

Trial Hearing

(Open Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0065

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
7 Judge Kimberly Prost
8 Trial Hearing - Courtroom 1
9 Monday, 9 November 2020
10 (The hearing starts in open session at 9.33 a.m.)
11 THE COURT USHER: [9:33:18] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE MINDUA: [9:33:46](Interpretation) The hearing shall now
15 begin. Good morning, everyone.
16 Madam courtroom officer, if you could please call the case.
17 THE COURT OFFICER: [9:33:56] 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: [9:34:19](Interpretation) Thank you very much,
22 courtroom officer.
23 As usual, we will begin with introductions, beginning with the Office of the
24 Prosecutor.
25 Prosecutor.

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- 1 MR DUTERTRE: [9:34:31](Interpretation) Good morning, your Honours. The
2 Prosecution is represented by Mousa Allafi at the back, Sarah Coquillaud,
3 Mr Lucio Garcia, and myself, Gilles Dutertre. Thank you.
- 4 PRESIDING JUDGE MINDUA: [9:34:49](Interpretation) Thank you very much.
5 And now the Defence please.
6 Ms Taylor.
- 7 MS TAYLOR: [9:34:55] Good morning, Mr President, your Honours. The Defence
8 for Mr Al Hassan is represented by Kirsty Sutherland, Dolly Chahla, and myself,
9 Melinda Taylor.
- 10 PRESIDING JUDGE MINDUA: [9:35:09](Interpretation) Thank you very much,
11 Ms Taylor.
- 12 And now the Legal Representatives of Victims, Mr Kassongo.
- 13 MR KASSONGO: [9:35:18](Microphone not activated)
- 14 THE INTERPRETER: [9:35:19] Microphone, please.
- 15 PRESIDING JUDGE MINDUA: [9:35:29] Microphone.
- 16 MR KASSONGO: [9:35:37](Interpretation) Thank you very much, your Honours.
17 Good morning. I wish everyone a good week.
- 18 The Legal Representatives of Victims is made up of the following people:
19 Ms Claire Laplace, who is assisting me, and myself, Mayombo Kassongo.
20 Thank you.
- 21 PRESIDING JUDGE MINDUA: [9:35:55](Interpretation) Thank you very much,
22 Mr Kassongo.
- 23 Now, today we will continue with testimony from Witness P-0065, who is the 16th
24 Prosecution witness.
- 25 Good morning, Witness. Can you hear me?

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- 1 WITNESS: MLI-OTP-P-0065 (On former oath)
- 2 (The witness speaks Arabic)
- 3 THE WITNESS: [9:36:22](Interpretation) Good morning. I hear you very clearly.
- 4 PRESIDING JUDGE MINDUA: [9:36:27](Interpretation) Thank you very much.
- 5 Once again, welcome, and I thank you for being so patient.
- 6 Now I would like to remind you that you are still under oath and that you must tell
- 7 the Court the truth, the whole truth and nothing but the truth.
- 8 I remind you as well of the practical considerations which I read out to you recently
- 9 when you take the floor and give testimony.
- 10 Without any further ado, I'll now ask the Prosecution to proceed.
- 11 Mr Dutertre.
- 12 MR DUTERTRE: [9:37:11](Interpretation) Thank you very much, your Honours.
- 13 QUESTIONED BY MR DUTERTRE: (Continuing) (Interpretation)
- 14 Q. [9:37:16] Good morning, Mr Witness. How are you at the beginning of this
- 15 new week?
- 16 A. [9:37:24] Good morning. I am doing well, thank God.
- 17 Q. [9:37:34] Mr Witness, we are going to continue with one of the themes we were
- 18 exploring last Friday, in particular transcript 42, page 43, you mentioned Mohamed
- 19 Moussa saying that he was present at the Islamic tribunal. Would it be possible for
- 20 you to specify what role he played within the Islamic tribunal?
- 21 A. [9:38:18] As far as I know, when the Islamic court was first established, there
- 22 were -- there was a number of Timbuktu imams who were asked to be -- to sit the
- 23 court to be part of the judicial bench when that Court considered cases, among whom
- 24 was Mohamed Moussa.
- 25 Q. [9:38:48] Did he carry out any other duties in 2012 in Timbuktu other than being

1 a member of the Islamic tribunal?

2 A. [9:39:01] The last -- he was the last emir of the *Hesbah*.

3 Q. [9:39:18] Could you clarify for the Chamber whether if -- well, when he was the
4 emir of the *Hesbah*, was he also carrying out duties within the Islamic tribunal at the
5 same time?

6 A. [9:39:37] I do not know.

7 Q. [9:39:53] And you say that he remained emir until, until what time exactly?

8 A. [9:40:05] Until the beginning of the French intervention and the taking out of the
9 groups from the cities that they were controlling in northern Mali.

10 Q. [9:40:26] Well, I think it's implicit that when I said "emir" I meant emir of the
11 *Hesbah*, but just for the sake of the transcript I'm being specific.

12 Now, at transcript 37, page 15, lines 14 to 23, you said that towards the end, I quote:

13 "Towards the end, the dress code became very radical and if I -- and apparently there
14 was a new director, a new head of the *Hesbah* who was rather extremist." End of
15 quote.

16 Could you clarify what you meant by that exactly, Mr Witness.

17 A. [9:41:36] Yes. Depending on the strategy of the groups in Timbuktu, there was
18 a sort of a gradual pattern in the enforcement of Sharia. Also the *Hesbah*, as far as I
19 know, was in rotation, that is the emir would change every three months.

20 The main duties of the *Hesbah* were what they call forbidding the explicit wrong.

21 Any explicit wrong should be changed, and that includes women's clothing.

22 Women should dress the way Sharia has instructed and that is up to the emir. For
23 example, when it was Ahmad Abou Faqi, the emir at the beginning, there was a sort
24 of a flexibility, a flexibility for preaching that is following a preaching sense rather
25 than an imposition or imposing things on people.

1 But at the end, when Mohamed Moussa became emir, the dress code become more of
2 a mandatory thing imposed on women rather than something invited through a
3 preaching sense or a preaching approach.

4 Q. [9:43:10] Mr Witness, you mentioned one particular name, the name of another,
5 another emir, but you said that under certain emirs, and it was in plural in the French,
6 under some of the emirs of the *Hesbah*, how many other emirs of the *Hesbah* were
7 there during that period of time when Timbuktu was occupied in 2012, other than
8 Mohamed Moussa?

9 A. [9:43:59] I'm sorry, I will go back to this. It's been a long time and I think I've
10 mentioned something wrongly.

11 Mohamed Moussa was not the last emir, but his tenure ended days before the French
12 intervention. His successor was another emir of the *Hesbah* and I think it was
13 someone of a Chadian nationality. And I am not fully knowledgeable about the
14 *Hesbah*, but I know just that Ahmad Abou Al Faqi was emir of the *Hesbah* and so were
15 Mohamed *Hesbah*. And the last, someone from Chad whose name I have forgotten.

16 Q. [9:45:07] Very well. Do you know where the *Hesbah* had its headquarters?

17 A. [9:45:20] The first building, I don't know about that and I'm not sure whether it
18 was at the Islamic tribunal, the -- sorry, the old building of the Malian court. As to
19 their second office, it was the municipal Internet café. Their last office was the
20 Islamic police's previous location, which is the bank's building next to the market.

21 Q. [9:46:05] Thank you.

22 MR DUTERTRE: [9:46:05](Interpretation) Mr President, I'd like for us to briefly go
23 into private session just a few moments and then we can go back into open session. I
24 realise that we do have some people in the public gallery today.

25 PRESIDING JUDGE MINDUA: [9:46:20](Interpretation) Thank you very much,

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1 Mr Prosecutor. And thank you for reminding us that we have people in the public
2 gallery.
3 Courtroom officer, private session, please.
4 (Private session at 9.46 a.m.)
5 THE COURT OFFICER: [9:46:38] We're in private session, Mr President.
6 PRESIDING JUDGE MINDUA: [9:46:44](Interpretation) Thank you very much.
7 Mr Prosecutor.
8 MR DUTERTRE: [9:46:48](Interpretation) Thank you.
9 I'd like us to hark back to a video we've seen already. [REDACTED] tab 34 in the binder.
10 [REDACTED] -- tab 34. With another transcript 0028 at tab 35. And I'd like for us to
11 spend about one moment on this. [REDACTED] without sound.
12 (Viewing of the video excerpt)
13 MR DUTERTRE: [9:49:13](Interpretation) And I stopped at timestamp 18:29.
14 Q. [9:49:26] [REDACTED] ?
15 A. [9:49:28] [REDACTED] Timbuktu in January 2012 and this was an
16 activity by the *Hesbah* under its last emir, which is the Chadian emir.
17 Q. [9:49:48] I heard January 2012, have I correctly understood you?
18 A. [9:49:58] No. It was January 2013.
19 Q. [9:50:08] Understood. And could you briefly describe what's going on on this
20 footage.
21 A. [9:50:20] This is an activity organised by the *Hesbah*. [REDACTED] I don't
22 know, [REDACTED]
23 [REDACTED] This -- and this was one of their activities. This
24 one [REDACTED] there were people [REDACTED]
25 [REDACTED] from the *Hesbah* and who participated in this activity. The aim of this was to

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- 1 interact with the people in Timbuktu.
- 2 Q. [9:50:56] Thank you. I'd like to play it now with sound and we'll go into open
3 session.
4 I'll begin at 00:17:15:12.
5 (Viewing of the video excerpt)
- 6 MR DUTERTRE: [9:52:08](No interpretation)
- 7 THE INTERPRETER: [9:52:13] Message from the interpreter: Could the page and
8 line numbers be provided so the interpreter can find the spot in the transcript. It's a
9 rather long transcript.
- 10 MR DUTERTRE: [9:52:34](Interpretation) That's true. I'm just looking here. One
11 moment. I can continue while we look for those references.
- 12 PRESIDING JUDGE MINDUA: [9:52:55](Interpretation) Please.
13 (Viewing of the video excerpt)
- 14 MR DUTERTRE: [9:53:23](Interpretation) Just a moment. I should have checked
15 this. Page 0028, 200 to line 200 -- 211. No, it's not that.
16 We can go back into open session. I'm sorry.
- 17 PRESIDING JUDGE MINDUA: [9:54:30](Interpretation) Open session, please,
18 courtroom officer.
19 (Open session at 9.54 a.m.)
- 20 THE COURT OFFICER: [9:54:42] We're in open session, Mr President.
- 21 PRESIDING JUDGE MINDUA: [9:54:48](Interpretation) Thank you very much.
22 Mr Prosecutor, please proceed.
- 23 MR DUTERTRE: [9:54:54](Interpretation) Yes, I will.
- 24 Q. [9:55:00] Mr Witness, at 00:08:17:17, who is the person speaking?
- 25 A. [9:55:19] This man has as *a nom de guerre* Chourahbil. I don't know his real name.

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1 He is a Libyan national and I think he is from Al-Qaeda.

2 Q. [9:55:37] And what is he doing here at that point in time?

3 A. [9:55:42] Here he is trying to explain the goals of the Ansar Dine group. This
4 was part of the *Hesbah* activities and this is a sort of communication with the people of
5 Timbuktu.

6 Q. [9:56:23] Mr Witness, to the left we see a person facing away with a blue vest
7 and a green turban. Now, could you tell us more about this vest?

8 A. [9:56:40] This is the special vest of the *Hesbah*.

9 Q. [9:57:04] And at 30:01 timestamp, could you tell us exactly what is written on
10 this vest?

11 A. [9:57:14] The Ansar Dine group, the *Hesbah* committee, Timbuktu.

12 Q. [9:57:26] Thank you.

13 MR DUTERTRE: (Interpretation) If we could go into private session.

14 PRESIDING JUDGE MINDUA: [9:57:32](Interpretation) Private session, please.

15 (Private session at 9.57 a.m.)

16 THE COURT OFFICER: [9:57:45] We're in private session.

17 PRESIDING JUDGE MINDUA: [9:57:49](Interpretation) Thank you very much.

18 Mr Prosecutor.

19 MR DUTERTRE: [9:57:52](Interpretation) I'll now give the page, 0008-0045,
20 lines -- from line 172 to line 189.

21 (Viewing of the video excerpt)

22 THE INTERPRETER: [9:58:40](Interpretation of the video excerpt)

23 Preacher: Why look for other references than Allah to settle your disputes? I'm
24 asking you. You don't want the Koran to be the arbitrator amongst you.

25 Reporter 1: To get his message across, the man who speaks Arabic needs an

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- 1 interpreter.
- 2 Preacher: It is true that you were Muslims, but because of the influence of the
- 3 Christians you have forgotten your religion. We have come to shed light.
- 4 Speaking to his interpreter: Translate.
- 5 Reporter 1: His accent would give you to think that he is from Libya. Facing him,
- 6 the inhabitants try to understand what is being said.
- 7 Man number 1: You force women to wear the veil but for poor women (Overlapping
- 8 speakers)
- 9 MR DUTERTRE: [9:59:44](Interpretation) I think I'd like us to move on to another
- 10 video excerpt.
- 11 PRESIDING JUDGE MINDUA: [9:59:55](Interpretation) Go ahead.
- 12 MR DUTERTRE: [10:00:15](Interpretation) I believe that the English was not entirely
- 13 finished.
- 14 THE INTERPRETER: [10:00:23] Message from the interpreter: That is correct.
- 15 MR DUTERTRE: [10:00:27](Interpretation) Could we finish the English?
- 16 THE INTERPRETER: [10:00:42] Message from the interpreter: Would it be
- 17 acceptable to fill in the missing lines at a later point in time?
- 18 MR DUTERTRE: [10:00:54](Interpretation) Absolutely.
- 19 I'd like us to now move on to some other footage, 0001-6931, tab 109, transcript 0056,
- 20 tab 110. 0061 is the translation, 1130 -- translation found at tab 111. At tab 110.
- 21 And --
- 22 THE INTERPRETER: [10:02:44] Many reference numbers read out at speed.
- 23 MR DUTERTRE: [10:02:53](Interpretation) 00:00:33:00 to 00:01:19:04.
- 24 (Viewing of the video excerpt)
- 25 MR DUTERTRE: [10:03:46](Interpretation)

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1 Q. [10:03:47] [REDACTED] ?

2 A. [10:03:51] [REDACTED] the Ansar Dine group [REDACTED]

3 [REDACTED] in Timbuktu.

4 Q. [10:04:10] Thank you.

5 I am now going to play it with sound and one can read the transcript.

6 THE INTERPRETER: [10:04:22] Apologies from the English booth, the transcript is

7 being delivered by my colleague.

8 MR DUTERTRE: [10:04:31](Interpretation) I am at 00:31:11.

9 (Viewing of the video excerpt)

10 THE INTERPRETER: [10:04:42](Interpretation of the video excerpt)

11 The owners have fled. They are hiding. And we understand why. From the north

12 of Mali there is now the Sharia regime being imposed. This comes from -- comes

13 from Nigeria, and the other -- and his boss is Algerian and they were going to -- what

14 does it matter whether the bottles are empty, it's the evidence that counts?

15 MR DUTERTRE: [10:05:30](Interpretation) We can move back into public session.

16 PRESIDING JUDGE MINDUA: [10:05:37](Interpretation) Public session, please,

17 court officer.

18 (Open session at 10.05 a.m.)

19 THE COURT OFFICER: [10:05:53] We are back in open session, Mr President.

20 PRESIDING JUDGE MINDUA: [10:06:01](Interpretation) Thank you, court officer.

21 Prosecutor.

22 MR DUTERTRE: [10:06:04](Interpretation)

23 Q. [10:06:05] Mr Witness, could you tell us what we are seeing in this video?

24 A. [10:06:13] This is a destruction of a bar in Timbuktu next to -- or actually all the

25 bars in Timbuktu. And this was the first thing that Ansar Dine or Al-Qaeda did as

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1 soon as they got control of the city.

2 Q. [10:06:43] At 00:00:57:14, there are two people on --

3 A. [10:06:54] This is Abou Thar.

4 Q. [10:07:07] At 00:01:07:11, can you please tell us who this is in the image?

5 A. [10:07:19] This is Talha.

6 MR DUTERTRE: [10:07:31](Interpretation) I would now like to move into private
7 session, your Honour.

8 PRESIDING JUDGE MINDUA: [10:07:36] Private session, please court officer.

9 (Private session at 10.07 a.m.)

10 THE COURT OFFICER: [10:07:49] We're in private session, Mr President.

11 PRESIDING JUDGE MINDUA: [10:07:52](Interpretation) Thank you, court officer.
12 Prosecutor.

13 MR DUTERTRE: [10:07:56](Interpretation) Thank you, your Honour.

14 I'd now like to show another video, 0018-1885, which is at tab 309. The transcript is
15 at -- transcript is tab 310 and the translation is at tab 311 and is 0078-1301. And it
16 lasts 46 seconds. I will show it now without sound.

17 (Viewing of the video excerpt)

18 MR DUTERTRE: [10:10:11](Interpretation)

19 Q. [10:10:14] [REDACTED]?

20 A. [10:10:18] [REDACTED] in Timbuktu. This might have been in 2012
21 where -- when a stock of tobacco was burned by the Islamic police.

22 MR DUTERTRE: [10:10:40](Interpretation) I will now show it again, this time with
23 sound, your Honours. And if the interpreters can read the transcript, please.

24 (Viewing of the video excerpt)

25 THE INTERPRETER: [10:10:54](Interpretation of the video excerpt)

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1 And everywhere in Timbuktu, cigarettes and drugs. It's all ... forbidden. When we
2 catch those trafficking drugs or just cigarettes, they'll be punished, and we're going to
3 burn the drugs and cigarettes, too.

4 Allahu Akbar ... Takbir ... Allahu Akbar ... Allahu Akbar.

5 MR DUTERTRE: [10:12:14](Interpretation) We can move back into open session,
6 your Honour.

7 PRESIDING JUDGE MINDUA: [10:12:18](Interpretation) Open session, please,
8 court officer.

9 (Open session at 10.12 a.m.)

10 THE COURT OFFICER: [10:12:23] We are back in open session, Mr President.

11 PRESIDING JUDGE MINDUA: [10:12:35](Interpretation) Thank you, court officer.
12 Prosecutor, please continue.

13 MR DUTERTRE: [10:12:39](Interpretation) Thank you, your Honour.

14 Q. [10:12:43] Mr Witness, for the public record, what is happening in this video?

15 A. [10:12:53] Here the members of the Islamic police are burning a quantity of
16 tobacco. Actually, it's a delivery on -- from two vehicles that they are burning here
17 in the middle of Timbuktu.

18 Q. [10:13:27] Mr Witness, at 00:00:15:15, who is the person on the right of the screen
19 bending over?

20 A. [10:13:47] Although the image is of a very poor quality, that person seems to be
21 Abou Thar.

22 MR DUTERTRE: [10:14:12](Interpretation) I'd now like to return to private session,
23 your Honours.

24 PRESIDING JUDGE MINDUA: [10:14:18](Interpretation) Private session, please,
25 court officer.

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- 1 (Private session at 10.14 a.m.)
- 2 THE COURT OFFICER: [10:14:24] We're in private session, Mr President.
- 3 PRESIDING JUDGE MINDUA: [10:14:40](Interpretation) Thank you very much,
- 4 court officer.
- 5 Prosecutor.
- 6 MR DUTERTRE: [10:14:44](Interpretation) Thank you, your Honour.
- 7 I would now like to show more from the video 0001-6931, which is at tab 109, with the
- 8 transcript and translation at 110 and 111, which I just mention for information. And
- 9 I will go from -- and I will show this video from 00:00:12:00 to 00:00:26:23.
- 10 (Viewing of the video excerpt)
- 11 MR DUTERTRE: [10:16:02](Interpretation) And I'm playing it without sound.
- 12 (Viewing of the video excerpt)
- 13 MR DUTERTRE: [10:16:23](Interpretation)
- 14 Q. [10:16:26] [REDACTED] ?
- 15 A. [10:16:31] [REDACTED] in Timbuktu within the same framework of the
- 16 destruction of bars.
- 17 Q. [10:16:53] And could you tell us what's happening here?
- 18 A. [10:17:01] Here they are burning the talismans, these are sort of writings by
- 19 sheikhs that these people put on to protect from spirits and from bad luck and they
- 20 can, can be -- they can be used for different reasons and purposes.
- 21 MR DUTERTRE: [10:17:41](Interpretation) We can move back into public session,
- 22 your Honours.
- 23 PRESIDING JUDGE MINDUA: [10:17:47](Interpretation) Public session, please,
- 24 court officer.
- 25 (Open session at 10.17 a.m.)

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- 1 THE COURT OFFICER: [10:17:56] We are back in open session, Mr President.
- 2 PRESIDING JUDGE MINDUA: [10:18:02](Interpretation)
- 3 MR DUTERTRE: [10:18:06](Interpretation) Thank you, your Honour.
- 4 Q. [10:18:08] Mr Witness, you talked about writings to protect one from spirits or
- 5 bad luck. Is this current custom in -- a common custom in Timbuktu to have this
- 6 kind of writing upon one's person?
- 7 A. [10:18:28] Yes. This is a tradition in Timbuktu, in Mali, and in other -- in many
- 8 other countries, but in recent years people who follow this tradition have been called
- 9 infidels. This is part of the Wahhabist wave. But for Sufis, this is a formal tradition
- 10 that continues to this day.
- 11 Q. [10:19:08] And could you explain to us why the members of the groups are
- 12 burning these writings?
- 13 A. [10:19:22] With regards to the Al-Qaeda group, which embraces a Salafist
- 14 ideology and which is almost the same ideology as the Wahhabist ideology, they
- 15 believe that putting on these amulets is sort of a violation of monotheism because you
- 16 are relying on someone other than God. And that the person who wears this writing
- 17 or this amulet believes that that can protect him, while the proper belief is that only
- 18 God can protect you -- can protect you, no one else and no writing whatsoever.
- 19 Q. [10:20:12] Thank you very much.
- 20 MR DUTERTRE: [10:20:13](Interpretation) I'd like to move briefly into private
- 21 session, please, your Honour.
- 22 PRESIDING JUDGE MINDUA: [10:20:18](Interpretation) Private session, please,
- 23 court officer.
- 24 (Private session at 10.20 a.m.)
- 25 THE COURT OFFICER: [10:20:25] We're in private session.

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- 1 PRESIDING JUDGE MINDUA: [10:20:31](Interpretation) Thank you very much.
2 Prosecutor.
3 MR DUTERTRE: [10:20:35](Interpretation) Thank you, your Honour.
4 We are still looking at the same video, 0001-6931. I don't need the sound for this
5 extract. Going from 00:01:38:0.
6 (Viewing of the video excerpt)
7 MR DUTERTRE: [10:21:29](Interpretation)
8 Q. [10:21:29] [REDACTED] ?
9 A. [10:21:34] [REDACTED] the same campaign
10 against bars.
11 Q. [10:21:50] Can you explain to us or can you please tell us what is the monument
12 we can see in the background? And I'm now at 00:01:51:23.
13 A. [10:22:13] That's the freedom statuette where arms were burned, the arms of the
14 rebels and of the revolution in the '90s following the signature of an agreement
15 between Mali and the Tuareg revolutionaries.
16 Q. [10:22:51] Is this what is known as the peace monument, Mr Witness, or is this a
17 different monument?
18 A. [10:22:59] Yes.
19 MR DUTERTRE: [10:23:09](Interpretation) We can now return to public session,
20 your Honours.
21 PRESIDING JUDGE MINDUA: [10:23:14](Interpretation) Public session, court
22 officer, please.
23 (Open session at 10.23 a.m.)
24 THE COURT OFFICER: [10:23:23] We are back in open session.
25 PRESIDING JUDGE MINDUA: [10:23:32](Interpretation) Thank you very much.

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1 Prosecutor.

2 MR DUTERTRE: [10:23:35](Interpretation) Thank you, your Honour.

3 Q. [10:23:39] Mr Witness, can you tell us what this scene depicts.

4 A. [10:23:51] Here the members of Al-Qaeda and Ansar Dine are destroying and
5 demolishing African statuettes. These at some point in history represented pagan
6 symbols and are now used for decoration that represents African culture.

7 Q. [10:24:28] Thank you very much.

8 MR DUTERTRE: [10:24:31](Interpretation) Mr President, it's now 10.25 and I have a
9 request to present to the Chamber.

10 To be able -- to be able to complete my examination and to present the documents,
11 I would like to have not only the next session but also this afternoon's session. That
12 would be an extra hour and a quarter for my examination, but that would allow me to
13 finish completely and to present all the elements linked to my examination of this
14 witness for proving the truth, and obviously the Defence would have the opportunity
15 to have the same amount as me.

16 PRESIDING JUDGE MINDUA: [10:25:43](Interpretation) What do you mean by
17 finish, by presenting your evidence? Does that mean you would not speak
18 tomorrow?

19 MR DUTERTRE: [10:25:54](Interpretation) No, that would indeed mean that by
20 close of play today I would have finished my examination of the witness and I would
21 not speak again tomorrow.

22 PRESIDING JUDGE MINDUA: [10:26:03](Interpretation) Thank you very much.

23 Ms Taylor, I think that's a good arrangement, because if the Prosecutor finishes today,
24 do you have the time to start tomorrow with your cross-examination? And

25 I think -- it would of course be the turn of the Legal Representative of Victims first,

1 Mr Kassongo.

2 MR KASSONGO: [10:26:24](Interpretation) Mr President, I will pick after the OTP,
3 as usual.

4 PRESIDING JUDGE MINDUA: [10:26:35](Interpretation) So it would not be
5 Ms Taylor. But I think it's a good arrangement.

6 Prosecutor, your request is granted.

7 But before we continue, we have four minutes, I have a question for the witness.

8 Mr Witness, in the video earlier we saw somebody destroying a statuette and you
9 said it was because the group did not accept African culture, but I don't quite
10 understand that. This person destroying the -- was destroying the statue because it
11 was a symbol, a pagan symbol against religion or because it was a representation of
12 African culture, which?

13 THE WITNESS: [10:27:29](Interpretation) They did not explain clearly why they
14 destroyed that, but in general they destroyed these statuettes, and also images drawn,
15 because they believe that any sort of a physical manifestation of something is
16 forbidden in Islam and so are drawings. Some of them go as far as considering
17 filming as also forbidden, but that's a subject of disagreement among them.

18 PRESIDING JUDGE MINDUA: [10:28:13](Interpretation) You talked about drawn
19 images, are you talking about representations of a human being or of all drawings,
20 including of an animal?

21 THE WITNESS: [10:28:31](Interpretation) Anything that has a soul, drawing that or
22 embodying that is prohibited. But that doesn't apply to inanimate things. That is
23 not prohibited, I think.

24 PRESIDING JUDGE MINDUA: [10:28:56](Interpretation) Thank you very much,
25 Mr Witness.

- 1 I see Ms Taylor is on her feet. Ms Taylor.
- 2 MS TAYLOR: [10:29:03] Yes. Thank you, Mr President.
- 3 We of course note that the Chamber made its ruling before hearing from the Defence
- 4 on this issue. We of course do not object to the Prosecution's request, but note that
- 5 the same flexibility should be applied to the Defence, and in particular draw the
- 6 Chamber's attention to the fact that we still have an outstanding request to the
- 7 Chamber concerning the scheduling of hearings in light of medical examinations
- 8 which are occurring after these hearings on every day this week.
- 9 Thank you.
- 10 PRESIDING JUDGE MINDUA: [10:29:49](Interpretation) I was just waiting for the
- 11 French version, of course.
- 12 Yes, Ms Taylor, the Chamber is fair, as you know, so you will have the same
- 13 opportunities as the Prosecutor with regard to speaking.
- 14 With regard to the request on the other matters, we have been made aware of this and
- 15 the Chamber -- and we will give you the reply as soon as possible.
- 16 It is now 10.30. We will now take our 45-minute break and reconvene at 11.15.
- 17 The hearing is suspended.
- 18 THE COURT USHER: [10:30:35] All rise.
- 19 (Recess taken at 10.30 a.m.)
- 20 (Upon resuming in open session at 11.15 a.m.)
- 21 THE COURT USHER: [11:15:37] All rise.
- 22 Please be seated.
- 23 PRESIDING JUDGE MINDUA: [11:16:05](Interpretation) We shall now resume.
- 24 Mr Prosecutor, please proceed for the rest of your examination-in-chief, please.
- 25 MR DUTERTRE: [11:16:15](Interpretation) Thank you, your Honours.

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1 Now just one point for the transcript, for the purposes of the transcript, and I'll do this
2 in private session, your Honours, if you so desire.

3 PRESIDING JUDGE MINDUA: [11:16:35](Interpretation) Private session, please,
4 madam courtroom officer.

5 (Private session at 11.16 a.m.)

6 THE COURT OFFICER: [11:16:46] We are in private session, Mr President.

7 PRESIDING JUDGE MINDUA: [11:16:50](Interpretation) Thank you.

8 OTP.

9 MR DUTERTRE: [11:16:56](Interpretation) I noticed that the video footage ending in
10 31, reference number ending in 31, the two parts, the two excerpts, the timestamps
11 were not transcribed correctly and I'll read them out once again.

12 Now, I played from 00:02:12 to -- 00:02:12:00 to 00:02:26:23. And then the same video
13 footage later on, 0001-6931 - I repeat, 0001-6931 - and then the second part was
14 00:31:00 to -- 0001-5405 -- from 0001-3800 to 0001-5405.

15 Your Honours, I'd like us to go back to some other footage that we've seen in the past
16 few days, 0015, tab 251; 0015-0495, tab 251. The transcript is -- ends in 89, 0033-5189,
17 tab 252. And the translation, 0033-5285, tab 253.

18 And I'm going to play this without sound and I'd like to scroll up a little bit so the
19 subtitles are not visible. And this is -- I'm doing this on purpose.

20 (Viewing of the video excerpt)

21 MR DUTERTRE: [11:21:47](Interpretation) 00:36:04:07 to 00:37:08:02.

22 Q. [11:22:16] [REDACTED] ?

23 A. [11:22:23] [REDACTED]

24 Q. [11:22:41] Do you recognise the person who is on the screen facing -- all the
25 same, do you recognise him at the timestamp ending in 13?

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1 A. [11:23:01] Certainly. This is Abou Al Baraa.

2 Q. [11:23:09] Could you tell us who this person is, Mr Witness?

3 A. [11:23:15] Abou Al Baraa is one of the Al-Qaeda imams or sheikhs and he
4 oversaw the demolition of mausoleums in Timbuktu.

5 Q. [11:23:39] Understood. We're going to come back to that point in a few
6 moments.

7 Now as a -- I'd like to show another bit of footage, 0617 -- 16, tab 161, transcript
8 00 -- tab 162 for the transcript. Transcript 0069-0429, tab 162.

9 (Viewing of the video excerpt)

10 MR DUTERTRE: [11:25:10](Interpretation) I'll stop right here, 00:0 -- 46 --

11 Q. [11:25:17] [REDACTED] ?

12 A. [11:25:19] [REDACTED] in Timbuktu at the end of 2012 or at the
13 beginning of 2013.

14 MR DUTERTRE: [11:25:34](Interpretation) I'll play it again with sound and then
15 we'll go into open session and ask a question about Mr Al Baraa. It will be on the
16 public transcript that way.

17 PRESIDING JUDGE MINDUA: [11:26:06](Interpretation) I don't hear any sound.

18 MR DUTERTRE: [11:26:09](Interpretation) I'm just waiting for the green light. And
19 if the translators could use the transcript.

20 (Viewing of the video excerpt)

21 THE INTERPRETER: [11:26:20](Interpretation of the video excerpt)

22 As a butcher, as a citizen of Timbuktu, the whole question of Sharia, we apply Sharia
23 but it's a bit too much with us, unless, unless really trying with us in a way that we
24 can live with the others. But the way that it is, it's a bit too much with us.

25 Another person: Yeah.

- 1 Because we're so disturbed. Yes. You can't talk. Aha. You can't do anything.
- 2 We are here. We have our eyes closed. We don't even have the right to listen. We
- 3 don't even have the right to move about. We don't have the right to nothing. It's a
- 4 bit too much with us. We don't have the means. We have the (Overlapping
- 5 speakers)
- 6 MR DUTERTRE: (Overlapping speakers)
- 7 THE INTERPRETER: [11:27:30] The sight translation is not over.
- 8 PRESIDING JUDGE MINDUA: [11:27:31](Overlapping speakers)
- 9 (Open session at 11.27 a.m.)
- 10 THE COURT OFFICER: [11:27:55] We're in open session, Mr President.
- 11 PRESIDING JUDGE MINDUA: [11:27:59](Interpretation) Thank you very much.
- 12 Mr Prosecutor, please proceed.
- 13 MR DUTERTRE: [11:28:01](Interpretation) Thank you, Mr President.
- 14 Q. [11:28:04] Mr Witness, this footage is self-evident. If we could hark back to
- 15 once earlier point, could you explain for the public record who this person is,
- 16 Mr Abou Al Baraa?
- 17 A. [11:28:27] Abou Al Baraa I think is a Mauritanian. And what I'm sure of is that
- 18 he was one of the Al-Qaeda imams and leaders, one of the very important ones, and
- 19 he oversaw the demolition of mausoleums in Timbuktu.
- 20 Q. [11:28:50] Thank you, Mr Witness. What can you tell us about the destruction
- 21 of mausoleums in Timbuktu, Mr Witness.
- 22 A. [11:29:11] The matter of the mausoleums is at the core of the Al-Qaeda ideology
- 23 and it goes back to their intersection with the Wahhabist ideology because they said
- 24 that it is religiously prohibited to build on top of tombs more than *a hand's span.
- 25 And the mausoleums matter angered the people in Timbuktu unprecedentedly. The

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1 majority of the people believe that the Islamists were opening up graves to take out
2 the remains of the saints, while in fact they were destroying the top part on -- above
3 the tombs because they believed that whatever *is built higher than a hand's span is
4 prohibited religiously.

5 Q. [11:30:33] That happened when? Approximately. When did the destruction
6 of the mausoleums in Timbuktu begin, Mr Witness?

7 A. [11:30:50] In the middle of 2012.

8 Q. [11:31:02] And the beginning of the destruction of the mausoleums, was that
9 before or after Ramadan in 2012?

10 A. [11:31:18] I cannot recall exactly now, but it was the last -- but it was the last part
11 of 2012, that is for sure.

12 MR DUTERTRE: [11:31:38](Interpretation) I'd like us to go into private session.

13 PRESIDING JUDGE MINDUA: [11:31:42](Interpretation) Private session, madam
14 courtroom officer.

15 (Private session at 11.31 a.m.)

16 THE COURT OFFICER: [11:31:50] We're in private session, Mr President.

17 PRESIDING JUDGE MINDUA: [11:31:57](Interpretation) Thank you very much.
18 Mr Prosecutor.

19 MR DUTERTRE: [11:32:02](Interpretation) Thank you, your Honour.

20 I would now like to play 00-365 -- tab 222, transcript -- or transcription, rather, is at
21 tab 223 and I do not need the sound. And if it could be played without sound.

22 THE INTERPRETER: [11:32:25] Reference number 0018-0375, tab 222.
23 (Viewing of the video excerpt)

24 MR DUTERTRE: [11:32:41](Interpretation)

25 Q. [11:32:44] [REDACTED] ?

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- 1 A. [11:32:48] [REDACTED] in Timbuktu during the campaign on the
2 mausoleums.
- 3 Q. [11:33:12] Could you tell us what we see on the sign at the top of the screen?
4 To the right.
- 5 A. [11:33:23] The Sidi Mahmoud cemetery.
- 6 MR DUTERTRE: [11:33:37](Interpretation) We can go into open session.
- 7 PRESIDING JUDGE MINDUA: [11:33:41](Interpretation) Open session, please,
8 madam courtroom officer.
- 9 (Open session at 11.33 a.m.)
- 10 THE COURT OFFICER: [11:33:50] We're in open session, Mr President.
- 11 PRESIDING JUDGE MINDUA: [11:33:56](Interpretation) Thank you very much.
12 Mr Prosecutor.
- 13 MR DUTERTRE: [11:34:02](Interpretation) Thank you.
- 14 Q. [11:34:05] Now at this cemetery, the Sidi Mahmoud *cimetière* - and I'm at
15 timestamp 00:00:03:22 - could you explain to the Chamber what those people are
16 doing? These people who are at the top of the surrounding wall?
- 17 A. [11:34:36] Yes, these members were securing the cemetery and they were around
18 all the corners of the cemetery to protect those doing the demolition inside the
19 cemetery.
- 20 Q. [11:35:02] Very well.
- 21 MR DUTERTRE: [11:35:04](Interpretation) If we could go into private session.
- 22 PRESIDING JUDGE MINDUA: [11:35:07](Interpretation) Private session, please.
23 (Private session at 11.35 a.m.)
- 24 THE COURT OFFICER: [11:35:11] We're in private session, Mr President.
- 25 PRESIDING JUDGE MINDUA: [11:35:23](Interpretation) Thank you.

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- 1 Mr Prosecutor.
- 2 MR DUTERTRE: [11:35:25](Interpretation) Thank you, your Honour.
- 3 If we could now move on to a photograph at tab 242.
- 4 Q. [11:35:41] Mr Witness, do you know where [REDACTED] this photograph
- 5 comes from, where it was taken? Do you recognise it?
- 6 THE INTERPRETER: [11:35:51] Correction, tab 282.
- 7 THE WITNESS: [11:35:56](Interpretation) Yes, I think these were from the same
- 8 cemetery [REDACTED] the same event.
- 9 MR DUTERTRE: [11:36:22](Microphone not activated)
- 10 THE INTERPRETER: [11:36:25] Microphone, please.
- 11 MR DUTERTRE: [11:36:27](Interpretation) I'd now like to play some other footage,
- 12 363, 16 seconds, tab 340. 0024-2300 and this is at tab 341. Without sound.
- 13 (Viewing of the video excerpt)
- 14 MR DUTERTRE: [11:37:31](Interpretation)
- 15 Q. [11:37:32] [REDACTED]?
- 16 A. [11:37:37] [REDACTED] in Timbuktu.
- 17 Q. [11:37:49] [REDACTED]?
- 18 A. [11:37:57] I think that these images were from the second day and possibly not
- 19 the same cemetery. The first cemetery, the Sidi Mahmoud cemetery, was the first
- 20 day of the demolition of mausoleums. This cemetery was on the second day and it's
- 21 close to the Djinguereber mosque.
- 22 Q. [11:38:37] I'll now show this with sound.
- 23 (Viewing of the video excerpt)
- 24 MR DUTERTRE: [11:39:12](Interpretation) And we can go back into open session.
- 25 PRESIDING JUDGE MINDUA: [11:39:18](Interpretation) Open session, madam

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1 courtroom officer.

2 (Open session at 11.39 a.m.)

3 THE COURT OFFICER: [11:39:26] We're in open session, Mr President.

4 PRESIDING JUDGE MINDUA: [11:39:47](Interpretation) Thank you very much.

5 Mr Prosecutor.

6 MR DUTERTRE: [11:39:52](Interpretation) Thank you.

7 Q. [11:39:54] Witness, what's going on? Could you tell us what this is all about?

8 A. [11:40:02] This is a group of members of Ansar Dine and Al-Qaeda. They were
9 demolishing one of the mausoleums built on -- on top of a saint in Timbuktu.

10 Q. [11:40:26] At 08:10, could you tell us what body or organ this person belongs to?

11 A. [11:40:36] It's the Islamic police as it can be told from the vest.

12 MR DUTERTRE: [11:40:52](Interpretation) I'd like us back into private session, if
13 that's possible, Mr President.

14 PRESIDING JUDGE MINDUA: [11:41:02](Interpretation) Private session, please.

15 (Private session at 11.41 a.m.)

16 THE COURT OFFICER: [11:41:11] We're in private session.

17 PRESIDING JUDGE MINDUA: [11:41:17](Interpretation) Thank you.

18 MR DUTERTRE: [11:41:20](Interpretation) Thank you.

19 0018-0356. Tab 206. With the transcript 57, reference number ending in 57, tab 208,
20 translation 0025-43 at 207, tab 207. Without sound.

21 (Viewing of the video excerpt)

22 MR DUTERTRE: [11:42:24](Interpretation) I'll just pause here.

23 Q. [11:42:26] [REDACTED]?

24 A. [11:42:30] [REDACTED] the first demolition in the first cemetery. [REDACTED]

25 [REDACTED]

- 1 MR DUTERTRE: [11:42:49](Interpretation) I would now like to play this now with
2 sound and the interpreters can refer to the transcript.
3 (Viewing of the video excerpt)
4 THE INTERPRETER: [11:43:13](Interpretation of the video excerpt)
5 ... and his companions and his disciples. Everyone knows that, according to Sharia,
6 all funeral monuments that are higher than the ground must be brought down so that
7 they are not glorified or worshipped to the detriment of Allah, which many people
8 who are ignorant of this religion do. As you can see - praise be to Allah - this is what
9 the disciples of the Ansar Dine group are doing to carry out Allah's command - May
10 he be glorified and blessed. Abi-Hayyash al-Asadi - Allah be satisfied with
11 him - indicated that Ali ben Abi-Talib - Allah be satisfied with him - said to him:
12 "I am going to give you a command that the messenger of Allah - peace be with him
13 and may he be blessed - passed on to me: destroy the statuettes and the frescos and
14 knock down the tombs that are higher than the level of the ground."
15 Once again bring down these funeral monuments, thus preserving Sharia and the
16 monotheist cult of Allah, the only true God. In this way, the tombs will not be
17 worshipped and the deceased will not be adored and no one implore them to carry
18 out their wishes that only Allah can grant. This is what we are doing and we ask
19 Allah, may he be glorified and blessed, to give us the strength to carry out our task.
20 Peace be with you.
21 MR DUTERTRE: [11:45:11](Interpretation) We can go back into open session.
22 PRESIDING JUDGE MINDUA: [11:45:15](Interpretation) Open session, madam
23 courtroom officer.
24 (Open session at 11.45 a.m.)
25 THE COURT OFFICER: [11:45:23] We're in open session, Mr President.

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- 1 PRESIDING JUDGE MINDUA: [11:45:33](Interpretation) Thank you, court officer.
- 2 Mr Prosecutor, please continue.
- 3 MR DUTERTRE: [11:45:37](Interpretation) Thank you, your Honour.
- 4 Q. [11:45:42] Mr Witness, at 00:00:00:00, who is the person that we see here dressed
- 5 in green with a black turban?
- 6 A. [11:45:58] Abou Al Baraa.
- 7 Q. [11:46:02] And what is he doing, Mr Witness?
- 8 A. [11:46:11] Here they are demolishing the mausoleums at the Sidi Yahia cemetery
- 9 in Timbuktu.
- 10 MR DUTERTRE: [11:46:40](Interpretation) Did not hear any translation.
- 11 Q. [11:46:48] Could you please repeat the name of the cemetery, Mr Witness.
- 12 A. [11:46:53] It's either Sidi Mahmoud or Sidi Yahia. I do not recall the exact
- 13 name.
- 14 Q. [11:47:37] Mr Witness, at 00:00:44:20, are you able to say who this is on the left of
- 15 the screen with a light green turban?
- 16 A. [11:47:53] This is Abou Bacar Al Chingetty.
- 17 Q. [11:48:07](Interpretation) Thank you.
- 18 Your Honour, I would like to move into private session, please.
- 19 PRESIDING JUDGE MINDUA: [11:48:13](Interpretation) Private session, please,
- 20 court officer.
- 21 (Private session at 11.48 a.m.)
- 22 THE COURT OFFICER: [11:48:18] We're in private session, Mr President.
- 23 PRESIDING JUDGE MINDUA: [11:48:25](Interpretation) Thank you.
- 24 Prosecutor.
- 25 MR DUTERTRE: [11:48:26](Interpretation) I will now like to show a photo here on

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1 the screen, 0018-2651.

2 Q. [11:48:40] [REDACTED]?

3 A. [11:48:43] [REDACTED] at the cemetery.

4 MR DUTERTRE: [11:49:00](Interpretation) We can return to open session, please,
5 your Honour.

6 PRESIDING JUDGE MINDUA: [11:49:04](Interpretation) Open session, please, court
7 officer.

8 (Open session at 11.49 a.m.)

9 THE COURT OFFICER: [11:49:10] We're in open session, Mr President.

10 PRESIDING JUDGE MINDUA: [11:49:21](Interpretation) Thank you very much.

11 Mr Prosecutor.

12 MR DUTERTRE: [11:49:24](Interpretation) Thank you, your Honour.

13 Q. [11:49:26] Mr Witness, can you say who is the person here on the left of the
14 screen?

15 A. [11:49:35] That's Abou Bacar Al Chingetty.

16 Q. [11:49:49] And can you, if possible - it's difficult - say who is this person
17 in -- towards the back at the -- to the right of the wall with a -- in green with a black
18 turban?

19 A. [11:50:17] It's difficult to be sure on this, this is quite distant and the quality of
20 the image is not reliable either, but I could say that this seems to be Abou Al Baraa.

21 Q. [11:50:48] Thank you.

22 MR DUTERTRE: [11:50:49](Interpretation) I'd now like to move into private session,
23 please, your Honour.

24 PRESIDING JUDGE MINDUA: [11:50:53](Interpretation) Private session, please,
25 court officer.

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- 1 (Private session at 11.50 a.m.)
- 2 THE COURT OFFICER: [11:51:03] We're in private session, Mr President.
- 3 PRESIDING JUDGE MINDUA: [11:51:10](Interpretation) Thank you.
- 4 Mr Prosecutor.
- 5 MR DUTERTRE: [11:51:13](Interpretation) Thank you, your Honour.
- 6 I'd now like to show video 0018-0362. 0018-0362, which is at 218, with the
- 7 transcript 00 -- with the transcript at 219. And I will show it without sound.
- 8 (Viewing of the video excerpt)
- 9 MR DUTERTRE: [11:52:19](Interpretation)
- 10 Q. [11:52:20] [REDACTED] ?
- 11 A. [11:52:24] [REDACTED]
- 12 Q. [11:52:40] Thank you.
- 13 MR DUTERTRE: [11:52:41](Interpretation) We can now move back into open session,
- 14 your Honour.
- 15 PRESIDING JUDGE MINDUA: [11:52:46](Interpretation) Open session, please, court
- 16 officer.
- 17 (Open session at 11.52 a.m.)
- 18 THE COURT OFFICER: [11:52:56] We're in open session, Mr President.
- 19 PRESIDING JUDGE MINDUA: [11:53:02](Interpretation) Thank you.
- 20 Mr Prosecutor.
- 21 MR DUTERTRE: [11:53:05](Interpretation) Thank you, your Honour.
- 22 Q. [11:53:06] Mr Witness, at 00:00:09:21, who is the person on the left with a white
- 23 turban?
- 24 A. [11:53:19] This is Talha.
- 25 Q. [11:53:26] Can you tell us what he was doing there on that day?

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1 A. [11:53:32] Here he's at the cemetery during the demolition of mausoleums in
2 Timbuktu.

3 Q. [11:53:59] I'm now at 00:02:22. Are you able to recall who is the person in black
4 whom we see from the back here on the screen?

5 A. [11:54:16] I think that that is Abou Sayaf. This is what I think.

6 Q. [11:54:33] Thank you.

7 MR DUTERTRE: [11:54:34](Interpretation) I would now like to move into private
8 session, please, your Honour.

9 PRESIDING JUDGE MINDUA: [11:54:38](Interpretation) Private session, please,
10 court officer.

11 (Private session at 11.54 a.m.)

12 THE COURT OFFICER: [11:54:49] We're in private session, Mr President.

13 PRESIDING JUDGE MINDUA: [11:54:55](Interpretation) Thank you very much.
14 Mr Prosecutor.

15 MR DUTERTRE: [11:54:58](Interpretation) Thank you, your Honour.

16 Q. [11:55:00] Mr Witness, can you clarify something for us. You talked about
17 Abou Sayaf when we saw a video of the airport. Is that someone different or is it the
18 same person?

19 A. [11:55:18] It's the same person.

20 Q. [11:55:29] I'd now like to show a video which is at tab 209 and the reference is
21 0018-0357, and the transcript is at 0025-0358, which is at 211, and the translation
22 0025-0358, which is at tab 212. I will show it without sound.

23 (Viewing of the video excerpt)

24 MR DUTERTRE: [11:56:45](Interpretation) And I'm starting after -- I'm stopping at
25 this point.

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1 Q. [11:56:52] [REDACTED]s?

2 A. [11:56:54] [REDACTED] the
3 background is not clear. But [REDACTED] these are from the same event at the
4 cemetery.

5 Q. [11:57:17] To clarify, is this this person you were talking of -- the cemetery you
6 were talking of on the first day?

7 A. [11:57:27] Yes.

8 MR DUTERTRE: [11:57:32](Interpretation) I will show it with sound and I would
9 ask the interpreters to translate, please.

10 (Viewing of the video excerpt)

11 THE INTERPRETER: [11:57:56](Interpretation of the video excerpt)

12 More than one span. We're demolishing them in the traditional way in order to
13 protect people's graves because breaking a man's bones when he's dead is as
14 forbidden as breaking them when he's alive. Similarly, we didn't use bulldozer or
15 explosives in observance of the rights of the families of the dead. This, I mean in the
16 end we do what we do, seeking the pleasure of our God, glorified and exalted be he.
17 We believe we're carrying out the command of Allah because we're the governors of
18 this land. We're righting all the wrongs we notice. May peace be upon you.

19 MR DUTERTRE: [11:58:49](Interpretation) Thank you.

20 We can now return to open session, your Honour.

21 PRESIDING JUDGE MINDUA: [11:58:58](Interpretation) Open session, please, court
22 officer.

23 (Open session at 11.59 a.m.)

24 THE COURT OFFICER: [11:59:08] We are back in open session, Mr President.

25 PRESIDING JUDGE MINDUA: [11:59:12](Interpretation) Thank you very much.

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- 1 Mr Prosecutor, please continue.
- 2 MR DUTERTRE: [11:59:15](Interpretation) Thank you, your Honour.
- 3 Q. [11:59:17] Mr Witness, who do we see at the start of this video, 00:00:00:00?
- 4 A. [11:59:29] Mr Al Faqi.
- 5 Q. [11:59:37] And what is he saying at this point?
- 6 A. [11:59:45] Here he is explaining the Islamic perspective on the levelling of tombs
- 7 and the removal of anything built above tombs.
- 8 MR DUTERTRE: [12:00:12](Interpretation) I would like to move again to private
- 9 session, please, your Honour.
- 10 PRESIDING JUDGE MINDUA: [12:00:17](Interpretation) Private session, please,
- 11 court officer.
- 12 (Private session at 12.00 p.m.)
- 13 THE COURT OFFICER: [12:00:27] We're in private session, Mr President.
- 14 PRESIDING JUDGE MINDUA: [12:00:31](Interpretation) Thank you very much.
- 15 Prosecutor.
- 16 MR DUTERTRE: [12:00:36](Interpretation) Thank you, your Honour.
- 17 I'd now -- to show 0018-0358, it is 45 seconds and is at tab 345. The transcript is at
- 18 346 and I will show it first without sound.
- 19 (Viewing of the video excerpt)
- 20 MR DUTERTRE: [12:01:30](Interpretation) I'm starting at second 10.
- 21 Q. [12:01:37] [REDACTED]?
- 22 A. [12:01:40] [REDACTED]
- 23 MR DUTERTRE: [12:01:48](Interpretation) I will now start again -- show it again
- 24 with sound. And if the interpreters could read the transcript, that would be perfect.
- 25 (Viewing of the video excerpt)

1 THE INTERPRETER: [12:02:09](Interpretation of the video excerpt)
2 We're doing this as part of our campaign to right the wrongs we notice on the streets
3 and at establishments. Demolishing the domes and structures erected on graves was
4 commanded by the messenger - may the peace and blessings of Allah be upon him.
5 It is narrated that Ali ben Abi-Talib told the commander of the police, Abi-Hayyash
6 al-Asadi: "Oh, shall I assign you a task similar to the one that the messenger of Allah
7 assigned me: destroy all statues and raze all graves to the ground." This is why we
8 raze graves to the ground and we're doing so in coordination with all people
9 concerned. We have also contacted the imams and they delivered the Friday sermon
10 about the obligation of razing the graves to the ground.
11 MR DUTERTRE: [12:03:24](Interpretation) We can return to public session, your
12 Honour.
13 PRESIDING JUDGE MINDUA: [12:03:28](Interpretation) Public session, please,
14 court officer.
15 (Open session at 12.03 p.m.)
16 THE COURT OFFICER: [12:03:40] We are in open session, Mr President.
17 PRESIDING JUDGE MINDUA: [12:03:46](Interpretation) Thank you.
18 Mr Prosecutor.
19 MR DUTERTRE: [12:03:48](Interpretation) Thank you, your Honour.
20 Q. [12:03:51] Mr Witness, a brief question. Who do we see at 00:00:00:00?
21 A. [12:04:03] It's Mr Al Faqi.
22 Q. [12:04:15] I understand from one of your previous answers that there were other
23 destructions at other cemeteries; is that correct, Mr Witness?
24 A. [12:04:26] Yes. If my memory serves me well, there were three or four stages of
25 demolition. The first was at the principal cemetery, which is at Abaraz. Then

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1 another cemetery near the national guard centre. And after some time, the outer
2 cemeteries -- the tombs, the outer tombs adjacent to the Djinguereber mosque, and
3 then there were individual tombs in the middle of the city.

4 Q. [12:05:17] You talked about the main cemetery of Tele (phon). Could you
5 please tell us to what that refers?

6 A. [12:05:32] This might have been an imprecise interpretation. I don't recall
7 having said Tele.

8 Q. [12:05:49] (No interpretation)

9 A. [12:06:05] I think that was the Sidi Mahmoud cemetery. I don't recall the exact
10 names of cemeteries.

11 MR DUTERTRE: [12:06:22](Interpretation) I'd like to move into private session, your
12 Honour.

13 PRESIDING JUDGE MINDUA: [12:06:30](Interpretation) Private session, please,
14 court officer.

15 (Private session at 12.06 p.m.)

16 THE COURT OFFICER: [12:06:37] We are in private session.

17 PRESIDING JUDGE MINDUA: [12:06:42](Interpretation) Thank you.

18 Mr Prosecutor.

19 MR DUTERTRE: [12:06:45](Interpretation) Thank you, your Honour.

20 I would now like to show 0018-0374. With the transcript 0025-0061, and that's at 240.
21 Translation 0025-0049, at 239. And I will show it without sound.

22 (Viewing of the video excerpt)

23 MR DUTERTRE: [12:08:03](Interpretation)

24 Q. [12:08:03] [REDACTED]?

25 A. [12:08:07] [REDACTED] part of that same campaign.

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- 1 Q. [12:08:20] And where [REDACTED]? In the first, second -- first or second
2 cemetery, [REDACTED]?
3 A. [12:08:28] The second one.
4 Q. [12:08:37] And are you able to tell us how much later than the destructions we
5 saw in the first cemetery?
6 A. [12:08:51] I think it was just the next day following the first cemetery.
7 Q. [12:09:01] Thank you.
8 MR DUTERTRE: [12:09:03](Interpretation) We can move into open session,
9 your Honour.
10 PRESIDING JUDGE MINDUA: [12:09:07](Interpretation) Open session, please,
11 court officer.
12 (Open session at 12.09 p.m.)
13 THE COURT OFFICER: [12:09:19] We're in open session, Mr President.
14 PRESIDING JUDGE MINDUA: [12:09:25](Interpretation) Thank you very much.
15 Prosecutor.
16 MR DUTERTRE: [12:09:27](Interpretation) Thank you, your Honour.
17 Q. [12:09:30] A very quick question: At 00:00:02:08, who is the individual on the
18 left, the second from the left?
19 A. [12:09:48] This is Abou Bacar Al Chingetty.
20 MR DUTERTRE: [12:09:57](Interpretation) I'd like to move into private session,
21 please, your Honour.
22 PRESIDING JUDGE MINDUA: [12:10:01](Interpretation) Private session, please,
23 court officer.
24 (Private session at 12.10 p.m.)
25 THE COURT OFFICER: [12:10:18] We're in private session, Mr President.

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- 1 PRESIDING JUDGE MINDUA: [12:10:22](Interpretation) Thank you.
- 2 Prosecutor.
- 3 MR DUTERTRE: [12:10:24](Interpretation) Thank you, your Honour.
- 4 I'd now like to show a video, 0018-0369, which is 24 seconds long. And it's at tab 232.
- 5 The transcript 0033-5760, which is at 234. And the translation is 0033-5457, at 233.
- 6 And I will show it without sound.
- 7 (Viewing of the video excerpt)
- 8 MR DUTERTRE: [12:11:49](Interpretation)
- 9 Q. [12:11:50] [REDACTED] ?
- 10 A. [12:11:54] [REDACTED] part of the same campaign.
- 11 Q. [12:12:07] [REDACTED] in the first or the second cemetery?
- 12 A. [12:12:15] The second one.
- 13 MR DUTERTRE: [12:12:22](Interpretation) We can move into public session,
- 14 your Honour.
- 15 PRESIDING JUDGE MINDUA: [12:12:27](Interpretation) Public session, please,
- 16 court officer.
- 17 MR DUTERTRE: [12:12:32](Interpretation) Excuse -- excuse me, I am going to show
- 18 it with sound. Excuse me.
- 19 PRESIDING JUDGE MINDUA: [12:12:45](Interpretation) Court officer.
- 20 THE COURT OFFICER: [12:12:48] We are still in private session.
- 21 MR DUTERTRE: [12:12:51](Interpretation) And again I'll show it with sound and we
- 22 need the interpreters.
- 23 (Viewing of the video excerpt)
- 24 THE INTERPRETER: [12:13:06](Interpretation of the video excerpt)
- 25 Please, may it please God! In the name of Allah, the clement, the merciful and that

1 prayer and peace be upon our master, Mohamed, his family and his companions. It
2 is going well until now. Then he gives the full prayer, the greeting, the homage, the
3 veneration and the respect to the master of the circle of the virtuous. Sheikh Sidi
4 Ahmed bin Omar, and says: I wish -- I welcome you all and to those with you the
5 mercy and satisfaction of God almighty, I come today to visit you and hope that God
6 almighty will accede to my demands: a greater knowledge, greater means of
7 subsistence, victory over our enemies and the education of my children in accordance
8 with the best and most beautiful human nature, without forgetting longevity and the
9 spreading of knowledge.

10 MR DUTERTRE: [12:14:11](Interpretation)

11 Q. [12:14:13] Mr Witness, at 00:00:00:00, who is the person sitting on the ground
12 with a black turban and a green robe?

13 A. [12:14:28] This is Abou Al Baraa.

14 Q. [12:14:31] And what exactly is he doing? What is he doing in this sequence?

15 A. [12:14:43] Here he's trying to present justifications for the levelling of graves that
16 they did. These justifications are the letters presented by the visitors to these
17 mausoleums whereby they present requests. Some of these are poems. This is
18 what he thinks are things to be asked from God and that, when you ask for these
19 things from a deceased person, that is a form of polytheism -- polytheism.

20 Q. [12:15:45] And could you describe exactly what he's holding, please.

21 A. [12:15:59] It's a paper from a person sent to the saint who lies at the shrine.

22 Q. [12:16:18] Thank you.

23 We can move into public session, your Honour, and I see the time.

24 PRESIDING JUDGE MINDUA: [12:16:29](Interpretation) Public session, please,
25 court officer.

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- 1 (Open session at 12.16 p.m.)
- 2 THE COURT OFFICER: [12:16:36] We are back in open session, Mr President.
- 3 PRESIDING JUDGE MINDUA: [12:16:44](Interpretation) Thank you, court officer.
- 4 Mr Prosecutor, it is now 12.15, which is the time for our lunch break, which will last
- 5 an hour and a quarter. That is correct, I believe. You will continue your
- 6 examination at 13.30.
- 7 We are going to suspend the hearing.
- 8 The hearing is suspended.
- 9 THE COURT USHER: [12:17:15] All rise.
- 10 (Recess taken at 12.17 p.m.)
- 11 (Upon resuming in open session at 1.31 p.m.)
- 12 THE COURT USHER: [13:31:02] All rise.
- 13 Please be seated.
- 14 PRESIDING JUDGE MINDUA: [13:31:30](Interpretation) We shall now resume the
- 15 hearing and I will now ask the Prosecutor to proceed.
- 16 Just to remind you, you have only one more hour and we need to end at 2.30.
- 17 MR DUTERTRE: [13:31:48](Interpretation) Duly noted. I will make the necessary
- 18 sacrifices.
- 19 I'd like us to immediately go into private session.
- 20 PRESIDING JUDGE MINDUA: [13:31:59](Interpretation) Private session,
- 21 courtroom officer.
- 22 (Private session at 1.32 p.m.)
- 23 THE COURT OFFICER: [13:32:08] We are in private session, Mr President.
- 24 PRESIDING JUDGE MINDUA: [13:32:12](Interpretation) Thank you very much.
- 25 Mr Prosecutor.

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1 MR DUTERTRE: [13:32:14](Interpretation) Yes, I would like to play 0018-0372 at 13
2 seconds. Transcript 0033 -- tab 352. Translation 0033-5466, tab 353, and I'll be
3 playing this footage without sound.

4 (Viewing of the video excerpt)

5 MR DUTERTRE: [13:33:05](Interpretation) I'll just stop at this point.

6 Q. [13:33:08] [REDACTED] ?

7 A. [13:33:11] [REDACTED] the second cemetery.

8 MR DUTERTRE: [13:33:21](Interpretation) I'll now play it again with sound, and if
9 the interpreters could assist.

10 (Viewing of the video excerpt)

11 MR DUTERTRE: [13:34:13](Interpretation) Thank you.

12 (No interpretation)

13 PRESIDING JUDGE MINDUA: [13:34:24](Interpretation) Not in English.

14 THE INTERPRETER: [13:34:26] Message from the interpreter: The interpreter will
15 now do a sight translation.

16 [REDACTED]
17 [REDACTED]
18 [REDACTED]

19 MR DUTERTRE: [13:35:03](Interpretation) If we could now move on to some other
20 footage, but just --

21 Q. [13:35:10] Mr Witness, do you know who this person is, the person wearing a
22 blue garment behind the grid or the bars?

23 A. [13:35:20] Yes. This is I think one of the Kounta chiefs. And the Kounta is a
24 tribe that has a -- that embraces Sufism and I think one of -- one of the, one of the
25 grandparents is buried here or one of the, one of the mausoleums was demolished

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1 there.

2 THE INTERPRETER: [13:35:55] The interpreter couldn't catch whether he said "his"
3 or "my" grandparent.

4 MR DUTERTRE: [13:36:08](Interpretation)

5 Q. [13:36:12] Now, was it the grandparents of this person who were buried in the
6 mausoleum? There was an interpretation problem, Mr Witness. Could you repeat.

7 A. [13:36:26] These are from the Kounta tribe. The -- one of the Kounta sheikhs, a
8 Sufist sheikh, is buried in that cemetery and he had a mausoleum and that

9 mausoleum was demolished [REDACTED]

10 [REDACTED]

11 [REDACTED] I think [REDACTED] the person who was in -- who was buried
12 under the mausoleum was his grandfather.

13 Q. [13:37:12] That was clear. Thank you. 0018-356 -- 66, tab 227, 0024 --

14 THE INTERPRETER: [13:37:29] Reference numbers are being read out too quickly.

15 MR DUTERTRE: [13:37:43](Interpretation) Basically tabs 228 and 229. No sound.

16 (Viewing of the video excerpt)

17 MR DUTERTRE: [13:38:26](Interpretation)

18 Q. [13:38:26] [REDACTED]?

19 A. [13:38:32] [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 Q. [13:38:56] Very well. We're talking about the second cemetery, Mr Witness?

23 A. [13:39:01] Yes.

24 MR DUTERTRE: [13:39:05](Interpretation) Now I'll play it with sound, madam

25 courtroom officer, and I'd like to ask the interpreter to interpret.

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1 (Viewing of the video excerpt)

2 THE INTERPRETER: [13:39:26](Interpretation of the video excerpt)

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10 MR DUTERTRE: [13:40:36](Interpretation) Thank you.

11 Now a very short segment, 0018-0368, tab 230. And I'll play it without any sound.

12 (Viewing of the video excerpt)

13 MR DUTERTRE: [13:41:23](Interpretation)

14 Q. [13:41:24] [REDACTED]?

15 A. [13:41:28] [REDACTED] the campaign targeting
16 the cemeteries.

17 Q. [13:41:41] And which cemetery [REDACTED] do we see here, the first one or the
18 second one?

19 A. [13:41:50] The second one.

20 Q. [13:41:55] Thank you. I'd now like to show you two photographs. 0018-2271
21 to begin.

22 Now, Mr Witness, do you recognise this photograph?

23 A. [13:42:28] Yes. I think this was the second cemetery after demolition.

24 Q. [13:42:41] Now I'd like to show you 0018-2270. Do you recognise this
25 photograph?

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1 A. [13:42:52] And I think this is also of the second cemetery.

2 MR DUTERTRE: [13:43:07] Your Honours, I'd now like us to move on to another
3 piece of video footage, 0018-0149, tab 115. 0080-2896, tab 116. 0080-2954, tab 117.
4 It is 13 minutes and I will be hopping from one spot to another before putting some
5 questions to the witness. And I'll begin with without sound.

6 (Viewing of the video excerpt)

7 MR DUTERTRE: [13:45:52](Interpretation)

8 Q. [13:45:53] [REDACTED]?

9 A. [13:45:58] [REDACTED] when the Alkyama gate was demolished in
10 Timbuktu.

11 Q. [13:46:18] How long was that after the second cemetery, Mr Witness?

12 A. [13:46:30] Not a long time afterwards, nor was it the following day. Might
13 have been a week afterwards, but it was few days separating the two events.

14 Q. [13:46:48] Where is this door located exactly?

15 A. [13:46:55] This gate is on the wall outside the mosque on street side - I don't
16 remember the name of the mosque - and it was called the Alkyama gate. It's a
17 touristic destination and according to legend, if this gate it opened, then the day of
18 resurrection would come.

19 MR DUTERTRE: [13:47:44] I've moved back to 00:00:02:04 and we can go into public
20 session.

21 PRESIDING JUDGE MINDUA: [13:47:56](Interpretation) Open session, courtroom
22 officer.

23 (Open session at 1.47 p.m.)

24 THE COURT OFFICER: [13:48:11] We are in open session, Mr President.

25 PRESIDING JUDGE MINDUA: [13:48:12](Interpretation) Thank you very much.

- 1 Prosecutor.
- 2 MR DUTERTRE: [13:48:15](Interpretation) Thank you.
- 3 Q. [13:48:17] Who do we see at the left, on the left of this particular photograph, at
- 4 the far left?
- 5 A. [13:48:26] This is Abou Bacar Al Chingetty.
- 6 Q. [13:48:37] Who do we see just beside him, to the right of him, wearing a sort of
- 7 brownish turban?
- 8 A. [13:48:48] That's Radwan Abou Al-Achbal.
- 9 Q. [13:49:01] And who is right of him wearing a white turban?
- 10 A. [13:49:06] That's Mr Al Faqi.
- 11 Q. [13:49:14] And who is the person in the middle wearing a white garment?
- 12 A. [13:49:19] That's the imam of the mosque where there is the Alkyama gate, but
- 13 I don't know his name.
- 14 Q. [13:49:31] And the person right of the imam who is dressed in blue?
- 15 A. [13:49:41] That's one of the Kounta sheikhs.
- 16 Q. [13:49:58] Is it the same person as the one we saw earlier?
- 17 A. [13:50:01] Yes.
- 18 Q. [13:50:08] And the person to the right, the second last person wearing a black
- 19 turban, who is that person?
- 20 A. [13:50:19] The image is not clear.
- 21 Q. [13:50:36] We are just going to continue a little bit with this footage.
- 22 (Viewing of the video excerpt)
- 23 MR DUTERTRE: [13:50:57](Interpretation)
- 24 Q. [13:50:58] At 00:03:22:13, can you tell us who are these three people dealing with
- 25 the door?

- 1 A. [13:51:13] These are members of the Ansar Dine and Al-Qaeda. Here they are
2 breaking the Alkyama gate in Timbuktu.
- 3 Q. [13:51:31] Can you give us their names. I know that they're facing away from
4 the camera, but ...
- 5 A. [13:51:46] If you play the video that will be possible for me, certainly.
- 6 Q. [13:51:57] Who is the person who has just walked by wearing a black turban,
7 00:03:25:03?
- 8 A. [13:52:09] Abdallah Al Chinguetti.
- 9 Q. [13:52:20] Now, at 04:03:13, who are these two people that we see to the right?
- 10 A. [13:52:29] It's Mr Al Faqi and Abou Al Baraa.
- 11 Q. [13:52:52] At 03:34:13, who is the person far to the right in the photograph? We
12 just see a side view of his face?
- 13 A. [13:53:08] Youssouf.
- 14 Q. [13:53:11] Could you remind me who that person is?
- 15 A. [13:53:16] Youssouf is the person in charge of the media or the media officer
16 Ansar Dine, or a leader in Timbuktu in 2012.
- 17 Q. [13:53:41] At 00:09:31:12, who is this person wearing a white turban?
- 18 A. [13:53:51] That's Mr Al Faqi.
- 19 Q. [13:53:59] And what's he doing at that point in time?
- 20 A. [13:54:03] Here he is explaining the reasons for which they are opening the
21 Alkyama gate.
- 22 MR DUTERTRE: [13:54:21](Interpretation) Your Honours, if we could go into
23 private session.
- 24 PRESIDING JUDGE MINDUA: [13:54:25](Interpretation) Private session, courtroom
25 officer.

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- 1 (Private session at 1.54 p.m.)
- 2 THE COURT OFFICER: [13:54:35] We're in private session, Mr President.
- 3 PRESIDING JUDGE MINDUA: [13:54:40](Interpretation) Thank you very much.
- 4 Mr Prosecutor.
- 5 MR DUTERTRE: [13:54:43](Interpretation) Thank you.
- 6 I'd now like to play 0018 -- tab 241, it's 18 minutes. Transcript 0025-0364, tab 243.
- 7 Translation 0025-0 -- tab 242.
- 8 (Viewing of the video excerpt)
- 9 MR DUTERTRE: [13:56:45](Interpretation)
- 10 Q. [13:56:47] [REDACTED] ?
- 11 A. [13:56:51] [REDACTED]
- 12 [REDACTED]
- 13 [REDACTED] the demolition of mausoleums at the Djinguereber mosque.
- 14 Q. [13:57:21] Now how much time was this before the destruction of the gate at the
- 15 mosque which we just saw?
- 16 A. [13:57:37] It was afterwards, could be a week or two weeks after. It took some
- 17 time. The mosque, mausoleums were more important and that's why they followed
- 18 the gradual pace in targeting them and reached them only at the end.
- 19 MR DUTERTRE: [13:58:14](Interpretation) We can go back into open session.
- 20 PRESIDING JUDGE MINDUA: [13:58:19](Interpretation) Open session,
- 21 courtroom officer.
- 22 (Open session at 1.58 p.m.)
- 23 THE COURT OFFICER: [13:58:34] We are back in open session, Mr President.
- 24 PRESIDING JUDGE MINDUA: [13:58:37](Interpretation) Thank you very much.
- 25 Mr Prosecutor.

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1 MR DUTERTRE: [13:58:40](Interpretation)

2 Q. [13:58:41] Do you know who the person to the left is wearing a grey turban and
3 a white garment, 0018-0148?

4 A. [13:58:57] That's Adam, the head of the Islamic police.

5 Q. [13:59:19] Now, at 007 -- we see someone to the left with a pick. Do you know
6 who this person is?

7 A. [13:59:33] Yes. It's Mr Al Faqi.

8 Q. [13:59:55] At 10:54:24, the person who has this pickaxe, do you know who that
9 person is?

10 A. [14:00:08] The image is not clear enough for that. If you could play the video,
11 please.

12 (Viewing of the video excerpt)

13 MR DUTERTRE: [14:00:52](Interpretation)

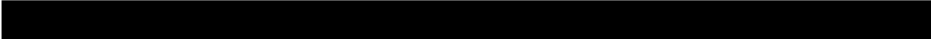
14 Q. [14:00:54] Was that helpful, Mr Witness?

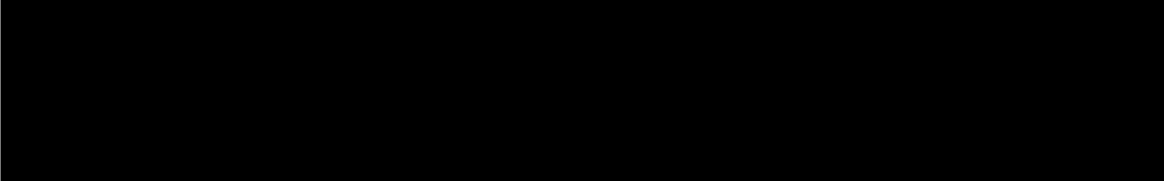
15 A. [14:00:58] The quality of the image is bad, but from his bodily movement I can
16 say it's Abou Thar.

17 Q. [14:01:20] And who is the person to his left wearing black at 00:11:10:18?

18 A. [14:01:35] That's Radwan Abou Al-Achbal.

19 Q. [14:01:48] Now at 00:14:55:06, who is this person and what is he doing?

20 A. [14:01:58] 

21 

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24 MR DUTERTRE: [14:02:39](Interpretation) I'd now like to show a document in
25 private session, please, your Honour.

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(Private Session)

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WITNESS: MLI-OTP-P-0065

- 1 PRESIDING JUDGE MINDUA: [14:02:48](Interpretation) Private session, please,
2 court officer.
3 (Private session at 2.02 p.m.)
4 THE COURT OFFICER: [14:02:59] We are in private session.
5 PRESIDING JUDGE MINDUA: [14:03:05](Interpretation) Thank you, court officer.
6 Mr Prosecutor.
7 MR DUTERTRE: [14:03:08](Interpretation) Thank you, your Honour.
8 Q. [14:03:11] Mr Witness, you mentioned at one stage [REDACTED] Gao.
9 Could you tell us what was [REDACTED]?
10 A. [14:03:31] [REDACTED] there was the announcement of independence
11 and the Azawad government was created for this independent region. Also there
12 was MUJAO, a new movement, [REDACTED]
13 [REDACTED]
14 Q. [14:04:07] Thank you.
15 I'd like now to show 0018-0617, which is -- which is at tab 64 -- 143, for the transcript
16 at 145.
17 THE COURT OFFICER: [14:04:36] Mr Prosecutor, could you please slow down
18 when you are giving (Overlapping speakers)
19 MR DUTERTRE: [14:04:41](Interpretation) I could if I had the luxury of doing so.
20 That's a different matter.
21 And the translation is 0033-5475, 144. And I will show it first without sound.
22 (Viewing of the video excerpt)
23 MR DUTERTRE: [14:05:29](Interpretation)
24 Q. [14:05:30] [REDACTED]?
25 A. [14:05:36] [REDACTED]

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- 1 Q. [14:05:43] [REDACTED] ?
- 2 A. [14:05:56] [REDACTED]
- 3 [REDACTED]
- 4 [REDACTED]
- 5 Q. [14:06:18] [REDACTED]
- 6 [REDACTED] ?
- 7 A. [14:06:33] Yes. Although the image is not clear enough and the quality is very
- 8 poor, and this is a dark setting, [REDACTED]
- 9 Q. [14:06:49] And what's going on [REDACTED], Mr Witness?
- 10 A. [14:06:56] I don't know, but likely the same event -- [REDACTED]
- 11 [REDACTED] was the agreement reached between Ansar Dine and the
- 12 MNLA in Gao.
- 13 Q. [14:07:25] I'm not going to show the whole thing, but from 00:02:40:04 with
- 14 sound. There is a French transcript, which I believe has timestamps.
- 15 (Viewing of the video excerpt)
- 16 THE INTERPRETER: [14:08:11](Interpretation of the video excerpt)
- 17 Looking at the creation of an executive order translation talking about the national
- 18 movement --
- 19 THE INTERPRETER: [14:08:25] I'm sorry, the interpreter has not found where
- 20 this is.
- 21 MR DUTERTRE: [14:08:35](Interpretation)
- 22 Q. [14:08:37] Did you hear him say Gao on 25 May 2012?
- 23 A. [14:08:46] Yes, [REDACTED]
- 24 Q. [14:09:05] Thank you. It says that it was signed by the MNLA and Ansar Dine
- 25 and somebody was going to be signing instead of Iyad Ag Ghaly. [REDACTED]

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1 [REDACTED]?

2 A. [14:09:28] [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 Q. [14:09:55] [REDACTED]?

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

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED] a massacre incurred by Malian pilgrims -- Mauritanian
11 pilgrims on the Malian border. They were killed by the Malian army, [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 Q. [14:11:13] Thank you, Mr Witness.

15 How long after 25 May 2012 [REDACTED]?

16 A. [14:11:30] [REDACTED]

17 [REDACTED]

18 [REDACTED] Because the agreement failed and Ansar
19 Dine decided to kick out the national movement and [REDACTED] the
20 announcement that the agreement *had failed and *with the eviction of the national
21 movement from *Timbuktu airport.

22 Q. [14:12:20] We're going to come back to these two points.

23 Could you please open 299 and 2 -- and 300 in binder 2, where you will find the
24 documents -- 249 and 300, 0018-1226 and 0018-1228. Sorry 299 and 300.

25 THE COURT OFFICER: [14:13:07] Message for the interpretation booths. I believe

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1 that one of you has pressed inadvertently on the black box, meaning that we can hear
2 you in the courtroom.

3 THE INTERPRETER: [14:13:19] Apologies from the interpreters.

4 MR DUTERTRE: [14:13:23](Interpretation)

5 Q. [14:13:28] (Overlapping speakers) these documents?

6 A. (Overlapping speakers)

7 Q. What are they?

8 A. [14:13:33] [REDACTED]

9 Q. [14:13:40] Thank you. Mr Witness, you mentioned the airport. I'm going to
10 show you a video or two -- 00 -- 0018-345. And I won't need the sound for this video,
11 which is at -- the transcript says 576, but that can't be right.

12 (Viewing of the video excerpt)

13 MR DUTERTRE: [14:15:13](Interpretation)

14 Q. [14:15:15] [REDACTED]?

15 * A. [14:15:19] [REDACTED] Timbuktu on the day they kicked -- on the
16 day Ansar Dine kicked the MNL A out of Timbuktu and its suburbs.

17 Q. [14:15:42] Thank you. At 00:00:04:08, what is the tower we can see in the
18 distance?

19 A. [14:15:55] This is the control tower of the Timbuktu airport.

20 Q. [14:16:15] I'd now like to show 0018-0195, which is at tab 174, and I don't need
21 the sound for this.

22 (Viewing of the video excerpt)

23 MR DUTERTRE: [14:16:45](Interpretation)

24 Q. [14:16:47] [REDACTED]?

25 A. [14:16:51] [REDACTED] the airport. This is a man

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1 raising the Ansar Dine and Al-Qaeda flag following their control of the airport.

2 Q. [14:17:15] Thank you. [REDACTED]

3 [REDACTED]?

4 A. [14:17:30] [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 MR DUTERTRE: [14:17:54] (Interpretation) Thank you. I'd now like to show -- I'd

8 now like to show 0018-0479, and I don't need the sound for this.

9 (Viewing of the video excerpt)

10 MR DUTERTRE: [14:18:28](Interpretation)

11 Q. [14:18:28] [REDACTED]?

12 A. [14:18:32] [REDACTED] 2013 when the manoeuvres from Aryao village

13 came to Timbuktu and then headed to southern Mali directly.

14 Q. [14:19:01] Can you tell us at 00:00:16:18 who is the person in white in the middle

15 of this picture?

16 A. [14:19:13] That's Iyad Ag Ghaly.

17 Q. [14:19:28] I would now like to show -- simply show a screenshot from another

18 video, 0018-0115. Can you tell us, Mr Witness, what we see here, please.

19 A. [14:19:55] This is a plate showing the Konna city where Ansar Dine and

20 Al-Qaeda began their attack targeting southern Mali and also when the French

21 intervention and bombing started.

22 Q. [14:20:27] Thank you, Mr Witness. Mr Witness, during your testimony at page

23 41, lines 7 and 8 you were asked how [REDACTED]

24 [REDACTED]

25 [REDACTED]

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4 A. [14:21:33] I cannot be sure on that. After the departure of the Islamists groups,
5 after they departed Timbuktu, [REDACTED] they went to Libya, to the mountainous
6 area between Libya and the cities of Ghat and the city of Djanet in Algeria. [REDACTED]

7

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12 Al Hassan had been to Libya, [REDACTED]

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17 MR DUTERTRE: [14:23:07] (Interpretation) I would like the court officer to put up
18 0052 -05 -- 0058-0563 which is not in the binder. The translation is 0067-0131. I
19 assume that will be on evidence 1.

20 Q. Mr Witness, can you please tell us what is this document that we see on the
21 screen?

22 A. [14:24:28] This is certainly a chat [REDACTED]

23

24 MR DUTERTRE: [14:25:13](Interpretation) Court officer, could you please go to
25 0058-0169 in the Arabic version, please. The French version is 0067-0138.

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1 Q. [14:25:47] Can you read, Mr Witness, what is written about the middle of the
2 page?

3 A. [14:25:57] Yes. This is a chat, as it seems, [REDACTED]

4 [REDACTED]
5 [REDACTED] And this is what, what

6 [REDACTED]
7 Q. [14:26:28] Can you confirm [REDACTED]?

8 A. [14:26:39] Yes, certainly.

9 MR DUTERTRE: [14:26:45](Interpretation) Court officer, could we please -- to
10 0058-172, the translation of which is 0067-0141.

11 Q. [14:27:18] Mr Witness, can you tell us what we see here in the first half?

12 A. [14:27:28] [REDACTED]

13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 Q. [14:28:16] Thank you, Mr Witness.

17 Very swiftly, I would like to show you a screenshot from a video. On this video
18 0069-3710, who do you recognise here on the screen, Mr Witness?

19 A. [14:28:56] This is Mr Al Hassan.

20 Q. [14:29:04] I now reach my final questions, Mr Witness.

21 Can you explain to us, [REDACTED]

22 [REDACTED]? What happened then?

23 A. [14:29:30] [REDACTED]

24 [REDACTED]

25 [REDACTED]

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5 Q. [14:30:37] If I could reformulate my question.

6

7 A. [14:30:54]

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10 Q. [14:31:39](No interpretation)

11 PRESIDING JUDGE MINDUA: [14:31:40](Interpretation) Ms Sutherland.

12 MS SUTHERLAND: [14:31:43] Thank you, your Honour.

13 We ask that the 2.30 finish be observed. If the Prosecutor need more time to ask

14 some more questions tomorrow, then so be it, but primarily we're extremely worried

15 about further exhausting Mr Al Hassan ahead of his medical examinations.

16 Transportation back to the detention unit is outside our hands, it's with the Dutch

17 police, and this leaves very little time for the Defence to communicate with

18 Mr Al Hassan.

19 PRESIDING JUDGE MINDUA: [14:32:21](Interpretation) You are correct,

20 Ms Sutherland. It is 2.33 in the afternoon.

21 Now, your last question you can put tomorrow.

22 We will now revert to open session.

23 (Open session at 2.32 p.m.)

24 THE COURT OFFICER: [14:32:51] We are in open session, Mr President.

25 PRESIDING JUDGE MINDUA: [14:32:56](Interpretation) Thank you very much,

1 courtroom officer.

2 Mr Witness, we have come to the end of your testimony for today. Tomorrow you
3 shall continue providing testimony and, in the meantime, do not forget what I have
4 said: You are not allowed to discuss your testimony with anyone whatsoever.

5 So, before we adjourn for the day, I would like to thank all parties and participants.

6 I thank the court reporters and interpreters and our security officers, and of course I
7 thank the public.

8 We will now adjourn and we will see one another tomorrow at 9.30 a.m.

9 THE COURT USHER: [14:33:48] All rise.

10 (The hearing ends in open session at 2.33 p.m.)

11 CORRECTIONS REPORT

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

14 Page 21 line 24

15 "more than a hand size" is corrected to "more than a hand's span."

16 Page 22 lines 3-4

17 "whatever was built greater in widths than that of a hand is prohibited religiously."

18 Is corrected to "whatever is built higher than a hand's span is prohibited religiously."

19 Page 49 lines 20-21

20 "the agreement was failed and the eviction of the national movement from the
21 Timbuktu airport." Is corrected to "the agreement had failed and with the eviction of
22 the national movement from Timbuktu airport."

23 SECOND CORRECTION REPORT

24 The following correction, marked with an asterisk and not included in the
25 audio-visual recording of the hearing, is brought into the transcript.

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1 Page 50 lines 15-16:

2 "A. [14:15:19] [REDACTED] Timbuktu on the day they kicked -- on the
3 day Ansar Dine and Timbuktu (sic) kicked MNLA out from Timbuktu and its
4 suburbs. "

5 is corrected to

6 " A. [14:15:19] [REDACTED] Timbuktu on the day they kicked -- on the
7 day Ansar Dine kicked the MNLA out of Timbuktu and its suburbs."

8