

~~-----ICC-01/12-01/18-T-042-CONF-ENG-ET-06-11-2020-1/66-SZ-T-----~~

Trial Hearing  
WITNESS: MLI-OTP-P-0065

(Open Session)

ICC-01/12-01/18

1 International Criminal Court  
2 Trial Chamber X  
3 Situation: Republic of Mali  
4 In the case of The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag  
5 Mahmoud - ICC-01/12-01/18  
6 Presiding Judge Antoine Kesia-Mbe Mindua, Judge Tomoko Akane and Judge  
7 Kimberly Prost  
8 Trial Hearing - Courtroom 1  
9 Friday, 6 November 2020  
10 (The hearing starts in open session at 9.30 a.m.)  
11 THE COURT USHER: [9:30:30] All rise.  
12 The International Criminal Court is now in session.  
13 Please be seated.  
14 PRESIDING JUDGE MINDUA: [9:30:56](Interpretation) Court is in session.  
15 Good morning to all.  
16 Madam courtroom officer, could you please call the case.  
17 THE COURT OFFICER: [9:31:07] Thank you, Mr President.  
18 The situation in the Republic of Mali, in the case of The Prosecutor versus Al  
19 Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud, case reference  
20 ICC-01/12-01/18.  
21 For the record, we are in open session.  
22 PRESIDING JUDGE MINDUA: [9:31:30](Interpretation) Thank you very  
23 much, courtroom officer.  
24 As always, we shall start with the appearances, starting with the Office of the  
25 Prosecutor.

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ICC-01/12-01/18

1 Mr Dutertre, please.

2 MR DUTERTRE: [9:31:40](Interpretation) Good morning, Mr President,  
3 your Honours.

4 The Prosecution is still composed with Mousa Allafi at the back,  
5 Sarah Coquillaud just behind and Lucio Garcia to my left, and, myself,  
6 Mr Dutertre.

7 PRESIDING JUDGE MINDUA: [9:31:59](Interpretation) Thank you very  
8 much, Dutertre.

9 Now I'm turning to the Defence.

10 Ms Taylor.

11 MS TAYLOR: [9:32:04] Good morning, Mr President, good morning,  
12 your Honours, good morning, everyone in the courtroom. The Defence for  
13 Mr Al Hassan is represented today by Kirsty Sutherland, Dolly Chahla and,  
14 myself, Melinda Taylor. Thank you.

15 PRESIDING JUDGE MINDUA: [9:32:21](Interpretation) Thank you very  
16 much, Ms Taylor.

17 I'd like to welcome Ms Sutherland.

18 Now I'm turning to the Legal Representatives for Victims. Mr Kassongo.

19 MR KASSONGO: [9:32:31](Interpretation) Thank you very much,  
20 Mr President, your Honours. The Legal Representatives for Victims' team  
21 comprises today, still Madam Claire Laplace who's assisting me and, myself,  
22 Mr Kassongo. And we thank you.

23 PRESIDING JUDGE MINDUA: [9:32:47](Interpretation) Thank you,  
24 Mr Kassongo.

25 We shall continue today with the examination of the 16th witness for

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(Private Session)

ICC-01/12-01/18

- 1 the Prosecution, Witness P-0065.
- 2 Mr Witness, good morning.
- 3 WITNESS: MLI-OTP-P-0065 (On former oath)
- 4 (The witness speaks Arabic)
- 5 THE WITNESS: [9:33:13](Interpretation) Good morning.
- 6 PRESIDING JUDGE MINDUA: [9:33:18](Interpretation) I'd like to remind
- 7 you that you are still under oath and that you must speak the truth, the whole
- 8 truth and nothing but the truth.
- 9 I would also remind you that of -- I would also remind you of my practical
- 10 advice as to when you take the floor.
- 11 And without further ado, I shall pass the microphone to the Office of the
- 12 Prosecutor.
- 13 MR DUTERTRE: [9:33:47](Interpretation) Thank you, Mr President,
- 14 your Honours.
- 15 QUESTIONED BY MR DUTERTRE: (Interpretation)(Continuing)
- 16 Q. [9:33:53] Good morning, Mr Witness.
- 17 A. [9:33:55] Good morning.
- 18 Q. [9:33:57] How are you this morning, Mr Witness, at this end of the week?
- 19 A. [9:34:03] I'm doing very well. Thank God.
- 20 MR DUTERTRE: [9:34:14](Interpretation) Mr President, I would like to go
- 21 into private session for a few moments.
- 22 PRESIDING JUDGE MINDUA: [9:34:25](Interpretation) Private session,
- 23 please, madam courtroom officer.
- 24 (Private session at 9.34 a.m.)
- 25 THE COURT OFFICER: [9:34:37] We are in private session, Mr President.

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Trial Hearing  
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(Private Session)

ICC-01/12-01/18

- 1 PRESIDING JUDGE MINDUA: [9:34:44](Interpretation) Thank you very  
2 much.  
3 Mr Prosecutor.  
4 MR DUTERTRE: [9:34:48](Interpretation) Thank you, Mr President.  
5 I would like to play a video, which is to be found or shall be found on evidence  
6 2, Mr Witness. 0018-0737, at tab 283, with the transcript 0069-1469, tab 284,  
7 and a translation, 0078-1307, tab 285. And it lasts 33 seconds. I shall play it  
8 without the sound first and foremost.  
9 (Viewing of the video excerpt)  
10 MR DUTERTRE: [9:36:22](Interpretation)  
11 Q. [9:36:22] [REDACTED]?  
12 A. [9:36:28] [REDACTED] an execution of a whipping  
13 punishment in the usual market square in Timbuktu.  
14 Q. [9:36:50] Would you be in a position to recollect approximately when [REDACTED]  
15 [REDACTED]?  
16 A. [9:37:04] At the end of 2012, as far as I think.  
17 Q. [9:37:16] I shall play it again with the sound.  
18 MR DUTERTRE: [9:37:30](No interpretation)  
19 (Viewing of the video excerpt)  
20 THE INTERPRETER: [9:37:49](Interpretation of the video excerpt)  
21 Ansar Dine group ... the Islamic tribunal -- or the Islamic court in Timbuktu ...  
22 judgment in the case ...  
23 Allah Akbar.  
24 ... prayers to Allah and that prayers -- and the prayers to Allah be under  
25 the messenger of Allah ... his family, his companions (Overlapping speakers)

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(Private Session)

ICC-01/12-01/18

- 1 MR DUTERTRE: [9:38:12](No interpretation)(Overlapping speakers)
- 2 PRESIDING JUDGE MINDUA: [9:38:14](No interpretation) (Overlapping
- 3 speakers)
- 4 THE INTERPRETER: [9:38:18] Overlapping speakers. The interpreter was not
- 5 able to finish her interpretation of the video.
- 6 PRESIDING JUDGE MINDUA: [9:38:18](No interpretation) (Overlapping
- 7 speakers)
- 8 (Open session at 9.38 a.m.)
- 9 THE COURT OFFICER: [9:38:43] We're in open session, Mr President.
- 10 PRESIDING JUDGE MINDUA: [9:38:46](Interpretation) Thank you very
- 11 much.
- 12 Mr Prosecutor.
- 13 MR DUTERTRE: [9:38:49](Interpretation) Thank you, Mr President.
- 14 Q. [9:38:50] Mr Witness, could you tell us who is the individual at the centre
- 15 of the image, with a black jumper and a horizontal green strip through
- 16 the centre of the jumper?
- 17 A. [9:39:12] This person was brought to the square to be whipped, I think for
- 18 adultery.
- 19 Q. [9:39:27] I am at 00:06:23. And do you remember his name, by any
- 20 chance?
- 21 A. [9:39:41] No.
- 22 Q. [9:39:49] Can you tell us who is the individual to the far left of the image,
- 23 with a black turban and a sort of light-coloured jacket?
- 24 A. [9:40:05] That's Khalid. He is another Mauritanian. He is the head of
- 25 the Islamic police in Timbuktu.

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ICC-01/12-01/18

1 Q. [9:40:23] And what is the individual behind doing with a loudspeaker?

2 A. [9:40:37] This person is announcing the case on which the punishment  
3 will be executed and the details thereof to the audience present in the square.

4 Q. [9:40:56] And do you know which organ the white vehicle behind him  
5 belongs to?

6 A. [9:41:06] I think it's an Islamic police vehicle.

7 Q. [9:41:18] I'd like to thank you.

8 I'd like to go back into private session, please.

9 PRESIDING JUDGE MINDUA: [9:41:25](Interpretation) Private session,  
10 please, courtroom officer.

11 (Private session at 9.41 a.m.)

12 THE COURT OFFICER: [9:41:35] We are in private session, Mr President.

13 PRESIDING JUDGE MINDUA: [9:41:42](Interpretation) Thank you very  
14 much.

15 Mr Prosecutor.

16 MR DUTERTRE: [9:41:46](Interpretation) I'm now going to go on to a second  
17 video of which the ERN is 0018-0407 at tab 88. The transcript is 0069-2651, at  
18 tab 89, and the translation can be found at 0077-0729, at tab 90.

19 And I'm going to be playing it without the sound. It's 33 seconds in duration.

20 (Viewing of the video excerpt)

21 MR DUTERTRE: [9:43:26](Interpretation)

22 Q. [9:43:28] [REDACTED]?

23 A. [9:43:34] [REDACTED] this is the -- [REDACTED]  
24 [REDACTED] the same event and for the same person. And,  
25 I remember this person very well, because he was the most -- person who

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1 beared the whipping among the people I saw in Timbuktu.  
2 Although, this sweater he had on was thick, so they took it off when he was  
3 whipped and he was whipped while wearing something less thick. And I  
4 remember that he showed a good deal of bearance that I have not seen - neither  
5 before or after that incident - for someone being whipped.

6 Q. [9:44:36] I'd like to thank you for that clarification.

7 [REDACTED] ?

8 A. [9:44:45] [REDACTED]

9 MR DUTERTRE: [9:44:57](Interpretation) We can go back into open session.

10 PRESIDING JUDGE MINDUA: [9:45:02](Interpretation) Open session.

11 MR DUTERTRE: [9:45:04](Interpretation) Sorry, I think I'm going to play it  
12 with the sound before we do that.

13 PRESIDING JUDGE MINDUA: [9:45:10](Interpretation) Please go ahead.

14 MR DUTERTRE: [9:46:27](Interpretation) And so the translators can interpret.  
15 (Viewing of the video excerpt)

16 THE INTERPRETER: [9:45:36] (Interpretation of the video excerpt)

17 "who was arrested on a serious charge of extra-marital sexual intercourse and  
18 who denied it, having failed to identify any witnesses who saw him with their  
19 own eyes, we have sentenced him to the following: first, to the *ta'zir* of fifty  
20 lashes, and second, to the fine of 20,000 CFA riyals. Allah is the Arbiter of  
21 success. Praise be to Allah, Lord of the worlds. The Judicial Council,  
22 Tombouctou Sharia Court, presided over by Judge Sheikh Mohamed  
23 Bin-Houssein, alias, Houka Houka."

24 MR DUTERTRE: [9:46:22](Interpretation) Thank you.

25 Just a point of clarification. On the previous video, the witness talked about

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- 1 "Khalid" who was present, and he said that he was the chief of the police.
- 2 But that doesn't come out in the transcript. I heard it in my earphones, but it
- 3 wasn't transcribed as such.
- 4 PRESIDING JUDGE MINDUA: [9:46:43](Interpretation) I also heard that.
- 5 He said that he was the chief of police -- he said that he was the last chief of
- 6 police.
- 7 How do we correct this? Could the interpreters do so?
- 8 THE INTERPRETER: [9:46:56] Message from the English interpreter: It will
- 9 be corrected once the edited transcript is produced on the part of the court
- 10 reporters.
- 11 Could this message please be passed on to Judge Mindua.
- 12 PRESIDING JUDGE MINDUA: [9:47:18](Interpretation) I think we can move
- 13 forward. The courtroom officer is telling me that it will be corrected.
- 14 MR DUTERTRE: [9:47:26](Interpretation) Very well. Then we can go back
- 15 into open session, please.
- 16 PRESIDING JUDGE MINDUA: [9:47:29](Interpretation) Open session, please,
- 17 madam courtroom officer.
- 18 (Open session at 9.47 a.m.)
- 19 THE COURT OFFICER: [9:47:47] We are in open session, Mr President.
- 20 PRESIDING JUDGE MINDUA: [9:47:54](Interpretation) Thank you very
- 21 much, madam courtroom officer.
- 22 MR DUTERTRE: [9:48:01](Interpretation) Thank you, Mr President.
- 23 Q. [9:48:03] Mr Witness, I am at 00:00:33:09. Could you tell us what this
- 24 poster is on the right-hand rear window of the minibus that we see on
- 25 the screen?



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1 A. [9:48:34] That's the logo and banner of the Islamist groups, including  
2 Al-Qaeda and Ansar Dine. It's a black banner on which is written, "There is  
3 no God but God".

4 Q. [9:48:58] Do you know who was using that vehicle, generally speaking?

5 A. [9:49:07] I think this is one of the Islamic police cars.

6 Q. [9:49:19] And which vehicle -- [REDACTED]  
7 [REDACTED]?

8 A. [9:49:32] [REDACTED] it was always  
9 a team of -- of the Islamic police members who would use the car. And it's  
10 usually the car used to bring someone to execute a punishment on in a public  
11 square.

12 Q. [9:50:07] We can see the face of the person with the loudspeaker a little  
13 better here, Mr Witness. I'm still at 00:00:33:09. By any chance, do you recall  
14 his name? I know it's a long time ago now.

15 A. [9:50:30] I don't remember him.

16 Q. [9:50:52] Mr Witness, I am at 00:00:10:00. Do you know who  
17 the individual to the extreme left of the image is? Whom I am pointing out  
18 with the cursor?

19 A. [9:51:14] That's Mr Al Hassan.

20 Q. [9:51:27] Do you remember who was in charge of this punishment on that  
21 day?

22 A. [9:51:39] I remember that this punishment was a punishment for adultery  
23 or a *tazir* punishment for adultery, but I do not remember who was in charge of  
24 executing this. But as I can see here, the head of the Islamic police, Khalid,  
25 was present; so it's likely that it was him in charge of execution in this square.

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1 Q. [9:52:18] Thank you.

2 MR DUTERTRE: [9:52:20](Interpretation) We can now go into private session  
3 with your authorisation, Mr President.

4 PRESIDING JUDGE MINDUA: [9:52:27](Interpretation) Private session,  
5 please.

6 (Private session at 9.52 a.m.)

7 THE COURT OFFICER: [9:52:39] We're in private session, Mr President.

8 PRESIDING JUDGE MINDUA: [9:52:43](Interpretation) Thank you very  
9 much, courtroom officer.

10 Mr Prosecutor, please.

11 MR DUTERTRE: [9:52:48](Interpretation) Thank you, Mr President.

12 I'd like to now play a video, 0018-0738, 22 seconds in length, at tab 286, just  
13 without the sound, that is.

14 (Viewing of the video excerpt)

15 MR DUTERTRE: [9:53:40](Interpretation)

16 Q. [9:53:41] [REDACTED] ?

17 A. [9:53:46] [REDACTED]

18 Q. [9:53:52] [REDACTED] ?

19 A. [9:53:56] Are we in a private session or an open session?

20 Q. [9:54:04] (No interpretation)(Overlapping speakers)

21 PRESIDING JUDGE MINDUA: [9:54:05](No interpretation) (Overlapping  
22 speakers)

23 THE WITNESS: [9:54:10](Interpretation) [REDACTED]

24 [REDACTED] And the person appearing here, beginning

25 the whipping, is Khalid, the emir of the Islamic police. And he is whipping

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(Private Session)

ICC-01/12-01/18

- 1 the same person after taking off his jumper.
- 2 MR DUTERTRE: [9:54:44](Interpretation)
- 3 Q. [9:54:44] Thank you, Mr Witness.
- 4 We can move into open session.
- 5 PRESIDING JUDGE MINDUA: [9:54:50](Interpretation) Open session, please,
- 6 madam courtroom officer.
- 7 (Open session at 9.55 a.m.)
- 8 THE COURT OFFICER: [9:55:07] We're in open session, Mr President.
- 9 PRESIDING JUDGE MINDUA: [9:55:15](Interpretation) Thank you very
- 10 much.
- 11 Prosecutor, please.
- 12 MR DUTERTRE: [9:55:18](Interpretation) Thank you, Mr President.
- 13 Q. [9:55:20] Mr Witness, at 00:00:17:07, I'm going to be putting a compound
- 14 question, it's simple, however. The person to the left of the image on
- 15 the left-hand side, that is to say, with a black turban and a light-coloured jacket,
- 16 what is he holding in his right hand?
- 17 A. [9:55:47] That's Khalid, the emir of the Islamic police -- the last emir of the
- 18 Islamic police, and he's holding a whip to begin whipping the person who is
- 19 being whipped for adultery.
- 20 Q. [9:56:10] Thank you.
- 21 I'd like to go into private session, your Honours.
- 22 PRESIDING JUDGE MINDUA: [9:56:16](Interpretation) Private session,
- 23 please, madam courtroom officer.
- 24 (Private session at 9.56 a.m.)
- 25 THE COURT OFFICER: [9:56:30] We're in private session, Mr President.

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1 PRESIDING JUDGE MINDUA: [9:56:35](Interpretation) Thank you very  
2 much.

3 Mr Prosecutor.

4 MR DUTERTRE: [9:56:38](Interpretation) Thank you, Mr President.

5 I'm now going to be going on to another video, 0018-0400, at tab 93, with  
6 a transcript, 0069-0465, tab 94. And I'm going to be playing it without  
7 the sound.

8 (Viewing of the video excerpt)

9 MR DUTERTRE: [9:57:43](Interpretation)

10 Q. [9:57:45] [REDACTED]  
11 [REDACTED]?

12 A. [9:57:57] Yes [REDACTED]  
13 [REDACTED] this is the same person. [REDACTED]

14 [REDACTED]  
15 [REDACTED]

16 And this is an instance of *tazir*, about which the judge asked me yesterday.

17 A "*tazir*" is the discretion of the judge to decide on a matter if the evidential  
18 threshold for a punishment was not reached.

19 Q. [9:58:56] Very well. I'm going to now play it with the sound, and if  
20 there's anything to be translated in the transcript, it can be.

21 (Viewing of the video excerpt)

22 MR DUTERTRE: [9:59:29](Interpretation) We can go back into open session,  
23 please, Mr President.

24 PRESIDING JUDGE MINDUA: [9:59:33](Interpretation) Open session, please,  
25 madam courtroom officer.

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1 (Open session at 9.59 a.m.)

2 THE COURT OFFICER: [9:59:48] We are in open session.

3 PRESIDING JUDGE MINDUA: [9:59:54](Interpretation) Thank you very  
4 much.

5 Prosecutor, please.

6 MR DUTERTRE: [9:59:57](Interpretation) Thank you, Mr President.

7 Q. [9:59:59] Mr Witness, a very brief question. Can you indicate what is  
8 going on at that moment in time?

9 A. [10:00:09] Here, this person is being whipped for adultery in a public  
10 square at the Timbuktu market.

11 MR DUTERTRE: [10:00:35](Interpretation) I'd like to go back into private  
12 session, please, Mr President.

13 PRESIDING JUDGE MINDUA: [10:00:38](Interpretation) Private session,  
14 please.

15 (Private session at 10.00 a.m.)

16 THE COURT OFFICER: [10:00:50] We are in private session.

17 PRESIDING JUDGE MINDUA: [10:00:56](Interpretation) Thank you very  
18 much.

19 Mr Prosecutor.

20 MR DUTERTRE: [10:01:02](Interpretation) Thank you, Mr President.

21 I'm now going to move on to another video, 0018-0739, which is 18 seconds in  
22 duration, at tab 287. The transcript is 0078-1445, at tab 288, and the translation  
23 is 0078-1447, at tab 289. And I'm going to be playing it without the sound.

24 (Viewing of the video excerpt)

25 MR DUTERTRE: [10:02:26](Interpretation)

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1 Q. [10:02:28] [REDACTED] ?

2 A. [10:02:33] [REDACTED]

3 [REDACTED]

4 MR DUTERTRE: [10:02:48](Interpretation) I'm now going to be playing it  
5 with the sound, Mr President, your Honours.

6 (Viewing of the video excerpt)

7 THE INTERPRETER: [10:03:13] (Interpretation of the video excerpt)

8 That's enough. Enough. Enough. Enough.

9 MR DUTERTRE: [10:03:33](Interpretation) We can go back into open session,  
10 Mr President.

11 PRESIDING JUDGE MINDUA: [10:03:38](Interpretation) Open session,  
12 please, madam courtroom officer.

13 (Open session at 10.03 a.m.)

14 THE COURT OFFICER: [10:03:49] We are in open session, Mr President.

15 PRESIDING JUDGE MINDUA: [10:03:57](Interpretation) Thank you,  
16 court officer.

17 Prosecutor.

18 MR DUTERTRE: [10:04:01](Interpretation) Thank you, your Honour.

19 Q. I stopped at 00:00:01:05. Can you please tell us what we see? The red  
20 colour on the white T-shirt being worn by the individual?

21 A. [10:04:23] I cannot confirm. It could be blood or it could be the trace of  
22 painting. I cannot be sure on that.

23 Q. [10:04:45] As far as you can recall from that time, when this person took  
24 his jumper off, were there any traces before the whipping started?

25 A. [10:05:06] I don't remember that.

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(Open Session)

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1 Q. [10:05:08] Thank you.

2 PRESIDING JUDGE MINDUA: [10:05:19](Interpretation) Prosecutor, what  
3 does that mean, this reply, "I don't remember that"?

4 THE WITNESS: [10:05:35](Interpretation) As far as I remember,  
5 the person -- this person, when he took off his jumper, I was in front of him and  
6 this trace was on his back.

7 PRESIDING JUDGE MINDUA: [10:06:04](Interpretation) Thank you very  
8 much.

9 THE ARABIC INTERPRETER: [10:06:09] Message from the interpreters:  
10 the statement in Arabic was not clear.  
11 Thank you.

12 MR DUTERTRE: [10:06:26](Interpretation)

13 Q. [10:06:26] Mr Witness, at 00:00:13:06, [REDACTED]

14 [REDACTED]?

15 A. [10:06:47] [REDACTED]

16 MR DUTERTRE: [10:07:03](Interpretation) Your Honour,  
17 the English -- message from the English interpreters, that the statement in  
18 Arabic was not clear in the English transcript.

19 PRESIDING JUDGE MINDUA: [10:07:19](Interpretation) That's a reply to  
20 which question?

21 MR DUTERTRE: [10:07:23](Interpretation) That followed your question,  
22 your Honour, when you said: What does "I don't remember that" actually  
23 mean.

24 PRESIDING JUDGE MINDUA: [10:07:38](Interpretation) Could you please  
25 ask the witness to make this clear.

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WITNESS: MLI-OTP-P-0065

(Private Session)

ICC-01/12-01/18

1 MR DUTERTRE: [10:07:47](Interpretation)

2 Q. [10:07:49] Mr Witness, what does your reply mean with regard to  
3 the traces on the person's back? That was not quite clearly understood by  
4 the interpreter. Could you please repeat your reply. It was your statement  
5 when you said, "I don't recall that."

6 A. [10:08:19] [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 PRESIDING JUDGE MINDUA: [10:09:00](Interpretation) I've understood.

12 MR DUTERTRE: [10:09:03](Interpretation) Thank you.

13 Q. [10:09:06] Mr Witness, I've finished now with this event.

14 I think we are now in public session. I would like to move into private  
15 session.

16 PRESIDING JUDGE MINDUA: [10:09:17](Interpretation) Private session,  
17 please, court officer.

18 (Private session at 10.09 a.m.)

19 THE COURT OFFICER: [10:09:26] we are in private session, Mr President.

20 PRESIDING JUDGE MINDUA: [10:09:33](Interpretation) Thank you.  
21 Prosecution.

22 MR DUTERTRE: [10:09:36](Interpretation) Thank you, your Honour.

23 I'm now going to show a video, 0018-0401, five seconds, and it's at 95. And  
24 the transcript is 0069-0467 at tab 96. And I'll play it without sound.

25 (Viewing of the video Excerpt)



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Trial Hearing  
WITNESS: MLI-OTP-P-0065

(Private Session)

ICC-01/12-01/18

1 MR DUTERTRE: [10:10:24](Interpretation)

2 Q. [10:10:25] [REDACTED]?

3 A. [10:10:32] [REDACTED]

4 Q. [10:10:52] [REDACTED]?

5 A. [10:10:56] [REDACTED] this person doing

6 the whipping is Khalid, the head of the Islamic police. And here, I'd like to

7 make an observation on the same topic the judge asked about. [REDACTED]

8 [REDACTED] on the red trace, but I think I -- it turned out to me, that that

9 was paint and not blood. I -- that's as far as I remember, and I'm not totally  
10 sure of that.

11 Q. [10:11:49] Very well.

12 I would like to remain in closed session and show a photo -- and show photo

13 0018-2654 at tab 290.

14 Can you see this image, Mr Witness?

15 A. [10:12:39] Yes.

16 Q. [10:12:43] [REDACTED]?

17 A. [10:12:49] [REDACTED] I'm not sure. [REDACTED]

18 [REDACTED]

19 [REDACTED].

20 Q. [10:13:22] On this point, Mr Witness, I'd like to clarify this. When we

21 use the term [REDACTED] that could have a certain number of meanings,

22 compared [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 A. [10:14:01] [REDACTED]

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Trial Hearing  
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5 Q. [10:14:38] Thank you.

6

7 A. [10:14:54]

8

9

10 Q. [10:15:24] . Thank you for this clarification.

11 It's a question of difference between English and French.

12 On this photo, who is the person on the left of the photo, Mr Witness?

13 A. [10:15:47] That's Khalid.

14 Q. [10:15:52] And what is he holding in his right hand?

15 A. [10:15:57] The whip while -- whipping the person before him.

16 Q. [10:16:11] And what is he doing with this whip?

17 A. [10:16:20] I don't know, but usually a whip is made of leather.

18 Q. [10:16:43] There we see that the whip is made of -- what is this whip

19 made of, the one we can see on the screen?

20 A. [10:16:55] The image doesn't show clearly what he was whipped with.

21 There are two possibilities here. And, in any case, he is whipped on the back.

22 It could be the leather, in which case the outer skin would be removed a little

23 bit. Or it could be a stick, in which case the cover would also start to tear

24 apart. It's very difficult to tell from the image.

25 Q. [10:17:37] Thank you, Mr Witness.

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Trial Hearing  
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(Private Session)

ICC-01/12-01/18

1 MR DUTERTRE: I'd now like to show, your Honours, another video,  
2 0018-0408, which is at tab 97. The transcript is 0069-9198 at tab 98. And  
3 the translation is 0069-9200 at tab tab 99. And I will play it without sound.  
4 (Viewing of the video excerpt)

5 MR DUTERTRE: [10:19:22](Interpretation)

6 Q. [10:19:23] [REDACTED]?

7 A. [10:19:29] I remember this very well. It's the same event and at the same  
8 hour and in the same square, [REDACTED]  
9 on the same day.

10 Q. [10:19:51] Thank you.

11 I will now show it with sound. And the interpreters can read from  
12 the transcript.

13 (Viewing of the video excerpt)

14 THE INTERPRETER: [10:20:15] (Interpretation of the video excerpt)

15 "Come nearer ...

16 Come here ... come here ... In the name of Allah, the Clement, the Merciful."

17 MR DUTERTRE: [10:20:39](Interpretation) We can now move back into  
18 public session.

19 PRESIDING JUDGE MINDUA: [10:20:42](Interpretation) Public session,  
20 please, court officer.

21 (Open session at 10.20 a.m.)

22 THE COURT OFFICER: [10:21:03] We are in open session, Mr President.

23 PRESIDING JUDGE MINDUA: [10:21:10](Interpretation) (Overlapping  
24 speakers) court officer.

25 Prosecutor.

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Trial Hearing  
WITNESS: MLI-OTP-P-0065

(Open Session)

ICC-01/12-01/18

- 1 MR DUTERTRE: [10:21:13](Interpretation) Thank you, your Honour.
- 2 Q. [10:21:31] Mr Witness, I am at 00:00:01:07. Who is the person covered in
- 3 a blue and green boubou who is getting out of the white vehicle?
- 4 A. [10:21:55] This is a lady sentenced to whipping, to 80 lashes as a *tazir*
- 5 punishment for adultery.
- 6 Q. [10:22:22] Did you know her name?
- 7 A. [10:22:26] I think her name is Sallaka Bent Al-Khair, maybe, I'm not sure,
- 8 but I think her name is Sallaka.
- 9 Q. [10:22:47] Would you be able to spell this name or perhaps to write it
- 10 down for us.
- 11 PRESIDING JUDGE MINDUA: [10:22:59](Interpretation) Court officer, please
- 12 could you ensure that the witness has some paper to write this on.
- 13 Mr Witness, please could you write the name of the person on the paper.
- 14 THE COURT OFFICER: [10:23:36] The document will then be placed on the
- 15 retro projector and be visible on the evidence 1 channel.
- 16 PRESIDING JUDGE MINDUA: [10:24:36](Interpretation) There, we now have
- 17 the document on the screen.
- 18 So, court officer, please, could you register it and give it a number.
- 19 THE COURT OFFICER: [10:24:45] (Overlapping speakers) the document will
- 20 bear the number MLI-REG-0001-0011.
- 21 PRESIDING JUDGE MINDUA: [10:24:53](Interpretation) Thank you.
- 22 MR DUTERTRE: [10:25:00](Interpretation) Thank you, your Honour.
- 23 Q. [10:25:02] Mr Witness, still at 00:00:01:07, who is the person on the left
- 24 with a black turban who is facing the screen?
- 25 A. [10:25:25] This is Khalid, the head of the Islamic police. He is taking

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ICC-01/12-01/18

1 the lady off the car to be whipped, following the whipping of the young man  
2 earlier.

3 Q. [10:25:55] I've now moved to 00:00:05:19. Who is the person getting into  
4 the vehicle wearing a white T-shirt with a mark on the back?

5 A. [10:26:19] It's the same young man whipped at the beginning. So there  
6 are two people here. He was whipped first. \*And after he was whipped,  
7 the lady was brought \*out of the car and he got \*in the car, for her to be  
8 whipped.

9 Q. [10:26:52](Interpretation) Thank you for this clarification.  
10 I would like to go into private session, please.

11 PRESIDING JUDGE MINDUA: [10:26:58](Interpretation) Private session,  
12 please, court officer.

13 (Private session at 10.27 a.m.)

14 THE COURT OFFICER: [10:27:10] We're in private session, Mr President.

15 PRESIDING JUDGE MINDUA: [10:27:16](Interpretation) Thank you.  
16 Prosecutor.

17 MR DUTERTRE: [10:27:17](Interpretation) Thank you, your Honour. I'd  
18 now like to show a photo 0018-0741, which is at tab 291. The transcript is  
19 0068-0103, at 295. Sorry, the transcript is 292. And the translation is  
20 0078-1819 (sic) at tab 293.

21 I will show it without sound.

22 (Viewing of the video excerpt)

23 MR DUTERTRE: [10:29:15](Interpretation)

24 Q. [10:29:15] Mr Witness, do you recognise these images?

25 A. [10:29:18] Yes. These shots are [REDACTED] for

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ICC-01/12-01/18

1 the same whipping.

2 MR DUTERTRE: [10:29:39](Interpretation) I'll now show it with sound and  
3 the interpreters can read the transcript.

4 (Viewing of the video excerpt)

5 THE INTERPRETER: [10:30:03] (Interpretation of the video excerpt)

6 "... At Timbuktu ... the judgment in the case ... in the case of the ... 66 ... praise to  
7 Allah and prayer and salvation on the Messenger of Allah ... his family, his  
8 companions and those who are loyal to him. After this preamble ... we have  
9 before us Silka bint Al Kahyr, who ... was arrested at 2300 hours with a man  
10 who is ... a stranger to her in a suspect location, in an uninhabited house. She  
11 was in possession of instruments destined to be used in bed and four  
12 mujahideen who were on guard of -- at certain centres were witnesses of  
13 this ..."

14 MR DUTERTRE: [10:30:59](Interpretation) I have no further questions on this  
15 video. And I'd like to move now to 0018-0742.

16 PRESIDING JUDGE MINDUA: [10:31:07](Interpretation) You no longer have  
17 the time to do that, Mr Prosecutor. It is 10.30. So we will now have  
18 a 45-minute break in accordance with our programme.

19 MR DUTERTRE: [10:31:25](Interpretation) We're still in private session,  
20 your Honour.

21 PRESIDING JUDGE MINDUA: [10:31:27](Interpretation) You are quite right.  
22 We will now move to public session.

23 (Open session at 10.31 a.m.)

24 THE COURT OFFICER: [10:31:38] We are in open session, Mr President.

25 PRESIDING JUDGE MINDUA: [10:31:46](Interpretation) Thank you,

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Trial Hearing  
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(Private Session)

ICC-01/12-01/18

- 1 court officer.
- 2 I was saying, it was now 10.30. We will now take a 45-minute break and we'll
- 3 recommence at 11.15.
- 4 The hearing is suspended.
- 5 THE COURT USHER: [10:32:02] All rise.
- 6 (Recess taken at 10.32 a.m.)
- 7 (Upon resuming in open session at 11.16 a.m.)
- 8 THE COURT USHER: [11:16:40] All rise.
- 9 Please be seated.
- 10 PRESIDING JUDGE MINDUA: [11:17:05](Interpretation) Court is in session
- 11 once again.
- 12 Mr Prosecutor, over to you for the continuation of your examination-in-chief.
- 13 MR DUTERTRE: [11:17:21](Interpretation) Thank you, Mr President. And I
- 14 would like to immediately go into private session, with your leave.
- 15 PRESIDING JUDGE MINDUA: [11:17:28](Interpretation) Private session,
- 16 please, madam courtroom officer.
- 17 (Private session at 11.17 a.m.)
- 18 THE COURT OFFICER: [11:17:40] We're in private session, Mr President.
- 19 PRESIDING JUDGE MINDUA: [11:17:46](Interpretation) Thank you very
- 20 much.
- 21 Mr Dutertre.
- 22 MR DUTERTRE: [11:17:50](Interpretation) Just a note on terminology, which
- 23 I could have done in open session, in fact. When we talk about "*hudud*" or
- 24 "*tazir*", this is often translated as punishment. I think it's a very generic term.
- 25 I think the interpreters could, both in English and in French, keep the term

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ICC-01/12-01/18

1 *hudud* and *tazir*, which have specific meanings, as the witness explained, and  
2 then we would know constantly what we are talking about.

3 PRESIDING JUDGE MINDUA: [11:18:22](Interpretation) Yes, indeed. This  
4 would seem pertinent, because he does make a distinction between the two.

5 MR DUTERTRE: [11:18:32](Interpretation) I'd now like to show the video  
6 0018-0742 of 23 seconds of duration, at tab 294, 0018-0742.

7 There we are. The transcript is 0069-2653, at tab 295, and the translation is  
8 0077-0735, tab 296.

9 And I'm going to be playing it without the sound.

10 (Viewing of the video excerpt)

11 MR DUTERTRE: [11:20:09](Interpretation)

12 Q. [11:20:10] [REDACTED] ?

13 THE ARABIC INTERPRETER: [11:20:19] The witness is not using  
14 the microphone.

15 THE WITNESS: [11:20:23](Interpretation) These images are from the same  
16 event [REDACTED].

17 MR DUTERTRE: [11:20:39](Interpretation)

18 Q. [11:20:39] Just for location purposes, the large building that we see in  
19 the background, at, for example, 00:00:06:23, what is it, Mr Witness?

20 A. [11:20:59] That's the artisanal or handicrafts building.

21 MR DUTERTRE: [11:21:10] I'm going to be playing the video with the sound,  
22 Mr President, your Honours, and I would like for the interpreters to use  
23 the transcripts to read it into the record.

24 (Viewing of the video excerpt)

25 THE INTERPRETER: [11:21:42] (Interpretation of the video excerpt)



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(Private Session)

ICC-01/12-01/18

1 "They found her in a state of undress and they surrendered her to the *Hisbah*,  
2 and he went from the *Hisbah* to the house and found proof which substantiated  
3 that they were present ... that they were present together in the house.  
4 However, since the description they provided to us did not meet what  
5 the Sharia requires for establishing the commission of extra-marital sexual  
6 intercourse, which involves there being direct observation by the eye. For  
7 example, Allah - exalted be He! - said: "And those who launch a charge against  
8 chaste women, and then do not ... [... End of recording]"

9 MR DUTERTRE: [11:22:22](Interpretation) Thank you.

10 I would like to now move on to another video, Mr President, which is video  
11 0018-0744, at tab 100. The transcript is 0069-1896, at tab -- the following tab,  
12 that is, 101. And the translation is at 0069-2010, tab 102.

13 And I shall be playing it without the sound.

14 (Viewing of the video excerpt)

15 MR DUTERTRE: [11:24:13](Interpretation)

16 Q. [11:24:14] [REDACTED] ?

17 A. [11:24:18] It's the same video. [REDACTED] Sallaka, when she was  
18 being whipped.

19 Q. [11:24:40] Thank you.

20 I would now like to play the video with the sound.

21 (Viewing of the video excerpt)

22 THE INTERPRETER: [11:25:15](Interpretation of the video excerpt)

23 "Lower. Allahu Akbar. Filming."

24 MR DUTERTRE: [11:25:31](Interpretation) Now, Mr President, I would like to  
25 go on to the next video, which is 0018-0404 at tab 103. It lasts for seven

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1 seconds and we do not need any sound for it.

2 And I'm playing it now.

3 (Viewing of the video excerpt)

4 MR DUTERTRE: [11:26:32](Interpretation)

5 Q. [11:26:33] [REDACTED]?

6 A. [11:26:36] [REDACTED] the same video regarding Sallaka.

7 Q. [11:26:50] [REDACTED]?

8 A. [11:26:52] [REDACTED]

9 Q. [11:27:01] I'm going to be playing it again now with the sound.

10 (Viewing of the video excerpt)

11 (Counsel confer)

12 MR DUTERTRE: [11:28:05](Interpretation) Could we move on to another

13 video, which is 0018-0402, tab 104. The transcript is 0069-1868 at tab 105.

14 And the translation is 0078-1295, at tab 106.

15 I shall be playing it without the sound.

16 (Viewing of the video excerpt)

17 MR DUTERTRE: [11:29:21](Interpretation)

18 Q. [11:29:22] [REDACTED]?

19 A. [11:29:27] Yes. This is the same video [REDACTED] of Sallaka when she was

20 being whipped. And, since she continued to uncover her chest, out of pain,

21 they covered her chest with that -- with that jacket we see on top of her.

22 Q. [11:30:00] On that point specifically, Mr Witness, in the previous video,

23 0018-0704, we can see that the victim has her breasts showing.

24 Now, according to your experience, you who have lived in Timbuktu, could

25 you explain what the impact is for a woman to experience this in public and to

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Trial Hearing  
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(Private Session)

ICC-01/12-01/18

1 be partially nude.

2 A. [11:30:46] That is a scandal. By all measures. It's a -- I would say it's  
3 a double scandal.

4 MR DUTERTRE: [11:31:09](Interpretation) I don't have the French transcript.  
5 It's still not working, you know, there was an interruption earlier on and now  
6 again.

7 THE COURT OFFICER: [11:31:35] The missing part will be added at the  
8 edition. And I'm noticing that the English transcript is up and running. I  
9 will check with the court reporter what is going on.

10 MR DUTERTRE: [11:31:53](Interpretation) So we'll carry on. Thank you.  
11 I'm going to be playing this video with the sound.

12 (Viewing of the video excerpt)

13 THE INTERPRETER: [11:32:20] (Interpretation of the video excerpt)

14 Cries of pain. It's over. Over.

15 MR DUTERTRE: [11:32:46](Interpretation) Mr President, your Honours, I'm  
16 going to be moving on to another video now, which is video 0018-0406, at  
17 tab 107, transcript 0069-1668, at tab 108. It lasts for 16 seconds.

18 I shall play it without the sound.

19 (Viewing of the video excerpt)

20 MR DUTERTRE: [11:34:03](Interpretation)

21 Q. [11:34:04] [REDACTED]?

22 A. [11:34:10] [REDACTED] it seems, this is in the same -- at the same square,  
23 the same location, the same vehicle and the same *hadd* being executed.

24 Q. [11:34:31] [REDACTED]

25 A. [11:34:35] [REDACTED]

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(Private Session)

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- 1 MR DUTERTRE: [11:34:47](Interpretation) There's still no French transcript.
- 2 PRESIDING JUDGE MINDUA: [11:34:49](Interpretation) That's what I'm
- 3 trying to check. There's no French transcript.
- 4 THE COURT OFFICER: [11:34:59] Indeed, Mr President. A technician is
- 5 going to the French booth.
- 6 PRESIDING JUDGE MINDUA: [11:35:08](Interpretation) Thank you very
- 7 much, indeed, madam courtroom officer.
- 8 PRESIDING JUDGE MINDUA: [11:35:22](Interpretation) We can carry on,
- 9 Prosecutor.
- 10 MR DUTERTRE: [11:35:23](Interpretation) Yes, we'll carry on, Mr President.
- 11 Q. I'm just coming back to 00:00:00:03, Mr Witness, for location purposes.
- 12 What is written on the sign, in front of the building, that is pointing to the left?
- 13 A. [11:35:50] It's the same plate pointing to the way that leads to
- 14 the Abaradjou suburb, monument of peace.
- 15 Q. [11:36:16] Thank you. [REDACTED]
- 16 Mr Witness?
- 17 A. [11:36:25] Certainly. [REDACTED]
- 18 [REDACTED]
- 19 [REDACTED]
- 20 [REDACTED]
- 21 MR DUTERTRE: [11:36:55] And still in private session, Mr President,
- 22 your Honours, I would like to show item 0018-0977-R01 at tab 291.
- 23 The translation, 00 -- sorry, no. It's tab 91 and translation 0069-3236-R01.
- 24 0069-3236 at tab 92.
- 25 Q. Could you please find those tabs, Mr Witness, 91 and 92, in your binder.

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1   Ninety-one.

2   A.   [11:39:01] Yes.

3   Q.   [11:39:11] And I'm calling it up on the screen as well.

4   [REDACTED]?

5   A.   [11:39:20] [REDACTED]

6   [REDACTED]

7   [REDACTED]

8   Q.   [11:39:51] Can you confirm that it is written, "3 January 2013" [REDACTED], to  
9   the right?

10   A.   [11:40:07] Yes.

11   Q.   [11:40:12] And, according to your recollection, how long after these  
12   punishments [REDACTED]?

13   A.   [11:40:28] I don't know. But what is sure is that the event was on  
14   a Tuesday, as it is mentioned [REDACTED]

15   [REDACTED]

16   [REDACTED] the day when the event took place.

17   [REDACTED]

18   [REDACTED]

19   [REDACTED]

20   [REDACTED]

21   [REDACTED]

22   Q.   [11:41:14] Very well. On that point, why did [REDACTED] not work on  
23   occasion? Can you explain that to us, in Timbuktu, at that time?

24   A.   [11:41:25] [REDACTED]

25   [REDACTED]

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Trial Hearing  
WITNESS: MLI-OTP-P-0065

(Private Session)

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5 Q. [11:42:09] Could you please turn the page, and I'm going to scroll down.

6 A. [11:42:28] These images are of the same whipping.

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9 Q. [11:42:48] Thank you.

10 PRESIDING JUDGE MINDUA: [11:42:58](Interpretation) Mr Prosecutor,  
11 we're still in private session.

12 MR DUTERTRE: [11:43:03](Interpretation) Well, as it's identifying, that's why  
13 I'm staying in private session.

14 PRESIDING JUDGE MINDUA: [11:43:07](Interpretation) All right.

15 MR DUTERTRE: [11:43:09](Interpretation) We're going to come out of it, just  
16 one second, please.

17 Mr President, we can move into open session.

18 PRESIDING JUDGE MINDUA: [11:43:38](Interpretation) Open session,  
19 please, madam courtroom officer.

20 (Open session at 11.43 a.m.)

21 THE COURT OFFICER: [11:43:54] We are in open session, Mr President.

22 PRESIDING JUDGE MINDUA: [11:43:59](Interpretation) Thank you very  
23 much.

24 Mr Prosecutor.

25 MR DUTERTRE: [11:44:02](Interpretation) Thank you, Mr President.

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Trial Hearing  
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(Open Session)

ICC-01/12-01/18

1 Q. [11:44:05] Mr Witness, we previously mentioned - I'm moving on to  
2 another subject - the judge, Houka Houka. Where did Judge Houka Houka  
3 carry out his duties during the occupation of Ansar Dine and AQMI in  
4 Timbuktu?

5 A. [11:44:47] At the offices of the Islamic tribunal in Timbuktu.

6 Q. [11:45:03] Where was the Islamic tribunal located in Timbuktu,  
7 Mr Witness?

8 A. [11:45:15] It was located in the northern-eastern part of the city.

9 MR DUTERTRE: [11:45:29](Interpretation) Mr President, I have a satellite  
10 map with figures annotated upon it, and were the Defence to see this as not  
11 inconvenient, I'm going to be using it with a view to locating the tribunal on  
12 the map.

13 PRESIDING JUDGE MINDUA: [11:45:52](Interpretation) We're going to see  
14 the map. I don't know what kind of figures we're talking about here because  
15 we did say that there shouldn't be any annotations. But let's have a look at the  
16 map.

17 MR DUTERTRE: [11:46:03](Interpretation) So it's 0040-0407, there are at least  
18 two figures, at tab 19 of the first binder.

19 PRESIDING JUDGE MINDUA: [11:46:25](Interpretation) Ms Sutherland,  
20 you're on your feet, what's going on?

21 MS SUTHERLAND: [11:46:30] Only to ask that the -- as we look at the image  
22 right now, it's not shown on the witness's screen. I don't believe it is being  
23 shown, but just to reiterate. Thank you.

24 PRESIDING JUDGE MINDUA: [11:46:43](Interpretation) Not yet.  
25 Mr Prosecutor, this is map at tab 18, is it?

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Trial Hearing  
WITNESS: MLI-OTP-P-0065

(Open Session)

ICC-01/12-01/18

- 1 MR DUTERTRE: [11:47:07](Interpretation) Nineteen, unless I'm mistaken,
- 2 Mr President. And it's coming up on the screen as we speak.
- 3 PRESIDING JUDGE MINDUA: [11:47:12](Interpretation) I can see the figures
- 4 here, but they're not very serious, they're just figures, Ms Sutherland. That
- 5 doesn't indicate anything whatsoever.
- 6 MS SUTHERLAND: [11:47:26] Well, your Honour, these are previous
- 7 indications that the witness has given and there should be no problem with
- 8 him making any identification that he needs to on a clean version.
- 9 PRESIDING JUDGE MINDUA: [11:47:55](Interpretation) Mr Prosecutor, do
- 10 you have another copy?
- 11 MR DUTERTRE: [11:48:00](Interpretation) Not now, but I just wanted to gain
- 12 time and let's not -- in order not to be leading, I'm just going to ask him what it
- 13 corresponds to.
- 14 PRESIDING JUDGE MINDUA: [11:48:12](Interpretation) I think we can use
- 15 this one with the annotations, the figures on them, Ms Sutherland. I don't
- 16 think it's very serious.
- 17 MS SUTHERLAND: [11:48:19] Your Honour, it is important that the witness
- 18 testify from memory.
- 19 PRESIDING JUDGE MINDUA: [11:48:37](Interpretation) Mr Prosecutor, can
- 20 we move on to another question, then we'll solve this later on.
- 21 MR DUTERTRE: [11:48:42](Interpretation) Well, we can solve it now. If
- 22 madam courtroom officer would bring up 0019-0290.
- 23 PRESIDING JUDGE MINDUA: [11:48:53](Interpretation) Very well.
- 24 Madam courtroom officer, please.
- 25 THE COURT OFFICER: [11:48:57] The document will be displayed on



~~---ICC-01/12-01/18-T-042-CONF-ENG-ET-06-11-2020-33/66-SZ-T-----~~

Trial Hearing  
WITNESS: MLI-OTP-P-0065

(Open Session)

ICC-01/12-01/18

- 1 the evidence 1 channel.
- 2 (Pause in proceedings)
- 3 MR DUTERTRE: [11:49:55](Interpretation) 0018-282 (sic).
- 4 THE COURT OFFICER: [11:50:04] (Overlapping speakers) Apparently you
- 5 mentioned 0019 on the first place.
- 6 MR DUTERTRE: [11:50:13](Interpretation) But I then -- sorry, 1902-290 (sic).
- 7 THE COURT OFFICER: [11:50:29] (Overlapping speakers) Just for
- 8 confirmation, which one would you like to have displayed?
- 9 MR DUTERTRE: [11:50:35](Interpretation) 0019-0290.
- 10 If we could zoom in a little and then a little more. And go up a bit maybe.
- 11 Go down a bit more. Bit more. More. Thank you.
- 12 Q. On this map are you able to use the pen to indicate where the Islamic
- 13 court was?
- 14 A. [11:52:11] I will try to zoom in.
- 15 MR DUTERTRE: [11:52:35] If you go down a bit.
- 16 PRESIDING JUDGE MINDUA: [11:52:43](Interpretation) Prosecutor, I take
- 17 this opportunity to tell you that the French transcript is now back up and
- 18 running.
- 19 MR DUTERTRE: [11:53:38](Interpretation) Thank you.
- 20 Q. We're in your hands, Mr Witness.
- 21 A. [11:53:44] The map is very small and I want to enlarge this particular area.
- 22 Very small for me to make a selection.
- 23 Q. [11:54:06] Need to enlarge the bottom bit, I think.
- 24 Is that now a suitable size, Mr Witness?
- 25 A. [11:55:06] Up, please.

~~---ICC-01/12-01/18-T-042-CONF-ENG-ET-06-11-2020-34/66-SZ-T-----~~

Trial Hearing  
WITNESS: MLI-OTP-P-0065

(Private Session)

ICC-01/12-01/18

- 1 Can I have the option of zooming in what I like to zoom in to select the area I  
2 wish to select?  
3 Now it's fine, I can control this.  
4 MR DUTERTRE: [11:56:03](No interpretation)  
5 THE WITNESS: [11:56:32](Interpretation) It's difficult to select the area here,  
6 but I think I put a mark on the location where I think the court was situated.  
7 But I cannot be -- it's very difficult for me to directly point to the location on  
8 this map.  
9 MR DUTERTRE: [11:57:02](Interpretation)  
10 Q. [11:57:03] Thank you. Thank you.  
11 Maybe we can give this a number and register it, please.  
12 PRESIDING JUDGE MINDUA: [11:57:13](Interpretation) Court officer.  
13 THE COURT OFFICER: [11:57:13] (Overlapping speakers) the document will  
14 bear the number MIL-REG-0001-0012.  
15 PRESIDING JUDGE MINDUA: [11:57:25](Interpretation) Thank you.  
16 Prosecutor.  
17 MR DUTERTRE: [11:57:27](Interpretation) Thank you, your Honour.  
18 Q. [11:57:29] And on this map, Mr Witness, which town did you see?  
19 A. [11:57:33] This is the city of Timbuktu, unquestionably.  
20 Q. [11:57:41] Thank you.  
21 MR DUTERTRE: I'd now like to move into private session, your Honours.  
22 PRESIDING JUDGE MINDUA: [11:57:49](Interpretation) Court officer,  
23 private session, please.  
24 (Private session at 11.58 a.m.)  
25 THE COURT OFFICER: [11:58:06] We are in private session.

~~---ICC-01/12-01/18-T-042-CONF-ENG-ET-06-11-2020-35/66-SZ-T-----~~

Trial Hearing  
WITNESS: MLI-OTP-P-0065

(Private Session)

ICC-01/12-01/18

1 PRESIDING JUDGE MINDUA: [11:58:08](Interpretation) Thank you.

2 Prosecutor.

3 MR DUTERTRE: [11:58:10](Interpretation) Thank you, your Honour.

4 I'd now like to show video 0018-0242, 18 seconds.

5 THE COURT OFFICER: [11:58:22] Mr Prosecutor the time where the Registry  
6 had trouble to have the document annotated will be deducted off your time of  
7 questioning.

8 MR DUTERTRE: [11:58:42](Interpretation) Thank you.

9 0018-0242 and this is at tab -- transcript 0069-1858 at 178 *bis* -- sorry, 172

10 *bis* -- 178 *bis*, the first one being at 178. And it's 18 seconds and I will show it  
11 first without sound.

12 (Viewing of the video excerpt)

13 MR DUTERTRE: [11:59:52](Interpretation)

14 Q. [11:59:53] [REDACTED] ?

15 A. [11:59:55] [REDACTED] the Islamic tribunal  
16 and it's at the entrance of the tribunal.

17 Q. [12:00:16] I will now show it with sound.

18 (Viewing of the video excerpt)

19 MR DUTERTRE: [12:00:45](Interpretation)

20 Q. [12:00:45] Mr Witness, at 00:00:09:18, what is written in Arabic script on  
21 the board?

22 A. [12:00:58] The Islamic tribunal.

23 Q. [12:01:10] Now, at 00:00:14:15, who guards the entrance to the Islamic  
24 court?

25 A. [12:01:23] This person here, at the door of the Islamic tribunal, is someone

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Trial Hearing  
WITNESS: MLI-OTP-P-0065

(Private Session)

ICC-01/12-01/18

1 from the Islamic police. This can be told from the vest, of course.

2 Q. [12:01:44] Thank you, Mr Witness.

3 MR DUTERTRE: We can now move back into public session.

4 PRESIDING JUDGE MINDUA: [12:01:49](Interpretation) Public session,  
5 please, court officer.

6 (Open session at 12.01 p.m.)

7 THE COURT OFFICER: [12:01:59] We are back in open session, Mr President.

8 PRESIDING JUDGE MINDUA: [12:02:10](Interpretation) Thank you,  
9 court officer.

10 Prosecutor.

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

12 Q. [12:02:13] Mr Witness, at the Islamic court, was Houka Houka sitting  
13 at -- does Houka Houka sit alone or were there other people with him?

14 A. [12:02:30] No, there was a group, a bench, a judicial bench who would  
15 consult among each other, review the cases together, and would reach  
16 a judgment as per Sharia, they would reach such a judgment together.

17 Q. [12:03:04] And can you give the names of the other people who were part  
18 of the college of judges?

19 A. [12:03:16] There were many, but I don't recall their names. But I  
20 remember that at -- in the beginning there were two from Al-Qaeda and it  
21 seems they were the ones who had the executive authority, and they were  
22 the Mauritanian Koutaïba and Radwan.

23 Q. [12:03:51] Previously you mentioned Al Faqi as being a judge's assistant.  
24 Could you please clarify this for us?

25 A. [12:04:05] [REDACTED]

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Trial Hearing  
WITNESS: MLI-OTP-P-0065

(Private Session)

ICC-01/12-01/18

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Q. [12:04:37]

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A. [12:04:58]

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MR DUTERTRE: [12:05:10](Interpretation) Mr President, if we could move  
into private session.

9

PRESIDING JUDGE MINDUA: [12:05:15](Interpretation) Private session,  
please, court officer.

10

11

MR DUTERTRE: And there will need to be a redaction request.

12

(Private session at 12.05 p.m.)

13

THE COURT OFFICER: [12:05:32] We are in private session, Mr President.

14

MR DUTERTRE: [12:05:42](Interpretation)

15

Q. [12:05:42] Mr Witness, could you please, by way of introduction, explain

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?

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A. [12:05:57]

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~~---ICC-01/12-01/18-T-042-CONF-ENG-ET-06-11-2020-38/66-SZ-T-----~~

Trial Hearing  
WITNESS: MLI-OTP-P-0065

(Private Session)

ICC-01/12-01/18

- 1 [REDACTED]
- 2 Q. [12:07:10] [REDACTED]
- 3 [REDACTED]?
- 4 A. [12:07:21] [REDACTED]
- 5 [REDACTED]
- 6 [REDACTED]
- 7 [REDACTED]
- 8 Q. [12:08:02] [REDACTED]
- 9 [REDACTED]?
- 10 A. [12:08:14] [REDACTED]
- 11 Q. [12:08:27] Thank you.
- 12 MR DUTERTRE: We can move into public session, your Honour.
- 13 PRESIDING JUDGE MINDUA: [12:08:38](Interpretation) Public session,
- 14 please, court officer.
- 15 (Open session at 12.08 p.m.)
- 16 THE COURT OFFICER: [12:08:53] We are back in open session.
- 17 PRESIDING JUDGE MINDUA: [12:08:58](Interpretation) Thank you.
- 18 Prosecutor.
- 19 MR DUTERTRE: [12:09:03](Interpretation) Thank you, your Honour.
- 20 Q. [12:09:04] Mr Witness, which tribe did Houka Houka belong to, if you
- 21 know?
- 22 A. [12:09:16] I am not sure about that. I know he is from the Tuareg. I'm
- 23 not sure. He might be from Kel Ansar, but I'm not sure.
- 24 Q. [12:09:39] And during the period of occupation by the armed groups in
- 25 2012, how long did he exercise the functions of a judge at the Islamic tribunal?

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Trial Hearing  
WITNESS: MLI-OTP-P-0065

(Private Session)

ICC-01/12-01/18

1 A. [12:09:58] I think throughout the time of the occupation of Timbuktu he  
2 was the judge.

3 Q. [12:10:17] Thank you.

4 MR DUTERTRE: I would now like to move into private session, please,  
5 your Honour.

6 PRESIDING JUDGE MINDUA: [12:10:29](Interpretation) Court officer,  
7 private session, please.

8 (Private session at 12.10 p.m.)

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

10 PRESIDING JUDGE MINDUA: [12:10:47](Interpretation) Thank you.  
11 Prosecutor.

12 MR DUTERTRE: [12:10:49](Interpretation) Thank you, your Honour.

13 Q. I would like to come back to [REDACTED]  
14 the Islamic tribunal, which was just before the punishment on the couple which  
15 we talked about yesterday, on the young couple. Could you explain to  
16 the Chamber [REDACTED] the Islamic tribunal.

17 A. [12:11:24] Yes. [REDACTED] there was a judicial bench  
18 and [REDACTED] Houka Houka was the principal judge. But [REDACTED]  
19 [REDACTED] this bench and even Houka Houka were, were just symbolic figures so that  
20 the people would perceive as judges.

21 In fact, there were two people from Al-Qaeda, Koutaïba and Radwan, and they  
22 had the authority within that tribunal and they were the ones who had  
23 the biggest influence on the tribunal.

24 And I know that, through the trials that took place, the bench, composed of  
25 local imams, including Houka Houka, would consider a case. They would be

~~---ICC-01/12-01/18-T-042-CONF-ENG-ET-06-11-2020 40/66-SZ-T-----~~

Trial Hearing  
WITNESS: MLI-OTP-P-0065

(Private Session)

ICC-01/12-01/18

1 asked: What does Islamic Sharia say on this? So they would look through  
2 the books and then would say, this is what Sharia says about this or that.  
3 But I knew that they had no executive authority. But the implementation of  
4 the -- the execution of their judgment would be up to Yahya Abou Al  
5 Hammam.

6 Q. [12:12:57] Thank you. We'll come back to this point.

7 [REDACTED]  
8 [REDACTED] what makes you think that it  
9 was the request -- that it was Al-Qaeda that influenced the decisions of  
10 the tribunal rather than Houka Houka and the other judges?

11 A. [12:13:31] [REDACTED]  
12 [REDACTED]  
13 [REDACTED]  
14 [REDACTED]  
15 [REDACTED]

16 Q. [12:14:09] [REDACTED]  
17 [REDACTED]  
18 [REDACTED]?

19 A. [12:14:29] [REDACTED]  
20 [REDACTED]  
21 [REDACTED] \*Their opinions

22 would prevail. [REDACTED]

23 Q. [12:15:05] [REDACTED] what type of case -- I mean this is some time  
24 ago, if you remember, I don't know if you remember -- what types of cases  
25 were being judged by the court?



~~---ICC-01/12-01/18-T-042-CONF-ENG-ET-06-11-2020-41/66-SZ-T-----~~

Trial Hearing  
WITNESS: MLI-OTP-P-0065

(Private Session)

ICC-01/12-01/18

1 A. [12:15:26] I know there were a lot of case -- a lot of cases, but I recall that  
2 something happened [REDACTED] One of the young men arrived and  
3 they asked him when were -- why were -- why didn't you bring a certain  
4 woman whom I think -- who I think was accused of adultery. So the young  
5 man responded by saying that when they told her "you need to come with us  
6 to the tribunal", she lost conscious and so he was influenced by that and he left  
7 her alone and came back without her. That's the incident I remember.

8 Q. [12:16:19] And this young man, who was this young man, can you  
9 remember that? If you can't remember his name, did he belong to any  
10 particular body or organ?

11 A. [12:16:35] I think he might have been from the Islamic police. This was  
12 as far as I think. I don't remember precisely. I also remember that on that  
13 same day a judgment was reached to whip, to do whipping, which we saw  
14 happen on the next day. And I remember there were also two young  
15 people -- it might have been one young man -- I think it was two young men,  
16 I don't remember exactly. [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 PRESIDING JUDGE MINDUA: [12:17:30](Interpretation) Prosecutor, it is  
20 17 minutes past 12 and time for us to rise for lunch.

21 MR DUTERTRE: [12:17:40](Interpretation) Thank you, your Honour.

22 PRESIDING JUDGE MINDUA: [12:17:46](Interpretation) Please could we go  
23 back into open session, courtroom officer.

24 (Open session at 12.17 p.m.)

25 THE COURT OFFICER: [12:17:52] We are in open session.

~~---ICC-01/12-01/18-T-042-CONF-ENG-ET-06-11-2020-42/66-SZ-T-----~~

Trial Hearing  
WITNESS: MLI-OTP-P-0065

(Private Session)

ICC-01/12-01/18

- 1 PRESIDING JUDGE MINDUA: [12:17:59](Interpretation) Thank you very
- 2 much, courtroom officer.
- 3 We shall now suspend the hearing and we shall reconvene at 1.30.
- 4 Court is suspended.
- 5 THE COURT USHER: [12:18:15] All rise.
- 6 (Recess taken at 12.18 p.m.)
- 7 (Upon resuming in open session at 1.30 p.m.)
- 8 THE COURT USHER: [13:30:59] All rise.
- 9 Please be seated.
- 10 PRESIDING JUDGE MINDUA: [13:31:24](Interpretation) Court is in session
- 11 once again.
- 12 We shall continue with the examination-in-chief on the part of the Prosecutor.
- 13 Mr Dutertre, please.
- 14 MR DUTERTRE: [13:31:37](Interpretation) Thank you, Mr President,
- 15 your Honours.
- 16 Q. [13:31:45] Thank you, Mr Witness.
- 17 Mr Witness, I would need to go to -- into private session, actually, because this
- 18 is the continuation of what we were talking about.
- 19 PRESIDING JUDGE MINDUA: [13:31:58](Interpretation) Private session,
- 20 please, courtroom officer.
- 21 (Private session at 1.32 p.m.)
- 22 THE COURT OFFICER: [13:32:18] We're in private session, Mr President.
- 23 PRESIDING JUDGE MINDUA: [13:32:26](Interpretation) Thank you very
- 24 much.
- 25 Prosecutor.

~~---ICC-01/12-01/18-T-042-CONF-ENG-ET-06-11-2020-43/66-SZ-T-----~~

Trial Hearing  
WITNESS: MLI-OTP-P-0065

(Private Session)

ICC-01/12-01/18

1 MR DUTERTRE: [13:32:31](Interpretation) Thank you, Mr President.

2 Q. [13:32:31] Mr Witness, just before we rose, page 39, lines 3 to 8, you

3 mentioned that there was a judgment handed down for flogging [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]?

7 A. [13:33:08] [REDACTED]

8 [REDACTED]

9 [REDACTED] I had heard that Adam was the head of the Islamic police [REDACTED]

10 [REDACTED] Al Hassan I thought -- I thought it was him, Adam, [REDACTED]

11 [REDACTED] but afterwards I realised who is who and I realised that they were not

12 the same person.

13 Q. [13:33:49] We'll try and shed light on that.

14 [REDACTED] Mr Al Hassan [REDACTED], you thought that he was who?

15 A. [13:34:09] I thought then that he was Adam.

16 Q. [13:34:20] And what made you believe that it was Adama?

17 A. [13:34:27] Because I had been told that Adam was the head of the Islamic

18 police and [REDACTED] to the location

19 where whipping was carried out, Al Hassan stood [REDACTED]

20 [REDACTED] and then I -- at that point I had the impression that

21 that was the head of the Islamic police and that that was Adam. But

22 afterwards I realised that that was not the case.

23 Q. [13:35:04] Very well. You also mentioned, page 37, lines 15 to 17, that

24 whenever there was a judgment, the execution of the penalty came down to

25 Yahya Abou Hammam. Can you please explain this to the Chamber so that

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Trial Hearing  
WITNESS: MLI-OTP-P-0065

(Private Session)

ICC-01/12-01/18

1 we understand how it worked?

2 A. [13:35:40] Yes. According to the information that I had, any execution of  
3 any decision or of anything requires a permission from Yahya Abou Al  
4 Hammam, and that it was him who would decide whether the execution  
5 would take place of the decision or not.

6 Q. [13:36:13] And can you clarify for the Chamber how you know that?

7 A. [13:36:24] I cannot say that this particular person told me of that, but [REDACTED]  
8 [REDACTED] they made many decisions and they did  
9 a lot of things. And that piece of information reached me, without saying  
10 who told me or when or how many times I was told that, or how I heard that.

11 Q. [13:37:05] I understand. Talking about lots of decisions here, do you  
12 remember [REDACTED] how many decisions were  
13 handed down, how many cases were studied?

14 A. [13:37:26] [REDACTED] I  
15 remember there were many cases. I don't remember all the cases, but there  
16 were several cases.

17 Q. [13:37:47] Do you remember who called the cases, who brought  
18 the people to be tried?

19 A. [13:38:00] I cannot remember. [REDACTED]

20 [REDACTED] there were [REDACTED]  
21 the judgments.

22 Q. [13:38:25] Very well.

23 Mr President, your Honours, I'd like to play a video, 0018-0088, it's 16 seconds  
24 in duration, at tab 36. With transcript 0069-0451, tab 37. And this is video  
25 02 -- 0018-0288.

~~---ICC-01/12-01/18-T-042-CONF-ENG-ET-06-11-2020-45/66-SZ-T-----~~

Trial Hearing  
WITNESS: MLI-OTP-P-0065

(Private Session)

ICC-01/12-01/18

1 THE INTERPRETER: Correction.

2 MR DUTERTRE:

3 Q. [13:39:17] And before I play it, Witness, do you remember whether, [REDACTED]

4 [REDACTED] the Islamic tribunal was  
5 conducting its duties?

6 A. [13:39:37] I am sure there was Houka Houka and also Radwan and  
7 Koutaïba. I am sure -- I think there was Mohamed Moussa, who became head  
8 of *al Hesbah* at the end. [REDACTED]

9 [REDACTED] And I think there  
10 were two imams, local imams in Timbuktu, but I don't recall who they were  
11 exactly.

12 Q. [13:40:21] Mohamed Moussa, which town or city does he hail from,  
13 Mr Witness?

14 A. [13:40:29] I don't remember. I know that he was from Kel Essouk and  
15 most Kel Essouk people -- I mean, a few of them were from Timbuktu, but  
16 most of them were from Gao.

17 Q. [13:40:53] And to clarify, is it a location, is it a tribe, can you clarify, to  
18 shed light on the matter for the Chamber?

19 A. [13:41:03] It's a Tuareg tribe.

20 Q. [13:41:11] Very well. You mentioned that there were two imams who  
21 were there as well. What was their role in the Islamic tribunal, to the extent of  
22 your knowledge?

23 A. [13:41:32] [REDACTED] -- I don't know the role of each one, [REDACTED]

24 [REDACTED]

25 [REDACTED]

~~---ICC-01/12-01/18-T-042-CONF-ENG-ET-06-11-2020-46/66-SZ-T-----~~

Trial Hearing  
WITNESS: MLI-OTP-P-0065

(Private Session)

ICC-01/12-01/18

1 Q. [13:41:53] Could you say or explain, [REDACTED]  
2 [REDACTED] what were they consulted on?

3 A. [13:42:12] For example, if a case is brought before them, that they would  
4 deliberate regarding that case what are -- what does Sharia say on that case,  
5 and they would bring up the texts from the Koran and the Hadith and  
6 the books that provide for such view or for the other view. This is what I  
7 remember, [REDACTED]  
8 [REDACTED]

9 Q. [13:43:04] I shall play the video without the sound, 0018-0288.  
10 (Viewing of the video excerpt)

11 MR DUTERTRE: [13:43:40](Interpretation)

12 Q. [13:43:40] [REDACTED]?

13 A. [13:43:43] [REDACTED] the Islamic  
14 tribunal [REDACTED]

15 Q. [13:44:04] I'm going to play it again with the sound, and if there is  
16 anything, the interpreters can interpret.

17 (Viewing of the video excerpt)

18 MR DUTERTRE: [13:44:35](Interpretation) We can move back into open  
19 session, Mr President, your Honours.

20 PRESIDING JUDGE MINDUA: [13:44:40](Interpretation) Madam courtroom  
21 officer, please, open session.

22 (Open session at 1.44 p.m.)

23 THE COURT OFFICER: [13:44:57] We are back in open session, Mr President.

24 PRESIDING JUDGE MINDUA: [13:45:05](Interpretation) Thank you very  
25 much.

~~---ICC-01/12-01/18-T-042-CONF-ENG-ET-06-11-2020-47/66-SZ-T-----~~

Trial Hearing  
WITNESS: MLI-OTP-P-0065

(Open Session)

ICC-01/12-01/18

- 1 Mr Prosecutor.
- 2 MR DUTERTRE: [13:45:09](Interpretation) Thank you.
- 3 Q. [13:45:11] At 00:00:08:07, who is the individual that we can see wearing
- 4 a white boubou and a brown turban?
- 5 A. [13:45:27] This is Judge Houka Houka.
- 6 Q. [13:45:40] I am at 00:00:11:00. Who is the individual in black, in a corner
- 7 of the room, to the left-hand side of the image?
- 8 A. [13:46:01] That's Radwan Abou Al-Achbal.
- 9 Q. [13:46:17] Is it the same individual as the "Radwan" whom you always
- 10 mentioned previously? Because at the time, you didn't remember the full
- 11 name. That's why I'm putting the question to you.
- 12 A. [13:46:34] It's the same person. This is just a nom de guerre. This is not
- 13 a full family name, Radwan Abou Al-Achbal is his full nom de guerre.
- 14 Q. [13:47:00] Could you please write it down in its entirety on a piece of
- 15 paper, please, Mr Witness?
- 16 THE COURT OFFICER: [13:47:29] The document will be displayed on
- 17 the evidence 1 channel.
- 18 PRESIDING JUDGE MINDUA: [13:47:35](Interpretation) There we are.
- 19 Madam courtroom officer, could you please register it under a number.
- 20 THE COURT OFFICER: [13:47:45] MLI-REG-0001-0013.
- 21 PRESIDING JUDGE MINDUA: [13:47:53](Interpretation) Thank you very
- 22 much.
- 23 Mr Prosecutor, please continue.
- 24 MR DUTERTRE: [13:47:59](Interpretation) Thank you.
- 25 PRESIDING JUDGE MINDUA: [13:48:00](Interpretation)

~~---ICC-01/12-01/18-T-042-CONF-ENG-ET-06-11-2020-48/66-SZ-T-----~~

Trial Hearing  
WITNESS: MLI-OTP-P-0065

(Private Session)

ICC-01/12-01/18

- 1 Q. [13:48:00] [REDACTED]
- 2 [REDACTED] who is in Ansar Dine, who is also called "Radwan". These are
- 3 two different individuals?
- 4 A. [13:48:20] Are -- weren't we in a public session now?
- 5 THE COURT OFFICER: [13:48:26] We --
- 6 MR DUTERTRE: [13:48:28](Interpretation) (Overlapping speakers)
- 7 PRESIDING JUDGE MINDUA: [13:48:28](Interpretation) (Overlapping
- 8 speakers)
- 9 MR DUTERTRE: [13:48:31](Interpretation) I do apologise. We need to
- 10 redact that and we need to go into private session.
- 11 PRESIDING JUDGE MINDUA: [13:48:38](Interpretation) Private session,
- 12 please, courtroom officer.
- 13 (Private session at 1.48 p.m.)
- 14 THE COURT OFFICER: [13:48:54] We're in private session, Mr President.
- 15 PRESIDING JUDGE MINDUA: [13:48:59](Interpretation) Thank you very
- 16 much.
- 17 Prosecutor.
- 18 MR DUTERTRE: [13:49:03](Interpretation)
- 19 Q. [13:49:03] Witness, Radwan Abou Al-Achbal -- is [REDACTED] these --
- 20 who's also called "Radwan", those are two different individuals, are they not?
- 21 A. [13:49:19] Very much so. Radwan Abou Al-Achbal who appears, is
- 22 the head who oversees the execution of some judgments. As for the second
- 23 Radwan, is the one who belongs to Tariq Ibn Ziyad battalion. The second
- 24 Radwan belongs to Ansar Dine, between parentheses, the ones defending
- 25 a national project. He is the one [REDACTED]



~~---ICC-01/12-01/18-T-042-CONF-ENG-ET-06-11-2020-49/66-SZ-T-----~~

Trial Hearing  
WITNESS: MLI-OTP-P-0065

(Private Session)

ICC-01/12-01/18

1

2

3 And I can cite examples here. For example, in September 2012, there was  
4 a German journalist -- sorry, a -- Spanish journalists heading to Timbuktu.  
5 They were in Niafunké, and, when they became aware of him, they went to  
6 him. They stopped him and brought him back by force to Mopti because they  
7 realised that in Timbuktu, there was Al-Qaeda and Al-Qaeda would kidnap  
8 him.

9 And, since they became aware that he was there, they felt a responsibility to  
10 bring him back and this was published in media outlets at the time.  
11 So they are different. They belong to Ansar Dine, but Ansar Dine is different  
12 inside. There are those who are national and there are those who are  
13 extremist, dangerous -- dangerous extremists, who hold ideas similar to those  
14 of Al-Qaeda.

15 Q. [13:51:18] Very well, that's clear. So that will avoid confusion, because  
16 the first names were similar, I thought it was good to clarify that point, with  
17 your assistance.

18 Now still on the subject of this image at 00:00:11:00, who is the individual who  
19 is -- sat to the right of Radwan? To the right, as we look at the image, and  
20 who is wearing a light-brown boubou and a turban?

21 A. [13:52:00] This is Koutaïba Al Chinguetti. For further clarification, this is  
22 not an African boubou or dress. These -- this is an Al-Qaeda dress and the  
23 dress of Islamist groups, and it originates back to Afghanistan.

24 Q. [13:52:26] Thank you for that clarification. To the extreme right of the  
25 image, who are the individuals whom we see cut off in the image?

~~---ICC-01/12-01/18-T-042-CONF-ENG-ET-06-11-2020-50/66-SZ-T-----~~

Trial Hearing  
WITNESS: MLI-OTP-P-0065

(Private Session)

ICC-01/12-01/18

- 1 A. [13:52:46] I do not remember who these are.
- 2 MR DUTERTRE: [13:53:10](Interpretation) Mr President, I'd like to play video  
3 0018-0049, and we're still in private session.
- 4 PRESIDING JUDGE MINDUA: [13:53:22](Interpretation) Yes, we're in private  
5 session.
- 6 MR DUTERTRE: [13:53:24](Interpretation) It's at tab 179, 0018-0249.  
7 Correction: 0249. And the transcript is 0033-5748 at tab 180. I shall play it  
8 without the sound.
- 9 (Viewing of the video excerpt)
- 10 MR DUTERTRE: [13:54:39](Interpretation)
- 11 Q. [13:54:39] [REDACTED] ?
- 12 A. [13:54:43] [REDACTED] the tribunal.
- 13 Q. [13:55:02] At 00:00:17:11, who is the individual who is seated to the far  
14 right of the image?
- 15 A. [13:55:22] I can't recognise him from this angle.
- 16 Q. [13:55:31] And the person dressed entirely in black at the back of the  
17 image?
- 18 A. [13:55:39] That's Radwan.
- 19 Q. [13:55:44] And between Radwan and the individual whom you were not  
20 able to recognise because of the angle, who is it?
- 21 A. [13:55:54] That's Koutaïba.
- 22 MR DUTERTRE: [13:56:06](Interpretation) Mr President and your Honours, I  
23 would now like to play video -- I'm going to play that one with the sound.  
24 (Viewing of the video excerpt)
- 25 MR DUTERTRE: [13:56:52](Interpretation)

~~---ICC-01/12-01/18-T-042-CONF-ENG-ET-06-11-2020-51/66-SZ-T-----~~

Trial Hearing  
WITNESS: MLI-OTP-P-0065

(Private Session)

ICC-01/12-01/18

- 1 Q. [13:56:52] [REDACTED]  
2 [REDACTED] ?  
3 A. [13:57:04] [REDACTED]  
4 Whether they were doing something or whether they were sitting there just for  
5 the sake [REDACTED]  
6 MR DUTERTRE: [13:57:26](Interpretation) Mr President, I would like to go  
7 back to private session for another item of evidence.  
8 PRESIDING JUDGE MINDUA: [13:57:33](Interpretation) We are in private  
9 session.  
10 MR DUTERTRE: [13:57:36] (No interpretation) (Microphone not activated)  
11 THE INTERPRETER: [13:57:38] Microphone, please, counsel.  
12 MR DUTERTRE: [13:57:41](Interpretation) 0018-0249 -- 0289, sorry.  
13 Tab 0069-0 ...  
14 THE INTERPRETER: [13:57:58] The interpreter did not catch it. Said far too  
15 fast.  
16 (Viewing of the video excerpt)  
17 THE INTERPRETER: [13:58:13] 0018-0249, tab 38, transcript inaudible in  
18 the French transcript as well, and tab not indicated yet. Duration 16 seconds.  
19 (Viewing of the video excerpt)  
20 MR DUTERTRE: [13:58:34](Interpretation) I shall be playing it without  
21 the sound.  
22 (Viewing of the video excerpt)  
23 MR DUTERTRE: [13:58:54](Interpretation)  
24 Q. [13:58:54] [REDACTED] ?  
25 A. [13:58:59] These images are [REDACTED] the tribunal.

~~---ICC-01/12-01/18-T-042-CONF-ENG-ET-06-11-2020-52/66-SZ-T-----~~

Trial Hearing  
WITNESS: MLI-OTP-P-0065

(Private Session)

ICC-01/12-01/18

- 1 Q. [13:59:17] I'm going to play it with the sound.
- 2 (Viewing of the video excerpt)
- 3 MR DUTERTRE: [13:59:58](Interpretation) And we can move into open
- 4 session, Mr President, your Honours.
- 5 PRESIDING JUDGE MINDUA: [14:00:02](Interpretation) Open session,
- 6 please, madam courtroom officer.
- 7 (Open session at 2.00 p.m.)
- 8 THE COURT OFFICER: [14:00:19] We're in open session, Mr President.
- 9 PRESIDING JUDGE MINDUA: [14:00:22](Interpretation) Thank you very
- 10 much.
- 11 Prosecutor.
- 12 MR DUTERTRE: [14:00:25](Interpretation) Thank you, Mr President.
- 13 Q. [14:00:28] Mr Witness, at 00:00:23:14, who is the individual seated,
- 14 wearing white, to the left of the screen?
- 15 A. [14:00:48] Are you asking about the person dressed in blue or white?
- 16 I don't know who that is, but I know that he was one of the local imams.
- 17 Q. [14:01:11] I said "white" and that -- I'm talking about the person on
- 18 the extreme left; perhaps you heard "blue".
- 19 In the centre of the picture, the person wearing a brown turban. Who is that?
- 20 A. [14:01:30] That's Judge Houka Houka.
- 21 Q. [14:01:45] At 00:00:04:17, can you name the two people that we see here?
- 22 The one on the left and the one on the right?
- 23 A. [14:02:04] The person dressed in black and has a computer in front of him
- 24 is Radwan Abou Al-Achbal. The second person dressed in brown with
- 25 a green turban is Koutaïba Al Chinguetti.

~~---ICC-01/12-01/18-T-042-CONF-ENG-ET-06-11-2020-53/66-SZ-T-----~~

Trial Hearing  
WITNESS: MLI-OTP-P-0065

(Private Session)

ICC-01/12-01/18

- 1 Q. [14:02:33] And what do they have on these -- on their knees in this  
2 sequence from the court?
- 3 A. [14:02:45] Every one of them has a Kalashnikov rifle on his lap.
- 4 Q. [14:03:09] Can you describe what's on the floor in front of them?
- 5 A. [14:03:23] That's a red carpet.
- 6 MR DUTERTRE: [14:03:39](Interpretation) I'd like to move into private  
7 session, please, your Honour.
- 8 PRESIDING JUDGE MINDUA: [14:03:43](Interpretation) Private session,  
9 please, court officer.
- 10 (Private session at 2.03 p.m.)
- 11 THE COURT OFFICER: [14:03:57] We are in private session, Mr President.
- 12 PRESIDING JUDGE MINDUA: [14:04:01](Interpretation) Thank you.  
13 Prosecutor.
- 14 MR DUTERTRE: [14:04:09](Interpretation)
- 15 Q. I've got here an image from a video, 0018-0102. I don't need to play this,  
16 but at 00:00:00:00 [REDACTED]?
- 17 A. [14:04:31] This is [REDACTED] the Islamic  
18 tribunal.
- 19 Q. [14:04:47] And what is the flag that we see in the top of the image?
- 20 A. [14:04:54] It's the same flag used by Al-Qaeda and Ansar Dine.
- 21 Q. [14:05:10] Thank you.
- 22 MR DUTERTRE: [14:05:12](Interpretation) We can remain in private session  
23 for a few moments, your Honour.
- 24 I'd like to come back to something we've already looked at, which is  
25 0018-1166-R -- sorry, 0018-1166-R01, which is at tab 324, with the translation

~~---ICC-01/12-01/18-T-042-CONF-ENG-ET-06-11-2020-54/66-SZ-T-----~~

Trial Hearing  
WITNESS: MLI-OTP-P-0065

(Private Session)

ICC-01/12-01/18

1 0078-2356 at tab 325.

2 Q. [14:05:38] Mr Witness, we've already looked at this [REDACTED]

3 [REDACTED] The two screen shots, which are on  
4 this page, [REDACTED]?

5 A. [14:07:14] [REDACTED] the Islamic  
6 tribunal [REDACTED] in Timbuktu.

7 Q. [14:07:34] And what is the date [REDACTED]?

8 A. [14:07:45] June 21, 2012.

9 Q. [14:07:56] And I go to the next page, 0028-1167, which we've also already  
10 seen. What is the link between the sequence of the Islamic court, where we  
11 see the two screen shots on the previous page, and this flogging shown in -- on  
12 the following page in screen shots?

13 A. [14:08:38] These are [REDACTED] one [REDACTED] story  
14 [REDACTED] the tribunal, the judgment and the execution of the judgment.

15 Q. [14:09:03] So the judgment related to the flogging of the young people  
16 that we -- is shown here, which is the one [REDACTED]  
17 which is on page 66?

18 A. [14:09:23] Yes, this is as it seems. The whipping took place the next day,  
19 [REDACTED]

20 Q. [14:09:50] [REDACTED]  
21 [REDACTED]?

22 A. [14:10:01] I cannot determine when exactly, [REDACTED]

23 [REDACTED]

24 Q. [14:10:29] I now like to turn [REDACTED] to the Islamic  
25 court.

~~---ICC-01/12-01/18-T-042-CONF-ENG-ET-06-11-2020-55/66-SZ-T-----~~

Trial Hearing  
WITNESS: MLI-OTP-P-0065

(Private Session)

ICC-01/12-01/18

1 MR DUTERTRE: [14:10:36](Interpretation) Mr President, I would like for

2 this -- to show a video, [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 (Viewing of the video excerpt)

7 MR DUTERTRE: [14:14:06](Interpretation) I have finished here -- stopped

8 here [REDACTED]

9 Q. [14:14:17] [REDACTED]?

10 A. [14:14:19] [REDACTED]

11 [REDACTED]

12 MR DUTERTRE: [14:14:37](Interpretation) I will now do it with sound and

13 the interpreters can read from the transcript. [REDACTED]

14 We could put it into the transcript later. It's in French. So if you can follow it,

15 it can be translated into English, but you can do -- must do what you manage

16 to do.

17 May I play it? [REDACTED]

18 (Viewing of the video excerpt)

19 THE INTERPRETER: [14:16:11] (Interpretation of the video excerpt)

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

~~---ICC-01/12-01/18-T-042-CONF-ENG-ET-06-11-2020-56/66-SZ-T-----~~

Trial Hearing  
WITNESS: MLI-OTP-P-0065

(Private Session)

ICC-01/12-01/18

1 [REDACTED]  
2 [REDACTED]  
3 [REDACTED]  
4 [REDACTED]  
5 [REDACTED]  
6 [REDACTED]  
7 [REDACTED]  
8 [REDACTED]  
9 [REDACTED]  
10 [REDACTED]  
11 [REDACTED]  
12 [REDACTED]  
13 [REDACTED]  
14 [REDACTED] --  
15 MR DUTERTRE: (Overlapping speakers)  
16 THE INTERPRETER: [14:17:46] The interpreters are -- the Prosecutor has now  
17 started speaking.  
18 The interpreter continues: (Interpretation of the video excerpt)  
19 [REDACTED]  
20 [REDACTED]  
21 [REDACTED]  
22 [REDACTED]  
23 [REDACTED]  
24 [REDACTED]  
25 [REDACTED]



~~---ICC-01/12-01/18-T-042-CONF-ENG-ET-06-11-2020-57/66-SZ-T-----~~

Trial Hearing  
WITNESS: MLI-OTP-P-0065

(Private Session)

ICC-01/12-01/18

1 [REDACTED]  
2 MR DUTERTRE: [14:18:44](Interpretation) I apologise to the English booth.

3 Q. [14:18:49] Mr Witness, at a certain point, there was a reference to Abou  
4 Tourab. Who is Abou Tourab?

5 A. [14:19:04] Abou Tourab, Abou Tourab is Ahmad Abou Al Faqi.

6 Q. [14:19:22] Thank you. At a certain point the commentator says Abou  
7 Tourab, head of the Islamic police. [REDACTED]?

8 A. [14:19:34] [REDACTED]  
9 [REDACTED]  
10 [REDACTED]  
11 [REDACTED]  
12 [REDACTED]  
13 [REDACTED]  
14 [REDACTED]  
15 [REDACTED]

16 Q. [14:20:26] Very well. So Al Faqi, just to get this clear, what is his role in  
17 the Islamic police?

18 A. [14:20:43] I was not aware that he had any role in the Islamic police.  
19 What I knew is that Mr Al Faqi was the first head of the *Hesbah* and afterwards  
20 he was one of the dignitaries, and I think he was a member of the judicial  
21 bench. But what I am sure of really is that he was the first emir of the *Hesbah*  
22 and I took him as an example of the emir of the *Hesbah*.

23 Q. [14:21:21] Thank you. That was what I was hoping to clarify. He was  
24 emir of the *Hesbah*.

25 MR DUTERTRE: We can return to public session, your Honour.

~~---ICC-01/12-01/18-T-042-CONF-ENG-ET-06-11-2020-58/66-SZ-T-----~~

Trial Hearing  
WITNESS: MLI-OTP-P-0065

(Open Session)

ICC-01/12-01/18

- 1 PRESIDING JUDGE MINDUA: [14:21:36](Interpretation) Open session,  
2 please, court officer.  
3 (Open session at 2.21 p.m.)  
4 THE COURT OFFICER: [14:21:46] We're in open session, Mr President.  
5 PRESIDING JUDGE MINDUA: [14:21:57](Interpretation) (Overlapping  
6 speakers) court officer.  
7 Prosecutor.  
8 MR DUTERTRE: [14:22:00](Interpretation) Thank you, your Honour.  
9 Q. [14:22:02] Mr Witness, at 00:09:43:13, who is the person on the left of the  
10 picture?  
11 A. [14:22:15] That's al -- that's Judge Houka Houka.  
12 Q. [14:22:25] Just on his right, if you look at the picture, there is a vertical  
13 object leaning against the wall, what is that, Mr Witness?  
14 A. [14:22:38] That's a Kalashnikov rifle.  
15 Q. [14:22:47] In the right-hand corner of the picture, with a cream or  
16 light-coloured turban that one can see -- one can see the whole person, who is  
17 that?  
18 A. [14:23:04] That's Mr Al Faqi.  
19 Q. [14:23:12] And on the extreme right, the person in white, who's that,  
20 Mr Witness?  
21 A. [14:23:21] That's one of the Timbuktu imams. He is a member of the  
22 judicial bench, but I don't know his name.  
23 Q. [14:24:01] And at 00:10:23:15, do you know the person who is on the left  
24 of this picture, Mr Witness?  
25 A. [14:24:14] No, but I know he's a member of the judicial bench, but I don't

~~---ICC-01/12-01/18-T-042-CONF-ENG-ET-06-11-2020-59/66-SZ-T-----~~

Trial Hearing  
WITNESS: MLI-OTP-P-0065

(Open Session)

ICC-01/12-01/18

1 know his name.

2 Q. [14:24:45] And at 00:11:11:04, who is this, Mr Witness?

3 A. [14:24:53] This is Judge Houka Houka.

4 Q. [14:25:11] And now at 00:11:18:15, there's a door on the left and a door on  
5 the right with two people going through the door, where does that door lead  
6 to?

7 A. [14:25:34] This door is the door of the room used as a judicial room where  
8 judgments are reached.

9 Q. [14:26:08] And at 00:11:16:09, to which organ does the person on the left  
10 of this picture belong?

11 A. [14:26:25] The Islamic police.

12 Q. [14:26:45] And finally, it may be quite evident, 00:09:56:02, there is a logo  
13 on the right to the top and underneath that there's a sort of shape here, it's  
14 brown with buttons, do you know what that is, Mr Witness?

15 A. [14:27:20] No.

16 Q. [14:27:24] Very well. Thank you.

17  -- maybe we should go back into  
18 private session.

19 PRESIDING JUDGE MINDUA: [14:27:53](Interpretation) Yes. Before we do  
20 that, one question to the witness relating to these images from the video.

21 Mr Witness, we saw earlier you said to us that there were two imams from  
22 Timbuktu who were part of the college of judges, so my question is whether, as  
23 part of this college, one could find judges who were both members of the  
24 Islamic police and security services, in other words, judges who had other  
25 functions as well?

~~---ICC-01/12-01/18-T-042-CONF-ENG-ET-06-11-2020-60/66-SZ-T-----~~

Trial Hearing  
WITNESS: MLI-OTP-P-0065

(Open Session)

ICC-01/12-01/18

1 THE WITNESS: [14:28:43](Interpretation) Yes. For example, there were  
2 judges -- with regards to the local judges, I don't know any -- I don't know any  
3 local imam who had another function.

4 PRESIDING JUDGE MINDUA: [14:29:11](Interpretation) I'm talking about  
5 the judges who were sitting in the room we saw. Were any of these judges  
6 also holders of other functions other than judge? For example, they work for  
7 the Islamic police or the security services, whether they were battalion  
8 commander or -- for example?

9 THE WITNESS: [14:29:35](Interpretation) Yes. There was Ahmad Abou Al  
10 Faqi known with his *nom de guerre* as Abou Tourab. He was a member of the  
11 judicial bench and also he was the head of the *Hesbah*.

12 PRESIDING JUDGE MINDUA: [14:29:59](Interpretation) Thank you very  
13 much, Mr Witness.  
14 Prosecutor.

15 MR DUTERTRE: [14:30:04](Interpretation) I'd like to pick that up.

16 Q. [14:30:07] Do you have any other examples, other than Ahmad Al Faqi?

17 A. [14:30:21] In addition to Ahmad Abou Al Faqi, the judges present in  
18 the courtroom, there was Koutaïba, Radwan Abou Achbal, these had also other  
19 functions within other structures that belonged to either Ansar Dine or  
20 Al-Qaeda.

21 Q. [14:30:53] And in the case of Radwan, what was his function?

22 A. [14:31:04] Radwan, we see him in many activities. For example, we see  
23 him sometimes preaching for jihad, doing so in some squares, and sometimes  
24 we see him overseeing the execution of whipping sentences, and so on and so  
25 forth. We would also see him in the media office as a media officer for

~~---ICC-01/12-01/18-T-042-CONF-ENG-ET-06-11-2020-61/66-SZ-T-----~~

Trial Hearing  
WITNESS: MLI-OTP-P-0065

(Private Session)

ICC-01/12-01/18

1 Ansar Dine.

2 Q. [14:31:42] And in the case of Koutaïba?

3 A. [14:31:53] Koutaïba was among the most important religious sheikhs in  
4 Al-Qaeda. He was also a fighter and participates in battles sometimes. Also  
5 he had other organisational functions. But he is considered among the leaders  
6 and he, I think, belonged to the Al-Fourqane battalion.

7 Q. [14:32:36] And when you said he had other functions, could you tell us  
8 what these were, if you know?

9 A. [14:32:48] We saw him also overseeing the execution of sentences. We  
10 would also see him circulating within the city, along with other leaders,  
11 overseeing activities or other leadership-related actions. And these things I  
12 cannot explain in detail. And I may give an example in a private session.

13 MR DUTERTRE: [14:33:29](Interpretation) Your Honour, I know that we're  
14 overrunning slightly, but if that's okay.

15 PRESIDING JUDGE MINDUA: [14:33:35](Interpretation) Yes, that's a final  
16 question and then we will end. Please go ahead.

17 MR DUTERTRE: [14:33:42](Interpretation) It's a follow on from your  
18 questioning, so I'm not counting.

19 Q. Could you give the example.

20 PRESIDING JUDGE MINDUA: [14:33:50](Interpretation) He asked for  
21 private session.

22 So, court officer, please, private session.

23 (Private session at 2.34 p.m.)

24 THE COURT OFFICER: [14:34:15] We're in private session, Mr President.

25 PRESIDING JUDGE MINDUA: [14:34:20](Interpretation) Thank you,

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1 court officer.

2 Prosecutor.

3 MR DUTERTRE: [14:34:24](Interpretation).

4 Q. [14:34:24] [REDACTED]

5 A. [14:34:31] [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED] It's for a battle

10 between Al-Qaeda and the Mauritanian forces in -- within Malian territory in  
11 2012.

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 And later I became aware, and I don't know who exactly told me, I learned that  
18 he was regularly present among leaders in meeting of Al-Qaeda before  
19 the attack on a location and also in Kidal when there was a meeting convening  
20 all the leaders of Ansar Dine.

21 THE ARABIC INTERPRETER: [14:36:05] The interpreter could not gather  
22 a -- could not catch a name mentioned.

23 MR DUTERTRE: [14:36:16](Interpretation)

24 Q. [14:36:16] Could you please repeat the name that you mentioned.

25 The interpreter didn't manage to catch it.

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1 A. [14:36:28] It's the Aryao area. I was not there, but I was told that he was  
2 there among the leaders. This area is the area where, where the last military  
3 manoeuvres happened before the military action towards southern Mali  
4 happened.

5 Q. [14:36:55] Thank you.  
6 The question that I wanted to ask, your Honour, which was linked to the video.

7 [REDACTED]  
8 [REDACTED]

9 [REDACTED] did they have lawyers to represent them?

10 A. [14:37:29] No, there were no lawyers. [REDACTED]  
11 [REDACTED]  
12 [REDACTED]

13 Q. [14:37:49] And as for those people who were appearing or who were  
14 punished by flogging, for example, did they have counsel?

15 A. [14:38:04] There were -- there was no lawyer. [REDACTED]  
16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED]

19 Q. [14:38:46] [REDACTED]?

20 A. [14:38:55] [REDACTED]  
21 [REDACTED]  
22 [REDACTED]  
23 [REDACTED]

24 Q. [14:39:15] Thank you very much, Mr Witness, for your patience today.

25 MR DUTERTRE: Thank you very much, Mr President, your Honours, for

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1 your indulgence. I'm going to be stopping here.

2 PRESIDING JUDGE MINDUA: [14:39:26](Interpretation) Thank you very  
3 much, Mr Prosecutor.

4 Madam courtroom officer, could we go back to open session, please  
5 (Open session at 2.39 p.m.)

6 THE COURT OFFICER: [14:39:42] We're in open session, Mr President, and I  
7 take this opportunity to inform the parties and participants that  
8 the Prosecution has used so far 16 hours and 16 minutes of questioning time.

9 PRESIDING JUDGE MINDUA: [14:40:08](Interpretation) Thank you very  
10 much for your vigilance, madam courtroom officer.

11 Mr Witness, we are reaching the end of your testimony for today. The judges  
12 of this Chamber would like to thank you very much indeed for your patience  
13 and your cooperation. Unfortunately, Mr Witness, it is not yet over and you  
14 might have -- you will be staying with us for a little bit longer. You'll be  
15 coming back on Monday at 9.30. Have you understood?

16 THE WITNESS: [14:40:48] (Overlapping speakers)

17 PRESIDING JUDGE MINDUA: [14:40:50](Interpretation) Thank you very  
18 much.

19 Now, to the parties and participants, I would like to point out that  
20 the Chamber is consulting the Registry to see if there is any way to modify  
21 the sequence of our sessions, because for the time being we have three sessions  
22 of one hour in duration each, with a 45-minute break between the first and  
23 the second session, and an hour and a quarter between the second and  
24 the third. Maybe we might be able to reach another agreement with  
25 the Registry, but you will be informed in due course.



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1 I can see that Ms Taylor is on her feet.

2 Ms Taylor.

3 MS TAYLOR: [14:41:33] Yes, Mr President. Just briefly. Before this witness  
4 started we raised the principle that there should be equality of conditions  
5 between examination-in-chief and cross-examination, and that was in fact  
6 adopted by this Chamber in ruling that they would not use video link for  
7 the first two days of the session. So it would be unfair and a violation of  
8 equality of arms to apply a different hearing schedule to cross-examination  
9 than that which applied to examination-in-chief for the same witness.

10 Thank you.

11 PRESIDING JUDGE MINDUA: [14:42:20](Interpretation) Thank you very  
12 much, Ms Taylor, that element will be taken into account, of course.

13 But I would like to point out that previously we were working at  
14 one-and-a-half-hour sessions and then we moved to one-hour sessions. So,  
15 you know, we can modify things a little bit in the future.

16 Your intervention will be taken into account, whatever the case may be.

17 So, the Prosecutor is on his foot again.

18 MR DUTERTRE: [14:42:49](Interpretation) Very briefly. We were supposed  
19 to be giving in our calendar on Monday, the 9th, but of course this will depend  
20 on the duration of the sessions. Could we have a little bit of time to play with  
21 once we get the information so that we can calculate? That means we have to  
22 go back to the witnesses. You know, it's an entire process.

23 PRESIDING JUDGE MINDUA: [14:43:09](Interpretation) Yes, you're right in  
24 so saying. You will be informed in due course before we retire for  
25 the weekend.

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1 So it is now time for me to thank everyone who has taken part in this hearing,  
2 the parties, participants, the court reporters, the interpreters, our security  
3 guards, and of course we would like to thank our public for its patience.  
4 We shall reconvene on Monday and, until then, I would like to wish you a very  
5 nice weekend and please take good care of yourselves.

6 We shall rise. Court is adjourned.

7 THE COURT USHER: [14:44:00] All rise.

8 (The hearing ends in open session at 2.44 p.m.)

9 CORRECTIONS REPORT

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

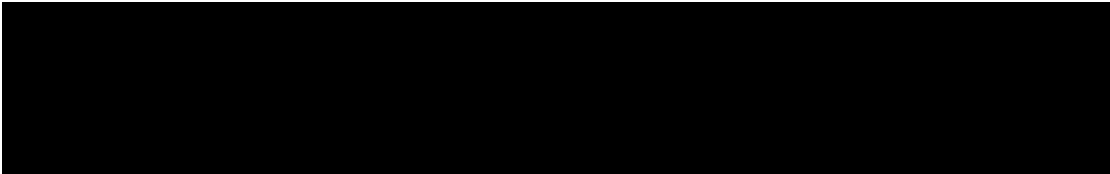
12 Page 21 lines 6-8:

13 "And after he was whipped, the lady was brought up from the car and he got  
14 on the car for her to be whipped."

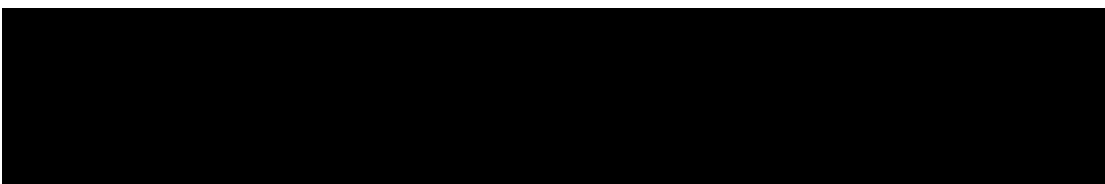
15 Is corrected to

16 "And after he was whipped, the lady was brought out of the car and he got in  
17 the car, for her to be whipped."

18 Page 40 lines 20-22:

19   
20  
21

22 Is corrected to

23   
24  
25