

Trial Hearing  
WITNESS: MLI-D28-P-0540

(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 Judge Antoine Kesia-Mbe Mindua, Presiding, Judge Tomoko Akane and Judge

7 Kimberly Prost

8 Trial Hearing - Courtroom 3

9 Wednesday, 15 June 2022

10 (The hearing starts in open session at 9.32 a.m.)

11 THE COURT USHER: [9:32:27] All rise. The International Criminal Court is

12 now in session. Please be seated.

13 PRESIDING JUDGE MINDUA: [9:32:54](Interpretation) The hearing shall

14 now commence.

15 Good morning, everyone.

16 Court officer, if you could call the case.

17 THE COURT OFFICER: [9:33:07] Good morning, Mr President. This is the

18 situation in the Republic of Mali, in the case of The Prosecutor versus Al

19 Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud, case reference

20 ICC-01/12-01/18.

21 And for the record, we are in open session.

22 PRESIDING JUDGE MINDUA: [9:33:27](Interpretation) Thank you very

23 much, court officer.

24 We will now begin with the introductions, first of all the Office of the

25 Prosecutor.

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1 Mr Prosecutor.

2 MR GARCIA: [9:33:43](Interpretation) Good morning, Mr Lucio Garcia with  
3 the Prosecution, and I have my colleagues here, Ms Schoeters (Overlapping  
4 speakers)(No interpretation) Maître Gilles Dutertre. *Merci.*

5 PRESIDING JUDGE MINDUA: [9:33:56](Interpretation) Defence.

6 MS TAYLOR: [9:33:57] Good morning, Mr President, good morning,  
7 your Honours, and good morning to everyone in the courtroom and around  
8 the courtroom. The Defence for Mr Al Hassan is represented today by  
9 Maître Mohamed Youssef, Ms Amina Fahmy and Mr Maouloud Al-Ansary  
10 from Bamako.

11 PRESIDING JUDGE MINDUA: [9:34:22](Interpretation) Thank you very  
12 much, Ms Taylor.

13 I'll take this opportunity to greet Mr Al Hassan and your case manager who is  
14 in Bamako.

15 And now the legal representative of victims.

16 Counsel.

17 MR KASSONGO: [9:34:38](Interpretation) Good morning, your Honours.  
18 Good morning, everyone. The team representing the victims is made up of  
19 myself, Mr Kassongo, and we all extend best wishes to the witness and we  
20 thank the Chamber.

21 PRESIDING JUDGE MINDUA: [9:35:00](Interpretation) Thank you very  
22 much, Mr Kassongo.

23 And finally the witness. I remind, the witness -- that we are hearing the  
24 eighth Defence witness, D-0540.

25 Good morning, Mr Witness, how are you today?

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1 WITNESS: MLI-D28-P-0540 (On former oath)

2 (The witness speaks Tamasheq)

3 (The witness gives evidence via video link)

4 THE WITNESS: [9:35:27](Interpretation) I'm well, thanks be to God. I am  
5 well, thanks be to God.

6 PRESIDING JUDGE MINDUA: [9:35:39](Interpretation) Thank you very  
7 much, Mr Witness. On behalf of the Chamber, I would like to welcome you  
8 once again.

9 THE WITNESS: [9:35:54](Interpretation) Well, thank you.

10 PRESIDING JUDGE MINDUA: [9:35:58](Interpretation) I remind you that  
11 you are still under oath and you must tell the truth, the whole truth and  
12 nothing but the truth.

13 THE WITNESS: [9:36:19](Interpretation) Yes. Fine.

14 PRESIDING JUDGE MINDUA: [9:36:23](Interpretation) I remind you of the  
15 practical instructions I gave you. You have to speak at a moderate rate of  
16 speed and please pause from time to time.

17 THE WITNESS: [9:36:51](Interpretation) Yes, I'll try to do that.

18 PRESIDING JUDGE MINDUA: [9:36:55](Interpretation) Very well. Today, we  
19 continue with examination-in-chief by the Defence.

20 THE WITNESS: [9:37:17](Interpretation) Fine.

21 PRESIDING JUDGE MINDUA: [9:37:20](Interpretation) Without any further  
22 ado, I will now invite Ms Taylor to begin.

23 Ms Taylor.

24 MS TAYLOR: [9:37:30] Thank you very much, Mr President.

25 QUESTIONED BY MS TAYLOR (Continuing)

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1 Q. [9:37:35] Good morning, Mr Witness. How are you today?

2 A. [9:37:45] I'm well, very well, thanks be to God.

3 Q. [9:37:51] Very good. Mr Witness, I have a small request, if you would  
4 like to answer a question in Arabic, could you let us know so that we can  
5 ensure that the Arabic channel is following it.

6 A. [9:38:58] Yes, indeed. If ever -- if ever I have to speak in Arabic, if I need  
7 to speak in Arabic I will say so. For example, yesterday with the quotation  
8 from the Koran.

9 Q. [9:39:20] Thank you very much, Mr Witness, that's appreciated.

10 Now, Mr Witness, I'm going to turn to something you said yesterday and ask  
11 a follow-up question. Yesterday at page 37, line 2, you said:

12 "Yes, it's clear. A person who drinks alcohol, people don't like him. They  
13 hate him, but they don't do anything against him. They know full well that  
14 he's doing something wrong."

15 Mr Witness, do you remember saying that?

16 A. [9:40:08] Yes, indeed.

17 Q. [9:40:52] Now Mr Witness, you said the people don't do anything against  
18 this person who drinks alcohol. My question is, would the people of the  
19 encampment still share or drink the same water with him?

20 A. [9:41:57] No, no. They wouldn't drink from the same cup as them -- as  
21 him.

22 Q. [9:42:12] Mr Witness, can you explain what you mean by "cup"? Would  
23 this extend to wells?

24 A. [9:42:49] No, just the cup. Just the cup that the ... No, just the cup that  
25 he used to drink. When he uses a cup to drink water, no one would want to

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1 drink from the same cup. They would have to wash the cup first.

2 Q. [9:43:19] Are there any other consequences?

3 A. [9:43:40] Are you talking about the person who is drinking alcohol?

4 Q. [9:43:47] Yes, in terms of how the community might interact with him  
5 afterwards?

6 A. [9:44:31] No, there's no other consequences for that person, other than  
7 that what I just said. If he -- given that he drinks alcohol, well, you see,  
8 haram -- alcohol is haram, forbidden in our religion. People won't want his  
9 leftovers, so to speak.

10 Q. [9:45:03] Mr Witness, is there a difference between the word "*timinia*" and  
11 the word "*assahat*"?

12 A. [9:45:34] I think that -- that's in another language because it's the same  
13 word, it's the same thing.

14 Q. [9:45:47] Mr Witness, my understanding is that I'm using two Tamasheq  
15 words, one word being "*timinia*" and the other word being "*assahat*".

16 A. [9:46:09] The word "*timinia*" amongst the -- that is Tamasheq. The word  
17 "*timinia*" and the other word correspond to authority. The authorities of an  
18 area.

19 THE INTERPRETER: [9:47:27] Message from the booth: Could the witness be  
20 asked to shorten his replies.

21 PRESIDING JUDGE MINDUA: [9:47:33](Interpretation) Indeed. You would  
22 like him to repeat what he just said?

23 THE INTERPRETER: [9:47:39] The Tamasheq interpreter: Yes, please.

24 PRESIDING JUDGE MINDUA: [9:47:43](Interpretation) Mr Witness, please  
25 repeat your reply.

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1 THE WITNESS: [9:47:53](Interpretation) The word "*timinia*" corresponds to  
2 authority in Tamasheq. So the authorities of an area, of a locality.

3 MS TAYLOR: [9:48:20]

4 Q. [9:48:21] And what does the word "*assahat*" correspond to?

5 A. [9:48:33] The authorities of an area, of a locality, because they control that  
6 area by force. The "*assahat*" -- that means, force or power.

7 Q. [9:48:57] And can an "*amenokal*" or a religious leader be a *timinia*?

8 MR GARCIA: [9:49:29](Interpretation) Your Honour?

9 PRESIDING JUDGE MINDUA: [9:49:30](Interpretation) Yes.

10 MR GARCIA: [9:49:31](Interpretation) First of all, I find that the question is  
11 leading. Secondly, we already have two or more words that have been placed  
12 on the record without a spelling. So I don't really know what this is all about,  
13 but it needs to be clear for the transcript. As for the question itself, it's  
14 leading.

15 PRESIDING JUDGE MINDUA: [9:50:03](Interpretation) Yes, Ms Taylor, I  
16 think we do need the spelling of these various words. Perhaps the witness  
17 could help us with that and then, as for the other concern from the Prosecution,  
18 I think perhaps the question needs to be rephrased.

19 Let's begin with the spelling. Could the witness ...

20 Yes?

21 MS TAYLOR: [9:50:25] Mr President, I can give the spelling. We got it from  
22 interpretation yesterday. So this is coming off the back of interpretation  
23 issues.

24 The spelling for *timinia* is T-I-M-I-N-I-A and the spelling for *assahat*

25 A-S-S-A-H-A-T.

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1 PRESIDING JUDGE MINDUA: [9:50:51](Interpretation) Mr Prosecutor, does  
2 that -- is that sufficient?

3 MR GARCIA: [9:50:56](Interpretation) I think there was another word for  
4 religious leader, "*amenokal*".

5 PRESIDING JUDGE MINDUA: [9:51:04](Interpretation) Ms Taylor.

6 MS TAYLOR: [9:51:05] The word was "*amenokal*", which has been used before  
7 in the case, but I understood that the Prosecutor wanted to rephrase my  
8 question. I can spell it, it's A-M-E-N-O-K-A-L.

9 PRESIDING JUDGE MINDUA: [9:51:28](Interpretation) That's for the third  
10 term, isn't it, is that Arabic or Tamasheq?

11 MS TAYLOR: [9:51:35] Tamasheq. It's a word used in connection with  
12 Tuareg tribes.

13 PRESIDING JUDGE MINDUA: [9:51:48](Interpretation) Very well, we now  
14 have the three words, Mr Prosecutor.

15 Ms Taylor, please rephrase your question as is necessary.

16 MS TAYLOR: [9:51:59]

17 Q. [9:52:00] Now, Mr Witness, I'm using specifically the word "*timinia*",  
18 among your tribe, who were considered to be the *timinia*?

19 A. [9:52:48] The *timinia* is in the area of Timbuktu and it is used to refer to  
20 the Malian authorities.

21 Q. [9:53:00] And within your tribe - and you gave the name of your tribe  
22 yesterday - were there any individuals who you would consider to be a *timinia*?

23 MR GARCIA: [9:53:17](Interpretation) Your Honour?

24 PRESIDING JUDGE MINDUA: [9:53:22](Interpretation) Yes.

25 MR GARCIA: [9:53:24](Interpretation) This is the second time that the

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1 question has been put to the witness and the witness has already replied.

2 PRESIDING JUDGE MINDUA: [9:53:31](Interpretation) The witness has

3 already replied and the tribe of the witness is to be found in Mali, so the

4 previous answer still applies.

5 Move on to something else, please.

6 MS TAYLOR: [9:53:48]

7 Q. [9:53:48] Mr Witness, we were speaking yesterday about the period of

8 2012 specifically, and you were talking yesterday about the group Ansar Dine

9 arranging for Koranic classes for children of the local population.

10 Did Ansar Dine provide any other services to the local population?

11 MR GARCIA: [9:54:54](Interpretation) Your Honour?

12 PRESIDING JUDGE MINDUA: [9:54:56](Interpretation) Yes.

13 MR GARCIA: [9:54:56](Interpretation) I'm sorry to intervene once again - I'll

14 try to do this as little as possible - but I disagree with the way that the Defence

15 has represented the witness's remarks from yesterday. This question

16 presupposes that the Ansar Dine group did arrange classes for children. That

17 is not what the witness said. The witness said that -- or he told us about who

18 went to these classes, but nothing more than that. He did not say that the

19 services had been arranged or offered to the people.

20 So if the question could be rephrased or if a direct question could be put;

21 otherwise things become leading and this is -- it's not exactly what the witness

22 told us yesterday.

23 PRESIDING JUDGE MINDUA: [9:55:54](Interpretation) Indeed. There is

24 a nuance here, Ms Taylor, compared to what the witness said yesterday and

25 what you are having him say today. Rephrase, please.



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1 MS TAYLOR: [9:56:07] Thank you, Mr President. I'm happy to do so, but  
2 with the greatest respect, the Prosecutor very well knows the answer to that is  
3 in private session in terms of the involvement of Ansar Dine as concerns the  
4 Koranic classes. There was a very clear answer given as concerns how those  
5 Koranic classes were organised and who paid for them.

6 So I don't believe it's in any way a fair or a representative objection, and it's not  
7 fair to make these objections in public session when the answers are in private  
8 session.

9 Q. [9:56:51] Now, Mr Witness, speaking of 2012, did Ansar Dine provide any  
10 services to the local population?

11 A. [9:57:40] I believe that they helped the people in a number of ways.

12 Q. [9:57:51] Can you explain those ways to the Chamber?

13 A. [9:58:21] Yes. During the agricultural period, the people complained,  
14 saying that they didn't have supplies to plant.

15 Q. [9:58:46] So what happened?

16 A. [9:59:13] So they gave them fuel, gasoline, which they used to sow and,  
17 during harvest time, they had to remove -- remove the zomon (phon).

18 THE INTERPRETER: [9:59:49] Message from the English booth: The last part  
19 of the reply was unclear.

20 MS TAYLOR: [9:59:57]

21 Q. [9:59:59] I have two follow-up questions, Mr Witness, firstly, did you use  
22 the word in Arabic, Zahdika (phon)?

23 A. [10:00:41] No. I said that it was the Ansaduk (phon).

24 Q. [10:00:56] Mr Witness, what is that?

25 A. [10:01:22] Yes, they said that once you remove the alms, you can give

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1 this -- or distribute this to people who do not have any form of revenue.

2 Q. [10:01:40] Mr Witness, can you explain what *zakat* is, Z-A-K-A-T.

3 A. [10:02:15] *Zakat* is the term "*alms*," that's how the Tamasheq call it.

4 Q. [10:02:24] Thank you, Mr Witness. So when you were saying that the  
5 group removed and distributed *alms*, were they removing and distributing  
6 *zakat*?

7 THE INTERPRETER: [10:02:49] Message from the English booth: it is *alms*,  
8 A-L-M-S, not A-R-M-S.

9 MS TAYLOR: [10:02:57] Thank you, that's clearer. It should be "A-L-M-S",  
10 which makes sense. So I don't think it's necessary for me to ask the follow-up  
11 question.

12 Q. [10:03:04] Sorry, Mr Witness, there was a bit of confusion. My follow-up  
13 question is, Mr Witness, you said "they" gave gas oil to the farmers. Who or  
14 what gave gas oil to the farmers?

15 A. [10:03:55] It was, as I said, Ansar Dine.

16 Q. [10:04:01] Thank you, Mr Witness. If you could just bear with me,  
17 sometimes the full answers aren't always clear in the transcripts.

18 Now, Mr Witness, you've described the group receiving and distributing *alms*,  
19 that is, *zakat*. How do you know that?

20 A. [10:04:39] That's what I heard.

21 Q. [10:04:57] And did you hear what type of *alms* were distributed?

22 A. [10:05:32] It was just *alms* in the form of grain.

23 Q. [10:05:39] Mr Witness, I'm turning to a different topic. Yesterday, you  
24 mentioned an individual called Houka Houka. Do you know what he was  
25 doing at the time that Ansar Dine was present in Timbuktu?

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1 A. [10:06:44] Yes, he was doing the same job as he did afterwards, after the  
2 departure of Ansar Dine.

3 Q. [10:06:58] Can you describe what this job was?

4 A. [10:07:39] Yes. In fact, he was a teacher and people would come to his  
5 home. He was also a marabout and people would go to his home if there was  
6 a dispute, and that's what he did also after the departure of Ansar Dine.

7 Q. [10:08:04] And speaking of 2012, what would happen if people came to  
8 his house with a dispute?

9 A. [10:09:00] Yes, I don't know what he would say to people when they went  
10 to his house, when there was a dispute because I was not there with him. All I  
11 do know is that he would inform them, he would explain to them how to  
12 resolve the situation; that's all I can tell you.

13 Q. [10:09:22] And were there any other marabouts performing this role in  
14 2012?

15 A. [10:10:03] I have no idea. I do not know whether there were any other  
16 individuals like him, because I do not know that locality well.

17 Q. [10:10:18] Mr Witness, earlier you mentioned the Malian authorities  
18 having the power in Timbuktu. At this time, when you were there in 2012,  
19 did you see any Malian authorities present in Timbuktu?

20 A. [10:11:10] No, in the year 2012, the Malian authorities were no longer  
21 there.

22 Q. [10:11:21] Were there any Malian judges present in Timbuktu at this point  
23 in time? Judges appointed by Malian courts?

24 A. [10:11:56] No. There weren't any.

25 Q. [10:12:03] So if, at this period in time, people had a dispute, how would

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1 they resolve the dispute?

2 A. [10:12:45] At that time, it was Ansar Dine that was the figure of authority  
3 in Timbuktu and people would approach them in the case of a dispute.

4 Q. [10:13:07] Does the word "*shurta*" mean anything to you?

5 A. [10:13:29] Yes, it does ring a bell. It's an Arabic word that in French  
6 means "police." That's all that I know.

7 Q. [10:14:06] And did Ansar Dine set up a *shurta*?

8 A. [10:14:16] Yes.

9 Q. [10:14:37] Do you know who was the chief of the *shurta*?

10 A. [10:15:12] Yes, I do know the chief of the police, he was there and he was  
11 called "Adama."

12 Q. [10:15:23] Do you know what country he was from?

13 A. [10:15:49] Yes, I believe - and people said - that he is Mauritanian.

14 Q. [10:16:00] Was he chief the entire time that Ansar Dine was present in  
15 Timbuktu?

16 MR GARCIA: [10:16:13](Interpretation) Objection.

17 PRESIDING JUDGE MINDUA: [10:16:17](Interpretation) Mr Prosecutor.

18 MR GARCIA: [10:16:19](Interpretation) So I would request for there to be  
19 open questions. It's very easy to put open questions. It is a Defence witness,  
20 and this question is quite leading in nature.

21 PRESIDING JUDGE MINDUA: [10:16:35](Interpretation) Ms Taylor, that  
22 question could have been put differently.

23 MS TAYLOR: [10:16:41] Thank you, Mr President.

24 Q. [10:16:44] Mr Witness, how long -- do you know how long Adam was the  
25 chief of police?

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1 A. [10:17:13] I have no idea.

2 Q. [10:17:18] Did he ever stop being the chief of the police?

3 MR GARCIA: [10:17:28](Interpretation) I object.

4 PRESIDING JUDGE MINDUA: [10:17:32](Interpretation) Mr Prosecutor, on  
5 this occasion I believe it is a follow-up matter, is it not?

6 MR GARCIA: [10:17:37](Interpretation) The problem is, Mr President, as far  
7 as I'm concerned, is that the witness has already answered the preceding  
8 question; namely, how long he had been chief for and the witness said that he  
9 had no idea. So it's going to be difficult for the witness to answer this second  
10 question. Anyway, that's my objection.

11 PRESIDING JUDGE MINDUA: [10:18:04](Interpretation) Ms Taylor?

12 MS TAYLOR: [10:18:05] Thank you, Mr President. I don't believe that's  
13 correct. The witness has stated that he is unable to give a specific amount of  
14 time; that doesn't mean he's not in a position to indicate whether Adam  
15 stopped being the chief of police at a certain point in time, even if he doesn't  
16 know when exactly that occurred. It's two different issues.

17 Now the Prosecutor blocked me from asking a more open question in terms of  
18 was he the chief the entire time. They asked me to reformulate and now  
19 they're preventing me from pursuing this line of questioning. We do have  
20 a right to put our case. And the Victims and Witnesses Section have given  
21 very specific directions concerning this witness, and I do believe this is over  
22 complicating it. It's using our time and I do believe it's not a contested issue  
23 either.

24 PRESIDING JUDGE MINDUA: [10:19:18](Interpretation) Mr Prosecutor, yes,  
25 there is an issue indeed in view of the situation of this witness in order to

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1 assess time et cetera. So the Defence had asked: How long had Mr Adama  
2 been the chief of police? The witness said that he did not know.  
3 So for a follow-up question, the question was asked by the Defence whether he  
4 was chief the entire time. So you say that this is leading. Well, the witness is  
5 saying that it's -- it might be to help the witness in view of his difficulties.  
6 Let's see what he's going to answer and then let's move on.

7 Ms Taylor.

8 MS TAYLOR: [10:20:06]

9 Q. [10:20:08] Mr Witness, was Adam the chief of the police the entire time  
10 that Ansar Dine was present?

11 A. [10:20:18] No, at a given moment in time, he was replaced by somebody  
12 else.

13 Q. [10:20:46] And who replaced him?

14 A. [10:21:01] Yes, somebody by the name of "Khalid" replaced him.

15 Q. [10:21:12] And do you know how long Khalid was the chief of police?

16 A. [10:21:17] I do not know, but I believe that he was the chief until  
17 Ansar Dine left. I only know those two individuals.

18 Q. [10:21:54] Mr Witness, do you know the defendant in this case, Al Hassan  
19 Ag Abdoul Aziz?

20 A. [10:22:27] Yes, I do know him. But he might not know him. I know  
21 him by sight.

22 Q. [10:22:41] You said you "know him by sight." Had you seen him before  
23 2012?

24 A. [10:23:09] No, I had never seen him before that.

25 Q. [10:23:16] Do you recall -- and if you don't remember, that's okay, but do

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1 you recall where you saw him?

2 A. [10:23:52] Yes, I saw him in Timbuktu during that period.

3 Q. [10:24:00] And do you recall any specific occasion that you saw him?

4 A. [10:24:38] Yes, when I met him, I knew who he was. Do you understand  
5 that?

6 Q. [10:24:46] Yes, Mr Witness, I'm just asking you if you remember any  
7 specific meetings that you had in 2012?

8 A. [10:25:39] Yes, we had met on one occasion at the police office, but I had  
9 never met him before. That is when I saw him.

10 Q. [10:25:55] And was this a social occasion or were you there for work?

11 A. [10:26:48] Yes, it was just a social meeting. I heard speak of him and  
12 when I went there, I saw him.

13 THE INTERPRETER: [10:27:00] Correction from the Tamasheq booth: It was  
14 not a social meeting, it was just a meeting.

15 MS TAYLOR: [10:27:08]

16 Q. [10:27:10] And when you saw him, did he have a weapon on him?

17 A. [10:27:39] No. No. He was not carrying a weapon when I saw him  
18 there.

19 Q. [10:27:47] I'm going to turn to a different topic, it's a topic concerning  
20 marriage.

21 Now, Mr Witness, does Islamic law, that is, *fiqh*, establish any rules or  
22 conditions for marriage to take place? And I understand that the word for  
23 conditions is "*shurut*", S-H-U-R-U-T.

24 A. [10:29:17] Yes, of course, there are conditions laid down.

25 Q. [10:29:21] Mr Witness, can you explain these conditions and can you do

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1 so one by one for the interpreters.

2 A. [10:30:17] Yes, the first condition is to ask the father of the future spouse,  
3 and if he is not alive, then one needs to make the request of the tutor.

4 Q. [10:30:39] And what is the next condition?

5 THE INTERPRETER: [10:31:00] Correction from the English booth: From the  
6 "guardian."

7 THE WITNESS: [10:31:02](Interpretation) The second condition is to have two  
8 legal witnesses.

9 MS TAYLOR: [10:31:12]

10 Q. [10:31:14] Are there any other conditions?

11 A. [10:31:39] Yes, there are two further conditions, the third being the  
12 dowry.

13 Q. [10:31:48] And what was other condition?

14 A. [10:32:12] The last one is "Al-Aqid". In Tamasheq, it means the marriage  
15 contract.

16 Q. [10:32:23] And who signs the marriage contract?

17 A. [10:32:55] Marriage contracts require the two witnesses and -- well, the  
18 father and the future husband. They're the ones who set out the marriage  
19 contract.

20 Q. [10:33:16] And Mr Witness, were these conditions something that would  
21 be taught at the madrasas in 2012?

22 A. [10:34:00] Yes, these are conditions that people are familiar with -- have  
23 always known about. It is possible that from a Koranic reading you will find  
24 mention of that, but that's not the objective.

25 Q. [10:34:27] Would these conditions be talked about in the mosques in 2012,



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1 in sermons?

2 A. [10:35:20] Yes -- no, we're not talking about these conditions not before  
3 the year 2000, nor either the year -- nor after. We're just talking about in the  
4 case of marriage.

5 Q. [10:35:46] Now, Mr Witness, you stated that these are conditions that  
6 people are always familiar with, have always known about. For reference,  
7 this is page 18.

8 Are these conditions consistent with the traditions that were followed by your  
9 tribe?

10 A. [10:36:40] Yes. Those conditions are the ones they follow.

11 Q. [10:36:48] And if I understand correctly, if the father or a relative does not  
12 give their consent, then the marriage would not be consistent with these  
13 conditions?

14 A. [10:37:32] Yes.

15 MS TAYLOR: [10:37:40] Mr President, I have some questions that need to  
16 go into private session for.

17 PRESIDING JUDGE MINDUA: [10:37:56](Interpretation) How much time  
18 will you need, Ms Taylor?

19 MS TAYLOR: [10:37:59] I will try to keep it brief, it's only about five or six  
20 questions.

21 PRESIDING JUDGE MINDUA: [10:38:08](Interpretation) Very well.  
22 Court officer, private session, please.

23 (Private session at 10.38 a.m.)

24 THE COURT OFFICER: [10:38:15] We are in private session, Mr President.

25 PRESIDING JUDGE MINDUA: [10:38:30](Interpretation) Thank you very

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1 much.

2 Ms Taylor.

3 MS TAYLOR: [10:38:33]

4 Q. [10:38:34] Now Mr Witness, speaking of 2012, do you recall if anyone  
5 from your tribe, that's the [REDACTED], married anyone from Ansar Dine?

6 A. [10:39:20] Yes, of course, I remember. There were people that they  
7 married.

8 Q. [10:39:28] Do you remember the name of any individuals who got  
9 married?

10 A. [10:39:47] Yes. There was a woman, "[REDACTED]" was her name.

11 Q. [10:39:57] Now this woman, "[REDACTED]", was she a relative of yours?

12 A. [10:40:07] [REDACTED].

13 Q. [10:40:17] Which village or area did she live in?

14 A. [10:40:24] She lives west of Timbuktu, rather far to the west, [REDACTED]  
15 [REDACTED].

16 Q. [10:41:09] And what was the name of her father?

17 A. [10:41:24] [REDACTED].

18 Q. [10:41:29] And what type of work did he do?

19 A. [10:41:54] [REDACTED]  
20 was alive, but he is now deceased.

21 Q. [10:42:14] Was he alive at the time [REDACTED] got married?

22 A. [10:42:32] Yes, he was alive.

23 Q. [10:42:35] Now you've stated he was a marabout. Were there any other  
24 [REDACTED] in the [REDACTED] at this point in time, that is, 2012?

25 A. [10:42:48] Yes, there were [REDACTED]

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1 Q. [10:43:17] And what were their names?

2 We are in private session.

3 A. [10:43:56] The marabouts are people who are familiar with Sharia. They  
4 know what is right and what is wrong. [REDACTED]

5 [REDACTED]

6 Q. [10:44:16] Were there any other individuals who are [REDACTED]

7 A. [10:44:34] Yes. There was another young man by the name of [REDACTED]

8 [REDACTED] He too was a [REDACTED] In actual fact, those are the people -- well,  
9 those are the people who I knew as [REDACTED].

10 Q. [10:44:59] And Mr Witness, this individual, [REDACTED], did he know  
11 the father of [REDACTED]

12 A. [10:45:14] Yes, he did.

13 Q. [10:45:31] And what do you know about the husband she married in  
14 2012?

15 A. [10:46:02] In actual fact, it was -- well, about that gentleman, the  
16 information came to me was that he married her and then after that, he died.

17 Q. [10:46:21] And based on what you heard, was [REDACTED] marriage to  
18 this gentleman consistent with the *shurut*, the conditions that you explained to  
19 the Chamber?

20 MR GARCIA: [10:46:38](Interpretation) Objection.

21 PRESIDING JUDGE MINDUA: [10:46:44](Interpretation) Mr Prosecutor?

22 MR GARCIA: [10:46:45](Interpretation) This question is extremely leading.

23 Open-ended questions must be put to the witness. Furthermore, the witness  
24 said that the information that came to him that he heard, so we really need to  
25 put an open-ended question rather than -- I don't want to tell the Defence how

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1 to conduct their examination-in-chief, but that question is leading.

2 PRESIDING JUDGE MINDUA: [10:47:18](Interpretation) Yes, Ms Taylor, if  
3 you could rephrase the question.

4 And, oh, I beg your pardon, Ms Taylor, are we staying in private session?

5 MS TAYLOR: [10:47:33] Yes, Mr President, because now I will have to  
6 reformulate to mention the father and other names, and I do believe it links to  
7 this individual -- this witness.

8 PRESIDING JUDGE MINDUA: [10:47:47](Interpretation) Go ahead.

9 MS TAYLOR: [10:47:49]

10 Q. [10:47:51] Now, Mr Witness, earlier you explained the process or  
11 conditions for getting married. Are you in a position -- did you hear about  
12 what steps were followed in this marriage?

13 A. [10:49:10] Yes, in actual fact that marriage was in accordance with the  
14 conditions that I set out before. Her father knew and, in any event, it couldn't  
15 be otherwise.

16 Q. [10:49:30] Now, Mr Witness, why did the marriage end?

17 A. [10:50:03] At one point, the marriage ended. I said that they were  
18 married up until the time of his death.

19 Q. [10:50:17] So am I to understand correctly, the marriage ended when he  
20 died?

21 A. [10:50:41] Yes.

22 PRESIDING JUDGE MINDUA: [10:50:48](Interpretation) Ms Taylor, I think  
23 we can go into open session now because we've received all the names that we  
24 needed.

25 PRESIDING JUDGE MINDUA: [10:51:00](Interpretation) Mr President, the

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1 problem is that if I refer to the woman who got married, if I use her name, that  
2 could be identifying. And I'm not sure that using a Mrs "█" -- it might be  
3 confusing. I can use the word the "woman" and go into open session and see  
4 how that works, but if I do get confusing answers, I would ask to go back into  
5 private session. But I'll try.

6 THE WITNESS: [10:51:50](Interpretation) Yes, but she couldn't get married  
7 after him because afterwards, there has to be a period of four months and four  
8 days.

9 PRESIDING JUDGE MINDUA: [10:52:03](Interpretation) Mr Interpreters, if  
10 you could explain to the witness that we are now going into open session and  
11 that if we talk about the -- about the "woman," it means the married woman.  
12 Court officer, open session, please.

13 (Open session at 10.52 a.m.)

14 THE COURT OFFICER: [10:52:50] We are back in open session, Mr President.

15 PRESIDING JUDGE MINDUA: [10:52:54](Interpretation) Thank you very  
16 much.

17 Ms Taylor.

18 MS TAYLOR: [10:53:02]

19 Q. [10:53:04] Mr Witness, do you know the word *mutaa*? It's M-U-T-A-A?

20 A. [10:53:14] Yes. I do know that word.

21 Q. [10:53:35] And was the marriage that we were just discussing, was that  
22 a *mutaa*?

23 A. [10:53:46] No, no.

24 Q. [10:54:03] And why not?

25 MR GARCIA: [10:54:06](Interpretation) Your Honour.

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1 PRESIDING JUDGE MINDUA: [10:54:10](Interpretation) Yes.

2 MR GARCIA: [10:54:11](Interpretation) This is all very interesting, but we are  
3 putting questions that have to do with this word "*mutaa*", which I myself am  
4 not familiar with. Perhaps it would be best to ask about what this word  
5 means and so on and --

6 PRESIDING JUDGE MINDUA: [10:54:31](Interpretation) Yes, yes, agreed.  
7 Let's try to save some time, I quite agree.

8 And Ms Taylor, I agree with the Prosecutor, we don't know what the word  
9 "*mutaa*" means exactly, so we should begin at that.

10 MS TAYLOR: [10:54:51] Thank you, Mr President. I'm slightly surprised  
11 given that we had a witness last year that was examined by Mr Dutertre who  
12 gave an extensive explanation of this word "*mutaa*", and we've had it used in  
13 several witnesses. But I'm certainly happy to ask the witness to explain it to  
14 the judges.

15 PRESIDING JUDGE MINDUA: [10:55:16](Interpretation) Very well, but we  
16 have to have the same understanding of this term with this witness, and, in any  
17 event, a little bit of repetition does no harm whatsoever.

18 MS TAYLOR: [10:55:34]

19 Q. [10:55:34] Mr Witness, we have been discussing this word "*mutaa*". Can  
20 you explain what it is to the judges and why the marriage of this woman  
21 would not be considered to be "*mutaa*"?

22 PRESIDING JUDGE MINDUA: [10:55:57](Interpretation) Normally -- well,  
23 Ms Taylor, you're asking two questions at once to the witness. Our witness  
24 needs one question at a time. Let us have him give an explanation first, and  
25 then we can ask the other question.

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1 (Pause in proceedings)

2 PRESIDING JUDGE MINDUA: [10:56:53](Interpretation) Is there a problem  
3 with the interpreters, Madam Court Officer?

4 THE COURT OFFICER: [10:57:00] Tamasheq booth, can you hear us?

5 THE INTERPRETER: [10:57:08] Message from the Tamasheq interpreters:  
6 We have not heard anything. Nothing.

7 (Pause in proceedings)

8 THE COURT OFFICER: [10:57:39] Tamasheq booth? Can you hear us?  
9 Can you respond on your channel?

10 THE INTERPRETER: [10:57:51] Message from the Tamasheq booth: Yes, we  
11 can hear you.

12 Message from the English booth: It is possible that the witness did not  
13 provide an answer.

14 MS TAYLOR: [10:58:12]

15 Q. [10:58:12] Mr Witness, can you explain to the Chamber what a "*mutaa*" is,  
16 and then I'll have a follow-up question.

17 A. [10:59:01] It means temporary marriage. Marriages that are restricted to  
18 a well-defined period of time. Muslims don't like that kind of marriage.  
19 They don't accept it. It is a marriage that has a whole history behind it.

20 Q. [10:59:27] Now, Mr Witness, you testified earlier that the marriage you  
21 were describing was not "*mutaa*." Why was it not *mutaa*?

22 A. [11:00:31] That kind of marriage has its conditions. That kind of  
23 marriage is -- is a normal one, it doesn't have a limited time frame. When the  
24 man died, the wife inherited property from him.

25 MS TAYLOR: [11:00:55] Mr President, it's 11 o'clock. Now might be a good

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1 time for a break.

2 PRESIDING JUDGE MINDUA: [11:01:04](Interpretation) Yes, indeed,

3 Ms Taylor. I was looking at you to see whether there was a follow-up

4 question or not. But it is time. So it is 11 o'clock, we are going to rise for half

5 an hour and reconvene at half past 11.

6 The hearing is suspended.

7 THE COURT USHER: [11:01:27] All rise.

8 (Recess taken at 11.01 a.m.)

9 (Upon resuming in open session at 11.36 a.m.)

10 THE COURT USHER: [11:36:52] All rise. Please be seated.

11 PRESIDING JUDGE MINDUA: [11:37:21](Interpretation) The Court is in

12 session once again.

13 Over to the Defence for the continuation of the examination-in-chief of this

14 witness.

15 Ms Taylor.

16 MS TAYLOR: [11:37:31] Thank you very much, Mr President.

17 Q. [11:37:34] Good morning, Mr Witness. How are you?

18 A. [11:37:46] I am well.

19 Q. [11:37:51] Now, Mr Witness, before the break, we were discussing

20 a marriage of a particular woman, and I'm not going to give her name because

21 the public can hear us, do you recall the woman I was talking about?

22 A. [11:38:29] Yes.

23 Q. [11:38:32] Now, was this 2012 marriage her first marriage or had she been

24 married previously?

25 A. [11:39:02] No, it wasn't her first marriage. She had been married before.



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1 Q. [11:39:11] How many times had she been married before?

2 A. [11:39:32] I remember that she might have been married twice before the  
3 marriage we are talking about.

4 Q. [11:39:45] Do you recall how long those marriages lasted?

5 A. [11:40:15] No. I do not know. What I do know is that the marriage was  
6 relatively lengthy, but I do not recall the precise duration.

7 Q. [11:40:35] Mr Witness, do you recall if, after the end of her first marriage,  
8 she had to wait a certain period before she could get married again?

9 A. [11:41:20] Yes, indeed. In fact, there is a period after divorce where there  
10 is no marriage, where marriage is forbidden.

11 Q. [11:41:39] Now speaking of the time period before 2012, did you hear  
12 about members -- marriages between members of your tribe and people  
13 coming from outside of Mali?

14 A. [11:42:28] Yes, indeed.

15 Q. [11:42:33] Now turning to the period of 2012, do you recall how long [REDACTED]  
16 [REDACTED] Ansar Dine?

17 A. [11:43:07] No, I do not remember. I do not know. I can't say.

18 Q. [11:43:19] Did Ansar Dine leave Timbuktu at a certain point?

19 A. [11:43:40] Yes, indeed.

20 Q. [11:43:44] [REDACTED]?

21 A. [11:44:03] Yes.

22 Q. [11:44:08] What did you do after Ansar Dine left Timbuktu?

23 A. [11:44:30] I went back to my normal place of residence and -- that is  
24 where I went once they left.

25 Q. [11:44:53] And why didn't you stay in Timbuktu?

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1 A. [11:45:21] I couldn't stay in Timbuktu because staying in Timbuktu after  
2 their departure was risky.

3 Q. [11:45:34] And why was it risky, Mr Witness?

4 A. [11:45:57] The risk was the return of the army to Timbuktu.

5 Q. [11:46:07] What did you think would happen to you if you were there  
6 when the Malian army returned?

7 A. [11:46:44] Everything goes through my mind -- even losing my life.

8 Q. [11:46:55] Do you know anyone with light skin who stayed in Timbuktu  
9 at this point?

10 A. [11:47:25] No. At that time, when Ansar Dine left Timbuktu, everybody  
11 left Timbuktu. But I know one individual who stayed and that person died.

12 Q. [11:47:51] Can you give the name of this individual?

13 A. [11:48:07] Yes. His first name was Al Joumaat.

14 Q. [11:48:25] I understand it's A-L J-O-U-M-A-A-T, Al Joumaat. Is that  
15 correct?

16 A. [11:48:51] Yes, Al Joumaat.

17 Q. [11:48:55] What ethnicity was he?

18 A. [11:49:20] He is not a native from my area, he hails from the east. He  
19 was there. He had a business, he had a shop.

20 Q. [11:49:32] And are you able to tell the Chamber whether he was Arab or  
21 Songhai or Tuareg? What was his ethnicity?

22 A. [11:49:44] No, he's a Tamasheq and, from what I understood, he was  
23 a member of the Idnan tribe; otherwise I don't know him. I just know him as  
24 having a shop.

25 Q. [11:50:33] Mr Witness, you say he died. How did he die?

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1 A. [11:50:39] From what I heard, he was killed by people, the army killed  
2 him. Other individuals whom I do not know ...

3 THE INTERPRETER: [11:51:15] The sentence was not finished.

4 MS TAYLOR: [11:51:19]

5 Q. [11:51:19] Mr Witness, the interpreters heard you say:

6 "Other individuals whom I do not know ..."

7 Can you explain what you were saying?

8 A. [11:51:57] Yes. I heard that he and other Arabs were killed. However, I  
9 do not know them. It is only he that I know.

10 Q. [11:52:10] And to your knowledge had he been working with Ansar Dine  
11 or any of the groups?

12 A. [11:52:42] I didn't understand the question.

13 Q. [11:52:46] I apologise, Mr Witness. This individual, Al Joumaat, do you  
14 know if he had been working with Ansar Dine in 2012?

15 A. [11:53:16] No. I wasn't privy to that information. Ah, yes, there's  
16 another person whose name is Akassame. He was also killed. Those are the  
17 two that I heard had been killed.

18 Q. [11:53:38] I'm going to ask you about Akassame and then I will ask you  
19 about the dates.

20 Can you explain to the Chamber what happened to this individual,  
21 "Akassame"?

22 A. [11:54:26] Akassame is [REDACTED]. But he's not somebody  
23 that I know just by sight. I know him well. He [REDACTED].

24 Q. [11:54:40] And can you explain what happened?

25 A. [11:55:09] In fact, he is somebody who lives in the bush. He's

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1 a herdsman. He left with a view to bringing back food. He came during that  
2 same period and he was arrested.

3 Q. [11:55:33] Where did he go to, Mr Witness? You said, "He came", where  
4 was he travelling to when he was arrested?

5 A. [11:56:09] He left his area of residence in order to go to the city and buy  
6 some food or foodstuffs in order to bring it back to his family, and that's when  
7 he was arrested.

8 Q. [11:56:27] By "city," do you mean Timbuktu?

9 A. [11:56:45] Yes, Timbuktu.

10 Q. [11:56:49] And who arrested him?

11 A. [11:57:21] This is information that I heard. I wasn't with him. He left  
12 us, and he went to the city and we heard that he had been arrested by the  
13 army.

14 Q. [11:57:35] And what did you hear happened to him after his arrest?

15 A. [11:58:10] We didn't have that much information. The only information  
16 we had was that he had been arrested and then he was taken to Bamako, and,  
17 subsequently, we also heard that he had died.

18 Q. [11:58:28] And did you hear whether he died of natural causes -- or  
19 anything about the death?

20 A. [11:59:10] What we know about his death is that we were told that  
21 he - and the people with whom he was - were killed. In fact, he was not alone.

22 Q. [11:59:38] I'm going to ask about the time period. What year did these  
23 incidents concerning Al Joumaat and Akassame occur?

24 A. [12:00:28] Possibly, 2013. Late 2012 or early 2013.

25 Q. [12:00:46] This individual, Akassame, had he been working with the

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1 groups? What do you know about his background?

2 A. [12:01:28] No, no. He never worked with the group. He was just  
3 a shepherd. Just a person who was a victim. Other than that, he never did  
4 anything.

5 Q. [12:01:54] I'm going to move to another topic now and it concerns your  
6 contacts with the Al Hassan Defence team.

7 Mr Witness, do you recall when the Al Hassan Defence team first spoke to  
8 you?

9 A. [12:02:54] Yes, I met them. I think the first time I met them was in

10

██████████

11 MS TAYLOR: [12:03:10] Mr President, if we could go into private session.

12 PRESIDING JUDGE MINDUA: [12:03:16](Interpretation) Private session,  
13 court officer, if you could.

14 (Private session at 12.03 p.m.)

15 THE COURT OFFICER: [12:03:24] We are in private session, Mr President.

16 PRESIDING JUDGE MINDUA: [12:03:34](Interpretation) Thank you.

17 Ms Taylor.

18 MS TAYLOR: [12:03:38]

19 Q. [12:03:38] Mr Witness, you stated that you met the Defence ██████████.  
20 Had you spoken to the Defence beforehand? Had there been any telephone  
21 contacts to organise this meeting in ██████████

22 A. [12:04:26] Yes, indeed. We called one another.

23 Q. [12:04:29] Do you know how the Defence got your telephone number?

24 A. [12:04:37] Yes.

25 Q. [12:04:52] And how was that?

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1 A. [12:05:19] Yes. There was a man, someone close to me, [REDACTED], who  
2 asked me if it was possible for me to give my number to the lawyers about the  
3 various issues having to do with the -- with testifying.

4 THE INTERPRETER: [12:05:39] Correction: Who asked me if it was possible  
5 to give my number.

6 MS TAYLOR: [12:05:44]

7 Q. [12:05:46] And what is the name [REDACTED]?

8 The public can't hear.

9 A. [12:06:00] [REDACTED] is his name. [REDACTED] is his name.

10 Q. [12:06:11] And when [REDACTED] contacted you to ask if you could give  
11 your number to the Defence, did he at any point tell you what you should say  
12 to the Defence?

13 A. [12:06:32] No, he didn't ask me to do that.

14 Q. [12:06:54] And after this contact, has anyone else told you what you  
15 should say to the Defence?

16 A. [12:07:16] Whether a person ... What? Could you repeat your  
17 question so I can answer.

18 Q. [12:07:31] I apologise, Mr Witness, it wasn't clear.

19 Apart from [REDACTED] has anyone else - apart from the Defence  
20 team - spoken to you about your evidence to the Court?

21 A. [12:07:47] No, no. No one called me after [REDACTED] to tell me anything.  
22 Only the lawyers.

23 Q. [12:08:27] And Mr Witness, do you recall who you met with in

24 [REDACTED]

25 A. [12:08:35] Amongst the lawyers? Are you asking about the lawyers?

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1 About which lawyers?

2 Q. [12:09:00] Yes, you mentioned a meeting in [REDACTED] Do you recall  
3 who from the Defence you met with at this meeting in [REDACTED]

4 A. [12:09:31] Yes. A [REDACTED] his name -- yes, [REDACTED] is the  
5 [REDACTED] name and then another person, [REDACTED] (phon). Those are two  
6 people I met with in [REDACTED]

7 Q. [12:10:02] Was the other person, was it [REDACTED] (phon)?

8 A. [12:10:25] Yes, exactly. But that was after the meeting with [REDACTED]  
9 [REDACTED] that's when I met him.

10 Q. [12:10:31] And did this individual, [REDACTED] (phon), [REDACTED]  
11 [REDACTED]?

12 A. [12:10:42] Yes, I think so. I do think so.

13 Q. [12:11:03] Thank you, Mr Witness. I don't have any more questions for  
14 you.

15 Thank you, Mr President, that concludes our examination.

16 PRESIDING JUDGE MINDUA: [12:11:13](Interpretation) Thank you very  
17 much, Ms Taylor for your examination-in-chief.

18 Court officer, we are still in private session I believe, isn't that so?

19 If we could go back into open session.

20 (Open session at 12.11 p.m.)

21 THE COURT OFFICER: [12:11:38] We are back in open session, Mr President.

22 PRESIDING JUDGE MINDUA: [12:11:50](Interpretation) Thank you very  
23 much, court officer.

24 Once again, I thank Ms Taylor for her examination-in-chief and I thank the  
25 witness.

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1 I now turn to the Prosecutor.

2 We still have quite a bit of time for the morning session, the second morning  
3 session. Are you ready?

4 MR GARCIA: [12:12:17](Interpretation) Yes, I am. If you could just grant me  
5 a few moments to ready myself.

6 PRESIDING JUDGE MINDUA: [12:12:24](Interpretation) Yes.

7 MR GARCIA: [12:12:48](Interpretation) I would just like to ask the court  
8 officer if she could assist. Would it be possible to turn the screen a bit so that I  
9 can have a better view of the ...

10 PRESIDING JUDGE MINDUA: [12:13:08](Interpretation) Court usher, if you  
11 could.

12 MR GARCIA: [12:13:11](Interpretation) Thank you very much.

13 Thank you, that's great.

14 PRESIDING JUDGE MINDUA: [12:13:46](Interpretation) We are good to go,  
15 Mr Prosecutor.

16 MR GARCIA: [12:13:51](Interpretation) Thank you.

17 QUESTIONED BY MR GARCIA: (Interpretation)

18 MR GARCIA: [12:13:53](Interpretation)

19 Q. [12:13:57] Good afternoon, Mr Witness.

20 A. [12:13:58] I'm well.

21 Q. [12:14:01] Thank you very much. Once again, if you don't understand  
22 any of my questions, tell me and I will rephrase. Okay?

23 Can you hear me, Mr Witness?

24 A. [12:14:26] Yes, I can.

25 Q. [12:14:29] Mr Witness, I do realise that this is your second day of giving



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1 testimony. Allow me to reassure you, I don't intend to keep you for very long  
2 with my questions. I'll try to be as effective and efficient and short as possible.

3 All right?

4 So Mr Witness, in response to some questions from the Defence, mention was  
5 made of Mr Houka Houka, reference -- just to help you, Mr Witness, so that  
6 I -- I'm going to be asking you some questions about this, you mentioned  
7 Mr Houka Houka. You said that he was a marabout, if I understand correctly,  
8 but you didn't mention the Islamic tribunal. Did you hear about that?

9 About that Islamic tribunal in Timbuktu in the year 2012?

10 A. [12:16:20] No. I can't tell you much about that. It's something that I  
11 don't really know a lot about.

12 Q. [12:16:33] Very well, Mr Witness. But what I understood from your  
13 testimony is that you spent nearly -- well, a good part of 2012 in Timbuktu.  
14 Are you telling us - just let's make sure this is clear - you never heard about the  
15 Islamic tribunal in Timbuktu? Or did you hear about it?

16 A. [12:17:33] No. What I heard about that, is that that is where Sharia was  
17 applied. That was where Houka Houka applied Sharia. And if people had  
18 disputes, they were settled there.

19 Q. [12:18:00] You said that it was Houka Houka who applied Sharia law.  
20 Do you also agree with me that -- according to what you heard at that time, it  
21 was Mr Houka Houka who was the president of the Islamic tribunal? Am I  
22 correct in saying that?

23 A. [12:18:47] No. I didn't say that he was the head of the tribunal, the  
24 Sharia tribunal. What I meant, actually, was that if two people had a dispute  
25 to deal with, it was he who would carry out the -- or provide the rulings.

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WITNESS: MLI-D28-P-0540

1 Q. [12:19:12] And we're talking about the Islamic tribunal, is that so,

2 Mr Witness?

3 A. [12:19:46] Actually, it was his building. It was his -- his -- what I know,

4 it was his building that was used as his tribunal. If the Islamists had

5 a different tribunal, I don't know about that. What I do know is that people

6 would go to his home, his place, and that is where disputes were settled.

7 Have you understood me?

8 Q. [12:20:21] Yes, yes. I can hear you just fine.

9 Just let's make sure we're clear on this point, Mr Witness.

10 In that year, 2012, in Timbuktu, when rulings were handed down, where

11 punishments were meted out to people who did not respect the decisions of the

12 armed groups, it was Mr Houka Houka who would hand down these rulings,

13 am I correct?

14 A. [12:21:50] So when there was such situations, the person would inform

15 and he would hand down the ruling in accordance with Islamic law. So he

16 would follow Islamic law and on the basis of that law, he would hand down

17 a ruling. But he didn't oblige anyone.

18 Q. [12:22:17] Mr Witness, let's backtrack a bit. When you got to Timbuktu,

19 you say that Ansar Dine was already there present in Timbuktu, is that correct?

20 Do you agree with me on that point?

21 A. [12:22:38] Yes.

22 Q. [12:22:47] And you also agree with me when I say that when you got to

23 Timbuktu, the armed groups that were there, Ansar Dine, had imposed

24 a number of rules and prohibitions upon the people living in Timbuktu.

25 Do you agree with me on that point?

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1 A. [12:23:30] Yes, I was there. I was there at that time.

2 Q. [12:23:38] Just to make sure we understand one another. You're saying  
3 yes, that those rules did exist at that time?

4 A. [12:24:02] Yes. I'd like to explain something to you -- something that I  
5 have said.

6 Q. [12:24:15] What did you say exactly?

7 A. [12:24:19] About Houka Houka.

8 Q. [12:24:34] You'd like to tell us more about Houka Houka? What would  
9 you like to clarify?

10 A. [12:24:48] Well, that is to say Houka Houka was already a marabout  
11 before being part of Ansar Dine and it is -- you see, he wasn't an authority  
12 figure. Ansar Dine was the authority figure. Is that understood?

13 Q. [12:25:26] Thank you, Mr Witness.

14 Just let's try to identify what things we agree upon and what things we don't  
15 agree upon. Are you challenging the fact that in 2012, in Timbuktu,

16 Mr Houka Houka was the president or the leader of an Islamic tribunal?

17 A. [12:26:22] Indeed. Indeed. I don't agree with you to the effect that he  
18 was the leader of the tribunal, and that is why I'd like to give you an  
19 explanation of what he did at that time.

20 Q. [12:26:44] I'd like to put another question to you, Mr Witness, so that we  
21 can clearly set out ...

22 PRESIDING JUDGE MINDUA: [12:26:54](Interpretation) Ms Taylor?

23 MS TAYLOR: [12:26:56] Thank you very much, Mr President. We have  
24 directions from VWS not to use leading questions with this witness; although  
25 the Prosecution has used them repeatedly. That's the first point. That was in

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1 the VWS directions sent to the Chamber and approved by the Chamber.  
2 Secondly, this witness has indicated that he would like to explain something to  
3 the Chamber or to the Prosecution. Now there are issues with interpretation.  
4 He should be allowed to provide that explanation rather than moving on to a  
5 different issue. We've directed the witness to pause for the interpreters; so  
6 rather than moving on to a new issue, he should be allowed to provide  
7 explanations and to give his answers.

8 PRESIDING JUDGE MINDUA: [12:28:03](Interpretation) Ms Taylor, I don't  
9 remember anything about the VWS saying that this witness should not  
10 be -- have suggestive questions or leading questions, rather, during  
11 cross-examination. That's the first thing.

12 MS TAYLOR: [12:28:29] Thank you, Mr President. If I may refer you to the  
13 email of 13 June 2022 at 9:26. The VWS recommended special measures, the  
14 first being -- concerning measures to adapt the questioning to the needs and  
15 capacities of the witness: Use short simple questions, language which is easy  
16 to understand, avoiding legal terms, long sentences and double negations.  
17 Now we've heard multiple double negations --

18 PRESIDING JUDGE MINDUA: [12:29:03](Interpretation) There you have it.  
19 Indeed. These are not leading questions, actually. Now I fully agree with  
20 you. But I would like to remind the Prosecutor that indeed we have to avoid  
21 legal expressions that I think I have heard several times in the witness's replies  
22 that he talks about rules. You talked about rules, but I think the word "Sharia"  
23 can mean many things. Perhaps you should be careful about that as well.

24 MR GARCIA: [12:29:39](Interpretation) Certainly, Mr President.

25 I'm trying to simplify things, if possible, so that we can establish whether

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1 there's a difference between the Prosecution's position and the witness's  
2 position; so that's why I'm trying to simplify.

3 As for the objection from my learned colleague, I wish to reassure the Chamber  
4 that I do intend to always allow the witness to have an opportunity to express  
5 himself, but I will put another question to try to establish a foundation and  
6 then the witness will have an opportunity to speak. I certainly don't want to  
7 keep the witness from explaining himself or anything like that.

8 PRESIDING JUDGE MINDUA: [12:30:55](Interpretation) Please go ahead,  
9 Mr Prosecutor.

10 MR GARCIA: [12:30:59](Interpretation)

11 Q. [12:30:59] So Mr Witness, you will have an opportunity to express  
12 yourself subsequently, but here is my second question. Do you challenge the  
13 fact that there were -- there was in existence an Islamic tribunal in the year 2012  
14 in Timbuktu? I'm not talking about the house or residence of Houka Houka,  
15 I'm talking about an Islamic tribunal.

16 PRESIDING JUDGE MINDUA: [12:31:51](Interpretation) Ms Taylor?

17 MS TAYLOR: [12:31:53] Mr President, may the sound be cut off to the witness.  
18 There's an interpretation issue which I believe is quite important.

19 PRESIDING JUDGE MINDUA: [12:32:04](Interpretation) Madam Courtroom  
20 Officer, could you please cut off the sound to the witness.

21 THE COURT OFFICER: [12:32:16] The sound to the witness has been  
22 disconnected, Mr President.

23 PRESIDING JUDGE MINDUA: [12:32:22](Interpretation) Thank you very  
24 much.

25 Ms Taylor.

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1 MS TAYLOR: [12:32:27] Thank you very much, Mr President. In an earlier  
2 response, it's 11 minutes ago - and I don't know if it's in the transcript - the  
3 witness had said in response to this question about the tribunal, that: "He was  
4 not, that the -- I don't -- you know, Islamists don't really have courts and if they  
5 do, I'm not aware of them."

6 Now I think before putting specific questions regarding the Islamic tribunal  
7 and specific posts in the Islamic tribunal, I think we need to establish  
8 a foundation that this witness was familiar with the workings of the Islamic  
9 tribunal in 2012.

10 PRESIDING JUDGE MINDUA: [12:33:09](Interpretation) Mr Prosecutor,  
11 what do you respond to that?

12 MR GARCIA: [12:33:14](Interpretation) Mr President, I am conducting a  
13 cross-examination and I am putting a question that is quite simple to the  
14 witness. I'm not trying to mislead him. I'm trying to establish a factual basis.  
15 I'm putting a question to him -- and we have been hearing evidence for over  
16 a year and a half now. I'm not putting to him an extra-complicated question  
17 and I do not see the use of such an objection. If the witness says yes or no and  
18 if he wants to explain himself, then we leave him the opportunity to do so.

19 PRESIDING JUDGE MINDUA: [12:33:48](Interpretation) Yes, Ms Taylor.

20 The witness said that Mr Houka Houka continued to sit as a judge during the  
21 period of the events under study and, not long ago, the witness also said that  
22 he was aware of the existence of an Islamic tribunal.

23 So the Prosecutor can put a follow-up question.

24 Mr Prosecutor, please continue.

25 MR GARCIA: [12:34:22](Interpretation)

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1 Q. [12:34:24] So --

2 PRESIDING JUDGE MINDUA: [12:34:26](Interpretation) Sorry, wait a second.

3 Let's re-establish the link with the witness.

4 Please, Madam Courtroom Officer.

5 THE COURT OFFICER: [12:34:39] The sound to the witness has been

6 re-established, Mr President.

7 PRESIDING JUDGE MINDUA: [12:34:44](Interpretation) Thank you very

8 much, indeed, Madam Courtroom Officer.

9 Mr Prosecutor.

10 MR GARCIA: [12:34:49](Interpretation)

11 Q. [12:34:50] Now, Mr Witness, I do apologise for these interruptions. I'm

12 going to put the question to you again so that we do not lose our train of

13 thought.

14 Do you challenge, Mr Witness, the fact that at the time in 2012, in Timbuktu,

15 there was in existence an Islamic tribunal that would sit. Would you agree

16 with that?

17 A. [12:35:49] I do agree with that. I agree with that. I agree with that, but

18 I am not aware of how it worked. But the point that I do not agree with is

19 when you said that Houka Houka was in charge.

20 Q. [12:36:20] Thank you for that clarification, Mr Witness.

21 Would you agree with me that this Islamic tribunal that used to sit in

22 Timbuktu in 2012, would enforce sentences to people who -- who did not

23 adhere to the rules laid down by the armed groups? To that that was

24 forbidden by the armed groups?

25 A. [12:37:05] Yes, I did hear speak about this, but I do not know. I do

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1 believe that it existed. I heard about it. But I do not know how it worked.

2 Q. [12:37:35] And what is more, Mr Witness, you know that people were  
3 punished in public. They were flogged for having violated these prohibitions  
4 during that period of 2012, do you agree with me?

5 A. [12:38:31] Indeed. I did hear about that. About individuals who had  
6 been judged by the Islamic tribunal and who were punished. But I wasn't in  
7 attendance. This is just information I heard.

8 Q. [12:38:58] Thank you very much for that clarification, Mr Witness. I  
9 know that previously during my questions, you said that you wanted to add  
10 some information with regard to Mr Houka Houka or something else.  
11 Have you already clarified this through your response or would you like to  
12 add something further?

13 PRESIDING JUDGE MINDUA: [12:39:50](Interpretation) Interpretation?

14 THE WITNESS: [12:39:54](Interpretation) It might be that what I had to say is  
15 part and parcel of the response that I just provided. I think you have  
16 understood what I just said.

17 MR GARCIA: [12:40:15](Interpretation)

18 Q. [12:40:17] Thank you, Mr Witness. We're going to move on to another  
19 subject now.

20 So, Mr President, could we please go into private session just for a few minutes,  
21 so that I can introduce this subject and put a question or two and then come  
22 out.

23 PRESIDING JUDGE MINDUA: [12:40:35](Interpretation) Yes, indeed,

24 Mr Prosecutor.

25 Madam Courtroom Officer, private session, please.



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1 (Private session at 12.40 p.m.)

2 THE COURT OFFICER: [12:40:45] We are in private session, Mr President.

3 PRESIDING JUDGE MINDUA: [12:40:54](Interpretation) Thank you very  
4 much.

5 Mr Prosecutor.

6 MR GARCIA: [12:40:57](Interpretation)

7 Q. [12:40:58] So Mr Witness, in the questions that were put to you and the  
8 answers that you furnished, you spoke about the fact that [REDACTED]

9 [REDACTED], is that correct, in 2012, that is?

10 A. [12:41:23] Yes, indeed.

11 Q. [12:41:43] What was the name of that school?

12 A. [12:42:02] It does not bear a name that school. It was just at the  
13 residence [REDACTED]. It's between [REDACTED].

14 [REDACTED].

15 Q. [12:42:28] So if I understand you correctly, Mr Witness, it was not  
16 a Koranic school that was official. It was, in fact, [REDACTED]

17 [REDACTED]. Have I understood you correctly?

18 A. [12:42:47] Yes, indeed. It was just a maha dara (phon). A maha dara  
19 (phon).

20 Q. [12:43:30] The word that you just used, could you please spell it out to us.  
21 In the transcript we have "maha dara" (phon), but I do not believe that that is  
22 the word that you used.

23 Could you please tell us which word you used, Mr Witness?

24 A. [12:43:52] Yes, indeed. The Tamasheq call this a Koranic school, others  
25 call it a "maha dara" (phon). It's the same thing.

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WITNESS: MLI-D28-P-0540

- 1 Q. [12:44:23] And the lessons in question, [REDACTED]  
2 [REDACTED] I  
3 don't know.
- 4 A. [12:44:41] No, I do not know [REDACTED]. [REDACTED]  
5 [REDACTED]. Whatever the case may be,  
6 there was a link with the figures of authority and I do not know whether that  
7 [REDACTED] belonged to them or not.
- 8 Q. [12:45:36] So for the entire duration whilst [REDACTED]  
9 [REDACTED]?
- 10 A. [12:45:53] No, no. I do not know who that is.
- 11 Q. [12:46:09] When you speak of the "authorities", are you talking about the  
12 armed groups who controlled Timbuktu in 2012, is that correct?
- 13 A. [12:46:45] Yes, indeed.
- 14 Q. [12:46:50] You've also said, Mr Witness, during your testimony that you  
15 [REDACTED] -- this is at page 58 to 59 of yesterday's transcript, you said that:  
16 They had seen me and [REDACTED].  
17 Do you remember having made such a claim in the courtroom yesterday?
- 18 A. [12:47:35] Yes, I did say that. It is possible that I said that yesterday or at  
19 another moment in time I don't recall. But I did say that.
- 20 Q. [12:47:49] [REDACTED], Mr Witness? What is the name of the  
21 individual?
- 22 A. [12:48:50] Yes, if my memory serves me correctly, sometimes I do  
23 doubt -- that I might forget, I don't recall. But I do believe that the name -- the  
24 person by the name of [REDACTED] contacted me telling me that he knew that I  
25 was a man of knowledge and that he wanted me [REDACTED]

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1 [REDACTED].

2 Q. [12:49:22] And when you talk about this Abou Zeid, is that a member of  
3 the armed groups?

4 PRESIDING JUDGE MINDUA: [12:49:38](Interpretation) Ms Taylor?

5 MS TAYLOR: [12:49:39] Thank you very much, Mr President. If the name  
6 could be -- sorry, if the link could be cut to the witness because I believe there's  
7 an issue with the name and we have the name.

8 PRESIDING JUDGE MINDUA: [12:49:55](Interpretation) Madam Courtroom  
9 Officer, could you please cut off the feed to the witness.

10 THE COURT OFFICER: [12:50:02] The sound to the witness has been  
11 disconnected, Mr President.

12 PRESIDING JUDGE MINDUA: [12:50:10](Interpretation) Thank you very  
13 much.

14 Ms Taylor.

15 MS TAYLOR: [12:50:13] Thank you very much, Mr President.

16 The name in Tamasheq, which was said, was "[REDACTED]. It  
17 wasn't Abou "Zeid." And it is a very different person.

18 PRESIDING JUDGE MINDUA: [12:50:35](Interpretation) Thank you very  
19 much for that point of clarification.

20 Mr Prosecutor, is that all right with you?

21 MR GARCIA: [12:50:42](Interpretation) All clarification is good. And I  
22 thank too, to my learned friend from the Defence. I'd just like to confirm with  
23 the witness.

24 Q. [12:50:50] Mr Witness, for it to be clear --

25 PRESIDING JUDGE MINDUA: [12:50:56](Interpretation) One minute. The

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1 link, Madam Courtroom Officer, please.

2 THE COURT OFFICER: [12:51:04] The sound to the witness has been

3 re-established, Mr President.

4 PRESIDING JUDGE MINDUA: [12:51:10](Interpretation) Thank you very

5 much.

6 Mr Prosecutor -- and please remember to go back into open session as well,

7 Mr Prosecutor.

8 MR GARCIA: [12:51:25](Interpretation) Yes, thank you, Mr President.

9 Q. [12:51:26] So Mr Witness, to make sure we have understood correctly, the

10 individual [REDACTED] is called Mr [REDACTED], is that the right person?

11 A. [12:51:43] Yes, that is it.

12 Q. [12:52:04] So just to spell it: [REDACTED] for the record.

13 So Mr Witness, this individual, by the name of "[REDACTED]" was he part of

14 the armed groups?

15 A. [12:52:39] It is possible that he was a member of the armed groups. Just

16 like it is possible that he was not a member of the armed groups. I have no

17 knowledge of that.

18 Q. [12:53:01] Mr Witness, you have just told us that [REDACTED]

19 [REDACTED] so you must know this individual from before, do you not?

20 A. [12:53:33] No. I did not know him and I had never seen him before. [REDACTED]

21 [REDACTED], but I don't

22 know.

23 Q. [12:53:52] [REDACTED]

24 [REDACTED]

25 [REDACTED]

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1 [REDACTED]

2 A. [12:54:39] [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 Q. [12:55:03] [REDACTED]

7 [REDACTED]

8 [REDACTED] Did you put questions to him

9 like that?

10 A. [12:55:58] No. I didn't put any questions to him. [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED].

14 Q. [12:56:21] But you did know, Mr Witness, [REDACTED]

15 [REDACTED] Is that correct?

16 A. [12:56:54] Yes, I might know that [REDACTED]

17 [REDACTED].

18 PRESIDING JUDGE MINDUA: [12:57:10](Interpretation) Mr Prosecutor, I

19 believe that we can now go into open session.

20 MR GARCIA: [12:57:18](Interpretation) Indeed, Mr President.

21 PRESIDING JUDGE MINDUA: [12:57:21](Interpretation) Madam Courtroom

22 Officer, please.

23 (Open session at 12.57 p.m.)

24 THE COURT OFFICER: [12:57:28] We are back in open session, Mr President.

25 PRESIDING JUDGE MINDUA: [12:57:41](Interpretation) Thank you very

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1 much, Madam Courtroom Officer.

2 Mr Prosecutor, please continue.

3 MR GARCIA: [12:57:47](Interpretation)

4 Q. [12:57:49] So, Mr Witness, I'm going to be putting -- or moving on to  
5 another line of questioning and I'll come back to it after the pause, but you  
6 would agree with me that at the time, the public secular schools in Timbuktu  
7 were closed still?

8 A. [12:59:25] Yes, at that moment in time, public schools were closed.

9 There was only Koranic schools open, [REDACTED], I didn't  
10 know that the school belonged to them. I found this out subsequently.

11 Q. [12:59:42] I just want to be clear with regard to this last response. You  
12 did not know that the school in question that we talked about in private session  
13 belonged to Ansar Dine. Is that your answer?

14 A. [13:00:39] Yes, at the outset, I did not know. It was subsequently that I  
15 found out. I found out that the children did not have -- any -- to pay any  
16 money to follow the courses, and I heard that it was they who were paying for  
17 the food for the children as well.

18 Q. [13:01:02] How long did it take for you to realise that, Mr Witness?

19 A. [13:01:39] I found out later, because the children didn't have to pay for the  
20 school and they also provided food to them.

21 MR GARCIA: [13:01:50](Interpretation) Your Honour, I see that I've already  
22 gone a few moments past one o'clock.

23 PRESIDING JUDGE MINDUA: [13:02:00](Interpretation) Indeed,

24 Mr Prosecutor. It is two minutes after one.

25 We will now suspend for the lunch break and we will resume at 2.30, as usual.

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1 We will now suspend the hearing.

2 The hearing is now suspended.

3 THE COURT USHER: [13:02:20] All rise.

4 (Recess taken at 1.02 p.m.)

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

6 THE COURT USHER: [14:31:38] All rise. Please be seated.

7 PRESIDING JUDGE MINDUA: [14:32:08](Interpretation) Court is in session.

8 Good afternoon to everyone.

9 The Office of the Prosecutor has the floor for the follow-up of the  
10 cross-examination.

11 Prosecutor.

12 MR GARCIA: [14:32:21](Interpretation) Thank you, your Honour,  
13 your Honours.

14 Q. [14:32:25] Good afternoon, Witness.

15 A. [14:32:35] Yes, thank you.

16 Q. [14:32:38] Witness, where we left in the morning, you were speaking  
17 about children, the children who went to this Koranic school, and you told us  
18 at page 53, lines 8 and following, that you later discovered that the children did  
19 not have to pay for the school, but they were also given food.

20 Would it be correct to say that it was the armed groups essentially who paid  
21 for their studies, who gave them food?

22 A. [14:34:17] Yes, it could be true.

23 Q. [14:34:27] Indeed, Witness, and given that we are on the subject of  
24 children, the pupils of this Koranic school, would I be right to say that there  
25 was a significant number of these children who were the children of members

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1 of the armed groups. Would that be correct to say?

2 A. [14:35:21] In fact, I don't know. But the children were here from the civil  
3 society, from the inhabitants of the town, and, among the children, I didn't  
4 know the families of the children, I didn't know the parents. All I know is  
5 that these were children from the town and among them there were Arabs,  
6 there were Songhai, there were Tamasheq.

7 Q. [14:36:19] Witness, the reason I'm asking you this question is when we  
8 look at the summary of your statement, and here I am referring to 0006-3085, it  
9 is essentially information that you later confirmed in your meeting with the  
10 members of the Defence team, that you apparently said that the children - and  
11 this is in paragraph 7 - that the children were children of the public, but not  
12 exclusively the group members.

13 Do you remember having said that to the Defence team? That the children  
14 were not exclusively children of the group members, I imagine the armed  
15 groups?

16 A. [14:38:16] Yes. Yes. Yes, it's true that I said that. I even said it in that  
17 way. Having said that, it doesn't give me any information as to whether the  
18 children were children of the armed groups or not children of members of the  
19 armed groups.

20 Q. [14:38:54] But Witness, you would agree with me that that would explain  
21 why the armed groups paid for the education of these children.

22 PRESIDING JUDGE MINDUA: [14:39:09](Interpretation) Ms Taylor.

23 MS TAYLOR: [14:39:12] Thank you very much, Mr President. This question  
24 calls for the witness -- it's completely speculative. They're calling for the  
25 witness to -- conjecture, to make conjecture as to what the groups might or



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1 might not have done or why they might have done it. This witness can only  
2 testify as to what he knows.

3 PRESIDING JUDGE MINDUA: [14:39:34](Interpretation) I agree with the  
4 Defence. This question isn't acceptable.

5 MR GARCIA: [14:39:38](Interpretation)

6 Q. [14:39:50] Just so that I understand rightly, Witness, when you made this  
7 statement to the members of the Defence team stating that they were not  
8 exclusively children of the group members, you weren't certain.  
9 Why did you make this statement if now you tell us that you're no longer  
10 certain?

11 A. [14:41:33] It's very difficult to be certain when you don't know the things.  
12 What I do know is that the children were from the town. These were children  
13 of civilians, and it was the people from the group who occupied with them and  
14 who provided them with food.  
15 But I don't know explicitly -- or I can't say explicitly who the parents of the  
16 children were, where they came from.

17 Q. [14:42:20] If I understand you well, you didn't know these children, nor  
18 their parents, if I understand you rightly, Witness?

19 A. [14:42:51] No, I don't know. In fact, the children -- these are children  
20 from the town. It could be that some of them are not children of civilians. It  
21 could also be the case that they are not without me knowing.

22 Q. [14:43:20] Thank you for these clarifications, Witness. Now you also  
23 stated -- and here, I can see that you also confirm that, and this is in paragraph  
24 8, page [0]006-3085 in the summary of your discussions with the  
25 Defence -- with the members of the Defence team. Now you also stated, and

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1 here I will say it in English so that it's translated clearly:

2 (Speaks English) Sometimes members of the group came and gave sermons.

3 (Interpretation) Is that correct, Witness?

4 A. [14:44:47] Yes, indeed.

5 Q. [14:44:50] Which of them, Witness?

6 A. [14:45:07] The people, I didn't know them. These were members of the  
7 group -- members of the groups.

8 Q. [14:45:15] I just wanted to confirm with [REDACTED]

9 [REDACTED] [REDACTED]  
10 [REDACTED] -- a member of the group  
11 who came to give sermons to the children at this school?

12 A. [14:46:27] There was one person among these people whose name is  
13 [REDACTED] (phon), and I remember his first name, but I am somebody who  
14 forgets. So certainly I would have said that I know -- knew the first names of  
15 some of them, but that I have forgotten them.

16 Q. [14:46:52] Now this person that you mentioned -- is it [REDACTED] (phon)?  
17 Is that the name you said? What is the name of [REDACTED] (phon) function, if  
18 you know that within the group?

19 A. [14:47:10] I don't know what his work was, but I knew that from time to  
20 time, he would come. That's it.

21 Q. [14:47:39] [REDACTED] how many of these  
22 members of armed groups came to give sermons?

23 A. [14:48:10] I don't know. I don't know their numbers.

24 Q. [14:48:14] And where it concerns the names of the -- the name of the  
25 person, would you be able to help us with the spelling? Is it "[REDACTED]" (phon)

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1 with [REDACTED] or "[REDACTED]"(phon) with a [REDACTED]?

2 How would you spell it?

3 A. [14:48:37] "[REDACTED]"(phon) with a [REDACTED]

4 THE INTERPRETER: [14:49:06] The interpreter corrects: "[REDACTED]"(phon)

5 with [REDACTED].

6 MR GARCIA: [14:49:09](Interpretation)

7 Q. [14:49:10] Thank you for this clarification, Witness. Where it concerns  
8 the sermon - as it's said in your summary - that when these members of the  
9 group gave sermons to the children, who were aged between 7 and 15 years,  
10 were they -- they were sermons about what they should wear. Is that correct,  
11 Witness?

12 A. [14:49:36] No, that's not it.

13 Q. [14:50:28] I'm just going to reread - so we can understand each  
14 other - 0006-3085. I'm going to read what you stated to members of the  
15 Defence team. Now you said -- and, here, I will say it in English, it's going to  
16 be translated:

17 (Speaks English) Sometimes members of the group came and gave sermons.  
18 They gave advice to students as to what they should wear, but they did not  
19 enforce these rules against students. Males were told not to wear long clothes  
20 after puberty. Females were expected to wear veils. These rules were  
21 consistent with their traditions.

22 PRESIDING JUDGE MINDUA: [14:51:52](Interpretation) Ms Taylor.

23 MS TAYLOR: [14:51:53] Thank you, Mr President. There's an important  
24 distinction in the English in that it should be:

25 Males were told not to wear long clothes - space - and after puberty females

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1 were expected to wear veils.

2 So the puberty refers to the females. I believe the "and" was missed out in  
3 what was read out by the Prosecutor, so it might have been confusing in  
4 interpretation.

5 PRESIDING JUDGE MINDUA: [14:52:32](Interpretation) Indeed I was  
6 following it in French, it didn't have the conjunction "and," yes. It can happen.

7 MR GARCIA: [14:52:42](Interpretation) I'm sorry.

8 (Overlapping microphones)(No interpretation) *Alors, c'est --*

9 (Speaks English) "And after puberty females were expected to wear veils."

10 (Interpretation) Thank you to my Defence colleague.

11 Q. [14:54:15] Now, Witness, would you agree this is what you stated to the  
12 members of the Defence team when you met them?

13 A. [14:54:30] It's possible that I said that because it contains the truth. It's  
14 factual. I'm somebody who often forgets. If I said that, I don't remember,  
15 but given that it's factual, what you've just said is correct if I said it.

16 Q. [14:55:10] Thank you, Witness, for this clarification.

17 Now yesterday, you spoke about children who were still minors. Just so that  
18 we can understand, what is the age in your opinion at which a child becomes  
19 an adult?

20 A. [14:56:09] Eighteen years old. Also -- or when the signs of puberty  
21 appear in that person. Now if that person is intellectually deficient, no rules  
22 apply to that person.

23 MR GARCIA: [14:57:09](Interpretation) If you would allow me, your Honour,  
24 I just have a few questions for private session and I'll try and be as brief as  
25 possible.

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1 PRESIDING JUDGE MINDUA: [14:57:18](Interpretation) Indeed, Prosecutor.

2 Court officer, please take us into private session.

3 (Private session at 2.57 p.m.)

4 THE COURT OFFICER: [14:57:29] We are in private session, Mr President.

5 PRESIDING JUDGE MINDUA: [14:57:43](Interpretation) Thank you very  
6 much.

7 Prosecutor.

8 MR GARCIA: [14:57:45](Interpretation)

9 Q. [14:57:47] Witness, who paid [REDACTED]

10 [REDACTED]?

11 A. [14:58:27] It was the man I spoke to you about who came from time to  
12 time, [REDACTED]

13 [REDACTED].

14 Q. [14:58:52] Could you repeat the name of the person for the transcript,  
15 Witness.

16 A. [14:58:56] Yes, it's the same, [REDACTED].

17 Q. [14:59:08] Witness, we spoke about Ansar Dine on several occasions to  
18 see [REDACTED], and we know your answers, but my question is as

19 [REDACTED]?

20 A. [14:59:53] No, [REDACTED].

21 Q. [14:59:59] Witness, the reason why I asked that question is because in  
22 your preparatory session that you had with the Defence team, there was  
23 a summary of what was said, what wasn't said. Now on page 5455, for the  
24 record, MLI-D28-0006-5455, it is stated -- and here, I cite you in English:

25 (Speaks English) [REDACTED]

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1 [REDACTED]

2 PRESIDING JUDGE MINDUA: [15:00:41](Interpretation) Ms Taylor?

3 MS TAYLOR: [15:00:44] Thank you very much, Mr President. If the sound  
4 could briefly be cut off to the witness.

5 PRESIDING JUDGE MINDUA: [15:00:55](Interpretation) Courtroom officer,  
6 if you could cut the audio feed.

7 THE COURT OFFICER: [15:01:02] The sound to the witness has been  
8 disconnected.

9 PRESIDING JUDGE MINDUA: [15:01:09](Interpretation) Thank you very  
10 much.

11 Ms Taylor.

12 MS TAYLOR: [15:01:16] Thank you very much, Mr President. Now the  
13 preparation log hasn't been read to the witness. He hasn't approved the

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21 PRESIDING JUDGE MINDUA: [15:02:11](Interpretation) Mr Prosecutor.

22 MR GARCIA: [15:02:12](Interpretation) Your Honour, this is a witness  
23 preparation note, which was prepared by the Defence team. I have no doubt  
24 about the reliability of what has been written here. I was asking the witness  
25 a rather neutral question, and I said: I asked you the question because

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1 such-and-such a thing was written.

2 It was not a trap. If he didn't say it, he will tell us so. He has done fine so far.

3 I just want to know whether he said that or not. If yes, he can explain to us,

4 and if no, he can also explain to us.

5 PRESIDING JUDGE MINDUA: [15:02:59](Interpretation) Very well,

6 Mr Prosecutor. I think that there is a foundation for putting the question,

7 even though it is true that the notes were not approved as the Defence has

8 pointed out.

9 Go ahead, but first of all, let us re-establish the sound to the witness.

10 Court officer, if you could.

11 THE COURT OFFICER: [15:03:24] The sound to the witness has been

12 re-established, Mr President.

13 PRESIDING JUDGE MINDUA: [15:03:32](Interpretation) Go ahead,

14 Mr Prosecutor, but we have to -- we'll have to be going into open session.

15 MR GARCIA: [15:03:40](Interpretation) Yes, this is a somewhat unusual

16 question, but then after that, we'll go to open session.

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21 A. [15:05:06] With this statement -- with this sentence, I meant that [REDACTED]

22 [REDACTED]. That's all it means. It doesn't mean

23 anything other than that.

24 Q. [15:05:25] Thank you for that clarification.

25 If I understand correctly, [REDACTED]

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1 anything like that? [REDACTED]. Have I understood  
2 correctly?

3 A. [15:06:01] Yes.

4 Q. [15:06:06] Thank you for that clarification.

5 MR GARCIA: [15:06:10](Interpretation) Your Honour, if we could go back  
6 into open session.

7 PRESIDING JUDGE MINDUA: [15:06:14](Interpretation) Indeed, court officer,  
8 open session, please.

9 (Open session at 3.06 p.m.)

10 THE COURT OFFICER: [15:06:20] We are back in open session, Mr President.

11 PRESIDING JUDGE MINDUA: [15:06:30](Interpretation) Thank you very  
12 much.

13 Mr Prosecutor.

14 MR GARCIA: [15:06:34](Interpretation)

15 Q. [15:06:37] Mr Witness, I'd just like to clarify one minor point with you, I  
16 don't have many more questions. Now in the paragraph that I read out to you  
17 earlier about the sermons, you confirmed that the content was true. You  
18 apparently said that the armed groups gave their opinions or their advice to  
19 them about -- to the students about what they should wear, but it was not  
20 mandatory.

21 Are you talking about minors; namely, children, who had not yet reached the  
22 age of maturity? Who had not yet reached puberty? Is that what you said?

23 A. [15:08:13] Yes, because they were minors.

24 Q. [15:08:20] Thank you for that clarification, Mr Witness.

25 I'd like to switch to a different topic now. At the end of the



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1 examination-in-chief by the Defence, you spoke about the death of two people,  
2 Al Joumaat was one of the people and Akassame was the other, and I'd just like  
3 to establish something with you.

4 When did those people -- when did the incidents concerning those people  
5 occur?

6 Just to be fair to you, in your -- in response to a question from the Defence, you  
7 said that it was possibly in 2013 or late 2012. This is page 32, line 21,  
8 but -- and this is what I'd like you to respond to, when we look at your witness  
9 preparation note, 5455 is the reference number, you stated that the two were  
10 killed --

11 THE INTERPRETER: [15:09:49] Message from the Tamasheq booth: Could  
12 Mr Garcia be shorter.

13 PRESIDING JUDGE MINDUA: [15:09:57](Interpretation) Yes, indeed.

14 Mr Garcia, if you could -- if you could pause from time to time.

15 MR GARCIA: [15:10:07](Interpretation) Yes. My apologies to the  
16 interpreters.

17 Q. [15:10:12] Now, sir, you said in the witness preparation note that the two  
18 people had been killed by the Malian army in 2013. Is that information  
19 correct?

20 A. [15:10:54] Yes, that is true.

21 Q. [15:11:00] Very well, thank you for that clarification as well, Mr Witness.

22 You also mentioned during your testimony that you had had a meeting at the  
23 office of the Islamic police. Could you tell us what that was all about? What  
24 kind of meeting was it?

25 A. [15:12:15] It wasn't -- it wasn't a formal meeting. I was just passing by.

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1 I went in, I sat down, I spent some time there and then I left. Perhaps you  
2 gathered that it was a meeting. Perhaps you thought it was a formal meeting.

3 Q. [15:12:40] Are you telling us that you just happened to drop by the  
4 Islamic police and you went in just like that? Without any specific purpose?

5 A. [15:13:20] Yes, from time to time I would go by the police office because I  
6 was often looking for the person who [REDACTED] the  
7 [REDACTED] That's what I would -- that's why I would go by from time to time.

8 Q. [15:13:41] If I understand correctly, that person was at the Islamic police  
9 station usually?

10 A. [15:14:27] No, he wasn't there. I would just go from time to time. The  
11 first time we met, it was there. We met each other there at the police office.  
12 So I would go by from time to time to see him.

13 Q. [15:14:49] Basically [REDACTED], if I've understood you correctly?

14 A. [15:14:58] Yes, yes, to get something.

15 Q. [15:15:28] Just to make sure we've got this straight, when you say  
16 "something," you're talking about your [REDACTED] About [REDACTED]

17 A. [15:15:58] Yes, my [REDACTED] Sometimes it was [REDACTED] sometimes it was  
18 [REDACTED] sometimes it was [REDACTED] [REDACTED]

19 Q. [15:16:17] And when you would go by the office of the Islamic police,  
20 would you just speak to [REDACTED] or with other people as well?

21 A. [15:16:36] No, when it came to [REDACTED], I just spoke  
22 with him. No one else. It was a bit of a difficult situation. And your  
23 question really wasn't ... Mm, it wasn't very clear to me.

24 Q. [15:17:31] Mr Witness, you said that it was a somewhat  
25 "difficult" -- citation. What did you mean by that?

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1 A. [15:18:24] Yes. Well, you asked me if that was the only person I spoke to.  
2 He was reasonable, but you know, even when I speak -- when I meet an old  
3 lady, I talk to her. So when it came to that person -- and this had to do with  
4 the [REDACTED].

5 Q. [15:19:06] When you would go into the office of the Islamic police, would  
6 you go right into the office itself or would you go to the door? How did that  
7 work?

8 A. [15:19:20] If no one was there at the door, I would -- at the door, I would  
9 go right in to ask.

10 Q. [15:19:50] Now when you say that you saw Mr Al Hassan, was it at one of  
11 those occasions that you had gone inside to ask?

12 A. [15:20:30] Yes. I saw him there, but I might have seen him somewhere  
13 else in Timbuktu. But what's for sure is that I did see him in Timbuktu.

14 Q. [15:20:54] Just to make sure that this is accurate, when you say that you  
15 saw him there, you meant inside, in the office? If I've understood you  
16 correctly?

17 A. [15:21:49] Yes, it was in a room, but I don't know if it should be called an  
18 office or -- well, it was a room. It was a building, so I've -- I already said that I  
19 saw him there.

20 Q. [15:22:08] Very well. We'll move on to another topic, the last one,  
21 Mr Witness. You mentioned a person you knew who got married, I won't  
22 repeat that person's name, but -- well, my question is this, if I've understood  
23 correctly, all the information that you obtained about this lady  
24 were -- were -- all of that was information that was told to you by other people?  
25 Is that correct?

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1 A. [15:23:03] Yes, that's true.

2 Q. [15:23:26] Thank you very much, Mr Witness. I have no further  
3 questions for you.

4 Thank you very much, Mr President, your Honours.

5 PRESIDING JUDGE MINDUA: [15:23:37](Interpretation) Thank you very  
6 much, Mr Prosecutor, for your cross-examination.

7 So I now turn to the legal representatives of victims.

8 Counsel, Mr Kassongo, the Chamber has received your filings of the 13th, in  
9 which you asked for leave to question the witness. Do you still wish to  
10 question the witness?

11 MR KASSONGO: [15:24:09](Interpretation) Thank you very much, Mr  
12 President, your Honours. We thank you for facilitating that possibility on the  
13 basis of our filing. After listening to the questions put to the witness during  
14 cross-examination and examination-in-chief, the legal representative of victims  
15 would like to ask just one short question that has to do with the information  
16 provided yesterday by the witness, and, it will not be very long, if you would  
17 grant us leave.

18 PRESIDING JUDGE MINDUA: [15:24:53](Interpretation) Very well, very well.  
19 You are granted leave to put your question.

20 MR KASSONGO: [15:24:59](Interpretation) Thank you, Mr President.

21 QUESTIONED BY MR KASSONGO: (Interpretation)

22 Q. [15:25:04] First of all, I would like to say good afternoon to the witness  
23 and welcome. We have not had an opportunity to meet. I will introduce  
24 myself. I'm Mr Kassongo and I am representing the victims in this case.

25 I won't take much time. My question has to do with the period of time when

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1 you went back in 2012 to Timbuktu so that you could resume your commercial  
2 activity. You said, and, I quote, page 52, yesterday's transcript at line 10 and  
3 then further on at line 12, you said that was during the Ansar Dine occupation.

4 And our question -- the question that interests us is this, if, at that time, did you  
5 see armed men wearing uniforms patrolling in the market, and if you saw  
6 them, how were they dressed? What were they wearing?

7 PRESIDING JUDGE MINDUA: [15:27:32](Interpretation) Interpretation?

8 THE INTERPRETER: [15:27:42] Message from the interpreters: The  
9 Tamasheq interpreter is completing his translation.

10 THE WITNESS: [15:27:52](Interpretation) Yes, people in uniform, are you  
11 talking about Ansar Dine people? Or not?

12 MR KASSONGO: [15:28:01](Interpretation)

13 Q. [15:28:01] Yes, Mr Witness. Well, it's up to you to tell us, but exactly the  
14 period -- the period that you yourself mentioned when you went to the market  
15 in Timbuktu and you were running your small business?

16 PRESIDING JUDGE MINDUA: [15:28:26](Interpretation) Counsel.

17 MS TAYLOR: [15:28:30] Thank you (Overlapping microphones)

18 PRESIDING JUDGE MINDUA: [15:28:54](No interpretation)(Overlapping  
19 microphones)

20 THE INTERPRETER: [15:29:03] Message from the Tamasheq booth: may the  
21 booth interpret what was said?

22 PRESIDING JUDGE MINDUA: [15:29:11](Interpretation) You have finished?

23 THE INTERPRETER: [15:29:14] The Tamasheq interpreter: Not quite  
24 (Overlapping microphones)

25 PRESIDING JUDGE MINDUA: [15:29:20](No interpretation)

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1 MS TAYLOR: [15:29:24] Mr President, I didn't want to speak while another  
2 person was speaking, but I don't believe that question is entirely fair because I  
3 don't think we have a clear reference in the transcript to those activities  
4 happening at that point in time.

5 Perhaps the witness can clarify that, but I do believe that this could lead to  
6 confusion.

7 PRESIDING JUDGE MINDUA: [15:29:50](Interpretation) Quite so.

8 Mr Kassongo, could you rephrase.

9 MR KASSONGO: [15:29:57](Interpretation) Thank you, Mr President, and  
10 thank you dear colleague.

11 I'd like to quote the exact passage - page 52, line 10 - and that was when the  
12 witness was talking about his small business, and at line 11, in  
13 response -- whether Ansar Dine and the rebels were there. And this is where  
14 my question is. At that time, did he see men wearing uniforms in the  
15 marketplace or not.

16 PRESIDING JUDGE MINDUA: [15:30:52](Interpretation) Yes, Ms Taylor.

17 MS TAYLOR: [15:30:55] If I may, Mr President, there was a translation issue  
18 yesterday, in that it should have been the witness's "affairs." That he'd gone to  
19 Timbuktu for his "affairs" and not business. So I do believe a correction was  
20 made to that and it was clarified later. So that's why I'm standing up because  
21 this wasn't exactly what the witness said.

22 PRESIDING JUDGE MINDUA: [15:31:32](Interpretation) Yes, obviously,  
23 Mr Kassongo, we read the transcript in French, but there's a nuance in English  
24 with regards to the word "affairs."

25 MR KASSONGO: [15:31:42](Interpretation) I will reformulate.

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1 My question is addressed to the witness to ask --

2 Q. [15:31:51] If, when he went there to Timbuktu, did he see police patrols?

3 And how were they?

4 A. [15:33:08] No. I didn't see patrols. I sometimes saw the police, but I  
5 couldn't say if they were patrols or not. They were often travelling around.

6 Q. [15:33:26] Thank you very much, Witness.

7 And before letting you go, just by way of follow-up to this question, did you  
8 see -- in Timbuktu or outside of Timbuktu, did you see them in Timbuktu or  
9 outside of Timbuktu?

10 A. [15:34:24] No, I only saw them in Timbuktu. You can also see the  
11 presence of the police of the -- you can also see the police within the town  
12 going from one place to another without knowing what they're doing.

13 Q. [15:34:41] Thank you very much, Witness. I have no further questions to  
14 put to you.

15 Your Honour, your Honours, I have finished with my questions.

16 PRESIDING JUDGE MINDUA: [15:34:51](Interpretation) Thank you,  
17 Maître Kassongo, for your questions and for your efficiency.

18 So of course I am turning towards the Defence to ask if there are any additional  
19 questions that they would like to put. Ms Taylor?

20 MS TAYLOR: [15:35:19] No, Mr President.

21 PRESIDING JUDGE MINDUA: [15:35:22](Interpretation) Very well,  
22 Ms Taylor. I would also like to thank you for your efficiency.

23 So I can see that we have nothing further to say.

24 I now turn towards the witness.

25 Witness, the Chamber would, once again, like to thank you for having aided

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1 the Chamber by answering the questions put to you in a clear way. Your  
2 testimony is now concluded. Once again, I would like to thank you and wish  
3 you all the best for the future.

4 THE WITNESS: [15:37:22](Interpretation) I would also like to thank you.  
5 (The witness is excused)

6 PRESIDING JUDGE MINDUA: [15:37:26](Interpretation) So before  
7 adjourning the session, I would like to turn to the Defence to confirm that we  
8 will be back on Monday. Is that correct, Ms Taylor?

9 MS TAYLOR: [15:37:40] Yes, that is indeed correct, Mr President.

10 PRESIDING JUDGE MINDUA: [15:37:50](Interpretation) Very well,  
11 thank you, Ms Taylor.

12 Before adjourning, as usual, I would like to thank all the persons who have  
13 participated in the success of this day most sincerely. Here, of course, I am  
14 thinking of the parties and the participants, the court reporters and the  
15 interpreters, of our security guards and, of course our public, who are  
16 faithfully sitting in our gallery and the public that is afar. I wish you all a very  
17 good evening and we will be back on Monday.

18 Court is adjourned.

19 THE COURT USHER: [15:38:52] All rise.

20 (The hearing ends in open session at 3.38 p.m.)