

Trial Hearing
WITNESS: MLI-OTP-P-0557

(Open Session)

ICC-01/12-01/18

1 International Criminal Court
2 Trial Chamber X
3 Situation: Republic of Mali
4 In the case of The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag
5 Mahmoud - ICC-01/12-01/18
6 Presiding Judge Antoine Kesia-Mbe Mindua, Judge Tomoko Akane and
7 Judge Kimberly Prost
8 Trial Hearing - Courtroom 1
9 Friday, 4 December 2020
10 (The hearing starts in open session at 9.30 a.m.)
11 THE COURT USHER: [9:30:43] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE MINDUA: [9:31:08](Interpretation) Court is in session. Good
15 morning to everybody.
16 Madam courtroom officer, could you please call the case.
17 THE COURT OFFICER: [9:31:20] Thank you, Mr President.
18 The situation in the Republic of Mali, in the case of The Prosecutor versus Al Hassan
19 Ag Abdoul Aziz Ag Mohamed Ag Mahmoud, case reference ICC-01/12-01/18.
20 And for the record, we are in open session.
21 PRESIDING JUDGE MINDUA: [9:31:44](Interpretation) Thank you very much.
22 As usual, we shall now take the appearances, starting with the Office of the
23 Prosecutor.
24 MS SARDACHTI: [9:31:55](Interpretation) Good morning, Mr President.
25 The Office of the Prosecutor is represented today Gilles Dutertre and myself,

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1 Marie-Jeanne Sardachti.

2 PRESIDING JUDGE MINDUA: [9:32:08](Interpretation) Thank you very much,

3 Madam Prosecutor.

4 And now over to the Defence.

5 Ms Taylor.

6 MS TAYLOR: [9:32:11] Good morning, Mr President, good morning, your Honours,

7 good morning to everyone in the courtroom. The Defence for Mr Al Hassan is

8 represented today by Ms Sarah Marinier-Doucet, Mr Shan Patel and myself,

9 Ms Melinda Taylor.

10 Thank you.

11 PRESIDING JUDGE MINDUA: [9:32:27](Interpretation) Thank you very much,

12 Ms Taylor.

13 Legal Representatives for Victims, please.

14 Mr Nsita.

15 MR LUVENGIKA: [9:32:33](Interpretation) Good morning, Mr President, good

16 morning, your Honours. The victims are represented at this hearing by

17 Madam Claire Laplace and by myself, Mr Fidel Nsita Luvengika. Thank you.

18 PRESIDING JUDGE MINDUA: [9:32:50](Interpretation) Thank you very much,

19 Maître Nsita.

20 This morning we shall continue with the testimony of Witness P-0557, the 18th

21 Prosecution witness.

22 So I shall turn to the witness now.

23 Good morning, Mr Witness, can you hear me?

24 WITNESS: MLI-OTP-P-0557 (On former oath)

25 (The witness speaks Songhai)

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1 THE WITNESS: [9:33:17](Interpretation) Good morning. I can hear you.

2 PRESIDING JUDGE MINDUA: [9:33:21](Interpretation) Thank you very much,
3 Mr Witness.

4 I would like to, once again, on behalf of the Chamber, welcome you and remind you
5 that you are still under oath; so you should speak the truth, the whole truth and
6 nothing but the truth.

7 I would also like to remind you of my advice with regard to when you address
8 the Court.

9 Without further ado, I shall hand over to Ms Taylor for the continuation of her
10 cross-examination of the witness.

11 Ms Taylor, please.

12 MS TAYLOR: [9:34:29] Thank you, Mr President.

13 I believe we can ask the first questions in open session.

14 QUESTIONED BY MS TAYLOR: (Continuing)

15 Q. [9:34:37] Good morning, Mr Witness. How are you?

16 A. [9:34:52] Good morning. Thanks to God, I am well.

17 Q. [9:34:56] Now, Mr Witness, you might remember that yesterday, I was asking
18 you questions about the time period before the Islamists arrived in Timbuktu. I'm
19 going to read to you a quote from your testimony and then ask you a follow-up
20 question.

21 Now, at page 19, lines 4 to 7 of the real-time, you said:

22 "Yes, the same thing happened when the soldiers left, things happened in the same
23 way. Things were stolen, they were broken into and they took things. They took
24 solar panels and other things. When the MNLA left as well."

25 My question, Mr Witness, is, can you provide more information about this theft of

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1 solar panels?

2 A. [9:37:08] Well, when they came to the city, all the panels in the town or in
3 the offices were taken away. They took everything away.

4 Q. [9:37:24] Do you know who took the panels?

5 A. [9:37:45] I do not know who took the panels, but I could see them in vehicles
6 and people were taking them out of the town.

7 Q. [9:37:59] So you saw them in vehicles. Did you also hear information from
8 persons about this incident?

9 A. [9:38:30] I didn't understand your question as to how I got information.
10 I didn't understand.

11 Q. [9:38:39] Mr Witness, you said that you saw these solar panels being taken in
12 vehicles. Did you hear or learn any other information from what people might have
13 told you?

14 A. [9:39:44] Well, panels were taken away by Arabs. Panels were taken away by
15 Arabs because at that moment in time, there were also Arabs who had taken some
16 panels and some of them even took vehicles from the camp.

17 MS TAYLOR: [9:40:10] My next question is based on a paragraph from the witness's
18 statement. If I'm -- it's a statement -- it's a paragraph I read yesterday. But out of
19 fairness, I do believe I'd have to read it to him again to refresh his memory, in which
20 case I'll have to do so in private session.

21 PRESIDING JUDGE MINDUA: [9:40:37](Interpretation) Courtroom officer, private
22 session, please.

23 (Private session at 9.40 a.m.)

24 THE COURT OFFICER: [9:40:47] We're in private session, Mr President.

25 PRESIDING JUDGE MINDUA: [9:40:53](Interpretation) Thank you very much.

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1 Ms Taylor.

2 MS TAYLOR: [9:40:56]

3 Q. [9:40:57] Mr Witness, I read to you a paragraph from your statement yesterday,
4 and I'm going to ask that it be read to you again, so I can ask a question about an issue
5 that I did not ask you yesterday.

6 And the reference is MLI-OTP-0046-8845 at 0050 (sic) and it's paragraph 28, and if it
7 could be put on to evidence 1 for the interpreters.

8 THE INTERPRETER: [9:41:46] Message from the English booth: Would you like us
9 to read it?

10 MS TAYLOR: [9:41:51] Yes, please.

11 THE INTERPRETER: [9:41:54] Paragraph 28 --

12 THE COURT OFFICER: [9:41:58] It is displayed on evidence 1.

13 THE INTERPRETER: [9:42:01] Sight translation of paragraph 28: "The investigators
14 asked me why [REDACTED] and I had lied as to the true name of our parents.

15 The young people in our neighbourhood who had the means had fled the town, had
16 fled when the town was taken over. But we were obliged to stay behind.

17 The young people had told us that if [REDACTED] and I were caught, we would be
18 punished because we were not married. Also, during sermons at the mosque,
19 the preachers had told us what we had to do and refrain from doing. There was, for
20 example, the imam of Bellafarandi, a gentleman by the name of Daoud, who would
21 announce this in public. Many couples living in Timbuktu were not married.

22 When [REDACTED] and myself met, it was three years before and these groups were not
23 even in Timbuktu at the time."

24 End of sight translation.

25 MS TAYLOR: [9:44:16]

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1 Q. [9:44:16] Now, Mr Witness, according to this paragraph, you told
2 the Prosecution that also during the sermon at the mosque: The preacher told us what
3 we should do or not do.

4 Is it correct that during the sermon at the mosque, the preacher told you what you
5 should do or not do?

6 A. [9:45:10] On the day of my flogging, the imam over the loudspeaker said those
7 words.

8 Q. [9:45:23] And before the day of your flogging, during sermons at the mosque,
9 did the preacher give sermons telling people what they should do or not do?

10 A. [9:46:19] At the mosque, what we were able to see was that there are people
11 beside us at all time. When you look to one side or another, you can see a weapon
12 pointed. So that was what I can say with regard to what we were able to see at the
13 mosque.

14 Q. [9:46:52] Mr Witness, my question was what you heard at the mosque. At the
15 mosque, did the preachers give sermons telling the people what they should do or not
16 do?

17 A. [9:47:50] Well, the imams would often preach in Arabic. Well, as far as [REDACTED]
18 and I are concerned, I never heard - say in or during a sermon - what was forbidden
19 and what was not.

20 Q. [9:48:18] Mr Witness, I'm going to play you a video that I played yesterday to
21 ask some further questions. And we'll play it with sound.

22 It's MLI-D28-0004-3798 and the transcript is tab 14, MLI-D28-0004-3810.

23 PRESIDING JUDGE MINDUA: [9:48:49](Overlapping speakers)

24 MS TAYLOR: [9:48:57] (Overlapping speakers)

25 PRESIDING JUDGE MINDUA: [9:49:01](Interpretation) Let's go ahead.

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1 (Viewing of the video excerpt)

2 THE INTERPRETER: [9:49:25](Interpretation of the video excerpt)

3 Interviewer: Brother, are you all right?

4 Interviewee: By Allah, I'm fine.

5 Interviewer: And the members of your family?

6 Answer: We are all right, thanks to god.

7 Question: What is your name?

8 Answer: My name is [REDACTED]

9 Question: [REDACTED] in fact, I have come today to see you in order for
10 you to be able to tell us your story as to what happened when the people arrived and
11 did not any longer want to leave. What happened?

12 Answer: Yes.

13 Question: I want you to tell us that.

14 Answer: In fact, when the people arrived --

15 Yes.

16 -- in fact, when the people arrived, they found me standing at the women's door.

17 Question: Yes.

18 Answer: They asked me, What are you doing there? I answered that my
19 little -- that it was my little sister and that I was going to bring some coal into their
20 house. They told me, Is that your little sister? I was standing and on the verge of
21 bringing in a barrel of coal. They called me to the other side, to the driver's side.
22 They asked me what the name of my father was and I gave them the name of the
23 father of my wife. They also asked my wife -- or they also asked ...

24 Correction: The woman, they also asked the woman and she gave the name of her
25 father. And that is the point where we gave different information and we were

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1 arrested. They took me to the prison. The woman was arrested by them. They
2 took me to the prison and they shut me away for two nights. On the third day, we
3 were judged. They then took the woman and we were flogged.

4 Question: Yes. Where did the flogging take place?

5 Answer: The flogging took place in Sankoré.

6 Question: But where did they arrest you, in what neighbourhood? Answer: That
7 place.

8 Question: The neighbourhood where they arrested you?

9 Answer: Abaradjou.

10 Question: They arrested you in Abaradjou?

11 Yes.

12 Question: They took you to Sankoré?

13 Yes.

14 Question: You were flogged?

15 Answer: Yes.

16 Question: Who are "they"?

17 Answer: In fact, the perpetrators. I know them by sight, but I do not know their
18 names.

19 Question: You do not know their names, but you know the group they belong to
20 because these different -- these are the different groups that came to Timbuktu.

21 Answer: Yes, well, there you are.

22 Question: These are people from what group?

23 Answer: The Islamists.

24 Question: Ah, the Islamists.

25 Answer: There you go.

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- 1 Question: How do you know that they are Islamists?
- 2 Answer: Well, I saw the flag, their flag and I saw their behaviour, which indicated to
- 3 me that they were Islamists.
- 4 Question: What kind of clothes were they wearing? What colour were those
- 5 clothes?
- 6 Answer: Colour, the clothes were sand coloured.
- 7 Question: Their clothes. Yes, their boubou, and their flag?
- 8 Answer: Their flag is black in colour with white inscriptions.
- 9 Question: And that indicates to you that these are Islamists?
- 10 Answer: Islamists.
- 11 Question: At the time when they arrest you, how many were there?
- 12 Answer: Seven.
- 13 Question: Seven?
- 14 Answer: Yes.
- 15 Question. And when they took you to be flogged, how many people flogged you?
- 16 Answer: There must have been about seven -- about 100 people at that location.
- 17 They were circling the -- they had surrounded the cars and they had pointed guns at
- 18 me.
- 19 Question: And on the subject of your flogging, how many lashings did you receive?
- 20 Answer: One hundred lashings.
- 21 Question: 100?
- 22 Answer: 100.
- 23 Question: Did it hurt?
- 24 Answer: Of course it hurt.
- 25 Question: Ah, yes. And are you injured?

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1 Answer: Of course I'm injured, and until today I have marks associated with that
2 (from this, we should understand scars).

3 Question: Until now?

4 Answer: Until now.

5 Question: Are there any prescriptions associated with the injuries inflicted by this
6 flogging?

7 Answer: Prescriptions, in fact, they took me to hospital. They gave me six quinines
8 (from this, we should understand pills).

9 Question: Yes.

10 Answer: And when they gave me these six quinines, I swallowed them. That's all
11 that I can say for now.

12 Question: Do you have any prescriptions?

13 Answer: Yes.

14 That you have with you?

15 Yes.

16 Question: I can guarantee that I will come and get them within a week.

17 Answer: Yes.

18 Question: They will pay you the price of these prescriptions. Answer: There
19 you go.

20 Question: But the assistance that they will bring you will be in three months, six
21 months or a year.

22 Answer: Yes.

23 Question: Our assistance is also a consequence of this aid, god willing.

24 Question -- answer: Yes.

25 Question: This is pure truth.

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1 Answer: There you go.

2 Question: If you have anything to add, then please answer. Here are all
3 the prescriptions that I had.

4 Question: Yes.

5 Answer: Those that were prescribed to me in hospital.

6 Yes.

7 [REDACTED] I do not have any work that will enable me to pay for
8 them.

9 Question: Yes.

10 Answer: And as a result I had to take out credit.

11 Question: Very well.

12 Answer: To pay for it.

13 Question: Yes.

14 Answer: I kept all of the prescriptions for which I have taken out credit in order to
15 pay for them.

16 Question: Yes.

17 Answer: They are all on me.

18 Question: Do you have the prescriptions with you?

19 Answer: They are all at my house.

20 Question: Wonderful.

21 Is that what you want to add?

22 Yes.

23 Question: Now, do not fear that we have heard what you have to say and you have
24 spoken well. What is more, if you are afraid that we shall show you to others and
25 that we shall talk to others, tell us and we shall provide you with guarantees that that

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1 will remain between us and god.

2 Answer: There we go. I have nothing to fear -- or, I am not frightened of
3 anything -- correction.

4 Question: You are not frightened of anything?

5 Answer: Because what happened to me is known to all and there is nothing.
6 Unintelligible.

7 Question: Well, may god help us.

8 Answer: Amine or god.

9 Question: Pray, please pray, but I would like to have those prescriptions.

10 Answer: Very well.

11 End of sight translation.

12 MS TAYLOR: [9:58:00]

13 Q. [9:58:00] Now, Mr Witness, according to this audio, the interviewer tells you
14 that if you have prescriptions, he will get them in a week and that aid will be given
15 within three months, six months, or a year, and that he would pay for
16 the prescriptions.

17 After this interview, did you give the interviewer your prescriptions?

18 A. [9:59:23] Well, firstly, one should start from the beginning. When he came, we
19 spoke, but as to the video being filmed, I didn't know. Because when he came, I
20 asked him to take a seat. He didn't want to sit down, he stopped. After which he
21 left again, and, after three months, he came back and he showed the documents to me
22 and asked me to sign them. He didn't even translate them to me. He just told me
23 to sign them and to append my fingerprint, after which he left and he did not -- he
24 came back, but I didn't see him again.

25 THE INTERPRETER: [10:01:12] Says the witness.

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1 THE WITNESS: [10:01:30](Interpretation) And the ...

2 THE INTERPRETER: [10:01:30] Unintelligible.

3 THE WITNESS: [10:01:31](Interpretation) ... that he brought me was in a white bag.

4 He told me to append my fingerprint. And even with regard to the prescriptions
5 that he said he'd come back and get, he did not come back and get them. And I had
6 gone with the women to the fields and, when we came back, the -- well, he had come
7 into our house and ...

8 THE INTERPRETER: [10:02:25] Unintelligible.

9 THE WITNESS: [10:02:26](Interpretation) ... and the rain had come into our house.

10 THE INTERPRETER: [10:02:33] Could the witness please be -- or the Songhai
11 interpreter please be requested to repeat the last part of his interpretation. Very
12 unclear.

13 MS TAYLOR: [10:02:43] The English interpreters have asked the Songhai
14 interpreters to repeat the last part of the translation, as they weren't able to
15 understand it.

16 THE SONGHAI INTERPRETER: [10:03:07](Interpretation) I left to the fields with
17 the women. We stayed there and it rained. On that day, our house had holes in it
18 and the rain had got into our house.

19 MS TAYLOR: [10:03:30]

20 Q. [10:03:31] Mr Witness, did this interviewer [REDACTED] promise you assistance and
21 then not give it?

22 PRESIDING JUDGE MINDUA: [10:03:53](Interpretation) Ms Taylor, the Chamber is
23 having difficulty following you, I'm afraid, because this is a witness to the facts, this
24 witness. What the Prosecutor is trying to deal with is the matter of the flogging and
25 now you're talking to him about medical prescriptions, which may or may not have

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1 been paid for.

2 What is the relevance? What is the link that -- to what the Prosecutor is trying
3 to -- is -- establish? What are you trying to establish by trying to prove whether he
4 produced these prescriptions or whether he received, received aid, or not?

5 MS TAYLOR: [10:04:40] Mr President, I'm aware that you're speaking in French, and
6 the witness does understand some French, so I would submit that these are not issues
7 that should be discussed in the presence of the witness if French language is going to
8 be used.

9 I would've hoped that the relevance would've been clear to the Chamber - and, I'm
10 asking this not to be interpreted to the witness - given that what I'm asking, goes
11 directly to issues of credibility and reliability of prior statements. The case law of the
12 ICC is clear on this and in the ad hoc tribunals, that the Defence is entitled to put
13 questions to the witness on issues concerning credibility, particularly as concerns
14 the reliability by which prior statements were collected.

15 The possibility that a witness has at some juncture been promised assistance in
16 the very course of an interview raises significant issues, particularly if the person
17 giving that promise is someone [REDACTED]

18 [REDACTED]

19 Now these are issues we are directly entitled to explore and, to prevent us from doing
20 so, would actually undermine the very precepts of a fair trial in this case. This case
21 is not just about what the witness says about the charges, but about their motivation,
22 their credibility, their reliability.

23 We cannot be restricted to asking the same questions as the Prosecution. That's not
24 how the Defence works. The way the Defence works is to investigate and examine
25 the manner in which this testimony has been brought to the Court, and, in particular,

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1 to ask questions concerning the various manifestations of that testimony that have
2 been provided by this individual over the last eight years.

3 PRESIDING JUDGE MINDUA: [10:06:50](Interpretation) I would like to consult my
4 colleagues, because this is taking an awful lot of time. We've been dealing with it
5 since yesterday, and therefore --

6 MS TAYLOR: [10:07:02] (Overlapping speakers) Mr President, I've asked one
7 question on this issue. One question. And it's also because the transcript was not
8 clear. We've had an issue with interpretation. My question was one question to
9 clarify what the witness said. That's not taking up an entire day to ask one question
10 before proceeding.

11 PRESIDING JUDGE MINDUA: [10:07:27](Interpretation) In that case, let us proceed.
12 One question and we will see.

13 MS TAYLOR: [10:07:33]

14 Q. [10:07:33] Mr Witness - and I'd now ask for this to be interpreted - is it the case
15 that this person, [REDACTED] during this interview, promised you assistance and then did
16 not provide it?

17 A. [10:08:54] Maybe he did. I wasn't aware the aid that he was going to bring me,
18 if he marked it, was not perhaps what you saw, but perhaps me, I saw something that
19 you didn't see.

20 THE INTERPRETER: [10:09:14] They would like to -- the Songhai booth would like
21 to have some addition to the interpretation.

22 PRESIDING JUDGE MINDUA: [10:09:21](Interpretation) Would you like
23 the witness to repeat?

24 THE SONGHAI INTERPRETER: [10:09:24](Interpretation) Yes, please.

25 PRESIDING JUDGE MINDUA: [10:09:25](Interpretation) Mr Witness, please could

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1 you repeat your reply.

2 THE WITNESS: [10:09:53](Interpretation) The aid that I was promised by

3 [REDACTED] I wasn't informed. So

4 with regard to the assistance, I didn't -- I didn't see the assistance. That means that

5 I didn't have any.

6 Really, I didn't see this coming from him. And what he was going to bring me, he

7 said he would. He didn't bring me the assistance that he was going to bring me,

8 that -- and even though he got me to sign documents.

9 MS TAYLOR: [10:10:52]

10 Q. [10:10:52] Mr Witness, you've talked about a document that you were asked to

11 sign. I am going to show a document. I know you can't read, but I think you might

12 be able to recognise some aspects of it.

13 MS TAYLOR: [10:11:03] It's tab 12, MLI-OTP-0073-0930, and if we could turn to

14 page 0946 and put it up on the screen for evidence 1. If we could put up page 0946.

15 Q. [10:12:05] Mr Witness, is this your identity card --

16 PRESIDING JUDGE MINDUA: [10:12:08](Interpretation) Madam Prosecutor.

17 MS SARDACHTI: [10:12:09](Interpretation) I'm sorry to ask for a clarification, are

18 we talking about the Defence binder, tab 12? Is that the correct reference? I have an

19 article at that?

20 MS TAYLOR: [10:12:25] (Overlapping speakers) It's an OTP document.

21 PRESIDING JUDGE MINDUA: [10:12:35](Interpretation) It's in the Prosecution

22 binder, tab 12.

23 MS TAYLOR: [10:12:44]

24 Q. [10:12:44] Mr Witness, is this your identity card?

25 A. [10:12:52] Yes, of course, that is my identity card.

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1 Q. [10:13:04] If we could turn to page 0932. If we could focus on the bottom. I'll
2 read it out. It refers to an organisation, [REDACTED]

3 Mr Witness, have you heard of an NGO called [REDACTED]

4 [REDACTED]? [REDACTED]?

5 A. [10:14:39] Well, I don't recall that, no.

6 PRESIDING JUDGE MINDUA: [10:14:50](Interpretation) Prosecution.

7 MS SARDACHTI: [10:14:51](Interpretation) Would it first be possible to show
8 the first page of this document and then move on to the individual references within
9 the document?

10 PRESIDING JUDGE MINDUA: [10:15:06](Interpretation) Ms Taylor.

11 MS TAYLOR: [10:15:07] (Overlapping speakers) Mr President, the problem is,
12 the witness can't read, and I'm not planning on going into the contents of the
13 document. So I don't see any utility to showing him a page that he can't actually
14 read.

15 PRESIDING JUDGE MINDUA: [10:15:25](Interpretation) You're quite right. In any
16 case, the witness has said he doesn't know what it's -- this is all about, so let's proceed.

17 MS TAYLOR: [10:15:35]

18 Q. [10:15:35] [REDACTED]

19 [REDACTED]?

20 A. [10:16:06] You mean -- sorry, you said people from my family?

21 Q. [10:16:10] Yes. For example, your sisters, your brothers, your wife?

22 A. [10:16:45] It's possible, but I don't know [REDACTED]

23 [REDACTED] I don't know.

24 Q. [10:16:59] Mr Witness, I'm going to turn to another video.

25 It's OTP tab 55, the video is [REDACTED] The transcript is OTP tab 55,

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1 MLI-OTP-0033-5228. It was shown to you previously during examination-in-chief,
2 but because I'm showing a different section, I'll play it first without sound from 03:29
3 to 04:13 on evidence 2.

4 (Viewing of the video excerpt)

5 PRESIDING JUDGE MINDUA: [10:17:56](Interpretation) Ms Taylor, have -- we've
6 already seen this, and so has the witness. Can we not find a way of him answering
7 these questions in public session?

8 MS TAYLOR: [10:18:12] I'm about to ask him questions about the persons he sees in
9 this. So I can't ask that in open session, it would identify him.

10 PRESIDING JUDGE MINDUA: [10:18:32](Interpretation) Very well. Proceed.
11 (Viewing of the video excerpt)

12 MS TAYLOR: [10:19:13] If we can then freeze at 03:34:09.

13 Q. [10:19:39] Mr Witness, do you recognise any of the people in this shot?

14 A. [10:19:59] All the people that are there, I know them. Apart from the person
15 with the light skin who's shown here.

16 Q. [10:20:22] Well, apart from the person with the light skin, could you give
17 the names of the people you see?

18 A. [10:20:48] of course, I can do that.

19 Q. [10:20:55] Thank you. Could you then do that now, please.

20 A. [10:21:28] Well, the person is [REDACTED] there's also [REDACTED]
21 [REDACTED]

22 Q. [10:22:00] Mr Witness, [REDACTED] what is that person's full name?

23 A. [10:22:28] It's [REDACTED] that's what -- that's the name I know him by. I don't
24 know any other name for him.

25 Q. [10:22:38] And you referred to him [REDACTED]

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1 [REDACTED]?

2 A. [10:23:17] [REDACTED]

3 [REDACTED] No, it's not like that. [REDACTED]

4 [REDACTED]

5 Q. [10:24:02] When [REDACTED] testified, she said that she saw [REDACTED]

6 [REDACTED] that's transcript T-53, page 18, lines 4 to 5. Who was she referring to?

7 A. [10:24:53] [REDACTED]

8 [REDACTED] And

9 the video also, this is not the end of the video that we see here.

10 Q. [10:25:15] Now, Mr Witness, I'm going to play the same part, with sound.

11 (Viewing of the video excerpt)

12 MS TAYLOR: [10:26:35] So it finishes at the 4:13 mark.

13 Q. [10:26:40] Mr Witness, was that your voice speaking Songhai?

14 A. [10:26:58] Who on earth could -- who else could that be if it wasn't me?

15 Q. [10:27:05] And is what you said to the journalist, what you just heard, is it true?

16 A. [10:27:26] I don't understand.

17 Q. [10:27:29] You heard your voice speaking, were you telling the journalist

18 the truth?

19 A. [10:28:00] Of course I spoke the truth. I -- to the -- I -- I told the truth. I told

20 the truth, but each word has its truth. There are some people who ask you questions

21 and some people who ask you to explain everything, so there's all of that.

22 MS TAYLOR: [10:28:34] I'm going to play another extract of the same video. It's

23 from the 15:15 minute mark to the 15:36 minute mark, and I'll play it first without

24 sound.

25 PRESIDING JUDGE MINDUA: [10:28:53](Interpretation) Madam Prosecutor.

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1 MS SARDACHTI: [10:28:54] I will talk in English so that the witness doesn't have to
2 go outside.

3 So there was -- there was a very long extract and - to fairness to the witness - then
4 the question was, is that the truth?

5 So we did not really understand what was meant in the question and then we don't
6 know also what the answer relates to.

7 And also, we didn't hear the witness voice. So ...

8 PRESIDING JUDGE MINDUA: [10:29:37](Interpretation) Ms Taylor.

9 MS TAYLOR: [10:29:38] (Overlapping speakers) Mr President, the witness has said
10 that he heard his voice speaking. I asked him that beforehand. He was speaking in
11 Songhai. And I asked him if what he said in Songhai was the truth. He said yes.
12 So he understood the question. It wasn't a lengthy extract. It was quite a short
13 extract in Songhai. I believe the witness is well placed to know if what he said,
14 having heard it, is what he believes to be the truth. And it's now asked and
15 answered.

16 PRESIDING JUDGE MINDUA: [10:30:14](Interpretation) Mr Prosecutor.

17 MR DUTERTRE: [10:30:18](Interpretation) To add a clarification (Overlapping
18 speakers)(Speaks English) and I don't want that to be --

19 MS TAYLOR: [10:30:20] (Overlapping speakers) You're now speaking French,
20 Mr Dutertre.

21 MR DUTERTRE: [10:30:21] (Overlapping speakers) -- to Songhai. Sorry?

22 MS TAYLOR: [10:30:21] You're speaking in French.

23 MR DUTERTRE: [10:30:25] No, I'm speaking English now, right now. I anticipated
24 indeed, Ms Taylor, thank you for that. I shifted.

25 When the witness is speaking, there is a translation made in French. So it's -- not

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1 sure that the witness could hear entirely what he's saying. And when he's being
2 asked whether it's the truth, it's not really fair to the witness because I'm not sure he
3 could hear entirely what he was saying.

4 MS TAYLOR: [10:30:58] I could ask him if he could hear what he was saying.

5 PRESIDING JUDGE MINDUA: [10:31:03] Yes, please, ask again the question.

6 MS TAYLOR: [10:31:06]

7 Q. [10:31:06] Mr Witness, I asked you if you could hear your voice in Songhai, you
8 said yes. Could you hear what you were saying?

9 A. [10:31:42] Yes, I could hear what I was saying there, and I could also repeat
10 what I said there if I were asked to.

11 MS TAYLOR: [10:31:56] Can I move on now, Mr President?

12 PRESIDING JUDGE MINDUA: [10:32:03](Interpretation) Yes, please, do. Let's go
13 forward.

14 MS TAYLOR: [10:32:08] (Overlapping speakers) If I could play from the 15:15 to
15 15:36 without sound.

16 (Viewing of the video excerpt)

17 MS TAYLOR: [10:32:40]

18 Q. [10:32:41] Mr Witness, is that you in the video?

19 A. [10:32:55] It is me.

20 Q. [10:32:57] And just for the record, I don't believe he's referring to what we see
21 now, but I'll play it again with sound.

22 (Viewing of the video excerpt)

23 MS TAYLOR: [10:33:55]

24 Q. [10:33:55] Mr Witness, do you recall what's being shown in this scene?

25 A. [10:34:39] What I can see in this scene is people who came to launch attacks.

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1 These are the images that you can see, the attacks at the airport.

2 Q. [10:35:07] Mr Witness, do you recall showing the journalist photos of dead
3 Islamists on your phone?

4 MS TAYLOR: [10:35:13] And for the record, I'm now showing the video at 15:25:24
5 mark.

6 THE WITNESS: [10:35:54](Interpretation) Yes. The telephone does not belong to
7 me. It was somebody who was next to me.

8 MS TAYLOR: [10:36:14]

9 Q. [10:36:14] Who was that person?

10 A. [10:36:27] I do not recall the individual now.

11 Q. [10:36:36] Do you recall the journalist asking you whether this was justice?

12 A. [10:37:03] I didn't understand what you said.

13 Q. [10:37:07] Do you want me to play this again to refresh your memory? Would
14 that help?

15 A. [10:37:31] What you just said is what I haven't understood.

16 Q. [10:37:36] According to this video, when you showed the journalist this phone
17 with the pictures, the journalist asked: Is this justice?

18 Do you recall this? Or do you want me to replay the video?

19 A. [10:38:28] When he asked me questions -- and, even if he asked me that, I don't
20 remember.

21 Q. [10:38:38] I can play it again.

22 From the 15 minute to 15 -- the 15:15 to 15:36 minute mark.

23 PRESIDING JUDGE MINDUA: [10:38:49](Interpretation) Madam Prosecutor.

24 MS SARDACHTI: (Overlapping speakers) We would like to object because it is
25 asked and answered. He answered the question. So there is no need to replay

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1 the video in our view.

2 MS TAYLOR: [10:38:59] Mr President, if a witness can't remember, we're entitled to
3 refresh his memory. This often happens that a witness might not remember and
4 then you play it again or you refer them to their statement to refresh their memory.
5 That's in the decision on the conduct of the proceedings.

6 PRESIDING JUDGE MINDUA: [10:39:21](Interpretation) Yes, but, Ms Taylor, we
7 have viewed this video on a number of occasions and the witness has already
8 answered. Please move on to another question. The witness has said that he
9 doesn't remember.

10 MS TAYLOR: [10:39:33] Thank you. But for the record, we only played this section
11 once.

12 Q. [10:39:40] Now, Mr Witness, yesterday I asked you about [REDACTED]
13 [REDACTED] and I am just going to ask you a question now based on your previous
14 statement.

15 MS TAYLOR: [10:39:47] It's tab 1, MLI-OTP-0046-8845 at 8848 at paragraph 18, and
16 it should be put on to evidence 1 for the interpreters.
17 And if paragraph 18 could be read out for the witness.

18 THE INTERPRETER: [10:40:49] Sight translation of paragraph 18:
19 "I have already spoken about what happened to [REDACTED] and myself, with
20 the people from the [REDACTED] and from the [REDACTED] I've also
21 spoken to [REDACTED] The [REDACTED] was conducting an investigation to
22 find out what had happened. They told me that it was to -- it was to administer
23 justice and the law with regard to what had happened during the presence of
24 Islamists in Timbuktu. I do not remember the names of those people who came to
25 see me to ask me questions with regard to what had happened. There is another

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1 NGO that approached me and I don't remember its name. [REDACTED]

2 [REDACTED] gave me a card with a name and a telephone number.

3 I have it at home, but I do not remember the name of the NGO."

4 End of sight translation.

5 Message from the Songhai interpreter: Mr President, I can't see the rest of it.

6 PRESIDING JUDGE MINDUA: [10:44:00](Interpretation) Madam courtroom officer.

7 Are you talking about the continuation of paragraph 18? Paragraph 18. Are you
8 talking about the continuation of paragraph 18?

9 THE INTERPRETER: [10:44:08] The Songhai interpreters: Yes, absolutely.

10 The last line.

11 PRESIDING JUDGE MINDUA: [10:44:16](Interpretation) Madam courtroom officer,
12 could you please scroll down.

13 There we are, I can see it now.

14 THE INTERPRETER: [10:44:28] From the Songhai interpreter: Thank you very
15 much, Mr President.

16 PRESIDING JUDGE MINDUA: [10:44:32](Interpretation) You're welcome.

17 MS TAYLOR: [10:44:39]

18 Q. [10:44:39] Mr Witness, did you tell the Prosecution that [REDACTED]

19 [REDACTED]?

20 A. [10:45:14] All of those organisations that you've just spoken of, I talked about all
21 of those in the same way.

22 Q. [10:45:28] I am just going to turn to another document -- or, firstly, you have an
23 [REDACTED] is that correct? And I could be
24 mispronouncing it, but the relevant spelling would be on paragraph 66 of the same
25 statement.

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- 1 A. [10:46:19] [REDACTED]
- 2 Q. [10:46:35] I'd like to turn to Defence tab 16, [REDACTED] if this could be
3 brought up on evidence 1.
4 If it could be zoomed in to the photo.
5 Mr Witness, is this your sister?
- 6 A. [10:47:35] That is indeed my sister.
- 7 Q. [10:47:38] I'm going to turn to tab, Defence tab 22, this is [REDACTED]
8 These are the Facebook friends of the same individual, and if we could turn to
9 specifically [REDACTED] and have that on the evidence screen.
- 10 THE COURT OFFICER: [10:48:30] Ms Taylor, could you please check that you have
11 the right number. According to eCourt, the file doesn't exist. Or if you could
12 provide us with the ERN number of the first page.
- 13 MS TAYLOR: [10:48:49] The first page is [REDACTED] and the page I'm
14 referring to is [REDACTED]
- 15 THE COURT OFFICER: [10:49:01] And this is that page, which is -- which doesn't
16 exist. If you want to publish it.
- 17 MS TAYLOR: [10:49:10] We'll play it through the Defence laptop then and we'll do
18 a Ringtail update.
- 19 THE COURT OFFICER: [10:49:17] That will be displayed on the evidence 2 channel,
20 then.
- 21 PRESIDING JUDGE MINDUA: [10:49:28](Interpretation) Ms Taylor, what is
22 the relevance of page -- the Facebook page of his sister with regard to the charges
23 concerning us?
- 24 MS TAYLOR: [10:49:44] Mr President, again we're speaking in French in front of the
25 witness.

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1 PRESIDING JUDGE MINDUA: [10:49:52] But you could answer in English, as you
2 want.

3 MS TAYLOR: [10:49:56] Mr President, this is a Facebook page that was shown to
4 [REDACTED] We are now identifying with this witness if one of the friends is another

5 [REDACTED]

6 [REDACTED] and that is directly relevant and we
7 should be entitled to put that to the witness.

8 PRESIDING JUDGE MINDUA: [10:50:26] Okay.

9 MS TAYLOR: [10:51:06]

10 Q. [10:51:06] Mr Witness, this is a Facebook friend of your sister. Do you know
11 someone called [REDACTED]? And the photo is now on your screen.

12 PRESIDING JUDGE MINDUA: [10:52:10](Overlapping speakers)

13 MS SARDACHTI: [10:52:11](Interpretation) Yes, in fairness to the witness, would it
14 be possible to show the page in its entirety. We do not know when this was
15 captured, this screenshot. We don't know much. We are in the dark. So there we
16 are.

17 What is more, I would like to add that you don't need to go via a Facebook page to
18 put a simple question, i.e., do you know that individual?

19 PRESIDING JUDGE MINDUA: [10:52:44](Interpretation) Ms Taylor, did you hear?
20 So ...

21 MS TAYLOR: [10:52:46] (Overlapping speakers) I don't see the basis of the objection,
22 though. The witness is free to either recognise a photo or not recognise a photo
23 that's been put to him. And I don't want to have an issue because I can't pronounce
24 the name correctly. At least here, there's a photo.

25 PRESIDING JUDGE MINDUA: [10:53:12](Interpretation) Your question is you want

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1 to know whether the witness recognises the individual in the photograph, yes?

2 MS TAYLOR: [10:53:20] Yes.

3 PRESIDING JUDGE MINDUA: [10:53:22](Interpretation) Mr Witness, can you
4 please answer the question.

5 THE WITNESS: [10:53:49](Interpretation) Well, from where I stand, I'd like to know
6 what happened to me. Is that's why I'm here or is it -- or am I here to talk about my
7 sisters?

8 MS TAYLOR: [10:54:05]

9 Q. [10:54:05] Mr Witness, is this your sister?

10 A. [10:54:22] It is indeed my sister.

11 Q. [10:54:28] I'm going to bring up another document, it's [REDACTED] (sic).

12 This is the same Facebook account of the person.

13 Now, according to this document, this individual works [REDACTED]

14 (Overlapping speakers)

15 PRESIDING JUDGE MINDUA: (Overlapping speakers)

16 THE COURT OFFICER: [10:55:10] Ms Taylor, for the record, the document is not
17 uploaded under Ringtail.

18 MS TAYLOR: [10:55:25] It's a document we apparently disclosed, so ...

19 THE COURT OFFICER: [10:55:31] Unless you have provided us with the wrong
20 number, both the court usher and the court officer are not able to find the document
21 under eCourt.

22 MS TAYLOR: [10:55:53] We have it on Ringtail. There might be an issue with
23 eCourt.

24 THE COURT OFFICER: [10:56:13] I am told that the document is ending with
25 the number [REDACTED]

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1 MS TAYLOR: [10:56:19] Yes, that's correct.

2 Q. [10:56:28] Mr Witness, were you aware that your sister [REDACTED]?

3 A. [10:56:53] Yes, I already heard that.

4 Q. [10:57:05] Mr Witness, do you know somebody called [REDACTED]?

5 A. [10:57:24] [REDACTED], I do not know.

6 Q. [10:57:30] Do you know an association called [REDACTED]

7 [REDACTED]
8 [REDACTED]?

9 A. [10:58:08] I do not know that.

10 MS TAYLOR: [10:58:11] Mr President, I'm about to play another video, but given
11 the time, I wonder if it might be a good time to break now, rather than to start playing
12 the video, because then I'd have to play it again to ask the question to the witness.

13 PRESIDING JUDGE MINDUA: [10:58:30](Interpretation) Very well. We shall take
14 the break now, three minutes before the planned time.

15 Courtroom officer, could we move into open session, please.

16 (Open session at 10.58 a.m.)

17 THE COURT OFFICER: [10:58:48] We are in open session, Mr President.

18 PRESIDING JUDGE MINDUA: [10:58:53](Interpretation) Thank you very much,
19 madam courtroom officer.

20 Ms Taylor, I know it's difficult, but once again, during the break, could you please try
21 and group your questions together so that we can have some of the next session in
22 open session and another part of it in private session.

23 There we are.

24 We shall suspend the hearing for half an hour and we shall reconvene at 11.30.

25 The hearing is suspended.

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1 THE COURT USHER: [10:59:32] All rise.

2 (Recess taken at 10.59 a.m.)

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

4 THE COURT USHER: [11:32:31] All rise.

5 Please be seated.

6 PRESIDING JUDGE MINDUA: [11:32:56](Interpretation) The Court is once more in
7 session.

8 Ms Taylor, you have the floor in order to continue with your cross-examination, but I
9 would like to say now, at this stage, for urgent reasons, we need to finish today -- this
10 morning at 12.25, and then we will start again at 13.30, as usual. We will be starting
11 at -- therefore, at our usual time, but we will finish five minutes earlier than usual.

12 Ms Taylor.

13 MS TAYLOR: [11:33:50] Thank you, Mr President. I believe we should be able to
14 finish before that. I can start in open session, but the video that we're playing should
15 not be shown to the public gallery and we're playing it without sound, as well.

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[REDACTED]

[REDACTED] at 36:12. It's 36:16. Mr Witness,

do you see a white woman in this scene?

A. [11:37:16] I don't understand.

Q. [11:37:26] On your screen, can you see a white woman?

A. [11:37:48] Yes, I can see her on the screen.

[REDACTED]

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3 MS TAYLOR: [11:42:50] I'm going to go to the 15 -- to the 16-minute mark and play
4 without sound. Again, this shouldn't be shown publicly.

5 (Viewing of the video excerpt)

6 MS TAYLOR: [11:44:20]

7 Q. [11:44:20] Mr Witness, I'm going to ask you a question, and then, depending on
8 your answer, we might need to go into private session.

9 Do you recall meeting any of the individuals that you just saw?

10 A. [11:44:56] I don't remember.

11 Q. [11:45:00] I'm going to play the same thing from the 15:07 mark until the 15:15
12 mark without sound.

13 (Viewing of the video excerpt)

14 MS TAYLOR: [11:45:32]

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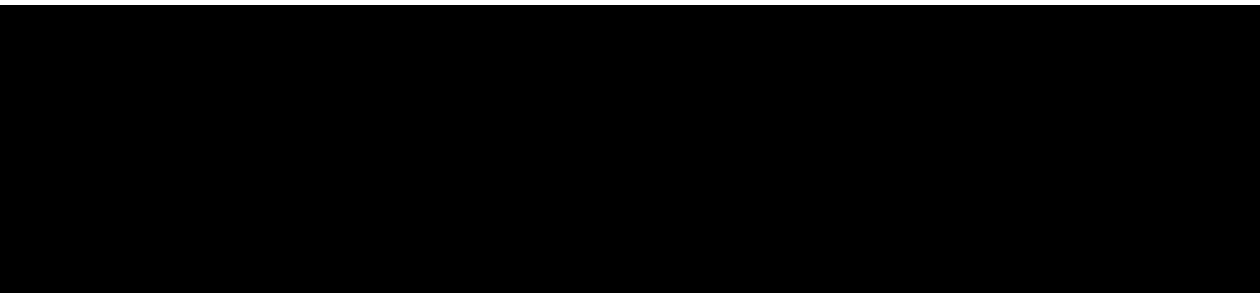
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MS TAYLOR: [11:47:23] I might need to go into private session because I'm not sure if this quote comes from private session or open session. It's from the Prosecutor's examination.

PRESIDING JUDGE MINDUA: [11:47:42](Interpretation) We will move into private session, but then we will return to public session.

Court officer, private session, please.

(Private session at 11.47 a.m.)

THE COURT OFFICER: [11:47:57] We are in private session, Mr President.

PRESIDING JUDGE MINDUA: [11:48:02](Interpretation) Thank you very much, court officer.

Ms Taylor.

MS TAYLOR: [11:48:05]

Q. [11:48:05] Mr Witness, on Tuesday, this is transcript 55, page 58 (sic), lines 22 to 25, the Prosecution showed you a photo, and for the record it's MLI-OTP-0022-0480. And when asked who it was, you said, "That's Talha. They told me that his name [...] was Talha."

Mr Witness, my question is, when you said, They told me that his name was Talha, who were you referring to?

A. [11:49:27] The, the people in the groups who chat and talk about this and that, they talk about all sorts of things. Because while they were there, I had -- there were people who didn't work. So these people, all they did was to get together in groups

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1 and chat.

2 Q. [11:50:10] Who are the people in the groups who got together to chat?

3 A. [11:50:41] The people in the quarter, the population. They got together in
4 groups of friends.

5 Q. [11:50:52] And when were they chatting? More specifically, when did they tell
6 you this was Talha?

7 A. [11:51:42] This was -- that was because, as far as they're aware, when somebody
8 comes past in a vehicle, then they say that's so-and-so passing in the vehicle.

9 Q. [11:52:04] Mr Witness, do you recall meeting the Prosecution to provide them
10 the information that was used in your witness statement?

11 A. [11:52:39] When do you mean?

12 Q. [11:52:43] I believe it was 2017, so that would have been three years ago.

13 A. [11:53:04] Yes, that happened.

14 Q. [11:53:08] What work were you doing at this time?

15 A. [11:53:34] At that time -- at the moment, [REDACTED]

16 [REDACTED]

17 Q. [11:53:56] How was the Prosecution able to get your phone number?

18 PRESIDING JUDGE MINDUA: [11:54:11](Interpretation) Ms Taylor, are we talking
19 about the same video? Because we're due to go back to public session.

20 MS TAYLOR: [11:54:21] No, we're not talking about the same video, but I don't
21 believe these questions can be put in private session -- in public session.

22 PRESIDING JUDGE MINDUA: [11:54:39](Interpretation) Do you think that between
23 now and 12.25, we will be returning to public session?

24 MS TAYLOR: [11:54:49] (Overlapping speakers) No, Mr President, but I don't have
25 that many questions remaining.

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- 1 PRESIDING JUDGE MINDUA: [11:54:56](Interpretation) Please proceed, Ms Taylor.
2 Madam Prosecutor.
3 MS SARDACHTI: [11:55:01](Interpretation) I would like to object to the question
4 that has just been asked. (Overlapping speakers)(Speaks English) I will express
5 myself in English so the witness doesn't have to go out.
6 Just to remind, on the basis of the paragraph 43 of the conduct of proceedings and
7 also that was underlined in one of the emails you sent to the parties on 23 November,
8 this question that was asked could only lead the witness to speculate or to provide
9 opinion evidence. That's why we object to this question.
10 MS TAYLOR: [11:55:39] It's not opinion -- (Overlapping speakers)
11 PRESIDING JUDGE MINDUA: [11:55:42](Overlapping speakers)(Speaks English)
12 Miss Taylor, yes.
13 MS TAYLOR: [11:55:43] I apologise, Mr President. It's not opinion evidence to ask
14 a witness what they know, does he know. I'm not asking him to speculate. I'm
15 asking him to give an answer based on what he knows. He can either say he knows
16 or say he doesn't know.
17 PRESIDING JUDGE MINDUA: [11:56:10](Interpretation) Please put the question to
18 the witness again, Ms Taylor. That way we will understand what you want to say.
19 MS TAYLOR: [11:56:23]
20 Q. [11:56:25] Do you know, Mr Witness, how the Prosecution was able to get your
21 telephone number?
22 A. [11:57:16] Well, I don't know, they -- how they got it, but I -- with -- I had
23 communicated with people and each time that happened - to communicate with these
24 people - I took down the number on a paper that I had with me.
25 So, really, I don't know how they got my number.

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1 Q. [11:57:47] Mr Witness, when you say, I communicated with people -- with these
2 people, which people are you referring to?

3 A. [11:58:17] I don't know their names.

4 Q. [11:58:22] Now, Mr Witness, when you first met the Prosecution, you travelled
5 from Timbuktu to Bamako. Did anyone, apart from your wife, travel with you?

6 A. [11:59:03] I didn't understand.

7 Q. [11:59:05] When you first met the Prosecution, you met them in Bamako. Now,
8 when you travelled from Timbuktu to Bamako, were you travelling with anyone
9 apart from your wife?

10 A. [11:59:52] I have -- [REDACTED] was with you (sic). I've got a boy who's
11 called -- with us, I have a boy called [REDACTED] and he was with us.

12 Q. [12:00:13] And apart from the members of your family, did anyone else from
13 Timbuktu come with you or stay with you in Bamako at this time?

14 A. [12:00:39] Nobody was with me.

15 Q. [12:00:44] Now, Mr Witness, [REDACTED]
16 [REDACTED]?

17 A. [12:01:22] Yes, I know something about that.

18 Q. [12:01:27] What is it that you know?

19 A. [12:01:55] What I said in the past, it's with regard to that that I know something.

20 Q. [12:02:03] Now, Mr Witness, you can see [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]?

24 A. [12:02:56] I heard their names on one occasion.

25 Q. [12:03:02] What was that occasion where you heard their names?

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1 A. [12:03:17] It was a long time ago.

2 Q. [12:03:23] And did either these lawyers or anyone associated with these lawyers
3 discuss your participation at the ICC with you?

4 A. [12:03:54] I didn't understand that bit.

5 Q. [12:04:01] You said you heard their names a long time ago. When you heard
6 their names, was someone talking to you about your testimony before the Court?

7 A. [12:04:36] I do not remember.

8 Q. [12:04:40] And has any -- since this trial started, has anyone [REDACTED]
9 [REDACTED] contacted you to ask for your views concerning what's
10 happening in the proceedings?

11 A. [12:05:18] I didn't understand that bit.

12 Q. [12:05:23] Mr Witness, since this trial started two years ago, have anyone -- has
13 anyone from the Court, apart from the Prosecutor, contacted you to ask you what you
14 think about what's happening in the trial?

15 PRESIDING JUDGE MINDUA: [12:06:16](Interpretation) Madam Prosecutor.

16 MS SARDACHTI: [12:06:20](Interpretation) Sorry to interrupt. (Overlapping
17 speakers)(Speaks English) I will express myself in English.

18 First, I would like just to remind my learned colleague the paragraph 49 that was also
19 underlined in the email you sent to the Chamber, that, insofar as possible, it's
20 important to question in a manner that they can respond in their own words. And
21 we saw in this line of questioning that many words, procedural words were used,
22 hence the answers. And also this led to confusion for the witness.

23 And second, also in the question, it is said that the trial started two years ago, but
24 the trial, technically, started in end of August.

25 PRESIDING JUDGE MINDUA: [12:07:13] Ms Taylor, I completely agree with

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1 the Prosecutor. You should use very simple language and try avoiding legal terms.

2 MS TAYLOR: [12:07:31]

3 Q. [12:07:31] Mr Witness, this case started about two years ago at this Court. In
4 those two years, has anyone contacted you to ask you your views concerning what's
5 happening in the case?

6 A. [12:08:27] You mean somebody calling me to ask me about what I think about
7 this case, and who is that person?

8 Q. [12:08:53] Yes, what's happening in the case. Did anyone contact you to ask for
9 your views as to what was happening in this case since it started?

10 A. [12:09:28] I really didn't understand that bit and I don't know which answer to
11 give you.

12 Q. [12:09:36] Have you spoken to anyone, apart from the Prosecution, about this
13 case since it started?

14 A. [12:10:06] I do not remember.

15 MS TAYLOR: [12:10:09] I don't have any more questions, Mr President. That ends
16 our cross-examination.

17 PRESIDING JUDGE MINDUA: [12:10:20](Interpretation) Thank you very much,
18 Ms Taylor.

19 Madam courtroom officer, we shall go back into open session now, please.

20 (Open session at 12.10 p.m.)

21 THE COURT OFFICER: [12:10:50] We are in open session, Mr President.

22 PRESIDING JUDGE MINDUA: [12:10:56](Interpretation) Thank you very much,
23 madam courtroom officer.

24 So, this marks the ends of the cross-examination on the part of the Defence of this
25 witness. The Prosecution did have -- had obtained a little extension for questioning;

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1 so at this juncture, I do not know whether the Legal Representative for Victims would
2 like to intervene.

3 Mr Nsita.

4 MR LUVENGIKA: [12:11:23](Interpretation) No, Mr President. The Legal
5 Representatives for Victims do not have any intention of intervening.

6 PRESIDING JUDGE MINDUA: [12:11:33](Interpretation) Very well, Mr Nsita.

7 MR LUVENGIKA: However, with the Chamber's leave, in view of the fact that
8 the witness has finished testifying, might it be possible to grant us leave to meet with
9 the witness for a courtesy visit before he leaves The Hague.

10 PRESIDING JUDGE MINDUA: [12:11:59](Interpretation) Yes, Maître Nsita.

11 The Chamber shall allow you to meet with the witness before his departure.

12 I'm now turning to the Office of the Prosecutor.

13 MS SARDACHTI: [12:12:12](Interpretation) Mr President, your Honours, we do not
14 have any additional questions.

15 PRESIDING JUDGE MINDUA: [12:12:21](Interpretation) Very well. There are no
16 additional questions from the Prosecution.

17 So it is not yet time for us to take the break. I shall release the witness and then we
18 shall see whether it is possible for us to move forward with the next witness.

19 Mr Witness, this concludes your testimony. The Chamber would like to thank you
20 greatly for having answered all the questions with patience and clarity. You are now
21 free to go and I shall ask the courtroom officer to have you accompanied out of the
22 courtroom and I wish you a safe journey home.

23 THE WITNESS: [12:13:56](Interpretation) I have heard what you have said and I
24 would like to also wish you a safe journey home.

25 PRESIDING JUDGE MINDUA: [12:14:06](Interpretation) Thank you very much,

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- 1 Mr Witness.
- 2 (The witness is excused)
- 3 PRESIDING JUDGE MINDUA: [12:14:33](Interpretation) The 18th Prosecution
- 4 witness has finished testifying and has left the courtroom. We have 10 minutes
- 5 before we are due to take the break. I think we should suspend now.
- 6 We shall reconvene at 1.30 with the 19th Prosecution witness; is that correct,
- 7 Mr Prosecutor.
- 8 MR DUTERTRE: [12:14:58](Interpretation) Absolutely, Mr President.
- 9 PRESIDING JUDGE MINDUA: [12:15:00](Interpretation) There we have it. We
- 10 shall suspend the hearing.
- 11 The hearing is suspended.
- 12 THE COURT USHER: [12:15:06] All rise.
- 13 (Recess taken at 12.15 p.m.)
- 14 (Upon resuming in open session at 1.33 p.m.)
- 15 THE COURT USHER: [13:33:18] All rise.
- 16 Please be seated.
- 17 PRESIDING JUDGE MINDUA: [13:33:45](Interpretation) Court is now in session.
- 18 We are going to start the hearing of the 19th Prosecution witness, that is
- 19 Witness P-0638.
- 20 I believe that is correct, is it not, Prosecutor?
- 21 MR ALLAFI: [13:34:16](Interpretation) Yes, your Honour.
- 22 PRESIDING JUDGE MINDUA: [13:34:18](Interpretation) Very well.
- 23 So I would now like to check who is in the teams for the record, starting with
- 24 the Office of the Prosecutor.
- 25 Prosecutor.

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- 1 MR ALLAFI: [13:34:32](Interpretation) Good afternoon, your Honour,
2 your Honours. For the Prosecution, there is Paola Sacchi, Gilles Dutertre and
3 Lucio Garcia, and myself, Mousa Allafi.
- 4 PRESIDING JUDGE MINDUA: [13:34:50](Interpretation) Thank you very much,
5 Prosecutor Allafi.
6 Ms Taylor.
- 7 MS TAYLOR: [13:34:56] Good afternoon, Mr President, your Honours. Good
8 afternoon, everyone in the courtroom. The Defence for Mr Al Hassan is represented
9 today by Ms Kirsty Sutherland, Mr Shan Patel, Ms Laura Ferri and myself,
10 Melinda Taylor Thank you.
- 11 PRESIDING JUDGE MINDUA: [13:35:22](Interpretation) Thank you very much,
12 Ms Taylor.
- 13 And now the Legal Representative of Victims, Mr Nsita.
- 14 MR LUVENGIKA: [13:35:27](Interpretation) Thank you very much, your Honour.
15 The Legal Representatives of Victims hasn't changed, so it is Ms Claire Laplace and
16 myself, Fidel Nsita Luvengika.
- 17 PRESIDING JUDGE MINDUA: [13:35:40](Interpretation) Thank you, Mr Nsita.
18 I now turn towards the witness.
19 Good afternoon, Witness, can you hear me?
- 20 WITNESS: MLI-OTP-P-0638
21 (The witness speaks French)
- 22 THE WITNESS: [13:35:55](Microphone not activated)
- 23 PRESIDING JUDGE MINDUA: [13:35:59](Interpretation) Please press your button
24 to have the microphone.
- 25 THE WITNESS: [13:36:09](Interpretation) Good afternoon, your Honour.

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1 PRESIDING JUDGE MINDUA: [13:36:11](Interpretation) On behalf of the Chamber

2 I would like to welcome you. You are going to testify with a view to helping

3 the Chamber establish the truth for the case concerning Mr Al Hassan.

4 Witness, protective measures have been put in place such that your identity will not

5 be revealed to the public.

6 Whenever you have to give details which could reveal your identity, we will speak

7 about that in private session. As such, nobody other than those in this courtroom

8 will be able to hear you.

9 Have you understood?

10 THE WITNESS: [13:37:10](Interpretation) Yes, I've understood.

11 PRESIDING JUDGE MINDUA: [13:37:12](Interpretation) Very well. Thank you.

12 I now am going to take your solemn undertaking under Rule 66(1) of the Rules of

13 Procedure and Evidence.

14 You have a document on your desk, do you not?

15 THE WITNESS: [13:37:35](Interpretation) Yes.

16 PRESIDING JUDGE MINDUA: [13:37:35](Interpretation) This is the solemn

17 undertaking according to which you shall swear to tell the whole truth. I therefore

18 ask you to read it aloud.

19 THE WITNESS: [13:37:53](Interpretation) Solemn undertaking: I solemnly declare

20 that I will tell the truth, the whole truth, and nothing but the truth.

21 PRESIDING JUDGE MINDUA: [13:38:11](Interpretation) Thank you very much,

22 Witness.

23 You are now under oath. The representatives of the victims section -- Victims and

24 Witnesses Section and the representatives of the Prosecution have already told you

25 what that means.

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1 I now have certain advice of a practical nature to give. You have to keep these
2 instructions in mind throughout your testimony.

3 Everything that is said in this courtroom is transcribed by court reporters and it is
4 simultaneously interpreted into several languages by interpreters. It's therefore
5 important to speak clearly and slowly. Please do not start to speak until the person
6 who is asking the question has finished putting that question. Please count up to
7 three in your head before answering. This pause is essential to ensure that
8 everything you say is duly noted for the record.

9 Of course, if you have a question, please do not hesitate to raise your hand to indicate
10 that you would like to intervene.

11 If you would like a break or if you would like to go outside for some minutes, all you
12 have to do is raise your hand to ask for leave and we shall give you leave to do so.

13 Have you understood that well?

14 THE WITNESS: [13:40:33](Interpretation) Yes, I've understood that well.

15 PRESIDING JUDGE MINDUA: [13:40:35](Interpretation) Thank you.

16 We are now going to start to hear your testimony. You firstly will be questioned by
17 the representative of the Office of the Prosecutor and thereafter by the Defence,
18 possibly by the Legal Representatives of Victims or even by the judges of the
19 Chamber from the Bench. But for the moment you are in the Prosecutor's hands for
20 the examination-in-chief.

21 Prosecutor.

22 MR ALLAFI: [13:41:15](Interpretation) Thank you, your Honour.

23 QUESTIONED BY MR ALLAFI: (Interpretation)

24 Q. [13:41:21] Good afternoon, Witness.

25 A. [13:41:23] Good afternoon.

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1 Q. [13:41:24] How are you this afternoon?

2 A. [13:41:25] I'm fine, thank you.

3 Q. [13:41:28] Witness, we have already met during the preparatory session on
4 26 November.

5 *THE WITNESS: [13:41:38] Exactly.

6 Q. [13:41:39] My name is Mousa Allafi and I'm going to put questions to you on
7 behalf of the Office of the Prosecutor.

8 As the Presiding Judge indicated, I'm not going to repeat the instructions given by
9 the Presiding Judge, but for you and for myself we are both going to speak the same
10 language and so we're going to make an effort to speak slowly, clearly and we shall
11 take a few seconds before answering the question so that the interpreters are able to
12 follow us.

13 Another point which is very important, Witness, which is that at a particular time, if
14 you do not understand my question or my question is not clear, then please do not
15 hesitate to tell me so and I shall take care to repeat my question in a clearer manner.

16 Witness, in order to start, I am going to ask you questions with regard to your
17 identity. That is the normal procedure.

18 But before doing so, I will turn to the Presiding Judge, your Honours, because I'm
19 certainly going to start my questions which are identifying, as such, I would ask you
20 to go into private session such that I can do it as quickly as possible and we will go
21 into open session thereafter.

22 PRESIDING JUDGE MINDUA: [13:43:06](Interpretation) Thank you very much,
23 Prosecutor.

24 Court officer, private session if you would be so kind.

25 (Private session at 1.43 p.m.)

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- 1 THE COURT OFFICER: [13:43:18] We are in private session, Mr President.
- 2 PRESIDING JUDGE MINDUA: [13:43:24](Interpretation) Thank you very much.
- 3 Prosecutor.
- 4 MR ALLAFI: [13:43:28](Interpretation) Thank you, your Honour.
- 5 Q. [13:43:33] Witness, we are in what is called private session. What that means is
- 6 that the public cannot hear you and this is done, as the Presiding Judge said, to
- 7 protect your identity, as well as that of your family, friends and those close to you.
- 8 However, when we leave private session and go into open session, please be careful
- 9 not to give information which could identify you, for example, personal information
- 10 about yourself or about your family. Have you understood?
- 11 A. [13:44:16] Yes, I have.
- 12 Q. [13:44:26] Witness, for the record, could you give us your first name. Not
- 13 the name of your father.
- 14 A. [13:44:42] [REDACTED]
- 15 Q. [13:44:49] [REDACTED]
- 16 A. [13:44:53] [REDACTED]
- 17 Q. [13:44:58] Thank you, Witness. Once again, please take a few seconds before
- 18 answering the question so that the interpreters can interpret what you say.
- 19 Witness, what's your date of birth?
- 20 A. [13:45:11] [REDACTED]
- 21 Q. [13:45:19] And what is your place of birth?
- 22 A. [13:45:23] Timbuktu. [REDACTED] Timbuktu.
- 23 Q. [13:45:29] You speak -- could you speak up a bit, please.
- 24 A. [13:45:33] [REDACTED] from Timbuktu,
- 25 [REDACTED] now in Timbuktu.

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- 1 Q. [13:45:52] Thank you. And where did you grow up, Witness?
- 2 A. [13:45:55] I grew up in Timbuktu.
- 3 THE COURT OFFICER: [13:46:00] I'm sorry to interrupt you, Prosecutor, but
- 4 the court officer is going to help the witness to set up the microphones so that we are
- 5 able to hear him better.
- 6 MR ALLAFI: [13:46:19](Interpretation) Thank you very much, court officer.
- 7 Q. [13:46:23] Thank you, Witness. Do you have a religion?
- 8 A. [13:46:30] I am 100 per cent Muslim.
- 9 Q. [13:46:34] Your parents, are they also Muslim?
- 10 A. [13:46:38] Yes. My father, my mother and all my family are Muslim.
- 11 Q. [13:46:47] And your father, what does your father do?
- 12 A. [13:46:53] My father is a marabout.
- 13 Q. [13:47:00] Could you tell the Chamber what that means?
- 14 A. [13:47:06] That means somebody who teaches people the Koran. Those -- that's
- 15 something that's done traditionally, they also treat people traditionally.
- 16 Q. [13:47:23] And what does your mother do?
- 17 A. [13:47:27] She's a housewife.
- 18 Q. [13:47:31] And are you of a particular tribe, Witness?
- 19 A. [13:47:38] [REDACTED]
- 20 Q. [13:47:44] I'm sorry, could you repeat the name?
- 21 A. [13:47:49] [REDACTED]
- 22 Q. [13:47:54] And so, as a result [REDACTED] is that the tribe of your father?
- 23 A. [13:48:02] Yes, of my father and my mother.
- 24 Q. [13:48:08] And your mother as well. And what is your maternal language,
- 25 Witness?

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1 A. [13:48:17] Tamasheq.

2 Q. [13:48:20] Do you speak other languages?

3 A. [13:48:22] I speak Bambara, Songhai, Hassaniya. My mother tongue is
4 Tamasheq.

5 Q. [13:48:38] Thank you, Witness. Did you go to school, did you carry out studies,
6 Witness?

7 A. [13:48:46] I didn't do high studies, but I stopped in the sixth year of school in
8 Timbuktu.

9 Q. [13:49:00] And how old were you when you stopped school?

10 A. [13:49:04] I was approximately 11 or 12 years old, something like that.

11 Q. [13:49:11] And having stopped school, what did you do thereafter?

12 A. [13:49:18] [REDACTED]

13 [REDACTED]

14 Q. [13:49:34] And what did your work consist of? What were you doing in your
15 work?

16 A. [13:49:41] [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 Q. [13:50:01] [REDACTED]

20 [REDACTED]

21 * A. [13:50:08] [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 Q. [13:50:21] Thank you very much, Witness. [REDACTED]

25 [REDACTED] but this is something we'll look at later,

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1 but during what period of the year were you doing this?

2 A. [13:50:37] [REDACTED] Afterwards it's the end.

3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]

7 Q. [13:51:13] Until when did you carry out this work?

8 A. [13:51:17] Well, I would say, I've done it for a lot of years. Since I left school, I
9 did that. [REDACTED]

10 [REDACTED]
11 [REDACTED]

12 Q. [13:51:42] Thank you. Are you still doing that work in Timbuktu or have you
13 stopped doing that? Until when did you work?

14 A. [13:51:49] Well, I was working until 2011 and it was in 2011 I stopped working

15 [REDACTED]

16 [REDACTED] you could be attacked, so I left the work
17 in 2011.

18 Q. [13:52:16] Thank you, Witness. Now, you said, "I stopped in 2011 [REDACTED]

19 [REDACTED] and you can be attacked". Could you explain what
20 you mean by that?

21 A. [13:52:29] Well, when you take the road for Algeria, if you're not in one of
22 the movements, you get attacked. That started towards 2011 in the Sahara. In
23 the Sahara, when you leave Timbuktu, in 2011, you're no longer safe.

24 Q. [13:52:53] Thank you, Witness. And when you stopped working [REDACTED]
25 [REDACTED]?

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1 A. [13:53:02] Yes, I stayed with my mother and father, with the camels, sheep,
2 taking them to the camps. And I also stayed in town some of the time as well.

3 Q. [13:53:20] Afterwards, did you leave Timbuktu?

4 A. [13:53:25] No, I didn't leave Timbuktu. I left in 2012. I left Timbuktu in 2012.

5 Q. [13:53:35] Why, why did you leave in 2012?

6 * A. [13:53:39] I left Timbuktu in 2012 because there was the Islamic occupation. I left
7 Timbuktu because there was no longer any dignity. Nobody had dignity. You see
8 your sister being whipped in front of you, you yourself are being whipped, you see
9 people who are cutting people's hands off, you see people being killed. There was no
10 dignity anymore, I had no dignity anymore, and that's the reason why I left the town.
11 I wanted to stay in Timbuktu, but I couldn't.

12 Q. [13:54:17] Thank you very much, Witness. Witness, I'm going to ask for
13 permission to go into open session and then I'm going to ask a series of questions of
14 a general nature and therefore you shouldn't say information which is personal and
15 which could identify you or your family or your friends, am I clear in that?

16 A. [13:54:45] Yes.

17 MR ALLAFI: [13:54:52](Interpretation) Your Honour, I have finished in private
18 session, I would now like to go into open session.

19 PRESIDING JUDGE MINDUA: [13:54:56](Interpretation) Thank you very much,
20 Prosecutor. Court officer, please take us into open session, please.

21 (Open session at 1.55 p.m.)

22 THE COURT OFFICER: [13:55:11] We are in open session, Mr President.

23 PRESIDING JUDGE MINDUA: [13:55:17](Interpretation) Thank you very much. Prosecutor.

24 MR ALLAFI: [13:55:20](Interpretation) Thank you, your Honour.

25 Q. [13:55:26] Witness, you said with the Islamists -- you mentioned the Islamists,

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1 who are these people who you call "Islamists"?

2 A. [13:55:34] Well, the Islamists, these are the people who came who were armed

3 and they had a black flag when they came to Timbuktu. Those are the Islamists.

4 There is the MNLA who have their flag. There are the Islamists who have their back

5 flag, those are the Islamists, the mujahideen.

6 Q. [13:56:07] These Islamists, were they a group, did they have a name?

7 A. [13:56:12] Yes, yes, Ansar Dine. After arriving we saw them, they just said they

8 are Islamists with their beards, but after a while they said -- they gave them a name

9 and you heard the word "Ansar Dine", you heard the word "AQMI" or "AQIM". You

10 heard "MUJAO".

11 Q. [13:56:38] Thank you. When did they arrive exactly, these Islamists or

12 Ansar Dine?

13 A. [13:56:47] They arrived on a Sunday on the -- the Islamists arrived on Sunday,

14 2 April 2012 in Timbuktu.

15 Q. [13:56:59] Witness, I'm going to ask you a question and I'm not going to ask you

16 to go into details, please don't give me any details, but I just want to know how you

17 know that these witnesses arrived on the 10th --

18 A. It wasn't the 10th. It was the 2nd.

19 Q. Okay, on the 2nd. In the transcript it says the 10th.

20 Your Honour, in the transcript I can see that it says 10 April and the witness has just

21 corrected it to 2 April in French.

22 Okay. Very well. Very well. Okay, let's continue.

23 Thank you, Witness, for this precision and this important clarification.

24 So, as I told you, I don't want to know the details, but how did you know that they

25 arrived on 2 April 2012?

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1 A. [13:58:03] Well, knowing the days and the dates, we know what a particular day
2 is, it's unforgettable. It's an unforgettable day.

3 Q. [13:58:18] Thank you very much, Witness.

4 And during how much time or for what length of time did they stay in the region of
5 Timbuktu, these Islamists?

6 A. [13:58:27] I don't know, because I had already left the town. I left them there.

7 Q. [13:58:36] And are you able to tell us when you left the town?

8 A. [13:58:42] No -- well, I left the town after a Tuareg was executed and I no longer
9 wanted to stay in town. I left on that day itself. That was the day I left. It was
10 after that that I left. After the execution of a Tuareg in Gaddafi's canal, and they
11 killed him, they arrested him and then they killed him. That was the -- it was
12 the day after that I left the town.

13 Q. [13:59:20] Thank you, Witness. You say that you left the town after
14 the execution of a Tuareg. Are you able to tell us approximately when or how much
15 time it was after the arrival of the group?

16 A. [13:59:37] No, I don't know, I do not remember. But I would say that it was
17 the day that they executed him and then I left.

18 Q. [13:59:55] Thank you, Witness. And during this period when they arrived on
19 2 April, until you left, who were the authorities governing and controlling the region
20 of Timbuktu, to the best of your knowledge?

21 A. [14:00:09] There was the MNLA that was there. There were the armed Arabs
22 who were there. There was also Ansar Dine that was there. There were several
23 groups who were there. Afterwards, the Islamists and Ansar Dine drove the MNLA
24 away and afterwards it was just the Islamists who were left. Nobody smoked
25 cigarettes, you don't drink alcohol, we didn't listen to music, you can't speak to -- you

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1 can't speak to a girl, your trousers can't go beyond a certain length.

2 Q. [14:01:05] Thank you, Witness. You've given us a lot of details which are
3 important to me, so I'll come back to those details bit by bit a little later on, but I'm
4 going to continue to find out what happened in the beginning. * You mentioned the
5 MNLA, where were they located at that time?

6 * A. [14:01:33] The MNLA was located at the Timbuktu airport and at Kabara.

7 * Q. [14:01:55] Do you know, Mr Witness, how long the MNLA stayed at the airport

8 *A. [14:01:58] They didn't. No, they didn't last long. At one point, we heard bullets
9 (the witness imitates the sound of gunfire). The MNLA signed with the Islamists for
10 the independence of Azawad. They began shooting (the witness imitates the sound of
11 gunfire). When the MNLA cars left the airport, they were playing Touareg music.
12 When they returned, the Islamists said to them, "Watch out, we forbade the people to
13 play music, and now you are coming back playing music." They turned it off, they
14 removed the MP3 from (inaudible). They said, "No, inside the city we banned music.
15 Now you are armed, you must not come back playing music because we banned it in
16 the city." So, the MNLA I think lasted one week, two more weeks. We heard in Gao
17 that there were clashes between the MUJAO and the MNLA. And in Timbuktu, we
18 saw the Islamists taking more arms, rockets. They told the MNLA, "we are giving you
19 18 hours, we are giving you 18 hours to leave town." We saw the MNLA cars head
20 out in all directions and they fled. Once the MNLA had fled, that was when we had
21 true Sharia. True Sharia was when the MNLA left. There was true Sharia. There was
22 no mother, no father, it was Sharia. If Sharia got you, it was Sharia, that was all there
23 was to it. That is what we saw after the MNLA. The MNLA broke, they broke things.
24 They took cars, they did a lot of things. They did a lot of things. They took computers,
25 they took weapons from the military camps. They took a lot of things. Yes, that's right.

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1 Q. [14:04:18] Thank you, Mr Witness. Once again, a lot of important details. And
2 during my questioning I will go into those details one by one, but for the moment I
3 have a specific question: How do you know all this, how do you get all that information?

4 * A. [14:04:39] Because I saw the MNLA people when the army left, we saw what was
5 happening, we saw the MNLA with the arms. First it was the Arabs, they came first.
6 They came, they told the soldiers that the Islamists were behind them, some MNLA
7 people would be arriving. Then the soldiers stopped, they gathered in front of the
8 Governor's Office in Timbuktu. They gathered and they said, "Governor, we are
9 leaving the city." And once the army left the city, the Arabs entered. Like Arabs, they
10 were light-skinned. The Bambara thought that these Arabs were militiamen who ATT
11 had paid for to fight terrorism, to fight the MNLA. They were the same Arabs who
12 went to the city to tell the Malian army, "Be careful, the Islamists are coming." And
13 once the army left, we saw them. We saw them the moment they left. The army itself,
14 once the Arabs came in, they fled, they left the cars.

15 [REDACTED] I saw the
16 cars, there was no one. An army vehicle was parked there. It was after the Arabs, they
17 took it. The MNLA, they came, they took it. And afterwards, all the young people
18 went into the camps in search of arms. They went, everybody went and took the
19 computers. The MNLA went into all the administrative buildings in Timbuktu. All
20 the administrative buildings, the MNLA took everything, with their arms, everything.

21 * I went [REDACTED] I was [REDACTED] I went,
22 there was [REDACTED]

23 [REDACTED] That's where I was, sitting having a drink and I saw the people with
24 weapons. Two other people went into the camp. I was sitting there drinking, since
25 there was no one else, I was having a drink, I was having a drink, until (inaudible).

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1 Q. [14:07:20] Mr Witness, I think we should go into private session, if you don't
2 mind, Mr President, so that the witness can continue.

3 PRESIDING JUDGE MINDUA: [14:07:35](Interpretation) Private session, please,
4 court officer. (Private session at 2.07 p.m.)

5 THE COURT OFFICER: [14:07:43] We're in private session, Mr President.

6 PRESIDING JUDGE MINDUA: [14:07:51](Interpretation) Thank you. Mr Prosecutor.

7 MR ALLAFI: [14:07:57](Interpretation) Thank you, your Honour.

8 Q. [14:07:58] Mr Witness, you talked about personal details, that's why I thought it
9 was better to go into private session.

10 A. [14:08:07] Thank you.

11 Q. [14:08:07] Please continue.

12 * A. [14:08:12] [REDACTED]. They left,
13 they left everything. I was drinking something. I was having a drink. It was only
14 afterwards that I left, about 11, noon, something like that, with some bottles of wine. I
15 wanted to go home, and I said, "I want to go home." Once I got to the road, opposite
16 the electricity building, Omar Ould Hamaha drove up in his car. He said to me,
17 "What's that?" "Huh?" I said. He said to me, "that is haram." He said to me, "haram
18 moujarim." I was a bit tipsy. He told me to throw the bottles away, I did so, and they
19 broke. He said, "Just wait, get into the car." So I went into the car. And then I left, and
20 he left me at the BMS and he left. * That is where the events happened. Afterwards, I
21 didn't see. I stayed in the BMS. I had to go up the stairs. I went up the stairs, I went
22 inside, I went up the stairs to the very top. There was a terrace on the right and then
23 there was a room on the left. I stayed on the terrace. [REDACTED]

24 [REDACTED]. *Because when the Islamists found other people who
25 were armed but not from a movement, they would bring them to the BMS.

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1 THE WITNESS: [14:09:53] (Interpretation) I just remained seated in the BMS, I
2 remained there for four days. There was Adam who was there. There was
3 Boubacar. I stayed there. I stayed there Sunday, Monday, Tuesday, Wednesday,
4 Thursday evening. I went to *l'hôtel Maison*, there were four of us. They took us to
5 * the hotel La Maison. And once I arrived at the hotel I saw Houka Houka [REDACTED]
6 [REDACTED] I saw him sitting with the Islamists. Then they opened up
7 the Koran. Once they had opened the Koran, they said to me, "Moujarim (phon), we
8 are going to whip you. We are going to give you 40 lashes to grant you prayer.
9 * I was scared. I didn't know what was going on. I was in a car. I didn't know, I
10 thought I was going to be killed. I didn't know. Once I heard that I was going to be
11 whipped, I stopped. They told me to get up. They were all seated there with weapons,
12 with their beards and their Kalashnikovs. That's the moment I completely stopped.
13 Once they finished reading the Koran, they said to me, "Now we are going to apply
14 sharia." Then they started to beat me, to whip me on my back. After they finished
15 these 40 lashes, my back was really burning, they had really given me a whipping.
16 After they had finished, they said to me, "Okay, Salaam Alaikum, you are free to go."
17 I went downstairs. I saw another Islamist in front of the car, in front of a car, and I
18 said, "Please, could I have some milk?" The guy gave me a bit of milk, and a bit of
19 macaroni. I took it, and I went home because at the hotel they told me I was free after
20 I had been whipped. And then after that I left. I went home. Now as soon as I go
21 home, I always see the same scenario. I see the [REDACTED] on the other side, I see
22 Ansar Dine patrolling the town. I went home, and I stayed there for a while. I stayed
23 one week, [REDACTED] I remember. The day they drove out [REDACTED]
24 [REDACTED] which I saw myself. After...
25 Q. [14:13:03] Thank you, Mr Witness.

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1 Once again, these are very valuable details and very important, as far as I'm
2 concerned. This is the procedure, I'm sorry, but I'm going to have to revisit this step
3 by step so that the Chamber, the judges, can fully understand the details of what
4 happened with you.

5 A. [14:13:33] Okay.

6 Q. [14:13:34] So, firstly, [REDACTED] that day. My first question,
7 what day was it?

8 A. [14:13:45] I've said it, it was a Sunday. It was -- if I'm not mistaken, it was
9 a Sunday.

10 PRESIDING JUDGE MINDUA: [14:13:58](Interpretation) Mr Prosecution, can we go
11 into public session, or not yet?

12 * MR ALLAFI: [14:14:02](Interpretation) Mr President, that was not the plan. The plan was to
13 continue in open session, but things moved quickly. But it's as you wish. I can come back to
14 this point tomorrow if you choose and continue in open session. It's up to you, Mr President.

15 PRESIDING JUDGE MINDUA: [14:14:20](Interpretation) Yes, let's move into open
16 session. Court officer, open session, please.

17 MR ALLAFI: [14:14:31](Interpretation) Mr Witness --
18 (Open session at 2.14 p.m.)

19 THE COURT OFFICER: [14:14:44] We are in open session now.

20 PRESIDING JUDGE MINDUA: [14:14:50](Interpretation) Thank you.
21 Mr Prosecutor, please proceed.

22 MR ALLAFI: [14:14:55](Interpretation) I'm sorry, I was a little hasty. We are now
23 in public session.

24 Q. [14:15:04] Mr Witness, I said we heard what you said, we are now in public
25 session. All you have said in private session is extremely important and I will go

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1 back to that later, a little later in private session once again because I would like to go
2 into the details. But we must also have public sessions, so we will continue to talk
3 about the point where we stopped in the public session and I'm going to speak of
4 things of a more general nature, so do not give us personal information which could
5 identify you in any way, you, your friends, your family. So my questions are going
6 to be of a general nature. Is that clear to you?

7 A. [14:16:09] Yes. But you have someone in front of you who speaks French
8 (Overlapping speakers)

9 *PRESIDING JUDGE MINDUA: [14:16:23](Interpretation) No, Mr witness. We
10 understand you just fine, so do not worry.

11 THE WITNESS: [14:16:29](Interpretation) Thank you, Mr President.

12 MR ALLAFI: [14:16:32](Interpretation)

13 Q. I'll say what the President says. We understand you clearly. Take your time.
14 We're here to listen to you. Take your time. Express yourself as you wish. If we
15 don't understand, and equally if you don't understand me, you must tell me. So,
16 you know, you tell me if you don't understand me and I'll do likewise. But for
17 the moment I'm understanding what you say * perfectly well. Thank you.

18 So we'll go back a bit. You spoke of the MNLA and you said they were situated at
19 the airport.

20 A. [14:17:07] Yes, the airport near Kabara, which is alongside the river. It's a part
21 of Timbuktu which is about 7 kilometres away from Timbuktu.

22 Q. [14:17:18] Thank you for that detail.

23 You also said that the Islamists chased out the MNLA from the region; is that correct?

24 A. [14:17:31] Yes, that's correct. They said that they'd given them an hour or so
25 to -- 18 hours before they would leave.

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1 *Q. [14:17:46] Okay. I want my question to be crystal clear. Could you tell me
2 approximately how much time it took the Islamists to chase -- how much time was
3 the chasing away of the MNLA after the Islamists arrived on April 2?

4 * A. [14:18:10] Not long. I think it was two weeks. The MNLA were in town for two or
5 three weeks. Two or three weeks, I can't remember exactly. In any case, they weren't
6 there for one or two months, no.

7 * Q. [14:18:26] Thank you, Mr Witness. And from that moment onwards, that's to say,
8 once the MNLA left, who controlled and governed the region of Timbuktu?

9 A. [14:18:35] It's Ansar Dine a hundred per cent.

10 Q. [14:18:49] And why do you say that? You say it's them, how do you know?

11 A. [14:18:55] We saw them. We saw them in front of us. We saw their black
12 flags, you can't listen to music, you can't smoke without doing that in hiding secretly.
13 They're the Islamists.

14 Q. [14:19:16] Thank you. When you say "controlled the town and the region" did
15 they have checkpoints?

16 * A. [14:19:26] Yes, their checkpoint at the entrance. When you left the airport there
17 was a checkpoint belonging to Ansar Dine at the Total station. There was the Total
18 station at the entrance, there was the checkpoint there. And also on the Goundam
19 road, route Goundam, there is also a checkpoint. If somebody came to the town, it's
20 the Islamists who searched you, they searched your car to see that you didn't have
21 any alcohol or cigarettes. Everything that they condemned wasn't allowed to enter
22 the town.

23 Q. [14:20:00] Thank you, Mr Witness.

24 And Ansar Dine and those Islamists, as you call them, how were they dressed, how
25 were they dressed?

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1 A. [14:20:15] They had their own form of dressing. There was a yellow outfit with
2 vests, yellow and blue vests. The shortened trousers, the trousers were cut. They
3 had Kalashnikovs and they also had beards.

4 Q. [14:20:47] What language did these Islamists speak, Ansar Dine?

5 A. [14:20:52] They spoke Arabic. But after the Islamists, everybody joined them.
6 There were all sorts of people. * There were some who spoke Songhai, others spoke
7 Tamasheq and others spoke Bambara. Some spoke Tamasheq, others spoke Arabic,
8 others spoke Songhai.

9 That happened when the MNLA left, the Islamists grew in number. In
10 the beginning, they weren't that many. But as the months passed, the numbers grew
11 bigger.

12 * Q. [14:21:38] Thank you. Did you yourself see them in Timbuktu at that time?

13 A. [14:21:45] Yes, they were in Timbuktu. I saw them right in front of me. Facing me.

14 Q. [14:21:53] And when you saw them, and apparently you saw them many times,
15 were they on motorbikes, in cars, or on foot?

16 A. [14:22:01] They were on motorbikes, in cars, on foot. They were not just in planes.
17 They were on motorbikes, in cars, on foot. We saw them all the time. Every day. We
18 saw them every evening, every morning. You would wake up, you would see an
19 Islamist go by with his beard, on a motorbike or in a car.

20 Q. [14:22:32] You say you saw them all over all the time, what were they doing?

21 * A. [14:22:37] Sharia, Sharia, Sharia. That's all. They came to teach us about Sharia.
22 They banned everything: cigarettes, alcohol, no women. You were in your own town
23 but you couldn't do anything. It was not like the Timbuktu that we knew from before.
24 It changed in less than a week.

25 Q. [14:23:08] Thank you, Witness. Frankly, you are helping me, because I was heading

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1 in that direction. You spoke about the life and the town of Timbuktu before. So I'm
2 going to ask you a series of questions, once again of a general nature, I don't need
3 details, so do not give us private information or personal information. My first
4 question is, are you in a position to tell us briefly, generally what life was like in
5 Timbuktu before Ansar Dine and the Islamists arrived?

6 * A. [14:23:57] Before, before, Timbuktu was great. We danced, we smoked, we did
7 what we wanted. We were free. We could do whatever we liked. Everything we
8 wanted to do, we could do in Timbuktu before.* We were happy. Before, we were
9 feeling comfortable. Before the Islamists we did what we wanted. *Once they
10 arrived, we couldn't do what we wanted to anymore. What Sharia said was imposed
11 upon us. Sharia was put in place. If you didn't follow it, you would be whipped in
12 front of everyone.

13 Q. [14:24:47] Thank you. Just before my next question, you often use the word
14 "chicoté", a whipping, what is that?

15 A. [14:24:57] We were lashed with a whip, like this, like this, like what I'm showing
16 you.

17 MR ALLAFI: [14:25:12](Interpretation) Mr President, for the records, I would like to
18 say that the witness showed us how this whipping took place and he raised his arm
19 and swung it around in the gesture of a whipping.

20 PRESIDING JUDGE MINDUA: [14:25:33](Interpretation) We've noted -- we've put
21 this down on the records.

22 MR ALLAFI: [14:25:40](Interpretation) Thank you very much, your Honour.

23 Q. [14:25:46] Mr Witness, perhaps I'm mistaken, but I believe you said, and do
24 correct me if I am mistaken, you said that life afterwards, after the arrival of the group,
25 changed, it wasn't the same thing, you couldn't do the same as you did before; is that

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1 correct?

2 A. [14:26:05] Yes, that's correct.

3 Q. [14:26:10] Thank you, Mr Witness. There there was a general question, so I
4 would like some specific examples, if you allow me.

5 Let's start with the fact of smoking or selling cigarettes. How was it before
6 the Islamists arrived, just that fact about selling and smoking cigarettes?

7 A. [14:26:34] You could get cigarettes whenever you want to, you just could go in a
8 shop and you bought a packet of cigarettes and that was it. And then you could
9 light up a cigarette and smoke it when you wanted.

10 * Q. [14:26:50] I'm sorry, but I'm asking for details. So each time I'm going to ask you
11 the same question, before and after. So what was it like afterwards if you smoked or
12 sold a cigarette, after the arrival of the Islamists?

13 *A. [14:27:05] After their arrival, cigarettes became paracetamol. People would say
14 paracetamol. The entire town would do it. You would go into a shop and you would
15 ask if they had any paracetamol. And they would give you some. If they saw that you
16 were not linked to Ansar Dine, they would give you cigarettes, but if you were linked
17 to Ansar Dine, they would not give you any. They would say that they had no
18 cigarettes. That's how people got cigarettes. It was hidden. Even the person who was
19 selling the cigarettes, he would give you the cigarettes, and his hand would tremble,
20 like this. His hand would like this. Before he gave you any, he would be afraid.
21 That is how it was.

22 Q. [14:28:02] I have another question. When you said "paracetamol", was that a code?
23 A code for what?

24 A. [14:28:08] Yes, yes, yes, it was a code. Exactly. It was our code in Timbuktu. People
25 would say 'paracetamol'.

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1 Q. [14:28:19] To have cigarettes?

2 *A. [14:28:21] Yes, to get cigarettes. We said "Paracetamol" because if we said
3 "cigarettes" we thought Ansar Dine might hear. If Ansar Dine heard you, they would
4 come and burn them. So we said "Paracetamol" instead.

5 Q. [14:28:30] You've anticipated my next question. So what happened if you were
6 stopped and you were smoking or selling cigarettes or you had cigarettes on you?

7 A. [14:28:36] No, if they caught you selling cigarettes, you didn't have a problem.
8 They would say, "From now on, you mustn't sell cigarettes anymore." Or if they
9 caught you smoking, they would take the cigarettes away from you and they would
10 tell you that they were not good for your health. They would break them in two in
11 front of you and say that they were haram. And that would be it. But in the case of
12 alcohol, you would be whipped. But not for cigarettes, no, they wouldn't beat you for
13 that. They would say that they were haram, and that they were not good for your
14 health. And they would leave you be, that's all. As for those who were selling
15 cigarettes, they would go into the shop and take the cigarettes and burn them in front
16 of the shop owner and leave him there. And they would tell him, "From now on, you
17 mustn't sell cigarettes."

18 Q. [14:29:37] Are all these details about smoking and burning cigarettes or ... all of
19 what you've said, are those things that you've seen yourself?

20 *A. [14:29:46] Yes, yes, yes, I saw that myself. I saw it myself. There were small
21 children who would come up to me and say that I mustn't smoke. They would take
22 my cigarette and break it in two.

23 Q. [14:30:11] I'm sorry, but just to make sure I've understood: you said there were
24 small children?

25 A. [14:30:14] Yes, there were small children.

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1 * Q. [14:30:17] Could you explain this a bit more? What do you mean?

2 A. [14:30:20] The small children were part of the group. They were like police officers,
3 like the authorities. They would come up to you and they would just break the
4 cigarettes in two. They would just take them and break them in two right in front of
5 you. You couldn't say anything. There was a Kalashnikov to the right, there was a
6 Kalashnikov, what were you going to say? You wouldn't say anything. The cigarettes
7 would be broken in front of you. That's the way it was.

8 Q. [14:30:54] And when you say "children", what age?

9 A. [14:31:00] 14 age, 15, maybe, 14 to 15.

10 * Q. [14:31:05] Let the record show that you are saying --- and correct me if I have
11 misunderstood --- you are saying that they were part of the Islamists and Ansar Dine;
12 these children were part of this group. Is that correct?

13 A. [14:31:14] Yes.

14 Q. [14:31:23] Thank you, Mr Witness. We're going to go to another point now and
15 that's going to be *the same question.

16 PRESIDING JUDGE MINDUA: (Interpretation) Please continue, Prosecutor.

17 MR ALLAFI: [14:31:38](Interpretation) Thank you, your Honour, I had
18 the impression that I had * heard something. Thank you.

19 Q. [14:31:42] The next question is going to be on the relations between men and
20 women. Now, before the arrival of Ansar Dine and the Islamics who you -- that's
21 what you called them, with regards to these relations or relationships, could you have
22 a girlfriend or boyfriend, could you speak to each other, see each other?

23 * A. [14:32:04] Yes, of course. Before the Islamists came, you could dance, you could
24 go places. You could pick up your girlfriend, you could do whatever you wanted to
25 do. You could call her and say, " Hello, my darling, where are you? I'm on my way."

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1 She'd be waiting for you. You could pick them up, go on a motorbike ride together,
2 you could dance, you could go to the disco, there were events that were put on. But
3 with the Islamists none of that could be done.

4 Q. [14:32:27] Thank you very much, Witness. You're anticipating my following
5 questions for afterwards. So was it possible -- well, was everything you just said
6 possible afterwards?

7 A. [14:32:41] Afterwards?

8 Q. After the arrival of the Islamists, these relationships, boyfriend, girlfriend, man,
9 woman, these relationships, was it the same? What happened?

10 A. [14:32:51] After the Islamists arrived ...

11 Q. (Overlapping speakers)

12 A. [14:32:53] No, when they found a woman with a man, there were problems,
13 they're going to ask you if you touched the woman and they're going to tell you "Tell
14 the truth" and "Is the -- is her your girlfriend?" Then you're going to be locked up
15 and you're going to be flogged in front of everyone. They're going to take you and
16 they're going to flog you and then that's it. But they're going to ask you "Are you
17 with that girl, is it your girlfriend?" You say, "No, it's not my girlfriend, whatever."
18 * And then they're going to take you into custody and they'll want to know if it's true,
19 is she really your girlfriend or not. And if it's true, if there -- if you have a relationship,
20 you have a problem, the woman has a problem, you've both got problems. But if it's
21 a woman who you're married * to, then witnesses come and they say that is your wife,
22 then they say that's *halal*, you can *go, that's no problem. But if it's not your wife,
23 then you have problems. That is the truth. That's it.

24 Q. [14:34:19] Thank you, Witness. I have a question and then we'll come back to
25 that. But what you've just said, how do you know that?

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1 * A. [14:34:24] I saw that. I saw that myself. There were rumours. Everybody in
2 Timbuktu talks. Everything that people hear, who speak about it, you hear rumours
3 and you'll see, you'll see something, it's in front of you. You'll hear the Islamists that
4 they've taken a woman and a man and they've beaten them. How did they do it?
5 Timbuktu is a town, it's Islam and they'll say Islam has been established
6 in -- Timbuktu is Islam and has been for over 900 years. But since the Islamists came,
7 they've changed it, they said Sharia would be set up, they would establish Sharia law.

8 * And women were flogged in front of their fathers, mothers, younger brothers, sisters,
9 in front of everyone. Men, same thing. And there was a problem. The Islamists
10 didn't beat somebody just before their door, if they beat somebody it was because
11 there was a problem. And that's why I know. I've heard that in Timbuktu, but
12 I was also there.

13 If you don't have a problem, nobody's going to take you. And Ansar Dine aren't
14 going to take you. I saw that with my own eyes, your Honours. I saw that. I saw
15 that, that is the truth. Islamists aren't going to go into your house unless you're
16 called. But if somebody has called you, if a woman has called on her husband, then
17 they will go to the commissariat. There have been such cases in Timbuktu, if you
18 have a wife behind you on the motorbike, Ansar Dine will stop you, "Is that your
19 girlfriend?" * If you say no, she's not my girlfriend, she's the wife of my uncle, she's
20 my uncle's wife, then you are okay. If you say that she is my uncle's wife or my older
21 brother's wife. If you say that she is your wife, then they say get witnesses, Ansar
22 Dine will say "go and get witnesses".

23 Q. [14:36:56] Thank you very much, Witness.

24 I've got a couple of questions by way of clarification as to what you've said and then
25 I've got a third question to put to you.

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1 Now, you say that if the Islamists -- and please correct me if it's not what you said,
2 Witness, but you say that the Islamists if they see you, for example, on a motorbike
3 with a woman, * they will ask you if she's your uncle's wife or older brother's wife,
4 and if that is so, they will let you continue along your way. If you say "she's my wife",
5 then you have to bring witnesses?

6 A. [14:37:30] Yes, you have to bring witnesses.

7 PRESIDING JUDGE MINDUA: [14:37:35](Interpretation) Ms Taylor.

8 MS TAYLOR: [14:37:36] I could be wrong, but that's not what's in the English
9 transcript as to what the witness said.

10 Perhaps if the interpretation could be cut. I don't know what's in the French, but in
11 the English it is different.

12 PRESIDING JUDGE MINDUA: [14:38:05](Interpretation) What do you see in
13 English? I've got the text in French.

14 MS TAYLOR: [14:38:10] In English it would be that they would stop and ask you "Is
15 that your girlfriend?" and if you say "it's my uncle's wife", et cetera. It's not that they
16 would stop you and ask you if it's your uncle's wife.

17 PRESIDING JUDGE MINDUA: [14:38:38](Interpretation) Prosecutor.

18 MR ALLAFI: [14:38:39](Interpretation) Your Honour, I can, I can reformulate
19 the question in a way so as to be clearer.

20 PRESIDING JUDGE MINDUA: [14:38:46](Interpretation) Yes, please reformulate
21 your question, that way the witness can answer.

22 MR ALLAFI: [14:38:52](Interpretation) Very well, your Honour.

23 Q. [14:38:53] Witness, did you speak about a fact if somebody was on a motorbike
24 with a woman? Please answer.

25 *A. [14:39:02] Yes, yes. Yes, if you are with a woman on your motorbike, now if Ansar

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1 Dine asks you "Is that your wife?" they're going to ask you for witnesses to see if she
2 really is your wife. Or you say that she is the wife of your uncle or of your older
3 brother. But if you say it's your wife, then you have to provide witnesses. The wife
4 is taken -- the woman is taken into * custody for questioning, and the man as well.

5 *Q. And when you said "continue along your way" does that means they let you go?

6 A. Yes, they let you go.

7 Q. But if the person says "she's my wife", he has to bring witnesses; is that correct?

8 A. Yes. If you say she's your wife, you bring witnesses.

9 Q. [14:39:59] Bring the witnesses where?

10 A. [14:40:01] To the police station, to the Islamic police. They're going you for
11 witnesses. That's where they will ask for witnesses.

12 PRESIDING JUDGE MINDUA: [14:40:14](Interpretation) Prosecutor, Witness, could
13 you please observe breaks between the question and the answer for the interpreters
14 who are interpreting into English and into Arabic.

15 MR ALLAFI: [14:40:33](Interpretation) I will speak slowly.

16 PRESIDING JUDGE MINDUA: [14:40:34](Interpretation) Thank you.

17 MR ALLAFI: [14:40:36](Interpretation) Thank you.

18 Q. Witness, because you are being interpreted into English as well, because these
19 are the two official languages of the Court, we're speaking in French, but afterwards
20 there is interpretation into English, and you speak very well, you're speaking slowly,
21 but please make pauses, after my question wait a few seconds before answering.

22 A. [14:41:01] Okay.

23 Q. [14:41:16] So we stopped at the point when you said that witnesses or a witness
24 has to go to the Islamic police station. Now, you say -- that's if you say that
25 the woman is your wife. And what do you have to prove, exactly?

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1 A. [14:41:31] To prove whether she's your wife. If she's your wife, there's no
2 problem. If she's your wife, there is no problem and you can go with your wife.
3 But if it's not your wife, then you're going to be tried and you'll be found -- you'll
4 have to get married. You'll become a couple.

5 Q. [14:42:07] Thank you very much, Witness.

6 Now, my following question concerns the question of how men and women dressed
7 before the arrival of the Islamists.

8 * A. [14:42:29] Before the Islamists came, well, women could wear trousers, tights, you
9 could wear whatever, whatever you wanted. And men as well. If you -- you -- if you
10 dressed as you wanted, if you wanted to wear chains, if you wanted to wear gold
11 rings, that -- you could do that. But when the Islamists arrived, that was not possible.
12 All that was banned. You have to -- the women have to be veiled, they imposed that
13 women had to be veiled. They said that the trousers shouldn't be too long and they
14 put measures into place. Women must be veiled, masked, you couldn't see their
15 faces. They imposed that. They also imposed on men that you had to take off your
16 earrings, take off your chains, all that. That's it.

17 Q. [14:44:01] Thank you, Witness. I'm sorry, I'll come back to you with my usual
18 question: How do you know everything that you've just said?

19 * A. [14:44:10] When I was in the town, it was imposed on me. My trousers couldn't be
20 too long. I also saw women who were veiled. Before, we wore chains, we
21 could -- we walked as we wanted to and we didn't have our belts done up tight.
22 And when the Islamists came they saw you walking like that with your chains and
23 they say, no, come, take the chain off and you have to sort out your trousers, all of
24 that. That's the way it was done, that's the way it was. That's all.

25 Q. [14:45:03] And I'm going to be a bit more precise where it concerns the way that

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1 women had to dress themselves after the Islamists arrived. Now, how -- or what
2 was the reaction of the population in Timbuktu and particularly among women with
3 regards to the orders and obligations about how women should behave? What
4 was --

5 A. [14:45:35] Well, when the Islamists were there?

6 * Q. Yes

7 * A. [14:45:36] Well, they imposed on women that they had to wear veils. They
8 imposed that on women. They said to women that when they left the house, they had
9 to dress properly. Nothing else. Women had to wear a veil, they had to be masked.
10 That's it. That's all. That's all.

11 Q. [14:46:04] My question was how women reacted. What was their reaction?
12 Did they accept that or what happened afterwards?

13 * A. [14:46:16] Well, you see, we have our ... our elders, our fathers. Everyone agreed.
14 It was a weapon. Yes, you agreed. The women agreed. They wore the veil. Afterwards,
15 the women at the market ... when they saw women at the market, they would say,
16 "You're not properly dressed. You have to be properly dressed". That was all.
17 Afterwards, the women would call out, "Ansar Dine, Ansar Dine, this, that".
18 Otherwise, the women ... there are a lot of women in Timbuktu. Some women
19 respected the rules. Some respected them. Other women did not want to respect them.
20 And when women didn't respect the rules, they had problems with the Islamists.
21 That's the way it was. That was all there was to it. If you did what they asked, you
22 didn't have so many problems with them. You didn't even have any problems with
23 them. But if they said not to do something and you did it, then they would get you.
24 That's the way it was.

25 Q. [14:47:36] Thank you, Witness.

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1 * On page 75 in the transcript, line 20, you said that it was a weapon. What do you
2 mean by that, could you explain to us? You said it was a weapon. What does that
3 mean?

4 A. [14:48:09] The weapon was a Kalashnikov. That was the weapon. And the whip.
5 They had whips, they had weapons. That's the way it was.

6 Now, they didn't shoot the population just like that, no. They didn't take weapons
7 and shoot the population just like that, no. If you go to the Islamists and you say
8 you have a problem with somebody, somebody's stolen your motorbike or
9 the woman left to get her husband, they will resolve it and they'll go and speak to
10 the woman and the man and they'll say who's right and they'll apply Sharia law.
11 That's it. They will apply Sharia law. That's how life was in Timbuktu.

12 Q. [14:49:21] Thank you, Witness. Once again, please correct me if it's not what
13 you say.

14 Now, on page 75, you said about having problems with the Islamists. If you do this,
15 you're going to have problems with the Islamists. Could you explain to
16 the Chamber what you mean by that?

17 A. [14:49:51] Well, what that means is that there was nobody in town who is going
18 to say what's happened. The Islamists would say to you, if there's a problem - they
19 said on the radio - somebody has a problem, if somebody has fallen on somebody,
20 then come and see us. They even gave telephone numbers.

21 Now, the telephone -- they said that there were people between them who didn't get
22 on with each other. Now, if the husband and wife don't understand each other or
23 don't get on, then there isn't Malian police who intervene, it's the Islamic police.

24 And that's Islamic justice. They apply their Sharia law. That's it. That's all I want
25 to say by that. If they see that the wife is right, they say she's right. If they see that

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1 the man's right, they say the husband's right. But if they're both wrong, they will
2 have Sharia law applied in front of them, Islamic law. That's it.

3 Q. [14:51:18] Thank you, Witness.

4 For the record, on page 75, lines 26, you say, "and when women" -- this is something
5 you say, Witness, "when the women don't respect that too, they will have problems
6 with the Islamists." That's my first question, could you explain to the Chamber what
7 you mean by that. If the women don't respect that, they will have problems, what
8 does that mean, having problems, what problems will they have?

9 A. [14:51:55] Well, if you're not wearing a veil, you're going to have problems.

10 Q. [14:52:01] What do you mean by "problems"? What problems would I have or
11 what problems do women have if they are not wearing a veil, what type of problem
12 will they have?

13 * A. [14:52:10] Well, they would be flogged. Just one lash, not five lashes. The women
14 would just get one lash, then they would say, "Go back home, veil yourself." And then,
15 if women were outside in Timbuktu, if they were inside their house, they could do as
16 they pleased. But if they went outside, they had to wear a veil, they had to be
17 properly dressed. *That is what they asked for. That was all. Otherwise, we didn't
18 see an Islamist go into a house to hit a woman. That's not something we saw. If
19 a woman goes outside and doesn't accept Sharia, she will have problems.

20 The Islamist doesn't go into her house. He won't go into the house itself. He looks
21 at everything is happening outside of the house, but he won't go into your house.

22 No, we didn't see that. Only if the wife calls upon her husband, then the Islamists,
23 they will go and say, "Where is your husband?" And they'll go to the house and

24 they'll say, "Very well, you called upon your husband" and then they will deal with it.

25 But without being called upon, they're not going to go into your house. That's it.

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1 Have you understood? Is that okay?

2 Q. [14:53:58] It's very clear. Thank you very much, it's perfect. And I would like
3 to really thank you for having been so clear.

4 Now, my following question, you mentioned if a woman wasn't veiled she could be
5 whipped once or flogged once, is that something you saw?

6 *A. [14:54:20] Yes, I saw somebody with a beard driving around in a car. He was
7 driving fast. He saw a woman who wasn't veiled and he hit her once with a whip and
8 then he said "Go home." He would drive around in a car, he wouldn't even stop. He
9 would drive up very slowly, very slowly, and when he saw a woman who wasn't
10 wearing the veil, he would just stop and he would hit her. Then the woman would
11 say, "Oh, Ansar Dine has just flogged me" and she would go straight home. Her
12 mother would say, "But you yourself are Muslim, you have to wear the veil, you have
13 to be veiled so as not to have problems with Ansar Dine."
14 And that is it. If the wife or woman is wearing a veil, she doesn't have a problem,
15 she can go to market, she can do her shopping. But you can't go and see a man. No,
16 no. If -- even if you are wearing a veil and you're with a man, then you are arrested.
17 That is true. That's true.

18 Q. [14:55:21] Thank you very much, Witness. And I would also like to thank you
19 for being so clear once again. I understand you perfectly.

20 Now, you said that you saw somebody flog a woman because she wasn't wearing
21 a veil. Was that somebody you know?

22 A. [14:55:39] No.

23 PRESIDING JUDGE MINDUA: [14:55:44](Interpretation) Prosecutor, just a question
24 by way of clarification.

25 Witness, you said that the Islamists, as you called them, didn't enter into houses. I

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1 understood that well. * But what I don't know is what the houses are like in Timbuktu,
2 because sometimes you have a house which can be in a courtyard or on a plot of land
3 or on a compound. * Now, if the lady were in the courtyard of her house, not in the
4 house, but in the courtyard, but not in the street either, what would happen then?

5 THE WITNESS: [14:56:29](Interpretation) Yes, when -- if they see you, if they see
6 you. If they don't see you, because there are small courtyards as well, but if
7 the woman is not properly dressed and she's in a courtyard, then she could have
8 problems too.

9 PRESIDING JUDGE MINDUA: [14:56:48](Interpretation) Thank you very much,
10 that's clear. Thank you.

11 Prosecutor.

12 MR ALLAFI: [14:56:53](Interpretation) Thank you very much, your Honour.

13 Q. [14:56:57] Thank you, Witness, for these clarifications.

14 By the same token, in terms of the life before and life afterwards where it concerns
15 prayers, before the arrival of the Islamists, were there obligations in Timbuktu for
16 the population to close shops during prayers? Was that an -- was that an obligation
17 before the Islamists arrived?

18 * A. [14:57:32] No, it was not mandatory. But as I told you, Islam has been in
19 Timbuktu for 900 years. On the Fridays people close their shops, but it's not an order.
20 Those -- if you want to close your shop, you close it. If you don't, you don't. That's
21 the way it is.

22 Q. [14:57:48] Thank you very much. And after the arrival of the Islamists, was
23 there an order, were there obligations, was there obligations to close the shops during
24 the prayers?

25 A. [14:58:03] No, I don't know that. I didn't pay attention to that.

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1 Q. [14:58:09] Thank you very much.

2 And before my following question I would like to know, Witness, if the population in
3 Timbuktu came from one single ethnic group or were they from different ethnic
4 groups, the population who lived in Timbuktu?

5 *A. [14:58:36] In Timbuktu, the city of 333 Saints, the city of mysteries, there is
6 everybody. There are Arabs, there are Bella people, the black Tamasheqs, the Songhai.
7 There are Bambara people, there are Peul people as well. Timbuktu is a universal city.
8 There are all kinds of people, many different types of people there. You will see
9 people in Timbuktu of Moroccan descent, or of Saudi descent, or Sudanese descent.
10 But they have been in Timbuktu for years and years. Timbuktu is made up of many
11 different kinds of people, many different racial groups.

12 Q. [14:59:26] Very well. Thank you. I know that time is passing and I only have
13 a few minutes. I have a last question, if you would allow me.

14 PRESIDING JUDGE MINDUA: [14:59:36](Interpretation) Please go ahead.

15 MR ALLAFI: [14:59:38](Interpretation) I will take advantage of the fact that we are
16 in open session.

17 Q. [14:59:42] Now, Mr Witness, you explained there are different ethnic groups
18 with different origins living in Timbuktu, but we don't have very much time before
19 we conclude today, so my last question, and I am going to ask for a clear answer, if
20 you could give a summarised answer. So what was the relationship between these
21 different ethnic groups before and after the arrival of the Islamists?

22 A. [15:00:11] Sorry, what did you say?

23 Q. [15:00:14] The relationship between those of different origins and ethnic groups,
24 what was their relationship before the arrival of the Islamists?

25 A. Religion?

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1 Q. Origins.

2 A. Origins.

3 Q. [15:00:26] Different origins. You said that there were different origins among
4 the people living in Timbuktu, so what were the relations between them before
5 the arrival of the Islamists and after the arrival of the Islamists?

6 *A. [15:00:41] Well, Timbuktu has more than 5,000 university students studying the
7 Koran, and that created links between Fez in Morocco and Timbuktu as well. And for
8 the people in Timbuktu and their parents, it is the doorway to the desert. And you
9 have, you've got relatives in Morocco, you're got relatives in Nigeria, in Sudan,
10 everywhere, because everybody goes through Timbuktu in the Sahara.

11 MR ALLAFI: [15:01:29](Interpretation) Thank you very much, Witness, for your
12 time, your explanations and your patience.

13 I now turn to your Honour, given the remaining time.

14 PRESIDING JUDGE MINDUA: [15:01:45](Interpretation) Thank you very much,
15 Prosecutor.

16 Witness, we are coming to the end of your testimony for today, because it is now
17 the end of the session. It's Friday today. We're going to continue on Monday
18 at 9.30.

19 Is that correct, Prosecutor?

20 MR ALLAFI: [15:02:12] Absolutely, your Honour.

21 PRESIDING JUDGE MINDUA: [15:02:14](Interpretation) So you are going to come
22 back on Monday at 9.30, 7 December, for the remainder of your testimony. From
23 now until Monday, please do not forget that you must not speak about your
24 testimony to anyone, either to members of your family, or friends, should you be in
25 contact with them from this evening to Monday. Have you understood that well?

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- 1 THE WITNESS: [15:02:51](Interpretation) Yes, very well.
- 2 PRESIDING JUDGE MINDUA: [15:02:53](Interpretation) Thank you very much,
- 3 Witness. Once again, the Chamber would like to thank you for your patience.
- 4 Prosecutor, do you want to add anything?
- 5 MR ALLAFI: [15:03:06](Interpretation) No, absolutely not, your Honour.
- 6 Thank you.
- 7 PRESIDING JUDGE MINDUA: [15:03:09](Interpretation) Thank you. So I only
- 8 have time now to thank all the parties and participants here today. I would also like
- 9 to thank -- ah, Witness, did you want to say something?
- 10 THE WITNESS: [15:03:28](Interpretation) Yes, your Honour. Could you accord me
- 11 a salary?
- 12 PRESIDING JUDGE MINDUA: [15:03:36](Interpretation) No, Witness. No, we
- 13 can't.
- 14 THE INTERPRETER: [15:03:41] Correction from the interpreter, the witness asked:
- 15 Would you allow me to greet the accused just to say hello?
- 16 PRESIDING JUDGE MINDUA: [15:03:49](Interpretation) No, Witness, you can't.
- 17 That's nice, but -- he understood, but no, you cannot do that.
- 18 I would like to thank the interpreters and the court reporter, and I do not forget
- 19 the security officers or the public.
- 20 And to all of you I would like to wish you a good evening, a good weekend, good
- 21 week, stay safe and see you on Monday.
- 22 Court is now adjourned.
- 23 THE COURT USHER: [15:04:20] All rise.
- 24 (The hearing ends in open session at 3.04 p.m.)
- 25 CORRECTIONS REPORT

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

Page 31 line 19:

“(Overlapping speakers)”

Is corrected to

“It is indicated that we are.”

Page 43 line 5:

“THE INTERPRETER: [13:41:38] Overlapping speakers.”

Is corrected to

“THE WITNESS: [13:41:38] Exactly.”

Page 46 lines 21-22:

“A. [13:50:08] [REDACTED]

[REDACTED]

Is corrected to

“A. [13:50:08] [REDACTED]

[REDACTED]

Page 48 lines 6-11:

“A. [13:53:39] I left Timbuktu in 2012 because there was the Islamic occupation. I left Timbuktu because there was no longer any dignity. Nobody had dignity. You saw your family, you see people who are cutting people's hands off, you see people being killed. There was no dignity, I had no dignity and that's the reason why I left the town. I would have wanted to stay in Timbuktu, but I couldn't stay.”

is corrected to

“A. [13:53:39] I left Timbuktu in 2012 because there was the Islamic occupation. I left Timbuktu because there was no longer any dignity. Nobody had dignity. You see

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1 your sister being whipped in front of you, you yourself are being whipped, you see
2 people who are cutting people's hands off, you see people being killed. There was no
3 dignity anymore, I had no dignity anymore, and that's the reason why I left the town.
4 I wanted to stay in Timbuktu, but I couldn't."

5 Page 51 lines 4-5:

6 "You mentioned MNLA, where were they at that time?" is corrected to

7 "You mentioned the MNLA, where were they located at that time?"

8 Page 51 line 6:

9 "A. [14:01:33] MNLA was close to the airport in Kabara."

10 Is corrected to

11 "A. [14:01:33] The MNLA was located at the Timbuktu airport and at Kabara."

12 Page 51 lines 7-8:

13 "Q. [14:01:55] Do you know, Mr Witness, how long MNLA stayed at the airport?"

14 Is corrected to

15 "Q. [14:01:55] Do you know, Mr Witness, how long the MNLA stayed at the airport

16 and at Kabara?"

17 Page 51 lines 8-25:

18 "A. [14:01:58] No. We heard lots of fireworks and there was a bit of argument

19 with the Islamists, there was a lot of shooting, and when the MNLA left the airport,

20 there was Islamic music that was playing. They forbade us to play any music and

21 they arrived with music. They said: Within the town, we are not allowed to have

22 a music, but now you are armed, you can't enter with music because music is banned

23 here.

24 But the MNLA I think were there and governed for maybe one or two weeks.

25 In Gao, we heard that there were clashes between the MNLA and the Islamists and

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1 we saw the Islamists who were taking more arms, rockets from the MNLA and we
2 also heard that they were told to leave the town. And after all this they fled.
3 Once MNLA fled, that was the moment where we had the true Sharia imposed upon
4 us. The true Sharia occurred when the MNLA left. Sharia was there. There was
5 no mother, no father, it was only the Sharia, it was only the Sharia that counted.
6 That's all.
7 The MNLA moved on. The MNLA, when they left, they broke everything. They
8 did a lot of things. They took computers, they took weapons, they took a lot of
9 things from the military camps. That's it. " is corrected to
10 "A. [14:01:58] They didn't. No, they didn't last long. At one point, we heard bullets
11 (the witness imitates the sound of gunfire). The MNLA signed with the Islamists for
12 the independence of Azawad. They began shooting (the witness imitates the sound of
13 gunfire). When the MNLA cars left the airport, they were playing Touareg music.
14 When they returned, the Islamists said to them, "Watch out, we forbade the people to
15 play music, and now you are coming back playing music." They turned it off, they
16 removed the MP3 from (inaudible). They said, "No, inside the city we banned music.
17 Now you are armed, you must not come back playing music because we banned it in
18 the city." So, the MNLA I think lasted one week, two more weeks. We heard in Gao
19 that there were clashes between the MUJAO and the MNLA. And in Timbuktu, we
20 saw the Islamists taking more arms, rockets. They told the MNLA, "we are giving you
21 18 hours, we are giving you 18 hours to leave town." We saw the MNLA cars head
22 out in all directions and they fled. Once the MNLA had fled, that was when we had
23 true Sharia. True Sharia was when the MNLA left. There was true Sharia. There was
24 no mother, no father, it was Sharia. If Sharia got you, it was Sharia, that was all there
25 was to it. That is what we saw after the MNLA. The MNLA broke, they broke things.

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1 They took cars, they did a lot of things. They did a lot of things. They took computers,
2 they took weapons from the military camps. They took a lot of things. Yes, that's right."

3 Page 52 lines 4-14:

4 "A. [14:04:39] I saw the people of the MNLA when they left, we saw what was
5 happening, we saw the MNLA with the arms. First it was the Arabs, they came first.
6 Then the military, then the Islamists. Now, the military, they searched for things
7 and once the army left, the Arabs entered. The Arabs are light-skinned. They were
8 from the -- part of the militia who fought against the MNLA. It's the same Arabs
9 who came into our town to say "be careful because the Islamists are going to arrive".
10 Once the army left, we saw them. We saw them the moment they left. When
11 the Arabs arrived, they searched everything."

12 Is corrected to

13 "A. [14:04:39] Because I saw the MNLA people when the army left, we saw what was
14 happening, we saw the MNLA with the arms. First it was the Arabs, they came first.
15 They came, they told the soldiers that the Islamists were behind them, some MNLA
16 people would be arriving. Then the soldiers stopped, they gathered in front of the
17 Governor's Office in Timbuktu. They gathered and they said, "Governor, we are
18 leaving the city." And once the army left the city, the Arabs entered. Like Arabs, they
19 were light-skinned. The Bambara thought that these Arabs were militiamen who ATT
20 had paid for to fight terrorism, to fight the MNLA. They were the same Arabs who
21 went to the city to tell the Malian army, "Be careful, the Islamists are coming." And
22 once the army left, we saw them. We saw them the moment they left. The army itself,
23 once the Arabs came in, they fled, they left the cars."

24 Page 52 lines 21-25:

25 [REDACTED]

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1 [REDACTED] I was drinking something and I saw people with arms, I saw others
2 going to the camp, and I thought I'm still here sitting down and drinking something."

3 Is corrected to

4 "[REDACTED]. I went,
5 there was [REDACTED]

6 [REDACTED] That's where I was, sitting having a drink and I saw the people with
7 weapons. Two other people went into the camp. I was sitting there drinking, since
8 there was no one else, I was having a drink, I was having a drink, until (inaudible)."

9 Page 52 lines 15-20:

10 [REDACTED] There
11 was armed -- there were armed vehicles and then the Arabs took that. And
12 afterwards, all the youth also started looking for everything. They went into
13 the camps. They went in search of arms. Everybody left, everybody was taking
14 everything away. The MNLA entered everything, it was administration in
15 Timbuktu. The MNLA took everything with their arms, everything. "

16 Is corrected to

17 [REDACTED]
18 [REDACTED]. An army vehicle was parked there. It was after the Arabs, they
19 took it. The MNLA, they came, they took it. And afterwards, all the young people
20 went into the camps in search of arms. They went, everybody went and took the
21 computers. The MNLA went into all the administrative buildings in Timbuktu. All
22 the administrative buildings, the MNLA took everything, with their arms,
23 everything."

24 Page 53 lines 12-20:

25 "A. [14:08:12] [REDACTED]. And

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1 I'm just drinking something and it's only afterwards that I left, about 11, 11.30,
2 something like that, with a bottle or two of wine, because I'm going home, and I said,
3 oh, I'm going home now.
4 I arrived just in stop of the electricity building and I saw this building. I was a bit
5 tipsy and he said, he told me to throw the bottles away, and I did so. He said, "Just
6 wait, get into the car." So I went into the car. And then I left, and he left me at the
7 BMS and left." Is corrected to
8 "A. [14:08:12] [REDACTED]. They left,
9 they left everything. I was drinking something. I was having a drink. It was only
10 afterwards that I left, about 11, noon, something like that, with some bottles of wine. I
11 wanted to go home, and I said, "I want to go home." Once I got to the road, opposite
12 the electricity building, Omar Ould Hamaha drove up in his car. He said to me,
13 "What's that?" "Huh?" I said. He said to me, "that is haram." He said to me, " haram
14 moujarim." I was a bit tipsy. He told me to throw the bottles away, I did so, and they
15 broke. He said, "Just wait, get into the car." So I went into the car. And then I left, and
16 he left me at the BMS and he left."

17 Page 53 lines 20-24:

18 "And then I realised what happened. I stayed in the BMS. They made me to go up
19 the stairs. I entered until the very top. There was a terrace on the right and then
20 there was a bedroom. [REDACTED] because
21 the Islamists found other people armed who were not from a movement – "

22 Is corrected to

23 "That is where the events happened. Afterwards, I didn't see. I stayed in the BMS. I
24 had to go up the stairs. I went up the stairs, I went inside, I went up the stairs to the
25 very top. There was a terrace on the right and then there was a room on the left. I

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1 stayed on the terrace. [REDACTED] who were armed.

2 Because when the Islamists found other people who were not from a movement –“

3 Page 54 lines 5-9:

4 “the hotel Maison. And once I arrived at the hotel Maison I saw Houka Houka,

5 [REDACTED] He was seated with the Islamists. Now they

6 opened up the Koran. Once they had opened the Koran, they said to me, "Moujarim

7 (phon), we are going to whip you, we are going to whip you 40 lashes. You have to

8 pray." I was scared.”

9 Is corrected to

10 “the hotel La Maison. And once I arrived at the hotel I saw Houka Houka [REDACTED]

11 [REDACTED] I saw him sitting with the Islamists. Then they opened up

12 the Koran. Once they had opened the Koran, they said to me, "Moujarim (phon), we

13 are going to whip you. We are going to give you 40 lashes to grant you prayer." I was

14 scared.”

15 Page 54 lines 9-24:

16 “" I was scared. I didn't know what was going on. I didn't understand. The moment

17 that I had heard that I'm going to be whipped, I stopped. I was sitting there, seated

18 there. They were all seated there with their beards and their Kalashnikovs. That's the

19 moment I completely stopped. The moment they read the Koran. Then they started to

20 beat me, to whip me on my back. After when they finished these 40 lashes, they

21 heated my back and then after that they said, okay, they said I'm free to go. I went

22 down. I saw another Islamist in front of the car and I said, "Please, just give me a bit of

23 time." They gave me a bit of time. And I went home because in the hotel Maison they

24 told me I was free after I had been whipped. And then after that I left. I went home,

25 and I always see the same scenario in front of me. I see the Ansar Dine who are

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1 patrolling the town. I stayed there. I stayed one week [REDACTED].
2 After ... " is corrected to
3 "I was scared. I didn't know what was going on. I was in a car. I didn't know, I
4 thought I was going to be killed. I didn't know. Once I heard that I was going to be
5 whipped, I stopped. They told me to get up. They were all seated there with weapons,
6 with their beards and their Kalashnikovs. That's the moment I completely stopped.
7 Once they finished reading the Koran, they said to me, "Now we are going to apply
8 sharia." Then they started to beat me, to whip me on my back. After they finished
9 these 40 lashes, my back was really burning, they had really given me a whipping.
10 After they had finished, they said to me, "Okay, Salaam Alaikum, you are free to go."
11 I went downstairs. I saw another Islamist in front of the car, in front of a car, and I
12 said, "Please, could I have some milk?" The guy gave me a bit of milk, and a bit of
13 macaroni. I took it, and I went home because at the hotel they told me I was free after
14 I had been whipped. And then after that I left. I went home. Now as soon as I go
15 home, I always see the same scenario. I see the MLNA, and on the other side, I see
16 Ansar Dine patrolling the town. I went home, and I stayed there for a while. I stayed
17 one week, [REDACTED] I remember. The day they drove out [REDACTED]
18 [REDACTED] which I saw myself. After..."

19 Page 55 lines 12-14:

20 "MR ALLAFI: [14:14:02](Interpretation) I didn't forget, but things moved on. But
21 it's as you wish, I can come back to this point tomorrow if you choose and continue in
22 a public session. It's up to you, my Lord."
23 Is corrected to

24 "MR ALLAFI: [14:14:02](Interpretation) Mr President, that was not the plan. The plan
25 was to continue in open session, but things moved quickly. But it's as you wish. I can

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1 come back to this point tomorrow if you choose and continue in open session. It's up
2 to you, Mr President."

3 Page 56 lines 9-11:

4 "PRESIDING JUDGE MINDUA: [14:16:23](Interpretation) We understand what
5 you're saying, so do not worry."

6 Is corrected to

7 "PRESIDING JUDGE MINDUA: [14:16:23](Interpretation) No, Mr witness. We
8 understand you just fine, so do not worry."

9 Page 56 line 17:

10 "perfectly well" is translated and added.

11 Page 57 lines 1-3:

12 "Q. [14:17:46] Could you tell me approximately how much time for the Islamists to
13 chase -- how much time was the chasing away of the MNLA before the Islamists
14 arrived?"

15 Is corrected to

16 "Q. [14:17:46] Okay. I want my question to be crystal clear. Could you tell me
17 approximately how much time it took the Islamists to chase -- how much time was
18 the chasing away of the MNLA after the Islamists arrived on April 2?"

19 Page 57 lines 4-7:

20 "A. [14:18:10] I think the MNLA were there for two or three weeks. I can't
21 remember exactly. But they weren't there for one or two months, no. "is corrected to

22 "A. [14:18:10] Not long. I think it was two weeks. The MNLA were in town for two or
23 three weeks. Two or three weeks, I can't remember exactly. In any case, they weren't
24 there for one or two months, no."

25 Page 57 lines 7-8:

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1 "Q. [14:18:26] Thank you, Mr Witness. And from that moment onwards, that's to
2 say when the MNLA left, who controlled and governed Timbuktu?" is corrected to

3 "Q. [14:18:26] Thank you, Mr Witness. And from that moment onwards, that's to say,
4 once the MNLA left, who controlled and governed the region of Timbuktu?"

5 Page 57 lines 16-18:

6 "A. [14:19:26] Yes. When you left the airport there is a check from the Ansar Dine
7 at the Total garage, there is a checkpoint there." is corrected to

8 "A. [14:19:26] Yes, their checkpoint at the entrance. When you left the airport there
9 was a checkpoint belonging to Ansar Dine at the Total station. There was the Total
10 station at the entrance, there was the checkpoint there."

11 Page 58 lines 6-8:

12 "There were some who spoke Tamasheq and some who spoke Tamerai (phon) and
13 Tamasheq or Arabic, Songhai, it was everything, they spoke everything." is corrected
14 to

15 "There were some who spoke Songhai, others spoke Tamasheq and others spoke
16 Bambara. Some spoke Tamasheq, others spoke Arabic, others spoke Songhai."

17 Page 58 lines 12-19

18 "Q. [14:21:38] Thank you. Did you see them in Timbuktu at that time?

19 A. [14:21:45] Yes, they are at Timbuktu. I saw them.

20 Q. [14:21:53] And when you saw them, were they in the -- on a motorbike, car,
21 on foot?

22 A. [14:22:01] They were on a motorbike, in car. They were on a motorbike, in a car,
23 on foot. We saw them all the time. We saw them every evening, every morning.
24 We saw them. But they didn't -- they weren't there only with aeroplanes, we saw
25 them all the time."

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1 Is corrected to

2 "Q. [14:21:38] Thank you. Did you yourself see them in Timbuktu at that time?

3 A. [14:21:45] Yes, they were in Timbuktu. I saw them right in front of me. Facing me.

4 Q. [14:21:53] And when you saw them, and apparently you saw them many times,
5 were they on motorbikes, in cars, or on foot?

6 A. [14:22:01] They were on motorbikes, in cars, on foot. They were not just in planes.
7 They were on motorbikes, in cars, on foot. We saw them all the time. Every day. We
8 saw them every evening, every morning. You would wake up, you would see an
9 Islamist go by with his beard, on a motorbike or in a car."

10 Page 58 lines 21-25:

11 "A. [14:22:37] Sharia, Sharia, Sharia. That's all. They came to teach us about
12 the Sharia. They banned cigarettes, alcohol, no women. You're in your own town
13 but you can't do what you like. It's not like Timbuktu that we know from before.
14 Everything changed.

15 Q. [14:23:08] Thank you, Witness. To help you, because I went there, you spoke
16 the life and the town of Timbuktu before. "

17 Is corrected to

18 "A. [14:22:37] Sharia, Sharia, Sharia. That's all. They came to teach us about Sharia.
19 They banned everything: cigarettes, alcohol, no women. You were in your own town
20 but you couldn't do anything. It was not like the Timbuktu that we knew from before.
21 It changed in less than a week.

22 Q. [14:23:08] Thank you, Witness. Frankly, you are helping me, because I was heading
23 in that direction. You spoke about the life and the town of Timbuktu before."

24 Page 59 line 6:

25 "A. [14:23:57] Before, before, Timbuktu was great. We did what we wanted." Is

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1 corrected to

2 "A. [14:23:57] Before, before, Timbuktu was great. We danced, we smoked, we did
3 what we wanted."

4 Page 59 line 8:

5 "We were happy." Is translated and added.

6 Page 59 lines 9-16:

7 "Once they arrived, we couldn't do that anymore. What the Sharia said was
8 imposed upon us, we only had to do what the Sharia said.

9 Q. [14:24:47] Thank you. Just before the last question, you used the word "*chicoté*",
10 a whipping, what is that?

11 A. [14:24:57] We were lashed with a whip, like this, like this, like what I'm showing
12 you."

13 Is corrected to

14 "Once they arrived, we couldn't do what we wanted to anymore. What Sharia said
15 was imposed upon us. Sharia was put in place. If you didn't follow it, you would be
16 whipped in front of everyone.

17 Q. [14:24:47] Thank you. Just before my next question, you often use the word
18 "*chicoté*", a whipping, what is that?

19 A. [14:24:57] We were lashed with a whip, like this, like this, like what I'm showing
20 you.

21 Page 60 lines 10-11:

22 "Q. [14:26:50] I'm sorry, I'm asking for details so I'm going to ask you before and
23 after." Is corrected to

24 "Q. [14:26:50] I'm sorry, but I'm asking for details. So each time I'm going to ask you
25 the same question, before and after."

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1 Page 60 lines 13-25:

2 "A. [14:27:05] After their arrival, all the town, we had a name for it, we called -- we
3 said cigarettes became Paracetamol and if you said "Paracetamol", that meant you
4 wanted a cigarette. Because if -- and if you were linked to Ansar Dine, you weren't
5 given a cigarette. Even people who sold cigarettes, they'd give you a cigarette,
6 cigarettes like this in your hand and their hands were trembling because they had fear
7 when they gave you their cigarettes.

8 Q. [14:28:02] I have another question. When you said "Paracetamol", what is
9 para -- was that a code?

10 A. [14:28:08] Yes, yes, yes, it was a code. It was a code. It was our code in
11 Timbuktu when you asked for Paracetamol."

12 Is corrected to

13 "A. [14:27:05] After their arrival, cigarettes became paracetamol. People would say
14 paracetamol. The entire town would do it. You would go into a shop and you would
15 ask if they had any paracetamol. And they would give you some. If they saw that you
16 were not linked to Ansar Dine, they would give you cigarettes, but if you were linked
17 to Ansar Dine, they would not give you any. They would say that they had no
18 cigarettes. That's how people got cigarettes. It was hidden. Even the person who was
19 selling the cigarettes, he would give you the cigarettes, and his hand would tremble,
20 like this. His hand would like this. Before he gave you any, he would be afraid.
21 That is how it was.

22 Q. [14:28:02] I have another question. When you said "paracetamol", was that a code?
23 A code for what?

24 A. [14:28:08] Yes, yes, yes, it was a code. Exactly. It was our code in Timbuktu. People
25 would say 'paracetamol'."

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1 Page 61 lines 2-19:

2 "A. [14:28:21] Yes, we said "Paracetamol" because if we said "cigarettes" we
3 thought Ansar Dine might hear that so we said "Paracetamol" instead.

4 Q. [14:28:30] You've anticipated my previous questions. So what happened if you
5 were stopped, if you had cigarettes on you?

6 A. [14:28:36] If you sold cigarettes, and if you were smoking, they would take
7 the cigarettes, they would take it away from you, they would break it in front of you
8 and say it was *haram*. But the case of alcohol, there, there you could be beaten, but
9 not for the cigarettes, no, they won't beat you for that. It's *haram*, it's not good for
10 your health. They'll look at those who are selling the cigarettes and will burn down
11 the shop who's selling the cigarettes in front of your very eyes. And they will tell
12 them, "You mustn't sell cigarettes."

13 Q. [14:29:37] All of what you've said, are those things that you've seen yourself?"
14 Is corrected to

15 "A. [14:28:21] Yes, to get cigarettes. We said "Paracetamol" because if we said
16 "cigarettes" we thought Ansar Dine might hear. If Ansar Dine heard you, they would
17 come and burn them. So we said "Paracetamol" instead.

18 Q. [14:28:30] You've anticipated my next question. So what happened if you were
19 stopped and you were smoking or selling cigarettes or you had cigarettes on you?

20 A. [14:28:36] No, if they caught you selling cigarettes, you didn't have a problem.
21 They would say, "From now on, you mustn't sell cigarettes anymore." Or if they
22 caught you smoking, they would take the cigarettes away from you and they would
23 tell you that they were not good for your health. They would break them in two in
24 front of you and say that they were *haram*. And that would be it. But in the case of
25 alcohol, you would be whipped. But not for cigarettes, no, they wouldn't beat you for

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1 that. They would say that they were haram, and that they were not good for your
2 health. And they would leave you be, that's all. As for those who were selling
3 cigarettes, they would go into the shop and take the cigarettes and burn them in front
4 of the shop owner and leave him there. And they would tell him, "From now on, you
5 mustn't sell cigarettes."

6 Q. [14:29:37] Are all these details about smoking and burning cigarettes or ... all of
7 what you've said, are those things that you've seen yourself?"

8 Page 61 lines 20-24:

9 "A. [14:29:46] Yes, yes, yes, I saw that myself. I saw it. I saw it. There were
10 small children and we said you mustn't smoke -- and they said you mustn't smoke,
11 you mustn't take cigarettes, they said all that.

12 Q. [14:30:11] You said there were small children? "

13 Is corrected to

14 "A. [14:29:46] Yes, yes, yes, I saw that myself. I saw it myself. There were small
15 children who would come up to me and say that I mustn't smoke. They would take
16 my cigarette and break it in two.

17 Q. [14:30:11] I'm sorry, but just to make sure I've understood: you said there were
18 small children?"

19 Page 62 lines 1-8:

20 "Q. [14:30:17] Could you explain a bit, what do you mean?

21 A. [14:30:20] Small children who are part of a group who are there as a police and
22 they will go in front of you and they will break everything and you can't say anything.
23 They have a Kalashnikov and you can't say anything. Your cigarettes will all be
24 broken in front of you.

25 Q. [14:30:54] And when you say "children", what age?"

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1 Is corrected to

2 "Q. [14:30:17] Could you explain this a bit more? What do you mean?

3 A. [14:30:20] The small children were part of the group. They were like police officers,
4 like the authorities. They would come up to you and they would just break the
5 cigarettes in two. They would just take them and break them in two right in front of
6 you. You couldn't say anything. There was a Kalashnikov to the right, there was a
7 Kalashnikov, what were you going to say? You wouldn't say anything. The cigarettes
8 would be broken in front of you. That's the way it was.

9 Q. [14:30:54] And when you say "children", what age?"

10 Page 62 lines 10-12:

11 "Q. [14:31:05] Could it be recorded, correct me if I'm not -- if I've made a mistake,
12 that they were part of the Islamists and Ansar Dine, this group; is that correct?"

13 Is corrected to

14 "Q. [14:31:05] Let the record show that you are saying --- and correct me if I have
15 misunderstood --- you are saying that they were part of the Islamists and Ansar Dine;
16 these children were part of this group. Is that correct?"

17 Page 62 line 18:

18 "seen" is corrected to "heard"

19 Page 62 lines 23 to page 63 line 2:

20 "A. [14:32:04] Yes, of course. Before of the Islamists came, you could dance, you
21 could take your girlfriend, do whatever you wanted. Or you could say "I'm coming",
22 she'd be waiting for you. You could go on a motorbike ride together, you could
23 dance, you could go to the disco, there are events which are put on and -- but with
24 the Islamists that could not be done. "is corrected to

25 "A. [14:32:04] Yes, of course. Before the Islamists came, you could dance, you could

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1 go places. You could pick up your girlfriend, you could do whatever you wanted to
2 do. You could call her and say, " Hello, my darling, where are you? I'm on my way."
3 She'd be waiting for you. You could pick them up, go on a motorbike ride together,
4 you could dance, you could go to the disco, there were events that were put on. But
5 with the Islamists none of that could be done."

6 Page 63 lines 18-19

7 "And then they're going to take you in for questioning and they'll want to know is it
8 true, is it really your girlfriend or not." is corrected to

9 "And then they're going to take you into custody and they'll want to know if is it true,
10 is she really your girlfriend or not."

11 Page 63 line 21

12 "too" is corrected to "to"

13 Page 65 line 22:

14 "move around" is corrected to "go"

15 Page 64 lines 1-2:

16 "A. [14:34:24] I saw that. I saw that and there are rumours, everybody in
17 Timbuktu speaks." Is corrected to

18 "A. [14:34:24] I saw that. I saw that myself. There were rumours. Everybody in
19 Timbuktu talks."

20 Page 64 lines 8-9:

21 "And women were flogged in front of their fathers, mothers, sisters, in front of
22 everyone." Is corrected to

23 "And women were flogged in front of their fathers, mothers, younger brothers, sisters,
24 in front of everyone."

25 Page 64 lines 19-22:

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1 "If you say no, it's not, it's the wife of my uncle, it's my uncle's wife, or my older
2 brother's wife. If you say your wife, then they say get witnesses, Ansar Dine will say
3 "go and get witnesses". That's it. That's the way it is. That is the way it goes."

4 Is corrected to

5 "If you say no, she's not my girlfriend, she's the wife of my uncle, she's my uncle's
6 wife, then you are okay. If you say that she is my uncle's wife or my older brother's
7 wife. If you say that she is your wife, then they say get witnesses, Ansar Dine will say
8 "go and get witnesses"".

9 Page 65 lines 3-5:

10 "they will ask you if it's your uncle's wife or older brother's wife and if you say "it's
11 my wife", then you have to bring a witness?" is corrected to

12 "they will ask you if she's your uncle's wife or older brother's wife, and if that is so,
13 they will let you continue along your way. If you say "she's my wife", then you have
14 to bring witnesses?"

15 Page 65 line 25 to page 66 line 2:

16 "A. [14:39:02] Yes, yes. Yes, if you are with a woman on your motorbike, now, if
17 Ansar Dine ask you "Is that your wife?" they're going to ask you for witnesses and
18 they want to know if it's your wife really, or they say -- or you say it's the wife of my
19 uncle, or the wife of my older brother." Is corrected to

20 "A. [14:39:02] Yes, yes. Yes, if you are with a woman on your motorbike, now if Ansar
21 Dine asks you "Is that your wife?" they're going to ask you for witnesses to see if she
22 really is your wife. Or you say that she is the wife of your uncle or of your older
23 brother."

24 Page 66 line 4:

25 "custody for " is translated and added

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1 Page 66 lines 5-11:

2 "Q. They'll -- they'll let you go if your answer's right, but if the person says it's my
3 wife, they have to bring witnesses; is that correct?

4 A. Yes. If you say it's your wife, they have to bring witnesses.

5 Q. [14:39:59] Witnesses where?

6 A. [14:40:01] To the police station, to the Islamic police station. They're going to
7 ask for witnesses to go there. That's where they will ask for witnesses." Is corrected
8 to

9 "Q. And when you said "continue along your way" does that means they let you go?

10 A. Yes, they let you go.

11 Q. But if the person says "she's my wife", he has to bring witnesses; is that correct?

12 A. Yes. If you say she's your wife, you bring witnesses.

13 Q. [14:39:59] Bring the witnesses where?

14 A. [14:40:01] To the police station, to the Islamic police. They're going you for
15 witnesses. That's where they will ask for witnesses."

16 Page 67 lines 8-10:

17 "A. [14:42:29] Before the Islamists came, well, the woman could wear -- women
18 could wear trousers, tights, you could wear whatever, whatever they wanted. " is
19 corrected to

20 "A. [14:42:29] Before the Islamists came, well, women could wear trousers, tights, you
21 could wear whatever, whatever you wanted."

22 Page 67 lines 19-20:

23 "A. [14:44:10] well, that's something I saw myself. Well, my trousers couldn't be
24 too long." is corrected to

25 "A. [14:44:10] When I was in the town, it was imposed on me. My trousers couldn't be

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1 too long."

2 Page 68 line 6:

3 "Q. (Overlapping speakers) " is corrected to

4 "Q. Yes"

5 Page 68 lines 7-10:

6 "A. [14:45:36] Well, they imposed on women that they had to wear veils and they
7 imposed that, they said that when you are at home, you just have to dress properly.

8 Nothing else. Women will have to wear a veil, they have to be masked. That's it.

9 That's all. That's all." Is corrected to

10 "A. [14:45:36] Well, they imposed on women that they had to wear veils. They
11 imposed that on women. They said to women that when they left the house, they had
12 to dress properly. Nothing else. Women had to wear a veil, they had to be masked.
13 That's it. That's all. That's all."

14 Page 68 lines 13-24:

15 "A. [14:46:16] Well, our elderly people are -- the people accepted, they accepted
16 that. Yes. The women, they accepted it. They wore the veil. When they found
17 women walking, they would say, "You're not well dressed. You have to be well
18 dressed". That's all. Afterwards, the women would say "Ansar Dine, Ansar Dine".
19 There are a lot of women in Timbuktu. They respected, they respected women,
20 some women and there are other women they didn't respect. And when women
21 don't respect things, they have problems with the Islamists. That's the way it was.
22 What they asked to be done, if somebody does it, they don't have problems with them.
23 You don't have any problems with them. But if they say don't do something, you do
24 it, then there'll be problems. That's the way it is. " is corrected to

25 " A. [14:46:16] Well, you see, we have our ... our elders, our fathers. Everyone agreed.

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1 It was a weapon. Yes, you agreed. The women agreed. They wore the veil. Afterwards,
2 the women at the market ... when they saw women at the market, they would say,
3 "You're not properly dressed. You have to be properly dressed". That was all.
4 Afterwards, the women would call out, "Ansar Dine, Ansar Dine, this, that".
5 Otherwise, the women ... there are a lot of women in Timbuktu. Some women
6 respected the rules. Some respected them. Other women did not want to respect them.
7 And when women didn't respect the rules, they had problems with the Islamists.
8 That's the way it was. That was all there was to it. If you did what they asked, you
9 didn't have so many problems with them. You didn't even have any problems with
10 them. But if they said not to do something and you did it, then they would get you.
11 That's the way it was."

12 Page 69 lines 1-5:

13 "On page 75 in the transcript, line 20, you said it's the weapon that's there. What do
14 you mean by that, could you explain to us? You said there's a weapon.

15 A.[14:48:09] A Kalashnikov, that's what it is. There's the -- you have searches and
16 you have arms -- weapons. "

17 Is corrected to

18 "On page 75 in the transcript, line 20, you said that it was a weapon. What do you
19 mean by that, could you explain to us? You said it was a weapon. What does that
20 mean?

21 A. [14:48:09] The weapon was a Kalashnikov. That was the weapon. And the whip.
22 They had whips, they had weapons. That's the way it was."

23 Page 70 lines 13-17:

24 "A. [14:52:10] Well, they'll be flogged. Or maybe just one, just one. And then
25 they'll say "Go back home, veil yourself." And that's what they say to the women in

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1 Timbuktu. If you're in your house, you can do whatever you like, but if you leave
2 your home, outside, go outside, you must wear a veil and be well dressed. "

3 Is corrected to

4 "A. [14:52:10] Well, they would be flogged. Just one lash, not five lashes. The women
5 would just get one lash, then they would say, "Go back home, veil yourself." And
6 then, if women were outside in Timbuktu, if they were inside their house, they could
7 do as they pleased. But if they went outside, they had to wear a veil, they had to be
8 properly dressed."

9 Page 70 lines 17-18:

10 "That is what they ask. That is it. We didn't see an Islamist go into a house to go
11 and beat a woman." Is corrected to

12 "That is what they asked for. That was all. Otherwise, we didn't see an Islamist go
13 into a house to hit a woman."

14 Page 71 lines 6-13

15 "A. [14:54:20] Yes, I saw somebody who had -- he was driving around -- who had
16 a beard, he was driving around and he saw a woman who wasn't veiled and he gave
17 one beat with a whip and then he says "Go home." He doesn't even stop, he just
18 goes very slowly in his car and when he sees the woman who's not wearing the veil,
19 he's just going to stop, whack once and then the woman says, "Oh, Ansar Dine has
20 just flogged me" and then the mother is going to say, "But you're Muslim, you have to
21 wear the veil, you have to be veiled to not have problems with Ansar Dine."" is
22 corrected to

23 "A. [14:54:20] Yes, I saw somebody with a beard driving around in a car. He was
24 driving fast. He saw a woman who wasn't veiled and he hit her once with a whip and
25 then he said "Go home." He would drive around in a car, he wouldn't even stop. He

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1 would drive up very slowly, very slowly, and when he saw a woman who wasn't
2 wearing the veil, he would just stop and he would hit her. Then the woman would
3 say, "Oh, Ansar Dine has just flogged me" and she would go straight home. Her
4 mother would say, "But you yourself are Muslim, you have to wear the veil, you have
5 to be veiled so as not to have problems with Ansar Dine.""

6 Page 72 lines 3-5:

7 "But what I don't understand is how the houses are in Timbuktu, because sometimes
8 you have a house which can be in a courtyard or on a plot of land or on a compound."

9 Is corrected to

10 "But what I don't know is what the houses are like in Timbuktu, because sometimes
11 you have a house which can be in a courtyard or on a plot of land or on a compound."

12 Page 72 lines 1-2:

13 "Now, in the courtyard, you'd have a courtyard, for example, in the courtyard outside
14 of the house but not in the house but not in the street either, what would the situation
15 be there in the courtyard?" is corrected to

16 "Now, if the lady were in the courtyard of her house, not in the house, but in the
17 courtyard, but not in the street either, what would happen then?"

18 Page 72 lines 18-19:

19 "A. [14:57:32] No, as I told you, Islam has been in Timbuktu for 900 years. "is
20 corrected to

21 "A. [14:57:32] No, it was not mandatory. But as I told you, Islam has been in
22 Timbuktu for 900 years."

23 Page 73 lines 5-6:

24 "A. [14:58:36] In Timbuktu, the town of mysteries, there is everybody, there are
25 Arabs, there's the Tamasheqs, blacks, the Songhai, there are Bambara, there

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1 are -- Timbuktu is a universal town, the town of 333 saints. There is -- there are lots
2 of different types of people there. You speak to type of people, there are Moroccans,
3 Saudis, Sudanese people. For years and years in Timbuktu it has been composed of
4 lots of different racial groups."

5 Is corrected to

6 "A. [14:58:36] In Timbuktu, the city of 333 Saints, the city of mysteries, there is
7 everybody. There are Arabs, there are Bella people, the black Tamasheqs, the Songhai.
8 There are Bambara people, there are Peul people as well. Timbuktu is a universal city.
9 There are all kinds of people, many different types of people there. You will see
10 people in Timbuktu of Moroccan descent, or of Saudi descent, or Sudanese descent.
11 But they have been in Timbuktu for years and years. Timbuktu is made up of many
12 different kinds of people, many different racial groups."

13 Page 74 lines 6-7:

14 "A. [15:00:41] Well, Timbuktu has more than 5,000 students and that created links
15 between Fez in Morocco and Timbuktu as well." Is corrected to

16 "A. [15:00:41] Well, Timbuktu has more than 5,000 university students studying the
17 Koran, and that created links between Fez in Morocco and Timbuktu as well."

18 SECOND CORRECTIONS REPORT

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

21 Page 62 line 15

22 "the same ..." Is corrected to "the same question."

23 Page 53 lines 24-25

24 "Because when the Islamists found other people who were not from a movement" Is
25 corrected to "Because when the Islamists found other people who were armed but not

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1 from a movement, they would bring them to the BMS.”