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Trial Hearing  
WITNESS: MLI-OTP-P-0608

(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  
7 Judge Kimberly Prost  
8 Trial Hearing - Courtroom 3  
9 Friday, 29 October 2021  
10 (The hearing starts in open session at 9.32 a.m.)  
11 THE COURT USHER: [9:32:30] All rise.  
12 The International Criminal Court is now in session.  
13 Please be seated.  
14 PRESIDING JUDGE MINDUA [9:33:03](Interpretation) The hearing shall now  
15 begin.  
16 Good morning, everyone.  
17 Court officer, kindly call the case.  
18 THE COURT OFFICER: [9:33:13] Good morning, Mr President, your Honours.  
19 This is the situation in the Republic of Mali, in the case of The Prosecutor versus Al  
20 Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud, case reference ICC-01/12-01/18.  
21 And for the record, we are in open session.  
22 PRESIDING JUDGE MINDUA: [9:33:35](Interpretation) Thank you very much,  
23 court officer.  
24 As is the case every morning we will now have introductions from the various teams,  
25 beginning with the Prosecutor.

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1 MR SANDOVAL: [9:33:46] Good morning, Mr President, good morning,  
2 your Honours. I am Raymond Sandoval, trial lawyer in the Office of the Prosecutor,  
3 appearing with fellow trial lawyer Dianne Luping and senior trial lawyer  
4 Gilles Dutertre.

5 PRESIDING JUDGE MINDUA: [9:34:05](Interpretation) Thank you very much,  
6 Mr Prosecutor.

7 And now the Defence.

8 Counsel.

9 MS TAYLOR: [9:34:12] Good morning, Mr President. Good morning,  
10 your Honours. Good morning to everyone in and around the courtroom.

11 The Defence for Mr Al Hassan is represented today by Maître Julia Basile and myself,  
12 Melinda Taylor. Thank you

13 PRESIDING JUDGE MINDUA: [9:34:31](Interpretation) Thank you, Ms Taylor.

14 And now Legal Representatives of Victims.

15 Counsel.

16 MR LUVENGIKA [9:34:37](Interpretation) Good morning, your Honours.

17 The victims are represented today at this hearing by Ms Prisque Biyéké Dipanga and  
18 myself, Fidel Nsita Luvengika. Thank you.

19 PRESIDING JUDGE MINDUA: [9:34:52](Interpretation) Thank you very much,

20 Counsel.

21 This morning we continue with the testimony of Prosecution Witness P-608.

22 I now turn to the witness.

23 Good morning, Madam Witness. How are you today?

24 WITNESS: MLI-OTP-P-0608 (On former oath)

25 (The witness speaks French)

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1 (The witness gives evidence via video link)

2 THE WITNESS: [9:35:14](Interpretation) Very well. I'm - thank you.

3 PRESIDING JUDGE MINDUA: [9:35:17](Interpretation) Thank you very much.

4 On behalf of the Chamber, I welcome you once again.

5 THE WITNESS: [9:35:25](Interpretation) Thank you.

6 PRESIDING JUDGE MINDUA: [9:35:25](Interpretation) And I thank you for making

7 yourself available to the Court.

8 I remind you, as well, that you are still under oath and you must tell the truth,

9 the whole truth and nothing but the truth.

10 Finally, I would like to remind you, and all of us here in the courtroom, that we mus

11 speak slowly and clearly and we must pause from time to time.

12 Without any further ado, I will call upon the Prosecution to continue with their

13 examination-in-chief.

14 Mr Prosecutor.

15 MR SANDOVAL: [9:36:06] Thank you, Mr President.

16 QUESTIONED BY MR SANDOVAL: (Continuing)

17 Q. [9:36:15] Good morning, Ms Witness. Can you hear me?

18 A. [9:36:18] Yes, I can hear you just fine

19 Q. [9:36:21] So, Ms Witness, yesterday we were discussing the flogging of a girl

20 that you witnessed and you said, and I'm quoting the English trans - English

21 real-time transcript T-153, on page 100, lines 23 to 24: "They said so there, when they

22 brought her out, Hamed Moussa said ... they were going to give her 30 lashes ...

23 I then asked you, and I'm referring to the same English transcript on page 101, lines 6

24 to 7: "And did you hear Hamed Moussa announce that this girl was to receive 30

25 lashes?

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1 You then replied, and I'm referring to page 101 of the English transcript, lines 8 to 9:

2 "I didn't hear it myself. I was quite a distance away. But the information came my  
3 way.

4 When you stated that "the information came my way" that Hamed Moussa  
5 announced that the girl was to receive 30 lashes

6 PRESIDING JUDGE MINDUA: [9:37:33](Interpretation) Ms Taylor.

7 MS TAYLOR: [9:37:37] Mr President, can the sound be cut off to the witness, please.

8 PRESIDING JUDGE MINDUA: [9:37:45](Interpretation) Court officer, please cut  
9 the sound to the witness.

10 THE COURT OFFICER: [9:37:49] Your Honours, the sound to the witness has been  
11 cut off.

12 PRESIDING JUDGE MINDUA [9:37:54](Interpretation) Thank you very much,  
13 court officer.

14 Ms Taylor.

15 MS TAYLOR: [9:37:58] Thank you very much, Mr President.

16 As you may recall, this line of questioning was the subject of an objection from  
17 the Defence. And after that objection, the Prosecutor put the witness again, he  
18 said -- put the - and this was the direction of the Presiding Judge at page 103. It was:

19 "Mr Prosecutor, put the question to the witness again and that way we will have  
20 a clear conscience.

21 The Prosecutor then put the question to the witness again and the witness gave  
22 a response.

23 And that was the response given at page 103 to 105 - 4 at lines 22 to lines 3. So if  
24 the Prosecutor is going to pursue this line of questioning, they should have used  
25 the response that followed from the question that was put to the witness after

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1 the objection. Otherwise, they're resurrecting a line of questioning that was  
2 the subject of an objection.

3 Now, having put the question to the witness again, it should be the witness's second  
4 response that's used, not the response that was the subject of an objection.

5 MR SANDOVAL: [9:39:24] Mr President, I will read out the next lines from  
6 the transcript.

7 PRESIDING JUDGE MINDUA: [9:39:36](Interpretation) Go ahead.

8 MR SANDOVAL: [9:39:37]

9 Q. [9:39:38] So, Ms Witness, on page 103 of the transcript, lines 23 to 25, you stated  
10 that "... but in the street, we were told that the - it was supposed to be 30 lashes  
11 given to the girl, but they didn't give ... And then I'll continue reading on page 104,  
12 line 1 "... they didn't give five like that.

13 So, Ms Witness, when you stated that "in the street, we were told that it was supposed  
14 to be 30 lashes given to the girl". Who did you hear that from?

15 PRESIDING JUDGE MINDUA: [9:40:38](Interpretation) Ms Taylor.

16 MS TAYLOR: [9:40:40] Mr President, I believe the sound was cut earlier, and I'm not  
17 sure if it was re-established.

18 PRESIDING JUDGE MINDUA [9:40:50](Interpretation) No, it has not been  
19 re-established.

20 THE COURT OFFICER: [9:40:54](Overlapping speakers) Your Honours, the sound  
21 has been re-established now.

22 PRESIDING JUDGE MINDUA: [9:40:57](Interpretation) No, no, no, no. I did not  
23 ask for the sound to be re-established. You mustn't re-establish it.

24 THE COURT OFFICER: [9:41:07] My apologies.

25 PRESIDING JUDGE MINDUA: [9:41:11](Interpretation) Very well. The sound has

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1 been cut off because we have not finished.

2 Very well. Thank you very much.

3 Mr Prosecutor, there was an objection and the objection was solved, yes or no What

4 do you want now?

5 MR SANDOVAL: [9:41:31] Yes, Mr President.

6 PRESIDING JUDGE MINDUA: [9:41:33](Interpretation) We're not going back to

7 the objection. We're moving on to something else. Let us move on.

8 MR SANDOVAL: [9:41:39] Yes, Mr President. As I said earlier, I was just going to

9 read on to the next lines in response to the objection of Ms Taylor and I - I intend to

10 read out the - the lines of the - of the response that Ms Taylor was referring to

11 PRESIDING JUDGE MINDUA: [9:41:59](Interpretation) Go ahead quickly. Time is

12 moving

13 MR SANDOVAL: [9:42:03] So, Mr President, can I confirm that the sound has been

14 re-established, that the link with the witness has been re-established?

15 PRESIDING JUDGE MINDUA: [9:42:11](Interpretation) We are not re-establishing

16 the sound yet because we are still dealing with the objection from Ms Taylor.

17 The sound has been cut off because you need to respond to the objection from

18 Ms Taylor. What do you have to say in response to Ms Taylor's objection?

19 MR SANDOVAL: [9:42:31] Mr President, we - we agree with the objection of

20 Ms Taylor and I -- I will proceed to read out the - the appropriate section of the

21 response of the witness.

22 PRESIDING JUDGE MINDUA: [9:42:54](Interpretation) Because you want to put

23 the question directly to the witness, is that it?

24 MR SANDOVAL: [9:43:00] Yes, that's correct, Mr President.

25 PRESIDING JUDGE MINDUA: [9:43:03](Interpretation) Ms Taylor, does that suit

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1 you?

2 MS TAYLOR: [9:43:07] Mr President, obviously our position will be that any answer  
3 has been impacted by the earlier issues, but if the Prosecutor wishes to pursue this, as  
4 we raise, they should use the later quotation, which is my understanding is what they  
5 intend to do. So at this point in time I think we're just waiting for the sound to be  
6 re-established to the witness.

7 Thank you very much.

8 PRESIDING JUDGE MINDUA: [9:43:34](Interpretation) Mr Prosecutor, did you  
9 hear the Defence? I agree with the Defence. The objection has been dealt with and  
10 now we are basing ourselves on the response of the witness after the objection  
11 Agreed?

12 MR SANDOVAL: [9:43:56] Yes. That's correct, Mr President. And I intend to  
13 read out the appropriate section of the response of the witness after the objection  
14 was was resolved.

15 PRESIDING JUDGE MINDUA: [9:44:09](Interpretation) Very well.  
16 Court officer, re-establish the sound, please.

17 THE COURT OFFICER: [9:44:21] Your Honours, the sound to the witness has been  
18 re-established.

19 PRESIDING JUDGE MINDUA: [9:44:27](Interpretation) Thank you very much.  
20 Mr Prosecutor.

21 MR SANDOVAL: [9:44:30] Thank you, Mr President.

22 Q. [9:44:31] Now, Ms Witness, in - on page 103 of the real-time English transcript,  
23 lines 23 to 25, you stated: "But in the street we were told that the -- it was supposed to  
24 be 30 lashes given to the girl.

25 Now, Ms Witness, who did you hear that from?

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1 A. [9:45:08] Yes, I heard that from people who were around me. There were  
2 people in the street. They were drawn in by what was going in and they were  
3 heading towards the cell of the girl. I heard that from some people. I don't - I did  
4 hear and it was the fact that people were leaving in groups and the noise all around.  
5 That's what drew my attention. So, basically, that is what I heard in -- people saying  
6 in the street.

7 Q. [9:45:58] Now, Ms Witness, on page 96, lines 16 to 18, you stated that - my  
8 apologies. You stated that the girl was flogged by the former commissioner of the  
9 Islamic police, Mohamed Moussa.

10 Now, did you see what Hamed Moussa used to flog the girl

11 A. [9:46:57] It was a whip. It was a whip made of leather. But honestly, I don't  
12 remember everything. It was a whip A leather whip, I think.

13 Q. [9:47:13] Now, on page 95 of the real-time English transcript, lines 23 to 25, in  
14 response to the question where the girl was flogged was taken from prior to being  
15 flogged, you stated that: "They brought her out of the former place where the ATM  
16 was at the BMS which had been turned into a cell for women.

17 So on the day that you saw this girl flogged, did you see anyone else detained in  
18 the cell?

19 A. [9:47:53] No. No, I didn't see anyone else.

20 Q. [9:48:01] On page 101 of the English transcript, lines 1 to 4, you stated as follows,  
21 referring to the girl who was flogged:

22 "The father of the girl protested because he said, well, it was in public. It happened  
23 in public. The father said that he had paid the money, why are you going to hit her  
24 anyways?

25 From what you recall, do you know of any other instances where girls were detained

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1 in that cell and a father or other male relative protested or intervened to seek the girl's  
2 release?

3 A. [9:48:51] No, no I don't know of any. That was the only whipping that I was  
4 present for during the entire period of time.

5 Q. [9:49:09] Now, Ms Witness, do you recall seeing any other people detained in  
6 that former ATM room at the BMS?

7 A. [9:49:28] Yes, yes, yes. I saw other people. In particular there was - well,  
8 once I was going to give some food to the animals of my aunt and I went by and I  
9 looked into the cell. The cell is kind of at the back in comparison to the entrance of  
10 the bank. There was no guard. There were two women who were locked up in  
11 the cell. I left and I gave the food to the animals. When I came back they said that  
12 they needed water, so I got some water from the tap. There is one tap off to the side  
13 and I got some and I gave it to the women. There were two old women. Not all  
14 that old, but old women.

15 That was during the same period of time.

16 Q. [9:50:39] And when you say "the same period of time", can you specify what  
17 period that was?

18 A. [9:50:48] The period of time when I had come back to Timbuktu for Eid in  
19 October.

20 Q. [9:51:02] In October of which year?

21 A. [9:51:06] October 2012.

22 Q. [9:51:11] Now, you described these two women as having been old. Can you  
23 recall approximately how -- how old they were?

24 A. [9:51:31] Not all that old. Not all that old. I think they were women who  
25 were selling at the market. I don't really remember what they were like.

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1 Q. [9:51:46] Do you recall what the ethnicity of these two old women was?

2 A. [9:51:56] Yes, they were Tamasheq, black Tamasheqs. They spoke that  
3 language between themselves.

4 Q. [9:52:09] And do you recall what they were wearing?

5 A. [9:52:16] By way of clothing? No, I don't remember.

6 Q. [9:52:23] Did you learn why these two old women were detained?

7 A. [9:52:33] No, no I really didn't try to find out. I didn't try to find out because  
8 the situation wasn't really suitable for that.

9 Q. [9:52:57] When you gave water to these two women, what did you notice about  
10 the - the door of the former ATM room that they were in?

11 A. [9:53:18] What I noticed at the door was that - well, actually, there were two  
12 doors. One glass door and then an - an iron door. So the glass door wasn't closed  
13 The door with the iron bars was closed. So one door was open. So that's why it  
14 was easy.

15 So, you see, when they were talking, if you were going by in the street, you could  
16 hear them. And I gave them some water. There was a little cup attached to the tap,  
17 and I put the water in that. I really didn't try to find out more than that.

18 Q. [9:54:17] And when you say that the door - that the door with iron bars was  
19 closed, did you see if it was locked in any way?

20 A. [9:54:38] Yes. There was a chain. There was a chain, an iron chain with a lock  
21 on it that held the two doors. There was a chain. And on the chain, there was  
22 a padlock. I do think so.

23 Q. [9:55:00] And when you gave water to these two old women, did you get to  
24 speak to them?

25 A. [9:55:14] Yes, I could speak to them. But as I told you, I had to move quickly.

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1 I gave them the water and I left. That's it. I really didn't talk to them. I didn't talk  
2 with them.

3 Q. [9:55:31] Did the women say anything to you as you gave them water?

4 A. [9:55:41] They just said "thank you" in Tamasheq.

5 Q. [9:55:47] And did you learn how long these

6 A. [9:55:50] I don't know. I don't know. I don't remember anymore.

7 In actual fact, thank you. I don't know whether they said it in Tamasheq or Songhai,  
8 but they did say thank you.

9 Q. [9:56:05] (Overlapping speakers) learn how long these two women were  
10 detained?

11 A. [9:56:13] No. No. I don't know.

12 Q. [9:56:22] And did you learn when the women were released?

13 A. [9:56:36] Once around dusk, once I went back out, I asked, I asked a trader who  
14 was in the street, and I was told that they had been released. That's - that's all I  
15 know.

16 Q. [9:56:54] And when did you learn this?

17 A. [9:57:02] When I learned about it? Around dusk. After the sun went down.

18 Q. [9:57:10] Was that dusk of the same day that you saw the two women detained?

19 A. [9:57:20] Yes, yes, the same day. They didn't spend the night there.

20 Q. [9:57:29] And did you learn what the women experienced while they were  
21 detained?

22 A. [9:57:42] No, no, absolutely not.

23 Q. [9:57:47] Now, other than these two old women that you saw detained in  
24 the ATM room of the BMS, did you see any other women detained there?

25 A. [9:58:07] I don't remember. No. No, no.

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1 Q. [9:58:18] Did you see any other women being brought into that former ATM  
2 room at the BMS?

3 A. [9:58:38] Yes, yes. Just before the celebration of Tabaski, I saw - I saw -- I saw  
4 armed men, and I saw them bring some -- some store dummies. They had  
5 confiscated the dummies from some shops. And they brought some young girls  
6 who had gone out, because, you see, it's a celebration when people go out and buy  
7 things. And that same night, Tabaski, I heard that they had been released. They  
8 had been arrested, but just as a warning. It was -- it was just to frighten them. And  
9 then after that they were released. They didn't even - they were taken to the police  
10 station, to the Islamic police

11 I was stopped in the street

12 THE INTERPRETER: [09:59:51] Inaudible

13 THE WITNESS: [09:59:52] - and when we saw them coming with the girls, but that  
14 didn't last long - it wasn't for a long time. They were freed. They weren't put in  
15 the cell. I didn't see that.

16 MR SANDOVAL:

17 Q. [10:00:12] Now, Ms Witness, how many women did you see arrested that night?

18 A. [10:00:26] It was three or four young girls. I don't know precisely Three or  
19 four. A group of girls. They were being held by the arms. The Islamic police was  
20 not far from the market, and it was the days before the festivities that the market  
21 would be open. And that's where they got them from. Three or four people.  
22 I don't know precisely anymore.

23 Q. [10:00:58] And you call them "young girls". Do you recall approximately how  
24 old these young girls were?

25 A. [10:01:11] Well, I can't give you their ages because it was night-time. I saw

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1 the scene from far away, so I can't really give you their ages, but they were girls. On

2 the basis of what they were wearing, they were wearing veils, but they were girls.

3 Q. [10:01:36] And what kind of veils were they wearing?

4 A. [10:01:46] They were wearing the veil that the ladies of Timbuktu wear, the one  
5 I'm wearing today, in cloth. Not the full veil.

6 Q. [10:01:59] Do you recall what the ethnicity of the girls was?

7 A. [10:02:10] No, I do not recall, really. I wouldn't have been able to ascertain  
8 their ethnicity. On the basis of how the scene unfolded, I really can't know that.

9 Q. [10:02:29] Do you recall the young girls' skin colour?

10 A. [10:02:38] Yes They were black

11 Q. [10:02:43] And do you recall at what time you saw these young girls arrested?

12 A. [10:02:56] As to the exact hour, I do not recollect. But it was at night-time,  
13 between 7 and 8 p.m. Between 7 and 8 p.m. It wasn't yet 9 p.m. Because it was  
14 forbidden for women to go out. But with Tabaski, there was a sort of a softening of  
15 the control mechanism with regard to women. So women could go out. I went out  
16 to buy little things in the shops, and it was just on such an occasion that I would see  
17 something. Otherwise, I wouldn't go out the entire day. I just went out for certain  
18 things. For example, to pour away some dirty water in the street or give food to the  
19 animals or go to the shop.

20 But I had my motorbike, and sometimes I'd go to my sister's house. There we are.

21 But it wasn't a frequent thing because there were forbidden things. Women are  
22 allowed to go out during the daytime, but because we're we were afraid of these  
23 people seeing us, I - we did everything to avoid them.

24 Q. [10:04:31] And you mention that the young girls had been arrested as a warning,  
25 to frighten them. What - what warning was given to these young girls?

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1 A. [10:04:47] Well, as I said to you, there was a little lightening in the - or softening  
2 of the application of the rules. They said - or the information was given over  
3 the radio that men who go to the mosque, if they have a message for women, then  
4 they should give them that message, for men who go to the mosque.

5 So my father would say to me they said this or that and "they shouldn't go out.  
6 Sometimes I would hide in order to take photographs, but I stopped doing it because  
7 every time there were warnings, and we knew that women weren't allowed to go out  
8 at night-time. But as it was the day before the festivities, the presence - their  
9 presence was a little bit less within the town and we were allowed to go out. And  
10 that's -- really, they wanted to frighten the women and say them, We're still here,  
11 you know. "You shouldn't start coming out. And that's why they did it.

12 Q. [10:06:06] And you stated, Mr Witness, that "I was stopped in the street.  
13 Could you explain what you meant by that?

14 A. [10:06:20] That means that I was just standing in the street. I was there. I was  
15 standing. That's what I mean. That doesn't mean to say that I was stopped. I  
16 stopped.

17 Q. [10:06:35] Now, you stated that the young girls were brought to - to the police  
18 station, to the Islamic police. How did you know that?

19 A. [10:06:52] Well, I saw them going in with those people. But after that, I left.  
20 And it was subsequently that I heard that they didn't spend long there.  
21 As a communicator, I ask questions around me. And the young people who were  
22 still out in the street, well, they're watched very closely and what they're doing is  
23 watched. And people talk to each other and they warn each other. They say:  
24 Well, so-and-so was arrested and taken away, so-and-so was released. So that's  
25 the kind of information that was shared amongst people.

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1 Q. [10:07:43] And when you refer to the young girls having been brought to  
2 the Islamic police station, which building are you referring to?

3 A. [10:07:59] I'm talking about the BMS building.

4 Q. [10:08:07] And how did you learn that the - that these young girls were  
5 eventually released?

6 A. [10:08:21] I asked. I asked around. I asked the neighbours, the tradespeople,  
7 those people who are in the know, namely, the shopkeepers. The shop in the street  
8 is not far from there, and they glean information.

9 Q. [10:08:59] Now, Ms Witness, on page 88 of the transcript, lines 22 and 24, this  
10 was yesterday. And by transcript, I'm referring to the real-time English transcript  
11 You stated that: "Later on, after the first months, the instructions started to be issued.  
12 Once they really took control of the places, we were informed of various changes.  
13 When you said that "we were informed of various changes," can you recall how you  
14 were informed of these changes and instructions?

15 A. [10:09:50] In my case in particular, it was through discussions with my sister,  
16 my father, and over the radio, Radio Bouctou, where they would give instructions.  
17 And when not reading the Koran, it is instructions that they give. And there was  
18 also a journalist who would give information.

19 My father would give a great deal of information. Everything that was said to them  
20 at the mosque, when he came home, he would tell me.

21 MR SANDOVAL: [10:10:44] Mr President, if I can move into private session for one  
22 minute.

23 PRESIDING JUDGE MINDUA: [10:10:53](Interpretation) Yes, indeed.

24 Mr Courtroom Officer, private session, please.

25 (Private session at 10.11 a.m.)

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(Private Session)

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1 THE COURT OFFICER: [10:11:05] We're in private session, Mr President

2 PRESIDING JUDGE MINDUA: [10:11:12](Interpretation) Thank you very much,

3 Mr Courtroom Officer.

4 Mr Prosecutor.

5 MR SANDOVAL:

6 Q. [10:11:16] Ms Witness, do you recall the name of the journalist who would give  
7 the information?

8 A. [10:11:29] Which journalist? You mean a journalist in Timbuktu or over  
9 the radio? I didn't understand your question.

10 Q. [10:11:40] You stated that - and I'm quoting at page 18 of today's transcript, of  
11 the English transcript "And there was also a journalist who would give information.  
12 This is line -- lines 12 to 13.

13

14 A. [10:12:06] No It was Radio Bouctou And there was a journalist by the name  
15 of Kader Kalil who would speak over the radio. He would lead debates. He would  
16 provide his opinion. And he would also pass on information from the jihadists over  
17 the radio. He controlled that information. But he was still the only journalist who  
18 had access. He provided a lot of sensitisation to women, to the population, in order  
19 to avoid them being uselessly caught.

20 MR SANDOVAL: [10:12:52] Mr President, we can revert to open session.

21 PRESIDING JUDGE MINDUA: [10:12:59](Interpretation) Mr Courtroom Officer,  
22 open session, please.

23 (Open session at 10.13 a.m.)

24 THE COURT OFFICER: [10:13:10] We're back in open session, Mr President.

25 PRESIDING JUDGE MINDUA: [10:13:17](Interpretation) Thank you very much,

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(Open Session)

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1 Mr Courtroom Officer.

2 Mr Prosecutor.

3 MR SANDOVAL:

4 Q. [10:13:21] Now, Ms Witness, did any of the jihadists ever speak to you directly  
5 about these new rules?

6 Sorry, I said -- I stated jihadists, not journalists. I see the word "journalist" in  
7 the English transcript.

8 A. [10:13:52] Yes. On one occasion I went to visit a relative who lived not far  
9 afield from there, and I was still wearing this type of veil, but it was well attached.  
10 And the jihadist, the Senegalese jihadist by the name of Adama, gave me a little flyer  
11 with an article from Google printed on it, because you could see [www.google.com](http://www.google.com)  
12 and the reference at the bottom, talking about the good - a good woman under Islam,  
13 how women should be under Islam. It was one or two pieces of paper. And  
14 whatever the case may be, the article was printed out on it and he handed the piece of  
15 paper to me and told me that I was well dressed. He handed it to me, I took it, and I  
16 rapidly left because I really didn't want to have any contact with those people.

17 MR SANDOVAL: [10:15:13] Mr President, if we could go into private session for one  
18 question.

19 PRESIDING JUDGE MINDUA: [10:15:19](Interpretation) Yes, indeed.

20 Mr Courtroom Officer, please.

21 (Private session at 10.15 a.m.)

22 THE COURT OFFICER: [10:15:33] We're in private session, Mr President.

23 PRESIDING JUDGE MINDUA: [10:15:36](Interpretation) Thank you very much,

24 Mr Courtroom Officer.

25 Mr Prosecutor.

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1 MR SANDOVAL:

2 Q. [10:15:44] Ms Witness, how did you know that this person was named Adama?

3 A. [10:16:00] I asked subsequently. I asked [REDACTED] of the people I found there.

4 [REDACTED] and I asked the shopkeepers and [REDACTED] too, and they  
5 told me that the black man well, I'm not the first person that he gave that flyer to.

6 They said it was Adama, a Senegalese man. There we are. Otherwise, I did not  
7 know him, and I didn't know him at the time when he gave me that.

8 Q. [10:16:40] Do you recall the name or names of the person or people who told  
9 you about Adama?

10 A. [10:16:55] Yes [REDACTED]

11 [REDACTED] And as I said, they know him because they  
12 didn't leave Timbuktu.

13 And when the staff of the jihadists talk, they know them. They know what their  
14 names are

15 And whenever I had a question, I would ask people around me, the people who  
16 know who they are, and those people would tell me.

17 Q. [10:17:36] So just to confirm, Ms Witness, the [REDACTED] you referred to is [REDACTED]

18 [REDACTED]

19 A. [10:17:46] Yes, [REDACTED]

20 MR SANDOVAL: [10:17:52] Mr President, we can revert to open session.

21 PRESIDING JUDGE MINDUA: [10:18:00](Interpretation) Mr Courtroom Officer,  
22 please.

23 (Open session at 10.18 a.m.)

24 THE COURT OFFICER: [10:18:06] We're back in open session, Mr President.

25 PRESIDING JUDGE MINDUA: [10:18:12](Interpretation) Thank you very much,

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(Open Session)

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1 Mr Courtroom Officer.

2 Mr Prosecutor.

3 MR SANDOVAL:

4 Q. [10:18:19] Ms Witness, you've already mentioned some aspects of Adama's  
5 appearance. Do you recall any other features of Adama?

6 A. [10:18:35] No, I do not recall. I do not really recall. Even today, if he was put  
7 before me, it's not certain that I would be able to recognise him.

8 It was a difficult time. We all lived through a difficult time. And it's a long time  
9 ago, so it's -- it's eight years. And life isn't easy. And new information comes and  
10 deletes the old.

11 Q. [10:19:19] Do you recall what Adama was wearing when you encountered him  
12 that day

13 A. [10:19:28] No, no.

14 Q. [10:19:34] Can you tell us when this encounter with Adama took place.

15 A. [10:19:46] Yes. It happened during my stay in October 2012, I believe.  
16 October 2012.

17 Q. [10:20:05] And where did this encounter take place?

18 A. [10:20:16] It took place in the street, just opposite the Islamic police.

19 Q. [10:20:31] And by Islamic police, which building are you referring to?

20 A. [10:20:41] I'm talking about the BMS building.

21 Q. [10:20:49] And you stated that you were not the first person that Adama gave  
22 the flyer to. How did you know that?

23 A. [10:21:04] As I said to you, people told me. I asked [REDACTED] and I asked my  
24 sister. It's people who told me. I asked around.

25 Q. [10:21:21] Did you see Adama give this flyer to other people?

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1 A. [10:21:37] No, I didn't. But my sister told me, well, that they gave clothes and  
2 hijabs to women. I just had a piece of paper given to me.

3 Q. [10:21:55] When you encountered Adama, was he with anyone?

4 A. [10:22:09] No, I don't really remember having seen anyone with him, no.

5 Q. [10:22:22] And who else was present when you encountered Adama?

6 A. [10:22:31] It was in the street, so it's possible that people saw us. But in our  
7 immediate vicinity, there was no one present. We could see the guards standing in  
8 front of the BMS. They're always there. There's either one or two at the entrance to  
9 the BMS. They were there. So when he gave it to me I think he also went inside  
10 there. I can't really remember.

11 Q. [10:23:11] Now, prior to this encounter, had you seen Adama before?

12 A. [10:23:22] No. Before that encounter, I had not seen him. I had never seen  
13 him.

14 Q. [10:23:28] And afterwards did you see Adama again?

15 A. [10:23:36] Yes, I saw him again on the very day that I was leaving Timbuktu  
16 [REDACTED] We got into a vehicle to leave and the driver went to get a  
17 *laissez-passer* and I saw him stopped in the street in the direction of the *Gouvernorat*.

18 Q. [10:24:08] And where did the driver get the *laissez-passer* from?

19 A. [10:24:26] He got it from the *Gouvernorat*, which is a building at the *Place de*  
20 *l'Independence*, Independence Square in Timbuktu. It is the headquarters of the  
21 Malian authorities, the government and all its staff. And during the occupation it  
22 was occupied by the jihadists, who were there and at the camp and then they came to  
23 the Islamic police, the BMS building.

24 Q. [10:25:09] And do you recall which organ of the Islamists were at the  
25 *Gouvernorat* at the time?

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1 A. [10:25:30] The truth be told, I'm not in a position to know. It was on that day  
2 that I heard that we were going to get this *laissez-passer*, which was just a white piece  
3 of paper on which there was Arabic written.

4 Q. [10:25:53] And do you recall what Adama was doing when you saw him around  
5 the *Gouvernorat* on that day?

6 A. [10:26:06] No, he wasn't doing anything. I just saw him. As he had given me  
7 a piece of paper, I recognised him. I just saw him. He was outside, just standing.  
8 He wasn't doing anything.

9 Q. [10:26:24] Do you recall seeing Adama on any other occasion at the BMS?

10 A. [10:26:36] At the BMS, no, I do not recall

11 Q. [10:26:54] Now, Ms Witness, I'd like to move on to another topic. Were you  
12 aware of marriages between the jihadists and local women in Timbuktu during  
13 the occupation?

14 A. [10:27:15] Yes, I was aware. And what is more, that is the reason why I would  
15 avoid them as much as possible. Because, between us, people would talk and  
16 the information that came through was that we should all be very careful, that we  
17 shouldn't catch their attention.

18 When they see a woman and they want to marry her, that's something that they do  
19 forcibly. Whether the woman wants to or not, they will marry her. And that was  
20 something that people were saying in the city, right from the get-go. Just after they  
21 set up, they started to apply their infamous rules on the population. I heard about  
22 these forced marriages and these young girls, I heard about it. It's like information  
23 that is passed between people, you know, when somebody comes to your home and  
24 says, "I heard this, that this girl was taken and that's what they did. This was  
25 information that was not verified, or even verifiable.

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1 Personally, I do not know and I did not see a single woman who was forcibly married  
2 by the jihadists. I did not see it. I heard people speak about it. This is information  
3 that I don't really believe because the - the people from Timbuktu, sometimes they  
4 have a habit of inventing things.

5 MR SANDOVAL: [10:29:13] Mr President, if we could move into private for about  
6 five minutes.

7 PRESIDING JUDGE MINDUA: [10:29:22](Interpretation) Yes, indeed.

8 Mr Courtroom Officer, private session, please.

9 (Private session at 10.29 a.m.)

10 THE COURT OFFICER: [10:29:33] We're in private session, Mr President

11 PRESIDING JUDGE MINDUA: [10:29:36](Interpretation) Thank you very much,

12 Mr Courtroom Officer

13 Mr Prosecutor.

14 MR SANDOVAL: [10:29:44]

15 Q. [10:29:46] Now, Ms Witness, can you tell us of any instances that you're aware  
16 of, of marriages having taken place between the jihadists and local women in  
17 Timbuktu during the occupation?

18 A. [10:30:11] Yes, yes, I told you that. I heard about some cases, but not well,  
19 not cases. But the case I heard about, one young girl, quite young, 14 or 15 years old  
20 who was living with her grandmother in Abaradjou neighbourhood and apparently  
21 she was forcibly married. But the girl and her grandmother fled and they went to  
22 Mauritania. And even after the crisis, they apparently did not come back.

23 Honestly, this is something that I heard about. I didn't see the girl. I don't know  
24 her. It didn't happen right in front of me either.

25 THE INTERPRETER: [10:31:02] Inaudible.

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1 MR SANDOVAL: [10:31:04]

2 Q. [10:31:05] And did you know the name of this girl?

3 A. [10:31:11] No. No, no. I don't know her name.

4 Q. [10:31:17] Did you know the name of her grandmother?

5 A. [10:31:24] No, I don't know the name of her grandmother.

6 Q. [10:31:28] How did you hear about this case?

7 A. [10:31:38] I heard people talking about the case through - through

8 the investigations. And also, during that period of time we didn't need to

9 investigate. People, people were talking all the time, [REDACTED]

10 [REDACTED] when they would leave. And also the press. But in the case of that girl,

11 I heard about it [REDACTED] who was living in the same neighbourhood as

12 the young lady

13 PRESIDING JUDGE MINDUA: [10:32:14](Interpretation) Mr Prosecutor,

14 Madam Witness would like to have a very short break. So we will suspend for

15 a moment or two, but we will stay here in the courtroom.

16 Madam Witness, you are excused.

17 MR SANDOVAL: [10:32:32] Yes, Mr President.

18 (The witness exits the video-link location)

19 PRESIDING JUDGE MINDUA: [10:32:46](Interpretation) Mr Prosecutor, I'll take

20 advantage of the short break to ask you whether we should be staying in private

21 session or whether we can go back into open session?

22 MR SANDOVAL: [10:32:58] Yes, Mr President, just for -- just for one more question.

23 PRESIDING JUDGE MINDUA: [10:33:10](Interpretation) Very well, Mr Prosecutor.

24 (Pause in proceedings)

25 (The witness enters the video-link location)

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1 MR SANDOVAL: [10:34:32] May I proceed, Mr President?

2 PRESIDING JUDGE MINDUA: [10:34:36] Just one minute, please.

3 (Interpretation) The witness is back.

4 Mr Prosecutor, please proceed.

5 MR SANDOVAL: [10:34:56] Thank you, Mr President.

6 Q. [10:34:58] Now, Ms Witness, can you tell us the name [REDACTED] from whom  
7 you learned about this case?

8 A. [10:35:12] Yes, yes. Her name is [REDACTED]

9 MR SANDOVAL: [10:35:26] Mr President, we can revert to open session.

10 PRESIDING JUDGE MINDUA [10:35:35](Interpretation) Court officer.

11 THE INTERPRETER: [10:35:36] Interpreter correction: The name that was just  
12 mentioned was [REDACTED]

13 (Open session at 10.35 a.m.)

14 THE COURT OFFICER: [10:35:44] We're back in open session, Mr President

15 PRESIDING JUDGE MINDUA: [10:35:50](Interpretation) Thank you very much.

16 Mr Prosecutor.

17 MR SANDOVAL: [10:35:54]

18 Q. [10:35:54] Now, Ms Witness, you mentioned that in this case one young girl,  
19 quite young, 14 or 15 years old, was apparently forcibly married. Can you explain  
20 what happened, based on what you heard

21 A. [10:36:23] Yes, yes. What I heard was that the jihadists went to the home of  
22 the girl's grandmother and they said that they wanted to marry the young girl in  
23 question. So when the grandmother asked - well, in actual fact, she didn't even ask,  
24 because at that period of time no one wanted to have a relationship with those people  
25 or dealings with them. Naturally, she refused. But my aunt told me that they came

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1 back and they came back with a dowry and they forced the grandmother to take  
2 the dowry and they themselves celebrated the marriage at the mosque.  
3 And then, and then they wanted to come back and take the girl. But the old lady  
4 and her little - and her granddaughter left at night. They fled the city so that they  
5 would not have to honour the so-called marriage that had been entered into by force  
6 by the jihadists.

7 Q. [10:37:57] So you mention that at that period of time no one wanted to have  
8 a relationship with those people or dealings with them. Could you explain why that  
9 was.

10 A [10:38:16] That's the way it was. The people really felt occupied. How should  
11 I put this? Truly, everyone - it was we were putting up passive resistance. It was  
12 as if everyone had said to one another those people have not come to do good. They  
13 have come to bring Sharia law in or make us Muslim. But, you know, we already  
14 were Muslims. Timbuktu has been a Muslim city for a very long time, so that was  
15 the principle.

16 It's as if there had been a meeting. No one wanted to have anything to do with them,  
17 other than a few cases. Well, there were some women, vulnerable people because,  
18 you see, the traders, the traders or certain well, some - some people, young people  
19 who had nothing better to do ended up with them. But other than that, the people,  
20 workers, people who could leave, left. People who stayed put up a form of specific  
21 resistance. Nothing to do with them, don't cooperate with them. And they  
22 themselves, they had chosen their camp. They cooperated. Well, when I say  
23 the traders, they just collaborated with them. I'm talking about the white Arab  
24 traders. They didn't collaborate very often with black people. And what's more,  
25 black people themselves, the people took refuge, took shelter in impartiality and

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1 non-cooperation with them.

2 Q. [10:40:36] And what was the ethnicity of this girl?

3 A. [10:40:48] She was a Songhai girl. She was Songhai. She and her  
4 grandmother.

5 Q. [10:41:01] Now, other than this

6 A. [10:41:04] I don't know them personally, but it was case that was - that I was  
7 told about.

8 Q. [10:41:17] Now, other than this case, were you aware of any other cases of forced  
9 marriages or apparent forced marriages between women of Timbuktu and  
10 the jihadists?

11 A. [10:41:37] No, I didn't hear about any other cases. I did not hear about any  
12 other cases I don't remember. It was later on, after the crisis because we had  
13 meetings with victims. And I did meet one woman who talked to me about her  
14 daughter's case, but that was well after the crisis

15 MR SANDOVAL: [10:42:11] Mr President, if we could move into private session for  
16 about five minutes for some follow-up questions.

17 PRESIDING JUDGE MINDUA: [10:42:20](Interpretation) Of course.

18 Court officer.

19 (Private session at 10.42 a.m.)

20 THE COURT OFFICER: [10:42:30] We're in private session, Mr President

21 PRESIDING JUDGE MINDUA: [10:42:35](Interpretation) Thank you very much,  
22 court officer.

23 Mr Prosecutor.

24 MR SANDOVAL: [10:42:38] Thank you, Mr President.

25 Q. [10:42:40] Now, Ms Witness, can you tell us about the - the woman you met

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1 who talked to you about her daughter's case. What was her daughter's case about?

2 A. [10:43:02] Yes, yes. She was a woman from Bellaferandi. [REDACTED]

3 [REDACTED] Her daughter had  
4 been arrested by the Islamic police and she was freed only after two days. And since  
5 that time, the girl's life had changed. She was traumatised, she was not able to study.  
6 And up until now, that girl -- her girl in Timbuktu is psychologically disturbed.

7 Q. [10:43:55] What was the name of this woman?

8 A. [10:44:05] I no longer remember. [REDACTED] That  
9 might have been her name [REDACTED]

10 Q. [10:44:15] And did you learn the name of her daughter

11 A. [10:44:18] No, no, no. No, I didn't ask.

12 MR SANDOVAL: [10:44:23] We can revert to open session, Mr President.

13 PRESIDING JUDGE MINDUA: [10:44:29](Interpretation) Court officer, open session,  
14 please

15 (Open session at 10.44 a.m.)

16 THE COURT OFFICER: [10:44:38] We're back in open session, Mr President

17 PRESIDING JUDGE MINDUA: [10:44:42](Interpretation) Thank you very much,  
18 court officer.

19 Mr Prosecutor.

20 MR SANDOVAL: [10:44:52]

21 Q. [10:44:52] Did you know how old this girl was at the time?

22 A. [10:45:01] No, I didn't ask. But her mother said that she was doing the second  
23 cycle of education, so that's between the 7th year and the 9th.

24 Q. [10:45:23] And did you - did her mother tell you about what happened to her  
25 daughter while she was taken away?

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1 A. [10:45:40] She said that - that the girl does not talk Up until now she has not  
2 been able to get more information about what happened to the girl during her  
3 detention at the Islamic police. What happened to her happened to her there.  
4 Since then, she has not been -- she has not been able to live like other teenage girls do.  
5 She hasn't been able to study or anything. She just exists.

6 Q. [10:46:21] Did the mother tell you what she thought happened to her daughter  
7 while she was at the Islamic police?

8 A. [10:46:36] Yes, she said - she told me that certainly the girl had had a terrible  
9 \*scare, the detention, the conditions of detention, and that must have had a role to  
10 play in terms of her mental state. And she was complaining a great deal about  
11 the lack of assistance and the way -- I think that the mother is a member of \*some  
12 victims' associations, and she was complaining that \*no one was helping the girl or  
13 providing care to her.

14 Q. [10:47:23] And the when the mother told you that certainly the conditions of  
15 being held there, at the Islamic police, must have had a role to play in terms of her  
16 mental state, did the mother explain what those conditions were?

17 A. [10:47:51] No, she didn't explain really. She didn't say that to me. She didn't  
18 tell me anything about that.

19 Q. [10:48:08] How do you know that the girl does not speak at present?

20 A. [10:48:22] Her mother says so. She says that the girl cries all day long and she  
21 doesn't say anything.

22 THE INTERPRETER: [10:48:39] Interpreter correction: That the girl remains frozen  
23 all day long. She doesn't even talk. She doesn't say anything.

24 MR SANDOVAL: [10:48:51] Mr President, if I could go back into private session,  
25 just for one minute, just to clarify one, one issue.

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1 PRESIDING JUDGE MINDUA: [10:49:02](Interpretation) Quite so.

2 Court officer.

3 (Private session at 10.49 a.m.)

4 THE COURT OFFICER: [10:49:12] We're in private session, Mr President.

5 PRESIDING JUDGE MINDUA: [10:49:17](Interpretation) Thank you.

6 Mr Prosecutor.

7 MR SANDOVAL: [10:49:21]

8 Q. [10:49:23] Ms Witness, just to go back to the name of the mother, you mentioned

9 that you no longer remember her name. It was not [REDACTED] Then you said

10 maybe [REDACTED] That might have been her name [REDACTED] I'm referring to

11 pages -- page 32 of the English real-time transcript, line 25 to page 33, line 1. Could

12 you confirm whether the name of the mother was [REDACTED] or not.

13 A. [10:50:01] No, I really can't confirm that. I don't remember exactly. I don't

14 know. I no longer know. I can't confirm that. I have the impression. I remember

15 kind of that it was [REDACTED] But it might not be that name, honestly. Because I

16 [REDACTED] I didn't know her before. [REDACTED]

17 [REDACTED] and that's when she told me about all of that.

18 Q. [10:50:39] As far as you can recall, Ms Witness, the mother's name was

19 [REDACTED] ?

20 A. [10:50:45] Mm-hmm.

21 MR SANDOVAL: [10:50:48] We can revert to open session, Mr President.

22 THE WITNESS: [10:50:52](Interpretation) Yes, yes. All the same, I remember that it

23 was [REDACTED], but I can't really say. I really can't. That's the name - that's

24 the name I remember.

25 MR SANDOVAL: [10:51:12] Thank you, Ms Witness.

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1 Mr President, we can now revert to open session.

2 PRESIDING JUDGE MINDUA: [10:51:20](Interpretation) Court officer, open session,  
3 please.

4 (Open session at 10.51 a.m.)

5 THE COURT OFFICER: [10:51:29] We're back in open session, Mr President.

6 PRESIDING JUDGE MINDUA: [10:51:34](Interpretation) Thank you very much,  
7 court officer.

8 Mr Prosecutor.

9 MR SANDOVAL: [10:51:40]

10 Q. [10:51:42] So, Ms Witness, I'm now moving on to another topic. We are  
11 running out of time. So actually at this point I would like to briefly go into private  
12 session and I - I will have to go in and out of - of private and open session, but I  
13 will -- I will strive to minimise the duration in which we spend in private session.

14 So, Mr President, I'd like to move into private session for about five minutes

15 PRESIDING JUDGE MINDUA: [10:52:29](Interpretation) Very well, Mr Prosecutor.

16 But I'm asking you, how much time do you need to conclude your  
17 examination-in-chief?

18 MR SANDOVAL: [10:52:45] Well, Mr President, it's difficult to say. But I -- I hope  
19 to be able to - to complete it within - within another 30 minutes or so.

20 PRESIDING JUDGE MINDUA: [10:53:04](Interpretation) Well, you'll have to try to  
21 move quickly, speed up.

22 MR SANDOVAL: I'll do my best, Mr President.

23 PRESIDING JUDGE MINDUA: [10:53:11](Interpretation) Court officer. If you  
24 could, court officer.

25 (Private session at 10.53 a.m.)

G

Trial Hearing  
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(Private Session)

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1 THE COURT OFFICER: [10:53:22] We're in private session, Mr President

2 PRESIDING JUDGE MINDUA: [10:53:25](Interpretation) Thank you, court officer.

3 Mr Prosecutor.

4 MR SANDOVAL: [10:53:31]

5 Q. [10:53:32] Now, Ms Witness, do you recall [REDACTED] punishment of  
6 women in Timbuktu during the occupation?

7 A. [10:53:49] Yes, yes, I remember. Just about everything that I heard about, either  
8 when I was -- practically everything that I heard about, whether I was in  
9 Timbuktu - whether I was in Timbuktu or Bamako, about the punishments and  
10 everything else that was being done, all the forms of violence and abuses against  
11 women. [REDACTED]

12 [REDACTED]

13 Q. [10:54:30] So I will be showing you a document with ERN MLI-OTP-0061-0044.  
14 This is in tab 13 of the Court binder. This will also be shown on your screen  
15 And the document is not to be broadcast publicly. We will broadcast it on evidence  
16 channel 2

17 And this document has the title: (Interpretation [REDACTED])

18 [REDACTED]

19 (Speaks English) Do you see that on your screen?

20 A. [10:55:15] Yes, I can see it on the screen, but I can't read it. It's very small and  
21 I'm a bit myopic.

22 The writing is still rather small for me.

23 Q. [10:55:35] Perhaps it's easier if you read it directly from your court binder. Do  
24 you have - do you have your court binder with you?

25 A. [10:55:44] That's fine. Yes.

G

Trial Hearing  
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1 Yes, yes My court officer is giving me the page I can manage to read it.

2 Q. [10:55:58] Do you recognise this document, Ms Witness?

3 A. [10:56:07] Yes, I do.

4 Q. [10:56:08] [REDACTED]

5 A. [10:56:15] [REDACTED]

6 Q. [10:56:18] [REDACTED]

7 A. [10:56:24] [REDACTED]

8 I'm myopic. I don't have my glasses.

9 Q. [10:56:48] There is a date on the document of [REDACTED]

10 [REDACTED]

11 A. [10:56:58] [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 Q. [10:58:01] So in relation to this [REDACTED]

19 A. [10:58:05] It was a long time ago. I don't [REDACTED]

20 Q. [10:58:16] So in relation to this [REDACTED]

21 [REDACTED]?

22 A. [10:58:34] Yes, I remember [REDACTED]

23 Q. [10:58:44] So, Ms Witness, please take your time to read through this and let us

24 know when you are done.

25 PRESIDING JUDGE MINDUA: [10:59:04](Interpretation) Ms Taylor.

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Trial Hearing  
 WITNESS: MLI-OTP-P-0608

(Private Session)

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1 MS TAYLOR: [10:59:06] Thank you very much, Mr President. The witness has  
 2 mentioned several times that she has issues seeing and that she doesn't have her  
 3 glasses. Now, given that this may be an issue throughout the day, I was wondering  
 4 if there was any possibility for the witness to be able to recover her glasses. Because  
 5 I image there might be several documents that we will wish to show her and it would  
 6 facilitate things if she could read them clearly.

7 MR SANDOVAL: [10:59:37] Mr

8 PRESIDING JUDGE MINDUA: [10:59:41](Interpretation) She said that she broke  
 9 her

10 THE WITNESS [10:59:46](Interpretation) I don't even have them [REDACTED]  
 11 [REDACTED] I'm planning to get some other ones prescribed to me after.

12 MR SANDOVAL: [10:59:56] Mr President, if I may.

13 PRESIDING JUDGE MINDUA: [10:59:59](Interpretation) Yes, Mr Prosecutor.

14 MR SANDOVAL: [11:00:01] The witness should have the court binder with her so  
 15 she can, she can read the printed copies of the blogs. She has printed copies of all  
 16 the blogs that we will be referring to.

17 Perhaps we can check with the witness, Mr President, if she is able to read the hard  
 18 copy without her glasses. Otherwise we may require the assistance of VWU to  
 19 procure a pair of glasses.

20 PRESIDING JUDGE MINDUA: [11:00:58](Interpretation) Madam Witness, could  
 21 you try to read the document or

22 THE WITNESS: [11:01:04](Interpretation) I have no choice. I'm going to do my  
 23 very best.

24 PRESIDING JUDGE MINDUA: [11:01:10](Interpretation) Very well. We will  
 25 continue.

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Trial Hearing  
WITNESS: MLI-OTP-P-0608

(Private Session)

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1 MR SANDOVAL: [11:01:22] Actually, Mr President

2 PRESIDING JUDGE MINDUA: [11:01:23](Interpretation) Mr Prosecutor.

3 MR SANDOVAL: [11:01:25] I see that it's - it's time for the break. I also propose

4 that to save time I can just read [REDACTED]

5 [REDACTED] rather than ask her to read through the entire [REDACTED] But we can do that after

6 the break.

7 PRESIDING JUDGE MINDUA: [11:01:54](Interpretation) I agree.

8 Will we continue discussing this in private session?

9 MR SANDOVAL: [11:02:10] Well, I just intend to read out the particular passage in

10 private session, then I will move into public session to ask her questions about

11 the passages that I read out.

12 PRESIDING JUDGE MINDUA [11:02:28](Interpretation) Very well.

13 We will now take our break.

14 And before we do that, if we could go back into open session, court officer.

15 (Open session at 11.02 a.m.)

16 THE COURT OFFICER: [11:02:50] We're back in open session, Mr President

17 PRESIDING JUDGE MINDUA: [11:02:56](Interpretation) Thank you very much,

18 court officer.

19 At 11.02, we will now take a 30-minute break and resume at 11.30.

20 The hearing is suspended.

21 THE COURT USHER: [11:03:12] All rise.

22 (Recess taken at 11.03 a.m.)

23 (Upon resuming in open session at 11.34 a.m.)

24 THE COURT USHER: [11:34:06] All rise.

25 Please be seated.

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Trial Hearing  
WITNESS: MLI-OTP-P-0608

(Private Session)

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1 PRESIDING JUDGE MINDUA: [11:34:34](Interpretation) Court is in session once  
2 again.

3 I shall hand over to the Office of the Prosecutor.

4 Mr Prosecutor, please, according to your promise, there are maximum 20 minutes  
5 remaining for you.

6 MR SANDOVAL: [11:34:55] Yes, Mr President.

7 Q. [11:34:57] So, Ms Witness, as you heard the President, we do have only a little  
8 amount of time. So I ask that you answer questions briefly and we will try to go as  
9 quickly as possible.

10 So now, Ms Witness, we were -- I'm sorry, are we in private session still

11 PRESIDING JUDGE MINDUA: [11:35:19](Interpretation) Mr Courtroom Officer.

12 THE COURT OFFICER: Your Honours, we are in open session.

13 MR SANDOVAL: [11:35:35] Yes, Mr President, if we could go into private session  
14 for about two minutes

15 PRESIDING JUDGE MINDUA: [11:35:43](Interpretation) Mr Courtroom Officer,  
16 private session, please

17 (Private session at 11.35 a.m.)

18 THE COURT OFFICER: [11:35:53] Your Honours, we're in private session.

19 PRESIDING JUDGE MINDUA: [11:35:59](Interpretation) Thank you very much.  
20 Mr Prosecutor.

21 MR SANDOVAL: [11:36:05] So, Ms Witness, we were discussing [REDACTED]

22 (Interpretation [REDACTED])

23 I would [REDACTED]

24 And again, for the record, this document has the ERN MLI-OTP-0061-0044 [REDACTED]

25 [REDACTED] the second page with the ERN 0061-0045.

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(Private Session)

ICC-01/12-01/18

1 A. [11:36:41] I'm all ears.

2 THE INTERPRETER: Sight translation.

3 MR SANDOVAL:

4 Q. [11:36:44](Interpretation) [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 (Speaks English) So, Ms Witness, I will now -- I will request that we go back into open

8 session [REDACTED]

9 [REDACTED]

10 THE INTERPRETER: [11:37:17] Correction from the English booth: [REDACTED]

11 [REDACTED]

12 PRESIDING JUDGE MINDUA [11:37:29](Interpretation) Mr Courtroom Officer,

13 open session, please.

14 (Open session at 11.37 a.m.)

15 THE COURT OFFICER: [11:37:41] We're back in open session, Mr President.

16 PRESIDING JUDGE MINDUA [11:37:44](Interpretation) Thank you very much,

17 Mr Courtroom Officer.

18 Mr Prosecutor.

19 MR SANDOVAL: [11:37:48] Thank you, Mr President. And before I proceed, I

20 wish to note for the record that the witness has her glasses on.

21 Q. [11:37:55] So, Ms Witness, please explain why you described the Yobou Tao

22 market as the hunting place for women by the Islamic police?

23 A. [11:38:13] Yes, I described it on the basis of personal experience and from what I

24 saw in Timbuktu and the testimonies that I heard even when I was not there myself.

25 The Timbuktu market starts at 10 a.m. It's between 10 a.m. and midday and there

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1 are a great deal of people. Before the occupation it was not a location where  
2 the police would go. But with the occupation there were always policemen present,  
3 guards, et cetera, ascertaining whether people are well enough dressed, seeing what  
4 people are up to, seeing whether people are respecting things. They're there on  
5 a daily basis and sometimes they take women there and take them to the Islamic  
6 police, especially women.

7 Q. [11:39:27] Thank you, Ms Witness.

8 If, if I could remind you to keep your answers short as we still have a number of  
9 documents to discuss and we only have a little time remaining.

10 Mr President, if we could move into private session for about five minutes

11 A. [11:39:44] Okay.

12 PRESIDING JUDGE MINDUA [11:39:46](Interpretation) Mr Courtroom Officer,  
13 private session, please.

14 (Private session at 11.40 a.m.)

15 THE COURT OFFICER: [11:40:02] Your Honours, we're in private session.

16 PRESIDING JUDGE MINDUA [11:40:04](Interpretation) Thank you very much  
17 Mr Prosecutor.

18 MR SANDOVAL: [11:40:06]

19 Q. [11:40:08] Ms Witness, do you recall [REDACTED] the impact of the  
20 occupation of Timbuktu on the celebration of Tabaski?

21 A. [11:40:21] Yes, I do remember that.

22 Q. [11:40:25] So I'm showing you a document with the ERN 0061-0051 entitled:

23 [REDACTED] And this is in tab 15 of  
24 the court binder, but it will also be shown on evidence 2.

25 And this is not to be broadcast publicly.

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(Private Session)

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1 THE INTERPRETER: [11:40:47] Title of the article: [REDACTED]

2 [REDACTED]

3 MR SANDOVAL: [11:40:58]

4 Q. [11:40:58] Do you recognise this document, Ms Witness?

5 A. [11:41:11] Yes, I do recognise it.

6 Q. [11:41:14] [REDACTED]

7 A. [11:41:19] [REDACTED]

8 Q. [11:41:22] And [REDACTED] that we see on the first page,

9 0061-0055, is tha [REDACTED]

10 A [11:41:37] [REDACTED]

11 Q. [11:41:40] And do you recall [REDACTED]

12 A. [11:41:50] [REDACTED]

13 Q. [11:41:55] [REDACTED]

14 [REDACTED] And [REDACTED] on the third page [REDACTED] with the ERN 0061-0053

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 speakers)

20 A. [11:42:53] Yes.

21 MR SANDOVAL: [11:42:54] Mr President, if we could revert to open session.

22 PRESIDING JUDGE MINDUA: [11:42:58](Interpretation) Mr Courtroom Officer.

23 (Open session at 11.43 a.m.)

24 THE COURT OFFICER: [11:43:10] We're back in open session, Mr President.

25 PRESIDING JUDGE MINDUA: [11:43:15](Interpretation) Thank you very much,

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Trial Hearing  
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(Private Session)

ICC-01/12-01/18

1 Mr Courtroom Officer.

2 MR SANDOVAL: [11:43:19]

3 Q. [11:43:20] Ms Witness, what is the (Interpretation) Centre of Education for  
4 the Promotion of Respectability and Prohibition of the Reprehensible?

5 A. [11:43:32] This centre is the BMS, the former Islamic police. It was - before that  
6 it was the Islamic police, and when I came back, I saw that it had changed name. It  
7 was no longer the Islamic police, it was the Centre of Education for the Promotion of  
8 Respectability and Prohibition of the Reprehensible written in large font at the  
9 entrance. I think I took a photograph of it.

10 Q. [11:44:02] And is the Hamed Moussa you referred to here the same  
11 Hamed Moussa you saw flog the girl that you discussed earlier?

12 A. [11:44:16] Yes, it is he.

13 MR SANDOVAL: [11:44:18] Mr President, if I can move into private session for  
14 about three minutes

15 PRESIDING JUDGE MINDUA: [11:44:30](Interpretation) Mr Courtroom Officer,  
16 private session, please

17 THE INTERPRETER: [11:44:35] Correction from the English booth: "This centre  
18 has at its head the most infamous man ... of Timbuktu over the last few months,  
19 Hamed Moussa ...

20 (Private session at 11.44 a.m.)

21 THE COURT OFFICER: [11:44:45] We're in private session, Mr President.

22 PRESIDING JUDGE MINDUA: [11:44:48](Interpretation) Thank you very much.

23 Mr Prosecutor.

24 MR SANDOVAL:

25 Q. [11:44:52] So Ms Witness, I'll be moving on to another document.

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Trial Hearing  
WITNESS: MLI-OTP-P-0608

(Private Session)

ICC-01/12-01/18

1 I'm showing you a document with ERN MLI-OTP-0061-0047. It's a document  
2 entitled: (Interpretation) [REDACTED]  
3 [REDACTED]  
4 (Overlapping speakers)(Speaks English) And this is in tab 14 of the court binder and  
5 will also be broadcast on evidence 2.

6 Do you recognise this document?

7 A. [11:45:27] Yes, I do recognise it.

8 Q. [11:45:29] [REDACTED]

9 A. [11:45:32] [REDACTED]

10 Q. [11:45:36] [REDACTED] that we see on the first page, is that  
11 [REDACTED]?

12 A. [11:45:47] [REDACTED]

13 Q. [11:45:50] And do you recall [REDACTED] Do you recall where [REDACTED]  
14 [REDACTED]

15 A. [11:46:03] [REDACTED] to my recollection.

16 Q. [11:46:08] So [REDACTED]  
17 [REDACTED] the - on the first page with ERN  
18 0061-0047 and [REDACTED] page 0061-0048.

19 THE INTERPRETER: [11:46:30] Message from the English booth: Could you tell us  
20 precisely where you're starting, please.

21 MR SANDOVAL: [11:46:38] Yes, so in response to the English interpreter, I'm  
22 starting with the last paragraph on the first page, 0061-0047:

23 [REDACTED]  
24 [REDACTED]  
25 [REDACTED]

G

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ICC-01/12-01/18

1 (Speaks English) [REDACTED] in that paragraph on the same page.

2 (Interpretation [REDACTED]  
3 [REDACTED]

4 THE INTERPRETER: [11:47:33] The text is no longer on the screen. Could counsel  
5 please be patient and wait.

6 [REDACTED]  
7 [REDACTED]

8 THE WITNESS: [11:48:03](Interpretation) Yes.

9 MR SANDOVAL: [11:48:12] Mr President, if we could move into open session.

10 PRESIDING JUDGE MINDUA [11:48:19](Interpretation) Mr Courtroom Officer,  
11 open session, please.

12 MR SANDOVAL:

13 Q. [11:48:29] You referred to

14 THE COURT OFFICER: One moment  
15 (Open session at 11.48 a.m.)

16 THE COURT OFFICER: [11:48:35] We're back in open session, Mr President

17 PRESIDING JUDGE MINDUA: [11:48:37](Interpretation) Thank you.

18 MR SANDOVAL: [11:48:42]

19 Q. [11:48:42] You referred to *la justice des moeurs*. Could you explain what you  
20 meant by this?

21 THE INTERPRETER: [11:48:49] "The justice of morality.

22 THE WITNESS: [11:48:55](Interpretation) Yes, what I mean by that is that at the  
23 outset it was just the Islamic police who would punish and arrest all those individuals  
24 who broke the rules that they had introduced according to their Sharia. But when  
25 they introduced these recommendations and prohibitions, then the justice set up

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1 the Centre of Education for the Promotion of Respectability and Prohibition of the  
2 Reprehensible. It was as if they had extended their hand towards the population  
3 with a view to having an attitude that would sensitise the population and tell them  
4 what was agreeable and what was possible for the population. They were saying  
5 that "We are here to regulate morals, to stop people from going out, women from  
6 going out, to stop fornication and to stop the offenders. That's how I understood  
7 this This was just with a view to say that it was the police and the justice of  
8 morality, because the Islamic police was in another location and it is not the stories of  
9 women not wearing a veil that the Islamic justice would judge.

10 MR SANDOVAL: [11:50:47] Mr President, if I can move into private session for  
11 three minutes.

12 PRESIDING JUDGE MINDUA [11:50:56](Interpretation) Mr Courtroom Officer,  
13 private session, please.

14 (Private session at 11.51 a.m.)

15 THE COURT OFFICER: [11:51:07] We're in private session, Mr President.

16 PRESIDING JUDGE MINDUA [11:51:10](Interpretation) Thank you very much  
17 Mr Prosecutor.

18 MR SANDOVAL: [11:51:12]

19 Q. [11:51:13] Ms Witness, I'm showing you another document with ERN 0061-0010,  
20 entitled [REDACTED] And this in tab 12 of your court binder and it is also being  
21 shown on evidence channel 2.

22 Do you recognise this document?

23 A. [11:51:37] Yes. (Overlapping speakers)

24 Q. [11:51:38] [REDACTED]

25 A. [11:51:45] [REDACTED]

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ICC-01/12-01/18

1 Q. [11:51:46] [REDACTED] that we see on the first page, is this

2 [REDACTED] ?

3 A. [11:51:57] [REDACTED]

4 Q. [11:52:02] And do you recall [REDACTED]

5 A. [11:52:11] [REDACTED]

6 Q. [11:52:13] [REDACTED] the first page, 0061-0010 from the second  
7 paragraph and [REDACTED] :

8 [REDACTED]  
9 [REDACTED]  
10 [REDACTED]

11 A. [11:52:55] Yes.

12 MR SANDOVAL: [11:52:56] Mr President, if we could revert to open session

13 PRESIDING JUDGE MINDUA: [11:53:03](Interpretation) Mr Courtroom Officer,

14 open session, please

15 (Open session at 11.53 a.m.)

16 THE COURT OFFICER: [11:53:14] We're back in open session, Mr President

17 PRESIDING JUDGE MINDUA: [11:53:17](Interpretation) Thank you very much,

18 Mr Courtroom Officer.

19 Mr Prosecutor.

20 MR SANDOVAL:

21 Q. [11:53:20] Is the Adama you referred to here the same Adama, the encounter  
22 with whom you described earlier?

23 A. [11:53:34] Yes, it is the same. But when [REDACTED] and

24 I had heard speak a lot about that Adama and what he was up to. Because many

25 people had come from Timbuktu and, when we met, it was really to talk about what

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Trial Hearing  
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1 was going on and who was doing what And Adama was well known, as was  
2 Hamed Moussa.

3 MR SANDOVAL: [11:54:11] Mr President, if we could go into private session for  
4 two minutes.

5 PRESIDING JUDGE MINDUA: [11:54:19](Interpretation) Mr Courtroom Officer,  
6 please, private session.

7 (Private session at 11.54 a.m.)

8 THE COURT OFFICER: [11:54:29] We're in private session, Mr President.

9 PRESIDING JUDGE MINDUA: [11:54:35](Interpretation) Thank you very much,  
10 Mr Courtroom Officer  
11 Mr Prosecutor.

12 MR SANDOVAL:

13 Q. [11:54:40] I'm showing you a document with the ERN 0061-0066 entitled

14 [REDACTED] This is in tab 42 of your court binder and it is also  
15 being shown on evidence channel 2. Do you recognise this document?

16 A. [11:55:10] Yes, I do recognise it

17 Q. [11:55:18] [REDACTED]

18 A. [11:55:19] [REDACTED]

19 Q. [11:55:20] [REDACTED] that we see on the first page, is this

20 [REDACTED]

21 A. [11:55:29] [REDACTED]

22 Q. [11:55:32] [REDACTED]

23 A. [11:55:43] [REDACTED]

24 [REDACTED] I don't exactly

25 know.

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1 Q. [11:55:57] So [REDACTED] that I will

2

3 The first passage is taken from the fourth paragraph of the second page, 0061-0067.

4 THE INTERPRETER: [11:56:18] Could counsel please tell us the first two words of  
5 the paragraph. Thank you.

6 MR SANDOVAL: [11:56:22] Yes. So the first two words of the paragraph are [REDACTED]

7 [REDACTED] (Interpretation) [REDACTED]

8

9 A. [11:56:41] I'm sorry?

10 Q. [11:56:43](Interpretation [REDACTED])

11 A. [11:56:50] I didn't find that paragraph.

12 Q. [11:56:52] It's on the second page, 0061-0067, the fourth paragraph beginning  
13 with the words [REDACTED]

14 (Overlapping speakers) And it's the last line.

15 A. [11:57:10] Uh-huh, okay. Mm-hmm.

16 Q. [11:57:13] And the next passage is from the following paragraph:

17 (Interpretation [REDACTED])

18 (Speaks English) Mr President, if we could revert to open session.

19 PRESIDING JUDGE MINDUA: [11:57:36](Interpretation) Mr Courtroom Officer,  
20 open session, please.

21 (Open session at 11.57 a.m.)

22 THE COURT OFFICER: [11:57:48] We're back in open session, Mr President.

23 PRESIDING JUDGE MINDUA: [11:57:54](Interpretation) Thank you very much,  
24 Mr Courtroom Officer.

25 Mr Prosecutor, please.

Trial Hearing  
WITNESS: MLI-OTP-P-0608

(Open Session)

ICC-01/12-01/18

1 MR SANDOVAL:

2 Q. [11:57:59] Could you please explain what you meant by Islam as a "pretext" and  
3 women as "easy prey".

4 A. [11:58:16] Yes. I'm -- I'm thinking about after that period. [REDACTED]

5 [REDACTED]  
6 [REDACTED] And I understand - well, everyone, all of the inhabitants of

7 Timbuktu, had understood that. We know Islam well. We know its rules. And

8 it's just a pretext for dominating the population and making easy prey of women.

9 Because women are really the most vulnerable strata - stratum of the society. And I

10 would say that throughout the occupation, it was vulnerable women, women or

11 people who were really -- have very little and who have nobody to defend them.

12 They are, generally speaking, the victims of the jihadists and they would use those

13 women to scare others. That's how I understood it.

14 Q. [11:59:32] Thank you, Ms Witness. And if I could remind you that we are in  
15 open session.

16 In relation to the flogging that you witnessed of a girl because a man greeted her,

17 when did this take place?

18 A. [11:59:49] I don't remember that now. I don't remember that anymore. Is that  
19 maybe something that I heard about? I don't remember it now, sincerely.

20 Q. [12:00:03] Do you remember any details about this incident?

21 A. [12:00:11] No. I think it's something that I was told about. If it didn't make an  
22 imprint on my mind, I think it's because I heard about it from someone else. I must  
23 have heard it from others.

24 When people ask me about a particular case, well, you know, I'm quite involved in

25 [REDACTED] so I really was focused, so these cases of women

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1 who had been whipped and - and why that had happened.

2 MR SANDOVAL: [12:00:58] Mr President, if we could move into private session for  
3 about five minutes.

4 PRESIDING JUDGE MINDUA: [12:01:08](Interpretation) I fear you do not have five  
5 minutes. You may have enough time for one last question. You have already taken  
6 up 25 minutes.

7 Court officer, private session for the Prosecutor's last question.

8 MR SANDOVAL: [12:01:30] Mr President, if I could just note for the record that,  
9 while I did estimate during the first session today that I would take 30 more minutes,  
10 I -- I do note that the Prosecution has not used up the entirety of its three and a half  
11 hours that it requested for this witness.

12 PRESIDING JUDGE MINDUA [12:01:58](Interpretation) Yes, but we are subject to  
13 some time pressures.

14 (Private session at 12.02 p.m.)

15 PRESIDING JUDGE MINDUA: [12:02:09](Interpretation) I have explained the whole  
16 issue relating to the Victims and Witnesses Section.

17 What is the situation now, court officer?

18 THE COURT OFFICER: [12:02:19](Overlapping speakers) We're in private session,  
19 your Honour.

20 PRESIDING JUDGE MINDUA: [12:02:21](Interpretation) Thank you very much.

21 Mr Prosecutor.

22 Mr Prosecutor, we are waiting for you.

23 MR SANDOVAL:

24 Q. [12:02:50] Now, Ms Witness, do you recall [REDACTED]

25 floggings you witnessed?

G

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1 A. [12:03:07] Yes, yes. In particular the case of the young girl who was there [REDACTED]

2 [REDACTED] I do remember.

3 Q. [12:03:19] I will be showing you particular timestamps from a video I will not  
4 be playing the video. And that is a video with ERN 0064-1095. And I have gone  
5 straight to timestamp 00:20.

6 A. [12:03:46] I can't see it. It's not visible.

7 Q. [12:03:51] I'll read it out for you.

8 [REDACTED] Interpretation [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 A. [12:04:36] [REDACTED]

13 Q. [12:04:37] [REDACTED]?

14 A. [12:04:49] [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 Q. [12:05:09] So I will move forward to timestamp 08:40.

18 [REDACTED]

19 A. [12:05:26] [REDACTED]

20 Q. [12:05:30] And I'm now moving forward to timestamp 00:08:48:00.

21 [REDACTED]

22 A. [12:05:57] [REDACTED]

23 MR SANDOVAL: [12:06:17] Mr President, if we could revert to open session.

24 PRESIDING JUDGE MINDUA: [12:06:23](Interpretation) Court officer, open session,  
25 please.

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1 (Open session at 12.06 p.m.)

2 THE COURT OFFICER: [12:06:33] We're back in open session, Mr President.

3 PRESIDING JUDGE MINDUA: [12:06:39](Interpretation) Thank you very much.

4 Mr Prosecutor.

5 MR SANDOVAL: [12:06:47] Mr President, I understand that I've run out of time, but

6 if I may beg for your indulgence that I be allowed to ask two last questions.

7 Actually, just to clarify, if -- if we could have five more minutes?

8 PRESIDING JUDGE MINDUA: [12:07:10](Interpretation) Go ahead.

9 MR SANDOVAL:

10 Q. [12:07:17] Ms Witness, are you aware of the *Comité de crise*

11 A. [12:07:27] Yes, yes, I know about that.

12 Q. [12:07:30] And are you aware of a women's demonstration that took place in

13 Timbuktu during the occupation?

14 A. [12:07:43] Yes, I'm aware of that. I learned about it from [REDACTED] I wasn't in

15 Timbuktu.

16 MR SANDOVAL: [12:07:53] Mr President, if we could go into private session for

17 two minutes.

18 PRESIDING JUDGE MINDUA [12:08:01](Interpretation) Court officer, private

19 session, please.

20 (Private session at 12.08 p.m.)

21 THE COURT OFFICER: [12:08:13] We're in private session, Mr President.

22 PRESIDING JUDGE MINDUA: [12:08:17](Interpretation) Thank you very much.

23 Mr Prosecutor.

24 MR SANDOVAL: [12:08:21]

25 Q. [12:08:22] Ms Witness [REDACTED]

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A. [12:08:35]

3

Q. [12:08:37] I'm showing you a document with ERN 0061-0007, entitled:

4

(Interpretation

5

6

(Speaks English) This is in tab 11 of your court binder and it is also being shown on

7

evidence channel 2.

8

Do you recognise this document?

9

A. [12:09:28] (No Interpretation)

10

Q. [12:09:30] Ms Witness, I don't think we captured your response Do you

11

recognise this document?

12

A. [12:09:37] I said yes. Yes, I recognise it.

13

Q. [12:09:41] And that we see on the first page of this

14

document, is this

15

A. [12:09:54]

16

Q. [12:09:57]

17

A. [12:10:06]

I'm

18

not entirely sure Because

this is

19

an image that dates back to the first period of the occupation. I'm not really sure. I

20

really don't know.

21

Q. [12:10:38] And where did you learn about this women's demonstration from?

22

A. [12:10:50] I learned about it in the press. I learned about it online. I saw an

23

article in which it was written that there had been a demonstration of women

24

I tried to glean whatever information I could to find

25

out exactly what really happened.

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3 MR SANDOVAL: [12:11:38] Mr President, if we could revert to open session.

4 PRESIDING JUDGE MINDUA: [12:11:43](Interpretation) Open session,

5 Mr Court Officer.

6 (Open session at 12.11 p.m.)

7 THE COURT OFFICER: [12:11:52] We're back in open session, Mr President.

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

9 Mr Prosecutor.

10 MR SANDOVAL: [12:12:02]

11 Q. [12:12:02] Now, Ms Witness, could you describe very briefly what you learned  
12 about what happened at this women's demonstration?

13 A. [12:12:15] Yes, the demonstration was provoked by some Salafists who had gone  
14 to the market, the fish market. And in practical terms it's old women who sell fish  
15 towards the back, on the way to Bilibangou in Timbuktu. So they wanted to arrest  
16 an old lady who was selling fish because she was not covered up enough. And they  
17 were young people. And truly, when they wanted to arrest the old lady, people,  
18 they removed the veil. And everyone knows that - well, the Salafists don't know  
19 the fish - the women selling fish. In Timbuktu no one tackles those ladies because  
20 they are old ladies who - who don't owe anyone anything and don't respect anyone.  
21 They are real fishmongers. They are women selling fish in the market and  
22 apparently they arrested some of them.

23 MR SANDOVAL: [12:13:36] Mr President, if I could be allowed to show just one  
24 photograph as my final question to the witness.

25 PRESIDING JUDGE MINDUA: [12:13:52](Interpretation) About what? Because

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1 this is starting to - this is really getting to be a bit much.

2 Ms Taylor.

3 MS TAYLOR: [12:14:04] Thank you, Mr President. I just note that the witness was  
4 still speaking when the Prosecutor interrupted. So in accordance with our practice, I  
5 do believe that the witness should have been entitled to finish what she was saying.

6 PRESIDING JUDGE MINDUA: [12:14:27](Interpretation) Yes, Ms Taylor.

7 Sometimes the witness does tend to go on at length.

8 Now, Mr Prosecutor, show the picture and then we're done.

9 MR SANDOVAL: [12:14:44] Thank you, Mr President.

10 Q. [12:14:46] Now, Ms Witness, I'd like to show you a photo, a photograph with  
11 ERN 0012-1844. This is also in tab 17 of the Court binder and is also being broadcast  
12 on evidence channel 2 and it can be broadcast publicly.

13 Do you recognise this person?

14 A. [12:15:13] Not really, but it looks like the one who - the one who - the rapper  
15 who joined the Salafists.

16 Q. [12:15:26] And do you recall his name?

17 A. [12:15:32] Yes, Demba Demba. Yes.

18 MR SANDOVAL: [12:15:38] That concludes my questions for today, Ms Witness

19 And thank you very much, Mr President, your Honours, for your patience.

20 PRESIDING JUDGE MINDUA: [12:15:53](Interpretation) Thank you very much,

21 Mr Prosecutor.

22 I now turn to the Legal Representative of Victims.

23 Counsel, the Chamber has received your filings and, as you can see, the Prosecution  
24 has been quite extensive in terms of their questioning and I'd like to draw attention to  
25 two points.

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1 First of all, the Chamber is of the view that the OTP has opened up issues of concern  
2 to the victims sufficiently in relation to this particular witness.

3 And then our second point, once again in relation with this witness, we have some  
4 rather severe time pressures. So we would like to immediately go to  
5 cross-examination, if that doesn't trouble you too much, Mr Nsita.

6 MR LUVENGIKA: [12:17:05](Interpretation) Thank you, your Honour. Thank you  
7 for allowing me to address the Court. I'd like to reassure the Chamber that given  
8 the quality of the witness and the examination-in-chief, the Legal Representative of  
9 Victims was not intending to put questions to the witness. Although, with all due  
10 respect to the Chamber, the time pressures and the reasons that the Presiding Judge  
11 have -- has advanced are difficult for us because the victims are entitled to put  
12 questions to witnesses who testify before this Chamber. Thank you.

13 PRESIDING JUDGE MINDUA: [12:17:59](Interpretation) Thank you very much for  
14 your observation, Counsel.

15 Now, Ms Taylor, you may proceed.

16 MS TAYLOR: [12:18:24] Thank you very much, Mr President. And just before  
17 starting, I do believe it would be helpful for the Defence to have clarification as to  
18 what the Chamber means by time pressures and the impact that this might have on  
19 cross-examination, given that I don't believe it's feasible for us to finish today. So if  
20 there's any sense of that being required, I do believe that should have been  
21 communicated to the Defence.

22 PRESIDING JUDGE MINDUA: [12:19:01](Interpretation) Thank you very much for  
23 your question. I believe that the Chamber shall need to consult, confer for a few  
24 moments.

25 (Trial Chamber confers)

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1 PRESIDING JUDGE MINDUA: [12:20:47](Interpretation) Ms Taylor, as usual, I take  
2 all objections and propositions very seriously. The Chamber has conferred because  
3 the Chamber is subject to time pressures in relation to the special situation of this  
4 witness.

5 So, of course, our wish is to finish today, possibly with an extension of the day's  
6 agenda. This is the - very much the wish of the Chamber. If you can't, then we can  
7 consider coming back next week. But this is not the Chamber's wish.

8 The Chamber is of the view that all of the issues that have been raised can be brought  
9 together and can be subjected - or can be put - can be subjected to a very short  
10 cross-examination

11 And now it is your responsibility to proceed.

12 MS TAYLOR: [12:22:01] Thank you, Mr President I think it would be have easier  
13 to conduct a short cross-examination if we had a shorter examination-in-chief. So I  
14 do believe that at this point in time we are entitled to rely on the decision on  
15 the conduct of the proceedings and the information we had coming into  
16 the courtroom this morning.

17 So I will do my best, but I certainly will not promise or give any expectation that I will  
18 be able to finish today. And I'm very mindful of the witness and I will do everything  
19 I can not to cause any discomfort on distress to this witness, but at this point in time  
20 I can't radically adjust my cross-examination to curtail it by half.

21 QUESTIONED BY MS TAYLOR:

22 Q. [12:22:51] So, Ms Witness, good afternoon.

23 My name is Melinda Taylor. I'm the counsel

24 A. [12:23:02] Good afternoon, Ma'am.

25 Q. [12:23:04] I'm the counsel for Mr Al Hassan. We met the other day, via video

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1 link, and I'll be putting questions to you today on his behalf.

2 And to start, with the permission of the Presiding Judge, if I can ask to go into private  
3 session.

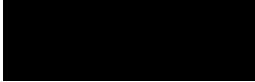
4 PRESIDING JUDGE MINDUA: [12:23:26](Interpretation) Private session, courtroom  
5 officer.

6 (Private session at 12.23 p.m.)

7 THE COURT OFFICER: [12:23:35] We're in private session, Mr President.

8 PRESIDING JUDGE MINDUA: [12:23:39](Interpretation) Thank you very much.

9 Ms Taylor.

10 MS TAYLOR [12:23:45] If we could bring up Defence tab 2, it 

11 If that could be shown on evidence 1.

12 Mr Registrar, is there an issue or can it be displayed on evidence 1

13 THE COURT OFFICER: [12:24:42] If you could give us half a minute. Thank you.

14 The document should be coming up momentarily.

15 (Pause in proceedings)

16 THE COURT OFFICER: [12:26:37] Your Honours, we seem to have a technical  
17 difficulty. The technicians have been informed of this.

18 Your Honours, if the Defence have it on evidence 2 channel then it can be put to the  
19 witness.

20 MS TAYLOR: [12:27:33] I think - thank you very much for the suggestion. I think  
21 we were trying and it wasn't working.

22 We would need to have the cable established after the examination-in-chief

23 THE COURT OFFICER: [12:27:49] The cabling is fine. There's an issue with  
24 the eCourt system. I do not know what the issue is.

25 Your Honours, the witness is being shown the document at the VTC location.

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1 MS TAYLOR: [12:28:31]

2 Q. [12:28:31] Madam Witness, are you able to see a document in front of you which,  
 3 unfortunately, no one else in the Court can see though?

4 Now we can see it.

5 Sorry, Madam Witness, in front of you you should see the word 

6 ?

7 A. [12:28:57] 

8 Q. [12:28:58] I'm going to ask if the interpreters could read it out if they can see  
 9 what's on the screen and if they could translate it at the same time?

10 THE INTERPRETER: [12:29:19] Sight translation

11 THE WITNESS: [12:29:22](Interpretation) Yes, yes, they can.

12 PRESIDING JUDGE MINDUA [12:29:29](Interpretation) Ms Taylor, the witness  
 13 recognises the document and we all have it in front of us. You can go ahead, put  
 14 your question to save some sometime Don't you think

15 MS TAYLOR: [12:29:42] I think it's more appropriate for me to read it out, given that  
 16 my questions are based on the content So I would ask that it be read first before I  
 17 put questions. It's consistent with what we've been directed to do consistently. It  
 18 won't take long.

19 PRESIDING JUDGE MINDUA: [12:29:57](Interpretation) Very well.

20 MS TAYLOR: [12:30:06] If the interpreters could kindly commence

21 THE INTERPRETER: [12:30:09] Sight translation: 

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ICC-01/12-01/18

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8 PRESIDING JUDGE MINDUA: [12:31:23](Interpretation) No, no, not the comments.

9 He's not - that's not the author.

10 MS TAYLOR [12:31:36]

11 Q. [12:31:36] Madam Witness [REDACTED]

12 A. [12:31:41] [REDACTED]

13 Q. [12:31:44] Now, thi [REDACTED] arrest of Mr Al Hassan

14 and his transfer to the ICC. Is this [REDACTED]

15 [REDACTED]

16 A. [12:32:03] Yes, [REDACTED]

17 Q. [12:32:09] Now, is [REDACTED] what you knew and information you

18 collected after his arrest?

19 A. [12:32:31] Well, this [REDACTED]

20 [REDACTED] according to the information that I was able to gather about Al Hassan

21 during that period. When he was the Islamic commissioner, he was, I believe,

22 the first Islamic commissioner. And I did not know him personally. He didn't do

23 much. We could hear that he was a good person. When he went by in his vehicle

24 he would give children sweets, et cetera.

25 Q. [12:33:15] Now, during 2012, is it correct that you spoke to someone called

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2 A. [12:33:26] In 2012, yes, I did talk to somebody by the name of [REDACTED] I  
3 know that person well as well. [REDACTED]

4 Q. [12:33:44] And it's correct he was [REDACTED] Timbuktu [REDACTED] in 2012?

5 A. [12:33:56] [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 Q. [12:34:21] Now, is it correct that when you spoke to [REDACTED] he never  
9 mentioned Al Hassan as someone who committed harm to the local population.

10 A. [12:34:37] Yes, I acknowledge that

11 Q. [12:34:43] Now, is it correct, based on what you heard, that he took care of  
12 elderly people around the BMS?

13 A. [12:35:00] Yes, according to what I heard. And I also talked with an old lady,  
14 [REDACTED] who is in the habit of receiving food and money from him.

15 PRESIDING JUDGE MINDUA: [12:35:23](Interpretation) Ms Taylor, could we not  
16 do this part in open session? The questions, these you're putting now, could they  
17 not be answered in open session?

18 MS TAYLOR: [12:35:31] Yes, I certainly was going to move to open session, but  
19 while identifying sources I would prefer to do that in private session. But I believe  
20 we can move into open session.

21 PRESIDING JUDGE MINDUA: [12:35:46](Interpretation) Mr Courtroom Officer,  
22 open session, please.

23 (Open session at 12.35 p.m.)

24 THE COURT OFFICER: [12:35:59] We're back in open session, Mr President.

25 PRESIDING JUDGE MINDUA: [12:36:05](Interpretation) Thank you very much,

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(Open Session)

ICC-01/12-01/18

1 Mr Courtroom Officer.

2 Ms Taylor.

3 MS TAYLOR: [12:36:13]

4 Q. [12:36:16] Is it correct as well, Ms Witness -- Madam Witness, that he was  
5 sympathetic with the children?

6 A. [12:36:27] Yes, that is correct. That's what people used to say when I asked  
7 them. And even upon his arrest, I tried to cross-reference the information in his  
8 regard with some of the journalists in Timbuktu. And it always came out that he  
9 was somebody who was nice to the populace - with the population and that he was  
10 the nicest Islamic commissioner

11 Q. [12:37:07] And is it correct you never heard, yourself, anyone complain about  
12 him?

13 A. [12:37:21] Yes, that is correct. Correct.

14 Q. [12:37:25] Now, the document we just saw has the words (Interpretation)

15

16

17 A. [12:37:48] Yes.

18 Q. [12:37:49] Madam Witness, is it correct that based on what you yourself heard  
19 and learned, he was not considered to be someone who was responsible for actions  
20 that caused harm to local population?

21 A. [12:38:06] Yes, this is my personal opinion. And, quite sincerely, I didn't deem  
22 him to be responsible for the acts that brought him here. And more - what is more, I  
23 did not identify or hear people speak about something that he did personally.

24 And

25 THE INTERPRETER: [12:38:32] The connection has broken off with the witness.

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Trial Hearing

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1 THE WITNESS: [12:38:40](Interpretation) I based myself all - on all the information  
2 that I received to say that he was not responsible, that it was just people who were  
3 executing orders that came from above.

4 MS TAYLOR:

5 Q. [12:38:58] Madam Witness, I apologise. We had a connection break. Basically,  
6 in the transcript we have that you said: "I did not identify or hear people speak about  
7 something that he did personally and " and then it broke off.

8 Do you recall what you said?

9 A. [12:39:21] Yes. I said that this is really my personal opinion and it is not  
10 somebody whom I knew during the occupation He was there during  
11 the occupation. The Salafists and all of those people who were there, and they were  
12 identified, people would talk about them a lot. But as for him, really, I didn't hear  
13 anything about him, anything that he might have done to somebody that might have  
14 been bad I didn't hear anything like that, and I didn't see anything either during  
15 the two periods that I was in Timbuktu under the occupation.

16 Q. [12:40:06] I'm going to go to another document.

17 And I would ask the permission of the Presiding Judge to go briefly into private  
18 session, and then I believe I can ask follow-up questions in open session

19 PRESIDING JUDGE MINDUA: [12:40:23](Interpretation) Mr Courtroom Officer,  
20 please.

21 (Private session at 12.40 p.m.)

22 THE COURT OFFICER: [12:40:37] We're in private session, Mr President.

23 PRESIDING JUDGE MINDUA: [12:40:40](Interpretation) Thank you very much,  
24 Mr Courtroom Officer.

25 Ms Taylor.

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(Private Session)

ICC-01/12-01/18

1 MS TAYLOR:

2 Q. [12:40:44] Now, Madam Witness, is it correct that you were interviewed by  
3 the ICC Prosecution [REDACTED]?

4 A. [12:40:57] Yes, that is correct.

5 Q. [12:40:59] And was this after [REDACTED]  
6 [REDACTED] Mr Al Hassan's arrest?

7 A. [12:41:12] I do not remember, quite sincerely. I don't recall.

8 Q. [12:41:18] If we could bring up Defence tab 37. It's MLI-OTP-0080-4079. If it  
9 could be shown on evidence 1.

10 Madam Witness, this is a [REDACTED]  
11 [REDACTED]  
12 [REDACTED]

13 Does this refresh your memory? [REDACTED]

14 A. [12:42:25] Yes, yes. [REDACTED]

15 But I couldn't really recall the date. If you hadn't told me, I wouldn't have  
16 remembered.

17 MS TAYLOR: [12:42:44] Mr President, I believe we can go into open session for  
18 the follow-up questions.

19 MR SANDOVAL: [12:42:48] Mr President.

20 PRESIDING JUDGE MINDUA: [12:42:49](Interpretation) Yes, Mr Prosecutor.

21 MR SANDOVAL: [12:42:54] Mr President, just to raise a brief point. I believe  
22 the - the Defence is referring to [REDACTED] was

23 shown to the witness, but [REDACTED]  
24 [REDACTED]  
25 [REDACTED]

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1 PRESIDING JUDGE MINDUA: [12:43:25](Interpretation) Ms Taylor

2 MS TAYLOR: [12:43:26] Mr President, the problem with that would be I would not  
3 be able to do it in open session, and we would also lose time because you would [REDACTED]

4 [REDACTED] So, unless  
5 there's any dispute, this is a Prosecution item of evidence. [REDACTED]

6 [REDACTED] I do believe it would be easier to do this in open session, and quicker,  
7 to rely on [REDACTED] unless there's any dispute. But this is a Prosecution

8 [REDACTED] So I'd be surprised if they were disputing  
9 the accuracy of it.

10 PRESIDING JUDGE MINDUA [12:44:05](Interpretation) Mr Prosecutor, I do

11 believe that Madam Witne [REDACTED] wer these

12 questions, because she has [REDACTED] So let's

13 follow the methodology of the Defence, please.

14 Ms Taylor, are we going to go into open session?

15 MS TAYLOR: [12:44:33] Yes, I believe. I might have to ask a few questions in  
16 private session, but I'm going to try to do as much as possible in open session.

17 PRESIDING JUDGE MINDUA: [12:44:45](Interpretation) Yes, indeed.

18 Mr Courtroom Officer, please.

19 (Open session at 12.44 p.m.)

20 THE COURT OFFICER: [12:44:57] We're back in open session, Mr President.

21 PRESIDING JUDGE MINDUA: [12:45:06](Interpretation) Thank you very much,

22 Mr Courtroom Officer.

23 Ms Taylor.

24 MS TAYLOR:

25 Q. [12:45:08] Now, Madam Witness, we're in open session, so I would just invite

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Trial Hearing

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WITNESS: MLI-OTP-P-0608

1 you not to mention anything that might be identifying. We were speaking  
2 specifically about a particular radio station. The radio station Studio Tamani, is this  
3 a station that's broadcast in Timbuktu and Bamako?

4 A. [12:45:36] This is a radio station belonging to a Swiss NGO which uses local  
5 radios to broadcast programmes.

6 Q. [12:45:48] Do you know if it's listened to in Timbuktu and Bamako?

7 A. [12:46:01] Yes, it can be heard from Timbuktu. Their programmes are  
8 broadcast in Timbuktu and all over Mali, in fact. And they have broadcasts that are  
9 online, even.

10 Q. [12:46:23] If we could turn to page 4080 of this document. If we could look at  
11 lines 8 to 10.

12 And, Madam Witness, at this point the announcer on this radio broadcast refers to Al  
13 Hassan as Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud (Interpretation)  
14 "Islamic Commissioner of Timbuktu during the occupation of the city by the jihadist  
15 groups in 2012.

16 (Speaks English) Now, Madam Witness, do you recall hearing Al Hassan being  
17 described as the *Commissaire* islamique in radio broadcasts?

18 A. [12:47:38] Yes, I did hear him being described as the Islamic commissioner, yes.

19 Q. [12:47:42] And is it correct that you only heard him being described as  
20 the commissioner of the Islamic police after he was transferred to the Prosecution - to  
21 the ICC?

22 A. [12:48:01] Yes, it was after his transfer.

23 Q. [12:48:05] And would you agree that there were many foreign chiefs of the  
24 Islamic group whose names and positions were not known to the local population?

25 A. [12:48:21] Yes. In reality, that was true. The information would circulate

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1 saying that he might be this or that. But in reality, the population did not have  
2 people on the inside to know exactly who was what within the organisation and  
3 the administration of the Salafists during the occupation.

4 And as for me, quite sincerely, throughout the entire occupation, I did not know that  
5 he was the Islamic commissioner, no.

6 Q. [12:49:02] Now if we could turn to page 4088, lines 370 to 371. This is not being  
7 shown to the public.

8 Madam Witness, here on this document we can see someone - I'm not going to give  
9 their name - referring to "Ahmad Mossa" as (Interpretation) "the commissioner of the  
10 Islamic police.

11 (Speaks English) Now, Madam Witness, is it correct that you yourself thought that  
12 Hamed Moussa was a *commissaire* of the Islamic police?

13 A. [12:50:08] Yes, yes, I thought that Hamed Moussa was the commissioner.  
14 Really, I did.

15 Q. [12:50:17] And based on your conversation with locals from Timbuktu, would  
16 you agree that other locals from Timbuktu also thought that Hamed Moussa was  
17 a *commissaire* of the Islamic police?

18 MR SANDOVAL: [12:50:33] Mr President, the Prosecution objects

19 PRESIDING JUDGE MINDUA: [12:50:37](Interpretation) Mr Prosecutor.

20 MR SANDOVAL: [12:50:40] If - if I may request that the witness be disconnected  
21 before I explain my objection.

22 PRESIDING JUDGE MINDUA: [12:50:54](Interpretation) Mr Courtroom Officer,  
23 could you please cut off the sound to the witness.

24 THE COURT OFFICER: [12:50:58] Your Honours, the sound to the witness has been  
25 cut off.

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1 PRESIDING JUDGE MINDUA: [12:51:03](Interpretation) Thank you very much.

2 Mr Prosecutor.

3 MR SANDOVAL: [12:51:05] Mr President, the Defence is asking the witness to  
4 speculate through its question. And it's in fact the second time that the Defence  
5 has -- has sought speculations from the witness.

6 MS TAYLOR: [12:51:21] Mr President, I'm happy to reformulate my question.

7 PRESIDING JUDGE MINDUA: [12:51:29](Interpretation) Yes, Ms Taylor, please go  
8 ahead and rephrase.

9 MS TAYLOR: [12:51:34] If the sound could be connected.

10 PRESIDING JUDGE MINDUA [12:51:38](Interpretation) Yes, indeed  
11 Mr Courtroom Officer, please.

12 THE COURT OFFICER: [12:51:48] Your Honours, the sound to the witness has been  
13 re-established.

14 PRESIDING JUDGE MINDUA [12:51:52](Interpretation) Thank you very much,  
15 Mr Courtroom Officer.

16 Ms Taylor.

17 MS TAYLOR:

18 Q. [12:51:57] Madam Witness, when you spoke to people from Timbuktu about  
19 Hamed Moussa, did they mention him as being in charge of the Islamic police or  
20 working for the Islamic police?

21 A. [12:52:21] Well, I didn't really dwell on that point. But I was told and I was  
22 able to note that, during the occupation, Hamed Moussa was deemed to be  
23 the Islamic commissioner. I don't know. Really, one doesn't know much about  
24 their organisation. We, those of Timbuktu, considered him, Hamed Moussa, as  
25 the Islamic commissioner.

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1 Q. [12:52:53] Now, Madam Witness, in 2012 were you aware of the difference  
2 between the shurta, the Islamic police, and the *Hesbah*, the morals brigade headed by  
3 Hamed Moussa?

4 A. [12:53:16] The Islamic police and the morality brigade? Well, I noted  
5 the difference after having spent some time in Bamako, and upon my return I noted  
6 that the Islamic police had changed name. There was no longer any Islamic police as  
7 such in Timbuktu, but it was written the Centre of Education for the Promotion of  
8 Respectability and Prohibition of the Reprehensible. So I understood that really it  
9 was the morality brigade and that the Islamic police were doing other things such as  
10 issuing the *laissez-passers* for vehicles. So it was in another location. It was no  
11 longer legible that the Islamic police was located in such-and-such a place. I didn't  
12 see that.

13 MS TAYLOR: [12:54:21] Mr President, if I may ask one question or one or two  
14 questions in private session.

15 PRESIDING JUDGE MINDUA: [12:54:28](Interpretation) Yes, indeed.

16 Mr Courtroom Officer, private session, please.

17 (Private session at 12.54 p.m.)

18 THE COURT OFFICER: [12:54:41] We're in private session, Mr President

19 PRESIDING JUDGE MINDUA: [12:54:45](Interpretation) Thank you very much,

20 Mr Courtroom Officer.

21 Ms Taylor.

22 MS TAYLOR: [12:54:49]

23 [REDACTED] tness, it's correct, isn't it, tha [REDACTED]  
24 [REDACTED] Hamed Moussa and the Islamic police?

25 A. [12:55:09] Yes, that is correct.

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1 MR SANDOVAL: [12:55:12] Mr President.

2 PRESIDING JUDGE MINDUA: [12:55:13](Interpretation) Mr Prosecutor.

3 MR SANDOVAL: [12:55:14] In terms of the referenc [REDACTED] could the Defence  
4 counsel seek to clarify of which year.

5 PRESIDING JUDGE MINDUA: [12:55:26](Interpretation) Ms Taylor.

6 MS TAYLOR: [12:55:28] Certainly, Mr President.

7 We're referring to [REDACTED]

8 Q. [12:55:35] That's correct, Madam Witness?

9 A. [12:55:37] Yes [REDACTED]

10 Q. [12:55:42] And, Madam Witness, [REDACTED] the words "Islamic police" in  
11 [REDACTED] referring to the group that was run or that worked for  
12 Mohamed Moussa?

13 MR SANDOVAL: [12:55:57] Mr President.

14 PRESIDING JUDGE MINDUA [12:56:00](Interpretation) Mr Prosecutor

15 MR SANDOVAL: [12:56:01] If the witness could first be disconnected before I  
16 proceed.

17 PRESIDING JUDGE MINDUA: [12:56:12](Interpretation) Mr Courtroom Officer,  
18 please.

19 MR SANDOVAL: [12:56:14] Mr President, the question is misleading because it  
20 refers to [REDACTED] with [REDACTED] tifying [REDACTED] those are [REDACTED] The witness  
21 needs to be shown the speci [REDACTED] that the Defence wishes to question her about.

22 PRESIDING JUDGE MINDUA: [12:56:34](Interpretation) Ms Taylor, it is true that  
23 your question is rather broad. You would need to home in somewhat.

24 MS TAYLOR: [12:56:41] Thank you, Mr President.

25 In that case, I'll move on. But I do note that I was trying to shorten my

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1 cross-examination. But I'm very happy to go through ██████████ but I think  
2 this speaks to the fact that it's just simply not possible for to us curtail our  
3 cross-examination in a way that avoids objections.

4 PRESIDING JUDGE MINDUA: [12:57:07](Interpretation) Mr Prosecutor.

5 MR SANDOVAL: [12:57:09](Overlapping speakers) Mr President, the Prosecution  
6 appreciates the Defence to speed up the proceedings, but - but perhaps the Defence  
7 could refer to at least one or two ██████████ ust, just for the - the witness's benefit.

8 PRESIDING JUDGE MINDUA: [12:57:27](Interpretation) Very well. But Ms Taylor  
9 did offer to move on to something else, I believe.

10 MS TAYLOR [12:57:35] Certainly, Mr President In the interest of not losing time  
11 I'm going to stay on this, because I'm now on a particular document and if I go back  
12 and forth we'll lose time

13 If we could turn to page 4086 of this document. And I believe we could perhaps be  
14 in open session.

15 Are we in open session?

16 PRESIDING JUDGE MINDUA [12:57:59](Interpretation) Mr Courtroom Officer, are  
17 we in private session? Could we please move into open session.

18 (Open session at 12.58 p.m.)

19 THE COURT OFFICER: [12:58:17] We're back in open session, Mr President.

20 Shall we re-establish the connection to the witness?

21 PRESIDING JUDGE MINDUA: [12:58:24](Interpretation) Yes, indeed. Do please  
22 re-establish the connection.

23 THE COURT OFFICER: [12:58:34] Your Honours, the sound to the witness has been  
24 re-established.

25 PRESIDING JUDGE MINDUA: [12:58:39](Interpretation) Thank you very much,

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1 Mr Courtroom Officer.

2 Ms Taylor.

3 MS TAYLOR: [12:58:42]

4 Q. [12:58:43] If we could turn to page 4086 of this document and hone in on lines  
5 280 to 289.

6 And again to save time, if perhaps, Madam Witness, if you don't mind reading  
7 between lines 280 to 289.

8 A. [12:59:28] All right.

9 MS TAYLOR: [12:59:28] And then I think it will be time for the break. And then I  
10 can put questions afterwards, if that would be acceptable to the Presiding Judge

11 PRESIDING JUDGE MINDUA: [12:59:38](Interpretation) Yes, indeed, Ms Taylor.

12 So, for the time being, what are we going to do? What are we doing

13 Mr Courtroom Officer, let us move back into open session. Madam witness can then  
14 read through the document. And then when we return, Ms Taylor can continue  
15 Ms Taylor, is that agreeable to you?

16 MS TAYLOR: [13:00:06] Yes, certainly, Mr President

17 THE COURT OFFICER: [13:00:09] Your Honours, we're in open session.

18 PRESIDING JUDGE MINDUA [13:00:14](Interpretation) Thank you very much,

19 Mr Courtroom Officer.

20 So it is 1 p.m. We shall now rise for lunch and we shall reconvene at 2.30.

21 Court is suspended.

22 THE COURT USHER: [13:00:30] All rise.

23 (Recess taken at 1.00 p.m.)

24 (Upon resuming in open session at 2.32 p.m.)

25 THE COURT USHER: [14:32:49] All rise.

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1 Please be seated.

2 PRESIDING JUDGE MINDUA: [14:33:12](Interpretation) Court is in session.

3 Good afternoon to everyone.

4 The Defence has the floor. Ms Taylor.

5 MS TAYLOR: [14:33:23] Thank you, Mr President. I would firstly just like to note

6 for the record that we've lost Ms Julia Basile but gained Ms Dolly Chahla. So there's

7 been a change in composition.

8 Q. [14:33:32] Good afternoon, Madam Witness, how are you?

9 A. [14:33:42] Good afternoon.

10 Q. [14:33:44] I'm going to refer to something that was mentioned earlier today, and

11 I would just like to underscore that we are in open session.

12 Now, today at transcript 154 at pages 51 to 52, the Prosecution were asking you about

13 a document, this is OTP tab 14, MLI-OTP-0061-0047. It was a document dated

14 29 October 2012. I'm not giving the title but I will read out what you said about this

15 document. This was from page 51 from lines 24 to page 52 lines 14:

16 "... the Islamic police who would punish and arrest all those individuals who broke

17 the rules that they had introduced according to their Sharia. But when they

18 introduce these recommendations and prohibitions, then the justice set up the Centre

19 of Education for the Promotion of Respectability and the Prohibition of the

20 Reprehensible. It was as if they had extended their hand towards the population

21 with a view to having an attitude that would sensitise the population and tell them

22 what was agreeable and what was possible for the population.

23 A. [14:35:29] Yes, yes, that's what I thought.

24 Q. [14:35:32] "They were saying that we are here to regulate morals, to stop people

25 from going out, women from going out, to stop fornication and to stop the offenders.

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1 That's how I understood this. This was just with a view to say that it was the police  
2 and the justice of morality, because the Islamic police was in another location and it's  
3 not the stories of women not wearing a veil that the Islamic justice would judge

4 A. [14:36:12] Yes.

5 Q. [14:36:13] Now, Madam Witness, if you recall, we were discussing a document  
6 that showed a building with the words "justice" written on it.

7 And at the end of the quote you say: "The Islamic police was in another location. By  
8 "another location" do you mean that the Islamic police was in a different location than  
9 the building that had the sign "justice"?

10 A [14:36:51] [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 MS TAYLOR: [14:37:10] Mr President, may I briefly go into private session.

14 PRESIDING JUDGE MINDUA [14:37:17](Interpretation) Court officer.

15 (Private session at 2.37 p.m.)

16 THE COURT OFFICER: [14:37:27] We're in private session, Mr President

17 PRESIDING JUDGE MINDUA: [14:37:33](Interpretation) Thank you very much.

18 Ms Taylor.

19 MS TAYLOR: [14:37:35]

20 Q. [14:37:36] I apologise, Madam Witness, it was just to explain that we're in public  
21 session. I understand that the necessary actions might be done, if it's necessary, to  
22 redact the transcript. But I would just like to remind you [REDACTED]

23 [REDACTED]

24 A. [14:37:56] Okay. Okay, thank you.

25 PRESIDING JUDGE MINDUA: [14:38:01](Interpretation) Court officer.

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1 MS TAYLOR: [14:38:03] If we could now go back into open session.

2 (Open session at 2.38 p.m.)

3 THE COURT OFFICER: [14:38:13] We're back in open session, Mr President.

4 PRESIDING JUDGE MINDUA: [14:38:17](Interpretation) Thank you very much,  
5 court officer.

6 Counsel.

7 MS TAYLOR: [14:38:22]

8 Q. [14:38:23] Now this document is dated 29 October and it refers to the Islamic  
9 police dealing with women for not wearing the veil. Now, Madam Witness, would  
10 it be correct that this is referring to Hamed Moussa and the people working for him

11 A. [14:38:50] Which document.

12 Q. [14:38:54] Madam Witness, I can put it on the screen if it's easier. It is an OTP  
13 tab 14. It was MLI-OTP-0061-0047. And I believe you have it in a binder next to  
14 you. It's the Prosecution binder tab 14. It was a document with the photo of  
15 the Islamic justice.

16 A. [14:39:21] Okay, yes.

17 Q. [14:39:23] As I mentioned earlier, when this was shown to you, you talked about  
18 the difference between the police and the tribunal.

19 A. [14:39:35] Yes, yes.

20 Q. [14:39:37] And you talk about the stories of women not wearing a veil. That  
21 was in your response to a question from the Prosecution.

22 MR SANDOVAL: [14:39:49] Mr President.

23 PRESIDING JUDGE MINDUA: [14:39:52](No interpretation)

24 MR SANDOVAL: [14:39:54] Mr President, we object on the basis that the question is  
25 misleading. The - the witness did not say - did not refer to the difference between

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1 the police and the tribunal. The Defence counsel should refer to the specific words  
2 used by the witness.

3 The words - actually, if the witness could first be disconnected.

4 PRESIDING JUDGE MINDUA: [14:40:22](Interpretation) We've understood.

5 Please reformulate. That way we'll save time.

6 MS TAYLOR: [14:40:30] Thank you, Mr President. I was just trying to orient  
7 the witness to the specific document that we were talking about.

8 Q. [14:40:37] Now, Madam Witness, do you have this document in front of you?

9 A. [14:40:44] Yes, I've got it in front of me.

10 Q. [14:40:47] Just so you know, this is not being shown to the public

11 Now, this morning when you were discussing this particular document, you were  
12 discussing the stories of women not wearing a veil.

13 Now, when you

14 A. [14:41:08] Yes

15 Q. [14:41:09] (Overlapping speakers) this morning talked about these stories, were  
16 you referring to the actions of Hamed Moussa and the people who worked for him?

17 A. [14:41:22] Yes. I was referring to that, yes.

18 Q. [14:41:28] Now, Madam Witness, is it correct that you thought that Ahmad  
19 Al Faqi was a commissioner of the Islamic police?

20 A. [14:41:43] Al Faqi, at a certain time, yes, when there were pictures of him  
21 administering floggings to a couple in public. I wasn't in Timbuktu, but I learnt  
22 about that through the press and on the television. I think also there's a colleague  
23 who told me that he was the Islamic commissioner at the time.

24 Q. [14:42:20] Did you think, therefore, that the people working for Al Faqi were  
25 the Islamic police?

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1 A. [14:42:34] No, I didn't know. I didn't know Al Faqi or the people who were  
2 working with him. I wasn't in Timbuktu at the time when he had a function within  
3 the Islamic police.

4 I didn't really see him. I didn't see him exercising a function as an Islamic  
5 commissioner. Al Faqi, no, I didn't see him exercising as an Islamic policeman or an  
6 Islamic commissioner.

7 Q. [14:43:10] Now, Madam Witness, before the break we were discussing  
8 a particular document. And I'll just ask that be put up on the screen again for you.  
9 It's not going to be shown to the public. It was Defence tab 37. It was  
10 MLI-OTP-0080-4079 And we were looking at page 4086 And before the break we  
11 had lines 280 to 289 on the screen.

12 So if those could be put back on the screen  
13 Madam Witness, did you have an opportunity to read those lines before we broke for  
14 lunch

15 A. [14:44:29] Yes, I started reading. I'd starting reading from line 80.

16 Q. [14:44:38] And did you get up to lines 289?

17 A. [14:44:49] No, I stopped before.

18 Q. [14:44:52] I apologise I'll just give you the time to finish reading up to lines  
19 289.

20 Now, Madam Witness, we're in open session. Is this document referring to a group  
21 called the MNLA?

22 A. [14:45:41] Yes.

23 Q. [14:45:44] And is it referring to crimes committed by the MNLA in April 2012?

24 A. [14:45:55] Yes. It refers to what I was able to see, not to the crimes, because  
25 I didn't see the MNLA kill somebody in 2012. But it does refer to what I saw.

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1 Ransacking of goods, whether it was of the state, of the administration, vehicles that  
2 were taken. That's it.

3 Q. [14:46:32] Did they also take computers and equipment?

4 A. [14:46:41] Yes. They took everything they could.

5 We also have to add that it wasn't just the armed groups who took things.

6 The - the people also took things. They added to the looters. And there was  
7 pillaging done by the army. But there was also pillaging done by the population  
8 itself.

9 MS TAYLOR: [14:47:10] I've a few questions of a personal nature. If we could go  
10 into private session, Mr President

11 PRESIDING JUDGE MINDUA: [14:47:18](Interpretation) Of course, Ms Taylor.  
12 Court officer.

13 (Private session at 2.47 p.m.)

14 THE COURT OFFICER: [14:47:28] We're in private session, Mr President

15 PRESIDING JUDGE MINDUA: [14:47:33](Interpretation) Thank you very much,  
16 court officer.

17 Ms Taylor.

18 MS TAYLOR:

19 Q. [14:47:36] Now, Madam Witness, I just have a few questions about [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 A. [14:47:57] [REDACTED]

23 Q. [14:48:08] [REDACTED]

24 A. [14:48:16] [REDACTED]

25 Q. [14:48:19] So would it be correct that it has a francophone focus?

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1 A. [14:48:30] No. [REDACTED] is not about the French-speaking countries as such.

2 It's just about people who speak in French. Then [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 Q. [14:49:16] [REDACTED]

8 [REDACTED] ?

9 A. [14:49:31] [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 Q. [14:50:05] [REDACTED]

14 A. [14:50:17] [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 Q. [14:50:47] [REDACTED]

19 [REDACTED] ?

20 A. [14:51:00] Yes, yes, I can recognise that

21 Q. [14:51:05] [REDACTED]

22 [REDACTED] ?

23 A. [14:51:21] Well, it's not exaggeration. But it's [REDACTED] My way of

24 understanding things. It's my expression. It's the way I express myself, [REDACTED]

25 [REDACTED] Not exaggeration. [REDACTED]

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1 Q. [14:51:51] Now, Madam Witness, you've spoken about the times you were

2 present in Timbuktu. Do you recall [REDACTED] that you [REDACTED]

3 [REDACTED]

4 A. [14:52:14] [REDACTED] I don't remember.

5 Q. [14:52:22] If we could bring up OTP tab 16 That's MLI-OTP-0061-0061.

6 And I believe this was shown - this [REDACTED] to you.

7 A. [14:53:06] Yes.

8 Q. [14:53:08] This is correct [REDACTED]

9 A. [14:53:14] Yes, [REDACTED]

10 Q. [14:53:17] And if we can go to page 0061 I apologise. It's 0062. If we look at  
11 the first paragraph.

12 A. [14:53:39] That's it.

13 Q. [14:53:45] Do you have that in front of you, Madam Witness?

14 A. [14:53:52] Yes

15 Q. [14:53:53] Have you read that first paragraph?

16 A. [14:54:00] Yes

17 Q. [14:54:02] Would it be correct, Madam Witness, tha [REDACTED] quite  
18 early on in the occupation?

19 A. [14:54:16] No, that wouldn't be correct. I don't remember the exact date [REDACTED]

20 [REDACTED]

21 Q. [14:54:31] Now, you [REDACTED] Was this on

22 [REDACTED]

23 A. [14:54:46] I don't know the exact date on which I arrived in Timbuktu, but it was

24 in [REDACTED]

25 Q. [14:54:55] If we could look at Defence tab 36. It's MLI-OTP-0077-4948.

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1 Is that up on the s

2 Madam Witness, [REDACTED] ?

3 A. [14:56:12] [REDACTED]

4 Q. [14:56:16] Now, [REDACTED]

5 [REDACTED] (Interpretation) [REDACTED]

6 [REDACTED]

7 A. [14:56:36] Yes.

8 Q. [14:56:40] So, Madam Witness, would it be correct that you arrived in Timbuktu

9 just either on or just before [REDACTED] ?

10 A [14:56:51] Yes, certainly before [REDACTED] it takes

11 two days. [REDACTED] you spend the night there, and then in the morning you

12 leave [REDACTED] and arrive on the same day. Certainly [REDACTED]

13 [REDACTED]

14 MS TAYLOR: [14:57:17] Mr President, I believe I can ask the next couple of

15 questions in open session.

16 PRESIDING JUDGE MINDUA [14:57:24](Interpretation) Very well.

17 Court officer, open session, please.

18 (Open session at 2.57 p.m.)

19 THE COURT OFFICER: [14:57:38] We're back in open session, Mr President.

20 PRESIDING JUDGE MINDUA: [14:57:44](Interpretation) Thank you very much,

21 court officer.

22 Ms Taylor.

23 MS TAYLOR:

24 Q. [14:57:49] Now, Madam Witness, when you were travelling between Bamako

25 and Timbuktu, did you meet someone who told you about a member of the group

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1 being punished for raping a woman?

2 A. [14:58:16] No, I don't remember. Even if it happened, I don't remember that.

3 Q. [14:58:31] Now, Madam Witness, we still have the same document in front of  
4 you.

5 A. [14:58:39] There's nothing in the document.

6 Ah, okay. Please could you show it.

7 Q. [14:59:26] Madam Witness, I might come back to that document.

8 Is it -- Madam Witness, is it correct that you were not present in Timbuktu when  
9 the group, the armed group or the jihadists left?

10 A. [14:59:54] Yes Yes, it's correct I wasn't in Timbuktu

11 Q. [14:59:59] Now, Madam Witness, when you were in Bamako, is it correct that  
12 there were issues concerning the phone and network connection, that is your ability  
13 to communicate with people in Timbuktu?

14 MR SANDOVAL: [15:00:20] Mr President

15 MS TAYLOR: [15:00:22] I can reformulate that.

16 MR SANDOVAL: [15:00:25] If the Defence could just be clear on - on the specific  
17 period that she is referring to as to when the witness was in Bamako.

18 PRESIDING JUDGE MINDUA [15:00:38](Interpretation) Ms Taylor

19 MS TAYLOR: [15:00:39] Thank you, Mr President.

20 Q. [15:00:41] Now I'm speaking specifically of 2012. Were there issues with  
21 the phone network and internet coverage? Did it break down during the course of  
22 2012?

23 A. [15:01:04] Yes, it was towards the end of 2012. I was in Bamako and we would  
24 use - well, we called our relatives a great deal and we would use the telephone for  
25 making transfers with a company. So towards the last week of the occupation there

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1 was no telephone coverage at all. Communication didn't work and we had no  
2 contact with the family in Timbuktu.

3 Q. [15:01:44] Now, when the telephone network wasn't working, did you rely on  
4 the news and RFI to obtain news as to what was happening in Timbuktu?

5 A. [15:02:10] I always follow the news over the radio, RFI and other radios that I  
6 listen to, and over the internet as well. But there is a community of people hailing  
7 from Timbuktu in Bamako where people meet up for weddings and such things, and  
8 then we exchange information. And that is really what I would refer to as my  
9 information network in Timbuktu. But latterly, the last week there was very little  
10 information.

11 It is true that [REDACTED] But  
12 the information that RFI gives out, I do take it with a pinch of salt because I have been  
13 asked in the past. People on RFI once said that the jihadists went into people's  
14 houses to get their televisions, but I deny that piece of information because when  
15 I was there nobody's television was ever taken.

16 Q. [15:03:35] Now, Madam Witness, we're in open session. You referred to this  
17 account of jihadists taking television sets. Did you also encounter any other false  
18 allegations on social media networks?

19 A. [15:04:09] Yes, I did find others. There was a Malian newspaper that wrote that  
20 the jihadists were raping women who were at the Islamic police. I also denied that.  
21 And I never heard about this, nor did I see it. I deny that it was true.

22 Q. [15:04:36] And did you also hear about - false allegation about Islamists taking  
23 drugs?

24 A. [15:04:52] With regard to drugs, I wouldn't be able to say. I can't say whether  
25 these allegations were true or false. In the first days, I heard that when the jihadists

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1 arrived there were suspicious deaths at the camp in Timbuktu. Some people said  
2 that it was the saints who killed them, but others said that it was certainly overdoses.  
3 I can't say whether it was one or the other. I can't say.

4 Q. [15:05:33] And did you hear about allegations of a stoning?

5 A. [15:05:47] A stoning where?

6 Q. [15:05:51] A stoning in or around Timbuktu. Something described as the -- *le*  
7 *fameuse lapidation de 2012*?

8 A. [15:06:03] No. Well, said stoning really wasn't in Timbuktu. I heard about it.  
9 I tried to cross-reference. This was an information, a piece of information that I  
10 heard over the internet, first of all, and through the internet I tried to ascertain  
11 the source of the information. The person who was talking about the stoning was  
12 saying that it was an MP or - or an elected person from Aguelhok who confided that  
13 individuals had been stoned. I tried to use my network in Ménaka, in Aguelhok  
14 because I had associations with people living there. But I wasn't really able to certify  
15 that this allegation was true. And I am convinced that this stoning is false.

16 Q. [15:07:13] If we could just bring up Defence tab 15. It 

17 And it won't be shown to the public.

18 And if it could be scrolled down to the comment at the bottom. I'm not going to read  
19 it out because we're in public.

20 Madam Witness, without identifying anyone, do you recognise this account?

21 A. [15:08:23] Yes, I do recognise it.

22 Q. [15:08:27] And the information that's written at the bottom of this document, is  
23 this what you're talking about now? Is this referring to the same stoning?

24 The same lapidation?

25 A. [15:08:46] Yes, this is a reference to the same stoning.

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1 Q. [15:08:56] Now, Madam Witness, are you familiar with the reporting of ORTM?

2 A. [15:09:12] The report?

3 Q. [15:09:14] Are you familiar with a media station called ORTM? A media  
4 network. And it might be my pronunciation.

5 A. [15:09:28] Yes, the ORTM is the office of radio and television of Mali.

6 Q. [15:09:41] Now, it's correct, isn't it, that this is a state-owned media network?

7 A. [15:09:54] Yes, it is state owned and they have radio stations in virtually all  
8 the regions of Mali.

9 Q. [15:10:04] And is it correct that the contents of its report tend to reflect  
10 the position of state authorities

11 A. [15:10:23] Yes, I do believe so. I do believe so. At a given moment in time I  
12 called them the ORPM

13 Q. [15:10:36] Did the P stand for propaganda?

14 A. [15:10:45] No RPM, the last three letters, was the political party of the  
15 president at the time, meaning that they were communicating on behalf of the party  
16 in power.

17 Q. [15:11:06] So if they were communicating on behalf of the party in power, would  
18 this be a form of propaganda?

19 A. [15:11:16] Yes, for me, yes.

20 Q. [15:11:23] Now, Madam Witness, I'm going to go back in time a bit. Are you  
21 aware of a military operation in 1994 that led to the deaths of Tuaregs and Arabs in  
22 Timbuktu?

23 A. [15:11:47] Yes. In fact, in 1994 I was not in Mali, really. So that is a period,  
24 even if I were to say things, these would be things that I had heard or that were  
25 reported. Otherwise, I really didn't experience it. I heard things through the press

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1 or in reports. Otherwise ...

2 THE INTERPRETER: [15:12:17] The witness trails off.

3 MS TAYLOR: [15:12:20]

4 Q. [15:12:20] Do you know an Arab individual called Banya Baba?

5 A. [15:12:30] Yes, I know Banya Baba.

6 Q. [15:12:36] And what do you know about this individual?

7 A. [15:12:46] I know that he's an Arab. He was a tradesman and in 1995 he was  
8 allegedly -- he had his throat cut behind the *Hôtel Azalaï*. But I would specify that I  
9 wasn't in Mali and I wasn't in Timbuktu. I heard about it.

10 Q. [15:13:12] Was Banya from Abaradjou, do you know

11 A. [15:13:21] No, I don't know where he lived. I don't know where his house was.

12 Q. [15:13:27] Do you know anyone else called Banya from Abaradjou?

13 A. [15:13:39] No, I don't.

14 Q. [15:13:43] Based on what you saw and heard, during and after 2012, was it  
15 the case that local Arabs and Tuaregs fled Timbuktu to avoid being assimilated to  
16 members of the armed groups?

17 A. [15:14:10] I wouldn't put it like that. I wouldn't put it like that. I would say,  
18 rather, that they preferred to leave Timbuktu after the downfall of a movement of  
19 a rebellion. That's how I understood it. I didn't understand it as a flight.

20 Q. [15:14:41] Madam Witness, if I can refer you to your statement. This won't be  
21 shown to the public. It's MLI-OTP-0060-9414-R02. If we could turn to page 9437,  
22 looking specifically at paragraph 93. If that could be brought up onto the screen for  
23 you.

24 Madam Witness, are you able to see paragraph 93?

25 A. [15:15:55] Yes, I can see it well.

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1 Q. [15:15:57] Since we're in open session, would it be possible for you to read  
2 the paragraph and let me know when you've read it.

3 A. [15:16:12] Yes, I have read it.

4 Q. [15:16:14] Now, Madam Witness, can you see this last sentence, starting with:  
5 (Interpretation) "I already mentioned that Arabs and Tuaregs had to seek refuge  
6 elsewhere other than Timbuktu in order not to be assimilated with the members of  
7 the groups.

8 A. [15:16:34] Yes, I can see that. I can see that. But there is a point. Well, your  
9 question, you are talking -- making a link from Banya Baba. What I have understood  
10 is that there were the people who were killed in 1994 in Timbuktu, and the link  
11 between those people and what I said here, well, there isn't a link. [REDACTED] - this  
12 analysis dates back from after 2012, maybe 2019, 2020 [REDACTED]

13 [REDACTED] And on the basis of these exchanges, there were many  
14 things that we didn't understand. There was a vacuum. And the fact that I had  
15 discussions with him, he is an Arab, and it led me to understand a number of things.  
16 In the north, there are many people who really preferred to leave. People who are  
17 Tuaregs or Arabs and who like the blacks preferred to leave rather than be  
18 assimilated were the Malian state to return. There's no link between 1994. No.

19 Q. [15:18:19] Madam Witness, what do you mean by the word "assimilated"?

20 A. [15:18:30] Assimilated, it's talking about putting people in the same basket. It's  
21 as if you were to take them for members of the armed groups, whereas these are  
22 peaceful citizens.

23 And every time I talk about the little shepherd, the peaceful Tuareg, the peaceful  
24 Arab, that's what I think, what I perceive as being a citizen, a Tuareg, an Arab who  
25 has nothing to do with an armed group, the rebellion, or violent acts perpetrated by

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1 other individuals of their ethnic group.

2 Q. [15:19:28] Now, speaking of 2012, is it correct that when you travelled from  
3 Timbuktu to Bamako, your bags were searched because you - the people thought you  
4 were a rebel?

5 A. [15:19:49] Yes, that is correct. They even put knives in our bags, pushing things  
6 down, and we were being looked at askance. People were talking to us in a strange  
7 way because we had come from the occupied area where the rebels were. It's true  
8 that we are black, but for them it's all one and the same thing.

9 Q. [15:20:26] Who is "them"?

10 A. [15:20:29] When I say "them", I'm talking about the Malians from  
11 the north -- from the south.

12 THE INTERPRETER: [15:20:35] Correction: From the south

13 THE WITNESS: [15:20:36](Interpretation) I'm talking about the Malian soldiers who  
14 at the various posts and, first and foremost, the one in Konna.

15 MS TAYLOR:

16 Q. [15:20:48] Do you know what would have happened if they had discovered that  
17 you were a rebel?

18 MR SANDOVAL: [15:20:58] Objection, Mr President.

19 PRESIDING JUDGE MINDUA: [15:21:04](No interpretation)

20 MR SANDOVAL: [15:21:05] The question is speculative.

21 THE WITNESS: [15:21:08](Interpretation) I'm not in a position to know.

22 THE INTERPRETER: [15:21:12] She laughs.

23 THE WITNESS: [15:21:16](Interpretation) I'm not going to go into that.

24 PRESIDING JUDGE MINDUA: [15:21:19](Interpretation) Ms Taylor.

25 MS TAYLOR: [15:21:20] I believe the witness has answered.

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1 PRESIDING JUDGE MINDUA: [15:21:27](Interpretation) Yes, she has, in a certain  
2 way. So let's move on.

3 MS TAYLOR:

4 Q. [15:21:34] Now, speaking specifically of Bamako, based on your interactions  
5 with the police, would it be correct that they were corrupt or you experienced  
6 corruption from them?

7 A. [15:22:04] I'm sorry? On the basis of what? I don't know.

8 Q. [15:22:11] I'll reformulate, Madam Witness. Have you ever described the police  
9 in Bamako as being part of an iceberg of corruption?

10 A. [15:22:26] Yes Well, quite sincerely, I don't have much respect for those police  
11 And if I say this, it is because in Bamako on a daily basis, in the traffic and  
12 everywhere, we see things. We see corruption. We see things happening in  
13 the traffic, people taking 500 francs, a thousand francs from drivers. [REDACTED]

14 [REDACTED]

15 Q. [15:23:05] If we could bring up Defence tab 10. We're in open session, so this  
16 won't be shown to the public.

17 It [REDACTED] If this could be shown on the screen.

18 And if we could scroll to the very bottom.

19 Madam Witness, noting we're in open session, do you recognise this account?

20 A. [15:24:16] Yes, I do recognise it I recognise it, yes.

21 Q. [15:24:26] Madam Witness, I apologise for that.

22 When you were in Bamako in 2012, did you hear about an incident where armed men  
23 killed a man who had stolen a computer and a motorbike?

24 A. [15:24:49] Where? In Timbuktu?

25 Q. [15:24:53] Madam Witness, it was when you were in Bamako in the -- I won't

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1 say the particular area

2 A. [15:25:02] Sincerely, I don't remember that.

3 Q. [15:25:05] If we could turn to Defence tab 30. That's [REDACTED]

4 Madam Witness, do you recognise this document? We're in open session.

5 A. [15:25:54] Yes, I do recognise it I can see it.

6 MS TAYLOR: [15:25:59] Perhaps if we could go into private session just for a couple  
7 of questions.

8 PRESIDING JUDGE MINDUA: [15:26:11](Interpretation) Mr Courtroom Officer,  
9 please.

10 (Private session at 3.26 p.m.)

11 THE COURT OFFICER: [15:26:15] We're in private session, Mr President.

12 PRESIDING JUDGE MINDUA [15:26:20](Interpretation) Thank you very much,  
13 Mr Courtroom Officer.

14 Ms Taylor.

15 MS TAYLOR:

16 Q. [15:26:27] [REDACTED]

17 A. [15:26:38] [REDACTED]

18 Q. [15:26:39] I apologise

19 A. [15:26:41] It was [REDACTED]

20 [REDACTED]

21 Q. [15:26:47] Yes, I apologise, Madam Witness. It's actually [REDACTED] I  
22 apologise for that.

23 Now, Madam Witness, is it correct, did you live in an area called [REDACTED]

24 [REDACTED]

25 I might spell it, actually. It's [REDACTED]

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1 A. [15:27:21] [REDACTED]

2 Q. [15:27:26] Yes, exactly. [REDACTED]?

3 A. [15:27:29] Yes [REDACTED] yes, during the crisis.

4 Yes.

5 Q. [15:27:40] Now, Madam Witness, when [REDACTED] did you recall

6 hearing an incident about [REDACTED]

7 [REDACTED]

8 A. [15:28:01] I will repeat to you that I don't remember. Even if it was an

9 information I heard and didn't believe, I would have retained some of it. But I don't

10 recall

11 Q. [15:28:16] Well, perhaps, Madam Witness, can we turn to page 7725.

12 A. [15:28:29] Could you please bring it up on the screen.

13 Q. [15:28:32] Mr Registrar, if you could bring up the next page.

14 Madam Witness, this purports to be a response [REDACTED]

15 [REDACTED] (Interpretation) [REDACTED]

16 THE INTERPRETER: [15:29:00] The interpreter could not find the excerpt.

17 THE WITNESS: [15:29:04](Interpretation) Well, I didn't really understand your

18 question, in fact.

19 [REDACTED] happened when I was in

20 Bamako [REDACTED]

21 In fact, I didn't understand your question [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 MS TAYLOR:

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1 Q. [15:29:55] Thank you, Madam Witness. And just to be clear, we're talking

2 about [REDACTED]

3 A. [15:30:09] [REDACTED]

4 Q. [15:30:15] I apologise for the confusion.

5 I believe we can go into open session.

6 PRESIDING JUDGE MINDUA: [15:30:26](Interpretation) Mr Courtroom Officer,

7 open session, please.

8 (Open session at 3.30 p.m.)

9 THE COURT OFFICER: [15:30:35] We're back in open session, Mr President.

10 PRESIDING JUDGE MINDUA [15:30:42](Interpretation) Thank you very much

11 Ms Taylor.

12 MS TAYLOR:

13 Q. [15:30:46] Now, Madam Witness, speaking of the time that you spent in Bamako

14 in 2012 and 2013, do you recall describing this time in Bamako as hell?

15 A. [15:31:02] Yes, yes, I remember very well.

16 Q. [15:31:07] And at a certain point did you say it was more dangerous than

17 Timbuktu?

18 A. [15:31:14] Yes, yes, of course.

19 Q. [15:31:17] And why was that?

20 A. [15:31:24] I said it with regard to everything that was happening. I didn't feel

21 safe. I was in a house, but there were - there was insecurity. There were people

22 doing break-ins.

23 PRESIDING JUDGE MINDUA: [15:31:39](Interpretation) Prosecutor.

24 THE WITNESS: [15:31:40](Interpretation) I really didn't feel safe. And the fact was

25 there was also the separation with my parents. I didn't feel well.

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1 MR SANDOVAL: [15:31:55] Mr President, we've let these past few questions pass

2 But we do wonder what the relevance of this line of questioning is, particularly in line

3 with the time constraints that the Chamber had mentioned earlier.

4 PRESIDING JUDGE MINDUA: [15:32:15](Interpretation) Ms Taylor, I have to admit,

5 also the Bench isn't able to see exactly where you are going and what the relevance is.

6 MS TAYLOR: [15:32:25] Mr President, if we may cut the sound to the witness, just

7 briefly.

8 PRESIDING JUDGE MINDUA: [15:32:33](Interpretation) Court officer, please cut

9 the sound.

10 THE COURT OFFICER: [15:32:38] Your Honours, the sound to the witness has been

11 cut off.

12 PRESIDING JUDGE MINDUA [15:32:44](Interpretation) Thank you, court officer

13 Ms Taylor.

14 MS TAYLOR: [15:32:47] And are we in private session or in open session?

15 THE COURT OFFICER: [15:32:51] We're in open session, your Honour.

16 MS TAYLOR: [15:32:53] If we could briefly go into private session.

17 PRESIDING JUDGE MINDUA: [15:32:59](Interpretation) Court officer.

18 (Private session at 3.33 p.m.)

19 THE COURT OFFICER: [15:33:07] We're in private session, Mr President.

20 PRESIDING JUDGE MINDUA: [15:33:13](Interpretation) Thank you very much,

21 court officer.

22 Ms Taylor.

23 MS TAYLOR: [15:33:17] Thank you, Mr President. I don't intend to spend much

24 time on this. It was just to have a frame of reference [REDACTED]

25 and [REDACTED] I do believe it's important if

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1 she's - she has said that [REDACTED] I do think it's important  
2 to know exactly what that is and to put things in context.

3 PRESIDING JUDGE MINDUA: [15:33:51](Interpretation) Very well. We've  
4 understood. The Chamber is sufficiently edified for the moment with your  
5 explanation. Let's please move on.

6 Are we going back into open session, Ms Taylor?

7 MS TAYLOR: [15:34:10] Yes, it is, Mr President.

8 PRESIDING JUDGE MINDUA: [15:34:14](Interpretation) Court officer, please  
9 re-establish the sound and open session, please.

10 MS TAYLOR [15:34:19] And just while we're doing so, I do believe, for the record,  
11 it's not appropriate for the Prosecution to raise time constraints, given that we're in  
12 this situation due to length of examination taken by the Prosecution.

13 So I don't believe that's a valid basis for any objection, and I would have concern if it  
14 were to be relied upon as such.

15 PRESIDING JUDGE MINDUA: [15:34:44](Interpretation) Prosecutor, no, no, no,  
16 please sit down. I just wanted to say that I agree with Ms Taylor, to a certain degree  
17 (Open session at 3.34 p.m.)

18 THE COURT OFFICER: [15:34:59] Your Honours, we're back in open session.

19 PRESIDING JUDGE MINDUA: [15:35:03](Interpretation) Thank you very much,  
20 court officer.

21 Ms Taylor.

22 MS TAYLOR: [15:35:10]

23 Q. [15:35:10] Now, Madam Witness, I'm going to speak now about the events in  
24 Timbuktu, talking particularly about April 2012. Now, earlier we spoke about  
25 the MNLA and pillage. Based on what you heard, is it correct that the MNLA took

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1 equipment and medication from the hospital?

2 A. [15:35:42] Yes. On the basis of what I heard, yes. I heard that they had taken  
3 it. And the hospital ambulance was in the hands of these armed group.

4 Q. [15:36:00] And did you hear that the MNLA entered all the public buildings in  
5 Timbuktu at that time?

6 A. [15:36:13] No. They occupied and ransacked buildings on the first day, and  
7 afterwards the MNLA left. It was the jihadists who were in town and they were  
8 outside the town.

9 Q. [15:36:41] Now, in terms of these buildings that they ransacked, is it correct that  
10 these were the public buildings that they ransacked

11 A. [15:36:54] Yes. Not only public buildings, there were also hotels. *Hôtel*  
12 *La Maison*, that was a hotel that belongs to an individual. But everything that was  
13 inside was taken. Well, it wasn't looted. It wasn't ransacked, but everything was  
14 taken. And they used it as an administrative location to administer justice at one  
15 particular time.

16 Q. [15:37:29] Madam Witness, I'm speaking specifically of the MNLA. Is that  
17 what you're referring to? We're talking about the MNLA entering buildings and  
18 pillaging them?

19 A. [15:37:46] I cannot tell you exactly, if it was the MNLA, which person entered.  
20 When there was ransacking and armed groups entered, you didn't know who was  
21 whom. There were vehicles, there were flags, it's true. But I was not there to be  
22 able to say MNLA entered here. No. I was very afraid. I didn't go there. I  
23 cannot state that it was the MNLA went into a particular building.

24 But armed men went into the academy, for example, armed men went into the bank,  
25 into the town hall. There were administrative papers flying in the air. There were

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1 companies as well, private companies, the headquarters were also ransacked as well  
2 and young people were coming back with things that they had taken from there. So  
3 they also ransacked Orange Malitel.

4 Q. [15:39:08] Now, talking now of the period after Ansar Dine arrived and set up  
5 their institutions, did you hear that Ansar Dine took steps to restore vehicles to their  
6 owners?

7 A. [15:39:27] Yes. In particular, private vehicles. People were told, now there's  
8 police, the Islamic police. The bearded persons are the ones making the law. And  
9 if a person really has been deprived of their property by the MNLA or others - well,  
10 sometimes the people weren't in the MNLA, they just used the name - but when you  
11 said that to the bearded ones, they would go and get your vehicle back.

12 I heard that, but I wasn't able to check that.

13 Q. [15:40:11] Madam Witness, did you hear that these bearded ones told  
14 the population that they could file complaints against the MNLA to obtain their  
15 property back?

16 A. [15:40:27] Yes, I found that out. I didn't hear that from the bearded ones, I  
17 heard it from my father and with people I was having exchanges with. They said  
18 you can bring a complaint and people would go there to act on it.

19 Q. [15:40:47] Now, is it correct that this created a form of order and security in this  
20 particular time period?

21 A. [15:41:01] Yes, I can say that it re-established order. Security, I don't know.  
22 Well, even security it could be said, because at that time I was travelling from Bamako  
23 to Timbuktu without a problem.

24 Q. [15:41:20] Now, is it correct that you told the Prosecution that without  
25 the Islamists there would have been a massacre?

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1 A. [15:41:32] Yes, I said that.

2 Q. [15:41:37] And is that based on what you saw and heard at that time?

3 A. [15:41:50] It's based on my own opinion. Based on my own opinion and  
4 experience. Those who said they were from the MNLA, they had no pity when it  
5 comes to taking people's property from them. And in my head I - the way I  
6 understood their movement, a rebellion, that it had an ethnic and racist aspect to it.  
7 If there hadn't been the Islamists, then I - we wouldn't be there anymore.

8 Q. [15:42:27] And did the bearded ones or the Islamists also distribute food to  
9 the old people?

10 A. [15:42:39] Yes, to the elderly Yes, I said that. Not all the time. And it wasn't  
11 permanent. But when they - or what they would do, when they got all the stocks  
12 from the PAM, when - at a certain time there was hunger and then they brought  
13 support to the elderly, just to the elderly people.

14 Q. [15:43:13] Now, Madam Witness, I'm moving on to a different topic but still  
15 dealing with Timbuktu in 2012. Is it correct that both the MNLA and the Islamists  
16 wore turbans?

17 A. [15:43:29] Yes, that's correct.

18 Q. [15:43:32] And did some members of the MNLA wear traditional Tuareg  
19 clothes?

20 A. [15:43:47] Yes, some did wear Tuareg clothes.

21 Well, I don't know what you mean by Tuareg clothes. Turban.

22 They wear it against the wind. So I don't know exactly what you mean by Tuareg  
23 clothing. But the Tuaregs, they do wear that, the Songhai it against the wind.

24 Q. [15:45:37] By traditional clothing, I mean boubous.

25 A. [15:45:37] Everybody wears boubous there, everyone. My father does, my

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1 brothers do. Everybody wears them

2 Q. [15:45:38] Are you aware of - or, if I may refer perhaps to your statement,

3 perhaps that might be more clear, where you refer to Tuareg clothing:

4 (Interpretation) That is to say, boubous.

5 (Speaks English) Can you describe perhaps what you consider to be traditional

6 Tuareg clothes?

7 A. [15:45:39] They could be wearing a brooch around the neck. The difference,

8 perhaps, with - well, there's a difference that need to be made between the way in

9 which they dressed or the way it's embroidered. But other than that, it's - it's

10 basically the same thing, it's just the items that are embroidered would make

11 the difference. But you can see it and then you know the person who's wearing it,

12 that's a Tuareg, whereas the other is Songhai. Even the turbans as well, they - some

13 people have their way of tying. The Songhai have one way of doing it and it is

14 different to the way the Tuareg do it.

15 Q. [15:45:51] Perhaps you could enlighten us, as I'm unaware of this difference.

16 Could you describe what this difference is

17 A. [15:46:06] Well, your client who's behind you, he's -- he wears a turban and he is

18 wearing it in a Tuareg manner. But I'm not a man. Normally the Tuareg don't

19 cover their mouth. They attach their turban over their head and they put it

20 underneath, but they don't close their mouth. But the Tuareg, usually they always

21 close their mouth, because it has a different meaning to them. It has a meaning that

22 it doesn't have among the Songhai people.

23 Q. [15:46:40] Are you aware of a group called the FLNA, the *Front de libération*

24 *nationale de l'Azawad*?

25 A. [15:46:57] I read the name. I've heard about it in reports. But during the crisis

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1 I read a lot about it, I read reports, documents. Since the start of the crisis, to this  
2 date, I've read a lot of documents about it and I think I know the FLNA.

3 Q. [15:47:21] Was this an Arab group

4 A. [15:47:32] Yes, I think so.

5 Q. [15:47:35] Do you know what they wore?

6 A. [15:47:47] No, I didn't identify them to be able to see how they were dressed.

7 No. At least I don't remember.

8 Q. [15:47:57] If I could bring up a photo. It's OTP tab 17. It's MLI-OTP-0012-1844.

9 If that could be shown on evidence 1.

10 Madam Witness, I believe that this was shown earlier today and you identified it as  
11 the young rapper.

12 Do you recall

13 A. [15:48:57] Yes.

14 Q. [15:48:59] Do you recall that the Prosecution showed this to you during your  
15 interview in 2018?

16 A. [15:49:13] Yes Yes.

17 Q. [15:49:13] Now, Madam Witness, is it correct that you yourself don't recall  
18 seeing this individual wearing a vest of this type and colour

19 MR SANDOVAL: [15:49:26] Objection, Mr President.

20 PRESIDING JUDGE MINDUA: [15:49:30](Interpretation) Yes, Prosecutor

21 MR SANDOVAL: [15:49:31] The question is misleading. If the Defence could point  
22 to the particular portion of the transcript to support the question.

23 MS TAYLOR: [15:49:42] Mr President.

24 PRESIDING JUDGE MINDUA: [15:49:44](Interpretation) Ms Taylor.

25 MS TAYLOR: [15:49:45] Mr President, I believe it would be appropriate to cut off

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1 the sound to the witness. And I will explain the specific foundation, which I assume  
2 the Prosecution is aware of.

3 PRESIDING JUDGE MINDUA: [15:50:01](Interpretation) Court officer, please cut  
4 the sound to the witness.

5 THE COURT OFFICER: [15:50:04] Your Honours, the sound to the witness has been  
6 cut off.

7 PRESIDING JUDGE MINDUA: [15:50:15](Interpretation) Thank you very much,  
8 court officer.

9 Ms Taylor.

10 MS TAYLOR [15:50:16] Thank you very much, Mr President.

11 Now this photo was shown to the witness during the interview in 2018. And she  
12 said during that interview, and this is in the witness statement at page 9450, that she  
13 didn't recall seeing him wear a vest of this type.

14 So rather than taking her straight to the statement where she says that, I'm asking her  
15 first if she, based on her memory, and then I can go to the statement. But I believe  
16 I'm following the correct course of action. I am of course happy to go to  
17 the statement, but I believe she should be given an opportunity first to answer.

18 PRESIDING JUDGE MINDUA [15:50:57](Interpretation) Indeed, Ms Taylor, you are  
19 right. Please go ahead.

20 Court officer, please could you re-establish the sound with our witness.

21 THE COURT OFFICER: [15:51:12] Your Honours, the sound to the witness has been  
22 re-established.

23 PRESIDING JUDGE MINDUA: [15:51:16](Interpretation) Thank you very much.  
24 Ms Taylor.

25 MS TAYLOR: [15:51:19]

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1 Q. [15:51:21] Madam Witness, I apologise for that.

2 So we're looking at this photograph and I mention that this was shown to you

3 previously. But my question is, Madam Witness, is it correct that you don't recall

4 seeing this individual wear this vest in 2012?

5 A. [15:51:44] The black vest. Yes, I don't - didn't remember that it was black like

6 that, no.

7 (Overlapping speakers)

8 Q. [15:51:55] So was it -- I apologise, Madam Witness. I interrupted you.

9 A. [15:52:02] No, it's fine, I'd finished.

10 Q. [15:52:07] So, Madam Witness, just to be clear, when you saw this individual at

11 an incident in October, you don't recall him wearing a vest like that?

12 A. [15:52:28] No, I don't remember. And what I was going to add is that it was

13 a long time ago. Even the face of the man. I remember a bit. I think it was him.

14 But I can't be a hundred per cent sure that it's the rapper. I'm not sure, sincerely

15 Not only are these events which lasted for a long time, but these are events that

16 impact on people. I don't know.

17 Q. [15:53:11] Now, Madam Witness, I'm just going to go to another subject. Do

18 you know if there is a car or a taxi in Timbuktu that's known as a Kabara?

19 A. [15:53:34] No, in Timbuktu Kabara is a neighbourhood which is 7 kilometres

20 away. The taxi is called Kabara *pressé*.

21 Q. [15:53:52] Now this taxi that's called Kabara *pressé*, does that go back and forth

22 between Kabara in Timbuktu during the day?

23 A. [15:54:03] Yes, yes.

24 Q. [15:54:05] And does it take, for example, farmer and fishermen who go to

25 Kabara to work for the day?

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1 A. [15:54:23] Yes, they transport users, but these are just people. Well, as Kabara  
2 is quite far from the town, they take people and return with people. They also take  
3 merchandise as well

4 Q. [15:54:41] Now, are these taxis usually old Land Rovers with an open back?

5 A. [15:54:55] Yes. Not only that, it could be another vehicle well, not just the Land  
6 Rover.

7 Q. [15:55:12] Now given the distance, it's correct, isn't it, that the cars that would go  
8 to Mopti and Bamako were either buses or cars with closed double cabins? And by  
9 that I mean that the people behind the driver were in a closed cabin.

10 MR SANDOVAL: [15:55:37] Mr President

11 PRESIDING JUDGE MINDUA: [15:55:38](Interpretation) Prosecutor.

12 MR SANDOVAL: [15:55:39] Again, Mr President, we object on the basis of relevance  
13 of this line of questioning.

14 PRESIDING JUDGE MINDUA [15:55:50](Interpretation) Ms Taylor, it's also  
15 the opinion of the Chamber, unfortunately.

16 MS TAYLOR: [15:55:57] Mr President, this is directly relevant. But I believe I  
17 would have to cut off the sound to the witness. But it is directly relevant.

18 PRESIDING JUDGE MINDUA [15:56:06](Interpretation) Court officer, please cut  
19 the sound.

20 THE COURT OFFICER: [15:56:13] Your Honours, the sound to the witness has been  
21 cut off.

22 PRESIDING JUDGE MINDUA: [15:56:20](No interpretation)

23 MS TAYLOR: [15:56:21] Thank you, Mr President.

24 Yesterday the Prosecution showed a photo of a car with an open back with various  
25 persons on it, and they asked the witness to speculate as to whether she knew where

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1 the people on the car were going. Now, it is our position that that car was a Kabara  
2 taxi and not a car taking people to Bamako.

3 Now, given that the Prosecution has raised that issue and invited the witness to go  
4 into that area, we should at least be able to put some questions to the witness on that  
5 point that was raised by the Prosecution specifically.

6 PRESIDING JUDGE MINDUA: [15:57:02](Interpretation) Very well, Ms Taylor,  
7 the Chamber has understood. Let's try to make some progress.

8 Court officer, please can you re-establish the sound.

9 THE COURT OFFICER: [15:57:13] Your Honours, the sound to the witness has been  
10 re-established.

11 PRESIDING JUDGE MINDUA: [15:57:18](Interpretation) Thank you very much,  
12 court officer.

13 Ms Taylor.

14 MS TAYLOR: [15:57:22]

15 Q. [15:57:23] Now, Madam Witness, I'm not sure if you recall the question I just  
16 asked you. But is it correct that the cars that travelled longer distances, that is to  
17 Mopti or Bamako, were cars that had closed cabins, that is they were buses or cars  
18 where the person sitting behind the driver were in a closed cabin?

19 A. [15:57:53] During this period there weren't buses that went to Timbuktu and  
20 Bamako. But the vehicles in Mopti, they're also old vehicles, but they have a closed  
21 cabin. But you also have to say that some pickups as well, and Land Cruisers as well,  
22 they also do that journey, either to Mopti or to Gao.

23 Q. [15:58:20] Now, if we could bring up OTP tab 30. That's MLI-OTP-0060-9497.  
24 If that could be shown on the screen.

25 Now, Madam Witness, it's correct, isn't it, that the car we see in the photo is the same

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1 type of car as a Kabara taxi?

2 MR SANDOVAL: [15:59:20] Mr President.

3 PRESIDING JUDGE MINDUA: [15:59:25](Interpretation) Prosecutor.

4 MR SANDOVAL: [15:59:26] If the witness could first be disconnected. Or, actually,  
5 Mr President, we can proceed.

6 The Defence should specify which vehicle. The witness had testified that there were  
7 in fact two vehicles in this photo

8 MS TAYLOR: [15:59:39] The white vehicle.

9 PRESIDING JUDGE MINDUA: [15:59:48](Interpretation) Very well.

10 The answer

11 THE WITNESS: [15:59:53](Interpretation) Yes, it resembles a Kabara *pressé*.

12 PRESIDING JUDGE MINDUA [16:00:02](Interpretation) Ms Taylor

13 MS TAYLOR: [16:00:03] Thank you, Mr President.

14 Q. [16:00:03] Now [REDACTED]

15 [REDACTED]

16 A. [16:00:21] Yes, yes.

17 Q. [16:00:23] And you didn't speak to the people in this car, did you?

18 A. [16:00:30] No. No. Absolutely not.

19 Q. [16:00:36] So it's correct, Madam Witness, that you don't know where they were  
20 going to?

21 A. [16:00:48] Yes. Generally speaking, yes. But on those first two days after  
22 the occupation, virtually everyone was leaving. There were lorries, vehicles, people  
23 who even left on motorbikes who left Timbuktu with - there are lots of people who  
24 could not take their vehicles and they stayed. And the Kabara *pressé* are the vehicles  
25 who take people to the - to the boat and then they take the boat and go to Mopti.

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1 Q. [16:01:34] Now, Madam Witness, you didn't stay on the street, did you, to see if  
2 this car returned?

3 A. [16:01:47] Absolutely not. Absolutely not. I wouldn't say that.

4 MS TAYLOR: [16:01:55] Mr President, it's 4 o'clock. I've done a lot to try and speed  
5 things up, but it's not going to be possible, I'm afraid. So rather than trying to extend  
6 and tiring the witness, I do believe we'll have to adjourn. I really have tried.

7 PRESIDING JUDGE MINDUA: [16:02:23](Interpretation) So, even were we to give  
8 you a few more minutes, would it not be possible for you to finish today?

9 MS TAYLOR: [16:02:31] Absolutely not, Mr President. I have to be realistic, it's not  
10 going to happen, I'm afraid. And I think it would be unfair to keep people here for  
11 no reason, for the interpreters and for the witness. It's not going to be feasible even  
12 if I was to be given another 30 minutes.

13 PRESIDING JUDGE MINDUA: [16:02:57](Interpretation) Well, in that case we shall  
14 have to adjourn for today. It is not the Chamber's desire, but we are we have to  
15 comply with this solution. So I'm looking for Madam Witness.

16 Now, Madam Witness, we've all done our very best to conclude your testimony today,  
17 but visibly you will note that it has not been possible.

18 THE WITNESS: [16:03:41](Interpretation) Yes.

19 PRESIDING JUDGE MINDUA: [16:03:42](Interpretation) So your testimony will  
20 continue on Monday.

21 THE WITNESS: [16:03:51](Interpretation) Very well. Monday.

22 PRESIDING JUDGE MINDUA: [16:03:54](Interpretation) Thank you very much for  
23 your availability.

24 On Monday we shall reconvene at 10 a.m. and not at 9.30 a.m. as we normally do.

25 In the meantime, as you are probably aware, you are not allowed to speak to anybody

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1 at all about your testimony, may it be your friends or members of your family.

2 THE WITNESS: [16:04:20](Interpretation) Very well. No problem.

3 PRESIDING JUDGE MINDUA: [16:04:22](Interpretation) Thank you very much

4 once again.

5 So before adjourning today's hearing I would like, as I am want to do, to sincerely

6 thank all those who have taken part in this hearing today. I'm thinking of the parties,

7 the participants, the court reporters, the interpreters, our security guards, and of

8 course our public. As it's the last day of the week I would like to make the most of

9 this opportunity to wish you a very nice weekend. We shall adjourn.

10 Court is adjourned.

11 THE COURT USHER: [16:05:06] All rise.

12 (The hearing ends in open session at 4.05 p.m.)