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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
- 7 Judge Kimberly Prost
- 8 Trial Hearing - Courtroom 1
- 9 Tuesday, 10 November 2020
- 10 (The hearing starts in open session at 9.30 a.m.)
- 11 THE COURT USHER: [9:30:15] All rise.
- 12 The International Criminal Court is now in session.
- 13 Please be seated.
- 14 PRESIDING JUDGE MINDUA: [9:30:44](Interpretation) The hearing is opened.
- 15 Good morning to everyone.
- 16 Court officer, please call the case.
- 17 THE COURT OFFICER: [9:30:53] Thank you, Mr President.
- 18 The situation in the Republic of Mali, in the case of The Prosecutor versus Al Hassan
- 19 Ag Abdoul Aziz Ag Mohamed Ag Mahmoud, case reference ICC-01/12-01/18.
- 20 And for the record, we are in open session.
- 21 PRESIDING JUDGE MINDUA: [9:31:15](Interpretation) Thank you, court officer.
- 22 For the record, we will start, as usual, with the introductions, starting of course with
- 23 the Office of the Prosecutor.
- 24 Mr Dutertre.
- 25 MR DUTERTRE: [9:31:33](Interpretation) Good morning, your Honours.

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- 1 The Prosecution is represented here today by Mousa Allafi, Sarah Coquillaud,
- 2 Lucio Garcia, and myself, Gilles Dutertre.
- 3 And I would like to say, Mousa Allafi will be replaced by Marie-Jeanne Sardachti for
- 4 the second session.
- 5 PRESIDING JUDGE MINDUA: [9:31:59](Interpretation) Thank you, Mr Prosecutor.
- 6 Defence, Ms Taylor.
- 7 MS TAYLOR: [9:32:05] Good morning, Mr President, good morning, your Honours.
- 8 The Defence for Mr Al Hassan is represented today by Kirsty Sutherland,
- 9 Molly Thomas, Dolly Chahla, we'll be joined after the break by Ms Sarah
- 10 Marinier-Doucet, and myself, Melinda Taylor. Thank you.
- 11 PRESIDING JUDGE MINDUA: [9:32:29](Interpretation) Thank you, Ms Taylor.
- 12 I turn now to the Legal Representative of Victims, Mr Kassongo.
- 13 MR KASSONGO: [9:32:37](Interpretation) Thank you, your Honours. Good
- 14 morning. I will present our unchanged team for the Legal Representative of Victims,
- 15 Madam Claire Laplace, and myself, Mr Kassongo. Thank you.
- 16 PRESIDING JUDGE MINDUA: [9:32:51](Interpretation) Thank you, Mr Kassongo.
- 17 And now I turn to Witness.
- 18 Good morning, Mr Witness, do you hear me?
- 19 WITNESS: MLI-OTP-P-0065 (On former oath)
- 20 (The witness speaks Arabic)
- 21 THE WITNESS: [9:33:05](Interpretation) Good morning, I hear you very clearly.
- 22 PRESIDING JUDGE MINDUA: [9:33:12](Interpretation) Thank you, Mr Witness.
- 23 Of course, good morning to you and welcome, as usual. And I would like to remind
- 24 you that you are still under oath and that you should tell the truth, the whole truth
- 25 and nothing but the truth.

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1 As I would also remind you of my advice relating to taking the floor.

2 Mr Prosecutor, we will continue to hear your 16th witness, P-0065 and the Chamber
3 had granted you the opportunity to ask two final questions as part of your
4 examination-in-chief.

5 I do hope it will be just two questions, but we shall see.

6 Please go ahead.

7 MR DUTERTRE: [9:34:14](Interpretation) Thank you, your Honour.

8 QUESTIONED BY MR DUTERTRE: (Continuing) (Interpretation)

9 Q. [9:34:21] Well, Mr Witness, good morning. I hope you are well this morning.

10 A. [9:34:33] Good morning. I'm doing very well.

11 Q. [9:34:39] Mr Witness, yesterday you said -- and perhaps I can move into private
12 session, your Honour.

13 PRESIDING JUDGE MINDUA: [9:34:49](Interpretation) Private session, please,
14 court officer.

15 (Private session at 9.34 a.m.)

16 THE COURT OFFICER: [9:35:00] We're in private session, Mr President.

17 PRESIDING JUDGE MINDUA: [9:35:07](Interpretation) Thank you.

18 Prosecution.

19 MR DUTERTRE: [9:35:10](Interpretation) Thank you, your Honour.

20 Q. [09:35:10] In transcript, transcript 43, page 59, lines 25 to 28, you said:

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 And I quote from yesterday.

25 [REDACTED]

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1 [REDACTED]
2 A. [9:36:08] [REDACTED]
3 Q. [9:36:24] [REDACTED]
4 A. [9:36:34] [REDACTED]
5 Q. [9:36:41] [REDACTED]
6 [REDACTED] ?
7 A. [9:36:52] Yes.
8 Q. [9:36:56] [REDACTED]
9 Mr Witness?
10 PRESIDING JUDGE MINDUA: [9:37:11](Interpretation) Ms Sutherland.
11 MS SUTHERLAND: [9:37:14] Your Honour, your Honour, is this working?
12 Your Honour, thank you. I count four questions already and we very much hope
13 that the Prosecution will be held to their time.
14 PRESIDING JUDGE MINDUA: [9:37:40](Interpretation) Thank you, Ms Sutherland,
15 for this reminder. But I think we should be integral in the interpretation of certain
16 comments.
17 But please, don't take advantage.
18 MR DUTERTRE: [9:38:03](Interpretation) I will be as quick as I can, Mr President.
19 Q. [9:38:08] Mr Witness, I will repeat my question. [REDACTED]
20 [REDACTED] Mr Witness?
21 A. [9:38:27] When the OTP asked me or the investigators asked me [REDACTED] I
22 accepted and I told them [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

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1 Q. [9:39:16] Do you have your two binders to hand, Mr Witness?

2 A. [9:39:25] No, but you've previously shown [REDACTED] You've
3 previously shown [REDACTED]

4 [REDACTED]

5 Q. [9:39:47] Are you talking about the witness preparation session, Mr Witness, or
6 the hearing?

7 A. [9:39:57] As far as I remember this was here in the courtroom. I think that's
8 where you gave me -- you showed me [REDACTED] and I was able to
9 recognise it.

10 MR DUTERTRE: [9:40:18] For the record, I would say that we -- that we have an
11 [REDACTED] 0016-04916 (sic).

12 Perhaps this could be briefly shown on evidence 1, court officer.

13 That is not the right number, 0496.

14 Q. [9:41:44] Can you see this, Mr Witness?

15 A. [9:41:47] I do.

16 Q. [9:41:51] Do you recognise this [REDACTED]?

17 A. [9:41:57] I do.

18 Q. [9:42:01] [REDACTED]

19 A. [9:42:09] [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 Q. [9:42:40] Thank you, Mr Witness.

24 And final question, do you recall having [REDACTED]

25 [REDACTED]?

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1 A. [9:42:59] Yes, I remember very well that when [REDACTED]
2 [REDACTED] having seen the material at another meeting and after discussing [REDACTED], I
3 told them that I had a bad memory when it comes to names and numbers. But all of
4 these -- but all of those [REDACTED] and I
5 told -- and I told you, following your request, that I had no problem [REDACTED]
6 [REDACTED] which explain [REDACTED] and in
7 terms of other information which I'm not able to recall.

8 Q. [9:44:01] Thank you, Mr Witness.

9 That was my final question.

10 For information, these are 0016-0497 and another, and we can -- and 0016-0498. We
11 can now move into open session.

12 PRESIDING JUDGE MINDUA: [9:44:26](Interpretation) Open session, please,
13 court officer.

14 (Open session at 9.44 a.m.)

15 THE COURT OFFICER: [9:44:37] We are in open session, Mr President.

16 PRESIDING JUDGE MINDUA: [9:44:42](Interpretation) Thank you, court officer.

17 Mr Prosecutor, you have confirmed that you have now concluded your
18 examination-in-chief?

19 MR DUTERTRE: [9:44:53](Interpretation) Yes, I have indeed.

20 And I would like to thank Mr Witness for his patience and for the information that he
21 has provided to us in such detail.

22 PRESIDING JUDGE MINDUA: [9:45:06](Interpretation) Thank you very much for
23 your examination-in-chief.

24 I turn now to the Legal Representative of Victims.

25 Mr Kassongo, in your note of 5 October you expressed your intention to question

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1 the witness. Today, having heard the examination-in-chief, the Chamber would like
2 to know whether you maintain your wish to question the witness?

3 MR KASSONGO: [9:45:41](Interpretation) Thank you, Mr President, your Honours.

4 The Legal Representative would like to question the witness briefly. And we would
5 also like to take this opportunity to ask the Chamber for enough time to - which will
6 not be long - to ask Mr Witness my questions.

7 PRESIDING JUDGE MINDUA: [9:46:17](Interpretation) Clarification on my part.

8 On what subject do you intend to question the witness and how many minutes?

9 How much time do you require?

10 MR KASSONGO: [9:46:28](Interpretation) Thank you, your Honour.

11 The questions relate to the impact of the occupation on the daily life of our victims,
12 including the population of Timbuktu, and what actually happened in terms of the
13 different acts we are examining here, and, and certain points which are not very, very
14 linked to confidential elements.

15 So five minutes of -- we have five lines of questioning, which will of course include
16 sub-questions and which can have short answers and it will depend on the time it
17 takes for interpretation.

18 And, of course, time will also depend on the answers given by the witness. I'm
19 thinking 30 to 45 minutes and we will -- we are in your hands, Mr President.

20 PRESIDING JUDGE MINDUA: [9:47:49](Interpretation) Thank you, Mr Kassongo,
21 we will just briefly consult.

22 (Trial Chamber confers)

23 PRESIDING JUDGE MINDUA: [9:48:50](Interpretation) Prosecutor, you heard
24 the request. Do you have any objection?

25 MR DUTERTRE: [9:48:58](Interpretation) Prosecution has no objection,

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1 your Honour.

2 PRESIDING JUDGE MINDUA: [9:49:02](Interpretation) Thank you.

3 Ms Taylor or Ms Sutherland? That's up to your internal organisation, of course.

4 MS SUTHERLAND: [9:49:10] Thank you, your Honour.

5 No objection. Although we ask that in view of the very board nature of the Legal

6 Representative for Victims' request, that he strictly stick to open, neutral questioning.

7 And in the event that the questioning strays from that, that we be afforded

8 the opportunity to object, as and when.

9 PRESIDING JUDGE MINDUA: [9:49:46](Interpretation) Very well.

10 Mr Kassongo, we grant your request and we also are in agreement with the time that

11 you have requested, 30 to 45 minutes is fine.

12 The witness is yours.

13 Mr Witness, the Legal Representative of Victims is going to ask you some questions as

14 well. We ask you to be patient, please.

15 MR KASSONGO: [9:50:20](Interpretation) Thank you, your Honour.

16 I would first like to turn to Mr Witness, whom I shall call, Mr Witness.

17 THE WITNESS: [9:50:41](No interpretation)

18 QUESTIONED BY MR KASSONGO:

19 A. [9:50:42] Good morning.

20 Q. [9:50:45] I am Mr Kassongo, the Legal Representative of Victims, and I have

21 with me my colleague and assistant, Claire Laplace, and there are others also listening

22 to you today, and we would like to thank you for your input and for your patience in

23 this testimony.

24 You were in Timbuktu in 2012. Can you describe to us, briefly, the impact of

25 the occupation of the presence of new masters that you observed, so the impact on

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1 the local population, without however giving details which might be -- without
2 giving any details which might identify anybody.

3 A. [9:52:20] Certainly. First of all, there is no doubt that there has been a negative
4 impact on the city's economy in general, because the state disappeared. Utilities
5 disappeared. Most of the population, composed of merchants, disappeared. And
6 also homes.

7 There was also another negative impact. The people felt they were truly under
8 occupation. There were foreigners willing to impose their control and their laws on
9 them, which were entirely new to the city.

10 Q. [9:53:15] Thank you, Mr Witness.

11 Can you, from this angle, tell us about the fate of those who worked in local
12 administration, by which I mean those who worked -- or the fate of the services
13 providing necessities and also public services on a regional basis, in electricity, for
14 example.

15 In other words, what happened to the agents who headed these services when
16 the new masters arrived, if you observed it yourself or had occasion to do so?

17 A. [9:54:30] Most of the civil servants fled the city, even -- some of them even
18 before the advent of the groups to the city and some of them after the groups' arrival.
19 Hospitals, water, electricity continued to be available and I believe that CESR
20 continued to provide those services by providing fuel to them. And electricity
21 was -- would come and go and is not available all the time, but it was free, and so was
22 water also free.

23 Q. [9:55:22] Thank you, Mr Witness.

24 When in 2012 you were in contact with the population, what did you hear? What
25 sort of terms did you hear people use to discuss the change? What were

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1 the sort of words that the population were using, even if it wasn't in response to direct
2 questioning?

3 A. [9:56:16] I was a local inhabitant in Timbuktu and I can tell that among those I
4 got mixed -- I mingled with, they were complaining against the situation and they
5 wanted to hold firm to their city and stay there because some of them believed they
6 had nowhere else to go to. And some others said they will not leave the city
7 whatsoever.

8 But more important than anything else was the bad economic situation in the city.

9 Q. [9:57:09] Thank you, Mr Witness.

10 From this angle, you were with, or exactly, you were in prayer sites, services which
11 one could call a mosque. You were in mosques.

12 Thank you, court officer.

13 How was the new message passed on or how did the new preaching take place in
14 the mosque? Could you, as briefly as possible, give us an indication of the
15 orientation of the new preaching being spread in the mosque by the new masters.

16 A. [9:58:15] To put it simply, it was a call for Sharia, Islamic Sharia, its enforcement.
17 Because the country is composed of Muslims whose faith has been taken away from
18 them and the Sharia has been taken away from them because of the secular law
19 imposed by western countries and that the population of the city had to go back to
20 the origins, which is to apply Islamic Sharia. And that was the dominant headline
21 across sermons.

22 Q. [9:59:04] Thank you, Mr Witness.

23 And on that occasion, what did you observe among the population affected on
24 location when this message was passed in sermons?

25 A. [9:59:30] The local population are -- can be seen in different categories of people.

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1 There are those who are Sufists and they totally reject that discourse. Some who
2 were a minority were a Wahhabist, and this was their discourse.

3 But this new discourse was stronger than what they were used to.

4 Q. [10:00:12] Thank you, Mr Witness.

5 Along the same lines, could you tell us, in summary, what happened to the usual
6 religious leaders from the mosques in question? For example, what happened to
7 the usual imam? What happened to a muezzin for other mosques or for other
8 houses of prayer? What happened to them when the new discourse was introduced?

9 A. [10:01:07] When it comes to prayer, prayer is not a controversial subject.
10 The disagreement concerns matters of belief and not matters of jurisprudence like
11 prayer and so on and so forth. I think that the imams had an excellent time under
12 Islamic control of the region, because according to available information and shared
13 among the people it was that the imams were receiving monthly wages that they did
14 not have beforehand, especially from the *Hesbah*, because the *Hesbah* wanted
15 the imams to assist in convincing the people with this new project. This was what
16 people talked about, that they received wages and money in a very generous way.

17 Q. [10:02:12] Thank you very much, Witness. Thank you very much, Witness.

18 Could you also tell us about the dress code according to the new masters and more
19 concretely describe to us the type of garments that they would wear.

20 A. [10:02:51] There is no colour or type or brand specific in the dress code. But
21 women were required to cover all, the entire body, except hands and face. But as for
22 men, they needed to shorten their pants and there was -- they would not -- and this
23 was not compulsory for men, it's just a requirement. As for women, they were
24 indeed forced to cover their bodies in full with whatever clothes they wanted. What
25 mattered is that the whole body would be covered, except hands and face.

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1 Q. [10:03:50] Thank you very much, Witness.

2 In this regard, could you tell us the times of the day when the women were at home
3 doing domestic charges when they did not have to respect this code. What I mean
4 by that is, did this code apply, or should it be respected when they were carrying out
5 household tasks at home or by the water, or were there exceptions thereto?

6 A. [10:04:50] There was no one intervening in domestic affairs. Domestic affairs
7 belonged to families. But the only interference happens on the street and
8 the requirement on the street is to respect a dress code, whether you put on a dress or
9 something else. What mattered is for the whole body to be covered. And I don't
10 think that in any way impeded women in going about their lives in any way.

11 Q. [10:05:30] Thank you very much, Witness.

12 When there were patrols, when they were set up by the new masters who were in
13 place, were there precise locations other than markets to look at the lack of respect or
14 breaches of the dress code, or was it only in the streets and in the markets?

15 A. [10:06:22] There were patrols all over the city and all streets. And women did
16 observe the rules. Women did not openly, as far as I saw, challenge the system.
17 Sometimes I saw things, as an example, things women were not used to, things were
18 only imposed in 2012, especially in the last part of 2012. Sometimes you see
19 a women who had put her headscarf on -- by her side when she would sit in the street,
20 because women sit in the street beside their homes. So when a woman sees a patrol
21 coming her way when she -- and she is not covered, she hasn't covered her head, she
22 would be panicking that the patrol is coming so she would rush to put on
23 the headscarf or would rush inside her home out of fear.

24 Q. [10:07:41] Thank you very much, Witness. We've followed you attentively.
25 Speaking about women, did the code apply in the same way to adolescents?

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1 A. [10:08:03] When it comes to teenager girls who have reached physical adulthood
2 or have become biologically adult, they are, as per Sharia, considered women. But
3 I don't think that anything was imposed on children, not that I remember.

4 Q. [10:08:39] Thank you very much, Witness.

5 Continuing on the issue of patrols, when there was a breach of the code in its general
6 sense, was somebody interviewed or questioned in the place where the questioning
7 would be carried out or where the violation was noted, or was that person taken
8 somewhere else in order -- that is to say, where would that -- in order for that
9 punishment -- before the punishment would take place?

10 A. [10:09:57] I do not recall any example where a woman was detained because she
11 did not put on the full attire. I also do not remember seeing a woman challenge
12 the dress code rules and I do not have any examples in that regard.

13 Q. [10:10:25] Thank you very much, Witness.

14 Now, speaking about trade you mentioned at the start of our conversation this
15 morning, what happened to the stock of goods that was considered to be in violation
16 of or against Sharia that was seized?

17 A. [10:11:05] They were burned and that applied to alcohol, tobacco and narcotics.

18 Q. [10:11:23] Thank you, Witness.

19 Could you tell us if in 2012 the hairdressers, their salons, and other points of sale of
20 female -- of products for women continued with their activities? Of products or
21 services for women.

22 A. [10:12:02] I do not recall any beauty salon for women in Timbuktu working in
23 2012 during the control of the city.

24 Q. [10:12:28] The Legal Representatives thank you very much, Witness, for your
25 patience and also for a few other questions.

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A. [10:13:34]

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Q. [10:14:00] Thank you very much, Witness.

9

Our team heard -- or has heard your historic and cultural knowledge on the buildings

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that were destroyed and that's the reason why we're going to ask a question or

11

a series of questions concerning these buildings.

12

Now, you spoke about these buildings as being cultural and historic heritage, what

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do you mean by that?

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A. [10:14:48] If we're talking about the Djinguereber mosque, which is the oldest

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mosque and the -- actually the oldest Islamic university in the whole region for which

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Timbuktu is well known, and if we're talking about the Alkyama gate, it was also

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a -- it's an historic gate and it's a touristic destination and its significance for attracting

18

tourists is as important as its history that goes back to five centuries. These places

19

are, are all classified as World Heritage sites.

20

Q. [10:15:53] Thank you very much, Witness.

21

In the same vein, you stressed the specific nature of the architecture in Timbuktu,

22

the building of buildings in Timbuktu, their construction. Why is it different to

23

other towns? What makes it different?

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A. [10:16:30] There is a kind of stones that Timbuktu masons would dig and make

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available and it's called in the local language * Al-hore and it's used to build

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1 the facades of buildings. And that's specific to Timbuktu only. I haven't seen that
2 anywhere else.

3 Q. [10:17:13] Thank you very much, Witness.

4 In this case, without going back to what you've already mentioned, what was
5 the visible impact of this destruction, or the destruction of this heritage, this historic
6 heritage among the population concerned? And, more precisely, among those who
7 lived close to the buildings, what was the impact on them of this damage? What was
8 the visible impact? How did the population feel it?

9 A. [10:18:23] Look, Timbuktu -- well, to answer your question I need to give you
10 twofold answers. First, Timbuktu is a historic city and people there take pride in
11 the city because of the originality of the city. That originality goes back to its rich
12 history, old history, and the Djinguereber mosque stands as a symbol of that.
13 The second part concerns the spiritual aspect. The majority of the people in
14 Timbuktu were Sufists and these Sufists hold spiritual bonds that are difficult to
15 explain briefly or in simple terms. They have spiritual bonds to the saints on whose
16 tombs they built these shrines and these shrines make these tombs stand out. Given
17 these deep spiritual considerations, this is so much so, especially for the tombs that
18 are close to the Djinguereber mosque which holds a special place in the minds of the
19 people of Timbuktu.

20 Q. [10:20:02] Thank you very much, Witness, for these clarifications.

21 I have a question about the mausolea, these buildings that suffered the attacks.
22 What happened to some of the marabout of Timbuktu?

23 A. [10:20:39] There were some sheikhs who had a special place within the Sufist
24 framework and their role was to write down amulets, and these were forbidden and
25 they were burned in Timbuktu. These people were accused by the groups, they

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1 were considered by them as heretics and most of them left the -- left the cities when
2 the jihadists arrived.

3 Q. [10:21:30] Thank you very much, Witness, for these clarifications.

4 Now, you spoke passionately about the originality of the Timbuktu architecture. Do
5 you know the neighbourhood or place called Sankoré, and could you tell us about it
6 from a historical perspective, about Sankoré?

7 A. [10:22:11] I cannot speak about the Sankoré mosque as -- from a historical
8 standpoint, because simply, I am not a historian, but it is one of the most important
9 mosques historically speaking and it's a mosque that holds a special place for
10 the people of Timbuktu.

11 Q. [10:22:44] Thank you, Witness.

12 In order to help the Legal Representatives understand certain points, could you tell us
13 why a neighbourhood of Timbuktu was called Bellafarandi?

14 A. [10:23:04] Bellafarandi is a neighbourhood inhabited by black-skinned Tuaregs
15 and the word "Bella" is used to refer to those believed to have been slaves in ancient
16 times. And I think that Bellafarandi is the most important neighbourhood in
17 Timbuktu at the moment in terms of its social organisation, its significance, and it is
18 even said that those -- that it was them who founded Timbuktu.

19 Q. [10:24:01] Thank you very much, Witness, for these clarifications.

20 What was the general situation for the livestock breeders in Timbuktu in 2012? Had
21 nothing changed for them or was there something remarkable or particular that
22 happened?

23 A. [10:24:37] No, I did not notice anything new when it comes to farmers or
24 livestock breeders.

25 Q. [10:24:55] Thank you very much, Witness.

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- 1 The Legal Representatives have finished with their questions and it would like to
2 thank you on behalf of our team for having kindly agreed to provide answers to our
3 questions and we would like to thank you again.
- 4 MR KASSONGO: (Interpretation) I have finished, your Honour, your Honours,
5 with the series of questions for the witness.
- 6 PRESIDING JUDGE MINDUA: [10:25:32](Interpretation) Thank you very much,
7 Maître Kassongo. The Chamber is grateful and you kept your word.
- 8 It is now time to go to the cross-examination of the Defence. And because we have
9 the time to do so, it is right to start immediately, Ms Taylor.
- 10 I see the Prosecutor is standing up. Certainly he would like to make a remark on our
11 conduct, conduct of proceedings.
- 12 MR DUTERTRE: [10:26:14](Interpretation) Absolutely, your Honour.
- 13 And perhaps it would be useful if it could be done without the presence of
14 the witness so the witness is not influenced by the points that I'm going to mention.
- 15 PRESIDING JUDGE MINDUA: [10:26:33](Interpretation) You are perfectly right.
- 16 Witness, I'm going to ask the Registry to escort you outside the courtroom for a few
17 minutes so that we can resolve some housekeeping issues.
- 18 (The witness exits the courtroom)
- 19 PRESIDING JUDGE MINDUA: [10:27:10](Interpretation) Prosecutor, the witness is
20 outside the courtroom.
- 21 MR DUTERTRE: [10:27:13](Interpretation) Thank you, your Honour.
- 22 And we'll try to deal with that as quickly as possible.
- 23 Now, just a few points which I'd like to mention. We have examined the list of
24 documents that the Defence intends to use for the cross-examination, more than 200
25 documents, and we note and there are certain points that we would like to raise.

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1 The first is with regard to the relevance of a certain number of documents which are
2 on this list, the relevance to this case. And here I'm thinking of document 55 and we
3 don't see the relevance of that with regards to the criminal code of Mauritanian, so we
4 don't see its relevance.
5 And I'm also thinking of document 45. This seems to be -- or 47, which seems to be
6 a Facebook exchange about the cartoons of the prophet. I don't see that link with
7 Timbuktu either.
8 But that's also the case of document about genital mutilation, that's document 167,
9 I don't see the relevance of that for the charges in Timbuktu.
10 So these are issues of relevance that we would put.
11 There are also questions of reliability and here I'm referring to documents 1 and 2,
12 namely the document on internet, Twitter, so we just see the extract. And secondly,
13 we don't know who's speaking or writing, we don't know what that person's
14 profession is. They are talking about whipping. There is no reliability of this
15 person. And furthermore, the witness is not a forensic expert. I don't know what
16 could be said in this regard, so that's not the right witness to be shown this type of
17 document.
18 And thirdly, there are other documents that we don't see such as -- we don't see how
19 the witness could comment usefully on them, which there's a document, for example,
20 which comes from the CEDAW convention on women. I don't see how that person
21 is an expert to talk about that.
22 And without being exhaustive, there are documents 48, there's no translation thereof.
23 For the rest, we will see how the documents are presented to the witness and on what
24 basis.
25 I will stop there for the moment.

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1 PRESIDING JUDGE MINDUA: [10:30:50](Interpretation) Thank you very much,
2 Prosecutor. You have seen that the Chamber has taken good note of your comments.
3 So with regards to these Defence documents, there are 200 of them on the list and you
4 mention there are issues of relevance for 55, 47, 167, issues of reliability for 1 and 2,
5 and there are certainly documents which are difficult for the witness to comment on,
6 such as document 48. I'm just making a summary here, to not lose any time.
7 I would ask the Defence to answer and then the Chamber will take its decision.
8 Ms Taylor.
9 MS TAYLOR: [10:31:39] Thank you, Mr President.
10 Now, in terms of relevance, throughout the examination of both the Prosecution and
11 the Legal Representatives for Victims, a variety of questions was posed to the witness
12 concerning life in Timbuktu before 2012 and during 2012. He was asked about
13 almost every aspect of the day-to-day life of persons in Timbuktu. He was asked for
14 his views concerning who did punishments, *tazir* punishments, the interpretation and
15 application of Sharia law. He was asked for his views concerning the religious
16 position of the various groups and individuals in Timbuktu.
17 That's a wide panoply of information that was elicited from him and it's our right to
18 pose questions to him in cross-examination on these very subjects.
19 Now, the exhibits the Prosecution has referred to refer to Sharia law and how it's
20 interpreted and applied. That is why we included the Mauritanian code and that
21 the relevance of that document will be apparent through our lines of
22 cross-examination, bearing in mind the number of persons in Timbuktu that
23 the witness has identified as coming from Mauritania.
24 The same holds true for articles and photographs which speak to the religious views
25 of individuals and groups in Timbuktu, and in particular the Twitter post concerning

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1 a recent protest in Timbuktu shows an individual who was present and involved in
2 the activities in 2012 and who was named by the witness in his testimony.
3 In terms of issues concerning reliability, the Prosecution is putting the cart before
4 the horse. We have a submission system of evidence. We are not required to
5 demonstrate in full these elements before we tender them. We can demonstrate that
6 through the witness's testimony. In particular, it will turn on the extent to which
7 the witness can comment and meaningfully testify in relation to the contents of
8 the documents, but those are issues that we can put to him, and he is very well placed
9 to respond to that, [REDACTED]

10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]

14 Now, finally, on issues concerning the rights of women, again, a variety of questions
15 have been put to him concerning how women were treated in Timbuktu, both before
16 2012, during 2012. That document will go to that issue and, in particular, it will go
17 to the issue as to whether he is indeed in a position to provide testimony on issues.
18 Bearing in mind that the Chamber at one point characterised him as an expert, it is
19 our right to actually put questions to him as towards the extent of his knowledge and
20 whether he can meaningfully provide a full portrait of the lives of women in
21 Timbuktu and any changes that might or might not have been imposed.
22 Finally, an issue that we have raised previously is that if the Prosecution has any
23 questions on exhibits, they are of course always welcome to approach the Defence,
24 and they have not done so in this instance, to ask for internet links or any further
25 information, which we are willing to provide, as is always the case.

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1 Thank you.

2 PRESIDING JUDGE MINDUA: [10:36:39](Interpretation) Thank you very much,

3 Ms Taylor.

4 You have rebutted the arguments of the Prosecution with regard to the relevance of

5 the documents. You said there is no problem with relevance and that reliability

6 means putting the cart before the horse, and that the document from Mauritania, for

7 example, or other countries will allow you to give explanations to the Court or

8 the tribunal with regard to the diversity of nationalities of the people involved.

9 We will consult, very briefly, and we will give you our decision.

10 (Trial Chamber confers)

11 PRESIDING JUDGE MINDUA: [10:39:56](Interpretation) Thank you.

12 Prosecutor and Ms Taylor, we always take your concerns very seriously, as you will

13 have noted. With regard to the Prosecution's objections, I think that the Defence is

14 right, Mr Prosecutor, because with regard to the relevance of the documents, as you

15 raise the issue, or even their reliability, at this stage it is difficult for the Chamber to

16 accept your objections. The Chamber will authorise the use of the documents by

17 the Defence and, if necessary, on a case-by-case basis. If you hear a question which

18 you believe not to be relevant, then you can raise the matter.

19 With regard to the reliability, the Chamber will be able to evaluate these things and to

20 decide on the weight to be given to the testimony.

21 So, in order not to lose any further time, we will leave it at that.

22 The witness is not an expert witness, Ms Taylor, it's a witness of the facts, what he has

23 seen, and he has observed these facts among his compatriots, so that gives him

24 the right to intervene.

25 Court officer, could you please bring the witness back into the court.

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1 Ms Taylor.

2 MS TAYLOR: [10:41:43] I apologise for interrupting. There's two things. One, we
3 need to give the binder to the witness. The other thing is that our client has
4 indicated he needs a short break for the bathroom.

5 PRESIDING JUDGE MINDUA: [10:42:02](Interpretation) Court officer, please come
6 back, court officer.

7 Ms Taylor, if the witness returns we can't do what you've just asked. So could you
8 please explain what does the accused want? We have no need to suspend
9 the hearing, you just wish for permission for the accused to leave for 10 minutes; is
10 that correct?

11 MS TAYLOR: [10:42:50] I would imagine it would be less.

12 PRESIDING JUDGE MINDUA: [10:43:01](Interpretation) Court officer, please
13 proceed.

14 (Pause in proceedings)

15 (The accused exits the courtroom)

16 PRESIDING JUDGE MINDUA: [10:43:44](Interpretation) Court officer, we can now
17 bring the witness back to the courtroom.

18 (The witness enters the courtroom)

19 PRESIDING JUDGE MINDUA: [10:44:43](Interpretation) Ms Taylor, have you
20 distributed the documents, as was requested?

21 MS TAYLOR: [10:44:55] Yes, Mr President, it's my understanding that it's being
22 done.

23 PRESIDING JUDGE MINDUA: [10:45:05](Interpretation) Thank you very much.
24 I think you're not going to start just yet. I think we will wait; is that correct?

25 MS TAYLOR: [10:45:26] Yes. Thank you.

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1 (Pause in proceedings)

2 (The accused enters the courtroom)

3 PRESIDING JUDGE MINDUA: [10:46:16](Interpretation) The accused has now
4 returned to the courtroom, so all is now well.

5 And we can now commence the cross-examination by the Defence.

6 The floor is yours, Ms Taylor, please go ahead.

7 QUESTIONED BY MS TAYLOR:

8 Q. [10:46:43] Good morning, Mr Witness.

9 A. [10:46:47] Good morning.

10 THE INTERPRETER: [10:46:49] The witness does not have his microphone switched
11 on. Now he does.

12 A. [10:46:57] Good morning.

13 MS TAYLOR:

14 Q. [10:46:58] My name is Melinda Taylor and I think I met you on the first day of
15 your testimony with my colleague, Ms Kirsty Sutherland. It must feel like a lifetime
16 ago since then.

17 So I will be putting questions to you and my colleague, Ms Sutherland, will be
18 questioning you after me.

19 Now, to start with, I will be asking some questions about your earlier life, so we
20 should go into closed session.

21 PRESIDING JUDGE MINDUA: [10:47:38](Interpretation) Court officer, private
22 session, please.

23 (Private session at 10.47 a.m.)

24 THE COURT OFFICER: [10:47:51] We are in private session, Mr President.

25 PRESIDING JUDGE MINDUA: [10:48:00](Interpretation) Thank you, court officer.

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1 Ms Taylor, you have the floor.

2 MS TAYLOR: [10:48:06]

3 Q. [10:48:07] Now, Mr Witness, last week you testified that you [REDACTED]
4 [REDACTED]; is that correct?

5 A. [10:48:27] Yes.

6 Q. [10:48:28] And that's your [REDACTED] you identify with?

7 A. [10:48:39] Yes.

8 Q. [10:48:41] Now, when you're about eight or nine you went to [REDACTED] and
9 according to the statement you gave to the Prosecution, at some point [REDACTED]
10 [REDACTED]; is that correct?

11 A. [10:49:04] Yes, that's correct.

12 Q. [10:49:08] And then you decided to go back [REDACTED]
13 [REDACTED]; is that correct?

14 A. [10:49:29] I heard in the translation I went back to [REDACTED]; is that correct?

15 Q. [10:49:38] Yes. My question was, after [REDACTED], did you decide to go
16 back [REDACTED]?

17 A. [10:50:06] Yes, yes, of course. But I didn't say in which year. As I said, I have
18 a problem with years and numbers and names.

19 Q. [10:50:24] If that was the date you gave to the Prosecution in 2014, would it have
20 been likely to be reliable?

21 A. [10:50:49] If I recall, today I couldn't say. But in 2014, I think I remember these
22 things better than I do today.

23 Q. [10:51:03] Can you explain why you decided to go back [REDACTED]?

24 A. [10:51:23] There's a lot of family details related to this question. I mean, if it's
25 truly necessary I can reply, but it is a very detailed matter.

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1 PRESIDING JUDGE MINDUA: [10:51:38](Interpretation) Ms Taylor, I don't think he
2 needs to go into detail about his family problems.

3 MS TAYLOR: [10:51:46]

4 Q. [10:51:47] Well, perhaps, Mr Witness, if you could explain what you did when
5 you went back [REDACTED] at this point in time?

6 A. [10:52:03] To be brief, I can say that [REDACTED] for reasons
7 of his own linked to work. When we arrived [REDACTED], we had a lot of difficulties
8 that I haven't got time to go into and you haven't got the time to hear. But the main
9 problem was financial. We had no money. So it is why I went back [REDACTED] to
10 work, intending to return after autumn, because in autumn we wanted to go to
11 [REDACTED] but the floods prevented us from
12 doing that because there were floods between [REDACTED] and our destination. So
13 I went back [REDACTED] I worked in order to save some money and to come back when
14 the situation allowed. Having gone [REDACTED]
15 [REDACTED] thanks to being able to travel by animal transport,
16 a different type of transport. * As soon as he arrived there he caught Malaria. [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED] and I was able to rejoin them
20 there. So that's a brief summary of what happened, since you asked.

21 Q. [10:54:12] Now, Mr Witness, given your age when you went back to [REDACTED], did
22 you have to do military service?

23 A. [10:54:34] No, I was not obliged to do this. I am from Mali [REDACTED]
24 [REDACTED] so we did
25 not have to do military service. I didn't even know whether there was a military

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1 service there at the time. [REDACTED]

2 [REDACTED]

3 Q. [10:55:13] And you said you worked to earn money. What type of work did
4 you do?

5 A. [10:55:27] [REDACTED]

6 Q. [10:55:33] And where [REDACTED] were you based?

7 A. [10:55:38] I was [REDACTED]

8 Q. [10:55:58] And you said when [REDACTED]

9 [REDACTED] Can you precise where in the south?

10 A. [10:56:13] We were in the town [REDACTED]

11 Q. [10:56:24] Now, when you left [REDACTED] to Mali, did your family stay [REDACTED]

12 [REDACTED]?

13 A. [10:56:39] When they arrived in [REDACTED] I went to join them and then together we
14 went to [REDACTED] We

15 had a house [REDACTED]

16 and thanks to the municipality of [REDACTED] they were able to live there. And then I was
17 able to go to [REDACTED] to work or to other places.

18 So I remained for some considerable time there after their arrival. After that I went
19 to Mali [REDACTED]

20 Q. [10:57:33] When you joined your family [REDACTED] were you doing the same
21 work? Were you [REDACTED] or were you doing something else?

22 A. [10:57:48] [REDACTED] was not an official profession. That was

23 the work that I did at the time, by the hour, by the day, or by piecework, [REDACTED]

24 [REDACTED] It wasn't a stable profession.

25 Q. [10:58:12] So if I can just obtain a bit more clarity on this, what -- were you doing

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1 different types of work [REDACTED]? And if so, what types of work?

2 A. [10:58:29] [REDACTED], I went [REDACTED] to join my family who'd just arrived and to
3 take them to the place where they had decided to live.

4 Q. [10:58:50] I apologise for the confusion. When you got to the place where they
5 decided to live, what type of work did you do?

6 A. [10:59:15] The same work at that time. I was [REDACTED] and I learnt this
7 profession in the sixth year primary school, during my summer holidays. [REDACTED]

8 [REDACTED]

9 MS TAYLOR: [10:59:51] I have been told by my colleague that it's now 11 o'clock.
10 So I'll be guided by the Chamber as to whether we should break.

11 PRESIDING JUDGE MINDUA: [11:00:07](Interpretation) You are quite right,
12 Ms Taylor, it is 11 o'clock and according to our programme we will take a half hour
13 break and we will start again 11.30. But we need to go into public session, we're still
14 in private session. Court officer, public session, please.
15 (Open session at 11.00 a.m.)

16 THE COURT OFFICER: [11:00:34] We are in open session, Mr President.

17 PRESIDING JUDGE MINDUA: [11:00:43](Interpretation) Thank you, court officer.
18 If I understand correctly, after the break we're about to take, Ms Taylor, you're going
19 to continue asking -- questioning the witness in closed session.

20 How long will you need? I would like the information for our public.

21 MS TAYLOR: [11:01:18] I have about three pages of questions, all concerning his
22 personal life, which can't be asked in open session. I can then move into a section
23 where I would be dealing with questions which would have to go from public to open,
24 but part of that could be in open.

25 So I would anticipate that it would be 30 to 40 minutes, potentially.

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- 1 PRESIDING JUDGE MINDUA: [11:01:52](Interpretation) Thank you, Ms Taylor, for
2 this clarification.
3 We're going to take our 30-minute break. We will start again at 11.30 and Ms Taylor
4 will continue in private session for approximately half an hour for some questions
5 which could identify the witness.
6 The hearing is suspended.
7 THE COURT USHER: [11:02:18] All rise.
8 (Recess taken at 11.02 a.m.)
9 (Upon resuming in open session at 11.31 a.m.)
10 THE COURT USHER: [11:31:55] All rise.
11 Please be seated.
12 PRESIDING JUDGE MINDUA: [11:32:24](Interpretation) Court is now in session
13 again.
14 Ms Taylor, you will have noted that the witness is not there. That's because
15 the Chamber wanted to address you in the absence of the witness.
16 Ms Taylor, given the questions that you asked the witness prior to the break,
17 the Chamber wonders about the relevance of a certain number of them. And, in
18 particular, those which refer essentially to the private past life of the witness and
19 which do not seem, in the perspective of the Chamber, to have a link with the case, or
20 even with the credibility of the witness.
21 Before continuing, the Chamber would therefore like you to explain the relevance of
22 this line of questioning and, if necessary, in private session, if you so wish.
23 What is your answer thereto?
24 MS TAYLOR: [11:34:05] Thank you, Mr President.
25 I don't believe it will be necessary to go into private session, but it is necessary from

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1 our perspective to create a clear timeline of the witness's movements in certain
2 locations and countries, and that is what I am doing right now.

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 His earlier life will also be apparent from my next line of questioning, which concerns
9 certain affiliations. These are questions that we're putting to the witness because
10 they weren't drawn out in any of the earlier witness statements, they weren't drawn
11 out in examination-in-chief and, as the Chamber is aware, we didn't have the time
12 and opportunity to meet with the witness before his testimony. So we are thus
13 compelled to, in a sense, conduct our own enquiries through cross-examination. But
14 I do believe that it is both pertinent and relevant to pose questions that would allow
15 us to establish a clear timeline of movements, leading up in particular to 2012, and to
16 geolocate those movements.

17 PRESIDING JUDGE MINDUA: [11:36:11](Interpretation) Thank you very much,
18 Ms Taylor.

19 Your concern to know the chronology of the life of the witness and the witness's
20 geolocation, I am of the opinion that the cross-examination is a difficult exercise and
21 each team, the Defence in the case in point, has its strategy.

22 However, the Chamber has the obligation to ensure that the questions are relevant
23 with regard to the case in point. The Chamber also has to ensure that the witness is
24 effectively protected, not only just changing the witness's voice or giving a
25 pseudonym, but I think - and I think you will be in agreement - that we also want to

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- 1 avoid questions that are intrusive into the private life of the witness.
- 2 This is a question of balance that has to be respected and I really call upon your
- 3 attention and vigilance thereto. But the Chamber will not hesitate to intervene and
- 4 to call you to order such that you remain fixed on the case in point and on
- 5 the relevance of the questions and on the protection of the witness.
- 6 We are all in agreement. We shall recall the witness.
- 7 Court officer, if you would be so kind as to recall the witness.
- 8 (The witness enters the courtroom)
- 9 PRESIDING JUDGE MINDUA: [11:39:13](Interpretation) Good afternoon -- or, good
- 10 morning again, Witness. The Chamber would like to thank you for your patience.
- 11 Now you are available to the Defence to continue with the cross-examination.
- 12 Ms Taylor.
- 13 MS TAYLOR: [11:39:32] Thank you, Mr President.
- 14 Can I receive confirmation that we are in private session?
- 15 Can we please move into private session.
- 16 PRESIDING JUDGE MINDUA: [11:39:42](Interpretation) Madam (Overlapping
- 17 speakers)
- 18 THE COURT OFFICER: [11:39:44] We are (Overlapping speakers)
- 19 PRESIDING JUDGE MINDUA: [11:39:48](Interpretation) Yes, we are in open
- 20 session, but we are now going into private session, if you would be so kind.
- 21 (Private session at 11.40 a.m.)
- 22 THE COURT OFFICER: [11:40:03] We are in private session, Mr President.
- 23 PRESIDING JUDGE MINDUA: [11:40:09](Interpretation) Thank you very much.
- 24 Ms Taylor.
- 25 MS TAYLOR: [11:40:15] Thank you.

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1 Q. [11:40:16] Now, earlier - and this was at page 34, line 2 of the transcript, I think,
2 and it's not entirely clear from the transcript - you said that [REDACTED]
3 [REDACTED] Mr Witness, did
4 you continue on to high school [REDACTED]?

5 A. [11:40:48] No.

6 Q. [11:40:56] Now, you left [REDACTED] in, I believe, [REDACTED], and when you met
7 the Prosecution [REDACTED] you indicated that you went to work in [REDACTED]
8 And the reference, for the record, is MLI-OTP-0020-0019-R05 at 0026, paragraph 35.
9 And, Mr Witness, if you wish to refresh your memory, it's tab 239 in the Defence
10 binder at page 3209.

11 Mr Witness, is that correct?

12 A. [11:41:53] I would ask you to ask your question. I don't need to refer to
13 the binder.

14 Q. [11:42:05] Mr Witness, after you left [REDACTED] did you go to work [REDACTED]
15 [REDACTED]?

16 A. [11:42:22] When I arrived from [REDACTED] I wanted to carry out a visit. As you're
17 very interested in my private life -- well, I went to visit [REDACTED], but on my arrival
18 [REDACTED] I wasn't able to
19 leave. She didn't want to leave with me [REDACTED] She said that she wouldn't
20 pardon me if I left. So I came to visit and I didn't have the intention of staying.
21 I didn't have any work. I had spent all the money that I had saved, and so I started
22 to work [REDACTED] while I
23 was awaiting a post. And that's why -- well, it wasn't possible to get a post as
24 [REDACTED] so I had to leave [REDACTED]
25 And [REDACTED], I met one of my relatives, somebody from my family who was

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- 1 [REDACTED]
- 2 [REDACTED] So I went to see him [REDACTED] We had a project between [REDACTED]
- 3 [REDACTED] And so when I arrived [REDACTED]
- 4 [REDACTED]
- 5 [REDACTED]
- 6 [REDACTED] and I saw that there are a lot of people in
- 7 my family who didn't have jobs and so proposed that [REDACTED]
- 8 [REDACTED]
- 9 [REDACTED] And like everybody has -- undergoes financial difficulties in poor
- 10 areas, well, they had spent all that money, and I lost all that money too, [REDACTED]
- 11 [REDACTED]
- 12 Q. [11:45:26] Now, in about 2006, Muammar Gaddafi visited Timbuktu [REDACTED]
- 13 [REDACTED]; that's correct?
- 14 A. [11:45:48] Yes. I don't know [REDACTED]
- 15 [REDACTED] I certainly was in Timbuktu on that date.
- 16 Q. [11:46:05] And there was -- you explained to the Prosecution that [REDACTED]
- 17 [REDACTED]
- 18 [REDACTED]?
- 19 A. [11:46:26] [REDACTED]
- 20 [REDACTED]
- 21 [REDACTED]
- 22 [REDACTED]
- 23 [REDACTED]
- 24 Q. [11:47:09] And what was the name [REDACTED]?
- 25 A. [11:47:17] [REDACTED]

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2 Q. [11:47:42] And [REDACTED] which country does he come from?

3 A. [11:47:54] [REDACTED] is from Mali, but I think he's Mauritanian by way of origin,
4 from Timbuktu, and he got married in Timbuktu.

5 Q. [11:48:09] Now, it's correct that you didn't stay in Timbuktu, did you? You
6 went to [REDACTED]?

7 A. [11:48:27] Yes, when I was in Timbuktu [REDACTED]

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17 Q. [11:49:52] So just to be clear, you were working on this project [REDACTED]?

18 Or was it a different [REDACTED] you're referring to?

19 A. [11:50:07] [REDACTED] had nothing to do with my work [REDACTED] It was

20

21

22 Q. [11:50:41] Can you explain what the purpose was of this [REDACTED]

23 [REDACTED]?

24 A. [11:51:05] [REDACTED] was a project of my friend [REDACTED]

25 (phon). He had been working on that for a while. And, if I understood it correctly

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1 at the time, he didn't have [REDACTED] He was working on his own

2 [REDACTED] and he had projects for the future.

3 And I contributed to the project in the sense that [REDACTED]

4 [REDACTED]
5 [REDACTED]

6 [REDACTED] and so that -- so that he was a partner in
7 the project.

8 But after that, I didn't have any relations either [REDACTED] or with that
9 colleague with whom it was founded.

10 Q. [11:52:18] Again, just to be clear for the record, Mr Witness, it's correct, isn't it,
11 that there was a period during which you were based [REDACTED]
12 [REDACTED]?

13 A. [11:52:50] No. Despite that, I never really lived [REDACTED] I visited on
14 several occasions. Perhaps I lived there for one year, but I had another project at the
15 time [REDACTED] But at the start of the project,
16 [REDACTED] that's something we started before that period, [REDACTED]
17 [REDACTED]

18 Q. [11:53:23] Was the project involving [REDACTED] or was it
19 something else?

20 A. [11:53:39] I'm talking about [REDACTED]
21 [REDACTED] It's the same project.

22 Q. [11:53:50] Now during this period that you were working on this [REDACTED] it's
23 correct that you met [REDACTED]?

24 A. [11:54:06] No, not through my work [REDACTED] And not through those
25 activities either.

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1 Q. [11:54:20] During this period, did you meet this individual?

2 A. [11:54:35] When I was living in [REDACTED] yes, I met him.

3 Q. [11:54:41] Do you recall if he's someone who [REDACTED]

4 [REDACTED]?

5 A. [11:54:57] I don't remember. All that I remember is that there was a meeting

6 and [REDACTED]

7 [REDACTED] And I was there in

8 that capacity and I was invited -- I was invited by a friend [REDACTED]

9 [REDACTED] something that I don't normally do. I'm not normally a [REDACTED]

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14 Q. [11:56:07] And what was the name of this friend?

15 A. [11:56:13] [REDACTED]

16 Q. [11:56:26] What nationality does he have?

17 A. [11:56:29] He's [REDACTED] But -- well, I'm not sure, but I

18 think that he is [REDACTED] as well, as well as being [REDACTED] but I'm not sure.

19 Q. [11:56:53] Now, Mr Witness, [REDACTED]

20 [REDACTED]; that's correct?

21 A. [11:57:10] I can't say that it was [REDACTED]

22 [REDACTED], but what I can say is that when we came back from [REDACTED]

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1 [REDACTED] -- I don't know exactly because I didn't have more contact with that person, but
2 all I know is that my friend [REDACTED] said: [REDACTED]
3 [REDACTED] could you help us to find out what happened
4 with [REDACTED]

5 [REDACTED]
6 [REDACTED]
7 [REDACTED]

8 Q. [11:58:35] Now, Mr Witness, in terms of these contacts, when you met
9 the Prosecution you told them that you [REDACTED]

10 [REDACTED]
11 Can you explain how it was that you knew [REDACTED]
12 [REDACTED]?

13 A. [11:59:05] The reason why [REDACTED]
14 [REDACTED] well, that's a long story. There are really details that I
15 wouldn't want to mention here, and I don't think that these details have any link to
16 the case that we are discussing here.

17 PRESIDING JUDGE MINDUA: [11:59:39](Interpretation) If there's no link, there's no
18 need to mention the details.

19 MS TAYLOR: [11:59:49]

20 Q. [11:59:50] Perhaps, Mr Witness, you could just give a short description of how it
21 is that you, [REDACTED], knew [REDACTED]
22 [REDACTED]?

23 A. [12:00:13] First of all, I had spent years in [REDACTED] before coming to [REDACTED].
24 I arrived in [REDACTED]
25 And secondly, I'm not somebody who's lazy. I'm very active and I keep up my

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1 [REDACTED]
2 [REDACTED]
3 [REDACTED]

4 [REDACTED] I communicated
5 with him and afterwards I called him so that he would confirm this information that
6 [REDACTED]

7 Q. [12:01:19] Mr Witness, can you help me with situating in a timeline when you
8 spent these years in [REDACTED]?

9 A. [12:01:39] No, I can't tell you with any degree of accuracy. As I said, I have
10 a problem remembering years and names. I was in [REDACTED] for quite a long
11 period and then I went to [REDACTED] I was a resident in [REDACTED] I worked there
12 before I went to [REDACTED]

13 Q. [12:02:07] Now, apart from [REDACTED]
14 [REDACTED], you told the Prosecution that you [REDACTED]
15 [REDACTED]

16 Can you explain who those [REDACTED] were?

17 A. [12:02:30] Very simply, [REDACTED]

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

22 Q. [12:03:18] [REDACTED], is this the person you mentioned earlier, or is this someone
23 different?

24 A. [12:03:26] (No interpretation)

25 Q. [12:03:37] I don't have a response in the English transcript.

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1 A. [12:03:46] Yes, it's the same person, same person, [REDACTED]

2 Q. [12:03:57] Now you went to [REDACTED]

3 [REDACTED] Who was this person that you met [REDACTED]?

4 A. [12:04:17] I met a person, but I didn't know [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 Q. [12:05:52] Mr Witness, can you please state what the full name of [REDACTED]

15 [REDACTED] is?

16 A. [12:06:07] It was [REDACTED]

17 [REDACTED].

18 I think that the Defence is trying to teach me not to speak to investigators from

19 the Court in the future. That's the lesson I'm drawing from this at the moment.

20 PRESIDING JUDGE MINDUA: [12:06:50](Interpretation) Mr Witness, I don't

21 understand. What do you mean?

22 THE WITNESS: [12:07:01](Interpretation) A lot of these details are things that I

23 mentioned on a basis of trust. I've talked about these subjects and files in secrecy, in

24 confidentiality. I felt that that was the case and now I'm under oath today, I can't not

25 reply. These details have been revealed and I have now broken my engagement not

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1 to reveal these details.

2 PRESIDING JUDGE MINDUA: [12:07:45](Interpretation) Mr Witness, firstly, we are
3 in private session, so nobody is hearing you. And all the people here are under
4 a bond of confidentiality. And I would also like to say that some of the details, if
5 you think they're not important, you are not obliged to give them if it has no
6 immediate link with the case. I am not obliging you to reveal them.

7 THE WITNESS: [12:08:28](Overlapping speakers)

8 MS TAYLOR: [12:08:29] (Overlapping speakers) that these are all issues set out in
9 the witness's statements.

10 PRESIDING JUDGE MINDUA: [12:08:42](Interpretation) The witness statement,
11 witness testimony?

12 MS TAYLOR: [12:08:46] Yes, Mr President. These are not issues that are -- that
13 were not posed to him during his interviews with the Prosecution, these matters arise
14 directly from the witness statements and investigators' notes in evidence.

15 MR DUTERTRE: [12:09:12](Interpretation) There is not only the question of
16 relevance, but could we have a precise reference, because it's in the statements, in
17 the investigation notes, the code of conduct for the trial indicates that one should refer
18 to where information comes from, so it would be useful to have this, these references.

19 MS TAYLOR: [12:09:39] Certainly. It's tab 231, MLI-OTP-0066-0438 at 4 -- 0439.

20 PRESIDING JUDGE MINDUA: [12:10:02](Interpretation) Ms Taylor, are you talking
21 about the Defence document or the Prosecutor? You talked about 239, I believe.

22 MS TAYLOR: [12:10:13] It's on the Defence binder, but it's a Prosecution document,
23 it's tab 231.

24 PRESIDING JUDGE MINDUA: [12:10:31](Interpretation) Do continue, Ms Taylor,
25 while I verify this for myself.

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1 MS TAYLOR: [12:10:40]

2 Q. [12:10:41] Now, Mr Witness, the person you met, that was [REDACTED]

3 [REDACTED]; is that correct?

4 A. [12:10:57] Yes. Before replying to this question, the Defence said that all this
5 information was in my statement to the Office of the Prosecutor, but what I said, what
6 I'm finding here, that this is a good lesson for me to not talk to investigations dealing
7 with the enquiry. There are always discussions in private session and there are
8 discussions on the margins, but these are discussion.

9 Yes, I met [REDACTED]

10 [REDACTED]

11 Q. [12:12:05] Mr Witness, is it correct that the person alleged to be responsible for
12 taking the hostages was Oumar Ould Hamama (phon), aka Red Beard?

13 A. [12:12:29] I don't know. [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 Q. [12:12:52] Did you hear that he was extradited to Mali and released at this time
17 as a result of the hostage negotiations?

18 MR DUTERTRE: [12:13:07](No interpretation)

19 PRESIDING JUDGE MINDUA: [12:13:09](Interpretation) Prosecutor.

20 MR DUTERTRE: [12:13:11](Interpretation) The Prosecution is having difficulty
21 finding the relevance of this line of questioning and we object to continuing on these
22 lines because it has nothing to do with Timbuktu and the facts that are of our concern
23 here today.

24 PRESIDING JUDGE MINDUA: [12:13:31](Interpretation)

25 Ms Taylor, what is your response to that? Because we've drawn your attention to

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1 this some time ago on this line of questioning.

2 MS TAYLOR: [12:13:44] Well, if it's the Prosecution's case that Oumar Ould

3 Hamama has no relevance to Timbuktu, then I will of course withdraw my line of

4 questioning.

5 MR DUTERTRE: [12:14:05](Interpretation) These events have nothing to do with

6 Timbuktu, Ould Hamama is a different question. This hostage-taking at the time has

7 no link at all to the witness statement of the witness relating to what he saw in

8 Timbuktu at the time.

9 PRESIDING JUDGE MINDUA: [12:14:29](Interpretation) In other words, Ms Taylor,

10 the matter is the relevance of this hostage-taking with the case with which we are

11 dealing.

12 MS TAYLOR: [12:14:36] Well, perhaps if we could go to tab 50 on the Defence list of

13 evidence. This is MLI-D28-0004-2966. And this article in the last sentence of the

14 first page, that's on page 2966, refers to reports that the release of the Spanish hostages

15 was linked to Mauritania's repatriation to Mali of an Al-Qaeda collaborator early in

16 August, "Omar Sid-Ahmed Ould Hamma", who had been sentenced in Mauritania

17 but was then extradited to Mali, who freed him.

18 Q. [12:15:58] Now, Mr Witness [REDACTED]

19 [REDACTED] were you aware of these reports?

20 MR DUTERTRE: [12:16:16](Interpretation) The Defence mentions something here.

21 If we were to follow up on this, and I still don't see the relevance, the witness must

22 have the time to look at this and take it in and work with what we're talking about. I

23 mean, I'm finding this all very fast and I'm having difficulty following. I presume

24 the document is in French -- in English, sorry.

25 PRESIDING JUDGE MINDUA: [12:16:48](Interpretation) Ms Taylor, could you give

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1 the witness the opportunity to read the document.

2 MS TAYLOR: [12:16:52] Certainly.

3 THE WITNESS: [12:17:13](Interpretation) And the number and code of the
4 document, please.

5 THE COURT OFFICER: [12:17:16] (Overlapping speakers) document is displayed on
6 the evidence 1 channel.

7 MS TAYLOR:

8 Q. [12:17:18] It's number -- tab 50 on the Defence binder before you. It's

9 MLI-D28-0004-2966. And if you have trouble reading it, I can read it on to the record
10 so it can be interpreted.

11 A. [12:17:54] Yes.

12 Q. [12:18:00] So, Mr Witness, I'll repeat my question. [REDACTED]

13 [REDACTED] were you aware of these reports that Omar
14 Ould Hamama had been released and was free in Mali and the allegation that it was
15 linked to these hostage negotiations?

16 A. [12:18:39] I don't really recall what happened at the time. There's something
17 odd here in terms of the names. Sometimes you say Ould Bouamama and
18 sometimes you saw Ould Hamama. Who are we talking about here, exactly?

19 Q. [12:19:03] The article itself refers to Omar Sidi Ahmed Ould Hamma who had
20 been sentenced in Mauritania but was then extradited to Mali, and he was allegedly
21 an Al-Qaeda collaborator.

22 A. [12:19:30] I recall that well, but only partly. At the moment I don't recall all
23 the details, but I do remember that. I remember that well. I know that it happened

24 [REDACTED]

25 Q. [12:19:56] Now you told the Prosecution that after you went back to [REDACTED]

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- 1 [REDACTED]
- 2 [REDACTED]; is that correct? And can you explain why --
- 3 A. [12:20:14] Yes.
- 4 Q. [12:20:20] Can you explain why you went to [REDACTED] and not Mali?
- 5 A. [12:20:32] Because I came from [REDACTED] first of all. And secondly, because
- 6 [REDACTED] Thirdly, because the opportunities for work
- 7 in [REDACTED] -- for work for me in [REDACTED] were greater than in Mali.
- 8 Q. [12:20:58] In terms of your work opportunities in [REDACTED], can you explain
- 9 how you started to work [REDACTED]?
- 10 A. [12:21:20] As soon as I returned, I started looking for work. [REDACTED]
- 11 [REDACTED]
- 12 [REDACTED]
- 13 [REDACTED]
- 14 he said he would talk about this to [REDACTED] He did that and
- 15 then he came back and told me that [REDACTED] agreed that I should start [REDACTED]
- 16 [REDACTED]
- 17 [REDACTED]
- 18 [REDACTED]
- 19 Q. [12:22:46] You were trained in [REDACTED]; that's correct?
- 20 A. [12:22:57] Yes. My training started with [REDACTED]
- 21 [REDACTED]
- 22 [REDACTED]
- 23 [REDACTED]
- 24 [REDACTED]
- 25 Q. [12:23:37] And who was this [REDACTED]?

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1 A. [12:23:46] I've got a problem with names, but I think he was called [REDACTED]
2 but I'm not sure. As I said, I do have this problem with names and figures.

3 Q. [12:24:09] Do you recall, perhaps, his nationality?

4 A. [12:24:13] Of course. He was [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]

10 Q. [12:25:09] Now, Mr Witness, I would just like to focus on 2012. On the first day
11 of your testimony you stated that at some point all [REDACTED]
12 [REDACTED] fled to the refugee camps in [REDACTED] because they were
13 scared of the Malian army. Can you describe your flight [REDACTED]?

14 A. [12:25:50] Yes. When the village learned that soldiers from the Malian army
15 had fled, we in the village thought that the Malian will get reinforcements from
16 [REDACTED] and we thought there would be a form of ethnic cleansing going through
17 our village, which is why at the same time all the inhabitants of the village left their
18 homes. I myself looked for vehicles and nobody agreed to come that way. None of
19 the car owners agreed. There were old people, [REDACTED] the youngest at 70,
20 we were able to find a vehicle for them so they could be transported. I think it was
21 a winter night and sometimes freezing cold, and after night fell we left, we walked all
22 night and in the morning we arrived in a mountainous area while our families were
23 able to take refuge [REDACTED]

24 Q. [12:27:42] You told the Prosecution that in 2012 you [REDACTED]
25 [REDACTED] Do you know

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1 how many times [REDACTED] in 2012?

2 A. [12:28:11] No, I can't remember that. I don't know how many times.

3 Q. [12:28:13] Would you know approximately which months?

4 A. [12:28:26] No, I can't recall that either.

5 Q. [12:28:33] On the first day of testimony, this was transcript 37, lines 14 to 15, you

6 mentioned [REDACTED]

7 [REDACTED]?

8 MR DUTERTRE: [12:29:02](Interpretation) The Defence keeps referring to

9 transcripts without mentioning them, so we can't check them, particularly on the fact

10 that all [REDACTED] left the villages -- he said all the people who were light-skinned

11 left. We don't have time. Perhaps the Defence, as the code of conduct requires,

12 mention the transcript, the line and the page on each occasion.

13 PRESIDING JUDGE MINDUA: [12:29:33](Interpretation) Ms Taylor, did you follow

14 that? The Prosecutor has -- is quite right, you need to mention the page and the line

15 in the transcript.

16 MS TAYLOR: [12:29:47] Now the reference to him [REDACTED]

17 [REDACTED] is transcript 37, page 35, lines 14 to 15.

18 But I'm also aware it's 12.30, so we can continue after the break.

19 PRESIDING JUDGE MINDUA: [12:30:34](Interpretation) You are quite right,

20 Ms Taylor. And that's what I want to say.

21 Court officer, can we return to public session, please.

22 (Open session at 12.30 p.m.)

23 THE COURT OFFICER: [12:30:53] We are in open session, Mr President.

24 PRESIDING JUDGE MINDUA: [12:30:59](Interpretation) Thank you very much,

25 court officer.

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- 1 So it is now 12.30. We are going to have our lunch break, which will be one and
- 2 a half hours, and we will recommence at 2 o'clock.
- 3 The hearing is suspended.
- 4 THE COURT USHER: [12:31:19] All rise.
- 5 (Recess taken at 12.31 p.m.)
- 6 (Upon resuming in open session at 2.03 p.m.)
- 7 THE COURT USHER: [14:03:07] All rise.
- 8 Please be seated.
- 9 PRESIDING JUDGE MINDUA: [14:03:33](Interpretation) Court is in session once
- 10 again.
- 11 And I think I have understood that the Prosecutor would like to address
- 12 the Chamber.
- 13 Mr Prosecutor, please.
- 14 MR DUTERTRE: [14:03:49](Interpretation) I thank you very much, Mr President,
- 15 your Honour.
- 16 I would require two minutes in closed session, please.
- 17 PRESIDING JUDGE MINDUA: [14:03:59](Interpretation) Madam courtroom officer,
- 18 could we go into private session, please. And may I point out that the witness is not
- 19 present in the hearing -- in the courtroom.
- 20 (Private session at 2.04 p.m.)
- 21 THE COURT OFFICER: [14:04:13] We're in private session, Mr President.
- 22 PRESIDING JUDGE MINDUA: [14:04:20](Interpretation) Thank you very much.
- 23 Mr Prosecutor.
- 24 MR DUTERTRE: [14:04:26](Interpretation) Thank you very much, Mr President.
- 25 Mr President, I would like to broach a procedural matter that has been touched upon,

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1 or was touched upon at the end of the previous hearing, or session. The decision on
2 the conduct of proceedings 789, annex 1 says in paragraph 52 in a very clear fashion,
3 and I'll quote in English:

4 (Speaks English) "Counsel questioning a witness shall refrain from paraphrasing
5 the witness' statement or testimony in the courtroom ..." And "Where necessary for
6 the understanding of a question, counsel shall quote directly relevant passage[s] from
7 the statement and transcript and indicate the exact page numbers and ... relevant
8 lines."

9 (Interpretation) Today, transcript 44, page 56, lines 11 to 14, there was a question put
10 to the witness, as follows, and I quote in English:

11 (Speaks English) "You told the Prosecution that in 2012 you [REDACTED]
12 [REDACTED] Do
13 you know how many times [REDACTED] in 2012?"

14 (Interpretation) Firstly, it is a compound question and we don't know what the value
15 of the response will be in terms of [REDACTED]

16 Secondly, there were no references to any pages or transcript numbers, and
17 the Defence is attempting to find when or where it was the witness might have talked
18 about [REDACTED] It might have been that I've omitted something, but I
19 found nothing about that, nothing has been said about that.

20 All that I did find was in transcript 37, page 36, lines 3 to 5, that the witness was
21 saying, and I open quotes, [REDACTED]

22 [REDACTED] " There is
23 no question of [REDACTED] at that stage.

24 So, with that kind of phrasing of questions, we might be putting words in
25 the witness's mouth that he has not said, it is misleading, it is not fair for the witness

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1 and it is not in the interests of the manifestation of the truth.
2 This is not the first time that the Prosecution is raising an objection of this type.
3 The rule at paragraph 52 is extremely simple to follow and the Prosecution cannot
4 constantly get to its feet with a view to putting the same objection, because we are
5 going to be slowing things down and, you know, we need to have this simple rule
6 adhered to and it is in the interests of the manifestation of the truth.
7 That's the observations that I wanted to make, your Honours.
8 PRESIDING JUDGE MINDUA: [14:08:21](Interpretation) Thank you very much,
9 Prosecutor.
10 You're quoting decision 789, annex A, paragraph 52, but of course it's very clear and
11 very simple and everyone in this courtroom will agree that there's nothing to be said
12 about that.
13 Now I don't know whether Ms Taylor would like to respond to this, but in principle
14 there's nothing to be said. We need references, pages, lines in the transcript, and we
15 need not to put words into the witness's mouth.
16 Ms Taylor.
17 MS TAYLOR: [14:08:58] Yes, of course, Mr President. I mean I think the Prosecutor
18 enjoys objecting, because, in fact, my first question to this witness would have been to
19 put to him tab 20 -- 221 on the Defence list of evidence, which puts out specifically
20 the words of the witness on these issues, and we had in fact provided the transcript
21 reference of the transcript where he mentioned having [REDACTED] but it was, in
22 any case, my intention to start with these very issues referring to these specific
23 documents.
24 Earlier, when I had attempted to do so with the witness he had indicated that he did
25 not wish to be referred to the particular tab in the binder, which is why I had

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- 1 admitted them at that time.
- 2 But in relation to these questions, we have the specific references and we will provide
- 3 the specific references if the witness is brought into the courtroom.
- 4 PRESIDING JUDGE MINDUA: [14:10:04](Interpretation) There we have it,
- 5 Ms Taylor. Thank you for your cooperation. You said that you are going to be
- 6 following the rule and I would like to remind you that the witness said at the outset
- 7 that he does not need to look at the tab, nor the document, that he is aware of it, but
- 8 that doesn't mean to say that you should not make reference of the references for
- 9 the purposes of the record and the transcript. We are in agreement on that.
- 10 Thank you very much.
- 11 Madam courtroom officer, please show the witness into the courtroom.
- 12 (The witness enters the courtroom)
- 13 PRESIDING JUDGE MINDUA: [14:11:40](Interpretation) Good afternoon,
- 14 Mr Witness. We shall continue the cross-examination on the part of the Defence.
- 15 Ms Taylor, please.
- 16 MS TAYLOR: [14:11:53]
- 17 Q. [14:11:54] Good afternoon, Mr Witness. I hope you rested well.
- 18 A. [14:11:59] (No interpretation)(Overlapping speakers)
- 19 Q. [14:11:59] Now, Mr Witness, could you please turn to tab 433 of your
- 20 binder -- 243. That's an Arabic version. It's MLI-OTP-0077-29 -- sorry, 2696.
- 21 A. [14:12:27] (No interpretation)(Overlapping speakers)
- 22 Q. [14:12:27] I think so.
- 23 A. [14:12:33] Will this be brought up on the screen?
- 24 Q. [14:12:38] No. No. Mr Witness, we're in closed --
- 25 A. [14:12:40] What binder were we talking about? Could you please repeat.

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1 Q. [14:12:44] I think it's the Defence binder.

2 A. [14:12:55] Could I have the reference once again, please.

3 Q. [14:13:01] It's tab 243.

4 PRESIDING JUDGE MINDUA: [14:13:13](Interpretation) Counsel, I do not have 243
5 in my binders.

6 MS TAYLOR: [14:13:17] No, that's because that's the Arabic and we are going to
7 allow the witness to find the Arabic and then I was going to give the English reference.
8 We haven't, for printing purposes, put the Arabic statements in anyone's binders
9 except the witness.

10 But for English reference it's tab 221 of the Defence binder, MLI-OTP-0033-0044, and
11 I'll be referring to page 0047.

12 Q. [14:14:09] And, Mr Witness, for the Arabic it's pages 2700 to 2701.

13 PRESIDING JUDGE MINDUA: [14:14:39](Interpretation) Madam courtroom officer,
14 are we in open session? Oh, private session, okay.

15 THE WITNESS: [14:15:15](Interpretation) Could I have the page number once again,
16 please.

17 MS TAYLOR: [14:15:19] In Arabic I believe it's pages 2700 to 2701.

18 Q. [14:16:02] And, Mr Witness, I'll read out the relevant section in English. It
19 states -- this is talking about the relevant period:

20 "P-0065 indicated that during the period of interest to the OTP he travelled [REDACTED]

21 [REDACTED]

22 [REDACTED] From time to time, P-0065 would go to [REDACTED]

23 [REDACTED]

24 Has the Arabic translation gone through to you, Mr Witness?

25 A. [14:17:33] I would rather answer the question according to my memory of today

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1 and not according to my memories when I was questioned by the investigators or on
2 the occasion of my first meeting with the investigators.

3 Q. [14:18:00] Mr Witness, earlier today you said your memory in 2014 would have
4 been likely to have been better than today; that's correct?

5 A. [14:18:17] Yes, of course. And I believe that is the case for everybody here.
6 We're all human beings and every year sees a decline in our memory.

7 Q. [14:18:33] Mr Witness, is this record of the interview with the Prosecution in this
8 particular section accurate?

9 A. [14:18:50] Could you please put the question to me more specifically and then
10 I'll be able to answer you according to my recollection. I would rather you put
11 the question that way, more specifically.

12 I do have a further observation to make. I understand English and I understand
13 French and I understand Arabic. So, when I listen to the interpretation,
14 the interpretation during the first meeting was not specific enough for the text, that is
15 to say, the record to be truly faithful to what was said.

16 So if we look at the details, we need to come back to the tapes, the recordings that
17 were made of the statement that was taken, in order to assure the accuracy of
18 the translation or the interpretation.

19 When I met with those investigators, they were asking me questions on the events.

20 Today I am a witness and I am providing you with a statement on the basis of my
21 recollection today, not my recollection of yesterday or the day before. That is why I
22 would prefer for you to put direct questions to me and I will do my very best to
23 answer them in a direct manner.

24 Q. [14:20:33] Mr Witness, when you met the Prosecution [REDACTED], was the meeting
25 recorded?

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1 A. [14:20:48] I do believe so, if my memory serves me correctly, but I have told you
2 that my memory is feeble. I think that most of the statements were indeed recorded
3 with my voice and with the interpretation.

4 Q. [14:21:07] Mr Witness, did you go to [REDACTED] in 2012 [REDACTED]
5 [REDACTED]?

6 A. [14:21:25] Yes, in 2012, [REDACTED]
7 [REDACTED]
8 [REDACTED]

9 Q. [14:21:56] Now, Mr Witness, in transcript 37, page 35, lines 14 to 15, you
10 mentioned [REDACTED] Do you recall
11 when that was?

12 A. [14:22:23] Yes. [REDACTED] I can't remember how many times [REDACTED]
13 [REDACTED] And the only occasion when I went on holiday was [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]

17 [REDACTED] I don't remember how
18 many times [REDACTED]

19 Q. [14:23:13] This break, can you -- the break from working, can you recall how
20 long that was?

21 A. [14:23:27] No. These were not official holidays. I asked the -- [REDACTED] to,
22 to go away and to come back subsequently. These were not holidays that had been
23 signed off for a specific number of days planned ahead. It wasn't done in an official
24 capacity.

25 Q. [14:23:52] Now, Mr Witness, if I could ask you to look at tab 239 in your binder,

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1 this is the Arabic version, MLI-OTP-0068-3201, that's tab 3 -- sorry, 239. The English
2 is tab 3 on the Prosecution's list, that's MLI-OTP-0020-0019. If we could turn to
3 page 0023, for the English, paragraph 18. And, Mr Witness, for the Arabic it's
4 page 3205, paragraph 18.

5 A. [14:25:16] Yes, I'm all ears.

6 Q. [14:25:21] [REDACTED]

7 [REDACTED] Do you recall saying that?

8 A. [14:25:41] Yes.

9 Q. [14:25:45] [REDACTED] that would be the Tuaregs?

10 A. [14:25:50] Yes.

11 Q. [14:25:54] So would it be correct that this is an issue [REDACTED]

12 [REDACTED]?

13 A. [14:26:08] What are you talking about?

14 Q. [14:26:15] The persecution of the Tuaregs.

15 A. [14:26:24] [REDACTED]

16 [REDACTED]

17 Q. [14:26:39] Now, is it correct, Mr Witness, that in 2012 [REDACTED]

18 [REDACTED]

19 [REDACTED]?

20 A. [14:27:08] [REDACTED]

21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]

25 Q. [14:27:47] [REDACTED]

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1 [REDACTED]?

2 A. [14:28:00] [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 However, the armed groups had just left Timbuktu, [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 Q. [14:29:14] I would just like to play now a video. It's -- or from tab 629 on
13 the Prosecution's list of evidence and the transcript is tab 630 of the Prosecution's list
14 of evidence, being respectively the video MLI-OTP-0015-0495 and the transcript being
15 MLI-OTP-0033-5189. And we'll be playing it from the Defence channel and I'll be
16 playing it without sound until 1:02.

17 THE COURT OFFICER: [14:30:02] The video will be displayed on the evidence 2
18 channel.

19 PRESIDING JUDGE MINDUA: [14:30:11](Interpretation) Mr Prosecutor.

20 MR DUTERTRE: [14:30:12](Interpretation) Yes. A clarification point, we're talking
21 about 629, but we don't have, from memory, a tab 629. This might be a mistake.

22 PRESIDING JUDGE MINDUA: [14:30:23](Interpretation) Yes. That's what I'm just
23 checking myself.

24 Ms Taylor, could you please specify again which tab you're talking about.

25 MS TAYLOR: [14:30:33] It's -- well, in any case it's tab 237 on the Defence list of

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- 1 evidence and it's tab 629 on the Prosecution's list they're familiar with, so we can
2 provide it afterwards.
- 3 PRESIDING JUDGE MINDUA: [14:31:05](Interpretation) Tab 629, we don't have 629,
4 Ms Taylor. I think there must be some error.
- 5 MS TAYLOR: [14:31:12] Well, it's a video.
- 6 PRESIDING JUDGE MINDUA: [14:31:19](Interpretation) Maybe it's the number of
7 the video.
- 8 Court officer, have you found it?
- 9 THE COURT OFFICER: [14:31:25](Interpretation) Yes, it's MLI-OTP-0015-0495, is on
10 evidence 2 channel.
- 11 PRESIDING JUDGE MINDUA: [14:31:48](Interpretation) To save time we'll work
12 with the video. Maybe you can give us the exact reference later. Thank you.
13 Please proceed.
- 14 (Viewing of the video excerpt)
- 15 MS TAYLOR: [14:32:45]
- 16 Q. [14:32:46] [REDACTED] ?
- 17 A. [14:32:53] (No interpretation)
- 18 PRESIDING JUDGE MINDUA: [14:32:54](Interpretation) Prosecutor, you wish to
19 intervene?
- 20 MR DUTERTRE: [14:32:57](Interpretation) I have found it. Just to help. It's 252
21 and 253 in the Prosecution binder.
- 22 PRESIDING JUDGE MINDUA: [14:33:13](Interpretation) Thank you very much for
23 that help.
- 24 MS TAYLOR: [14:33:25]
- 25 Q. [14:33:25] [REDACTED] ?

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1 A. [14:33:34] [REDACTED]

2 [REDACTED]
3 [REDACTED]

4 MS TAYLOR: [14:33:59] If we could now go to the 31 minute mark and play 31:36.

5 (Viewing of the video excerpt)

6 MS TAYLOR: [14:34:41]

7 Q. [14:34:42] [REDACTED]?

8 A. [14:35:01] (No interpretation)

9 MS TAYLOR: [14:35:06] I don't have a response.

10 THE INTERPRETER: [14:35:14] I apologise, the interpreter didn't catch that.

11 PRESIDING JUDGE MINDUA: [14:35:20](Interpretation) Ms Taylor was

12 complaining that there was no interpretation towards the English.

13 THE INTERPRETER: [14:35:28] Interpreter apologises and perhaps the answer

14 could be repeated.

15 MS TAYLOR: [14:35:34] Mr Witness, would you mind repeating your answer.

16 A. [14:35:45] Yes, [REDACTED]

17 [REDACTED]

18 MS TAYLOR: [14:36:01] I'm going to play the same section from 31:36 to 34:28 with

19 sound.

20 (Viewing of the video excerpt)

21 MS TAYLOR: [14:39:20]

22 Q. [14:39:20] Now, Mr Witness, the commentary was saying that desertification has

23 driven hundreds of thousands of people into a choice between starvation and exile.

24 Do you know what period is being described?

25 A. [14:39:49] I don't think so, but I think we're talking about summer here, and

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1 that's logical, because each year the north of Mali, they -- particularly in May, there is
2 the impact of the rain and that starts in July and August, the rainy season, but in May
3 it's the middle of summer and every year there are problems, particularly for
4 the animals.

5 Q. [14:40:34] [REDACTED]?

6 A. [14:40:44] Yes, [REDACTED]

7 [REDACTED]
8 [REDACTED]

9 Q. [14:41:08] Based on what you know and what you have seen and heard, can you
10 explain the phenomena that the commentator is describing, this choice between
11 starvation and exile?

12 A. [14:41:36] Desertification is a natural phenomenon and in -- it's a reality. It
13 started in the '70s. It's not a new thing. It's the summer that's the hardest for
14 the farmers. Every -- every -- every summer many head of cattle and animals die
15 because of the conditions.

16 PRESIDING JUDGE MINDUA: [14:42:17](Interpretation) Prosecutor.

17 MR DUTERTRE: [14:42:20](Interpretation) I am wondering whether we need to be
18 in private session for this rather than going into open session.

19 PRESIDING JUDGE MINDUA: [14:42:29](Interpretation) Ms Taylor.

20 MS TAYLOR: [14:42:30] We can try to go into open session.

21 PRESIDING JUDGE MINDUA: [14:42:39](Interpretation) Public session, please,
22 court officer.

23 MS TAYLOR: [14:42:43] Perhaps just before doing so, I could advise the witness not
24 to explain how he might be familiar with the contents of anything or not to give
25 anyone's names in open session, given that he's already described these issues in

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- 1 private session.
- 2 PRESIDING JUDGE MINDUA: [14:43:04](Interpretation) Yes. I think you've heard
- 3 that, Mr Witness. Please be cautious in your statements.
- 4 Court officer.
- 5 (Open session at 2.43 p.m.)
- 6 THE COURT OFFICER: [14:43:18] We are in open session, Mr President.
- 7 PRESIDING JUDGE MINDUA: [14:43:24](Interpretation) Thank you.
- 8 Ms Taylor.
- 9 MS TAYLOR: [14:43:28] If we can play the same video from 44:15 to 44:26, with
- 10 sound.
- 11 (Viewing of the video excerpt)
- 12 MS TAYLOR: [14:44:25] (Inaudible)
- 13 (Viewing of the video excerpt)
- 14 MS TAYLOR: [14:44:42]
- 15 Q. [14:44:42] Now, the documentary refers to an alleged practice of divide and rule
- 16 instigated by French colonial powers amongst the Tuaregs. Can you explain what
- 17 that means?
- 18 A. [14:45:09] I don't have any examples that come to mind to explain this at the
- 19 moment.
- 20 Q. [14:45:20] Well, if we could turn to tab 3 on the Prosecution's list, that's
- 21 MLI-OTP-0020-0019 at 0030, paragraph 52 for the English.
- 22 And, Mr Witness, for the Arabic, it's in the Defence binders, tab 239, and that's
- 23 MLI-OTP-0068-3201 at 3212 to 3213, paragraph 52.
- 24 Did you find paragraph 52?
- 25 A. [14:46:49] (No interpretation)

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1 Q. [14:46:50] Do you recall explaining --

2 A. [14:46:53] Yes.

3 Q. [14:46:54] Do you recall explaining to the Prosecution that when Amadou Ami
4 (phon) Touré became president of Mali, he tried to control the north by promoting
5 rivalries between Tuareg tribes, supporting the Imghad against the Ifoghas?

6 A. [14:47:23] Yes. That's not a secret. Some tribes had control of the province of
7 Kidal, these were Tuareg tribes, and these were the origin of revolution of '63 and the
8 '80s and the revolution which was during the mandate of the president
9 Amadou Touré, and this had an influence on the course of developments of
10 the events in the north of Mali. So of course the president of Mali, when he took
11 power, tried to find an alternative to these tribes, where others -- partners, other allies
12 who would be loyal to his government.

13 Q. [14:48:34] And in order to pursue this policy, is it correct that he appointed
14 Colonel El-Hadj Gamou as his general commander and this commander repressed
15 the Ifoghas on his behalf?

16 A. [14:49:03] Yes. The whole army and all the military forces are under
17 the control of the president and General El-Hadj Gamou was under the authority of
18 the president. And it was the army that faced down these rebellions over years and
19 El-Hadj Gamou was fighting against these groups, so it was normal that if -- that
20 Bamako did not like Iyad, and therefore they found somebody in the Mali army who
21 was hostile to Iyad and who gave these people the military institution to put in their
22 place.

23 Q. [14:50:14] And when Colonel Gamou was pursuing this policy, this divide and
24 role policy, did he commit atrocities against Tuaregs?

25 A. [14:50:35] For a certain -- during a certain period there were Tuareg women

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1 being arrested, women who had a certain position, certain importance in Kidal. And
2 these women were arrested. That was at the time a violent reaction. El-Hadj
3 Gamou accused these women of having tried to poison the food, so he took his
4 revenge on them by arresting them, but we don't know whether that was true.

5 Q. [14:51:33] Mr Witness, earlier today you referred to ethnic cleansing. Was
6 Colonel Gamou involved in ethnic cleansing?

7 A. [14:51:56] I don't think so. El-Hadj Gamou was a soldier in the name of the
8 state. Of course, there was a lot of hostility and there were conflicts with the tribal
9 leaders, but I don't think that he did what you mentioned.

10 Q. [14:52:28] So, apart from Colonel Gamou, based on what you know and what
11 you heard, did the Malian army commit ethnic cleansing against the Tuaregs
12 before 2012?

13 A. [14:52:50] Yes, during the 1990s. At that time there was no media on the side of
14 the Tuaregs and the person killed by the Malian army were civilians in a number of
15 towns, a number of towns which have more or less been exterminated. Having
16 a light skin, whether you were a man, woman or a child was enough to be executed
17 en masse by the Malian military. And this was the reply to the Tuareg rebellion
18 against the government and the Malian army.

19 Q. [14:53:44] We're going to play the same video as before, that's
20 MLI-OTP-0015-0495, and we can play it without sound at the minute 44:33 to 44:51.
21 (Viewing of the video excerpt)

22 MS TAYLOR: [14:54:27]

23 Q. [14:54:27] Now, Mr Witness, without saying how, are you familiar with these
24 images?

25 A. [14:54:44] I recall having seen these images, but I don't remember any details

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1 about them.

2 MS TAYLOR: [14:54:56] We can play the same with sound.

3 (Viewing of the video excerpt)

4 MS TAYLOR: [14:55:44]

5 Q. [14:55:44] Mr Witness, we just saw a shot of a skull which was allegedly used to
6 scare Tuaregs in criminal proceedings. Can you explain the significance of this?

7 A. [14:56:08] I've no example in mind and I've got no information about this at all.

8 Q. [14:56:16] Did you ever hear that this was supposed to be the skull of a Tuareg
9 leader from the 1990s?

10 A. [14:56:32] I have no information on this subject.

11 MS TAYLOR: [14:56:40] If I can go into private session.

12 PRESIDING JUDGE MINDUA: [14:56:49](Interpretation) Private session, please,
13 court officer.

14 (Private session at 2.56 p.m.)

15 THE COURT OFFICER: [14:56:59] We are in private session, Mr President.

16 PRESIDING JUDGE MINDUA: [14:57:05](Interpretation) Thank you very much.

17 Ms Taylor.

18 MS TAYLOR: [14:57:08]

19 Q. [14:57:08] Mr Witness, if you could turn to tab 239 on the Defence list, this is
20 the Arabic version of the statement you looked at previously, that's

21 MLI-OTP-0068-3201, it's at page 3205, paragraph 17. And for the English, it's tab 3
22 on the Prosecution's binder, or list, and that's MLI-OTP-0020-0019 at 0022 to 0023,
23 paragraph 17.

24 And, Mr Witness, if you could let me know when you've found the relevant
25 paragraph.

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1 A. [14:58:03] I've found the paragraph and I am now just reading it.

2 Yes.

3 Q. [14:58:34] I apologise, Mr Witness, I'm just trying to see the clock behind you,
4 because it's hidden by the TV.

5 Mr Witness, did you tell the Prosecution that [REDACTED] people [REDACTED] have been
6 abused, persecuted, killed, there have been crimes since the '50s which continue until
7 today and not a single person has been brought to justice?

8 A. [14:59:05] Yes.

9 Q. [14:59:09] Can you explain what type of crimes you were referring to?

10 A. [14:59:20] In particular, crimes of ethnic cleansing. How could a Malian soldier
11 execute a woman because there is another Malian fighting him and because he has
12 a different coloured skin? How can he execute women, families, and, in fact, whole
13 tribes? This happened on a number of occasions and I've never heard of anybody
14 having been brought to court, be it in Mali or outside Mali.

15 Q. [15:00:13] Are you in a position to explain in more detail what you mean by not
16 a single person being brought to court?

17 A. [15:00:28] It's quite simple. I said that nobody, no military person, no person in
18 charge, no minister, no general, no foot soldier, nobody was brought to court,
19 whether it be in Mali or outside of Mali, for having killed a civilian, an innocent
20 civilian in cold blood. And this has been the case since the 1960s and is still going on
21 today, even as we sit here today.

22 MS TAYLOR: [15:01:09] Mr President, I have about five more questions on this line
23 of questioning, I can either stop now or continue, but I'll be directed by you -- oh, 3.30,
24 sorry. I apologise.

25 PRESIDING JUDGE MINDUA: [15:01:26](Interpretation) Yes, it is half past 3,

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1 indeed.

2 MS TAYLOR: [15:01:31]

3 Q. [15:01:31] Now, Mr Witness, if I could turn you to tab 19 on the Prosecution's
4 binder. That's MLI-OTP-0040-0368-R03 at 0389, paragraph 99, that's
5 the English -- that's the Arabic, sorry -- that's the English. And the Arabic would be
6 in the Defence binder, it's tab 241. And it's MLI-OTP-0077-1653, and it's at pages
7 1675 to 1676, paragraph 99.

8 A. [15:02:53] Paragraph 69 are you saying?

9 Q. [15:02:57] Sorry, it's tab 241 and it would be paragraph 99, but it will be
10 page 1675 to 1676.

11 A. [15:03:24] 242? I don't have that. Is that -- we don't have the pages that you're
12 indicating. Could you please repeat the references, please.

13 Q. [15:03:43] Tab 241. And it should be document MLI-OTP-00 --

14 A. [15:03:49] (No interpretation)

15 Q. [15:03:49] And then paragraph 99.

16 A. [15:04:11] Yes, I've got to paragraph 99.

17 Q. [15:04:18] Is it correct that you told the Prosecution that before 2012, if someone
18 wanted to win a court case they had to bribe the judge?

19 A. [15:04:40] Yes, and I can tell you that today. There isn't a single judge within
20 the Malian judiciary - and I'm sorry to say this because I am a Malian - there is
21 nothing more corrupt than a Malian judge. You cannot file a complaint or you can't
22 ever win any case.

23 Q. [15:05:08] Now, Mr Witness, you were asked about defence lawyers in
24 Timbuktu - bearing in mind we're in open session, we can go into private session if
25 necessary - but do you know any Tuaregs who were admitted to the Bar of Mali to

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1 practice as an attorney?

2 THE COURT OFFICER: [15:05:36] Ms Taylor, we are in private session.

3 MS TAYLOR: [15:05:39] Even better.

4 THE WITNESS: [15:05:54](Interpretation) I don't know.

5 MS TAYLOR: [15:06:03]

6 Q. [15:06:03] Do you know any Tuaregs who have been appointed as judges in
7 Malian courts?

8 A. [15:06:16] To my knowledge, there are many people who have studied law in
9 order to become a judge, but I don't know any of them who have become one. And
10 were that to be the case, I do not recall.

11 Q. [15:06:37] In 2012 how many qualified judges or defence lawyers did you meet
12 in Timbuktu?

13 A. [15:06:59] In 2012 did you say?

14 Q. [15:07:02] Yes.

15 A. [15:07:08] I do not recall having met any judges in 2012. And to be more
16 specific, corruption amongst judges in Mali is not only directed against the Tuaregs,
17 but everybody, whatever the evidence that is brought forward. We never win a case
18 in Mali.

19 Q. [15:07:41] If I could bring up tab 114 in the Defence list of evidence, it's
20 MLI-D28-0004-3341, page 3389, and it's an October 2015 report authored by
21 the Clingendael Institute titled Beyond dichotomy: Recognising and reconciling legal
22 pluralism in Mali.

23 Now, Mr Witness, if you could turn your attention to the paragraph starting with:

24 "A first key resource gap is a shortage of competent professionals, in particular judges
25 and lawyers. For example, in 2008, Mali had 630 judges for a population of about

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1 13 million. This equates to 4.8 judges per 100,000 inhabitants, which is well below
2 the North Africa average of 9.8 per 100,000 and the global average of 11.5 per 100,000.
3 It contributes to the slow progress of many cases.
4 Also, those accused of a crime are likely to need the help of an attorney. However,
5 they are in desperate supply. According to a 2014 report by the Ministry of Justice,
6 there were 335 lawyers in Mali at that time for a population of about 16 million. This
7 can be contrasted with a 2011 study done by the American Bar Association, which
8 found that there were only 270 lawyers at that time for a population of then 15 million
9 people and most were located in Bamako.
10 As of 2014, Mopti, which has a population of 2 million, has fewer than 10 lawyers.
11 Most rural areas have no lawyers at all, as there is very little monetary incentive to set
12 up a legal practice in such places."
13 Now, Mr Witness, would you agree that a key source of impunity and insecurity in
14 the north was a lack of a functioning judicial system in the north.
15 MR DUTERTRE: [15:10:47](No interpretation)
16 PRESIDING JUDGE MINDUA: [15:10:52](Interpretation) Prosecutor, please.
17 MR DUTERTRE: [15:10:56](Interpretation) Yes.
18 The Prosecution would like to object to this line of questioning. And from a start, I
19 do not believe that the witness is aware of what the Clingendael Institute actually is.
20 Secondly, we have just read a long paragraph with a great deal of information.
21 And thirdly, I am not sure that the witness is qualified to be able to speak to judiciary
22 matters in Mali. He's already provided us with the information that he has, but
23 beyond that I am not aware of him having any specific knowledge as to all
24 the matters mentioned herein with percentages and other aspects.
25 So I am objecting to this line of questioning.

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- 1 PRESIDING JUDGE MINDUA: [15:11:53](Interpretation) Ms Taylor, what is your
2 response to that?
- 3 MS TAYLOR: [15:11:55] Well, the Prosecution opened this door by questioning this
4 witness on the issue as to whether [REDACTED]
5 [REDACTED] They further opened this door by asking his opinion about the judicial
6 system in Timbuktu in 2012.
- 7 As the Defence, we are now entitled to question the witness on these very same issues.
8 We should not be restricted to simply the information that has been elicited by
9 the Prosecution.
- 10 PRESIDING JUDGE MINDUA: [15:12:35](Interpretation) Mr Prosecutor, no point in
11 getting to your feet once again. I think Ms Taylor has explained. You did put
12 a number of questions.
- 13 It is true that the witness has not looked at the statistics and he doesn't know all about
14 this institute, but it could be that he might be able to give us his idea of the perception
15 of the number of lawyers present in Timbuktu.
- 16 Ms Taylor, please put your question again and the witness will answer, then we'll
17 move forward.
- 18 MS TAYLOR: [15:13:15]
- 19 Q. [15:13:15] Now, Mr Witness, you've discussed the corruption in Malian courts,
20 you've discussed the issue of no one being brought to justice for crimes against
21 civilians. Would you agree that these issues existed prior to 2012?
- 22 A. [15:13:44] Absolutely. I believe that there is a great difference between
23 the Islamic tribunal and the courts of Mali. The Islamic court, whatever it may be,
24 makes no difference between the rich and the poor. Whereas the Malian courts look
25 at any individual who has not got any money as somebody who has not got any

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1 rights.

2 Q. [15:14:18] Now if we could play the video [REDACTED] again, at 34:28
3 to 35:16, and we could play without sound.

4 (Viewing of the video excerpt)

5 MS TAYLOR: [15:15:33]

6 Q. [15:15:33] [REDACTED]?

7 A. [15:15:37] [REDACTED]

8 [REDACTED]
9 [REDACTED]

10 MS TAYLOR: [15:16:08] We can play the same with sound.

11 (Viewing of the video excerpt)

12 MS TAYLOR: [15:17:19] I think it might be better to go into private session.

13 PRESIDING JUDGE MINDUA: [15:17:28](Interpretation) We are in private session,
14 Ms Taylor.

15 MS TAYLOR: [15:17:31] Thank you. We were just about to ask for a redaction
16 request, so that wouldn't be necessary.

17 Q. [15:17:37] Now, Mr Witness, it's correct, isn't it, that in 2012 Ansar Dine
18 arranged for free medical treatment at the hospital?

19 A. [15:17:57] To be more specific, [REDACTED]

20 [REDACTED]
21 [REDACTED]

22 [REDACTED] I do not believe that the armed group offered medicine or free
23 medical treatment, but they did bring their support to the hospital and to water and
24 electricity for free.

25 Q. [15:18:41] Could you please turn then to tab 103, that's English, and tab 102 for

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1 the Defence's Arabic. And the full references are, for the Arabic, MLI-D28-0004-3316,
2 at 3317, and for the English it's MLI-D28-0004-3318.
3 PRESIDING JUDGE MINDUA: [15:19:14](Interpretation) Mr Prosecutor.
4 MR DUTERTRE: [15:19:17](Interpretation) Yes, I'd like clarification.
5 Two things: Does Ms Taylor -- or can Ms Taylor give us with the specific
6 timestamps, because at a later stage we won't know what we're talking about.
7 Secondly, I can see in the French transcript that we're talking about the CICR and in
8 the English transcript that is not mentioned, so I'm wondering whether there's
9 a problem with the translation and whether we could ask the witness to say that again.
10 We're talking about the hospital.
11 PRESIDING JUDGE MINDUA: [15:19:50](Interpretation) Yes, thank you, Prosecutor,
12 for your vigilance.
13 Ms Taylor, did you follow? You should provide us with the timestamps for
14 the sequences that you are showing us.
15 And as for the International Red Cross, or the other organisation, I would like for
16 the witness to be asked the question: What was the organisation that was assisting
17 the hospital?
18 MS TAYLOR: [15:20:19] Mr President, on the first point, I have been giving
19 the timestamps. Perhaps it's not coming up on the French transcripts or it's not
20 coming up on the transcripts, but I have been giving timestamps each time.
21 PRESIDING JUDGE MINDUA: [15:20:35](Interpretation) Ms Taylor, the courtroom
22 officer is telling me that you are right and that you have been giving the timestamps,
23 but it's not in the transcript, so the transcript would need to be corrected.
24 THE COURT OFFICER: [15:20:50](Interpretation) The record will be corrected when
25 is provided in an edited version.

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- 1 PRESIDING JUDGE MINDUA: [15:20:58](Interpretation) Thank you very much,
2 madam courtroom officer.
3 As to the organisation that was assisting the hospital, could you please ask
4 the witness for more clarification, please.
5 MS TAYLOR: [15:21:08] I believe you just have.
6 Q. [15:21:11] Mr Witness, can you respond to the Presiding Judge's question.
7 A. [15:21:19] Yes, the International Red Cross, the International Committee for
8 the Red Cross, from Geneva. I believe that that is the abbreviation used,
9 the Red Cross.
10 PRESIDING JUDGE MINDUA: [15:21:36](Interpretation) Thank you very much,
11 Witness.
12 Ms Taylor, please continue.
13 MS TAYLOR: [15:21:42] Thank you.
14 Q. [15:21:43] Could you turn to tab -- it was 102. I believe I read it out earlier, but
15 I can read it out again.
16 It's MLI-D28-0004-3316 at 3317, in Arabic, and in English it's MLI-D28-0004-0018
17 at 3319.
18 A. [15:22:39] Could you please repeat the number, I have not found it.
19 Q. [15:22:45] (Microphone not activated)
20 THE INTERPRETER: [15:22:50] Microphone, please.
21 MS TAYLOR: [15:22:51] In Arabic it's tab 102.
22 THE WITNESS: [15:23:23](Interpretation) Yes.
23 MS TAYLOR: [15:23:27]
24 Q. [15:23:28] [REDACTED] ?
25 A. [15:23:38] Yes.

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1 Q. [15:23:40] [REDACTED]

2 [REDACTED]
3 [REDACTED]

4 A. [15:24:29] Yes.

5 Q. [15:24:30] Can you explain [REDACTED]?

6 A. [15:24:38] [REDACTED]

7 [REDACTED]
8 [REDACTED]
9 [REDACTED]

10 Q. [15:25:17] Perhaps if I can then read for the record where at page 3319 [REDACTED]

11 [REDACTED]

12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]

20 MR DUTERTRE: [15:26:34] (Overlapping speakers)

21 THE INTERPRETER: [15:26:34] Overlapping speakers.

22 MS TAYLOR: [15:26:37] (Overlapping speakers) about to put the question, I'm
23 waiting for translation to come through.

24 Q. [15:26:52] Mr Witness, this [REDACTED]

25 [REDACTED] this would suggest, wouldn't it, that the hospital in Timbuktu was

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1 providing free treatment?

2 A. [15:27:21] Yes, of course. I've already said that. But I do not remember

3

4

5 [REDACTED] if your question is the following, as to whether hospitals in Timbuktu in
6 2012 was free, the answer is yes, everything was free, including water and electricity
7 and medical treatment.

8 Q. [15:28:06] If we can play the same video at the 40 minute mark to 41:32 and if we
9 could play it without sound.

10 (Viewing of the video excerpt)

11 MS TAYLOR: [15:28:53] We're stopping at the 40:12 second mark in the interest of
12 time.

13 Q. [15:28:59] Now, Mr Witness, do you recognise these images?

14 A. [15:29:07] I do not remember specifically.

15 MS TAYLOR: [15:29:17] I have about three or four questions, Mr President, should
16 we continue or I can continue tomorrow morning?

17 PRESIDING JUDGE MINDUA: [15:29:31](Interpretation) I think we're going to stop.
18 Ms Sutherland insisted yesterday that we stop at the correct time, and I am in
19 agreement with her.

20 We shall now return to open session and bring our hearing of today to a close.

21 (Open session at 3.29 p.m.)

22 THE COURT OFFICER: [15:29:59] We are in open session, Mr President.

23 PRESIDING JUDGE MINDUA: [15:30:05](Interpretation) Thank you very much,
24 courtroom officer.

25 Mr Witness, it is now half past 3 and I suppose that you must be quite tired because

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1 you have been patiently and clearly answering the questions that have been put to
2 you, and I would like to thank you for that.
3 We shall now rise for the day and you shall continue answering questions tomorrow.
4 In the meantime, as you know, you shall not speak to anybody of your testimony.
5 There we are.
6 So now I would like to thank the parties and the participants, the court reporters and
7 the interpreters. I would also like to thank the security officers and our public and
8 wish everybody a very nice evening.
9 We shall reconvene tomorrow morning at 9.30. I shall now adjourn the hearing.
10 Court is adjourned.

11 THE COURT USHER: [15:31:23] All rise.
12 (The hearing ends in open session at 3.31 p.m.)

13 CORRECTIONS REPORT

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

16 Page 25 line 11

17 "my father wanted us to go to [REDACTED]" is translated and added.

18 Page 25 lines 16-18:

19 "After that there was malaria in this area and, therefore, they had to come back to

20 [REDACTED]"

21 Is corrected to

22 "As soon as he arrived there he caught Malaria. The family went back to [REDACTED]"

23 [REDACTED]"

24 SECOND CORRECTION REPORT

25 The following correction, marked with an asterisk and not included in the

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- 1 audio-visual recording of the hearing, is brought into the transcript.
- 2 Page 26 line 7 :
- 3 [REDACTED] is corrected to [REDACTED]
- 4 THIRD CORRECTION REPORT
- 5 The following correction, marked with an asterisk and not included in the
- 6 audio-visual recording of the hearing, is brought into the transcript.
- 7 Page 14 line 25:
- 8 “the *hore* (phon)” is corrected to “Al-hore”