

~~-----ICC-01/12-01/18-T-039-CONF-ENG-CT-03-11-2020-1/60-SZ-T-----~~

Trial Hearing
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 vs Al Hassan Ag Abdoul Aziz Ag Mohamed Ag
- 5 Mahmoud - ICC-01/12-01/18
- 6 Presiding Judge Antoine Kesia Mbe Mindua, Judge Tomoko Akane and Judge
- 7 Kimberly Prost
- 8 Trial Hearing - Courtroom 1
- 9 Tuesday, 3 November 2020
- 10 (The hearing starts in open session at 9.30 a.m.)
- 11 THE COURT USHER: [9:30:14] All rise.
- 12 The International Criminal Court is now in session.
- 13 Please be seated.
- 14 PRESIDING JUDGE MINDUA: [9:30:40](Interpretation) Court is in session.
- 15 Good morning to everybody.
- 16 Madam courtroom officer, could you please call the case.
- 17 THE COURT OFFICER: [9:30:51] Thank you, Mr President.
- 18 The situation in the Republic of Mali, in the case of The Prosecutor versus Al
- 19 Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud, case reference
- 20 ICC-01/12-01/18.
- 21 And for the record, we are in open session.
- 22 PRESIDING JUDGE MINDUA: [9:31:12](Interpretation) Thank you very
- 23 much, courtroom officer.
- 24 Now, as every morning, we shall start with the appearances. First and
- 25 foremost, the Office of the Prosecutor, please.

~~-----ICC-01/12-01/18-T-039-CONF-ENG-CT-03-11-2020-2/60-SZ-T-----~~

Trial Hearing
MLI-OTP-P-0065

(Open Session)

ICC-01/12-01/18

- 1 MR DUTERTRE: [9:31:28](Interpretation) Good morning, your Honours.
2 Good morning, Mr President. The Office of the Prosecutor this morning
3 comprises the same individuals, that is to say, Mousa Allafi, Sarah Coquillaud,
4 Lucio Garcia, and myself, Gilles Dutertre. Thank you very much.
5 PRESIDING JUDGE MINDUA: [9:31:50](Interpretation) Thank you very
6 much, Mr Prosecutor.
7 Now I turn to the Defence.
8 Ms Taylor, please.
9 MS TAYLOR: [9:31:55] Good morning, Mr President, good morning, your
10 Honours, and everyone in the courtroom. The Defence for Mr Al Hassan is
11 represented today by Kirsty Sutherland, Dolly Chahla and myself
12 Melinda Taylor. Thank you.
13 PRESIDING JUDGE MINDUA: [9:32:13](Interpretation) Thank you very
14 much, Ms Taylor.
15 Now for the Legal Representatives of Victims.
16 Mr Kassongo.
17 MR KASSONGO: [9:32:21](Interpretation) Good morning, Mr President, good
18 morning, your Honours. Thank you, Mr President. The Legal
19 Representatives of Victims today is represented by Ms Claire Laplace, who is
20 assisting me, and myself, Mr Kassongo. Thank you.
21 PRESIDING JUDGE MINDUA: [9:32:38](Interpretation) Thank you very
22 much, Mr Kassongo.
23 Now, I shall turn to the witness.
24 Good morning, Mr Witness.
25 WITNESS: MLI-OTP-P-0065 (On former oath)

~~-----ICC-01/12-01/18-T-039-CONF-ENG-CT-03-11-2020-3/60-SZ-T-----~~

Trial Hearing
MLI-OTP-P-0065

(Open Session)

ICC-01/12-01/18

1 (The witness speaks Arabic)

2 THE WITNESS: [9:32:52](Interpretation) Good morning.

3 PRESIDING JUDGE MINDUA: [9:32:57](Interpretation) I would like to
4 welcome you once again and I would remind you that you are still under oath
5 and that means that you should speak the truth, the whole truth and nothing
6 but the truth.

7 I would also like to remind you in practical terms to remember everything that
8 I told you yesterday to do with your speed of delivery when you speak and
9 when you answer questions.

10 Now, without further ado, let us now hand over to the continuation of the
11 examination-in-chief on the part of the Prosecution.

12 Mr Dutertre.

13 MR DUTERTRE: [9:33:40](Interpretation) Thank you very much,

14 Mr President, your Honours.

15 Mr President, your Honours, just a little comment, introductory comment.

16 Yesterday I showed two videos with sound. The transcript of one of the
17 videos was indeed included in the edited version, but as to the video [REDACTED]
18 page 41, line 12, that is not yet the case.

19 And in the future, I will indeed provide the court reporters and the interpreters
20 the references to use in the binders when I do play videos with sound.

21 PRESIDING JUDGE MINDUA: [9:34:31](Interpretation) Very well. Thank
22 you.

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

24 Q. [9:34:36] Good morning, Mr Witness. How are you this morning?

25 A. [9:34:43] Good morning. I'm doing well, thank God.

~~-----ICC-01/12-01/18-T-039-CONF-ENG-CT-03-11-2020 4/60 SZ-T-----~~

Trial Hearing
MLI-OTP-P-0065

(Open Session)

ICC-01/12-01/18

1 Q. [9:34:50] Very well.

2 Now, Mr President, I would like to come back to two questions that you put
3 yesterday for a bit of a follow-up. I think it was in closed session, but these
4 clarification questions can be done in open session. So if you do not mind,
5 I would like to move forward in open session on these matters.

6 PRESIDING JUDGE MINDUA: [9:35:16](Interpretation) Please go ahead.

7 MR DUTERTRE: [9:35:20](Interpretation) Thank you.

8 Q. [9:35:22] Mr Witness, you made mention yesterday at -- in the transcript,
9 T-38, page 50 of the real-time transcript, you said:

10 And following the death of Nabil Abou Alqama, Yahya Abou Hammam
11 became the president of the battalion. I do not remember the name, but
12 whatever the case, that person took over the command of the Al Fourqane
13 battalion.

14 And at that moment in time we were talking about Abdallah Chinguetti in
15 general.

16 My first question to you, Mr Witness, when you say "Nabil Abou Alqama", is
17 that the same person that you were talking about when you talked about the
18 attack on Aguelhok?

19 A. [9:36:35] Indeed. According to the information, Nabil Abou Alqama
20 was the person leading Al-Qaeda in the attack on Aguelhok.

21 Q. [9:36:55] And Nabil Abou Alqama, was he in Timbuktu in 2012 when
22 AQMI and Ansar Dine occupied Timbuktu?

23 A. [9:37:15] Yes, he was there in Timbuktu.

24 Q. [9:37:23] And according to what you were able to observe, what was the
25 role of Nabil Abou Alqama in Timbuktu during the occupation by Ansar Dine

~~-----ICC-01/12-01/18-T-039-CONF-ENG-CT-03-11-2020-5/60-SZ-T-----~~

Trial Hearing
MLI-OTP-P-0065

(Open Session)

ICC-01/12-01/18

1 and AQMI?

2 A. [9:37:42] In the city of Timbuktu, Al-Qaeda was the power in -- the force
3 in control, especially through the Yahya Abou Hammam battalion, which is the
4 Al-Fourqane battalion, and also the Abdelhamid Abou Zeid battalion, which is
5 the Tariq Ibn Ziyad battalion.

6 Nabil Abou Alqama was there as the emir of the Sahara region and --

7 PRESIDING JUDGE MINDUA: [9:38:11](Overlapping speakers)

8 MS TAYLOR: [9:38:11] I apologise for interrupting, but it appears that we
9 can't hear the witness in the Arabic channel. Oh, my microphone isn't
10 working either.

11 MR DUTERTRE: [9:38:37](Interpretation) We can hear the witness on the
12 Arabic channel on our side.

13 MS TAYLOR: [9:38:51] The two microphones here -- or the two persons here,
14 both couldn't hear it.

15 THE COURT OFFICER: [9:39:08](Interpretation) Mr Witness, could you
16 please say something over the microphone, just to do a test.

17 THE WITNESS: [9:39:19](Interpretation) I am trying to speak here. Well,
18 indeed, it is not -- it cannot be heard. If it can be heard, I would have heard it
19 myself. That's how I -- that's how it usually happens.

20 THE COURT OFFICER: [9:40:03] It's correct. We do not hear the witness on
21 the Arabic channel, so a technician is on his way.

22 PRESIDING JUDGE MINDUA: [9:41:09](Interpretation) We shall wait for the
23 technician for possibly five minutes or so. We won't suspend the hearing.

24 (Pause in proceedings)

25 THE COURT OFFICER: [9:44:54] Mr President, the problem has been fixed.

~~-----ICC-01/12-01/18-T-039-CONF-ENG-CT-03-11-2020-6/60-SZ-T-----~~

Trial Hearing
MLI-OTP-P-0065

(Private Session)

ICC-01/12-01/18

1 We can proceed.

2 PRESIDING JUDGE MINDUA: [9:45:04](Interpretation) Very well.

3 Now, Mr Prosecutor, you were speaking and I believe the witness was
4 answering your question.

5 MR DUTERTRE: [9:45:12](Interpretation) Yes, indeed, and the transcript is
6 not complete, but I can see that you were talking, Mr Witness, about Nabil
7 Abou Alqama and it was written in the transcript the emir of the region. The
8 transcript is not complete.

9 Q. [09:45:37] Should I understand that Nabil Abou Alqama was the emir of
10 the region?

11 A. [9:45:54] Al-Qaeda in the Islamic Maghreb has separate divisions, some
12 are in Algeria, some are in Tunisia. And there is a region, the desert region,
13 that region has its own emir. That emir at the time was Nabil Abou Alqama.
14 All the other battalions --

15 PRESIDING JUDGE MINDUA: (Overlapping speakers)

16 MS TAYLOR: [9:46:28] I apologise, but it appears they still can't hear the
17 Arabic channel.

18 PRESIDING JUDGE MINDUA: [9:46:56](Interpretation) Madam courtroom
19 officer, could we please go into private session.

20 (Private session at 9.47 a.m.)

21 THE COURT OFFICER: [9:47:19] We're in private session, Mr President.

22 PRESIDING JUDGE MINDUA: [9:47:25](Interpretation) There we are.

23 I asked for us to go into private session for us to be able to resolve this
24 technological issue once and for all, far from the prying eyes of the public.

25 Now, madam courtroom officer, could you please have the technician come

~~-----ICC-01/12-01/18-T-039-CONF-ENG-CT-03-11-2020-7/60-SZ-T-----~~

Trial Hearing
MLI-OTP-P-0065

(Private Session)

ICC-01/12-01/18

1 and solve this issue for us.

2 (Pause in proceedings)

3 THE COURT OFFICER: [9:51:04] Mr President, I'm informed that the issue is
4 fixed. Maybe the witness could just run a test.

5 THE WITNESS: [9:51:17](Interpretation) One, two, three. Now I can hear
6 myself too.

7 THE COURT OFFICER: [9:51:22] Thank you very much.

8 We can proceed. Would you like to go back into open session?

9 PRESIDING JUDGE MINDUA: [9:51:31](Interpretation) Yes, please, madam
10 courtroom officer, may we return to open session.

11 (Open session at 9.51 a.m.)

12 THE COURT OFFICER: [9:51:45] We are in open session, Mr President.

13 PRESIDING JUDGE MINDUA: [9:51:50](Interpretation) Thank you very
14 much, courtroom officer.

15 Mr Prosecutor, I hope that this time will be the right one.

16 MR DUTERTRE: [9:51:59](Interpretation) Never two without three, but we do
17 adapt do we not, Mr President?

18 PRESIDING JUDGE MINDUA: [9:52:08](Interpretation) There we are.

19 MR DUTERTRE: [9:52:09](Interpretation)

20 Q. [9:52:10] Mr Witness, we were talking about Nabil Abou Alqama and you
21 mentioned the fact that he was the emir of the region of the desert, that's page 6,
22 line 3.

23 Which desert region are you talking about? Could you be more specific?

24 A. [9:52:38] The desert region, according to Al-Qaeda, it's the region in -- of
25 northern Mali and all the other regions that are related to that region, such as

~~-----ICC-01/12-01/18-T-039-CONF-ENG-CT-03-11-2020-8/60-SZ-T-----~~

Trial Hearing
MLI-OTP-P-0065

(Open Session)

ICC-01/12-01/18

1 northern Niger. It is the area where battalions are stationed in northern Mali.

2 Q. [9:53:07] Very well. And when you say that Nabil Abou Alqama was
3 the emir of the desert region, what does that mean? What does the word
4 "emir" mean? Could you clarify that for the Chamber, for the parties, who are
5 not necessarily familiar with such terminology?

6 A. [9:53:36] Allow me to explain that in military terms, semi-military terms.
7 Let's say that Al-Qaeda has a military spokesperson and that northern Mali is a
8 military zone, and that zone is the desert. And all battalions have their
9 respective emirs, these emirs are the leaders of their respective battalions. The
10 supreme commander of all of these battalions is the emir of the entire desert
11 region, and that is Nabil Abou Alqama.

12 Q. [9:54:21] Very well. Do you know when Nabil Abou Alqama passed
13 away, approximately?

14 A. [9:54:40] That was in the year 2012 on the road connecting Gao to
15 Douentza, in a car accident.

16 Q. [9:54:59] I'm going to slow down for the Arabic booth. Mr Witness, was
17 that before or after Ramadan in the year 2012?

18 A. [9:55:20] I cannot be precise on that information.

19 Q. [9:55:29] I understand. Who replaced Nabil Abou Alqama as emir of the
20 desert region, if you are aware, Mr Witness?

21 A. [9:55:49] He was replaced by Yahya Abou Al Hammam, who was emir of
22 the Al Fourqane battalion.

23 Q. [9:56:09] And when Yahya Abou Al Hammam became emir of the desert
24 region, did he retain his position as emir of the Al Fourqane battalion as well?
25 Did he add those two positions together, accumulate, if you like?

~~-----ICC-01/12-01/18-T-039-CONF-ENG-CT-03-11-2020-9/60-SZ-T-----~~

Trial Hearing
MLI-OTP-P-0065

(Private Session)

ICC-01/12-01/18

1 A. [9:56:37] No. It was Abdallah Chinguetti afterwards who became emir
2 of the Al Fourqane battalion, to my knowledge.

3 Q. [9:56:52] A last question in open session, then we'll move into private.
4 Now, so we understand, Mr Witness, that Mr Al Chinguetti could also preach
5 in the mosques, be the spokesperson for Al-Qaeda and be the *chef de bataillon*,
6 chief of battalion; is that correct?

7 A. [9:57:21] Yes. Abdallah Chinguetti was, at the beginning, a preacher
8 going from mosque to another, preaching and delivering sermons. And he
9 was also later presented as the official spokesperson of Al-Qaeda. And later
10 on he became the emir of the Al Fourqane battalion.

11 Q. [9:57:55] Thank you very much.

12 Mr Witness, your Honours, could we go into private session briefly.

13 PRESIDING JUDGE MINDUA: [9:58:04](Interpretation) Please, madam
14 courtroom officer, private session.

15 (Private session at 9.58 a.m.)

16 THE COURT OFFICER: [9:58:14] We're in private session, Mr President.

17 PRESIDING JUDGE MINDUA: [9:58:21](Interpretation) Thank you very
18 much.

19 Mr Prosecutor, please.

20 MR DUTERTRE: [9:58:24](Interpretation) Yes, Mr President, my attention has
21 been drawn to a problem with the transcript. The witness said that he -- Nabil
22 died in 2012 on the road between Gao and -- and a town, a town -- the town of
23 the city is not -- has not been correctly transcribed.

24 Q. [9:58:49] Mr Witness, could you please repeat on which road he died,
25 Nabil Abou Alqama, the road between Gao and what destination?

---ICC-01/12-01/18-T-039-CONF-ENG-CT-03-11-2020-10/60-SZ-T-----

Trial Hearing
MLI-OTP-P-0065

(Private Session)

ICC-01/12-01/18

1 A. [9:59:04] The other city is the city of Douentza.

2 Q. [9:59:16] Thank you.

3 Mr Witness, could you explain to the Chamber how it is that you came about
4 all these details as to the role of Mr Nabil Abou Alqama as emir of the desert
5 region?

6 A. [9:59:39] At the beginning when I arrived in Timbuktu, I did not notice
7 the presence of Nabil Abou Alqama. But after a while, I was going one day to
8 the market and precisely near the first police station, I met [REDACTED]

9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]

13 [REDACTED] And he pointed at
14 someone else who was sitting in a car at the time whom I did not recognise.

15 And on that same day I met someone at a grocery store who was buying
16 groceries, and so was I, so we shook hands, greeted each other, and then [REDACTED]
17 [REDACTED] he told me that that
18 person is Nabil Abou Alqama.

19 Q. [10:01:28] [REDACTED]
20 [REDACTED]?

21 A. [10:01:37] Yes, [REDACTED] And
22 Abou Alqama at the time was focusing on liberating al -- the judge or *al qadi*
23 of Al-Qaeda in Algeria and he was using -- and that -- for that purpose, the
24 hostages held by -- the hostages held at the time by MUJAO.

25 Q. [10:02:20] Thank you. Now, very briefly, could you please tell us who

~~---ICC-01/12-01/18-T-039-CONF-ENG-CT-03-11-2020-11/60-SZ-T-----~~

Trial Hearing
MLI-OTP-P-0065

(Private Session)

ICC-01/12-01/18

1 Omar Ould Hamaha is, [REDACTED]

2 [REDACTED] ?

3 A. [10:02:45] Omar Ould Hamaha is someone who belonged to Mokhtar

4 Belmokhtar. [REDACTED] when MNLA fled to

5 the airport, but he was not important at the time. And at another point in

6 time, he made a video where he was voicing threats on that video and that was

7 reported by French media. He speaks French very fluently [REDACTED]

8 [REDACTED]

9 [REDACTED] in January 2013, he

10 established an -- a group composed of Arabs in Timbuktu.

11 Q. [10:03:53] Right. We will come back to that. Mr Witness, how do you

12 know the details of the death of Nabil Abou Alqama?

13 A. [10:04:14] The day Nabil Abou Alqama died, [REDACTED]

14 [REDACTED], talking about different things with the

15 people there, and I noticed that there was something not natural, something

16 that was being hidden, some sort of sorrow. [REDACTED]

17 where I spent some time. By late afternoon -- I remember this very clearly,

18 when I was asleep, [REDACTED] I opened

19 the door -- and I did express anger to him because I was asleep and he woke me

20 up with his knocking -- and then I asked him to have a seat [REDACTED]

21 [REDACTED] and he told me [REDACTED] that Nabil Abou Alqama has died, [REDACTED]

22 [REDACTED]

23 Q. [10:05:24] [REDACTED]

24 A. [10:05:34] [REDACTED]

25 [REDACTED]

~~---ICC-01/12-01/18-T-039-CONF-ENG-CT-03-11-2020-12/60-SZ-T-----~~

Trial Hearing
MLI-OTP-P-0065

(Private Session)

ICC-01/12-01/18

1

2

3

4

5

6

7 Q. [10:06:40] Thank you, Mr Witness. Do you know who was in the vehicle
8 with Nabil Abou Alqama at the time of the accident?

9 A. [10:06:59]
10
11
12
13 there was a car going there to
14 transport the injured people, and I remember that Ahmad Al Faqi was among
15 the people in that car.

16 Q. [10:08:03] Thank you.
17
18
19

20 A. [10:08:30]
21
22
23
24

25 Q. [10:09:00] Very well. You mentioned, when we discussed it very briefly,

~~---ICC-01/12-01/18-T-039-CONF-ENG-CT-03-11-2020-13/60-SZ-T-----~~

Trial Hearing
MLI-OTP-P-0065

(Private Session)

ICC-01/12-01/18

1 the [REDACTED] in which town? When you talked about
2 having the news of the death, [REDACTED]
3 [REDACTED]?

4 A. [10:09:25] It was [REDACTED] in Timbuktu.

5 Q. [10:09:38] [REDACTED]

6 [REDACTED]?

7 A. [10:09:50] [REDACTED]

8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED].

13 Q. [10:10:27] [REDACTED]?

14 A. [10:10:38] [REDACTED]

15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]

21 Q. [10:11:36] And what was the role of Sanda, who was the spokesman of
22 Ansar Dine, [REDACTED]? Sanda Ould Boumama?

23 A. [10:12:02] Sanda was the front face [REDACTED]

24 [REDACTED] But later on, [REDACTED] Sanda
25 became the spokesperson and a member of the media office [REDACTED]

~~---ICC-01/12-01/18-T-039-CONF-ENG-CT-03-11-2020-14/60-SZ-T-----~~

Trial Hearing
MLI-OTP-P-0065

(Private Session)

ICC-01/12-01/18

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]

8 Q. [10:13:19] Yes, now I understand that better. When you talk about
9 Radwan, is that the same person we were referring to yesterday in the video,
10 the person who was on the -- sat on the right of Abou Zeid in the video, or on
11 the left when we look at the video? Is that the same Radwan or are we talking
12 about a different person?

13 A. [10:13:46] It was the same person indeed Radwan, [REDACTED]
14 [REDACTED]
15 [REDACTED].

16 Q. [10:14:04] Did he have any other functions [REDACTED]?
17 [REDACTED] did he also have any other functions that he
18 performed, Radwan?

19 A. [10:14:24] [REDACTED] These
20 groups have overlapping activities and roles. [REDACTED] one person
21 doing - today, media work, tomorrow, in the media police, and after, in the
22 Islamic police, and the day after, doing something else.
23 [REDACTED] delivering some lecture. [REDACTED] in the
24 Islamic court. [REDACTED] executing some punishments.

25 PRESIDING JUDGE MINDUA: [10:15:10](Interpretation) Mr Prosecutor, we

~~---ICC-01/12-01/18-T-039-CONF-ENG-CT-03-11-2020-15/60-SZ-T-----~~

Trial Hearing
MLI-OTP-P-0065

(Open Session)

ICC-01/12-01/18

1 are still in private session.

2 So madam court officer, could we please move back into open session.

3 (Open session at 10.15 a.m.)

4 THE COURT OFFICER: [10:15:35] We are in open session, Mr President.

5 PRESIDING JUDGE MINDUA: [10:15:40](Interpretation) Thank you very
6 much.

7 Prosecutor.

8 MR DUTERTRE: [10:15:44](Interpretation)

9 Q. [10:15:53] Mr Witness, when you say that Radwan was -- took part in
10 Islamic courts - plural in the French transcript - was that in Timbuktu or was
11 that elsewhere?

12 A. [10:16:19] Yes, that was in the city of Timbuktu.

13 Q. [10:16:26] Very well. I wanted to use this opportunity to clarify a
14 number of matters.

15 And now I come back to a separate question from the president yesterday.

16 The closing of shops during prayer times. This was on the subject of the
17 video, [REDACTED]

18 THE INTERPRETER: [REDACTED]

19 MR DUTERTRE:

20 Q. [10:17:15] And you said that this was a Koranic requirement.

21 Could you tell us, before the groups arrived -- the armed groups arrived in
22 Timbuktu, were the shops allowed to remain open on Fridays?

23 A. [10:17:45] I don't recall that I was in a market during Friday prayer.

24 I don't remember that I was going around the city on a Friday. I might have
25 prayed Friday, in congregational prayers twice in Timbuktu in 2012, but I can

~~---ICC-01/12-01/18-T-039-CONF-ENG-CT-03-11-2020-16/60-SZ-T-----~~

Trial Hearing
MLI-OTP-P-0065

(Open Session)

ICC-01/12-01/18

1 assure that anything contrary to Sharia was prohibited at the time in Timbuktu.

2 As to the opening of stores, according to Sharia, it is prohibited in that sense,

3 but I don't know if there were measures taken in that regard or not.

4 Q. [10:19:01] Mr Witness, I was about -- I was asking about the time before

5 the arrival of the armed groups. Could shops open as they wished at that

6 time?

7 A. [10:19:20] Certainly opening or closing is up to the store owner. You can

8 close your store and go to the mosque or you can remain open and stay in your

9 store.

10 Q. [10:19:45] Thank you.

11 MR DUTERTRE: [10:19:47](Interpretation) I now turn to you, your Honours,

12 for a matter of procedure. During the interview with the Office of the

13 Prosecutor, the witness used two satellite -- two satellite cards. And I now

14 understand that we can't put anything on the screens.

15 These were satellites with the BMS and the *gouvernorat*, but for reasons of

16 speed I would suggest that we show these maps to the witness, who can then

17 comment on them, and this could speed things up.

18 And they are uploaded in fairly low resolution and we don't really see the

19 quality and, in this way, we'll be able to get a better view of the maps.

20 I don't know whether the Defence would be able to agree to this or whether

21 there would be any objection. It is talking about geographic information.

22 PRESIDING JUDGE MINDUA: [10:21:17](Interpretation) If there is no

23 objection from the Defence. I see Ms Taylor is looking at me (Overlapping

24 speakers)

25 MS TAYLOR: [10:21:23](Overlapping speakers) Thank you, Mr President.

~~---ICC-01/12-01/18-T-039-CONF-ENG-CT-03-11-2020-17/60-SZ-T-----~~

Trial Hearing
MLI-OTP-P-0065

(Open Session)

ICC-01/12-01/18

1 I think it may depend on the usage of these images and the extent to which the
2 witness can meaningfully comment on a satellite image. Thank you.

3 MR DUTERTRE: [10:21:37](Interpretation) It is just to confirm the exact
4 location, the geographic statement, that's all.

5 PRESIDING JUDGE MINDUA: [10:21:45](Interpretation) Go ahead,
6 Prosecutor.

7 MR DUTERTRE: [10:21:47](Interpretation) Thus the signature of the witness
8 on the bottom of the image, we could show that first of all in a confidential way,
9 and then hide the signature in a different way.
10 But I'm referring to the first, which is in tab 20 of 1, 0040-0408.

11 PRESIDING JUDGE MINDUA: [10:22:26](Interpretation) Court officer, please,
12 can we show this on the screen.

13 MR DUTERTRE: [10:22:41](Interpretation)

14 Q. [10:22:42] Mr Witness, you can also look at your binder, tab 20, just to get
15 ahead --

16 THE COURT OFFICER: [10:22:53] (Overlapping speakers) The document will
17 be displayed on the evidence 1 channel, and the document will be on the first
18 place published on a confidential basis.

19 MR DUTERTRE: [10:23:10](Interpretation) Would you please, madam
20 courtroom officer, zoom in a little more. That's -- that's good.

21 Q. [10:23:25] Mr Witness, during your interview with the investigators, you
22 made a comment on this satellite map, which corresponds here, you made a
23 mark which responds to number 9. What is at location here, marked 9?

24 A. [10:23:59] This is the first office of the Islamic police, which I presume is
25 the BMS bank.

~~---ICC-01/12-01/18-T-039-CONF-ENG-CT-03-11-2020-18/60-SZ-T-----~~

Trial Hearing
MLI-OTP-P-0065

(Open Session)

ICC-01/12-01/18

1 Q. [10:24:21] Thank you. We can now move to the second map, which is at
2 tab 18.

3 MR DUTERTRE: [10:24:22](Interpretation) Your Honours, it is 0040- -- and
4 the reference is 0040-004 (sic).

5 THE COURT OFFICER: [10:25:02] Mr Prosecutor, we do have a redacted
6 version of the document. Would you like us to publish that one?

7 MR DUTERTRE: [10:25:07](Interpretation) One can indeed show the redacted
8 version, although if you have the non-redacted version, because that would be
9 better because it would be the more natural version.

10 So if you have the non-redacted version, please, confidential, until you zoom
11 in.

12 Q. [10:26:13] There it is. Mr Witness, could you please tell us what figure 4
13 indicates here, which is in the middle right at the top?

14 MR DUTERTRE: [10:26:26](Interpretation) Perhaps we can zoom in a little
15 more, please, court officer. And since there is no signature visible here, this
16 can be shown publicly. Thank you.

17 Q. [10:26:55] So, Mr Witness, what is indicated here by figure 4 on this map?

18 A. [10:27:06] Number 4 on this map is the governor's residence, which
19 turned into the Islamic police's second office or the office that the Islamic police
20 moved to by the end of 2012.

21 Q. [10:27:30] Thank you.

22 MR DUTERTRE: [10:27:31] Mr Presiding Judge, where I am now, if I ask the
23 witness simply to reply in geographic terms, can I ask questions about the
24 other figures here?

25 PRESIDING JUDGE MINDUA: [10:27:50](Interpretation) Go ahead.

~~---ICC-01/12-01/18-T-039-CONF-ENG-CT-03-11-2020-19/60-SZ-T-----~~

Trial Hearing
MLI-OTP-P-0065

(Open Session)

ICC-01/12-01/18

- 1 MR DUTERTRE: [10:27:51](Interpretation)
- 2 Q. [10:27:52] Mr Witness, number 1 on the map, what is that? And please,
- 3 just a simple answer without details.
- 4 A. [10:28:07] That's the entrance to the barracks of the Malian army.
- 5 Q. [10:28:21] Number 2, Mr Witness?
- 6 A. [10:28:25] That's the Timbuktu municipality.
- 7 Q. [10:28:35] Number 3, Mr Witness?
- 8 A. [10:28:40] That's the office of the national guard.
- 9 MR DUTERTRE: [10:28:51](Interpretation) And if we could go up a bit to
- 10 display number 5 on the left, please, court officer.
- 11 Q. [10:29:03] What is number 5, Mr Witness?
- 12 A. [10:29:11] That's the Djingareyber mosque.
- 13 Q. [10:29:23] Thank you, Mr Witness.
- 14 MR DUTERTRE: [10:29:27](Interpretation) Your Honours, I think this would
- 15 be a good time to take our usual break.
- 16 PRESIDING JUDGE MINDUA: [10:29:36](Interpretation) You are quite right,
- 17 Mr Prosecutor. We will now have a 45-minute break, it being 10.30 right now.
- 18 We will therefore resume at 11.15.
- 19 The Court -- the hearing is suspended.
- 20 THE COURT USHER: [10:30:05] All rise.
- 21 (Recess taken at 10.30 a.m.)
- 22 (Upon resuming in open session at 11.15 a.m.)
- 23 THE COURT USHER: [11:15:44] All rise.
- 24 Please be seated.
- 25 PRESIDING JUDGE MINDUA: [11:16:10](Interpretation) We are in session

~~---ICC-01/12-01/18-T-039-CONF-ENG-CT-03-11-2020-20/60-SZ-T-----~~

Trial Hearing
MLI-OTP-P-0065

(Open Session)

ICC-01/12-01/18

1 once again.

2 And over to the Prosecution for the continuation of the examination-in-chief of
3 Witness P-0065.

4 MR DUTERTRE: [11:16:33](Interpretation) Thank you very much,
5 Mr President, your Honours.

6 As we also spoke about two other organs active in Timbuktu today and last
7 Friday, I would like to show you a last map to continue on the same exercise,
8 0040-0407 at 19 in the binder. We can look at this confidentially at the
9 beginning because there is a signature at the bottom, but then we can look at it
10 in public session afterwards.

11 Q. [11:17:40] I would request a little bit of patience, Mr Witness. We do
12 apologise.

13 Madam courtroom officer, could we zoom in somewhat, please. Thank you.

14 Mr Witness, do you have the map before you?

15 It can be broadcast publicly.

16 Now what does number 7 on the map correspond to, Mr Witness?

17 A. [11:18:23] That is the location of the court, the former court. The one that
18 was under the government.

19 Q. [11:18:41] Very well. And number 8, what does it correspond to,
20 Mr Witness?

21 A. [11:18:54] It was a location where Internet and other services were
22 provided. This was under the Timbuktu municipality.

23 Q. [11:19:16] Very well. I shan't put any more questions on this matter.
24 We'll come back to that later, Mr President, your Honours.

25 I see that there is no more transcript whatsoever.

~~---ICC-01/12-01/18-T-039-CONF-ENG-CT-03-11-2020 21/60 SZ-T-----~~

Trial Hearing
MLI-OTP-P-0065

(Open Session)

ICC-01/12-01/18

- 1 THE COURT OFFICER: [11:19:28] Indeed, Mr Prosecutor, the French
2 transcript is having an issue, the technician is on his way, but the English
3 transcript is up and running.
- 4 MR DUTERTRE: [11:19:50](Interpretation) I think we shall continue.
- 5 PRESIDING JUDGE MINDUA: [11:19:53](Interpretation) Yes, I did notice
6 that as well. We don't have anything in French, but the English is working
7 fine. Please continue.
- 8 MR DUTERTRE: [11:20:06](Interpretation)
- 9 Q. [11:20:08] So, Mr Witness, yesterday in transcript T-38, page 49, lines 23 to
10 28 mention was made of the activities of the Islamic police and I would like to
11 come back to this point in order for you to assist the Chamber in further
12 understanding how this Islamic police worked.
- 13 Namely, you indicated and I quote, open quotation marks, "The Islamic police
14 organised -- also organised patrols." End of quotation. Could you please
15 clarify for the Chamber whether these were patrols on foot or in vehicles.
- 16 A. [11:21:23] Yes, there were patrols, these were members of the groups
17 going in the city among -- I mean, between different parts of the city on feet.
18 But there were also other patrols with cars.
- 19 Q. [11:21:54] And here you were talking about the members of the groups,
20 Mr Witness. My question was specifically with regard to the Islamic police
21 for whom you said that patrols were organised, or that they organised patrols.
22 Now, did this Islamic police organise patrols on foot and in cars; is that what
23 we should understand from what you said?
- 24 A. [11:22:34] Yes, the Islamic police did have patrols by vehicle that went by
25 its business around all parts of the city, but there were also individuals who

~~---ICC-01/12-01/18-T-039-CONF-ENG-CT-03-11-2020-22/60-SZ-T-----~~

Trial Hearing
MLI-OTP-P-0065

(Open Session)

ICC-01/12-01/18

1 were in person going to markets and in other parts of the city doing these
2 patrols.

3 Q. [11:23:09] And are you in a position to explain to us what kind of vehicles
4 were used by the Islamic police during these patrols?

5 A. [11:23:28] These were regular kind of vehicles. There were Toyota Hilux
6 vehicles, double cabin, and there was also a white sedan kind of car, a Toyota
7 car. These are the kinds of vehicles that I remember were used by the Islamic
8 police.

9 Q. [11:24:11] Thank you for those details. Are you in a position to tell us
10 whether those patrols were carried out during the day or at nighttime? Are
11 you aware of that and could you clarify this for the Chamber?

12 A. [11:24:32] Usually I would not be walking -- they would -- there would
13 usually be walking at night, but in -- or going about the business during
14 nighttime. But in daytime, yes, they are very much visible in daytime.

15 Q. [11:25:08] Understood. And what type of equipment did they have
16 when they were carrying out these patrols, the Islamic police that is?

17 A. [11:25:22] Usually light weapons, like Kalashnikov rifles, and also
18 talkie-walkie communication devices.

19 PRESIDING JUDGE MINDUA: [11:25:49](Interpretation) Mr Prosecutor, the
20 French transcript is up and running once again.

21 MR DUTERTRE: [11:25:53](Interpretation) Oh, thank you very much, indeed.
22 That had escaped me. Thank you.

23 PRESIDING JUDGE MINDUA: [11:26:01](Interpretation) Very well.
24 Ms Sutherland, please.

25 MS SUTHERLAND: [11:26:13] Thank you, your Honour. I thought I would

~~---ICC-01/12-01/18-T-039-CONF-ENG-CT-03-11-2020 23/60 SZ-T-----~~

Trial Hearing
MLI-OTP-P-0065

(Open Session)

ICC-01/12-01/18

1 take the opportunity of this short break to raise a small issue with the transcript,
2 the English transcript. At page 24, line 10, the answer as it reads in the
3 English is: "Usually I would not be walking -- there would usually be walking
4 at night, but in -- or going about the business during nighttime. But in
5 daytime, yes, they are very much visible in daytime." Which is obviously
6 slightly difficult to follow. I understand that in the Arabic it was much clearer
7 and my understanding again is that it says, "Normally I don't walk at night.
8 During the day I see them." Or something similar. I wonder if that could be
9 remedied.

10 PRESIDING JUDGE MINDUA: [11:27:18](Interpretation) Mr Prosecutor,
11 could you please clarify this question with the witness so that this can be clear.

12 MR DUTERTRE: [11:27:25](Interpretation) Yes, indeed the translations are a
13 little bit different.

14 Q. [11:27:30] Mr Witness, could you please explain to the Chamber whether
15 the Islamic police patrols were ongoing during the daytime and at nighttime,
16 or only at nighttime and not during the daytime and vice versa. Could you
17 please clarify that point.

18 A. [11:27:56] Given that I did not personally walk out at night, I cannot recall
19 what happened at night. But in daytime I used to see Islamic police vehicles
20 and members of the police patrolling or carrying out other activities in the city.

21 PRESIDING JUDGE MINDUA: [11:28:31](Interpretation) There we are. It's
22 clear now.

23 MR DUTERTRE: [11:28:34](Interpretation) Thank you, Mr President.

24 Q. [11:28:39] Mr Witness, when they were on patrol, how many individuals
25 were patrolling at the same time? I'm still talking here about the police.

~~---ICC-01/12-01/18-T-039-CONF-ENG-CT-03-11-2020 24/60 SZ-T-----~~

Trial Hearing
MLI-OTP-P-0065

(Open Session)

ICC-01/12-01/18

1 A. [11:29:02] I don't recall exactly how much, but -- how many. Sometimes
2 you see a car where there were two or three people, sometimes you see another
3 vehicle where you have 10 people, so the numbers differ and I cannot be very
4 specific regarding the -- these difference.

5 Q. [11:29:31] Mr Witness, did the police also have motorbikes or mopeds?

6 A. [11:29:47] Yes, I remember having seen a motorbike that belonged to the
7 Islamic police.

8 Q. [11:30:05] I'm now going to move on to another point that you mentioned
9 yesterday at page 49, still lines 23 to 28 when you indicated, and I quote, "We
10 also knew that they received complaints or it received complaints from the
11 inhabitants." End of quote. Could you please explain to us how this all
12 worked, this complaint issue?

13 A. [11:30:49] To put it very simply, if someone had -- if anyone had a
14 complaint regarding another individual, the former would come to the police
15 station to submit that complaint against that other individual.

16 Q. [11:31:22] Thank you. What languages do the people of Timbuktu speak?
17 What are the different languages?

18 A. [11:31:41] There is the Sango language, Arabic, and Tamasheq.

19 Q. [11:31:58] And, Mr Witness, are you in a position to tell us who received
20 the complaints from the inhabitants at the Islamic police?

21 A. [11:32:19] I cannot be specific on that as to who exactly was receiving
22 complaints, but I can cite an example and I -- but I prefer that example to be
23 given in a confidential or a private session.

24 MR DUTERTRE: [11:32:42](Interpretation) Mr President, please.

25 PRESIDING JUDGE MINDUA: [11:32:46](Interpretation) Madam courtroom

~~---ICC-01/12-01/18-T-039-CONF-ENG-CT-03-11-2020-25/60-SZ-T-----~~

Trial Hearing
MLI-OTP-P-0065

(Private Session)

ICC-01/12-01/18

1 officer, could we please move into private session.

2 (Private session at 11.32 a.m.)

3 THE COURT OFFICER: [11:33:00] We are in private session, Mr President.

4 PRESIDING JUDGE MINDUA: [11:33:06](Interpretation) Thank you very
5 much.

6 Mr Prosecutor, please.

7 MR DUTERTRE: [11:33:10](Interpretation) Thank you very much,

8 Mr President.

9 Q. [11:33:16] Could you please provide us with this example, Mr Witness?

10 A. [11:33:22] [REDACTED] Mr Al Hassan regarding the
11 Islamic police. [REDACTED]

12 [REDACTED]

13 PRESIDING JUDGE MINDUA: [11:33:53](Interpretation) The French
14 interpretation, please.

15 THE COURT OFFICER: [11:34:06] Mr Prosecutor, could you please ask the
16 witness to repeat his answer.

17 MR DUTERTRE: [11:34:17](Interpretation) I had it so low that I couldn't
18 even -- the volume on my headphones so low I couldn't hear the French myself.

19 Q. [11:34:35] Mr Witness, could you please repeat your answer, because there
20 was no interpretation provided into French. We can see the beginning of the
21 English answer but not the French.

22 A. [11:34:48] [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED] there was a big difference between them

~~---ICC-01/12-01/18-T-039-CONF-ENG-CT-03-11-2020-26/60-SZ-T-----~~

Trial Hearing
MLI-OTP-P-0065

(Private Session)

ICC-01/12-01/18

1 and the Malian police. [REDACTED] for everybody's security and
2 safety, without any distinction or discrimination between anyone, or any kind
3 of racism, or whether the person is rich or poor. [REDACTED]
4 [REDACTED] the Malian police would not accept anybody's complaint without them
5 paying 2,000 CFR and that whom -- and [REDACTED] they, the Islamic police, whoever
6 would come to them would find justice through them.
7 This is what I remember.

8 Q. [11:36:15] [REDACTED]
9 [REDACTED]?

10 A. [11:36:39] [REDACTED]

11 Q. [11:36:54] And are you in a position to tell us, not for every occasion but
12 for some occasions, where [REDACTED]?

13 A. [11:37:06] [REDACTED] at the Islamic police station and in city streets and in
14 many places.

15 Q. [11:37:26] When you say at the Islamic police station, well, there's the
16 BMS, there's the *gouvernorat*. Can you tell us [REDACTED] at the BMS,
17 at the *gouvernorat*, the governor's office, that is, or one or the other or both.
18 Could you please clarify.

19 A. [11:37:59] [REDACTED] at
20 the governor's residence.

21 PRESIDING JUDGE MINDUA: [11:38:20](Interpretation) Mr Prosecutor, are
22 we still going to continue in private session?

23 MR DUTERTRE: [11:38:24](Interpretation) I'm going to put a couple more
24 questions that are identifying, then I shall come out of private session. I do
25 understand the Chamber's concern.

~~---ICC-01/12-01/18-T-039-CONF-ENG-CT-03-11-2020-27/60-SZ-T-----~~

Trial Hearing
MLI-OTP-P-0065

(Private Session)

ICC-01/12-01/18

1 Q. [11:38:33] Mr Witness, did you often go to the Islamic police, to their
2 headquarters?

3 A. [11:38:53] Not too often.

4 Q. [11:39:01] And did you go to the BMS and to the governor's office, or one
5 or the other or both?

6 A. [11:39:28] I've certainly been to both locations, but I don't recall the exact
7 reason why I've been to the first location. But there were occasions, [REDACTED]
8 [REDACTED] where I visited the second location.

9 Q. [11:39:53] [REDACTED]
10 [REDACTED]

11 A. [11:40:08] [REDACTED]
12 [REDACTED].
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED].

18 Q. [11:41:17] And just a further point, you said [REDACTED], I'm taking the
19 English: (Speaks English) [REDACTED]
20 [REDACTED]
21 [REDACTED] (Interpretation) [REDACTED]?

22 A. [11:42:03] I am an elderly person, but I can say that even when I was
23 much younger I don't have a very good memory, but [REDACTED]
24 [REDACTED] Al Hassan, Abou Thar and other members of the media -- and some
25 members of the media office and I don't know whether I -- whether they came

~~---ICC-01/12-01/18-T-039-CONF-ENG-CT-03-11-2020-28/60-SZ-T-----~~

Trial Hearing
MLI-OTP-P-0065

(Private Session)

ICC-01/12-01/18

1 [REDACTED] I don't remember these
2 details.

3 MR DUTERTRE: [11:42:45](Interpretation) Just a moment, please,
4 Mr President, and then we shall move into open session.
5 We can now move into open session, Mr President.

6 PRESIDING JUDGE MINDUA: [11:43:15](Interpretation) Courtroom officer,
7 please, open session.

8 (Open session at 11.43 a.m.)

9 THE COURT OFFICER: [11:43:27] We are in open session, Mr President.

10 PRESIDING JUDGE MINDUA: [11:43:31](Interpretation) Thank you very
11 much.

12 Mr Prosecutor, please continue.

13 MR DUTERTRE: [11:43:37](Interpretation) Mr President, your Honours,
14 I would like to play a video. The ERN is 0018-0379, and it is 4 minutes and 47
15 seconds of duration and can be found at tab 193 of the second binder. The
16 transcript bears the ERN 0069-7535 at tab 194 and the translation bears the ERN
17 0069-7539 at tab 195.

18 First of all I'm going to play it without sound in public, and then I shall go
19 rapidly into private session where I shall play the sound and with the
20 interpreters will be able to read from the transcripts and sight translate. It's a
21 little bit lengthy. At the beginning I shall broadcast a few images and then
22 we'll play it in its entirety with sound.

23 THE COURT OFFICER: [11:45:45](Overlapping speakers)

24 (Viewing of the video excerpt)

25 MR DUTERTRE: [11:46:16](Interpretation) I will move from this point to

~~---ICC-01/12-01/18-T-039-CONF-ENG-CT-03-11-2020-29/60-SZ-T-----~~

Trial Hearing
MLI-OTP-P-0065

(Private Session)

ICC-01/12-01/18

1 another point in the video where there is a different image.

2 (Viewing of the video excerpt)

3 MR DUTERTRE: [11:46:51](Interpretation) I will stop this first showing and

4 I would now like to move into private session, please, your Honour.

5 PRESIDING JUDGE MINDUA: [11:47:03](Interpretation) Private session,

6 please, court officer.

7 (Private session at 11.47 a.m.)

8 THE COURT OFFICER: [11:47:15] We are in private session, Mr President.

9 PRESIDING JUDGE MINDUA: [11:47:19](Interpretation) Thank you very
10 much, court officer.

11 Prosecutor.

12 MR DUTERTRE: [11:47:23](Interpretation) Thank you, your Honour.

13 Q. [11:47:25] [REDACTED] ?

14 A. [11:47:34] [REDACTED]

15 Q. [11:47:44] [REDACTED]

16 A. [11:47:55] That I'm not sure of. The reason is that it has been a very long
17 time [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED] But I remember

21 [REDACTED] the Islamic police was

22 doing an important role in the city, providing security to the population for no

23 benefit in return. And we see here the face of Al Hassan clearly shown,

24 because he is a local. The other person, who is from Al-Qaeda, has his face

25 covered.

~~---ICC-01/12-01/18-T-039-CONF-ENG-CT-03-11-2020-30/60-SZ-T-----~~

Trial Hearing
MLI-OTP-P-0065

(Private Session)

ICC-01/12-01/18

1 Q. [11:49:12] Thank you. [REDACTED] we see Al Hassan. Is he on the
2 right or the left when one looks at the picture?

3 A. [11:49:34] Al Hassan, as it is clear, [REDACTED]

4 MR DUTERTRE: [11:49:47](Interpretation) For the transcript, we're at
5 00:00:00:00.

6 Q. [11:50:02] And the person on the left [REDACTED] do you know
7 who that is?

8 A. [11:50:22] Yes. That is Abou Thar.

9 Q. [11:50:27] Are you able, if you can, to say where [REDACTED]
10 [REDACTED]?

11 A. [11:50:46] I think that was at the province office.

12 Q. [11:51:02] When you say the "province office" do you remember the
13 governor's office, the *gouvernorat*?

14 A. [11:51:18] I mean the office of the governor, which turned into the office
15 of the Islamic police.

16 Q. [11:51:37] Thank you. [REDACTED]
17 [REDACTED]

18 A. [11:51:59] Towards the end of 2012 in Timbuktu.

19 Q. [11:52:12] [REDACTED]
20 [REDACTED]

21 A. [11:52:28] [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]

25 MR DUTERTRE: [11:52:56](Interpretation) Indeed, now we can move from

~~---ICC-01/12-01/18-T-039-CONF-ENG-CT-03-11-2020-31/60-SZ-T-----~~

Trial Hearing
MLI-OTP-P-0065

(Private Session)

ICC-01/12-01/18

1 private session and we can play the video and the interpreters can read the
2 transcript for the four minutes. We can move into public session, please,
3 madam court officer.

4 And I will recall that it's tabs 194 and 195 for the purposes of the interpreters.
5 (Open session at 11.53 a.m.)

6 THE COURT OFFICER: [11:53:35] We are now in open session.

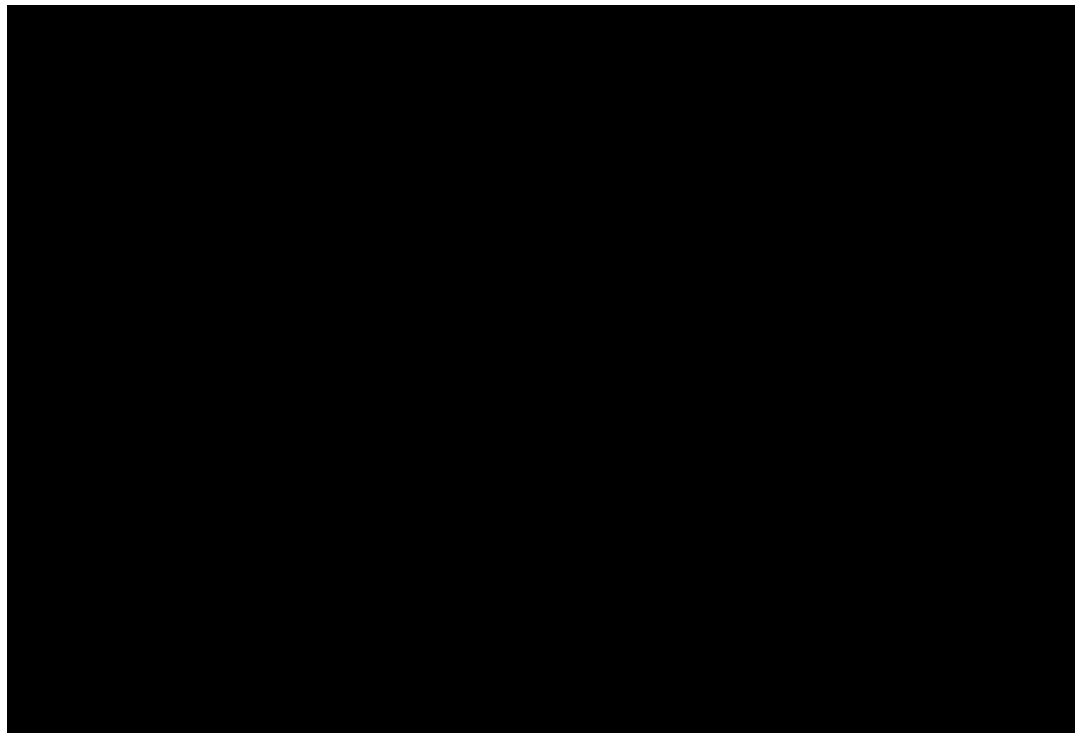
7 PRESIDING JUDGE MINDUA: [11:53:38](Interpretation) Thank you very
8 much.

9 Prosecutor.

10 MR DUTERTRE: [11:53:46](Interpretation) Yes, your Honour, I'm sorry,
11 speaking while the court officer was at work. Tabs 194, 195. And I am aware
12 that this may well be quite speedy.

13 THE INTERPRETER: [11:54:14](Interpretation of the video excerpt)

14
15
16
17
18
19
20
21
22
23
24
25



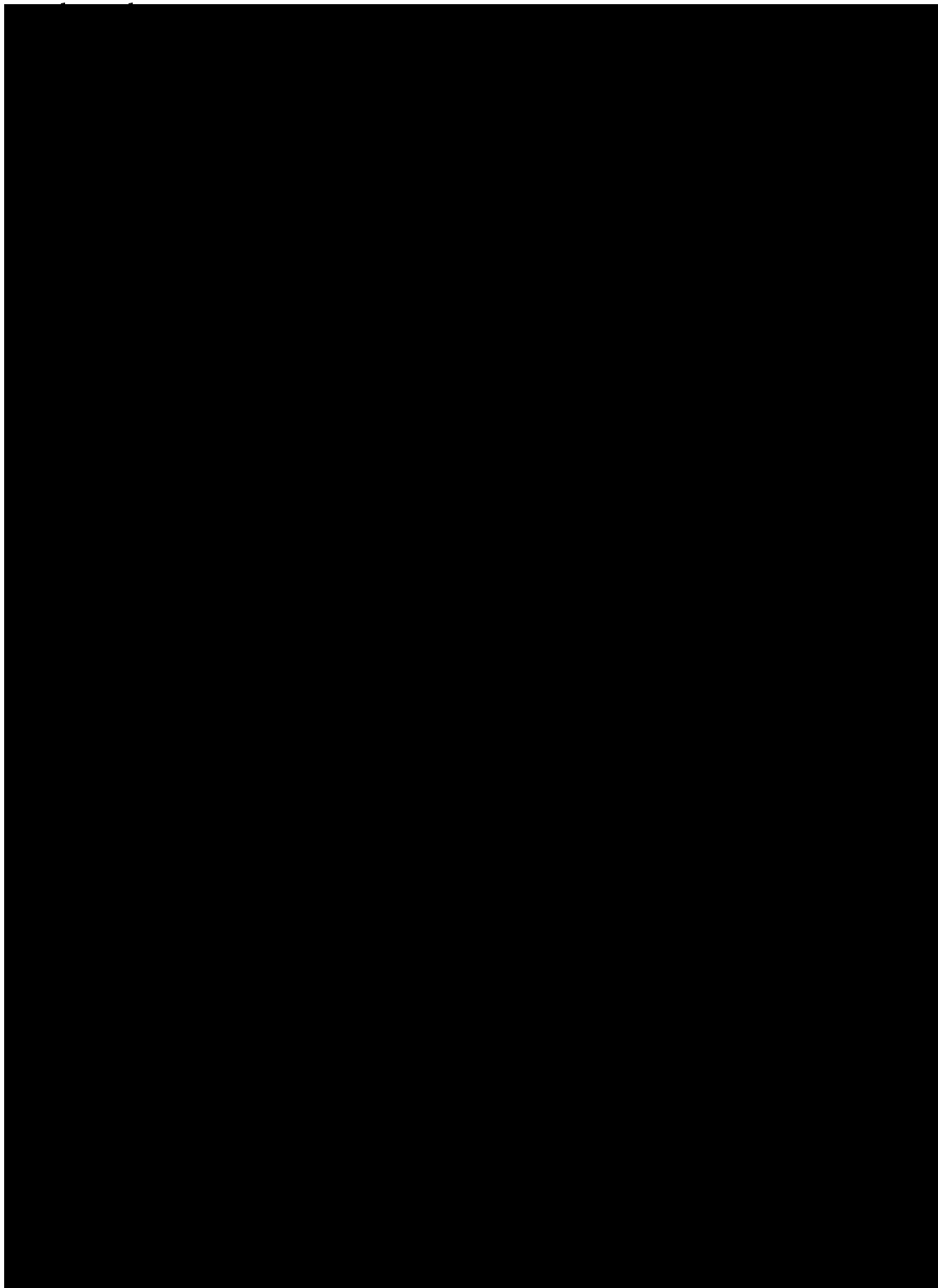
~~---ICC-01/12-01/18-T-039-CONF-ENG-CT-03-11-2020-32/60-SZ-T-----~~

Trial Hearing
MLI-OTP-P-0065

(Open Session)

ICC-01/12-01/18

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25



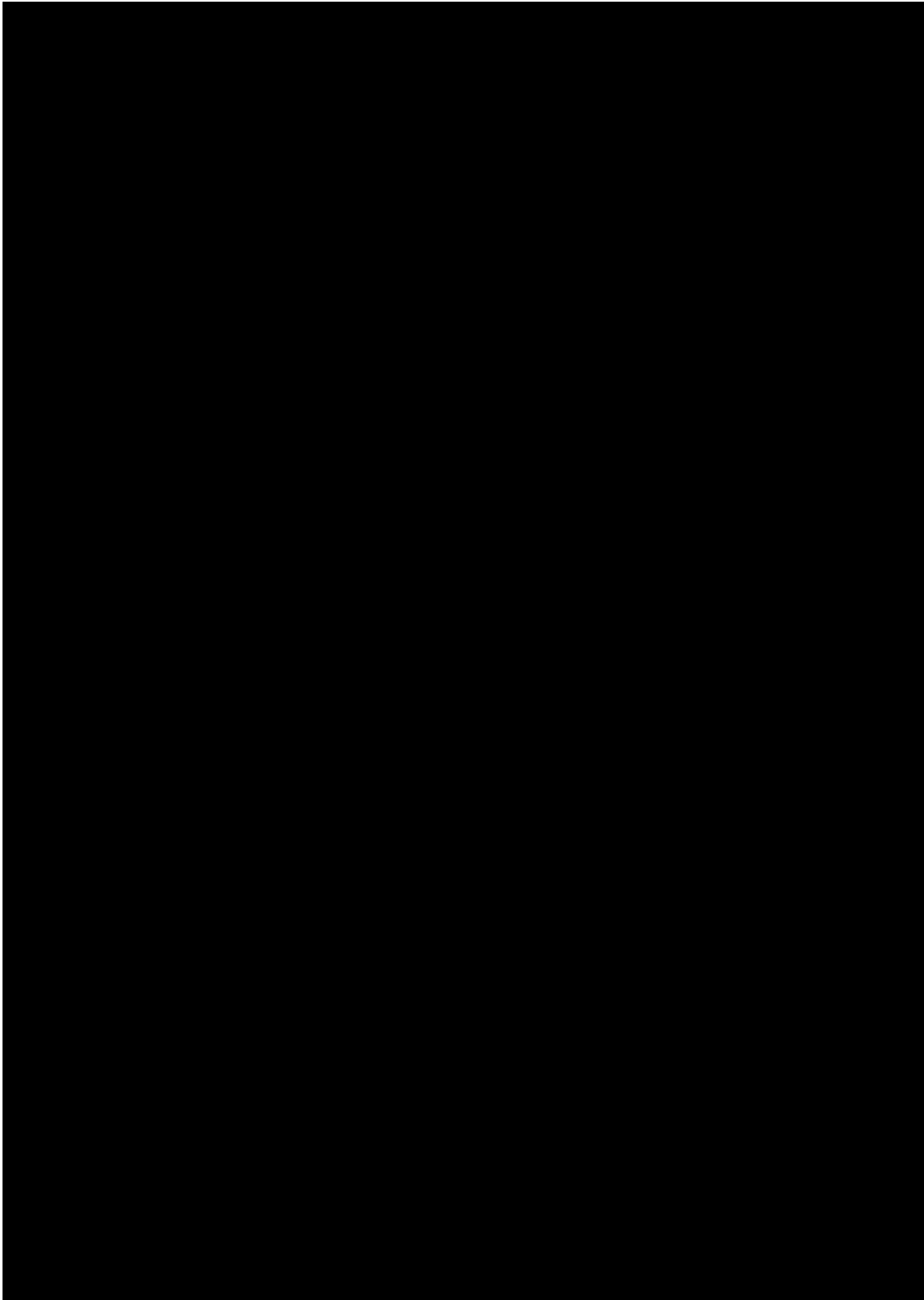
~~---ICC-01/12-01/18-T-039-CONF-ENG-CT-03-11-2020-33/60-SZ-T-----~~

Trial Hearing
MLI-OTP-P-0065

(Open Session)

ICC-01/12-01/18

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25



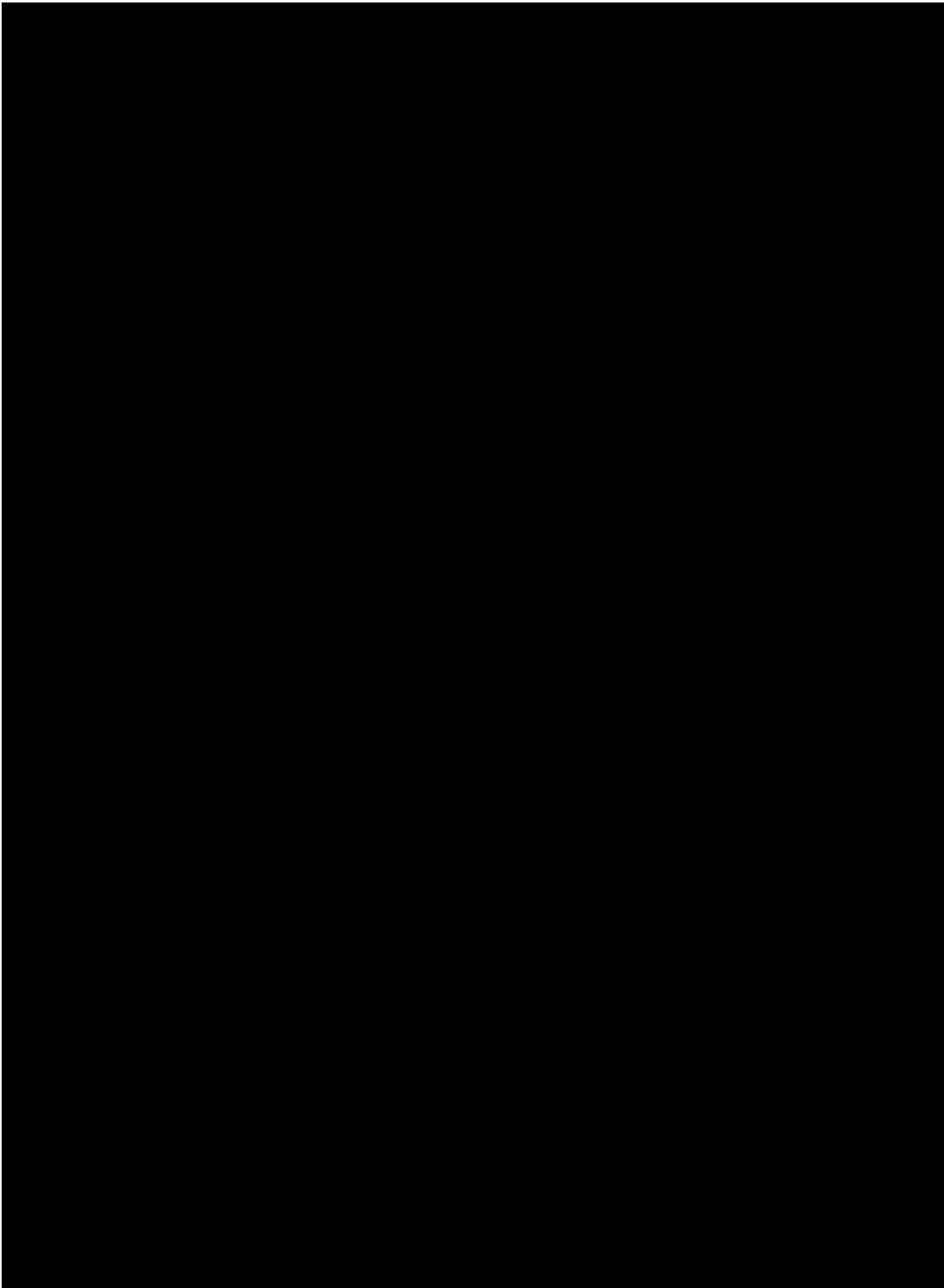
~~---ICC-01/12-01/18-T-039-CONF-ENG-CT-03-11-2020-34/60-SZ-T-----~~

Trial Hearing
MLI-OTP-P-0065

(Open Session)

ICC-01/12-01/18

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25



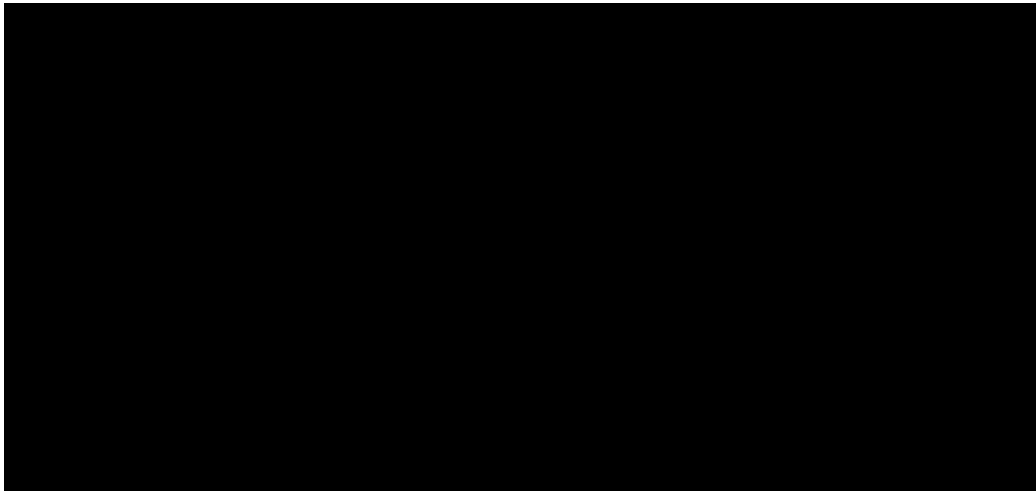
~~---ICC-01/12-01/18-T-039-CONF-ENG-CT-03-11-2020-35/60-SZ-T-----~~

Trial Hearing
MLI-OTP-P-0065

(Open Session)

ICC-01/12-01/18

1
2
3
4
5
6
7
8



9 MR DUTERTRE: [12:00:09](Interpretation)
10 Q. [12:00:10] Mr Witness, I brought us back to 00:00:16:01. Could you
11 please remind us of who is shown in this image?
12 A. [12:00:30] It's Al Hassan.
13 Q. [12:01:02] Do you know Al Hassan's full name?
14 A. [12:01:14] I heard his full name at the beginning, but I don't remember it
15 now. But I think it's Al Hassan Ag Abdoul Aziz.
16 Q. [12:01:34] And Al Hassan is from which tribe, Mr Witness?
17 A. [12:01:43] I know that he is from the Tuareg, but I am not sure. I think
18 he's from the Ansar, the Kel Ansar.
19 Q. [12:02:08] And do you know what is his home village, Al Hassan?
20 A. [12:02:30] I'm not sure about that, but I think someone previously I heard
21 said that he was from the Zarho village, but I'm not sure of that. I just think
22 so.
23 MR DUTERTRE: [12:02:51] Maybe we should move briefly into private
24 session, your Honour?
25 PRESIDING JUDGE MINDUA: [12:03:03](Interpretation) Private session,

~~---ICC-01/12-01/18-T-039-CONF-ENG-CT-03-11-2020 36/60 SZ-T-----~~

Trial Hearing
MLI-OTP-P-0065

(Private Session)

ICC-01/12-01/18

1 please, court officer.

2 (Private session at 12.03 p.m.)

3 THE COURT OFFICER: [12:03:16] We are in private session, Mr President.

4 PRESIDING JUDGE MINDUA: [12:03:22](Interpretation) Thank you very
5 much.

6 Prosecutor.

7 MR DUTERTRE: [12:03:31](Interpretation)

8 Q. [12:03:32] [REDACTED] Al Hassan at the Islamic police, what exactly
9 was he doing there?

10 A. [12:03:46] First, there is a point that I'd like to mention, [REDACTED]

11 [REDACTED]

12 [REDACTED] This is very important. [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

~~---ICC-01/12-01/18-T-039-CONF-ENG-CT-03-11-2020-37/60-SZ-T-----~~

Trial Hearing
MLI-OTP-P-0065

(Private Session)

ICC-01/12-01/18

1

2

3 MR DUTERTRE: [12:05:58](Interpretation) Your Honours, I put this to the
4 Chamber to see whether this wish expressed and justified by the witness calls
5 for a decision on your part?

6 PRESIDING JUDGE MINDUA: [12:06:18](Interpretation) What does the
7 witness want?

8 Is that what is being asked?

9 Mr Witness --

10 I see Ms Taylor is on her feet.

11 Ms Taylor.

12 MS TAYLOR: [12:06:51] Just two things. In terms of the issue of the
13 publicity of the proceedings, we understand that the witness
14 and, from a Defence
15 perspective, we are willing of course to waive that right to publicity more to
16 allay the witness's concerns on his point.

17 The second issue is that we saw earlier - and, if we're addressing these issues
18 now - that there was an issue with the transcript again. That when the
19 witness was testifying about how he recognised the name of Mr Al Hassan or
20 the full name of Mr Al Hassan, it would appear that the transcript does not
21 fully reflect what was said in Arabic, in terms of the reason why or how he
22 heard the full name of Mr Al Hassan. It's page 37, lines 23 to 25.

23 So if that could potentially be clarified at the same time, and, perhaps, in closed
24 session so as not to identify the witness.

25 PRESIDING JUDGE MINDUA: [12:07:59](Interpretation) Mr Witness, this

~~---ICC-01/12-01/18-T-039-CONF-ENG-CT-03-11-2020-38/60-SZ-T-----~~

Trial Hearing
MLI-OTP-P-0065

(Private Session)

ICC-01/12-01/18

1 Court works on the basis of the principle of publicity. You have been
2 accorded protective measures, so we will try and find an intermediate solution.
3 [REDACTED] for
4 the time being. We will examine it in private session, which will give you the
5 opportunity to speak the whole truth and take account of the concerns of the
6 Defence. [REDACTED]

7 So we will continue, court officer, in private session.

8 MR DUTERTRE: [12:09:06](Overlapping speakers)

9 (Trial Chamber confers)

10 PRESIDING JUDGE MINDUA: [12:11:15](Interpretation) Well, we will
11 continue, but this is very difficult for the Chamber when the principle of
12 publicity is not respected. But we will continue [REDACTED]
13 we will examine it in private session.

14 Prosecutor.

15 MR DUTERTRE: [12:11:36](Interpretation) Thank you, your Honour.

16 Q. [12:11:42] Mr Witness, [REDACTED] when we are
17 in public session, I try to ask neutral questions which, generally speaking,
18 should not allow people to identify the speaker. But if there are questions
19 which you find tricky, then I suggest you please make this known to us.

20 So we were trying to find out [REDACTED]

21 Al Hassan, what was he actually doing at that time?

22 A. [12:12:44] I don't know precisely [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

~~---ICC-01/12-01/18-T-039-CONF-ENG-CT-03-11-2020-39/60-SZ-T-----~~

Trial Hearing
MLI-OTP-P-0065

(Private Session)

ICC-01/12-01/18

- 1 Q. [12:13:13] We will come back to this. Thank you.
- 2 I would now like to move the video forward to 00:03:0 -- 32:12 (sic).
- 3 This is Al Hassan who is on the screen; is that correct?
- 4 A. [12:14:01] That is correct.
- 5 Q. [12:14:15] What is he wearing on his right wrist, Mr Witness?
- 6 A. [12:14:29] Clearly, it's a watch.
- 7 Q. [12:14:41] And what is the significance of wearing a watch on the right
- 8 wrist?
- 9 A. [12:14:59] All Islamist groups -- people would wear the watch in the right
- 10 hand, not the left hand.
- 11 MR DUTERTRE: [12:15:24](Interpretation) I might have two further questions,
- 12 because it's quarter past 12, Mr President.
- 13 PRESIDING JUDGE MINDUA: [12:15:32](Interpretation) Please go ahead.
- 14 MR DUTERTRE: [12:15:33](Interpretation) In fact, I have one question. I'm
- 15 going to move to 00:04:14:02.
- 16 Q. [12:15:51] Mr Witness, what is the building in the background with the
- 17 arcades?
- 18 A. [12:16:06] That's the building of the Islamic police and the office of the
- 19 governor.
- 20 Q. [12:16:17] And the person in the image of 00:04:14:02, who is that?
- 21 A. [12:16:31] That is Abou Thar.
- 22 Q. [12:16:34] Thank you.
- 23 MR DUTERTRE: [12:16:37](Interpretation) We can now move into public
- 24 session, Mr President. I have finished for now.
- 25 PRESIDING JUDGE MINDUA: [12:16:42](Interpretation) Ms Taylor, is this

~~---ICC-01/12-01/18-T-039-CONF-ENG-CT-03-11-2020-40/60-SZ-T-----~~

Trial Hearing
MLI-OTP-P-0065

(Private Session)

ICC-01/12-01/18

1 about private session or open session? Well, your question, where would you
2 like to put it, in open or private?

3 MS TAYLOR: [12:16:53] I think that would depend on the witness.

4 But, Mr President, earlier I raised the issue of the transcript and it hasn't yet
5 been corrected. Earlier, when the witness was asked how he -- if he knew
6 Mr Al Hassan's name, in Arabic, it says: I heard it at the beginning of the
7 hearing. Whereas, both the English and the French transcripts don't have the
8 word "at the hearing", which is quite a crucial difference.

9 So we're wondering if that could be clarified to ensure the accuracy of the
10 transcript. I'm not quite sure if that was in closed session or public session.

11 PRESIDING JUDGE MINDUA: [12:17:29](Interpretation) We are in private
12 session; so I believe we can ask the witness to clarify.

13 Mr Prosecutor.

14 MR DUTERTRE: [12:17:35](Interpretation) Yes, thank you.

15 I would like to thank the Defence for that because I hadn't really understood
16 that point previously.

17 Q. [12:17:42] Mr Witness, you said earlier on, that the person on the
18 screen - I'm here at 00:00:44:23 - was Al Hassan Abdoul al (sic) Aziz -- well, you
19 said it was Al Hassan. And then I asked you whether you knew his full name,
20 the full name of the individual. You said "Al Hassan Ag Abdoul Aziz."
21 Now when was it that you came to know the full name of Al Hassan? At
22 what moment in time?

23 A. [12:18:32] I knew the name in full since 2012, but in more recent times
24 when I tried to remember the name in full, I couldn't. My memory did not
25 serve me well. But the media helped me afterwards. So it's not now that I

~~---ICC-01/12-01/18-T-039-CONF-ENG-CT-03-11-2020-41/60-SZ-T-----~~

Trial Hearing
MLI-OTP-P-0065

(Private Session)

ICC-01/12-01/18

1 have learnt the name. I already knew, but I recalled it more at the beginning
2 of the trial.

3 PRESIDING JUDGE MINDUA: [12:19:13](Interpretation) There we are
4 Ms Taylor. It's crystal clear now.

5 Courtroom officer, please may we move into public session.

6 (Open session at 12.19 p.m.)

7 THE COURT OFFICER: [12:19:29] We are in open session, Mr President.

8 PRESIDING JUDGE MINDUA: [12:19:37](Interpretation) Thank you very
9 much, courtroom officer.

10 Now, it is 12 -- 17 minutes past 12. We are now going to take a break for an
11 hour and 15 minutes, approximately, and we shall reconvene at 1.30 p.m.

12 We shall now rise to take lunch. The hearing is suspended.

13 THE COURT USHER: [12:20:12] All rise.

14 (Recess taken at 12.20 p.m.)

15 (Upon resuming in open session at 1.31 p.m.)

16 THE COURT USHER: [13:31:13] All rise.

17 Please be seated.

18 PRESIDING JUDGE MINDUA: [13:31:39](Interpretation) Court is in session
19 once again and we shall continue with the examination-in-chief on the part of
20 the Office of the Prosecutor.

21 Prosecutor, please.

22 MR DUTERTRE: [13:31:54](Interpretation) Thank you, Mr President.

23 Mr President, I would need a few minutes in private session to wrap up on the
24 prior piece of evidence. It shouldn't be lengthy.

25 PRESIDING JUDGE MINDUA: [13:32:14](Interpretation) Courtroom officer,

~~---ICC-01/12-01/18-T-039-CONF-ENG-CT-03-11-2020-42/60-SZ-T-----~~

Trial Hearing
MLI-OTP-P-0065

(Private Session)

ICC-01/12-01/18

1 please could we move into private session.

2 (Private session at 1.32 p.m.)

3 THE COURT OFFICER: [13:32:25] We are in private session, Mr President.

4 PRESIDING JUDGE MINDUA: [13:32:30](Interpretation) Thank you very
5 much.

6 Prosecutor, please, over to you.

7 MR DUTERTRE: [13:32:35](Interpretation) Thank you, Mr President.

8 Q. [13:32:40] I have the video, I don't know if everyone can see it, on
9 evidence 2.

10 Can you see it, Mr Witness?

11 A. [13:32:56] (No interpretation)

12 Q. [13:32:56] We stopped at 00:03:40:03.

13 Mr Witness, you told us that it was Abou Thar who is represented here on the
14 image in this video at that very moment. Now, what is the jacket that he is
15 wearing, the dark-coloured jacket?

16 A. [13:33:37] That is the Islamic police vest.

17 PRESIDING JUDGE MINDUA: [13:33:56](Interpretation) The French
18 interpretation still hasn't come through.

19 MR DUTERTRE: [13:34:00](Interpretation)

20 Q. [13:34:05] Could you please repeat the answer for the French
21 interpretation, please.

22 A. [13:34:15] That's the Islamic police vest.

23 Q. [13:34:32] Mr Witness, are you able to read what is written on the white
24 label on the vest worn by the individual in the image?

25 A. [13:34:54] It is not clear, [REDACTED]

~~---ICC-01/12-01/18-T-039-CONF-ENG-CT-03-11-2020-43/60-SZ-T-----~~

Trial Hearing
MLI-OTP-P-0065

(Private Session)

ICC-01/12-01/18

1

2 Q. [13:35:21] Thank you. And to the extent of your knowledge, could you
3 tell us what this Abou Thar name means, what is its origin?

4 A. [13:35:42] I don't know, but I think it's the name of a companion of the
5 prophet. And usually these groups, in adopting their *nom de guerre*, they
6 would adopt the name of the companions of the prophet as their *nom de*
7 *guerres*.

8 Q. [13:36:15] Thank you. And a last point of clarification on this. On the
9 first day, if you recall, you said that Abou Thar might have been from the
10 *Hesbah* or from the police. Now that you have seen these images, is your
11 recollection clearer on this matter?

12 A. [13:36:51] What I'm sure about is that in this video he represents the
13 Islamic police, as it is clear. But as I previously said, the police -- the Islamic
14 police, the *Hesbah*, the army and the media all intermingle. Their work
15 overlaps. One day you find a person working with the police, the next day
16 with the *Hesbah*, the other day with the army.

17 Q. [13:37:36] Thank you for that clarification.

18 Now I've come to the end of this video, Mr President, your Honours. I would
19 need to move on to another video, but we're going to working in the same
20 framework as the previous video, in the sense that it might be identifying for
21 the witness. So I am in your hands, the hand of the Chamber, as to whether
22 we continue in private session or not.

23 PRESIDING JUDGE MINDUA: [13:37:57](Interpretation) We shall continue
24 in private session, please.

25 MR DUTERTRE: [13:38:02](Interpretation) So this is video 0018-091 -- no,

~~ICC-01/12-01/18-T-039-CONF-ENG-CT-03-11-2020-44/60-SZ-T-----~~

Trial Hearing
MLI-OTP-P-0065

(Private Session)

ICC-01/12-01/18

1 091 -- 0018-0091.

2 I no longer have the French transcript, but if the English transcript is working
3 then I can continue. The English transcript is working.

4 So this is to be found at tab 197 of the second binder. The transcript bears the
5 ERN 0052-0053 at tab 198 and the translation bears the ERN 0052-0055 to be
6 found at tab 199. It lasts 1 minute and 22 seconds and I shall be playing it
7 without the sound.

8 I am playing it now.

9 (Viewing of the video excerpt)

10 MR DUTERTRE: (Microphone not activated)

11 THE INTERPRETER: The Prosecutor without a microphone.

12 MR DUTERTRE: [13:40:41](Interpretation)

13 Q. [13:40:48] [REDACTED]?

14 A. [13:40:57] [REDACTED]

15 Q. [13:41:03] [REDACTED]

16 A. [13:41:14] [REDACTED]

17 Q. [13:41:22] [REDACTED]

18 A. [13:41:31] [REDACTED]

19 [REDACTED]

20 Q. [13:41:51] [REDACTED]

21 [REDACTED]

22 A. [13:42:06] [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

~~---ICC-01/12-01/18-T-039-CONF-ENG-CT-03-11-2020-45/60-SZ-T-----~~

Trial Hearing
MLI-OTP-P-0065

(Private Session)

ICC-01/12-01/18

1

2

3 Q. [13:43:00]

4

5 A. [13:43:14]

6

7

8

9

10 Q. [13:43:54] Very well.

11 I'm coming back to the beginning of the video, and just for the record we are
12 now at 00:00:00:00.

13 So this is a ritual question, Mr Witness. Who can we see on the image here at
14 timestamp 00:00:00:00?

15 A. [13:44:36] This is Al Hassan.

16 Q. [13:44:47] And what type of jacket is Mr Al Hassan wearing?

17 A. [13:44:58] It seems a military vest.

18 MR DUTERTRE: [13:45:10](Interpretation) I shall now play the video with the
19 sound, your Honours, and I will request that the interpretation -- the
20 interpreters read the -- into the transcript, please.

21 (Viewing of the video excerpt)

22 MR DUTERTRE: [13:45:36](Interpretation) I'm going to start again because
23 there was no sound. I do apologise.

24 THE INTERPRETER: [13:45:41](Interpretation of the video excerpt)

25 The Prime Minister of the Transitional Government is known for his

~~---ICC-01/12-01/18-T-039-CONF-ENG-CT-03-11-2020-46/60-SZ-T-----~~

Trial Hearing
MLI-OTP-P-0065

(Private Session)

ICC-01/12-01/18

1 antagonism towards the people ... the people of Azawad in the North and has
2 been incessantly instigating aggression against our people, which are not in the
3 least guilty. We believe that removing hostile ... hostile people from positions
4 of power in Bamako represents a positive step ... represents a positive step ...
5 erm ... represents a positive step that we are taking in the right direction.
6 Although it might be an indication of good faith, we think that this step is
7 insufficient and must be boldly followed by several others to break ... to break
8 the ice. These include in particular: First, cessation of hostilities that are
9 relentlessly committed against [our] people ... the unarmed people of Azawad;
10 Second, addressing in earnest the subject of ongoing negotiations in such a
11 manner that restores the violated rights of the people of Azawad while
12 guaranteeing that they live under ... in freedom ... under the umbrella of the
13 Islamic Sharia; working ... thirdly, towards neutralising all the voices calling
14 for barbaric intervention in the land of Azawad and ensuring that reason and
15 wisdom prevail, which will eventually be to the advantage of all concerned.
16 MR DUTERTRE: [13:47:32](Interpretation) Now, Mr President, your Honours,
17 I'd like to move on to another video of the same nature in terms of
18 confidentiality. This is video 0018-0092.
19 PRESIDING JUDGE MINDUA: [13:47:50](Interpretation) Please go ahead.
20 MR DUTERTRE: [13:47:52](Interpretation) Thank you, Mr President. And
21 this video lasts 14 seconds and can be found at tab 200 of the second binder.
22 The transcript is 0052-0058 and can be found at tab 201, and the translation is
23 0052-0060, is at tab 202.
24 So I shall be playing it without the sound.
25 (Viewing of the video excerpt)

~~---ICC-01/12-01/18-T-039-CONF-ENG-CT-03-11-2020 47/60 SZ-T-----~~

Trial Hearing
MLI-OTP-P-0065

(Private Session)

ICC-01/12-01/18

1 MR DUTERTRE: [13:49:14](Interpretation)

2 Q. [13:49:15] [REDACTED]

3 [REDACTED]

4 A. [13:49:31] [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 Q. [13:50:28] [REDACTED]

10 [REDACTED] that is 0018-0091?

11 A. [13:50:54] Yes.

12 Q. [13:50:58] [REDACTED]

13 A. [13:51:14] [REDACTED]

14 Q. [13:51:27] I'm now at 00:00:02:14 and can you please tell us whose face
15 appears on this image, Mr Witness?

16 A. [13:51:44] Al Hassan.

17 Q. [13:52:00] I'm now at 00:00:05:23. What is the object before
18 Mr Al Hassan, Mr Witness?

19 A. [13:52:22] A Kalashnikov rifle.

20 Q. [13:52:34] Thank you.

21 Mr President, I'd like to move on to another video now.

22 PRESIDING JUDGE MINDUA: [13:52:41](Interpretation) Please go ahead.

23 MR DUTERTRE: [13:52:43](Interpretation) This is video 0041-00 -- no, 0605,
24 that lasts 9 seconds and can be found at tab 249, with the transcript 0069-1674
25 at tab 250. And I shall play it without the sound.

~~---ICC-01/12-01/18-T-039-CONF-ENG-CT-03-11-2020-48/60-SZ-T-----~~

Trial Hearing
MLI-OTP-P-0065

(Private Session)

ICC-01/12-01/18

1 (Viewing of the video excerpt)

2 MR DUTERTRE: [13:53:52](Interpretation)

3 Q. [13:53:53] [REDACTED] ?

4 A. [13:54:00] [REDACTED]

5 Q. [13:54:09] Do you recognise the individual at the centre of the image
6 behind the desk at 00:00:00:00?

7 A. [13:54:32] The footage is of very poor quality. I cannot recognise.

8 Q. [13:54:48] I shall just play it again and you'll tell me whether if I play it
9 again it's easier for you. The quality isn't that fantastic.

10 (Viewing of the video excerpt)

11 MR DUTERTRE: [13:55:06](Interpretation)

12 Q. [13:55:06] I stopped at 00:00:08:16. Is this a little clearer for you,
13 Mr Witness?

14 A. [13:55:24] When the video was being played it was more clear and it is
15 clear that this is Al Hassan.

16 Q. [13:55:37] And do you recognise the location?

17 A. [13:55:49] I am not sure, but it reminds me of the Islamic police's first
18 office. But I'm not sure.

19 Q. [13:56:07] And when you talk about the first office of the Islamic police, is
20 that the *Banque Malienne de Solidarité*; is that correct?

21 A. [13:56:20] Yes, it is the bank location.

22 MR DUTERTRE: [13:56:32] Now, Mr President, your Honours, I'm going to
23 be moving on to another video.

24 PRESIDING JUDGE MINDUA: [13:56:42](Interpretation) Please go ahead.

25 MR DUTERTRE: [13:56:44](Interpretation) 0069-3712. To be found at tab 261.

~~---ICC-01/12-01/18-T-039-CONF-ENG-CT-03-11-2020-49/60-SZ-T-----~~

Trial Hearing
MLI-OTP-P-0065

(Private Session)

ICC-01/12-01/18

1 There is a transcript and a translation at tab 262 and 263, but I'm not going to
2 be playing it with the sound.

3 I shall therefore play the video.

4 (Viewing of the video excerpt)

5 MR DUTERTRE: [13:57:55](Interpretation)

6 Q. [13:57:56] [REDACTED]?

7 A. [13:58:04] [REDACTED]

8 Q. [13:58:13] Do you recognise the individual in the image at 00:00:17:18?

9 A. [13:58:30] Yes, it's Al Hassan.

10 Q. [13:58:41] Are you able to recognise the location [REDACTED]
11 [REDACTED]?

12 A. [13:58:58] I can only guess that this was one of the Islamic police's offices.
13 [REDACTED]
14 [REDACTED]

15 Q. [13:59:25] What is the jacket that Mr Al Hassan is wearing in this video?

16 A. [13:59:38] Certainly it's the Islamic police's vest.

17 MR DUTERTRE: [14:00:00](Interpretation) I have finished with this video,
18 Mr President, your Honours.

19 Q. [14:00:02] Mr Witness, you were [REDACTED] in Timbuktu
20 during that period, [REDACTED] What were the
21 other people from the Islamic police [REDACTED]
22 [REDACTED] apart from Mr Al Hassan? Who were they?

23 A. [14:00:49] In the beginning, there weren't people from the Islamic police
24 [REDACTED]
25 [REDACTED]

~~---ICC-01/12-01/18-T-039-CONF-ENG-CT-03-11-2020-50/60-SZ-T-----~~

Trial Hearing
MLI-OTP-P-0065

(Private Session)

ICC-01/12-01/18

1 [REDACTED]
2 [REDACTED]
3 Q. [14:01:41] [REDACTED] apart from Mr Al Hassan and Abou Thar,
4 who we saw, were there other people from the Islamic police [REDACTED]
5 [REDACTED] during this period in Timbuktu?

6 A. [14:02:10] [REDACTED]
7 [REDACTED]
8 [REDACTED] someone from the Islamic police, but I don't recall who exactly
9 that was.

10 Q. [14:02:42] [REDACTED] Mr Witness, I've
11 got a number of questions. Could you explain to the Chamber [REDACTED]
12 [REDACTED]
13 [REDACTED] Could you explain to us
14 how this worked, please.

15 A. [14:03:16] [REDACTED]
16 [REDACTED]
17 they would discuss the nature of that work proposed. They would discuss it
18 among themselves and then they would relay that to Yahya Abou Al Hammam
19 and, on the basis of that, it will be decided [REDACTED]

20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

~~---ICC-01/12-01/18-T-039-CONF-ENG-CT-03-11-2020-51/60-SZ-T-----~~

Trial Hearing
MLI-OTP-P-0065

(Private Session)

ICC-01/12-01/18

1

2

3

Q. [14:04:45]

4

5

6

7

A. [14:05:13]

8

9

happened on three occasions,

10

11

Q. [14:05:47] I know we're talking about a long time ago, 2012, but can you

12

recall what these three occasions were? What were the events involved in

13

that -- in those cases?

14

A. [14:06:15] I remember these occasions very well. First, when MNLA was

15

kicked out of the -- when it was kicked out, Abou Zeid was not known

16

17

18

19

20

21

22

23

24

25

The second occasion was

~~---ICC-01/12-01/18-T-039-CONF-ENG-CT-03-11-2020-52/60-SZ-T-----~~

Trial Hearing
MLI-OTP-P-0065

(Private Session)

ICC-01/12-01/18

1 [REDACTED] This was when the
2 mausoleums -- the Djingareyber mosque were demolished and also when a
3 retaliation by death was executed. [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 Q. [14:08:31] Thank you, Mr Witness. We'll come back to some points now
10 and to others later. You talked about [REDACTED] Abdallah
11 Al Chinguetti and I don't have the transcript to hand, but I would like to show
12 you the (inaudible)

13 PRESIDING JUDGE MINDUA: [14:09:03](No interpretation)

14 THE INTERPRETER: [14:09:04] Judge Mindua said, "We --"
15 Judge Mindua has the transcript.

16 PRESIDING JUDGE MINDUA: [14:09:06](Interpretation) Yes.

17 MR DUTERTRE: [14:09:08](Interpretation) I don't have it immediately, we
18 can come back to it later. I was just trying to follow this line now. But I don't
19 know whether I could perhaps ask you to provide the ERN number, which I
20 don't have myself at this point.

21 PRESIDING JUDGE MINDUA: [14:09:26](Interpretation) No, I don't.

22 MR DUTERTRE: [14:09:30](Interpretation)

23 Q. [14:09:32] So on the screen, 0018-0128, on the screen, is that the [REDACTED]
24 [REDACTED] Al Chinguetti that you were referring to?

25 A. [14:09:57] Yes.

~~---ICC-01/12-01/18-T-039-CONF-ENG-CT-03-11-2020-53/60-SZ-T-----~~

Trial Hearing
MLI-OTP-P-0065

(Private Session)

ICC-01/12-01/18

1 * Q. [14:10:01] Yes, thank you. And I've been told now the reference number,
2 which is transcript 0069-7622 with the translation at 0069-7634.

3 THE INTERPRETER: [14:10:21] Sorry, the interpreter did not catch the
4 reference.

5 MR DUTERTRE: [14:10:27](Interpretation) 007634. The video is actually
6 quite long. Perhaps we could show it later.

7 Q. [14:10:33] You mentioned - and, we will come back to that - but you said
8 that when the MNLA was sent away from the airport, can you tell us roughly
9 when that was? Was that before or after Ramadan?

10 A. [14:11:02] I think before Ramadan.

11 Q. [14:11:12] And then the second time when [REDACTED]
12 [REDACTED] you talked about a mosque which had been
13 demolished. Could you please just clarify for us what you're exactly referring
14 to, please.

15 A. [14:11:37] It was not the mosque that was demolished. It's what they call
16 the mausoleums, which is the part that is built on top of the earth on top of the
17 tombs, which was outside the Djingareyber mosque. I think they did not
18 demolish anything in the mosque. It was the mausoleums outside the
19 mosque.

20 Q. [14:12:17] Thank you. And the same question again, the destruction of
21 the mausoleums. Was that before or after the Ramadan?

22 A. [14:12:36] What I'm sure of is that it was in 2012, I don't know whether
23 before or after. What I know is that the Djingareyber mausoleums and the
24 mosque has cultural and historical significance and even in the -- and even has
25 significance among the people. This was not at the same time as the other

~~---ICC-01/12-01/18-T-039-CONF-ENG-CT-03-11-2020-54/60-SZ-T-----~~

Trial Hearing
MLI-OTP-P-0065

(Private Session)

ICC-01/12-01/18

1 mausoleums. It was left until proper preparations were made, and there was
2 also an effective security cord around the mosque.

3 Q. [14:13:28] Very well. And when you said that was until it had been well
4 prepared with a security cordon, who were the "they" in this question?

5 A. [14:13:55] Precisely, these were the Al-Qaeda group.

6 Q. [14:14:05] Thank you, Mr Witness.

7 MR DUTERTRE: [14:14:12](Interpretation) Your Honours, I'm going to move
8 now to other matters and there's a mixture of ...

9 Maybe we could ask the witness to remove his headphones for a moment.

10 PRESIDING JUDGE MINDUA: [14:14:29](Interpretation) Court officer,
11 I would like to ensure that the witness does not hear what the Prosecutor is
12 now about to say.

13 Ms Taylor.

14 MS TAYLOR: [14:14:49] (Overlapping speakers) I'm not sure that will be a
15 full remedy in that the witness will be able to hear and understand some
16 French and English. So I think it might be better if the witness were to leave.

17 PRESIDING JUDGE MINDUA: [14:15:06](Interpretation) You are quite right,
18 Ms Taylor, and I have given instructions to that effect.

19 (The witness exits the courtroom)

20 PRESIDING JUDGE MINDUA: [14:15:24](Interpretation) Prosecutor.

21 MR DUTERTRE: [14:15:25](Interpretation) I'm going to show a series of
22 videos [REDACTED]

23 [REDACTED] Therefore, I suggest we move into open

24 session for these videos [REDACTED]

25 [REDACTED]

~~---ICC-01/12-01/18-T-039-CONF-ENG-CT-03-11-2020-55/60-SZ-T-----~~

Trial Hearing
MLI-OTP-P-0065

(Private Session)

ICC-01/12-01/18

1 When I ask questions about the ones in public session, then I will also revert to
2 private session. But I think by doing this, that would allow us to achieve a
3 balance.

4 PRESIDING JUDGE MINDUA: [14:16:03](Interpretation) Yes, thank you very
5 much. I very much appreciate the efforts you're making in this field. Thank
6 you.

7 Court officer, if the witness could please return.

8 (The witness enters the courtroom)

9 PRESIDING JUDGE MINDUA: [14:17:09](Interpretation) Prosecutor, you
10 may continue. The witness is back.
11 Thank you for your patience.

12 MR DUTERTRE: [14:17:19](Interpretation) We can move into public session
13 for the next item of evidence.

14 PRESIDING JUDGE MINDUA: [14:17:25](Interpretation) Court officer, may
15 we please move into open session.
16 (Open session at 2.17 p.m.)

17 THE COURT OFFICER: [14:17:37] (Microphone not activated)

18 PRESIDING JUDGE MINDUA: [14:17:43](No Interpretation)

19 MR DUTERTRE: [14:17:45](Interpretation) Your Honours, I would now like
20 to show a video, which is in public domain, [REDACTED] tab 34 of the first binder,
21 with the transcript 0028-0839 at tab 35. And I will show a few seconds of this,

22 [REDACTED]

23 So [REDACTED]

24 (Viewing of the video excerpt)

25 MR DUTERTRE: [14:19:35](Interpretation) And I have stopped at [REDACTED]

~~---ICC-01/12-01/18-T-039-CONF-ENG-CT-03-11-2020-56/60-SZ-T-----~~

Trial Hearing
MLI-OTP-P-0065

(Private Session)

ICC-01/12-01/18

- 1 If we could perhaps move briefly into private session.
- 2 PRESIDING JUDGE MINDUA: [14:19:54](Interpretation) Private session,
3 please, court officer.
- 4 (Private session at 2.19 p.m.)
- 5 THE COURT OFFICER: [14:20:07] (Microphone not activated)
- 6 PRESIDING JUDGE MINDUA: [14:20:09](Interpretation) Thank you very
7 much.
- 8 Please continue, Mr Dutertre.
- 9 MR DUTERTRE: [14:20:13](Interpretation)
- 10 Q. [14:20:15] [REDACTED]
11 [REDACTED]?
- 12 A. [14:20:31] [REDACTED]
- 13 Q. [14:20:33] [REDACTED]
- 14 A. [14:20:39] [REDACTED]
- 15 Q. [14:20:46] There was no translation into French.
- 16 A. [14:20:58] [REDACTED]
- 17 Q. [14:21:08] Could you tell us where this was [REDACTED]?
- 18 A. [14:21:13] In Timbuktu.
- 19 Q. [14:21:20] And do you know approximately when [REDACTED]?
- 20 A. [14:21:32] Might have been in the middle of -- in the first half of 2012.
- 21 Q. [14:21:51] [REDACTED]?
- 22 A. [14:22:06] [REDACTED].
- 23 Q. [14:22:23] Thank you.
- 24 MR DUTERTRE: [14:22:26](Interpretation) We can now
25 move back into open

~~---ICC-01/12-01/18-T-039-CONF-ENG-CT-03-11-2020-57/60-SZ-T-----~~

Trial Hearing
MLI-OTP-P-0065

(Open Session)

ICC-01/12-01/18

1 session, your Honour.

2 PRESIDING JUDGE MINDUA: [14:22:31](Interpretation) Court officer, move
3 into open session, please.

4 (Open session at 2.22 p.m.)

5 THE COURT OFFICER: [14:22:39] We are back in open session, Mr President.

6 PRESIDING JUDGE MINDUA: [14:22:51](Interpretation) Thank you very
7 much, court officer.

8 Prosecution.

9 MR DUTERTRE: [14:22:56](Interpretation)

10 Q. [14:22:57] Mr Witness, can you tell us what's happening in the scene that
11 has just been played. What was this event?

12 A. [14:23:12] I recall that very well, that accident -- that incident. This was
13 the adultery punishment being executed against on one person -- one man and
14 one woman in the back square of a mosque in Timbuktu.

15 Q. [14:23:41] Could you tell us which mosque that was, please, Mr Witness?
16 Could you tell us behind which mosque?

17 A. [14:24:13] That is not clear, and, I don't remember also the name of the
18 mosque. I don't know. I don't remember the name of the mosque.

19 Q. [14:24:32] Very well. [REDACTED], we see somebody from the back, with a
20 sand-coloured robe and a sand-coloured turban. Could you tell us what this
21 person is doing at that point, please?

22 A. [14:25:12] That was a member of the armed groups and he was creating a
23 security cordon around the location, where the punishment execution will be
24 implemented, as a security precautionary measure to ensure that no protests or
25 objections happen.

~~---ICC-01/12-01/18-T-039-CONF-ENG-CT-03-11-2020-58/60-SZ-T-----~~

Trial Hearing
MLI-OTP-P-0065

(Open Session)

ICC-01/12-01/18

1 Q. [14:25:47] I'm now going to play the video with sound and I'll come back
2 to one or two of the images.

3 MR DUTERTRE: [14:25:59](Interpretation) If the interpreters could please
4 translate what they hear. Thank you.

5 (Viewing of the video excerpt)

6 THE INTERPRETER: [14:26:10] (Interpretation of the video excerpt)

7 The square is surrounded by a crowd. This has been blocked for 200 years
8 by -- in Mali, in our country.

9 MR DUTERTRE: [14:26:34](Interpretation) I stopped at [REDACTED] Come
10 back to [REDACTED]

11 Q. [14:26:58] Do you know the individual holding the megaphone with a
12 sand-coloured robe and a light-coloured turban? The person in the middle of
13 the image?

14 A. [14:27:21] That is Mr Al Faqi.

15 Q. [14:27:30] What is he doing at that point, in the middle of the square?

16 A. [14:27:42] Here, he is announcing to the people that a punishment of
17 lashes will be executed on a young man and a young woman.

18 Q. [14:28:05] I will move forward slightly.

19 THE INTERPRETER: [14:28:01] (Interpretation of the video excerpt)
20 200 years in Mali.

21 MR DUTERTRE: [14:28:11](Interpretation)

22 Q. [14:28:11] At [REDACTED] Mr Witness, what are all these people doing
23 here? These people all around?

24 A. [14:28:32] These came to watch the execution of the punishment because
25 the execution of an adultery punishment should be openly in public, in a

~~---ICC-01/12-01/18-T-039-CONF-ENG-CT-03-11-2020-59/60-SZ-T-----~~

Trial Hearing
MLI-OTP-P-0065

(Open Session)

ICC-01/12-01/18

1 public square.

2 Q. [14:28:57] How did they know there was going to be a punishment in a
3 public place?

4 A. [14:29:09] I don't know. Maybe they were -- they were convened and
5 told. Anyway, the important thing here, is that they came here to watch the
6 execution of the punishment or the sentence.

7 Q. [14:29:38] And as far as you can recall, was this type of punishment
8 announced in advance in some way?

9 A. [14:29:49] I don't know. The city of Timbuktu is a small city, very small,
10 and anything would be announced and would be relayed among the people
11 very fast.

12 Q. [14:30:25] Thank you, Mr Witness.

13 MR DUTERTRE: [14:30:29](Interpretation) Your Honour, I am tempted to
14 move on to other things, but time is passing.

15 PRESIDING JUDGE MINDUA: [14:30:36](Interpretation) You're quite right.
16 It is 14.30. We are, therefore, going to close the hearing for today.

17 Mr Witness, the Chamber would like to thank you once again for having
18 replied so clearly to all the questions that have been put to you.

19 Tomorrow, you will continue with your testimony, and, between then and now,
20 please do not forget that you are not allowed to talk about your testimony to
21 anybody at all. Not to members of your family, nor to friends, in the event
22 that you have contact with these people this evening.

23 Do you understand me?

24 THE WITNESS: [14:31:45](Interpretation) Yes.

25 PRESIDING JUDGE MINDUA: [14:31:48] (Overlapping speakers)

~~---ICC-01/12-01/18-T-039-CONF-ENG-CT-03-11-2020-60/60-SZ-T-----~~

Trial Hearing
MLI-OTP-P-0065

(Open Session)

ICC-01/12-01/18

- 1 (No interpretation)
- 2 THE COURT USHER: [14:32:25] All rise.
- 3 (The hearing ends in open session at 2.32 p.m.)
- 4 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 53 lines 1-2:
- 8 "Q. [14:10:01] Yes, thank you. And I've been told now the reference
- 9 number, which is the transcript with translation – "
- 10 Is corrected to
- 11 "Q. [14:10:01] Yes, thank you. And I've been told now the reference
- 12 number, which is transcript 0069-7622 with the translation at 0069-7634."