

Trial Hearing  
WITNESS: MLI-OTP-P-0557

(Open Session)

ICC-01/12-01/18

1 International Criminal Court  
2 Trial Chamber X  
3 Situation: Republic of Mali  
4 In the case of The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag  
5 Mahmoud - ICC-01/12-01/18  
6 Presiding Judge Antoine Kesia-Mbe Mindua, Judge Tomoko Akane and  
7 Judge Kimberly Prost  
8 Trial Hearing - Courtroom 1  
9 Friday, 4 December 2020  
10 (The hearing starts in open session at 9.30 a.m.)  
11 THE COURT USHER: [9:30:43] All rise.  
12 The International Criminal Court is now in session.  
13 Please be seated.  
14 PRESIDING JUDGE MINDUA: [9:31:08](Interpretation) Court is in session. Good  
15 morning to everybody.  
16 Madam courtroom officer, could you please call the case.  
17 THE COURT OFFICER: [9:31:20] Thank you, Mr President.  
18 The situation in the Republic of Mali, in the case of The Prosecutor versus Al Hassan  
19 Ag Abdoul Aziz Ag Mohamed Ag Mahmoud, case reference ICC-01/12-01/18.  
20 And for the record, we are in open session.  
21 PRESIDING JUDGE MINDUA: [9:31:44](Interpretation) Thank you very much.  
22 As usual, we shall now take the appearances, starting with the Office of the  
23 Prosecutor.  
24 MS SARDACHTI: [9:31:55](Interpretation) Good morning, Mr President.  
25 The Office of the Prosecutor is represented today Gilles Dutertre and myself,

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1 Marie-Jeanne Sardachti.

2 PRESIDING JUDGE MINDUA: [9:32:08](Interpretation) Thank you very much,

3 Madam Prosecutor.

4 And now over to the Defence.

5 Ms Taylor.

6 MS TAYLOR: [9:32:11] Good morning, Mr President, good morning, your Honours,

7 good morning to everyone in the courtroom. The Defence for Mr Al Hassan is

8 represented today by Ms Sarah Marinier-Doucet, Mr Shan Patel and myself,

9 Ms Melinda Taylor.

10 Thank you.

11 PRESIDING JUDGE MINDUA: [9:32:27](Interpretation) Thank you very much,

12 Ms Taylor.

13 Legal Representatives for Victims, please.

14 Mr Nsita.

15 MR LUVENGIKA: [9:32:33](Interpretation) Good morning, Mr President, good

16 morning, your Honours. The victims are represented at this hearing by

17 Madam Claire Laplace and by myself, Mr Fidel Nsita Luvengika. Thank you.

18 PRESIDING JUDGE MINDUA: [9:32:50](Interpretation) Thank you very much,

19 Maître Nsita.

20 This morning we shall continue with the testimony of Witness P-0557, the 18th

21 Prosecution witness.

22 So I shall turn to the witness now.

23 Good morning, Mr Witness, can you hear me?

24 WITNESS: MLI-OTP-P-0557 (On former oath)

25 (The witness speaks Songhai)

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- 1 THE WITNESS: [9:33:17](Interpretation) Good morning. I can hear you.
- 2 PRESIDING JUDGE MINDUA: [9:33:21](Interpretation) Thank you very much,  
3 Mr Witness.
- 4 I would like to, once again, on behalf of the Chamber, welcome you and remind you  
5 that you are still under oath; so you should speak the truth, the whole truth and  
6 nothing but the truth.
- 7 I would also like to remind you of my advice with regard to when you address  
8 the Court.
- 9 Without further ado, I shall hand over to Ms Taylor for the continuation of her  
10 cross-examination of the witness.
- 11 Ms Taylor, please.
- 12 MS TAYLOR: [9:34:29] Thank you, Mr President.
- 13 I believe we can ask the first questions in open session.
- 14 QUESTIONED BY MS TAYLOR: (Continuing)
- 15 Q. [9:34:37] Good morning, Mr Witness. How are you?
- 16 A. [9:34:52] Good morning. Thanks to God, I am well.
- 17 Q. [9:34:56] Now, Mr Witness, you might remember that yesterday, I was asking  
18 you questions about the time period before the Islamists arrived in Timbuktu. I'm  
19 going to read to you a quote from your testimony and then ask you a follow-up  
20 question.
- 21 Now, at page 19, lines 4 to 7 of the real-time, you said:  
22 "Yes, the same thing happened when the soldiers left, things happened in the same  
23 way. Things were stolen, they were broken into and they took things. They took  
24 solar panels and other things. When the MNLA left as well."
- 25 My question, Mr Witness, is, can you provide more information about this theft of

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1 solar panels?

2 A. [9:37:08] Well, when they came to the city, all the panels in the town or in  
3 the offices were taken away. They took everything away.

4 Q. [9:37:24] Do you know who took the panels?

5 A. [9:37:45] I do not know who took the panels, but I could see them in vehicles  
6 and people were taking them out of the town.

7 Q. [9:37:59] So you saw them in vehicles. Did you also hear information from  
8 persons about this incident?

9 A. [9:38:30] I didn't understand your question as to how I got information.  
10 I didn't understand.

11 Q. [9:38:39] Mr Witness, you said that you saw these solar panels being taken in  
12 vehicles. Did you hear or learn any other information from what people might have  
13 told you?

14 A. [9:39:44] Well, panels were taken away by Arabs. Panels were taken away by  
15 Arabs because at that moment in time, there were also Arabs who had taken some  
16 panels and some of them even took vehicles from the camp.

17 MS TAYLOR: [9:40:10] My next question is based on a paragraph from the witness's  
18 statement. If I'm -- it's a statement -- it's a paragraph I read yesterday. But out of  
19 fairness, I do believe I'd have to read it to him again to refresh his memory, in which  
20 case I'll have to do so in private session.

21 PRESIDING JUDGE MINDUA: [9:40:37](Interpretation) Courtroom officer, private  
22 session, please.

23 (Private session at 9.40 a.m.)

24 THE COURT OFFICER: [9:40:47] We're in private session, Mr President.

25 (Redacted)

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- 16 (Open session at 10.58 a.m.)
- 17 THE COURT OFFICER: [10:58:48] We are in open session, Mr President.
- 18 PRESIDING JUDGE MINDUA: [10:58:53](Interpretation) Thank you very much,
- 19 madam courtroom officer.
- 20 Ms Taylor, I know it's difficult, but once again, during the break, could you please try
- 21 and group your questions together so that we can have some of the next session in
- 22 open session and another part of it in private session.
- 23 There we are.
- 24 We shall suspend the hearing for half an hour and we shall reconvene at 11.30.
- 25 The hearing is suspended.

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1 THE COURT USHER: [10:59:32] All rise.

2 (Recess taken at 10.59 a.m.)

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

4 THE COURT USHER: [11:32:31] All rise.

5 Please be seated.

6 PRESIDING JUDGE MINDUA: [11:32:56](Interpretation) The Court is once more in  
7 session.

8 Ms Taylor, you have the floor in order to continue with your cross-examination, but I  
9 would like to say now, at this stage, for urgent reasons, we need to finish today -- this  
10 morning at 12.25, and then we will start again at 13.30, as usual. We will be starting  
11 at -- therefore, at our usual time, but we will finish five minutes earlier than usual.

12 Ms Taylor.

13 MS TAYLOR: [11:33:50] Thank you, Mr President. I believe we should be able to  
14 finish before that. I can start in open session, but the video that we're playing should  
15 not be shown to the public gallery and we're playing it without sound, as well.

16 (Redacted)

17 (Redacted)

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3 Q. [11:36:30] Now I'm going to freeze the video at 36:12. It's 36:16. Mr Witness,  
4 do you see a white woman in this scene?

5 A. [11:37:16] I don't understand.

6 Q. [11:37:26] On your screen, can you see a white woman?

7 A. [11:37:48] Yes, I can see her on the screen.

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

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3 MS TAYLOR: [11:42:50] I'm going to go to the 15 -- to the 16-minute mark and play  
4 without sound. Again, this shouldn't be shown publicly.

5 (Viewing of the video excerpt)

6 MS TAYLOR: [11:44:20]

7 Q. [11:44:20] Mr Witness, I'm going to ask you a question, and then, depending on  
8 your answer, we might need to go into private session.

9 Do you recall meeting any of the individuals that you just saw?

10 A. [11:44:56] I don't remember.

11 Q. [11:45:00] I'm going to play the same thing from the 15:07 mark until the 15:15  
12 mark without sound.

13 (Viewing of the video excerpt)

14 MS TAYLOR: [11:45:32]

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5 MS TAYLOR: [11:47:23] I might need to go into private session because I'm not sure  
6 if this quote comes from private session or open session. It's from the Prosecutor's  
7 examination.

8 PRESIDING JUDGE MINDUA: [11:47:42](Interpretation) We will move into private  
9 session, but then we will return to public session.

10 Court officer, private session, please.

11 (Private session at 11.47 a.m.)

12 THE COURT OFFICER: [11:47:57] We are in private session, Mr President.

13 (Redacted)

14 (Redacted)

15 (Redacted)

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19 (Redacted)  
20 (Open session at 12.10 p.m.)  
21 THE COURT OFFICER: [12:10:50] We are in open session, Mr President.  
22 PRESIDING JUDGE MINDUA: [12:10:56](Interpretation) Thank you very much,  
23 madam courtroom officer.  
24 So, this marks the ends of the cross-examination on the part of the Defence of this  
25 witness. The Prosecution did have -- had obtained a little extension for questioning;

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1 so at this juncture, I do not know whether the Legal Representative for Victims would  
2 like to intervene.

3 Mr Nsita.

4 MR LUVENGIKA: [12:11:23](Interpretation) No, Mr President. The Legal  
5 Representatives for Victims do not have any intention of intervening.

6 PRESIDING JUDGE MINDUA: [12:11:33](Interpretation) Very well, Mr Nsita.

7 MR LUVENGIKA: However, with the Chamber's leave, in view of the fact that  
8 the witness has finished testifying, might it be possible to grant us leave to meet with  
9 the witness for a courtesy visit before he leaves The Hague.

10 PRESIDING JUDGE MINDUA: [12:11:59](Interpretation) Yes, Maître Nsita.  
11 The Chamber shall allow you to meet with the witness before his departure.

12 I'm now turning to the Office of the Prosecutor.

13 MS SARDACHTI: [12:12:12](Interpretation) Mr President, your Honours, we do not  
14 have any additional questions.

15 PRESIDING JUDGE MINDUA: [12:12:21](Interpretation) Very well. There are no  
16 additional questions from the Prosecution.

17 So it is not yet time for us to take the break. I shall release the witness and then we  
18 shall see whether it is possible for us to move forward with the next witness.

19 Mr Witness, this concludes your testimony. The Chamber would like to thank you  
20 greatly for having answered all the questions with patience and clarity. You are now  
21 free to go and I shall ask the courtroom officer to have you accompanied out of the  
22 courtroom and I wish you a safe journey home.

23 THE WITNESS: [12:13:56](Interpretation) I have heard what you have said and I  
24 would like to also wish you a safe journey home.

25 PRESIDING JUDGE MINDUA: [12:14:06](Interpretation) Thank you very much,

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1 Mr Witness.  
2 (The witness is excused)  
3 PRESIDING JUDGE MINDUA: [12:14:33](Interpretation) The 18th Prosecution  
4 witness has finished testifying and has left the courtroom. We have 10 minutes  
5 before we are due to take the break. I think we should suspend now.  
6 We shall reconvene at 1.30 with the 19th Prosecution witness; is that correct,  
7 Mr Prosecutor.  
8 MR DUTERTRE: [12:14:58](Interpretation) Absolutely, Mr President.  
9 PRESIDING JUDGE MINDUA: [12:15:00](Interpretation) There we have it. We  
10 shall suspend the hearing.  
11 The hearing is suspended.  
12 THE COURT USHER: [12:15:06] All rise.  
13 (Recess taken at 12.15 p.m.)  
14 (Upon resuming in open session at 1.33 p.m.)  
15 THE COURT USHER: [13:33:18] All rise.  
16 Please be seated.  
17 PRESIDING JUDGE MINDUA: [13:33:45](Interpretation) Court is now in session.  
18 We are going to start the hearing of the 19th Prosecution witness, that is  
19 Witness P-0638.  
20 I believe that is correct, is it not, Prosecutor?  
21 MR ALLAFI: [13:34:16](Interpretation) Yes, your Honour.  
22 PRESIDING JUDGE MINDUA: [13:34:18](Interpretation) Very well.  
23 So I would now like to check who is in the teams for the record, starting with  
24 the Office of the Prosecutor.  
25 Prosecutor.

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- 1 MR ALLAFI: [13:34:32](Interpretation) Good afternoon, your Honour,  
2 your Honours. For the Prosecution, there is Paola Sacchi, Gilles Dutertre and  
3 Lucio Garcia, and myself, Mousa Allafi.
- 4 PRESIDING JUDGE MINDUA: [13:34:50](Interpretation) Thank you very much,  
5 Prosecutor Allafi.  
6 Ms Taylor.
- 7 MS TAYLOR: [13:34:56] Good afternoon, Mr President, your Honours. Good  
8 afternoon, everyone in the courtroom. The Defence for Mr Al Hassan is represented  
9 today by Ms Kirsty Sutherland, Mr Shan Patel, Ms Laura Ferri and myself,  
10 Melinda Taylor Thank you.
- 11 PRESIDING JUDGE MINDUA: [13:35:22](Interpretation) Thank you very much,  
12 Ms Taylor.  
13 And now the Legal Representative of Victims, Mr Nsita.
- 14 MR LUVENGIKA: [13:35:27](Interpretation) Thank you very much, your Honour.  
15 The Legal Representatives of Victims hasn't changed, so it is Ms Claire Laplace and  
16 myself, Fidel Nsita Luvengika.
- 17 PRESIDING JUDGE MINDUA: [13:35:40](Interpretation) Thank you, Mr Nsita.  
18 I now turn towards the witness.  
19 Good afternoon, Witness, can you hear me?
- 20 WITNESS: MLI-OTP-P-0638  
21 (The witness speaks French)
- 22 THE WITNESS: [13:35:55](Microphone not activated)
- 23 PRESIDING JUDGE MINDUA: [13:35:59](Interpretation) Please press your button  
24 to have the microphone.
- 25 THE WITNESS: [13:36:09](Interpretation) Good afternoon, your Honour.



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(Open Session)

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- 1 PRESIDING JUDGE MINDUA: [13:36:11](Interpretation) On behalf of the Chamber  
2 I would like to welcome you. You are going to testify with a view to helping  
3 the Chamber establish the truth for the case concerning Mr Al Hassan.  
4 Witness, protective measures have been put in place such that your identity will not  
5 be revealed to the public.  
6 Whenever you have to give details which could reveal your identity, we will speak  
7 about that in private session. As such, nobody other than those in this courtroom  
8 will be able to hear you.  
9 Have you understood?
- 10 THE WITNESS: [13:37:10](Interpretation) Yes, I've understood.
- 11 PRESIDING JUDGE MINDUA: [13:37:12](Interpretation) Very well. Thank you.  
12 I now am going to take your solemn undertaking under Rule 66(1) of the Rules of  
13 Procedure and Evidence.  
14 You have a document on your desk, do you not?
- 15 THE WITNESS: [13:37:35](Interpretation) Yes.
- 16 PRESIDING JUDGE MINDUA: [13:37:35](Interpretation) This is the solemn  
17 undertaking according to which you shall swear to tell the whole truth. I therefore  
18 ask you to read it aloud.
- 19 THE WITNESS: [13:37:53](Interpretation) Solemn undertaking: I solemnly declare  
20 that I will tell the truth, the whole truth, and nothing but the truth.
- 21 PRESIDING JUDGE MINDUA: [13:38:11](Interpretation) Thank you very much,  
22 Witness.  
23 You are now under oath. The representatives of the victims section -- Victims and  
24 Witnesses Section and the representatives of the Prosecution have already told you  
25 what that means.

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1 I now have certain advice of a practical nature to give. You have to keep these  
2 instructions in mind throughout your testimony.

3 Everything that is said in this courtroom is transcribed by court reporters and it is  
4 simultaneously interpreted into several languages by interpreters. It's therefore  
5 important to speak clearly and slowly. Please do not start to speak until the person  
6 who is asking the question has finished putting that question. Please count up to  
7 three in your head before answering. This pause is essential to ensure that  
8 everything you say is duly noted for the record.

9 Of course, if you have a question, please do not hesitate to raise your hand to indicate  
10 that you would like to intervene.

11 If you would like a break or if you would like to go outside for some minutes, all you  
12 have to do is raise your hand to ask for leave and we shall give you leave to do so.

13 Have you understood that well?

14 THE WITNESS: [13:40:33](Interpretation) Yes, I've understood that well.

15 PRESIDING JUDGE MINDUA: [13:40:35](Interpretation) Thank you.

16 We are now going to start to hear your testimony. You firstly will be questioned by  
17 the representative of the Office of the Prosecutor and thereafter by the Defence,  
18 possibly by the Legal Representatives of Victims or even by the judges of the  
19 Chamber from the Bench. But for the moment you are in the Prosecutor's hands for  
20 the examination-in-chief.

21 Prosecutor.

22 MR ALLAFI: [13:41:15](Interpretation) Thank you, your Honour.

23 QUESTIONED BY MR ALLAFI: (Interpretation)

24 Q. [13:41:21] Good afternoon, Witness.

25 A. [13:41:23] Good afternoon.

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1 Q. [13:41:24] How are you this afternoon?

2 A. [13:41:25] I'm fine, thank you.

3 Q. [13:41:28] Witness, we have already met during the preparatory session on  
4 26 November.

5 \*THE WITNESS: [13:41:38] Exactly.

6 Q. [13:41:39] My name is Mousa Allafi and I'm going to put questions to you on  
7 behalf of the Office of the Prosecutor.

8 As the Presiding Judge indicated, I'm not going to repeat the instructions given by  
9 the Presiding Judge, but for you and for myself we are both going to speak the same  
10 language and so we're going to make an effort to speak slowly, clearly and we shall  
11 take a few seconds before answering the question so that the interpreters are able to  
12 follow us.

13 Another point which is very important, Witness, which is that at a particular time, if  
14 you do not understand my question or my question is not clear, then please do not  
15 hesitate to tell me so and I shall take care to repeat my question in a clearer manner.

16 Witness, in order to start, I am going to ask you questions with regard to your  
17 identity. That is the normal procedure.

18 But before doing so, I will turn to the Presiding Judge, your Honours, because I'm  
19 certainly going to start my questions which are identifying, as such, I would ask you  
20 to go into private session such that I can do it as quickly as possible and we will go  
21 into open session thereafter.

22 PRESIDING JUDGE MINDUA: [13:43:06](Interpretation) Thank you very much,  
23 Prosecutor.

24 Court officer, private session if you would be so kind.

25 (Private session at 1.43 p.m.)

1 THE COURT OFFICER: [13:43:18] We are in private session, Mr President.

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21 (Open session at 1.55 p.m.)

22 THE COURT OFFICER: [13:55:11] We are in open session, Mr President.

23 PRESIDING JUDGE MINDUA: [13:55:17](Interpretation) Thank you very much. Prosecutor.

24 MR ALLAFI: [13:55:20](Interpretation) Thank you, your Honour.

25 Q. [13:55:26] Witness, you said with the Islamists -- you mentioned the Islamists,



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1 who are these people who you call "Islamists"?

2 A. [13:55:34] Well, the Islamists, these are the people who came who were armed  
3 and they had a black flag when they came to Timbuktu. Those are the Islamists.  
4 There is the MNLA who have their flag. There are the Islamists who have their back  
5 flag, those are the Islamists, the mujahideen.

6 Q. [13:56:07] These Islamists, were they a group, did they have a name?

7 A. [13:56:12] Yes, yes, Ansar Dine. After arriving we saw them, they just said they  
8 are Islamists with their beards, but after a while they said -- they gave them a name  
9 and you heard the word "Ansar Dine", you heard the word "AQMI" or "AQIM". You  
10 heard "MUJAO".

11 Q. [13:56:38] Thank you. When did they arrive exactly, these Islamists or  
12 Ansar Dine?

13 A. [13:56:47] They arrived on a Sunday on the -- the Islamists arrived on Sunday,  
14 2 April 2012 in Timbuktu.

15 Q. [13:56:59] Witness, I'm going to ask you a question and I'm not going to ask you  
16 to go into details, please don't give me any details, but I just want to know how you  
17 know that these witnesses arrived on the 10th --

18 A. It wasn't the 10th. It was the 2nd.

19 Q. Okay, on the 2nd. In the transcript it says the 10th.

20 Your Honour, in the transcript I can see that it says 10 April and the witness has just  
21 corrected it to 2 April in French.

22 Okay. Very well. Very well. Okay, let's continue.

23 Thank you, Witness, for this precision and this important clarification.

24 So, as I told you, I don't want to know the details, but how did you know that they  
25 arrived on 2 April 2012?

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1 A. [13:58:03] Well, knowing the days and the dates, we know what a particular day  
2 is, it's unforgettable. It's an unforgettable day.

3 Q. [13:58:18] Thank you very much, Witness.

4 And during how much time or for what length of time did they stay in the region of  
5 Timbuktu, these Islamists?

6 A. [13:58:27] I don't know, because I had already left the town. I left them there.

7 Q. [13:58:36] And are you able to tell us when you left the town?

8 A. [13:58:42] No -- well, I left the town after a Tuareg was executed and I no longer  
9 wanted to stay in town. I left on that day itself. That was the day I left. It was  
10 after that that I left. After the execution of a Tuareg in Gaddafi's canal, and they  
11 killed him, they arrested him and then they killed him. That was the -- it was  
12 the day after that I left the town.

13 Q. [13:59:20] Thank you, Witness. You say that you left the town after  
14 the execution of a Tuareg. Are you able to tell us approximately when or how much  
15 time it was after the arrival of the group?

16 A. [13:59:37] No, I don't know, I do not remember. But I would say that it was  
17 the day that they executed him and then I left.

18 Q. [13:59:55] Thank you, Witness. And during this period when they arrived on  
19 2 April, until you left, who were the authorities governing and controlling the region  
20 of Timbuktu, to the best of your knowledge?

21 A. [14:00:09] There was the MNLA that was there. There were the armed Arabs  
22 who were there. There was also Ansar Dine that was there. There were several  
23 groups who were there. Afterwards, the Islamists and Ansar Dine drove the MNLA  
24 away and afterwards it was just the Islamists who were left. Nobody smoked  
25 cigarettes, you don't drink alcohol, we didn't listen to music, you can't speak to -- you

1 can't speak to a girl, your trousers can't go beyond a certain length.

2 Q. [14:01:05] Thank you, Witness. You've given us a lot of details which are  
3 important to me, so I'll come back to those details bit by bit a little later on, but I'm  
4 going to continue to find out what happened in the beginning. \* You mentioned the  
5 MNLA, where were they located at that time?

6 \* A. [14:01:33] The MNLA was located at the Timbuktu airport and at Kabara.

7 \* Q. [14:01:55] Do you know, Mr Witness, how long the MNLA stayed at the airport

8 \*A. [14:01:58] They didn't. No, they didn't last long. At one point, we heard bullets  
9 (the witness imitates the sound of gunfire). The MNLA signed with the Islamists for  
10 the independence of Azawad. They began shooting (the witness imitates the sound of  
11 gunfire). When the MNLA cars left the airport, they were playing Touareg music.  
12 When they returned, the Islamists said to them, "Watch out, we forbade the people to  
13 play music, and now you are coming back playing music." They turned it off, they  
14 removed the MP3 from (inaudible). They said, "No, inside the city we banned music.  
15 Now you are armed, you must not come back playing music because we banned it in  
16 the city." So, the MNLA I think lasted one week, two more weeks. We heard in Gao  
17 that there were clashes between the MUJAO and the MNLA. And in Timbuktu, we  
18 saw the Islamists taking more arms, rockets. They told the MNLA, "we are giving you  
19 18 hours, we are giving you 18 hours to leave town." We saw the MNLA cars head  
20 out in all directions and they fled. Once the MNLA had fled, that was when we had  
21 true Sharia. True Sharia was when the MNLA left. There was true Sharia. There was  
22 no mother, no father, it was Sharia. If Sharia got you, it was Sharia, that was all there  
23 was to it. That is what we saw after the MNLA. The MNLA broke, they broke things.  
24 They took cars, they did a lot of things. They did a lot of things. They took computers,  
25 they took weapons from the military camps. They took a lot of things. Yes, that's right.

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1 Q. [14:04:18] Thank you, Mr Witness. Once again, a lot of important details. And  
2 during my questioning I will go into those details one by one, but for the moment I  
3 have a specific question: How do you know all this, how do you get all that information?  
4 \* A. [14:04:39] Because I saw the MNLA people when the army left, we saw what was  
5 happening, we saw the MNLA with the arms. First it was the Arabs, they came first.  
6 They came, they told the soldiers that the Islamists were behind them, some MNLA  
7 people would be arriving. Then the soldiers stopped, they gathered in front of the  
8 Governor's Office in Timbuktu. They gathered and they said, "Governor, we are  
9 leaving the city." And once the army left the city, the Arabs entered. Like Arabs, they  
10 were light-skinned. The Bambara thought that these Arabs were militiamen who ATT  
11 had paid for to fight terrorism, to fight the MNLA. They were the same Arabs who  
12 went to the city to tell the Malian army, "Be careful, the Islamists are coming." And  
13 once the army left, we saw them. We saw them the moment they left . The army itself,  
14 once the Arabs came in, they fled, they left the cars.

15 (Redacted)

16 (Redacted). An army vehicle was parked there. It was after the Arabs, they took it.  
17 The MNLA, they came, they took it. And afterwards, all the young people went into  
18 the camps in search of arms. They went, everybody went and took the computers.  
19 The MNLA went into all the administrative buildings in Timbuktu. All the  
20 administrative buildings, the MNLA took everything, with their arms, everything.

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted).

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1 Q. [14:07:20] Mr Witness, I think we should go into private session, if you don't  
2 mind, Mr President, so that the witness can continue.

3 PRESIDING JUDGE MINDUA: [14:07:35](Interpretation) Private session, please,  
4 court officer. (Private session at 2.07 p.m.)

5 THE COURT OFFICER: [14:07:43] We're in private session, Mr President.

6 (Redacted)

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18 (Open session at 2.14 p.m.)

19 THE COURT OFFICER: [14:14:44] We are in open session now.

20 PRESIDING JUDGE MINDUA: [14:14:50](Interpretation) Thank you.

21 Mr Prosecutor, please proceed.

22 MR ALLAFI: [14:14:55](Interpretation) I'm sorry, I was a little hasty. We are now  
23 in public session.

24 Q. [14:15:04] Mr Witness, I said we heard what you said, we are now in public  
25 session. All you have said in private session is extremely important and I will go

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1 back to that later, a little later in private session once again because I would like to go  
2 into the details. But we must also have public sessions, so we will continue to talk  
3 about the point where we stopped in the public session and I'm going to speak of  
4 things of a more general nature, so do not give us personal information which could  
5 identify you in any way, you, your friends, your family. So my questions are going  
6 to be of a general nature. Is that clear to you?

7 A. [14:16:09] Yes. But you have someone in front of you who speaks French  
8 (Overlapping speakers)

9 \*PRESIDING JUDGE MINDUA: [14:16:23](Interpretation) No, Mr witness. We  
10 understand you just fine, so do not worry.

11 THE WITNESS: [14:16:29](Interpretation) Thank you, Mr President.

12 MR ALLAFI: [14:16:32](Interpretation)

13 Q. I'll say what the President says. We understand you clearly. Take your time.  
14 We're here to listen to you. Take your time. Express yourself as you wish. If we  
15 don't understand, and equally if you don't understand me, you must tell me. So,  
16 you know, you tell me if you don't understand me and I'll do likewise. But for  
17 the moment I'm understanding what you say \* perfectly well. Thank you.

18 So we'll go back a bit. You spoke of the MNLA and you said they were situated at  
19 the airport.

20 A. [14:17:07] Yes, the airport near Kabara, which is alongside the river. It's a part  
21 of Timbuktu which is about 7 kilometres away from Timbuktu.

22 Q. [14:17:18] Thank you for that detail.

23 You also said that the Islamists chased out the MNLA from the region; is that correct?

24 A. [14:17:31] Yes, that's correct. They said that they'd given them an hour or so  
25 to -- 18 hours before they would leave.



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1 \*Q. [14:17:46] Okay. I want my question to be crystal clear. Could you tell me  
2 approximately how much time it took the Islamists to chase -- how much time was  
3 the chasing away of the MNLA after the Islamists arrived on April 2?

4 \* A. [14:18:10] Not long. I think it was two weeks. The MNLA were in town for two or  
5 three weeks. Two or three weeks, I can't remember exactly. In any case, they weren't  
6 there for one or two months, no.

7 \* Q. [14:18:26] Thank you, Mr Witness. And from that moment onwards, that's to say,  
8 once the MNLA left, who controlled and governed the region of Timbuktu?

9 A. [14:18:35] It's Ansar Dine a hundred per cent.

10 Q. [14:18:49] And why do you say that? You say it's them, how do you know?

11 A. [14:18:55] We saw them. We saw them in front of us. We saw their black  
12 flags, you can't listen to music, you can't smoke without doing that in hiding secretly.  
13 They're the Islamists.

14 Q. [14:19:16] Thank you. When you say "controlled the town and the region" did  
15 they have checkpoints?

16 \* A. [14:19:26] Yes, their checkpoint at the entrance. When you left the airport there  
17 was a checkpoint belonging to Ansar Dine at the Total station. There was the Total  
18 station at the entrance, there was the checkpoint there. And also on the Goundam  
19 road, route Goundam, there is also a checkpoint. If somebody came to the town, it's  
20 the Islamists who searched you, they searched your car to see that you didn't have  
21 any alcohol or cigarettes. Everything that they condemned wasn't allowed to enter  
22 the town.

23 Q. [14:20:00] Thank you, Mr Witness.

24 And Ansar Dine and those Islamists, as you call them, how were they dressed, how  
25 were they dressed?

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1 A. [14:20:15] They had their own form of dressing. There was a yellow outfit with  
2 vests, yellow and blue vests. The shortened trousers, the trousers were cut. They  
3 had Kalashnikovs and they also had beards.

4 Q. [14:20:47] What language did these Islamists speak, Ansar Dine?

5 A. [14:20:52] They spoke Arabic. But after the Islamists, everybody joined them.  
6 There were all sorts of people. \* There were some who spoke Songhai, others spoke  
7 Tamasheq and others spoke Bambara. Some spoke Tamasheq, others spoke Arabic,  
8 others spoke Songhai.

9 That happened when the MNLA left, the Islamists grew in number. In  
10 the beginning, they weren't that many. But as the months passed, the numbers grew  
11 bigger.

12 \* Q. [14:21:38] Thank you. Did you yourself see them in Timbuktu at that time?

13 A. [14:21:45] Yes, they were in Timbuktu. I saw them right in front of me. Facing me.

14 Q. [14:21:53] And when you saw them, and apparently you saw them many times,  
15 were they on motorbikes, in cars, or on foot?

16 A. [14:22:01] They were on motorbikes, in cars, on foot. They were not just in planes.  
17 They were on motorbikes, in cars, on foot. We saw them all the time. Every day. We  
18 saw them every evening, every morning. You would wake up, you would see an  
19 Islamist go by with his beard, on a motorbike or in a car.

20 Q. [14:22:32] You say you saw them all over all the time, what were they doing?

21 \* A. [14:22:37] Sharia, Sharia, Sharia. That's all. They came to teach us about Sharia.  
22 They banned everything: cigarettes, alcohol, no women. You were in your own town  
23 but you couldn't do anything. It was not like the Timbuktu that we knew from before.  
24 It changed in less than a week.

25 Q. [14:23:08] Thank you, Witness. Frankly, you are helping me, because I was heading

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1 in that direction. You spoke about the life and the town of Timbuktu before. So I'm  
2 going to ask you a series of questions, once again of a general nature, I don't need  
3 details, so do not give us private information or personal information. My first  
4 question is, are you in a position to tell us briefly, generally what life was like in  
5 Timbuktu before Ansar Dine and the Islamists arrived?

6 \* A. [14:23:57] Before, before, Timbuktu was great. We danced, we smoked, we did  
7 what we wanted. We were free. We could do whatever we liked. Everything we  
8 wanted to do, we could do in Timbuktu before.\* We were happy. Before, we were  
9 feeling comfortable. Before the Islamists we did what we wanted. \*Once they  
10 arrived, we couldn't do what we wanted to anymore. What Sharia said was imposed  
11 upon us. Sharia was put in place. If you didn't follow it, you would be whipped in  
12 front of everyone.

13 Q. [14:24:47] Thank you. Just before my next question, you often use the word  
14 "chicoté", a whipping, what is that?

15 A. [14:24:57] We were lashed with a whip, like this, like this, like what I'm showing  
16 you.

17 MR ALLAFI: [14:25:12](Interpretation) Mr President, for the records, I would like to  
18 say that the witness showed us how this whipping took place and he raised his arm  
19 and swung it around in the gesture of a whipping.

20 PRESIDING JUDGE MINDUA: [14:25:33](Interpretation) We've noted -- we've put  
21 this down on the records.

22 MR ALLAFI: [14:25:40](Interpretation) Thank you very much, your Honour.

23 Q. [14:25:46] Mr Witness, perhaps I'm mistaken, but I believe you said, and do  
24 correct me if I am mistaken, you said that life afterwards, after the arrival of the group,  
25 changed, it wasn't the same thing, you couldn't do the same as you did before; is that

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1 correct?

2 A. [14:26:05] Yes, that's correct.

3 Q. [14:26:10] Thank you, Mr Witness. There there was a general question, so I  
4 would like some specific examples, if you allow me.

5 Let's start with the fact of smoking or selling cigarettes. How was it before  
6 the Islamists arrived, just that fact about selling and smoking cigarettes?

7 A. [14:26:34] You could get cigarettes whenever you want to, you just could go in a  
8 shop and you bought a packet of cigarettes and that was it. And then you could  
9 light up a cigarette and smoke it when you wanted.

10 \* Q. [14:26:50] I'm sorry, but I'm asking for details. So each time I'm going to ask you  
11 the same question, before and after. So what was it like afterwards if you smoked or  
12 sold a cigarette, after the arrival of the Islamists?

13 \*A. [14:27:05] After their arrival, cigarettes became paracetamol. People would say  
14 paracetamol. The entire town would do it. You would go into a shop and you would  
15 ask if they had any paracetamol. And they would give you some. If they saw that you  
16 were not linked to Ansar Dine, they would give you cigarettes, but if you were linked  
17 to Ansar Dine, they would not give you any. They would say that they had no  
18 cigarettes. That's how people got cigarettes. It was hidden. Even the person who was  
19 selling the cigarettes, he would give you the cigarettes, and his hand would tremble,  
20 like this. His hand would .... like this. Before he gave you any, he would be afraid.  
21 That is how it was.

22 Q. [14:28:02] I have another question. When you said "paracetamol", was that a code?

23 A code for what?

24 A. [14:28:08] Yes, yes, yes, it was a code. Exactly. It was our code in Timbuktu. People  
25 would say 'paracetamol'.

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1 Q. [14:28:19] To have cigarettes?

2 \*A. [14:28:21] Yes, to get cigarettes. We said "Paracetamol" because if we said  
3 "cigarettes" we thought Ansar Dine might hear. If Ansar Dine heard you, they would  
4 come and burn them. So we said "Paracetamol" instead.

5 Q. [14:28:30] You've anticipated my next question. So what happened if you were  
6 stopped and you were smoking or selling cigarettes or you had cigarettes on you?

7 A. [14:28:36] No, if they caught you selling cigarettes, you didn't have a problem.  
8 They would say, "From now on, you mustn't sell cigarettes anymore." Or if they  
9 caught you smoking, they would take the cigarettes away from you and they would  
10 tell you that they were not good for your health. They would break them in two in  
11 front of you and say that they were haram. And that would be it. But in the case of  
12 alcohol, you would be whipped. But not for cigarettes, no, they wouldn't beat you for  
13 that. They would say that they were haram, and that they were not good for your  
14 health. And they would leave you be, that's all. As for those who were selling  
15 cigarettes, they would go into the shop and take the cigarettes and burn them in front  
16 of the shop owner and leave him there. And they would tell him, "From now on, you  
17 mustn't sell cigarettes."

18 Q. [14:29:37] Are all these details about smoking and burning cigarettes or ... all of  
19 what you've said, are those things that you've seen yourself?

20 \*A. [14:29:46] Yes, yes, yes, I saw that myself. I saw it myself. There were small  
21 children who would come up to me and say that I mustn't smoke. They would take  
22 my cigarette and break it in two.

23 Q. [14:30:11] I'm sorry, but just to make sure I've understood: you said there were  
24 small children?

25 A. [14:30:14] Yes, there were small children.

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1 \* Q. [14:30:17] Could you explain this a bit more? What do you mean?

2 A. [14:30:20] The small children were part of the group. They were like police officers,  
3 like the authorities. They would come up to you and they would just break the  
4 cigarettes in two. They would just take them and break them in two right in front of  
5 you. You couldn't say anything. There was a Kalashnikov to the right, there was a  
6 Kalashnikov, what were you going to say? You wouldn't say anything. The cigarettes  
7 would be broken in front of you. That's the way it was.

8 Q. [14:30:54] And when you say "children", what age?

9 A. [14:31:00] 14 age, 15, maybe, 14 to 15.

10 \* Q. [14:31:05] Let the record show that you are saying --- and correct me if I have  
11 misunderstood --- you are saying that they were part of the Islamists and Ansar Dine;  
12 these children were part of this group. Is that correct?

13 A. [14:31:14] Yes.

14 Q. [14:31:23] Thank you, Mr Witness. We're going to go to another point now and  
15 that's going to be \*the same question.

16 PRESIDING JUDGE MINDUA: (Interpretation) Please continue, Prosecutor.

17 MR ALLAFI: [14:31:38](Interpretation) Thank you, your Honour, I had  
18 the impression that I had \* heard something. Thank you.

19 Q. [14:31:42] The next question is going to be on the relations between men and  
20 women. Now, before the arrival of Ansar Dine and the Islamics who you -- that's  
21 what you called them, with regards to these relations or relationships, could you have  
22 a girlfriend or boyfriend, could you speak to each other, see each other?

23 \* A. [14:32:04] Yes, of course. Before the Islamists came, you could dance, you could  
24 go places. You could pick up your girlfriend, you could do whatever you wanted to  
25 do. You could call her and say, " Hello, my darling, where are you? I'm on my way."

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1 She'd be waiting for you. You could pick them up, go on a motorbike ride together,  
2 you could dance, you could go to the disco, there were events that were put on. But  
3 with the Islamists none of that could be done.

4 Q. [14:32:27] Thank you very much, Witness. You're anticipating my following  
5 questions for afterwards. So was it possible -- well, was everything you just said  
6 possible afterwards?

7 A. [14:32:41] Afterwards?

8 Q. After the arrival of the Islamists, these relationships, boyfriend, girlfriend, man,  
9 woman, these relationships, was it the same? What happened?

10 A. [14:32:51] After the Islamists arrived ...

11 Q. (Overlapping speakers)

12 A. [14:32:53] No, when they found a woman with a man, there were problems,  
13 they're going to ask you if you touched the woman and they're going to tell you "Tell  
14 the truth" and "Is the -- is her your girlfriend?" Then you're going to be locked up  
15 and you're going to be flogged in front of everyone. They're going to take you and  
16 they're going to flog you and then that's it. But they're going to ask you "Are you  
17 with that girl, is it your girlfriend?" You say, "No, it's not my girlfriend, whatever."  
18 \* And then they're going to take you into custody and they'll want to know if it's true,  
19 is she really your girlfriend or not. And if it's true, if there -- if you have a relationship,  
20 you have a problem, the woman has a problem, you've both got problems. But if it's  
21 a woman who you're married \* to, then witnesses come and they say that is your wife,  
22 then they say that's *halal*, you can \*go, that's no problem. But if it's not your wife,  
23 then you have problems. That is the truth. That's it.

24 Q. [14:34:19] Thank you, Witness. I have a question and then we'll come back to  
25 that. But what you've just said, how do you know that?

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1 \* A. [14:34:24] I saw that. I saw that myself. There were rumours. Everybody in  
2 Timbuktu talks. Everything that people hear, who speak about it, you hear rumours  
3 and you'll see, you'll see something, it's in front of you. You'll hear the Islamists that  
4 they've taken a woman and a man and they've beaten them. How did they do it?  
5 Timbuktu is a town, it's Islam and they'll say Islam has been established  
6 in -- Timbuktu is Islam and has been for over 900 years. But since the Islamists came,  
7 they've changed it, they said Sharia would be set up, they would establish Sharia law.  
8 \* And women were flogged in front of their fathers, mothers, younger brothers, sisters,  
9 in front of everyone. Men, same thing. And there was a problem. The Islamists  
10 didn't beat somebody just before their door, if they beat somebody it was because  
11 there was a problem. And that's why I know. I've heard that in Timbuktu, but  
12 I was also there.  
13 If you don't have a problem, nobody's going to take you. And Ansar Dine aren't  
14 going to take you. I saw that with my own eyes, your Honours. I saw that. I saw  
15 that, that is the truth. Islamists aren't going to go into your house unless you're  
16 called. But if somebody has called you, if a woman has called on her husband, then  
17 they will go to the commissariat. There have been such cases in Timbuktu, if you  
18 have a wife behind you on the motorbike, Ansar Dine will stop you, "Is that your  
19 girlfriend?" \* If you say no, she's not my girlfriend, she's the wife of my uncle, she's  
20 my uncle's wife, then you are okay. If you say that she is my uncle's wife or my older  
21 brother's wife. If you say that she is your wife, then they say get witnesses, Ansar  
22 Dine will say "go and get witnesses".  
23 Q. [14:36:56] Thank you very much, Witness.  
24 I've got a couple of questions by way of clarification as to what you've said and then  
25 I've got a third question to put to you.



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1 Now, you say that if the Islamists -- and please correct me if it's not what you said,  
2 Witness, but you say that the Islamists if they see you, for example, on a motorbike  
3 with a woman, \* they will ask you if she's your uncle's wife or older brother's wife,  
4 and if that is so, they will let you continue along your way. If you say "she's my wife",  
5 then you have to bring witnesses?

6 A. [14:37:30] Yes, you have to bring witnesses.

7 PRESIDING JUDGE MINDUA: [14:37:35](Interpretation) Ms Taylor.

8 MS TAYLOR: [14:37:36] I could be wrong, but that's not what's in the English  
9 transcript as to what the witness said.

10 Perhaps if the interpretation could be cut. I don't know what's in the French, but in  
11 the English it is different.

12 PRESIDING JUDGE MINDUA: [14:38:05](Interpretation) What do you see in  
13 English? I've got the text in French.

14 MS TAYLOR: [14:38:10] In English it would be that they would stop and ask you "Is  
15 that your girlfriend?" and if you say "it's my uncle's wife", et cetera. It's not that they  
16 would stop you and ask you if it's your uncle's wife.

17 PRESIDING JUDGE MINDUA: [14:38:38](Interpretation) Prosecutor.

18 MR ALLAFI: [14:38:39](Interpretation) Your Honour, I can, I can reformulate  
19 the question in a way so as to be clearer.

20 PRESIDING JUDGE MINDUA: [14:38:46](Interpretation) Yes, please reformulate  
21 your question, that way the witness can answer.

22 MR ALLAFI: [14:38:52](Interpretation) Very well, your Honour.

23 Q. [14:38:53] Witness, did you speak about a fact if somebody was on a motorbike  
24 with a woman? Please answer.

25 \*A. [14:39:02] Yes, yes. Yes, if you are with a woman on your motorbike, now if Ansar

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1 Dine asks you "Is that your wife?" they're going to ask you for witnesses to see if she  
2 really is your wife. Or you say that she is the wife of your uncle or of your older  
3 brother. But if you say it's your wife, then you have to provide witnesses. The wife  
4 is taken -- the woman is taken into \* custody for questioning, and the man as well.

5 \*Q. And when you said "continue along your way" does that means they let you go?

6 A. Yes, they let you go.

7 Q. But if the person says "she's my wife", he has to bring witnesses; is that correct?

8 A. Yes. If you say she's your wife, you bring witnesses.

9 Q. [14:39:59] Bring the witnesses where?

10 A. [14:40:01] To the police station, to the Islamic police. They're going you for  
11 witnesses. That's where they will ask for witnesses.

12 PRESIDING JUDGE MINDUA: [14:40:14](Interpretation) Prosecutor, Witness, could  
13 you please observe breaks between the question and the answer for the interpreters  
14 who are interpreting into English and into Arabic.

15 MR ALLAFI: [14:40:33](Interpretation) I will speak slowly.

16 PRESIDING JUDGE MINDUA: [14:40:34](Interpretation) Thank you.

17 MR ALLAFI: [14:40:36](Interpretation) Thank you.

18 Q. Witness, because you are being interpreted into English as well, because these  
19 are the two official languages of the Court, we're speaking in French, but afterwards  
20 there is interpretation into English, and you speak very well, you're speaking slowly,  
21 but please make pauses, after my question wait a few seconds before answering.

22 A. [14:41:01] Okay.

23 Q. [14:41:16] So we stopped at the point when you said that witnesses or a witness  
24 has to go to the Islamic police station. Now, you say -- that's if you say that  
25 the woman is your wife. And what do you have to prove, exactly?

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1 A. [14:41:31] To prove whether she's your wife. If she's your wife, there's no  
2 problem. If she's your wife, there is no problem and you can go with your wife.  
3 But if it's not your wife, then you're going to be tried and you'll be found -- you'll  
4 have to get married. You'll become a couple.

5 Q. [14:42:07] Thank you very much, Witness.

6 Now, my following question concerns the question of how men and women dressed  
7 before the arrival of the Islamists.

8 \* A. [14:42:29] Before the Islamists came, well, women could wear trousers, tights, you  
9 could wear whatever, whatever you wanted. And men as well. If you -- you -- if you  
10 dressed as you wanted, if you wanted to wear chains, if you wanted to wear gold  
11 rings, that -- you could do that. But when the Islamists arrived, that was not possible.  
12 All that was banned. You have to -- the women have to be veiled, they imposed that  
13 women had to be veiled. They said that the trousers shouldn't be too long and they  
14 put measures into place. Women must be veiled, masked, you couldn't see their  
15 faces. They imposed that. They also imposed on men that you had to take off your  
16 earrings, take off your chains, all that. That's it.

17 Q. [14:44:01] Thank you, Witness. I'm sorry, I'll come back to you with my usual  
18 question: How do you know everything that you've just said?

19 \* A. [14:44:10] When I was in the town, it was imposed on me. My trousers couldn't be  
20 too long. I also saw women who were veiled. Before, we wore chains, we  
21 could -- we walked as we wanted to and we didn't have our belts done up tight.  
22 And when the Islamists came they saw you walking like that with your chains and  
23 they say, no, come, take the chain off and you have to sort out your trousers, all of  
24 that. That's the way it was done, that's the way it was. That's all.

25 Q. [14:45:03] And I'm going to be a bit more precise where it concerns the way that

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1 women had to dress themselves after the Islamists arrived. Now, how -- or what  
2 was the reaction of the population in Timbuktu and particularly among women with  
3 regards to the orders and obligations about how women should behave? What  
4 was --

5 A. [14:45:35] Well, when the Islamists were there?

6 \* Q. Yes

7 \* A. [14:45:36] Well, they imposed on women that they had to wear veils. They  
8 imposed that on women. They said to women that when they left the house, they had  
9 to dress properly. Nothing else. Women had to wear a veil, they had to be masked.  
10 That's it. That's all. That's all.

11 Q. [14:46:04] My question was how women reacted. What was their reaction?  
12 Did they accept that or what happened afterwards?

13 \* A. [14:46:16] Well, you see, we have our ... our elders, our fathers. Everyone agreed.  
14 It was a weapon. Yes, you agreed. The women agreed. They wore the veil. Afterwards,  
15 the women at the market ... when they saw women at the market, they would say,  
16 "You're not properly dressed. You have to be properly dressed". That was all.  
17 Afterwards, the women would call out, "Ansar Dine, Ansar Dine, this, that".  
18 Otherwise, the women ... there are a lot of women in Timbuktu. Some women  
19 respected the rules. Some respected them. Other women did not want to respect them.  
20 And when women didn't respect the rules, they had problems with the Islamists.  
21 That's the way it was. That was all there was to it. If you did what they asked, you  
22 didn't have so many problems with them. You didn't even have any problems with  
23 them. But if they said not to do something and you did it, then they would get you.  
24 That's the way it was.

25 Q. [14:47:36] Thank you, Witness.

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1 \* On page 75 in the transcript, line 20, you said that it was a weapon. What do you  
2 mean by that, could you explain to us? You said it was a weapon. What does that  
3 mean?

4 A. [14:48:09] The weapon was a Kalashnikov. That was the weapon. And the whip.  
5 They had whips, they had weapons. That's the way it was.

6 Now, they didn't shoot the population just like that, no. They didn't take weapons  
7 and shoot the population just like that, no. If you go to the Islamists and you say  
8 you have a problem with somebody, somebody's stolen your motorbike or  
9 the woman left to get her husband, they will resolve it and they'll go and speak to  
10 the woman and the man and they'll say who's right and they'll apply Sharia law.  
11 That's it. They will apply Sharia law. That's how life was in Timbuktu.

12 Q. [14:49:21] Thank you, Witness. Once again, please correct me if it's not what  
13 you say.

14 Now, on page 75, you said about having problems with the Islamists. If you do this,  
15 you're going to have problems with the Islamists. Could you explain to  
16 the Chamber what you mean by that?

17 A. [14:49:51] Well, what that means is that there was nobody in town who is going  
18 to say what's happened. The Islamists would say to you, if there's a problem - they  
19 said on the radio - somebody has a problem, if somebody has fallen on somebody,  
20 then come and see us. They even gave telephone numbers.

21 Now, the telephone -- they said that there were people between them who didn't get  
22 on with each other. Now, if the husband and wife don't understand each other or  
23 don't get on, then there isn't Malian police who intervene, it's the Islamic police.

24 And that's Islamic justice. They apply their Sharia law. That's it. That's all I want  
25 to say by that. If they see that the wife is right, they say she's right. If they see that

1 the man's right, they say the husband's right. But if they're both wrong, they will  
2 have Sharia law applied in front of them, Islamic law. That's it.

3 Q. [14:51:18] Thank you, Witness.

4 For the record, on page 75, lines 26, you say, "and when women" -- this is something  
5 you say, Witness, "when the women don't respect that too, they will have problems  
6 with the Islamists." That's my first question, could you explain to the Chamber what  
7 you mean by that. If the women don't respect that, they will have problems, what  
8 does that mean, having problems, what problems will they have?

9 A. [14:51:55] Well, if you're not wearing a veil, you're going to have problems.

10 Q. [14:52:01] What do you mean by "problems"? What problems would I have or  
11 what problems do women have if they are not wearing a veil, what type of problem  
12 will they have?

13 \* A. [14:52:10] Well, they would be flogged. Just one lash, not five lashes. The women  
14 would just get one lash, then they would say, "Go back home, veil yourself." And then,  
15 if women were outside in Timbuktu, if they were inside their house, they could do as  
16 they pleased. But if they went outside, they had to wear a veil, they had to be  
17 properly dressed. \*That is what they asked for. That was all. Otherwise, we didn't  
18 see an Islamist go into a house to hit a woman. That's not something we saw. If  
19 a woman goes outside and doesn't accept Sharia, she will have problems.

20 The Islamist doesn't go into her house. He won't go into the house itself. He looks  
21 at everything is happening outside of the house, but he won't go into your house.

22 No, we didn't see that. Only if the wife calls upon her husband, then the Islamists,  
23 they will go and say, "Where is your husband?" And they'll go to the house and

24 they'll say, "Very well, you called upon your husband" and then they will deal with it.

25 But without being called upon, they're not going to go into your house. That's it.

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1 Have you understood? Is that okay?

2 Q. [14:53:58] It's very clear. Thank you very much, it's perfect. And I would like  
3 to really thank you for having been so clear.

4 Now, my following question, you mentioned if a woman wasn't veiled she could be  
5 whipped once or flogged once, is that something you saw?

6 \*A. [14:54:20] Yes, I saw somebody with a beard driving around in a car. He was  
7 driving fast. He saw a woman who wasn't veiled and he hit her once with a whip and  
8 then he said "Go home." He would drive around in a car, he wouldn't even stop. He  
9 would drive up very slowly, very slowly, and when he saw a woman who wasn't  
10 wearing the veil, he would just stop and he would hit her. Then the woman would  
11 say, "Oh, Ansar Dine has just flogged me" and she would go straight home. Her  
12 mother would say, "But you yourself are Muslim, you have to wear the veil, you have  
13 to be veiled so as not to have problems with Ansar Dine."

14 And that is it. If the wife or woman is wearing a veil, she doesn't have a problem,  
15 she can go to market, she can do her shopping. But you can't go and see a man. No,  
16 no. If -- even if you are wearing a veil and you're with a man, then you are arrested.  
17 That is true. That's true.

18 Q. [14:55:21] Thank you very much, Witness. And I would also like to thank you  
19 for being so clear once again. I understand you perfectly.

20 Now, you said that you saw somebody flog a woman because she wasn't wearing  
21 a veil. Was that somebody you know?

22 A. [14:55:39] No.

23 PRESIDING JUDGE MINDUA: [14:55:44](Interpretation) Prosecutor, just a question  
24 by way of clarification.

25 Witness, you said that the Islamists, as you called them, didn't enter into houses. I

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1 understood that well. \* But what I don't know is what the houses are like in Timbuktu,  
2 because sometimes you have a house which can be in a courtyard or on a plot of land  
3 or on a compound. \* Now, if the lady were in the courtyard of her house, not in the  
4 house, but in the courtyard, but not in the street either, what would happen then?

5 THE WITNESS: [14:56:29](Interpretation) Yes, when -- if they see you, if they see  
6 you. If they don't see you, because there are small courtyards as well, but if  
7 the woman is not properly dressed and she's in a courtyard, then she could have  
8 problems too.

9 PRESIDING JUDGE MINDUA: [14:56:48](Interpretation) Thank you very much,  
10 that's clear. Thank you.

11 Prosecutor.

12 MR ALLAFI: [14:56:53](Interpretation) Thank you very much, your Honour.

13 Q. [14:56:57] Thank you, Witness, for these clarifications.

14 By the same token, in terms of the life before and life afterwards where it concerns  
15 prayers, before the arrival of the Islamists, were there obligations in Timbuktu for  
16 the population to close shops during prayers? Was that an -- was that an obligation  
17 before the Islamists arrived?

18 \* A. [14:57:32] No, it was not mandatory. But as I told you, Islam has been in  
19 Timbuktu for 900 years. On the Fridays people close their shops, but it's not an order.  
20 Those -- if you want to close your shop, you close it. If you don't, you don't. That's  
21 the way it is.

22 Q. [14:57:48] Thank you very much. And after the arrival of the Islamists, was  
23 there an order, were there obligations, was there obligations to close the shops during  
24 the prayers?

25 A. [14:58:03] No, I don't know that. I didn't pay attention to that.



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1 Q. [14:58:09] Thank you very much.

2 And before my following question I would like to know, Witness, if the population in  
3 Timbuktu came from one single ethnic group or were they from different ethnic  
4 groups, the population who lived in Timbuktu?

5 \*A. [14:58:36] In Timbuktu, the city of 333 Saints, the city of mysteries, there is  
6 everybody. There are Arabs, there are Bella people, the black Tamasheqs, the Songhai.  
7 There are Bambara people, there are Peul people as well. Timbuktu is a universal city.  
8 There are all kinds of people, many different types of people there. You will see  
9 people in Timbuktu of Moroccan descent, or of Saudi descent, or Sudanese descent.  
10 But they have been in Timbuktu for years and years. Timbuktu is made up of many  
11 different kinds of people, many different racial groups.

12 Q. [14:59:26] Very well. Thank you. I know that time is passing and I only have  
13 a few minutes. I have a last question, if you would allow me.

14 PRESIDING JUDGE MINDUA: [14:59:36](Interpretation) Please go ahead.

15 MR ALLAFI: [14:59:38](Interpretation) I will take advantage of the fact that we are  
16 in open session.

17 Q. [14:59:42] Now, Mr Witness, you explained there are different ethnic groups  
18 with different origins living in Timbuktu, but we don't have very much time before  
19 we conclude today, so my last question, and I am going to ask for a clear answer, if  
20 you could give a summarised answer. So what was the relationship between these  
21 different ethnic groups before and after the arrival of the Islamists?

22 A. [15:00:11] Sorry, what did you say?

23 Q. [15:00:14] The relationship between those of different origins and ethnic groups,  
24 what was their relationship before the arrival of the Islamists?

25 A. Religion?

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1 Q. Origins.

2 A. Origins.

3 Q. [15:00:26] Different origins. You said that there were different origins among  
4 the people living in Timbuktu, so what were the relations between them before  
5 the arrival of the Islamists and after the arrival of the Islamists?

6 \*A. [15:00:41] Well, Timbuktu has more than 5,000 university students studying the  
7 Koran, and that created links between Fez in Morocco and Timbuktu as well. And for  
8 the people in Timbuktu and their parents, it is the doorway to the desert. And you  
9 have, you've got relatives in Morocco, you're got relatives in Nigeria, in Sudan,  
10 everywhere, because everybody goes through Timbuktu in the Sahara.

11 MR ALLAFI: [15:01:29](Interpretation) Thank you very much, Witness, for your  
12 time, your explanations and your patience.

13 I now turn to your Honour, given the remaining time.

14 PRESIDING JUDGE MINDUA: [15:01:45](Interpretation) Thank you very much,  
15 Prosecutor.

16 Witness, we are coming to the end of your testimony for today, because it is now  
17 the end of the session. It's Friday today. We're going to continue on Monday  
18 at 9.30.

19 Is that correct, Prosecutor?

20 MR ALLAFI: [15:02:12] Absolutely, your Honour.

21 PRESIDING JUDGE MINDUA: [15:02:14](Interpretation) So you are going to come  
22 back on Monday at 9.30, 7 December, for the remainder of your testimony. From  
23 now until Monday, please do not forget that you must not speak about your  
24 testimony to anyone, either to members of your family, or friends, should you be in  
25 contact with them from this evening to Monday. Have you understood that well?

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- 1 THE WITNESS: [15:02:51](Interpretation) Yes, very well.
- 2 PRESIDING JUDGE MINDUA: [15:02:53](Interpretation) Thank you very much,  
3 Witness. Once again, the Chamber would like to thank you for your patience.  
4 Prosecutor, do you want to add anything?
- 5 MR ALLAFI: [15:03:06](Interpretation) No, absolutely not, your Honour.  
6 Thank you.
- 7 PRESIDING JUDGE MINDUA: [15:03:09](Interpretation) Thank you. So I only  
8 have time now to thank all the parties and participants here today. I would also like  
9 to thank -- ah, Witness, did you want to say something?
- 10 THE WITNESS: [15:03:28](Interpretation) Yes, your Honour. Could you accord me  
11 a salary?
- 12 PRESIDING JUDGE MINDUA: [15:03:36](Interpretation) No, Witness. No, we  
13 can't.
- 14 THE INTERPRETER: [15:03:41] Correction from the interpreter, the witness asked:  
15 Would you allow me to greet the accused just to say hello?
- 16 PRESIDING JUDGE MINDUA: [15:03:49](Interpretation) No, Witness, you can't.  
17 That's nice, but -- he understood, but no, you cannot do that.  
18 I would like to thank the interpreters and the court reporter, and I do not forget  
19 the security officers or the public.  
20 And to all of you I would like to wish you a good evening, a good weekend, good  
21 week, stay safe and see you on Monday.  
22 Court is now adjourned.
- 23 THE COURT USHER: [15:04:20] All rise.  
24 (The hearing ends in open session at 3.04 p.m.)