

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 3
9 Wednesday, 19 May 2021
10 (The hearing starts in open session at 10.00 a.m.)
11 THE COURT USHER: [10:00:25] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE MINDUA: [10:00:50](Interpretation) The hearing will now
15 resume. Good morning to everybody.
16 Court officer, please call the case.
17 THE COURT OFFICER: [10:01:01] Good morning, Mr President, your Honours.
18 This is the situation in the Republic of Mali, in the case of The Prosecutor versus
19 Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud, case number
20 ICC-01/12-01/18.
21 And for the record, we're in open session.
22 PRESIDING JUDGE MINDUA: [10:01:23](Interpretation) Thank you very much,
23 court officer.
24 We were due to start at 9.30. Unfortunately, for technical reasons out with the
25 control of the Chamber, we have been unable to start until now. We apologise for

Trial Hearing

(Open Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0602

1 this delay.

2 As we are starting late, we will be considerably changing today's programme. We
3 will now meet from now until 11.30. There will then be a half-hour break, with our
4 second session starting at 12 and running until 13.30. We will then have our lunch
5 break -- a one-hour lunch break today, and our third session will therefore start at
6 14.30, and we will meet until 16.00, 4 o'clock, as usual. There we are.

7 So let us now start with the presentation, starting with the Prosecutor.

8 MS SARDACHTI: [10:02:57](Interpretation) Good morning, your Honours. For the
9 Prosecutor we have, as yesterday, my colleague Dianne Luping and myself,
10 Marie-Jeanne Sardachti.

11 PRESIDING JUDGE MINDUA: [10:03:07](Interpretation) Thank you very much,
12 Madam Prosecutor.
13 Defence.

14 MS SUTHERLAND: [10:03:10] Good morning, Mr President, your Honours. For
15 the Defence today we have Ms Melinda Taylor, Ms Sarah Marinier-Doucet,
16 Ms Sophia Westen and myself, Kirsty Sutherland.

17 And forgive me, Mr President, I know this is a slightly awkward time to raise this, but
18 it's also the entirely pertinent time. We understand that yesterday the same term
19 was used in Songhai that means -- translates as *malfaiteur*, or criminal, to refer to both
20 the Defence and Mr Al Hassan, and ask again if a more neutral term can be found. I
21 also understand that Songhai is a very rich language and that it's very plausible that a
22 suitable alternative can be used.

23 PRESIDING JUDGE MINDUA: [10:04:06](Interpretation) Thank you, Ms Sutherland,
24 for drawing our attention to this matter.

25 Speaking to the interpreters, as Maître Sutherland has said, we must not use the term

1 of *malfaiteur*.

2 I turn now to Legal Representatives for Victims.

3 MR KASSONGO: [10:04:31](Interpretation) Thank you, your Honour. Good

4 morning, everybody. The format of the Legal Representative for Victims team has

5 not changed. I am here again on my own, Maître Kassongo, for the legal

6 representation of victims.

7 PRESIDING JUDGE MINDUA: [10:04:53](Interpretation) Thank you,

8 Maître Kassongo.

9 So I now turn to our witness. We will continue this morning hearing the 34th

10 Prosecution witness, P-0602.

11 Madam Witness, can you hear me -- good morning. Can you hear me?

12 WITNESS: MLI-OTP-P-0602 (On former oath)

13 (The witness speaks Songhai)

14 (The witness gives evidence via video link)

15 THE WITNESS: [10:05:26](Interpretation) Good morning to you. I can hear you

16 well.

17 PRESIDING JUDGE MINDUA: [10:05:30](Interpretation) Thank you very much,

18 Madam Witness.

19 Welcome once more to the court, and I would like to remind you that you are still

20 under oath.

21 THE WITNESS: [10:05:54](Interpretation) Yes, I have understood.

22 PRESIDING JUDGE MINDUA: [10:05:56](Interpretation) Therefore, you need to

23 speak the truth, the whole truth and nothing but the truth.

24 THE WITNESS: [10:06:09](Interpretation) Understood.

25 PRESIDING JUDGE MINDUA: [10:06:13](Interpretation) I would like to remind you

1 that what you say is noted by court reporters and translated into several languages by
2 our interpreters.

3 THE WITNESS: [10:06:38](Interpretation) I have understood that, yes.

4 PRESIDING JUDGE MINDUA: [10:06:41](Interpretation) Therefore, I would ask you
5 to speak clearly and slowly in a moderated tone in order to take the work of the
6 interpreters easier.

7 THE WITNESS: [10:07:05](Interpretation) Yes, I've understood.

8 PRESIDING JUDGE MINDUA: [10:07:09](Interpretation) Thank you very much,
9 Madam Witness.

10 Madam Prosecutor, you have the floor, but yesterday I noted that in her replies our
11 witness tends to develop her replies and the interpreters tend to summarise. Could
12 you please try and ask questions so that the witness can ask -- can answer in short
13 chunks. Thank you.

14 Please go ahead.

15 MS SARDACHTI: [10:07:47](Interpretation) Yes, I've noted that, Mr President.

16 Thank you.

17 QUESTIONED BY MS SARDACHTI: (Continuing)(Interpretation)

18 Q. [10:08:00] Good morning, Madam Witness.

19 A. [10:08:06] Good morning.

20 Q. [10:08:07] I'm going to continue to ask you questions on behalf of the Office of
21 the Prosecutor.

22 A. [10:08:23] Understood.

23 Q. [10:08:24] I would like to come back to what Judge Mindua has just said. In
24 order to allow us to note everything that you say, it's very important to have breaks in
25 what you say. And I myself will try hard to word my questions accordingly.

Trial Hearing

(Open Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0602

1 MS SARDACHTI: [10:09:11](Interpretation) Mr President, before we continue,

2 yesterday we finished in private session, and for the same reasons that I explained

3 yesterday, I would like to now go into private session again.

4 PRESIDING JUDGE MINDUA: [10:09:26](Interpretation) Yes. You asked for

5 30 minutes of private session and you have used 10, so we have another 20 minutes.

6 So, court officer, private session, please.

7 (Private session at 10.09 a.m.)

8 THE COURT OFFICER: [10:09:42] We're in private session, Mr President.

9 PRESIDING JUDGE MINDUA: [10:09:44](Interpretation) Thank you, court officer.

10 Prosecutor.

11 MS SARDACHTI: [10:09:49](Interpretation) Thank you.

12 Q. [10:09:53] Madam Witness, yesterday you explained to us that the people from

13 the armed groups came to get you and they wanted to marry you.

14 A. [10:10:09] (No interpretation)

15 Q. [10:10:22] I will give the reference. It was page -- of the transcript, it was page

16 95, lines 24 to 36. So there you have the reference, page 95, lines 24 to 26.

17 So I want to ask further questions about this time. And I would like to come back to

18 the description. What colour was their skin?

19 A. [10:11:43] The colour of their skin?

20 Q. [10:11:48] Yes, their skin colour.

21 A. [10:12:04] The people who came to us?

22 Q. [10:12:06] Yes, the people who came to your house and who wanted to marry

23 you, as you said yesterday.

24 A. [10:12:23] The one who came for the marriage was -- had black skin and the

25 others had light-coloured skin.

Trial Hearing

(Open Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0602

1 Q. [10:12:40] Yesterday you said that for one of them, "I don't know whether he
2 was their boss or what." The reference was page 98 on line 6 of the real-time
3 transcript.

4 So my question is why did you say that maybe he was their boss?

5 A. [10:13:42] Because I saw that he had no weapon and he didn't have the same
6 clothing as they did.

7 Q. [10:13:55] You said yesterday he was wearing something different that was like
8 a -- like a bazin, and that was on page 98, line 11.

9 A. [10:14:17] That is indeed what I said.

10 Q. [10:14:19] Could you tell us, please, what a bazin is?

11 A. [10:14:30] I don't know any other way of describing it. Bazin is the word that
12 I -- that we use for this.

13 Q. [10:14:50] So did you see this man who wore the bazin?

14 A. [10:15:15] No, I didn't see him, but I know that he has a light-coloured skin, but
15 he was also wearing a turban.

16 Q. [10:15:31] So how do you know that he was wearing a bazin, that he had a
17 turban and that he had light-coloured skin?

18 A. [10:16:08] It was a person that I saw when you -- you can see when somebody is
19 wearing a turban what colour their -- their skin is, whether it's white skin or black
20 skin. And a person with black skin and a person with white skin, they don't look
21 alike.

22 Q. [10:16:31] Did you see this person with your own eyes?

23 A. [10:16:56] I was asked to come. It was when I was called and when -- then it
24 was that I saw him, his eyes and his hands. Otherwise, I didn't -- other than that, I
25 didn't really notice anything in particular.

Trial Hearing

(Open Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0602

1 Q. [10:17:21] So yesterday you said that you were at a neighbour's house. I need
2 to understand properly, at a certain point you came into the house?

3 A. [10:17:54] Yes, when they arrived they talked to my father, first of all, and then
4 they asked me to call.

5 Q. [10:18:10] Who came?

6 A. [10:18:19] As I said, the houses are very close together, so I could be called and
7 I would hear that and then I would come.

8 THE INTERPRETER: [10:18:29] Message from the English booth: Please could the
9 Prosecutor wait a moment before asking the next question. Give the interpreters a
10 break to finish the sentence.

11 MS SARDACHTI: (Interpretation)

12 Q. [10:18:58] I'd like to come back to what you said yesterday. This is 95, lines 24
13 to 26. You said that they went -- "they came to get me" and that "they wanted to
14 marry me".

15 A. [10:19:36] Yes.

16 Q. [10:19:39] Did you hear them speak?

17 A. [10:19:59] My father told me all of this. I didn't hear that. It was when I came
18 that he told me what had happened.

19 Q. [10:20:09] And when you say "they wanted to marry me", was it your father
20 who said that?

21 A. [10:20:47] Yes, when they came, they told my father that they wanted to marry
22 someone from here, and my father said they were surely wrong. But no, they said
23 that they were not wrong and that -- that it was here indeed that they wanted
24 someone -- the woman that they wanted to marry is here, and it was like that that my
25 father explained it to me and then he called me.

1 Q. [10:21:18] In which language did they ask -- did they speak?

2 A. [10:21:35] The black-skinned one, he spoke Songhai, and the other two with the
3 lighter skin spoke Arabic and Tamasheq.

4 Q. [10:21:48] And in what language did your father reply?

5 A. [10:22:03] My father speaks both Arabic and Tamasheq.

6 Q. [10:22:21] And what was your father's reaction to this?

7 A. [10:22:46] Yes, well, when he heard these words, he said that he wasn't in
8 agreement. And then he asked me whether I was in agreement or not, and I said, no,
9 I was not.

10 Q. [10:23:11] You say, "He asked me whether I was for or against and I said I was
11 not for this." At what point did your father ask you this?

12 A. [10:23:42] It was when they came and asked that I marry them, that's when I
13 said I didn't agree.

14 Q. [10:23:54] I need to understand correctly. Did this happen once you had
15 returned from the neighbour's house?

16 A. [10:24:11] Yes, that's when I had been called.

17 Q. [10:24:24] And when you were there, what did your father reply?

18 A. [10:24:55] Well, yes, there were -- they were toing and froing, but -- my father
19 and them, but my father refused, but when they insisted, that they absolutely insisted,
20 that's when he conceded.

21 Q. [10:25:27] In what way were they insisting?

22 A. [10:25:48] Well, if they want to marry someone, they keep going, toing and
23 froing without respite. And they just don't stop because -- until -- they don't stop
24 until they can marry the person.

25 Q. [10:26:16] You said they forced, but what do they exactly do by way of force?

Trial Hearing

(Open Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0602

1 A. [10:26:45] When they ask to marry someone, they have a to and fro between
2 them, and then when they do that they -- they stop. Yes, these people then afraid of
3 them, people are afraid of the weapons that they have with them.

4 Q. [10:27:17] Can you explain what you mean by going to and fro?

5 A. [10:27:25] Yes, if they want something, or marriage or something else, they just
6 go backward and forward and right up until they get what they're after.

7 That's -- they just keep going until they get what they want, by harassing people until
8 they get their way.

9 Q. [10:28:23] You said the people are afraid of the fire. What do you mean by
10 that?

11 A. [10:28:42] I meant the weapons, the weapons that they have with them.

12 Q. [10:28:54] You said people are afraid of the fire, the weapons. When you say
13 "people", do you mean yourself? Was that the case for you?

14 A. [10:29:21] Everybody, everybody, everybody in Timbuktu was afraid of the
15 weapons. Everybody.

16 Q. [10:29:36] You said as a sort of harassing until they get what they want. Is
17 that -- was that the case with you?

18 A. [10:30:19] Yes, as they were coming and going, and my father was not in
19 agreement and neither was I, well, as they were coming and going we had to give in.
20 And then, when the marriage did take place, we -- they stopped toing and froing and
21 they left us alone.

22 Q. [10:30:48] And how did you feel in that moment in time?

23 A. [10:31:22] Well, when they came, I wasn't in agreement, not at all. And when
24 we finally gave in, I really felt bad and I often isolated myself to cry. But then my
25 father finally said that I should accept and that nothing -- there is nothing that does

1 not come to an end.

2 Q. [10:32:03] And if we take as a reference point the arrival of the armed groups in
3 Timbuktu, can you please tell us how long after this this encounter actually took
4 place?

5 A. [10:32:36] Well, it was a little while later, it took a bit of time.

6 Q. [10:32:54] You spoke about toings and froings. Now, for me to understand
7 correctly -- now, before that encounter, had members of the armed groups already
8 come to your home?

9 A. [10:33:26] I didn't understand. What do you mean "toings and froings"?

10 Q. [10:33:40] I shall rephrase my question.

11 You made mention of toings and froings, comings and goings. Did these take place
12 before or after the visit that you've just spoken to us about?

13 A. [10:34:24] Oh, all right. I've understood. Well, those toings and froings was
14 because I was not in agreement with what they said. That's why they came and
15 went.

16 Q. [10:34:42] And before that visit, had you received any other visits on the part of
17 armed members -- of members of the armed groups to your home?

18 A. [10:35:13] Do you mean those who came to our house, whether other people had
19 come to our house before them?

20 Q. [10:35:22] Yes, that was indeed my question.

21 A. [10:35:28] No, no. No.

22 Q. [10:35:38] What happened subsequently?

23 A. [10:36:04] (No interpretation)

24 Q. [10:36:04] Madam Witness, sorry to interrupt you. Could you please pause so
25 that we don't lose anything of what you have said. Retain what you've -- what you

1 wanted to say and then continue. Please observe pauses.

2 A. [10:36:28] Yes. The marriage took place, the ceremony. The religious
3 ceremony was conducted at the mosque.

4 Q. [10:36:58] Very well. I shall come back to that point. But before so doing, I'd
5 like to put another question to you.

6 After the visit on the part of those three members of armed groups, did they come
7 back to your house subsequently?

8 A. [10:37:37] Yes, they left and then they came back again. Yes.

9 Q. [10:38:09] Who came back?

10 A. [10:38:21] Those three individuals who was in the company of the other
11 gentleman, those are the ones who came back.

12 Q. [10:38:33] And approximately speaking, can you tell us the number of times
13 they returned.

14 A. [10:38:56] Yes. The first day that they came, well, then they came back again
15 the third day. So that was three days later.

16 Q. [10:39:19] Were they armed?

17 A. [10:39:36] Yes, the two were armed, but the other wasn't. But wherever they
18 went to -- wherever they would go to, they would have their weapons because they
19 are frightened that something --

20 THE INTERPRETER: [10:39:55] Inaudible.

21 MS SARDACHTI: [10:40:06](Interpretation)

22 Q. [10:40:07] And who was the one who did not have a weapon?

23 A. [10:40:24] The one who didn't have a weapon was the one I told you about.

24 I believe that he must have been their chief or something. The one who was wearing
25 the bazin, he was the one who was not carrying a weapon.

1 Q. [10:40:42] And on that second occasion that they came to your house, were you
2 there?

3 A. [10:41:02] Yes, on that second occasion I was at home.

4 Q. [10:41:15] Now for the purposes of interpretation, I can hear in the French
5 version "I was at home." (Speaks English) "On that second occasion I wasn't home."
6 (No interpretation)

7 THE INTERPRETER: [10:41:30] Message from the English booth: The English
8 interpreter said "I was at home." She did not say "I wasn't at home." She said
9 "I was at home."

10 PRESIDING JUDGE MINDUA: [10:41:56](Interpretation) Maybe,
11 Madam Prosecutor, maybe you would need to ask the witness for her to say again
12 what she means.

13 *MS SARDACHTI: [10:42:02] Would you like me to ask the question again?

14 PRESIDING JUDGE MINDUA: [10:42:07] Yes.

15 MS SARDACHTI: [10:42:08](Overlapping speakers)(Interpretation) Because in the
16 French version it was clear. But I can put the question again. But as it's consecutive
17 interpretation from French, I can put the question again, *no problem.

18 THE INTERPRETER: [10:42:17] Message from the English interpreter: Please
19 consult the English transcript.

20 MS SARDACHTI: [10:42:21](Interpretation)

21 Q. [10:42:22] On that second occasion when they came to your house, were you
22 present?

23 A. [10:42:29] I was there.

24 Q. [10:42:46] And who else was in attendance?

25 A. [10:42:57] There was no one else except my father and my stepmother.

1 Q. [10:43:18] And once again I can read there in the French: "There were four
2 people." And in the English version I read: "There was no one else."

3 So I'm going to ask the question again. Who else was in attendance?

4 A. [10:43:38] Where do you mean?

5 Q. [10:43:58] Now, the second occasion where they came to your house, you said
6 that you were at home. And who else was present?

7 A. [10:44:31] All right. I understood. There were also some of my siblings who
8 were there.

9 Q. [10:44:46] And what did the members of the armed groups do?

10 A. [10:45:05] What do you mean what did they do?

11 Q. [10:45:10] Did they say anything? How did they behave?

12 A. [10:45:19] Well, I could hear them inside -- from inside, I could hear them
13 talking in the courtyard.

14 Q. [10:45:43] Did you understand what they were saying?

15 A. [10:45:59] What I said?

16 Q. [10:46:01] What they were saying.

17 A. [10:46:13] Yes, they were talking about marriage, but I wasn't really paying
18 attention. But I do know that they were talking about marriage.

19 Q. [10:46:45] And what did they say about that marriage?

20 A. [10:47:05] Yes, I could hear them saying to my father that they just wanted to
21 marry me and that they didn't want to harm me in any way, that they just wanted to
22 marry me. That's what they were saying to my father.

23 Q. [10:47:29] And what did your father answer?

24 A. [10:48:19] They said that they had come for the marriage, and my father said
25 that he was not in agreement and that I was not in agreement. But they carried on,

1 they carried on with their comings and goings and we had to give in. And my father
2 said that that was what was going to happen.

3 Q. [10:48:58] And at that moment in time did you understand which person they
4 wanted you to marry?

5 A. [10:49:19] Yes, I was told that it was the black gentleman that came along with
6 them, that it was he, he who spoke Songhai.

7 Q. [10:49:40] You told us that "we were obliged to give in". Can you tell us why
8 that was the case?

9 A. [10:50:10] We were obliged because in that period Timbuktu was in their hands.
10 Everyone who -- everything and everyone who was living in Timbuktu was theirs.

11 Q. [10:50:38] And in your opinion, what did your father mean by "it will pass" or "it
12 will come to be"?

13 THE INTERPRETER: [10:50:54] Unclear from the French.

14 THE WITNESS: [10:51:08](Interpretation) He said that the marriage that was going
15 to happen, I should not take it too much to heart and that *ça va passer*, it will pass or it
16 will come to be.

17 THE INTERPRETER: [10:51:25] Unclear again.

18 MS SARDACHTI: (Interpretation)

19 Q. [10:51:38] Madam Witness, in the English interpreter it is indicated that it is
20 inaudible.

21 THE INTERPRETER: [10:51:46] In the interpretation, correction. It is --

22 MS SARDACHTI: (Interpretation)

23 Q. [10:51:47] Could you repeat what you just said, please.

24 A. [10:52:03] Which part?

25 Q. [10:52:14] The part regarding what your father meant when he said *ça va passer*,

1 it will come to pass?

2 A. [10:52:31] Yes, he said that it would pass, it would end, and that everything that
3 was happening would come to an end and that they would leave the town, and that I
4 should not take it too much to heart because one day it would come to an end.

5 Q. [10:53:27] Madam Witness, what do you think would have happened if you had
6 not given in?

7 A. [10:53:55] I do not know, but I was very afraid and they were capable of
8 anything. I was frightened for myself, my parents were frightened, and I was
9 frightened for my parents.

10 Q. [10:54:23] So to understand correctly, they came once, then they came back on
11 the third day, did they come back after that?

12 A. [10:55:01] On the third day the marriage had already happened, and after the
13 marriage they didn't come back again.

14 Q. [10:55:50] So we shall come back to the marriage now.

15 A. [10:56:05] Very well.

16 Q. [10:56:16] Was there a ceremony?

17 A. [10:56:46] Since their arrival there were no longer any distractions in terms of
18 ceremonies, so they merely conducted the religious ceremony and the bride was
19 brought there. They would do religious ceremonies, but there weren't any festive
20 types of ceremonies.

21 Q. [10:57:30] So if I've understood correctly, there was no religious ceremony in
22 that marriage?

23 A. [10:57:49] Yes, yes, they did conduct the religious ceremony. Yes, it was done.

24 Q. [10:58:01] So briefly, and to observe pauses for the interpreters, could you please
25 tell us how it happened?

1 A. [10:58:43] (No interpretation)

2 Q. [10:58:43] I'm going to stop you there, Madam Witness, to enable the
3 interpretation. Please retain what you have in your head, please.

4 A. [10:58:55] Well, the religious ceremony is generally conducted at the mosque,
5 but I did not go to the location of the religious ceremony. I stayed home. And also,
6 they did give the dowry.

7 Q. [10:59:34] Do you know who did go to the mosque for the marriage or wedding?

8 A. [10:59:55] I wouldn't be able to tell you. I do know that it happened, but as to
9 what did or did not happen, I do not know.

10 Q. [11:00:17] So how do you know that there was a religious ceremony at the
11 mosque?

12 A. [11:00:48] I know because they did that at the mosque, and once the marriage
13 had finished my father and my grandfather came back to the house.

14 PRESIDING JUDGE MINDUA: [11:01:06](Interpretation) Madam Prosecutor, you
15 asked for today to have 20 minutes in private session. We're now up to 50 minutes.

16 MS SARDACHTI: [11:01:21](Interpretation) You're quite right. Can I ask one more
17 thing about the dowry, and then we will return?

18 PRESIDING JUDGE MINDUA: [11:01:30](Interpretation) Yes, do go ahead.

19 MS SARDACHTI: (Interpretation)

20 Q. [11:01:35] Madam Witness, you said that they gave a dowry. Can you tell us at
21 what point this dowry was given?

22 A. [11:02:04] Yes, when you have the religious marriage, that's the time at which
23 the dowry is given.

24 Q. [11:02:13] Who gave the dowry?

25 A. [11:02:37] All that I know is that there was a religious marriage, the dowry was

1 given. Who gave it or whatever, I don't know. I wasn't present at that and I just
2 don't know.

3 Q. [11:03:01] So how do you know that they gave a dowry?

4 A. [11:03:20] I know that, I know that. I know that there is no marriage without a
5 dowry. When you have a marriage, then you have a dowry.

6 Q. [11:03:36] But in your case, did somebody tell you that a dowry had been given?

7 A. [11:04:17] Yes, I know, I know because when there is a marriage, then it's
8 obligatory that there is a dowry. And even the case of men and women who are
9 not -- the married, they take the dowry.

10 Q. [11:04:41] One last question before we go into public session. Can you recall
11 how much this dowry was?

12 A. [11:05:04] No, that I don't know. And I didn't even show any interest in it
13 because it doesn't interest me, it doesn't concern me. I didn't even try to find out.

14 Q. [11:05:24] Madam Witness, I'm now going to ask to move back into public
15 session, so I just want to remind you not to mention any names of friends or family
16 and not to say anything that could identify you.

17 A. [11:05:59] Understood.

18 MS SARDACHTI: [11:06:01](Interpretation) Mr President, can we now move back to
19 public session.

20 PRESIDING JUDGE MINDUA: [11:06:09](Interpretation) Certainly, Madam
21 Prosecutor.

22 Court officer, public session, please.

23 (Open session at 11.06 a.m.)

24 THE COURT OFFICER: [11:06:19] We are back in open session, Mr President.

25 PRESIDING JUDGE MINDUA: [11:06:23](Interpretation) Thank you, court officer.

1 Madam Prosecutor.

2 MS SARDACHTI: (Interpretation)

3 Q. [11:06:39] Madam Witness, you said, when we were in private session, "I said I
4 wasn't interested because that doesn't concern me." Could you please tell us why
5 you say that that didn't concern you?

6 A. [11:07:31] I said that because something I didn't like, it didn't please me, and so I
7 didn't show interest in that because, yes, it just -- was just something that was going
8 to happen.

9 Q. [11:07:59] You talked about a religious ceremony. Was there any wedding
10 party?

11 A. [11:08:20] No, no, there was no party. No party. Nothing.

12 Q. [11:08:44] And before the armed groups arrived in Timbuktu, how -- what
13 happened when there was a marriage?

14 A. [11:09:09] Before they arrived in Timbuktu, there would be the religious
15 marriage ceremony, there would be a party, there was a cortège. We were to
16 transport the bride in a parade, in a cortège, and all that sort of thing.

17 Q. [11:09:40] So once what you describe as the marriage took place, how did you
18 feel?

19 A. [11:10:16] Once that happened, I really felt bad about it. I had grave concerns
20 about it.

21 Q. [11:10:36] What were your concerns?

22 A. [11:10:51] And then, well, these people come from nowhere and they come to
23 Timbuktu and they marry people just like that. They married lots of people. And
24 there are people who do bad things. Coming to us, marrying us in Timbuktu, that's
25 what was so bad.

1 Q. [11:11:54] After your marriage, what happened?

2 A. [11:12:19] *The marriage took place and he came. He took me at night, he
3 took me away in a vehicle, and I spent the night at his place. And then he brought me
4 home the next day and I spent the day at my home.

5 Q. [11:13:02] So the day after the marriage, can you tell us exactly what happened?

6 A. [11:13:39] As I said, the marriage took place and I didn't go anywhere. I didn't
7 go anywhere in the neighbourhood. People come -- friends came and talked to me.
8 That's all.

9 Q. [11:14:09] You said, "He came and he took me for the night". Who came and
10 took you?

11 A. [11:14:33] That was the man to whom I had to be married. He came with one
12 of his friends. They were the ones who came and took me.

13 Q. [11:14:54] Do you know their names?

14 PRESIDING JUDGE MINDUA: [11:15:04](Interpretation) Madam Prosecutor, there
15 is a risk that the name might be spoken.

16 MS SARDACHTI: [11:15:10](Interpretation) As it's the names of the members of the
17 groups, I think I'm okay asking this question.

18 PRESIDING JUDGE MINDUA: [11:15:23](Interpretation) I don't know. Maybe it
19 would be better not to mention the names, or perhaps you could ask in private
20 session later.

21 MS SARDACHTI: [11:15:33](Interpretation) I have made a note of that,
22 your Honour.

23 Q. [11:15:53] Can you tell us where they took you?

24 A. [11:15:58] Yes, it was the house that was near [REDACTED] that's where they
25 took me. And then they brought me home in the morning where I would spend the

1 day.

2 Q. [11:16:42] When they came to get you, were these two people armed?

3 A. [11:16:57] Yes.

4 Q. [11:17:06] How were they dressed?

5 A. [11:17:21] They wore the same clothes they usually wore, as I explained to you
6 earlier.

7 Q. [11:17:42] You said that they -- they took you. What means of transport did
8 they use to take you away?

9 A. [11:18:02] I didn't understand. When they took me where?

10 Q. [11:18:21] You said, Madam Witness, that they took you away in a vehicle.
11 What sort of vehicle was this?

12 A. [11:18:44] The vehicle was the same vehicle I talked to you about, I spoke to you
13 about.

14 Q. [11:19:00] I'm sorry to have to ask you to repeat things, but just so that we have
15 this clear, could you please describe the vehicle. What sort of vehicle was it, what
16 sort of colour?

17 A. [11:19:35] The -- there are no other signs, it's a sort of yellow colour where you
18 can have three people in the front and the back is uncovered. The cruisers.

19 Q. [11:20:15] Would you have been able to escape?

20 A. [11:20:47] They knew that if I had the chance, I would have escaped, which is
21 why they put me between them, and that's -- for that reason I was unable to escape.

22 Q. [11:21:20] You said to us that you were taken to a house.

23 A. [11:21:32] Yes.

24 Q. [11:21:34] Can you describe this house, the colour and so on?

25 A. [11:22:00] It was a house, a villa, and they were houses that had been abandoned.

1 Because when these people came in, the houses were abandoned when people fled.

2 Q. [11:22:24] And what was this house like?

3 A. [11:22:47] It was a big house, somebody's house, a big house with different
4 rooms.

5 Q. [11:23:03] Had you ever seen this house before?

6 A. [11:23:19] It was a house I had seen when passing, but I had never been inside
7 before.

8 Q. [11:23:44] Who had you seen in this house?

9 A. [11:23:59] I don't understand. Do you mean when there were the real owners
10 or when these people had taken it over?

11 Q. [11:24:10] When you arrived in the house yourself, was there anybody else in
12 the house?

13 A. [11:24:42] It's possible, it's possible, it's possible when you go in that other
14 people come and see it because there's a lot of rooms there. But, well, maybe some
15 people might have been there, but I don't know, I don't know.

16 Q. [11:25:09] Apart from the two people that took you there, were there other
17 members of the armed groups there?

18 A. [11:25:37] It's possible, but I said when I arrived that there was nobody else -- I
19 didn't see anybody else. Sorry.

20 Q. [11:25:59] What did you do when you were in this house?

21 A. [11:26:15] What do you mean what did I do?

22 Q. [11:26:19] Did you have anything to do? Did anybody ask you to do anything?

23 A. [11:26:43] Yes. As I said, I just came there to spend the night, and then the next
24 day I left and he would leave too.

25 Q. [11:27:03] And were you able to leave this house?

1 A. [11:27:18] To go where?

2 Q. [11:27:23] Did you try and escape when you were in this house?

3 A. [11:27:50] *Yes, the marriage had taken place, it had taken place. And... and, of
4 course, I didn't like him, I didn't like him. But I was afraid and I was concerned -- I
5 had concerns because I was afraid, but I was also afraid for my parents. I couldn't ... It
6 is true that I often thought of doing it, but I was afraid, I was afraid for my parents.

7 Q. [11:28:24] And why were you afraid for your parents?

8 A. [11:28:50] I was afraid because these were people who were not afraid of God,
9 so everybody in the whole town, they could have made problems.

10 Q. [11:29:09] What type of problems?

11 A. [11:29:31] They can accuse them and they could have said that they would have
12 been the ones to help me escape, and I was afraid that that would happen if I left, that
13 they could say all of that.

14 MS SARDACHTI: [11:29:49] I see that it is almost 11.30. I think that perhaps we
15 could make the break now.

16 PRESIDING JUDGE MINDUA: [11:29:58](Interpretation) Indeed, yes, we're one
17 minute before 11.30. So we will stop now. We will take half an hour's break and
18 we will start again at 12.

19 The hearing is suspended.

20 THE COURT USHER: [11:30:14] All rise.

21 (Recess taken at 11.30 a.m.)

22 (Upon resuming in open session at 12.00 p.m.)

23 THE COURT USHER: [12:00:55] All rise.

24 Please be seated.

25 PRESIDING JUDGE MINDUA: [12:01:18](Interpretation) Court is in session once

1 again.

2 Courtroom officer, could you please tell us how much time the Office of the
3 Prosecutor has already used up and how much time is remaining, if possible, please.

4 THE COURT OFFICER: [12:01:48] Your Honour, the Prosecution has used 2 hours
5 and 43 minutes in total, and today it used 1 hour and 21 minutes for questioning. I
6 will revert to you with regards to how much time they have remaining.

7 PRESIDING JUDGE MINDUA: [12:02:13](Interpretation) Very well.

8 Madam Prosecutor, over to you. You've heard what the courtroom officer just said.

9 So at the very most, you have five hours in total. There we are. Please go ahead.

10 MS SARDACHTI: [12:02:30](Interpretation) That's noted, Mr President.

11 Q. [12:02:36] Madam Witness, I would now like to home in on what happened on
12 the first night in the house. Once you arrived at the house, where did you go?

13 A. [12:03:24] We went into a room.

14 Q. [12:03:32] And what was that room like?

15 A. [12:03:49] It was a room where there was a double mattress.

16 Q. [12:04:02] And how big was this bedroom?

17 A. [12:04:16] Well, yes, it was just a room but not -- it was quite big, but not as big
18 as all that.

19 Q. [12:04:24] And what was the lighting like in the room?

20 A. [12:04:38] I beg your pardon?

21 Q. [12:04:42] Was there any light in the room?

22 A. [12:05:00] Yes, there was light in the room.

23 Q. [12:05:09] When you say "we went into the room", who went into the room?

24 A. [12:05:32] The gentleman that the marriage was conducted with, it was he.

25 Q. [12:05:45] And what happened that first night in the house in the room?

Trial Hearing

(Open Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0602

1 A. [12:06:06] Yes, on the first night, nothing happened in the room. Something
2 nearly happened, but I didn't accept.

3 Q. [12:06:29] Did he speak to you?

4 A. [12:06:48] [REDACTED]
5 [REDACTED]

6 Q. [12:07:09] [REDACTED]

7 A. [12:07:35] [REDACTED]
8 [REDACTED]

9 Q. [12:07:52] [REDACTED]

10 A. [12:08:06] [REDACTED]
11 [REDACTED]

12 Q. [12:08:34] [REDACTED]
13 [REDACTED]

14 A. [12:09:12] [REDACTED]
15 [REDACTED]

16 Q. [12:09:39] [REDACTED]
17 [REDACTED]

18 A. [12:10:04] [REDACTED]

19 Q. [12:10:16] [REDACTED]
20 [REDACTED]

21 A. [12:10:48] [REDACTED]

22 Q. [12:10:52] [REDACTED]
23 [REDACTED]

24 A. [12:11:20] [REDACTED]
25 [REDACTED]

1

2 Q. [12:11:42] And what did you answer?

3 A. [12:11:54] Well, I didn't answer. I didn't even answer. I didn't even speak to
4 him.

5 Q. [12:12:14] So how did he understand that you had refused -- or I shall rephrase.
6 How did you express your refusal?

7 A. [12:12:40] Yes, he understood because I went to sit to one side, and he
8 understood that I didn't want to.

9 Q. [12:12:53] Was he armed that night?

10 A. [12:13:08] He put the rifle next door or nearby.

11 THE INTERPRETER: [12:13:16] Unclear in French.

12 MS SARDACHTI: [12:13:25](Interpretation)

13 Q. [12:13:26] When you say "next door or nearby", do you mean in the room?

14 A. [12:13:41] Yes, I mean next to him in the room.

15 Q. [12:13:53] And on that night, were you able to sleep?

16 A. [12:14:06] No, I wasn't able to sleep that night. I felt -- I spent the whole night
17 sitting down. I wasn't able to sleep.

18 Q. [12:14:28] Why were you not able to sleep?

19 A. [12:14:50] I couldn't sleep. I could see that man near me and I could see the
20 weapon. And the truth be told, I couldn't sleep.

21 Q. [12:15:06] What happened the next day?

22 A. [12:15:24] The next day nothing happened, and the next day the same thing
23 happened again.

24 Q. [12:15:43] Now, Madam Witness, at page 21, from lines 10 to 13, you told us that
25 "The marriage took place. He came and took me at night, he took me in a vehicle,

1 and I spent the night at his house. And on the next day he took me back."

2 A. [12:16:58] Yes.

3 Q. [12:17:00] So did he take you home to your house that morning?

4 A. [12:17:14] Are you talking about our house?

5 Q. [12:17:23] On the next day, did you remain in the house or did he take you back
6 to your home?

7 A. [12:17:42] On that day, do you mean that day?

8 Q. [12:17:50] I do apologise. I might not have been very clear as to the temporal
9 framework. You describe to us that on a first night you were taken to the house.
10 Then you told us that you spent the first house in -- the first night in that house.

11 A. [12:18:31] Yes.

12 Q. [12:18:32] And that -- and so, the next morning where did you go?

13 A. [12:18:48] I went home. They took me home.

14 Q. [12:18:57] When you say "home", is that your father's house?

15 A. [12:19:06] Yes.

16 Q. [12:19:15] Do you remember who was present at the time?

17 A. [12:19:34] Yes, when they took me home, my parents were there. That's all.

18 Q. [12:19:45] Did you talk to them?

19 A. [12:20:02] Yes, we did speak. There are certain things that are not said, but we
20 did talk.

21 Q. [12:20:20] And what did you talk about?

22 A. [12:20:40] We just talked about things in life. I know that we talked.

23 Q. [12:20:55] Did you talk about what happened on that first night?

24 A. [12:21:14] We just talked. We didn't talk about that. We just talked.

25 Q. [12:21:27] Who took you back to your father's home that morning?

1 A. [12:21:44] It was the same man who took me to the house with his friend and
2 then they went back.

3 Q. [12:22:00] And did they come back and pick you up again?

4 A. [12:22:17] Yes, that's what happened every night, they would come back. They
5 would come and go.

6 Q. [12:22:33] So if I have understood you correctly, did they come and pick you up
7 on the second night?

8 A. [12:22:49] Yes.

9 Q. [12:22:52] And what happened on that second night?

10 A. [12:23:13] The same thing happened on the second night that had happened on
11 the first night.

12 Q. [12:23:24] Just to clarify, when you say "he", who do you mean?

13 A. [12:23:47] Who do you mean?

14 Q. [12:23:50] Was it the same people who came to pick you up on that first night?

15 THE INTERPRETER: [12:24:01] Correction: "he" should be "they".

16 THE WITNESS: [12:24:07](Interpretation) Yes.

17 MS SARDACHTI: (Interpretation)

18 Q. [12:24:18] And when you say that this happened again on the second night,
19 what do you mean by that?

20 A. [12:24:44] Well, in the same way that I hadn't accepted on the first night, I didn't
21 accept on the second night.

22 Q. [12:24:58] What did you not accept?

23 A. [12:25:13] [REDACTED]

24 [REDACTED]

25 Q. [12:25:33] [REDACTED]

1

2 THE INTERPRETER: [12:26:01] Message from the Songhai interpreters:

3 Mr President, could you please ask the witness to repeat what she just said? Thank
4 you.

5 PRESIDING JUDGE MINDUA: [12:26:12](Interpretation) Yes.

6 Madam Witness, could you please repeat your answer.

7 THE WITNESS: [12:26:29](Interpretation) Which answer are you referring to?

8 PRESIDING JUDGE MINDUA: [12:26:34](Interpretation) Madam Prosecutor,
9 please.

10 MS SARDACHTI: (Interpretation)

11 Q. [12:26:37]

12

13 A. [12:27:24] Well, he was very angry, very wound up. I was frightened, but I
14 didn't take that into account.

15 Q. [12:27:38] Did you try and run away?

16 A. [12:28:03] I had the idea of running away in my mind, but I couldn't do that
17 because they knew where I came from. I thought about running, but I didn't do it.

18 Q. [12:28:23] And for things to be clear, are we talking here about the same man as
19 on the first night?

20 A. [12:28:42] Yes.

21 Q. [12:28:50] You said to us that he was very angry, very wound up. Could you
22 tell us more about that? Did he say anything? How did it unfold?

23 A. [12:29:24] Well, he didn't say anything particular to me, he just frightened me.

24 Q. [12:29:38] And on that second night, did he have his weapon?

25 A. [12:29:48] Yes, he did.

1 Q. [12:30:03] Did you talk about the marriage on that night?

2 A. [12:30:16] No.

3 Q. [12:30:30] You told us that he frightened you. How did he frighten you?

4 A. [12:30:52] He frightened me. He was shouting. He frightened me. And then
5 it was -- he had his rifle that he took in his hand and that all frightened me.

6 Q. [12:31:13] And that night, did you sleep well?

7 A. [12:31:28] No, that night I didn't sleep well. I kept waking up, just kept waking
8 up.

9 Q. [12:31:53] What happened on the next day?

10 A. [12:32:10] The next thing, he took me home to my father's house. That's all.

11 Q. [12:32:35] So on the day after this second night, did you talk about this to your
12 father?

13 A. [12:33:11] I couldn't say that to my father. These type of words, I can't say
14 them to my father. I just said that I hadn't slept for two nights and that was it. And
15 he told me -- I told him I was afraid, I was afraid, that's why I didn't sleep. And he
16 told me not to be afraid.

17 Q. [12:33:47] Did they come back and get you again?

18 A. [12:34:00] Yes, yes, that's -- that's what happened. They came and got me
19 again.

20 Q. [12:34:07] Who came and got you?

21 A. [12:34:18] The same ones who got me each time. They were the same.

22 Q. [12:34:30] Could you tell us again who they were?

23 A. [12:34:43] The man I talked to you about and his friend.

24 Q. [12:34:59] On this third night, where did they take you?

25 A. [12:35:10] They took me to the same house again.

1 Q. [12:35:23] And what happened then?

2 A. [12:35:46] [REDACTED]

3 [REDACTED]

4 Q. [12:36:20] [REDACTED]

5 A. [12:36:33] [REDACTED]

6 [REDACTED]

7 Q. [12:36:52] [REDACTED]

8 [REDACTED]

9 A. [12:37:32] [REDACTED]

10 [REDACTED]

11 Q. [12:37:48] [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 PRESIDING JUDGE MINDUA: [12:38:24](Interpretation) Ms Sutherland.

15 MS SUTHERLAND: [12:38:25] Mr President, if it assists, the Defence does not

16 dispute [REDACTED]

17 PRESIDING JUDGE MINDUA: [12:38:44](Interpretation) Ms Sutherland, we have

18 the impression that Madam Witness doesn't wish to use the appropriate terms, which

19 is why [REDACTED] But what -- could you make your

20 point clearer, Ms Sutherland.

21 MS SUTHERLAND: [12:39:05] Mr President, we're saying that the Defence

22 understands what the witness is indeed saying and what the terms she -- what the

23 terms she's using refer to. And in order to avoid any further traumatising of her,

24 we're content to remain with the language already used.

25 PRESIDING JUDGE MINDUA: [12:39:31](Interpretation) Thank you for your

1 understanding, Ms Sutherland.

2 Are you happy with that, Madam Prosecutor?

3 MS SARDACHTI: [12:39:39](Interpretation) *Yes, so just to clarify this, is the Defence
4 saying that we don't need to go any further and that [REDACTED]

5 [REDACTED]?

6 PRESIDING JUDGE MINDUA: [12:39:53](Interpretation) Ms Sutherland, are we all
7 agreed on the terminology? Because the Prosecutor wants to clarify that [REDACTED]

8 [REDACTED] but can we not have to put this to the witness, that we are all agreed that
9 that's what happened?

10 MS SUTHERLAND: [12:40:17] Yes, Mr President, we agree with the terminology.

11 We agree not necessarily that it happened, but that that is what she means by the use
12 of that term.

13 PRESIDING JUDGE MINDUA: [12:40:37](Interpretation) Quite.

14 Madam Prosecutor, you can proceed.

15 MS SARDACHTI: [12:40:44](Interpretation) Thank you for the Defence -- thank you
16 to the Defence for that, because that's in accordance with the recommendations of the
17 unit, Victim and Witness Unit, and so I will continue.

18 Q. [12:41:24] You said to us that he forced you with his weapon. Can you explain
19 how he forced you?

20 A. [12:41:49] How? What?

21 Q. [12:41:56] What did he do with his weapon?

22 A. [12:42:16] Well, he picked up his weapon and I was afraid, just picked it up and
23 I was afraid.

24 Q. [12:42:45] Did you say anything?

25 A. [12:43:03] I didn't say anything. I said nothing. No, I -- I was afraid. I just

1 didn't say anything.

2 Q. [12:43:15] I know it was a long time ago, but can you recall whether he said
3 anything?

4 A. [12:43:52] I heard him say that [REDACTED]
5 [REDACTED] And I was supposed to know that.

6 Q. [12:44:23] And then what happened?

7 A. [12:44:46] [REDACTED]
8 [REDACTED]

9 Q. [12:45:06] [REDACTED]

10 A. [12:45:16] [REDACTED]
11 [REDACTED]

12 Q. [12:45:53] [REDACTED]

13 A. [12:46:12] [REDACTED]

14 Q. [12:46:36] [REDACTED]

15 A. [12:46:52] Nothing happened after that.

16 Q. [12:46:59] Did he take you home?

17 A. [12:47:09] Yes, that's what happened. That's what -- how it was. I would
18 come for the night and then the next morning I would be taken home.

19 Q. [12:47:37] [REDACTED]

20 A. [12:47:54] [REDACTED]

21 Q. [12:48:20] I know that this is all a long time ago, but could you tell us over how
22 many days this took place.

23 A. [12:49:05] Well, it was quite a few days, with comings and goings, and at a
24 certain time it stopped. There were two nights like that.

25 Q. [12:49:33] Madam Witness, could you please repeat your last answer because

1 there's a part that was not clear or not audible. Could you please repeat what you
2 last said.

3 A. [12:49:56] Which part?

4 Q. [12:50:04] I will ask my question again.

5 You said that "[REDACTED]" So
6 after the time he frightened you, can you tell us how long this thing lasted?

7 A. [12:50:44] The comings and goings, what do you mean?

8 Q. [12:50:57] Perhaps I can put my question a different way.

9 How long do you think that your marriage lasted?

10 A. [12:51:41] Marriage lasted a little time. But when people started to escape,
11 when the escapes started and the Malian army came, then I didn't see anybody
12 anymore.

13 Q. [12:52:17] Did you get the impression that you had any choice in whether you
14 got married?

15 A. [12:52:43] Who would ask me that?

16 Q. [12:53:08] Did you feel that you were free in this marriage?

17 A. [12:53:24] How do you mean "free in this marriage"? I didn't -- I told you that I
18 didn't agree to this marriage, but it took place, it happened.

19 Q. [12:53:55] How did this marriage end?

20 A. [12:54:18] As I said, when the people started fleeing and when people started to
21 flee and the aircraft hit from -- from the top and people hid, that was the moment.

22 Q. [12:54:43] Did you ever see him again?

23 A. [12:55:01] After the fleeing started, well, I don't know. I don't know
24 whether -- in the bombings, I don't know whether he was -- whether he's alive or
25 dead. I don't know.

1 Q. [12:55:29] After the facts, did you ever return to that house?

2 A. [12:55:43] What would I go there for? No, no, I've never been back.

3 Q. [12:55:57] After [REDACTED] that you describe to us, [REDACTED]

4 [REDACTED]

5 A. [12:56:28] Excuse me, [REDACTED]?

6 Q. [12:56:36] [REDACTED]

7 That sort of thing.

8 A. [12:57:08] [REDACTED]

9 [REDACTED]

10 Q. [12:57:32] [REDACTED]

11 [REDACTED]?

12 A. [12:57:50] [REDACTED]

13 Q. [12:58:00] [REDACTED]

14 A. [12:58:18] No.

15 Q. [12:58:26] [REDACTED]

16 A. [12:58:39] No. No, no.

17 Q. [12:58:46] You said that [REDACTED] What do you
18 mean by that?

19 A. [12:59:11] [REDACTED]

20 Q. [12:59:32] [REDACTED]

21 A. [12:59:59] How --

22 THE INTERPRETER: [13:00:06] The beginning was inaudible, but -- the whole thing
23 was inaudible.

24 MS SARDACHTI: [13:00:14](Interpretation)

25 Q. [13:00:16] I'm going to put my question again because I see that the answer was

1 not able to be captured by the interpreters.

2

3 A. [13:00:58]

4

5 Q. [13:01:24] According to you, how long did the members of the armed groups
6 remain in Timbuktu?

7 A. [13:02:01] I do not recall, I do not recall how long they stayed.

8 Q. [13:02:22] What was your reaction when they left?

9 A. [13:03:05] Nothing happened.

10

11

12 Q. [13:03:49] And from what you could observe, what was the reaction of the
13 population in Timbuktu when the armed groups left?

14 A. [13:04:21] Yes, the people in the town were very happy. Because men and
15 women alike had been terrorised. So people were very happy.

16 Q. [13:04:54] I shall repeat what you said in the context of your testimony. From
17 page 21, lines 4 to 8, you told us that you could see "people coming out of nowhere,
18 coming to Timbuktu, and coming to get married to people like that. They married
19 many people like that. And there are some people who do bad things. Coming to
20 get married to us in Timbuktu, that hurts."

21 A. [13:06:57] Yes, it is something that really did hurt us a great deal, and their
22 departure did us a great deal of good.

23 Q. [13:07:14] So I wanted to ask you whether you knew if this had happened to
24 other people.

25 A. [13:07:53] Yes, [REDACTED] was also married

1 off, and we were in the habit of [REDACTED]

2 Q. [13:08:11] So, Madam Witness, I would rather we continue in open session, but
3 I would remind you not to give any names. I should have reminded you of that
4 earlier. It's my fault. Please do not give any names. So refer to this individual as
5 [REDACTED] if you don't mind.

6 So I will ask you for their name later in private session, but for the time being, we
7 shall be redacting the name.

8 So how are you aware for [REDACTED] that she was married to one of the
9 members of the armed groups?

10 A. [13:10:03] I don't know how it happened, [REDACTED]

11 [REDACTED]

12 Q. [13:10:21] So who spoke to you about her marriage?

13 A. (No interpretation)

14 PRESIDING JUDGE MINDUA: [13:10:44](Interpretation) Ms Sutherland.

15 MS SUTHERLAND: [13:10:45] My fear is that it's going to be very difficult to track
16 who's speaking about what if we continue in this manner. And may I therefore
17 suggest that we go briefly into private session to assign code names for the respective
18 individuals?

19 PRESIDING JUDGE MINDUA: [13:11:10](Interpretation) Thank you, Ms Sutherland,
20 for your idea. I think you're right.

21 So we shall go into private session, please, Mr Courtroom Officer.

22 (Private session at 1.11 p.m.)

23 THE COURT OFFICER: [13:11:34] We're in private session, Mr President.

24 PRESIDING JUDGE MINDUA: [13:11:40](Interpretation) Thank you very much,
25 courtroom officer.

1 Madam Prosecutor, over to you.

2 MS SARDACHTI: [13:11:46] (Interpretation)

3 Q. [13:11:50] So as you just heard, Madam Witness, we are in private session. So
4 you can give names of friends, notably, and so I'm going to be putting the same
5 questions to you again to elicit the names, with your leave.

6 A. [13:12:27] Very well.

7 Q. [13:12:30] So you talked about [REDACTED] What is
8 the name of [REDACTED]

9 A. [13:12:51] Her name is [REDACTED]

10 Q. [13:12:59] And what is the name of [REDACTED]?

11 A. [13:13:11] Her name is [REDACTED]

12 Q. [13:13:22] So who spoke to you about [REDACTED]'s marriage?

13 A. [13:13:57] Well, we heard about it like that. If things happen, then people
14 know about it. And we realised that it was actually true on the day that we went
15 there.

16 Q. [13:14:48] So you said to us that "On the day that we went there, we realised that
17 it was true." Who do you mean by "we"?

18 A. [13:15:11] [REDACTED] Myself and [REDACTED]

19 Q. [13:15:21] As we are in private session, would you be able to give us the names
20 of [REDACTED]

21 A. [13:15:43] One is called [REDACTED] and the other one is called [REDACTED] (phon).

22 Q. [13:15:59] You say that you went there. Can you tell us exactly where that was?
23 And you can give us specific place names in Timbuktu, because we are, after all, in
24 private session.

25 A. [13:16:32] It was toward [REDACTED]

1 [REDACTED]

2 Q. [13:16:55] "We ensured ourselves that it was true", can you explain yourself,
3 please.

4 A. [13:17:37] As I had said before, the circumstances in which the marriage
5 occurred we are not aware of. But when we went to talk to her at her house, she was
6 there. We talked a lot, and that was the time when we know that the gentleman was
7 supposed to be coming, because he did not accept any visits there.

8 Q. [13:18:14] So I shall be putting a number of questions, but I would like to come
9 back to the location.

10 When you say, it was going to her house, could you describe that location to us.

11 Where was it -- or what was it? I apologise. What was it?

12 A. [13:19:05] What? I haven't understood.

13 Q. [13:19:09] Can you describe the place to us? Was it a house? Was it an
14 apartment?

15 A. [13:19:51] Yes, indeed it was a house made of clay, and that was [REDACTED]
16 [REDACTED] And in that large courtyard there were two
17 rooms.

18 Q. [13:20:23] And if we take as point of reference your marriage, did this visit occur
19 before or after that?

20 A. [13:20:47] No, that wasn't it.

21 Q. [13:20:58] I'm sorry, I believe that either the question was not understood or
22 there is a problem of interpretation. But if we take as point of reference what
23 happened to you, your experience, your marriage, this visit to where [REDACTED] was, did
24 that happen before or after your marriage?

25 A. [13:21:44] No, it wasn't done. Because for [REDACTED] it lasted. For [REDACTED] it was

1 done before for me.

2 THE INTERPRETER: [13:22:00] Message from the English interpreter: This is not
3 at all clear.

4 MS SARDACHTI: [13:22:05](Interpretation)

5 Q. [13:22:06] You say that "We talked a lot until we realised that the man was going
6 to be on his way." Can you tell us a little bit more about this man.

7 A. [13:22:46] It was the other lady who told us that it was nearly the time for him to
8 arrive, so we got up to leave. There we are. And we didn't want him to find us
9 there.

10 Q. [13:23:07] You said that "We knew that he did not accept visits." Could you tell
11 us a little more, please.

12 A. [13:23:37] I don't know how to explain this, but what I do know is that they do
13 not want people to visit their wives.

14 MS SARDACHTI: [13:24:00] So, Mr President, because we are still in private session
15 and there are names that I wanted to elicit in the first part of her testimony, I will do
16 that now, if that's all right with you.

17 PRESIDING JUDGE MINDUA: [13:24:16](Interpretation) Yes, please do. Go
18 ahead.

19 MS SARDACHTI: [13:24:58](Interpretation)

20 Q. [13:24:59] So, Madam Witness, as we are still in private session, I would like to
21 come back on a few items of your testimony. And I would like to ask you for some
22 names, if, of course, you know them.

23 A. [13:25:34] Very well.

24 Q. [13:25:35] So yesterday you spoke to us about a woman who was

25 wearing -- who was [REDACTED] So

1 I'm quoting from page 92, lines 8 to 9. Could you please provide us with their name.

2 A. [13:26:24] Yes, her name is [REDACTED].

3 Q. [13:26:40] Thank you. I'm going to go to another item you said or something
4 you said yesterday in the transcript. This is lines 18 to 23. You said to us that "I did
5 see a girl on one occasion."

6 THE INTERPRETER: [13:27:25] Message from the Songhai interpreter:

7 Mr President.

8 PRESIDING JUDGE MINDUA: [13:27:29](Interpretation) Yes.

9 THE INTERPRETER: [13:27:31] If you -- if you might have noted that the line has
10 been cut off.

11 PRESIDING JUDGE MINDUA: [13:27:38](Interpretation) Courtroom officer, could
12 you please check what's going on.

13 THE INTERPRETER: [13:27:42] The Songhai interpreter: It has been re-established.

14 PRESIDING JUDGE MINDUA: [13:27:47](Interpretation) Everything is in order
15 once again. The line is back.

16 MS SARDACHTI: [13:27:56] (Interpretation)

17 Q. [13:27:57] We're talking about page 89, lines 18 to 23. Yesterday you told us
18 that "I did see on one occasion a girl who was flogged in Yobou Tao."

19 A. [13:28:28] Yes.

20 Q. [13:28:29] Do you know her name?

21 A. [13:28:34] No.

22 Q. [13:28:39] And the man, they didn't get him because he'd fled, he chose to flee.
23 Do you know his name?

24 A. [13:28:57] Are you talking about the gentleman?

25 Q. [13:29:00] Yes. You say --

1 A. [13:29:10] Ah, okay. Yes, I do know him.

2 Q. [13:29:14] Can you give us his name?

3 A. [13:29:26] His name is [REDACTED]

4 Q. [13:30:05] Do you know the names of any other couples who might have been
5 flogged?

6 A. [13:30:33] No, I do not know people who were flogged, but I have heard that
7 people had indeed been flogged. And that after being flogged, others were married.

8 Q. [13:30:53] And with the exception of the case of the elder sister of your friend,
9 are you aware of any other cases of people who were married?

10 A. [13:31:18] No, no. I don't know anything about that.

11 Q. [13:31:27] Thank you, Madam Witness.

12 MS SARDACHTI: [13:31:29](Interpretation) Mr President, I can see that it is half
13 past one, so I can break here.

14 PRESIDING JUDGE MINDUA: [13:31:36](Interpretation) You're right in so saying,
15 Madam Prosecutor.

16 So, Mr Courtroom Officer, could we please go back into open session.

17 (Open session at 1.31 p.m.)

18 THE COURT OFFICER: [13:31:53] We are back in open session, Mr President.

19 PRESIDING JUDGE MINDUA: [13:31:59](Interpretation) Thank you very much,
20 Mr Courtroom Officer.

21 We shall now rise for one hour for lunch, and we shall reconvene at half past two, half
22 past two.

23 Court is adjourned -- or suspended.

24 THE COURT USHER: [13:32:21] All rise.

25 (Recess taken at 1.32 p.m.)

1 (Upon resuming in open session at 2.31 p.m.)

2 THE COURT USHER: [14:31:46] All rise.

3 Please be seated.

4 PRESIDING JUDGE MINDUA: [14:32:13](Interpretation) The hearing will resume.

5 The Prosecutor has the floor in order to continue the examination-in-chief.

6 MS SARDACHTI: [14:32:27] (Interpretation) Thank you, Mr President.

7 Q. [14:32:31] Madam Witness, I would now like to show you a video.

8 A. [14:32:43] Okay, that's fine.

9 Q. [14:32:48] I would ask you to watch it attentively and then I will ask you some
10 questions.

11 It's the video at tab 3, MLI-OTP-0015-0495.

12 A. [14:33:27] Okay.

13 Q. [14:33:30] This is a public video. We will show first an extract and then come
14 back to certain particular points. Once I've played the passage from the video, I will
15 ask you whether you recognise anything.

16 The passage I'd like to play is from 00:27:12:00 to 00:27:57:00.

17 MS SARDACHTI: [14:34:51] (Interpretation) May I play it myself, Mr President? It
18 will be on evidence channel 2.

19 PRESIDING JUDGE MINDUA: [14:35:00](Interpretation) Go ahead, Madam
20 Prosecutor.

21 (Viewing of the video excerpt)

22 MS SARDACHTI: [14:35:55] (Interpretation)

23 Q. [14:35:57] Madam Witness, were you able to see this extract from the video?

24 A. [14:36:06] Yes, I saw it.

25 Q. [14:36:10] Were you able to recognise anything, things, places, people?

1 A. [14:36:41] Yes, what I've just seen looks very like places I know very well, but
2 it's -- it's a while ago and it's really gone out of my head now.

3 Q. [14:37:02] I would like to show some precise moments from the video.

4 A. [14:37:19] Okay.

5 Q. [14:37:21] So timestamp 00:27 ...

6 (Viewing of the video excerpt)

7 MS SARDACHTI: [14:38:15](Interpretation) So I'd like to come to 00:27:26:20.

8 Q. [14:38:28] Can you tell us what you see on the screen now?

9 A. [14:38:44] Yes, I can see two people, two Islamists.

10 Q. [14:38:59] Can I draw your attention to their clothing.

11 A. [14:39:13] Yes.

12 Q. [14:39:16] Have you seen such garments previously?

13 A. [14:39:29] Yes, that's the clothes they wear, they wear clothes like that.

14 Q. [14:39:42] When you say "their clothes", who are "they", whose clothes?

15 A. [14:39:55] The -- the Islamists that you're -- that you're showing here.

16 Q. [14:40:16] So now I'd like to move to another timestamp. But before I do so,

17 I would like to ask you an additional question.

18 In fact, well, I come back to my question. When you say whose clothes, your answer

19 is "the clothes that you showed me." And you said that you had already seen -- that

20 you had previously seen such clothing. So I know that these are repetitive questions,

21 but whose clothes are we talking about here?

22 A. [14:41:54] These are the sort of clothes that we were talking about before.

23 Q. [14:42:05] Did the people who came to your house wear this sort of clothing?

24 A. [14:42:21] Yes, yes, they did. That was the sort of clothes that they wore.

25 Q. [14:42:32] So now I would like to move to that other timestamp.

1 (Viewing of the video excerpt)

2 MS SARDACHTI: [14:43:26] I've stopped the video at 00:27:17:05.

3 Q. [14:43:43] Can you tell us what you see on the screen now?

4 A. [14:44:08] What I can see is a vehicle, a white -- a Hilux white vehicle and on it
5 there is the flag of the Islamists. That's what I can see.

6 Q. [14:44:39] And have you seen this flag before?

7 A. [14:44:54] Yes, yes, I've seen it. I've seen it quite often. It was their flag. As
8 soon as you see the Islamists, you see the flag that looks like that.

9 Q. [14:45:21] Thank you, Madam Witness. Those are all the questions I have
10 related to this video.

11 And before completing the examination-in-chief by the Prosecution, I have a few
12 questions about the consequences that these events have had on you in your life.
13 Can you explain to the Chamber what impact these events have had on your life?

14 A. [14:46:59] Do you mean where I am now?

15 Q. [14:47:04] I will clarify my question.

16 What you went through, [REDACTED] the marriage you talked -- talked
17 about, what effect has this had on your everyday life nowadays?

18 A. [14:48:03] Now I can say that it's okay, but I still feel this sadness in my heart.

19 Q. [14:48:20] Did this change your relationships with your family?

20 THE INTERPRETER: [14:48:46] Message from the Songhai booth: With your
21 authorisation, could Madam Witness please repeat her last answer.

22 PRESIDING JUDGE MINDUA: [14:49:00](Interpretation) Madam Prosecutor, could
23 you please ask the witness the same question again rather than have her repeat it.

24 MS SARDACHTI: [14:49:10] (Interpretation)

25 Q. [14:49:12] Has this changed the relationship between you and your family?

1 A. [14:49:29] No, that didn't change anything because they know that nobody
2 could do anything about what happened.

3 Q. [14:49:42] And with your friends, did anything change in your relationships
4 with them?

5 A. [14:49:58] No, no, nothing changed.

6 Q. [14:50:11] And how do you cope with all this on a day-to-day basis?

7 A. [14:50:31] How -- how to do this in my heart?

8 Q. [14:50:42] Yes, you talked about the pain in your heart, how -- how do you
9 manage this pain every day?

10 A. [14:51:09] As I said, it was my father who did what -- what was necessary so that
11 I would be more calm.

12 Q. [14:51:26] Thank you, Madam Witness. The Prosecution has finished its
13 questions for you. I would like to thank you for your courage and I turn now to the
14 President.

15 PRESIDING JUDGE MINDUA: [14:51:51](Interpretation) Thank you,
16 Madam Prosecutor. That is the end of the examination-in-chief?

17 Madam Prosecutor, can you confirm that this is the end of the examination-in-chief?

18 MS SARDACHTI: [14:52:08] (Interpretation) *Yes. Maybe I wasn't specific enough.
19 That is the end of my examination-in-chief.

20 PRESIDING JUDGE MINDUA: [14:52:15](Interpretation) Thank you very much,
21 Madam Prosecutor.

22 I turn now to the Legal Representative of Victims. We have received your writings
23 of 12 April, confidential writings that you have said that this is a direct witness but
24 who has not yet been declared a potential victim. You would have liked to ask
25 questions about [REDACTED] the forced marriage, and the consequences for the

1 person, the family and so on. These are legitimate questions which have also been
2 covered by the Prosecutor. But given the vulnerability of this witness, you know
3 that you always get the opportunity to examine victims, but we would like to use our
4 discretionary power. We think there is no need to ask further questions on the
5 impact of the alleged suffering on the person and the family.

6 So in that case, we will move immediately to the Defence cross-examination.

7 Maître Kassongo, would you like to -- would you like to add something?

8 MR KASSONGO: [14:54:09](Interpretation) Thank you, your Honour, your Honours.

9 I would first like to say that I am very happy with the examination-in-chief and to
10 accept the decision of the Chamber for which I thank you.

11 PRESIDING JUDGE MINDUA: [14:54:31](Interpretation) Thank you, Maître
12 Kassongo, for your understanding.

13 I turn now to the Defence. Ms Sutherland, what is the position for your
14 cross-examination?

15 MS SUTHERLAND: [14:54:43] Mr President, we are of course ready to proceed, but
16 we actually would like to ask for an adjournment to tomorrow morning. The reason
17 being, frankly, for me to speak very plainly, I feel very unwell. I've been suffering
18 from a migraine for the last two days. My hope is that by the morning I will be in a
19 better position to examine. This will have no bearing on the conclusion of the
20 hearing tomorrow.

21 PRESIDING JUDGE MINDUA: [14:55:24](Interpretation) Clearly, Ms Sutherland,
22 the Chamber understands that you have a migraine, but as you can imagine, our
23 programme is very heavily filled. You have an hour and five minutes. If you wish
24 not to take up this hour but only to work tomorrow, can you confirm that you will
25 finish tomorrow?

Trial Hearing

(Open Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0602

1 MS SUTHERLAND: [14:55:59] My understanding, Mr President, is that the

2 Prosecution will have, I think, used four -- roughly four hours today. Therefore, we

3 would conclude our cross-examination within the same time tomorrow.

4 PRESIDING JUDGE MINDUA: [14:56:27](Interpretation) The Chamber -- before I

5 give you our decision, I see that Madam Prosecutor is on her feet.

6 MS SARDACHTI: [14:56:36] (Interpretation) I just wanted to point out that we have

7 no objection to adjourning to tomorrow. And we have noticed that the witness looks

8 also somewhat tired; therefore, that would seem to be a good thing.

9 PRESIDING JUDGE MINDUA: [14:56:53](Interpretation) You're right. I can see

10 that the witness is also -- seems very tired. So we can adjourn until tomorrow

11 morning.

12 Madam Witness, once again, I would like to say how grateful we are to you for your

13 cooperation. So we will stop now for today, but as you have noticed, your testimony

14 is not yet over. So we will meet again tomorrow morning at 9.30 in The Hague and

15 you will be told what time you should be there to continue your testimony.

16 In the meantime, please remember that you must not discuss your testimony with

17 anyone at all. You should not discuss it with members of your family or your

18 friends, if you are in contact with them this evening.

19 So on behalf of the judges of the Chamber I would ask you to take the opportunity to

20 rest this evening and I thank you for your courage.

21 So at this stage I would like to express my thanks to the parties and the participants,

22 the court reporters and interpreters, our security officers and our public.

23 We will now adjourn and we will meet again tomorrow morning at 9.30.

24 The hearing is adjourned.

25 THE COURT USHER: [14:59:36] All rise.

1 (The hearing ends in open session at 2.59 p.m.)

2 CORRECTIONS REPORT

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

5 Page 12 lines 13-14

6 "MS SARDACHTI: [10:42:02] Would you like me to ask the question again?

7 PRESIDING JUDGE MINDUA: [10:42:07] Yes." Is added

8 Page 12 line 17

9 "no problem" is added

10 Page 18 line 25 to Page 18 line 2

11 "The marriage took place and they came. He took me at night, he took me in a
12 vehicle, so I spent the night with me (sic), and then he brought me home the next day
13 so that I would spend the day at my home." Is corrected to "The marriage took place
14 and he came. He took me at night, he took me away in a vehicle, and I spent the night
15 at his place. And then he brought me home the next day and I spent the day at my
16 home." The marriage took place and he came. He took me at night, he took me away
17 in a vehicle, and I spent the night at his place. And then he brought me home the next
18 day and I spent the day at my home."

19 Page 22 lines 1-4

20 "The -- the marriage had taken place, that was (inaudible) and I didn't like it, I didn't
21 like it. But I was afraid and I was concerns -- I had concerns because I was afraid,
22 and I was also afraid for my parents. And that was what was in my head, I was
23 afraid for my parents." Is corrected to "Yes, the marriage had taken place, it had
24 taken place. And... and, of course, I didn't like him, I didn't like him. But I was afraid
25 and I was concerned -- I had concerns because I was afraid, but I was also afraid for

1 my parents. I couldn't ... It is true that I often thought of doing it, but I was afraid, I
2 was afraid for my parents.

3 Page 31 lines 1-3

4 "We -- just to clarify this, is the Defence saying that we don't need to go any further to
5 clarify the fact that [REDACTED]?" Is corrected to "Yes, so just to clarify

6 this, is the Defence saying that we don't need to go any further and that [REDACTED]

7 [REDACTED]?

8 Page 45 lines 16-17

9 "Yes. Clearly I wasn't specific enough. That is the end of my examination-in-chief."

10 Is corrected to "Yes. Maybe I wasn't specific enough. That is the end of my

11 examination-in-chief."