

Trial Hearing
MLI-OTP-P-0538

(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 Judge Antoine Kesia-Mbe Mindua, Presiding, Judge Tomoko Akane and Judge
7 Kimberly Prost
8 Trial Hearing - Courtroom 3
9 Tuesday, 30 November 2021
10 (The hearing starts in open session at 9.34 a.m.)
11 THE COURT USHER: [9:34:51] All rise. The International Criminal Court is now in
12 session. Please be seated.
13 PRESIDING JUDGE MINDUA: [9:35:06](Interpretation) The Court is in session.
14 Good morning, everyone.
15 Madam Court Officer, kindly call the case.
16 THE COURT OFFICER: [9:35:34] (Interpretation) Good morning, your Honour.
17 The situation in the Republic of Mali, in the case of The Prosecutor versus Al Hassan
18 Ag Abdoul Aziz Ag Mohamed Ag Mahmoud, case reference ICC-01/12-01/18.
19 We are in open session.
20 PRESIDING JUDGE MINDUA: [9:35:53](Interpretation) Thank you very much,
21 court officer.
22 As is the case every morning, we will now have introductions of the various teams,
23 beginning with the OTP.
24 MS LUPING: [9:36:10] Good morning, Mr President, good morning, your Honours.
25 Appearing on behalf of the Prosecution this morning are Madam Marie-Jeanne

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1 Sardachti and myself, Dianne Luping.

2 PRESIDING JUDGE MINDUA: [9:36:32](Interpretation) Thank you very much,

3 Madam Prosecutor.

4 And now, the Defence.

5 Counsel.

6 MR EDWARDS: [9:36:34] Good morning, your Honours.

7 Representing Mr Al Hassan this morning, behind me, Maître Melinda Taylor and to

8 my right, it's Maître Sarah Marinier-Doucet and, myself, Iain Edwards.

9 PRESIDING JUDGE MINDUA: [9:36:53](Interpretation) Thank you very much,

10 Mr Edwards.

11 And now the Legal Representatives of Victims.

12 Counsel.

13 MR LUVENGIKA: [9:37:02](Interpretation) Good morning, your Honours. The

14 victims are represented today by myself, and by Prisque Biyéké Dipanga.

15 PRESIDING JUDGE MINDUA: [9:37:10](Interpretation) Thank you very much,

16 counsel.

17 Today, we will begin hearing testimony from Prosecution Witness P-0538.

18 And I now turn to the witness.

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

20 WITNESS: MLI-OTP-P-0538

21 (The witness speaks Songhai)

22 (The witness gives evidence via video link)

23 THE WITNESS: [9:37:37](Interpretation) Yes, I can hear you.

24 PRESIDING JUDGE MINDUA: [9:37:39](Interpretation) Very well. On behalf of

25 the Chamber, I would like to welcome you.

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1 THE WITNESS: [9:37:49](Interpretation) Okay.

2 PRESIDING JUDGE MINDUA: [9:37:52](Interpretation) You will be giving
3 testimony so as to assist the Chamber in its determination of the truth in the case of
4 Mr Al Hassan.

5 THE WITNESS: [9:38:09](Interpretation) Very well.

6 PRESIDING JUDGE MINDUA: [9:38:13](Interpretation) Madam Witness, a number
7 of protective measures have been put in place so that your identity is not revealed to
8 the public.

9 THE WITNESS: [9:38:31](Interpretation) All right.

10 PRESIDING JUDGE MINDUA: [9:38:33](Interpretation) Each time you need to
11 provide details that could reveal your identity, we will talk about these details in
12 private session.

13 THE WITNESS: [9:38:53](Interpretation) Very well.

14 PRESIDING JUDGE MINDUA: [9:38:54](Interpretation) That way, no one, except
15 for the people here in the courtroom, will be able to hear you.

16 THE WITNESS: [9:39:09](Interpretation) Okay.

17 PRESIDING JUDGE MINDUA: [9:39:11](Interpretation) Very well.

18 I will now proceed to the solemn declaration under *Rule 66(1) of the Rules of
19 Procedure and Evidence.

20 THE WITNESS: [9:39:32](Interpretation) Okay.

21 PRESIDING JUDGE MINDUA: [9:39:35](Interpretation) Repeat after me the
22 following: I solemnly declare that I shall tell the truth.

23 THE WITNESS: [9:40:02](Interpretation) That I shall tell the truth.

24 PRESIDING JUDGE MINDUA: [9:40:04](Interpretation) The whole truth.

25 THE WITNESS: [9:40:07](Interpretation) The entire truth.

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- 1 PRESIDING JUDGE MINDUA: [9:40:10](Interpretation) And nothing but the truth.
- 2 THE WITNESS: [9:40:15](Interpretation) I shall say nothing but the truth.
- 3 PRESIDING JUDGE MINDUA: [9:40:20](Interpretation) Thank you very much,
- 4 Madam Witness. You are now under oath.
- 5 The staff of the victims and witnesses section and the officials from the OTP have
- 6 already explained to you what that means.
- 7 THE WITNESS: [9:40:55](Interpretation) Yes.
- 8 PRESIDING JUDGE MINDUA: [9:40:58](Interpretation) To conclude, I have some
- 9 practical instructions for you that you must remember throughout your entire
- 10 testimony.
- 11 THE WITNESS: [9:41:14](Interpretation) Okay.
- 12 PRESIDING JUDGE MINDUA: [9:41:17](Interpretation) Remember that everything
- 13 that is said in this courtroom is being transcribed by court reporters and interpreted
- 14 simultaneously into several languages by our interpreters.
- 15 THE WITNESS: [9:41:39](Interpretation) Okay.
- 16 PRESIDING JUDGE MINDUA: [9:41:42](Interpretation) So it is important to speak
- 17 clearly and slowly, and to pause from time to time.
- 18 THE WITNESS: [9:42:03](Interpretation) Okay.
- 19 PRESIDING JUDGE MINDUA: [9:42:06](Interpretation) Naturally, if you have
- 20 a question, please raise your hand to indicate that you would like to say something.
- 21 First, you will be questioned by the Office of the Prosecutor and then by the Legal
- 22 Representatives of Victims and, finally, by the Defence.
- 23 THE WITNESS: [9:42:50](Interpretation) All right.
- 24 PRESIDING JUDGE MINDUA: [9:42:52](Interpretation) Without any further ado, I
- 25 shall now call upon Madam Prosecutor for her examination-in-chief. Please

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1 translate.

2 THE WITNESS: [9:43:14](Interpretation) Very well.

3 PRESIDING JUDGE MINDUA: [9:43:17](Interpretation) Prosecution.

4 QUESTIONED BY MS LUPING:

5 Q. [9:43:21] Good morning, Madam Witness.

6 A. [9:43:25] Good morning.

7 Q. [9:43:28] (Overlapping speakers) As you know, we've met before, and my name
8 is Dianne Luping and I'll be asking you questions for the Prosecution. I would just
9 like to add a few additional reminders to those that the presiding judge explained to
10 you.

11 A. [9:44:14] Okay.

12 Q. [9:44:15] (Overlapping speakers) First, if there are any questions that you -- that
13 you are asked, that you don't understand, please say so, so I will try to make the
14 questions easier for you to understand.

15 A. [9:44:41] Okay.

16 Q. [9:44:43] I would also like to remind and repeat that -- to ask you to please speak
17 slowly and in short sentences.

18 A. [9:45:04] Okay.

19 Q. [9:45:07] And if there are any questions that might reveal your identity, I will be
20 asking permission from the presiding judge to go into private session, which means
21 that nobody outside the courtroom can hear what you are saying.

22 A. [9:45:38] Okay.

23 MS LUPING: [9:45:41] Mr President, with your permission, I'd would like to ask for
24 permission to go into private session for approximately five to 10 minutes for
25 questions of an identifying nature.

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- 1 PRESIDING JUDGE MINDUA: [9:46:00](Interpretation) Quite so, court officer.
- 2 Private session, please.
- 3 (Private session at 9.46 a.m.)
- 4 THE COURT OFFICER: [9:46:06] (Interpretation) We are in private session.
- 5 PRESIDING JUDGE MINDUA: [9:46:18](Interpretation) Thank you. Prosecution.
- 6 MS LUPING: [9:46:20] Thank you, Mr President.
- 7 Q. [9:46:23] Now, Madam Witness, can you please introduce yourself to the Court
- 8 by giving your full name.
- 9 A. [9:46:35] My name is [REDACTED]
- 10 Q. [9:46:56] Thank you. And is it correct that both [REDACTED]
- 11 are both correct names for you, is that right?
- 12 A. [9:47:16] Yes.
- 13 Q. [9:47:19] Your father's name is [REDACTED] and he is also
- 14 known as [REDACTED]?
- 15 A. [9:47:40] Yes.
- 16 Q. [9:47:47] And [REDACTED] is your grandfather's name, your father's father?
- 17 A. [9:47:56] Yes, that -- it is the name of my grandfather, [REDACTED]
- 18 Q. [9:48:16] And your mother's name is [REDACTED] is that correct?
- 19 A. [9:48:23] Yes, that's right.
- 20 Q. [9:48:31] And the name of your [REDACTED] is that correct?
- 21 A. [9:48:44] Yes, [REDACTED]
- 22 Q. [9:48:56] And you were born on [REDACTED]?
- 23 A. [9:49:07] Yes, that's right.
- 24 Q. [9:49:20] You were born [REDACTED]?
- 25 A. [9:49:31] Yes.

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- 1 Q. [9:49:34] You are [REDACTED]?
- 2 A. [9:49:44] Yes.
- 3 Q. [9:49:46] What languages do you speak?
- 4 A. [9:49:52] Songhai -- I speak Songhai.
- 5 Q. [9:50:09] And in addition to Songhai, what languages do you understand?
- 6 A. [9:50:15] I speak a bit of Bambara and a bit of Tamasheq.
- 7 Q. [9:50:36] You are a Muslim?
- 8 A. [9:50:42] Yes.
- 9 Q. [9:50:50] And during the events in 2012 until early 2013, what was your job?
- 10 A. [9:51:01] [REDACTED]
- 11 Q. [9:51:35] I'm now going to show you one document before asking to go back
12 into public session. It is on your screen, Madam Witness, it's on evidence channel 2.
13 It's also at tab 6 of the binder, I'm only showing you one page and I would ask that
14 the court officer or court usher in the witness's location assist to turn to tab 6. The
15 document -- the first page is 0077-5075, but I will only be showing the witness
16 page 5078.
- 17 A. [9:52:30] Okay.
- 18 Q. [9:52:31] Now, Madam Witness, I'm going to try to enlarge this document. I'm
19 going to turn to one and then the other. First of all -- first of all looking at the first
20 document, apologies, do you recognise that first document? We see two documents,
21 I'm going to first ask you about the first one.
- 22 Do you recognise it?
- 23 A. [9:53:09] Yes.
- 24 Q. [9:53:10] (Overlapping speakers) And what is it?
- 25 A. [9:53:17] This is my "NINA" card.

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- 1 Q. [9:53:26] Now we see a date, [REDACTED] and written the name, [REDACTED]
- 2 [REDACTED] on this document and a date of birth, [REDACTED] And the
- 3 place of birth: [REDACTED] We see the parents' name. We see [REDACTED]
- 4 [REDACTED] Is that you, Madam Witness?
- 5 A. [9:53:53] Yes, that's right.
- 6 Q. [9:54:26] And is this your photograph on this first document?
- 7 A. [9:54:43] Yes, it's me.
- 8 Q. [9:54:45] (Overlapping speakers) I'm now looking at the second document. Do
- 9 you recognise this?
- 10 A. [9:54:53] Yes.
- 11 Q. [9:55:02] (Overlapping speakers) And what is it?
- 12 A. [9:55:08] This is my identity.
- 13 THE INTERPRETER: [9:55:16] Overlapping.
- 14 MS LUPING: [9:55:20]
- 15 Q. [9:55:23] (Overlapping speakers) And it's correct that this photograph is you?
- 16 A. [9:55:27] Yes.
- 17 Q. [9:55:30] (Overlapping speakers) And it's correct that the name [REDACTED]
- 18 [REDACTED] that's a reference to you, is that correct?
- 19 A. [9:55:40] Yes.
- 20 Q. [9:55:45] (Overlapping speakers) Thank you, Madam Witness.
- 21 MS LUPING: [9:55:51] Mr President, I have no further questions in private session.
- 22 I would now ask your leave to return to public session.
- 23 PRESIDING JUDGE MINDUA: [9:55:59](Interpretation) Yes, indeed. Court officer,
- 24 open session.
- 25 (Open session at 9.56 a.m.)

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- 1 THE COURT OFFICER: [9:56:05] We are back in open session.
- 2 PRESIDING JUDGE MINDUA: [9:56:17](Interpretation) Thank you, court officer.
- 3 Madam Prosecutor.
- 4 MS LUPING: [9:56:21]
- 5 Q. [9:56:23] Madam Witness, were you present in Timbuktu when the city was
- 6 taken over by armed groups in 2012?
- 7 A. [9:56:44] Yes.
- 8 Q. [9:57:01] And were you in Timbuktu throughout that period of the occupation
- 9 in 2012 to 2013?
- 10 A. [9:57:22] Yes.
- 11 Q. [9:57:24] Can you describe the armed group or armed groups that took over and
- 12 stayed to occupy Timbuktu?
- 13 A. [9:58:00] I can describe to you -- I can describe some things, but I've forgotten
- 14 some things. It was a long time ago, but I can describe some things. Since the year
- 15 2012, I have forgotten some things.
- 16 Q. [9:58:17] (Overlapping speakers) That is very understandable, Madam Witness,
- 17 that you would forget certain things.
- 18 Can you describe, first of all, from what you can remember, what the groups were
- 19 called?
- 20 A. [9:58:32] The names of the groups, I remember there was Ansar Dine, there was
- 21 the MNLA, there was Azawad, and then there was the Islamists.
- 22 Q. [9:59:17] And turning to the Ansar Dine and Islamists, can you describe what
- 23 those groups looked like. What kind of clothing did these people wear?
- 24 PRESIDING JUDGE MINDUA: [10:00:05](Interpretation) Mr Edwards.
- 25 MR EDWARDS: [10:00:09] I wonder whether for the clarity of the record it might be

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1 better for the witness, first, to be asked to describe what members of Ansar Dine were
2 wearing and looked like, and then move on to the Islamists. She's talking about two
3 different groups and if she gives a compound description, then my concern is that this
4 will confuse the record.

5 PRESIDING JUDGE MINDUA: [10:00:36](Interpretation) Madam Prosecutor.

6 MS LUPING: [10:00:42] I have no problem indeed breaking it down to ask questions
7 of all four groups. There's no problem with that. I was trying to save time. But
8 indeed for the witness, it may help to clarify things if I take it step by step.

9 PRESIDING JUDGE MINDUA: [10:01:02](Interpretation) Yes, let's go step by step,
10 please.

11 THE INTERPRETER: [10:01:07] Overlapping speakers.

12 MS LUPING: [10:01:12]

13 Q. [10:01:12](Overlapping speakers) Madam Witness, I'm going to start with Ansar
14 Dine. Could you describe what type of clothing this group wore from your memory,
15 and if you can remember?

16 A. [10:01:21] The clothes worn by the Ansar Dine people was chocolate or were
17 chocolate in colour.

18 Q. [10:01:57](Overlapping speakers) Thank you, Madam Witness. And again, I
19 would remind you that if you don't remember anything, simply say so.

20 To the best of your memory, the Islamists that you have referred to, were they
21 wearing anything that's different to Ansar Dine? Did they have clothing that you
22 can remember?

23 A. [10:02:38] Yes.

24 Q. [10:02:44] And can you explain?

25 A. [10:03:03] The clothes worn by the Islamists were grey in colour.

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1 Q. [10:03:18] Now, you have described a group called the MNLA. Again, to the
2 best of your memory, do you know what kind of clothing they wore? Was it the
3 same kind of clothing? Different? Anything that you can remember?

4 A. [10:03:57] The clothes that they wore were not the same.

5 Q. [10:04:14] Can you describe it?

6 A. [10:04:25] These were clothes that looked like paramilitary attire. It wasn't
7 exactly the same, but it did look a lot like that.

8 Q. [10:04:53] And you have referred to a group called Azawad. Could you
9 describe what kind of clothing that you understand that they wore?

10 A. [10:05:20] When I saw the Azawad in Timbuktu, we thought that they were the
11 soldiers or military of the country itself, but what differentiated them was that -- was
12 the flag that they had with them, which made us realise that it was not the national
13 army.

14 Q. [10:06:25] Now, starting with Ansar Dine, can you describe what ethnicities or
15 nationalities were in this Ansar Dine group that you saw?

16 A. [10:06:43] Well, I do not know which country they hail from, all I know is that
17 they entered Timbuktu.

18 Q. [10:07:20] And again, to the best of your knowledge, were they -- were they
19 from Mali?

20 A. [10:07:34] Well, they weren't from Mali, if they were from Mali, they wouldn't
21 have come to do what they did. They were not sons of Malians, that's what I believe.

22 Q. [10:08:15] Now turning to what you described as Islamists, from what you can
23 remember, what were their ethnicities or nationalities?

24 A. [10:08:27] I do not know which ethnic group they come from, nor do I know
25 which country they come from.

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1 Q. [10:08:58] Now turning to the MNLA, did you understand where they were
2 from?

3 A. [10:09:24] I swear, I do not know which ethnic group they are from. I just saw
4 them. I do not know where they came from, I just saw them.

5 Q. [10:09:38] The people that you understood were called "Azawad," do you know
6 from where they were from?

7 A. [10:09:50] No, no.

8 Q. [10:10:08] Now after these groups took over Timbuktu, can you explain if life in
9 Timbuktu was any different to what it was like before, and if so, in what way?

10 A. [10:10:25] Well, on the day that they entered Timbuktu, they killed people and
11 they also injured people. Some people fled.

12 Q. [10:11:26] Thank you, Madam Witness. My question was slightly different. I
13 was not asking what happened on the day they entered Timbuktu. My question is,
14 once the groups occupied Timbuktu, was life for you in Timbuktu any different to
15 what it was like before? And if so, how?

16 A. [10:11:58] Well, when they entered Timbuktu, they changed life in Timbuktu.
17 Everything changed. They brought their rules with them.

18 Q. [10:13:09] Madam Witness, when you say "everything changed," can you
19 explain what you mean by that?

20 A. [10:13:17] Well, first of all, they changed the way in which we prayed, and, even
21 on a Friday, we were told to no longer go and pray.

22 Q. [10:14:13] Please, continue.

23 A. [10:14:22] In the city whenever there was an event - such as, a marriage, we were
24 not allowed to celebrate such instances and any type of spectacle or show was
25 forbidden. Prior to that, we had enjoyed ourselves.

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1 Q. [10:15:14] Please continue.

2 A. [10:15:42] Upon their arrival, they found us in good spirit, but they changed all
3 of that. So even going to buy spices became a problem. And they transformed the
4 city into the bush.

5 Q. [10:16:18] And when you state "even going to buy spices became a problem,"
6 what do you mean by that?

7 A. [10:16:25] I'm sorry, what did you say?

8 Q. [10:16:50] You stated, I'm going to quote from the French transcript, and that's at
9 page 14, line 23:

10 (Interpretation) "They changed the city. Even going to buy spices to prepare food
11 became a problem."

12 (Overlapping speakers)

13 (Speaks English) My question was this, what did you mean by that? What would be
14 the problem?

15 A. [10:17:18] Well, we really wonder why they did what they did and we
16 wondered what we had done to them for us to that -- for them to do that to us. They
17 really harassed us and they really quashed our good spirits.

18 Q. [10:18:27] And when you state, "They really harassed us and they really
19 [s]quashed our good spirits", what do you mean by that?

20 A. [10:18:42] Yes, the manner in which they tortured us and they harassed us, we
21 really just want God to make them pay for everything they did, for the manner in
22 which they harassed us.

23 Q. [10:19:49] Now, Madam Witness, again, I'm looking at the French transcript at
24 page 14, lines 7 to 8, you stated: (Interpretation) "They brought their own rules with
25 them." (Overlapping speakers)(Speaks English) Could you explain what rules you

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1 are referring to?

2 A. [10:20:11] The rules that I'm talking about is what I told you prior to that, maybe
3 you didn't understand. What I was saying is that they took over our city and they
4 imposed their rules upon us. They did what they wanted to do.

5 Q. [10:21:05] Madam Witness, I've noticed at page 15, lines 24 to 25, you stated:
6 (Interpretation) "The rules that I'm talking about is what I told you prior to that,
7 maybe you didn't understand."

8 (Overlapping speakers)

9 (Speaks English) End of quote.

10 Madam Witness, I just want to remind you that what you have stated in the past in
11 your prior statements, including to the Prosecution, is not what is in evidence before
12 this Court. It is what you say to the judges now as you are speaking in this
13 courtroom.

14 Do you understand that?

15 A. [10:21:52] I'm sorry?

16 Q. [10:22:37] Madam Witness, your evidence is what you're telling the judges today
17 and in the next days. It's not what you said in the past to any investigator of the
18 Prosecution.

19 Do you understand that?

20 It's your evidence that you say today, that that's the issue -- that's what is your
21 evidence, rather. Is that clear?

22 A. [10:23:04] Are you talking about what happened to me in the past? Is that
23 what you're wanting to -- me to tell you? Help me understand your question, if that
24 is the case, I can tell you everything.

25 THE INTERPRETER: [10:23:58] Overlapping speakers.

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1 MS LUPING: [10:24:01]

2 Q. [10:24:01](Overlapping speakers) Yes, Madam Witness, I will be asking you
3 what happened to you in the past. But what I'm saying is, you will have to repeat
4 what you've told us before when you met on previous days with the Prosecution.
5 The point is, what your evidence is, is what you tell these three judges today. So I'm
6 afraid you're going to have to repeat things, even if you've said it in the past. That
7 was all I was trying to explain. It's what you say today that matters (Overlapping
8 speakers)

9 THE INTERPRETER: [10:24:24] Message from the English booth: Could counsel
10 please observe a pause for the interpretation to run its course. Thank you.

11 THE WITNESS: [10:24:36](No interpretation)

12 THE INTERPRETER: [10:25:07] Message from the Songhai booth: The witness is
13 answering mm-hmm (Overlapping speakers)
14 Overlapping speakers again.

15 MS LUPING: [10:25:15] (Overlapping speakers) Thank you, Madam Witness.

16 THE COURT OFFICER: [10:25:15] Overlapping speakers. Please, observe a pause
17 for the English interpretation. Thank you.

18 MS LUPING: [10:25:23] Apologies to the interpreters.

19 Q. [10:25:26] Now, Madam Witness, do you recall that there were new rules about
20 clothing for women? Do you remember that?

21 A. [10:25:36] Yes.

22 Q. [10:25:59] And you personally, do you remember receiving any warnings about
23 what you were wearing?

24 A. [10:26:35] Yes, of course, I remember.

25 Q. [10:26:42] Can you please describe what happened that day when you were

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1 given a warning about the clothing that you were wearing? Please describe what
2 happened inasmuch detail as you can remember.

3 PRESIDING JUDGE MINDUA: [10:27:03](Interpretation) Mr Prosecutor, please.
4 Rather, Mr Edwards, I do apologise.

5 MR EDWARDS: [10:27:16] Thank you, your Honour, I didn't take offence. I
6 wonder if my learned friend could direct us to any evidence that has been served on
7 the Defence about any specific incident that -- evidence of which the Prosecution is
8 seeking to elicit relating to her.

9 PRESIDING JUDGE MINDUA: [10:27:48](Interpretation) Madam Prosecutor.

10 MS LUPING: [10:27:49](Overlapping speakers) Mr President, I do hope I'm not
11 going to get these types of interruptions for a statement, which is only 16 pages, that
12 counsel should have read. But I will refer him to paragraph 24. And bearing in
13 mind the difficulties in taking this witness very carefully and slowly, I would really
14 appreciate if counsel reads the statement thoroughly so I'm not interrupted again.
15 Paragraph 24, at page 0076. I really don't think I need to read it out either.

16 But if I could please continue?

17 PRESIDING JUDGE MINDUA: [10:28:30](Interpretation) Yes, please go ahead,
18 Madam Prosecutor.

19 MS LUPING: [10:28:36]

20 Q. [10:28:36] Madam Witness, I apologise for that interruption. I would now ask
21 that I -- I repeat my question to you. And I would ask you to please describe what
22 happened when you yourself were warned about the clothing that you were wearing?

23 Describe the events and describe with as much detail as you can remember, please.

24 A. [10:29:26] Well, in my case, they brought me a long boubou called a hijab, and
25 they told me that I should put it on and that I should wear it constantly. So when

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1 they told us to wear that, we started to wear them. But with all of that, we were
2 not -- that was not the end of it for us. We were not left alone.

3 Q. [10:31:02] Now, can you remember when members of the armed groups first
4 spoke to you about what you were wearing? Do you remember that day?

5 A. [10:31:17] Yes.

6 Q. [10:31:47] Can you please describe that first conversation that you had?

7 A. [10:32:36] Our first conversation, well, they found me in front of my door. I
8 was [REDACTED] and they said to me that I should get up and go
9 inside. I said, [REDACTED] They took some rocks and
10 threw them [REDACTED] And then after that, I went
11 inside.

12 That's what led to everything that happened after that.

13 Q. [10:33:36] Now, Madam Witness, you stated:

14 (Interpretation) "They found me in front of my door."

15 (Overlapping speakers)

16 (Speaks English) Now, when you refer to "ils" or "they", can you please explain who
17 do you mean by "they"?

18 A. [10:33:59] The Islamists, of course.

19 Q. [10:34:26] And you've described the *Islamiques*. Can you recall this first
20 conversation where they told you to go inside your house, can you recall how many
21 *Islamiques* there were?

22 A. [10:34:59] I don't know. I couldn't tell you how many. Since the year 2012,
23 well, many years have gone by. I don't really know. Even the man who married
24 me was part of the group. I don't know in actual fact how many there were.

25 Q. [10:36:10] And, Madam Witness, you stated:

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1 (Interpretation) "The man who married me was part of the group."

2 (Speaks English) And just to clarify, do you mean this man was part of the group that
3 spoke with you this first time?

4 A. [10:36:43] No. He ultimately joined. But before that, he wasn't with them.
5 He was not amongst them.

6 Q. [10:37:37] Now, you stated at page 19, lines 16 to 17:

7 "They took [REDACTED]"

8 Who is "they"? Who [REDACTED]

9 [REDACTED] on you?

10 A. [10:38:12] The Islamists, of course, who found me in front of the door. I was
11 frying -- when I was [REDACTED]

12 Q. [10:38:47] And, Madam Witness, I know this is a long time ago, but just if you
13 can remember. These *Islamiques* who spoke to you whilst you were in the process of
14 [REDACTED] can -- can you remember what kind of clothing they were
15 wearing or what they -- how they were -- how they looked?

16 A. [10:39:12] They were wearing clothes made out of grey fabric, so they were grey
17 coloured.

18 Q. [10:39:59] And, again, this is only if you can remember, do you remember what
19 ethnicity these people were?

20 A. [10:40:28] I don't know what ethnic group they belonged to. I just saw them.
21 I just saw them. That's all.

22 Q. [10:40:38] Do you remember what skin colour they had?

23 A. [10:41:04] They were light-skinned people and some dark-skinned, black people.

24 Q. [10:41:14] And when they spoke to you, do you remember what language they
25 spoke to you in?

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1 A. [10:41:22] They spoke all the languages -- Arabic, Songhai, Tamasheq as well.

2 Q. [10:41:48] And, Madam Witness, I'm talking about when they spoke to you,
3 when they saw you in front of your door, do you remember what language they
4 spoke to you in?

5 A. [10:42:08] The language, I've forgotten. I know that when they talked to me, I
6 understood, but I don't really -- I don't exactly remember the language.

7 Q. [10:42:48] And when they came up to speak to you, were these people on foot?
8 Or were they in a vehicle? How is it that you saw them?

9 A. [10:43:18] They were in a vehicle.

10 Q. [10:43:21] Now, again, this is only if you can remember, but can you describe the
11 vehicle.

12 A. [10:43:47] The vehicles were the kind of vehicles that have a cab at the front and
13 then there's the back.

14 Q. [10:44:13] And, again, this is only if you remember, Madam Witness, did you see
15 any flag?

16 A. [10:44:39] The flag ... you would -- I would say it was black with some white
17 writing on it.

18 (Pause in proceedings)

19 PRESIDING JUDGE MINDUA: [10:45:20](Interpretation) Madam Prosecutor?

20 MS LUPING: [10:45:22] Yes, apologies, Mr President. I am just simply finding the
21 precise transcript reference to be able to refer the witness to for something she has
22 already stated to make sure that there is no confusion.

23 Q. [10:45:37] Now, first of all, Madam Witness, you stated - and I'm going to quote
24 from the French transcript - at page 20, line 1:

25 (Interpretation) "The man who married me was part of the group."

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1 (Speaks English) Could you clarify to what group you were referring.

2 A. [10:46:12] They were the Islamics.

3 Q. [10:46:35] Now, you stated that you had this first conversation with Islamics,

4 and you stated how [REDACTED]

5 You then stated - and I'm going to quote from the French transcript - page 19, lines 15

6 to 16:

7 (Interpretation) "And that's what led to everything that happened after."

8 (Speaks English) Could you please describe inasmuch detail as you can remember

9 what happened after that. I would ask you not to mention names yet because I will
10 be asking that of you in private session.

11 Please, continue, Madam Witness.

12 A. [10:48:35] I haven't understood.

13 Q. [10:48:50] Madam Witness, you've just been describing the first conversation

14 you had with Islamists. You said they asked you to go inside the house. You said

15 that they [REDACTED] I'm going to repeat what you

16 had stated, which is:

17 (Interpretation) "And that's what led to everything that happened after."

18 (Speaks English) Can you please describe what is it that happened after this first

19 conversation with the Islamists.

20 A. [10:50:39] Yes. What happened after that was the forced marriage. That's

21 what happened.

22 Q. [10:51:28] Now, when you say, "The forced marriage happened after that," can

23 you -- can you describe the first conversation they had with you about getting

24 married. Can you describe what happened?

25 A. [10:52:43] Well, I don't want to get anything wrong. It was so long ago. I've

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1 forgotten many things. If I knew that I was going to be asked to tell that story once, I
2 would've asked someone to write it all down so I'd have it at hand. But now I've
3 forgotten a lot of things. I don't want to tell a lie or get something wrong.

4 Q. [10:53:13] I understand, Madam Witness. It has been a very long time, and you
5 may recall your prior statement was also read back to you. I would just ask you, to
6 your best of your recollection, what you remember happened when you were asked
7 to get married.

8 A. [10:54:26] What I remember is that the day they came to talk to me about
9 marriage, I was sitting down in the house with my father, and they said to my father
10 that they wanted me. They wanted to marry me. They wanted my hand in
11 marriage. My father said that he was not giving his daughter to the Islamists.

12 Q. [10:55:03] And please continue.

13 A. [10:55:35] They came and they went. They came and they went. They came
14 one day with 25,000 francs that they threw at my father and said it was the dowry.
15 Then they came and they went again. And one day, they came and I was in the
16 courtyard. They took me and they put me -- they put me in their vehicle, and they
17 took me away. They were with their friends.

18 Q. [10:56:29] And can you please continue.

19 A. [10:57:01] When they came, they took me. He was with his friends. They took
20 me somewhere to a house close to [REDACTED] close to [REDACTED]
21 and they put me in that house. And at -- at night, I jumped over the wall and I went
22 back home. After that, they came and they went a few more times.

23 Q. [10:57:53] Madam Witness, I'm now going to go back somewhat to the day they
24 came to talk to you and your family about the marriage.

25 I would ask the presiding judge if I can just briefly -- I know it's very close to the end,

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1 but I do believe I've probably got one minute at least just to ask one question that's
2 identifying before going back to open session, if we may?

3 PRESIDING JUDGE MINDUA: [10:58:31](Interpretation) Certainly.

4 Private session, court officer.

5 (Private session at 10.58 a.m.)

6 THE COURT OFFICER: [10:58:39] (Interpretation) We are in private session.

7 PRESIDING JUDGE MINDUA: [10:58:52](Interpretation) Thank you very much.

8 Madam Prosecutor.

9 MS LUPING: [10:58:55]

10 Q. [10:58:56] Madam Witness, you have referred to a man who married you who
11 was part of this group of Islamists. Can you state his name, please, for the record.
12 The name that you understood he was called.

13 A. [10:59:15] Yes, I can give you his name.

14 Q. [10:59:49] Can you please give that name.

15 A. [10:59:54] [REDACTED] is his name.

16 Q. [11:00:03] And how do you know his name is [REDACTED]?

17 A. [11:00:08] Well, they were coming and going, you see, for the marriage. And
18 one of those times, his friends called him [REDACTED] so that's how I learnt his name.

19 Q. [11:00:42] Do you know his full name?

20 A. [11:00:45] No, I don't know his full name. I just heard people call him

21 [REDACTED] Other than that, I don't know his complete name.

22 MS LUPING: [11:01:11] Mr President, I know we are coming to the break now. I
23 believe we can go back into public session before we break.

24 PRESIDING JUDGE MINDUA: [11:01:24](Interpretation) Yes, indeed. It is
25 11 o'clock.

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1 Madam Court Officer, open session please.

2 (Open session at 11.01 a.m.)

3 THE COURT OFFICER: [11:01:35] (Interpretation) We are in back open session,
4 your Honour.

5 PRESIDING JUDGE MINDUA: [11:01:39](Interpretation) Thank you very much,
6 court officer.

7 It is one minute after 11. We shall now take our break for half an hour and resume at
8 11.30.

9 The hearing is suspended.

10 THE COURT USHER: [11:01:59] All rise.

11 (Recess taken at 11.02 a.m.)

12 (Upon resuming in open session at 11.32 a.m.)

13 THE COURT USHER: [11:32:30] All rise.

14 Please be seated.

15 PRESIDING JUDGE MINDUA: [11:32:43](Interpretation) Court is in session once
16 again.

17 I shall be handing over to the Office of the Prosecutor for the continuation.

18 MS LUPING: [11:33:09] Thank you, Mr President. Thank you, your Honours.

19 I just want to note for the record, before I continue, that I am joined in the courtroom
20 by my colleague, Claudine Umurungi. Thank you. And I apologise, also. I
21 should have passed on Mr Gilles Dutertre's apologies this morning as well. He will
22 be unable to join us today in the courtroom.

23 PRESIDING JUDGE MINDUA: [11:33:45](Interpretation) I would like to welcome
24 Madam Prosecutor, Claudine Umurungi. And I have taken note of your comment
25 with regard to Mr Dutertre.

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1 So, over to you, Madam Prosecutor, please.

2 MS LUPING: [11:34:01] Thank you, Mr President.

3 Q. [11:34:02] Hello, again, Madam Witness. Madam Witness, I just want to --

4 A. [11:34:09] Hello. I'm fine.

5 Q. [11:34:12] Madam Witness, I just want to take you back to something you said

6 before the break. You stated - and I'm going to quote from the French transcript - at

7 page 24, lines 13 to 17. Sorry, actually, it's from page -- it's lines 11 to 17, where you

8 were describing the first conversation with the Islamists about getting married. And

9 I quote:

10 (Interpretation) "The day when they came to speak to me about marriage, I was sitting

11 in the house with my father. I was sitting in the house with my father, and they said

12 to my father that they wanted me, they wanted to get married to me. They wanted

13 me in marriage. I said -- my father said that he would not give his daughter to the

14 Islamists."

15 (Speaks English) End of quote.

16 My first question is this - again, it's just if you remember - can you remember who it

17 was amongst the Islamists who came to your house where we -- you had that first

18 conversation when your father was there with them about getting married?

19 Who came from amongst the Islamists?

20 A. [11:36:54] It was the gentleman who wanted to marry me and his friends. It

21 was them.

22 Q. [11:37:36] And do you remember - again, this is only if you can recall - how

23 many friends came with the man who wanted to marry you?

24 A. [11:38:18] I do not recall.

25 Q. [11:38:22] And do you remember what kind of clothing these people were

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1 wearing, the ones when they came to speak you of -- to you and your father about
2 marrying you?

3 A. [11:38:59] I do remember.

4 Q. [11:39:07] And please explain.

5 A. [11:39:26] Yes, they were wearing the same clothes that were grey in colour.

6 Q. [11:39:34] And, again, only if you recall, do you know if any of them were
7 carrying weapons?

8 A. [11:39:51] They were all armed.

9 Q. [11:40:06] And do you remember how they came to your house? Were they in
10 a vehicle? Were they on foot? Again, I'm talking about the conversation with you
11 and your father, that first conversation about getting married.

12 A. [11:40:45] They came in a vehicle. In a vehicle.

13 Q. [11:40:50] Can you please describe this vehicle.

14 A. [11:41:13] They came in a vehicle with a rear cabin.

15 Q. [11:41:18] And, again, only if you remember, but did you see a flag on this
16 vehicle?

17 A. [11:41:39] Yes, there was a flag.

18 Q. [11:41:42] Please describe it.

19 A. [11:41:58] I no longer recall the colour of the flag, but I do know that it had black
20 lettering on it.

21 Q. [11:42:21] And these men that came together with the man who wanted to
22 marry you, do you remember what their ethnicity or ethnicities were?

23 A. [11:42:55] No, I do not know their ethnic origin.

24 Q. [11:42:59] Do you remember what the skin -- their skin colour were -- was?

25 A. [11:43:20] There were people with black skin, and there were people with white

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1 skin.

2 Q. [11:43:29] Now, when they came to the house to speak to your family, do you
3 remember what language they used to speak?

4 A. [11:44:04] There are some things that I remember, but other things that I have
5 forgotten.

6 Q. [11:44:12] And what languages can you remember them speaking?

7 A. [11:44:52] What I do remember is that when they came to ask for my hand in
8 marriage, my father was told that if I refused, they would say -- they would tell them
9 that I had worn a certain attire in the past.

10 THE INTERPRETER: [11:45:17] The witness's answer is unclear.

11 MS LUPING: [11:45:23]

12 Q. [11:45:24] And who said that?

13 A. [11:45:34] The man who married me.

14 MS LUPING: [11:45:47] And I just want to note that there is a difference between the
15 French transcript and the English transcript on the -- this point. And it states in the
16 French: (Interpretation) My father was told that if they refused, they would say that
17 he was wearing an attire in the past.

18 (Speaks English) And when you said that:

19 (Interpretation) He would tell them that he had worn a certain attire in the past --

20 THE INTERPRETER: [11:46:45] Unclear whether it's singular or plural -- message
21 from the English booth.

22 MS LUPING: [11:47:09]

23 Q. [11:47:10] What do you mean by that? Wearing what kind of clothing?

24 A. [11:47:28] Yes, the man who wanted to marry me said that if my father refused,
25 he would inform his other comrades that my father [REDACTED] My

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1 father said, "Yes, it is true that [REDACTED],

2 but I will not give you my child." And that they can go and tell them that.

3 Q. [11:48:24] And you said it was the man who was married -- who married you

4 who said this to your father. Did your -- did you recognise this (Overlapping

5 speakers) ...

6 A. [11:48:58] Yes.

7 MS LUPING: [11:49:00](Overlapping speakers) Actually, Mr President, I might just

8 ask that next question in private session. Could I please ask briefly to go into private

9 session for a couple of questions?

10 PRESIDING JUDGE MINDUA: [11:49:12](Interpretation) Yes, of course.

11 Madam Courtroom Officer, private session, please.

12 (Private session at 11.49 a.m.)

13 THE COURT OFFICER: [11:49:26] (Interpretation) We are in private session,

14 your Honours, Mr President.

15 PRESIDING JUDGE MINDUA: [11:49:32](Interpretation) Thank you very much,

16 indeed, Madam Courtroom Officer.

17 Madam Prosecutor.

18 MS LUPING: [11:49:38] Thank you, Mr President.

19 Q. [11:49:39] Now, Madam Witness, you've already said that the name of the man

20 that you married was [REDACTED] Can you remember what his ethnicity was,

21 [REDACTED]?

22 A. [11:50:20] His ethnic origin? He was an Islamist.

23 Q. [11:50:25] No. My question is, what is his ethnicity? Not his -- his religion

24 and not his other group.

25 A. [11:50:39] I'm not aware of his ethnic origin.

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- 1 Q. [11:50:54] And I just want to make sure that you understand my question. For
2 example, you belong to the -- you are [REDACTED] You belong to the [REDACTED]
3 ethnicity.
4 Do you know what group -- ethnic group [REDACTED] belonged to?
5 A. [11:51:13] Whatever the case may be, he spoke Arabic and Songhai.
6 Q. [11:51:46] And you said that he spoke Arabic and he spoke Songhai also. Do
7 you know if he was an Arab or of another group?
8 A. [11:52:18] No, I'm not aware of his ethnic origin.
9 Q. [11:52:22] Can you describe him, what he looked like? What was his skin
10 colour?
11 A. [11:52:47] He is light skinned.
12 Q. [11:52:50] And can you recall how old he was at this time, roughly?
13 A. [11:53:05] No, I do not know.
14 Q. [11:53:11] And when he spoke to you, what language did he speak to you?
15 A. [11:53:40] He spoke Songhai and Arabic. He spoke to us in both.
16 Q. [11:53:49] Now, Madam Witness, you just described how the man who married
17 you said to your father that he -- he knew that your father [REDACTED].
18 Did you recognise [REDACTED] when you saw him? Had you seen him before?
19 A. [11:54:37] I do apologise. I haven't understood.
20 Q. [11:54:42] Before [REDACTED] came with his friends to speak to your family and
21 spoke to your father, had you seen [REDACTED] in Timbuktu before?
22 A. [11:55:29] I did not know him before. [REDACTED]
23 and that he had even said that my father [REDACTED] the
24 Islamists. [REDACTED] them.
25 Q. [11:55:52] [REDACTED] Was [REDACTED] is he

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1 from -- was he from Timbuktu originally, or was he from outside Timbuktu?

2 A. [11:56:41] Honestly, I do not know. I just saw him, and I don't know whether
3 he comes from Timbuktu or not. In reality, I didn't know him at all.

4 Q. [11:56:52] Madam Witness, I'm now going to ask the presiding judge to go back
5 into public session. I would just ask that you do what you've been doing very well
6 so far, and that every time you mention him, just don't mention his name. Just the
7 man that you married.

8 MS LUPING: [11:57:36] Mr President, if we could go back into public session.

9 PRESIDING JUDGE MINDUA: [11:57:41](Interpretation) Yes, indeed, Madam
10 Prosecutor.

11 Madam Court Officer, please, open session.

12 (Open session at 11.57 a.m.)

13 THE COURT OFFICER: [11:57:50] (Interpretation) We are back in open session, Mr
14 President, your Honours.

15 PRESIDING JUDGE MINDUA: [11:58:00](Interpretation) Thank you very much,
16 indeed, Madam Courtroom Officer.

17 Madam Prosecutor, please continue.

18 MS LUPING: [11:58:10] Thank you, Mr President.

19 Q. [11:58:12] Mr Witness -- Madam Witness, rather, you said that the man who
20 married you, he said to your father that he would tell them that [REDACTED]
21 and your father responded to that.

22 Could you explain what happened next, after that conversation, between your father
23 and the man who wanted to marry you. What happened next?

24 A. [11:58:50] What happened next is that I was beaten and I was taken to the
25 location where I was detained, the place where judgment was passed down. And

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1 then, also, after I fled, I went into the cemetery.

2 Q. [11:59:50] Thank you, Madam Witness. I'm going to ask you more questions
3 about those later events. But, first, I want to understand more clearly what
4 happened on that day when you were asked to marry.

5 On that day when the man asked your father or spoke to your father about marrying
6 you, did anybody else in your family also speak? Either that day or another day
7 when they were discussing the marriage?

8 A. [12:01:06] When they came about the marriage, that was in front of my mother
9 and -- it was in front of both of them.

10 THE INTERPRETER: [12:01:24] Message from the Songhai booth: The witness
11 made a reference to the word *marâtre*, which means mother-in-law.

12 MS LUPING: [12:01:47]

13 Q. [12:01:48] And it says that when they came to speak at the marriage:
14 (Interpretation) "that was in front of my mother-in-law and my mother. *Marâtre*, that
15 means mother-in-law."

16 THE INTERPRETER: [12:02:09] Correction from the English booth ... (Overlapping
17 speakers)

18 MS LUPING: [12:02:14](Overlapping speakers)

19 Q. [12:02:14] Who -- who precisely was present? Was your -- who -- yeah. Who
20 precisely was present, in addition to your mother and your father?

21 A. [12:02:26] They were the ones who were there.

22 Q. [12:02:48] And apart from your mother and father, were any other family
23 members there at the house at the time when they spoke to you about the marriage?

24 A. [12:02:59] Yes, it is possible that other people were there, but I no longer
25 remember.

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1 Q. [12:03:25] And apart from your father, did your mother or anybody else speak?

2 A. [12:03:34] No.

3 Q. [12:03:48] And do you remember saying anything?

4 A. [12:04:12] I told them that I would not enter that marriage and I was not going
5 to marry one of these Islamic men, even if they were going to kill me.

6 Q. [12:04:34] Now, I'm just going to refer, Madam Witness, to something else that
7 you said before the break where, after describing this first conversation about the
8 marriage, you stated:

9 (Interpretation) "And they would come and -- they were coming and going. They
10 were coming and going. They came one day, a night, with 25,000 francs, and they
11 threw the money at my father and they said it was the dowry."

12 (Speaks English) Can you describe in more detail what happened when they came
13 and they gave the dowry or threw the dowry at your father. Could you please
14 describe in more detail what happened at that time.

15 A. [12:06:28] Yes. There was an argument. An argument broke out with the
16 man.

17 Q. [12:07:19] And you stated:

18 (Interpretation) "An argument broke out. An argument with the man."

19 (Speaks English) Could you explain exactly what happened.

20 A. [12:07:38] Yes. The argument was that they took me by force and threw me in
21 the vehicle. I refused to cooperate, and they took the whip and they whipped me.

22 Q. [12:08:26] And when you say that "they took me by force and threw me in the
23 vehicle," who is "they"?

24 A. [12:08:37] The man who married me and his friends took me by force and put
25 me in the vehicle and took me away.

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1 Q. [12:09:12] And can you remember if anybody spoke to you or said anything to
2 you when this happened?

3 A. [12:09:41] It is possible that someone might have talked to me about that, but I
4 no longer remember.

5 Q. [12:09:50] Now, you said that you were thrown in the vehicle. Can you
6 describe that vehicle.

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

8 Q. [12:10:17] Please continue.

9 A. [12:10:21] The kind of vehicle where people can sit down in the back.

10 Q. [12:10:49] Now, I know this can be difficult, Madam Witness, but I'm going to
11 ask you if you can recall roughly, timing.

12 Do you remember how many months after the Islamists and other groups occupied
13 Timbuktu, that the man who wanted to marry you first came to speak to your father
14 about getting married to you?

15 A. [12:11:52] That is when the armed group began to come in to -- that's when they
16 came to get me, when the army had come in to --

17 THE INTERPRETER: [12:12:17] Correction: When the armed groups had come into
18 the city.

19 MS LUPING: [12:12:23]

20 Q. [12:12:24] And just so I can understand this clearly, how long after they entered
21 Timbuktu did they come to your house to speak to you and your family about getting
22 married?

23 If you don't remember, that's okay, but roughly, how long after?

24 A. [12:13:16] It was a while after, but now I don't remember. But it was a while
25 after.

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- 1 Q. [12:13:36] All right, Madam Witness. You said that you were brought to
- 2 a house, is that right? And do you know whose house this was? Or who was living
- 3 at the house, rather, I should say. Do you know who was living at that house?
- 4 A. [12:13:59] The house that I was taken to belongs to the same man who married
- 5 me.
- 6 Q. [12:14:32] Now, you stated - and this is at page 36, lines 19 to 20 of the English
- 7 transcript: "I refused to cooperate, and they took the whip and they whipped me."
- 8 First of all, who -- who whipped you?
- 9 A. [12:14:52] It was the man who married me who whipped me when I refused to
- 10 marry him. He was the one who whipped me.
- 11 Q. [12:15:19] And, again, if you can remember, where were you when he whipped
- 12 you? Was it still at your family home? Or was it at his house?
- 13 A. [12:15:48] It was in the house where they took me, that's where he whipped me,
- 14 and also the weapon that the Islamists gave to them when they joined. Each time
- 15 they threatened me with that weapon.
- 16 Q. [12:16:23] Now, Madam Witness, I want you to take your time. And I know
- 17 this might not be easy. But when you were brought to this man's house, this first
- 18 time you're brought to his home, can you please describe what happened.
- 19 A. [12:17:24] The first time that they took me -- that they took me to the house, and
- 20 he said to me that if I refused to marry him, if I refused to stay -- if I refused to stay,
- 21 they would kill me. When he said that, I waited until he got up to pray, and I took
- 22 advantage of the moment to climb over a tall wall and I ran away. I hid in the
- 23 cemetery. And after that, he came after me to -- to get me, and I was hiding in the
- 24 cemetery. He followed me to the cemetery.
- 25 Q. [12:18:30] And can you describe what happened then.

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1 A. [12:18:35] After that -- after that, I went to the house, and my elder brother sent
2 me some money for transportation. I went to [REDACTED] When I got to [REDACTED]
3 [REDACTED]

4 Q. [12:19:41] Now, Madam Witness, I would like to take you back before we get
5 into those details. You stated: (Interpretation) "The first time he took me to his house,
6 he said to me that if I refused to marry him, he would kill me if I refused to remain."
7 (Speaks English) End of quote.
8 Did he say anything else?

9 A. [12:20:45] After that, I fled.

10 Q. [12:20:50] And I just want to understand. After he said those words, did he do
11 anything else? Did he do anything to you after he said that?

12 A. [12:21:32] Yes, of course. He did things to me.

13 Q. [12:21:42] And can you please explain what were these things that he did to you.

14 A. [12:22:09] Yes. The things that he did to me -- well, first, he took me, he caught
15 me and he slept with me forcibly, and he was one of the people who [REDACTED]
16 [REDACTED]

17 PRESIDING JUDGE MINDUA: [12:22:46](Interpretation) Mr Edwards.

18 MR EDWARDS: [12:22:49] Your Honour, my learned friend and the Defence team
19 have been in communication over the last couple of days and, indeed, this morning.
20 And we are prepared to accept what it is that the witness means when she says: "He
21 slept with me forcibly." I hope that assists.

22 PRESIDING JUDGE MINDUA: [12:23:15](Interpretation) Thank you very much for
23 your cooperation, Mr Edwards.

24 MS LUPING: [12:23:20] Thank you, Mr President. Indeed, I just want to make it
25 clear for the record so that there is no doubt, as we understand it, that the Defence has

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1 agreed that this means -- well, this would mean, at least, factually - even if they don't
2 accept that it occurred - factually, it would mean rape in the sense of the Rome Statute
3 and sexual penetration. And if your Honours are satisfied with that, then I would
4 continue without asking the witness to explain herself precisely what was meant by
5 that.

6 PRESIDING JUDGE MINDUA: [12:23:56](Interpretation) Quite so, Madam
7 Prosecutor. The Chamber is sufficiently enlightened, and it is not necessary to put
8 the question to the witness.

9 MS LUPING: [12:24:06] Thank you.

10 And I would also like to thank Defence counsel for assisting in this process; that it
11 would certainly make matters easier for the witness, and so we are very grateful for
12 that.

13 I'm not sure if Mr Edwards wanted to say anything?

14 Defence counsel wishes to say anything further?

15 MR EDWARDS: [12:24:34] Sorry, I turned my back. I wonder if I could just have
16 one second to consult with lead counsel.

17 PRESIDING JUDGE MINDUA: [12:24:44](Interpretation) Very well, go ahead,
18 Mr Edwards.

19 (Counsel confers)

20 MR EDWARDS: [12:25:56] Yes, it may be -- it maybe an idea just to instruct the
21 interpreters not to interpret what I'm about to say. But for the record, can I make it
22 clear that we accept that what the witness means by "slept with me forcibly," is
23 a reference to sexual penetration without consent.

24 What we are not conceding, as this amounts -- we are not conceding the other
25 elements of rape as a war crime or as a crime against humanity, the surrounding

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1 context of rape within the meaning of rape under the Rome Statute.

2 Just to make that very clear.

3 PRESIDING JUDGE MINDUA: [12:27:00](Interpretation) Yes, quite so. It is

4 completely clear and everyone has understood.

5 Madam Prosecutor.

6 MS LUPING: [12:27:07] Thank you, Mr President. And thank you. That is also

7 what we understood was the agreement and -- from the Defence, and we appreciate

8 Defence counsel also making that clear.

9 Q. [12:27:18] So, Madam Witness, apologies. There've been some legal
10 discussions that you don't have to worry about.

11 A. [12:27:46] I understand.

12 Q. [12:27:47] Now, I just want to understand the timing. You stated that he
13 forcibly slept with you. Is this the -- from the first night that you were taken to his
14 house?

15 A. [12:28:30] It was the second night.

16 Q. [12:28:34] And you stated that he also whipped you. Was this the first or the
17 second night when you were at his house?

18 A. [12:29:05] The first night when I ran away, that's when he whipped me. It was
19 the first night.

20 Q. [12:29:15] You stated: "It was the first night when I ran away, that's when he
21 whipped me."

22 So after you ran away, did the man who married you, did he find you before he
23 whipped you? Is that what you mean?

24 A. [12:29:46] The first night when I ran away, he didn't catch me. It was the next
25 night when they came back. That's when they took me and brought me back, and

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1 then he whipped me. They found me at the house -- at my home, and they brought
2 me back.

3 Q. [12:30:39] And you said:

4 (Interpretation) You said ...

5 (Overlapping speakers)

6 (Speaks English) Is that the house of your -- was that your family house or at his
7 house?

8 A. [12:30:56] Our home. That's where they found me, and that's where they took
9 me by force.

10 Q. [12:31:20] And then you explained that he brought you back to his house, and
11 then that second night, he forcibly slept with you. After that, can you recall how
12 long you were at his house before you escaped again?

13 A. [12:32:15] I stayed there for two days. And after that, I fled again.

14 Q. [12:32:28] And when you escaped again, can you remember where you went to?

15 A. [12:32:52] Yes, I do remember.

16 Q. [12:32:55] Please explain.

17 A. [12:32:58] I fled to [REDACTED] that's where I went.

18 Q. [12:33:25] Now, Madam Witness, we know it's been a long time and it can be
19 confusing. But just prior, you stated that you went to a place called [REDACTED] So, if
20 you can recall, which place did you go to first? Did you first go to [REDACTED]?

21 A. [12:34:43] In fact, I went to two locations. On the first occasion I went to [REDACTED]
22 and I came back. [REDACTED] and I came back. After that I fled again, and
23 I went to [REDACTED] And I
24 came back again, and things started all over again.

25 MS LUPING: [12:35:15] Mr President, could we briefly go into private session for

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1 a few questions?

2 PRESIDING JUDGE MINDUA: [12:35:25](Interpretation) Madam Courtroom Officer,
3 private session, please.

4 (Private session at 12.35 p.m.)

5 THE COURT OFFICER: [12:35:35] (Interpretation) We are in private session, Mr
6 President, your Honours.

7 PRESIDING JUDGE MINDUA: [12:35:42](Interpretation) Thank you very much,
8 Madam Courtroom Officer.

9 Madam Prosecutor.

10 MS LUPING: [12:35:48] Thank you, Mr President.

11 Q. [12:35:48] Thank you, Madam Witness, for clarifying that.

12 Now, you stated that you first went to [REDACTED] returned, and it was later you went to

13 [REDACTED] Now, I will be referring to [REDACTED] as the first place you went to and [REDACTED] as
14 the second place you went to.

15 Now [REDACTED] the first place you went to, can you recall if you went with anybody else
16 to [REDACTED] or were you alone?

17 A. [12:37:14] The first time was [REDACTED] and I went on my own. And on the
18 second occasion, when I went to [REDACTED] On the second time I

19 [REDACTED]

20 Q. [12:37:31] Thank for that clarification, Madam Witness.

21 I believe we can now return to public session, Mr President.

22 PRESIDING JUDGE MINDUA: [12:37:42](Interpretation) Yes, indeed.

23 Madam Courtroom Officer, open session, please.

24 (Open session at 12.37 p.m.)

25 THE COURT OFFICER: [12:37:54] (Interpretation) We are back in open session,

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1 Mr President.

2 PRESIDING JUDGE MINDUA: [12:38:02](Interpretation) Thank you very much,
3 indeed, Madam Courtroom Officer.

4 Madam Prosecutor.

5 MS LUPING: [12:38:08] Thank you, Mr President.

6 Q. [12:38:12] Now, Madam Witness, you stated that you went to the first place and
7 you returned when you learnt that [REDACTED]

8 Could you explain what precisely you learnt had happened [REDACTED]

9 A. [12:39:13] Can you please say what you said again.

10 Q. [12:39:21] Certainly. You said that you escaped, you went to the first place,
11 and you came back to Timbuktu when you learnt that [REDACTED]

12 My question is this: Could you explain precisely what you learnt had happened [REDACTED]
13 [REDACTED]?

14 A. [12:40:54] Yes. [REDACTED]

15 [REDACTED]
16 [REDACTED]

17 [REDACTED] And the place I was taken to is called [REDACTED]

18 Q. [12:41:37] And you stated:

19 (Interpretation) "[REDACTED]"

20 (Speaks English) My first question is this: Who [REDACTED]? Who is this group
21 that [REDACTED]?

22 A. [12:42:38] The man who married me with four of his friends, it was they,
23 altogether, who [REDACTED]

24 [REDACTED].

25 Q. [12:43:05] And how did you learn about this, about [REDACTED]?

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1 A. [12:43:40] Yes, this is something that happened in my presence [REDACTED]

2 [REDACTED] and my mother-in-law was also

3 present.

4 Q. [12:44:24] Okay. When you returned --

5 MS LUPING: [12:44:26] Sorry. Mr President, it might be easier if I go briefly into

6 private session. Apologies.

7 PRESIDING JUDGE MINDUA: [12:44:36](Interpretation) Very well, Madam

8 Prosecutor.

9 Madam Courtroom Officer, please.

10 (Private session at 12.44 p.m.)

11 THE COURT OFFICER: [12:44:46] (Interpretation) We are in private session, Mr

12 President.

13 PRESIDING JUDGE MINDUA: [12:44:54](Interpretation) Thank you very much,

14 Madam Courtroom Officer.

15 I can see that Mr Edwards is on his feet.

16 Counsel.

17 MR EDWARDS: [12:45:03] Thank you. Not an objection at all. Just for clarity of

18 the record, in the French, we have both words "*la marâtre*" and "*ma belle-mère*", which

19 translates -- this may or may not be important, I don't know, but that translates into

20 either step-mother or mother-in-law.

21 As I say, it may not be important, but if it is, probably better to get this clarified at this

22 stage.

23 PRESIDING JUDGE MINDUA: [12:45:49](Interpretation) Well, Madam Prosecutor,

24 let's have this checked out with the witness, please.

25 MS LUPING: [12:45:56] Thank you, Mr President. I do -- I had two different topics

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1 I wanted to clarify with the witness. And, in fact, that was actually one of them, just
2 for the clarity of the record.

3 But first I have a different question for the witness.

4 Q. [12:46:08] Madam Witness, I just -- I noticed you're looking -- first of all, you're
5 looking very tired. Are you all right with us to continue right now? I have a few
6 questions to ask you. Are you able to continue? You look tired.

7 A. [12:46:53] We can continue. We can continue.

8 Q. [12:46:56] Fine, Madam Witness. And it is about quarter of an hour, 15 minutes
9 before we break.

10 Now, Madam Witness, you said you were in [REDACTED] when you returned to Timbuktu

11 [REDACTED]
12 [REDACTED]

13 A. [12:47:52] The truth be told, [REDACTED]

14 [REDACTED]
15 [REDACTED]

16 Q. [12:48:05] And you said that present at this place [REDACTED]
17 was your mother, you and "*ma marâtre*". Could you clarify what you mean by "*ma*
18 *marâtre*"? Can you give us the name of "*ma marâtre*"?

19 A. [12:49:08] Her name is [REDACTED]

20 Q. [12:49:14] And am I right that [REDACTED] is the name of your father's other wife,
21 is that correct? Your step-mother?

22 A. [12:49:36] Yes, this is my father's first wife. [REDACTED]

23 [REDACTED]
24 [REDACTED]

25 Q. [12:50:13] Now, again, just I want to be -- to ensure that we're clear on the timing.

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1 You say you were present when [REDACTED] And you said -- stated:

2 (Interpretation) [REDACTED]

3 (Speaks English) Was this after you [REDACTED]?

4 A. [12:50:49] It was when I came [REDACTED] that was when [REDACTED]

5 [REDACTED]

6 Q. [12:51:37] Madam Witness, I just -- I can see that you're upset. Can I ask that

7 you take some -- take some water to drink, please, and we'll take a -- a few minutes

8 for you to -- to pause. You -- you do look upset. Could you take some water? Do

9 you have some water there? And do you have some tissues there that you can use?

10 (Pause in proceedings)

11 MS LUPING: [12:52:58] Mr President, I note that it's eight minutes before we're due

12 to break, but the witness is upset, and she's been crying. And may I suggest that we

13 take an earlier break and return. I, obviously, have more questions relating to this,

14 but it may be better for the witness if we take a break now, if you're in agreement.

15 PRESIDING JUDGE MINDUA: [12:53:20](Interpretation) You are right, indeed.

16 We shall arise now and make the most of this to have our lunch. And we shall

17 reconvene at 2.30 this afternoon.

18 The hearing is suspended.

19 THE COURT USHER: [12:53:38] All rise.

20 (Recess taken at 12.53 p.m.)

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

22 THE COURT USHER: [14:31:29] All rise.

23 Please be seated.

24 PRESIDING JUDGE MINDUA: [14:31:45](Interpretation) The Court is in session.

25 The Office of the Prosecutor has the floor to continue with the examination-in-chief.

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1 MS LUPING: [14:32:05] Thank you, Mr President.

2 Q. [14:32:08] Hello, again, Madam Witness. Good afternoon.

3 A. [14:32:16] Good afternoon.

4 MS LUPING: [14:32:25] Mr President, for my next question, I'd like to briefly go
5 back into private session, just to clarify a couple of points.

6 PRESIDING JUDGE MINDUA: [14:32:37](Interpretation) Indeed.

7 Court officer, please take us into private session.

8 (Private session at 2.32 p.m.)

9 THE COURT OFFICER: [14:32:49] (Interpretation) We're in private session,
10 your Honour.

11 PRESIDING JUDGE MINDUA: [14:32:58](Interpretation) Thank you very much,
12 court officer.

13 Prosecutor.

14 MS LUPING: [14:33:02] Thank you, Mr President.

15 Q. [14:33:03] Now, Madam Witness, I'd like to focus on the time that you came
16 back from [REDACTED] and you said -- this is at page 43 to line 23 -- sorry, at line 23 to
17 page 44, line 1. You explained that you came back from [REDACTED]

18 [REDACTED]

19 Now, my question is this: [REDACTED]

20 [REDACTED]?

21 A. [14:34:26] Yes.

22 Q. [14:34:32] Please explain.

23 A. [14:34:36] Yes.

24 Q. [14:34:53] Please go ahead and explain.

25 A. [14:35:03] [REDACTED]

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1

2 Q. [14:35:38] And could you also explain, when you came back from [REDACTED] where
3 did you go to? Where in Timbuktu did you go?

4 A. [14:36:08] I went home.

5 MS LUPING: [14:36:27] Mr President, I believe we can go back into public session
6 now.

7 PRESIDING JUDGE MINDUA: [14:36:33](Interpretation) Court officer, please take
8 us into public session.

9 (Open session at 2.36 p.m.)

10 THE COURT OFFICER: [14:36:43] (Interpretation) We're in public session,
11 your Honour.

12 PRESIDING JUDGE MINDUA: [14:36:52](Interpretation) Thank you very much,
13 court officer.

14 Madam Prosecutor.

15 MS LUPING:

16 Q. [14:36:56] Now, Madam Witness, you just explained that this first time you
17 came back to Timbuktu, that you went to the family home. My question is this:
18 Did you have contact with the man who married you when you came back?

19 A. [14:37:44] Yes, we met again. We even argued with each other.

20 Q. [14:38:08] And can you explain where you met. Did you ever go back to his
21 house?

22 A. [14:38:39] No. He came to our house. He knows our house.

23 Q. [14:38:58] And this first time you came back, could you explain what happened
24 before you escaped the second time.

25 A. [14:39:19] Before I fled again, he had an argument with my father and with

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1 myself as well. We had an argument before I fled.

2 Q. [14:40:06] Could you explain what you argued about, what he said.

3 A. [14:40:15] Several times he struck me. He forced me to sleep with him.

4 Q. [14:40:59] And where were you when he forced you to sleep with him? Was
5 this at his house?

6 A. [14:41:12] He did that to me at the house. And then the group took me to the
7 place where they locked me up, and there were four of them who did that, that was at
8 the court.

9 Q. [14:42:01] Now, you said that they locked you up. And we have one reference
10 here to where they locked you up, in French. Could you clarify where you were
11 taken to and locked up.

12 A. [14:43:03] They locked me up [REDACTED]

13 And it was during this detention that, in the group, they slept with me in a group.

14 They forced me to sleep with them in a -- with a group of them.

15 MS LUPING: [14:43:28] Mr President, I just want to ask a question to clarify the
16 timing, and this might be identifying. Could I just ask that we briefly go into private
17 session?

18 PRESIDING JUDGE MINDUA: [14:43:43](Interpretation) Of course.

19 Court officer, private session, please.

20 (Private session at 2.43 p.m.)

21 THE COURT OFFICER: [14:43:50] (Interpretation) We're in private session,
22 your Honour.

23 PRESIDING JUDGE MINDUA: [14:44:01](Interpretation) Thank you very much,
24 court officer.

25 Madam Prosecutor.

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1 MS LUPING:

2 Q. [14:44:07] Now, Madam Witness, you stated that they took you and locked you
3 up at the [REDACTED] My
4 question is this: This time when you were taken and locked up, was this after you
5 came back from [REDACTED] or after you came back from [REDACTED]?

6 A. [14:44:41] This is the time when I left [REDACTED] that that happened. When I left
7 [REDACTED]

8 Q. [14:45:24] Thank you for that clarification.

9 I believe we can now go back into public session, Mr President.

10 PRESIDING JUDGE MINDUA: [14:45:51](Interpretation) Court officer, open session,
11 please.

12 (Open session at 2.45 p.m.)

13 THE COURT OFFICER: [14:45:58] (Interpretation) We're in open session, again,
14 your Honour.

15 PRESIDING JUDGE MINDUA: [14:46:06](Interpretation) Thank you very much.
16 Prosecutor.

17 MS LUPING: [14:46:10] Thank you, Mr President.

18 Q. [14:46:15] Now, Madam Witness, you explained that after you came back the
19 second time to Timbuktu, that you were taken and locked up [REDACTED] where
20 you say -- you stated, in French:

21 [REDACTED]

22 (Speaks English) Now, you've also stated that it was during this detention that
23 a group forced you to sleep with them.

24 Could you please clarify --

25 THE INTERPRETER: [14:47:22] The Madam Witness replies "mm-hmm", which

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1 means "yes."

2 MS LUPING: [14:47:32]

3 Q. [14:47:33] Now, my question is this: When you say they forced you to sleep
4 with them, can you explain who is "they"? What group did they belong to?

5 A. [14:48:17] These were the Islamists.

6 Q. [14:48:22] And this group of men who forced you to sleep with them, did you
7 know any of them?

8 A. [14:49:01] The person who was married to me; that's the one that I know.

9 Q. [14:49:07] And did the man who married you or any of the other men, did they
10 say anything to you during this time when they were forcing you in this way?

11 A. [14:49:37] Yes.

12 Q. [14:49:42] And what precisely -- if you can remember -- what was said to you?

13 A. [14:50:13] They told me that the town belonged to them. They were the leaders
14 of the town. They did what they wanted to.

15 Q. [14:50:32] And the man who married you, was he present when the other men
16 forced you to sleep with them?

17 A. [14:50:44] Yes, he was with them.

18 Q. [14:51:04] And the man who married you, what did he say to you?

19 A. [14:51:48] The one who said to his companions -- because I refused his marriage,
20 so they should treat me in this way. That one person would go one after the other
21 and treat me in this way, as a -- like a person who was worth nothing. And they
22 caused me a lot of harm.

23 Q. [14:52:24] And these men who did this to you, did they have weapons on them?

24 A. [14:52:43] Yes.

25 Q. [14:52:46] And, this is only if you can remember, can you describe the kind of

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1 clothing that they were wearing or uniform. Was it the same as you've described
2 before?

3 A. [14:53:24] The clothing that I spoke to you about, it was the same clothing.
4 They didn't change it. It was the same clothing.

5 Q. [14:53:36] And can you recall their ethnicities or the colour of their skin?

6 A. [14:54:13] They had light skin.

7 Q. [14:54:23] And could you see their faces? Or did they have anything on their
8 heads?

9 A. [14:54:49] I saw them like that.

10 Q. [14:55:10] Madam Witness, can you remember if any of them wore anything on
11 their heads?

12 A. [14:55:39] Some had a turban.

13 Q. [14:55:48] And now I'm talking about the men who forced you to sleep with
14 them. Did some of them wear the turban?

15 A. [14:56:17] *Oui*. Even the man who married me had a turban.

16 Q. [14:56:33] Now, this place that you were detained, can you remember where in
17 Timbuktu it's located?

18 A. [14:56:59] Yes.

19 Q. [14:57:03] And can you please describe it.

20 A. [14:57:09] [REDACTED]

21 [REDACTED]

22 PRESIDING JUDGE MINDUA: [14:57:35](Interpretation) Maître Edwards.

23 MR EDWARDS: [14:57:38] Thank you, your Honour. Not an objection. Just -- I'm
24 going to take this opportunity to seek your Honour's leave for Mr Al Hassan to absent
25 himself for just a few moments. He waives his right to be present.

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1 PRESIDING JUDGE MINDUA: [14:57:55](Interpretation) Very well. He has leave
2 to absent himself.

3 (Mr Al Hassan exits the courtroom)

4 PRESIDING JUDGE MINDUA: [14:58:11](Interpretation) Prosecutor, we can
5 continue.

6 MS LUPING: [14:58:16] Mr President, actually, I might seek authorisation to go into
7 private session briefly for a question of clarification.

8 PRESIDING JUDGE MINDUA: [14:58:37](Interpretation) Madam Court Officer,
9 private session, please.

10 (Private session at 2.58 p.m.)

11 THE COURT OFFICER: [14:58:42] (Interpretation) We are in private session,
12 your Honour.

13 PRESIDING JUDGE MINDUA: [14:58:55](Interpretation) Thank you, Madam Court
14 Officer.
15 Prosecutor.

16 MS LUPING: [14:58:59] Thank you.

17 Q. [14:59:00] Now, Madam Witness, you say that you were being detained [REDACTED]

18 [REDACTED]

19 (Speaks English) Just so that we can clarify where exactly this is, do you recall where

20 [REDACTED] inside Timbuktu, what neighbourhood, or near what

21 neighbourhood?

22 A. [14:59:33] It's next to [REDACTED]

23 Q. [15:00:04] And can you recall at this time you're being held [REDACTED]

24 how long it was that you stayed at the -- at this place?

25 A. [15:00:55] The comings and goings took place over a period of four days, I

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1 would say. I -- I spent some time there, and it was after [REDACTED] that I
2 was released.

3 Q. [15:01:38] And just to clarify, Madam Witness, you have described being
4 detained at [REDACTED] Were you ever detained at any other location in
5 Timbuktu, to the best of your recollection?

6 A. [15:02:21] No. [REDACTED]

7 Q. [15:02:32] And when you were being detained, can you describe the place that
8 you were held in, the room that you were held in.

9 A. [15:03:12] There are a number of rooms there. They had put me in one of the
10 rooms and had shut me in.

11 Q. [15:03:27] And was there anybody else in that room with you?

12 A. [15:04:02] Yes. There were two girls there. I was the third individual in the
13 room. And they would put three girls in each room, three people per room. But
14 men and women were separated.

15 Q. [15:04:27] And these other girls in the room with you, were they there when the
16 men forced you to sleep with them?

17 A. [15:05:05] Yes. It happened in front of them, and they didn't really care about
18 any of that. And those in the cell with me were often raped by them.

19 Q. [15:05:29] And these two other girls, do you know why they were being held in
20 the room? Why they were being held by them?

21 A. [15:05:46] I didn't know who they were. We didn't know each other. I found
22 them there.

23 Q. [15:06:12] I'm just going to repeat my question, Madam Witness.

24 Do you know why they were being detained? Did they speak to you?

25 A. [15:06:26] Not at all. We were not allowed to communicate with each other.

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1 We were in the same cell, but it was forbidden for us to speak to each other. They
2 would look at us through the window.

3 Q. [15:07:07] And when you say that they raped these two other girls, how do you
4 know that?

5 A. [15:07:40] It happened in front of us. In front of us. They didn't accept that
6 we communicated with each other. But everything that they did to us was done in
7 front of each of us.

8 MS LUPING: [15:08:07] Mr President, I'm going to ask more questions about this in
9 public session now.

10 PRESIDING JUDGE MINDUA: [15:08:18](Interpretation) Madam Court Officer,
11 public session, please.

12 (Open session at 3.08 p.m.)

13 THE COURT OFFICER: [15:08:26] (Interpretation) We are in open session, Mr
14 President.

15 PRESIDING JUDGE MINDUA: [15:08:36](Interpretation) Thank you very much,
16 indeed.

17 Madam Prosecutor.

18 MS LUPING: [15:08:41] Thank you, Mr President.

19 Q. [15:08:43] Now, Madam Witness, you've talked about two other girls. Can you
20 describe them. First of all, do you know what their ethnicity is, what ethnic group
21 they belonged to? Or if not ethnic group, what colour skin they had?

22 A. [15:09:50] I do not want to lie. I wouldn't be able to tell you that. We were not
23 allowed to communicate amongst ourselves. So I wouldn't be able to tell you which
24 ethnic group they're from. I just found them there.

25 Q. [15:10:10] And just from what they looked like, Madam Witness, I'm just asking

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1 you to describe what they looked like, what you saw with your eyes. Could you see
2 what skin colour they had, for example?

3 (Mr Al Hassan enters the courtroom)

4 THE WITNESS: [15:10:44](Interpretation) They were black. Their skin was black.

5 PRESIDING JUDGE MINDUA: [15:11:08](Interpretation) For the record, I note that
6 Mr Al Hassan is once again in our midst. Please continue, Madam Prosecutor.

7 MS LUPING: [15:11:20] Thank you, Mr President.

8 Q. [15:11:21] Now, Madam Witness, you explained that you were released. Did
9 you learn if any other women or girls were also being detained whilst you were being
10 detained?

11 A. [15:11:58] No.

12 Q. [15:12:06] Now, the man who married you, Madam Witness, did you stay
13 married to him, or did your marriage end?

14 A. [15:13:13] The marriage did not last because we divorced. It was the Islamists
15 themselves who gave me the divorce paper. And when we divorced, it so happened
16 that I was also pregnant. I wasn't aware. [REDACTED]

17 [REDACTED]

18 Q. [15:14:06] Now, Madam Witness, you stated it was the Islamists themselves who
19 gave you a divorce document. Can you remember who gave you a divorce
20 document?

21 A. [15:14:46] The person who gave me the divorce paper is called Houka Houka.

22 Q. [15:15:02] And before Houka Houka gave you the divorce paper, was there any
23 kind of meetings that you had where Houka Houka was present and where
24 your -- the man that you married was present?

25 A. [15:16:03] Yes. When I was given the divorce paper, it was as if we had

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1 a meeting. Because when they came to get me, they were all seated, and it was
2 a type of meeting.

3 Q. [15:16:29] And you stated that they were all seated. Who is "they"? Who else
4 was present during these meetings?

5 A. [15:17:01] The Islamists, of course.

6 Q. [15:17:09] Which Islamists?

7 A. [15:17:29] I don't know which ones. The only one I could recognise in their
8 midst was the man who married me. If I saw him today, I could recognise him too.

9 Q. [15:17:48] And was Houka Houka also there?

10 A. [15:17:56] He was there too, yes. He was the one who gave me the document.

11 Q. [15:18:12] And do you recall a person called "Talha"?

12 A. [15:18:37] Yes, I do, of course. They even mentioned his name there, but I
13 didn't know who it was.

14 Q. [15:18:54] And you just said, "They even mentioned his name there." Who
15 mentioned his name there?

16 A. [15:19:03] It was his friends who mentioned his name there. I don't know.
17 They were all wearing turbans. I don't know who they are.

18 Q. [15:19:38] And this -- this place where Houka Houka and the man that married
19 you were there, can you describe what the inside of this -- of the room looked like that
20 you were in?

21 A. [15:20:32] No, I'm not able to describe it to you because I've forgotten. Even the
22 carpets or the mats in the room, I've forgotten the colour of them.

23 Q. [15:20:54] And can you remember if any other members of your family were
24 also there at different -- at any meeting with Houka Houka?

25 A. [15:21:37] Yes. My are mother was with me. My mother-in-law --

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1 THE INTERPRETER: [15:21:43] Says the witness.

2 THE WITNESS: [15:21:46](Interpretation) -- and my father, even.

3 MS LUPING: [15:21:47]

4 Q. [15:21:48] And, again, to the best of your memory, can you remember how
5 many times you had meetings with Houka Houka before you got divorced?

6 A. [15:22:01] Oh, no. We had many meetings beforehand. I forget. I can't give
7 you a number. There were many meetings.

8 Q. [15:22:40] And I'm going to try to focus on the first time that you met with
9 Houka Houka at this place. Can you remember where -- sorry, where was the
10 first -- this meeting that you had with Houka Houka, where is it that you first met
11 him? What was the place that you met him at?

12 A. [15:23:08] All these meetings took place in [REDACTED]

13 Q. [15:23:40] And focusing on this first meeting [REDACTED] can you please
14 describe what was said. What precisely did Houka Houka say?

15 A. [15:24:46] Houka Houka told me, why I refused this marriage. I answered
16 saying that I didn't accept it because these are people that I do not know, and that if
17 I'm going to get married, I will marry somebody from our place. And so I can't
18 marry somebody whose provenance I am not aware of. They are bandits.

19 Q. [15:25:30] And did anybody from your family also speak at this time?

20 A. [15:25:37] My father spoke, and they asked my father why he had refused this
21 marriage. My father told them that he had refused and even his daughter didn't
22 want this marriage.

23 Q. [15:26:28] And after your father said that, did Houka Houka say anything, if you
24 can remember?

25 A. [15:26:52] I do not recall.

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1 Q. [15:26:56] And the man who married you, do you remember if he said anything?

2 A. [15:27:21] Yes, he did say something. He did speak.

3 Q. [15:27:24] And what did he say, if you can remember?

4 A. [15:28:02] When Houka Houka pronounced our divorce, he rose to his feet and
5 said that he was not in agreement. He grumbled a lot, until we had words, and my
6 dress was all ripped. People filmed us. And there are people who have said that
7 they have seen the video of me having a fight with this man.

8 Q. [15:28:47] And, Madam Witness, I'm just going to return to the time before you
9 got your divorce. And this is the first meeting with Houka Houka. Can you
10 remember what, if anything, your -- the man who married you said at that time, the
11 first time?

12 A. [15:29:38] No, he didn't say anything apart from the argument that he had with
13 my father.

14 Q. [15:30:00] Now, between this first time that you had these meetings where
15 Houka Houka was present and the husband who married you -- the man, rather, who
16 married you, and your family, between that and when you got your divorce, do you
17 remember how long it was that you kept going back to meet with Houka Houka?
18 How many -- over what period of time was it?

19 A. [15:31:13] There's no timeline, as such. Every time they thought of me, they
20 would come and pick me up in a vehicle.

21 Q. [15:31:31] And you said that they would take you in a vehicle. Who was
22 "they"?

23 A. [15:31:57] The same individuals, the Islamists.

24 Q. [15:32:11] And can you describe the kind of clothing that these people who came
25 to take you to meet Houka Houka would be wearing, if you can remember?

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1 A. [15:32:41] They were wearing the same uniform as I described to you. The
2 same uniform.

3 Q. [15:32:50] And now we come to the day where you were given your divorce
4 paper and you were divorced. Can you please describe what happened during the
5 meeting with Houka Houka.

6 A. [15:33:45] I don't remember what happened there. I don't remember now.

7 Q. [15:33:52] Now, you said that your father spoke, is that correct?

8 A. [15:34:12] I'm sorry, what was that?

9 Q. [15:34:20] On this day that you were divorced, is it correct that your father
10 spoke?

11 A. [15:34:53] On the day of the divorce, my father said nothing about the fact that
12 he'd taken the papers.

13 Q. [15:35:03] And now I'm talking about what happened before you were given the
14 divorce paper?

15 A. [15:35:40] I don't know nothing about that. I only know that the divorce was
16 pronounced. My father got the 25,000 from the house, and he came to provide them
17 with it.

18 Q. [15:35:57] And when Houka Houka said that you were going to be divorced, did
19 your mother or father speak before Houka Houka agreed to your divorce?

20 A. [15:36:37] No. He didn't speak about that.

21 Q. [15:36:45] And do you remember whether or not Houka Houka referred to the
22 Koran at all?

23 A. [15:37:08] Yes, he used the Koran. He used it -- a document that was written in
24 Koranic writing. The document itself is written in Koranic writing.

25 Q. [15:37:45] And when you say Houka Houka used the Koran, could you explain

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1 in what way he used the Koran?

2 A. [15:38:13] I don't know. I can't.

3 Q. [15:38:30] And can you describe Houka Houka?

4 A. [15:39:01] I can't describe Houka Houka. I just know that he's an elderly man.

5 He has light skin, and he always wears a turban.

6 Q. [15:39:19] And also, just to be clear, when you say there was the final agreement

7 for you to divorce, who was asking for the divorce?

8 A. [15:40:06] I was the one who asked for a divorce. I and my father as well. I

9 told them that I wasn't in the marriage. And the day of the divorce, we argued until

10 they actually beat me.

11 Q. [15:40:40] And when you state "*il m'a même frappée*," who beat you?

12 A. [15:40:53] The man who married me. He's the person who beat me.

13 Q. [15:41:18] Now, Madam Witness, in this time period from when you

14 were -- when the dowry was first given or thrown at your father to the time you got

15 the divorce paper, do you know roughly how many months there were or how much

16 time there was in between?

17 A. [15:42:23] Well, from the day he took me as a wife to his divorce, that would

18 have been eight months; that must be eight months.

19 Q. [15:42:38] And, Madam Witness, how do you know that it's eight months?

20 A. [15:43:18] The first time that I met the people, I had already said that. My

21 mother knew the date. She was with me. We had already said that.

22 MS LUPING: [15:43:47] Mr President, I have some questions of an identifying

23 nature, and it may take five to 10 minutes for me to ask these questions in private

24 session.

25 PRESIDING JUDGE MINDUA: [15:44:01](Interpretation) Of course.

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1 Court officer, please take us into private session.

2 (Private session at 3.44 p.m.)

3 THE COURT OFFICER: [15:44:07] (Interpretation) We're in private session,
4 your Honour.

5 PRESIDING JUDGE MINDUA: [15:44:21](Interpretation) Thank you very much,
6 court officer.

7 Prosecutor.

8 MS LUPING: [15:44:25] Thank you, Mr President.

9 Q. [15:44:27] Now, Madam Witness, this man who married you, [REDACTED] when
10 was the last time that you saw him?

11 A. [15:45:12] The day that I started seeing him was the day in which the Islamists
12 entered into the town. Otherwise, I didn't know him.

13 Q. [15:45:32] Madam Witness, I'm going to repeat my question -- or I'll reformulate
14 my question. After your divorce from [REDACTED] did you ever see him again?

15 A. [15:46:26] After my divorce, it was at that time that there was [REDACTED]

16 Afterwards, I was given my divorce papers, [REDACTED]

17 Q. [15:46:42] And from what you can remember, how long after your divorce was
18 [REDACTED]?

19 A. [15:47:49] I've forgotten. [REDACTED]? I've forgotten, because it took
20 place on -- [REDACTED] When they heard that, the next day, they drew up
21 documents and they gave me my divorce document. [REDACTED]

22 Otherwise, they didn't even want to give me the document, [REDACTED]

23 [REDACTED]

24 Q. [15:48:32] And, Madam Witness, you stated:

25 "Otherwise, they didn't even want to give me the document, [REDACTED]"

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1 [REDACTED]

2 What do you mean by that?

3 A. [15:49:28] In fact, what happened was, [REDACTED] only God
4 saved us. Because people were firing amongst each other, and we were all detained
5 there. We could've been killed, but it was God who saved us. You do not die if it's
6 not your hour to die.

7 Q. [15:50:03] Now, Madam Witness, you also described [REDACTED]

8 [REDACTED] Do you remember how many months pregnant you were before [REDACTED]
9 [REDACTED]?

10 A. [15:51:04] [REDACTED] that would have been approximately seven
11 months. It was in 2013, after they departed.

12 Q. [15:51:20] [REDACTED] do you remember how long after the departure of
13 the armed groups that [REDACTED] if you can recall?

14 A. [15:52:12] All I know is that it was in 2013. I don't know how much time after
15 the departure it was, but I know that it was in 2013. [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 MS LUPING: [15:52:41] Mr President, I believe we can go back into public session.

19 MR EDWARDS: [15:52:47] Your Honour, before we do --

20 PRESIDING JUDGE MINDUA: [15:52:50](Interpretation) Maître Edwards.

21 MR EDWARDS: [15:52:52] It's really a question of maximising the opportunities the
22 Defence have to carry out investigations before cross-examination starts tomorrow.

23 A few moments ago -- a little while ago, the witness described how there was some
24 sort of -- there was some sort of filming at the hearing during which the divorce
25 judgment was delivered by Houka Houka. I can tell you that this is the first we've

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1 heard of there possibly being a video in existence or -- of the judgment having been
2 filmed.

3 Before we go into public session, I wonder if my learned friend would be kind
4 enough to elicit evidence of -- or elicit names of who did the filming, if the witness
5 knows.

6 Now, I know that I will have my turn to ask questions in due course, but we have
7 a limited amount of time between now and when I start my cross-examination, and
8 it's something that we certainly would be very anxious to seek to investigate between
9 now and tomorrow morning.

10 PRESIDING JUDGE MINDUA: [15:54:29](Interpretation) Madam Prosecutor, you
11 have heard the Defence's request.

12 MS LUPING: [15:54:35] Yes. Mr President, I would just ask that the Songhai
13 interpreters not interpret my response to the witness, first of all, so that would be
14 clear, so that there's no interpretation to the witness. And I know she doesn't speak
15 English, so I can otherwise speak and respond.

16 Now, Mr President, your Honours, the witness has simply stated that she
17 understands that there was a video recording taken, that she's told by people that
18 they may have seen this.

19 Now, I was not proposing to ask questions of the witness about this because at this
20 stage, we don't know the basis of why she thinks there may or may not be a video
21 recording taking place,

22 and, I was simply going to focus on those aspects where the witness is more certain,
23 and that was why I was not proposing to ask any more questions about it, to be
24 honest,

25 But, obviously, if your Honours are interested to hear about what the witness has to

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1 say, why she thinks there's a video recording, who told her about this, what -- what is
2 it that forms the basis of why she thinks there is a video recording, of course, I can do
3 so.

4 PRESIDING JUDGE MINDUA: [15:55:57](Interpretation) Taking into account the
5 request of the Defence, perhaps you could ask a couple of questions of the witness to
6 see if she knows something about this video.

7 MS LUPING: [15:56:10] I can certainly ask the witness why she thinks that it is
8 recorded and what she knows about it. I can certainly do that, your Honour -- your
9 Honours, Mr President.

10 PRESIDING JUDGE MINDUA: [15:56:21](Interpretation) Please do.

11 MS LUPING: [15:56:22] I -- if I could please ask for the Songhai interpreters to now
12 interpret my question for the witness.

13 Q. [15:56:30] Madam Witness, earlier on, when you talked about the meetings with
14 Houka Houka, where the man who married you was present, we understood that you
15 said that this was being videoed. Is that right?

16 A. [15:57:42] I knew nothing about it, but there were people who said that they'd
17 seen me in a video. I don't know if they were telling the truth or if they were lying.

18 But they said that they saw me on a video [REDACTED]

19 [REDACTED]

20 Q. [15:58:09] And --

21 PRESIDING JUDGE MINDUA: [15:58:14](Interpretation) Please go ahead, Madam
22 Prosecutor.

23 MS LUPING: [15:58:18] Thank you, Mr President.

24 I'm going to refer to page 64 of the English transcript, at lines 19 to 20.

25 Q. [15:58:29] And you said:

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1 "He grumbled a lot, until we had words, and my dress was all ripped. People filmed
2 us. And there are [REDACTED]
3 [REDACTED]."

4 Now, my question is this -- but first I'll ask the Songhai interpreter to first interpret
5 what I read to you, and then I'll ask the question.

6 When you said "people filmed us," who did people say were filming you?

7 A. [16:00:01] It was the Islamists that were there. When the fight started, they
8 were the ones who were there, who were filming. If it was not them, who else?

9 Q. [16:00:23] And did you see this filming with your own eyes, or is this what
10 someone told you happened?

11 A. [16:01:27] Well, I'm not going to lie, because I did not see them filming me. But
12 it's people who called me and told me [REDACTED]

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

16 MS LUPING: [16:02:08] Thank you, Madam Witness.

17 Mr President, I'm conscious of the time. We're over 4 o'clock. I understand we've
18 finished for the day. And we're currently in private session, so I do believe we can
19 return to public session then before the end of this -- the session for today.

20 Thank you, Madam Witness.

21 PRESIDING JUDGE MINDUA: [16:02:33](Interpretation) Yes, indeed, Madam
22 Prosecutor.

23 Madam Court Officer, could we move into open session, please.

24 (Open session at 4.02 p.m.)

25 THE COURT OFFICER: [16:02:43] (Interpretation) We are in open session,

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1 Mr President, your Honours.

2 PRESIDING JUDGE MINDUA: [16:02:49](Interpretation) Thank you very much,
3 indeed, Madam Courtroom Officer.

4 I'm now turning to the Witness.

5 Madam Witness, it is past 4 o'clock, and we have reached the end of our hearing for
6 today. I would like to thank you very sincerely on behalf of the Chamber for having
7 answered the questions in a very clear and courageous manner.

8 As you will have understood, your testimony is not yet over, so we shall be
9 continuing tomorrow.

10 THE WITNESS: [16:03:58](Interpretation) Very well.

11 PRESIDING JUDGE MINDUA: [16:04:01](Interpretation) Generally speaking, we
12 start at 9.30 in the morning, but on an exceptional basis, tomorrow morning we will
13 be starting at 10 a.m., local time. So, of course, I would like to remind you that you
14 should not speak to anybody about your testimony, whether it be friends or members
15 of your family.

16 THE WITNESS: [16:05:03](Interpretation) Very well.

17 PRESIDING JUDGE MINDUA: [16:05:05](Interpretation) Thank you very much,
18 indeed, Madam Witness.

19 THE WITNESS: [16:05:13](Interpretation) Thank you to you, too.

20 PRESIDING JUDGE MINDUA: [16:05:15](Interpretation) Now, before we rise today,
21 I would like to thank the parties and participants, the court reporters, the interpreters,
22 the security guards and our public. And I would like to wish you all a very pleasant
23 evening.

24 See you tomorrow, 10 a.m.

25 Court is adjourned.

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- 1 THE COURT USHER: [16:05:38] All rise.
- 2 (The hearing ends in open session at 4.05 p.m.)