

Trial Hearing
MLI-V43-V-0002

(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 Thursday, 10 February 2022
10 (The hearing starts in open session at 9.33 a.m.)
11 THE COURT USHER: [9:33:49] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE MINDUA: [9:33:58](Interpretation) We are now in session.
15 Good morning, everybody.
16 Court officer, please call the case.
17 THE COURT OFFICER: [9:34:17] Good morning.
18 This is the situation in the Republic of Mali, in the case of The Prosecutor versus Al
19 Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud, case number ICC-01/12-01/18.
20 For the record, we are in open session.
21 PRESIDING JUDGE MINDUA: [9:34:34](Interpretation) Thank you so much, court
22 officer.
23 Like every morning, we are going to start with the round of presentations, starting off
24 with the OTP.
25 MS SARDACHTI: [9:34:50](Interpretation) Good morning, your Honours. The

1 OTP is represented by Gilles Dutertre, Mr Garcia, and myself.

2 PRESIDING JUDGE MINDUA: [9:35:02](Interpretation) Thank you, Prosecutor.

3 I'm now turning to the Defence. Counsel.

4 MR EDWARDS: [9:35:08] Good morning, your Honours. Mr Al Hassan this

5 morning is represented by Maître Julia Basile to my right, behind me, Leila Abid,

6 Maître Melinda Taylor and myself, Iain Edwards.

7 PRESIDING JUDGE MINDUA: [9:35:26](Interpretation) Thank you so much,

8 Counsel Edwards.

9 And I'd like to turn to the LRV. Counsel.

10 MR LUVENGIKA: [9:35:37](Interpretation) Good morning, your Honours. The

11 victims are represented by Anouk Kermiche, Carla Boglioli, Counsel Julie Goffin,

12 Counsel Kassongo Mayombo, and Counsel Seydou Doumbia, who is the field, and

13 Boubacar Maiga, who is the assistant and who is also in the field and myself, Fidel

14 Luvengika.

15 PRESIDING JUDGE MINDUA: [9:36:19](Interpretation) Thank you so much,

16 Counsel Nsita.

17 This morning we're going to continue with the hearing of the second witness of the

18 Legal Representatives for the Victims.

19 I'm turning to the witness.

20 Good morning, Witness, how are you?

21 WITNESS: MLI-V43-V-0002 (On former oath)

22 (The witness speaks French)

23 (The witness gives evidence via video link)

24 THE WITNESS: [9:36:36](Interpretation) Good morning, your Honour.

25 PRESIDING JUDGE MINDUA: [9:36:40](Interpretation) Witness, I would like to

1 welcome you once again.

2 THE WITNESS: [9:36:43](Interpretation) Thank you.

3 PRESIDING JUDGE MINDUA: [9:36:44](Interpretation) I would like to remind you
4 that you're under oath and you will speak the truth, only but the truth.

5 THE WITNESS: [9:36:55](Interpretation) Yes, your Honour.

6 PRESIDING JUDGE MINDUA: [9:36:58](Interpretation) Thank you.

7 I would like you to bear in mind the practical advice that I gave you yesterday with
8 respect to the moments when you take the floor. We have to speak at a reasonable
9 pace, clearly, and we have to pause so that the court reporters and the interpreters can
10 properly perform their tasks.

11 As you are aware this morning, the Defence team is going to cross-examine you.

12 Now I'm turning to Counsel Edwards. The Chamber has received your request for
13 the extension of the time. Now you know that *I don't normally go into very
14 nitty-gritty calculations, *but you've got one hour and *three minutes. So we've got
15 your request. We shall start and we will see how things go and the Chamber shall
16 decide subsequently.

17 So you've got the floor, Counsel Edwards.

18 MR EDWARDS: [9:38:30] Thank you, your Honour.

19 QUESTIONED BY MR EDWARDS:

20 Q. [9:38:32] Good morning, Madam Witness, can you see and hear me?

21 A. [9:38:41] Yes, I can see you and I can hear you as well.

22 Q. [9:38:46] (Interpretation) We met a few days ago, but I'm going to actually ask
23 you questions in English.

24 (Speaks English) If there are any questions that I ask that you would like me to repeat
25 or that you'd like me to clarify, as I said to you a few days ago, please don't hesitate to

1 ask.

2 A. [9:39:15] Yes.

3 MR EDWARDS: [9:39:18] Your Honour, I regret that the first few questions are
4 going to have to be asked in private session, please.

5 PRESIDING JUDGE MINDUA: [9:39:29](Interpretation) Yes, Counsel Edwards.
6 Court officer, private session, please.

7 (Private session at 9.39 a.m.)

8 THE COURT OFFICER: [9:39:39] We are in private session, Mr President.

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- 22 (Open session at 9.44 a.m.)
- 23 THE COURT OFFICER: [9:44:08] We are back in open session, Mr President.
- 24 PRESIDING JUDGE MINDUA: (Interpretation) [9:44:15] Open session please, court
- 25 officer. Thank you so much.

1 Counsel Edwards, please proceed.

2 MR EDWARDS: [9:44:22]

3 Q. [9:44:22] After you returned to Timbuktu, you explained to us yesterday that
4 you were pained by the fact that women you spoke to said that you'd left them. Do
5 you remember telling us that yesterday?

6 A. [9:44:43] I do remember.

7 Q. [9:44:54] In English, it was translated as "annoyed", but in actual fact, in the
8 French, you said that they were angry, *elles étaient fâchées*. I don't suggest for
9 a moment that you -- that you should not have left or you didn't want to leave, you
10 had your own reasons. But would it be fair to suggest that when you returned, you
11 felt a degree of guilt about having left when faced with this anger from others?

12 A. [9:45:31] I did not feel guilty because I explained why I left. They are not the
13 same as I. They're not leaders. They're not at the helm of a movement, and, at that
14 point of time, more than 70 per cent of families and women left. I was not the only
15 person who left out of fear.

16 Q. [9:46:11] Have you ever come across the term "survivor's guilt"?
17 Do you know what I mean when I say that?

18 A. [9:46:25] No.

19 Q. [9:46:37] In any event, you resolved, when you did return to Timbuktu, to do
20 your best to pick up where you left off and to do what you could to help the women
21 who had stayed behind, is that fair?

22 A. [9:46:56] Yes.

23 Q. [9:47:04] And that included helping them to obtain justice, as you saw it?

24 A. [9:47:19] Yes.

25 Q. [9:47:21] Now, in open session yesterday, you spoke about social cohesion. I

1 would like to ask you a few questions about your activities in terms of social cohesion,
2 all right?

3 If I understand from your evidence, that social cohesion was impacted by the
4 occupation, especially insofar as it affected women, you tried to do what you could to
5 improve that situation on your return.

6 Have I got that right?

7 A. [9:48:01] Yes.

8 Q. [9:48:07] And did that involve creating - as best as you could - opportunities for
9 women to come together, to meet with each other in a way that they couldn't during
10 the occupation?

11 A. [9:48:26] Yes.

12 Q. [9:48:31] To socialise and to enjoy, once again, one another's company, yeah?

13 A. [9:48:48] Yes.

14 Q. [9:48:49] Did that not also include -- sorry, it's a double negative.

15 Did that also include encouraging women to talk about their experiences during the
16 occupation, to share their experiences amongst themselves?

17 A. [9:49:22] I did not understand the question.

18 Q. [9:49:27] Did you encourage women who had stayed behind during the
19 occupation to share their lived experiences in group settings?

20 A. [9:49:52] Yes.

21 Q. [9:49:53] That's something that you thought was very important, correct?

22 A. [9:50:02] Yes.

23 Q. [9:50:03] It's something that you positively facilitated, correct?

24 A. [9:50:09] Yes.

25 MR EDWARDS: [9:50:16] The next few questions, your Honour, may identify the

1 witness, so could we go once again into private session, please.

2 PRESIDING JUDGE MINDUA: [9:50:32](Interpretation) Yes, by all means.

3 Court officer, private session, please.

4 (Private session at 9.50 a.m.)

5 THE COURT OFFICER: [9:50:40] We are in private session, Mr President.

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17 (Open session at 10.05 a.m.)
18 THE COURT OFFICER: [10:05:55] We are back in open session, Mr President.
19 PRESIDING JUDGE MINDUA: [10:06:05](Interpretation) Thank you very much,
20 court officer.
21 Mr Edwards.
22 MR EDWARDS: [10:06:10] I'm terribly sorry, can I just confirm, did your Honour
23 say one hour, 30 minutes? Or one hour, three minutes? Goodness me. All right.
24 PRESIDING JUDGE MINDUA: [10:06:23](Interpretation) One hour and three
25 minutes, Mr Edwards.

1 MR EDWARDS: [10:06:30] Gosh. All right.

2 Q. [10:06:32] Focusing on the activities involving meetings of those who had
3 remained behind in Timbuktu and their experiences that they shared amongst
4 themselves, can you tell us a little bit about how that worked, in practice.
5 Where would these meetings take place, for example?

6 A. [10:07:13] All our meetings were inside the monument or outside in the garden.

7 Q. [10:07:22] I see. And was there a typical number of participants at these sorts
8 of meetings? Are we talking in terms of two or three or could we be talking in terms
9 of a dozen or a couple of dozen? Can you give us a flavour, please.

10 A. [10:07:46] Several dozen participants.

11 Q. [10:07:51] And how would the participants come to learn that these meetings
12 were taking place?

13 PRESIDING JUDGE MINDUA: [10:08:02](Interpretation) Maître Nsita?

14 MR LUVENGIKA: [10:08:05](Interpretation) Yes, I don't want to interrupt my
15 colleague abusively, but I think we have to be honest with Madam Witness.

16 We -- are we in the context of the organisations for which she testified yesterday or
17 are we speaking about something different? Because the answer that the witness has
18 given, speaking about the place, the meeting place, could give rise to a degree of
19 confusion. So I think it would be appropriate to clarify the context of which she is
20 speaking.

21 PRESIDING JUDGE MINDUA: [10:08:42](Interpretation) I think the legal
22 representative is right. There's some confusion here.

23 MR EDWARDS: [10:08:49]

24 Q. [10:08:50] Madam Witness, just so we're absolutely clear, I'm not talking about
25 gatherings where the monument would be cleaned or the *place* would be swept. I'm

1 talking about meetings where women would meet and discuss and share their
2 experiences during the occupation.

3 If it wasn't clear before, is it clear now what I'm focusing on?

4 A. [10:09:21] There's listening and there is chatting to people. Now when
5 you have -- when you listen to people, you do that in a closed space. But you -- we
6 also have chats as well. Now -- but when I meet a friend or something like that,
7 between us, every person can say what they've done. But when it comes to the
8 listening part, this is where we take people to a specific place where there's
9 nobody else, and they come, and they tell what they have to say and you're the
10 person who listens.

11 Q. [10:10:03] All right. There were also meetings involving multiple women
12 where they would speak and discuss and share their experiences -- amongst
13 themselves, in a group setting, their experiences during the occupation, correct?

14 A. [10:10:40] Well, in groups, when you talk about experiences -- of what they
15 experienced outside of our activities of the peace monument, sometimes there are
16 perhaps things that they say in -- to each other in a group. Perhaps there are things
17 that they don't say to each other in a group. What I do know is that we spoke a lot
18 about the monument and everything -- aside from that, I was alone with the person
19 who wanted to tell me about that.

20 Q. [10:11:15] Was it your general approach that it was better for women to speak
21 out about their experiences rather than to keep it secret? Rather than keep it bottled
22 up?

23 A. [10:11:39] I haven't understood.

24 Q. [10:11:42] Did you think it was important that women should discuss their
25 experiences -- what had happened to them during the occupation, rather than keep it

1 a secret within themselves?

2 A. [10:12:00] Yes. I think they have to meet somebody who they trust and give an
3 account of what happened. They shouldn't keep those to themselves.

4 Q. [10:12:13] And did you also believe that it was important that the sharing of
5 these experiences should and could happen in group settings?

6 A. [10:12:34] What I would say is that there's categories of experience. There are
7 experiences that you would tell to a group. The issues with the peace garden, for
8 example. When the women met, they spoke about that. They spoke about the
9 garden, the peace garden. But other experiences -- as you call them "experiences",
10 well, that's not something that people talk about in a group. I never saw any such
11 case.

12 Q. [10:13:06] I'm talking, madam, about -- for example, experiences of forced
13 marriage. Are you telling us that there were -- there were never instances where, in
14 group meetings, women would be encouraged to talk about forced marriage?

15 A. [10:13:40] Women speak about everything. They speak about everything.
16 Forced marriages. They speak about everything. But I have to say I never
17 heard -- well, I think today, I'm here about the garden.

18 Q. [10:14:05] Well, Madam Witness, that's fine. In fact, you're here today to
19 answer my questions subject to what their Honours say. All right? So if I want to
20 ask you these questions, until I'm interrupted, may I ask you to please answer them.
21 Is that clear?

22 A. [10:14:25] That's clear.

23 Q. [10:14:34] Would money ever be made available for women who came to any
24 group meetings?

25 A. [10:14:58] I haven't understood the question.

1 Q. [10:15:00] Were women ever encouraged to attend these group meetings by the
2 prospect of them receiving money for attending?

3 A. [10:15:22] Never. No.

4 PRESIDING JUDGE MINDUA: [10:15:26](Interpretation) Prosecutor.

5 MR GARCIA: [10:15:27](Interpretation) Quite simply, your Honour, with the view
6 to understanding well, I would like the Defence counsel to be certain what meeting
7 he's talking about -- and this goes back to the intervention of my colleague as well
8 a few moments ago. It has to be clear in the record afterwards, so there's no
9 ambiguity for the Defence and indeed for all parties and participants.

10 PRESIDING JUDGE MINDUA: [10:15:54](Interpretation) Thank you, Prosecutor.

11 Mr Edwards, you've followed the intervention of the Prosecutor.

12 MR EDWARDS: [10:16:02] Yes, and my question was broad enough to encompass
13 all kinds of meetings; so I'm afraid I don't accept my learned friend's intervention.
14 But in any event, the witness has answered.

15 Can I move on, please?

16 All right, with your Honour's leave --

17 PRESIDING JUDGE MINDUA: [10:16:26](Interpretation) Very well. In this case,
18 you had to be clear that it was for all types of meetings. This is also a type of
19 precision, but yes, please move on.

20 MR EDWARDS: [10:16:37] Actually, your Honour, my question was: Would
21 money ever be made available for women who came to any group meetings, in
22 English. It may have been translated differently in French, but in the English it was
23 crystal clear. It was broad enough to invite any answer at all from the witness.
24 But anyway, perhaps I can move on.

25 Yes, I'm afraid, your Honour, with your leave, I'm going to have to move into private

1 session just for a short time.

2 PRESIDING JUDGE MINDUA: [10:17:22](Interpretation) Indeed. Court officer,
3 please take us into private session.

4 (Private session at 10.17 a.m.)

5 THE COURT OFFICER: [10:17:36] We are in private session, Mr President.

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1 (Open session at 10.30 a.m.)

2 THE COURT OFFICER: [10:30:20] We are back in open session, Mr President.

3 PRESIDING JUDGE MINDUA: [10:30:29](Interpretation) Thank you, court officer.

4 Counsel Edwards, please proceed.

5 MR EDWARDS: [10:30:35] Thank you, your Honour.

6 Obviously none of this is to be broadcast.

7 Q. [10:30:39] So at the last page of this document, let's read it out, it says at the end
8 of the questioning:

9 "Plus n'a été entendu, lecture et traduction faites, requis de signer, le sachant signons
10 avec lui et notre Greffier."

11 Do you see that, Madam Witness?

12 A. [10:31:04] I can see that very well. I can see my signature as well.

13 Q. [10:31:08] And that's right, isn't it, at the end of this interview with the judge --
14 (Overlapping speakers)

15 A. [10:31:17] That's right.

16 Q. [10:31:21] Sorry -- the PV would be read back to the witness and she would have
17 the opportunity to make any corrections with you acting as interpreter, is that right?

18 A. [10:31:36] Yes.

19 Q. [10:31:44] The next document -- yes, we'll do our best to do this in open session,
20 your Honour, but again a document not to be broadcast. Tab 24, please,
21 MLI-OTP-0077-5075.

22 Madam Witness, while that is being brought up, can I urge you not to read out any
23 names.

24 Top of the page, please, I just want to assist the witness in identifying who we are
25 talking about.

1 Do you see the name -- don't read it out loud, but you see the name on the top of the
2 screen?

3 A. [10:32:47] Yes, I do. I saw it.

4 Q. [10:32:52] And you acted as the interpreter for this individual in the filling out of
5 this request form?

6 A. [10:33:01] Yes.

7 Q. [10:33:02] Once again, if there is any information in this form?

8 A. [10:33:09] Yes.

9 Q. [10:33:11] Where will it have come from?

10 A. [10:33:26] She came to my house to tell me all this. She's the one who came to
11 see me.

12 Q. [10:33:36] And she's the one who provided the information that ended up on the
13 form, right?

14 A. [10:33:43] Yes.

15 Q. [10:33:45] Do you see -- if we could just scroll down a little bit, please, to point 4.

16 Yeah. Just -- you see, that's fine. Thank you.

17 So at the top of your screen, next to point 4, there's reference to someone's name. Do
18 you see that?

19 A. [10:34:11] *Oui*.

20 Q. [10:34:14] Is that a name you made up or is it a name (Overlapping speakers)

21 A. [10:34:16] Yes.

22 Q. [10:34:16] (Overlapping speakers) that would have come from the individual?

23 A. [10:34:21] You see in the pronunciation, if you do not have the person in front of
24 you, you could actually make a spelling mistake. And the people -- the way people
25 pronounce the name is ...

1 THE INTERPRETER: [10:34:43] Overlapping.

2 PRESIDING JUDGE MINDUA: [10:34:44] Counsel Nsita.

3 MR LUVENGIKA: [10:34:49](Interpretation) Thank you, your Honour, for having
4 given me the floor. I just wanted to ask my learned colleague to be a bit more
5 respectful to the witness. Instead of saying things like, "You invented" or "fabricated
6 this." I think this is not right. My learned colleague should review his questioning
7 strategy.

8 PRESIDING JUDGE MINDUA: [10:35:19](Interpretation) Thank you, Counsel Nsita.
9 Counsel Edwards, you followed that?

10 MR EDWARDS: [10:35:25] Yes. Can I make it clear I'm not suggesting for a
11 moment that the witness -- this witness invented anything. If that's not clear in the
12 French, then can I make that clear now. Quite the opposite. My point is that the
13 evidence -- the information that is included in this form is as it was recited to her by
14 the individual who signed the form. I'm not suggesting that she made it up at all.
15 I'm not suggesting this witness made it up at all. I would have thought that was
16 clear.

17 May I continue?

18 PRESIDING JUDGE MINDUA: [10:36:10](Interpretation) Okay. I think this issue is
19 resolved.

20 MR LUVENGIKA: [10:36:20](Interpretation) But this is what's said in the French
21 transcript, and these questions seem to intimidate the witness.

22 MR EDWARDS: [10:36:33]

23 Q. [10:36:33] Madam Witness, are you intimidated by my question?

24 (Overlapping speakers)

25 PRESIDING JUDGE MINDUA: [10:36:45] Maître Edwards (Overlapping

- 1 speakers)(No interpretation) ...
- 2 (Interpretation) Counsel Edwards, the interpreter is saying that in English you said
- 3 "made up", and, in French, it says "*inventer*". So your vocabulary is a bit -- you know,
- 4 hard; so you really need to be careful. Thank you.
- 5 MR EDWARDS: [10:37:10]
- 6 Q. [10:37:12] Well, your answer may have got lost, Madam Witness, but if
- 7 there's -- the information that exists on this form was provided to you by the woman
- 8 who ultimately signed the form, correct?
- 9 A. [10:37:40] Yes.
- 10 Q. [10:37:41] And of course you did your very best to make sure that what she told
- 11 you was faithfully reproduced -- was faithfully recorded on this form, correct?
- 12 A. [10:37:57] Yes.
- 13 Q. [10:38:00] Thank you very much.
- 14 Now I'd like to move on now, please, to what -- a little bit to your evidence of the
- 15 ability of women to work in Timbuktu during the occupation. All right?
- 16 You follow? That's what --
- 17 A. [10:38:35] Yes.
- 18 Q. [10:38:35] Now I'm going to suggest to you -- recognising that you weren't
- 19 actually there at the time, but I'm going to suggest to you that there was absolutely no
- 20 prohibition by the authorities in Timbuktu during the occupation on women's ability
- 21 to leave the house or to work. Do you agree or do you disagree?
- 22 A. [10:39:15] I agree.
- 23 Q. [10:39:17] And women did leave the house and go to work -- for example, at one
- 24 of the markets in Timbuktu. Correct?
- 25 A. [10:39:30] Yes.

1 Q. [10:39:38] And women could go out and sell things on the street -- doughnuts,
2 fried fish, sweets, right?

3 A. [10:39:51] Yes.

4 Q. [10:39:59] And let me ask you about this, isn't it true that there was
5 a well-known case of a woman taxi driver in Timbuktu, a woman who continued to
6 drive her taxi during the time the Islamists were in Timbuktu.

7 Do you know about that?

8 A. [10:40:25] No. No.

9 Q. [10:40:34] You don't know anything about that? All right. Okay. So --

10 A. [10:40:38](Overlapping speakers)(No interpretation)

11 Q. [10:40:40] Right. Now if there's no prohibition on women working and there's
12 no prohibition on women leaving the house, was there any prohibition on women
13 going about their business alone? Women walking alone? Women working alone?

14 A. [10:41:15] It was then forbidden, but women would not leave the house out of
15 fear. Even looking at them would make them scared. And I said 70 per cent of the
16 women left the city -- or moved. The ones who remained would have to have
17 stepped out, otherwise they would starve to death.

18 Q. [10:41:45] Yes. All right.

19 So if it was -- yes, I understand the choices that women had to make. The rules
20 relating to how women must dress under the occupation were clear, were they not?

21 A. [10:42:16] How do you mean, clear?

22 Q. [10:42:19] They were clear in the sense that those in authority left no room for
23 doubt as to what was expected by the women in terms of how they dressed when
24 they were out of the house?

25 A. [10:42:42] Yes.

1 Q. [10:42:46] The rules were published right, and they were, I think, broadcast over
2 the radio, right?

3 A. [10:42:58] I don't know about the broadcasting bit on the -- over the radio, but
4 people -- women wouldn't leave the house without the head veil, the gloves and black
5 robes. I wasn't there to listen to the radio.

6 Q. [10:43:16] All right, okay. Let me make this point, okay. Women leaving the
7 house, dressing according to the rules was a fairly small price to pay, wasn't it, to go
8 and work, grow vegetables, to earn money for family and children.
9 Would you not agree?

10 MR GARCIA: [10:43:51](Interpretation) Your Honour?

11 PRESIDING JUDGE MINDUA: [10:43:53](Interpretation) Yes.

12 MR GARCIA: [10:43:54](Interpretation) I don't know where do we want to go with
13 this question. I don't even see the relevance of this question without even talking
14 about the very nature of this question.

15 PRESIDING JUDGE MINDUA: [10:44:15](Interpretation) Counsel Edwards, it is
16 true that the Chamber is wondering about the relevance of this question.
17 What do you have to say?

18 MR EDWARDS: [10:44:23] What I have to say is that -- well, I can explain. It would
19 require having to cut off the sound.

20 I can move on. I can move on. I can move on because I don't have much time.

21 PRESIDING JUDGE MINDUA: [10:44:36](Interpretation) Yes, please move on.

22 Please move on, Counsel Edwards, please.

23 MR EDWARDS: [10:44:41]

24 Q. [10:44:42] I want to talk about the women that were involved in keeping the
25 monument in good repair. Okay. Transcript page 93 of the English yesterday,

1 your Honour.

2 Now you said that these activities of maintaining the monument could not continue
3 during the time the Islamists were in Timbuktu.

4 Does that accurately summarise what your position was?

5 A. [10:45:29] Yes.

6 Q. [10:45:31] What I'd like to understand, please, why could the women of these
7 associations not leave the house and go to the monument to clean it, to sweep up
8 around the monument, to sweep up around the surroundings of the monument?
9 Why was that not possible?

10 A. [10:46:01] I said, first of all, the women were scared to leave the house and meet
11 the jihadists; and secondly, there was a compulsory dress -- an attire to be worn. If
12 you actually leave without the right attire, you will have problems. And women
13 were all dispersed. The women - who could - left the city. The ones that remained
14 were confined to their -- indoors. And in all movements there are leaders, and if the
15 leaders encourage women to leave their homes and do activities and if the leaders are
16 not there, the woman would actually stay indoors.

17 Q. [10:47:11] But if the women did wear the right attire, they could go to the
18 monument and clean and sweep, correct?

19 A. [10:47:18] Yes. But they're not forced to wear that. If they're not at ease
20 outside, they would actually stay indoors.

21 Q. [10:47:33] Okay. One of the reasons, if I understand your evidence yesterday,
22 why it was important to maintain the monument was to make it attractive to tourists
23 and newlyweds, for example, so that they could come and take photos.
24 Did I understand your evidence correctly?

25 A. [10:47:56] Yes. It's -- above all, because it's a symbol of peace. That's the first

1 objective. It's something that constantly reminds us of the importance of keeping
2 peace amongst us and that's the prime objective.

3 Q. [10:48:26] Right. And -- but it was also a way for the associations to create a bit
4 of revenue? Is that fair?

5 A. [10:48:44] The fact that we were up-keeping the monument and people came
6 and supported us, it really made gardening possible and -- and the revenues, the
7 income was actually shared by all the women who participated.

8 Q. [10:49:08] And to generate this income in order to be able to carry out this
9 maintenance work, you required a signed authorisation from the mayor. Did I
10 understand your evidence correctly from yesterday?

11 A. [10:49:27] Well, we in -- in order to have the official authorisation to upkeep the
12 monument, we'd have to go and see the mayor who would give the official go ahead.

13 Q. [10:49:51] Okay. And was that authorisation that was given once or did it have
14 to be renewed?

15 A. [10:50:05] It was given just once.

16 Q. [10:50:10] Can we please have up on the screen MLI-V43-0001-0001, but it's
17 actually the fifth page of the document. This authorisation is going to come up on
18 the screen, madam, all right?

19 It's probably not necessary to say, but not for broadcast. Thank you.

20 Is that the authorisation, madam?

21 A. [10:51:25] I can't see it on the screen.

22 PRESIDING JUDGE MINDUA: [10:51:37](Interpretation) Counsel Edwards, your
23 time is up. Please prepare your conclusions.

24 MR EDWARDS: [10:51:46] Thank you, your Honour. I'm showing her a document
25 that I'd like to ask a few questions, but I'll do it very swiftly I promise. Thank you.

1 Q. [10:51:53] Is this -- do you see it on the screen, madam?

2 A. [10:51:58] No -- yes.

3 Q. [10:51:59] Just zoom out so that the witness can see the whole thing, please.

4 Yes.

5 Was this document attached to the participation request form that you submitted to
6 the Court?

7 A. [10:52:31] I believe I provided a certain number of documents, but I don't
8 remember very well that I gave this one. I don't remember.

9 Q. [10:52:43] Okay. To be fair, I don't think there's any dispute between us and
10 the LRV that you did.

11 So I'm not going to read out any names, but what it says is, under the word,
12 "Autorise", it says that the association, represented by you, is authorised to exploit the
13 space of the monument of the flame of peace.

14 Do you see that?

15 Zoom in on that.

16 A. [10:53:12] Yes.

17 Q. [10:53:12] All right. Now I'd like us to zoom down to where the stamp is in the
18 bottom right-hand corner.

19 Just read out the date, please, of this document?

20 A. [10:53:31] Yes.

21 Q. [10:53:38] What is the date, Madam?

22 A. [10:53:42] I think it's 8/8/2016.

23 Q. [10:53:57] (Overlapping speakers) Can we go to page 1 of the document, please.
24 Not for broadcast.

25 A. [10:54:04] *Oui*.

1 Q. [10:54:10] Can you zoom into the manuscript text. Thank you. We don't have
2 much time, just read the first couple of lines, please, of the document and then tell us
3 if these are your words?

4 A. [10:54:29] Yes.

5 Q. [10:54:35] And I'm going to suggest to you that the Islamists had nothing to do
6 with preventing any association from exploiting the monument as authorised by the
7 mayor because that authorisation was provided long after the Islamists had left
8 Timbuktu. Do you agree?

9 A. [10:55:02] Yes, the authorisation is not because of the Islamists. It's because of
10 other groups that came to take care of the monument and this is why we went to the
11 mayor's office. Ever since 1996, we've been at the monument and others -- groups
12 couldn't come to request the upkeep as -- and this is why we went to seek
13 authorisation, so that everything is official.

14 Q. [10:55:37] You start -- the text of your claim form starts that the maintenance of
15 the monument of peace was -- was granted to you by the "*mairie*", and then a little bit
16 further down, it says:

17 (Interpretation) "But afterwards -- "

18 A. Yes, in the beginning, there was no official order entrusting us with the upkeep,
19 but later we received this permission. We went and collected this authorisation, this
20 official document, so that others would not be able to upkeep this monument
21 and -- because we've been doing so for so many years, and the mayor would actually
22 be with us in the monument and participate in its upkeep.

23 PRESIDING JUDGE MINDUA: [10:56:45](Interpretation) The answer is quite clear.
24 The witness has replied two or three times to this question, so please conclude. Your
25 time was actually up five minutes ago.

1 MR EDWARDS: [10:56:57] We will seek -- even though the victims did not, we will
2 seek the introduction of this document as an exhibit in the case and it may be that it's
3 a matter for submissions. I note that I've not been able to ask all the questions that I
4 wanted to about the document, but there it is. That was your Honour's ruling. So
5 we'll make submissions in due course.

6 Thank you. That then concludes my cross-examination.

7 PRESIDING JUDGE MINDUA: [10:57:37](Interpretation) Thank you, Counsel
8 Edwards. The time was one hour and *three minutes, but you had a bit more than
9 that.

10 Now I'm turning to the OTP, if there's anything to be added?

11 MS SARDACHTI: [10:57:54](Interpretation) No additional questions, your Honour.

12 PRESIDING JUDGE MINDUA: [10:57:58](Interpretation) Thank you, Prosecutor.
13 I'm turning to the LRV?

14 MR LUVENGIKA: [10:58:04](Interpretation) No additional questions, your Honour.
15 Thank you.

16 PRESIDING JUDGE MINDUA: [10:58:11](Interpretation) Right, there are no
17 questions from the LRV as well. So the Defence has naturally nothing to add.
18 Right, I'm now turning to the witness.

19 THE WITNESS: [10:58:41](Interpretation) Yes, your Honour.

20 PRESIDING JUDGE MINDUA: [10:58:45](Interpretation) Witness, your deposition
21 has come to a close. On behalf of the Chamber, I would like to, once again, sincerely
22 thank you for having assisted us by replying clearly, concisely to the questions that
23 were asked to you.

24 I would like to wish you best of luck for your future success in your activities, and,
25 once again, may I express my deepest gratitude.

1 THE WITNESS: [10:59:34](Interpretation) Thank you, your Honour.

2 (The witness is excused)

3 PRESIDING JUDGE MINDUA: [10:59:37](Interpretation) Now I'm turning to the
4 participants and the various parties. It's our last session before the Defence case.

5 Now, at this stage, the Chamber cannot say when it's going to sit again. This will
6 be -- this information will be sent by email because the Chamber has to define the
7 modalities for the conduct of the proceedings. So this is -- we'll -- we will stop for
8 today.

9 Is there any request for the floor at this stage?

10 So before suspending this session, I would like to express my gratitude to the parties
11 and the participants, to the court reporters, the interpreters and I would also -- and to
12 our security officers.

13 I also would like to thank our public who are following us from distant lands and also
14 the public that's in the gallery. The Chamber follows the publicity rule, but from
15 time to time we are forced to go into private session and I'm sure you understand
16 why.

17 We are going to now suspend the session.

18 The session is suspended.

19 THE COURT USHER: [11:01:55] All rise.

20 (The hearing ends in open session at 11.01 a.m.)