

Trial Hearing
MLI-V43-V-0001

(Open Session)

ICC-01/12-01/18

1 International Criminal Court
2 Trial Chamber X
3 Situation: Republic of Mali
4 In the case of The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag
5 Mahmoud - ICC-01/12-01/18
6 Presiding Judge Antoine Kesia-Mbe Mindua, Judge Tomoko Akane and Judge
7 Kimberly Prost
8 Trial Hearing - Courtroom 3
9 Tuesday, 8 February 2022
10 (The hearing starts in open session at 9.33 a.m.)
11 THE COURT USHER: [9:33:25] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE MINDUA: [9:33:43](Interpretation) Court is in session.
15 Madam courtroom officer, could you please call the case.
16 THE COURT OFFICER: [9:34:08] Good morning, Mr President, your Honours.
17 Situation in the Republic of Mali, in the case of The Prosecutor versus Al Hassan Ag
18 Abdoul Aziz Ag Mohamed Ag Mahmoud, case reference ICC-01/12-01/18.
19 And for the record, we are in open session
20 PRESIDING JUDGE MINDUA: [9:34:26](Interpretation) Thank you very much,
21 Madam Courtroom Officer.
22 So before we take the appearances, I would like to say one or two things.
23 Firstly, that because this is the first time that we are seeing each other in the year 2022,
24 I would like to extend my best wishes to everybody and wish you very fruitful work.
25 Madam Courtroom Officer, there's some noise in our headsets, noise –

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1 THE INTERPRETER: [9:35:11] Message from the English booth: It's the LRV who
2 was using his microphone -- moving his microphone around.

3 THE COURT OFFICER: [9:35:38] Mr President, it was the sound coming from the
4 WebEx link, but it's been muted now.

5 PRESIDING JUDGE MINDUA: [9:35:50](Interpretation) Thank you very much,
6 indeed.

7 Now the second thing that I wanted to say is that I would like to apologise to you all
8 for the extended suspension of these proceedings.

9 Now, these were circumstances -- or put down to circumstances entirely independent
10 of my will, but I believe that this suspension of the proceedings enabled everyone to
11 be in a better position to be better prepared for the work to be undertaken. So I
12 thank you very much for your understanding in this regard.

13 As we do on a daily basis, we shall start with the appearances, starting with the Office
14 of the Prosecutor.

15 Mr Prosecutor, please.

16 MR DUTERTRE: [9:36:48](Interpretation) Good morning, Mr President. Good
17 morning, your Honours.

18 The Office of the Prosecutor is very happy to see everyone healthy and together in
19 this courtroom today, and would like to make the most of this opportunity - as you
20 did, Mr President - to extend their greetings to everyone present in the courtroom and
21 outside of the courtroom for this year of work ahead of us.

22 The Office of the Prosecutor is represented today by Madam Yayoi Yamaguchi, to my
23 right, and by myself, Mr Gilles Dutertre. Our colleague, Florie Huck, will be joining
24 us during the day. She was not able to attend first thing this morning but she will be
25 joining us.

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1 I'd like to also take this opportunity to greet everyone in the courtroom and our
2 esteemed colleague, Mr Doumbia, whom we are very happy to have with us during
3 the hearing today. Maître Mayombo, Maître Nsita, and the other representatives for
4 legal -- for the victims.

5 PRESIDING JUDGE MINDUA: [9:38:05](Interpretation) Thank you very much,
6 Mr Prosecutor. And once again thank you for your kind words.

7 Now over to the Defence. Ms Taylor.

8 MS TAYLOR: [9:38:14] Good morning, Mr President. Good morning,
9 your Honours. The Defence also extends its greetings to everyone in the courtroom
10 and around the courtroom and wishes everyone the best for the coming year.

11 The Defence for Mr Al Hassan is represented today by Maître Julia Basile, Ms Leila
12 Abid, Ms Diletta Marchesi, and myself, Melinda Taylor. Thank you very much.

13 PRESIDING JUDGE MINDUA: [9:38:37](Interpretation) Thank you very much,
14 Ms Taylor, and for your best wishes.

15 Now I turn to the Legal Representative for Victims.

16 Counsel.

17 MR LUVENGIKA: [9:38:50](Interpretation) Mr President, your Honours, of course
18 the Legal Representatives for Victims would also like to extend their greetings to the
19 Chamber and to our learned colleagues for this new year. We'd like to greet
20 everyone in the courtroom and greet the team that is in and around the courtroom,
21 the team that supports us.

22 The victims today are represented at this hearing by Madam Anouk Kermiche, by
23 Madam Dipanga Biyéké Prisque, by Maître Julie Goffin, by Maître Mayombo
24 Kassongo, by Maître Seydou Doumbia, who is following us out in the field and by
25 myself, Maître Fidel Nsita Luvengika. And I thank you.

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1 PRESIDING JUDGE MINDUA: [9:39:47](Interpretation) Thank you very much,
2 Maître Nsita. And I also thank you for your good wishes.
3 This morning, we shall be starting with the testimony of -- or we shall initially hear
4 the submissions of the legal representative for victims, subsequent to which we will
5 hear testimony of victims.
6 Now, I don't know who shall be addressing the Court first in terms of submissions,
7 because I cannot swear the witness in under paragraph 66(1) as they are not yet
8 present.
9 But I shall hand over to the LRVs to see what we shall do.
10 MR LUVENGIKA: [9:40:42](Interpretation) Yes, Mr President, we shall initially
11 provide an opening statement by Maître Doumbia Seydou, who shall address the
12 Court first and, then, Maître Mayombo Kassongo will follow on and bring our
13 submissions to an end. Subsequent to which, according to the schedule of the
14 Chamber - I don't know whether we might have a short break or whether we shall
15 continue - it will be up to Julie Goffin then, who will be examining the victim in chief.
16 PRESIDING JUDGE MINDUA: [9:41:20](Interpretation) Thank you very much,
17 Maître Nsita. I think the programme is clear to everyone present. I would like to
18 welcome Maître Doumbia.
19 And, without any further ado, I would like to hand over for the opening statement.
20 And I'd like to point out that Maître Doumbia is not with us, but is following us from
21 afar.
22 Maître, it is over to you.
23 MR DOUMBIA: [9:41:59](Interpretation) Good morning, Mr President.
24 PRESIDING JUDGE MINDUA: [9:42:04](Interpretation) Good morning, counsel.
25 MR DOUMBIA: [9:42:10](Interpretation) I would also like to wish everyone a happy

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1 new year for the year 2022, for each and every one of us and for our families.

2 Mr President, your Honours, my name is Seydou Doumbia and I represent the Malian
3 Bar. I am one of the legal representatives for the victims in this case, the Prosecutor
4 v. Mr Al Hassan.

5 Mr President, your Honours, allow me at the outset to greet you on behalf of our team
6 and on behalf of all the victims of Timbuktu who are attentively following the
7 unfolding of this trial and who praise, Mr President, the wisdom with which you are
8 fulfilling your roles.

9 May I also greet my esteemed colleagues of the Office of the Prosecutor and pay
10 tribute to their skilled work. I am not of course forgetting our learned friends from
11 the Defence. Finally, I will pay a vibrant tribute to all those who are eternally
12 present yet forgotten in this courtroom. You are to the courtroom what a rope is to
13 a beehive, according to an African proverb that says a beehive can only gain height
14 with the help of a rope. You all embody that rope, whether you be the technicians of
15 all categories, the interpreters, the court reporters, the court officers, the Judges'
16 assistants, or intermediaries out in the field. Without you, there is no trial, quite
17 simply put. And the media are also instrumental.

18 Mr President, your Honours, who are the victims we are representing at today's
19 hearing? We are talking about the men, women and children whose fundamental
20 rights were seriously violated, from early 2012 onwards, in the southern part -- or, in
21 Mali. In fact, from the month of January 2012, Mali fell prey to a deep crisis in the
22 name of the Sharia. From what was a simple rebellion at the outset, the armed forces
23 rapidly morphed into a jihadist-occupying force that rode roughshod over the
24 sociocultural and religious values of a civilisation that dates back several hundred
25 years. We are talking about Timbuktu, the town of the 333 saints.

1 Mr President, your Honours, you have authorised 1,946 victims to participate in these
2 proceedings. 1,946 in number. These victims have endured various acts of violence,
3 including flogging, rapes, sexual slavery, forced marriage, and other forms of sexual
4 violence of which children were born, arrests and arbitrary judgments, as well as
5 other violations of their fundamental rights and various forms of persecution. In
6 addition, some women have had to suffer socioeconomic and financial harm.
7 The victims of the *Monument de la Paix*, the peace monument, are an example of this.
8 In addition to its symbolic value as representative of peace and social cohesion, the
9 peace monument was a place of work for women in Timbuktu. This symbol of
10 cohesion and co-existence was destroyed under the occupation and the women's
11 activities were ground to a halt, causing serious material and psychological harm to
12 the women and their households.

13 Mr President, I shall now be presenting to you a number of the victims' views.
14 Firstly, for a few moments I would like to talk to you about the jihadist occupation of
15 Timbuktu.

16 The arrival of the jihadists in Timbuktu was accompanied or gave rise to social
17 upheaval. There was a shock wave that was as far reaching as the most remote areas
18 of the region. The five *cercles* of Timbuktu - Timbuktu itself, Diré, Niafunké,
19 Goundam and Gourma-Rharous, comprising 51 communes - were rapidly subdued.
20 Over the space of a week, Timbuktu rapidly emptied itself of its population, resulting
21 in a mass of internally displaced persons from Timbuktu to Bamako, the capital, and
22 many other refugees that dispersed into the neighbouring countries, more
23 particularly in Mauritania, Burkina Faso and Niger.

24 The population that had stayed behind was sadly confined and resigned to enduring
25 myriad forms of cruel, inhumane and degrading treatment - such as, summary

1 executions, amputations, torture under all its forms, outrages upon personal dignity,
2 flogging, destruction of property, rape and sexual violence, and forced marriages.
3 And this list is not exhaustive.
4 In the name of religion, men were obliged to wear thenceforth short trousers cut off at
5 calf length.
6 Cigarettes and music were forbidden.
7 The women had to cover their entire bodies and had to avoid all beauty products and
8 embellishing tricks.
9 These women could no longer go about their daily business for fear of being
10 persecuted.
11 Any close relations between a man and a woman were forbidden, unless they were
12 justified by marriage.
13 In brief, life as they knew it had ceased to exist.
14 The schools were closed, forcing children to abandon their education. Young people
15 were forced to serve the jihadist occupiers or face punishment.
16 Mr President, your Honours, I would like to share an anecdote with you which goes
17 back to the manner in which the young people were recruited to join the jihadists, but
18 also reflects the tragic story of many young people whose lives were radically turned
19 on their heads in a short lapse of time. The story that I would like to tell you is the
20 story of a young man -- or, in fact, two young men who were high school students,
21 but because of the occupation were obliged to abandon their studies and were
22 recruited by the jihadists for whom they were obliged to work for subsequently.
23 Mr President, the young man whom I met in Timbuktu, that was in the year 2014, was
24 18 years of age at the time -- at the time of the occupation, I mean. I met him during
25 one of my numerous missions to Timbuktu and he told me the following because, of

1 course, there was a relationship of trust between us.

2 He said, "Counsel, can I trust you? Can I tell you something?" And I said, "Of

3 course you can."

4 I should say that we were talking and raising awareness of the dangers of the

5 occupation at that moment in time and the risks that young people might run up

6 against, and that's when he asked whether he could confide something in me and he

7 said the following: "You know, life is not as simple as all that. Even if we do not

8 like the situation we are in, sometimes we do not have a choice."

9 And the young man continued by saying that he had met another young man a little

10 bit older than himself when he was coming out of prayer at sunset at Sankoré mosque.

11 The second young man asked him, "What are you doing? What are you getting up

12 to during this time when there are -- when there is no class?" To which he

13 responded that he had to stay home with his parents, and that being of a certain age,

14 these parents were ill and he was the firstborn or eldest son of the family.

15 The second boy suggested to him that if he really wanted to help his parents, he could

16 help him to find some work in order for him to be able to better care for his parents,

17 because it serves no purpose to just sit next to your parents if you are not able to pay

18 for any prescriptions to treat their illness. Of course, he was very convinced by what

19 the young man had to say and he let himself be led by him, and, on the next day, the

20 young man took him to a gentleman who offered him the position of chauffeur

21 driving his Land Cruiser.

22 Upon parting ways they -- or, he gave him the sum of 50,000 CFA, certainly because

23 he wanted to motivate him. The young man was amazed and went back to his

24 parents, explained to them what the situation was and that he now had a job. And

25 like all parents do, they gave him their blessing. The very next day, at 6 o'clock, he

1 was at the door to his new employer's house and he started his job.

2 So as not to be too lengthy, at the end of this story the young man said to me, "Well
3 look, Counsel, I've only been working for five months now, and after these five
4 months I have managed to get my parents to go to Bamako. I have bought them
5 a house. And they are now no longer in need of anything. My brothers and sisters
6 are at school and I have been able to pay for all of this. How would I have been able
7 to reach such a level of success if I had not managed to clinch this job, a job working
8 for a jihadist?"

9 And he added that he did not regret that he had stopped his education because his
10 whole family was proud of him.

11 And this, Mr President, your Honours, is the pathetic story, which is similar to the
12 stories of many youths in Timbuktu, and not only Timbuktu, but many youths of this
13 region of northern Mali who joined the jihadists, not because of any conviction, but
14 because -- or belief, but because they needed to out of necessity. So poverty really
15 pushes people into jihadism.

16 So, Mr President, let's continue with this damage caused by the jihadists, and in so
17 doing, we cannot avoid talking about the destruction of mausoleums and other
18 monuments, including places of worship and the tombs of the saints that were
19 destroyed in the city of Timbuktu.

20 The inhabitants of Timbuktu were targeted with this abhorrent formula that says that
21 you have to beat the corpses in order to gain the respect of the living. Timbuktu was,
22 as a result, reduced to a shadow of its former self. And this will be remembered in
23 thousands of years to come.

24 Let's now come to the interpretation of the word "Sharia", this word that has been
25 mentioned for such a long time and which we do not know -- we do not always know

1 how to interpret in this trial.

2 The victims would like to draw your attention, Mr President, your Honours to the use

3 of the word "Sharia". This word in everyday language in Timbuktu of course

4 designates Islamic law. But the use of this term to justify the occupation, as you can

5 imagine, was but a mere pretext. The jihadists simply intended to enforce Islamic

6 law in the town of Timbuktu, a town that is steeped in Islamic tradition and has been

7 for centuries, this town of 333 saints, which is profoundly anchored in the Muslim

8 faith, and the aim of course was to attack this symbolic location and then destroy it

9 for the world to see.

10 Having said that, the word "Sharia" quite simply means justice in everyday language

11 in Mali. Mali is, of course, a secular country, yet 99 per cent of the population claims

12 to be Muslim. The term "Sharia" is generally translated as something that is just or in

13 keeping with Islamic tradition. It follows that to say that a claim or judgment is not

14 Sharia, means that it is not correct.

15 The Sharia as applied by the jihadists in Timbuktu, involving amputating the hands

16 of a robber or flogging couples in public squares for adultery, by way of punishment

17 has never existed in Timbuktu. The jihadists did not have any knowledge to impart

18 on the practice of the Muslim faith in Timbuktu.

19 What is the perception of rape and sexual violence in Timbuktu?

20 Well, as in most African cultures, sex is taboo in Timbuktu.

21 Rape and sexual violence are seen as an indelible blemish to one's reputation and

22 grounds for being totally outcast.

23 As such, no woman will ever admit to having been raped or subjected to sexual

24 violence and will always deny the fact or use language that does not reflect what she

25 endured.

1 For example, a raped women will say that a man hurt her. The bravest women will
2 say that the man forced her to sleep with him, or that he lay down on top of her.
3 Let me give you another anecdote.
4 Once in Timbuktu, I was in contact with a young woman when I was conducting my
5 investigation. This young woman was in the company of a close relative who served
6 as an interpreter for me. The young man -- the young woman - correction - had been
7 raped and it was after five hours of interview that she was finally able to tell me that
8 she had endured disagreeable treatment from the hands of a man. Because I did not
9 understand the language, I felt the level of insistence on the part of her relative to
10 explain what she meant because she thought I was not in a position to understand the
11 reserve shown by this young woman. I intervened to tell her that it was not
12 necessary to push her to explain everything to me. But I was able to understand
13 what had occurred.
14 Mr President, your Honours, the young woman quite simply covered her head with
15 a veil that she was carrying and she never raised her eyes again.
16 This is just to explain to you that it is not easy in the culture of Timbuktu - and I
17 apologise - for women to talk about rape or sexual violence. This cultural reality
18 explains to a great extent why many victims of rape and other sexual violence do not
19 participate in legal proceedings. In the national courts there are many obstacles and
20 the conditions of witness testimony -- of gathering witness testimony are not easy.
21 And when it comes to the victims of sexual violence, they find it very difficult to
22 express themselves.
23 So it is even more important for the International Criminal Court to offer these
24 victims a way of providing their version of the facts, and it is up to us all to
25 accompany them and to represent them.

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1 Mr President, your Honours, let me now talk to you about the criminal responsibility
2 of the jihadist occupiers.

3 The participating victims in these proceedings are of the opinion that the criminal
4 responsibility of the jihadists, those who endured many crimes in Timbuktu and its
5 region and is -- that their criminal responsibility is entire. This criminal
6 responsibility should be sought in the facts, in the behaviour, in the words uttered, in
7 the gestures, in that which has been written, and even in the silence of the leaders of
8 those jihadist groups who were in power in Timbuktu at the time. These leaders
9 cannot avoid criminal responsibility at any costs.

10 The victims are in no doubt that the international criminal justice of The Hague, the
11 justice that you incarnate, is alone capable of successfully prosecuting those who are
12 the most responsible for the numerous dramas that occurred in Timbuktu during the
13 occupation.

14 Now, Mr President, I would like to outline some of the concerns on the part of the
15 victims.

16 Now, firstly, the security issue, which is their first concern.

17 The security issue, Mr President, your Honours, is two pronged. There is the matter
18 of protecting the lives and physical and psychological well-being of the victims and
19 their families and that of their participation in the proceedings. As to protecting the
20 lives and physical and psychological well-being of the victims, they are unanimous in
21 saying that they continue to endure acts of violence, abductions, kidnappings, looting,
22 threats of death et cetera, et cetera.

23 They will tell you that they rubbed shoulders with death on a daily basis and that
24 their prosecutors -- their persecutors are still in their midst, capable of causing panic
25 at any time.

1 The second dimension to the security issue is closely associated with the first, namely,
2 the participation of the victims in the proceedings. Indeed, the participating
3 victims -- the participating victims, Mr President, whom you have, of course,
4 authorised to participate, are only the visible part of the iceberg. In reality, the entire
5 population of Timbuktu was subjected to acts of persecution. Women became
6 imprisoned in their own homes, afraid that if they ventured out they would be
7 arrested for some random sexist reason inherent to the jihadists' ideology.
8 Mr President, the entire population was no longer permitted to conduct normal social
9 activities, drink alcohol, smoke or perform certain rituals. This applied to the entire
10 population. Men were subjected to a very strict dress code, very specific in nature,
11 and they were strictly punished in cases of noncompliance. Many victims did not
12 dare declare their status for fear of being victimised yet again. That is why the
13 victims, who are deeply concerned about their security situation, are questioning the
14 dissuasive role of the International Criminal Court.
15 Another concern is the under-representation of these victims. The Legal
16 Representative for Victims regret not having been able to visit Timbuktu or other
17 circles in the region to meet and register victims because of the pandemic and the
18 ongoing insecurity in the region of northern Mali. They were not able to visit
19 Timbuktu. They were not able to visit the other circles in the region to meet and
20 register these victims. As a result, the Legal Representative for Victims feel a sense
21 of unfinished business, as hundreds of victims were unable to participate in this stage
22 of the proceedings.
23 The LRVs also note that many victims are hard to access as they are located in
24 far-flung areas where insecurity is rife.
25 Another concern, Mr President, your Honours, is the small number of victims.

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1 Mr President, your Honours, it is now time for the LRVs to present the victims' case.
2 This is the ideal moment to demonstrate that the victims' participation in the
3 proceedings is not merely symbolic, but that it is effective and efficient.
4 The circumstances outlined here, the volatile situation in the regions where the
5 victims reside in Timbuktu, the pandemic, and the resulting restrictions on missions
6 to the field as well as Trial Chamber's tight schedule advocating speedy proceedings,
7 means that the LRVs have had a limited amount of time in which to analyse the 1,946
8 files. There have been many difficulties to overcome for the victims to be -- for the
9 victims' participation to be more than merely symbolic.
10 Some Trial Chambers, such as Trial Chamber II in the case of the Prosecutor v.
11 Germain Katanga, did indeed acknowledge that the victims represented a third voice.
12 Our clients are concerned about this state of affairs. They wonder if victims occupy
13 an important place in the eyes of the judges in these proceedings.
14 In this regard, Mr President, I said to them that they must make sure -- I reassured
15 them by telling them that international justice is like an elephant in the savannah.
16 There is an African proverb that says that he who follows an elephant through the
17 grassy savannah is not worried about the dew.
18 And when I said that, Maître Fidel added that, if you can't suckle your mother, you
19 suckle your grandmother. And my esteemed learned colleague Maître Mayombo
20 translated saying, if you can't have what you love, you make do with what you have.
21 Mr President, your Honours, on this note I will now hand over to my learned friend,
22 Maître Mayombo, to illustrate some of what I have said. And I thank you.
23 PRESIDING JUDGE MINDUA: [10:24:40](Interpretation) Thank you very much
24 Maître Doumbia for your brilliant intervention and your proverbs, which are very
25 clear.

1 I shall now give the floor to Maître Mayombo to follow up.

2 MR KASSONGO: [10:25:26] Thank you very much, your Honour.

3 Your Honours, I'm Maître Kassongo, one of the Legal Representatives of Victims, and

4 I would like to thank the Chamber for having given me the floor following the

5 intervention of my colleague, Maître Doumbia, who illustrated our presence in such

6 a beautiful way this morning. And I would very much like to pay homage, if he's

7 listening, and say that his intervention was extremely clear and excellent, which

8 makes it possible for me to come back to the Chamber to ask you about the timing of

9 my intervention. It won't be very long. With the agreement of the Presiding Judge

10 and the Chamber, I don't know how much time I have available to illustrate my

11 remarks.

12 PRESIDING JUDGE MINDUA: [10:26:37](Interpretation) So, because the Chamber

13 was informed that your preliminary statement would take an hour, but I don't know

14 how you intend to -- or intended to organise that.

15 Now, what I do know is that we continue to 11 o'clock. That is correct, is it not?

16 Maître Kassongo, I've been told that normally you have 18 minutes left. So take the

17 floor and we will see.

18 MR KASSONGO: [10:27:22](Interpretation) Thank you, your Honour. That's the

19 reason why I'm addressing the Chamber, to be able to obtain your agreement and the

20 necessary precision.

21 As I stated a moment ago, I am giving my intervention after the best introductory

22 intervention given by Maître Doumbia, my colleague.

23 My brief intervention will be practical, brief, in order to illustrate all the remarks that

24 you heard a moment ago in terms of the profile of victims who are present in these

25 proceedings authorised by your Chamber.

1 My intervention will firstly be based on the allegations linked to buildings, firstly.
2 And secondly, to the alleged facts within the framework of violation of fundamental
3 freedoms, which will illustrate the remarks of my colleague, Maître Doumbia.
4 Your Honour, your Honours, where it concerns the profile of these victims, with
5 regard to a large number of them it is clear that they are in search of justice. When
6 they replied to the question put in the application form adopted by your Chamber,
7 either to question 8 - this is the participation form I'm talking about - where it is asked
8 of each of the victims participating, they are asked the reason why they are applying
9 to participate. In these terms, why does the victim wish to participate in the
10 proceedings. And all victims present, state a sentence. They say: It is in order to
11 obtain justice. It's very clear. It is as clear as water.
12 Your Honour, there is the principle of publicity of proceedings, which your Chamber
13 has insisted on, and my intervention shall be public because I want to use cases and
14 the words of victims in order to add to what has already been said by
15 Maître Doumbia. These are a few cases presented in an exhaustive way, which will
16 make it possible for the Chamber to enter into the world of suffering of this mass of
17 victims that we represent.
18 Your Honours, these victims that we represent are those who have felt the full impact
19 of the jihadist occupation in 2012. Those who lived outside Timbuktu were called
20 the displaced persons of the north. And for those who did not -- were not able to
21 flee or did not choose to flee because they remained where they were, they were
22 attached to the culture of their ancestors and the religion of their ancestors. And in
23 order to highlight this, I would stress the allegation made in a form of victim
24 a/45253/18, in which the victim mentions a real tragedy. To say what she said:
25 "My house was opposite the jihadist camp. They used it, they threatened my family

1 before raping my wife on several occasions. We fled to Bamako from Kutshala.
2 And then we went [...] after Operation Serval."
3 For the most part, these victims at this stage of the proceedings, they have
4 experienced the jihadist occupation, which made it impossible for them to exercise
5 their fundamental rights and freedoms. And, not to quote them, I would refer to
6 what was said: Religion is a personal matter. Yes, in the case in point, in Timbuktu,
7 Timbuktu, which is -- has the descendants of saints, where there were a lot of people,
8 where allegations were made collectively and on an individual basis which are moral,
9 and, material acts, which were carried out by way of destruction and the eviction
10 from family homes.
11 (Redacted)
12 (Redacted)
13 (Redacted)
14 (Redacted)
15 (Redacted)
16 Your Honour, your Honours, these victims use their words, as my colleague said
17 a moment ago, in order to express what happened to them. Their harm is both
18 moral, material and collective as well as individual. And you will find that in the
19 answers in the application forms under the aegis of your Chamber in the second
20 question, a question about the description of the crimes that the victims account - acts,
21 which will shed light on the case for the Chamber - when they express what
22 happened to them to your Chamber, you will have the opportunity to link the alleged
23 acts to the crimes at this stage of the proceedings and so there will be a discussion of
24 the parties as proceedings require.
25 In this regard, the case of description of the destruction of the mausolea is not only

1 what they experienced, but it's also reported by victims authorised to participate in
2 the proceedings. In the case in point, the words of victim a/4[...]/7[...]/[...] in the
3 statement, while the victim was present during the destruction:
4 "I was attacked on several occasions by the jihadist rebels. I am a descendant of the
5 saint. I lived through the destruction in 2012, the day of the demolition of our
6 mausolea where my ancestors are buried."
7 Your Honour, the victims testified to destruction in details and with precision in
8 relation to other crimes charged, and, at this stage of the proceedings, it is necessary
9 to shed an eye on these acts. These are acts that made a huge amount of blood be
10 spilled. The blood, of course, of victims, while sometimes it was the case of the
11 drama experienced in the occupation.
12 a/45[...] 7-- /18, who stated, and here, I will quote:
13 "I experienced these events in 2012, I was raped by two men who imprisoned me for
14 a day and a night. I suffered. I was ill. It was by two armed men, a black man
15 and a white man."
16 These acts that occurred in all of Timbuktu, the names of neighbourhoods - as my
17 colleague said in this table that was so beautifully depicted - that the neighbourhoods
18 of all the towns of Timbuktu were concerned, were affected, which explains the huge
19 amount of forms that were filled in referring to each neighbourhood of the town.
20 Your Honour, the meaning of the phrase, "You are in no better place than at home"
21 would have -- that had no meaning in 2012. It is, of course, about happiness, family
22 happiness. The happiness of being able to live in your home with your family,
23 peacefully, calmly, which did not exist in 2012 during the occupation.
24 That is the case of victim -- the victim /203333/19, who said:
25 "I'm from Abaradiou, the jihadists came to destroy our mausolea [] which is situated

1 not far from our house. We left the house to go elsewhere."

2 Ladies and gentlemen, your Honours, the occupation didn't enable the families to live
3 together in peace; it did not allow men and women to live together in peace. For the
4 victims, who could also exercise an activity requiring them to circulate within the
5 town, or from town to town, these traders were not spared from this. Most of them
6 saw their goods, which violated Sharia, quite simply destroyed.

7 And here, I am referring to this case of the victim a/[...]/[...] the victim who, in 2012,
8 said that she was in a restaurant and she was threatened with a weapon after the
9 destruction of the mausolea.

10 And your Chamber will be able to judge the criminal activity of the jihadists
11 according to their actions, the jihadists who were armed in groups. And this was so
12 painful. These painful receipts will be given to your Chamber.

13 Victim -- the different victims --

14 THE INTERPRETER: [10:43:32] The numbers of which the interpreter does not have.

15 MR KASSONGO: [10:43:34] -- declare, and, here, I open the -- bracket --

16 "I was tortured, I was beaten at the police commissariat, because I was accompanied
17 by my girlfriend who was not veiled. And following that, I left Timbuktu and I
18 found that my house had been pillaged."

19 Whether it was for goods, whether it was for traders, or whether it was for major
20 shops or small ones, the jihadist occupation did not spare anyone at all.

21 And here, I quote this case of victim 250[...]2/14.

22 In the allegations expressed, the violation of his rights, in order to share the words
23 with you --

24 "I was in my shop when I saw the rebels. They got out brutally and arrested me,
25 saying that I could no longer sell cigarettes. And then they took out all the stock

1 where there were pictures of people. And they told me that I did not fear God, I did
2 not fear Allah. And they told me that I had to stop with this business."
3 Your Honour -- your Honour, it is not just the tears of women and commerce that was
4 stopped, but also men who lived with dishonour, with their inability faced with the
5 situation, because under Rule 85 of the Rules of Procedure and Evidence, of course it
6 makes -- when it comes to the words of that -- when it comes to the interruption of the
7 activities or the cessation of fundamental freedoms, in order to answer this question,
8 the exercise consists of reading different operational modes according to the
9 neighbourhoods of the town in the -- when it comes to the prohibitions under Sharia.
10 Now, when the veil did not conform to the jihadists' reading of the law, the victim
11 had no other alternative.
12 That's the case of another victim --
13 THE INTERPRETER: [10:47:09] Whose number the interpreter does not have.
14 MR KASSONGO: [10:47:12] -- who declares that, and, here, I quote:
15 "The people of Ansardine or I don't know who, jihadists, took me to their
16 commissariat one morning in 2012 to flog me saying that I wasn't dressed."
17 And victim 45283/71 -- victim 45281/18 said:
18 "The people from Ansardine or I don't know who, maybe it was AQMI, I don't know,
19 they took me to the door of my house, the doorway, saying that I wasn't wearing
20 a veil. That was prohibited. And they took me to the commissariat where I spent
21 three nights. And I was flogged. I was tortured. And this treatment is shameful
22 to me."
23 Your Honour, the reason is related to the occupation. The reason for all these
24 exactions or abuses are linked to the armed occupation. For the men who were
25 wearing long trousers, they were subject to bad treatment. And also for women, as I

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1 described a moment ago.

2 The witness 20151/19, who was at home in his town, states what happened to him:

3 "I was at home a day in May, towards 1700 hours, when I saw four men come and tell
4 me that my trousers were too long and to take them off before the members of my
5 family who were present. And I refused. For three days they incarcerated me."

6 Your Honour, your Honours, there are proceedings described in these forms, in the
7 answers for victims, for which acts they are participating in the proceedings for,
8 namely, in question 2.

9 Now what I was saying a moment ago, this is about the sanctions, without
10 consideration of the fragility of people nor their dignity. There were serious
11 violations that were committed. Because we're talking about dignity and fragility --
12 PRESIDING JUDGE MINDUA: [10:50:45](Interpretation) Maître, normally the time
13 available to you has finished. However, we're going to try and find a compromise
14 solution.

15 As we're stopping at 11 o'clock, the Chamber offers you the remaining 10 minutes to
16 organise yourself in such a way that when you start again, we can start with the next
17 witness.

18 Is that okay?

19 MR KASSONGO: [10:51:18](Interpretation) Your Honour, your Honours, if -- I will
20 surf - if you allow me to put it that way - in order to not use up all the time in order to
21 remain within the timing that was set -- the timeframe that was set by your Chamber
22 and I'm going to quickly go to the conclusion of my remarks.

23 PRESIDING JUDGE MINDUA: [10:51:38](Interpretation) Thank you very much.
24 Please go ahead, Counsel.

25 MR KASSONGO: [10:51:41](Interpretation) When I hear witness 45281/18 and

1 45379/18, when I hear them speak, the dignity and fragility appear in their words and
2 their allegations. I would say with you that a/45379/18 says very well:

3 "I was 18 years old when it come to the rebel occupation in 2012. And they found
4 me in the street, accompanied by my friends. I was smoking a cigarette when they
5 stopped me and they beat me."

6 The abundance of such acts, as my colleague said, takes me quickly to the -- his final
7 remarks, where the American philosopher William James said that the truth is too
8 rich to be seized with just one -- from one particular perspective. And I think that
9 your Chamber needs to have the abundance and diversity of perspectives of -- at this
10 stage of the proceedings that come from the mass of victims that we represent. This
11 mass of victims from a/4528/18, who says --

12 THE INTERPRETER: [10:53:36] "45265/18."

13 MR KASSONGO: [10:53:37](Interpretation) "I viewed the spectacle of jihadist
14 amputation in 2012. I saw a man having an amputation in public."

15 And the aim of the publicity of proceedings was to show this example that the -- the
16 conduct not to be followed when you infringe Sharia law.

17 The victim says, your Honour:

18 "We haven't stopped reminding them."

19 If the jihadists kept to the public executions for the sanctions issued, today, the
20 victims also want the justice, for them to be public.

21 Your Honour, I do not want to abuse your patience further. I shall conclude with
22 a reference to the Nobel prize winner [...] in his work, in which he states on page 101,
23 that:

24 "Testifying is an essential act for the good functioning -- or the proper functioning of
25 justice. To testify is to relive. It implies an enormous degree of courage and an

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1 incommensurate strength."

2 Your Honour, your Honours, all these victims expect from your Chamber after the
3 proceedings, at this stage of the procedure, that if they take the path of truth, so -- that
4 justice may be rendered to them.

5 I say this and I finish.

6 Thank you, your Honour, your Honours, colleagues. I'd like to thank you.

7 PRESIDING JUDGE MINDUA: [10:56:19](Interpretation) Thank you,

8 Maître Kassongo, for your presentation. It was brilliant and detailed. And in your
9 presentation you have highlighted the words of the victims themselves. I would like
10 to thank you.

11 Before concluding our first session, I would like to ensure with the Registry that
12 communication has been re-established and that immediately when we come back,
13 we shall start with our witness.

14 Is that correct, court officer?

15 THE COURT OFFICER: [10:57:10] Yes, Mr President. We will re-establish the
16 connection, and then we will test it. As soon as we come back, we can have the
17 witness testimony.

18 PRESIDING JUDGE MINDUA: [10:57:26](Interpretation) So I now have to turn to
19 Maître Nsita.

20 It's in our programme that when we come back, it's the testimony of the witness that
21 shall start.

22 MR LUVENGIKA: [10:57:37](Interpretation) Yes, that's exactly right. But I would
23 like to take this opportunity that is given to me to add to the representation of this
24 morning, because I forgot to mention the assistant in the field who is in Bamako.

25 Thank you. Mr Boubacar Maiga.

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- 1 PRESIDING JUDGE MINDUA: [10:58:06](Interpretation) Very well. Thank you
2 very much for this clarification, it's important for the record.
3 It is now 11 o'clock, nearly one minute to 11, and we shall come back at 11.30.
4 Court is suspended.
5 THE COURT USHER: [10:58:38] All rise.
6 (Recess taken at 10.58 a.m.)
7 (Upon resuming in open session at 11.31 a.m.)
8 THE COURT USHER: [11:31:12] All rise.
9 Please be seated.
10 PRESIDING JUDGE MINDUA: [11:31:27](Interpretation) Court is in session, once
11 again.
12 So I can see that Madam Witness is in position and, as planned, we shall now be
13 starting with the examination of the first witness of the Legal Representatives for
14 Victims.
15 Good morning, Madam Witness. Can you hear me?
16 WITNESS: MLI-V43-V-0001
17 (The witness speaks Tamasheq)
18 (The witness gives evidence via video link)
19 PRESIDING JUDGE MINDUA: [11:32:09](Interpretation) Could we have
20 interpretation, please.
21 THE WITNESS: [11:32:13](Interpretation) How are you? I can hear you.
22 PRESIDING JUDGE MINDUA: [11:32:17](Interpretation) Very well. Thank you.
23 On behalf of the Chamber, Madam Witness, I would like to welcome you.
24 THE WITNESS: [11:32:36](Interpretation) Thank you very much. Thank you.
25 PRESIDING JUDGE MINDUA: [11:32:47](Interpretation) You shall be testifying

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1 with a view to assisting the Chamber in establishing the truth in the case of the

2 Prosecutor v. Mr Al Hassan.

3 THE WITNESS: [11:33:10](No interpretation)

4 PRESIDING JUDGE MINDUA: [11:33:31](No interpretation)

5 THE WITNESS: [11:33:38](Interpretation) I have understood. And I wanted to add
6 that I have been in pain for some time and this is a pain that I would like to share with
7 you in all its truth.

8 PRESIDING JUDGE MINDUA: [11:33:54](Interpretation) Madam Witness,
9 protective measures have been put in place for your identity not to be revealed to the
10 public.

11 THE WITNESS: [11:34:11](Interpretation) I have understood.

12 PRESIDING JUDGE MINDUA: [11:34:13](Interpretation) Whenever you need to
13 provide details that might be identifying, we shall talk about it in private session and,
14 thereby, nobody, with the exception of those present in the courtroom, will be able to
15 hear what you have to say.

16 Have you understood?

17 THE WITNESS: [11:34:52](Interpretation) Yes.

18 PRESIDING JUDGE MINDUA: [11:34:55](Interpretation) Thank you.

19 THE WITNESS: [11:35:00](Interpretation) I thank you, too.

20 PRESIDING JUDGE MINDUA: [11:35:04](Interpretation) I shall now undertake -- I
21 shall now administer the solemn undertaking, according to the Rules of Procedure
22 and Evidence, Article 66(1) thereof.

23 THE WITNESS: [11:35:30](Interpretation) Mm-hmm.

24 PRESIDING JUDGE MINDUA: [11:35:33](Interpretation) So, please, state after me
25 what I shall read: I solemnly declare that I shall speak the truth.

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- 1 THE WITNESS: [11:35:51](Interpretation) I swear before God that everything that I
2 shall tell you is the truth.
- 3 PRESIDING JUDGE MINDUA: [11:36:32](Interpretation) Madam -- the interpreter,
4 please, Madam Witness has to repeat exactly what I say. So let us repeat.
5 I solemnly declare that I shall speak the truth.
- 6 THE WITNESS: [11:36:47](No interpretation)
- 7 PRESIDING JUDGE MINDUA: [11:36:49] *Non, non, non.* (Overlapping speakers)
- 8 THE INTERPRETER: [11:36:55] From the Sango interpreters: I have noted what
9 you said.
- 10 PRESIDING JUDGE MINDUA: [11:37:00](Interpretation) No. You need to
11 tell -- Mr Interpreter, Sango interpreter -- Tamasheq interpreter, you need to tell the
12 witness that she has to repeat exactly what I'm saying to her.
13 I solemnly declare that I shall speak the truth.
- 14 THE WITNESS: [11:37:22](Interpretation) I solemnly declare that I shall speak the
15 truth.
- 16 PRESIDING JUDGE MINDUA: [11:37:31](Interpretation) The whole truth and
17 nothing but the truth.
- 18 THE WITNESS: [11:37:37](Interpretation) The whole truth and nothing but the
19 truth.
- 20 PRESIDING JUDGE MINDUA: [11:37:46](Interpretation) Thank you very much,
21 Madam Witness. You are now under oath.
- 22 THE WITNESS: [11:37:58](Interpretation) Yes.
- 23 PRESIDING JUDGE MINDUA: [11:38:02](Interpretation) The representatives of the
24 VWU and the Legal Representatives of Victims have already explained to you what
25 this means.

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1 So I have some practical advice to provide you with.

2 You should bear in mind throughout your testimony that everything that is said in
3 this courtroom is transcribed by court reporters and simultaneously interpreted into
4 a number of languages by interpreters.

5 THE WITNESS: [11:39:14](Interpretation) I have understood.

6 PRESIDING JUDGE MINDUA: [11:39:18](Interpretation) It is, therefore, important
7 to speak clearly and slowly, and to only start talking once the person putting
8 a question to you has finished putting that question to you.

9 THE WITNESS: [11:39:51](Interpretation) Very well.

10 PRESIDING JUDGE MINDUA: [11:39:54](Interpretation) This pause is essential for
11 your statement to be properly taken down.

12 THE WITNESS: [11:40:22](Interpretation) Yes, well noted.

13 PRESIDING JUDGE MINDUA: [11:40:25](Interpretation) And, of course, if you have
14 a question, please raise your hand to indicate that you would like to address the
15 Chamber.

16 Have you understood?

17 THE WITNESS: [11:40:37](Interpretation) Yes, I have understood.

18 PRESIDING JUDGE MINDUA: [11:40:54](Interpretation) Thank you very much,
19 Madam Witness. We shall now start listening to your testimony.

20 THE WITNESS: [11:41:08](Interpretation) Very well.

21 PRESIDING JUDGE MINDUA: [11:41:11](Interpretation) You will first, of course, be
22 questioned by the Legal Representatives for Victims and then by the Office of the
23 Prosecutor and, finally, by the Defence, and, possibly, by the Chamber. We shall see
24 about that.

25 I believe that I have understood that it is Maître Goffin who will be leading this

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- 1 witness; is that correct?
- 2 MS GOFFIN: [11:41:37](Interpretation) Yes, Mr President. Yes, your Honours.
- 3 Good morning to all.
- 4 PRESIDING JUDGE MINDUA: [11:41:44](Interpretation) Very well. Thank you.
- 5 So I shall hand over to you, Maître Goffin.
- 6 MS GOFFIN: [11:41:50](Interpretation) Thank you, Mr President.
- 7 I would like greet my colleagues on both sides of the courtroom and everyone present
- 8 in this courtroom today.
- 9 QUESTIONED BY MS GOFFIN: (Interpretation)
- 10 Q. [11:42:03] So, Madam Witness, good morning.
- 11 A. [11:42:08] Good morning.
- 12 Q. [11:42:11] My name is Julie Goffin. You will recognise me, we have met before.
- 13 And as you know, I am part of the team of the Legal Representatives for Victims.
- 14 A. [11:42:38] Yes, indeed, I know who you are.
- 15 Q. [11:42:46] Very well. How are you today, Madam Witness?
- 16 A. [11:42:50] I am very well, thanks to God.
- 17 Q. [11:43:01] Very well.
- 18 Now before I start questioning you, Madam Witness, I would like to add a point to
- 19 the recommendations and advice that have been given to you by the Presiding Judge.
- 20 I would like to remind you, quite simply, that if there is anything that is not clear in
- 21 the questions that I put to you, if there is anything that seems unclear in my questions,
- 22 do not hesitate to ask me to repeat the question and I shall repeat it or rephrase it
- 23 were the need to arise.
- 24 Have you understood?
- 25 A. [11:43:41] Very well.

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1 MS GOFFIN: [11:44:08](Interpretation) Very well.

2 Mr President, I'm go to ask to go into closed session for a limited period of time, for
3 approximately 10 minutes, for me to be able to broach the identifying details
4 associated with the witness.

5 PRESIDING JUDGE MINDUA: [11:44:32](Interpretation) Yes, indeed, Maître Goffin.

6 Madam Courtroom Officer, private session, please.

7 (Private session at 11.44 a.m.)

8 THE COURT OFFICER: [11:44:46] We are in private session, Mr President.

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

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17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Open session at 11.57 a.m.)

24 THE COURT OFFICER: [11:57:35] We are back in open session, Mr President.

25 PRESIDING JUDGE MINDUA: [11:57:46](Interpretation) Thank you very much,

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1 Madam Courtroom Officer.

2 Maître Goffin.

3 MS GOFFIN: [11:57:54](Interpretation) Thank you.

4 Q. [11:57:56] Madam Witness, we are now in open session, so we're going to be
5 very attentive to make sure that no name is given. And if there is anything in your
6 answers that leads you to think that you might have to provide an identifying
7 element or a name, please point this out to me and we shall go back into private
8 session.

9 So, Madam Witness, were you present when the jihadist groups arrived in Timbuktu
10 in the year 2012?

11 A. [11:59:10] Yes, I was indeed in Timbuktu.

12 Q. [11:59:17] And where were you that first time that you saw them?

13 A. [11:59:44] I was in Timbuktu the first days of their arrival and when the Malian
14 authorities left Timbuktu.

15 Q. [12:00:03] Could you explain to us what happened upon their arrival in
16 Timbuktu.

17 A. [12:00:19] I'm just going to tell you what I know. I'm not a woman who moves
18 around a lot, so I'll just say what I know and what I heard.

19 Q. [12:00:50] Could you tell us what you heard.

20 A. [12:01:23] So what I heard was that when they arrived, they arrived with their
21 Sharia into the town and they circulated within the town saying that they were going
22 to apply their Sharia. That consisted of women staying at home, being veiled,
23 whereby only their eyes could be seen. And they executed that.

24 Q. [12:02:09] When you say "they", who are you referring to exactly?

25 A. [12:02:15] The mujahideen.

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1 Q. [12:02:32] Was there another name? Did they have another name?

2 A. [12:02:45] We called them the Tamasheq, the bearded ones.

3 Q. [12:02:57] So other than the fact that they told women to stay at home, veiled,
4 did they say anything else to the people, to the population?

5 A. [12:03:13] They applied the fact that men and women should not be in the same
6 place.

7 Q. [12:03:49] Were there a lot of them in your neighbourhood? Don't mention the
8 neighbourhood.

9 A. [12:04:16] Yes, indeed, in my neighbourhood. That's where the place was that
10 was of the most interest to them -- or the places were that were of most interest to
11 them.

12 Q. [12:04:33] Could you explain to us how they told men and women what they
13 had to do or what they must not do.

14 A. [12:05:07] They told them, if the women had to go to the market, that they must
15 go alone or otherwise accompanied by their friends. And also for men, if they had to
16 go to a place, they had to go there alone.

17 Q. [12:05:35] And what did they do in order to give these instructions? How were
18 they able to give these instructions to the population?

19 A. [12:05:49] Sometimes they would go on to a radio station to make
20 a communication, and they also had agents within the towns who also moved around
21 to announce news and the decisions that they had taken with regard to the town.

22 Q. [12:06:37] Madam Witness, were you able to continue with your activities
23 yourself, to continue with your life yourself in your town, in your neighbourhood as
24 before?

25 A. [12:07:29] I'd put the question, what work? At that time, there was no work.

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1 My daily life was made up of staying next to my mother, who was ill, with my
2 children. Otherwise, it was my young brothers who would go out to bring me food
3 to eat.

4 Q. [12:07:54] Now, you explained to us that instructions were given to the men and
5 women of the population of Timbuktu. What happened if certain men or women
6 did not respect the instructions that were given by the people who you call the
7 bearded ones?

8 THE INTERPRETER: [12:09:03] Your Honour, could we ask the witness to repeat the
9 last part.

10 PRESIDING JUDGE MINDUA: [12:09:08](Interpretation) Witness, please, would
11 you be so kind as to repeat your answer.

12 THE WITNESS: [12:09:16](Interpretation) Yes. So what you would like to know is
13 what they forced people to do, is that correct?

14 MS GOFFIN: [12:09:35](Interpretation)

15 Q. [12:09:38] What I would have liked to know is, according to the best of your
16 knowledge, Madam Witness, what happened to the people who did not respect the
17 instructions? What could happen to men and women who did not follow the
18 instructions that were given by the bearded ones?

19 A. [12:10:01] What they did was, whenever they arrested a woman who wasn't
20 dressed, they would beat her. And whenever they stopped a man or a woman -- a
21 man and a woman together, they would beat both of them.

22 Q. [12:10:58] Very well, Madam Witness. I would now like to go on to another
23 subject, and I would like us to address the issue of whether you had specific problems
24 with the bearded ones.

25 So what happened to you?

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1 A. [12:11:37] With regard to what they did to me, to the harm they did?

2 Q. [12:11:44] Yes, that's correct. Without giving any names, I would like you to
3 explain to us what they did to you, what harm they did to you specifically.

4 A. [12:12:00] Yes. So I'll tell you what they did to me. He was also accompanied
5 by his friends, who would help him with it, and I will tell you the truth. I'll tell you
6 what happened.

7 Q. [12:12:49] Could you explain what happened, giving the details in the order of
8 the different things that occurred, what happened? For you --

9 A. [12:13:22] Yes. So when they arrived, they were living in the same
10 neighbourhood as ours. There was a street that separated us. And when they
11 arrived, they prevented us from going out into the street.

12 Q. [12:14:12] Could you specify who you mean by "they".

13 A. [12:14:23] It was the mujahideen. It was they who beat me.

14 Q. [12:14:41] So, Madam Witness, can you go into a bit more detail? Now, you
15 told us that they lived in the same neighbourhood --

16 "There was just one road that separated us. When they arrived, they prevented us
17 from going out."

18 So what exactly happened? Where did they arrive?

19 A. [12:15:54] Yes. When they arrived, they arrived in our house. They saw my
20 mother. They said that they had come and asked to greet me. They asked if I was
21 married. And I said that I was married -- or my mother said that I was married.

22 And they said -- they asked her about the neighbourhood, and they said that madam
23 wasn't married. And he said that he wanted to marry you -- marry. So when they
24 asked if I was married, the -- mother said that I was.

25 Q. [12:16:34] So very well. What happened afterwards?

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1 A. [12:16:41] Afterwards, I told them that I did not agree to get married, that I was
2 staying for my mother and my children.

3 Q. [12:17:13] And what happened afterwards, Madam Witness?

4 A. [12:17:21] Well, I told them that, in fact, I didn't want to get married. I just
5 wanted to be at peace. And they asked my mother why I didn't want to get married.
6 Why such a beautiful woman as myself wouldn't get married, and that meant that she
7 must be into prostitution.

8 Q. [12:18:23] What happened afterwards, Madam Witness?

9 THE INTERPRETER: [12:19:02] Your Honour, could the witness -- could the -- could
10 the witness be asked to slow down, from the Tamasheq booth.

11 PRESIDING JUDGE MINDUA: [12:19:10](Interpretation) Yes.

12 Madam Witness, please, could you speak more slowly.

13 THE INTERPRETER: [12:19:18] Message from the French booth: Perhaps the
14 witness could also make shorter interventions because the colleagues are working in
15 consecutive mode.

16 PRESIDING JUDGE MINDUA: [12:19:31](Interpretation) That's correct.

17 Madam Witness, I would ask you to speak slowly and to shorten your answers, to
18 make breaks, such that the interpreters may carry out their work correctly.

19 THE WITNESS: [12:20:04](Interpretation) I'm sorry.

20 PRESIDING JUDGE MINDUA: [12:20:07](Interpretation) No, you don't have to
21 excuse yourself. It's just a reminder. So please continue.

22 MS GOFFIN: [12:20:14](Interpretation)

23 Q. [12:20:16] Madam Witness, I would like you to continue with your account as to
24 what happened after the man had said that, if you didn't want to get married, it was
25 because you would be into prostitution.

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1 So I would like to know what happened afterwards.

2 We have the time to hear your entire account with all the necessary details. But,
3 quite simply, as has been indicated to you by the Presiding Judge, you have to speak
4 in short sentences, but we will take time to listen to you.

5 So please do explain to us what happened thereafter.

6 A. [12:21:41] Yes. When they came back - it was for the third time - there were
7 seven of them.

8 Q. [12:22:06] Very well. So I understand that they came three times altogether, is
9 that correct?

10 A. [12:22:16] Yes, three times. And it was on the third time that they took me
11 from my mother's house and left with me.

12 Q. [12:22:37] Very well. We're going to come back to that in a moment.

13 Could you tell us how many of them there were the first time, the second time and
14 the third time, if you remember.

15 A. [12:23:14] The first time and the second time -- well, the first time and the
16 second time, they were alone. But the third time, there were seven of them. So he
17 was alone the first and second time.

18 Q. [12:23:33] The first time, that's the time when you say the man -- the man asked
19 you why you did not want to get married, and that if you didn't want to get married,
20 that meant that you were in prostitution.

21 Was that the first time?

22 A. [12:23:55] It was the second time that he said that.

23 Q. [12:24:22] And what happened exactly the first time?

24 A. [12:24:35] The first time, he came to make this declaration of love, and he asked
25 my mother, and my mother said that I didn't want to get married. I also said that I

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1 didn't want to get married.

2 Q. [12:25:11] Very well. So that's all that happened the first time?

3 A. [12:25:29] Yes, that's it.

4 It was the second time that he told me, "If you can't get married, you are in
5 prostitution. If you don't want to get married, you want to be in prostitution."

6 Q. [12:25:56] And what did you answer him?

7 A. [12:26:00] I answered him that I didn't want to get married. It wasn't a matter
8 of prostitution. I just wanted to take care of my mother and my children.

9 Q. [12:26:25] Could you tell us how your mother reacted after these first and
10 second visits.

11 A. [12:27:02] My mother told me that if you say -- what my mother said was that,
12 given that you don't love them or like them in principle -- love him or like him in
13 principle, he's going to leave you alone.

14 Q. [12:27:19] So what happened during the third visit? What happened
15 afterwards?

16 A. [12:27:51] When he came back, he was with his friends. They came by car.
17 When they arrived, they asked, "Where's the woman?" And then they gave the
18 money to my mother and they said, "We're going to take the girl with us."

19 (Redacted)

20 (Redacted)

21 MS GOFFIN: [12:28:35](Interpretation) Your Honour, I would like to go into private
22 session with a view to clarifying the point that's just been raised.

23 PRESIDING JUDGE MINDUA: [12:28:45](Interpretation) of course.

24 Court officer, please take us into private session.

25 (Private session at 12.28 p.m.)

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7 (Open session at 12.33 p.m.)

8 THE COURT OFFICER: [12:33:05] We are back in open session, Mr President.

9 PRESIDING JUDGE MINDUA: [12:33:12](Interpretation) Thank you very much,
10 Madam Courtroom Officer.

11 Please continue, Maître Goffin.

12 MS GOFFIN: [12:33:24](Interpretation) Thank you.

13 Q. [12:33:26] Madam Witness, I would like us to come back to that third visit. You
14 said to us that the man was accompanied by a number of individuals. Could you
15 explain to us exactly what happened at that moment in time?

16 A. [12:34:11] On the third occasion he was accompanied by seven individuals.

17 Q. [12:34:19] And what did they do?

18 A. [12:34:24] They came inside the house. They handed the money to my mother
19 and said, "The girl has left."

20 Q. [12:34:50] What -- could you explain to us what this money was?

21 A. [12:34:58] Yes. Because it's a very long time ago now, I don't remember the
22 precise amount of money that they handed over to my mother.

23 Q. [12:35:19] Very well. But what use did that money serve? Why did they hand
24 over money to your mother?

25 A. [12:35:29] They handed over that sum to her. It was a way of letting her know

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1 that they were taking me with them, and they were looking to see whether my
2 mother took the money or not.

3 Q. [12:35:58] And what did your mother do?

4 A. [12:36:03] My mother wasn't in a position to do anything. She just said that I
5 had to put myself into the hands of God.

6 Q. [12:36:20] What then happened, Madam Witness?

7 A. [12:36:36] When they took me with them, upon opening my eyes I found that I
8 was in a car, and they took me away with them.

9 Q. [12:36:49] Can you give us a little bit more detail. How did they take you away
10 exactly? Yes, can you give us a little bit more detail.

11 A. [12:37:07] When they took me, his friends left and he stayed on his own with me
12 and he closed the door.

13 Q. [12:37:42] He closed the door of your house, is that it, once he had taken you
14 away?

15 A. [12:38:06] Yes, he closed the door once my -- once his friend had put me in the
16 house, so he closed the door and there was just me and him inside the house.

17 Q. [12:38:21] Madam Witness, are you talking about the house that you were taken
18 to; is that correct?

19 A. [12:38:28] Yes, that is the house that they took me to.

20 Q. [12:38:39] But I would like us to come back somewhat to explain to us how you
21 were taken to that house. Can you explain to us how they took you to that house.

22 A. [12:39:27] Well, because they knew that I didn't like them, they just handed over
23 the sum of money and then they took me with them.

24 Q. [12:39:51] Madam Witness, were they armed?

25 THE INTERPRETER: [12:40:01] Addition from the English booth: the witness said it

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1 was an abduction.

2 THE WITNESS: [12:40:09](Interpretation) They never put their guns to one side.

3 Whether they be lying down, praying or seated, they are always armed.

4 MS GOFFIN: [12:40:28](Interpretation)

5 Q. [12:40:29] Very well. So I understand that they took you to that house. How

6 did they take you to that house? Did you walk? Was it in a vehicle? How did it

7 happen exactly?

8 A. [12:41:06] They took me away in a car. Upon our arrival, his friends left and he

9 stayed with me.

10 MS GOFFIN: [12:41:18](Interpretation) Mr President, I have two questions that

11 might be identifying and I would like to move into private session, please.

12 PRESIDING JUDGE MINDUA: [12:41:29](Interpretation) Very well.

13 Madam Courtroom Officer, private session please.

14 (Private session at 12.41 p.m.)

15 THE COURT OFFICER: [12:41:42] We're in private session, Mr President.

16 (Redacted)

17 (Redacted)

18 (Redacted)

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11 Q. [12:49:43] So, Madam Witness, you said that when they took you away, the
12 gentleman put you in a house and closed the door. I'd like us to come back in detail
13 on what happened from that moment on.

14 So he closed the door. The others left, you told us.

15 Can you then explain to us what happened, from that moment on.

16 A. [12:51:04] Well, when his friends left, he came inside, he tried to get me and I
17 fled inside the bedroom. He forced me. I told him that I was ill and he said, "Oh,
18 you're ill, are you? Well, I'll take you to the hospital to see whether you're really sick
19 or not."

20 Q. [12:51:35] Very well. And can you tell us what happened from that moment
21 on?

22 A. [12:52:18] Well, we went to the hospital and I wanted to explain to the nurses,
23 ask them to give me the contraceptive injection to avoid me falling pregnant.

24 PRESIDING JUDGE MINDUA: [12:52:33](Interpretation) Maître Goffin, we're still in
25 private session. Shall we continue?

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- 1 MS GOFFIN: [12:52:39](Interpretation) Yes, I'm sorry, that is an error on my part.
2 We should have moved into open session a little earlier.
3 PRESIDING JUDGE MINDUA: [12:52:46](Interpretation) Very well.
4 Madam Courtroom Officer, open session, please.
5 (Open session at 12.52 p.m.)
6 THE COURT OFFICER: [12:52:56] We are back in open session, Mr President.
7 PRESIDING JUDGE MINDUA: [12:53:05](Interpretation) Thank you very much,
8 Madam Courtroom Officer.
9 Maître Goffin, please continue.
10 MS GOFFIN: [12:53:12](Interpretation) Thank you.
11 Q. [12:53:13] So, Madam Witness, you explained to us that you said that you were
12 unwell. You said that he tried to take you, that you fled into the bedroom, that you
13 said that you were sick and he said, "Well, if you're sick, I will take you to the
14 hospital." Then you explained to us that you went to the hospital.
15 I'd like you to come back on the details of what happened from that moment on when
16 you went to the hospital.
17 A. [12:53:50] Yes. So he took me with him to the hospital, and when I arrived at
18 the hospital I asked the nurses to give me the contraceptive injection.
19 Q. [12:54:46] How did you get to the hospital?
20 A. [12:54:53] I was with him. He held my hand until we went into the hospital.
21 Q. [12:55:06] Did you take a vehicle or did you walk?
22 A. [12:55:16] Yes, we walked. We were on foot.
23 Q. [12:55:22] Could you give us the name of the hospital that you went to?
24 A. [12:55:28] It's called the hospital.
25 Q. [12:55:35] Do you have a reference point? Is this hospital located close to

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1 a well-known point or location?

2 A. [12:55:48] Yes. It was near the large open space in the Sansfil neighbourhood.

3 Q. [12:56:16] Very well. When you saw the nurse, you asked her to give you the
4 contraceptive injection. What then happened?

5 A. [12:56:57] The nurses asked him to leave the room for them able -- to be able to
6 consult me alone. He answered, saying that he wasn't going to leave the room and
7 that he was going to stay there to follow how the -- the nurses administered their
8 treatment.

9 Q. [12:57:19] And what happened next?

10 A. [12:57:22] The nurses explained to me that, as he was present, it was impossible
11 for them to give me any contraceptive. And they asked me to put my situation in
12 God's hands. And they were fearsome that the gentleman - being aware of
13 contraceptive - would know what was going on and that he would do something to
14 them.

15 The nurses said that they would explain to him that I just had malaria.

16 Q. [12:58:34] Did the nurse give you any medication?

17 A. [12:58:58] The nurse gave me some pills to support the case that I was ill.
18 Otherwise, we feared that he would hit me.

19 Q. [12:59:17] Very well. And what happened then, Madam Witness, once the
20 nurse had given you that and said that she couldn't treat you further? Because she
21 couldn't give you what you wanted, what did you do then?

22 A. [13:00:01] After that, we went home. He was holding my hand and he had on
23 him the medication that the nurse had given us.

24 MS GOFFIN: [13:00:12](Interpretation) Mr President, I can see the time and I think
25 that this is a good moment in time, because I'll be moving on to another line of

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1 questioning.

2 I've finished with this current line of questioning, so I think this is a perfect time for
3 us to take a break.

4 PRESIDING JUDGE MINDUA: [13:00:29](Interpretation) Yes, indeed, Maître Goffin,
5 this is the right time. It is 1 p.m., we shall rise for lunch and we shall reconvene at
6 2.30, as usual.

7 But Maître Goffin, we'd like to remind you that the LRVs must finish their
8 examination-in-chief of this witness today; so please organise yourselves as you can.

9 Thank you very much.

10 Court is suspended.

11 THE COURT USHER: [13:01:07] All rise.

12 (Recess taken at 1.01 p.m.)

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

14 THE COURT USHER: [14:31:47] All rise.

15 Please be seated.

16 PRESIDING JUDGE MINDUA: [14:32:18](Interpretation) Court is in session. Good
17 afternoon to you all.

18 We are continuing with the hearing of the first witness of the Legal Representative of
19 Victims.

20 So without further ado, I shall give the floor to Maître Goffin.

21 But I see the Prosecutor is on his feet.

22 MR DUTERTRE: [14:32:40](Interpretation) Yes, your Honour. I'm just intervening
23 to note, for the purposes of the transcript, that our colleague Damien Grzeziczak will
24 be joining us for this afternoon. He is behind me, on my right.

25 PRESIDING JUDGE MINDUA: [14:32:52](Interpretation) Thank you very much,

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1 Prosecutor. Grzeziczak, is it? Very well. That's very important for the record.

2 Maître Goffin.

3 MS GOFFIN: [14:33:08](Interpretation) Thank you, your Honour.

4 Q. [14:33:17] Good afternoon, Madam Witness. Can you see me well?

5 A. [14:33:31] Yes. I'm very well.

6 Q. [14:33:41] So, Witness, I'm going to take us now to the -- follow-up to your time
7 in the hospital.

8 I would like you to explain what happened when you left the hospital. So what
9 happened when you were there, what happened afterwards? So your time -- your
10 day spent at the hospital.

11 A. [14:34:44] What happened after we left the hospital, this is something intimate
12 and I want that to be in closed session.

13 Q. [14:35:10] Madam Witness, before we go and do that, I would just like you to
14 explain where did you go when -- after the hospital and afterwards. So where did
15 you go when you had come back from the hospital? And then we will go into such
16 intimate subjects.

17 A. [14:35:58] Whence I had left the hospital, they took me home.

18 Q. [14:36:06] I now want you to explain what happened at the house. I
19 understand that you have a concern, because we are going to go into intimate issues
20 and painful issues. But I would like to reassure you that there will be no identifying
21 element such that it won't be possible, even if we go into these questions in open
22 session, to identify you, to recognise you. The judges would like these issues to be
23 addressed in open session, with all the guarantees that have been taken so that you
24 cannot be identified and you can't be recognised.

25 So I hope that that will make it possible for you to give your account in open session,

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1 but with all the necessary protections adherent thereto.

2 A. [14:37:52] So when we entered the house, as soon as we entered, he pushed me
3 onto the bed, but I got off the bed and I went underneath the bed. And he pulled me
4 out from under there and he lay me down on the bed with force.

5 Q. [14:38:48] Could you tell us, Madam Witness, what happened, in your words,
6 when he lay you down onto the bed with force?

7 A. [14:39:00] He told me -- he explained to me that I had to accomplish what I'd
8 come for. With all the respect that I give to you, he did this work with all his force.

9 PRESIDING JUDGE MINDUA: [14:39:42](Interpretation) Ms Taylor.

10 MS TAYLOR: [14:39:43] Thank you very much, Mr President. Would it be possible
11 to cut the sound to the witness just very briefly. I promise I'll be very brief.

12 PRESIDING JUDGE MINDUA: [14:39:55](Interpretation) Indeed, Ms Taylor.

13 Court officer, please cut the sound to the witness, please.

14 THE COURT OFFICER: [14:40:09] Your Honour, the sound has been cut.

15 PRESIDING JUDGE MINDUA: [14:40:14](Interpretation) Thank you very much,
16 Madam court officer.

17 Ms Taylor.

18 MS TAYLOR: [14:40:18] Thank you very much, Mr President.

19 I don't want to in any way interrupt my colleague's line of questions, because I
20 understand there may be details that they wish to elicit. But if it would be of any
21 assistance, we're quite happy to -- to concede that when the witness says -- something,
22 she means sexual relations involving penetrations. But I also understand that my
23 colleague might wish to elicit further detail.

24 So I just wanted to let that be known.

25 PRESIDING JUDGE MINDUA: [14:40:54](Interpretation) Thank you very much,

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1 Ms Taylor, for your cooperation.

2 So, Maître Goffin, you've heard Ms Taylor. Please go ahead.

3 MS GOFFIN: [14:41:04](Interpretation) I'm sorry I interrupted you, your Honour.

4 Thank you very much, Ms Taylor. I was trying to obtain -- well, I heard that the
5 parties could come to an agreement on such an admission, and I therefore retain that
6 we have the admission that what was said by the witness at the moment when she
7 says "he did his work", that implies that it was a penetration in the sense of the crime
8 under the elements of crime. Non-consensual rape.

9 So thank you for this intervention. (Overlapping speakers)

10 PRESIDING JUDGE MINDUA: [14:41:49](Interpretation) Returning into open
11 session -- yes, we are in open session. But we have to re-establish the link with the
12 witness.

13 Court officer, please could you re-establish the link with the witness.

14 THE COURT OFFICER: [14:42:09] Mr President, the sound was re-established.

15 PRESIDING JUDGE MINDUA: [14:42:14](Interpretation) Thank you very much,
16 court officer.

17 Maître Goffin.

18 MS GOFFIN: [14:42:19](Interpretation) Thank you.

19 Q. [14:42:21] Now, Witness, when you tell me that he did his work with force, did
20 that happen frequently?

21 A. [14:42:57] Several times per day and also several times per night.

22 Q. [14:43:04] How did you react?

23 A. [14:43:29] In fact, there was a battle between us which was underway, and he
24 would drag me by force, and that's when I almost had a dislocated shoulder.

25 Q. [14:43:53] Could you give some more details about that, please.

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1 A. [14:44:29] What I described was -- this happened on the first evening, that is to
2 say, the evening after we returned from the hospital.

3 THE INTERPRETER: [14:44:42] And the interpreter corrects: It was a sprained
4 shoulder, not a dislocated shoulder.

5 MS GOFFIN: [14:44:50](Interpretation)

6 Q. [14:44:50] Are you speaking about the problems that you had with your
7 shoulder which happened on the first evening; is that correct?

8 A. [14:44:58] No. No, that happened on the evening itself, the first evening when
9 we arrived from the hospital. And it was the next day that my younger sister came
10 with my daughter, because on the first evening, I spent the night without my
11 daughter.

12 Q. [14:45:42] Very well, Madam Witness. We're going to come back to that.

13 I would like you to explain to me what life was like at your home. Was he there all
14 day, this gentleman? What was your life in this house? What did you do during
15 the day in that house?

16 A. [14:46:50] I was living in pain in this house. All the more because this
17 gentleman, when he wanted to do his work, he did it with force. He would beat me.
18 And when he wanted to do it, he would take my daughter to another room. He
19 would lock her up in there. And when he finished with me, then I would go and get
20 my daughter and look after her.

21 Q. [14:47:24] Was he present with you in the house the entire day, every day?

22 A. [14:47:43] As soon as he finished with me, he would leave. And when he saw
23 me again, he would come back.

24 When he wanted to do it again, he would come back.

25 THE INTERPRETER: [14:48:06] Corrects the interpreter.

1 MS GOFFIN: [14:48:09](Interpretation)

2 Q. [14:48:10] When he was in the house what did he do with his weapon?

3 A. [14:48:15] He never left his weapon. He didn't trust me at all with regard to his
4 weapon. Even when he went to have a shower, he would take it with him. When
5 he was asleep, it was next to him. He had it all the time with him.

6 Q. [14:48:39] Did you have exchanges with him? Did you talk to him? Did you
7 speak with him?

8 A. [14:48:49] We didn't have conversations. I don't even speak his language.

9 Every time that he needed me, he would come and then he would do what he wanted
10 to do by force. And when my daughter was in the way, he would lock her up
11 elsewhere.

12 In fact, we would just make signs by way of conversation, hand gestures.

13 Q. [14:49:42] Could you explain how the meals were. Did you prepare the meals?
14 Could you go out to go shopping? How was that organised, the meals during the
15 day?

16 A. [14:50:03] I never left. He never allowed me to leave. Never gave me
17 permission to go out. He would go and he would bring the shopping. He would
18 cook the food. And when we ate -- when I was hungry and he wasn't there, then I
19 would cook for myself. I'm a person and I have to eat.

20 Q. [14:51:05] So how was it that you didn't leave the house? What did he do?

21 A. [14:51:34] In fact, when my mother sent my younger sister to visit me, she
22 would come very early in the morning because she knew at that time he was still
23 there. And when she knocked on the door, he would open it, and when she came in,
24 then -- when he wanted to go, he would leave but he would close it from inside -- he
25 would take the key, he would lock it. He would lock us inside.

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1 Q. [14:52:05] Witness, what did you do for your clothing? Did you have to wear
2 the same clothing for the entire time you stayed in the house?

3 A. [14:52:18] During the entire period that I lived with him, I only had two items of
4 clothing, and I used those until I left from his house, two veils.

5 Q. [14:52:58] Madam Witness, you mentioned people who you visited. I would
6 like to come back to those points without going into the names. Perhaps you could
7 explain to us all the details about this subject. Who would visit you at -- in the
8 house?

9 And please, talk in short sentences so we can get a maximum number of details.

10 A. [14:54:11] I never had any visits, apart from the visit from my younger sister and
11 only once my mother visited.

12 However, at a certain time when new information came in about the father of my
13 daughter, he came -- when the information got to the father of my daughter, he came
14 to get his daughter.

15 Q. [14:54:38] Very well. We'll take these elements separately. So you said your
16 younger sister came to visit you.

17 How was that organised? Because you said that you were locked up in the house at
18 that time.

19 A. [14:55:28] In fact, my younger sister, she would come when she knew that he
20 was there. She would knock on the door and he would go and open it. And when
21 she wanted to -- when he wanted to go out, he would go out and he would lock us up
22 and take the key with him. And when he considered that it was time for my
23 younger sister to leave the house, then he would come back and he would open it,
24 and then she would leave again.

25 Q. [14:56:06] Could you tell us how many times your younger sister came to visit

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1 you. Even approximately.

2 A. [14:56:48] I don't know how many times she would come. She visited me from
3 time to time. I don't know how many times. She would come when she knew that
4 he was there, because he was the one who allowed her to enter.

5 Q. [14:57:11] Now you spoke about your mother as well, your mother came to visit
6 you. Could you explain that to us?

7 A. [14:57:37] For my mother too, it was the same thing. She came to visit me
8 when he was there. She would come and then she didn't spend a lot of time there.
9 She would quickly return home. She wouldn't delay.

10 Q. [14:58:00] Did she come more frequently or less frequently than your younger
11 sister?

12 A. [14:58:14] My younger sister came more often.

13 Q. [14:58:22] Now you spoke about a third person, your young girl. Could you
14 explain to us what happened exactly with your young daughter when you were in
15 this house?

16 A. [14:59:20] As for the daughter, whenever he wanted me, he would take the girl
17 and he would lock her up in another room. And when he finished with me, he
18 would abandon me and I would get up and I would get my daughter and I would
19 give her milk. And afterwards, when the father of the daughter got this information,
20 he went to my mother's and he asked for my sister to get my daughter. And that
21 was about a week after.

22 Q. [15:00:03] A week after the first day you arrived at the house; is that correct?

23 A. [15:00:13] It was one week after my arrival, that's when the father came to fetch
24 his daughter.

25 MS GOFFIN: [15:00:35](Interpretation) Your Honour, I'd like to go into private

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- 1 session, please, so that the names can be said.
- 2 PRESIDING JUDGE MINDUA: [15:00:43](Interpretation) Yes, please.
- 3 Private session, please, court officer.
- 4 (Private session at 3.00 p.m.)
- 5 THE COURT OFFICER: [15:00:51] We are in private session, Mr President.
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
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- 10 (Open session at 3.04 p.m.)
- 11 THE COURT OFFICER: [15:04:40] We are back in open session, Mr President.
- 12 PRESIDING JUDGE MINDUA: [15:04:44](Interpretation)
- 13 Counsel Goffin, please proceed.
- 14 MS GOFFIN: [15:04:57](Interpretation)
- 15 Q. [15:04:58] Witness, could you tell us if other people - than the others you
- 16 mentioned previously - visited you in the house or are these the only people who
- 17 came to the house, except for the man?
- 18 A. [15:05:43] Not at all, there was only my younger sister and my mother who
- 19 came to visit me.
- 20 Q. [15:05:51] Can you tell us how long did you spend in the house?
- 21 A. [15:06:37] In fact, we were together towards the end of time they were there. I
- 22 can't count -- calculate. And moreover, I wasn't really in the right frame of mind to
- 23 do so.
- 24 I think it was about three months. When I left to see the nurses, they told me that I
- 25 was pregnant, I was three months pregnant. And I actually wanted to abort.

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1 MS GOFFIN: [15:07:25](Interpretation) Your Honour, could we move to private
2 session, please.

3 PRESIDING JUDGE MINDUA: [15:07:28](Interpretation) Yes.
4 Court officer, private session, please.

5 (Private session at 3.07 p.m.)

6 THE COURT OFFICER: [15:07:37] We are in private session, Mr President.

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8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

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10 (Redacted)
11 (Open session at 3.13 p.m.)
12 THE COURT OFFICER: [15:13:11] We are back in open session, Mr President.
13 PRESIDING JUDGE MINDUA: [15:13:20](Interpretation) Thank you.
14 Counsel Goffin, please proceed.
15 MS GOFFIN: [15:13:27](Interpretation)
16 Q. [15:13:28] Witness, without coming back to what you said just now on the
17 events you just talked about, can you explain what happened with your life in the
18 house? How long did you stay in the house?
19 First of all, how long did you stay in the house and until when?
20 A. [15:14:26] With regards to the amount of the time I spent in the house, about two
21 months or three full months, I don't know. But what's sure is that it's not four
22 months.
23 Q. [15:14:48] And until when did you stay in the house?
24 A. [15:15:27] In fact, I would -- I stayed in the house and he would look at me in
25 a very wicked way and he would shake me up and say, "Are you not scared of me?"

1 He would say "Mali left and -- all the people have left, and you're still here. Are you
2 not scared of me?" And it was like that all the time.

3 Q. [15:16:03] Witness, when could you step out of the house? Did something
4 happen at some point of time that basically allowed you to step out of the house?

5 A. [15:16:26] The reason of my departure is when the plane came to conduct strikes
6 in Timbuktu, and it's these strikes that helped me leave the home.

7 Q. [15:17:02] Witness, could you give us some details on what exactly happened at
8 that point of time for you, and for the person. First of all, for the man, what
9 happened when the strikes were on? What did he do?

10 A. [15:18:12] In fact, what drove them away is that there was this plane and he was
11 amongst the last people to leave. He -- at that point of time, he went to my mother's
12 place. We had left this neighbourhood and we were in the neighbourhood of
13 Hammabangou.

14 Q. [15:18:47] So we're going to try and come back to the various elements that you
15 just said. So you're saying that he left and he went to see your mother. Can you tell
16 me what you -- what he said to your mother, if you can recall?

17 A. [15:19:17] He went to my mum. He gave her the keys of the house and he said,
18 "You have to go and open the house for your -- for you to fetch your daughter." So
19 my mother came and she opened the house and she said the man has left. And we
20 left with my mother to our house.

21 Q. [15:20:01] You said that we left this district and we went to the district of
22 Hammabangou. So can you explain who left for Hammabangou and when.

23 A. [15:20:53] It was when the air strikes were ongoing. There were so many
24 people in the neighbourhood where we lived and everyone left this district to go to
25 Hammabangou.

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1 Q. [15:21:12] You said your mother came to fetch you from the house. Did you
2 also leave for Hammabangou?

3 A. [15:21:58] No, not at all. I did not go to where the people were because people
4 feared me. I was -- I went back to my house with my mother and my children.
5 And even at that point of time, my children hated me because of this man.

6 Q. [15:22:22] Can you please tell me what you mean when you say "people feared
7 me"?

8 A. [15:22:53] In fact, people had some hatred towards me. With regards to my
9 children, it's -- they were scared of my -- of the man. And when the man left, I was
10 back with my children.

11 Q. [15:23:19] And why do you think people had this hatred towards you?

12 A. [15:23:32] I knew it because no one was asking about me, no one came to see me.
13 And even after the departure of the people whom they feared, no one was asking for
14 me and no one would come and greet me. And I wasn't talking to anybody. There
15 was no discussion with anybody at all.

16 Q. [15:24:08] And according to you, why were people behaving like this with you?

17 A. [15:24:45] I knew it because I have a half-brother and he told our mother, "What
18 are you doing here with a girl who married a jihadist? Leave her and go to
19 Hammabangou because the planes will be striking here."

20 Q. [15:25:16] Right. I would like to come back to an important question, Witness.
21 You said that the gentleman and you were not speaking the same language. You
22 lived in that house for four months. And how were you communicating? How
23 were you talking to each other?

24 A. [15:26:20] There was no communication between us. We weren't talking at all.
25 He would do the shopping, he'd come back, he would prepare his meals. And when

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1 he wasn't there, I would prepare my meals. And when he wanted to do his business,
2 he would come, he would do it. And that's it.

3 Q. [15:27:09] Witness, I would like to come to the last part of my questions. I
4 would like to talk to you about how you feel about this whole experience, this
5 consequence of forced marriage.

6 But I would like a brief private session to talk about a -- specific consequences -- or
7 a specific consequence of forced marriage.

8 PRESIDING JUDGE MINDUA: [15:27:49](Interpretation) Yes, please.

9 Court officer, private session, please.

10 (Private session at 3.27 p.m.)

11 THE COURT OFFICER: [15:27:57] We are in private session, Mr President.

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

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4 (Open session at 3.43 p.m.)

5 THE COURT OFFICER: [15:43:36] We are back in open session, Mr President.

6 PRESIDING JUDGE MINDUA: [15:43:41](Interpretation) Thank you very much,
7 court officer.

8 Maître Goffin, please continue.

9 MS GOFFIN: [15:43:48](Interpretation) Thank you.

10 Q. [15:43:49] Witness, we are in open session, so I would ask you not to go back
11 into the details of what you spoke about a few moments ago.

12 And I would, for a last series of questions, like to know, firstly -- you spoke about this
13 a bit, but I would like to have some more details about it, about the relations that you
14 had with your family after you returned home.

15 So, once you left home or the house in which you were detained.

16 A. [15:45:21] So it happened after I returned from the home. When I arrived home,
17 nobody looked at me. Nobody looked at me. I got no help from anyone. It's
18 just -- it's just thanks to some help that I received that I was able to survive. I was ill
19 and I saw that everybody detested me.

20 Q. [15:46:00] Did this situation last for a long time?

21 A. [15:46:14] Yes, it lasted for a long time. A very long time, and, still today, it
22 continues. I feel people looking down on me. That people look at me in a bad way
23 and also at my son.

24 Q. [15:46:33] And how are things with your family?

25 A. [15:47:17] Well, it was just a type of an obligation for them to accept me. I felt

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1 that. However, in order to avoid all that, I rented a house not too far from them and
2 I wanted that to avoid hearing what was said and not have to face the reality.

3 Q. [15:47:47] Did you have any injuries, physical injuries from your experiences
4 due to what happened in the house during those three months?

5 A. [15:48:41] Yes, indeed, I had certain injuries. In other terms -- the sprained
6 shoulder is something I've already spoken about, and there were also distress. I had
7 pains in my knees as well and that -- that was very painful for me.

8 Q. [15:49:13] And mentally, how do you feel after -- how do you feel after this,
9 Witness?

10 A. [15:49:27] What it has left as a scar, well, they're not scars that are visible.
11 However, these are internal injuries. I have internal injuries.

12 (Counsel confers)

13 MS GOFFIN: [15:50:35](Interpretation) Your Honour, I would very briefly like to go
14 into private session.

15 PRESIDING JUDGE MINDUA: [15:50:45](Interpretation) Private session, please.

16 (Private session at 3.50 p.m.)

17 THE COURT OFFICER: [15:50:49] We are in private session, Mr President.

18 (Redacted)

19 (Redacted)

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9 (Open session at 3.52 p.m.)

10 THE COURT OFFICER: [15:52:26] We are back in open session, Mr President.

11 PRESIDING JUDGE MINDUA: [15:52:32](Interpretation) Thank you very much,
12 court officer.

13 Maître Goffin.

14 MS GOFFIN: [15:52:37](Interpretation) Thank you.

15 Q. [15:52:40] Madam Witness, I'm going to ask you a question and I would ask you
16 to tell me everything that you feel, everything that is on your heart so that the judges
17 can hear you on this issue as well.

18 What was your motivation to come and testify?

19 A. [15:54:16] So my motivation was the harm that I suffered subject to these events
20 and also the way in which those close to me viewed me. (Redacted)

21 (Redacted)

22 (Redacted). And all that

23 together -- all these elements together, these all motivated me to come to testify about
24 what happened.

25 (Redacted)

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1 (Redacted), and for that reason, we should also die.

2 So there are all these elements together that have made me come to testify.

3 Q. [15:55:38] Do you have anything to add, Madam Witness, with regards to your
4 presence today in this courtroom? What affect has it had on you to be here today
5 before the Court and to be able to share your experiences with the judges?

6 Do you have anything to add on that subject?

7 A. [15:56:40] Yes. I would also like to express all the harm and hurt that I've
8 suffered and thank God today I have the opportunity to be able to express myself
9 before them. There is this harm and the suffering caused by those close to me, who
10 rejected me because of this man who married me by force.

11 MS GOFFIN: [15:57:18](Interpretation) Your Honour, if you would allow me just to
12 briefly consult Maître Nsita to see that we haven't forgotten anything in the short
13 amount of time that remains.

14 (Counsel confers)

15 MS GOFFIN: [15:57:40](Interpretation)

16 Q. [15:57:43] Madam Witness, I have finished with my questions and on behalf of
17 the legal representatives' team, I would like to thank you very warmly for your
18 courage and determination -- all the determination that you have shown throughout
19 these proceedings and during your testimony today. Thank you.

20 MS GOFFIN: [15:58:08](Interpretation) Your Honour, I have finished with the
21 examination-in-chief. Thank you.

22 PRESIDING JUDGE MINDUA: [15:58:15](Interpretation) Thank you, Maître Goffin,
23 for your examination-in-chief.

24 I now turn to the witness.

25 Madam Witness, we are coming to the end of our day of hearing. As you will have

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1 seen, your testimony has not yet been finished.

2 THE WITNESS: [15:58:52](Interpretation) Yes, it's noted. I understand that it's not
3 over.

4 PRESIDING JUDGE MINDUA: [15:58:55](Interpretation) So on behalf of the
5 Chamber, I would like to thank you very sincerely for having answered the questions
6 put to you courageously and clearly.

7 THE WITNESS: [15:59:34](Interpretation) I would also like to thank you very much.
8 I would like to thank you in particular for having listened to me. I know that your
9 intention is to listen to me and to calm me down.

10 PRESIDING JUDGE MINDUA: [15:59:53](Interpretation) So as your testimony has
11 not yet been finished, you will continue tomorrow. So we will be back here at 9.30.

12 THE WITNESS: [16:00:16](Interpretation) Yes, tomorrow morning.

13 PRESIDING JUDGE MINDUA: [16:00:24](Interpretation) Until tomorrow morning,
14 please remember that you are not to talk about your deposition to anyone - neither to
15 a member of your family or to your friends in the event that you are in contact with
16 them - until tomorrow.

17 THE WITNESS: [16:00:58](Interpretation) Duly noted, your Honour.

18 PRESIDING JUDGE MINDUA: [16:01:03](Interpretation) Thank you so much,
19 Witness.

20 Before closing the session, I would like to express my gratitude -- sorry, did anyone
21 request for the floor?

22 (Trial Chamber confers)

23 PRESIDING JUDGE MINDUA: [16:01:30] Right. I would like to thank the
24 Prosecutor --

25 MS YAMAGUCHI: [16:01:33] Sorry, to interrupt, Mr President, we -- just I wanted

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- 1 to let you know already that the Prosecution - in light of the detailed questions by the
2 LRVs - will have no questions for this witness tomorrow.
3 We would simply like to thank her for the courage and the patience with which she
4 answered the LRV's questions. Thank you.
5 PRESIDING JUDGE MINDUA: [16:02:03](Interpretation) Right, thank so much,
6 Prosecutor.
7 I would request the interpreters to translate for the witness.
8 THE WITNESS: [16:02:39](Interpretation) Duly noted.
9 PRESIDING JUDGE MINDUA: [16:02:41](Interpretation) So we now -- we will start
10 with the Defence session tomorrow.
11 So I would like to thank the participants. I would like to thank the court reporters
12 and the interpreters and I also would like -- I'm not forgetting the security officers,
13 and I also would like to thank our public. I would wish you a very nice evening.
14 Until tomorrow, the session is suspended.
15 Thank you.
16 THE COURT USHER: [16:03:29] All rise.
17 (The hearing ends in open session at 4.03 p.m.)