

Trial Hearing
WITNESS: MLI-OTP-P-0554

(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 vs Al Hassan Ag Abdoul Aziz Ag Mohamed Ag
5 Mahmoud - ICC-01/12-01/18
6 Presiding Judge Antoine Kesia Mbe Mindua, Judge Tomoko Akane and
7 Judge Kimberly Prost
8 Trial Hearing - Courtroom 3
9 Friday, 26 February 2021
10 (The hearing starts in open session at 9.37 a.m.)
11 THE COURT USHER: [9:37:47] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE MINDUA: [9:38:13](Interpretation) Court is in session.
15 Good morning to everybody.
16 Court officer, please call the case.
17 THE COURT OFFICER: [9:38:23] (Interpretation) Good morning, your Honour,
18 your Honours.
19 Situation in the Republic of Mali, in the case of The Prosecutor versus Al Hassan Ag
20 Abdoul Aziz Ag Mohamed Ag Mahmoud, reference ICC-01/12-01/18.
21 And we are in open session.
22 PRESIDING JUDGE MINDUA: [9:38:51](Microphone not activated)
23 MS SARDACHTI: [9:38:55] (Interpretation) Good morning, your Honour, your
24 Honours. The Prosecution is represented by Gilles Dutertre, senior trial lawyer;
25 Lucio Garcia, senior trial lawyer; and myself, Marie-Jeanne Sardachti, trial lawyer.

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- 1 PRESIDING JUDGE MINDUA: [9:39:11](Interpretation) Thank you, Prosecutor.
- 2 I now turn to the Defence.
- 3 MS SUTHERLAND: [9:39:16] (Overlapping speakers) Good morning, Mr President,
- 4 your Honours. The Defence for Mr Al Hassan is today represented by
- 5 Ms Melinda Taylor, Ms Molly Thomas, Ms Sarah Marinier-Doucet and myself,
- 6 Kirsty Sutherland.
- 7 PRESIDING JUDGE MINDUA: [9:39:33](Interpretation) Thank you very much,
- 8 Ms Sutherland.
- 9 I'm now going to turn to the Legal Representatives of Victims. Counsel.
- 10 MR LUVENGIKA: [9:39:41](Interpretation) Good morning, your Honour,
- 11 your Honours. The victims are represented by Madam Prisque Biyéké and myself,
- 12 Maître Fidel Nsita. Thank you.
- 13 PRESIDING JUDGE MINDUA: [9:39:54](Interpretation) Thank you very much,
- 14 Mr Nsita.
- 15 So this morning we are going to continue with the testimony of the 23rd Prosecution
- 16 witness. This is P-0554.
- 17 I now therefore turn towards the witness.
- 18 Good morning, Madam Witness.
- 19 WITNESS: MLI-OTP-P-0554 (On former oath)
- 20 (The witness speaks Songhai)
- 21 (The witness gives evidence via video link)
- 22 THE WITNESS: [9:40:28](Interpretation) Good morning.
- 23 PRESIDING JUDGE MINDUA: [9:40:32](Interpretation) I would once again like to
- 24 welcome you and would like to remind you that you are still under oath.
- 25 THE WITNESS: [9:40:48](Interpretation) Yes, of course.

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1 PRESIDING JUDGE MINDUA: [9:40:54](Interpretation) And you must tell the truth,
2 the whole truth and nothing but the truth.

3 THE WITNESS: [9:41:12](Interpretation) I'm there, I will say nothing but the truth.

4 PRESIDING JUDGE MINDUA: [9:41:16](Interpretation) Thank you very much,
5 Madam Witness.

6 I'm now going to call upon the counsel with some practical instructions before you
7 take the floor.

8 You should speak slowly and clearly such that the interpreters can carry out their
9 work.

10 THE INTERPRETER: [9:41:59] Overlapping speakers.

11 PRESIDING JUDGE MINDUA: [9:42:01](Interpretation) This morning, you are
12 going to be cross-examined by the Defence. This doesn't mean that the Defence
13 doubts everything that you've said, but the Defence must proceed in verifications and
14 carry out checking; that is its work. So I would ask you to answer the Defence
15 questions carefully.

16 THE WITNESS: [9:43:04](No interpretation) (Overlapping speakers)

17 PRESIDING JUDGE MINDUA: [9:43:06](Interpretation) Ms Sutherland, you have
18 the floor.

19 MS SUTHERLAND: [9:43:08] Thank you very much, Mr President.

20 QUESTIONED BY MS SUTHERLAND:

21 Q. [9:43:15] Good morning, Madam Witness. Can you hear me?

22 A. [9:43:23] Yes, I can hear you well.

23 Q. [9:43:28] Madam Witness, I'm just going to refer back to a couple of things you
24 told us yesterday.

25 To be -- to be clear I have to read them exactly what you said back into the transcript.

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1 It may be a little -- it will take a few moments, but then I have some questions.

2 A. [9:44:17] Mm.

3 Q. [9:44:18] So at transcript -- the real-time transcript 64, page 27, lines 1 to 3, you
4 said, referring to when you'd been arrested:

5 "I think that I spent the night there and then to the next day, to the evening of the next
6 day when I was taken to another small room."

7 A. [9:45:13] Yes.

8 Q. [9:45:15] And in the same transcript -- and I have the note as it being page 33,
9 line 11 until page 34, line 4, but in case that's changed, the timestamp is 12:30:24.

10 And there, Madam Witness, you were asked:

11 "Well, these people, they had papers in front of them. They read what was on the
12 papers. I think it was these people who were rendering the judgment."

13 And then you were asked: "Could you tell us a bit more about these papers and
14 describe them?"

15 And you answered: "These were papers, white papers, with other yellow papers like
16 what I'm wearing here."

17 You were asked: "Did these people speak to you?"

18 And you explained: "Yes, they spoke, but I didn't understand what they said. It
19 was my older brother who under[stood]."

20 And you were asked: "So, at the time, did you understand [...] why you were in that
21 place, in that room?"

22 And you answered: "Yes."

23 You were asked: "So, did they tell you what they were accusing you of?"

24 And you said: "Yes".

25 THE INTERPRETER: [9:46:57] Message from the Songhaï booth: If -- if we -- if

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1 there aren't pauses, we can't work properly.

2 PRESIDING JUDGE MINDUA: [9:47:07](Interpretation) Ms Sutherland, did you
3 follow the remark that was made by the interpreters?

4 MS SUTHERLAND: [9:47:11] Yes, Mr President. Forgive me.

5 Do the Songhai interpreters have access to the French transcript?

6 PRESIDING JUDGE MINDUA: [9:47:28](Interpretation) Counsel, I'd just like to ask
7 you a question. Why don't you just ask your questions directly to the witness rather
8 than making a summary?

9 MS SUTHERLAND: [9:47:41] Mr President, I'm happy to do so, I was exercising an
10 abundance of caution to be as fair as possible to the witness. But I can ask -- I can
11 ask her openly now.

12 PRESIDING JUDGE MINDUA: [9:48:01](Interpretation) Try to ask the questions
13 directly.

14 MS SUTHERLAND: [9:48:04](Overlapping speakers) Thank you, Mr President.

15 Q. [9:48:05] Madam Witness, you explained to us yesterday about your -- the
16 proceedings at the judgment. Can I ask you, were you given an opportunity to
17 speak?

18 A. [9:48:42] (Overlapping speakers) They didn't let me speak.

19 Q. [9:48:46] And were your brothers given an opportunity to speak on your behalf?

20 A. [9:49:10] Yes, he tried to speak to them. He tried to speak on my behalf, but
21 they didn't accept that. He tried to speak in my favour so that I would be released,
22 but they didn't accept that.

23 Q. [9:49:31] But they allowed him to speak on your behalf? Am I understanding
24 correctly?

25 A. [9:49:43] He spoke, but that didn't help the case.

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1 Q. [9:50:08] Were you given the opportunity to ask witnesses to appear on your
2 behalf, other witnesses?

3 A. [9:50:34] No.

4 Q. [9:50:41] Did the people at the tribunal tell you why you were there?

5 A. [9:51:05] They didn't tell me, but when they took me there, they said it was for
6 my judgment, my sentencing.

7 Q. [9:51:29] And did they tell you what you were accused of?

8 MS SARDACHTI: [9:51:36] (Interpretation) Your Honour.

9 PRESIDING JUDGE MINDUA: [9:51:39](Interpretation) Madam Prosecutor.

10 MS SARDACHTI: [9:51:41] I'm sorry. That this is going to give an identifying
11 answer with this line of questioning. We need to go into private session.

12 PRESIDING JUDGE MINDUA: [9:51:50](Interpretation) Yes, please take us into
13 private session, court officer.

14 (Private session at 9.51 a.m.)

15 THE COURT OFFICER: [9:52:00] (Interpretation) We're in private session, your
16 Honour.

17 PRESIDING JUDGE MINDUA: [9:52:03](Interpretation) Thank you very much,
18 court officer.

19 Ms Sutherland.

20 THE WITNESS: [9:52:48](Interpretation) They didn't tell me why they took me there.
21 But --

22 THE INTERPRETER: [9:53:00] Overlapping speakers.

23 THE WITNESS: [9:53:03](Interpretation) -- when they got me, they took me to the
24 new room and then I understood that it was to try me.

25 MS SUTHERLAND: [9:53:12]

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1 Q. [9:53:12] Madam Witness, do you remember the interview that you had with the
2 members of the Prosecution?

3 A. [9:53:58] No, I don't remember. But everything that I said was certainly written
4 down. So if you go back to it, but I don't remember it.

5 Q. [9:54:16] Do you remember it being read back to you and you agreeing that its
6 contents were true?

7 A. [9:54:53] Yes.

8 Q. [9:54:55] Madam Witness, I'd like to read a small paragraph from that and the
9 reference is MLI-OTP-0070-1570 at R02, page 1577 and it's paragraph 36.

10 Madam Witness, that reads: "The investigators asked me if I had had the
11 opportunity to be assisted by a lawyer. I replied no."

12 A. [9:56:12] (Overlapping speakers)

13 Q. [9:56:12] The Islamists specifically informed me that my crime was having been
14 with a married man. I did not (Overlapping speakers)

15 THE INTERPRETER: [9:56:23] The English booth signals there was a comment made
16 by the witness that wasn't interpreted. (Overlapping speakers)

17 MS SUTHERLAND:

18 Q. [9:56:39] "I did not deny it, I admitted that it was the case. I did not dispute the
19 sentence, it is something that cannot be done. Whatever the sentence, it is something
20 that I could do nothing against, nor anybody in town."

21 A. [9:57:13] Mm-hmm.

22 Q. [9:57:14] "We stayed in this room for a long time, but I couldn't say how long. I
23 saw no one other than the Islamics and my brothers."

24 A. Mm-hmm.

25 Q. [9:57:34] "I don't remember signing anything. I don't know if my brothers did.

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1 I did not receive a document. I did not bring witnesses to defend me. They told me
2 that I could have done it, but I did not."

3 A. [9:58:14] Mm-hmm.

4 Q. [9:58:16] "They would not have been believed. They are suing, but not
5 investigating. Even if someone had something to contradict them, he would not
6 have been heard."

7 A. [9:58:40] Mm-hmm.

8 Q. [9:58:42] "What they reproached me with was true and I preferred not to involve
9 anyone so as to not harm anyone other than me."

10 A. [9:59:03] Mm-hmm.

11 Q. [9:59:04] "As soon as we're arrested, there is nothing more to do. I know
12 people were wrongly arrested and couldn't do anything about it. I don't know their
13 names."

14 A. [9:59:30] Mm-hmm.

15 Q. [9:59:33] So, Madam Witness, I'll ask you again, were you given an opportunity
16 to speak?

17 A. [10:00:08] I don't think I was able to speak.

18 Q. [10:00:12] Were you told that you could call witnesses to defend you?

19 A. [10:00:37] No. They didn't tell me that.

20 Q. [10:00:43] (Overlapping speakers) Madam Witness, you admitted that you had
21 been with a married man; is that correct?

22 A. [10:01:06] Yes.

23 MS SUTHERLAND: [10:01:10] Mr President, I think we can return to public session
24 now.

25 PRESIDING JUDGE MINDUA: [10:01:21](Interpretation) Thank you very much,

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1 Ms Sutherland, you are right.

2 Court officer, please take us into open session.

3 (Open session at 10.01 a.m.)

4 THE COURT OFFICER: [10:01:29] (Interpretation) We are back in open session.

5 PRESIDING JUDGE MINDUA: [10:01:34](Interpretation) Thank you courtroom
6 officer.

7 Ms Sutherland.

8 MS SUTHERLAND: [10:01:37]

9 Q. [10:01:39] Madam Witness, did you know any lawyers in Timbuktu at the time?

10 A. [10:02:02] No.

11 Q. [10:02:04] (Overlapping speakers) Had you ever heard of any lawyers in
12 Timbuktu at the time?

13 A. [10:02:25] I had heard of that, but I was never there, it was somebody from
14 Timbuktu.

15 Q. [10:02:58] I'm sorry, Madam Witness, I didn't understand your answer.

16 A. [10:03:20] I said I had already heard that there was a lawyer in Timbuktu, but I
17 was never there.

18 Q. [10:03:34] Do you mean -- I'll leave it.

19 Madam Witness, do you remember what date the judgment was?

20 A. [10:04:16] I think it was a Friday, a Friday or -- or maybe a Thursday. But
21 I think -- I think it was a Friday, not a Thursday.

22 Q. [10:04:31] Madam Witness, we have evidence in this case indicating that the
23 judgment was issued on 1 January 2013. Would you accept that?

24 For the record, the evidence that I'm referring to is MLI-OTP-0001-7413, and it's at
25 Defence binder tab 11, the English translation is also in the Defence binder at tab 12

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1 and that's MLI-OTP-0077-2378 at page 2379.

2 And further evidence is at Defence binder tab 26, which is MLI-OTP-0068-4779, and
3 also at Defence binder tab 27 -- 28, forgive me, Witness P-75 at transcript 28, page 82,
4 line 2 to page 85, line 15. He testifies that the metadata analysed shows that the 2nd
5 of January 2013 is probably the latest modification date for the file. And that's
6 MLI-OTP-0068-4779.

7 Madam Witness, do you accept that 1 January 2013 was the date of the judgment?

8 A. [10:07:57] Yes, I agree with that.

9 Q. [10:08:04] Madam Witness, yesterday in the real-time transcript, reference
10 transcript 64, page 37, lines 2 to 9, Madam Witness, regarding the prison that you
11 were taken to, you were asked: "And if you remember, approximately how long did
12 you stay at that place?"

13 A. [10:09:12] Yes, I recall that and I said four to five days.

14 Q. [10:09:29] Thank you, Madam Witness. In your interview with the Prosecution
15 they played you some videos; do you remember?

16 A. [10:09:57] Yes.

17 Q. [10:10:00] Madam Witness, one of them was a video, MLI-OTP-0056-0270, which
18 is contained in the Prosecution binder at tab 44.

19 MS SUTHERLAND: [10:10:20] Mr President, we propose to play this on evidence
20 channel 2 confidentially, without sound initially.

21 PRESIDING JUDGE MINDUA: [10:10:36](Interpretation) Excuse me, Ms Sutherland,
22 which item is this?

23 MS SUTHERLAND: [10:10:40] (Overlapping speakers) It's contained in the
24 Prosecution binder at tab 44. It's a video, so it won't physically be in your folders.
25 It's MLI-OTP-0056-0270.

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1 THE COURT OFFICER: [10:11:08] We will have to turn to private session with the
2 authorisation of the Chamber, to play the video.

3 PRESIDING JUDGE MINDUA: [10:11:17](Interpretation) Excuse me, Ms Sutherland,
4 why do we need to show this video to the witness?

5 MS SUTHERLAND: [10:11:25] May we cut the sound link to the witness?

6 PRESIDING JUDGE MINDUA: [10:11:38](Interpretation) Courtroom officer, please
7 cut the connection.

8 THE COURT OFFICER: [10:11:48] (Interpretation) I am informed that the sound has
9 been cut and we can continue.

10 PRESIDING JUDGE MINDUA: [10:11:55](Interpretation) Ms Sutherland.

11 MS SUTHERLAND: [10:11:56] Mr President, the number of days for which she was
12 detained is obviously a matter very much in question and this video constitutes a
13 prior statement. It's one that she's been shown by the Prosecution. She should be
14 familiar with it. It features her and she gives an account of events closer to the time
15 and is therefore useful to everyone.

16 PRESIDING JUDGE MINDUA: [10:12:39](Interpretation) Ms Sutherland, I am
17 concerned. This is a vulnerable witness.

18 I will first consult with my colleagues.

19 MS SUTHERLAND: [10:13:00] Mr President, to reassure you, it's not a video of her
20 being -- being whipped. It's an interview with her relatively soon after the events.
21 Sooner than now, as it were.

22 PRESIDING JUDGE MINDUA: [10:13:31](Interpretation) I understand, but I am still
23 going to consult with my colleagues.

24 (Trial Chamber confers)

25 PRESIDING JUDGE MINDUA: [10:14:03](Interpretation) Ms Sutherland, there are

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1 videos that I don't want to see, for example, that of the flogging, but I think this one is
2 okay. I think we can see this one. Please go ahead.

3 Prosecution?

4 MS SARDACHTI: [10:14:20] (Interpretation) The sound is cut and we are in private
5 session -- we are in public session. I would like to speak in private session please.

6 PRESIDING JUDGE MINDUA: [10:14:38](Interpretation) Courtroom officer, private
7 session, please.

8 (Private session at 10.14 a.m.)

9 THE COURT OFFICER: [10:14:45] (Interpretation) We are in private session.

10 PRESIDING JUDGE MINDUA: [10:14:48] (Interpretation) Prosecution.

11 MS SARDACHTI: [10:14:51](Interpretation) This is not a video of the whipping itself.

12 It's an interview with a journalist. But this has been shown by the investigators
13 when taking the statement and she had a very bad reaction to it, and during the
14 preparation session as well. We needed to take breaks.

15 So it's a video which had a significant effect on her and given the situation yesterday,
16 we decided not to show this video yesterday ourselves. So we have concerns about
17 this video and we wanted to inform you of what had been the case previously.

18 PRESIDING JUDGE MINDUA: [10:15:44](Interpretation) Ms Sutherland, you've
19 heard what was said to you and I'm sure you understand why I am concerned.

20 What is your response?

21 MS SUTHERLAND: [10:15:53] Mr President, this is important evidence. It doesn't
22 show the flogging. With your leave, we were going to ask for a few seconds of the
23 sound not to be played because there is an overlay of the sound of whipping, which
24 we completely understand is re-traumatising. We proposed this to our learned
25 friends for the Prosecution this morning and sought their agreement.

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1 It is critical that she's given evidence which contradicts evidence that she's given in
2 this case. It is critical. It was closer to the time. It's critical that we be allowed to
3 show this.

4 PRESIDING JUDGE MINDUA: [10:16:48](Interpretation) Very well, Ms Sutherland,
5 we will go ahead.

6 Courtroom officer, we are in private session and there is no transmission for the
7 witness?

8 In that case, well, we are going to go into public session and reestablish the
9 connection.

10 THE COURT OFFICER: [10:17:21](Interpretation) We can't dissociate the sound and
11 the image from this confidential video. Therefore, we will have to show it in private
12 session.

13 PRESIDING JUDGE MINDUA: [10:17:31](Interpretation) Very well. Please
14 reconnect to the witness and we will remain in private session.

15 THE COURT OFFICER: [10:17:50] (Interpretation) The sound connection has been
16 reestablished, your Honour.

17 PRESIDING JUDGE MINDUA: [10:17:54](Interpretation) Very good. Thank you.
18 Ms Sutherland.

19 MS SUTHERLAND: [10:17:57] Thank you, Mr President.

20 Q. [10:17:59] Madam Witness, can you hear us?

21 A. [10:18:10] Yes.

22 Q. [10:18:12] (Overlapping speakers) Madam Witness, before that brief interlude,
23 I was explaining to you that the Prosecution had played you a video with the number
24 MLI-OTP-0056-0270, which is contained at OTP binder tab 44. Madam Witness,
25 I'm going to play this for a few seconds without sound and it will be on evidence

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1 channel 2.

2 (Viewing of the video excerpt)

3 MS SUTHERLAND: [10:19:14]

4 Q. [10:19:20] Madam Witness, do you recognise this video?

5 And do you recognise the person in the (Overlapping speakers)

6 A. [10:19:35] Yes.

7 Q. [10:19:37] And do you recognise the person in the video?

8 A. [10:19:54] (No interpretation)

9 PRESIDING JUDGE MINDUA: [10:20:00](Interpretation) I would ask everybody to
10 ensure that they have a pause between speakers so that the interpreters can do their
11 work. Thank you.

12 Ms Sutherland.

13 MS SUTHERLAND: [10:20:21]

14 Q. [10:20:22] Madam Witness, do you recognise the person in the video?

15 A. [10:20:38] Yes, it is me.

16 Q. [10:20:43] So we'll play the video with sound from the beginning until
17 minute -- 1:20, then without sound. And then with sound from 1:27 to the end.

18 PRESIDING JUDGE MINDUA: [10:21:09](Interpretation) Prosecution.

19 MS SARDACHTI: [10:21:10] (Interpretation) A technical remark. For the record,
20 we need to note the timestamp on the video being shown and also there are two
21 people here, therefore, there should be more detail given.

22 PRESIDING JUDGE MINDUA: [10:21:32](Interpretation) Ms Sutherland.

23 MS SUTHERLAND: [10:21:35] For the record, the timestamp is 00:00:07:11.

24 Q. [10:22:01] Madam Witness, can you identify the people in the image on your
25 screen, please.

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1 A. [10:22:27] Yes.

2 Q. [10:22:32] Please identify them.

3 A. [10:23:23] (No interpretation) ... there is a daughter of a neighbouring family.

4 And there is a name I haven't -- didn't understand the name of the person wearing
5 the sari.

6 THE INTERPRETER: [10:24:06] Apologies, I think that must -- message must have
7 come from the Songhaï booth.

8 MS SUTHERLAND:

9 Q. [10:24:26] Madam Witness, we're now going to play the video with sound
10 from 00:00 to 1:20.

11 (Viewing of the video excerpt)

12 MS SUTHERLAND: [10:26:11] And the (Overlapping speakers)

13 PRESIDING JUDGE MINDUA: [10:26:14](Interpretation) Prosecutor.

14 MS SARDACHTI: [10:26:15] (Interpretation) We've had a discussion between parties
15 this morning and it was -- I was told that we would play the part where one hears the
16 cries of people being whipped without sound.

17 PRESIDING JUDGE MINDUA: [10:26:35](Interpretation) Ms Sutherland.

18 MS SUTHERLAND: [10:26:38] (Overlapping speakers) Mr President, I neglected to
19 give the reference for the transcript, which is the translation -- the French translation
20 at Defence binder tab 24 and the MLI number is MLI-OTP-0080-1688.

21 Because this is in Songhaï, it's not possible for us to establish precisely which points
22 match up to the French, so I propose that that be read into the record once we finish
23 playing the video, with your leave.

24 PRESIDING JUDGE MINDUA: [10:27:32](Interpretation) Very well, we will proceed
25 in that manner.

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- 1 MS SUTHERLAND: [10:27:36] (Overlapping speakers) Thank you, Mr President.
- 2 We're continuing without sound until -- for seven seconds until 1:27.
- 3 (Viewing of the video excerpt)
- 4 MS SUTHERLAND: And again with sound, please.
- 5 (Viewing of the video excerpt)
- 6 MS SUTHERLAND: [10:28:42] And the translation is at MLI-OTP-0080-1688. And
- 7 I'd ask if that could be read to the witness from the French, please.
- 8 PRESIDING JUDGE MINDUA: [10:29:18](Interpretation) Who is going to read this
- 9 part?
- 10 MS SUTHERLAND: [10:29:22] I was hoping that the translators would read it for us,
- 11 but if not, I can ask my French-speaking colleague.
- 12 PRESIDING JUDGE MINDUA: [10:29:43](Interpretation) Because you want to ask
- 13 the witness a question on the passage? I'm afraid I don't understand what the aim is
- 14 here.
- 15 THE COURT OFFICER: [10:29:53] (Overlapping speakers) You can just read the
- 16 excerpt in English --
- 17 MS SUTHERLAND: [10:29:55](Overlapping speakers) Yes, okay.
- 18 THE COURT OFFICER: [10:29:56](Overlapping speakers) and the French booth will
- 19 interpret in French and it will of course be heard by the interpreters, which will then
- 20 (Overlapping speakers) Songhai.
- 21 MS SUTHERLAND: [10:30:08] A slightly rough English translation.
- 22 The passages are on MLI-OTP-0080 page 1690 and at lines 11 to 15, it reads -- is this
- 23 being interpreted to the witness?
- 24 THE COURT OFFICER: [10:30:58] (Interpretation) Message to the interpreters in
- 25 Bamako: There is information for you on the screen and this is going to be read, put

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1 into French, and can you please translate it for the witness.

2 Yes, okay, we can continue.

3 MS SUTHERLAND: [10:31:19] (Overlapping speakers) And, in fact, Mr President,
4 we can go -- we can return to public session for this because it's not identifying.

5 PRESIDING JUDGE MINDUA: [10:31:30](Interpretation) Courtroom officer, public
6 session, please.

7 (Open session at 10.31 a.m.)

8 THE COURT OFFICER: [10:31:44] (Interpretation) We are in public session, your
9 Honour.

10 PRESIDING JUDGE MINDUA: [10:31:49](Interpretation) Thank you.

11 Ms Sutherland.

12 MS SUTHERLAND: [10:31:52] "When we left, it was the people who told on us to
13 the Islamists. The Islamists didn't know us. People told them --"

14 MS SARDACHTI: [10:32:12] (Interpretation) Your Honour (Overlapping speakers)

15 PRESIDING JUDGE MINDUA: [10:32:26](Interpretation) Madam Prosecutor.

16 MS SARDACHTI: [10:32:30] (Interpretation) I have two comments. Perhaps the
17 interpretation should have been given when the video was played rather than coming
18 back to it - maybe, I'm too late with this remark, but I would now like to go into
19 private session, please.

20 PRESIDING JUDGE MINDUA: [10:32:49](Interpretation) Private session, please
21 court officer.

22 (Private session at 10.32 a.m.)

23 THE COURT OFFICER: [10:32:57] (No Interpretation)(Overlapping speakers)

24 PRESIDING JUDGE MINDUA: [10:32:57](No interpretation) (Overlapping
25 speakers)

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1 MS SARDACHTI: [10:33:04] (Interpretation) The reading of the translation cannot
2 be done in open session because *this article is part of the public domain and it
3 appears there was an article based on it, so it will be identifying. So *the defence can't
4 read the translation or the transcription in open session, that's just not possible.

5 PRESIDING JUDGE MINDUA: [10:33:26](Interpretation) Very well, Madam
6 Prosecutor. I've understood.

7 So as we are in private session, Ms Sutherland, please ask your question.

8 MS SUTHERLAND: [10:33:34]

9 Q. [10:33:37] Madam Witness --

10 MS SUTHERLAND: [10:33:38] Sorry, we're back in private session? Yes, sorry.

11 PRESIDING JUDGE MINDUA: [10:33:46](Interpretation) We are indeed back in
12 private session.

13 MS SUTHERLAND: [10:33:48]

14 Q. [10:33:49] Madam Witness, I'm reading the translation into the record. It says:

15 "When we left, it was the people who told on us to the Islamists. The Islamists didn't
16 know us. People told them that there were people on a moto, the Islamists found
17 us ..." (Overlapping speakers)

18 A. [10:34:22] Mm-hmm.

19 Q. [10:34:27] "The Islamists found us in the place ..." (Overlapping speakers)

20 A. [10:34:29] Yes.

21 Q. [10:34:29] (Overlapping speakers) "... where we were. When I was arrested,
22 there were four men. They took me and hit me. The four men hit me a lot until we
23 reached ..."

24 A. [10:35:01] Mm-hmm.

25 Q. [10:35:02] "... until we reached the police. They put me in a prison for one

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1 night ..." Forgive me, that's at line 22. "And the next, at midday, they took me to
2 the court."

3 And then at lines 29 to 30, it says:

4 "There they told me that I was going to receive 95 lashes. They took me to the
5 market. Everyone was there and they started flogging me."

6 Madam Witness, does this video help you remember what happened more
7 accurately?

8 A. [10:36:50] Yes, of course.

9 MS SUTHERLAND: [10:36:53] Mr President, we can return to public session,
10 I believe.

11 PRESIDING JUDGE MINDUA: [10:37:03](Interpretation) Court officer, open session,
12 please.

13 (Open session at 10.37 a.m.)

14 THE COURT OFFICER: [10:37:10] (Interpretation) We are in open session, your
15 Honour.

16 PRESIDING JUDGE MINDUA: [10:37:17](Interpretation) Thank you very much.
17 Ms Sutherland.

18 MS SUTHERLAND: [10:37:20]

19 Q. [10:37:20] Madam Witness, do you also agree that you were telling the truth at
20 the time?

21 A. [10:37:42] Yes, I was telling the truth.

22 Q. [10:37:45] So do you agree therefore that you were in prison for one night
23 between being arrested and being taken for judgment?

24 A. [10:38:19] Yes. I'm sorry, what did you say? Where I was I spent the night, I
25 spent the day. It was afterwards that they took me for trial.

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1 Q. [10:39:01] And were you taken to be flogged immediately after your trial?

2 PRESIDING JUDGE MINDUA: [10:39:30](Interpretation) Madam Prosecutor.

3 MS SARDACHTI: [10:39:32] (Interpretation) Yes, your Honour, just a reminder, I

4 think you have to be very careful with the terms that was mentioned in an email by

5 the VWU, in particular, the term "trial" as a legal term. It's not sure that the witness

6 understands that.

7 PRESIDING JUDGE MINDUA: [10:39:55](Interpretation) Ms Sutherland, can you

8 take that into account.

9 MS SUTHERLAND: [10:39:58] Forgive me, I was repeating back how it had been

10 translated to me (Overlapping speakers).

11 THE INTERPRETER: [10:40:07] (Overlapping speakers) Note from the English booth:

12 The word in French was "*jugement*", which could have been translated as sentencing

13 rather than trial.

14 MS SUTHERLAND: [10:40:12] (Overlapping speakers) Thank you.

15 Q. [10:40:13] Madam Witness, do you agree that you were taken to receive your

16 lashes immediately after the judgment?

17 A. [10:40:50] No. After the judgment, they took me to prison.

18 Q. [10:41:00] Madam Witness, are you aware that the lashes were filmed by many

19 people?

20 A. [10:41:33] A lot of people filmed me. Some people still have these videos.

21 MS SUTHERLAND: [10:42:00] Mr President, we have an analysis of the metadata of

22 these videos and it's in the Defence binder at tab 29. It's MLI-D28-0004-700 -- 7033.

23 Q. [10:42:30] Madam Witness, the information stored on the videos that were

24 taken --

25 PRESIDING JUDGE MINDUA: [10:42:42](Interpretation) Madam Prosecutor.

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- 1 MS SARDACHTI: [10:42:43] (Interpretation) Your Honour, your Honours, I'm very
2 afraid that this information will not mean much to the witness, speaking about
3 metadata from a video to the witness.
- 4 PRESIDING JUDGE MINDUA: [10:42:54](Interpretation) Ms Sutherland --
- 5 MS SUTHERLAND: [10:42:55] I fully (Overlapping speakers)
- 6 PRESIDING JUDGE MINDUA: [10:42:56](Interpretation) I perfectly agree with the
7 Prosecutor. Metadata with a witness --
- 8 MS SUTHERLAND: [10:42:57] I fully (Overlapping speakers)
- 9 PRESIDING JUDGE MINDUA: [10:42:57](Interpretation) -- that's not going to work.
- 10 MS SUTHERLAND: [10:43:07] I fully agree. I have to establish a basis for the
11 assertion that I'm about to make to her. I've told her it's information stored on
12 videos. I'm not sure how much more simply I can put it.
- 13 PRESIDING JUDGE MINDUA: [10:43:28](Interpretation) You just said it, so please
14 continue.
- 15 MS SUTHERLAND: [10:43:31]
- 16 Q. [10:43:31] Madam --
- 17 PRESIDING JUDGE MINDUA: [10:43:33](Interpretation) Just don't speak about
18 metadata. It's -- just say it's information that is in the video, like you have.
- 19 MS SUTHERLAND: [10:43:41]
- 20 Q. [10:43:43] Madam Witness, information stored on these videos tells us that the
21 events -- the lashes were filmed on 1 January 2013.
- 22 A. [10:44:21] Mm-hmm.
- 23 Q. [10:44:22] Earlier this morning we established that the judgment also took place
24 on 1 January 2013.
- 25 PRESIDING JUDGE MINDUA: [10:44:57](Interpretation) Madam Prosecutor.

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- 1 MS SARDACHTI: [10:45:02] (Interpretation) Could we cut the sound, please.
- 2 PRESIDING JUDGE MINDUA: [10:45:07](Interpretation) Court officer, please could
3 you cut the sound to the field.
- 4 THE COURT OFFICER: [10:45:12] (Interpretation) I've been informed that it's been
5 done.
- 6 MS SARDACHTI: [10:45:14] (Interpretation) I think we have to act with fairness
7 towards the witness. *We're speaking about complicated matters, such as data,
8 metadata, and then the defence says "we've established that the judgment also took
9 place on the 1st of January." What are we talking about?
10 Are we talking about the date of the judgment? The sentencing? *The hearing? It's all
11 very vague. *And to say it to the witness like it is a statement : that "we have
12 established this", no, it hasn't been established. So it's unfair to put things in these
13 terms to the witness.
- 14 PRESIDING JUDGE MINDUA: [10:45:45](Interpretation) Ms Sutherland, the
15 Prosecutor ... I'm looking at the interpreters.
- 16 Madam Prosecutor is completely right. Firstly, with regards to the terminology,
17 when you address the witness, you say the judgment. Is that the day of the verdict?
18 The day on which the sentence is given? Or is it the trial itself? Or the process
19 itself?
- 20 And with regards to the date or the day of the application of the sentence, that's
21 where this confusion is coming from.
- 22 MS SUTHERLAND: [10:46:35] Mr President, at transcript 65, page 11, line 11, we
23 asked the witness. She agreed with the date of the judgment, which is
24 1 January 2013. She says, Yes, I agree with that. It's the date contained on the
25 judgment, it's the date that was confirmed by Prosecution experts. It cannot have

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1 been issued after the 2nd of January, that's what the Prosecution expert said. We
2 now have metadata on videos that establish that the flogging occurred on 1 January.
3 It cannot predate the -- this is Prosecution evidence.

4 PRESIDING JUDGE MINDUA: [10:47:47](Interpretation) Madam Prosecutor.

5 MS SARDACHTI: [10:47:49] (Interpretation) Very briefly, your Honour,

6 your Honours. My colleague is currently giving pleadings here. This is meant to
7 be a cross-examination. You have to put simple questions, but not putting questions
8 like that. She's carrying out pleadings. *She can do that in the final submissions
9 later.

10 PRESIDING JUDGE MINDUA: [10:48:09](Interpretation) Ms Sutherland --

11 MS SUTHERLAND: [10:48:09] (Overlapping speakers) ... objection.

12 PRESIDING JUDGE MINDUA: [10:48:12](Interpretation) -- please let's make some
13 progress here. Ask simple questions firstly, and please don't draw any conclusions
14 at the moment because you'll have plenty of opportunity to do that later in your later
15 submissions.

16 MS SUTHERLAND: [10:48:26] (Overlapping speakers) To be fair to the witness, I
17 have to explain to her the case that we're making and give her an opportunity to
18 confirm or contradict it. Whether she does so is up to her. The Prosecution may
19 not like the -- what the evidence suggests, but it -- in the face of what she's been
20 telling this Court, which is contradicted by it, it's that that has opened up this -- this to
21 challenge.

22 PRESIDING JUDGE MINDUA: [10:49:09](Interpretation) Very well. Let's move
23 forward. Ask simple questions to the witness and we'll make progress.

24 I think that the communication has been cut off. Is that right? We're going to
25 reestablish the connection, Ms Sutherland.

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1 THE COURT OFFICER: [10:49:37] (Interpretation) We've reestablished the
2 connection and we are in open session still.

3 PRESIDING JUDGE MINDUA: [10:49:43](Interpretation) Very well.

4 Ms Sutherland, the connection has been reestablished and we are in open session.

5 MS SUTHERLAND: [10:49:50] Thank you, Mr President.

6 Q. [10:49:52] Madam Witness, now that we have refreshed your memory, can we
7 summarise the proceedings from when you were arrested until you were lashed.

8 Is it correct that you stayed -- after you were arrested, you stayed one night in a room
9 and were then taken to the Islamic tribunal the next day?

10 A. [10:50:49] Yes. Yes, that's it. I spent a night there. And then the next day,
11 they took me.

12 Q. [10:51:05] And at the proceedings, you agree that your brother spoke on your
13 behalf?

14 A. [10:51:37] Yes, my brother tried to speak in my favour, but they didn't accept it.
15 That's it.

16 Q. [10:51:48] Do you agree that you chose not to call any witnesses because the
17 charge was true?

18 Madam Witness, yes or no?

19 A. [10:53:05] Yes.

20 Q. [10:53:09] And do you agree that you admitted what they accused you of?

21 A. [10:53:46] Well, whether I agree or not, that doesn't mean anything. It's of no
22 use. They just wanted to do what they did. Whether I was in agreement or not.

23 Q. [10:54:09] Madam Witness, earlier in the passage that I read to you from the
24 Prosecution interview, you said:

25 I did not deny it, I admitted that it was the case.

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1 Is that true?

2 A. [10:54:53] Yes, it's the truth.

3 Q. [10:55:00] And Madam Witness, do you accept that you were taken to be lashed
4 on the same day as you received that judgment?

5 A. [10:56:08] I said that where I was taken, I spent a night there and a day there.

6 Afterwards, I was taken to a place where there were a lot of papers. That's where
7 they issued the judgment. Afterwards, they took me to prison and locked me up. I
8 spent two to three days there, and it was just afterwards that they took me to a place
9 where they made whips, and, when I was there, I was taken to be flogged.

10 MS SUTHERLAND: [10:56:55] Mr President --

11 PRESIDING JUDGE MINDUA: [10:57:01](Interpretation) Do you want to address
12 the question to the witness or did you want to put a question to me?

13 MS SUTHERLAND: [10:57:06] Mr President, I was going to say that I'm very
14 mindful of the time and have come to a natural break in my cross-examination; so
15 perhaps it would be appropriate to break now and can resume after the break.

16 PRESIDING JUDGE MINDUA: [10:57:26](Interpretation) Very well. That's a very
17 good idea.

18 We are going to have a break now and we will start at 11.30. We recommence
19 at 11.30.

20 Court is suspended.

21 THE COURT USHER: [10:57:42] All rise.

22 (Recess taken at 10.57 a.m.)

23 (Upon resuming in open session at 11.32 a.m.)

24 THE COURT USHER: [11:32:36] All rise.

25 Please be seated.

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1 PRESIDING JUDGE MINDUA: [11:33:03](Interpretation) The hearing is now
2 resumed.

3 We will continue with the Defence cross-examination, but I would like to make a
4 small announcement firstly.

5 Firstly, Ms Sutherland, you still have one hour 20 minutes. This session will last an
6 hour and a half, so I imagine you will finish in that time. But they can only do -- it's
7 only possible to do four redactions in 30 minutes so I would ask you please to
8 ensure -- it's four redactions per session, so please don't give too much identifying
9 information and also to draw the witness's attention to the fact that we are trying to
10 protect certain information regarding identities. Thank you.

11 Ms Sutherland.

12 MS SUTHERLAND: [11:34:22] Thank you very much, Mr President. Your *greffières*
13 have alerted me to this just now. The first portion of my set of questions I'm afraid is
14 likely to be identifying, so I propose, out of an abundance of caution, to conduct that
15 section in private session before moving into public session. I recognise that it's a
16 little frustrating and I'll do my best to minimise that, but I would request that we now
17 move into private session, please.

18 PRESIDING JUDGE MINDUA: [11:35:09](Interpretation) Court officer, private
19 session, please.

20 (Private session at 11.35 a.m.)

21 THE COURT OFFICER: [11:35:21] (Interpretation) We are in private session, your
22 Honour.

23 PRESIDING JUDGE MINDUA: [11:35:25](Interpretation) Thank you very much.

24 Ms Sutherland.

25 MS SUTHERLAND: [11:35:35]

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1 Q. [11:35:36] Madam Witness, we've seen videos of you being interviewed on
2 camera. Were you being questioned by journalists?

3 A. [11:36:15] Yes, those were journalists.

4 Q. [11:36:25] Who introduced you to journalists, or how did you meet journalists?

5 A. [11:36:59] They were in Timbuktu. It was through the guides who were in
6 Timbuktu. It was the guides who presented me to them, introduced me to them.

7 Q. [11:37:16] What do you mean by "the guides"? Who were they?

8 A. [11:37:46] I don't know them, but these are -- they are the Songhai, they're
9 guides who are there and they speak Songhai.

10 Q. [11:38:11] Madam Witness, I would just like you to explain to us who you mean
11 by "guides" in as much detail as you can.

12 A. [11:39:25] These are guides who accompany people, accompany tourists. They
13 are the ones who accompanied them, all the people who came to -- all the people to
14 whom something happened, we're talking about the guides who accompanied people
15 in Timbuktu.

16 Q. [11:40:03] Madam Witness, you told us that they spoke Songhai or they speak
17 Songhai. Do you know if they were Songhai?

18 A. [11:40:39] Yes, that's what they spoke. And even if they weren't Songhai, they
19 also spoke Songhai.

20 Q. [11:40:50] Do you know if -- if they were paid by the journalists, if any of them
21 were paid by the journalists?

22 A. [11:42:25] I -- I didn't ever get anything from them, no, no. That, that -- I didn't.
23 It was -- never happened. I know that once they came with a bag of rice and it was
24 the guides who brought that. They didn't say that it came from somebody. They
25 just brought it. I just went along with it so that the whole world would be aware of

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1 what had happened to me.

2 Q. [11:43:17] Madam Witness, did you -- did you want the whole world to know
3 what happened to you?

4 A. [11:43:56] Yes, I want everyone to know. I want the whole world to know that
5 that -- everyone should know what happened and know that -- what happened to me.

6 PRESIDING JUDGE MINDUA: [11:44:25](Interpretation) Do you want us to remain
7 private session?

8 THE INTERPRETER: [11:44:28] Unfortunately this meant that the last part of the
9 witness's reply did not get translated.

10 MS SUTHERLAND: [11:44:36] Mr President, I'm afraid I was waiting for the
11 translation to finish. Forgive me.

12 The caution that I'm exercising is that the fact that this witness spoke to journalists
13 and given the particularities of what happened to her means that it's probably fairly
14 straightforward for people to match the interviews with her to the fact that she's
15 appearing before us today. And in light of the protective measures that have been
16 afforded to her, I believe that that would be considered too identifying. And I look
17 to my learned friends for the Prosecution.

18 I have a few more questions in this line, after which I believe it would be possible to
19 return to public session.

20 PRESIDING JUDGE MINDUA: [11:45:47](Interpretation) Then, then please proceed,
21 Ms Sutherland.

22 MS SUTHERLAND: [11:45:52] Thank you, Mr President.

23 Q. [11:45:53] Madam Witness, are you able to remember where these journalists
24 were from? And if you're unable to be specific, then local or international?

25 A. [11:46:51] All the journalists came from -- well, I don't know. They came

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1 from -- I didn't say anything to Mali. They all came from, from the --

2 THE INTERPRETER: [11:47:30] And it's inaudible where they came from. I

3 apologise.

4 MS SUTHERLAND: [11:47:47]

5 Q. [11:47:49] Madam Witness, could you clarify what you meant. Did you mean

6 that you have no recollection of where they may have come from or that they were all

7 local or they were all international or none of them? I'm afraid that I didn't

8 understand your answer.

9 A. [11:48:55] The journalists, well, I don't know where they came from, from which

10 country, but they were all from outside Mali.

11 Q. [11:49:14] Do you remember speaking to a journalists -- a female journalists

12 called Rukmini?

13 A. [11:49:45] Yes.

14 Q. [11:49:50] Who introduced you?

15 A. [11:50:05] The -- I don't remember the name of the person who introduced us. I

16 met a lot of people and I don't remember the person who introduced us.

17 Q. [11:50:41] Madam Witness, I'm just going to refer to a tweet that Rukmini

18 Callimachi published. I'll read it out.

19 But the MLI number is MLI-D28-0004-6988, and that's at tab 7 of the Defence binder.

20 Madam Witness, Rukmini Callimachi published a tweet on 7 February 2013 which

21 says: Women of Timbuktu Mali are hungry to tell their stories. Three walked to

22 our hotel to find journalists to tell how they were lashed/threatened with rape.

23 Did you go to journalists' hotels?

24 A. [11:53:13] Yes, I did go.

25 Q. [11:53:21] Why?

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- 1 A. [11:53:41] I went with the guides.
- 2 Q. [11:53:56] Did anybody tell you to go to speak to the journalists?
- 3 A. [11:54:24] Yes, I was told that they were there. The people who came said that
- 4 the journalists were there.
- 5 Q. [11:54:41] Who do you mean by "the people who came"?
- 6 A. [11:55:13] The journalists who came to get information about what had
- 7 happened.
- 8 Q. [11:55:36] Madam Witness, I asked if anybody told you to go to speak to the
- 9 journalists. Did anybody - a family, a friend, a guide - tell you to go to speak to the
- 10 journalists?
- 11 A. [11:56:34] These were the guides, they came to my house and then we went to
- 12 the journalists. They came to my house.
- 13 Q. [11:56:51] How often did this happen?
- 14 A. [11:57:27] A number of times, there were a number of times that they came to
- 15 get me, and they took me somewhere and we spoke there and then I came home.
- 16 That happened several times.
- 17 Q. [11:57:46] Did anybody help you to prepare for these interviews?
- 18 A. [11:58:15] Yes.
- 19 Q. [11:58:18] Can you tell us who helped you prepare?
- 20 A. [11:58:27] Yes, there was a man who came -- who was with them who advised
- 21 me, who asked me if they had questions to ask me what to reply. But there was
- 22 another one I don't know.
- 23 Q. [11:59:41] Did you go to these interviews with other people?
- 24 A. [12:00:20] Yes.
- 25 Q. [12:00:23] Can you tell us who you went to these interviews with, please.

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1 A. [12:01:26] I can't -- I can only speak about what concerns me. Very often there
2 were white people and black people together and they would get -- take me to the
3 house. And then it was also the case that we would speak at the house and then we
4 would go back.

5 Q. [12:01:48] Madam Witness, did you attend -- did you go to any of these
6 meetings with other women?

7 A. [12:02:19] Every time they came to get us, we were asked questions and that's
8 what -- or every time they came to get me they put questions to me and they would
9 take me there. That's what I'm aware of.

10 Q. [12:02:52] Did the man who advised you come with you to the interviews?

11 A. [12:03:20] Yes, he left with me.

12 Q. [12:03:27] Madam Witness, to confirm, he was present during the interviews?

13 A. [12:03:52] All I know is that he accompanied us, but whether he was present or
14 not, I wouldn't be able to tell you.

15 Q. [12:04:19] Do you know who he was?

16 A. [12:04:42] Yes, I know him by sight. But usually nobody was with us, not even
17 the guide was with us when we were speaking.

18 Q. [12:05:23] Madam Witness, I'd like to ask you for as much information as you
19 are able to remember about him. Was he somebody from the local community?

20 A. [12:06:05] He's not from Timbuktu itself.

21 Q. [12:06:09] Do you know where he's from?

22 A. [12:06:30] I really don't know where he comes from. I only know that he
23 speaks Songhaï.

24 Q. [12:06:37] Do you know what other languages he speaks? If he speaks any
25 other languages.

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1 A. [12:07:28] Well, he spoke other languages, but everybody who spoke to me
2 spoke French or English -- and some spoke English.

3 Q. [12:07:45] Madam Witness, you said at line -- page 36, lines 6 to 8 of the current
4 transcript, "usually nobody was with us, not even the guide was with us when we
5 were speaking." When you refer to "us", who do you mean?

6 A. [12:09:21] Yes, often we would speak face to face, but it was so long ago that I
7 can't really remember much. Sometimes there were two of us speaking.

8 MS SUTHERLAND: [12:09:43] Mr President, I'd like to take advantage of the fact
9 we're still in private session to show a very, very short clip of a video solely for the
10 purposes of identification, after which we would be able to move back into public
11 session.

12 PRESIDING JUDGE MINDUA: [12:10:14](Interpretation) Once again the same
13 question, is this video really important?

14 MS SUTHERLAND: [12:10:21] Mr President, it's, as I said, solely for the purposes of
15 identification. It will be a 2-second, 3-second clip. And it's -- again, it's to ask the
16 witness if she's able to identify somebody in the video.

17 PRESIDING JUDGE MINDUA: [12:10:47](Interpretation) Please go ahead. Please
18 show the video.

19 MS SUTHERLAND: [12:10:50] Thank you, Mr President. So that's
20 MLI-OTP-0039-0605 and it's the Defence binder tab 14.

21 THE COURT OFFICER: [12:11:12] And I remind the parties, the Chamber and
22 participants that the video can be seen on evidence channel 2.

23 MS SUTHERLAND: [12:11:27] Sorry, I was just obtaining the accurate timestamp.
24 The timestamp is at 00:00:54:06. And we'll play without sound.

25 (Viewing of the video excerpt)

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(Private Session)

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WITNESS: MLI-OTP-P-0554

1 MS SUTHERLAND: [12:12:05]

2 Q. [12:12:06] Madam Witness, are you able to identify the two people we see in that
3 video, please.

4 A. [12:13:04] Yes, I know the black person.

5 Q. [12:13:09] Can you give us their name?

6 A. [12:13:38] I'm sorry -- I'm sorry, I haven't understood.

7 Q. [12:13:42] Please could you tell us the name of the person -- or both people in
8 the -- in the video.

9 A. [12:14:10] The black person is called Azou (phon).

10 Q. [12:14:20] And who is the other person?

11 A. [12:14:37] I don't know the other person.

12 Is that not myself, the other person?

13 Q. [12:15:08] Madam Witness, do you recognise yourself?

14 A. [12:15:32] Yes, I can recognise it, the photo, but -- I can recognise myself.

15 Q. [12:15:42] How did you know Azou?

16 A. [12:16:09] I knew Azou from before, before meeting these people, even before
17 then.

18 THE INTERPRETER: [12:16:27] Correction from the interpreter: Even before these
19 events.

20 PRESIDING JUDGE MINDUA: [12:16:31](Interpretation) Ms Sutherland, I think that
21 we can now go into open session.

22 Have you finished? Should we go into (Overlapping speakers)

23 MS SUTHERLAND: [12:17:02] I'd like to ask one last question about Azou.

24 PRESIDING JUDGE MINDUA: [12:17:09](Interpretation) Please go ahead with your
25 last question on the subject of Azou.

Trial Hearing

(Private Session)

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WITNESS: MLI-OTP-P-0554

1 MS SUTHERLAND: [12:17:14]

2 Q. [12:17:15] Madam Witness, how did you know Azou from before?

3 A. [12:17:44] Well, it was a very long time ago. He came to the neighbourhood
4 because there was -- well, she came to our neighbourhood. She also came because
5 she had -- in our neighbourhood.

6 PRESIDING JUDGE MINDUA: [12:18:48](Interpretation) Ms Sutherland, please
7 continue because time is passing.

8 MS SUTHERLAND: [12:18:53] Mr President, I don't think I've had a full
9 interpretation. But we can move on.

10 So yes, please, can we return to public session.

11 PRESIDING JUDGE MINDUA: [12:19:21](Interpretation) Court officer, please take
12 us into open session.

13 (Open session at 12.19 p.m.)

14 THE COURT OFFICER: [12:19:32](Interpretation) We are in open session again.

15 PRESIDING JUDGE MINDUA: [12:19:36](Interpretation) Thank you very much,
16 court officer.

17 Ms Sutherland.

18 MS SUTHERLAND: [12:19:43]

19 Q. [12:19:43] Madam Witness, aside from what we've just been speaking about, did
20 you speak to any NGO representatives about your experiences?

21 THE SONGHAI INTERPRETER: [12:20:38](Interpretation) Your Honour, could we
22 ask the witness to repeat what she just said. Thank you.

23 PRESIDING JUDGE MINDUA: [12:20:46](No interpretation)

24 THE WITNESS: [12:21:24](Interpretation) I was saying, apart from the journalist that
25 I spoke about, local people came, but I didn't accept to give them an interview. They

Trial Hearing

(Open Session)

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WITNESS: MLI-OTP-P-0554

1 wanted to speak to me.

2 MS SUTHERLAND: [12:21:41]

3 Q. [12:21:41] Are you able to describe them in a little bit more detail without
4 identifying them?

5 A. [12:22:10] Yes, you're speaking about those from our locality, from our
6 neighbourhood who were the ones who asked me?

7 Q. [12:22:23] Yes, please.

8 A. [12:22:48] Yes, some of them were from not far away and others were from
9 further away than I am. And in addition, there were also some women.

10 Q. [12:23:05] When you say they "were from not far away and others were from
11 further away", are you able to tell us where they were from?

12 A. [12:23:37] Some were from Abaradjou and they were there, but they're from the
13 same neighbourhood but a further -- a more distant part of it. So some were from
14 Abaradjou and others from Bangou (phon), which is another neighbourhood.

15 Q. [12:24:22] So these local people to whom you refer, these are people within
16 Timbuktu?

17 A. [12:24:50] Yes, these were people from Timbuktu.

18 Q. [12:24:52] Why did you refuse to speak to them about what happened?

19 A. [12:25:16] I just didn't want to. That was it.

20 Q. [12:25:23] Did you speak to any people who weren't from Timbuktu working for
21 non-governmental organisations?

22 A. [12:26:11] I didn't speak to anyone else apart from the people I spoke to you
23 about. They weren't from Timbuktu. But apart from them, I didn't speak to
24 anybody else.

25 Q. [12:26:23] Did anybody ever ask you to travel to Bamako to speak to them?

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1 A. [12:27:05] Somebody? No.

2 Q. [12:27:14] Are you aware of local people organising meetings to talk about the
3 events?

4 A. [12:27:54] Yes, they had a lot of meetings, but I never went and I never spoke in
5 them.

6 Q. [12:28:21] Are you able to tell us anything about a group called (Interpretation)
7 Local association for the victims of the events in the north of Timbuktu?

8 A. [12:29:23] Yes, they had meetings, but I never went. People would say what
9 had happened to them and that there was an association, but I never went there. I
10 never accepted to participate there.

11 Q. [12:29:49] And have you heard of another organisation called DEME-SO?

12 A. [12:30:20] I don't know, I don't know. No, I haven't heard that name.

13 Q. [12:30:27] Madam Witness, yesterday you told us that you -- about the business
14 that you were running, and I'm afraid I don't have the exact transcript reference, but
15 you told us you were selling ointments.

16 PRESIDING JUDGE MINDUA: [12:30:56](Interpretation) Prosecutor.

17 MS SARDACHTI: [12:30:57] (Interpretation) These -- this information is identifying.
18 We should go into private session, please.

19 PRESIDING JUDGE MINDUA: [12:31:04](Interpretation) Yes.

20 Courtroom officer, private session, please.

21 (Private session at 12.31 p.m.)

22 THE COURT OFFICER: [12:31:28] We are in private session, Mr President.

23 (Interpretation) And I will proceed to the redaction of the identifying element.

24 PRESIDING JUDGE MINDUA: [12:31:40](Interpretation) Thank you very much.

25 Ms Sutherland.

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(Private Session)

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1 MS SUTHERLAND: [12:31:41] I'm very grateful. Thank you.

2 The reference is transcript 64, page 54, lines 10 to 11.

3 Q. [12:31:54] Madam Witness, I'd be grateful if you could tell us what kind of
4 ointments you sold.

5 A. [12:32:47] I sold all manner of ointments. I -- several types, including -- well, of
6 various types. I also sold perfumes and the hair extensions. I couldn't give you all
7 the types now.

8 MS SUTHERLAND: [12:33:31] Mr President, I have a few very short final questions
9 which I'm afraid we'll have to remain in private session for, so I'll take advantage of
10 this moment. And it should be, I expect, no more than a few minutes.

11 PRESIDING JUDGE MINDUA: [12:33:57](Interpretation) Please go ahead,
12 Ms Sutherland.

13 MS SUTHERLAND: [12:34:00]

14 Q. [12:34:01] Madam Witness, do you know anybody called [REDACTED] (phon)?

15 A. [12:34:27] No, I don't.

16 Q. [12:34:32] What about [REDACTED]

17 A. [12:34:58] I don't know him either.

18 Q. [12:35:02] Anybody called [REDACTED]?

19 A. [12:35:18] No, no, I don't know him either.

20 Q. [12:35:22] [REDACTED] (phon)?

21 A. [12:35:46] No.

22 MS SUTHERLAND: [12:35:40] (Overlapping speakers) Mr President, we can return
23 to public session.

24 THE WITNESS: [12:35:52] (Interpretation) But where does this last person come
25 from?

Trial Hearing

(Open Session)

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1 PRESIDING JUDGE MINDUA: [12:36:02](Interpretation) Very good.

2 Court officer, public session, please.

3 (Open session at 12.36 p.m.)

4 THE COURT OFFICER: [12:36:12] (Interpretation) We are back in public session,
5 your Honour.

6 PRESIDING JUDGE MINDUA: [12:36:17](Interpretation) Thank you, court officer.
7 Ms Sutherland.

8 MS SUTHERLAND: [12:36:33] Madam Witness, I'd like to thank you very much for
9 your time that you've spent with us and thank you for answering my questions.

10 Mr President, I have no further questions.

11 THE WITNESS: [12:37:03](Interpretation) Thank you.

12 PRESIDING JUDGE MINDUA: [12:37:06](Interpretation) Thank you, Ms Sutherland,
13 for having made the effort to complete this cross-examination in the time allotted by
14 the Chamber. Thank you very much.

15 I now turn to Prosecution, do you have any further questions?

16 MS SARDACHTI: [12:37:33] (Interpretation) No further questions, your Honour.

17 PRESIDING JUDGE MINDUA: [12:37:36](Interpretation) Thank you very much,
18 Madam Prosecutor.

19 In that case, if nobody further wishes to take the floor, I would like to turn to the
20 witness.

21 Madam Witness, the Chamber would like once again to thank you for helping us by
22 answering very clearly with courage and patience to the questions that have been put
23 to you.

24 I didn't hear the interpretation. Songhai booth, I did not hear Madam Witness's last
25 reply.

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1 THE WITNESS: [12:39:06](Interpretation) Yes, I've understood.

2 PRESIDING JUDGE MINDUA: [12:39:07](Interpretation) Very well.

3 Madam Witness, your testimony has now been completed, and on behalf of my
4 colleagues from the Chamber, I would thank you again and wish you a good day.

5 THE WITNESS: [12:39:34](Interpretation) Thank you very much.

6 (The witness is excused)

7 PRESIDING JUDGE MINDUA: [12:39:38](Interpretation) I now turn to the parties
8 and participants to remind you of the procedure with regard to submission of
9 evidence to the file.

10 We have now completed the testimony of the 23rd Prosecution witness. On Monday,
11 1 March we will start with the 24th witness.

12 I see that Mr Duterte is indicating his acknowledgment.

13 I would like to thank the parties and participants for the excellent cooperation they
14 have shown. I would also like to thank the court reporters and the interpreters for
15 their excellent work. And of course I'm very grateful to our security officers. And
16 finally I would like to show my recognition to the public. We are trying to conduct a
17 public trial, but I'm sure you will have understood that from time to time we need to
18 go into private session in order to respect the Statutes requiring us to protect certain
19 witnesses.

20 I wish everyone a very good weekend.

21 And the hearing is now adjourned. The hearing is adjourned.

22 THE COURT USHER: [12:41:18] All rise.

23 (The hearing ends in open session at 12.41 p.m.)

24 CORRECTIONS REPORT

25 The following corrections, marked with an asterisk and not included in the

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WITNESS: MLI-OTP-P-0554

- 1 audio-visual recording of the hearing, are brought into the transcript.
- 2 Page 18 line 2
- 3 "because this is a public matter..." Is corrected to "because this article is part of the
- 4 public domain..."
- 5 Page 18 line 3
- 6 "So you can't read" Is corrected to "So the defence can't read"
- 7 Page 22 lines 7-9
- 8 "We're speaking about complicated matters, metadata, and then we say we've
- 9 established that the judgment was also -- also took place on the 1st of January." Is
- 10 corrected to "We're speaking about complicated matters, such as data, metadata, and
- 11 then the defence says "we've established that the judgment also took place on the 1st
- 12 of January." What are we talking about?"
- 13 Page 22 line 10
- 14 "The hearing?" is translated and added
- 15 Page 22 lines 11-13
- 16 "And to say that we have established this, it hasn't been established. So it's unfair to
- 17 put things in these terms to the witness." Is corrected to "And to say it to the witness
- 18 like it is a statement : that "we have established this", no, it hasn't been established. So
- 19 it's unfair to put things in these terms to the witness."
- 20 Page 23 line 8
- 21 "You" Is corrected to "She"