

Trial Hearing
WITNESS: MLI-OTP-P-0638

(Open Session)

ICC-01/12-01/18

1 International Criminal Court
2 Trial Chamber X
3 Situation: Republic of Mali
4 In the case of The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag
5 Mahmoud - ICC-01/12-01/18
6 Presiding Judge Antoine Kesia-Mbe Mindua, Judge Tomoko Akane and
7 Judge Kimberly Prost
8 Trial Hearing - Courtroom 1
9 Tuesday, 8 December 2020
10 (The hearing starts in open session at 9.32 a.m.)
11 THE COURT USHER: [9:32:45] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE MINDUA: [9:33:08](Interpretation) The Court is in session.
15 Good morning, everybody.
16 Court officer, could you call today's case.
17 THE COURT OFFICER: [9:33:14] Thank you, Mr President.
18 The situation in the Republic of Mali, in the case of The Prosecutor versus Al Hassan
19 Ag Abdoul Aziz Ag Mohamed Ag Mahmoud, case reference ICC-01/12-01/18.
20 And for the record, we are in open session.
21 PRESIDING JUDGE MINDUA: [9:33:33](Interpretation) Thank you very much.
22 For the records, we will start with the appearances. Firstly, the Prosecution.
23 Mr Allafi.
24 MR ALLAFI: [9:33:44](Interpretation) Good morning, your Honour, your Honours.
25 Once again, as regards the OTP, we have Paola Sacchi, Gilles Dutertre, Lucio Garcia

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- 1 and myself, Mousa Allafi. Thank you.
- 2 PRESIDING JUDGE MINDUA: [9:34:03](Interpretation) Thank you.
- 3 I turn towards the Defence. Ms Taylor.
- 4 MS TAYLOR: [9:34:07] Good morning, Mr President. Good morning,
- 5 your Honours. Good morning to everyone in the courtroom. The Defence for
- 6 Mr Al Hassan is represented today by Sarah Marinier-Doucet, Ms Kirsty Sutherland,
- 7 Ms Dolly Chahla and myself, Melinda Taylor. Thank you.
- 8 PRESIDING JUDGE MINDUA: [9:34:27](Interpretation) Thank you, Ms Taylor.
- 9 Now the representative for the victims.
- 10 MR LUVENGIKA: [9:34:35](Interpretation) Good morning, Mr President,
- 11 your Honours. The representative of the victims is represented today by
- 12 Mrs Claire Laplace and myself, Fidel Nsita Luvengika. Thank you.
- 13 PRESIDING JUDGE MINDUA: [9:34:50](Interpretation) Thank you, Mr Nsita.
- 14 This morning we will continue with the hearing of the witness of the Prosecution,
- 15 namely P-638.
- 16 I look at the witness.
- 17 Good morning, Mr Witness, can you hear me?
- 18 WITNESS: MLI-OTP-P-0638 (On former oath)
- 19 (The witness speaks French)
- 20 THE WITNESS: [9:35:14](Microphone not activated)
- 21 PRESIDING JUDGE MINDUA: [9:35:15](Interpretation) Please use your
- 22 microphone.
- 23 THE WITNESS: [9:35:18](Interpretation) Yes, good morning, Mr Witness (sic).
- 24 The witness is present.
- 25 PRESIDING JUDGE MINDUA: [9:35:24](Interpretation) Thank you, Mr Witness.

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1 On behalf of the judges, once again I welcome you to the Court. I would like to
2 thank you for your availability and for your cooperation.

3 I'd like to remind you again that you are still under oath and you must tell the truth,
4 the whole truth and nothing but the truth.

5 And finally, I'd like to give you be the practical information when you take -- when
6 you speak. You need to have pauses so that the interpreters and the court reporters
7 can carry out their duties.

8 This morning it's the turn of the Defence to ask you questions, which we do in
9 a process called cross-examination.

10 The representatives of the Defence must carry out their work, it is their responsibility
11 to do so, and when they ask you a question, it does not mean that they systematically
12 question or doubt what you've already told us, but the Defence must proceed and
13 check certain informations. I'm telling you this because I want to make quite sure
14 that you answer carefully, clearly, and in the spirit of cooperation to all their
15 questions.

16 Is that okay, Mr Witness?

17 THE WITNESS: [9:37:09](Interpretation) Yes, that's fine, Mr President.

18 PRESIDING JUDGE MINDUA: [9:37:13](Interpretation) Thank you.

19 Ms Taylor, you may proceed for your cross-examination.

20 MS TAYLOR: [9:37:21] Thank you, Mr President.

21 QUESTIONED BY MS TAYLOR:

22 Q. [9:37:24] Good morning, Mr Witness. How are you today?

23 A. [9:37:30] Good morning. Good morning.

24 Q. [9:37:36] How are you enjoying our cold weather here?

25 A. [9:37:46] It's okay.

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1 Q. [9:37:48] As the President said, we are the Defence, we'll be putting questions to
2 you. My name is Melinda Taylor.

3 A. [9:38:05] I'm prepared to answer all your questions as best as I can.

4 Q. [9:38:09] So this is the Prosecution case where we can question Prosecution
5 witnesses, and afterwards, if there's a Defence case, we can also call Defence
6 witnesses and bring Defence evidence.

7 I'm going to start in open session and I would just like to caution you not to give any
8 details that might identify you or your family, and if you need to go into private
9 session at any point, if you could just raise your hand and then I will ask
10 the Presiding Judge to go into private session. Is that clear, Mr Witness?

11 A. [9:39:11] Very clear. Thank you.

12 Q. [9:39:13] Now, Mr Witness, yesterday at the end of the your testimony, this was
13 page 102, lines 13 to 16, you said, referring to the current period, "Women are
14 suffering. Children are suffering. Every day, people are dying. Today, in
15 Timbuktu, people say that everything is over, but people are still being killed.
16 People are still being massacred."

17 Now, Mr Witness, given these developments, do some people now say that
18 the Islamists were better than Barkhane or MINUSMA?

19 A. [9:40:13] I'm talking about Timbuktu, today Timbuktu. All the people in
20 Timbuktu are in danger, because you can't go anywhere. When you arrive in
21 Timbuktu, you, you are -- you faced trouble. There are bandits everywhere who
22 take everything you possess, take your goods. In Timbuktu as well, you don't know
23 what's going to happen. A father of a family might sit somewhere and then they're
24 going to kill that person. If it's not the Islamists who's killing, then there's somebody
25 who will kill them. It all happened after the hand was cut. *When the Islamists were

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1 in Timbuktu, lots of things stopped. So music, cigarettes, everything that they banned
2 was no longer possible. However, the population in the region of Timbuktu, when the
3 Islamists were there, they protected our energy supply. We had electricity from noon
4 until 4 in the morning; we had water as well.

5 The farmers as well they had the bus that took them to the fields so they could
6 farm and then come back.

7 But today in Timbuktu, there are all sorts of forces, there is the Malian army, there's
8 the international community, but you can kill someone in their very home in
9 Timbuktu now. That's the situation now.

10 Q. [9:42:22] Now, Mr Witness, since you left Timbuktu, is it correct that you have
11 not gone back there to live?

12 A. [9:42:37] I left Timbuktu in 2012. I came back to Timbuktu [REDACTED] I came
13 back [REDACTED] to Timbuktu when I was encouraged to do so [REDACTED]
14 [REDACTED] I met in Bamako.

15 PRESIDING JUDGE MINDUA: [9:43:07](Interpretation) Sorry, be careful. I would
16 like to remind you to be careful.

17 THE WITNESS: [9:43:11](Interpretation) Thank you for that reminder. And I do
18 apologise if I went too far. (Overlapping speakers)

19 MS TAYLOR: [9:43:17] (Overlapping speakers) I think it would be better to go into
20 private session, if that's okay. I think there's a risk.

21 PRESIDING JUDGE MINDUA: [9:43:26](Interpretation) Court officer, private
22 session, please.

23 (Private session at 9.43 a.m.)

24 THE COURT OFFICER: [9:43:40] We are in private session, Mr President.

25 PRESIDING JUDGE MINDUA: [9:43:49](Interpretation) Thank you very much.

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1 Ms Taylor.

2 MS TAYLOR: [9:43:53]

3 Q. [9:43:53] Mr Witness, we're now in private session.

4 A. [9:43:58] *Okay. I would say that since I left Timbuktu in 2012, I went to Niger, I
5 went to Burkina Faso, I stayed in the refugee camp [REDACTED] I came for [REDACTED]

6 [REDACTED] I came back to Segou,
7 Bamako, and I stayed in Bamako. I stayed in Bamako [REDACTED]

8 In 2018, a lot of things happened [REDACTED] "

9 And he talked to me about that. Everybody was talking around that time.

10 The Islamists came and occupied Timbuktu. But during that time, if they killed

11 you -- if you stole something, they cut your hands, and what the population

12 experienced was that if you stole, they would cut your hand. So there were no thefts.

13 If they kill you -- if you kill someone, you will be killed. If you don't respect the Sharia,

14 then you're going to be detained. But if you don't do anything wrong, in their eyes, if

15 you don't drink alcohol, if you don't steal or kill someone, then you'll be left in peace.

16 Q. [9:45:42] Mr Witness, just talking about the current time period, have you not
17 gone back to live in Timbuktu because it's not safe for a [REDACTED] like you?

18 A. [9:46:01] No, daily life is different now. *I did not go to Timbuktu to live. I
19 stayed in Bamako because [REDACTED], and I don't have any work in
20 Timbuktu. Today, if you remain in Timbuktu, you must be a trader or a member of
21 one of the movements. But I'm not a trader. I am not a member of any movement.

22 Q. [9:46:36] Now, Mr Witness, is it correct that there's also, right now, no schools,
23 no health centres and no work?

24 A. [9:46:55] In Timbuktu right now? Right now I don't know. I know things
25 aren't very good, but I don't know because I'm not there.

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1 PRESIDING JUDGE MINDUA: [9:47:09](Interpretation) Ms Taylor, can we go into
2 open session or not yet?

3 MS TAYLOR: [9:47:15] Mr President, I believe that some of the questions, normally
4 we would be able to go into open session, but I think there's a significant risk that
5 the witness might give information that will identify him.

6 PRESIDING JUDGE MINDUA: [9:47:33](Interpretation) Fine. Please continue.

7 MS TAYLOR: [9:47:35]

8 Q. [9:47:36] Now, Mr Witness, I'm going to refer to a paragraph in your statement.
9 That's tab 1, it's MLI-OTP-0073-0259, and it's at page 0264 and paragraph 30. And it
10 can be put on evidence 1. And if it could be read out to the witness.

11 *THE INTERPRETER: [9:47:41] Sight translation: "Right now, there is nothing for
12 the young people. No school, no health center in many places."

13 THE WITNESS: [9:48:00] It's fine.

14 PRESIDING JUDGE MINDUA: [9:48:56](Interpretation) *Please continue.

15 Mr Witness, we are reading the document to you, so you can also hear it through
16 your headset.

17 *THE INTERPRETER: [9:49:10] Sight translation: "There is no work, and the young
18 people just take painkillers and drugs. They drink to forget their troubles. At the
19 Bahadou school, there are more than 400 students in a single class. Only parents with
20 money send their children to private school. My father sold a camel to pay my little
21 sister's school fees." End of sight translation.

22 THE WITNESS: [9:49:34](Interpretation) That is correct.

23 MS TAYLOR: [9:49:36]

24 Q. [9:49:36] So, Mr Witness, you've just said it's correct. So regarding this
25 sentence: (Interpretation) "There's no work, the young people only take painkillers,

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1 drugs and drink to forget their problems." (Speaks English) Do you have personal
2 experience of this?

3 A. [9:50:03] No.

4 Q. [9:50:03] Mr Witness, do you drink or take drugs?

5 MR GARCIA: [9:50:11](No interpretation)

6 PRESIDING JUDGE MINDUA: [9:50:14](Interpretation) Prosecution.

7 MR GARCIA: [9:50:15](Interpretation) I understand that you can question
8 credibility, but I do not see at all, unless we have some explanation, how this has
9 anything to do with the case and the events that he experienced.

10 PRESIDING JUDGE MINDUA: [9:50:35](Interpretation) I agree with the Prosecution,
11 Ms Taylor. So I don't think you need ask the witness about his personal habits,
12 whether he takes drugs or drinks alcohol.

13 MS TAYLOR: [9:50:47] Mr President, the witness is in the room. I would ask for
14 him to be excused so I can be heard on this issue. I do believe it's very important.
15 It's extremely important. And we should be given a right to be heard and we cannot
16 be heard in front of the witness on this issue.

17 PRESIDING JUDGE MINDUA: [9:51:16](Interpretation) Court officer, please assist
18 the witness to leave the chamber.

19 (The witness exits the courtroom)

20 PRESIDING JUDGE MINDUA: [9:51:52](Interpretation) Ms Taylor, in paragraph 30
21 we read, according to the witness, that there are problems in Timbuktu [REDACTED] people
22 take drugs and drink alcohol. But I don't see the link between the fact that
23 the witness could have taken drugs or drink alcohol and what happened in Timbuktu.
24 What, what are you getting at?

25 MS TAYLOR: [9:52:27] Mr President, I was about to lead the witness [REDACTED]

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1 [REDACTED] him drinking and taking hashish [REDACTED]
2 [REDACTED] Now based on our investigations and evidence, we have grounds to
3 believe that this witness is someone who drinks heavily, who takes drugs, and this
4 impacts upon his ability to know fact from fiction. This is an issue that we should be
5 entitled to explore with this witness. It goes to his credibility. And it goes to
6 the events in 2012 because it's directly relevant to his ability to recall the events in
7 2012 accurately, without exaggeration, and with full understanding of what
8 constitutes the truth. A witness who takes hashish, that will impact upon their
9 memory and their ability to accurately describe things.

10 PRESIDING JUDGE MINDUA: [9:53:39](Interpretation) But I think that the witness
11 has already said that he did drink before the arrival of the Islamists. I think he said
12 that he bought something to drink at 11 o'clock in the morning. And he tried to
13 drink secretly when the Islamists were there. Do we really have to pursue this line
14 of argument, which is quite intrusive on his personal life?

15 MS TAYLOR: Mr President --

16 PRESIDING JUDGE MINDUA: [9:54:06](Interpretation) I will give the floor to you
17 and then also the Prosecution and I will confer with my fellow judges and see what
18 we should do in this situation.

19 Go ahead, Ms Taylor.

20 MS TAYLOR: [9:54:22] Mr President, there's a difference between just drinking and
21 taking hashish. [REDACTED] I should be entitled to
22 put that [REDACTED] because it concerns a period where he was describing
23 the events in 2012 [REDACTED] Now, this is a trial where someone could be put in
24 jail for life. We should -- this witness has chosen to testify, he was not subpoenaed.
25 We should be entitled to explore with him issues that concern his credibility, given

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1 that he has put himself forward as a witness for the truth. These aren't intrusive,
2 given that they are recorded [REDACTED] He is someone who has discussed
3 [REDACTED] We should at the very least be entitled to put that [REDACTED] to
4 him.

5 PRESIDING JUDGE MINDUA: [9:55:24](Interpretation) I give the floor to
6 the Prosecution and then we will deliberate on that.

7 MR GARCIA: [9:55:29](Interpretation) What the Defence is trying to do is to
8 question the credibility on issues that have nothing to do with the case. But he hasn't
9 explained why the consummation or -- of alcohol or hashish will question his
10 credibility in this court and the way he remembers the events. The Defence says that
11 [REDACTED] we're preventing him from having it. But not at all.
12 They haven't mentioned [REDACTED] yet. And they can, when they raise [REDACTED]
13 ask him questions which seem relevant and see what happens. But to start already
14 now and suggest that the witness has problems, which hasn't been confirmed, and to
15 say that there is a link to his credibility, I think that this has not been shown in any
16 way yet.

17 PRESIDING JUDGE MINDUA: [9:56:36](Interpretation) *Very well, Mr Prosecutor.
18 You agree to the Defence showing [REDACTED] to the witness. And if.... I am not familiar
19 [REDACTED] we talk about hashish, then the Defence can ask
20 the question to the witness whether he takes hashish or not.

21 MR GARCIA: [9:56:54](Interpretation) Once again, Mr President, we feel that
22 the question of his consumption of alcohol, hashish has no link whatsoever.
23 The questions, which are irrelevant, only will not really help with his credibility and I
24 think it is inappropriate under these circumstances. If there are contradictions, then
25 the Defence is free to raise those inconsistencies, and that is fine. We can ask

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1 whether the witness testifies this or that and can question the consistency, but
2 the question of consumption is not relevant and has nothing to do with his credibility.
3 So it's very important, it only will make the witness feel very uncomfortable in
4 the courtroom and the witness has a responsibility -- the Defence, sorry, has
5 responsibility to make sure that the witness feels comfortable before us in
6 the courtroom.

7 PRESIDING JUDGE MINDUA: [9:58:10](Interpretation) We will consider your
8 arguments.

9 (Trial Chamber confers)

10 PRESIDING JUDGE MINDUA: [9:59:48](Interpretation) Ms Taylor, the Chamber
11 unanimously believes that you can [REDACTED] to the witness and put questions
12 to him with regard to any possible contradictions in his testimony, with regard to
13 incidents and other evidence that you have. But you shall not put questions to him
14 as to his consumption of hashish or alcohol, because this has no bearing upon
15 the incidents that we are examining and the charges levelled against him by
16 the Prosecution. There we have it.

17 MS TAYLOR: [10:00:34] (Overlapping speakers)

18 PRESIDING JUDGE MINDUA: [10:00:35] Yes.

19 MS TAYLOR: [10:00:36] I believe that this should have been --

20 PRESIDING JUDGE MINDUA: (Overlapping speakers)

21 MS TAYLOR: [10:00:37] If you have a witnesses who's talking about what happened
22 to him while he's had hashish, which is what is recorded [REDACTED] for us to not
23 be able to put to him that he was taking hashish at that time is preventing the Defence
24 from doing its job. That's grounds for a mistrial.

25 We can't have a situation -- we're here to determine the truth and yet the Prosecutor is

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1 objecting to us putting questions that go directly to the credibility of a witness.

2 Now, what happened in '22 (sic) is refracted by how people describe it. This witness
3 did not describe what happened to him until six years after the fact, based on what he
4 said yesterday. His ability to remember that, his ability to visualise what happened
5 to him when he described it [REDACTED] is directly relevant to our case. If we can't
6 put that to him, then there's no defence. We're being prevented from actually trying
7 to have a fair trial here.

8 PRESIDING JUDGE MINDUA: [10:01:49](Interpretation) Ms Taylor, I followed
9 what you had to say politely, but before allowing you to address the Court, *I gave
10 the Prosecution permission to address the Court on two occasions and then we
11 deliberated. We have ruled. I don't know what you are doing right now, do you want
12 to ask for reconsideration? That is not how it is done. We are going to ---

13 MS TAYLOR: [10:02:13] On both those occasions we weren't given a right to reply as
14 well (Overlapping speakers)

15 PRESIDING JUDGE MINDUA: [10:02:14](Interpretation) (Overlapping speakers)
16 No, Ms Taylor, you've already had an exchange and the Chamber has deliberated.
17 We have a decision now on the part of the Chamber. You cannot oppose that,
18 Ms Taylor. Please, let us move on and let us show the witness back into
19 the courtroom.

20 Please, madam courtroom officer, could we show the witness back into
21 the courtroom.

22 (The witness enters the courtroom)

23 PRESIDING JUDGE MINDUA: [10:03:32](Interpretation) There we are, welcome
24 back, Mr Witness. And the Defence will continue with its questioning.

25 THE WITNESS: [10:03:39](Interpretation) Thank you, Mr President.

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1 MS TAYLOR: [10:03:42]

2 Q. [10:03:42] Mr Witness, I'm now going to ask you some questions about your
3 early life. You said you left school in the 6th grade. Did you run away from home
4 at some point and go to Bamako?

5 THE INTERPRETER: The witness whispering:

6 THE WITNESS: [10:04:09] (Interpretation) I haven't really understood. I'm sorry.

7 MS TAYLOR:

8 Q. [10:04:13] Mr Witness, after you left school, did you leave Timbuktu and go to
9 Bamako when you were young? This was before 2012.

10 A. [10:04:36] I left school and I travelled everywhere, not only to Bamako. I left
11 school in order to travel to go to Algeria, to Libya, to Niger, to Mauritania. And after
12 Bamako, during touristic times, I went to -- while doing tourism, I went to Bamako,
13 yes. I travelled.

14 Q. [10:05:12] Mr Witness, were you arrested by the gendarmerie in Mopti in
15 about 2004?

16 A. [10:05:25] No.

17 Q. [10:05:30] Were you arrested by the police before 2012?

18 THE INTERPRETER: [10:05:42] The answer was not clear. Could the witness
19 please be asked to repeat.

20 THE WITNESS: [10:05:47] (Interpretation) Yes, the Malian police. Yes.

21 MS TAYLOR: [10:05:53]

22 Q. [10:05:53] Can you describe for the Court what happened.

23 A. [10:06:01] Well, the Malian police caught me smoking and then I negotiated with
24 them. They didn't even lock me up. If I have problems with the national Malian
25 police, well, I manage that with money or a friend comes and manages that with

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1 money. That's in Bamako. Otherwise, neither in Mopti, nor in Timbuktu did I ever
2 encounter problems with the Malian police.

3 Q. [10:06:50] What year was it that the Malian police arrested you?

4 A. [10:06:59] on a number of occasions, on a number of occasions I was arrested,
5 but I was free. In 2014, in 2015, in 2016, on each occasion, but they weren't major
6 issues. [REDACTED] we smoke, we smoke cannabis, they come and they find us,
7 they, they catch us, but then we negotiate with them. We don't even go down to
8 the police station. We're stopped on the side of the tarmac, we hand over the money
9 and we're let go.

10 Q. [10:07:41] Now, Mr Witness, just talking about before 2012, at some point did
11 you go to Nouadhibou in Mauritania?

12 A. [10:07:59] Yes, before 2012 I went to Bassikounou, Néma, Laâyoune, Kiffa,
13 Nouakchott, Nouadhibou, Zerouate.

14 Q. [10:08:17] And when you were in Mauritania [REDACTED]

15 [REDACTED]

16 A. [10:08:49] [REDACTED]

17 Q. [10:08:58] Now, Mr Witness, would it be correct that you spent a lot of time
18 before 2012 leaving Timbuktu?

19 A. [10:09:13] Yes, before 2012.

20 Q. [10:09:21] And is it correct that your work [REDACTED]

21 [REDACTED] Timbuktu?

22 A. [10:09:38] Yes, in 2011, yes.

23 Q. [10:09:44] And is it correct that the Malian state wasn't effective in preventing
24 the crime and killings happening around Timbuktu at this time?

25 A. [10:10:02] The Malian army, well, they can't --

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1 THE INTERPRETER: [10:10:11] Unintelligible, unintelligible. Could the witness
2 please be asked to repeat.

3 MS TAYLOR: [10:10:20]

4 Q. [10:10:21] Mr Witness, the interpreters couldn't hear you. My question
5 concerned the Malian government. Could the Malian government prevent crimes
6 and killings around Timbuktu at this time?

7 A. [10:10:42] Not at all. The Malian army, the government, was not even able to
8 make our area secure. And when we see tourists being killed in our region, that
9 means that there's total insecurity that brought that.

10 Q. [10:11:06] And would it be correct, Mr Witness, that because of this insecurity
11 some people in Timbuktu welcomed the Islamists in 2012?

12 A. [10:11:23] *Yes, at the beginning, at the beginning, people.... the elderly, the old
13 people, they were happy to see the Islamists, because they said that before that
14 the daughters did not respect their fathers, children did not respect, and when they
15 saw the amputation of the hand and death, then they became desperate.

16 Q. [10:11:54] Now, Mr Witness, you've referred earlier to the Islamists providing
17 water and electricity. Was this provided free?

18 A. [10:12:07] Yes, it's free. You don't pay for electricity, or water.

19 PRESIDING JUDGE MINDUA: [10:12:15](Interpretation) Mr Prosecutor.

20 MR GARCIA: [10:12:16](Interpretation) I'm just noting, Mr President, that we're still
21 in private session.

22 PRESIDING JUDGE MINDUA: [10:12:20](Interpretation) I was just about to ask
23 Ms Taylor whether we could move into open session.

24 Is that possible, Ms Taylor?

25 MS TAYLOR: [10:12:25] Yes, it is.

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1 PRESIDING JUDGE MINDUA: [10:12:32](Interpretation) Madam courtroom officer,
2 please.

3 (Open session at 10.12 a.m.)

4 THE COURT OFFICER: [10:12:40] We're in open session, Mr President.

5 PRESIDING JUDGE MINDUA: [10:12:48](Interpretation) Thank you very much.
6 Ms Taylor.

7 MS TAYLOR: [10:12:53]

8 Q. [10:12:54] And did they also provide free medical treatment?

9 A. [10:13:07] Well, the hospital worked, but as to free medication, I don't know
10 because I didn't go to the hospital. There we are.

11 As to whether it's free or not, I don't know. But the hospital is open. They made
12 the hospital secure and they made energy secure. They also sorted out the network,
13 communication network issues. Subsequently, this was cut off and then we heard
14 that the Islamists solved the problem. So we had the communication networks, we
15 had water, electricity, hospitals are open, but I don't know whether medication is free
16 or not.

17 THE INTERPRETER: [10:14:05] The witness is using the present tense.

18 MS TAYLOR: [10:14:08]

19 Q. [10:14:09] Mr Witness, in 2012, did the Islamists give food to people who
20 needed it?

21 A. [10:14:23] *The reserves that they found at the OPAM, there was the bread that was
22 in the stores. They took that away and they distributed it amongst the population.

23 Q. [10:14:44] And is it correct that while were there you didn't hear about forced
24 marriages?

25 A. [10:15:03] Forced marriages, I didn't hear anything about that, about forced

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1 marriages. *But if a man and a woman were caught because they had committed
2 adultery, they would take them and they would make them get married. We heard
3 about those marriages, but it wasn't done in front of us. But just to take a woman like
4 that, to bring a woman like that and to marry her like that, forcibly, outside, we did
5 not see that. But if there was an issue between the man and the woman, well, the
6 Islamic police would go there and they would manage that issue. We did hear about
7 that. So, it was done forcibly. The man and the woman were caught outside, together.
8 Now, the Islamists would then make them get married, that's all.

9 Q. [10:16:13] Mr Witness, I'm going to refer to paragraph 66 of your statement and
10 then I'll ask you a question.

11 Could this be put on evidence 1 and could paragraph 66 be read to the witness.

12 PRESIDING JUDGE MINDUA: [10:16:50](Interpretation) Could the paragraph 66
13 please be read to the witness.

14 THE INTERPRETER: [10:17:08] Paragraph 66:

15 "According to what I know, the Islamists do not drink alcohol and they do not fall
16 upon women. That is to say, that they do not rape women. I heard people say that
17 they married women, but I did not hear anything about forced marriages in Timbuktu.
18 I heard people say that some elements requested to marry young girls and that they
19 asked the parents and that the marriage was conducted subsequently.

20 The investigators asked me if I knew of cases or specific cases of marriages of this
21 type. I answered that I do not know specific cases, that I only heard people say that
22 the Islamists married some women in Timbuktu."

23 End of sight translation.

24 MS TAYLOR: [10:18:09]

25 Q. [10:18:09] Mr Witness, is what you said to the Prosecution correct?

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1 A. [10:18:19] Yes, it is correct.

2 Q. [10:18:22] Now, Mr Witness, you were talking about a scenario of the Islamic
3 police regulating matters between a husband and a wife. Are you referring to an
4 incident that you described to the Prosecution concerning a husband and wife from
5 your neighbourhood, where the Islamists told the husband he had to respect his wife?
6 This is at paragraph 110 of your statement, if you want to refresh your memory.

7 A. [10:19:03] Yes, exactly. There was one of my neighbours in our neighbourhood,
8 his wife had problems with him. And as he has -- had already married his wife, it
9 was a marriage, he had a problem with his wife, and when the wife called
10 the Islamists, the Islamists arrested him. He remained locked away for a while and
11 he was told to respect his wife, to take good care of her, and he came home. That
12 was a young man in our neighbourhood.

13 Q. [10:19:45] Mr Witness, did you tell the Prosecution about three individuals with
14 mental problems who smoked or drank in front of the Islamists without being
15 punished?

16 A. [10:20:07] They weren't drinking, they were smoking, they were two nutters,
17 one of them called Moulaye and one called Hamakey. They are mad. Islamists
18 don't touch people who are mad. If they see that you are mad, then you are not
19 arrested because you're not normal.

20 Q. [10:20:36] Now, yesterday the Prosecution -- I'll need to go into private session
21 for this question, Mr President.

22 PRESIDING JUDGE MINDUA: [10:20:47](Interpretation) Madam courtroom officer,
23 private session, please.

24 (Private session at 10.21 a.m.)

25 THE COURT OFFICER: [10:21:03] We're in private session, Mr President.

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1 PRESIDING JUDGE MINDUA: [10:21:09](Interpretation) Thank you very much.

2 Ms Taylor.

3 MS TAYLOR: [10:21:12]

4 Q. [10:21:13] Now, Mr Witness, yesterday when the Prosecution asked you about
5 Mr Al Hassan's activities in the police, you said at page 21 to 22, lines 25: "Everyone
6 in Timbuktu was saying that Al Hassan had replaced another person by the name of
7 Adam." And then you said, "Some people said it was a Mauritanian."

8 Now, Mr Witness, my first question is, before Adam was replaced, did people say
9 that Al Hassan was acting as an interpreter?

10 A. [10:21:54] Yes, they said that he was an interpreter because he speaks and writes
11 Arabic. They said that he was an interpreter at the police station, the commissariat.

12 Q. [10:22:14] And afterwards, was it your friend [REDACTED] who told
13 you that Al Hassan was the commissioner?

14 A. [10:22:28] *Yes, [REDACTED] he told me that
15 Hassan was a commissioner.

16 Q. [10:22:40] And is this the friend who was with the MNLA and who was based at
17 the airport?

18 A. [10:22:51] Precisely, yes, yes.

19 Q. [10:22:56] And is it correct that he met Al Hassan at this time to ask him for
20 money and Al Hassan gave it to him?

21 A. [10:23:11] Yes. We left and we got to the *lycée* and I took him by motorbike.
22 And at that moment the MNLA had fled. They went to Léré, they fled to Léré and
23 then [REDACTED] came to Timbuktu without a weapon, without anything.
24 He had nothing, he didn't even have any transport. *He said to me, "I'm going to go
25 and see Mr Al Hassan at the commissariat, the police station." I said to him, "I'll take

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1 you to the Mahamane Al Hassan Haidara lycée, I will park there, and you will see Al
2 Hassan" and that was it. And he left. He told me that he was going to go see a.... that
3 is what he told me. That's what [REDACTED] said to me: he went there and he told me
4 that he gave him some money.

5 Q. [10:24:04] Now, after the departure of the MNLA, and before you left for Gao
6 [REDACTED] did you travel to Bassikounou and Fassala?

7 A. [10:24:27] Yes [REDACTED]
8 [REDACTED] we would go to Bassikounou [REDACTED] we would go there
9 and back and we would go in and out of town, [REDACTED]
10 [REDACTED]

11 Q. [10:24:57] How many days does it take to get to Bassikounou?

12 A. [10:25:07] Well, you might leave in the morning and come back in the evening
13 before nightfall. When going across the border directly from Foïta, you go from Léré,
14 you go to Foïta. And if you get to Fassala before nighttime, then you can get to
15 Bassikounou. But if it's already nighttime, you can't get through, then you have to
16 sleep over. But it's one-day journey if you leave Timbuktu at 5 a.m. There are
17 a number of different ways you can travel. You can go via Goundam, Tonka,
18 Niafunké, Dofana, Léré, and there is also the road that you can take 25 kilometres out
19 of Timbuktu via Nipka (phon), to Zouera, through Essakane, Tin Aïcha, Lerneb, and
20 you come into Mauritania. There are a number of roads. There are two roads.
21 But the faster one is the arrow (phon) road when you -- at 7 kilometres from Essakane
22 to Zouera, from Zouera to Tin Aïcha, from Tin Aïcha you go to Lerneb and then in
23 Lerneb, Hassi-Labia, the frontier, you go to Hassi-Labia, to Mauritania. But when
24 you go via Léré, then it takes a little bit of time, Goundam was occupied by
25 Ansar Dine, Niafunké is occupied by Ansar Dine. That was when I was travelling.

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1 Q. [10:27:14]

2 A. [10:27:23]

There were refugees who came and went.

3 Ansar Dine was there. No one was killing anybody. People were fearful of the
4 Malian army, of being killed, because when the Malian army arrives and they see
5 a light-coloured person, then they kill them. People have their animals. They come.
6 In Bassikounou. Then they are sent to the camps in Léré, in Niafunké, in those
7 camps. And you can take sugar. That works.

8

9

10

11 Q. [10:28:32] Now, Mr Witness, I'd like to refer you to paragraph 119 of your

12 statement, if that could be put on evidence 1. And I can read it out in English:

13 "The investigators asked me if I knew of any precise cases of sanctions against
14 persons, apart from the grave cases of amputation, and the person who was executed,
15 and the couple that was beaten in place Sankoré that I had mentioned. And I
16 responded 'no.'"

17 PRESIDING JUDGE MINDUA: [10:29:19](Interpretation) Ms Taylor, can we move
18 into open session?

19 MS TAYLOR: [10:29:25] I don't believe so. I think this could potentially identify
20 the witness, depending on his answer.

21 PRESIDING JUDGE MINDUA: [10:29:37](Interpretation) Very well. Please
22 proceed.

23 MS TAYLOR: [10:29:43]

24 Q. [10:29:43] Mr Witness, have you read that or has it been interpreted to you?

25 A. [10:29:52] Yes, I did hear.

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1 Q. [10:29:53] And was that correct?

2 A. [10:29:58] Yes, it is correct.

3 Q. [10:30:02] And if I could go to paragraph 125.

4 If that could be put in front of you. And if that could be read to you. This concerns
5 the incident concerning the couple who were flogged at place Sankoré. Actually,
6 sorry, if we could start at paragraph 124. And it says:

7 "A girl and a man were flogged before the Sankoré mosque. I don't know why they
8 were flogged. I was not present. I heard it spoken of. The person who told me, I
9 know better that -- what happened because I have lived it myself. I myself was
10 beaten by the Islamists."

11 And then it says that afterwards you saw the images on TV.

12 Now, Mr Witness, is it correct that you were not present when the couple was flogged
13 in front of the Sankoré mosque?

14 A. [10:32:02] Yes, I wasn't present. I wasn't present.

15 Q. [10:32:07] And is it correct that you watched it on Al Jazeera?

16 A. [10:32:14] Yes. I saw it at home.

17 Q. [10:32:20] And, Mr Witness, if you could turn to paragraph 126.

18 And if that could be read to you.

19 (Paragraph 126 read to the witness)

20 THE WITNESS: [10:32:54] Yes, that's correct.

21 MS TAYLOR:

22 Q. [10:32:59] So, Mr Witness, for the record, is it correct that you didn't have any
23 personal knowledge of other cases of people being beaten by the Islamists?

24 A. [10:33:15] No, I don't know other persons that were beaten.

25 Q. [10:33:24] Now, Mr Witness, is it correct that you told the Prosecution that you

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- 1 didn't know About Tourab?
- 2 PRESIDING JUDGE MINDUA: [10:33:45](No interpretation)
- 3 MR ALLAFI: [10:33:46](Interpretation) Mr President, in order to -- Defence, could
- 4 we have the reference, please.
- 5 PRESIDING JUDGE MINDUA: [10:33:55](Interpretation) Could we have
- 6 the reference, please, Ms Taylor.
- 7 MS TAYLOR: [10:33:57] Certainly. It's paragraphs 156 to 159. Each of the
- 8 paragraphs are one sentence long.
- 9 If that could be put on evidence 1.
- 10 Q. [10:34:51] Mr Witness, can you see paragraphs 156 to 159 in front of you?
- 11 A. [10:35:01] Yes, 156, 157, 158, 159, 160. Is that it?
- 12 Q. [10:35:12] Yes. And is it correct, for the record, that when you were asked
- 13 about Abou Tourab, you said that this name means nothing or signifies nothing to
- 14 you?
- 15 A. [10:35:27] No, it doesn't mean anything to me.
- 16 Q. [10:35:31] And is that the same for Al Mahdi?
- 17 A. [10:35:38] Yes, it doesn't mean anything to me.
- 18 Q. [10:35:41] The same for Al Faqi?
- 19 A. [10:35:52] It doesn't mean anything to me.
- 20 Q. [10:35:54] The same for Mohamed Moussa?
- 21 A. [10:36:01] Mohamed Moussa, Mohamed Moussa, no, it doesn't mean anything
- 22 to me.
- 23 Q. [10:36:10] And Imekni?
- 24 A. [10:36:17] Also it doesn't mean anything to me, I don't know that name.
- 25 Q. [10:36:22] And is it correct that you never saw Talha in 2012?

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1 A. [10:36:33] Ta?

2 Q. [10:36:36] Talha.

3 A. [10:36:36] No, I didn't see him. I don't know him. I don't even know him by
4 sight. But I've heard talk about him. But I don't know him and I've never seen him.

5 Q. [10:36:57] Now, Mr Witness, I'm going to read a quote to you and then ask you
6 a question.

7 At transcript 58, page 10, when the Prosecution asked you how you knew what Sanda
8 had said, you testified that you heard [REDACTED] Is it correct

9 [REDACTED]

10 A. [10:37:34] [REDACTED]

11 [REDACTED] I didn't see any other persons because [REDACTED]

12 [REDACTED] That's all. If they came there,
13 then I saw them. That's all.

14 Q. [10:38:05] Now, Mr Witness, yesterday you gave a very detailed description of
15 the destruction of the monuments, even though you weren't present. Was this
16 description based on what you had seen in a video?

17 A. [10:38:33] What I saw.

18 Q. [10:38:50] Mr Witness, yesterday you were describing the Islamists destroying
19 the monuments and you were saying that they were saying "Allah Akbar". You
20 weren't present when this was happening. So my question is, did you see this in
21 a video or was it what you imagined?

22 A. [10:39:13] It wasn't something that I imagined, *it's something that I heard. The
23 people said that they were destroying the mausoleums. They were saying, "Allah
24 Akbar". Anyway, I did not see images of it.

25 Q. [10:39:31] Now, Mr Witness, I'm going to turn you to paragraph 115 of your

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1 statement.

2 If that could be brought up on evidence 1. Can paragraph 115 be read to you.

3 THE INTERPRETER: [10:40:18] "The mosques and the mausoleum are very
4 important in Timbuktu. The population of Timbuktu is mainly Muslim. The town
5 is known as a -- as Muslim for a long time. There are three mosques, Djinguereber,
6 Sankoré and Sidi Yahya, and they are the symbols of all that. I don't know
7 the mausoleums very well. I don't visit the mausoleums. [REDACTED]

8 [REDACTED] I know there's a mausoleum in the cemetery of Talkafarandi, between
9 Bellaferandi and Sareïkeïna, it's exactly in Sarkila. I don't know the exact name of
10 the mausoleum."

11 MS TAYLOR: [10:41:05]

12 Q. [10:41:05] Mr Witness, is it correct that you didn't know the mausoleums well
13 and hadn't visited them?

14 A. [10:41:12] *I don't know the mausoleums in the cemeteries very well, because
15 the mausoleums that are in the cemeteries, it is forbidden even ... to bring visitors
16 there. The things in the cemeteries are forbidden to us. Our grandparents even told us
17 that it is not good to bring people into a cemetery. But the ones that ... as for
18 Djinguereber, the mausoleums, people talk about the 333 saints, all these 333 saints.
19 Many mausoleums have not even been seen. Not just the ones that are there, that they
20 destroyed. People talk about the city of 333 saints. But all these 333 saints are in the
21 region. There are a few in Timbuktu, there are a few outside Timbuktu, there are
22 some everywhere.

23 Q. [10:42:08] Mr Witness, last Friday, in response to a question from
24 the Prosecution about different ethnicities, you said, transcript 57, page 85,
25 lines 2 to 7:

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1 "Well, Timbuktu has more than 5,000 students, and that created links between Fez
2 in Morocco and Timbuktu as well. And for the people of Timbuktu and their
3 parents, it is the doorway to the desert. ... you've got relatives in Morocco, you've got
4 relatives in Nigeria, in Sudan, everywhere, because everybody goes through Timbutu
5 in the Sahara."

6 [REDACTED]

7 A. [10:43:04] I grew up and I was born in Timbuktu. Before going to the French
8 school, I went the school where I learnt the Koran. I learnt the Koran in Timbuktu
9 before going to school, the French school. So I know the region, I know the history of
10 my region. *I have to know it. I have tried to learn it. Timbuktu has had 5,000
11 university scholars. Timbuktu and Fez. This is history. We have our manuscripts that
12 say so. It has been written down. Timbuktu is the gateway to the desert. Timbuktu
13 represents the trade route that crosses the Sahara, that runs to (inaudible), the camels
14 that leave for Morocco. It is a city that was founded by foreign nomads. The city itself
15 was founded by travelers. There was a small well where Sidi Yahya is located. In
16 Songhai we say, Timbuktu Kui Botma (phon), and that is where Timbuktu was
17 founded. Later, Kankou Moussa passed through, the man who built the Djinguereber
18 mosque. That's part of the history of Timbuktu. I am from Timbuktu, and I know the
19 history of my region. That's right.

20 Q. [10:44:45] Mr Witness, is it correct that you were [REDACTED]

21 [REDACTED]

22 A. [10:45:12] *I was part [REDACTED]

23 [REDACTED]

24 [REDACTED]. I left Timbuktu, I arrived there. I said, "Yes, [REDACTED], and if there's a

25 [REDACTED], call me." I was part [REDACTED], the Malian

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1 [REDACTED] He came, he sat down. It was not as though he took out a pen and said to us,
2 "We have to do this, we have to do that." No. There were [REDACTED] they would
3 just pick up [REDACTED] they would leave, you would go out [REDACTED] Anyway, it
4 was not... I didn't get any certificate. Because when you have been trained, you get a
5 certificate. But they didn't give me the certificate, even though [REDACTED]
6 [REDACTED].

7 Q. [10:46:41] Now, Mr Witness, you've mentioned going to Timbuktu [REDACTED] with
8 [REDACTED] Do you know when [REDACTED] that was?

9 A. [10:46:59] [REDACTED]
10 I don't know the exact date, but it was during -- it was I think between September -- it
11 was sometime in August, but I can't remember the exact date. But the year was
12 definitely [REDACTED].*

13 Q. [10:47:30] And when you were there, you went to see the *hôtel Maison*; that's
14 correct?

15 A. [10:47:39] That's correct.

16 Q. [10:47:41] If we could turn to Defence tab 10, [REDACTED] [REDACTED]
17 [REDACTED]?

18 It could also be put on evidence 1 for the witness.

19 A. [10:48:28] Yes, [REDACTED]

20 Q. [10:48:32] And for the record, this is the terrace of the *hôtel Maison*?

21 A. [10:48:39] Yes, that's it, *hôtel Maison*.

22 Q. [10:48:46] And on this occasion did you also go to the bank?

23 A. [10:48:56] We passed in front of the bank.

24 Q. [10:49:01] So it's correct you could see the outside of the building and its terrace?

25 A. [10:49:18] I didn't enter the bank. [REDACTED]

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1 [REDACTED] we didn't enter the BMS bank.

2 We went in front of it, we passed by. We didn't enter the bank.

3 Q. [10:49:46] Mr Witness, did you originally tell the Prosecution that you were
4 detained at the BIM?

5 A. [10:50:04] *No, that's a mistake. I even corrected that. I said "BMS". It's not BIM,
6 it's BMS. It's not BIM, it's BMS.

7 Q. [10:50:17] Was BIM the name of the bank [REDACTED]

8 A. [10:50:35] It's not BIM, it's BMS, BMS. I said that to the investigators, but it's
9 a mistake, it's BMS. When the investigators asked me and when I came here, I
10 corrected immediately. The investigators gave me that and I did correct it
11 immediately. I told them that it's not BIM. I revised my testimony when I came
12 here and I said it wasn't BIM. And afterwards, the investigators said they'd taken
13 note. They said, "It's BMS, it's not BIM."

14 Q. [10:51:25] Mr Witness, my question wasn't about 2012. My question was,
15 [REDACTED] when you saw the bank [REDACTED], was it called the BIM then, B-I-M?

16 A. [10:51:52] No, I passed by the bank and I didn't stop. We didn't stop. I
17 always said that it was BMS. I don't know what happened or what it was called
18 afterwards. [REDACTED]

19 Q. [10:52:16] [REDACTED]

20 A. [10:52:26] [REDACTED]
21 [REDACTED]
22 [REDACTED]

23 Q. [10:52:53] Now, Mr Witness, you referred to your preparation session with
24 the Prosecution. Did the Prosecution remind you several times during the session to
25 tell the truth?

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1 A. [10:53:10] *Yes, of course they did. Of course. Even the investigators told me to
2 tell them the truth. The truth, for the sake of peace. They said that they had ensured
3 peace in Rwanda, in many countries, and that now they were here. They had come to
4 ask me to tell the truth. That was what the Office of the Prosecutor had said before
5 they questioned me. And I said that I would tell the truth, only the truth.

6 Q. [10:53:46] Was it explained to you that a lie can include exaggerating what
7 happened or pretending to see events you've only heard about?

8 A. [10:54:16] In any case, the question is heavy for me, because I haven't really
9 understood that. They explained to me, the investigators explained that they want
10 to find out the truth, "We're not here to just make conversation. And when you
11 arrive at the ICC, you must talk the truth in the Court." And I said I will speak
12 the truth. And that's it.

13 MS TAYLOR: [10:55:04] Mr President, it's five to 11. I have another strand of
14 questioning, which potentially involves a video, so I would suggest that it would
15 make sense to break now and to come back 5 minutes early. And I can assure you, I
16 think, that we'll be done within the day, so this won't prolong the hearing.

17 PRESIDING JUDGE MINDUA: [10:55:37](Interpretation) Thank you very much,
18 Ms Taylor.

19 We will adjourn and return in -- at 11.25. Let me remind you that, during the break,
20 try and regroup your questions so that we have periods in public session and others
21 in closed session. Please let us go now into open session, court officer.

22 (Open session at 10.56 a.m.)

23 THE COURT OFFICER: [10:56:12] We are in open session, Mr President.

24 PRESIDING JUDGE MINDUA: [10:56:17](Interpretation) Thank you very much,
25 courtroom officer.

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- 1 We will adjourn and we will resume at 11.25.
- 2 THE COURT USHER: [10:56:25] All rise.
- 3 (Recess taken at 10.56 a.m.)
- 4 (Upon resuming in open session at 11.26 a.m.)
- 5 THE COURT USHER: [11:26:57] All rise.
- 6 Please be seated.
- 7 PRESIDING JUDGE MINDUA: [11:27:21](Interpretation) Court is in session once
- 8 again. We shall continue with the cross-examination on the part of the Defence.
- 9 Ms Taylor, you -- over to you.
- 10 MS TAYLOR: [11:27:38] Thank you, Mr President. And for the next group of
- 11 questions, it will be necessary to ask them in private session.
- 12 PRESIDING JUDGE MINDUA: [11:27:51](Interpretation) Private session, please,
- 13 madam courtroom officer.
- 14 (Private session at 11.27 a.m.)
- 15 THE COURT OFFICER: [11:28:00] We're in private session, Mr President.
- 16 PRESIDING JUDGE MINDUA: [11:28:08](Interpretation) Thank you very much.
- 17 Ms Taylor.
- 18 MS TAYLOR: [11:28:11]
- 19 Q. [11:28:12] So, Mr Witness, yesterday [REDACTED]
- 20 [REDACTED]
- 21 [REDACTED]
- 22 A. [11:28:41] [REDACTED]
- 23 Q. [11:28:51] [REDACTED]
- 24 [REDACTED]
- 25 A. [11:29:08] [REDACTED]

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1 Q. [11:29:16] Perhaps my question wasn't clear. [REDACTED]

2 [REDACTED]

3 [REDACTED]

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

5 [REDACTED]

6 Q. [11:29:53] Now, Mr Witness [REDACTED] you went to Gao, and you've
7 mentioned MUJAO several times during your testimony. It was known, wasn't it,
8 that Omar Ould Hamaha was in Gao at this time?

9 A. [11:30:19] That is correct. That is correct.

10 Q. [11:30:26] I'd like to refer you to paragraph 145 of your statement.

11 If that could be brought up on to evidence 1. For the record, it's MLI-OTP-0073-0259
12 at 0283, at paragraph 145. If that could be brought on to evidence 1. And if
13 paragraph 145 could be read to the witness.

14 THE INTERPRETER: [11:31:30] Message from the English booth: Does counsel
15 require a sight translation into English?

16 MS TAYLOR: [11:31:37] I believe it should be read into the record in English as well.
17 Thank you.

18 THE INTERPRETER: [11:31:43] Very well. Sight translation of paragraph 145:

19 "We stayed two nights in Gao. Omar came [REDACTED]
20 [REDACTED] Omar was going to come. As soon
21 as I saw Omar, I was frightened and I jumped over the wall and fled. [REDACTED]

22 [REDACTED] by motorbike that I borrowed from a Songhai.

23 [REDACTED] At the
24 tribunal or police station, we saw people being judged for having drunk. One
25 person said that they had drunk some Bavaria, without alcohol. [REDACTED]

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1 [REDACTED] one of the Islamists was filming him [REDACTED] with his telephone, in hiding.

2 I told that to [REDACTED] in Bamako, and I told him to be careful."

3 End of sight translation.

4 MS TAYLOR: [11:33:02]

5 Q. [11:33:02] [REDACTED]

6 A. [11:33:18] Yes, I did [REDACTED] but I did not go inside. I was outside. When
7 he went inside the tribunal, I stayed outside. I was outside. I did not go inside.

8 *But during the patrol, yes, we were together. The MUJAO took him. They took us,
9 and then we went around the city. When Omar Hamaha also came, I fled. I left. After,
10 he asked me what was going on, and I said, "No, there's nothing going on."

11 Q. [11:34:05] Mr Witness, according to this paragraph, you told [REDACTED] that
12 the Islamists were filming him [REDACTED] and that you saw them filming
13 him; is that correct?

14 A. [11:34:22] That is correct, because there are windows. We were outside.
15 There were open windows [REDACTED] they also had a little camera
16 and they were filming him [REDACTED] I saw that, yes. Exactly.

17 Q. [11:34:45] And it's correct that you followed the subject matter of this hearing?

18 A. [11:34:55] Absolutely not, because I wasn't inside. I was not privy to what
19 happened inside. I was not inside. I was outside. *When Sharia was applied, it was
20 [REDACTED] or the accused with the Islamists, The MUJAO
21 did not even allow anyone to go in. I was outside waiting for him.

22 Q. [11:35:22] Mr Witness, you told the Prosecution that one of the people being
23 judged had drank Bavaria without alcohol. How did you know that?

24 A. [11:35:36] *It was afterwards. [REDACTED] that the person they had judged
25 had drunk alcohol. It was afterwards, when we had gone [REDACTED]. He said to

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1 me, "Look, I went back to see them again, and they are applying Sharia. Somebody
2 who had been drinking is being judged that way."

3 Q. [11:36:02] And when you were discussing this [REDACTED] you didn't tell
4 [REDACTED] you had been judged for drinking alcohol, did you?

5 A. [11:36:19] I did not say it [REDACTED] Until I had left the territory of the north,
6 I didn't say what had happened to me. I was in danger.

7 Q. [11:36:31] If we could turn to tab 2 of the Defence binder. It's

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 A. [11:37:07] [REDACTED]

12 Q. [11:37:12] [REDACTED] he refers to
13 going to Gao with you. [REDACTED] he refers to you running errands for him,
14 for going out and getting toothpaste and deodorant while you're in Gao. Is that
15 correct, Mr Witness, did you run errands [REDACTED] when you're in Gao?

16 A. [11:37:58] Of course I ran errands [REDACTED].
17 Now, in Gao, the most currently spoken language is Songhai. I prepared his tea. If
18 he wanted me to run any errands, I would go. When he saw people from MUJAO,
19 a car would come [REDACTED] a Hilux car with
20 blacked out windows. [REDACTED] I then
21 borrowed a motorbike [REDACTED]
22 [REDACTED]. We
23 arrived in that area and I asked where [REDACTED] was*. I was guided in
24 Songhai until we got to the place where she was [REDACTED] while smoking a
25 cigarette and talking.

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1 *MS TAYLOR: [11:39:34]

2 Q. [11:39:34] Do you recall [REDACTED] calling you when you were in a refugee camp in
3 Burkina to say that he had heard that you had been flogged by the Islamists?

4 A. [11:39:55] Yes, he called me to ask me something. He said, "Were you
5 flogged?" and I said, "Well [REDACTED]"

6 That's what I answered him. He said, "All right, [REDACTED]
7 I'll come back to you."

8 Q. [11:40:25] Mr Witness, if we could turn to tab 12, the Defence binder.

9 [REDACTED] (sic). It's an [REDACTED].

10 THE COURT OFFICER: [11:41:03] Ms Taylor, could you please repeat the last four
11 digits of the document, please.

12 MS TAYLOR: [11:41:07] The document is [REDACTED] (sic). And I'll just
13 take a moment to find the relevant reference.

14 It's tab 9 of the Defence binder and the relevant page is [REDACTED].

15 Q. [11:41:43] Now, Mr Witness, [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 PRESIDING JUDGE MINDUA: (Overlapping speakers)

19 MR ALLAFI: [11:42:09](Interpretation) I'm sorry, Mr President, we don't seem to be
20 able to find the pages and the references. Could the Defence give them to us once
21 again, the number of the page, that is.

22 MS TAYLOR: [11:42:24] The number of the page is [REDACTED] and it's tab 9 in the Defence
23 binder.

24 Q. [11:42:41] Now, [REDACTED]
25 [REDACTED] beaten by Islamists after trying to protect

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4 MR ALLAFI: [11:43:13](Interpretation) I'm sorry, Mr President.

5 PRESIDING JUDGE MINDUA: [11:43:18](Interpretation) Mr Prosecutor.

6 MR ALLAFI: [11:43:19](Interpretation) *Here the Defence is questioning the witness

7 about [REDACTED] So we need to first follow the procedure

8 and be fair to the witness. Does he know [REDACTED] what it's about, and give him

9 the chance to look [REDACTED] and then subsequently put questions to him.

10 PRESIDING JUDGE MINDUA: [11:43:45](Interpretation) Ms Taylor, the Prosecutor

11 is talking about the procedure that we have always used here. You have forgotten to

12 follow it.

13 MS TAYLOR: [11:43:53] Mr President, I'm not admitting [REDACTED] for the truth of

14 its contents, and there are several incidents in this [REDACTED] that have no relevance to my

15 line of questioning. [REDACTED] has no relevance, [REDACTED]

16 has no relevance. The only relevant part of [REDACTED] is an incident [REDACTED]

17 [REDACTED] All I'm trying to establish is that the witness has no

18 knowledge of this incident, therefore it would be entirely unnecessary for me to

19 establish a foundation.

20 PRESIDING JUDGE MINDUA: [11:44:34](Interpretation) Please go ahead.

21 MS TAYLOR: [11:44:36]

22 Q. [11:44:36] Now, Mr Witness, [REDACTED] ?

23 A. [11:44:50] Never.

24 Q. [11:44:51] And you weren't arrested [REDACTED]

25 [REDACTED] were you?

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1 A. [11:45:09] No, never.

2 Q. [11:45:10] Now [REDACTED] called you because he had heard from [REDACTED]
3 that they thought you'd been flogged. Did [REDACTED] every mention why
4 [REDACTED] thought that?

5 PRESIDING JUDGE MINDUA: [11:45:26](Interpretation) (Overlapping speakers)
6 Mr Prosecutor.

7 MR ALLAFI: [11:45:28](Interpretation) I do not find the reference where the witness
8 said this. [REDACTED] he never made mention of
9 that, for example.

10 PRESIDING JUDGE MINDUA: [11:45:42](Interpretation) That is correct, Ms Taylor.
11 The witness did not talk about [REDACTED].

12 MS TAYLOR: [11:45:48] Could we turn to paragraph 142 of his statement. It's
13 a long paragraph. The witness has already testified that [REDACTED] called him when he
14 was in a refugee camp in Burkina. And according to this statement [REDACTED] told him
15 [REDACTED] demanded from him if he had images of this.

16 MR ALLAFI: [11:46:28](Interpretation) I do apologise, Mr President.

17 PRESIDING JUDGE MINDUA: [11:46:32](Interpretation) Yes. I am reading
18 paragraph 142.

19 THE INTERPRETER: [11:46:37] Overlapping speakers.

20 MR ALLAFI: [11:46:39](Interpretation) I was wondering where the question is that
21 the Defence is broaching.

22 MS TAYLOR: [11:46:48] I'm waiting for it to be interpreted to the witness.

23 Q. [11:46:51] Mr Witness, did [REDACTED] tell you that he had heard from [REDACTED]
24 about a flogging involving you [REDACTED]?

25 A. [11:47:13] [REDACTED] always told me, [REDACTED]

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1 [REDACTED] I try to find things out. I know that people have told me that you were
2 flogged. Tell me the truth now." That's what he said to me, [REDACTED]
3 in Bamako.

4 [REDACTED]
5 [REDACTED]. [REDACTED] Apart from
6 that, [REDACTED]

7 [REDACTED]
8 [REDACTED] We're going to Timbuktu
9 and I'm going to show you where I was flogged." [REDACTED] he went to

10 Timbuktu. [REDACTED] I told him that [REDACTED]
11 [REDACTED] I'm going to show -- tell you the truth." I told him the truth. And, you

12 know, the truth is a gift. It's for free. [REDACTED] He went to
13 the imam Ben Essayouti in Timbuktu. He went to the dignitaries in Timbuktu.

14 I am aware of this, [REDACTED] Otherwise, I'm not
15 aware of any [REDACTED].

16 I didn't work for anybody else in Timbuktu. I was an independent [REDACTED] not even
17 [REDACTED] I had a few camels [REDACTED]

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

21 [REDACTED] came to Timbuktu, people say

22 [REDACTED] is a member
23 [REDACTED] who is put up [REDACTED]

24 [REDACTED]
25 [REDACTED]

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1 Now [REDACTED] I'm telling you the truth. I'm
2 not aware.

3 Q. [11:50:29] Mr Witness, were you [REDACTED] in
4 [REDACTED]

5 A. [11:50:43] In Timbuktu, in Timbuktu.

6 Q. [11:50:49] In Bamako [REDACTED]?

7 A. [11:50:55] What accused? I didn't know any [REDACTED] in Bamako.
8 I was with him [REDACTED] I run his errands.

9 Now, as to his work, the soldiers, politicians, all people he sees, I don't follow him.
10 I don't assist him in his work. [REDACTED] I do a minimum of
11 thing. I am in Bamako. If he goes to Paris or if he goes to Bamako and he sees
12 those politicians, well I, I wait for him [REDACTED] That's all. And if in the evening
13 or on the weekend and I was [REDACTED] in Bamako, I would say to him that "I can show
14 you where you can spend your weekend or your evenings, or if you want to buy
15 them presents, I can help you." But to say that I followed [REDACTED] in his work, no,
16 not at all. I didn't assist him ever, no.

17 Q. [11:52:02] Mr Witness, my question was [REDACTED] introduce you to
18 the ICC investigators in Bamako?

19 PRESIDING JUDGE MINDUA: [11:52:19](Interpretation) Mr Prosecutor.

20 MR ALLAFI: [11:52:20](Interpretation) *Mr President, it's becoming a little bit more
21 complicated. If the Defence has a document about this, they should use it, and the
22 witness can understand what this is all about, and he can respond.

23 MS TAYLOR: [11:52:37] I don't understand the objection. It's an open question I'm
24 putting to the witness [REDACTED] introduce him to ICC
25 investigators [REDACTED] don't need to refer to anything to ask him that question.

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1 PRESIDING JUDGE MINDUA: [11:52:56](Interpretation) Yes, Mr Prosecutor.

2 MR ALLAFI: [11:52:58](Interpretation) Yes, that's the question and the witness has
3 already answered.

4 PRESIDING JUDGE MINDUA: [11:53:04](Interpretation) Now, to cut short,
5 Ms Taylor, put the question again and then the witness can answer once and for all.

6 MS TAYLOR: [11:53:13]

7 Q. [11:53:13] Mr Witness, do you recall [REDACTED] introducing you to ICC Prosecution
8 investigators [REDACTED]?

9 *A. [11:53:35] No [REDACTED] did not introduce me to investigators. He did not
10 introduce me to investigators. He did not introduce me. He did not tell me that this
11 person's name was this or that. I met the investigators when they called me [REDACTED]

12 [REDACTED] That is when they called me, saying that they were
13 ICC investigators.

14 That's all. Anyway, I would accompany [REDACTED].

15 I would take him to his appointments, but I would wait for him outside. But to say
16 that he introduced me to such-and-such a person, he did not introduce me to the
17 investigators.

18 Absolutely not. Really.

19 MS TAYLOR: [11:54:21]

20 Q. [11:54:21] Mr Witness, how did the investigators get your telephone number?

21 A. [11:54:32] I do not know. I do not know how they got hold of my number.
22 I don't know. I do not know.

23 Q. [11:54:42] Mr Witness, you've mentioned an older brother. Is his name [REDACTED]
24 [REDACTED]?

25 A. [11:54:56] Exactly, that's my elder brother.

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1 Q. [11:54:59] [REDACTED]

2 A. [11:55:12] Well, I don't know. [REDACTED] He left
3 the town. He went to Fassala. I don't know whether he joined a group afterwards,
4 because I didn't see him in Timbuktu.

5 Q. [11:55:35] Mr Witness, you say you didn't see him in Timbuktu, so is it
6 correct -- are you saying he was not there in April 2012?

7 A. [11:55:49] He was there, [REDACTED]
8 [REDACTED] He was there during the occupation. Before, I don't know. I didn't
9 see him. He wasn't at home. Had he been at home, I would have been able to say
10 that I'd seen him. I don't know which group he belonged to. That is the truth that
11 I am telling you.

12 Q. [11:56:16] Did you stay in his house when you were in Timbuktu?

13 A. [11:56:30] I stayed in our family, not in his house. I stayed at my mother and
14 father's house [REDACTED] my last journey to Timbuktu.

15 Q. [11:56:50] So when you were in Timbuktu city, are you saying you didn't stay at
16 his house?

17 A. [11:57:05] I left to greet the family.

18 PRESIDING JUDGE MINDUA: [11:57:11](Overlapping speakers)

19 MR ALLAFI: [11:57:11](Interpretation) I do apologise, Mr President. In order for
20 us to be able to follow and understand, what period are we talking about? When
21 precisely? So that we can also understand.

22 PRESIDING JUDGE MINDUA: [11:57:22](Interpretation) Ms Taylor, can you please
23 specify the time.

24 MS TAYLOR: [11:57:26]

25 Q. [11:57:27] Mr Witness, we're talking about the time period from, for example,

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1 March 2012 until when you left to go to Gao. And my question is, when you came to
2 Timbuktu city, did you ever stay in his house?

3 A. [11:57:55] No, not in his house, in our house. That's when I stayed. Not in his
4 house, no, not at all. I said that I hadn't even seen him. He wasn't to [REDACTED] at the
5 beginning. I heard that [REDACTED] at the beginning and
6 then he came back subsequently. He -- I didn't know which group he was in, that's
7 the truth. That is the truth. That is all.

8 Q. [11:58:27] You have another brother, [REDACTED] was he also a member of the
9 MNLA?

10 A. [11:58:37] [REDACTED] my younger brother, yes, [REDACTED]
11 [REDACTED]
12 [REDACTED] yes.

13 Q. [11:58:55] Were you ever arrested by the MNLA in 2012?

14 A. [11:59:06] No, no, never.

15 Q. [11:59:13] I'd like to refer to tab 12 of the Defence binder. It's
16 [REDACTED]
17 It's [REDACTED]
18 [REDACTED]

19 MR ALLAFI: [11:59:45](Interpretation) I do apologise, Mr President. Excuse me.

20 PRESIDING JUDGE MINDUA: [11:59:48](Interpretation) Mr Prosecutor.

21 MR ALLAFI: [11:59:49](Interpretation) Before we go into the detail, could we -- as to
22 whether we can put this question or not, before doing so, before making allegations
23 [REDACTED], we need to be fair to the witness. What is this about, whether he has
24 [REDACTED] and then we can put questions on it. And we will have possible objections
25 on this.

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- 1 PRESIDING JUDGE MINDUA: [12:00:13](Interpretation) There we are, Ms Taylor.
2 This is normal procedure.
3 MS TAYLOR: [12:00:17] I'm not admitting [REDACTED] for the truth of its contents.
4 I'm putting one question to the witness, which isn't actually based [REDACTED].
5 Q. [12:00:27] The question is, Mr Witness, based on what you know --
6 PRESIDING JUDGE MINDUA: [12:00:32](Interpretation) Wait, wait. Even if
7 you're not requesting for its admission, to be fair to the witness, we need to ask him
8 whether he knows it, whether he's heard anyone speak about it and what is the link
9 between him and [REDACTED] You're not just going to ask him a question on
10 [REDACTED] that he has no knowledge of. That is our normal procedure.
11 Mr Prosecutor.
12 MR GARCIA: [12:01:02](Interpretation) With your leave, and what is more, with
13 the question that has been put by the Defence, we can clearly see that she intends to
14 refer or have admit [REDACTED] so further reason for him to have knowledge of
15 [REDACTED] And we are objecting once again for the relevance of this -- this.
16 PRESIDING JUDGE MINDUA: [12:01:24](Interpretation) Ms Taylor.
17 MS TAYLOR: [12:01:24] Mr President, I haven't actually put a question. Again,
18 the Prosecutor is objecting to a question that has not been put to the witness.
19 PRESIDING JUDGE MINDUA: [12:01:40](Interpretation) Absolutely. But you
20 have asked us to consult tab 12 and we have [REDACTED]
21 [REDACTED]. This is the problem. Is the witness aware [REDACTED]? What is
22 the link with [REDACTED] What is the relevance? That is what you need to establish
23 before putting questions on the contents [REDACTED] to the witness.
24 MS TAYLOR: [12:02:10] I'll ask an open question which is not based [REDACTED]
25 Q. [12:02:14] Mr Witness, has anyone ever referred to you as [REDACTED]?

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1 A. [12:02:33] No, I'm not aware of that.

2 PRESIDING JUDGE MINDUA: [12:02:36](Interpretation) Mr Prosecutor.

3 MR ALLAFI: [12:02:37](Interpretation) I'm very sorry, Mr President, your Honours,
4 but I do not see the relevance, Mr President.

5 PRESIDING JUDGE MINDUA: [12:02:49](Interpretation) No, the relevance of what?
6 Because here we have a question from the Defence asking for specifics.

7 MR ALLAFI: [12:02:59](Interpretation) Well, the relevance is to whether he was
8 being called a [REDACTED] and whether this has any connection with his
9 testimony and the events that took place in 2012, quite simply.

10 PRESIDING JUDGE MINDUA: [12:03:15](Interpretation) Well, we do not know,
11 because this is an open enough question. And let's see how he answers. What is
12 more, he's already answered.

13 Ms Taylor, he's already answered.

14 MS TAYLOR: [12:03:28]

15 Q. [12:03:28] Now, Mr Witness, you testified last Friday that your father was
16 a marabout who taught the Koran. That was at transcript 57, page 50, lines 20 to 25.
17 And yesterday, transcript 55 (sic), page 16, you claim that Al Hassan's father taught
18 the Koran to the children and all the children would go there to learn the Koran.
19 Now, Mr Witness, were you aware that Mr Al Hassan's father is a veterinarian?

20 A. [12:04:16] *Yes, of course, he's a veterinarian. [REDACTED]

21 [REDACTED] These are herdsmen. We are all herdsmen, but we all learned the Koran.
22 And the Koran that they learned too, if there are children... families take their children
23 to teach them the Koran for the purposes of prayer. That doesn't mean that he was a
24 professor, that doesn't mean that he was an educator, that means he was a traditional
25 teacher. The grandparents take the children for them to learn the Koran for prayer.

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1 Q. [12:04:55] Mr Witness, given that your father is a marabout, I'm going to put to
2 you that it's a lie that you learnt the Koran from Mr Al Hassan's father?

3 A. [12:05:17] I haven't understood.

4 Q. [12:05:20] Mr Witness, your father is a marabout. He taught the Koran.

5 A. [12:05:27] That's correct.

6 Q. [12:05:28] So, Mr Witness, it's a lie that you learnt the Koran or that children
7 learnt the Koran from Mr Al Hassan's father?

8 A. [12:05:44] *I've always said that [REDACTED]

9 [REDACTED] I've always shown respect. Now, I've said that [REDACTED]

10 I don't go there. I have my grin in front, but they are marabouts. They are saints. They
11 are people who have read the Koran. They are part of the Kel Ansar family. All the
12 Kel Ansar, in general, all the Kel Ansar family have read the Koran. They are from the
13 Kel Ansar family. You say that this is a lie. I am listening to you patiently. I am patient.
14 And I have always... I will answer "yes" or "no". If I know about something, I will tell
15 you about it. If I don't know about something, Madam counsel, I will say that I don't know.

16 Q. [12:07:01] Mr Witness, yesterday in the French transcript, T-58, page 14, [REDACTED]
17 testified that [REDACTED] That's not correct, is it?

18 MR ALLAFI: [12:07:28](Interpretation) Because this is very specific, could you give
19 us the line. I can't quite find it.

20 PRESIDING JUDGE MINDUA: (Interpretation) Ms Taylor, could you give us
21 the exact reference.

22 MS TAYLOR: [12:07:38] Transcript 58, page 14. I think it should be easy to find.
23 It's the real-time, because we did not have the corrected versions.

24 Q. [12:08:03] Now, Mr Witness, you heard my question [REDACTED]

25 [REDACTED]

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1 A. [12:08:17] [REDACTED] absolutely
2 not. [REDACTED] but he is part of the
3 family. When people say "the Kel Ansar family," the Kel Ansar left in two cities. There
4 are two fathers. The Kel Ansar have a first group, a second group and a third group.
5 The Kel Ansar family is a large one [REDACTED]. I am talking about the
6 family in general [REDACTED]

7 [REDACTED] No, I didn't say that. I said that he was part
8 [REDACTED].

9 Q. [12:09:12] Mr Witness, when you were in Bamako, do you recall a white person
10 approaching you and offering to pay you money concerning [REDACTED]?

11 A. [12:09:39] Yes. I had many offers when I arrived in Bamako [REDACTED]
12 Some said, [REDACTED] can you tell us what are the tribes, what happened?"
13 And I said, "No, I don't know anything. I don't want to get involved in this. If you
14 ask me, you can find -- and you want [REDACTED] in Bamako, then
15 I'm ready to help. But if you say you want me to find out who's an Islamist or not,
16 that's something I'm not going to do, it's not my job." No.

17 Q. [12:10:31] What language did this person speak to you in?

18 A. [12:10:38] French.

19 Q. [12:10:41] Do you recall what year they spoke to you?

20 A. [12:10:50] There's [REDACTED]. It's just near
21 [REDACTED]. Now, over there, even people who
22 go to Gao [REDACTED]. I know lots of people who come
23 from there and I say, "No, I don't want to endanger my own life." I know what
24 happened when I was there. I don't want to give details. I'm here in the ICC, I'm
25 here for peace. If it wasn't those investigators, then I wouldn't go into the details.

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1 It's for the Court that I speak the truth.

2 Q. [12:11:58] Mr Witness, earlier you mentioned [REDACTED] that you did. Were
3 you contacted by [REDACTED].

4 A. [12:12:22] Yes, of course. *They always contacted me to find [REDACTED]
5 [REDACTED] that sort of thing. [REDACTED].

6 Q. [12:12:41] Before coming to The Hague, did you tell the Prosecution that you
7 had an opportunity to travel to Timbuktu [REDACTED]
8 [REDACTED]?

9 A. [12:13:05] Yes. I left Burkina Faso in 2014 and at that occasion there was

10 [REDACTED]

11 Q. [12:13:28] Mr Witness, I'm talking about the time period before you came to
12 The Hague, did you tell the Prosecution, did you call them to tell them that you might
13 have an opportunity now, this year, to travel to Timbuktu [REDACTED]
14 [REDACTED]?

15 A. [12:13:57] I contacted them, it's true. But what I said was there is [REDACTED]
16 that we must all celebrate together [REDACTED]. I called the investigators to
17 tell them that I would go to Timbuktu, because [REDACTED] people contacted me and
18 they wanted me to bring [REDACTED]

19 Q. [12:14:37] Did you tell the Prosecution that if you went to Timbuktu you might
20 collect material from sources [REDACTED]?

21 A. [12:15:02] I didn't quite understand.

22 Q. [12:15:08] Did you tell the Prosecution that if you went to Timbuktu [REDACTED]
23 [REDACTED] you could collect materials from sources [REDACTED]?

24 A. [12:15:30] Absolutely, not. Because the investigators, the OTP, said, "Tell us
25 what you have to say, don't look for things."

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1 PRESIDING JUDGE MINDUA: (Interpretation) Prosecution.

2 MR GARCIA: [12:15:44](Interpretation) I don't want to interrupt, absolutely, but this
3 is the second time we relate to information about an investigator. The questions are
4 not clear. They're very general. And the -- they ask questions, you talk about
5 investigators, and the witness is a bit -- having trouble to answer. So could
6 the Defence please be clear so that we don't want the witness to confirm something
7 and he doesn't understand. If there is some documentary evidence, then put it to
8 the witness. [REDACTED] show the note of the investigator where all
9 the information is reflected, which is the reasonable foundation for the question so
10 that the witness is guided and it's clear for him. Otherwise, for the moment we're
11 going around in circles, we've asked the same question three times.

12 I don't want to get involved in the cross-examination, they can do it as they like, but I
13 think right now we have to be clear and we have to show the witness the document
14 on which it's based.

15 PRESIDING JUDGE MINDUA: [12:17:02](Overlapping speakers)

16 MS TAYLOR: [12:17:02](Overlapping speakers) May I be heard first?

17 PRESIDING JUDGE MINDUA: [12:17:05](Interpretation) Go ahead.

18 MS TAYLOR: [12:17:06] Thank you, Mr President.

19 Bearing in mind the witness is in the courtroom right now, in front of the Prosecutor
20 after they made that very lengthy objection, it is the witness who is testifying today,
21 not an investigator. I have asked open questions to the witness. I've asked one
22 thing. I have not asked it three times. There was an issue with interpretation.
23 Now, we're talking about the same conversation. The witness has answered already
24 on the first part of the conversation, so clearly is aware of what we're talking about.
25 It's the Prosecution who's trying to suggest to the witness otherwise, and that's not

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1 appropriate. My questions do not -- sorry, can I please finish speaking, Mr Garcia.

2 That's not appropriate.

3 PRESIDING JUDGE MINDUA: [12:17:59](Interpretation) Ms Taylor, you're
4 addressing me, as the Presiding Judge, and not at the Prosecution. Go ahead, please
5 proceed.

6 MS TAYLOR: [12:18:06] Thank you, Mr President.

7 I'm not putting this document to the witness. I don't need to. I'm not refreshing his
8 memory. I'm asking him today to testify on what he knows. I'm not asking him to
9 testify on what the investigators think.

10 PRESIDING JUDGE MINDUA: [12:18:29](Interpretation) Please wait,
11 Mr Prosecutor.

12 Ms Taylor, what's happened in this exchange, or in the questions you've put to
13 the witness, is that we've all understood that you are basing yourselves on a note of
14 an investigation. It's not a statement of the witness [REDACTED] of any
15 nature. What you are asking the witness, who doesn't really have any basis for
16 the moment because you're saying did the investigator ask you this or that, to look
17 at -- for particular materials. And that troubles me a lot.

18 MS TAYLOR: [12:19:11] Mr President, I never said that. I never asked him did
19 the investigator ask him anything. I'm asking the witness on the basis of his memory.
20 My questions are directed to what he said. He is well placed to remember what he
21 said. And that is what he should be testifying on.

22 PRESIDING JUDGE MINDUA: [12:19:38](Interpretation) Rephrase your question,
23 bearing in mind my comments, and see what the witness has to say.
24 Mr Prosecution, you've already spoken.

25 MR GARCIA: [12:19:48](Interpretation) Just one more point. The allegation of

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1 the Defence is something I don't appreciate, because they're trying to influence
2 the witness in one way or another, and that is inadmissible in a court of justice and
3 true professional conduct, and I think we should respect our professional conduct.
4 We cannot have this type of affirmation.

5 PRESIDING JUDGE MINDUA: [12:20:16](Interpretation) And I've already
6 mentioned that you address everything to me, not to you.

7 Please, Ms Taylor, go ahead with your question.

8 MS TAYLOR: [12:20:26] Thank you, Mr President.

9 Q. [12:20:28] Now, Mr Witness, do you recall telling the Prosecution that if you
10 went to Timbuktu you could collect materials [REDACTED]?

11 A. [12:20:54] Never, never. I said to the Prosecution that I had to go to [REDACTED]
12 [REDACTED]. I didn't say -- I didn't mention [REDACTED]. I'm sorry about that.

13 Q. [12:21:17] Mr Witness, do you know [REDACTED]?

14 A. [12:21:24] *Yes, I know [REDACTED] He is in Timbuktu. [REDACTED]
15 [REDACTED]

16 Q. [12:21:29] How do you know him?

17 A. [12:21:34] I know him in Timbuktu [REDACTED], before
18 the occupation.

19 Q. [12:21:48] Since 2017, have you been in contact with [REDACTED]?

20 A. [12:22:01] No, I haven't had any contact. No, no contact with him.

21 MS TAYLOR: [12:22:10] Thank you, Mr President. I don't have any further
22 questions for this witness.

23 PRESIDING JUDGE MINDUA: [12:22:19](Interpretation) Thank you, Ms Taylor.

24 Thank you. You have kept your word.

25 Court officer, we will now go back into open session.

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1 (Open session at 12.22 p.m.)

2 THE COURT OFFICER: [12:22:40] We are in open session, Mr President.

3 PRESIDING JUDGE MINDUA: [12:22:46](Interpretation) We have completed
4 the cross-examination of the Defence.

5 I look at the Prosecution, if you have any further questions you would like to put?

6 MR ALLAFI: [12:22:57](Interpretation) Thank you. No further questions.

7 PRESIDING JUDGE MINDUA: [12:23:04](Interpretation) Very well. Thank you,
8 Prosecutor.

9 Well, since no one has further questions, we are ahead of schedule. All I have to do
10 is to thank the witness.

11 Mr Witness, the Chamber once again would like to thank you for your patience, for
12 your availability, and, above all, for having helped us, the Judges, to better
13 understand what happened by answering questions clearly from both parties. Your
14 testimony is now completed.

15 Safe journey back home. And, since we are now in December, I would like to wish
16 you a happy new year, a happy 2021. There we go.

17 Madam court officer, please accompany the witness out of the court.

18 THE WITNESS: [12:24:32](Interpretation) Thank you, Mr President. Thank you,
19 everybody. Thank you to the Defence. Thank you to the Prosecution. I'd like to
20 thank everybody. *And forgive me, because this is about testifying, about justice. I am
21 sorry. I apologize. Thank you very much.

22 PRESIDING JUDGE MINDUA: [12:24:58](Interpretation) Thank you very much,
23 Mr Witness, for your words. Once again, many thanks.

24 (The witness is excused)

25 PRESIDING JUDGE MINDUA: [12:25:15](Interpretation) Before closing the session,

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1 I would like to say the following:

2 Since we are sitting today before the winter judiciary session and after having seated
3 for more than 40 days, the Chamber would like to thank all the staff for their diligence,
4 for their commitment vis-à-vis the missions of the Court. Although this year was
5 a difficult year, full of uncertainties and a great deal of anxiety, the Chamber
6 managed to start this case without delay.

7 Since September 2020, when we opened up this case as regards the merits, we heard
8 the testimony of 19 witnesses. The Chamber would like to express its gratefulness to
9 the men and women working for the Registrar which made this possible, so that we
10 could have these hearings. I wanted to say that to you all. I wanted to say this to
11 all those working for the Registry.

12 Now, as regards the continuation, we will add all the new pieces of evidence and
13 documents to the binder.

14 I'd also like to express my thanks, as usual, firstly to the parties and the participants,
15 then to the court clerks and to the interpreters, and also the security officers, as well as
16 our public. To you all, the Judges of the Chamber hope that the end of the year will
17 be warm, relaxing and peaceful.

18 The Chamber looks forward to working with you again next year, the new year, 2021.

19 We will now adjourn as regards this year, but I see Ms Taylor is standing up, so you
20 have the floor.

21 Ms Taylor.

22 MS TAYLOR: [12:28:27] Thank you, Mr President.

23 On behalf of the Al Hassan Defence, I just wanted to wish everyone in and outside of
24 the courtroom a joyous festive season. That's all. No motions, no applications, no
25 objections. Thank you very much.

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1 PRESIDING JUDGE MINDUA: [12:28:53](Interpretation) Thank you for your warm
2 words.

3 I see the Prosecutor is also standing up.

4 MR DUTERTRE: [12:29:09](Interpretation) It's the season, Mr President.

5 I would like to say the words "warm" for the Registry, I think that is true. But I'd like
6 to also say something as regards the interpreters for -- and the security officers, their
7 work was excellent, because the conditions were very difficult.

8 And this place in front of all of us was empty for a while, so I'd like to thank those
9 involved in making everything possible and I wish all of you a very happy end of the
10 year.

11 PRESIDING JUDGE MINDUA: [12:29:46](Interpretation) Thank you, Mr Prosecutor.
12 I support you in what you just said and your expression regarding the witnesses and
13 the way in which we worked.

14 Mr Nsita, do you want to say something?

15 MR LUVENGIKA: [12:30:10](Interpretation) Obviously, to be correct towards
16 everyone. I haven't got a lot to add as regards what has already been said, so I
17 support those warm words expressed already towards everybody, both the Defence
18 and the Prosecution. So I too wish you a happy and warm Christmas within -- with
19 your families, provided that we have healthy conditions that will make that possible.

20 PRESIDING JUDGE MINDUA: [12:30:41](Interpretation) Thank you very much,
21 Mr Nsita, for your kind words.

22 There we have it.

23 The session is adjourned.

24 THE COURT USHER: [12:30:54] All rise.

25 (The hearing ends in open session at 12.30 p.m.)

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1 CORRECTIONS REPORT

2 The following corrections, marked with an asterisk and not included in the
3 audio-visual recording of the hearing, are brought into the transcript.

4 Page 4 line 25 to Page 5 line 6

5 "When the Islamists came to Timbuktu, lots of things stopped, music, cigarettes,
6 everything that they banned was no longer possible. However, the population in
7 the region of Timbuktu, when the Islamists were there, they in some way protected us.
8 We had the Koran and we, we had water, we had electricity, energy. We -- they also
9 had vehicles that took the farmers to the fields so they could continue farming."

10 Is corrected to

11 "When the Islamists were in Timbuktu, lots of things stopped. So music, cigarettes,
12 everything that they banned was no longer possible. However, the population in the
13 region of Timbuktu, when the Islamists were there, they protected our energy supply.
14 We had electricity from noon until 4 in the morning; we had water as well. The
15 farmers as well they had the bus that took them to the fields so they could farm
16 and then come back."

17 Page 6 lines 4-7

18 "Okay. I was saying, since I left Timbuktu in 2012, and went to Niger and
19 Burkina Faso, I remained -- I remained in a refugee camp and then I went back to
20 Mali when there [REDACTED] I stayed in Bamako in [REDACTED]."

21 Is corrected to "Okay. I would say that since I left Timbuktu in 2012, I went to Niger, I
22 went to Burkina Faso, I stayed in the refugee camp [REDACTED] I came for [REDACTED]
23 [REDACTED] I came back to Segou,
24 Bamako, and I stayed in Bamako. I stayed in Bamako in [REDACTED]

25 [REDACTED]

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1 Page 6 lines 18-21

2 "I decided to live in Bamako because [REDACTED] and then not return to Timbuktu.

3 Today, if you remain in Timbuktu, you must be a member of one of the movements.

4 But I'm not a member of any movement. Or you should be a trader." Is corrected to

5 "I did not go to Timbuktu to live. I stayed in Bamako becaus [REDACTED]

6 [REDACTED] I don't have any work in Timbuktu. Today, if you remain in Timbuktu, you

7 must be a trader or a member of one of the movements. But I'm not a trader. I am not

8 a member of any movement."

9 Page 7 line 11-13

10 "THE INTERPRETER: Sight translation: "Right now, there is nothing for the young
11 people. No school, no health center in many places."

12 THE WITNESS: It's fine." Is translated and added

13 Page 7 lines 14-16

14 "Please follow. Mr Witness, we are reading the document to you, so you can also
15 follow it on the screen, if you like, and hear it through your headset." Is corrected to

16 "Please continue. Mr Witness, we are reading the document to you, so you can also
17 hear it through your headset."

18 Page 7 lines 17-21

19 "THE INTERPRETER: Sight translation: "There is no work, and the young people just
20 take painkillers and drugs. They drink to forget their troubles. At the Bahadou school,
21 there are more than 400 students in a single class. Only parents with money send their
22 children to private school. My father sold a camel to pay my little sister's school fees."

23 End of sight translation." Is translated and added

24 Page 10 lines 17-19

25 "Thank you, Mr Prosecution. I agree that they should show [REDACTED] to the witness.

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1 I don't know [REDACTED] but..." Is corrected to "Very well, Mr Prosecutor. You agree
2 to the Defence showing [REDACTED] to the witness. And if.... I am not familiar with this
3 [REDACTED] but..."

4 Page 12 lines 9-12

5 "I was giving the -- or I gave the Prosecution the permission to address the Court on
6 two occasions and then we deliberated. Now (Overlapping speakers) --" Is corrected
7 to "I gave the Prosecution permission to address the Court on two occasions and then
8 we deliberated. We have ruled. I don't know what you are doing right now, do you
9 want to ask for reconsideration? That is not how it is done. We are going to ---"

10 Page 15 lines 12-13

11 "Yes, at the beginning, at the beginning people, the elderly, the elder, were very
12 happy to see the Islamists," Is corrected to "Yes, at the beginning, at the beginning,
13 people.... the elderly, the old people, they were happy to see the Islamists,"

14 Page 16 lines 21-22

15 "The stocks that they had, well, they did have some of that and they took it away and
16 distributed the stocks amongst the population." Is corrected to "The reserves that
17 they found at the OPAM, there was the bread that was in the stores. They took that
18 away and they distributed it amongst the population."

19 Page 17 lines 1-7

20 "But if a man and his -- and a woman were taken because they were -- they had
21 committed adultery, they would take them and make them get married. We heard
22 about it. But if you just make people get married forcibly, if there is an issue between
23 the man and the woman, well, the Islamic police would go there and they would
24 manage that issue, that's what we heard people say. So, it was done forcibly.

25 The man and the women were taken outside together. Now, the Islamists would then

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1 make them get married, that's all." Is corrected to

2 "But if a man and a woman were caught because they had committed adultery, they

3 would take them and they would make them get married. We heard about those

4 marriages, but it wasn't done in front of us. But just to take a woman like that, to

5 bring a woman like that and to marry her like that, forcibly, outside, we did not see

6 that. But if there was an issue between the man and the woman, well, the Islamic

7 police would go there and they would manage that issue. We did hear about that. So,

8 it was done forcibly. The man and the woman were caught outside, together. Now,

9 the Islamists would then make them get married, that's all."

10 Page 19 lines 14-15

11 "Yes, [REDACTED] he said that Hassan was

12 commissioner." Is corrected to "Yes, [REDACTED] he

13 told me that Hassan was a commissioner."

14 Page 19 line 24 to Page 20 line 4

15 "He said "I'm going to go and see Mr Al Hassan at the commissariat, the police

16 station." I took him to the lycée and I parked there and I said "you're going to go and

17 see Al Hassan" and that was it. And he left. He said he was going to go and see him.

18 That's what he told me. That's what [REDACTED] he left to go there and he said he

19 was going to give him some money." Is corrected to "He said to me, "I'm going to go

20 and see Mr Al Hassan at the commissariat, the police station." I said to him, "I'll take

21 you to the Mahamane Al Hassan Haidara lycée, I will park there, and you will see Al

22 Hassan" and that was it. And he left. He told me that he was going to go see a.... that

23 is what he told me. That's what [REDACTED] said to me: he went there and he told me

24 that he gave him some money."

25 Page 24 lines 22-24

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1 "it's something that I heard people say about the mausoleums. It's what I heard
2 people say." Is corrected to "it's something that I heard. The people said that they
3 were destroying the mausoleums. They were saying, "Allah Akbar". Anyway, I did
4 not see images of it."

5 Page 25 lines 14-22

6 "I don't know the mausoleums in the cemetery, because we weren't allowed to enter
7 them. We couldn't visit them. Those in the cemetery we couldn't enter, and we
8 couldn't let anyone else enter. But if -- Djinguereber and the saints three -- the 333
9 saints, there were a lot of mausoleums there. It's not only those that were broken.
10 We say this is the town of 333 saints, but they're all in the region, in Timbuktu and
11 also outside Timbuktu." Is corrected to

12 "I don't know the mausoleums in the cemeteries very well, because the mausoleums
13 that are in the cemeteries, it is forbidden even ... to bring visitors there. The things in
14 the cemeteries are forbidden to us. Our grandparents even told us that it is not good
15 to bring people into a cemetery. But the ones that ... as for Djinguereber, the
16 mausoleums, people talk about the 333 saints, all these 333 saints. Many mausoleums
17 have not even been seen. Not just the ones that are there, that they destroyed. People
18 talk about the city of 333 saints. But all these 333 saints are in the region. There are a
19 few in Timbuktu, there are a few outside Timbuktu, there are some everywhere."

20 Page 26 lines 10-19

21 "I have to know that. I wanted to know it. Timbuktu had 5,000 universities.
22 Timbuktu has a grand history. It's written. We know a lot about the history of
23 Timbuktu. We have manuscripts. It's the doorway to the Sahara and that district.
24 And people who leave to go to Morocco, elsewhere, come through us. It is founded
25 through foreign nomads. It was founded by travellers. There's a small well,

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1 Sidi Yahya, which we call Timbuktu Kui Botma (phon), and that was the very
2 beginning, the foundation of Timbuktu. And then there was the Kankou Moussa who
3 built the Djinguereber mosque. That's part of the history of Timbuktu. I know
4 the history of my region. That's it." Is corrected to
5 "I have to know it. I have tried to learn it. Timbuktu has had 5,000 university scholars.
6 Timbuktu and Fez. This is history. We have our manuscripts that say so. It has been
7 written down. Timbuktu is the gateway to the desert. Timbuktu represents the trade
8 route that crosses the Sahara, that runs to (inaudible), the camels that leave for
9 Morocco. It is a city that was founded by foreign nomads. The city itself was founded
10 by travelers. There was a small well where Sidi Yahya is located. In Songhai we say,
11 Timbuktu Kui Botma (phon), and that is where Timbuktu was founded. Later,
12 Kankou Moussa passed through, the man who built the Djinguereber mosque. That's
13 part of the history of Timbuktu. I am from Timbuktu, and I know the history of my
14 region. That's right."

15 Page 26 line 22 to Page 27 line 6

16 "I was part [REDACTED].
17 [REDACTED] I came, I had [REDACTED]
18 who came to Timbuktu. I arrived there. Yes [REDACTED]
19 [REDACTED] they called me. But it was through [REDACTED] hat I got some training.
20 He said, "We have to do this, we have to do that." These are people who take
21 [REDACTED]. I didn't have to make any statements, because when
22 there was training you're going to have some sort of certificate. But I didn't have one.
23 [REDACTED]
24 [REDACTED] Is corrected to
25 "I was part [REDACTED].

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1 [REDACTED] I came, I had [REDACTED] I left Timbuktu, I
2 arrived there. I said, "Yes, [REDACTED]" I
3 was part [REDACTED] He came, he sat
4 down. It was not as though he took out a pen and said to us, "We have to do this, we
5 have to do that." No. There were [REDACTED], they would just [REDACTED],
6 they would leave, you would go [REDACTED] Anyway, it was not... I didn't get any
7 certificate. Because when you have been trained, you get a certificate. But they didn't
8 give me the certificate, even though [REDACTED]
9 [REDACTED]."

10 Page 27 line 12

11 "Sorry, 2012 (sic). Is deleted

12 Page 28 lines 5-6

13 "I corrected that. BMS. It's not BIM, it's BMS. It's not BIM, it's BMS." Is corrected to

14 "No, that's a mistake. I even corrected that. I said "BMS". It's not BIM, it's BMS. It's not
15 BIM, it's BMS."

16 Page 29 lines 1-5

17 "Yes, of course they did. Yes. Even investigators told me that you must tell the truth.

18 "It's truth for peace. If you think of what happened in Rwanda, in many countries, we
19 are now here, we've come here to ask you for information." And that was through
20 the Office of the Prosecution. And I said I will speak the truth." Is corrected to

21 "Yes, of course they did. Of course. Even the investigators told me to tell them the
22 truth. The truth, for the sake of peace. They said that they had ensured peace in
23 Rwanda, in many countries, and that now they were here. They had come to ask me
24 to tell the truth. That was what the Office of the Prosecutor had said before they
25 questioned me. And I said that I would tell the truth, only the truth."

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1 Page 32 lines 8-10

2 "But to say to the patrol that we were together, well, the MUJAO took us and we
3 went around the city. When Omar came, I fled. After he asked me and I said, "No,
4 there's nothing going on, I'm just afraid."" Is corrected to "But during the patrol, yes,
5 we were together. The MUJAO took him. They took us, and then we went around the
6 city. When Omar Hamaha also came, I fled. I left. After, he asked me what was going
7 on, and I said, "No, there's nothing going on.""

8 Page 32 lines 19-21

9 "When Sharia was applied, [REDACTED]. All those
10 Islamists, MUJAO, they didn't accept anybody going inside. We were outside." Is
11 corrected to "When Sharia was applied, [REDACTED],
12 or the accused with the Islamists, The MUJAO did not even allow anyone to go in."

13 Page 32 line 24 to Page 33 line 2

14 "It was afterwards [REDACTED] who said that the person they had judged had drunk
15 alcohol. It was afterwards, when we went back [REDACTED]. I said, "They are" -- I said,
16 "Look, they're applying Sharia. Somebody who has been drinking. They are judging
17 him in that fashion, that way."" Is corrected to "It was afterwards, [REDACTED]
18 that the person they had judged had drunk alcohol. It was afterwards, when we had
19 gone [REDACTED]. He said to me, "Look, I went back to see them again, and they
20 are applying Sharia. Somebody who had been drinking is being judged that way.""

21 Page 33 lines 23-25

22 ", and I was guided in Songhai until we found where she was living. And he was
23 smoking and speaking." Is corrected to ". I was guided in Songhai until we got to the
24 place where she was. [REDACTED] while smoking a cigarette and talking."

25 Page 34 lines 1-2

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1 "Q. [11:39:24] Mr Witness --

2 THE INTERPRETER: [11:39:26] Correction: He was [REDACTED] nd smoking." Is
3 deleted.

4 Page 35 lines 6-8

5 "Here the Defence is questioning the witness on [REDACTED] that wasn't written by him.

6 We need to be equitable to the -- fair to the witness." Is corrected to "Here the

7 Defence is questioning the witness about [REDACTED] that wasn't written by him. So we
8 need to first follow the procedure and be fair to the witness."

9 Page 36 line 25 to Page 36 line 2

10 "[REDACTED] also told me that [REDACTED] I seek
11 the truth. I know that people told me that you were flogged." Is corrected to [REDACTED]

12 always told me, [REDACTED] I try to find things
13 out. I know that people have told me that you were flogged."

14 Page 38 lines 20-22

15 "Mr President, it's becoming a little bit more complicated if the Defence is talking
16 about something that he's using, and then he can understand and respond."

17 Is corrected to "Mr President, it's becoming a little bit more complicated. If the
18 Defence has a document about this, they should use it, and the witness can
19 understand what this is all about, and he can respond."

20 Page 39 lines 9-18

21 "A. [11:53:35] [REDACTED] did not introduce me to investigators. He did not introduce
22 me to investigators.

23 THE INTERPRETER: [11:53:46] He repeats again.

24 THE WITNESS: [11:53:51](Interpretation) As to his name, this and that. I know

25 the investigators, when they called me [REDACTED] when I was called and I was

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1 told these are the investigators from the ICC, that's all. Otherwise I would accompany
2 [REDACTED] I would take him to his rendezvous, I would wait
3 for him outside. But to say that he introduced me to such-and-such a person, he did
4 not introduce me to the investigators. Absolutely not. Really." Is corrected to
5 "A. [11:53:35] N [REDACTED] did not introduce me to investigators. He did not
6 introduce me to investigators. He did not introduce me. He did not tell me that this
7 person's name was this or that. I met the investigators when they called me [REDACTED]
8 [REDACTED] That is when they called me, saying that they were
9 ICC investigators. That's all. Anyway, I would accompany [REDACTED]
10 [REDACTED] I would take him to his appointments, but I would wait for him outside. But
11 to say that he introduced me to
12 such-and-such a person, he did not introduce me to the investigators. Absolutely not.
13 Really."

14 Page 43 lines 20-25

15 "Yes, he's a veterinarian, yes, but we still learnt the Koran from him. We -- also,
16 the children and the little children came there to learn Koran in order to learn how to
17 pray. He wasn't a teacher. It just means that he was able to teach the Koran
18 traditionally, just like your grandparents take the children so that they learn
19 the Koran and learn how to pray." Is corrected to "Yes, of course, he's a veterinarian.
20 [REDACTED] These are herdsmen. We are all herdsmen, but
21 we all learned the Koran. And the Koran that they learned too, if there are children....
22 families take their children to teach them the Koran for the purposes of prayer. That
23 doesn't mean that he was a professor, that doesn't mean that he was an educator, that
24 means he was a traditional teacher. The grandparents take the children for them to
25 learn the Koran for prayer."

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1 Page 44 lines 8-15

2 [REDACTED] I've always respected.

3 Now, I've said to [REDACTED], no, I'm not going to there. I said I'm
4 not going to go over there. That's the family of Kel Ansar. The Kel Ansar generally are
5 family and, in general, they have no ranking. I listen to the family. I'm patient. And I
6 will answer "yes" or "no". I'll say what I know. That's what I'm going to talk about.

7 What I don't know about, I won't -- won't talk about." Is corrected to

8 [REDACTED]. I've always
9 shown respect. Now, I've said that [REDACTED] I don't go there. I
10 have my grin in front, but they are marabouts. They are saints. They are people who
11 have read the Koran. They are part of the Kel Ansar family. All the Kel Ansar, in
12 general, all the Kel Ansar family have read the Koran. They are from the Kel Ansar
13 family. You say that this is a lie. I am listening to you patiently. I am patient. And I
14 have always... I will answer "yes" or "no". If I know about something, I will tell you
15 about it. If I don't know about something, Madam counsel, I will say that I don't
16 know."

17 Page 45 lines 1-8

18 [REDACTED] it is part [REDACTED].

19 And where we say it is the family of Kel Ansar, they were in two fathers,
20 the Kel Ansars, the first group and the second group, the third group. The family
21 Kel Ansar is a big family [REDACTED] That's it. It's part of the family,
22 generally speaking. [REDACTED]

23 [REDACTED]. Is corrected to "[REDACTED]

24 [REDACTED] But he is part [REDACTED]

25 [REDACTED]. When people say "the Kel Ansar family,"

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1 the Kel Ansar left in two cities. There are two fathers. The Kel Ansar have a first
2 group, a second group and a third group. The Kel Ansar family is a large on [REDACTED]

3 [REDACTED]. I am talking about the family in general, but I didn't say [REDACTED]

4 [REDACTED]

5 No, I didn't say that. I said that [REDACTED]."

6 Page 46 lines 4-5

7 "I was contacted for - [REDACTED] that sort of
8 thing. [REDACTED]" Is corrected to "They always contacted me to find

9 [REDACTED] that sort of thing. [REDACTED]"

10 Page 49 lines 14-15

11 "Yes, I know [REDACTED] in Timbuktu." Is corrected to "Yes, I know [REDACTED]

12 [REDACTED]. He is in Timbuktu. [REDACTED]

13 Page 50 lines 20-21

14 "I want to thank everybody. And I, I asked for the floor because I want to fight for
15 justice. Thank you." Is corrected to "And forgive me, because this is about testifying,

16 about justice. I am sorry. I apologize. Thank you very much."