

Trial Hearing
MLI-OTP-P-0538

(Open Session)

ICC-01/12-01/18

1 International Criminal Court
2 Trial Chamber X
3 Situation: Republic of Mali
4 In the case of The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag
5 Mahmoud - ICC-01/12-01/18
6 Presiding Judge Antoine Kesia-Mbe Mindua, Judge Tomoko Akane and Judge
7 Kimberly Prost
8 Trial Hearing - Courtroom 3
9 Wednesday, 1 December 2021
10 (The hearing starts in open session at 10.01 a.m.)
11 THE COURT USHER: [10:01:13] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE MINDUA: [10:01:38](Interpretation) The hearing shall now
15 commence.
16 Good morning, everyone.
17 Madam court officer, kindly call the case.
18 THE COURT OFFICER: [10:01:57](Interpretation) Good morning, your Honours.
19 Situation in the Republic of Mali, the Prosecutor versus Al Hassan Ag Abdoul Aziz
20 Ag Mohamed Ag Mahmoud, ICC-01/12-01/18.
21 PRESIDING JUDGE MINDUA: [10:02:14](Interpretation) Thank you very much,
22 court officer.
23 As is the case every morning, we will now proceed to introductions, beginning with
24 the OTP.
25 Madam Prosecutor.

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1 MS LUPING: [10:02:30] Good morning, Mr President. Good morning,
2 your Honours. Appearing again on behalf of the Prosecution are the same team as
3 yesterday, so that's Claudine Umurungi, Marie-Jeanne Sardachti and myself, Dianne
4 Luping. Thank you.

5 PRESIDING JUDGE MINDUA: [10:02:50](Interpretation) Thank you very much,
6 Madam Prosecutor.

7 Now the Defence. Counsel.

8 MR EDWARDS: [10:02:51] Good morning, your Honours. The appearances for
9 Mr Al Hassan are the same as yesterday. It's Maître Melinda Taylor, sitting behind
10 me; Maître Sarah Marinier-Doucet, to my right; and myself, Iain Edwards.
11 Good morning.

12 PRESIDING JUDGE MINDUA: [10:03:16](Interpretation) Thank you very much,
13 Mr Edwards.

14 And finally the Legal Representatives of Victims.
15 Counsel.

16 MR LUVENGIKA: [10:03:23](Interpretation) Good morning, your Honours. The
17 victims are represented at today's hearing by Ms Prisque Biyéké Dipanga, and myself
18 Fidel Nsita Luvengika.

19 PRESIDING JUDGE MINDUA: [10:03:39](Interpretation) Thank you very much,
20 Mr Nsita.

21 This morning we continue with Prosecution Witness P-0538.

22 I now turn to the witness.

23 Good morning, Madam Witness, how are you?

24 WITNESS: MLI-OTP-P-0538 (On former oath)

25 (The witness speaks Songhai)

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- 1 (The witness gives evidence via video link)
- 2 THE WITNESS: [10:04:04](Interpretation) Good morning. I am well.
- 3 PRESIDING JUDGE MINDUA: [10:04:05](Interpretation) Very well.
- 4 On behalf of the Chamber, I would like to welcome you once again.
- 5 THE INTERPRETER: [10:04:24] The witness says "mm-hmm", signifying yes.
- 6 PRESIDING JUDGE MINDUA: [10:04:28](Interpretation) Very well.
- 7 I would like to remind you that you are still under oath and you must tell the truth,
- 8 the whole truth and nothing but the truth.
- 9 THE WITNESS: [10:04:45](Interpretation) Yes.
- 10 PRESIDING JUDGE MINDUA: [10:04:48](Interpretation) Finally, I would like to
- 11 remind you of my practical instructions. We all must speak slowly, clearly, and,
- 12 from time to time, we must pause.
- 13 I will now call upon the OTP for continuation and, I hope, the end of their
- 14 examination-in-chief.
- 15 Madam Prosecutor.
- 16 MS LUPING: [10:05:30] Thank you, Mr President.
- 17 Mr President, your Honours, I've tried to, you know, group my questions as best as I
- 18 can in terms of private/public. Unfortunately, it does make sense for me to ask
- 19 a number of clarification questions that would necessitate me going into private
- 20 session. It could take some time, approximately 10 to 15 minutes.
- 21 I just wanted to warn the individuals in the public gallery, so that they're aware that
- 22 this may take a bit of time. I will try to, as swiftly as possible, to go back into public
- 23 session, but it does also depend on the responses of the witness.
- 24 So I just wanted to give fair warning to the individuals in public.
- 25 PRESIDING JUDGE MINDUA: [10:06:15](Interpretation) Very well. Understood.

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1 So you wish to immediately go into private session?

2 MS LUPING: [10:06:23] Yes, please, Mr President.

3 PRESIDING JUDGE MINDUA: [10:06:30](Interpretation) Court officer, private
4 session, please.

5 (Private session at 10.06 a.m.)

6 THE COURT OFFICER: [10:06:35](Interpretation) We are in private session.

7 PRESIDING JUDGE MINDUA: [10:06:43](Interpretation) Thank you very much,
8 Madam Prosecutor.

9 MS LUPING: [10:06:45] Thank you, Mr President.

10 QUESTIONED BY MS LUPING: (Continuing)

11 Q. [10:06:49] Good morning, Madam Witness.

12 A. [10:06:54] Good morning. I am well.

13 Q. [10:06:58] Madam Witness, now yesterday, you referred a number of times to
14 a place called [REDACTED]

15 And the transcript references are at page 45, 52 and 56.

16 Can I please ask you to clarify what is this place, [REDACTED]?" Is it a neighbourhood
17 or a *quartier*?

18 A. [10:07:44] Yes, it is a neighbourhood.

19 Q. [10:07:51] And where in Timbuktu is it?

20 A. [10:07:56] [REDACTED]

21 Q. [10:08:14] Now, when you refer to [REDACTED] you're referring to the
22 neighbourhood of [REDACTED] is that correct?

23 A. [10:08:37] I'm [REDACTED]

24 Q. [10:08:44] No, my question is different, Madam Witness.

25 I was asking you is it correct that [REDACTED] is a neighbourhood. You're referring to

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1 [REDACTED] neighbourhood; is that correct?

2 A. [10:09:04] Yes.

3 Q. [10:09:12] Now yesterday, you also described being held in a room with two
4 other females. My question is, do you know the name of the building that you were
5 in?

6 A. [10:09:51] I don't know the name of the building. All I know is that it is located
7 in [REDACTED] but I don't know the name.

8 Q. [10:10:03] And, again, just to clarify, [REDACTED]
9 [REDACTED]?

10 A. [10:10:32] Yes.

11 Q. [10:10:35] Now, I'm going to ask you more questions about what happened
12 [REDACTED] in public session. But first, I also want --

13 PRESIDING JUDGE MINDUA: [10:10:51](Interpretation) Mr Edwards.

14 MR EDWARDS: [10:10:54] Just in the interest of having clarity on the record, the
15 witness's last answer was "yes" to a question that contained two alternatives. I
16 wonder if that can be clarified.

17 PRESIDING JUDGE MINDUA: [10:11:13](Interpretation) Madam Prosecutor, please
18 try to have the witness -- (Overlapping speakers)

19 THE INTERPRETER: [10:11:17] Overlapping.

20 MS LUPING: [10:11:21] Yes, yes, indeed.

21 Q. [10:11:23] So, Madam Witness, could you clarify whether [REDACTED]
22 [REDACTED]?

23 A. [10:11:34] [REDACTED]
24 [REDACTED]

25 Q. [10:12:13] [REDACTED]?

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- 1 [REDACTED]
- 2 [REDACTED]?
- 3 A. [10:12:28] I haven't understood.
- 4 Q. [10:12:49] [REDACTED]
- 5 [REDACTED]?
- 6 A. [10:13:21] Yes, [REDACTED]
- 7 [REDACTED]
- 8 Q. [10:13:30] And the house of the man that you married, in what neighbourhood
- 9 in Timbuktu was that?
- 10 A. [10:13:59] It was beside [REDACTED]
- 11 Q. [10:14:11] And in what neighbourhood was that?
- 12 A. [10:14:26] Also in [REDACTED]
- 13 Q. [10:14:32] I'm now going to turn to your -- turn to the man who married you.
- 14 Now, you said that you had heard friends of that man call him [REDACTED] My
- 15 question is, do you know if that was his real name or not?
- 16 A. [10:14:56] No, but I don't know the name that he was called. That's the name I
- 17 knew him by. His name was [REDACTED] People -- he was called [REDACTED] I don't
- 18 know if he had another name.
- 19 Q. [10:15:50] Now, still focusing on [REDACTED] yesterday, you said you didn't know
- 20 his age. But my question is, was he older than you?
- 21 A. [10:16:29] He was older than me.
- 22 Q. [10:16:33] And when you say he was older than you, can you estimate how
- 23 much older? For example, was he closer to the age of your older brother or of your
- 24 father?
- 25 A. [10:17:17] My father is older than him, but he is older than my elder brother.

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1 My brother (sic) is older than him.

2 Q. [10:17:29] And at the time, do you know how old your father was?

3 THE INTERPRETER: [10:17:39] The interpreter correction: The last part of the
4 sentence was "My father is older than him."

5 THE WITNESS: [10:17:48](Interpretation) My father, if -- he's older, he must be more
6 than [REDACTED] years old. [REDACTED] years and a few.

7 THE INTERPRETER: [10:18:13] Correction from the Songhai booth: More than [REDACTED]
8 years old.

9 The witness has made a correction: More than [REDACTED] years old.

10 PRESIDING JUDGE MINDUA: [10:18:26](Interpretation) Madam Prosecutor, do
11 you think -- (Overlapping speakers)

12 THE INTERPRETER: [10:18:28] Overlapping.

13 MS LUPING: [10:18:29] It's -- it's a question of ensuring that we have the correct
14 identity of the individual, your Honours. This is the issue. I have one more
15 question related to this, and then I'll move on.

16 MS LUPING:

17 Q. [10:18:42] Madam Witness, do you recall how old your older brother was at the
18 time of these events?

19 A. [10:18:54] My elder brother is now [REDACTED] years old. Now.

20 Q. [10:19:20] And how much older was he than your older brother?

21 A. [10:19:46] He is older than him. Really older than him.

22 MS LUPING: [10:19:50] Mr President, I believe we can move back into public
23 session, but I warn that we will need to go back into private session again. I just
24 want to ensure that we don't stay overly long in private, which is why I'm now
25 proposing we now move out.

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- 1 PRESIDING JUDGE MINDUA: [10:20:10](Interpretation) Quite so, Madam
- 2 Prosecutor.
- 3 Court Officer, open session, please.
- 4 (Open session at 10.20 a.m.)
- 5 THE COURT OFFICER: [10:20:18] (Interpretation) We are back in open session.
- 6 PRESIDING JUDGE MINDUA: [10:20:29](Interpretation) Thank you very much,
- 7 court officer.
- 8 Madam Prosecutor.
- 9 MS LUPING: [10:20:34] Thank you, Mr President.
- 10 Q. [10:20:35] Now, Madam Witness, I am going to be asking some questions about
- 11 the place where you were held in detention and what happened in that time.
- 12 Now, can you describe what happened when you first arrived at the building where
- 13 you were held in detention? Where were you brought to, first?
- 14 A. [10:21:40] [REDACTED]
- 15 Q. [10:22:00] [REDACTED]
- 16 [REDACTED]
- 17 A. [10:22:34] [REDACTED]
- 18 Q. [10:22:37] Yes. Can you please describe where you were first brought to when
- 19 you arrived at the building.
- 20 A. [10:23:06] I don't know what side they brought me to.
- 21 Q. [10:23:15] And can you remember if you were brought to any leader when you
- 22 arrived?
- 23 A. [10:23:56] They didn't take me to anyone. The -- because it was the man they
- 24 call "Houka Houka" who they took me to then, and they continued with me.
- 25 Q. [10:24:25] Now, do you know why you were detained at this place where you

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1 were held with two other women?

2 A. [10:24:49] I know about my own case, but I don't know why for the others. But
3 I do know for my own case.

4 Q. [10:25:07] And why were you detained?

5 A. [10:25:24] They held me because I did not agree to stay with the man. I said I
6 didn't love him.

7 Q. [10:25:36] And did any of them tell you that that's why you were detained?

8 A. [10:26:04] They even told me that's why.

9 Q. [10:26:10] And do you remember who told you that?

10 A. [10:26:32] Houka Houka said it to me.

11 Q. [10:26:36] And this time when Houka Houka told you that you were being
12 detained because you didn't want to be with this man who married you, can you
13 explain precisely what happened that day? What did he say to you exactly?

14 A. [10:27:43] He told that to me in Songhai. He understood Songhai and
15 Tamasheq. They told me in Songhai, and I said that as far as I was concerned, I
16 didn't love him. No matter what he might do, I didn't love him.

17 Q. [10:28:11] And when you said that to Houka Houka, do you remember if he said
18 anything else to you, and if so, what?

19 A. [10:28:22] After that, he said nothing to me.

20 Q. [10:28:48] And after Houka Houka told you this, who was it that took you to the
21 room where you were held with two other women? Who brought you there?

22 A. [10:29:32] The man who married me and his friends, they were the ones who
23 took me to the room where I was held.

24 Q. [10:29:44] And this contact or discussion you had with Houka Houka, who
25 brought you to see Houka Houka?

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1 A. [10:30:24] It was the man who took me with his friends. They came to my
2 house to take me -- to take me away.

3 Q. [10:30:42] And when you were brought to Houka Houka and he told you you
4 were going to be detained, was anybody from your family with you? Or were you
5 alone?

6 A. [10:31:16] The members of my family followed me. My mother followed me,
7 my step-mother and my brother also followed me.

8 MS LUPING: [10:31:30](Overlapping speakers) And this is just a question for the
9 interpreter.

10 (Overlapping speakers)

11 THE INTERPRETER: [10:31:32] Correction (Overlapping speakers).

12 MS LUPING: [10:31:36](Overlapping speakers) In French, we have "*ma belle-mère*".
13 Can I clarify, please, if the witness said "*ma marâtre*". We had that clarified already
14 yesterday that it's not "*belle-mère*", it's "*marâtre*".

15 Can I ask the interpreter, please, to confirm.

16 THE INTERPRETER: [10:32:00] Message from the Songhai booth: In this part of the
17 world we say "*marâtre*", but in the European context, one would say "*belle-mère*".

18 *Belle-mère* here, means the other mother who is not the biological mother.

19 MS LUPING: [10:32:28] Thank you for that clarification from the interpreter.

20 Q. [10:32:28] Now, Madam Witness, did anybody say that this was a judgment
21 against you before they detained you? How did Houka Houka describe the decision
22 to detain you?

23 MR EDWARDS: [10:32:42] Your Honour, please?

24 PRESIDING JUDGE MINDUA: [10:32:45](Interpretation) Mr Edwards.

25 MR EDWARDS: [10:32:47] Can the feed please be cut from the witness at the remote

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1 location?

2 PRESIDING JUDGE MINDUA: [10:33:00](Interpretation) Court officer, please cut
3 the sound with Madam Witness.

4 THE COURT OFFICER: [10:33:05] (Interpretation) I have been told that the sound is
5 cut in the field office.

6 PRESIDING JUDGE MINDUA: [10:33:14](Interpretation) Thank you very much.
7 Mr Edwards.

8 MR EDWARDS: [10:33:17] We have had no notice at all of any of this evidence
9 relating to being brought to see Houka Houka. Houka Houka authorising detention.
10 Whether family members were present or not. Whether Houka Houka rendered
11 a decision about detention.

12 This is all completely new information. It's not contained in any witness statements
13 and it is certainly not contained in the witness preparation log.

14 It sounds to me that this evidence is being adduced by my learned friend in the
15 knowledge that this is the evidence that is coming from the witness.

16 It's the only explanation that I can see for why these precise questions are being asked.

17 And it is taking us, the Defence, by surprise and I object.

18 PRESIDING JUDGE MINDUA: [10:34:35](Interpretation) Madam Prosecutor, what
19 would you say to that?

20 MS LUPING: [10:34:38] Mr President, your Honours, as my learned friend is fully
21 aware, it is quite open to witnesses to spontaneously provide additional details
22 during the course of their testimony. The Defence has been on notice for a
23 considerable period of time that this witness was detained.

24 Now I'm not going to say the name, even if it's -- actually, I would ask that the sound
25 be cut off, actually, to the witness to ensure that when I say the name of the -- or the

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1 place of the building, that it's not said to the witness.

2 Could the sound please be cut off to the witness?

3 MR EDWARDS: [10:35:12] Well --

4 PRESIDING JUDGE MINDUA: [10:35:14](Interpretation) Please wait.

5 Madam Prosecutor, for the moment the sound is cut with the witness.

6 What would you like to say? For the public or for the witness?

7 MS LUPING: [10:35:25] Just for the witness. Okay, indeed if the sound has been
8 cut off (Overlapping speakers)

9 PRESIDING JUDGE MINDUA: [10:35:29](Interpretation) It's already cut off.

10 MS LUPING: [10:35:31] (Overlapping speakers) Thank you, Mr President, for
11 clarifying that.

12 Simply that the Defence -- Defence counsel, Defence has been on notice for
13 a considerable period of time that this witness stated in her ICC witness statement
14 that she was detained at the *gouvernorat*.

15 Now it is quite appropriate for the Prosecution to ask an appropriate follow-up
16 question: "Do you know why you were detained? Who decided that you be
17 detained?"

18 Now these are appropriate questions, your Honours, and this is a forum for
19 determining the truth. This is not a common law system. This is a system that
20 acknowledges and requires that your Honours have the full depth and details of the
21 information, especially as we have a witness available who can provide it.

22 Now Defence counsel will also be fully aware that this is a witness with various
23 limitations and it is not going to be straightforward or easy for her to (Overlapping
24 speakers)

25 PRESIDING JUDGE MINDUA: [10:36:29](Interpretation)(Overlapping speakers)

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1 Very well, Madam Prosecutor.

2 MS LUPING: [10:36:31] (Overlapping speakers) Thank you, Mr President.

3 So I would ask then that the sound be reconnected to the witness so that we can
4 continue.

5 THE INTERPRETER: [10:36:37] Message from the English booth: There have been
6 considerable overlapping speakers.

7 PRESIDING JUDGE MINDUA: [10:36:47](Interpretation) Mr Edwards, you are
8 giving the impression that you were trapped in some kind of way because the
9 elements that have come up were not in the witness statement, and, in your
10 estimation, this was not signaled to you.

11 But as you know, Madam Witness was detained, and so these are follow-up questions
12 and you have to prepare to be able to respond to this development.

13 I don't know what you want to add to that, but the Chamber is sufficiently edified on
14 this matter.

15 Yes.

16 MR EDWARDS: [10:37:36](Overlapping speakers) Just one moment, if I may.
17 (Overlapping speakers)

18 PRESIDING JUDGE MINDUA: [10:37:37](Interpretation) Please go ahead.

19 MR EDWARDS: [10:37:41] The Defence of course is fully aware of what is in the

20 witness statement. My objection is that in the course of a two-day witness

21 preparation session, this matter was not canvassed with the witness, and,

22 consequently, the Defence is -- has been ambushed by this evidence and we have been

23 ambushed specifically by -- well, the first question which got the ball rolling as it were,

24 is the question which is at page 9 in the English transcript, line 16:

25 "[...] can you remember if you were brought to any leader when you arrived?"

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1 It seems to me that my learned friend knew exactly what she was asking. She knew
2 exactly what the witness was going to answer.

3 PRESIDING JUDGE MINDUA: [10:38:47](Interpretation) Mr Edwards, the Chamber
4 has listened patiently to you, but there is no new element. The witness was detained
5 and the Prosecution is exploring that; it's asking questions about that. And the
6 Chamber's interested in knowing the truth. So we're going to continue.

7 Court officer, please could you re-establish the sound.

8 THE COURT OFFICER: [10:39:18](Interpretation) The witness can hear us now.

9 PRESIDING JUDGE MINDUA: [10:39:28](Interpretation) Thank you very much,
10 Court Officer.

11 Prosecutor.

12 MS LUPING: [10:39:29] Thank you, Mr President.

13 Q. [10:39:30] Madam Witness, I'm going to repeat the question that I was asking
14 you before the discussions between counsel just now.

15 Madam Witness, did anybody -- sorry, how did Houka Houka describe his decision
16 that you be detained? Was it described as a judgment against you?

17 A. [10:40:49] Well, I told you that that place was their place of justice. If a woman
18 does not accept that she gets married, then they lock her up there.

19 Q. [10:41:12] My -- my decision is -- sorry, my decision -- question is different,
20 Madam Witness.

21 When Houka Houka told you that you would be locked up, did he describe this as
22 a judgment, if you can remember?

23 A. [10:42:09] I don't know everything. What I do know is that they arrested me
24 and locked me up.

25 Now, when it comes to the reason why they locked me up, I don't know. What I do

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1 know is that I didn't accept the marriage.

2 Q. [10:42:27] And, Madam Witness, are you aware of any formal complaint made
3 against you or your parents by the man who married you with the Islamic police?

4 A. [10:43:15] Yes. They claimed -- complained to the Islamists. They complained
5 to Houka Houka. He himself, he's an Islamist.

6 Q. [10:43:43] And you explained that your father [REDACTED] Do you
7 know [REDACTED]?

8 A. [10:44:23] The man who complained had [REDACTED] He was the one who
9 had [REDACTED]

10 Q. [10:44:48] Now, turning again to the building that you were brought to, can you
11 describe that building?

12 A. [10:45:20] I can't describe the building, but I know that it's at [REDACTED]

13 Q. [10:45:33] Do you remember if there was one floor? More than one floor?

14 A. [10:45:53] Yes, there is a second floor.

15 Q. [10:46:01] And the room that you were held in with two other women, do you
16 know what floor you were on?

17 A. [10:46:27] It was the ground floor. Then you have the first floor where they
18 give the judgments, but it's on the ground floor that they lock people up.

19 MS LUPING: [10:46:56] Mr President, I would request that we go into private
20 session. I believe it should take approximately 10 minutes. That's just for the
21 information of people in the public gallery. Ten to 15 even, depending on her
22 responses. I would like to -- I will try, obviously, to swiftly go back into public as
23 soon as I can.

24 PRESIDING JUDGE MINDUA: [10:47:21](Interpretation) Certainly,
25 Madam Prosecutor.

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1 Court officer, please take us in private session.

2 (Private session at 10.47 a.m.)

3 THE COURT OFFICER: [10:47:31](Interpretation) We're in private session,
4 your Honour.

5 PRESIDING JUDGE MINDUA: [10:47:37](Interpretation) Thank you very much,
6 court officer.

7 Madam Prosecutor.

8 MS LUPING: [10:47:40] Thank you, Mr President.

9 Q. [10:47:44] Madam Witness, do you remember participating [REDACTED]
10 in Mali? And in particular, do you remember speaking to [REDACTED]
11 [REDACTED]?

12 A. [10:48:37] Yes. Well, what I'm doing at the moment, I'm doing in front of you.
13 I was opposite Houka Houka because I did not accept the marriage, and it was in
14 front of him that I said that I was not in agreement. I have a custom of doing
15 a judgment (Overlapping speakers)

16 Q. [10:49:09] (Overlapping speakers) Madam Witness, I apologise for not being
17 clear. I'm not talking about the proceedings in Timbuktu in front of Houka Houka.
18 Do you remember [REDACTED] in Mali, where you spoke to [REDACTED]
19 [REDACTED] about what happened to you?

20 A. [10:50:01] I spoke with people [REDACTED] but I don't know if they [REDACTED]
21 or not. But I had conversations with people [REDACTED]

22 Q. [10:50:12] Now, with the Malians that you spoke to [REDACTED] do you
23 remember giving them a statement, a witness statement?

24 A. [10:50:46] Yes.

25 Q. [10:50:49] And did they read the statement back to you before you signed it?

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1 A. [10:51:30] No, they didn't read it back to me. It was only the day before
2 yesterday when I came for the preparation that it was reread to me. But otherwise,
3 nobody read it back to me.

4 PRESIDING JUDGE MINDUA: [10:51:50](Interpretation) Mr Edwards?

5 MR EDWARDS: [10:51:51] Currently the witness is being asked about witness
6 statements, I think plural. I think it's common ground between the Prosecution and
7 ourselves that there were two such interviews. The witness so far is only speaking
8 about signing one document.

9 Again, not an objection, but this needs to be clarified before I start my questions,
10 please.

11 PRESIDING JUDGE MINDUA: [10:52:24](Interpretation) Madam Prosecutor.

12 MS LUPING: [10:52:25] Mr President, the difficulty is the witness's recollections. I
13 have referred to plural, [REDACTED] She stated she didn't know
14 [REDACTED] I've now asked if she recalls providing a statement
15 [REDACTED] She said she remembers giving a statement. And I'm
16 asking if it was read back to her. I am referring to statements, in plural.

17 Now, if Defence counsel wishes to show the documents to have this clarified, the -- I
18 will ask also a general question about whether any of the documents, whether she'd
19 seen them before -- if she recalled seeing them before.

20 But she has already responded to my question, which was in the plural.

21 PRESIDING JUDGE MINDUA: [10:53:24](Interpretation) That's it.

22 Mr Edwards, I think this is resolved. The Prosecutor is indeed right.

23 Please continue, Prosecutor.

24 MS LUPING: [10:53:30] Thank you, Mr President.

25 Q. [10:53:30] [REDACTED]

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- 1 [REDACTED]
- 2 [REDACTED] ?
- 3 (Interpretation) [REDACTED] ?
- 4 A. [10:54:21] Yes.
- 5 Q. [10:54:23] [REDACTED]
- 6 [REDACTED] ?
- 7 A. [10:55:00] No, [REDACTED]
- 8 Q. [10:55:04] And, Madam Witness, do you remember speaking to people to fill out
- 9 a form to appear as a victim in proceedings before the International Criminal Court?
- 10 A. [10:55:50] Yes, I remember. They did it with me. [REDACTED]
- 11 [REDACTED]
- 12 Q. [10:55:59] And, again, Madam Witness, do you remember if you had any of that
- 13 information that you gave read back to you before you signed that form?
- 14 A. [10:56:41] What happened is that since that day, I've forgotten.
- 15 Q. [10:57:03] And can you clarify what you mean by that?
- 16 A. [10:57:29] What I want to say is that I've forgotten a lot of what was said in the
- 17 past because it's a lot of speaking, and I've forgotten it.
- 18 Q. [10:57:46] Now, I'm just going back to the form that you signed to be a victim
- 19 with the ICC. Do you remember if that was read back to you before you signed it?
- 20 I'm not talking about your ICC statement with the Office of the Prosecutor. I'm
- 21 talking about a form that you filled out with the Legal Representatives of the Victims.
- 22 A. [10:58:57] Yes.
- 23 Q. [10:59:06] Just to be clear, I'm going to show it to you briefly so that there's no
- 24 confusion as to which document we're talking about. You'll see it on your screen.
- 25 Can you see that, Madam Witness? It's also at tab 6 of the physical binder. Can

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- 1 you see that? It's -- it's headed (Interpretation) "Individual application form."
2 (Speaks English) There's, for example:
3 (Interpretation) "Date of birth: [REDACTED] Family name: [REDACTED] First name:
4 [REDACTED] Nationality: Malian. [REDACTED] Sex: Feminine."
5 (Speaks English) And then we have written here -- I'll just read the first line, just to
6 situate you so you can remember this document. The first line reads:
7 (Interpretation) "My father married me to a man who was [REDACTED]."
8 (Speaks English) End of quote.
9 And it is a six-page document. And I'll just scroll through it so that you can see it
10 and you can also look at it in your binder.
11 Can you see that, Madam Witness, and have you had a chance to look at that?
12 Can I also -- also ask the court usher on the other side to please assist the witness by
13 bringing out the document at tab 6. That's MLI-OTP-0077-5075.
14 Has the document be shown to you now, Madam Witness?
15 A. [11:01:44] (No interpretation)
16 MS LUPING: [11:01:46] Now could I just have an interpretation of the witness's
17 response.
18 THE INTERPRETER: [11:01:53] Message from the Songhai booth: Could the
19 witness be asked to repeat her last reply.
20 PRESIDING JUDGE MINDUA: [11:02:03](Interpretation) Madam Witness, if you
21 could please repeat your last reply.
22 THE WITNESS: [11:02:14](Interpretation) Yes.
23 MS LUPING: [11:02:15]
24 Q. [11:02:16] And my question is this, Madam Witness, was this read back to you
25 before you signed the form?

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1 A. [11:02:46] Yes, it was read back to me before I signed it.

2 Q. [11:02:52] Now, Madam Witness, I did not read to you the entirety of the
3 paragraph, and I know that you cannot read, and so in fairness to you, I'm going to
4 read it and then I'm going to ask if this information was read back to you before you
5 signed this document. And, I quote:

6 (Interpretation) "My father married me to a gentleman who was [REDACTED]"

7 (Speaks English) Can I also -- actually, sorry. Can I ask that the interpreters be given
8 access to this paragraph so they can also see it as I'm reading it out. It might be
9 much easier.

10 THE COURT OFFICER: [11:04:12] The document has been displayed to the Songhai
11 interpreters in the field.

12 PRESIDING JUDGE MINDUA: [11:04:20](Interpretation) Mr Edwards.

13 MR EDWARDS: [11:04:24] My learned friend asked the question of the witness not
14 two minutes ago:

15 "Was this form read back to you before you signed it?"

16 She said: "Yes."

17 I wonder what the point of reading out chunks of this document in order for my
18 learned friend to try and elicit an answer that is more convenient to her case. This is
19 a waste of time.

20 But legally speaking, the question has been asked and the question has been
21 answered.

22 PRESIDING JUDGE MINDUA: [11:05:01](Interpretation) Ms Prosecutor.

23 MS LUPING: [11:05:05] Mr President, your Honours, I would ask that the Songhai
24 interpreter not interpret my response.

25 It's quite simple. This witness cannot read. As Defence counsel is fully aware,

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1 there have been a multitude of documents that have been put forward to this witness.
2 She has [REDACTED] documents relating to her prior statements. It's no wonder it's
3 quite confusing.

4 Defence counsel is also fully aware of the response she gave during preparation,
5 which is that this was never ever read back to her.

6 Now, in fairness to the witness, I'm showing her probably a document that -- it's not
7 clear. It would look like very -- very strange characters, for someone who can't read.
8 I'm trying to be fair to the witness. I'm trying to read -- I was trying to avoid it. I
9 read just one line. But it appears that to situate the witness properly, I will need to
10 read the paragraph so she understands what this is about.

11 PRESIDING JUDGE MINDUA: [11:06:04](Interpretation) Thank you very much,
12 Madam Prosecutor.

13 Mr Edwards, well, it is true that we are professionals here. Yes, technically the
14 question has been put to the witness. She was asked if the form had been read back
15 to her, and she said yes. But when we all look at the document, there is -- we can see
16 that it is contradictory to the witness statement. So the Prosecutor who knows - as
17 you do, as we all do - that the witness is unable to read, the Prosecutor would like to
18 check this point, and I believe she is entitled to in the interests of justice and to
19 provide further enlightenment to the Chamber. That is the Chamber's response.
20 Now, it is 11:05. We began at 10, and perhaps we will continue until 11.30 and we
21 shall see -- if there is no objection.

22 So there you have it. That is what we are going to do. (Overlapping speakers)

23 THE INTERPRETER: [11:07:19] Overlapping. Overlapping.

24 MS LUPING: [11:07:23](Overlapping speakers) No -- my apologies, Mr President. I,
25 in fact, understood that it was continuing to 11.30 or I would not have continued with

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- 1 this question. I do apologise if I misunderstood the -- the schedule. I thought we
2 were continuing to 11.30.
- 3 But thank you, Mr President. I will continue.
- 4 Could the -- could the Songhai interpreters please now interpret my -- what I'm
5 saying to the witness. And can I confirm with the court officer that the interpreters
6 can see the document in front of them, including the Songhai interpreters, please.
- 7 THE COURT OFFICER: [11:07:49] Yes, the Songhai interpreters, indeed, see the
8 material that has been displayed.
- 9 MS LUPING: [11:07:53] Thank you, court officer. It will assist.
- 10 PRESIDING JUDGE MINDUA: [11:07:55](Interpretation) Very well. And don't
11 forget we are still -- no, let me repeat.
- 12 Don't forget, we are still (Overlapping speakers)
- 13 THE INTERPRETER: [11:08:05] Overlapping, yet again.
- 14 MS LUPING: [11:08:08] (Overlapping speakers) Indeed, I apologise, Mr President,
15 your Honours. I was hoping I would not have to read out any extracts from any of
16 these documents or show a single one of them, but it appears necessary in this case.
- 17 And this account can be very identifying. It's a -- it's a short summary of the
18 account.
- 19 And with your indulgence, I prefer to simply to have it read to her, ask the question
20 and -- and I can confirm that there is one more document I actually need to show to
21 her, which is best shown in private session. It's the -- it's a document, which I'll be
22 asking her to recognise, relating to divorce proceedings.
- 23 So, with your indulgence, if I could please just read this and ask my question of
24 the -- of the witness to clarify matters, if I may?
- 25 PRESIDING JUDGE MINDUA: [11:09:02](Interpretation) Go ahead, but quickly.

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- 1 MS LUPING: [11:09:04] (Overlapping speakers) Understood, Mr President.
- 2 Q. [11:09:06] Now, Madam Witness, I'm going to read the extract from this
- 3 document and then I'll be asking you again if you recall if this was read back to you
- 4 before you signed it.
- 5 I'm now going to read it.
- 6 And I would ask also the Songhai interpreters to read also directly from this
- 7 document -- actually, it may speed up matters, perhaps, if the
- 8 Songhai -- Songhai-to-French interpreter simply read it without me reading it out to
- 9 avoid unnecessary delays.
- 10 With your permission, Mr President, if the Songhai interpreter can translate directly
- 11 what is stated from the words (Interpretation) "My father married me to a man"
- 12 (Overlapping speakers)
- 13 (Speaks English) up to -- up to:
- 14 (Interpretation) [REDACTED] (Overlapping speakers)
- 15 (Speaks English) If he could -- if he or she could translate the first segment up to that
- 16 passage, then it may speed up matters.
- 17 If I could ask the Songhai interpreter to start, please.
- 18 THE INTERPRETER: [11:10:10] Message from the Songhai booth: Your Honour,
- 19 would it be possible to zoom in so that we can see the document?
- 20 PRESIDING JUDGE MINDUA: [11:10:20](Interpretation) Court officer, please zoom
- 21 in so that the Songhai interpreters -- (Overlapping speakers)
- 22 MS LUPING: [11:10:25](Overlapping speakers) that is actually me.
- 23 PRESIDING JUDGE MINDUA: [11:10:25](Interpretation)(Overlapping
- 24 speakers) -- can read.
- 25 (Overlapping speakers)

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- 1 MS LUPING: [11:10:26] I apologise to the Songhai interpreters.
- 2 THE INTERPRETER: And if the Court (Overlapping speakers)
- 3 MS LUPING: [11:10:33] (Overlapping speakers) Can you see that better now? I've
- 4 zoomed in. Is that easier to see?
- 5 THE INTERPRETER: [11:10:42] The Songhai booth: Yes, that's better.
- 6 MS LUPING: [11:10:50] (Overlapping speakers) Thank you.
- 7 I would ask that you start with the interpretation, please.
- 8 PRESIDING JUDGE MINDUA: [11:10:53] (Interpretation) Go ahead, read it for the
- 9 witness.
- 10 (MLI-OTP-0077-5075 read to the witness by the Songhai interpreter)
- 11 MS LUPING: [11:13:06] Now --
- 12 THE SONGAHI INTERPRETER: [11:13:08] (Interpretation) End of the interpretation,
- 13 your Honour.
- 14 PRESIDING JUDGE MINDUA: [11:13:12] (Interpretation) Thank you.
- 15 MS LUPING: [11:13:14] (Overlapping speakers) Thank you to the Songhai
- 16 interpreter
- 17 Q. [11:13:15] Madam Witness, now that this has been read back to you. Can you
- 18 clarify, was this read back to you before you signed it?
- 19 A. [11:14:23] They didn't read it back to me. The gentleman -- the man and my
- 20 father did not know one another. If that was the case, how could I say that I wasn't
- 21 in the marriage? Maybe the person who wrote this did not understand Songhai.
- 22 Otherwise, it was not read back to me. The man and my father did not know one
- 23 another at all. If it had been read back to me, I would have said that. I would have
- 24 told them to strike all of that out, to erase it all. To erase it.
- 25 THE INTERPRETER: [11:15:09] Says Madam Witness.

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1 MS LUPING: [11:15:12]

2 Q. [11:15:12] Thank you, Madam Witness. I'm now going to turn to a completely
3 different document.

4 Now you described how Houka Houka gave you a divorce paper to use -- sorry, gave
5 you a divorce paper. My question is this, [REDACTED]

6 [REDACTED] Do you remember giving that
7 document?

8 A. [11:16:08] Yes, I showed it and I gave it to the people.

9 Q. [11:16:13] Madam Witness, in front of you on your screen -- this is also at tab 2
10 of the binder, and I would ask someone to assist you on the other end as well, and
11 this is MLI-OTP-0024-2814 at page 2858.

12 Can you see the document in front of you, Madam Witness, on the screen? And has
13 somebody opened it yet in the binder for you?

14 A. [11:17:02] I can see it.

15 Q. [11:17:03] And do you recognise this document?

16 A. [11:17:15] Yes, I recognise it because it is the document of my marriage. Of my
17 unhappiness. My unhappiness. I know this document. How can you forget
18 a document of such unhappiness.

19 Q. [11:17:46] And is this the same document that you described earlier that you
20 said was given to you by Houka Houka when you were divorced?

21 A. [11:18:13] Yes, it is my divorce paper. The same divorce paper.

22 Q. [11:18:20] And I'm now turning to the translation and I'm going to ask you a few
23 questions, and, because it's identifying, I will ask these few questions in private before
24 switching to public again.

25 Now, Madam Witness, there is a reference here to a person called -- I'm going to read

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1 out the part. It says, it's a Khula agreement. It's written: Ansar Dine, Timbuktu
2 Sharia Court, Khula Agreement.

3 "It has been established that the marriage has irretrievably broken down between:

4 [REDACTED] and his wife, [REDACTED]

5 [REDACTED] Therefore, we have decided to initiate khula between them, in
6 return for the woman giving back [REDACTED]."

7 And it's dated -- we have a date here, [REDACTED]

8 I will first ask the -- for the interpretation and then I'll ask -- I'll be asking two
9 questions.

10 THE INTERPRETER: [11:19:40] Message from the Songhai booth: Your Honour, the
11 Prosecutor was reading quite quickly.

12 PRESIDING JUDGE MINDUA: [11:19:48](Interpretation) Madam Prosecutor, you
13 were too fast for the Songhai interpreters.

14 But as well, I think we can go into open session. The document is not being shown.

15 MS LUPING: [11:20:00](Overlapping speakers) Mr President, I do apologise. My
16 two questions were, if she recognises the name which I'm reading out to her, which is
17 her identity; and about the name of the man that is named in this document. That is
18 highly identifying and that's the only reason why I wanted to just ask those two
19 questions -- actually, sorry, a third also about the amount given for the dowry. I can
20 ask that in public session.

21 Just the first two questions about the names, perhaps I could ask in private?

22 PRESIDING JUDGE MINDUA: [11:20:40](Interpretation) Very well, put the
23 questions.

24 Now she has recognised the documents, she has said that this is the document of her
25 unhappiness (Overlapping speakers)

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- 1 MS LUPING: [11:20:43](Overlapping speakers)
- 2 THE INTERPRETER: [11:20:49] Overlapping by the Prosecution.
- 3 PRESIDING JUDGE MINDUA: [11:20:49](No interpretation)(Overlapping speakers)
- 4 MS LUPING: [11:20:51](Overlapping speakers)... Yes, understood. Will do, Mr
- 5 President.
- 6 Q. [11:20:51] Madam Witness, you have a translation of the document that you
- 7 confirmed was your divorce paper that was given to you by Houka Houka.
- 8 And there is a reference to a wife, [REDACTED]
- 9 My question is, is that you?
- 10 A. [11:21:22] Yes. That is indeed my name, but there is a -- it is my name, but the
- 11 person who translated didn't understand. I didn't say [REDACTED] My name is [REDACTED]
- 12 [REDACTED]
- 13 Q. [11:22:15] (Overlapping speakers) Thank you, Madam Witness. And now
- 14 a second question I want to ask you. There's a reference to [REDACTED]
- 15 [REDACTED]
- 16 Is that the man who married you?
- 17 A. [11:22:35] No, no, no. That is my brother that they -- they asked the name of
- 18 my brother.
- 19 Q. [11:22:59](Overlapping speakers) Madam Witness, I'm hearing the original of
- 20 what's being interpreted to you and I heard a different name being given to you than
- 21 is actually written in this document.
- 22 I'm going to repeat the name, and I'd ask the interpreter, please, to also look at the
- 23 document in front on the screen because the name that I said was not the name that
- 24 was read to the witness.
- 25 So I'm going to repeat it, [REDACTED]

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1 A. [11:24:02] No, that's not the man who married me. I don't know that name.

2 The name I do know is [REDACTED] So I can't lie about something that I don't know
3 about. I only talk about things that I know about.

4 Q. [11:24:20] Thank you, Madam Witness, for confirming that this is not a name
5 that you know.

6 This is the document, though, that you confirmed that was given to you by
7 Houka Houka?

8 A. [11:25:01] Houka Houka did not give me that paper. The paper he gave me
9 was the divorce paper.

10 Q. [11:25:09] Yes. Thank you for that Madam Witness.

11 I'm now going to go back into public session to ask a question related to this
12 document.

13 PRESIDING JUDGE MINDUA: [11:25:38](Interpretation) Court officer, open session,
14 please.

15 (Open session at 11.25 a.m.)

16 THE COURT OFFICER: [11:25:42](Interpretation) We are back in open session,
17 your Honours.

18 PRESIDING JUDGE MINDUA: [11:25:54](Interpretation) Thank you very much.
19 Madam Prosecutor

20 MS LUPING: [11:25:59] Thank you, Mr President, your Honours.

21 Now I would ask that this document not be shown to the public. I will just ask two
22 questions -- further questions on this document before moving to a different
23 document.

24 Q. [11:26:11] Now, Madam Witness, there's a reference here, and I'm going to read
25 it to you, to payment of [REDACTED] riyals to the husband.

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1 Do you recall if this was the amount that was paid?

2 A. [11:27:15] Yes, he asked for reimbursement [REDACTED] He gave 39,000 as dowry
3 and the [REDACTED] difference had to be paid back. My father said there was no problem,
4 so he would pay it back, and he gave them the [REDACTED] Actually, it was 25,000, but he
5 said that he had given 30,000 as the dowry.

6 Q. [11:27:55] Now, Madam Witness, this document's dated [REDACTED] Is it
7 right that this is when you were divorced?

8 A. [11:28:10] Yes, that was the day that they gave me the paper. That was when
9 the divorce occurred.

10 Q. [11:28:39] Thank you.

11 Now, Mr President, I would like to make some submissions, but with -- without
12 interpretation into the Songhai.

13 Now, I will be making an application to Mr President, your Honours. I would like to
14 make it before the break.

15 There have been two documents that were included in the Defence binder. I refer to
16 MLI-OTP-0055-1074 at tab 15 of the Defence binder and MLI-OTP-0054-0310 at tab 16
17 of the Defence binder, which is the interpretation.

18 Now this is an original of an Islamic police report signed by the accused referring to a
19 marriage case, and it has the same name of the person in the divorce paper as in this
20 document, which is a very short document. This, unfortunately, did not appear in
21 the Prosecution's own searches, even though it is our document, and for which I must
22 apologise on behalf of the Prosecution. I would argue that even though it was not on
23 our list, it's a -- it's a document that has been disclosed and with the Defence for
24 a considerable period of time. It is an INCRIM document. It's on our list of
25 evidence. It will be formally submitted through other witnesses in any event, and all

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1 I seek to do is to show the witness this document simply to ask if she's seen it or not.
2 She may not have ever seen but, but it's simply to show it to her to give her the
3 opportunity to say whether she's ever seen it.

4 The Defence, I would argue, are under no prejudice because this is appearing in their
5 own binder of materials.

6 MR EDWARDS: [11:30:30] Your Honour, can the sound be cut. Apparently
7 the -- there's some suggestion that the witness understands French.

8 PRESIDING JUDGE MINDUA: [11:30:50](Interpretation) Court officer, please cut
9 off the sound, if you could.

10 THE COURT OFFICER: [11:30:54](Interpretation) The sound has been cut off,
11 your Honours.

12 PRESIDING JUDGE MINDUA: [11:30:59](Interpretation) Very well.

13 Mr Edwards, the sound has been cut off.

14 Did you wish to respond?

15 MR EDWARDS: [11:31:09] Well, there are two things.

16 Firstly, it would have been nice if the Prosecution had indicated to me this morning
17 before court that this was an application that she was going to make. It's another
18 thing that we've been taken by surprise about.

19 But in any event, I see the hour.

20 Can I discuss the matter with Ms Taylor and can we revisit this matter after the
21 break?

22 PRESIDING JUDGE MINDUA: [11:31:44](Interpretation) Very well, Mr Edwards.

23 It's 11.30. We're therefore going to have our break of half an hour, and we will be
24 back at 12.

25 Court is suspended.

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1 THE COURT USHER: [11:32:01] All rise.
2 (Recess taken at 11.32 a.m.)
3 (Upon resuming in private session at 12.04 p.m.)
4 THE COURT USHER: [12:04:59] All rise.
5 Please be seated.
6 PRESIDING JUDGE MINDUA: [12:05:17](Interpretation) Court is in session.
7 So we are now starting at five past 12. We are going to sit until 1.30. After that, we
8 will have a shortened lunch break, such that we can restart at 2.30; so we have
9 a one-hour lunch break to try to catch up.
10 The Defence has the floor for the objections that were raised before the break.
11 Mr Edwards.
12 MR EDWARDS: [12:06:12] Thank you, your Honour. And thank you for the
13 clarification about the remaining schedule for today's hearings.
14 While we're talking about times, can I just indicate that at about 12.58, I'll rise to my
15 feet, if I'm not on my feet already, just to alert the Trial Chamber that Mr Al Hassan
16 will be leaving the courtroom in order to pray in the adjoining room.
17 Your Honour, it seems to us, we do object to this document being used with this
18 witness, and, really, it's a fairly straightforward objection. The Prosecution have
19 simply not established a foundation to ask the witness about this document.
20 The consistent gravamen of your Honour's -- and your Honour's colleagues rulings
21 about documents that can be shown to witnesses is that witnesses either have
22 personal knowledge of the document itself or of its contents. And the difficulty it
23 seems to us that the Prosecution has, is that, first of all, the witness doesn't recognise
24 the name of the complainant -- certainly doesn't recognise the name of the
25 complainant as the person who married her. She was clear about that.

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1 I would also submit that the document is not dated. Nor is the document -- does the
2 document indicate the name of the in-laws or the wife. So to that extent, it's
3 rather -- there's a degree of mystery over who the subjects of this complaint are,
4 especially given that the witness doesn't recognise the name of the complainant.
5 And so, yes, there's absolutely no reason to believe that the witness has ever seen this
6 document before -- certainly hasn't authored the document. And it seems to us that
7 there is just absolutely no foundation to show this document to the witness.
8 Incidental to those submissions is the fact that the Prosecution should only use
9 documents that are on their list. This is not a document that had been shown to the
10 witness during her proofing -- during her preparation sessions. I take on board what
11 my friend says when she says that they weren't aware of the -- of this document at
12 that time, and, whilst we acknowledge that explanation, it does, we suggest, speak
13 volumes about -- about -- this isn't a criticism of my friend personally, but this speaks
14 volumes about the diligence of the OTP, your Honour.

15 PRESIDING JUDGE MINDUA: [12:09:29](Interpretation) Mr Edwards, I didn't want
16 to cut you off, but you could perhaps summarise so as to save time.
17 Please go ahead.

18 THE COURT OFFICER: [12:09:41] Just for the record, Mr President, your Honours,
19 we have preventatively cut the sound; so the witness cannot hear us since it's an
20 objection submitted by the Defence -- if the Chamber agree. Thank you.

21 PRESIDING JUDGE MINDUA: [12:09:56](Interpretation) Thank you very much,
22 court officer. That's exactly what should be done.
23 Mr Edwards.

24 MR EDWARDS: [12:10:01] And to make a final point, it is abundantly clear that
25 the -- that my learned friend asked questions of this witness to see if a foundation

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1 could be established by way of seeing if she recognises the name of her -- of the man
2 who married her and so on. But then having received answers that don't help her to
3 establish a foundation, she then goes on and seeks to rely on -- on the document.
4 The situation may have been different if the witness had recognised the name, but she
5 hasn't.

6 There's no foundation. Those are our submissions.

7 PRESIDING JUDGE MINDUA: [12:10:49](Interpretation) Very well. Thank you
8 very much, Mr Edwards.

9 Madam Prosecutor, very quickly, because we have to get on to the heart of the matter
10 (Overlapping speakers)

11 THE INTERPRETER: [12:10:59] Overlapping speakers.

12 MS LUPING: [12:11:02](Overlapping speakers) Thank you, Mr President, your
13 Honours. And I'll try to be very brief.

14 Quite simply, the witness has already confirmed that it is her divorce paper. She
15 confirms - and she's being very honest about it - she only knows the person by the
16 name [REDACTED] But she has also stated that this is the document given to her by
17 Houka Houka relating to the divorce of her husband where the name, which is
18 identical to the name on this document, is found, [REDACTED]

19 Now, your Honours, it was simply an application to have an opportunity to show it
20 to the witness. Now, we know it's an -- it's actually an internal Islamic police
21 document. Maybe she doesn't recognise it.

22 I would like at least an opportunity to ask the witness the question, because here the
23 translation is:

24 "Matrimonial Case".

25 [REDACTED] has an issue with his in-laws or his wife."

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1 To have a chance to still ask questions about that aspect.
2 We have another witness through whom we can also seek to formally submit this
3 item.
4 That is all, your Honours.
5 PRESIDING JUDGE MINDUA: [12:12:01](Interpretation) Very well.
6 Mr Edwards, I think that it's good now. Because if not, it's going to be like a game of
7 ping-pong. The Chamber has had sufficient light shed on the matter.
8 Mr Edwards, you state that you object. You don't want this document because, in
9 your opinion, there is no basis for the Prosecutor.
10 The witness has not read the document. The content of the document is problematic.
11 It's not dated. And the identity of the protagonist, the husband, the wife, is not clear
12 in your opinion.
13 Furthermore, you state that the document is not on the list of evidentiary items and
14 the Prosecutor can't present it.
15 On the other hand, the Prosecutor states that the witness has confirmed that it is the
16 witness's document. The witness says that it is the document of her distress.
17 The Prosecution just wants to show her the document.
18 It's quite a difficult situation, but I think that we have to answer four questions:
19 Is the document relevant? Indeed, it is relevant. It comes under the situation that is
20 of concern to us.
21 Secondly, was the Defence informed thereof? I think it was, because the document is
22 on your own list, even if it is not yet clear that you're going to ask the Chamber to
23 admit it or not.
24 Three, does it cause harm? There is no harm, as far as I'm concerned because the
25 witness is there. You can put questions in cross-examination about it.

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- 1 And, finally, I think in the interests of justice, and, in order to have clarification for the
2 Chamber, we authorise the presentation of this document to the witness.
3 That is the decision of the Chamber.
4 We are now going to re-establish ...
5 Mr Edwards, there's no harm for you -- no prejudice for you. You will have the
6 opportunity to come back to this issue.
7 So we are going to re-establish the link and continue.
8 Court officer, please re-establish the link.
9 Madam Prosecutor, please summarise with your questions because the witness is
10 getting tired, and we know that this is a vulnerable person
11 MS LUPING: [12:14:55] Absolutely, Mr President. I'm very mindful of that.
12 Q. [12:14:58] Hello, Madam Witness.
13 A. [12:15:08] Hello.
14 Q. [12:15:09] Madam Witness, I'm just going to show an item to you and I'm going
15 to trans- -- show you also the translation, and then I'm going to ask you a couple of
16 questions relating to this document.
17 Now, first, you'll see a document in front of you. It's MLI-OTP-0055-1074. I'd like
18 you to first look at that.
19 Can you see it clearly in front of you?
20 A. [12:15:36] Yes.
21 Q. [12:15:46] (Overlapping speakers) And I'm now going to read a part of the
22 translation to you. And the title is:
23 "Matrimonial Case".
24 It's written:
25 [REDACTED] has an issue with his in-laws or his wife."

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1 And we have the stamp with the Islamic police.

2 I'd ask for the translation, first.

3 Could the Songhai interpreter please first interpret (Overlapping speakers)

4 Now, first of all, Madam Witness, is it correct that [REDACTED] is the
5 same name that is stated in the divorce paper you gave to Houka Houka?

6 A. [12:17:29] It's possible because he knows it. He's an Islamist with them. He
7 could know them. But as regards the name, this is the name. Houka Houka might
8 know the person that he has, but I don't know the person with that name, the name
9 [REDACTED]

10 Q. [12:17:50] And the man who married you, isn't it right you said that he made
11 a complaint about you and your parents; is that right?

12 A. [12:18:09] Yes. He filed a complaint against us, obviously.

13 Q. [12:18:17] I now bring you back to the original document. And it's simply
14 if -- have you seen this document before? And you may not have ever seen it, but I
15 just need to ask you if you've seen it before.

16 A. [12:18:46] No, I haven't seen this document in the past. I've never seen this
17 document.

18 Q. [12:18:51] Thank you for clarifying that.

19 MS LUPING: [12:18:52] Mr President, I believe we can go back into public session
20 for my next questions.

21 PRESIDING JUDGE MINDUA: [12:19:07](Interpretation) Very well. Thank you
22 very much, Madam Prosecutor. Court officer, please take us into open session.

23 (Open session at 12.19 p.m.)

24 THE COURT OFFICER: [12:19:23] (Interpretation) We are in open session again,
25 your Honour.

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1 PRESIDING JUDGE MINDUA: [12:19:27](Interpretation) Thank you very much,
2 court officer.

3 Madam Prosecutor.

4 MS LUPING: [12:19:30] Thank you, Mr President.

5 Q. [12:19:31] Madam Witness, I've now got on the screen in front of you, it is
6 a video and I'm going to play it, just a few seconds of it, and I want you to focus on
7 the person in the middle of the screen only. Just the person in the very centre.

8 The ERN is MLI-OTP-0041-0615.

9 Can the (Overlapping speakers).

10 It can be broadcast publicly, this particular video item. Sorry, I was waiting for the
11 interpretation for the witness to finish.

12 So I'll be playing it from the very beginning without sound. No sound or
13 interpretation is required. Although this item is at tab 25 of the binder.

14 (Viewing of the video excerpt)

15 And I'm stopping at time stamp 00:00:04:18.

16 Madam Witness, do you recognise the person in the centre of this video screenshot?

17 A. [12:21:14] No. I don't recognise him.

18 Q. [12:21:16] I'm just going to remove this now.

19 I'm now turning to another video, but I'm not going to be playing more beyond this
20 one-second time stamp that we see here. That's at 00:00:01:01, and the ERN is

21 MLI-OTP-0018-0249.

22 Now, Madam Witness, my question is, do you recognise the location, this place that
23 we see here?

24 A. [12:22:13] It seems to be the place where judgments are given, but I don't know
25 if it's that or not.

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1 Q. [12:22:40](Overlapping speakers) And can you explain what is it in this image
2 that makes you think it resembles the place where you had the judgment. What is it
3 that you see?

4 A. [12:22:56] It's the carpet. It's red. It looks as if it's red.

5 Q. [12:23:18] And can you be a bit clearer? What is it about this carpet that makes
6 you think of the place where there was the judgment?

7 A. [12:24:05] It's because the day in which I went up to that floor, that was the
8 carpet which I sat on for everything that was said. It was a red carpet.

9 Q. [12:24:19] And the people in this image, the one in the centre, do you recognise
10 that person?

11 A. [12:24:41] No, I don't know.

12 Q. [12:24:43](Overlapping speakers) I'm just going to remove this.

13 THE COURT OFFICER: [12:24:50] Just to kindly remind the Prosecution to wait for
14 the English interpretation. There is some overlap. Thank you very much.

15 MS LUPING: [12:25:03] My apologies again to the English interpreters. Apologise.
16 I have been listening to the original and following French and I will try my best
17 to -- to follow the English as well and slow down.

18 Q. [12:25:19] Now, Madam Witness, I want to ask you, have you ever heard of
19 a place called the *gouvernorat*?

20 A. [12:25:48] I know the place.

21 Q. [12:25:51] And how do you know this place?

22 A. [12:26:12] The *gouvernorat* is the place next to the independence place -- square.

23 Q. [12:26:19] And have you ever been to the *gouvernorat*? Have you ever been
24 inside it?

25 A. [12:26:40] No. I've never been inside it, but I do pass by there.

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1 Q. [12:26:54] Now I'm turning to a different topic now, Madam Witness.

2 Actually for this one, your Honours, I would ask that I just briefly, for about five
3 minutes, go into private session and then I can come out again.

4 PRESIDING JUDGE MINDUA: [12:27:17](Interpretation) Very well.

5 Court officer, please take us into private session.

6 (Private session at 12.27 p.m.)

7 THE COURT OFFICER: [12:27:24](Interpretation) We're in private session,
8 your Honour.

9 PRESIDING JUDGE MINDUA: [12:27:34](Interpretation) Thank you very much.
10 Madam Prosecutor.

11 MS LUPING: [12:27:38] Thank you.

12 Q. [12:27:38] Now, Madam Witness, you described in yesterday's testimony, that's
13 at page 19 and at page 40, that you were [REDACTED].

14 Now my question is this, can you remember where [REDACTED]?

15 A. [12:28:24] [REDACTED]

16 Q. [12:28:30] [REDACTED]?

17 A. [12:28:47] [REDACTED]

18 Q. [12:28:48] [REDACTED]?

19 A. [12:29:03] [REDACTED]

20 Q. [12:29:08] And did you get any help or treatment for [REDACTED]?

21 A. [12:29:26] Yes.

22 Q. [12:29:28] What treatment did you get?

23 A. [12:29:42] I took traditional medicine until I was cured.

24 Q. [12:29:49] Now, Madam Witness, do you remember that you met with
25 investigators of the ICC to give a witness statement [REDACTED]?

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1 A. [12:30:22] Yes.

2 Q. [12:30:23] And do you remember that at the same time, you consented to those
3 investigators taking photographs [REDACTED]?

4 A. [12:30:56] Yes. I remember they took a photo.

5 MS LUPING: [12:31:03] Mr President, your Honours, just for your information, I
6 propose only to show one photograph. And the Defence has kindly agreed on
7 it -- on the other photographs, that it would not -- not require me to show any -- any
8 additional photos of this kind.

9 Q. [12:31:23] Now, Madam Witness, I'm just showing to you a document. It's at
10 tab 9 and the ERN is 0039-0095.
11 Do you recognise this person?

12 A. [12:31:53] Yes.

13 Q. [12:31:55] Who is it?

14 A. [12:32:02] It's me.

15 Q. [12:32:04] And I'm now going to zoom in on the top. Can you explain what
16 [REDACTED]

17 A. [12:32:28] [REDACTED]

18 MS LUPING: [12:32:32] Now I'm just going to note for the record, the ERNs
19 0039-0096 through to 0039-0107 have been shown to the witness previously.

20 If I could just ask Defence counsel if he can confirm for the record that Defence still
21 agree that I will not need to show these items and that they are indeed images of the
22 witness and of [REDACTED]?

23 PRESIDING JUDGE MINDUA: [12:33:14](Interpretation) Madam Prosecutor, I think
24 we can show the photograph only to the parties and participants. This is an open
25 session -- in open session. Right now we are in private session.

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1 MS LUPING: [12:33:34] My concern, Mr President, your Honours, this is
2 a photograph of the witness. [REDACTED] She might be recognised simply
3 by this image. And I'm not intending to show any other images. That was it. And
4 if the Defence is to confirm that this is her, [REDACTED] in the other images, I will
5 not need to take any more time on that.

6 And I propose immediately now to go into public session after this. Once the
7 Defence confirmed that this is her, then I'm able to go immediately into public
8 session.

9 THE COURT OFFICER: [12:34:13] Just for the information, we can also publish the
10 pictures confidentially to the witness only while being in open session.

11 MS LUPING: [12:34:21] I understand. Thank you for that. It was just a question
12 also of the description of [REDACTED]
13 I didn't want with other elements of the testimony to unnecessarily identify her.
14 But this has been now confirmed by the witness; so it's just a question if the Defence
15 can confirm? I no longer need to show any other images, I can then move to
16 a different topic.

17 MR EDWARDS: [12:34:45] Your Honour, the witness has confirmed that it's her.
18 She's identified herself (Overlapping speakers)

19 PRESIDING JUDGE MINDUA: [12:34:50](Interpretation) Mr Edwards, yes?

20 MR EDWARDS: [12:34:52] She's confirmed that it's her and we don't take issue with
21 it.

22 PRESIDING JUDGE MINDUA: [12:35:02](Interpretation) Very well. The Defence
23 is cooperating.

24 Madam Prosecutor.

25 MS LUPING: [12:35:06](Overlapping speakers) Thank you. On the basis then I

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1 assumed -- just to clarify, the Defence is in agreement that these other images are
2 going in as they are accepting that it is her and it is what she's previously said it is. If
3 that's the case, I don't need to show ...

4 PRESIDING JUDGE MINDUA: [12:35:24](Interpretation) It is not necessary.

5 Yes, Mr Edwards?

6 MR EDWARDS: [12:35:32] On the basis that we accept that the evidence -- that the
7 witness would confirm that it's her if asked the questions, then there's no need for us
8 to take up Court time going through that process.

9 PRESIDING JUDGE MINDUA: [12:35:51](Interpretation) Very well. Understood.
10 Can we (Overlapping speakers)

11 THE INTERPRETER: [12:35:53] Overlapping.

12 MS LUPING: [12:35:53](Overlapping speakers) We can move straight into public
13 session, Mr President.

14 THE INTERPRETER: [12:35:56] Overlapping.

15 PRESIDING JUDGE MINDUA: [12:36:02](Interpretation) Court officer, if you could.

16 THE COURT OFFICER: [12:36:05] (Interpretation) We are back in open session.

17 (Open session at 12.36 p.m.)

18 PRESIDING JUDGE MINDUA: [12:36:18](Interpretation) Thank you, court officer.

19 Madam Prosecutor.

20 MS LUPING: [12:36:21] Thank you -- thank you, Mr President.

21 Q. [12:36:24] Now, Madam Witness, I'm moving to a wholly different topic. You
22 described having a [REDACTED] My question is, did you ever have any problems after
23 the [REDACTED] with pain? Can you describe any problems that you had afterwards.

24 A. [12:37:36] Yes. When I had the operation, I became ill to such an extent that
25 even my parents thought that I wasn't going to survive. And even now, when it's

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1 cold, I feel pain.

2 Q. [12:38:02] And Madam Witness, you described how you were forcibly made to
3 sleep with Islamists.

4 Did you experience any problems in your sleeping after this in any way?

5 A. [12:38:56] Yes, at one point I wasn't sleeping at all. It even was the basis for the
6 pain -- problems I have now. Even now, I sleep inside the house out of fear. I can
7 no longer sleep outside.

8 Q. [12:39:29] Now, Madam Witness, from what you saw or what you heard, what
9 was the impact on the community in Timbuktu of the way women were treated?

10 A. [12:40:42] What happened in Timbuktu between 2012 and up until now is
11 indescribable. Many people went mad. Others even disappeared. Even I -- I'm
12 appearing in front of you and it is only by the grace of God. Otherwise, I would
13 have lost my way. Thanks to the holy water that I have received I am in front of you
14 today.

15 Q. [12:41:27] And finally, Madam Witness, turning to you, personally, what has
16 been the impact on you personally of the Islamists' occupation and your forced
17 marriage and the rapes?

18 A. [12:42:37] That day I became ill. I was disturbed in my sleep. I would have
19 nightmares. I had the impression that I had lost my mind. I was very disturbed.

20 Q. [12:43:08] Madam Witness, I want to thank you very much. I have no further
21 questions for you. But again, I want to thank you.

22 THE INTERPRETER: [12:43:41] The witness said "mm-hmm", signifying "yes".

23 PRESIDING JUDGE MINDUA: [12:43:46](Interpretation) Thank you very much,
24 Madam Prosecutor, for your examination-in-chief.

25 I now turn to the Legal Representative of Victims.

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1 Counsel, after listening to the examination-in-chief by the OTP, do you maintain your
2 request to the Chamber to question our witness?

3 MR LUVENGIKA: [12:44:15](Interpretation) Good morning, your Honours. Yes,
4 your Honour. After listening carefully to the examination-in-chief of the OTP and
5 now that we have come to the end of the examination-in-chief, I do have some
6 questions for the witness, and I would like to ask you for leave to introduce myself to
7 the witness in my capacity as counsel.

8 PRESIDING JUDGE MINDUA: [12:44:54](Interpretation) Go ahead.

9 QUESTIONED BY MR LUVENGIKA: (Interpretation)

10 Q. [12:45:02] Good afternoon, Madam Witness.

11 A. [12:45:03] Good afternoon.

12 Q. [12:45:05] We never have had an opportunity to meet once -- one another. I
13 would like to introduce myself. I am one of the counsel designated by the judges to
14 represent the victims of Timbuktu. Thank you for your testimony. And I
15 encourage you to continue in the same manner during the rest of the questioning.

16 MR LUVENGIKA: [12:45:57](Interpretation) I thank you, your Honours.

17 PRESIDING JUDGE MINDUA: [12:46:00](Interpretation) Thank you very much,
18 Mr Nsita.

19 So I now turn to the witness.

20 Madam Witness, we have concluded the examination-in-chief by the Office of the
21 Prosecution. You have heard the Legal Representatives of Victims. They do not
22 have any questions for you at this juncture.

23 We will now begin the cross-examination by the Defence.

24 Therefore, I would like to ask you to answer the Defence's questions clearly and with
25 goodwill and courage, just as you have done when giving your answers to the

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1 questions from the Prosecution.

2 Is that all right? Have you understood?

3 THE WITNESS: [12:47:44] *Oui*.

4 PRESIDING JUDGE MINDUA: [12:47:50](Interpretation) Thank you very much,
5 Madam Witness.

6 Now, without any further ado, I will call upon the Defence now to begin.

7 Mr Edwards.

8 MR EDWARDS: [12:47:58] Thank you, your Honour. Before I start with my
9 questions, can I just make reference briefly to a comment made by my learned friend
10 today at page 37 of the transcript where she indicated that she could formally seek to
11 introduce the document that was the subject of some litigation a few moments ago.
12 And we would invite the Prosecution to notify us formally as soon as possible which
13 witness my learned friend had in mind because it's likely that that will have an
14 impact on some of my cross-examination. Not between now and lunch, but in due
15 course. Thank you.

16 QUESTIONED BY MR EDWARDS:

17 Q. [12:48:46] Good afternoon, Madam Witness. Can you see me?

18 A. [12:48:52] No.

19 Q. [12:49:01] Okay. I would hope that the technicians can do the necessary
20 technological work to ensure that an image of me in the courtroom in The Hague is
21 up on your screen so that you can see me.

22 I do infer, though, that you can hear me, right?

23 A. [12:49:45] Yes, I can hear your voice.

24 PRESIDING JUDGE MINDUA: [12:49:49](Interpretation) Just a moment,
25 Mr Edwards.

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1 Court officer, what is going on? Because -- why can't the witness see the Defence
2 counsel?

3 THE COURT OFFICER: [12:50:00](Interpretation) I shall -- asked my colleagues
4 from AV and they have told me that the hearing is being transmitted to the remote
5 location.

6 PRESIDING JUDGE MINDUA: [12:50:17](Interpretation) Mr Edwards, please
7 continue.

8 MR EDWARDS: [12:50:20] Thank you.

9 Q. [12:50:22] Madam Witness, you'll see -- you'll see me in a moment. That's just
10 being taken care of.

11 My name is Iain Edwards. I'm one of the lawyers representing Mr Al Hassan. In
12 the course of my questions to you, could I please ask you to ensure that you give
13 short -- that you answer in short sentences because that will help the interpreters to
14 do their work. All right?

15 A. [12:51:15] Yes.

16 Q. [12:51:17] Three quick matters. If you would like me to repeat my question
17 because you don't understand it, don't hesitate to ask me. If you -- if you want
18 a break for whatever reason, again, please don't hesitate to ask.

19 And, finally, your answers will be written down. It's important then for you to try
20 and remember to give your answers using full words. So if you want to say "yes,"
21 please say the word yes in your language. If you want to say "no," please say the
22 word no in your language. Is that all right?

23 A. [12:52:59] Yes.

24 MR EDWARDS: [12:53:01] I regret, your Honour, that for the first couple of minutes
25 I will have to ask a few questions in private session.

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- 1 PRESIDING JUDGE MINDUA: [12:53:15](Interpretation) Certainly.
- 2 Courtroom officer, private session, please.
- 3 (Private session at 12.53 p.m.)
- 4 THE COURT OFFICER: [12:53:22] (Interpretation) We are back in private session.
- 5 And I can confirm that the witness has been able to view the courtroom here from the
- 6 remote location ever since the beginning. There may have been
- 7 a misunderstanding --
- 8 THE INTERPRETER: [12:53:51] Inaudible.
- 9 PRESIDING JUDGE MINDUA: [12:53:54](Interpretation) Good. Good.
- 10 Mr Edwards, please continue.
- 11 MR EDWARDS: [12:53:59] Thank you.
- 12 Q. [12:54:01] I'm going to read out a couple of lines from your statement to the
- 13 Prosecution from [REDACTED] Paragraph 59, your Honour. And for the record,
- 14 MLI-OTP-0039-0072.
- 15 You say this, Madam Witness:
- 16 (Interpretation) "Some people in Timbuktu put me in touch with [REDACTED] who had come
- 17 with the white people."
- 18 A. [12:54:55] *Oui*.
- 19 Q. [12:54:55] Madam Witness, [REDACTED]
- 20 [REDACTED] All right? And that way, we can go back into
- 21 public session.
- 22 Okay? And can you please remember [REDACTED] yourself.
- 23 MR EDWARDS: [12:55:40] That being the case, perhaps we could return to public
- 24 session now.
- 25 PRESIDING JUDGE MINDUA: [12:55:44](Interpretation) Thank you very much,

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1 Mr Edwards.

2 Court officer, open session, please.

3 (Open session at 12.55 p.m.)

4 THE COURT OFFICER: [12:55:52] (Interpretation) We are back in open session.

5 Defence, what is the redacted version that you are referring to, R04?

6 I believe the Prosecution made mention of R03.

7 If you could kindly clarify.

8 PRESIDING JUDGE MINDUA: [12:56:21](Interpretation) Thank you very much.

9 MR EDWARDS: [12:56:23] Yes, the least redacted version is R04, yes. And that
10 was -- I think that was served on us on Monday. Right.

11 Q. [12:56:38] Madam Witness, you continue in your statement saying this:

12 "Ils" - plural:

13 (Interpretation) "They told them that I am a victim of the rebels. The whites -- the
14 white people came to meet me and asked me some questions."

15 (Speaks English) I'm just going to pause there for a moment, Madam Witness.

16 Tell me this: Who were the people in Timbuktu who put you in contact with

17 Madam L?

18 A. [12:57:44] I haven't understood.

19 Q. [12:57:48] You were put in contact with Madam L by some people from
20 Timbuktu, correct?

21 A. [12:58:23] I don't understand. I don't understand your question.

22 Q. [12:58:29] Do you know who I'm talking about when I speak about "Madam L"?
23 She interpreted for you during your interview with the white people.

24 A. [12:59:02] Yes.

25 Q. [12:59:03] So what you say in your statement is that there were some people

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1 from Timbuktu who put you in contact with Madam L. My question is, who were
2 these people who put you in contact with Madam L?

3 A. [12:59:43] [REDACTED]

4 MR EDWARDS: [12:59:52] Your Honour, I see the time. Mr Al Hassan will absent
5 himself to pray just for a few moments with your Honour's leave.

6 PRESIDING JUDGE MINDUA: [13:00:05](Interpretation) Certainly. Mr Al Hassan
7 is excused. He may leave to do his prayers.

8 Madam Prosecutor.

9 MS LUPING: [13:00:12] Mr President, just simply a request, we do seem to be
10 having difficulties here. And also we don't actually know the answer as to
11 who -- the answer, and whether this is a security problem for the individual or
12 individuals concerned.

13 Could we please request that this question and answer -- this exchange be given in
14 private session? It should hopefully not take too long and it may be easier for the
15 witness to understand the question in that way as well.

16 MR EDWARDS: [13:00:43] I'm content to do that if (Indistinct)

17 PRESIDING JUDGE MINDUA: [13:00:53](Interpretation) Mr Edwards, Mr Edwards,
18 when the Prosecution speaks in English, you tend to respond immediately. First of
19 all, you, too, speak the same language, but we need to wait for interpretation into
20 other languages and you also need to wait for me to give you the floor.

21 I agree with the Prosecution's suggestion. Perhaps we should quickly go into private
22 session to solve this problem.

23 Courtroom officer, private session.

24 (Private session at 1.01 p.m.)

25 THE COURT OFFICER: [13:01:34] (Interpretation) We are in private session,

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1 your Honour.

2 PRESIDING JUDGE MINDUA: [13:01:39](Interpretation) Thank you very much,
3 court officer.

4 Mr Edwards.

5 MR EDWARDS: [13:01:43] Thank you.

6 Q. [13:01:46] Madam Witness, do you remember being assisted by a woman called
7 [REDACTED] who acted as an interpreter when you were giving a statement to the white
8 people?

9 A. [13:02:26] Yes. I remember her.

10 Q. [13:02:30] All right. In your statement you say that there were some people
11 from Timbuktu who put you in touch with that [REDACTED] Is that right?

12 A. [13:03:05] Yes.

13 Q. [13:03:07] Can you please tell us who those people from Timbuktu were, the
14 ones who put you in contact with [REDACTED]

15 A. [13:03:37] In fact, [REDACTED] How could other (Overlapping
16 speakers)

17 THE INTERPRETER: [13:03:41] Overlapping speakers.

18 THE WITNESS: [13:03:46](Interpretation) Or I don't understand your Songhai.

19 PRESIDING JUDGE MINDUA: [13:03:54](Interpretation) Interpreters, you know
20 very well that language that the witness is speaking. Please try to translate faithfully
21 for the witness.

22 THE INTERPRETER: [13:04:11] Songhai booth: The translation has been going well
23 to this point. We don't know where the confusion is.

24 PRESIDING JUDGE MINDUA: [13:04:24](Interpretation) Because the -- because the
25 Defence is being asked who are the people who put her in touch with [REDACTED]

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1 That's the point.

2 THE INTERPRETER: [13:04:34] Interpreter: That's understood. But the problem
3 is that there's confusion [REDACTED]

4 PRESIDING JUDGE MINDUA: [13:04:50](Interpretation) Please explain so that
5 there is no confusion [REDACTED]

6 MR EDWARDS: [13:05:02]

7 Q. [13:05:03] I'm going to try again because I know that there's confusion because

8 [REDACTED]

9 I'm talking -- when I speak about [REDACTED] I'm talking about the woman who acted as
10 an interpreter for the white people. Okay? That's [REDACTED] I'm referring to.

11 A. [13:05:50] Very well.

12 Q. [13:05:52] How did you first come into contact with [REDACTED] the interpreter?

13 A. [13:06:38] I don't know how she was presented to me or introduced to me. I
14 don't know. She came to our house to take my -- our names.

15 Q. [13:06:58] Have you ever heard of an organisation called DEME-SO?

16 A. [13:07:20] Yes.

17 PRESIDING JUDGE MINDUA: [13:07:23](Interpretation) Mr Edwards, can we go
18 back into open session?

19 MR EDWARDS: [13:07:28] Yes, thank you, your Honour.

20 PRESIDING JUDGE MINDUA: [13:07:36](Interpretation) Court officer, please take
21 us into open session.

22 (Open session at 1.07 p.m.)

23 THE COURT OFFICER: [13:07:40] (Interpretation) We are in open session,
24 your Honour.

25 PRESIDING JUDGE MINDUA: [13:07:50](Interpretation) Thank you very much,

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1 court officer.

2 Mr Edwards.

3 MR EDWARDS: [13:07:55]

4 Q. [13:07:55] What do you know about the activities of DEME-SO?

5 A. [13:08:09] I know nothing about the -- about their activities.

6 Q. [13:08:23] One of the last questions you were asked by the Prosecutor just a few
7 moments ago was, based on what you saw and what you heard, words to the
8 effect -- or a question to the effect of what -- what was the impact of the armed groups
9 activities in Timbuktu?

10 Do you remember that question?

11 A. [13:09:44] No, I don't remember. Even (Overlapping speakers)

12 Q. [13:09:44] (Overlapping speakers)

13 THE INTERPRETER: [13:09:55] They were speaking over the answer. The
14 interpreter didn't hear it.

15 THE COURT OFFICER: [13:10:03] Overlapping speakers from the English
16 interpreters. Thank you.

17 MR EDWARDS: [13:10:07] I'm sorry. I thought the answer had finished, and I
18 think I (Overlapping speakers)

19 THE INTERPRETER: [13:10:11] Apologies from the English booth. As the
20 interpreter -- as the Songhai interpreter was speaking, I heard another voice come on.
21 I didn't know where that was coming from. Apologies. If we could have the
22 answer again.

23 MR EDWARDS: [13:10:30]

24 Q. [13:10:31] Yes, Madam, I'm sorry, could you please give that answer again.

25 A. [13:10:53] No, I can't give the answer again.

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1 Q. [13:10:58] Right. Did you ever take part -- did you ever attend sensibilisation
2 activities in Timbuktu organised by NGOs?

3 PRESIDING JUDGE MINDUA: [13:11:31](Interpretation) Madam Prosecutor?

4 THE WITNESS: [13:11:33](No interpretation)

5 PRESIDING JUDGE MINDUA: [13:11:56](Interpretation)

6 We have an answer. Let's listen to the answer.

7 Yes, please, interpreter.

8 THE WITNESS: [13:12:03](Interpretation) The only organisation for which -- or
9 which I know of is the organisation which took the details of the victims. That's the
10 only association with which I have had contact.

11 Otherwise, I don't know of any other association.

12 PRESIDING JUDGE MINDUA: [13:12:25](Interpretation) Please go ahead,
13 Prosecutor.

14 MS LUPING: [13:12:27](Overlapping speakers) Mr President, your Honours, it's
15 just -- this is far too complicated. The word used was "sensibilisation". I'm not sure
16 how that was interpreted, but I'm mindful of your Honour's instructions as to the way
17 questions should be put. They shouldn't be overly complicated. And perhaps if it
18 could be reformulated.

19 I see from the answer, indeed, it hasn't been understood.

20 PRESIDING JUDGE MINDUA: [13:13:01](Interpretation) Mr Edwards, could you
21 reformulate the question, but perhaps we will have a better answer from the witness.

22 MR EDWARDS: [13:13:15]

23 Q. [13:13:16] Have you ever attended meetings in Timbuktu where other people
24 have presented their stories of what happened to them in 2012-2013?

25 A. [13:14:10] I never participated in a meeting between 2012 and 2013, apart from

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1 one -- one sole meeting.

2 Q. [13:14:23] Did you ever participate in meetings where people spoke about what
3 had happened to them after 2013?

4 A. [13:15:10] After 2013, I never participated in a meeting where people spoke
5 about what had happened to them. I never participated in a meeting where people
6 spoke about what had happened to them.

7 MR EDWARDS: [13:15:40] Your Honour, the following is public, and so
8 there's -- there's no difficulty.

9 Can we please bring up the document at tab 3 of the Defence bundle. This is
10 

11 PRESIDING JUDGE MINDUA: [13:16:08](Interpretation) I would also say for the
12 record that Mr Al Hassan has returned to the courtroom.

13 Madam Prosecutor.

14 MS LUPING: [13:16:33] Mr President, your Honours, now even if this document has
15 been obtained from public sources, bearing in mind its use, the Prosecution would
16 request that this document not be transmitted to the public. And I would just ask
17 Defence counsel to exercise caution because this could also be -- could cause security
18 concerns for the individual whose image that we see.

19 If there's going to be a question relating to this person's identity, the Prosecution
20 would request that the identity be elicited in private session. That's one issue of
21 being known vis-à-vis the -- the Defence, another issue vis-à-vis the public.

22 PRESIDING JUDGE MINDUA: [13:17:24](Interpretation) Mr Edwards, have you
23 followed the Prosecution with regards to taking the necessary dispositions?

24 MR EDWARDS: [13:17:35] I have, your Honour. And I will proceed with caution,
25 of course. And if necessary, we'll go into private session, but can we take it step by

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1 step, please.

2 Q. [13:17:52] Madam Witness, do you recognise the person on your -- on your
3 screen?

4 A. [13:18:12] Yes, I know her.

5 MR EDWARDS: [13:18:15] Out of an abundance of caution, perhaps we can go into
6 private session then.

7 PRESIDING JUDGE MINDUA: [13:18:27](Interpretation) Very well, Mr Edwards.
8 Court officer, please take us into private session.

9 (Private session at 1.18 p.m.)

10 THE COURT OFFICER: [13:18:35] (Interpretation) We are in private session,
11 your Honour.

12 PRESIDING JUDGE MINDUA: [13:18:54](Interpretation) Thank you very much,
13 court officer.

14 Mr Edwards, please continue.

15 MR EDWARDS: [13:19:00]

16 Q. [13:19:01] Tell us what the name of this person is, please, Madam.

17 A. [13:19:06] [REDACTED]

18 [REDACTED]

19 THE INTERPRETER: [13:19:27] Says the Songhai booth.

20 MR EDWARDS: [13:19:31]

21 Q. [13:19:32] And do you know what organisation she works or worked for when
22 you had dealings -- when you last had dealings with her?

23 A. [13:20:05] No, I don't know at all. I don't know what organisation she works
24 for, but [REDACTED]

25 Q. [13:20:14] And why did she ask for your name?

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1 A. [13:20:48] [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 Q. [13:21:08] Are you talking, Madam, about steps taken by this Court to protect
5 people?

6 A. [13:21:49] It's [REDACTED] I think it was because of
7 protective measures that she takes [REDACTED]

8 Q. [13:22:00] Are you able to tell us how long after the crisis, *la crise*, you first met
9 with [REDACTED]?

10 A. [13:22:39] I don't know how many times we met.

11 Q. [13:22:44] When was the first time you met? And if you can tell us by reference
12 to the end of the -- the crisis, that might help.

13 PRESIDING JUDGE MINDUA: [13:23:07](Interpretation) Madam Prosecutor.

14 MS LUPING: [13:23:08](Overlapping speakers) Mr President, your Honours, I -- I
15 apologise. I don't want to keep coming up on my -- standing on my feet. It's just a
16 question of - again, language for the witness. Perhaps rather than "crisis", it will be
17 more -- it will be easier to situate her, for example, if we talk about the end of the
18 occupation of the armed groups in Timbuktu.

19 It's just something like "the crisis" is so vague it may be difficult for her to understand
20 precisely what -- what Defence is referring to.

21 MR EDWARDS: [13:23:36] Your Honour, I -- I was --

22 PRESIDING JUDGE MINDUA: [13:23:39](Interpretation) No, Mr Edwards, please
23 wait for the end of the interpretation and then for me to give you the floor.

24 So there, the Prosecutor raises the issue of vocabulary. And I would like to add
25 another. The need to return into public session. So please answer.

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1 MR EDWARDS: [13:24:02] Thank you, your Honour.

2 I was under the impression that it was a term of common usage; that people in

3 Timbuktu understood what is meant by "*la crise*". But if that's not the case, certainly

4 I will -- I'll clarify the matter.

5 As for open session, no, I'm sorry, I think we need to stay in private session for a little

6 bit longer. Forgive me.

7 PRESIDING JUDGE MINDUA: [13:24:45](Interpretation) Very well.

8 Please continue.

9 MR EDWARDS: [13:24:47]

10 Q. [13:24:48] When was the last -- sorry, when was the first time you met with

11 [REDACTED]?

12 A. [13:25:01] Since [REDACTED]

13 [REDACTED] since then, I never saw him -- her again. [REDACTED] to present

14 it, and, since that moment, we haven't seen her again. [REDACTED]

15 [REDACTED] And we didn't see each other thereafter.

16 Q. [13:25:58] Okay. [REDACTED]

17 [REDACTED]?

18 A. [13:26:36] Exactly [REDACTED] yes.

19 PRESIDING JUDGE MINDUA: [13:26:40](Interpretation) Madam Prosecutor.

20 MS LUPING: [13:26:40] I would just ask that there be no interpretation for the

21 witness on this into Songhai.

22 Mr President, my concern is that this can just -- the witness can be confused, but to

23 refer it to as being [REDACTED]

24 [REDACTED] and the witness confirmed that. Now it shouldn't

25 be put to the witness that [REDACTED] It will

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1 just simply lead to confusion, which is not necessary. I would ask that the question
2 be reformulated and not simply put to her [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 PRESIDING JUDGE MINDUA: [13:27:40](Interpretation) Mr Edwards.

6 MR EDWARDS: [13:27:41] I wasn't expecting the answer that the witness gave. I
7 was -- if my learned friend had been prepared to wait for just a couple of seconds, I
8 would have sought to clear the matter up. And I wasn't putting anything at all. I
9 was asking her a question.

10 Q. [13:28:04] Madam Witness, what I'm interested in knowing about is the first
11 time -- not the last time, the first time you met with [REDACTED]

12 A. [13:28:42] The very first time that we met, just [REDACTED]. She
13 just left and said nothing.

14 Q. [13:28:54] [REDACTED]?

15 A. [13:29:25] Yes.

16 Q. [13:29:27] Right. Thank you.

17 Could we please bring up a document we've already seen. This is at Prosecution tab
18 4, MLI-OTP-0032-0215.

19 While that's being brought up, Madam Witness, you were asked about [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 MR EDWARDS: [13:31:01] Your Honour, I'm about to embark on this line of
23 questions and I see the time.

24 PRESIDING JUDGE MINDUA: [13:31:09](Interpretation) Indeed, Mr Edwards,
25 we're going to stop now.

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1 Courtroom officer, we're in private session. We need to go back into open session,
2 please.

3 (Open session at 1.31 p.m.)

4 THE COURT OFFICER: [13:31:27](Interpretation) We are back into open session,
5 your Honour.

6 PRESIDING JUDGE MINDUA: [13:31:35](Interpretation) Thank you, courtroom
7 officer.

8 It is now 1.30 in the afternoon, and we will now break for our shortened lunch break.

9 The lunch break has been shortened by 30 minutes. We shall resume at 2.30.

10 The hearing is suspended.

11 THE COURT USHER: [13:31:57] All rise.

12 (Recess taken at 1.32 p.m.)

13 (Upon resuming in open session at 2.32 p.m.)

14 THE COURT USHER: [14:33:03] All rise.

15 Please be seated.

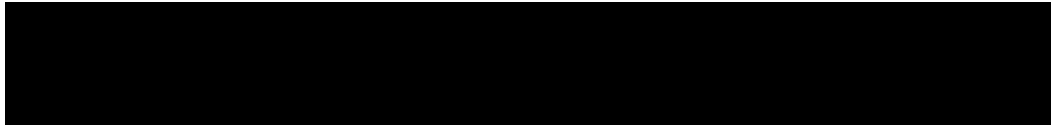
16 PRESIDING JUDGE MINDUA: [14:33:23](Interpretation) Court is in session once
17 again. I shall be handing over to the Defence for the continuation of the
18 cross-examination.

19 MR EDWARDS: [14:33:44] Thank you, your Honour.

20 Q. [14:33:47] Hello again, Madam Witness. Can you hear me and see me all right?

21 A. [14:34:06] Yes.

22 Q. [14:34:08] Just before the break, I wanted to start to ask you questions about the

23 
24

25 The document, your Honour, is at tab 4 of the Prosecution bundle,

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- 1 MLI-OTP-0032-0215. If that could be brought up on the screen, please. Thank you.
- 2 Can we scroll down to the bottom of the first page? Madam Witness -- thank you.
- 3 Madam Witness, you see that there are -- there's a line of five signatures at the bottom
- 4 of the page there? Do you see that?
- 5 A. [14:36:02] Yes.
- 6 Q. [14:36:03] And the middle signature, the third one along, is yours, correct?
- 7 A. [14:36:15] Yes.
- 8 MR EDWARDS: [14:36:25] Now, your Honour, for the avoidance of any doubt, this
- 9 document should not be broadcast, of course. I think that's been taken on board,
- 10 but ... And then, if we just turn the page, please, move on to the -- sorry, the last
- 11 page of this three-page document.
- 12 Yes. If we could zoom in on the signatures. Thank you.
- 13 Q. [14:37:26] Once again, do you see a line of five signatures at the end of the
- 14 document?
- 15 THE INTERPRETER: [14:37:34] The witness says "mm-hmm" to say yes.
- 16 MR EDWARDS: [14:37:38]
- 17 Q. [14:37:39] And the third signature, the one in the very middle, is your signature?
- 18 A. [14:37:47] Yes, indeed.
- 19 Q. [14:37:56] And I'm going to read out to you what is written immediately above
- 20 the five signatures.
- 21 I'll read it, in French:
- 22 (Interpretation) "It has been read and it has been translated -- request has been for
- 23 signature and it has been done with him" --
- 24 THE INTERPRETER: [14:38:35] Message from the Songhai booth: Mr President,
- 25 could the Defence please come back on this? Message from the English booth:

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1 Could it be done slowly? Thank you.

2 MR EDWARDS: [14:38:49] Forgive me.

3 Q. [14:38:51] (Interpretation) "Nothing further was heard. It was read and
4 translated. A request was made for signature. Aware of this, we have signed it in
5 the presence of him or her and [REDACTED]."

6 (Speaks English) And the signatures, so that you know, are the signatures of [REDACTED]
7 who was asking you questions; [REDACTED] who was assisting [REDACTED] there's then
8 you and your counsel who is helping you and the interpreter.

9 Now, can we please go to the preceding page and focus in on the top of the preceding
10 page, please.

11 The name of the lawyer who is helping you is given there; that's [REDACTED]

12 [REDACTED] and below that is the name of the interpreter.

13 Do you accept that the interpreter was interpreting between French and Songhai
14 during this interview with [REDACTED]

15 A. [14:42:13] Yes.

16 Q. [14:42:30] And did you understand the interpreter when she was speaking
17 Songhai with you?

18 A. [14:42:42] I no longer recall what he said to me.

19 Q. [14:43:02] Madam, that wasn't my question. My question was, did you
20 understand the interpreter when the interpreter was helping you during your
21 interview [REDACTED]?

22 A. [14:44:00] I haven't understood.

23 Q. [14:44:10] The person who was interpreting between French and Songhai during
24 your interview with [REDACTED]

25 Translate that first, please.

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1 A. [14:45:04] Yes, I do understand -- or did understand.

2 THE INTERPRETER: [14:45:08] Says the witness.

3 MR EDWARDS: [14:45:11]

4 Q. [14:45:12] You understood what she was saying to you because you were
5 speaking a language that you understand, correct?

6 PRESIDING JUDGE MINDUA: [14:45:33](Interpretation) Madam Prosecutor.

7 MS LUPING: [14:45:36] Mr President, I am just noting that the witness, before, when
8 she was asked an almost identical question, did say that she didn't recall what was
9 said to her. Now, in fairness to the witness, she has seen about -- a number
10 of -- sorry, I should ask that the sound to the witness be cut off or at least that the
11 Songhai interpretation not be given.

12 PRESIDING JUDGE MINDUA: [14:46:07](Interpretation) Yes, Madam Courtroom
13 Officer, could you please cut (Overlapping speakers)

14 THE INTERPRETER: [14:46:12] Overlapping speakers.

15 MS LUPING: [14:46:14](Overlapping speakers) My apologies. In fairness to the
16 witness, she has had a number of items -- a number of documents that she has either
17 been shown or has signed, and it can be very confusing to remember so many years
18 ago what she did or did not understand.

19 Now, in fairness to the witness, I'm not trying to unnecessarily prolong the process,
20 but she can't read and I don't see any short way of ensuring that this witness fairly
21 understands what document we're talking about, unless at least a key passage, for
22 example, the first paragraph at page 0216, is read to her, so at least she knows what
23 account or what statement we're talking about. Because otherwise, this is an
24 extremely unfair process to the witness.

25 Again, I'm not trying to unnecessarily prolong, but we need to have fair questions

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1 and fair answers to the -- from the witness.

2 PRESIDING JUDGE MINDUA: [14:47:18](Interpretation) Very well. Mr Edwards,
3 but I do believe that the comment on the part of Madam Prosecutor is founded.

4 MR EDWARDS: [14:47:26] (Overlapping speakers) Well, I would just make the
5 observation that the witness didn't seem to have any difficulty remembering that the
6 document had not been read back to her and to state positively that a document from
7 2015 had certainly not been read back to her.

8 So it seems to me that her memory isn't as bad my learned friend is suggesting. Nor
9 that she is as confused as my learned friend seems to be suggesting.

10 PRESIDING JUDGE MINDUA: [14:48:07](Interpretation) But if I remember correctly,
11 this document dates back to 2015 and it has been summarised to her. Has it not,
12 Madam Prosecutor?

13 MS LUPING: [14:48:17] (Overlapping speakers) Mr President, I'll be brief. Just
14 simply to note that the witness will fully recollect the witness preparation session
15 where each item was read to her and when the questions were put as to whether she
16 recalled having it read back to her or not. So when I simply refer to items that she
17 gave as a statement and -- do you remember it was read back to her, she did respond
18 in her preparation session that none of the items were read back to her. And this is
19 why there's a need to make sure that when we ask her document by document, like
20 we're doing now, that she needs to be given an opportunity to situate herself.

21 Thank you.

22 PRESIDING JUDGE MINDUA: [14:49:02](Interpretation) Mr Edwards, let's not
23 waste too much time on this. Madam Witness does not know how to read, so on
24 each occasion you will need to read out the passages in question to her and then we
25 will be able to move on or forward.

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1 MR EDWARDS: [14:49:20] Thank you, your Honour. If the feed can be
2 reconnected, please.

3 PRESIDING JUDGE MINDUA: [14:49:32](Interpretation) Yes, indeed. Madam
4 Courtroom Officer, please.

5 THE COURT OFFICER: [14:49:38] (Interpretation) The witness can now hear us
6 once again.

7 PRESIDING JUDGE MINDUA: [14:49:45](Interpretation) Thank you very much,
8 Madam Courtroom Officer.
9 Mr Edwards.

10 MR EDWARDS: [14:49:48] Thank you very much, your Honour.

11 Well, if we are going to undertake this exercise, I'm afraid that for a couple of minutes
12 we're going to have to go into private session if I'm going to read out a couple of
13 paragraphs.

14 PRESIDING JUDGE MINDUA: [14:50:17](Interpretation) Yes. Counsel, I wonder,
15 the witness does not know how to read and we have a myriad of documents. Now if
16 you're talking about such and such a document and you say to her does she
17 remember, well, she doesn't remember because she doesn't know how to read. So I
18 don't see what you're driving at with your question. We're not going to
19 systematically read through the entire document when we visibly can see that she
20 can't remember because she can't read.

21 So let's do something pragmatic here in order to gain time and move forward.

22 MR EDWARDS: [14:50:55] Your Honour, I was simply following the suggestion
23 made by the Prosecutor to read out a couple of sentences so that the witness can
24 situate herself as to what document we're dealing with.

25 PRESIDING JUDGE MINDUA: [14:51:15](Interpretation) Very well, let's -- let's do

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1 just that.

2 MR EDWARDS: [14:51:19] Thank you, your Honour.

3 Yes, I'm not too sure if we've gone into private session.

4 PRESIDING JUDGE MINDUA: [14:51:31](Interpretation) Private session, please,

5 Madam Courtroom Officer.

6 (Private session at 2.51 p.m.)

7 THE COURT OFFICER: [14:51:37] (Interpretation) We are in private session, Mr

8 President.

9 PRESIDING JUDGE MINDUA: [14:51:49](Interpretation) Thank you very much
10 indeed.

11 Mr Edwards.

12 MR EDWARDS: [14:51:51] Thank you, your Honour.

13 Q. [14:51:53] Now that we are in private session, Madam Witness, the interpreter
14 who was helping you on this occasion was [REDACTED] okay?

15 A. [14:52:12] Yes, it was her.

16 Q. [14:52:22] So do you now remember the interview with [REDACTED] that we are
17 now talking about in which [REDACTED] was interpreting for you?

18 A. [14:52:57] Yes.

19 Q. [14:53:00] All right. Do you remember whether your lawyer insisted that the
20 document be read back before anyone signed -- signed it?

21 THE INTERPRETER: [14:53:40] The witness is answering "mm-hmm" to mean yes.

22 MR EDWARDS: [14:53:46]

23 Q. [14:53:47] Your lawyer insisted that it be read back before you signed it, correct?

24 A. [14:54:09] Yes.

25 Q. [14:54:11] Yes. And so this very short document of just two pages was, in fact,

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1 read back to you in a language you understood before you signed it, correct?

2 A. [14:54:45] Yes.

3 Q. [14:54:47] The document was also read back to you last week during your

4 preparation sessions with the Prosecutor, correct?

5 A. [14:55:20] Yes, that is correct.

6 Q. [14:55:24] And we have -- so that you understand, we have the document that

7 was prepared by the Prosecutor after your meeting. It's a document which

8 summarises your discussions with the Prosecutor last week. And there were three

9 corrections that you wanted to make to the document that's on your screen

10 (Overlapping speakers).

11 There was one correction relating to your father's name. There was one correction to

12 the name of the man who you married -- in fact, sorry, it's more accurate to say that

13 there were two corrections that you made and they both related to the name of the

14 man who married you.

15 Apart from those corrections, you confirmed to the Prosecutor that the contents of

16 your interview [REDACTED] were correct.

17 Do you agree?

18 PRESIDING JUDGE MINDUA: [14:58:47](Interpretation) Madam Prosecutor.

19 MS LUPING: [14:58:51] Mr President, your Honours, again, in fairness to the

20 witness -- I just ask that the Songhai interpreters not interpret what I'm saying now.

21 MR EDWARDS: [14:58:59] Can it -- can it also -- forgive me. Can the entire feed be

22 cut off because we understand she understands French.

23 PRESIDING JUDGE MINDUA: [14:59:14](Interpretation) Madam Courtroom Officer,

24 please.

25 THE COURT OFFICER: [14:59:18] (Interpretation) That has been done. The sound

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1 has been (Overlapping speakers)
2 PRESIDING JUDGE MINDUA: [14:59:20] (Overlapping speakers)
3 THE INTERPRETER: [14:59:21] Overlapping speakers.
4 MS LUPING: [14:59:24] (Overlapping speakers) And I would just note that the
5 witness doesn't speak French. She may understand a few words, but that's not our
6 understanding that it -- that it's one of her languages.
7 But I'm going to just note, actually, looking at the preparation log, the witness didn't
8 state that -- other than the corrections made, that what is found here is correct. She
9 simply didn't make any other corrections. So that's the first point I wanted to -- to
10 make.
11 And second, again, in fairness to this witness, as she stated too, at the time when the
12 document was read, she said that they -- it wasn't read back to her in the way it is
13 being done today. But she still signed it.
14 So I understand why Defence counsel is going through this process, but it needs to be
15 in fairness to the witness.
16 Now again, I don't want a laborious process, I'm not trying to suggest otherwise, but
17 it is very difficult -- it is very difficult when she doesn't read for her to be able to
18 properly understand. And she's looking visibly tired. And at the moment we've
19 had a -- sort of a series of yes, yes, yes. So it's very hard to really ascertain or gauge
20 just to what extent she's really understanding the various questions.
21 But I want -- in fairness to the witness, that it not be put to her that she stated
22 everything else was correct, because that's not what the log says and that's not what
23 the witness stated.
24 PRESIDING JUDGE MINDUA: [15:00:51](Interpretation) Mr Edwards.
25 MR EDWARDS: [15:00:53](Overlapping speakers) Thank you. Page 8 of the

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1 witness log, bottom paragraph. The whole of the document is read (Overlapping
2 speakers)

3 PRESIDING JUDGE MINDUA: [15:01:06](Interpretation) Are you responding to
4 what the Prosecutor has just said? Oh, please continue.

5 MR EDWARDS: [15:01:12] I am. Just to correct the record.

6 The whole of the document is read to this witness, P-0538, and after each passage is
7 read, she is asked if she needs to make any corrections. Other than what is noted
8 below, she did not indicate any other corrections needed to be made.

9 I haven't finished.

10 PRESIDING JUDGE MINDUA: [15:01:45](Interpretation) Go ahead, Counsel.

11 MR EDWARDS: [15:01:46] The point is, your Honour, that the same process was
12 gone through with this witness a week ago, which, if it wasn't gone through back in
13 2015, would -- should have been gone through. But even if it hadn't been gone
14 through, they were going through the process a week ago. And where the
15 witness -- if the witness is given an opportunity to make corrections and doesn't take
16 an opportunity to correct the document, then we are in exactly the same position
17 today as we would have been had the document been read back to the witness in 2015.
18 It was read back to her, she's given an opportunity to correct it, and if she doesn't,
19 then it is legitimate to assume that the contents of the document are correct.

20 I fail to see what the confusion is.

21 PRESIDING JUDGE MINDUA: [15:03:05](Interpretation) Madam Prosecutor, we
22 need to move forward. I think that the Defence is correct because when it comes
23 to -- when it comes to this (Overlapping speakers)

24 MS LUPING: [15:03:17] (Overlapping speakers) I just want to clarify what the
25 objection relates to. The Prosecution is simply stating that there's a difference

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1 between a witness failing to correct something and positively asserting that the
2 content is correct. All I'm stating - as the Defence counsel read out the relevant
3 passage - she didn't make any additional corrections. It doesn't actually mean she
4 necessarily was stating that the content and all of the content is correct. There is
5 a difference, and, especially for this witness. And the log also indicates, as Defence
6 counsel is aware, that she had to have it explained to her the importance of making
7 corrections on more than one occasion.

8 It's a complicated process, your Honours, and it's an assumption that it is easily
9 understood to anybody, including this witness.

10 PRESIDING JUDGE MINDUA: [15:04:09](Interpretation) Very well.

11 We are going to move forward. This is a complicated process. The Defence shall do
12 their job and the Chamber shall make its assessment.

13 Go ahead, Mr Edwards.

14 MR EDWARDS: [15:04:26] Thank you.

15 Q. [15:04:27] All right.

16 PRESIDING JUDGE MINDUA: [15:04:32](Interpretation) We are to re-establish the
17 sound, Mr Edwards?

18 Madam Courtroom Officer?

19 THE COURT OFFICER: [15:04:42] (Interpretation) The witness can now hear us.

20 PRESIDING JUDGE MINDUA: [15:04:48](Interpretation) Thank you. Mr Edwards.

21 MR EDWARDS: [15:04:49] Thank you very much.

22 Your Honour, once again, could I please ask the Chamber's leave for Mr Al Hassan to
23 absent himself for a short period to go outside to pray. He waives his right to be
24 present.

25 PRESIDING JUDGE MINDUA: [15:05:09](Interpretation) Certainly. He is excused

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1 and we shall continue in the meantime.

2 MR EDWARDS: [15:05:22]

3 Q. [15:05:23] Now, Madam Witness, what I want to do - to be fair to you - is to read
4 a couple of the corrections that you wished to make. All right?

5 And I'm afraid I'm going to torture everyone's ears by reading in French again.

6 This is the first paragraph at the second page of the document.

7 (Interpretation) " [REDACTED] and I live

8 in -- "

9 Redacted.

10 "Well before the time of the events, a man by the name of [REDACTED] had asked for my
11 hand in marriage and my parents had refused."

12 (Speaks English) When this sentence was read out to you last week, you were asked if
13 you had any corrections to make. You confirmed that this sentence was correct, but
14 you did say that the name [REDACTED] is not correct. It should be [REDACTED]

15 So, the reality is that this man that you -- that married you, was someone that you had
16 known for some time before he came to your house with the group of Islamists.

17 Correct?

18 Could you answer that, please.

19 A. [15:09:55] I didn't know the man. We didn't know one another. I didn't even
20 know him.

21 Q. [15:10:02] Why did you tell [REDACTED] that a long time before the
22 events, this man had come and asked for your hand in marriage and your parents had
23 refused?

24 A. [15:10:56] Yes, he was in Timbuktu. He was in Timbuktu at that time. But I
25 didn't know him. To say that I knew him to the extent that I talked to him, no.

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1 When the Islamists came, he joined their groups. Other than that, I didn't know him.

2 He was in Timbuktu.

3 Q. [15:11:19] So is the truth that you recognised him, but you didn't know him

4 well?

5 A. [15:12:05] Yes, in fact, [REDACTED]. He's not a member of the family,

6 but [REDACTED]

7 [REDACTED] When the Islamists came in, he joined their
8 group.

9 Q. [15:12:29] Did you know him well?

10 A. [15:12:46] No, I told you that I didn't know him. I didn't know him.

11 Q. [15:12:52] I'm going to read to you the next correction you made to this

12 document of your interview [REDACTED] All right?

13 (Interpretation) "I know [REDACTED] very well, but he's away right now. He's away from
14 Timbuktu. I don't know anyone else from Timbuktu like him and who joined the
15 jihadists.

16 (Speaks English) Last week --

17 (Overlapping speakers)

18 MR EDWARDS: [15:14:05] Sorry.

19 THE COURT OFFICER: [15:14:20] Could you please repeat the sentence and cut it

20 half for the Songhai interpreters --

21 MR EDWARDS: [15:14:27] Yes.

22 THE COURT OFFICER: [15:14:27] -- please.

23 MR EDWARDS: [15:14:31] (Interpretation) "I know [REDACTED] very well but he's away

24 from Timbuktu. I don't know anyone else from Timbuktu like him who joined the

25 jihadists."

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1 Q. [15:15:25] (Speaks English) Do you have any comment to make, Madam?

2 A. [15:15:38] Yes, it's now that I understand. I know someone -- you have to know
3 a person when you marry him. But I hadn't understood what you said. I thought
4 you were talking about before the time he joined the Islamists.

5 Q. [15:16:02] How did your [REDACTED]?

6 A. [15:16:06] I don't know [REDACTED] came to know him. All I know is that
7 [REDACTED] said that he was one of the
8 bandits before joining the Islamists.

9 Q. [15:16:54] You also wanted to correct - when you were meeting with the
10 Prosecution - something about his name. You said that where it says that
11 his -- where it's indicated that his name is [REDACTED] that should be corrected. The
12 name should be [REDACTED]

13 A. [15:18:00] Yes, it's because ever since the first time I told them that it was
14 [REDACTED] but the person who wrote it, wrote it down wrong. But since the first
15 time, it's been [REDACTED] That's what I told [REDACTED] I'm not going to change my
16 words.

17 Q. [15:18:22] Have you ever heard the name [REDACTED] before? Sorry, let me repeat
18 the question. Sorry.

19 Did you ever know this person by the name [REDACTED]

20 A. [15:19:13] No, I never knew him. All I know is that the man I married, his
21 name was [REDACTED] But I never knew that other name.

22 Q. [15:19:27] What I'm trying to establish -- what I'm trying to understand is how
23 this name [REDACTED] came to be in this document of your interview [REDACTED]

24 PRESIDING JUDGE MINDUA: [15:19:53](Interpretation) I can see that Madam
25 Prosecutor has risen.

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1 PRESIDING JUDGE MINDUA: [15:20:00](Interpretation)

2 But I would like to take this opportunity to put it on the record that Mr Al Hassan is
3 back in the courtroom.

4 PRESIDING JUDGE MINDUA: [15:20:07] Now, Madam Prosecutor?

5 MS LUPING: [15:20:08] It's a simple case of asked and answered. There has been
6 various attempts that the Defence counsel has made to understand the various
7 corrections that were made. The name of the man who married the witness, she has
8 already responded to the best of her knowledge. She's indicated quite clearly that
9 this is a name that she didn't -- that's not the name she gave. She believes it's an
10 error. This has been very -- and fully canvassed with the witness who's starting to
11 look visibly irritated.

12 I would just simply say, asked and answered.

13 PRESIDING JUDGE MINDUA: [15:20:47](Interpretation) Mr Edwards, it is true that
14 you put the question to the witness several times. We've heard the answers
15 to -- about the name, which is not exactly the same, about the possibility
16 that -- whether the witness knew the person or not before.

17 I think the Chamber is sufficiently enlightened. I think we can move on. We will
18 draw the appropriate conclusions when the time comes.

19 THE INTERPRETER: [15:21:24] Correction: You will draw the appropriate
20 conclusions when the time comes.

21 MR EDWARDS: [15:21:31] All right. There's one final point that I want to put to
22 the witness about this document.

23 PRESIDING JUDGE MINDUA: [15:21:50](Interpretation) Go ahead, last question.

24 MR EDWARDS: [15:21:52]

25 Q. [15:21:53] So if we can scroll up please to the first paragraph again. You say

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1 this:

2 "Il" -- here, we're talking about [REDACTED] --

3 (Interpretation) "He took advantage of the arrival of the jihadists during the crisis to
4 once again ask for my hand in marriage with the jihadist groups that he had joined."

5 (Speaks English) I haven't finished.

6 (Interpretation) "So my parents agreed under the threat of weapons."

7 (Speaks English) Madam Witness, when this was read to you a week ago, you did not
8 volunteer any corrections to what I have just read out. So my question to you is this,
9 is it true that your parents accepted the request for your hand, albeit under "*sous la*
10 *menace des armes*"?

11 A. [15:24:24] I swear, my father - as I knew him - even if he did ... any kind of threat,
12 he would not agree. My father [REDACTED] and he was not going to agree to
13 a bandit marrying his daughter.

14 Q. [15:24:56] Why then did you tell [REDACTED] that your parents did
15 agree albeit under the threat of weapons?

16 A. [15:25:28] I never said that. I didn't say that. It was certainly the person who
17 was translating who wasn't able to say exactly what I had said. If you don't
18 understand what's said, you have to say that you didn't understand. You shouldn't
19 lie and say something that wasn't said. You shouldn't lie to -- and then write down
20 something that wasn't said.

21 Q. [15:26:10] Why didn't you correct this last week when the Prosecution gave you
22 the opportunity to correct it?

23 PRESIDING JUDGE MINDUA: [15:26:22](Interpretation) This is, once again, the
24 same question. The witness has responded several times and I've already said that
25 the Chamber is sufficiently enlightened.

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- 1 MR EDWARDS: [15:26:35] Okay. With your leave, there's a final part of this
- 2 document relating to the [REDACTED] that I'd like to put to the witness, please.
- 3 PRESIDING JUDGE MINDUA: [15:26:53](Interpretation) Go ahead, put your
- 4 question, counsel.
- 5 MR EDWARDS: [15:26:57] Next page, please, Madam Registrar.
- 6 Q. [15:27:06] Yesterday, Madam Witness, you described [REDACTED]
- 7 [REDACTED] The following is what you told the
- 8 [REDACTED]
- 9 I'll read it on to the record:
- 10 (Interpretation) "One day, he came. I was at the door. [REDACTED] and
- 11 then [REDACTED]
- 12 [REDACTED]"
- 13 (Speaks English) Is that how [REDACTED] Madam?
- 14 A. [15:29:14] Yes.
- 15 Q. [15:29:16] [REDACTED] by the Islamists, then?
- 16 A. [15:29:43] Of course, they threw [REDACTED] And when they told me to go
- 17 in and I refused, they [REDACTED].
- 18 Q. [15:29:59] Why did you tell [REDACTED]
- 19 [REDACTED]?
- 20 A. [15:30:53] From when I started telling what had happened to me, I remember
- 21 that I never said that [REDACTED] I always said that it was [REDACTED]
- 22 [REDACTED] That's all I said. As I said, it was
- 23 certainly the person who was interpreting into Songhai who was not able to say who
- 24 had done this.
- 25 Q. [15:31:32] Right, it's the interpreter's fault?

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1 A. [15:31:57] It must be that, because if it had been said in French or English and he
2 didn't understand, he might lie in order to say something else.

3 Q. [15:32:08] I see. All right, well, let's take that document off the screen please,
4 and I'm going to ask you about the second interview that you had [REDACTED]

5 [REDACTED]

6 MR EDWARDS: [15:32:24] And, your Honour, this is MLI-OTP-0035-0138, and, for
7 the Registrar, this is at tab 7.

8 Q. [15:33:00] Madam Witness, you had [REDACTED] interview [REDACTED]
9 [REDACTED]; although I don't expect you to remember that date as such.

10 If it does help, it was [REDACTED] your first interview and it was in the
11 [REDACTED] In order to situate -- in
12 order for you to -- in order to help you recall this interview, I'm going to read out the
13 first question that [REDACTED] asked you. All right? The question is as follows:

14 (Interpretation) [REDACTED]
15 [REDACTED] Could you
16 explain to us how the facts occurred?"

17 (Speaks English) Madam Witness, on this occasion you were assisted (Overlapping
18 speakers)

19 On this occasion, Madam Witness, you were assisted by a lawyer called -- a female
20 lawyer called [REDACTED]

21 Madam Witness, does that help you to remember the interview [REDACTED] that
22 I'm talking about?

23 A. [15:37:06] Yes, it does remind me somewhat, but this [REDACTED] person, I
24 don't remember this [REDACTED] person.

25 Q. [15:37:19] It's not [REDACTED], it's [REDACTED]

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1 Does that help?

2 A. [15:37:42] Yes.

3 Q. [15:37:43] Now just scroll down a little bit so that we can see the signatures at
4 the bottom of this first page, please. Madam Witness, is that your signature in the
5 middle? The second signature along?

6 A. [15:38:03] Yes.

7 Q. [15:38:13] Thank you. And if we can go to page 4 of this document. And if
8 we could scroll in -- or zoom in, rather, to the signatures halfway down the page.

9 The middle signature is your signature, is it?

10 A. [15:38:59] Yes (Overlapping speakers)

11 Q. [15:39:05] I'm sorry. We know that this interview took about one hour and two
12 minutes, at the end of which you signed under a sentence that I'm going to read out to
13 you.

14 (Interpretation) "Nothing further was heard; having been requested to sign, the
15 person appearing signs with us this record of interview that we sign along with the
16 Registrar."

17 (Speaks English) Did your lawyer insist that this document be read back before you
18 signed it?

19 A. [15:40:56] I really do not recall. I've forgotten. All that I do know is that I
20 signed.

21 Q. [15:41:03] Right, well, you see, that's -- that's important. It's possible that it was
22 read back to you, you just don't remember after five years.

23 A. [15:41:35] Mm-hmm.

24 THE INTERPRETER: [15:41:39] The witness says "mm-hmm" to mean yes.

25 MR EDWARDS: [15:41:44]

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1 Q. [15:41:45] All right.

2 PRESIDING JUDGE MINDUA: [15:41:55](Interpretation) Madam Prosecutor.

3 MS LUPING: [15:41:57](Overlapping speakers)... to interrupt or make an objection, I
4 just want to make an observation.

5 I've just noticed that for some time now the witness appears extremely tired. I am
6 not sure whether she's in need of a break or otherwise, but she is looking very tired.
7 It's just a concern that she's still able to continue.

8 I just make that observation, your Honours.

9 PRESIDING JUDGE MINDUA: [15:42:31](Interpretation) Very well. Apparently
10 she does know -- or she does know that she can ask to rest.

11 So shall we continue, Mr Edwards?

12 MR EDWARDS: [15:42:43] Yes, in fact, what I was going to do - to be fair with the
13 witness - is to indicate that I share the observation of my friend.

14 Would your Honour wish me to ask her if she would like a break or shall we just
15 continue to assume that she's all right?

16 PRESIDING JUDGE MINDUA: [15:43:06](Interpretation) No, I think you should put
17 the question to her as to whether she wants a break or not.

18 MR EDWARDS: [15:43:11]

19 Q. [15:43:12] Madam Witness, I don't know if you have followed that exchange.

20 Are you all right to continue or would you like a break?

21 A. [15:43:23] No, you can continue.

22 PRESIDING JUDGE MINDUA: [15:43:47](Interpretation) Very well.

23 MR EDWARDS: [15:43:48] Thank you.

24 PRESIDING JUDGE MINDUA: [15:43:49](Interpretation) So we should continue,
25 Mr Edwards.

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1 MR EDWARDS: [15:43:51] Yes. By my watch, I think I have only 20 minutes
2 anyway before the break.

3 Q. [15:43:58] After the -- let's go back to the first page, please. After the

4 [REDACTED] asks you to explain how things had occurred, [REDACTED]

5 [REDACTED] you said the following ...

6 Actually, before I ask that question, I ought to make -- I ought to enquire about this.

7 Do you remember if you were assisted by an interpreter that spoke your language
8 during this interview [REDACTED]?

9 A. [15:45:33] Well, I do not know. There might have been an interpreter, but it's
10 a long time ago now and I've forgotten. I do not know.

11 Q. [15:45:45] I will note that just above your signatures is a *mention*, in which it is
12 said:

13 (Interpretation) "We have asked [REDACTED] to read and translate the -- this record of
14 interview out in a loud -- in an intelligible voice."

15 (Overlapping speakers)

16 THE INTERPRETER: [15:46:19] Overlapping speakers, counsel.

17 MR EDWARDS: [15:46:38]

18 Q. [15:46:41] (Interpretation)(Overlapping speakers)... according to what was
19 noted.

20 Can that be translated, please.

21 (Interpretation) "After the -- it was read out and translated, the person appearing
22 declares that she has no objections to make."

23 (Speaks English) All right, having taken care of that, let me come back to the answer
24 that you give to [REDACTED] question.

25 I don't know if that has been translated into Songhai.

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1 You say:

2 (Interpretation) "I was forced to marry a member of the movements by the name of
3 [REDACTED] six months after the occupation of the city of Timbuktu."

4 THE INTERPRETER: [15:48:50] Message from the Songhai booth:

5 Mr President, we haven't really grasped what Mr Edwards just said.

6 PRESIDING JUDGE MINDUA: [15:48:59](Interpretation) Mr Edwards, please.

7 MR EDWARDS: [15:49:03] I'll repeat - and, for the Songhai booth, I would hope that
8 the passage that I would like read to witness is, in fact, on their screen. It's at the
9 very foot of the first page, I will repeat it.

10 Your answer to the judge's question is this:

11 (Interpretation) "I was forced to marry a member of the movements by the name of
12 [REDACTED] six months after the occupation of the city of Timbuktu."

13 (Speaks English) Can it be translated into Songhai, please. When this was read to
14 you during your witness preparation a week ago, the correction that you wished to
15 make was that the name should be [REDACTED]

16 Madam Witness, my question is the following: [REDACTED]

17 [REDACTED] The

18 translation of your answers is made by [REDACTED] not the interpreter who is
19 helping you in your first interview [REDACTED]

20 Where does the name [REDACTED] come from in this interview?

21 A. [15:52:35] How would I know that name? I don't know where it comes from.

22 All that I do know is that this is the name of the man that married me. Even if I don't
23 know any of the Islamists, I know the one who married me.

24 Q. [15:52:57] Yes. That's not quite my question, Madam. My question is, why
25 are you referring to him as [REDACTED] in this interview?

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1 A. [15:53:43] You need to explain things to me properly. Even if you are speaking
2 Songhai, you need to explain things to me. I never said that his name was [REDACTED] I
3 always said [REDACTED]

4 Q. [15:53:59] Okay. Is it right that you have a relative named [REDACTED]
5 [REDACTED]?

6 A. [15:54:55] What? I didn't say that [REDACTED]
7 [REDACTED] I didn't say that. [REDACTED]

8 [REDACTED]
9 Q. [15:55:18] [REDACTED]?

10 A. [15:55:59] Yes, indeed, that's the person I talked to you about [REDACTED]
11 [REDACTED] I didn't talk to you about
12 [REDACTED] who has nothing to do with the Islamists.

13 Q. [15:56:22] [REDACTED] Okay. During your -- just for the last five
14 minutes -- during your preparation sessions with the Prosecutor last week, this
15 statement [REDACTED] was read back to you, wasn't it?

16 A. [15:57:19] They did read it to me. They did.

17 Q. [15:57:23] And each time the name [REDACTED] appeared in this document, you said
18 that should be corrected to [REDACTED] correct?

19 A. [15:58:04] Well, the name [REDACTED] it's the person who was interpreting who
20 didn't understand and that's why in several places this name came up.

21 Q. [15:58:18] Well, you say the person who was interpreting -- in fact, last week,
22 you said, maybe it's because of the person who took the notes that this mistake is in
23 your -- is in this document.

24 Do you remember saying that?

25 A. [15:59:11] No, no, no. That's not it. It's the person who is interpreting from

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1 the first time when I was asked the questions [REDACTED] Otherwise, those from the last
2 time got my message through.

3 Q. [15:59:34] I see.

4 MR EDWARDS: [15:59:37] Your Honour, there's two minutes left. Can I just turn
5 my back for a moment to confer with lead counsel? I may or may not have one more
6 question to ask before we break.

7 PRESIDING JUDGE MINDUA: [15:59:53](Interpretation) Please, go ahead.

8 (Counsel confers)

9 MR EDWARDS: [16:00:04]

10 Q. [16:00:11] Madam, thank you for your patience. Just one last matter I want to
11 raise before we break.

12 Please translate that.

13 Could we please go to page 2 of 4 and focus in about halfway up the page. Page 2 of

14 4. So it's MLI-OTP-0035-0139.

15 While that's being brought up, I will start by asking -- by reading out to you [REDACTED]

16 [REDACTED] question and then your answer, Madam.

17 The question is this:

18 (Interpretation) "The Ansar Dine -- "

19 THE INTERPRETER: Could counsel please wait for it to be brought up on the
20 screen? And could counsel also indicate to us exactly where it is. Thank you.

21 MR EDWARDS: [16:01:22] A little further down, please, Madam Registrar. I will
22 tell you when to stop. Thank you.

23 So on the screen, it's the first question from the top of the -- on the top of the
24 page there, that we see on the screen.

25 Can I just confirm that the interpreters have that?

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- 1 THE INTERPRETER: [16:01:40] Yes, indeed. Thank you.
- 2 MR EDWARDS: [16:01:42] All right.
- 3 (Interpretation) "The Ansar Dine, AQMI and MNLA groups, did they divvy up the
- 4 town or city amongst themselves, the city of Timbuktu?"
- 5 (Speaks English) And your answer is this:
- 6 (Interpretation) "Timbuktu camp was occupied by AQMI. The zone of [REDACTED]
- 7 where the rape took place was under the control of the Ansar Dine and AQMI
- 8 movements. Another group occupied the Timbuktu *gouvernorat*."
- 9 (Speaks English) Is that answer (Overlapping speakers)
- 10 PRESIDING JUDGE MINDUA: [16:03:08](Interpretation) Madam Prosecutor?
- 11 MS LUPING: [16:03:09] Mr President, your Honours, I'm just concerned about what
- 12 might be being translated because what Defence counsel has not read out is the name
- 13 of the movements that we see here. It's -- we see it in the English transcript, but it
- 14 hasn't been read out, and, again, this is being clear in terms of the procedure and the
- 15 process, the entirety should be read to the witness for the purposes of context, and the
- 16 names of those two movements - just before we have the words, "*un autre*
- 17 *groupe*" - were not read out.
- 18 I would just ask that counsel please read the entirety so that we have a proper
- 19 translation to the witness.
- 20 MR EDWARDS: [16:03:49] Your Honour, it -- I heard the English booth translate it
- 21 from French into English. I assumed it was then translated into Songhai.
- 22 Can we confirm whether the Songhai translated the entire thing?
- 23 THE INTERPRETER: [16:04:13] Message from the Songhai booth: We have the text
- 24 before us and that is what we read.
- 25 MR EDWARDS: [16:04:20] Thank you.

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- 1 PRESIDING JUDGE MINDUA: [16:04:22](Interpretation) Very well.
- 2 MR EDWARDS: [16:04:23]
- 3 Q. [16:04:25] My question, Madam, is, do you stand by that answer?
- 4 A. [16:04:50] Yes, I do agree with the answer.
- 5 Q. [16:04:55] Thank you very much.
- 6 MR EDWARDS: [16:04:56] Your Honour, this might be a good time.
- 7 PRESIDING JUDGE MINDUA: [16:05:04](Interpretation) There we have it, it is five
- 8 past four. We shall rise for today. Mr Edwards, how long do you think you will
- 9 need? I'm just putting the question.
- 10 MR EDWARDS: [16:05:22] Thank you very much for the question.
- 11 This is the sort of witness that I could certainly question for the whole of tomorrow.
- 12 But what I will do, is, I will go back over my notes. I will see where I can pare down
- 13 my cross-examination to that which is essential.
- 14 I am - with great respect - loathe to give an estimate because I've got into trouble
- 15 many, many, many times in the past giving estimates about how much longer I need.
- 16 Could I notify the Court after I've had a bit of time to think about it by email in the
- 17 next half hour? Thank you.
- 18 PRESIDING JUDGE MINDUA: [16:06:18](Interpretation) Yes, indeed, that's fine.
- 19 So, Madam Courtroom Officer, we are in private session, are we not?
- 20 THE COURT OFFICER: [16:06:29] (Interpretation) Yes, indeed we are.
- 21 PRESIDING JUDGE MINDUA: [16:06:34](Interpretation) Could we then go back to
- 22 open session, then.
- 23 (Open session at 4.06 p.m.)
- 24 THE COURT OFFICER: [16:06:39] (Interpretation) We are back in open session, Mr
- 25 President, your Honours.

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- 1 PRESIDING JUDGE MINDUA: [16:06:44](Interpretation) Thank you very much,
2 Madam Courtroom Officer.
3 So I'm now turning to Madam Witness.
4 Madam Witness, we have reached the end of the hearing for today, but unfortunately
5 your testimony is not yet over. The Chamber is well aware of the fact that you are
6 tired, but we all need to do our work; so we shall continue tomorrow morning again.
7 PRESIDING JUDGE MINDUA: [16:07:42](Interpretation) Madam courtroom officer,
8 I can't hear the interpreters anymore?
9 THE COURT OFFICER: [16:07:47] (Interpretation) We do have a technical issue, Mr
10 President. With your leave, we might need two or three minutes to re-establish the
11 connection with the distant remote location.
12 PRESIDING JUDGE MINDUA: [16:08:15](Interpretation) Very well, we shall wait
13 two or three minutes further; otherwise --
14 THE COURT OFFICER: [16:08:21] (Interpretation) It would seem that the connection
15 has been re-established, Mr President.
16 PRESIDING JUDGE MINDUA: [16:08:26](Interpretation) Very well. So
17 interpreters please, could you just interpret what I just said to the witness.
18 On behalf of the Chamber, I would like to sincerely thank you for your availability
19 and for everything that you have done, and I'd like to suggest that you go and have
20 a good rest this evening.
21 Of course, you will be well aware of the fact that you should not speak about your
22 testimony to anybody at all.
23 And before we rise for today, I would like to, as usual, thank all the parties and
24 participants, the court reporters, the interpreters, the security guards and our public.
25 I would like to wish you all a very pleasant evening, and I say until tomorrow, 9.30,

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- 1 Court is adjourned.
- 2 THE COURT USHER: [16:09:53] All rise.
- 3 (The hearing ends in open session at 4.09 p.m.)