there during that period of time. To the best of your
19 knowledge, do you know whether he had a particular position or duties?

20 A. [10:11:23] No. I don't talk with those people. I didn't know what they did for
21 a living. But I did know that he was someone who read the Koran, because his
22 father was a great teacher and taught the Koran to the children. So I do know he
23 read the Koran. But the kind work he did or what he did, well, there's not really
24 links between the two of us. We've never sat down and chatted about life or
25 anything like that.

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1 Q. [10:12:02] Thank you. You mentioned after. Now, if you know, or if you're in
2 a position to tell us whether he had a role within the Ansar Dine group, whether he
3 had a particular position?

4 A. [10:12:20] Oh, yes, that --

5 PRESIDING JUDGE MINDUA: [10:12:25](Interpretation) Ms Taylor.

6 MS TAYLOR: [10:12:25] I do believe this is the third time this question has now been
7 asked. And in relation to the first time, we did actually get a specific response from
8 the witness, and, I don't know if I should say it in front of the witness or if we can
9 turn off the French translation, but he did actually give a very explicit response,
10 saying he didn't know what his work was.

11 PRESIDING JUDGE MINDUA: [10:12:49](Interpretation) It's not -- you are correct,
12 it's not the -- no point in continuing. You've put the question two or three times,
13 counsel.

14 MR ALLAFI: [10:13:07](Interpretation) Your Honour --

15 PRESIDING JUDGE MINDUA: [10:13:13](Interpretation) Yes.

16 MR ALLAFI: [10:13:14](Interpretation) Now I'm not sure whether he can hear all of
17 this or not.

18 THE WITNESS: (Interpretation) The witness is a little bit lost. Are you talking
19 about before the occupation or during the occupation?

20 PRESIDING JUDGE MINDUA: [10:13:33](Interpretation) Mr Prosecutor, what is
21 your question now?

22 MR ALLAFI: [10:13:37](Interpretation) My question is this, after the arrival of
23 the Islamists, he said that Al Hassan joined the group. With that group, does
24 the witness know whether or not Al Hassan had a role or a particular position in
25 the group.

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1 So the witness talked about before and then he was beginning to answer.

2 PRESIDING JUDGE MINDUA: [10:14:03](Interpretation) Ms Taylor.

3 MS TAYLOR: [10:14:04] Mr President, at page 17 of the French transcript, at lines 13
4 to 15, it was quite clear that the witness was referring to afterwards. And it was then
5 that the Prosecutor asked the same question for the second time, where the witness
6 thought he was talking about beforehand, because he'd already answered
7 the question about afterwards. And now this is the third time the Prosecutor is
8 essentially asking the same question.

9 So, on page 17, we do have a clear question and answer that concerns what
10 Mr Al Hassan was doing afterwards when he joined the Islamists. If I can refer to
11 you lines 9 to 15 of page 17 of the French transcript.

12 PRESIDING JUDGE MINDUA: [10:15:11](Interpretation) I believe we can move on
13 to something else.

14 I am looking at the transcript and I see that the witness has responded.

15 MR GARCIA: [10:15:22](Interpretation) If you look, the Defence interrupted in
16 the middle of the --

17 PRESIDING JUDGE MINDUA: [10:15:28](Interpretation) Where?

18 MR GARCIA: [10:15:30](Interpretation) If you look at page 18, the question, line 26
19 and at 19, 1902, the answer:

20 "Yes, the moment ... all of Timbuktu ..." and that is the point in time when the Defence
21 spoke. Then the witness said to us he had not understood the question.

22 It seems to me, the least we can do, to be fair to the witness, we should at least allow
23 him to finish his reply. Page 18, lines 26, that is where the question was put more
24 clearly. Page 19, we see the answer: "Yes, the time when all of Timbuktu --" and
25 then there was the interruption when Ms Taylor rises to object.

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1 I don't think it's quite -- it's very clear. The witness is entitled to finish his answer.

2 He is entitled to speak.

3 PRESIDING JUDGE MINDUA: [10:16:30](Interpretation) Well, we are going to
4 allow the witness to respond one final time.

5 Mr Prosecutor, please put an open-ended question to the witness so he can reply.

6 MR ALLAFI: [10:16:40](Interpretation) Thank you.

7 Q. [10:16:41] Mr Witness, could you tell the Chamber what Al Hassan was doing
8 within the Ansar Dine group and amongst the Islamists? Do you know whether he
9 had a particular position?

10 A. [10:16:59] He was the Islamic commissioner. * He managed the BMS after the
11 gouvernorat.

12 THE INTERPRETER: [10:17:04] Inaudible.

13 MR ALLAFI: [10:17:11]

14 Q. [10:17:11] And how do you know that, Mr Witness?

15 A. [10:17:13] I heard that. I heard that. Everyone in Timbuktu was saying that
16 * Al Hassan had replaced a Chadian by the name of Adam. Some people said that he
17 was from Mauritania. Others said he was Chadian.

18 THE INTERPRETER: [10:17:42] Inaudible.

19 MR ALLAFI: [10:17:44]

20 Q. [10:17:44] Thank you, Mr Witness.

21 I will return to this point and explore it in greater detail. But you also mention

22 Houka Houka, and you say that he joined the group, he and his children [REDACTED]

23 [REDACTED]

24 Let us begin [REDACTED]

25 [REDACTED]

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1

2

3 come from two large families, and these two large families, also have the same mother
4 and the same father. That's the Kel Ansar. In the Kel Ansar there's a first group,
5 there's a second group and then a third group. That's the Kel Ansar.

6

That's it.

7 Q. [10:18:59] Did you see him in Timbuktu?

8 A. [10:19:03] * Yes, he was at Bahadou school, where I went to school myself. He
9 taught Arabic at Bahadou school a long, long time ago. And he too... I would go to his
10 house, to tell you the truth. I would go to his house. Because there is Amanar (phon),
11 and Sahara Passion (phon), as it is Abaradjou, it is the Abaradjou neighbourhood.

12 Sometimes I would go I
13 would go to his house and I would see those people studying the Koran each day,
14 each morning. That's it.

15 Q. [10:19:54] * Q. [10:19:54] And have you spoken to Houka Houka?

16 A. [10:19:57] Houka Houka, yes. I have spoken to Houka Houka since I was a child.
17 Yes.

18 Q. [10:20:10] You say that his children joined the group as well, how do you know
19 that?

20 A. [10:20:16] I would see them, his children, I would see them. I myself saw them on
21 motorcycles or walking and they were armed. I saw them myself.

22 Q. [10:20:31] And do you know the names of these children?

23 A. [10:20:34] No, I don't know their names. I don't know their names.

24 Q. [10:20:45] Do you know what they were doing with the Islamists?

25 A. [10:20:50] They were only part of the police. They had vests with "Islamic

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1 police" written on the back in Arabic and in French. We would try to read what was
2 in French, we would see "Islamic police". That's all.

3 MR ALLAFI: [10:21:15](Interpretation) Your Honour, I'll continue in open session,
4 but I should mention to the witness that we are going to go back into open session
5 and thus no identifying details.

6 PRESIDING JUDGE MINDUA: [10:21:25](Interpretation) Courtroom officer, open
7 session, please.

8 (Open session at 10.21 a.m.)

9 THE COURT OFFICER: [10:21:35] We are in open session, Mr President.

10 PRESIDING JUDGE MINDUA: [10:21:40](Interpretation) Thank you very much.
11 Mr Prosecutor.

12 MR ALLAFI: [10:21:42](Interpretation) Thank you, Mr President.

13 Q. [10:21:48] Mr Witness, we are in open session so we will keep it brief and avoid
14 mentioning personal details.

15 * Now, did you see Houka Houka after the arrival of the Islamists?

16 A. [10:22:06] * At the time of arrival? I saw him at the tribunal, yes at hotel La
17 Maison, where they said the tribunal was. I saw him there, yes, at hotel La Maison I
18 would see him during the Sharia. Everyone was wearing masks, but not him. He
19 didn't even wear a turban.

20 Q. [10:22:41] Thank you, Mr Witness.

21 Do you know other people who joined the Ansar Dine group?

22 A. [10:22:50] No, other than the people I mentioned, no. Other than them, I don't
23 know anyone else who joined the group, apart from a young [REDACTED]
24 (phon.). [REDACTED] is my relative, he is now also in Goundam. He is a

25 [REDACTED]

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1 Q. [10:23:14] I think I'll have to ask you to stop there and we'll go back, back into
2 closed session.

3 PRESIDING JUDGE MINDUA: [10:23:23](Interpretation) Closed session, please.

4 THE INTERPRETER: [10:23:24] Correction: Private session, please.

5 (Private session at 10.23 a.m.)

6 THE COURT OFFICER: [10:23:33] We're in private session, Mr President.

7 PRESIDING JUDGE MINDUA: [10:23:41](Interpretation) Thank you very much.

8 Mr Prosecutor.

9 MR ALLAFI: [10:23:44](Interpretation) Thank you, your Honour.

10 Q. [10:23:46] Yes, go on, you may speak.

11 A. [10:23:49] * [REDACTED] left for

12 Essakane. Essakane is 70 kilometres from Timbuktu. He came and left for the

13 Sahara. His father died years ago. He came and joined the Jihadists. He is the one who

14 came and spoke to me [REDACTED] where I was even before getting to the place where

15 the BNDA bank is. Just before the entrance, there is the civil protection, on the right

16 there was a small place [REDACTED]

17 [REDACTED]
18 (phon) came up to me and said "You must join, you must defend Jihad." I said: "I'm

19 not ready. I'm not ready." That's all. And then after, he left. I don't even know where

20 he is.

21 Q. [10:24:57] * Thank you. Do you know the full name of your friend [REDACTED]

22 (phon)?

23 A. [10:25:13] [REDACTED]

24 [REDACTED]

25 Q. [10:25:20] Thank you, Mr Witness.

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- 1 Your Honour, if we could go back into open session.
- 2 PRESIDING JUDGE MINDUA: [10:25:25](Interpretation) Open session, please.
- 3 Mr Prosecutor, would you like the witness to jot down the name of the person who
- 4 was just mentioned?
- 5 Courtroom officer.
- 6 THE COURT OFFICER: [10:25:53] Shall we remain in private session, Mr President?
- 7 PRESIDING JUDGE MINDUA: [10:26:00](Interpretation) I think we need to be in
- 8 private session to jot down a name.
- 9 Courtroom officer, do we need to be in private session? What is your position?
- 10 THE COURT OFFICER: [10:26:13] We do not need to remain in private session. If
- 11 the document will be shown, it won't be shown to the public.
- 12 PRESIDING JUDGE MINDUA: [10:26:25](Interpretation) Excellent. The witness
- 13 will write down the name and then we will go into open session and the document
- 14 will not be shown to the public, of course.
- 15 (Open session at 10.26 a.m.)
- 16 THE COURT OFFICER: [10:26:49] We are in open session, Mr President.
- 17 PRESIDING JUDGE MINDUA: [10:26:51](Interpretation) Thank you very much,
- 18 courtroom officer.
- 19 Prosecutor.
- 20 Courtroom usher, if you could just show the document to parties and participants.
- 21 And to the Chamber. And not to the public.
- 22 THE COURT OFFICER: [10:27:33] The document will bear the number
- 23 MLI-REG-0001-0017.
- 24 PRESIDING JUDGE MINDUA: [10:27:47](Interpretation) Thank you very much,
- 25 madam courtroom officer.

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1 Mr Prosecutor.

2 MR ALLAFI: [10:27:58](Interpretation) Thank you very much, your Honour,
3 courtroom usher.

4 We are in open session?

5 PRESIDING JUDGE MINDUA: [10:28:06](Interpretation) Yes.

6 MR ALLAFI: [10:28:09](Interpretation) Very well.

7 Q. [10:28:11] Witness, you say that your friend asked you to join the group and you
8 refused. * Now on Friday you said that you were not working at this time. Why you
9 didn't join the group?

10 A. [10:28:30] That's not -- well, there was no -- if there's work, I'll go work, but I
11 wasn't -- they were just praying. I didn't see myself working. I couldn't see any
12 work within that group that I could do.

13 Q. [10:28:52] Thank you. And you mentioned that some people from Timbuktu
14 joined the group. To your knowledge, why did they join the group?

15 A. [10:29:05] * Most of the people in Timbuktu at the time were hardly earning
16 anything, people were poor. They had nothing, others had nothing. Others returned
17 out of poverty because the Islamists had food. But the city at one point, you see, had
18 nothing. There was nothing. Even if you saw a banknote, you would do nothing, it
19 was as if you didn't see it. People were suffering in the town. That is why some
20 people left to join the Islamists, they thought they would get a lot of money. You see?
21 That's how it was. Yes, it was just poverty that led the people of Timbuktu to join
22 the group, the other side. My father's advice was not to join the Islamists and so I was
23 patient. I just waited. Yes. We stayed and many young people would eat and drink
24 whatever we found to assuage our hunger, we were not going to serve the MNLA or
25 Ansar Dine. I was afraid. I was afraid.

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1 Q. [10:30:46] Thank you, Mr Witness.

2 You were saying that you were afraid, afraid of whom?

3 A. [10:30:53] Of the Islamists. I was afraid of the Islamists. I knew that any time
4 there would be shelling. I knew that because I've travelled. I had studied a bit. I
5 know a little bit about life, even if I don't know everything. People who would come
6 later - and I knew that there would be shelling, bombing, and I was not ready to die at
7 that time for Islam or anything. I am a Muslim person, but I do not take up arms.
8 Because once you take up arms, it's no longer Islam. It's violence. That's -- that's
9 the way it is.

10 And now, what I say to all the people of Timbuktu, all my brothers, truly, it is not
11 good. It is not good. We want peace. All we want is peace.

12 Q. [10:32:23] Thank you, Witness.

13 Witness, these Islamists were Ansar Dine. Are you able, or, according to your
14 knowledge, to say who was training these people?

15 A. [10:32:42] * Yes, they would even train these people. [REDACTED] there
16 was Gaddafi's house. And when you go to the airport, [REDACTED]

17 Q. [10:32:57] Please go -- please continue.

18 A. [10:32:59]] And then you take the road to go to the airport and you go past the
19 doorway, and then you pass the first petrol station, and then the second one, a Total,
20 and -- where the post office is. You go past that, and then there is a dune and a
21 turning to the right and that's where the house that was built by Gaddafi was. And
22 that is where they would train people. And that's something we saw -- [REDACTED]
23 [REDACTED] I can't say
24 what happened in Abaradjou, I don't know what happened in Djinguereber, I don't
25 know what happened in Bellafarandi, I don't know, [REDACTED]

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1 [REDACTED] They pass by. There were Bambara who would come, there were
2 Peul who would come, all sorts of people would come. All sorts of people are there.
3 They speak all sorts of languages.

4 Q. [10:34:11] Thank you, Witness.

5 Now, you said that you saw that there were people who passed by. Do you know
6 these people who passed by? Do you know anyone from these people who passed
7 by?

8 A. [10:34:25] No, no, I don't know anyone. When you are not with them, you
9 don't approach them. If you do, they'll say "What do you want? What are you
10 trying to do?" Because they're astonished that not everybody has joined what -- in
11 with what they're doing and when you approach them, they're going to tell you to go
12 away. They don't even let you approach them in fact. If you're not with them, you
13 don't approach them. You just see them. That's it.

14 Q. [10:35:05] Thank you, Witness. Do you know, Witness, for how long they were
15 training these people?

16 A. [10:35:21] I don't know. I don't know how long they were training them for.
17 I don't know what day they started or what day they finished. I did see them pass
18 by and I heard shots. I heard people firing. I heard shots.

19 Q. [10:35:49] Thank you, Witness.

20 And do you know if these people, when they finished their training, what they did
21 thereafter?

22 A. [10:36:09] I don't know. I don't know that. I don't know what they did.
23 Where are they going to go afterwards? I don't know that. But I do know that
24 every day, the number of Islamists were increasing. There were more every day.
25 To start with it was four to five cars, but afterwards it was increasing all the time.

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1 You saw them going around on motorbikes, on-foot, on cars. At the beginning, there
2 were four or five of them around the BMS.

3 Q. [10:37:02] Thank you, Witness. Do you know, or not, how they were trained?
4 What they did during their training?

5 A. [10:37:15] No. I don't know what they did. They taught people, but I don't
6 know how they did it. We heard there was training, we heard it was there. You
7 also saw people running left and right, but I don't know how they trained them. I
8 wasn't with them to be able to have a lot of information about them.

9 With these people, you don't approach them if you're not with them. We're afraid of
10 them. Others who aren't afraid, who go to get money with them or want to get
11 something from them, they give you something and you leave quickly. If you ask
12 something, if they give it, you leave immediately.

13 You're not going to sit down with them if you're not an Islamist. Either you are
14 going to be taken and detained, and during your stay there you're going to see what's
15 happening in that environment, or you're among them to see what they're doing.

16 What they showed us, outside, not in their houses because when they're in their
17 offices, they're sat down there, they're in those houses there. We don't know what
18 they do there. But when it comes to what they do outside, for example, Sharia, they
19 showed Sharia to everybody. When they saw us filming, they said it wasn't good
20 and so on. But that was outside. But what went on inside, unless you were
21 arrested and taken in, then you wouldn't see it.

22 Unless that happened, you couldn't know what their secrets were. They wouldn't
23 even let you approach them. Never.

24 Q. [10:39:29] Thank you, Witness. I'm now going on to another point. Now, on
25 Friday, page 57 -- transcript 57, page 50, lines 12, you spoke about the museums and

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1 the mausolea, the mosques, [REDACTED]

2 [REDACTED]

3 Now, could you explain to the judges and to the Chamber, briefly, if you know, if
4 these mosques and mausoleum were of importance for the town of Timbuktu and for
5 the population of Timbuktu?

6 A. [10:40:38] * The mausolea, you see, it's called the city of 333 saints. The mausolea,
7 they are saints, they are our descendants, they are the monuments of the city. It's the
8 world heritage of humanity. Every day, they would destroy that. Everybody cried at
9 home because they are our saints. They are our grandparents. The city is known
10 because of it. The saints. The mausolea. That's our history. There are manuscripts
11 which are the heritage of all the inhabitants of Timbuktu. The heritage, the
12 manuscripts that are in our library, that's our heritage, the three mosques. And they
13 broke down the doors of our first mosque, Sidi Yahya. There's a door which has been
14 there for years and years. Nobody touches it. You come and you shoot at it, that hurt
15 us, it's broken. We have our grandparents who rest in peace, you come to destroy it.
16 They worked there, because the mausolea have been there for years and years, for
17 centuries. The oldest ones, they came, they never destroyed them. As for them, they
18 came, took the pickaxes while working. "Allahu Akbar, Allahu Akbar, Allahu Akbar,
19 Allahu Akbar", they would say while they were breaking it down. They spent one
20 day or two days breaking it down. I would say two because it's not easy. The day they
21 broke it down, they saw that they had worked. But the city cried, we cried. It hurt us.
22 That was destroying our history. It hurt all of us in Timbuktu, whether you're a child,
23 whoever you are old, whether you are a woman, whether you are anyone else, the
24 fact that they had destroyed the mausolea, that hurt all of us, because even if tourists
25 were to come, where would you take them? What history can we show them? They

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1 mock our dignity by doing that. You come and do that, what is the meaning of it? I
2 don't understand any of it. It hurts me, ripping out the door of the mosque, smashing
3 up the mausolea. I didn't understand that. But they were Muslims too. Blessed saints
4 that everyone knew. You saw that the manuscripts were there; they are the heritage of
5 all inhabitants of Timbuktu. And they saw what they could get away with, they left
6 some manuscripts, they burnt the others. They shouldn't have done that, burning
7 people's history like that. You mustn't, really mustn't do that. That's really the error of
8 these people, destroying mausolea, cutting off hands, executing and flogging people.
9 The inhabitants of Timbuktu were against that.
10 People liked them at the beginning, but as soon as they started smashing up the
11 mausolea, people weren't with them anymore, because Islam has been in Timbuktu
12 for 900 years. If you come and you are a Muslim you will be told "Welcome to the
13 three mosques which have been here for years and years".
14 The first mosque is Sidi Yahya, the second is Sankoré, the third is Djinguereber. These
15 mosques have been there for years and years. The Ahmed Baba Centre, a university
16 which has been there for years and years. Students come from Fez in Morocco to learn
17 the Koran in Timbuktu, the university centre. You come, you go to take our
18 manuscripts, you're going to burn them. What have we done? We've done nothing.
19 There are poor people in their clay houses and you start to give them problems.
20 Sharia is not about that. You can impose Sharia law but don't touch people's
21 property. Don't touch somebody's history, that's not good. It's not good to do that.
22 No. Excuse me, I'm really sorry. That's the truth. The truth is the truth. That's it.
23 Q. [10:46:03] Thank you, Witness.
24 Your Honour, I just want to check the transcript for something.
25 Your Honour, I can see that the witness said -- there's "inaudible" written on page 32,

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1 line 5.

2 I can repeat the sentence.

3 PRESIDING JUDGE MINDUA: [10:47:24](Interpretation) Yes, could you ask
4 the question again.

5 MR ALLAFI: [10:47:31](Interpretation)

6 Q. [10:47:33] Witness, you stated that:

7 They worked for days there. They were there every ... And then I heard that they
8 came and they didn't -- apparently they -- they smashed it up.

9 I heard the word "rain". Did you speak about rain?

10 A. [10:48:00] Yes, when there's major rainfalls, even when there was heavy showers,
11 the buildings are made of clay and sometimes the buildings, we'd have to renew
12 the mosques of Djinguereber. You take the clay and, not everybody in the town, we
13 always do that.

14 But with regards to the mausolea, it's every two years that's done usually. Every
15 two years. People leave and you see that the mausolea aren't destroyed by the rain,
16 but the ones that are, they renew them. That's what I meant by that.

17 PRESIDING JUDGE MINDUA: [10:48:42](Interpretation) Yes, I think it's clear now,
18 he was speaking about rain.

19 MR ALLAFI: [10:48:50](Interpretation) Thank you, your Honour.

20 Q. Thank you, Witness.

21 Now, you said "they", they broke, they smashed. You used the word "they". Who
22 are "they"?

23 A. [10:48:59] All the Islamists. They were the ones who smashed everything up.

24 It wasn't all the people in Timbuktu who went to help them. No. It was just them.

25 The Islamists. They were the one who -- ones who went to smash things up. They

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1 smashed up the mausolea. They destroyed them, shouting, "Allah Akbar, Allah
2 Akbar."

3 It hurts, because it's history. You're seeing history disappearing.

4 Q. [10:49:36] Thank you, Witness. Now you said that they were shouting, "Allah
5 Akbar, Allah Akbar." Who was saying that?

6 A. [10:49:43] It was the Islamists, they were saying "Allah Akbar". And
7 before -- we just heard that in the mosque, and then you heard "Allah Akbar" with
8 a weapon. And, as soon as you heard "Allah Akbar", you looked behind you and
9 they're saying, "That's not good. That's *haram*. Only the prophets must build their
10 houses. You shouldn't build a house on dead people, on bodies like that, no, no."
11 They said that.

12 They spoke loudly. And they called upon cameramen to go and film it. But that
13 hurt us. It hurt everybody in Timbuktu and people cried. But you couldn't do
14 anything about it.

15 Q. [10:50:47] Thank you, Witness, for these details.

16 I'd like to go back to you with my usual question: How do you know that, Witness?
17 How do you know everything that you've just said?

18 A. [10:50:59] Well, the fact that the mausolea were smashed up, that wasn't hidden
19 in Timbuktu. I wasn't there on the day that they were smashing it, breaking them
20 down. No, I wasn't there. I wasn't there, but the people told me that the Islamists,
21 they were working there, because since they came there, some of them who were
22 flogged there, they were there in their houses, they were in their cars, but now
23 they -- at work and they were smashing up mausolea.
24 And afterwards, I didn't know if I saw that afterwards, the mausolea, they were at
25 a particular time -- well, Timbuktu's a Muslim town. Everybody respected Sharia.

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1 They weren't doing anything. They just got up one day and smashed up
2 the mausolea. It's not that they came directly and they went to the mausolea to
3 smash them up. No. They waited a moment before doing that. They saw that
4 the town was starting to respect everything that they asked, and they were Muslims
5 who they found there, but they didn't take anyone for Sharia.
6 And then they went and -- to find the manuscripts in the mausolea. That wasn't
7 hidden in Timbuktu. Timbuktu's a small town. You can walk around Timbuktu on
8 foot. When I go out in town, I go around on foot. And I still do.

9

10 Q. [10:53:08] Thank you very much, Witness.

11 Your Honour, I'm looking at the time and I'm going into another subject, which won't
12 be finished in five minutes. I am in your hands, if we could stop and come back five
13 minutes later. It's up to you.

14 PRESIDING JUDGE MINDUA: [10:53:26](Interpretation) Very well, we are going to
15 have our break for a half an hour and we will be back at 11.25.

16 We're already in open session, so we're just going to suspend simply.

17 Court is suspended.

18 THE COURT USHER: [10:53:49] All rise.

19 (Recess taken at 10.53 a.m.)

20 (Upon resuming in open session at 11.28 a.m.)

21 THE COURT USHER: [11:28:36] All rise.

22 Please be seated.

23 PRESIDING JUDGE MINDUA: [11:29:02](Interpretation) We shall now resume
24 the hearing.

25 Mr Prosecutor, please go ahead and continue with your examination-in-chief.

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1 MR ALLAFI: [11:29:14](Interpretation) Thank you, your Honour. As I said earlier
2 this morning, there are some passages where we have to go into private session, but
3 I am trying to leave private session as much as possible so that we can have some part
4 of the trial in open session, but now we need to go into private session.

5 PRESIDING JUDGE MINDUA: [11:29:48](Interpretation) Madam courtroom officer,
6 private session, please.

7 (Private session at 11.29 a.m.)

8 THE COURT OFFICER: [11:29:59] We are in private session, Mr President.

9 PRESIDING JUDGE MINDUA: [11:30:05](Interpretation) Thank you very much.
10 Prosecutor.

11 MR ALLAFI: [11:30:08](Interpretation) Thank you, your Honour.

12 Q. [11:30:11] Mr Witness, last Friday, transcript 57, page 58, 59 and 60, three entire
13 pages from line 1 to line 28, you spoke about the day that you went [REDACTED] And
14 you said what happened to you, almost the entire account from beginning to end.
15 And last Friday I said to you that what you had just said was very important and I
16 will return to this matter in detail.

17 Now, Mr Witness, just to make sure that I, the parties, the participants and the judges
18 understand what you have said, we will go one step at a time, really and truly one
19 step at a time. I'm going to put some specific short questions to you and I would like
20 to ask you to respond in the same manner, very short, specific answers regarding
21 what you said Friday.

22 Is that all right by you?

23 A. [11:31:29] Naturally.

24 Q. [11:31:34] Thank you, Mr Witness.

25 You said that you went [REDACTED] and this is page 58 of the last transcript. And

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1 during your testimony, you said that the Islamists came in on 2 April, Sunday, 2012.

2 My question is this, on that day, the day you went [REDACTED] how much time was it
3 after the arrival of the Islamists in Timbuktu?

4 A. [11:32:12] It was the same day. The same day [REDACTED]
5 The day that I saw them. I don't know if they came earlier, but it was that day I saw
6 them.

7 Q. [11:32:30] Thank you.

8 Where is [REDACTED] exactly?

9 A. [11:32:36] * [REDACTED]
10 [REDACTED] next to it you have the regional hospital, and after it you have the
11 courthouse, behind the Council of the Circle (phon). [REDACTED]

12 [REDACTED]

13 Q. [11:32:59] Thank you.

14 Were there people there [REDACTED]?

15 A. [11:33:06] * No [REDACTED] he had fled, he left, he was no longer there.
16 There were some other young people who would sit there, and there was someone
17 who wasn't normal, a crazy person who was always [REDACTED] he would follow the
18 tourists, he would guide them. They would give him a little money too. Alpha Dahga
19 was his name. He wasn't normal, not 100% normal but OK, but he was there too. [REDACTED]

20 [REDACTED] that's it.

21 MR ALLAFI: [11:33:55](Interpretation)

22 Q. [11:33:56] Thank you. And what did you do exactly [REDACTED]?

23 A. [11:33:59] I went [REDACTED]

24 Q. [11:34:01] I beg your pardon?

25 A. [11:34:01] I went [REDACTED]

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1 Q. [11:34:16] Transcript, same transcript, the French, page 58, lines 17 to 25, you
2 said that you left [REDACTED] And then what happened?

3 A. [11:34:25] I left, I went towards the city, about 11 o'clock it was. Along -- I was
4 going alongside the paved road and I was carrying two bottles of wine in my hands.

5 I left and I was walking along the side of the road, headed home, [REDACTED]

6 [REDACTED] and a car came by with a black flag and it

7 saw -- the people saw me with bottles in my hands and there was some red sand.

8 You see, they had coated the car with a sort of reddish sand and the car had a black

9 flag. * Now, the car came with a black flag and Omar Ould Hamaha. He stopped in

10 front, because he had come out of the Mali energy building. He was opposite the

11 building, he came out of it and saw me there.

12 He said to me, What is that? That is alcohol." Then he said to me "Mujrim, throw that

13 away." He made me get into the car. They...

14 MR ALLAFI: [11:35:58](Interpretation)

15 Q. [11:35:58] Thank you. I'll come back to a few details in just a moment. That

16 way we can move forward one step at a time as I was saying earlier.

17 Do you remember what colour the car was?

18 A. [11:36:14] It was yellow. You see, they put yellowish -- sort of yellow sand on

19 it. They changed the appearance of the car a bit. But it was a car who had just

20 arrived. You could see that it had just come in and there were other people in it,

21 even children in the car.

22 Q. [11:36:48] Thank you. We'll get back to that point.

23 Now, before that day, had you seen that car before?

24 A. [11:36:55] No, no, no, I had not seen it before. * Before, I would see the

25 soldiers going back and forth. They would come to [REDACTED]

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1 [REDACTED] But once they heard that Sanogo had carried out a coup d'état, the
2 soldiers took control of the city. It was the soldiers who controlled the city before the
3 arrival of the MNLA and Ansar Dine.

4 Q. [11:37:31] Thank you.

5 * You mentioned this car and you mentioned someone called Omar Ould Hamaha.

6 A. Yes.

7 Q. Am I pronouncing it correctly?

8 A. Yes.

9 Q. Were there others with him in the car?

10 A. [11:37:54] Yes, there were some children behind. He was in the cab, and there were
11 children aged 14 and 15 behind.

12 Q. [11:38:05] When you said that there was some children sitting at the back, who
13 were these children?

14 A. [11:38:13] They were Islamists as well. Islamists with weapons.

15 Q. [11:38:23] I think you might be anticipating my question. Now, were they
16 armed?

17 A. [11:38:27] Oh, yes, yes, they had weapons.

18 Q. [11:38:37] Mr Witness, do you remember what kind of weapons they had?

19 A. [11:38:40] Kalashnikovs. They had Kalashnikovs.

20 Q. [11:38:51] * Thank you, Witness. You mentioned Omar Ould Hamaha again.
21 How do you know this person called Omar Ould Hamaha?

22 A. [11:39:02] Well, I got to know Omar Ould Hamaha on the day that he arrested me.
23 That was the day I got to know him, because everyone was saying: "Omar Ould
24 Hamaha, he is from Timbuktu, he studied in Timbuktu, he did this, he did that."
25 Personally, I did not know him before. It was only the day he arrested me that I got to

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1 know him. That's all. And then he left me at the BMS and he returned. He would do
2 the rounds in the city, he would talk.

3 Q. [11:39:39] Thank you, Mr Witness. I'll return to that point, but I'd like us to
4 continue with your account. You mentioned Omar, and the other people who you
5 mentioned were the children.

6 Did you know these other people, the children?

7 A. [11:39:53] No, I didn't.

8 Q. [11:39:54] Could you tell us what kind of clothing they were wearing that day?

9 A. [11:40:00] They were wearing vests -- well, no, no, not vests. They were
10 wearing the Islamic clothing, and they had weapons. They were wearing yellow
11 garments. Some of them were wearing military clothing, military trousers.

12 Q. [11:40:31] * And this man named Omar Ould Abou Hamaha, what exactly did
13 he say to you, what did he do to you?

14 A. He said "mujrim" to me in Arabic, he said to me: "Mujrim". Get into the car. Ahh!
15 You're drinking alcohol?" I said, "But for me it's not...". I don't know what I did. I
16 don't know exactly what I did. That's all.

17 Q. [11:41:04] Thank you. Now at that time, Mr Witness, did the Islamists or
18 the -- or Ansar Dine, [REDACTED]

19 [REDACTED]?

20 A. [11:41:16] [REDACTED]

21 [REDACTED]
22 [REDACTED] They said that jihad
23 has begun and if they found someone who drank alcohol, they would be whipped.
24 Women have to wear the veil. If someone steals, his hand will be cut off. [REDACTED]

25 [REDACTED]

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1 [REDACTED]
2 * [REDACTED] there were people that
3 hid their stock, they had hidden it and they were drinking. Once I found that out... I
4 even had [REDACTED]. Afterwards, they arrested him,
5 they flogged him in front of the artisanat, you see. That was afterwards, but as for me,
6 after I found out, I heard it myself and saw it with my own eyes, I didn't want to have
7 problems with anyone. I respected sharia so as not to have any problems.

8 Q. [11:42:58] Thank you, Mr Witness. You said that this man told you to get into
9 the car?

10 A. [11:43:11] (No interpretation)

11 THE INTERPRETER: [11:43:12] Inaudible.

12 MR ALLAFI: [11:43:13](Interpretation)

13 Q. [11:43:13] Did you get in the car?

14 A. [11:43:16] I got in.

15 Q. [11:43:33] Just two short questions about what you just said. Now, you said
16 a word in Arabic, "*moujrim*". What does that mean?

17 A. [11:43:46] I don't know, really. You'll have to ask the interpreters what it
18 means. I really don't know what the word means.

19 Q. [11:43:58] Thank you very much.

20 You mentioned this [REDACTED] and you say that he was whipped. How do you know
21 that?

22 A. [11:44:17] I heard about it. I heard about it. I heard that he had been
23 whipped.

24 Q. [11:44:27] Thank you, Mr Witness.

25 MR ALLAFI: [11:44:32](Interpretation) Your Honour, I would like us -- I would like

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1 us to play some video footage, confidential footage, but I think we can play it in open
2 court.

3 PRESIDING JUDGE MINDUA: [11:44:47](Interpretation) Courtroom officer, open
4 session, please.

5 (Open session at 11.45 a.m.)

6 THE COURT OFFICER: [11:45:05] We're in open session, Mr President.

7 PRESIDING JUDGE MINDUA: [11:45:13](Interpretation) Thank you very much.
8 Mr Prosecutor, please continue.

9 MR ALLAFI: [11:45:16](Interpretation) Thank you very much, Mr President.

10 Q. [11:45:23] We are now in open session. I would now like to play a video for
11 you, and if you could tell me -- and if you could just tell me whether or not you
12 recognise the person on the screen. And if, if so, could you tell us his name. Just
13 that, no more than that.

14 A. [11:45:48] I had given the name.

15 Q. [11:45:51] No, just give the name, if you know the person.

16 A. [11:45:56] Very well.

17 MR ALLAFI: [11:45:58](Interpretation) I'd now like to play MLI-OTP-0069-4624,
18 without sound. And I would like us to start at 00:04:44:16 -- 04:44:16 is
19 the timestamp.

20 (Viewing of the video excerpt)

21 MR ALLAFI: (Interpretation) * And I will stop the video at 00:04:50:10.

22 Q. [11:46:43] Mr Witness, do you know this person?

23 A. [11:46:47] That's the person who arrested me, Omar.

24 Q. [11:46:59] * And you say "Omar"; can you give the full name?

25 A. [11:47:05] Omar Ould Hamaha.

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1 Q. [11:47:10] Thank you very much, Mr Witness.

2 Mr Witness, we shall continue with a few questions in open session, but please don't
3 give any personal details. So be careful about that.

4 So you were in the car, do you remember how many people were in the car with you,
5 in all?

6 A. [11:47:49] Four people.

7 Q. [11:48:02] And you told us that they took you to the Islamic police.

8 A. [11:48:09] To the BMS. * [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 Q. [11:48:42] Thank you, Mr Witness.

12 MR ALLAFI: [11:48:43](Interpretation) Mr President, if we could go into private
13 session for a few questions.

14 PRESIDING JUDGE MINDUA: [11:48:46](Interpretation) Private session, please,
15 courtroom officer.

16 (Private session at 11.48 a.m.)

17 THE COURT OFFICER: [11:48:58] We're in private session.

18 PRESIDING JUDGE MINDUA: [11:49:02](Interpretation) Thank you very much.

19 Mr Prosecutor.

20 MR ALLAFI: [11:49:05](Interpretation) Thank you very much, your Honour.

21 Q. [11:49:08] Mr Witness, you just said that you got to the BMS. Now, before
22 the following question, a few moments ago at page 17, line 8, you said -- when I asked
23 you a question when you saw Mr Al Hassan, you said, "I saw him at the BMS."

24 Are you talking about that time or a different time?

25 A. [11:49:35] A different time.

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1 Q. [11:49:48] And when was that, that other time?

2 A. [11:49:50] It was later on [REDACTED] two weeks after. Two weeks after.

3 [REDACTED]

4 MR ALLAFI: [11:50:28](Interpretation) Your Honour, I can put a number of
5 questions in open court, if you wish.

6 PRESIDING JUDGE MINDUA: [11:50:37](Interpretation) Open session, please,
7 madam courtroom officer.

8 (Open session at 11.50 a.m.)

9 THE COURT OFFICER: [11:50:50] We're in open session, Mr President.

10 PRESIDING JUDGE MINDUA: [11:50:59](Interpretation) Thank you very much.
11 Mr Prosecutor.

12 MR ALLAFI: [11:51:02](Interpretation) Thank you, your Honour.

13 Q. [11:51:06] Mr Witness, we are in open session now, so please be careful about
14 personal details. You said that they took you to the BMS, to the Islamic police.
15 Had you gone into that bank before?

16 A. [11:51:23] No.

17 Q. [11:51:28] Could you explain the building to us?

18 A. [11:51:34] Well, there's the Hotel Colombe before, and then you head towards
19 the mosque, the mosque, and you go past ...

20 THE INTERPRETER: [11:51:50] Inaudible.

21 THE WITNESS: [11:51:51](Interpretation) * Well, hotel Colombe is in front of you, as
22 you leave there is Djingareyber mosque. As you come, you pass Ben Essayouti middle
23 school and lycée Mahamane Alassane Haidara. Yehya Alkaya middle school is
24 opposite, the two schools are opposite the lycée. When you are in front of it, the hotel
25 Colombe is on the right. If you go on just a few meters, you have the building with

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1 different floors, with yellow paint and with clay, like that, on the left.

2 But when you head towards Yoboutao market, you pass the artisanat, you pass some

3 shops and you arrive on the right. And as you enter, there is a staircase going upstairs.

4 As you enter through the door you face the stairs. As you go up the staircase, there is

5 a terrace, a terrace on the right. There are rooms, a room on the left. That's it. That's

6 how it is.

7 Q. [11:53:05] Thank you.

8 You said when you go in, are you talking about the Islamic police?

9 A. [11:53:12] Mm-hmm.

10 Q. [11:53:15] And did you go in this time when you were stopped?

11 A. [11:53:26] Yes, they had me go in.

12 Q. [11:53:38] You said that they took you. It wasn't your choice to go?

13 A. [11:53:45] No, it was not my choice. I had no choice. I was taken there by

14 force.

15 Q. [11:53:59] And you -- when you went in, were there offices or rooms at the

16 Islamic --

17 A. [11:54:08] * [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED] The rooms were air-conditioned.

21 It was the terrace that was "hot". But the rooms were air-conditioned. If they wanted

22 to put you in the air conditioning, they did; if they didn't want to, they would leave

23 you in the heat, you see. That's it.

24 Q. [11:54:58] Thank you.

25 * Mr Witness, where did you stay when you were at the Islamic police station?

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1 A. [11:55:13] I stayed in a room on the left. It's on your left as you go up the stairs. I
2 stayed there, I think for two nights. Afterwards, there were women who came,
3 because they brought people there every day. After I arrived there, people from the
4 MNLA would come. Women were there, men were there, you see, it was full. There
5 were problems every day you see. I stayed there.
6 After two days in that room, they made us leave there, there weren't many of us men.
7 Afterwards, they put the women in there. They put us on the terrace. At the top, there
8 is the terrace on the right as you go up the staircase.
9 During the time of prayer, we would perform our ablutions, we would pray, read
10 the Koran, until the day that they -- well, we weren't the -- they weren't the ones who
11 were going to judge us, we were going to go somewhere. And a car was going to
12 take us and take us to the destination, to the place where we would be judged.
13 Because, you see, there, we were in custody.

14 Q. [11:56:41] Thank you, Mr Witness.

15 We will come back to those points that you've just mentioned.

16 First of all, you said that there were many people. Do you know how many people?

17 A. [11:56:56] Many people. I couldn't tell you exactly. There was so many -- I
18 couldn't even count the number of people, I couldn't even count. I didn't know what
19 was going to happen to me. I forgot. I was so afraid. I didn't know what was
20 going to happen to me. I didn't know why I had been taken there.

21 Q. [11:57:23] Where did you sleep?

22 A. [11:57:26] There. There were mats, there were blankets, so we would sleep on
23 the terrace. Once the women had arrived, they were put in the rooms, they were
24 given mats, blankets. And the same thing for us on the terrace, we had mats, we had
25 some blankets. But at five in the morning, we would get up to pray. Yes, five in

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1 the morning. All the prayers.

2 Q. [11:58:05] Thank you.

3 * When you say "at 5 o'clock in the morning, we would get up to pray," did you do it
4 yourself? Did you "decide" to do it?

5 A. [11:58:13] No, no, no, we were forced to. Someone would even come and take a
6 weapon saying: "Hey, if you don't tell us the truth, I'm going to slit the throats of the
7 lot of you. Whoever has drunk, whoever has stolen, whoever has done that, just has
8 to tell us the truth." That's what they would do. They'd come and threaten you.

9 Because they would detain people there, but they were not the ones who decided on
10 Sharia. It wasn't them who decided on Sharia, because I didn't see anyone there who
11 would tell me what was happening, I didn't see anyone who would tell me "what you
12 are doing is wrong" Nobody said to me "you're here on this charge". I don't know. We
13 prayed every day, every morning, every night, but we didn't know what was going to
14 happen to us.

15 Q. [11:59:25] Thank you. Once you got there and during the time you were there,
16 who spoke to you? Who saw you?

17 A. [11:59:31] * No, I just spoke to the people who were detained like me. I didn't
18 talk to an Islamist. An Islamist doesn't give you the time. They told me "you there,
19 we know what you came to do." They even threatened me. They told me: "You, we
20 know your problem. You, it is Omar Ould Hamaha who brought you. We don't need
21 you to tell us "it's true" or "it's not true". But I tell these people who are sitting here,
22 who are sitting next to you, if they don't tell us the truth about what brought them
23 here, we'll slit their throats, all of them." They said that in front of me. But I talked to
24 these children. We were together there, they made us eat..."

25 Q. [12:00:40] Now, once you got there and once you were held there, was there

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1 anyone that you recognised?

2 A. [12:00:46] No.

3 Q. [12:00:53] And when you were there, did they question you or did they tell you
4 why you'd been arrested?

5 A. [12:01:07] No, they told me that they knew already. It was
6 Omar Ould Hamaha who took me there, and if it was an Islamist who had proof,
7 they're not going to ask you. But the others who were next to me, they'd been asked
8 to tell the truth about what had brought them here.

9 But as for me, there was proof, there was alcohol. I can't say no. I can't say no,
10 I didn't drink, because Omar, he's an Islamist, and they trust him as well. And that's
11 it. But in my case, when I arrived, it was known. They didn't ask me questions, no.
12 Not at all.

13 Q. [12:01:58] So that it's clarified, did they question you and explain why you were
14 there, did they get you to speak? Or, if they did so, what language was it in?

15 A. [12:02:14] They didn't speak to me. If it was not to say, "Do your ablutions.
16 Pray", that sort of thing, that was it. That's what they said. But they didn't speak to
17 me. Unless it was the time to pray or to eat.

18 Q. [12:02:47] Very well. Did they ask you to sign a document?

19 A. [12:02:52] No. [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED] Nobody asked me to sign a document or anything else.

23 When I left the BMS, I went to *hôtel La Maison*.

24 Q. [12:03:28] Thank you. Now, you mentioned the fact that you were at *la*
25 *terrasse*?

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1 A. [12:03:36] Yes.

2 Q. [12:03:37] This is a question I have to put you, were you free to go there?

3 A. [12:03:44] No, it was upstairs, but there's the door, if you go outside, and that's

4 because there were a lot of women. Towards 2 o'clock -- you have the prayer at

5 1600 hours and they pray outside in a group. We pray there and they also pray as

6 well. * And afterwards, you would go upstairs. If you just finished, you would go

7 upstairs. Even if you saw that you could go upstairs, you would be afraid to go,

8 because you didn't know if you would be shot. We couldn't go. We couldn't go.

9 Q. [12:04:30] Thank you, Witness.

10 Now, last Friday, in the French transcript, 57, page 59, lines 8, 9, 10, you mentioned

11 that you had seen "Adam *et* Boubacar"?

12 A. [12:04:49] Yes.

13 Q. [12:04:52] So how did you know his name, Adam?

14 A. [12:04:56] I heard "Adam, Adam". The colleague was calling Adam and

15 Boubacar, and Adam, Boubacar. That's how I found out the name, because I was

16 there, I heard it. And I saw as well.

17 Q. [12:05:17] So what you've just said, does that also apply? So you heard

18 the name of Boubacar; is that right?

19 A. [12:05:34] * Yes.

20 Q. [12:05:36] Do you remember other names that you heard, Witness?

21 A. [12:05:40] No, Boubacar, Adam.

22 Q. [12:05:42] Thank you.

23 MR ALLAFI: [12:05:44](Interpretation) Your Honour, could we go into private

24 session.

25 PRESIDING JUDGE MINDUA: [12:05:50](Interpretation) Private session, please,

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1 court officer.

2 (Private session at 12.06 p.m.)

3 THE COURT OFFICER: [12:06:03] We're in private session, Mr President.

4 PRESIDING JUDGE MINDUA: [12:06:11](Interpretation) Thank you very much.

5 Prosecutor.

6 MR ALLAFI: [12:06:13](Interpretation) Thank you, your Honour.

7 Q. [12:06:17] Witness, we're in private session, so you can speak. Now, in
8 the transcript, in the French transcript, 57, page 59, line 12, you mentioned -- and
9 today again, you mentioned being taken to the *hôtel La Maison*.

10 How did you get there?

11 A. [12:06:41] By car.

12 Q. [12:06:44] And you got into the car alone or did somebody --

13 A. [12:06:52] No, no, it was the Islamists. They're going to take you. They're
14 going to stop you and they're going to take you right to where the judge is. I heard
15 one name. Radwan was the name I heard. I heard that, because people, they were
16 masked. Houka Houka wasn't masked.

17 Q. [12:07:24] Well, you said "there". Where was it?

18 A. [12:07:28] *Hôtel La Maison*.

19 Q. [12:07:32] Now, you say that the Islamists would put you in the car, do you
20 know the name of the person?

21 A. [12:07:47] Adam Boubacar.

22 Q. [12:07:55] Were there members of the Islamists groups in the car with you?

23 A. [12:08:03] Yes. Well, there were four of us. At the time I left, there were four
24 of us. Four people. They put us in the car, the four of us. Now, when you got
25 there, they made us get out and made us go up the stairs. There are rooms there

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1 where we stayed. Then they called on me. They said, "one by one, one by one."

2 MR ALLAFI: [12:08:42](Interpretation) Your Honour, I can see that on page, and this
3 is for the transcript, page 54, lines 3, 4, 5, 6, I see that it's written "Adam Boubacar"
4 and it looks like it's one person, so could we ask the question again to the witness?

5 PRESIDING JUDGE MINDUA: [12:09:10](Interpretation) Yes, please, for
6 clarification.

7 MR ALLAFI: [12:09:14](Interpretation)

8 Q. [12:09:15] Witness, you mentioned two names, or two names who put you in
9 the car, "Adam Boubacar". One person or two?

10 A. [12:09:26] It's two different people, there's Adam and there's Boubacar.

11 Q. [12:09:31] Thank you.

12 Do you know this Boubacar?

13 A. [12:09:44] No, I don't know him. He's black, he's young. A black person.

14 Adam, he's not too black. Not too young.

15 That's it.

16 MR ALLAFI: [12:10:07](Interpretation) So transcript verification there. I think that
17 there's confusion between people.

18 PRESIDING JUDGE MINDUA: [12:10:21](Interpretation) Yes, I've seen that as well
19 on line 4.

20 Can you ask the question again.

21 MR ALLAFI: [12:10:30](Interpretation)

22 Q. [12:10:31] Witness, did you say "*jeune*", young, or "*géant*", giant, gigantic?

23 A. [12:10:39] *Géant*, gigantic. Large, that's what I said.

24 Q. [12:10:47] * And in that car going to hotel La Maison, were there members of the
25 Islamist Ansar Dine groups with you?

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1 A. [12:10:57] AQIM, yes, Ansar Dine and AQIM. [REDACTED]

2 [REDACTED] "Ansar Dine",

3 "MUJAO". You see, it's Al-Qaeda.

4 Q. [12:11:21] Do you know these people who were with you in the car?

5 A. [12:11:23] No, it was the first time. I don't know.

6 THE INTERPRETER: [12:11:30] Corrects the interpreter.

7 MR ALLAFI: [12:11:32](Interpretation) Your Honour, we can put some questions in
8 open session.

9 PRESIDING JUDGE MINDUA: [12:11:35](Interpretation) Court officer, please take
10 us into open session, court officer.

11 (Open session at 12.11 p.m.)

12 THE COURT OFFICER: [12:11:43] We are in open session, Mr President.

13 PRESIDING JUDGE MINDUA: [12:11:52](Interpretation) Thank you.

14 Prosecutor.

15 MR ALLAFI: [12:11:55](Interpretation) Thank you, your Honour.

16 Q. [12:11:58] So, Witness, we're in open session.

17 So who were you -- these people who you were in the car with, were they armed?

18 A. [12:12:13] Yes. Yes, they were armed.

19 Q. [12:12:20] And where were they with regard to *hôtel La Maison*?

20 A. [12:12:26] They were before the hospital. You have the regional hospital. You
21 have two hospitals in Timbuktu, one in town, in Sankoré, and *hôtel La Maison* is
22 between Koïra Tao and Abaradjou.

23 Now, when you leave BMS, you go past the market. There's a cemetery on the left.

24 And you pass that and you turn and there's a road that goes *Flamme de la paix* and you
25 leave there and you don't turn left, you continue straight on the tarmac road. And

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1 before you get to the crossroad, before you get there, where you have the monument,
2 which is opposite the PMI, you turn left and then you go up a hill. And you keep
3 going and it's on your right -- sorry, no, it's on the left. No, it's on the right. It's
4 actually on the right. It's on the right.

5 Q. [12:13:33] Thank you.

6 Now, when you get to the *hôtel La Maison*, you said you entered. Did they -- did you
7 go in by yourself or were you accompanied?

8 A. [12:13:49] No, I was accompanied.

9 Q. [12:13:51] Were they armed, these people?

10 A. [12:13:52] Yes, they were armed.

11 Q. [12:13:56] And where did they take you exactly in that building?

12 A. [12:14:01] We went up the stairs, we went upstairs. There was a room there,
13 we stayed there. And afterwards, when I left, I saw there were tables, I saw
14 a weapon which had been put down on the table, all that. And I stopped there
15 before the judge at *la Maison*.

16 Q. [12:14:36] And these people who accompanied you, you said that they were
17 armed. What weapons did they have?

18 A. [12:14:42] * Kalashnikovs. Just Kalashes. I'm not a mercenary so I don't know the
19 types. Nevertheless, I know that they had Kalashes. I know what a Kalash is, they did
20 have such heavy weapons.

21 MR ALLAFI: [12:15:06](Interpretation) Your Honour, I have to go back into private
22 session for questions.

23 PRESIDING JUDGE MINDUA: [12:15:12](Interpretation) Private session,
24 court officer.

25 (Private session at 12.15 p.m.)

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1 THE COURT OFFICER: [12:15:24] We're in private session, Mr President.

2 PRESIDING JUDGE MINDUA: [12:15:29](Interpretation) Thank you very much.

3 Prosecutor.

4 MR ALLAFI: [12:15:31](Interpretation) Thank you, your Honour.

5 Q. [12:15:34] Witness, you mentioned on Friday and today again that, once you
6 were in the room, you saw Houka Houka?

7 A. [12:15:45] Yes.

8 Q. [12:15:46] Did he say anything to you?

9 A. [12:15:50] * He said, "It's Sharia." He said "You're going to have Sharia". But he
10 said nothing after that. It was someone with a mask like that, and then there was a
11 black man next to him. There were people with very, very light skin, Arabs, even if
12 you could tell they were not from Timbuktu, with very light skin. They were seated,
13 and masked. They opened a Koran and the man stopped as well. He had a whip.
14 They said to me: "Al Khamar, you have drunk alcohol. We are going to grant you
15 prayer". That's what they told me.

16 Q. [12:16:41] You mentioned a name, "*al khamar*", in Arabic. What does that
17 mean?

18 A. [12:16:49] Alcohol.

19 Q. [12:16:56] And to be clear, what did they say to you about alcohol?

20 A. [12:17:01] * They said to me: "We are going to beat you, grant you prayer."
21 That's it. * He spoke in Arabic. I was afraid. Because I was afraid they said to
22 me "you speak Arabic". At the time I was standing in front of them, I didn't know if
23 I was going to be shot. I didn't know what was going to happen. I was trembling.
24 I even wanted to urinate. I was trembling. And they asked me, "Do you understand
25 Arabic?" I said "yes" even though I don't understand Arabic. And then they started

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1 to speak in Arabic, they did that for five minutes before starting to beat me. They
2 said this and that. There were certain words that I could make out, but not
3 everything.

4 Q. [12:17:54] Thank you, Witness.

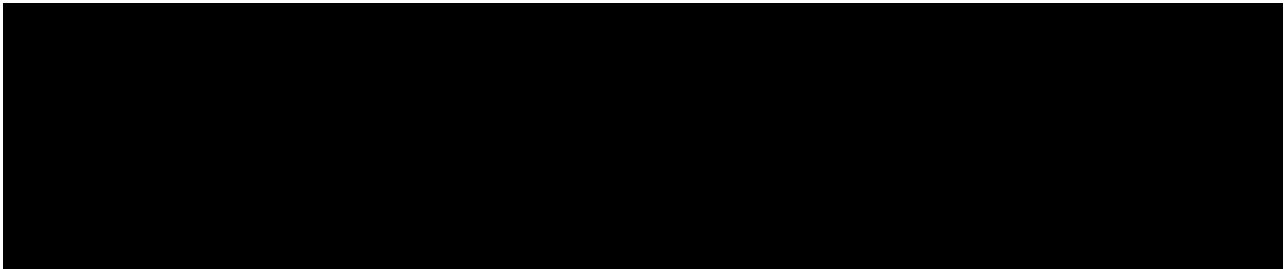
5 You said "they", I didn't know if it was plural or not, but they told you "*al khamar*" and
6 "we're going to beat you."

7 Who are "they"? Did you know these people who spoke to you?

8 A. [12:18:13] No, I didn't know the person who wanted to speak to me. I didn't
9 know the person who was speaking to me, because he was wearing a mask. I was
10 waiting for the person next to him, who was the person with the Koran. Somebody
11 had a computer. I heard the name Radwan. Radwan. And I heard the word "there".
12 After, that was everything. They started to do Sharia. Houka Houka was there. He
13 didn't defend me. He didn't defend me at all. He didn't arrange things for me.

14 Q. [12:19:11] What do you mean when you say "he didn't defend me"?

15 A. [12:19:16] 

16 

20 Q. [12:19:43] Thank you, Witness. I'm going to ask permission to go into open
21 session, so please don't give any personal details, Witness.

22 Your Honour.

23 PRESIDING JUDGE MINDUA: Can we go into open session, please, court officer.

24 (Open session at 12.20 p.m.)

25 THE COURT OFFICER: [12:20:07] We're in open session, Mr President.

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1 PRESIDING JUDGE MINDUA: [12:20:12](Interpretation) Thank you very much.

2 Prosecutor.

3 MR ALLAFI: [12:20:15](Interpretation) Thank you, your Honour.

4 Q. [12:20:19] Witness, once you were in this room in front of these people, I'm not
5 asking you to repeat what you said, were you helped by somebody to defend
6 yourself?

7 A. [12:20:32] No, not at all.

8 Q. [12:20:35] Very well. Were you able to explain yourselves, give your version of
9 the facts to defend yourself?

10 A. [12:20:46] No, there wasn't time for that. We weren't given the time for me to
11 speak, no. I had nothing to say. At the time, I knew that I was going to be whipped.
12 At least I knew that they weren't going to kill me.

13 Q. [12:21:14] * Thank you. We're going to come back to that, but from the moment
14 you got to the room until the end, how long was that more or less?

15 A. [12:21:25] Not long, towards the evening, just after the 4 o'clock prayers. But I left
16 there before dusk.

17 MR ALLAFI: [12:21:44](Interpretation)

18 Q. [12:21:44] How many minutes were you there for?

19 A. [12:21:48] It didn't last, 15 minutes, 20 minutes. It didn't take much time.

20 MR ALLAFI: [12:22:08](Interpretation) Your Honour, I have a question in that
21 regard,

22 but I can do it in private session later.

23 PRESIDING JUDGE MINDUA: [12:22:16](Interpretation) Very well. Please
24 continue.

25 MR ALLAFI: [12:22:18](Interpretation) Thank you.

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1 Q. [12:22:22] Witness, did they tell you what evidence there was against you?

2 A. [12:22:27] * Yes, as to evidence, they had already told me "we don't need to say
3 that you've been drinking, we've already got the evidence against you as it was Omar
4 who brought you".

5 Q. [12:22:47] Very well. Thank you.

6 MR ALLAFI: [12:23:00](Interpretation) Your Honour, I would like to take advantage
7 of the final minutes to go into private session.

8 PRESIDING JUDGE MINDUA: [12:23:09](Interpretation) Very well. Please take us
9 into private session, court officer.

10 (Private session at 12.23 p.m.)

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

12 PRESIDING JUDGE MINDUA: [12:23:26](Interpretation) Thank you very much.
13 Prosecutor.

14 MR ALLAFI: [12:23:30](Interpretation) Thank you, your Honour.

15 Q. [12:23:45] Witness, you mentioned that it lasted between 15 to 20 minutes. Are
16 you talking about the start, to when you left, from the beginning to the end, or?

17 A. [12:23:58] No, when I arrived at *hôtel La Maison*.

18 Q. [12:24:02] Until?

19 A. [12:24:04] I left in the car, when I arrived at *hôtel La Maison*.

20 Q. [12:24:17] How much time did you stay at *hôtel La Maison* for?

21 A. [12:24:23] Fifteen, 20 minutes.

22 Q. [12:24:29] And at that time, in the room, did these people take notes? Did you
23 see that they were writing notes?

24 A. [12:24:38] No, I just saw that before I came before them, that they had a Koran.
25 I didn't see them noting anything down.

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1 Q. [12:24:51] Thank you. Now, in the transcript 55 (sic), French transcript, page 59,
2 line 23 and 24, you said that: They started to beat me, whip me on my back. And
3 just before that, you say that they opened the Koran.

4 Did they whip you just after reading the Koran?

5 A. [12:25:16] Yes, afterwards. And it was two people.

6 Q. [12:25:25] You're anticipating my next question. Was it one or more people
7 who whipped you?

8 A. [12:25:34] Two people, two.

9 Q. [12:25:35] Do you know these two people?

10 A. [12:25:37] No, I don't know them. I don't really know them.

11 Q. [12:25:42] Were they some of the room -- people who were already in the room?

12 A. [12:25:47] * No, the people who took me were in the car itself. The
13 commissioners, they were inside it.

14 Q. [12:25:58] Could you briefly explain how they proceeded to carry out
15 the flogging. What, what did they do? How did they flog you?

16 A. [12:26:10] Well, they didn't lift it up high. They just made a small movement
17 with their wrist.

18 THE INTERPRETER: [12:26:17] The interpreter says, from seeing the witness.

19 THE WITNESS: [12:26:22](Interpretation) The other person was tired and he gave it
20 to the other one. He didn't take his left hand and he had it in his right hand. And
21 afterwards, on my back, it hurt. That's it.

22 MR ALLAFI: [12:26:35](Interpretation)

23 Q. [12:26:37] Witness, we can hear you, but so that it's in the record, you made
24 a whipping -- a gesture, could you explain it?

25 A. [12:26:49] Yes, they were whipping me on my back. Everywhere. All over

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1 my back, they were whipping me. Right to the bottom of it. They went up and
2 down and they struck me and went down. Up and down. Up and down. And
3 they said, "Allah Akbar, Allah Akbar, Allah Akbar." Up and down. Up and down.
4 And then a second person, he had a chain. Up and down, up and down. Until it
5 was finished. And when it was finished they said, "It's finished, you have to go."
6 And that was it. And that's how it went.

7 Q. [12:27:30] Thank you. Could you say what did they whip you with?

8 A. [12:27:35] Yes, they whipped me with a whip.

9 Q. [12:27:45] Thank you, Witness. And did they do that in the room itself?

10 A. [12:27:50] No, outside. There was a -- there's a terrace behind it and *hôtel*
11 *La Maison*, there's a terrace upstairs and that's where they did it. An upper terrace.

12 Q. [12:28:08] And when they were whipping you, were there people who saw?
13 Was there public there?

14 A. [12:28:15] No, nobody. There were just the Islamists, that's it.

15 Q. [12:28:26] And you say that they finished and they said "You're free." Did you
16 see a doctor?

17 A. [12:28:34] Yes, they said, "Okay". So when I went down, there was somebody
18 who said to me, "Are you okay? And if you want, we're going to take you to
19 hospital." And I said, "I don't need to go to the hospital, now I'm free." And I said
20 what I want is to eat and to go home and that's it. And they took macaroni and some
21 milk, to give it to me, and I left. And I walked from *hôtel La Maison* to my house.

22 MR ALLAFI: [12:29:13](Interpretation) Your Honour, I've got a couple of questions
23 which I could put in open session, perhaps, before going into --

24 PRESIDING JUDGE MINDUA: [12:29:21](Interpretation) Very well. Court officer,
25 please take us into open session.

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1 (Open session at 12.29 p.m.)

2 THE COURT OFFICER: [12:29:30] We are in open session.

3 PRESIDING JUDGE MINDUA: [12:29:37](Interpretation) Thank you very much.

4 Prosecutor.

5 MR ALLAFI: [12:29:40](Interpretation) Thank you, your Honour.

6 Q. [12:29:42] Witness, we have a few minutes before the break, well, two or three
7 minutes. I have a couple of questions that I'd like to put you before the lunch break.
8 And you said you went home. Now, physically speaking, how did you feel at that
9 time?

10 A. [12:29:58] I was really hurting. I was really in pain. Everywhere. I was
11 really in pain. Since that day, if I see an Islamic car with a black flag, I'm mistrustful.
12 And if somebody says something, I'll say I don't want to speak about such things,
13 because afterwards, * the people from the MNLA went into the business. I don't like
14 to get involved in any of that, none of it. I respected Sharia.

15 Q. [12:30:32] Thank you very much. But how did you --

16 A. [12:30:37] I respected Sharia.

17 Q. [12:30:38] And how did you sleep?

18 A. [12:30:42] I had problems sleeping. I slept badly.

19 Q. [12:30:46] And once you returned home, who was at home?

20 A. [12:30:50] Nobody [REDACTED] and I didn't see
21 him at the house.

22 Q. [12:31:03] Witness, we are in open session, so please, we're going to stop there
23 anyway for the break.

24 And perhaps it's a good moment to stop for the break as well, your Honour,
25 your Honours.

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- 1 PRESIDING JUDGE MINDUA: [12:31:20](Interpretation) Indeed, as we are in open
2 session, we are just going to suspend the hearing for one hour for the lunch break and
3 we will be back at 13.30.
4 Court is suspended.
5 THE COURT USHER: [12:31:37] All rise.
6 (Recess taken at 12.31 p.m.)
7 (Upon resuming in open session at 1.31 p.m.)
8 THE COURT USHER: [13:31:28] All rise.
9 Please be seated.
10 PRESIDING JUDGE MINDUA: [13:31:52](Interpretation) The session is resumed.
11 Mr Prosecutor, you have the floor to continue your cross-examination.
12 MR ALLAFI: [13:32:03](Interpretation) Thank you, Mr President.
13 I would like to clarify some points for the file, for the record. So could we move into
14 private session, please.
15 PRESIDING JUDGE MINDUA: [13:32:20](Interpretation) Court officer, private
16 session, please.
17 (Private session at 1.32 p.m.)
18 THE COURT OFFICER: [13:32:33] We're in private session, Mr President.
19 PRESIDING JUDGE MINDUA: [13:32:42](Interpretation) Thank you.
20 Mr Prosecutor, proceed.
21 MR ALLAFI: [13:32:46](Interpretation) Thank you, my Lord.
22 Q. [13:32:50] Mr Witness, this morning you, you said members of the faith -- that
23 you saw Mr Al Hassan during the time when the Islamists were present in Timbuktu.
24 On page 17, line 2, you talk of Al Hassan and you say, and I quote: "I saw him at the
25 BMS."

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1 Again on page 17, line 19 to 22, you say: [REDACTED] I saw him
2 there. I only saw him afterwards in the Islamist fashion."

3 On page 18, line 2 and 3, you say: "At the moment of the occupation, after two
4 weeks I saw him, he was in Islamist gear and I was surprised."

5 Mr Witness, my question is, is what happened the first time you saw him, when you
6 say "I saw him at the BMS." The first time you saw him, when you saw him in
7 the BMS, what did you -- Mr Witness, what was he doing at that moment and what
8 were you doing?

9 A. [13:34:25] I was just passing by. I was passing -- passing by the BMS. I didn't
10 enter the BMS.

11 Q. [13:34:37] You were passing to go where?

12 A. [13:34:40] To go to the Arab market, Yobou Tao. [REDACTED]
13 [REDACTED] and then I had to pass through that building -- pass before that building.

14 Q. [13:34:58] And when was that, exactly?

15 A. [13:35:02] * [REDACTED].

16 Q. [13:35:25] And when you say that you saw him there, was that the first time that
17 you saw him at the BMS?

18 A. [13:35:35] Yes, that's the first time I saw him.

19 Q. [13:35:45] Where was Al Hassan?

20 A. [13:35:47] He was at the BMS bank. He was at the bank. Whilst looking
21 around at the Islamists I saw him there.

22 Q. [13:36:04] How far away was he? How far was he away from you?

23 A. [13:36:08] I was on the tarmac, on the road. It's opposite the BMS. I was just
24 passing to go to the market, and I saw him on the left, while passing.

25 Q. [13:36:22] Thank you. How did you see him, in front or the back? How did

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1 you see him?

2 A. [13:36:34] Because when you see someone you know, between people you don't
3 know, then you'll recognise him. That's how I saw him.

4 Q. [13:36:41] What was he doing when you saw him?

5 A. [13:36:46] * I didn't really see him in islamist garb, I did see him standing with
6 them. That's all Q. [13:37:01] I didn't quite follow.

7 A. [13:37:05] I said that I saw him. He wasn't dressed as an Islamist then, but he was
8 standing next to them.

9 Q. [13:37:10] I would like to clarify something. Firstly, you say you saw him stop.

10 A. [13:37:20] He was standing up, he wasn't sitting down.

11 PRESIDING JUDGE MINDUA: [13:37:31](Interpretation) It means he stopped, he
12 stopped, he was walking and he stopped. I understand.

13 MR ALLAFI: [13:37:37](Interpretation) Yes, I understood that, but I just wanted to
14 make clear so that it would be clearly put into the records like that.

15 Q. [13:37:49] And when you saw him, when he was standing, was he with someone,
16 was he talking to someone, what was he doing?

17 A. [13:37:59] I don't know. I saw him. He stopped and then I passed by. I was
18 just passing by. It wasn't as if I was watching a film or something, I was just passing
19 by.

20 Q. [13:38:14] Thank you, Mr Witness. And you said that time when you saw him,
21 you said he wasn't dressed as an Islamist, what does that mean exactly?

22 A. [13:38:27] I didn't say that he wasn't dressed as an Islamist, and I didn't see him
23 with an -- a weapon at that moment either.

24 Q. [13:38:43] Thank you. Let's turn to the second time you saw him, page 17, as I
25 mentioned already, line 19 to 22, and you said "I saw him in Islamist gear."

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1 And that time, when was it precisely?

2 A. [13:39:12] It was one week after.

3 Q. [13:39:15] After what?

4 A. [13:39:17] After the arrival of all the armed groups.

5 Q. [13:39:25] Where, where did you see him -- where did you see Al Hassan
6 exactly?

7 A. [13:39:31] I told you, in front of the BMS. That's where I saw him.

8 Q. [13:39:39] Even the second time?

9 A. [13:39:41] No, the second time I saw him dressed as an Islamist, * with a blue
10 vest. That's the second time I saw him. And he was with the Sharia guys.

11 Q. [13:39:59] And now we're only talking about the second time. That time,
12 the second time, how far away were you?

13 A. [13:40:08] When the Sharia was applied.

14 Q. I'm going to go back to that, but between you and Al Hassan, how far away was
15 there, how many metres between the two of you when you saw him for the second
16 time?

17 A. [13:40:32] When there was Sharia, everybody stops and looks. It's the distance
18 you see in the images. There was a small distance between us. It's the same
19 distance you have when you look at something. That's all.

20 Q. [13:40:56] Thank you. And the second time, you say "I saw him" if I'm not
21 mistaken "applying Sharia."

22 Could you explain to us what that means?

23 A. [13:41:12] * That's when they started applying Sharia law. That's when they
24 started flogging people and cutting off their hands.

25 Q. [13:41:31] And at that time you said they applied the Sharia, what was

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1 Al Hassan doing?

2 A. [13:41:40] * Al Hassan also was standing there with the Islamists.

3 Q. [13:41:50] How was Al Hassan dressed at the time?

4 A. [13:41:54] He had a vest of the police, of the Islamic police. And he was
5 dressed in an Islamist way.

6 Q. And when you said "the application of the Sharia", what does that mean, what
7 were they applying in that particular moment?

8 A. [13:42:20] * The incident at that time was that they flogged a girl in front of
9 Sankoré mosque.

10 Q. [13:42:49] * Do you know why they flogged her?

11 A. [13:42:56] Not, I have no clue. I really don't know.

12 Q. [13:43:04] This application of Sharia lasted for how long?

13 A. [13:43:12] It didn't last for a long time. We came, we stopped. * The Islamists
14 came, they brought that lady there, they started flogging her, and that's it.

15 Q. [13:43:32] Did you see other Islamists at that time whom you knew?

16 A. [13:43:37] No.

17 MR ALLAFI: [13:43:54](Interpretation) Thank you, Mr Witness.

18 Mr President, we can now move into open session.

19 PRESIDING JUDGE MINDUA: [13:44:03](Interpretation) Open session, please,
20 court officer.

21 (Open session at 1.44 p.m.)

22 THE COURT OFFICER: [13:44:13] We are in open session, Mr President.

23 PRESIDING JUDGE MINDUA: [13:44:21](Interpretation) Thank you.

24 Prosecution, proceed.

25 MR ALLAFI: [13:44:26](Interpretation) Thank you, my Lord.

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1 Q. [13:44:30] Mr Witness, we are now in open session, so no personal details,
2 please.

3 Several times, I can give you references, but you did mention that the Islamists cut
4 the hand off, that they execute a Tuareg; is that correct? Is it correct, Witness?

5 A. [13:44:56] Yes, it is correct.

6 Q. [13:45:00] I'm going to be very brief and succinct. Let's start with the day that
7 they cut off the hand of a person, of an individual. Did you know that person whose
8 hand was cut off?

9 A. [13:45:16] No, I don't know that person.

10 Q. [13:45:19] And how did you find out that an amputation would take place?

11 A. [13:45:27] I was going to leave [REDACTED]

12 Q. No, no, we are in public sessions now.

13 A. I didn't mention [REDACTED]

14 Q. So do continue.

15 A. [13:45:43] So now I was travelling on the road Goundam and there's the Azalaï
16 hotel. I was looking for a car who would take me [REDACTED]

17 [REDACTED] And then I see all the people standing there in

18 a canal and I see people all standing around and I asked someone what's happening

19 and they said, oh, it's the Sharia. We don't know, we don't know what's going to be

20 happening, but we've heard that they're going to cut off his hand.

21 And I went to have a look as well. We were high up and they were below in

22 the canal. They had parked their cars on the right and on the left and so in a way

23 they surrounded the place with their cars and they had arms. They had a little

24 microphone, a loudspeaker as well, and they started to talk, talk, talk. And

25 afterwards they cut off the hand.

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1 He was in a blue T-shirt. He was sitting on a chair, and then they cut off his hand.

2 Q. [13:47:24] Thank you, Mr Witness. When was that, exactly?

3 A. [13:47:33] I don't know exactly when, but I know that I saw it with my own eyes.

4 [REDACTED] I came back to the town. I can't remember
5 exactly when it happened. I don't know. I think it was a Friday, but I'm not sure.

6 Maybe it was a Thursday. But I did see it.

7 Q. [13:47:59] You mentioned a canal, do you remember the name?

8 A. [13:48:04] You said I shouldn't give names.

9 Q. [13:48:07] You can give the name of the canal.

10 A. [13:48:08] The name of the canal is Gaddafi canal.

11 Q. [13:48:12] Thank you very much for being -- paying attention like that, but you
12 can give the name of the canal.

13 My next question is where is this canal precisely?

14 A. [13:48:24] * It's in Abaradjou, in front of hôtel Azalaï. When you pass hotel
15 Bouctou, there's a large area, you go to the top, there's hôtel Azalaï, and it's there.
16 there you have the canal Gaddafi. And it's about 7 kilometres away from Timbuktu.

17 Q. [13:48:45] * You said they talked into a microphone.

18 A. [13:48:48] Yes

19 Q. [13:48:48] Do you remember what they were saying?

20 A. [13:48:51] No, they were speaking in Arabic. They passed their message in
21 Arabic, that's all.

22 Q. [13:49:04] Did you see any Islamist members that you recognised when they cut
23 off the hand?

24 A. [13:49:10] Yes, I knew some of them.

25 Q. [13:49:17] I'd just -- if I know their name, just give me their name.

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1 A. [13:49:23] Can I give you -- can I give the names? Houka Houka, he was there.

2 Q. [13:49:34] * What was Houka Houka doing there?

3 A. [13:49:39] He had stopped, that's all. He had stopped. There was also a tall
4 actor with a beard. He was dressed in white. Everyone was against him. May I say his
5 name or...

6 Q. [13:49:55] You can say his name, if you know it.

7 A. [13:50:02] Abou Zeid. He is dressed in white. People were saying, "That's him,
8 Abou Zeid. That's him. That's him.

9 Q. [13:50:34] Thank you, Mr Witness.

10 Mr Witness, I'm going to show you an image. You can see it in the binder but we
11 can also show it in -- on the screen, that might be easier.

12 It's tab 5, it's 0018-2357. So it's MLI-OTP-0018-2357.

13 Mr Witness, do you recognise this person that you can see on the image?

14 A. [13:52:05] Yes, I recognise him.

15 Q. [13:52:11] Is it the person whose hand was cut off?

16 A. [13:52:17] Yes, yes, it is.

17 Q. [13:52:18] Thank you. We'll go to the execution of the Tuareg next.

18 The next question is, do you know that person who was executed?

19 A. [13:52:35] No, I don't know him.

20 Q. [13:52:40] I'm sorry that I ask you the same sort of question, but how did you
21 know that this execution would take place?

22 A. [13:52:48] On that day, I was told [REDACTED]

23 [REDACTED] he said that there was someone who was going to be executed,
24 according to Sharia. And I said, "Oh, I can't believe that" so I want to find out if it's
25 really true or not. Because it's my, my town, and I wanted to really find out if it's

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1 true or not. I have seen someone whipped, I've seen someone have their hand cut
2 off, but I've never seen anyone executed.

3 Q. [13:53:29] Did you go and have a look?

4 A. [13:53:30] Yes, I did.

5 Q. [13:53:34] When did it take place?

6 A. [13:53:41] I don't know exactly when it took place, but it was after I had left
7 the town. * After the execution I didn't want to stay in Timbuktu anymore. That day,
8 Timbuktu died. I would say that the whole of Timbuktu died that night. It's true, they
9 didn't shoot all the Timbuktuans, but after they killed the Tuareg there, you didn't
10 hear any noise at night, you don't hear anything, you just saw sad people. Everyone
11 was sad. That's it.

12 Q. [13:54:17] Thank you, Mr Witness.

13 I know you can't remember the date. Was it after they cut off the hand or before?

14 A. [13:54:25] It's after they'd cut off the hand.

15 Q. [13:54:30] Thank you.

16 What did that person do to be executed?

17 A. [13:54:36] * I heard it said that there was a Bozo that the gentleman had killed.

18 When he had shot the Bozo, the mother of the Bozo summoned him. She went to the
19 Islamists and said "There is a Tuareg who killed my son." Then the Islamists went to
20 look where the Tuareg was, to find him. And they collected up several Tuaregs.

21 And afterwards I heard they locked up some of the Tuaregs. And the mother of the
22 Bozo came and they asked the mother "Who was the one who killed your son? We
23 will -- do you want to be compensated or not? Do you want a camel, money, or
24 something else in exchange for the death of the Bozo?" And the mother said, "No,
25 whoever killed my son must also suffer the same fate." Sharia has decided for us.

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1 And Sharia dictates what should happen. * The mother of Bozo said that he should
2 be killed and they killed him. That was according to what I heard in Timbuktu. The
3 execution took place in front of me. They shot him once, he didn't die, they took him
4 to hospital. We did not follow them to the hospital. We don't know what happened
5 afterwards. But the mother of the Bozo was there herself, they took her from the
6 riverside to town by car, there and back.

7 PRESIDING JUDGE MINDUA: [13:57:02](Interpretation) Mr Prosecutor, be very
8 careful, please, for details which might identify the witness.

9 MR ALLAFI: [13:57:16](Interpretation) Thank you, I've taken note. Thank you.
10 Thank you.

11 Q. [13:57:24] Mr Witness, we won't go into the details because we're in open
12 session. You and me, we are both in open session. But you said "Bozo" several
13 times. What does that mean "Bozo"?

14 A. [13:57:40] Bozo is somebody who fishes, the Bozos.

15 Q. [13:57:51] Sorry, I didn't quite catch that, could you repeat what you said?

16 A. [13:57:55] Bozos are fishermen who fish in the River Niger.

17 Q. [13:58:01] Thank you.

18 You said they shot him with a bullet. Do you know who shot him?

19 A. [13:58:10] * No, I don't know. I don't know who shot, because I don't know him.

20 Q. [13:58:22] And the person who shot the bullet, how was he dressed?

21 A. [13:58:29] He was dressed like an Islamist. That's all. He was dressed
22 the way Islamists are dressed. They have vests, they have beards.

23 Q. [13:58:58] And whilst the execution was happening when you were there, did
24 you recognise anybody else amongst the Islamists?

25 A. [13:59:12] Yes.

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1 Q. [13:59:12] * You say "one person"...

2 A. [13:59:15] Who is an Islamist.

3 Q. [13:59:18] Yes. Can you give us just the name?

4 A. [13:59:24] Houka Houka.

5 Q. [13:59:26] I come back with the same question, what was he doing, what was he
6 doing there, Houka Houka?

7 A. [13:59:31] He was next to that car there. And it was that car who brought
8 the person who was executed. There are people at the right, the people on the left,
9 they're all Islamists. And the people on top were for the public.

10 Q. [13:59:59] Thank you. When you said "that car there", are you talking about
11 * the car in the photo that I showed you?

12 A. [14:00:14] Yes, that is it.

13 MR ALLAFI: [14:00:15] Your honour, for the record, I just have to give the ERN of
14 this photo.

15 PRESIDING JUDGE MINDUA: [14:00:25] Absolutely.

16 MR ALLAFI: [14:00:28] It is MLI-OTP-0018-2357.

17 Q. [14:00:49] Mr Witness, where did that execution take place, where did they
18 execute the Bozo?

19 A. [14:00:56] It was not the Bozo who was executed. Ah, yes, yes, it was by
20 the river. I heard that he was executed by the river. But the Tuareg was executed
21 in the Gaddafi canal.

22 Q. [14:01:13] Thank you very much, Mr Witness. You are right in saying --

23 A. [14:01:17] No, it's all right.

24 THE INTERPRETER: Overlapping speakers.

25 MR ALLAFI:

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1 Q. [14:01:19] It was I, you are right in so saying. It was not the Bozo, it was
2 the Tuareg who killed the Bozo; is that correct?

3 A. [14:01:26] That's correct.

4 Q. [14:01:26] It's my fault. Thank you.

5 And do you know whether he was dead after having been -- having received a bullet?

6 A. [14:01:42] After, that is what the people of Timbuktu said. Because we didn't
7 follow. We saw a bullet go in and the chap fell down and then they took him to
8 the hospital. We didn't follow them to the hospital either. And subsequently we
9 heard that he had died. That's all.

10 Q. [14:02:05] Thank you. Mr Witness, in view of the fact that you were present at
11 that moment in time and that you live in that region, can you briefly explain to
12 the Chamber, after the execution, precisely how life was in Timbuktu, how people
13 reacted to this, briefly?

14 A. [14:02:30] * We people... there were old people who said, "Nobody is going to
15 kill anybody anymore, because if you kill someone, you will be killed." That's what
16 the old people said. But the young people were sad because something like this had
17 never been seen before, somebody being executed before us like that. We were not
18 happy about this. If somebody is to be executed, then do it out in the desert, it's
19 a vast expanse, but do not show this to the new generation, to children. You know,
20 somebody might go mad seeing that. Somebody might lose it.
21 After the execution, I no longer wanted to stay in that town. I found an opportunity
22 to leave the town and I would.

23 MR ALLAFI: [14:03:48](Interpretation) Thank you, Mr Witness.

24 Mr President, I would like to show some video footage to the witness, but it is
25 confidential, but we can stay in open session.

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1 PRESIDING JUDGE MINDUA: [14:04:00](Interpretation) Yes, indeed.

2 Madam courtroom officer.

3 MR ALLAFI: [14:04:45](Interpretation) I'm going to be showing video

4 * MLI-OTP-0069-3712 and I shall be showing it without the sound, starting at
5 timestamp 00:00:00:00 for a few seconds.

6 (Viewing of the video excerpt)

7 MR ALLAFI: [14:05:23](Interpretation) And I have stopped at 00:00:09:09.

8 Q. [14:05:35] Mr Witness, do you recognise the individual that you see on
9 the screen?

10 A. [14:05:40] That's the same individual, Hassan.

11 Q. [14:05:43] Can you give his full name, please, just the name?

12 A. [14:05:47] It's Hassan, Al Hassan.

13 Q. [14:05:51] Is this the same individual -- you say it's the same individual, who do
14 you mean?

15 A. [14:05:58] It's the same individual who is seated with us in this courtroom.

16 Q. [14:06:01] Thank you, Mr Witness.

17 MR ALLAFI: I'm going to be showing a second video, still in public session but in
18 confidential mode, please, Mr President.

19 PRESIDING JUDGE MINDUA: [14:06:18](Interpretation) Please go ahead.

20 MR ALLAFI: [14:06:38](Interpretation) Without the sound, of course.

21 Now, timestamp 00:00:13:06, just for a few seconds once again.

22 (Viewing of the video excerpt)

23 MR ALLAFI: [14:06:57](Interpretation)

24 Q. [14:06:57] Mr Witness, do you recognise the individual you have just seen in this
25 image?

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1 A. [14:07:04] Yes, it's Al Hassan.

2 Q. [14:07:06] Can you please repeat?

3 A. [14:07:08] It's Al Hassan.

4 Q. [14:07:11] Thank you.

5 THE INTERPRETER: [14:07:15] Message from the English booth: Could this
6 message please be conveyed to the Presiding Judge, could the witness please speak
7 louder. Thank you.

8 MR ALLAFI: [14:07:29](Interpretation) I have stopped, in case I forgot, at
9 00:00:19:09.

10 And, Mr President, I would like to show a third video, please.

11 PRESIDING JUDGE MINDUA: [14:07:43](Interpretation) Please go ahead.

12 MR ALLAFI: [14:07:45](Interpretation) Thank you. And once again without
13 the sound of course.

14 And I shall start at timestamp 00:02:11:21.

15 (Viewing of the video excerpt)

16 MR ALLAFI: [14:08:40](Interpretation)

17 Q. [14:08:40] Mr Witness, do you recognise any individuals amongst those whom
18 you have seen in this video?

19 A. [14:08:49] [REDACTED]
20 [REDACTED]. But there was a hotel owned
21 by a French person and I heard that they took all the stock of alcohol from there and
22 they went to open a shop, a little shop in order to sell the alcohol in hiding. That's
23 what I heard. The person who is facing us here looks like Al Hassan.

24 Q. [14:09:35] Very well. Mr Witness ...

25 (Counsel confers)

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1 MR ALLAFI: (Interpretation)

2 Q. [14:09:53] Mr Witness, in order to clarify for things to be crystal clear, you said
3 that the person who is facing us here looks like Al Hassan. In the image before you,
4 there is an individual dressed in blue. Where is the individual whom you say looks
5 like Mr Al Hassan with regard or in comparison to the position of the person in blue?

6 A. [14:10:25] Here.

7 Q. [14:10:27] I can't see.

8 A. [14:10:29] I'm pointing to it. I'm trying to point to it with the pen. It's not
9 working.

10 PRESIDING JUDGE MINDUA: [14:10:37](Interpretation) Madam courtroom officer,
11 could we please mark or can the witness mark on the screen?

12 THE COURT OFFICER: [14:10:47] (Interpretation) Mr Witness, do you want to mark
13 on the screen before you currently?

14 THE WITNESS: [14:10:57](Interpretation) Yes.

15 THE COURT OFFICER: [14:10:59] (Interpretation) We can try, but because
16 the document is being played by the Prosecution, I don't know whether we can make
17 a screenshot. Maybe you can also try.

18 THE INTERPRETER: [14:11:12] Microphone, please.

19 THE COURT OFFICER: [14:11:18] (Interpretation) We're going to try and take
20 a screenshot of the video now and copy it. It's the first time.

21 MR ALLAFI: [14:11:28](Interpretation) Thank you very much, madam courtroom
22 officer.

23 THE COURT OFFICER: [14:12:04] (Interpretation) We have to play the video first
24 ourselves and stop at the right timestamp before making a screenshot that we shall
25 then publish.

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1 MR ALLAFI: [14:12:23](Interpretation) Thank you very much, madam courtroom
2 officer.

3 (Pause in proceedings)

4 THE COURT OFFICER: [14:15:36](Interpretation) Mr Prosecutor, could you please
5 confirm that we stopped at the right timestamp, please.

6 MR ALLAFI: [14:15:45](Interpretation) It is on evidence 1?

7 There are 10 seconds more, but I think that's fine. It's 10 seconds difference. But
8 thank you, madam courtroom officer. Very much appreciated.

9 May I proceed, Mr President?

10 PRESIDING JUDGE MINDUA: [14:16:16](Interpretation) Please, please proceed,
11 Mr Prosecutor.

12 MR ALLAFI: [14:16:21](Interpretation)

13 Q. [14:16:21] Mr Witness, you said that there was somebody who looks like
14 Al Hassan. Could you please encircle the head of said individual, please. And you
15 also mentioned ...

16 A. [14:16:43] I'm listening.

17 Q. [14:16:45] You also mentioned a person by the name of [REDACTED] could you
18 please put an X by the head of that individual, a cross, if you like.

19 A. [14:17:53] We're going to describe them by their clothes because they're all
20 wearing different clothes.

21 Q. [14:17:58] Fine. That's fine by us too. Let's start by the individual who
22 says -- you say he looks like Al Hassan. How is he dressed?

23 A. [14:18:10] He is dressed in a boubou, in yellow, with -- and he has a turban on
24 and he's facing the person who is wearing a T-shirt. The other person is sitting. He
25 is wearing blue and he is sitting between Al Hassan. And that's the person I said to

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1 you is called [REDACTED] Is that all right?

2 Q. [14:18:43] Thank you very much. Well, it's very important for the case file. So
3 there is somebody in the centre in blue?

4 A. [14:18:51] Mm-hmm.

5 Q. [14:18:51] And in comparison to the person, this person, the person you say
6 looks like Al Hassan, is he left or right?

7 A. [14:18:58] Well, from where I'm seated, he is to the left, he is to the left.

8 Q. [14:19:05] And looking at the image, he is at -- to the left?

9 A. [14:19:10] Yes, looking at the image, he is to the left.

10 Q. [14:19:13] And [REDACTED], when you look at the image, he is?

11 A. [14:19:18] He is to the right. He has the white turban and he is behind
12 the person with short trousers.

13 Q. [14:19:47] Thank you, Mr Witness.

14 Do you know what these images portray?

15 A. [14:19:55] No, I really don't know. [REDACTED]

16 [REDACTED] they took away the whole stock of alcohol from that
17 hotel. They took the alcohol before the Islamists came and they hid it. Afterwards,
18 a friend told me that, well, there is a location in town where you can go, it's hidden,
19 but there is a friend of ours who's selling alcohol. That's what I heard through
20 people who said that he had his little shop in hiding. And if he had his little shop in
21 hiding, that means --

22 I also heard from others that he had a small hidden shop. Well, if he has a small
23 hidden shop, they are going to flog him. There's no doubt about that. If they catch
24 him drinking, they are going to beat him. I do know that.

25 MR ALLAFI: [14:21:13] Thank you very much, Mr Witness.

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1 Mr President --

2 THE COURT OFFICER: [14:21:18](Interpretation) I do apologise for interrupting
3 you, Mr Prosecutor. We were able to print the screenshot.

4 MR ALLAFI: [14:21:28](Interpretation) Well, we were talking and identification was
5 possible, so yes, that's fantastic. If you could please give it to the witness.

6 THE COURT OFFICER: [14:21:40](Interpretation) Unfortunately, it is in black and
7 white, the photocopy.

8 (Pause in proceedings)

9 THE COURT OFFICER: [14:22:52] The annotated document is displayed on
10 the evidence 1 channel.

11 PRESIDING JUDGE MINDUA: [14:23:06](Interpretation) Very well, madam
12 courtroom officer. Please record it and provide it with a number.

13 THE COURT OFFICER: [14:23:12] The document will bear the number
14 MLI-REG-0001-0018.

15 PRESIDING JUDGE MINDUA: [14:23:32](Interpretation) Thank you very much.
16 Mr Prosecutor.

17 MR ALLAFI: [14:23:37](Interpretation) Thank you very much, madam courtroom
18 officer.

19 Mr President, with a view to clarifying, because I'm going to be providing the ERN
20 numbers of the second and third video, at page 82, line 7, the second ERN number
21 is -- just a second, please. So the second ERN number is MLI-OTP-0018-0379. And
22 the third video at page 82, line 23 bears the ERN MLI-OTP-0018-0693.

23 So, I think I've given the first, but I'm going to make the most of this moment to give it
24 again. * The first video bears the ERN MLI-OTP-0069-3712.

25 And I'm going to turn to you once again, Mr President, because there are important

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1 details that should be covered in private session, please.

2 PRESIDING JUDGE MINDUA: [14:25:50](Interpretation) Madam courtroom officer,
3 private session, please.

4 (Private session at 2.26 p.m.)

5 THE COURT OFFICER: [14:26:16] We're in private session, Mr President.

6 PRESIDING JUDGE MINDUA: [14:26:20](Interpretation) Thank you very much.

7 Mr Prosecutor.

8 MR ALLAFI: [14:26:24](Interpretation) Mr President, I would like to show a last, one
9 last image, it is a photograph, at tab 27, bearing the ERN number MLI-OTP-0018-2595.

10 THE COURT OFFICER: [14:28:01] The document will be displayed on the evidence
11 1 channel.

12 MR ALLAFI: [14:28:15](Interpretation) Mr President, with regard to this image, we
13 can, I realise, be in open session, just for this image. And afterwards, when I move
14 on to another subject, we can go back into private session, if you prefer.

15 PRESIDING JUDGE MINDUA: [14:28:31](Interpretation) Madam courtroom officer,
16 open session, please.

17 We need to remind the witness not to furnish any details that could be identifying in
18 nature.

19 MR ALLAFI: [14:28:44](Interpretation) Thank you, Mr President.

20 (Open session at 2.28 p.m.)

21 THE COURT OFFICER: [14:28:47] We are in open session, Mr President.

22 PRESIDING JUDGE MINDUA: [14:28:57](Interpretation) Thank you very much.
23 Mr Prosecutor, please.

24 MR ALLAFI: [14:29:02](Interpretation) Thank you, Mr President.

25 Q. [14:29:06] Mr Witness, do you recognise this image?

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1 A. [14:29:13] Yeah.

2 Q. [14:29:17] Do you know where this image was taken, the location?

3 A. [14:29:30] Well, this image, I think it was in Sankoré.

4 Q. [14:29:37] Thank you. And amongst the people that you can see in this picture,
5 do you recognise anybody?

6 A. [14:29:45] I recognise one person alone.

7 Q. [14:29:49] Could you just tell us the name of that individual, if you know it?

8 A. [14:29:55] It's Hassan.

9 Q. [14:30:00] And where do you see him in this image, Mr Al Hassan?

10 A. [14:30:04] You can see his head just past or behind the lady. Can you see his
11 head?

12 Q. [14:30:25] And to the right-hand side, when you look at the image, there are
13 people and then to the left-hand side of the lady we can see somebody, are you
14 talking about the people to the right or the left?

15 A. [14:30:39] When you see the lady in front of you, you see one face facing
16 the lady, but the others are to the side. You can see their hands, you can see their
17 weapons, et cetera. But you can see one face alone, just the face. All right?

18 Q. [14:31:06] Yes, thank you very much, Mr Witness.

19 Madam courtroom officer, would it be possible to print out that photograph? I'm
20 very sorry. Thank you.

21 (Pause in proceedings)

22 THE COURT OFFICER: [14:33:19] The document is displayed on the evidence 1
23 channel.

24 MR ALLAFI: [14:33:28](Interpretation)

25 Q. [14:33:29] Mr Witness, could you make a circle around the person who you

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1 think is Al Hassan, please.

2 PRESIDING JUDGE MINDUA: [14:34:00](Interpretation) We have the document.

3 Madam court officer, please record it and provide it with a number.

4 THE COURT OFFICER: [14:34:08] The document will bear the number

5 MLI-REG-0001-0019.

6 PRESIDING JUDGE MINDUA: [14:34:41](Interpretation) Mr Prosecutor.

7 MR ALLAFI: [14:34:43](Interpretation) Thank you, Mr President.

8 Q. [14:34:45] Thank you, Mr Witness.

9 And the court officer.

10 I would ask to enter into private session.

11 PRESIDING JUDGE MINDUA: [14:35:01](Interpretation) Private session, please,

12 court officer.

13 (Private session at 2.35 p.m.)

14 THE COURT OFFICER: [14:35:08] We are in private session, Mr President.

15 PRESIDING JUDGE MINDUA: [14:35:16](Interpretation) Thank you.

16 Mr Prosecutor.

17 MR ALLAFI: [14:35:22](Interpretation) Thank you, Mr President.

18 Q. [14:35:24] Mr Witness, on page 76, line 20, you say the day -- we're talking about

19 the execution here, [REDACTED]

20 [REDACTED] that Sharia was going to be applied."

21 [REDACTED] ?

22 A. [14:35:56] [REDACTED] that's where I saw him.

23 Q. [14:36:06] What was the name?

24 A. [14:36:07] His name was [REDACTED]

25 MR ALLAFI: [14:36:30] Mr President, I'm sorry, the name, maybe you could ask him

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- 1 to write the name. Oh, I see it's been corrected. The name is [REDACTED]
- 2 PRESIDING JUDGE MINDUA: [14:36:46](Interpretation) We've got it on the records
- 3 now, the name.
- 4 MR ALLAFI: [14:36:51](Interpretation)
- 5 Q. [14:36:52] * [REDACTED] ?
- 6 A. [14:37:03] [REDACTED]
- 7 [REDACTED].
- 8 Q. [14:37:11] And why did you go there?
- 9 A. [14:37:12] I went there to find -- [REDACTED] and I also sometimes see
- 10 [REDACTED] if so,
- 11 could I have a bit of work. [REDACTED] That's the type of work I do.
- 12 Q. [14:37:36] [REDACTED] with whom did he work, what sort [REDACTED]
- 13 [REDACTED]
- 14 A. [14:37:45] I don't know exactly. [REDACTED]
- 15 [REDACTED]
- 16 [REDACTED]
- 17 [REDACTED]
- 18 Q. [14:38:19] Where does this [REDACTED] come from?
- 19 A. [14:38:22] He told me he came from [REDACTED]
- 20 Q. [14:38:33] Did you meet him before or after the Islamists arrived?
- 21 A. [14:38:40] I met him after I was whipped [REDACTED] after
- 22 they had cut off that one individual's hands. [REDACTED]
- 23 Q. [14:38:59] Did you talk about what happened to you?
- 24 A. [14:39:04] No, no, no, I didn't. I didn't talk about what happened to me. No,
- 25 I didn't talk about that at all.

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1 Q. [14:39:20] Did [REDACTED] find out about what happened to you afterwards?

2 A. [14:39:29] Yes, afterwards he came back and he found me but he didn't find me.

3 Because it was him who made me -- or, helped me leave Timbuktu. And

4 the moment I left, I said, * "Please, sir, you have to take me. [REDACTED]

5 [REDACTED]

6 [REDACTED] So a car came, and the driver of the Land Cruiser which arrived

7 parked at 4 o'clock in the morning. I got into the car. I didn't ask [REDACTED]

8 nobody asked me anything.

9 And I followed up to Gao, and from then he had [REDACTED] and I stayed in

10 the hotel there. * He went [REDACTED]

11 [REDACTED] Yes.

12 Q. [14:40:29] Thank you.

13 A. [14:40:30] And that is where he ran into Omar, but he saw me running away to

14 hide. Because I said to him, "but you have a meeting with Omar, you have to tell me

15 to leave." He said to me, "I don't know what's going on." He told me to explain. I

16 said, "No, no, no, I'll tell you." I jumped over a wall, and I went to hide [REDACTED]

17 [REDACTED]. He left, and I came back. Then he started to

18 ask me why I was running away from this guy. I said, "No, I am running, I am done."

19 I did not tell him what happened, because I was in danger in Gao. I was in danger in

20 Timbuktu. I had to... I wanted to know.... because I, you know, I needed to cross

21 over, I needed to go to Niger or Burkina Faso. That was my goal. I left my family in

22 the middle of the desert. I fled, just like that. It was not the time for going into details.

23 [REDACTED] I only

24 told him what I had seen. I didn't say anything about what had happened to me,

25 because I thought that if I said anything, maybe they would see it and then come and

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1 slit my throat. They're capable of that. Or they would come and hurt me.

2 Q. [14:42:42] Very well, Mr Witness.

3 There are lots of details. So I'll come back to them step by step so that we can have
4 concise answers.

5 Why didn't you say anything to [REDACTED] about what happened to you?

6 A. [14:43:01] I couldn't tell him about this because I didn't feel safe. He might tell
7 the media about it. He might tell the media what happened. No. He might give
8 permission to someone else to tell them. And before you know it, everybody's going
9 to see what's going to happen. * to see what's going to happen. Only they can give
10 permission to someone to do what they want. [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]. " I
14 have problems. I didn't want problems.

15 Q. [14:43:46] I talked about what happened to you, the flagellations you had, it's
16 just for the records.

17 For the records, you didn't talk about your flogging?

18 A. [14:44:05] * It was after all that.

19 Q. [14:44:10] Very well.

20 A. [14:44:12] We saw each other in Bamako, I explained everything to him.

21 Q. [14:44:31] When did you explain everything to him?

22 A. [14:44:38] It was roughly [REDACTED]

23 Q. [14:44:49] You mentioned [REDACTED] where did you meet him?

24 A. [14:44:54] [REDACTED] over there.

25 Q. [14:44:56] What was he doing?

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1 A. [14:44:58] [REDACTED]
2 [REDACTED] Because they picked him up by car, they took him to town to
3 [REDACTED] et cetera.

4 Q. [14:45:36] Were there [REDACTED]?

5 A. [14:45:41] No, [REDACTED]
6 [REDACTED]
7 [REDACTED] He left. We left together. [REDACTED] he arrived before
8 mine did and he stayed longer. [REDACTED]
9 [REDACTED]

10 Q. [14:46:16] Thank you. There you talk about your departure and that you met
11 Omar and you hid, you fled. Why did you do that?

12 A. [14:46:29] I didn't want him to see me in Gao, because he was in Timbuktu but
13 he had disappeared. He left it in the hands of Ansar Dine and he left for Gao.

14 Q. [14:46:49] When was that? When did you hide?

15 A. [14:46:55] When I was about to leave Timbuktu. It's the moment I left
16 Timbuktu. [REDACTED] about
17 5 o'clock in the morning. No, we left Timbuktu, sorry, at about 5 o'clock in
18 the morning and we arrived in Gao at about 4 o'clock.

19 Q. [14:47:33] How much time before the liberation of the town did you leave?
20 When was your departure, exactly?

21 A. [14:47:40] I left after the execution. I left the day of the execution. When they
22 killed the Tuareg, that is the day I left. [REDACTED] I then told him
23 that I wanted to leave, and he said "Fine." And I said, "When you move, I'll move
24 with you."

25 Q. [14:48:12] Was it months, weeks? When was it, exactly, your departure?

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1 A. [14:48:22] But, Mr Prosecutor, I've already said, me, it was after the execution
2 that I left Timbuktu. There are many people in Timbuktu who can give you
3 the precise date of the execution. It was after the execution, of the execution, I don't
4 remember the day, the date, I just wanted to leave.

5 Q. [14:48:51] Thank you, Mr Witness.

6 MR ALLAFI: I would like to show a video, my Lord, to the witness. As it simply
7 just can be identifiable, I'd appreciate it if we could go into closed session.

8 PRESIDING JUDGE MINDUA: [14:49:31](Interpretation) Court officer, please can
9 we go into private session.

10 MR ALLAFI: [14:49:36](Interpretation) [REDACTED]

11 THE COURT OFFICER: [14:49:54] We are already in private session, Mr President.

12 MR ALLAFI: [14:50:13](Interpretation) Can I proceed, court officer?

13 (Pause in proceedings)

14 THE COURT OFFICER: [14:51:08] The video will be displayed on the evidence 1
15 channel.

16 MR ALLAFI: [14:51:22](Interpretation) May I proceed, court officer? I'll -- 00:15, is
17 the timestamp, 48:05, so [REDACTED] is the timestamp.

18 (Viewing of the video excerpt)

19 MR ALLAFI: [14:52:20] And I'm stopping at [REDACTED]

20 Q. [14:52:35] (Interpretation) Mr Witness, do you recognize this footage?

21 A. [14:52:40] (Interpretation) I can't see it.

22 PRESIDING JUDGE MINDUA: [14:52:44](Interpretation) Court Officer, please assist
23 the witness so that he can see the images.

24 MR ALLAFI: [14:53:24](Interpretation) May I go ahead? Thank you. So this time
25 [REDACTED] is the time stamp.

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1 (Viewing of the video excerpt)

2 MR ALLAFI: [REDACTED]

3 Q. [14:54:25] (Interpretation) Could you see it this time, Mr Witness? Do you
4 recognise the images?

5 A. [14:54:32] Yes, [REDACTED]

6 Q. [14:54:43] [REDACTED]?

7 A. [14:54:45] [REDACTED]

8 Q. [14:54:54] [REDACTED]

9 A. [14:54:55] [REDACTED]

10 Q. [14:54:58] [REDACTED] do you recognise anyone [REDACTED]?

11 A. [14:55:02] Yes.

12 Q. [14:55:03] Who?

13 A. [14:55:05] Sanda.

14 Q. [14:55:11] Sanda. When was this filmed? When?

15 A. [14:55:29] I can't remember the date. Since the occupation, we were -- we were
16 overcome by events and days didn't play a part anymore, we didn't know what
17 happened when anymore.

18 Q. [14:55:55] You mentioned that you saw Sanda. I'll display the video again and
19 you tell me when you see him and I'll stop the video there.

20 (Viewing of the video excerpt)

21 MR ALLAFI: [14:56:18](Interpretation) I'm starting again from [REDACTED]

22 Q. And tell me when you see the person you believe is Sanda, please.

23 (Viewing of the video excerpt)

24 THE WITNESS: [14:56:55](Interpretation) Stop. * He's the one that has the glass of
25 tea, there, like that, drinking tea.

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1 MR ALLAFI: [14:57:07](Interpretation) The witness asked me to stop at the
2 timestamp 00:16:16:00. That's when he recognised Sanda.

3 Q. [14:57:28] And in that image, Mr Witness, you say he has the glass and is it on
4 the left-hand side, the right-hand side?

5 A. [14:57:40] It's the one with the beard and the white turban. He has a white
6 turban.

7 Q. [14:58:18] I'm just going to go back a bit on the video display. [REDACTED] as
8 the date stamp -- the timestamp, sorry.

9 (Viewing of the video excerpt)

10 MR ALLAFI: [REDACTED]

11 Q. [14:58:52] [REDACTED]

12 A. [14:58:55] [REDACTED]

13 Q. [14:58:59] [REDACTED]

14 A. [14:59:03] [REDACTED] it's not allowed to have
15 long trousers. The trousers have to be a certain shortness. You can't go beyond that.

16 * And I don't want to come back again. I just smoked and am still being arrested. I
17 respect Sharia. I hide when I smoke, I hide the cigarette, that's all. Because the
18 trousers cannot exceed the maximum length. [REDACTED]

19 [REDACTED] could bring you in at any time. [REDACTED]

20 Q. [14:59:59] Mr Witness, I have a few remaining questions. The first, when you
21 were over there, did you speak to anybody on the fact that you had been flogged by
22 the Islamists?

23 A. [15:00:24] No, no, not -- nobody at all. Even my family weren't aware of it.
24 I didn't explain that to them. Neither my father, nor my sisters, no one knew about it.
25 I kept that for myself. I was hurt, but I wasn't proud of it. I wasn't proud of that.

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1 It's true. I didn't want to tell anyone. It would have hurt my pride. So I never
2 talked about it at all. I only spoke about it afterwards when I arrived in Bamako,
3 when everybody started talking. I also spoke because everybody said they were
4 raped and somebody said this is what they did to me, this is what they did to me. So
5 that was the moment.

6 So then I too said what happened to me. That's how it was. I said the truth,
7 because since the arrival of the French army, and of the arrival of the United Nations,
8 everybody started talking. Everybody was talking. It was completely different.
9 But we were in a crisis and it was the truth that we had to speak out because we had
10 to find a path forward that would bring us peace.

11 Q. [15:02:09] At page 99, line 6, in response to my question as to whether you had
12 spoken to anybody about the Islamists and whether they had done -- and you said --

13 A. No.

14 Q. You say, "It hurts me to say, it hurts me to tell people." Can you explain to the
15 judges, to the Chamber what you mean by that?

16 A. [15:02:39] It's very hurtful, because when I speak about this, it is as if I can see it
17 happening in front of me, in front of me. There we are.

18 Q. [15:02:57] You also said that you're not proud of it.

19 A. [15:03:01] Yes.

20 Q. [15:03:02] Can you explain to the judges what you mean by that?

21 A. [15:03:06] I mean that I am not proud of that either. I am not proud of having
22 been flogged. There we are. I'm not proud of it. That's all.

23 Q. [15:03:26] A last question, Mr Witness. You were interviewed by
24 the investigators of the Office of the Prosecutor beforehand. I would like for you to
25 tell the Bench and the Chamber why it is that you accepted to speak to

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1 the investigators of the Office of the Prosecutor of the ICC?

2 A. [15:03:54] Very well. Immediately.

3 The investigators called me, I picked up the phone, "Hello, good evening, we need
4 you. Are you [REDACTED] I said yes. "Well, we need you." The investigators
5 invited me to sit down firstly. I was seated [REDACTED]

6 [REDACTED]
7 I'm sitting down and they explained to me what a witness is and what
8 the international court -- International Criminal Court does. [REDACTED]

9 [REDACTED] And when I heard
10 the word "peace", that encouraged me to come here and testify in this courtroom.

11 Because when I saw peace in my country, everything that has happened to me I can
12 forgive for peace, I can forgive everything for peace in Mali.

13 [REDACTED] Yes, of course we
14 want peace in Mali. My objective is peace. I came here to seek peace. I gave all of
15 those details for peace. Women are suffering. Children are suffering. Every day,
16 people are dying. Today, in Timbuktu, people say that everything is over, but
17 people are still being killed. People are still being massacred. The, you know,
18 the centre of the country, the north of the country, it's not okay. I have come to seek
19 the peace. That's why I gave all these details as a witness in order to find peace in
20 Mali.

21 Q. [15:06:04] Mr Witness, thank you very much for your time and for your answers
22 and your patience.

23 A. [15:06:10] Thank you.

24 Q. [15:06:11] I thank you.

25 MR ALLAFI: Mr President, your Honours, I shall stop here. The Office of the

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1 Prosecutor has finished the examination-in-chief of this witness and I thank you for
2 the time allocated. This is the end.

3 PRESIDING JUDGE MINDUA: [15:06:29](Interpretation) Thank you very much,
4 Mr Prosecutor.

5 Let us now return, madam courtroom officer, to open session, please.

6 (Open session at 3.06 p.m.)

7 THE COURT OFFICER: [15:06:51] We are in open session, Mr President.

8 PRESIDING JUDGE MINDUA: [15:07:00](Interpretation) Thank you very much,
9 madam courtroom officer.

10 There we are. We have reached the end of the examination-in-chief on the part of
11 the Prosecutor of this witness and it is now time to conclude this hearing. But I'd
12 like to ask Mr Nsita whether the Legal Representatives for Victims intend to question
13 this witness.

14 MR LUVENGIKA: [15:07:26](Interpretation) Yes, thank you, Mr President, for
15 allowing me to address the Court. After having followed the testimony of this
16 witness led by the Office of the Prosecutor, the Legal Representatives for Victims do
17 not have any further questions to put to this witness.

18 And I'd like to thank you, Mr Witness, for testifying.

19 PRESIDING JUDGE MINDUA: [15:07:50](Interpretation) Thank you. Very well,
20 Mr Nsita, thank you.

21 So now we have the cross-examination on the part of the Defence, for which we do
22 not have time now, of course. It will be for -- Ms Taylor, that will be tomorrow, will
23 it not?

24 MS TAYLOR: [15:08:09] Yes, Mr President.

25 PRESIDING JUDGE MINDUA: [15:08:16](Interpretation) Very well.

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1 Mr Witness, this concludes the hearing for today. On behalf of the Chamber, I
2 would like to thank you very much for having answered the questions that have been
3 put to you in such a clear manner, the questions put to you by the Office of the
4 Prosecutor.

5 THE WITNESS: [15:08:45](Interpretation) Thank you very much, Mr President.

6 PRESIDING JUDGE MINDUA: [15:08:49](Interpretation) You are welcome.

7 Tomorrow you shall be continuing with your testimony and, as you will have
8 understood, it will be for the Defence to conduct its cross-examination of you.

9 Now, until then, please do not forget, as usual, that you are not allowed to speak to
10 whomsoever about your testimony. We do agree, do we not?

11 THE WITNESS: [15:09:12](Interpretation) I do agree.

12 PRESIDING JUDGE MINDUA: [15:09:14](Interpretation) Thank you very much,
13 Mr Witness.

14 So, it remains for me to thank all the parties, the participants for this fruitful
15 cooperation. I would also like to thank the court reporters, the interpreters and
16 the security officers and our public.

17 We shall adjourn for today and reconvene tomorrow morning at 9.30. I wish you all
18 a very nice evening.

19 Court is adjourned.

20 THE COURT USHER: [15:09:53] All rise.

21 (The hearing ends in open session at 3.09 p.m.)

22 CORRECTIONS REPORT

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

25 "Once again, this is a subject that you mentioned last Friday in the French transcript

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1 57, 55, line 9, page 68, line 9 as well."

2 is corrected to:

3 "Once again, this is a subject that you mentioned last Friday, French transcript 57,
4 page 65, line 9, and page 68, line 9, as well."

5 Page 6 line 17 to page 7 line 2:

6 "[9:42:55] Well, there are hotels in Timbuktu and there are bars. Now, where it
7 concerns alcohol, you have the French hotel, which is -- was just finished before their
8 arrival, and there was the Hotel Colombe as well and there's Amanar, there is Kaleme
9 nightclub, Paillote nightclub and there are lots of different places where alcohol
10 wasn't prohibited. There were even places you could go where you pay and you can
11 do what you want. If you want to drink, you can. You don't have to drink, of course.
12 There are major figures in Timbuktu, imams, and other people as well. If you drink,
13 they didn't do anything about that. That's all. It was before."

14 is corrected to:

15 "[9:42:55] Well, there were hotels in Timbuktu and there were bars. Now, where it
16 concerned alcohol, you had the French hotel, which is at the entrance, which had just
17 been finished before their arrival. It was damaged as well. There was Hotel Bouctou,
18 there was Hotel Colombe, and there was Sahara Passion, which was a hostel. There
19 was Amana, there was Kaleme, which was a nightclub, there was the Paillote
20 nightclub. There were people's homes, there were many places where alcohol wasn't
21 even prohibited. There were even places you could go to and pay, you would go
22 there, you could do whatever you wanted. If you wanted to drink, you could drink.
23 If you didn't want to drink, you didn't have to drink. There were major figures in
24 Timbuktu, great imams, prominent people even, and if you drank, they didn't do
25 anything to you. That was all. That was before."

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1 Page 7 lines 11-13:

2 "If you walked past of it, you could see there was smoke everywhere. And also
3 in the entire town, everything that they did, they didn't even hide it from the
4 population."

5 is corrected to:

6 "All that, I walked past all that, I saw that there was smoke everywhere, and then the
7 entire city as well, everything they did, they didn't even hide it from the population."

8 Page 9 lines 12-13:

9 "Your Honours, I'd like to go into private session for one or two sessions."

10 is corrected to:

11 "Your Honours, I'd like to go into private session for one or two questions."

12 Page 10 lines 10-14:

13 "A. [9:53:40] No language. It was forbidden. Because he said, "Even you have to
14 know how to speak." And they said [REDACTED]

15 [REDACTED] "You have to be careful. You have to know what you say."
16 That's the way it was."

17 is corrected to:

18 "A. [9:53:40] No, it was... it was language. They said that it was forbidden. Even
19 me... because they even said to me, "You have to know how to speak." They
20 threatened me [REDACTED] They
21 said to me, "You have to be careful. You have to know what you are saying." That's
22 the way it was."

23 Page 11 lines 9-11:

24 "A. [9:55:46] In Timbuktu, we saw our own brothers who joined them. They
25 joined

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1 the Islamists. They came -- they're intelligent, they used our brothers against us, and
2 that's what hurt us."

3 is corrected to:

4 "A. [9:55:46] In Timbuktu, we saw our own brothers who joined them, our own
5 brothers. They joined the Islamists. The Islamists came, they were intelligent, they
6 used our brothers against us, and that's what hurt us."

7 Page 12 lines 13-14:

8 "A. [9:58:40] Well, Al Hassan Abdoul Aziz [REDACTED]

9 [REDACTED]

10 is corrected to:

11 "A. [9:58:40] Well, Al Hassan Ag Abdoul Aziz [REDACTED]

12 [REDACTED]

13 CORRECTIONS REPORT 2

14 The following corrections, marked with an asterisk (*) and not included in the
15 audio-visual recording of the hearing, are brought into the transcript.

16 Page 12 line 18:

17 "THE WITNESS: [9:59:55](Interpretation) I need to spell the name?"

18 is corrected to:

19 "THE WITNESS: [9:59:55](Interpretation) That's the name."

20 Page 13 line 16:

21 "he was like before he --"

22 is corrected to:

23 "he was like before he joined the group?"

24 Page 13 line 20-21:

25 "Abdoul Aziz, taught a lot of the Koran to the children. All the children would go

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1 there to learn the Koran. It was his father who did that. Many children, many."

2 is corrected to:

3 "Abdoul Aziz, taught the Koran a lot to the children [REDACTED] All the children

4 [REDACTED] would go to learn the Koran from his father. Many children, many."

5 Page 14 line 2-12:

6 "A. [10:06:49] I would see him and when I -- I remember, he was quite young at the

7 time. He had a motorcycle and, you see, [REDACTED] We

8 have a small grin [REDACTED]

9 something to drink, but I would not go into their family. It's true I drink, but I respect

10 important people. I wouldn't go into their family. I might greet them, but when I go to

11 Timbuktu, I talk to the people within the grin and in my grin, we drink. So I can't go

12 see important people. That's the way it is. I don't know them well. [REDACTED]

13 [REDACTED]

14 [REDACTED] that's all."

15 is corrected to:

16 "I saw him when he was young. And then, when I saw him again, he was young. He

17 was very young. He had a DT (phon) motorcycle. And it was a friend [REDACTED]

18 [REDACTED]

19 [REDACTED] We would listen to the music there. That was before

20 the occupation. We would listen to music, we would drink. Well, I could not go into

21 the family home, because the elderly are there. It's true, I would drink, but I respect

22 the elders. I can't enter into their family home. I can drink when it's my family and

23 greet them, [REDACTED] we drink.

24 I can't enter the home of the elderly, that's all. For the rest, I don't know him well, [REDACTED]

25 [REDACTED] that's

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1 all."

2 Page 15 line 1-8

3 "A. [10:09:14] The first day that I saw him, I saw him there. The first day that I saw
4 him, it was the -- I didn't see him wearing a vest. It was later that I saw him, within
5 that group of Islamist people.

6 Q. [10:09:34] You say that you saw him wearing Islamist clothing. What does that
7 mean?

8 A. [10:09:43] It means the Islamists have their own style of dressing. Often it's yellow
9 and they have vests that they wear and they have weapons. And their trousers are
10 trimmed at the bottom."

11 is corrected to:

12 "A. [10:09:14] The first day that I saw him, he was there, standing, he wasn't wearing a
13 vest, he wasn't wearing Islamist style of clothing. It was later that I saw him in this
14 Islamist-style clothing.

15 Q. [10:09:34] You say that you saw him wearing Islamist clothing. What does that
16 mean?

17 A. [10:09:43] It means the Islamists have their own style of dressing. They have small
18 pieces of material, often yellow, or yellowish, and they have blue vests that they wear
19 and they have weapons. And their trousers are cut short at the bottom."

20 Page 18 line 10:

21 "A. [10:16:59] He was at the BMS ..."

22 is corrected

23 "A. [10:16:59] He managed the BMS after the gouvernorat."

24 Page 18 line 16-17:

25 "A. [10:17:13] Al Hassan had replaced another person by the name of Adam. People --

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1 some people said that he was from Mauritania. Others said ..."

2 is corrected to:

3 "A. [10:17:13] Al Hassan had replaced a Chadian by the name of Adam. Some people
4 said that he was from Mauritania. Others said he was Chadian."

5 Page 18 line 25 - Page 19 line 6:

6 "A. [10:18:11] [REDACTED]
7 [REDACTED]

8 [REDACTED] two large families, and these two large families, you see, have the same mother,
9 the same father. These are the Kel Ansar. There's the first group and then there's a
10 second group and then a third group.

11 Q. [10:18:50] So the wife is Kel Ansar?

12 A. [10:18:52] [REDACTED]

13 is corrected to:

14 "A. [10:18:11] [REDACTED]
15 [REDACTED]
16 [REDACTED]

17 [REDACTED] two large families, and these two large families, also have the same mother
18 and the same father. That's the Kel Ansar. In the Kel Ansar there's a first group,
19 there's a second group and then a third group. That's the Kel Ansar. [REDACTED]
20 [REDACTED] That's it."

21 Page 19 line 4-8:

22 "A. [10:19:03] Yes, he was at the Bahadou school where I went to school. He taught
23 Arabic at the Bahadou school a long, long time ago. And he ... Amanar (phon), you
24 see, Sahara Passion (phon), these are various neighbourhoods. Sometimes I would go
25 and fetch things there, [REDACTED] I would go by there and I

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1 would see those people studying the Koran each day, each morning."

2 is corrected to:

3 "A. [10:19:03] Yes, he was at Bahadou school, where I went to school myself. He

4 taught Arabic at Bahadou school a long, long time ago. And he too... I would go to his

5 house, to tell you the truth. I would go to his house. Because there is Amanar (phon),

6 and Sahara Passion (phon), as it is Abaradjou, it is the Abaradjou neighbourhood.

7 Sometimes I would go [REDACTED] I

8 would go to his house and I would see those people studying the Koran each day,

9 each morning. That's it."

10 Page 19 line 9-20:

11 "Q. [10:19:54] And have you spoken to him occasionally?

12 A. [10:19:57] Yes, occasionally. A long time ago.

13 Q. [10:20:10] You say that his children joined the group as well, how do you know

14 that?

15 A. [10:20:16] I would see them. Those children, I would see them. I myself saw them

16 on motorcycles or walking and they were armed. I saw them myself.

17 Q. [10:20:31] And do you know the names of these children?

18 A. [10:20:34] No, I don't know their names. I don't know their names.

19 Q. [10:20:45] Do you know what they were doing with the Islamists?

20 A. [10:20:50] They were part of the police. They had vests that read "Islamic police". It

21 was written in Arabic and in French. And you could read the vest and see that they

22 were part of the Islamic police."

23 is corrected to:

24 "Q. [10:19:54] And have you spoken to Houka Houka?

25 A. [10:19:57] Houka Houka, yes. I have spoken to Houka Houka since I was a child.

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1 Yes.

2 Q. [10:20:10] You say that his children joined the group as well, how do you know
3 that?

4 A. [10:20:16] I would see them, his children, I would see them. I myself saw them on
5 motorcycles or walking and they were armed. I saw them myself.

6 Q. [10:20:31] And do you know the names of these children?

7 A. [10:20:34] No, I don't know their names. I don't know their names.

8 Q. [10:20:45] Do you know what they were doing with the Islamists?

9 A. [10:20:50] They were only part of the police. They had vests with "Islamic
10 police" written on the back in Arabic and in French. We would try to read what was
11 in French, we would see "Islamic police". That's all. "

12 Page 20 line 15:

13 "Now, did you see this person before or after the arrival of the Islamists? Houka
14 Houka?"

15 is corrected to:

16 "Now, did you see Houka Houka after the arrival of the Islamists?"

17 Page 20 line 16-18:

18 "A. [10:22:06] The arrival -- the arrival, I saw him at the hôtel La Maison. I saw him
19 there, yes, at the hôtel La Maison. I would see him during the Sharia. Everyone was
20 wearing masks, but not him. He didn't even wear a turban."

21 is corrected to:

22 "A. [10:22:06] At the time of arrival? I saw him at the tribunal, yes at hotel La Maison,
23 where they said the tribunal was. I saw him there, yes, at hotel La Maison I would see
24 him during the Sharia. Everyone was wearing masks, but not him. He didn't even
25 wear a turban."

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1 Page 20 line 22-24:

2 "A. [10:22:50] No, other than the people I mentioned, no. Other than that, I don't
3 know anyone who joined the group, unless -- well, there was a young [REDACTED]

4 [REDACTED]

5 is corrected to:

6 " A. [10:22:50] No, other than the people I mentioned, no. Other than them, I don't
7 know anyone else who joined the group, apart from a young [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 Page 21 line 11-22:

11 "A. [10:23:49] I'm sorry about that. Who is -- [REDACTED]
12 at a place 62 kilometres away from Timbuktu. His father died years ago, and he came
13 and he joined the Islamists. He is the one who even came and spoke to me, even we
14 got to the new -- at the BNDA bank. Just before we got to the entrance, the civil
15 protection, you see, there's a little stove [REDACTED]

16 [REDACTED] - he came up to me and I said
17 to him --

18 THE INTERPRETER: [10:24:40] Correction --

19 THE WITNESS: [10:24:41](Interpretation) He said to me, "Will you join us brothers?"

20 THE INTERPRETER: [10:24:42] Inaudible.

21 THE WITNESS: [10:24:43](Interpretation) And then after, he left. I don't even know
22 where he went."

23 is corrected to:

24 "A. [10:23:49] [REDACTED] (phon) left for

25 Essakane. Essakane is 70 kilometres from Timbuktu. He came and left for the

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1 Sahara. His father died years ago. He came and joined the Jihadists. He is the one who
2 came and spoke to me [REDACTED] where I was even before getting to the place where
3 the BNDA bank is. Just before the entrance, there is the civil protection, on the right
4 there was a small place [REDACTED]
5 [REDACTED]
6 (phon) came up to me and said "You must join, you must defend Jihad." I said: "I'm
7 not ready. I'm not ready." That's all. And then after, he left. I don't even know where
8 he is."

9 Page 21 line 15-16:

10 "Q. [10:24:57] Thank you. Do you know his full name?

11 A. [10:25:13] [REDACTED]

12 is corrected to:

13 "Q. [10:24:57] Thank you. Do you know the full name of [REDACTED]
14 [REDACTED]

15 A. [10:25:13] [REDACTED]
16 [REDACTED]

17 Page 23 line 8:

18 "Q. [10:28:11] Now, did you, did you explain why you didn't join the group?"

19 is corrected to:

20 "Q. [10:28:11] Now on Friday you said that you were not working at this time. Why
21 you didn't join the group?"

22 Page 23 line 15-24:

23 "A. [10:29:05] Most of the people in Timbuktu, there was -- well, you see, people were
24 poor. They had nothing. They had nothing. Other -- so it was because of poverty, that
25 is why they would join because the Islamists had food. But the city at one point, you

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1 see, had nothing. There was nothing. Even -- people were suffering.
2 So other -- some people -- that is why some people joined the Islamists, to get money.
3 That's how it was. Yes, it was just poverty that led the people of Timbuktu to join the
4 group. My father's advice was not to join the Islamists and so I was patient. I just
5 waited. Yes. We stayed and many young people - we had food to eat, we had
6 something to drink - they were not going to -- no, we were not going to serve Ansar
7 Dine. I even was afraid."
8 is corrected to:
9 "A. [10:29:05] Most of the people in Timbuktu at the time were hardly earning
10 anything, people were poor. They had nothing, others had nothing. Others returned
11 out of poverty because the Islamists had food. But the city at one point, you see, had
12 nothing. There was nothing. Even if you saw a banknote, you would do nothing, it
13 was as if you didn't see it. People were suffering in the town. That is why some
14 people left to join the Islamists, they thought they would get a lot of money. You see?
15 That's how it was. Yes, it was just poverty that led the people of Timbuktu to join
16 the group, the other side. My father's advice was not to join the Islamists and so I was
17 patient. I just waited. Yes. We stayed and many young people would eat and drink
18 whatever we found to assuage our hunger, we were not going to serve the MNLA or
19 Ansar Dine. I was afraid. I was afraid. "

20 Page 24 line 15-25 - Page 25 line 1-2

21 "A. [10:32:42] Yes, they would train these people . There was
22 Gaddafi's house. And when you go to the airport, you go past the doorway, the
23 entry.

24 Q. [10:32:57] Please go -- please continue.

25 A. [10:32:59] And then you take the road to go to the airport and you go past the

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1 doorway, and then you go to the first garage, it's Total, and -- where the post office is.
2 You go past that, and then there is a turning to the right and there was a house that
3 was controlled by Gaddafi. And that is where they train people. [REDACTED]
4 we saw -- we saw people passing there. [REDACTED]
5 neighbourhood. I can say what happens in -- I can't say what's happening in Bahadou
6 or Djinguereber, I can't say in Bellafarandi, I can't say but what [REDACTED]
7 [REDACTED] that I do know. I see people. You see Bambara who come, you see
8 Bella who come, all sorts of people who come. "

9 is corrected to:

10 "A. [10:32:42] Yes, they would even train these people. [REDACTED]
11 Gaddafi's house. And when you go to the airport, [REDACTED]

12 Q. [10:32:57] Please go -- please continue.

13 A. [10:32:59] And then you take the road to go to the airport and you go past the
14 doorway, and then you pass the first petrol station, and then the second one, a Total,
15 and -- where the post office is. You go past that, and then there is a dune and a
16 turning to the right and that's where the house that was built by Gaddafi was. And
17 that is where they would train people. And that's something we saw -- we saw people
18 passing there [REDACTED] I can't say
19 what happened in Abaradjou, I don't know what happened in Djinguereber, I don't
20 know what happened in Bellafarandi, I don't know, [REDACTED]
21 [REDACTED]. They pass by. There were Bambara who would come, there were
22 Peul who would come, all sorts of people would come."

23 Page 27 line 6 - Page 28 line 21:

24 "A. [10:40:38] The mausolea, you see, it's the town of 333 saints. The mausolea, these
25 are saints, it's the monuments of the town. It's in the heritage of humanity. Those

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1 who've destroyed that, everybody in the world cried. Those are our saints. Those
2 were our grandparents. The town is known because of it. The saints. The mausolea.
3 That's us. That's our history. It is a World Heritage site. There are manuscripts which
4 are the heritage of all the inhabitants of Timbuktu. They are in our library. That's our
5 inheritance, our heritage. And they broke the doors of our Sidi Yahya. There's a door
6 which has been there for years and years. Nobody touched it. You come and you
7 shoot a weapon at it, that hurt us, to break it down. Our grandparents, they worked
8 there, they spent years and years and centuries building these mausolea. They were
9 there for centuries. People came, they never destroyed it. They worked on it. Allah
10 Akbar, Allah Akbar, they would say while they were breaking it down. They spent
11 one day or two days breaking it down. But it's not easy. The day they broke it down,
12 the town cried. We cried. It hurt us. That was destroying our history. It hurt all of us
13 in Timbuktu, whether you're a child, whoever you were. The day when they
14 destroyed the mausolea, that hurt all of us, because even if you have tourists, where
15 are you going to take them? What history can you show them? You are destroying
16 our dignity. What is that? I don't understand any of it. It hurts me, destroying the
17 door of the mosque, smashing up the mausolea. I didn't understand that. They were
18 Muslims. The whole world knew of the manuscripts that were there. And the
19 manuscripts -- they were there; that's the heritage of all inhabitants of Timbuktu. And
20 they -- they left some of them, they burnt the others. They shouldn't have done that,
21 burning people's history like that. You can't do that. That's really the error that these
22 people made, mausolea that they destroyed, hands they cut off, executions that they
23 did and the people who they flogged, the inhabitants of Timbuktu were against that.
24 People liked them at the beginning, but as soon as they started smashing up the
25 mausolea, people didn't want anything more from them. They weren't with them

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1 anymore. Islam has been in Timbuktu for 900 years. There are three mosques which
2 have been there for years and years, the first mosque, Sidi Yahya, Sankoré,
3 Djinguereber. These mosques have been there for years and years. The Ahmed Baba
4 centre, a university which has been there for years and years between Fez, Fez in
5 Morocco, so students leave Fez to learn the Koran in Timbuktu, the university centre.
6 You will take our manuscripts, and what have we done? We've done nothing. You
7 find poor people, they're in their poor clay houses and you start to cause some
8 problems."

9 is corrected to:

10 A. [10:40:38] The mausolea, you see, it's called the city of 333 saints. The mausolea,
11 they are saints, they are our descendants, they are the monuments of the city. It's the
12 world heritage of humanity. Every day, they would destroy that. Everybody cried at
13 home because they are our saints. They are our grandparents. The city is known
14 because of it. The saints. The mausolea. That's our history. There are manuscripts
15 which are the heritage of all the inhabitants of Timbuktu. The heritage, the
16 manuscripts that are in our library, that's our heritage, the three mosques. And they
17 broke down the doors of our first mosque, Sidi Yahya. There's a door which has been
18 there for years and years. Nobody touches it. You come and you shoot at it, that hurt
19 us, it's broken. We have our grandparents who rest in peace, you come to destroy it.
20 They worked there, because the mausolea have been there for years and years, for
21 centuries. The oldest ones, they came, they never destroyed them. As for them, they
22 came, took the pickaxes while working. "Allahu Akbar, Allahu Akbar, Allahu Akbar,
23 Allahu Akbar", they would say while they were breaking it down. They spent one
24 day or two days breaking it down. I would say two because it's not easy. The day they
25 broke it down, they saw that they had worked. But the city cried, we cried. It hurt us.

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1 That was destroying our history. It hurt all of us in Timbuktu, whether you're a child,
2 whoever you are old, whether you are a woman, whether you are anyone else, the
3 fact that they had destroyed the mausolea, that hurt all of us, because even if tourists
4 were to come, where would you take them? What history can we show them? They
5 mock our dignity by doing that. You come and do that, what is the meaning of it? I
6 don't understand any of it. It hurts me, ripping out the door of the mosque, smashing
7 up the mausolea. I didn't understand that. But they were Muslims too. Blessed saints
8 that everyone knew. You saw that the manuscripts were there; they are the heritage of
9 all inhabitants of Timbuktu. And they saw what they could get away with, they left
10 some manuscripts, they burnt the others. They shouldn't have done that, burning
11 people's history like that. You mustn't, really mustn't do that. That's really the error of
12 these people, destroying mausolea, cutting off hands, executing and flogging people.
13 The inhabitants of Timbuktu were against that.
14 People liked them at the beginning, but as soon as they started smashing up the
15 mausolea, people weren't with them anymore, because Islam has been in Timbuktu
16 for 900 years. If you come and you are a Muslim you will be told "Welcome to the
17 three mosques which have been here for years and years".
18 The first mosque is Sidi Yahya, the second is Sankoré, the third is Djinguereber. These
19 mosques have been there for years and years. The Ahmed Baba Centre, a university
20 which has been there for years and years. Students come from Fez in Morocco to learn
21 the Koran in Timbuktu, the university centre. You come, you go to take our
22 manuscripts, you're going to burn them. What have we done? We've done nothing.
23 There are poor people in their clay houses and you start to give them problems. "

24 Page 33 line 9-11:

25 "A. [11:32:36] [REDACTED]

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1 go by a building with -- for the newspaper and then -- [REDACTED]

2 [REDACTED]

3 is corrected to:

4 "A. [11:32:36] [REDACTED] at Timbuktu

5 [REDACTED] next to it you have the regional hospital, and after it you have the

6 courthouse, behind the Council of the Circle (phon). [REDACTED]

7 [REDACTED]

8 Page 33 line 15-20:

9 "A. [11:33:06] No, [REDACTED] There were some other young people there,

10 and someone else, a fellow who would follow the tourists. Alpha Dahga was his

11 name. He's not exactly normal, if you know what I mean, but he was there too. He

12 was the one who actually [REDACTED]

13 THE INTERPRETER: [11:33:49] Inaudible. The name of the person was Alpha Dahga."

14 is corrected to:

15 "A. [11:33:06] No, [REDACTED] he had fled, he left, he was no longer there.

16 There were some other young people who would sit there, and there was someone

17 who wasn't normal, a crazy person who was always in the bar, he would follow the

18 tourists, he would guide them. They would give him a little money too. Alpha Dahga

19 was his name. He wasn't normal, not 100% normal but OK, but he was there too. [REDACTED]

20 [REDACTED] that's it."

21 Page 34 line 9-15:

22 "The car stopped in front, because they had come out of the energy building, they had
23 come out, they came out of the energy building and they found me alongside the road.

24 And they said to me, "What do you have there? Is that alcohol?" and they said ..."

25 is corrected to:

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1 "Now, the car came with a black flag and Omar Ould Hamaha. He stopped in front,
2 because he had come out of the Mali energy building. He was opposite the building,
3 he came out of it and saw me there.
4 He said to me, What is that? That is alcohol." Then he said to me "Mujrim, throw that
5 away." He made me get into the car. They... "

6 Page 34 line 24 – Page 35 line 3:

7 "A. [11:36:55] I would see soldiers going back and forth in [REDACTED]
8 [REDACTED]. But once they heard that there had been a coup d'état and the
9 soldiers had lost the control of the city, the -- you see, before the soldiers were
10 controlling the city, before the arrival of Ansar Dine."

11 is corrected to:

12 "A. [11:36:55] Before, I would see the soldiers going back and forth. They would
13 come [REDACTED] But once they heard that
14 Sanogo had carried out a coup d'état, the soldiers took control of the city. It was the
15 soldiers who controlled the city before the arrival of the MNLA and Ansar Dine."

16 Page 35 line 5-9:

17 "You mentioned that car, and you mentioned someone called Omar, am I
18 pronouncing the name correctly? Omar Ould Hamaha, were there other people with
19 him?

20 A. [11:37:54] Yes, there were some children. He was in the cab and, at the back, there
21 were children. About 14."

22 is corrected to:

23 "You mentioned this car and you mentioned someone called Omar Ould Hamaha.

24 A. Yes.

25 Q. Am I pronouncing it correctly?

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1 A. Yes.

2 Q. Were there others with him in the car?

3 A. [11:37:54] Yes, there were some children behind. He was in the cab, and there were
4 children aged 14 and 15 behind."

5 Page 35 line 20-25:

6 "Q. [11:38:51] Thank you, Mr Witness. You also mentioned Marwa (sic)?

7 A. [11:39:02] Well, I knew him then, the day -- I met him then. He is from Timbuktu.
8 He studied in Timbuktu. He did this and that, but I'd never met him before. It was
9 only the day that he stopped me that I met him, that's all. And he left me at the BMS,
10 then he went back. He would go through the city, tour through the city."

11 is corrected

12 "Q. [11:38:51] Thank you, Witness. You mentioned Omar Ould Hamaha again. How
13 do you know this person called Omar Ould Hamaha?

14 A. [11:39:02] Well, I got to know Omar Ould Hamaha on the day that he arrested me.
15 That was the day I got to know him, because everyone was saying: "Omar Ould
16 Hamaha, he is from Timbuktu, he studied in Timbuktu, he did this, he did that."
17 Personally, I did not know him before. It was only the day he arrested me that I got to
18 know him. That's all. And then he left me at the BMS and he returned. He would do
19 the rounds in the city, he would talk. "

20 Page 37 line 2-7:

21 "And after, yes, the city was occupied. Some people stole the inventory and some
22 people were drinking. I even know some people who stole the stock and I know one
23 fellow who even had his own little store, and he was whipped actually, that was later
24 on. But ever since I heard that, I saw with my own eyes, I didn't want to have
25 problems with anyone. I respected Sharia because I didn't want to have any

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1 problems."

2 is corrected to:

3 "Because afterwards, yes, it's true, the city was occupied. But there were people that
4 hid their stock, they had hidden it and they were drinking. Once I found that out... I
5 even had [REDACTED]. Afterwards, they arrested him,

6 they flogged him in front of the artisanat, you see. That was afterwards, but as for me,
7 after I found out, I heard it myself and saw it with my own eyes, I didn't want to have
8 problems with anyone. I respected sharia so as not to have any problems."

9 Page 36 line 12-14:

10 "Q. [11:40:31] Now, Omar, what did he say exactly?

11 A. [11:40:40] He -- Arabic, he said, "You're drinking alcohol, you." And, you see, I
12 didn't -- I didn't really know what the matter was."

13 is corrected to:

14 "Q. And this man named Omar Ould Abou Hamaha, what exactly did he say to you,
15 what did he do to you?

16 A. He said "mujrim" to me in Arabic, he said to me: "Mujrim'. Get into the car. Ahh!
17 You're drinking alcohol?" I said, "But for me it's not...". I don't know what I did. I
18 don't know exactly what I did. That's all."

19 Page 38 line 21:

20 "MR ALLAFI: (Interpretation) And I will end the video at 56 -- 04:50."

21 is corrected to:

22 "MR ALLAFI: (Interpretation) And I will stop the video at 00:04:50:10."

23 Page 38 line 24-25:

24 "Q. [11:46:59] Can you give us the complete name, Omar?

25 A. [11:47:05] Ould Hamaha."

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1 is corrected to:

2 "Q. [11:46:59] And you say "Omar"; can you give the full name?

3 A. [11:47:05] Omar Ould Hamaha."

4 Page 39 line 8-10:

5 "A. [11:48:09] [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 is corrected to:

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 Page 40 line 21 – Page 41 line 3:

13 "THE WITNESS: [11:51:51](Interpretation) It's opposite the two schools. There's a
14 lycée and then there's another school. To the right, you have Hotel Colombe. Then
15 you continue a few, a few more metres along, and then there is a yellow building,
16 more than one level on the left. But if you head towards the market, you go past the
17 crafts, you go past some stores and go right, and then there's a stair that goes up and
18 you go into the door that faces the stairway. The stair is -- you go up the stairs, there's
19 sort of a terrace to the right. And there are some rooms to the left. That's what it's
20 like."

21 is corrected to:

22 "THE WITNESS: [11:51:51](Interpretation) Well, hotel Colombe is in front of you, as
23 you leave there is Djingareyber mosque. As you come, you pass Ben Essayouti middle
24 school and lycée Mahamane Alassane Haidara. Yehya Alkaya middle school is
25 opposite, the two schools are opposite the lycée. When you are in front of it, the hotel

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Colombe is on the right. If you go on just a few meters, you have the building with different floors, with yellow paint and with clay, like that, on the left.

But when you head towards Yoboutao market, you pass the artisanat, you pass some shops and you arrive on the right. And as you enter, there is a staircase going upstairs.

As you enter through the door you face the stairs. As you go up the staircase, there is a terrace, a terrace on the right. There are rooms, a room on the left. That's it. That's how it is."

Page 41 line 17-21:

"A. [11:54:08]

The rooms are air-conditioned and the terrace is hot. But the actual rooms are air-conditioned. And, you see, you can be inside where it's air-conditioned or outside in the heat."

is corrected to:

"A. [11:54:08]

The rooms were air-conditioned.

It was the terrace that was "hot". But the rooms were air-conditioned. If they wanted to put you in the air conditioning, they did; if they didn't want to, they would leave you in the heat, you see. That's it."

Page 41 line 25 – Page 42 line 7:

"Mr Witness, where did you stay during the time when you were at the police?

A. [11:55:13] I was to the left. I think I was -- I spent two nights there. And then after that, some women came. You see, every day they would bring people in. People

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1 would come, sometimes women, sometimes men. And it filled up. Each day more
2 people arrived. So I stayed -- and I stayed there. After two days there, they took us
3 out of that place. There were quite a few of us,
4 actually, and then they put the women in there and they took us to the terrace at the --
5 higher up to the right. To the right."

6 is corrected to: "Mr Witness, where did you stay when you were at the Islamic police
7 station?

8 A. [11:55:13] I stayed in a room on the left. It's on your left as you go up the stairs. I
9 stayed there, I think for two nights. Afterwards, there were women who came,
10 because they brought people there every day. After I arrived there, people from the
11 MNLA would come. Women were there, men were there, you see, it was full. There
12 were problems every day you see. I stayed there.

13 After two days in that room, they made us leave there, there weren't many of us men.
14 Afterwards, they put the women in there. They put us on the terrace. At the top, there
15 is the terrace on the right as you go up the staircase."

16 Page 43 line 3-13:

17 "When you say five in the morning to pray, do you do that yourself? Was it you who
18 decide?

19 A. [11:58:13] No, no, no, no. Someone would come and tell us. They even said, "If you
20 don't say the truth, we're going to slit your throat." That's how they acted. They came
21 and they threatened us, because there they put people into custody. They held them.
22 But they were not the ones who would decide what the Sharia would be. Not them
23 Because I didn't see anyone there who saw me or who told me what was happening
24 or to -- no one said to me, Oh, what you've done is wrong. I don't know. We would
25 pray every morning, each morning, each evening, but we didn't know what was

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1 going to happen to us."

2 is corrected to:

3 "When you say "at 5 o'clock in the morning, we would get up to pray," did you do it
4 yourself? Did you "decide" to do it?

5 A. [11:58:13] No, no, no, we were forced to. Someone would even come and take a
6 weapon saying: "Hey, if you don't tell us the truth, I'm going to slit the throats of the
7 lot of you. Whoever has drunk, whoever has stolen, whoever has done that, just has
8 to tell us the truth." That's what they would do. They'd come and threaten you.

9 Because they would detain people there, but they were not the ones who decided on
10 Sharia. It wasn't them who decided on Sharia, because I didn't see anyone there who
11 would tell me what was happening, I didn't see anyone who would tell me "what you
12 are doing is wrong" Nobody said to me "you're here on this charge". I don't know. We
13 prayed every day, every morning, every night, but we didn't know what was going to
14 happen to us."

15 Page 43 line 17-23:

16 "A. [11:59:31] I just spoke to the other people who were detained with me. I didn't talk
17 to anyone else. They said to me, well, they said they knew what I was there for. They
18 said to me, "We know what your problem is." It wasn't -- it was clear cut, it wasn't a
19 matter of "yes" or "no". But there were other people sitting there and they said to the
20 other people, "If you don't tell the truth, we will slit your throat." That's what they
21 said, right in front of me. We were together there. They
22 would give us food.."

23 is corrected to:

24 "A. [11:59:31] No, I just spoke to the people who were detained like me. I didn't talk
25 to an Islamist. An Islamist doesn't give you the time. They told me "you there, we

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1 know what you came to do." They even threatened me. They told me: "You, we know
2 your problem. You, it is Omar Ould Hamaha who brought you. We don't need you to
3 tell us "it's true" or "it's not true". But I tell these people who are sitting here, who are
4 sitting next to you, if they don't tell us the truth about what brought them here, we'll
5 slit their throats, all of them." They said that in front of me. But I talked to these
6 children. We were together there, they made us eat..."

7 Page 45 line 6-8:

8 "And afterwards, you go upstairs. And if you go now, even if you see that you can go,
9 or you're afraid to go, you could be -- you could be shot. You can't go. You can't go
10 there"

11 is corrected to:

12 "And afterwards, you would go upstairs. If you just finished, you would go upstairs.
13 Even if you saw that you could go upstairs, you would be afraid to go, because you
14 didn't know if you would be shot. We couldn't go. We couldn't go."

15 Page 45 line 19:

16 "A. [12:05:34] (Overlapping speakers)"

17 is corrected to:

18 "A. [12:05:34] Yes"

19 Page 47 line 24:

20 "Q. [12:10:47] So when you said there were -- who was there?"

21 is corrected to:

22 "Q. [12:10:47] And in that car going to hotel La Maison, were there members of the
23 Islamist Ansar Dine groups with you?"

24 Page 48 line 1-2:

25 "A. [12:10:57] [REDACTED]

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1 [REDACTED] you heard MUJAO, Ansar Dine, Al-Qaeda."

2 is corrected to:

3 "A. [12:10:57] AQIM, yes, Ansar Dine and AQIM. [REDACTED]

4 [REDACTED] "Ansar Dine",

5 "MUJAO". You see, it's Al-Qaeda."

6 Page 49 line 18-19:

7 "A. [12:14:42] Kalashnikovs. Just Kalash. I don't know. I don't know the types. But I do

8 know that they have Kalashnikovs"

9 is corrected to:

10 "A. [12:14:42] Kalashnikovs. Just Kalashes. I'm not a mercenary so I don't know the

11 types. Nevertheless, I know that they had Kalashes. I know what a Kalash is, they did

12 have such heavy weapons."

13 Page 50 line 9-14:

14 A. [12:15:50] He said, "It's Sharia." After that, he didn't say anything else. Somebody

15 was masked and there was a black person next to him. There were people with clear

16 skin, some Arabs, and they were sitting down. They were masked with a Koran. And

17 there were -- there was somebody with a whip. And I said, "Amar, you've" -- they

18 said, "You've drunk alcohol, you've got to pray." And that's what they said."

19 is corrected to:

20 "A. [12:15:50] He said, "It's Sharia." He said "You're going to have Sharia". But he said

21 nothing after that. It was someone with a mask like that, and then there was a black

22 man next to him. There were people with very, very light skin, Arabs, even if you

23 could tell they were not from Timbuktu, with very light skin. They were seated, and

24 masked. They opened a Koran and the man stopped as well. He had a whip. They

25 said to me: "Al Khamar, you have drunk alcohol. We are going to grant you prayer".

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1 That's what they told me."

2 Page 50 line 19:

3 "A. [12:17:01] They said, "You're going to be beaten after the prayer."

4 is corrected to:

5 "A. [12:17:01] They said to me: "We are going to beat you, grant you prayer. " That's
6 it."

7 Page 50 line 21 - Page 51 line 3:

8 "They spoke -- I spoke in Arabic. I was afraid. At the time I stopped before them,
9 I didn't know if I was going to be shot. I didn't know what was going to happen.

10 I was trembling. I was trembling. And they asked me, "Do you understand

11 Arabic?" I said "Yes." And then they started to speak in Arabic and they started to
12 do that before I was being -- before beating me. And they said this and that.

13 There were certain words that I heard, but it wasn't -- I didn't hear everything, but I
14 was afraid. I even wanted to urinate."

15 is corrected to:

16 "He spoke in Arabic. I was afraid. Because I was afraid they said to me "you
17 speak Arabic". At the time I was standing in front of them, I didn't know if I was
18 going to be shot. I didn't know what was going to happen. I was trembling. I

19 even wanted to urinate. I was trembling. And they asked me, "Do you understand

20 Arabic?" I said "yes" even though I don't understand Arabic. And then they started
21 to speak in Arabic, they did that for five minutes before starting to beat me. They

22 said this and that. There were certain words that I could make out, but not
23 everything."

24 Page 52 line 13-17:

25 "Q. [12:21:14] Thank you. We're going to come back to that, but you said that when

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1 you came to that room, how much time did it take to the end?

2 A. [12:21:25] Not long, towards the evening. After the prayers at 6 o'clock. But then I
3 left there -- before the prayer at 1600 hours.

4 THE INTERPRETER: [12:21:42] Corrects the interpreter."

5 is corrected to:

6 "Q. [12:21:14] Thank you. We're going to come back to that, but from the moment you
7 got to the room until the end, how long was that more or less?

8 A. [12:21:25] Not long, towards the evening, just after the 4 o'clock prayers. But I left
9 there before dusk."

10 Page 53 line 2-3:

11 "A. [12:22:27] Yes. They said that, "We don't need -- we don't need to say that you've
12 been drinking, we've already got the proof of that.""

13 is corrected to:

14 "A. [12:22:27] Yes, as to evidence, they had already told me "we don't need to say that
15 you've been drinking, we've already got the evidence against you as it was Omar who
16 brought you"."

17 Page 54 line 12-13:

18 "A. [12:25:47] No, the people who took me in the car at the commissariat, they were
19 there."

20 is corrected to:

21 "A. [12:25:47] No, the people who took me were in the car itself. The commissioners,
22 they were inside it. "

23 Page 56 line 13-14:

24 "people from the MNLA, they came back. They went into the business."

25 is corrected to:

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1 "the people from the MNLA went into the business. I don't like to get involved in any
2 of that, none of it. I respected Sharia."

3 Page 58 line 15-16:

4 "A. [13:35:02] [REDACTED] I can't remember exactly when [REDACTED]

5 [REDACTED]."

6 is corrected to:

7 "A. [13:35:02] [REDACTED]."

8 Page 58 line 23-24:

9 "A. [13:36:08] I was on the street goudron when I saw him. I had just passed by the

10 BMS to go to the market and I saw him. I think it was on the left. "

11 is corrected to:

12 "A. [13:36:08] I was on the tarmac, on the road. It's opposite the BMS. I was just

13 passing to go to the market, and I saw him on the left, while passing. "

14 Page 59 line 5-9:

15 "A. [13:36:46] I didn't really see him that much, so I don't really know what he was

16 doing.

17 Q. [13:37:01] I didn't quite follow.

18 A. [13:37:05] He wasn't dressed as an Islamist then."

19 is corrected to:

20 "A. [13:36:46] I didn't really see him in islamist garb, I did see him standing with them.

21 That's all Q. [13:37:01] I didn't quite follow.

22 A. [13:37:05] I said that I saw him. He wasn't dressed as an Islamist then, but he was

23 standing next to them. "

24 Page 59 line 2-3:

25 "A. [13:39:12] It was one week after, one week later. After the arrival -- their arrival."

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1 is corrected to:

2 "A. [13:39:12] It was one week after.

3 Q. After what?

4 A. After the arrival of all the armed groups. "

5 Page 6 line 9:

6 " with a vest."

7 is corrected to:

8 "with a blue vest."

9 Page 60 line 23-24:

10 "A. [13:41:12] That's when they applied the Sharia law. That's when they -- where they
11 apply Sharia law, for example, they cut off somebody's hand.

12 is corrected to:

13 "A. [13:41:12] That's when they started applying Sharia law. That's when they started
14 flogging people and cutting off their hands. "

15 Page 61 line 2-4:

16 "A. [13:41:40] Al Hassan also was standing. He had stopped and he was standing
17 there.

18 Q. [13:41:50] Al Hassan was dressed, what was he dressed like?"

19 is corrected to:

20 "A. [13:41:40] Al Hassan also was standing there with the Islamists.

21 Q. [13:41:50] How was Al Hassan dressed at the time? "

22 Page 61 line 8-9:

23 "A. [13:42:20] I think there was a girl, a woman who was in front of the mosque of
24 Sankoré who was being beaten or whipped."

25 is corrected to:

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1 "A. [13:42:20] The incident at that time was that they flogged a girl in front of Sankoré
2 mosque."

3 Page 61 line 10:

4 "Q. [13:42:49] Do you know why, why did they weed (phon) her?"
5 is corrected to:

6 "Q. [13:42:49] Do you know why they flogged her?"

7 Page 61 line 13-14:

8 "The Islamists came. The woman came, she was -- and she was whipped, and that's
9 it."

10 is corrected to:

11 "The Islamists came, they brought that lady there, they started flogging her, and that's
12 it."

13 Page 63 line 14-15:

14 "R. [13:48:24] It's in front of the hôtel Azalaï. There's a large plot, and at hôtel Azalaï,
15 there you have the canal Gaddafi. And it's about 7 kilometres away from
16 Timbuktu."

17 is corrected to:

18 "A. [13:48:24] It's in Abaradjou, in front of hôtel Azalaï. When you pass hotel Bouctou,
19 there's a large area, you go to the top, there's hôtel Azalaï, and it's there. there you
20 have the canal Gaddafi. And it's about 7 kilometres away from Timbuktu."

21 Page 63 line 17-18:

22 "Q. [13:48:45] You said they talked in a loudspeaker or a small microphone. What,
23 what were they saying?"

24 is corrected to:

25 "Q. [13:48:45] You said they talked into a microphone.

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1 A. Yes

2 Q. Do you remember what they were saying?"

3 Page 64 line 2-9:

4 "Q. [13:49:34] What was Houka Houka doing?

5 A. [13:49:39] He was standing there. There was also a tall person, fair-skinned. He
6 was in the centre. He had a beard. I think his name was Abou Zeid. He was
7 dressed in white. They say he was Abou Zeid.

8 Q. [13:50:19] Thank you. What was he doing there?

9 A. [13:50:22] He was also standing there. I don't know him. They just said that it
10 was him. People were saying that that's who he is."
11 is corrected to:

12 "Q. [13:49:34] What was Houka Houka doing there?

13 A. [13:49:39] He had stopped, that's all. He had stopped. There was also a tall
14 actor with a beard. He was dressed in white. Everyone was against him. May I say his
15 name or...

16 Q You can say his name, if you know it.

17 A. Abou Zeid. He is dressed in white. People were saying, "That's him, Abou Zeid.
18 That's him. That's him.""

19 Page 65 line 7-10:

20 "It's after the execution that I decided I would leave the town of Timbuktu.

21 Timbuktu was dead for me. It's true, Timbuktu is dead. That night there, it was
22 dead for me. They killed a Tuareg at that time. Everybody was sad that night."
23 is corrected to:

24 "After the execution I didn't want to stay in Timbuktu anymore. That day, Timbuktu
25 died. I would say that the whole of Timbuktu died that night. It's true, they didn't

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1 shoot all the Timbuktiens, but after they killed the Tuareg there, you didn't hear any
2 noise at night, you don't hear anything, you just saw sad people. Everyone was sad.
3 That's it."

4 Page 65 line 17-19:

5 " A. [13:54:36] I heard it said that there was a Bozo which he had killed. He had
6 killed him with a bullet. And the mother of the Bozo was called and said "There
7 is a Bozo who killed my son." Then the Islamists went to look where the Tuareg
8 was,"
9 is corrected to:

10 "A. [13:54:36] I heard it said that there was a Bozo that the gentleman had killed.
11 When he had shot the Bozo, the mother of the Bozo summoned him. She went to the
12 Islamists and said "There is
13 a Tuareg who killed my son." Then the Islamists went to look where the Tuareg was,"

14 Page 66 line 1-6:

15 " The mother of Bozo said that he should be killed and that is why he was killed.
16 At least that's what I heard being said in Timbuktu. They killed him with a bullet,
17 but he didn't die there. They took him to the hospital and then it was there that he
18 died. But the mother of the Bozo was there. The mother of the Bozo saw what was
19 happening alongside the river of the town."

20 is corrected to:

21 " The mother of Bozo said that he should be killed and they killed him. That was
22 according to what I heard in Timbuktu. The execution took place in front of me. They
23 shot him once, he didn't die, they took him to hospital. We did not follow them to the
24 hospital. We don't know what happened afterwards. But the mother of the Bozo was
25 there herself, they took her from the riverside to town by car, there and back."

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1 Page 66 line 19:

2 "A. [13:58:10] No, I don't know. Because I don't know who they were."

3 is corrected to:

4 "A. [13:58:10] No, I don't know. I don't know who shot, because I don't know him."

5 Page 67 line 1-2

6 "Q. [13:59:12] You say a single person. Could you give us the name without anything

7 else?

8 is corrected to:

9 "Q. You say "one person"...

10 A. Who is an Islamist.

11 Q. Yes. Can you give us just the name?

12 Page 67 line 11:

13 " the photo in the -- the car in the photo?"

14 is corrected to:

15 "the car in the photo that I showed you?"

16 Page 67 line 13-14:

17 "MR ALLAFI: [14:00:15] So for the records, I would like to redact the mention of

18 the car, OTP-0018-2357."

19 is corrected to:

20 "MR ALLAFI: [14:00:15] Your honour, for the record, I just have to give the ERN of

21 this photo,

22 PRESIDING JUDGE MINDUA: [14:00:25] Absolutely.

23 MR ALLAFI: [14:00:28] it is MLI-OTP-0018-2357."

24 Page 68 line 14-15:

25 "A. [14:02:30] Well, there were people, the elderly, and they said "Nobody is going

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1 to kill anybody anymore." That's what the elder people said. "

2 is corrected to:

3 "A. [14:02:30] We people... there were old people who said, "Nobody is going to kill
4 anybody anymore, because if you kill someone, you will be killed." That's what the
5 old people said. "

6 Page 69 line 4:

7 "MLI-OTP-0069-3972 (sic)"

8 is corrected to:

9 "MLI-OTP-0069-3712"

10 Page 73 line 22-25:

11 "THE INTERPRETER: Inaudible.

12 THE WITNESS: [14:20:49] (Interpretation) -- that he will be flogged. There is no doubt
13 about that. If they caught them drinking, then they're going to flog them. That I
14 know."

15 is corrected to:

16 "I also heard from others that he had a small hidden shop. Well, if he has a small
17 hidden shop, they are going to flog him. There's no doubt about that. If they catch
18 him drinking, they are going to beat him. I do know that."

19 Page 74 line 24-25:

20 "The first video bears the ERN MLI-OTP-0069-03 -- oh, 071 -- no, 3712,
21 19 0039-3712 (sic)."

22 is corrected to:

23 "The first video bears the ERN MLI-OTP-0069-3712."

24 Page 78 line 5:

25 "Q. [14:36:52] [REDACTED]?"

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1 is corrected to:

2 "Q. [14:36:52] [REDACTED]?"

3 Page 78 line 6-7:

4 "A. [14:37:03] That's a place [REDACTED]

5 [REDACTED]."

6 is corrected to:

7 "A. [14:37:03] [REDACTED]

8 [REDACTED]."

9 Page 79 line 4-5:

10 [REDACTED]
11 [REDACTED]

12 is corrected to:

13 [REDACTED]
14 [REDACTED]

15 Page 79 line 10-22:

16 [REDACTED]
17 but I hid. Because if you have a meeting with Omar, then I'm going to leave. But
18 he said "I don't want to know anything. [REDACTED]

19 Omar. I'm going to hide [REDACTED]."

20 And then he asked me why I was behaving like that. I didn't answer, and I didn't
21 tell him what happened, because I didn't feel very safe in Gao and I also didn't feel
22 safe in Timbuktu. And I didn't know what I was going to say. I wanted to go to
23 Niger or Burkina Faso, that was my objective. I fled like that, that was -- I didn't
24 want to go into any details. [REDACTED]

25 [REDACTED] I only said what I saw. I didn't say anything about what

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1 happened to me, because I thought afterwards they'll come and slit my throat. They're
2 capable of anything. They might harm me."

3 is corrected to:

4 [REDACTED]

5 Q. Thank you.

6 A. And that is where he ran into Omar, but he saw me running away to hide.

7 Because I said to him, "but you have a meeting with Omar, you have to tell me to

8 leave." He said to me, "I don't know what's going on." He told me to explain. I said,

9 "No, no, no, I'll tell you." I jumped over a wall, and I went to hide [REDACTED]

10 [REDACTED]. He left, and I came back. Then he started to ask me why I

11 was running away from this guy. I said, "No, I am running, I am done." I did not tell

12 him what happened, because I was in danger in Gao. I was in danger in Timbuktu. I

13 had to... I wanted to know.... because I, you know, I needed to cross over, I needed to

14 go to Niger or Burkina Faso. That was my goal. I left my family in the middle of the

15 desert. I fled, just like that. It was not the time for going into details. [REDACTED]

16 [REDACTED] I only told him what

17 I had seen. I didn't say anything about what had happened to me, because I thought

18 that if I said anything, maybe they would see it and then come and slit my throat.

19 They're capable of that. Or they would come and hurt me."

20 Page 80 line 9-10:

21 "to see what's going to happen. They might kill [REDACTED] before I left and if

22 anyone found out, I might have serious problems."

23 is corrected to:

24 "to see what's going to happen. Only they can give permission to someone to do what

25 they want. [REDACTED]

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1

2

3

I have problems. I didn't want

4

problems."

5

Page 80 line 18-19:

6

"A. Everything happened after. Afterwards I explained to him everything, but that

7

was afterwards."

8

is corrected to:

9

"A. It was after all that.

10

Q. Very well.

11

A. We saw each other in Bamako, I explained everything to him."

12

Page 82 line 19 - Page 83 line 4:

13

"MR ALLAFI: [14:52:20](No Interpretation)

14

Q. [14:52:35] (No interpretation)

15

A. [14:52:40] (No interpretation)

16

PRESIDING JUDGE MINDUA: [14:52:44](Interpretation) Please assist the witness so

17

that he can see the images.

18

MR ALLAFI: [14:53:24](Interpretation) May I go ahead? Thank you.

19

So [REDACTED] is the date stamp.

20

(Viewing of the video excerpt)

21

MR ALLAFI: [14:54:11](No interpretation)

22

Q. [14:54:25] (Interpretation) Could you see it this time, Mr Witness? Do you

23

recognise the image?"

24

is corrected to:

25

"MR ALLAFI: [14:52:20] And I'm stopping [REDACTED].

Trial Hearing
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1 Q. [14:52:35] (Interpretation) Mr Witness, do you recognize this footage?

2 A. [14:52:40] (Interpretation) I can't see it.

3 PRESIDING JUDGE MINDUA: [14:52:44](Interpretation) Court Officer, please assist
4 the witness so that he can see the images.

5 MR ALLAFI: [14:53:24](Interpretation) May I go ahead? Thank you. So this time
6 [REDACTED] is the time stamp.

7 (Viewing of the video excerpt)

8 MR ALLAFI: [14:54:11](Interpretation) And I have stopped [REDACTED]

9 Q. [14:54:25] (Interpretation) Could you see it this time, Mr Witness? Do you
10 recognise the images?"

11 Page 83 line 24-25:

12 "THE WITNESS: [14:56:55](Interpretation) That's him who's dressed in green. That's
13 him."

14 is corrected to:

15 "THE WITNESS: [14:56:55](Interpretation) He's the one that has the glass of tea, there,
16 like that, drinking tea."

17 Page 84 line 16-18:

18 "And I don't want to be stopped again. I respected Sharia. [REDACTED]

19 [REDACTED] the trousers have to be shortened, otherwise you could be
20 taken immediately. [REDACTED]

21 is corrected to:

22 "And I don't want to come back again. [REDACTED] am still being arrested. I
23 respect Sharia. I hide when I smoke, I hide the cigarette, that's all. Because the
24 trousers cannot exceed the maximum length. [REDACTED]

25 [REDACTED] who could bring you in at any time. [REDACTED]