

Trial Hearing  
WITNESS: MLI-OTP-P-0636

(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 Monday, 15 March 2021  
10 (The hearing starts in open session at 9.32 a.m.)  
11 THE COURT USHER: [9:32:13] All rise. The International Criminal Court is  
12 now in session. Please be seated.  
13 PRESIDING JUDGE MINDUA: [9:32:32](Interpretation) Court is in session.  
14 Good morning to all.  
15 Madam courtroom officer, could you please call the case.  
16 THE COURT OFFICER: [9:32:51] (Interpretation) Good morning, Mr  
17 President, your Honours.  
18 The situation in Mali in the case against Mr Al Hassan, reference  
19 ICC-01/12-01/18.  
20 And we are in open session.  
21 PRESIDING JUDGE MINDUA: [9:33:09](Interpretation) Thank you very  
22 much, courtroom officer. We shall start with the appearances as usual.  
23 The Office of the Prosecutor, please, first of all.  
24 MR GARCIA: [9:33:27](Interpretation) Good morning, your Honours,  
25 we -- Mr Garcia this morning, Mr Sandoval to my left and Mr Gilles Dutertre to

Trial Hearing  
WITNESS: MLI-OTP-P-0636

(Open Session)

ICC-01/12-01/18

- 1 my rear. Thank you and good morning.
- 2 PRESIDING JUDGE MINDUA: [9:33:36](Interpretation) Thank you very  
3 much.
- 4 THE INTERPRETER: [9:33:37] Message from the English booth: We can  
5 hear -- at the remote location, we can hear the interpretation of the colleagues  
6 and it is very off-putting. Something will need to be done about it.  
7 Apologies.
- 8 MS SUTHERLAND: [9:33:55] Mr President, did you hear the message from  
9 the English booth?
- 10 PRESIDING JUDGE MINDUA: [9:34:10](Interpretation) Yes.  
11 Madam courtroom officer, could you please do something about this. The  
12 English interpreter can't work because she can't hear what's being said.
- 13 THE COURT OFFICER: [9:34:23] (Interpretation) Yes, Mr President, I'm  
14 looking at the ...
- 15 THE INTERPRETER: [9:34:29] Overlapping of channels. I can't work.
- 16 THE BAMBARA-FRENCH INTERPRETER: [9:34:32](Overlapping speakers)
- 17 THE INTERPRETER: [9:34:37] Message from the English booth to the  
18 courtroom officer, if she can hear me: I can hear the interpretation from the  
19 remote location coming out on my channel, and, as a result, I can't hear two  
20 people at once.
- 21 THE COURT OFFICER: [9:35:06] I think we are missing the interpretation  
22 back. I'm checking with my colleagues, the interpreters.
- 23 THE BAMBARA-FRENCH INTERPRETER: [9:35:10](Overlapping speakers)
- 24 THE INTERPRETER: [9:35:20] Can you hear me, Carine?
- 25 THE COURT OFFICER: [9:35:20](No interpretation)

Trial Hearing  
WITNESS: MLI-OTP-P-0636

(Open Session)

ICC-01/12-01/18

- 1 THE BAMBARA-FRENCH INTERPRETER: [9:35:42](Interpretation) Can you  
2 hear us in French?
- 3 THE INTERPRETER: [9:35:44] Says the remote interpreter.  
4 But this is not the problem. I will send an email to Carine.
- 5 THE BAMBARA-FRENCH INTERPRETER: [9:35:57](Interpretation) From the  
6 remote location: We just have one microphone. We open this microphone  
7 and we speak. We do not have any other equipment. And, we can hear the  
8 sound in the courtroom on our loud speaker.
- 9 THE INTERPRETER: [9:36:2] Says the remote interpreter.
- 10 THE COURT OFFICER: [9:36:22] And I'm going to ask the English  
11 booth whether there -- because I'm currently listening to all channels and I'm  
12 hearing everyone perfectly, so I don't understand the issue actually.
- 13 THE BAMBARA-FRENCH INTERPRETER: [9:36:35](Overlapping speakers)
- 14 THE INTERPRETER: [9:36:35] Carine, I have to turn my mic --
- 15 THE BAMBARA-FRENCH INTERPRETER: [9:36:36](Overlapping speakers)
- 16 THE INTERPRETER: [9:36:36] -- all I can hear, when I'm trying to work, is the  
17 gentleman at the remote location interpreting. So I can't interpret because he  
18 is speaking over what I'm trying to interpret.
- 19 THE COURT OFFICER: [9:36:47] Yes, so we just now need to ask the  
20 interpreters to wait until everyone is done with (Overlapping speakers)
- 21 THE INTERPRETER: [9:36:51](Overlapping speakers) I don't think it can  
22 work that way, because they are coming out -- they're coming out on a -- we  
23 need to ask a technical individual to help us out here, because they are coming  
24 out on the channel that is stopping me from working. I do apologise.
- 25 THE COURT OFFICER: [9:37:17](Interpretation) It would seem that there is a

Trial Hearing  
WITNESS: MLI-OTP-P-0636

(Private Session)

ICC-01/12-01/18

1 technical issue in the sense that the various interpreters are not -- are working  
2 on the same channel, which means that the English interpreter can only hear  
3 what the remote interpreter is saying, which means that she cannot interpret.  
4 I'm going to have to call a technician in, I'm not sure how long it's going to take  
5 us to solve this issue, but I'm in your hands.

6 PRESIDING JUDGE MINDUA: [9:37:51](Interpretation) Yes, please, can you  
7 call the technicians and we shall wait in situ.

8 THE COURT OFFICER: [9:38:03] (Interpretation) My colleagues have been  
9 asked to come and solve the problem. I do apologise for the inconvenience.

10 PRESIDING JUDGE MINDUA: [9:38:15](Interpretation) Thank you very  
11 much.

12 (Pause in proceedings)

13 PRESIDING JUDGE MINDUA: [9:41:08](Interpretation) We will go into  
14 private session while we do the technical testing.

15 THE COURT OFFICER: [9:41:16] (Interpretation) Yes, your Honour.

16 PRESIDING JUDGE MINDUA: [9:41:21](Interpretation) Thank you very  
17 much.

18 (Private session at 9.41 a.m.)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing  
WITNESS: MLI-OTP-P-0636

(Private Session)

ICC-01/12-01/18

- 1
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Page redacted - Private session.

Trial Hearing  
WITNESS: MLI-OTP-P-0636

(Private Session)

ICC-01/12-01/18

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7 (Redacted)

8 (Open session at 9.44 a.m.)

9 THE COURT OFFICER: [9:44:51](Interpretation) We are back in open  
10 session, Mr President, your Honours.

11 PRESIDING JUDGE MINDUA: [9:45:03](Interpretation) The Defence has  
12 already introduced themselves, has it?

13 MS SUTHERLAND: [9:45:11] Not yet, Mr President, but I will do so now.  
14 The Defence for Mr Al Hassan is today represented by Ms Melinda Taylor, Ms  
15 Sarah Marinier-Doucet and myself, Kirsty Sutherland.

16 PRESIDING JUDGE MINDUA: [9:45:36](Interpretation) Thank you very  
17 much, Ms Sutherland. I have observed the pause because there was an  
18 interpretation into Bambara.

19 Now, over to the Legal Representatives of Victims.  
20 Counsel.

21 MR LUVENGIKA: [9:45:53](Interpretation) Good morning, your Honour,  
22 good morning, your Honours. The victims are represented today by  
23 Maître Fidel Nsita Luvengika, that is to say, myself.

24 PRESIDING JUDGE MINDUA: [9:46:19](Interpretation) Thank you very  
25 much, Maître Nsita.

Trial Hearing  
WITNESS: MLI-OTP-P-0636

(Open Session)

ICC-01/12-01/18

1 Today, we shall be hearing the testimony of the 27th witness of the Prosecution,  
2 that is, witness P-0636.  
3 I shall turn now to the witness.  
4 Good morning, Madam Witness, can you hear me?  
5 WITNESS: MLI-OTP-P-0636  
6 (The witness speaks Bambara)  
7 (The witness gives evidence via video link)  
8 THE WITNESS: [9:47:07](Interpretation) Yes, good morning, I can hear you.  
9 PRESIDING JUDGE MINDUA: [9:47:18](Interpretation) Thank you very  
10 much, Madam Witness.  
11 On behalf of the Chamber, I would like to welcome you. You shall be  
12 testifying with a view to assisting the Chamber in establishing the truth in the  
13 case against Mr Al Hassan.  
14 THE WITNESS: [9:47:46](Interpretation) Yes, I have understood.  
15 PRESIDING JUDGE MINDUA: [9:47:50](Interpretation) Protective measures  
16 have been put in place with a view to making sure that your identity is not  
17 revealed to the public.  
18 THE WITNESS: [9:48:14](Interpretation) I have understood.  
19 PRESIDING JUDGE MINDUA: [9:48:17](Interpretation) Every time that you  
20 will give details that might be -- that might reveal your identity, we shall  
21 discuss this in private session.  
22 THE WITNESS: [9:48:40](Interpretation) Yes, I have understood.  
23 PRESIDING JUDGE MINDUA: [9:48:44](Interpretation) So apart from the  
24 individuals in this courtroom, nobody else will be able to hear what you have  
25 to say.

Trial Hearing  
WITNESS: MLI-OTP-P-0636

(Open Session)

ICC-01/12-01/18

1 THE WITNESS: [9:49:01](Interpretation) Yes, I have understood.

2 PRESIDING JUDGE MINDUA: [9:49:04](Interpretation) Very well. So I am  
3 now going to take your oath according to 66(1) of the Rules of Procedure and  
4 Evidence.

5 Madam Witness, do you have before you a piece of paper on which the solemn  
6 undertaking is written? Or maybe the courtroom officer at the remote  
7 location?

8 THE WITNESS: [9:49:53](Interpretation) Yes.

9 PRESIDING JUDGE MINDUA: [9:50:12](Interpretation) Madam Witness, you  
10 shall be repeating after me what I am going to say now.

11 THE WITNESS: [9:50:26](Interpretation) Yes, I have understood.

12 PRESIDING JUDGE MINDUA: [9:50:28](Interpretation) I solemnly  
13 undertake ...

14 THE WITNESS: [9:50:39](Interpretation) I solemnly undertake ...

15 PRESIDING JUDGE MINDUA: [9:50:42](Interpretation) That I shall speak the  
16 truth ...

17 THE WITNESS: [9:50:46](Interpretation) That I shall speak the truth ...

18 PRESIDING JUDGE MINDUA: [9:50:50](Interpretation) All -- the whole truth  
19 and nothing but the truth.

20 THE WITNESS: [9:50:58](Interpretation) And nothing but truth.

21 PRESIDING JUDGE MINDUA: [9:51:05](Interpretation) Thank you very  
22 much, Madam Witness. You are now under oath. The representatives of the  
23 VWS and the OTP have already explained to you precisely what this means.

24 THE WITNESS: [9:51:36](Interpretation) Yes, that is true.

25 PRESIDING JUDGE MINDUA: [9:51:39](Interpretation) Now, I do have some



Trial Hearing  
WITNESS: MLI-OTP-P-0636

(Open Session)

ICC-01/12-01/18

1 practical advice to give you. You should bear in mind throughout your  
2 testimony that everything that is said in this courtroom is transcribed by court  
3 reporters and interpreted by interpreters.

4 THE WITNESS: [9:52:15](Interpretation) Yes, I have understood.

5 PRESIDING JUDGE MINDUA: [9:52:18](Interpretation) So it is important to  
6 speak clearly and slowly.

7 THE WITNESS: [9:52:30](Interpretation) Yes.

8 PRESIDING JUDGE MINDUA: [9:52:33](Interpretation) You should only  
9 start to speak when the person putting questions to you has finished putting  
10 the question to you.

11 THE WITNESS: [9:52:49](Interpretation) I have understood.

12 PRESIDING JUDGE MINDUA: [9:52:52](Interpretation) So maybe count to  
13 three in your head before answering. This pause is essential to make sure that  
14 your statement is duly taken down.

15 THE WITNESS: [9:53:19](Interpretation) I have understood.

16 PRESIDING JUDGE MINDUA: [9:53:21](Interpretation) Of course, if you do  
17 have any questions, raise your hand to indicate that you would like to take the  
18 floor.

19 THE WITNESS: [9:53:36](Interpretation) Very well.

20 PRESIDING JUDGE MINDUA: [9:53:39](Interpretation) Very well, so now  
21 we shall hear your testimony. First of all, questions will be put to you by the  
22 Office of the Prosecutor, subsequent to which the legal representatives will be  
23 putting questions to you and then the Defence.

24 THE WITNESS: [9:54:08](Interpretation) I have understood.

25 PRESIDING JUDGE MINDUA: [9:54:11](Interpretation) Very well. Thank

Trial Hearing  
WITNESS: MLI-OTP-P-0636

(Open Session)

ICC-01/12-01/18

1 you very much.

2 Without further ado, I shall hand the floor over now to the Office of the

3 Prosecutor.

4 Mr Prosecutor, please, over to you.

5 MR GARCIA: [9:54:30](Interpretation) Thank you very much very much, Mr

6 President, your Honours.

7 QUESTIONED BY MR GARCIA:(Interpretation)

8 MR GARCIA: [9:54:38]

9 Q. Good morning, Madam Witness.

10 A. [9:54:44] Good morning.

11 Q. [9:54:44] So this is not the first time that we have met, we have already

12 met before. I'd like to welcome you to the Court.

13 A. [9:55:05] I am happy that that is the case.

14 Q. [9:55:08] So Madam Witness, it's a little bit unusual because you can see

15 me on a screen and I can see you too.

16 A. [9:55:25] I have understood.

17 Q. [9:55:29] But be reassured that I am looking at you, I shall be looking at

18 you throughout the -- throughout the time that I shall be putting questions to

19 you.

20 A. [9:55:46] Yes, I have understood.

21 Q. [9:55:51] So we shall move forward slowly. If you have any issues,

22 please just quite simply raise your hand or interrupt me.

23 A. [9:56:07] Yes, I have understood.

24 Q. [9:56:14] Is that all right with you, Madam Witness?

25 A. [9:56:20] Yes, that's fine with me and I have understood.

Trial Hearing  
WITNESS: MLI-OTP-P-0636

(Private Session)

ICC-01/12-01/18

1 MR GARCIA: [9:56:26](Interpretation) Now Mr President, with your leave, I  
2 would like to move into private session for five to 10 minutes just to broach  
3 some questions that might be identifying in nature. I would like to broach  
4 matters and questions that might render the testimony simpler further down  
5 the line and we will save time.

6 PRESIDING JUDGE MINDUA: [9:56:50](Interpretation) Very well. Madam  
7 courtroom officer, private session, please.

8 (Private session at 9.57 a.m.)

9 THE COURT OFFICER: [9:57:01] We are now in private session, Mr President  
10 and Judges.

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

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Trial Hearing  
WITNESS: MLI-OTP-P-0636

(Private Session)

ICC-01/12-01/18

- 1
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Page redacted - Private session.

Trial Hearing  
WITNESS: MLI-OTP-P-0636

(Private Session)

ICC-01/12-01/18

- 1
- 2
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Page redacted - Private session.

Trial Hearing  
WITNESS: MLI-OTP-P-0636

(Private Session)

ICC-01/12-01/18

- 1
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Page redacted - Private session.

Trial Hearing  
WITNESS: MLI-OTP-P-0636

(Private Session)

ICC-01/12-01/18

- 1
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Page redacted - Private session.

(Open session at 10.12 a.m.)

Trial Hearing  
WITNESS: MLI-OTP-P-0636

(Open Session)

ICC-01/12-01/18

1 THE COURT OFFICER: [10:12:24] (Interpretation) We are back in open  
2 session.

3 PRESIDING JUDGE MINDUA: [10:12:31](Interpretation) Thank you.  
4 Mr Prosecutor.

5 MR GARCIA: [10:12:36](Interpretation)

6 Q. [10:12:39] Madam Witness, we are now in open session so I'd like to ask  
7 you to be very careful. If there's a question you don't understand, just  
8 interrupt me or just raise your hand and I will stop and then you can tell me if  
9 there is something wrong for you and I can rephrase my question.  
10 Is that okay with you?

11 A. [10:13:07] Yes, I've understood. No problem.

12 Q. [10:13:28] Madam Witness, my initial questions will have to do with the  
13 period of time during which the armed groups were present in Timbuktu, 2012  
14 and 2013.

15 A. [10:13:55] Yes.

16 Q. [10:13:57] Now I believe that you were living in Timbuktu during that  
17 time and I don't need to specify exactly where.

18 A. [10:14:13] Yes, that is correct.

19 Q. [10:14:16] Madam Witness, could you tell us about the first time you saw  
20 these armed groups in Timbuktu. What did you see?

21 A. [10:14:28] I haven't understood your question. Could you repeat it.

22 Q. [10:14:51] Yes, Madam Witness. You were saying that you were living  
23 in Timbuktu when the armed groups were there. Could you tell us what you  
24 saw? Did you see those armed groups? Tell us about that.

25 A. [10:15:07] Yes, I've understood. When they came, they wanted to



1 become the masters of the town.

2 Q. [10:15:43] Very well. Madam Witness, could you describe them to us?

3 How were they dressed?

4 A. [10:15:54] What I remember is that they were always wearing  
5 khaki-coloured clothing and they had turbans.

6 Q. [10:16:24] And to the best of your recollection, were they wearing --

7 THE INTERPRETER: [10:16:35] Correction --

8 MR GARCIA:

9 Q. [10:16:35] -- carrying weapons?

10 A. [10:16:38] They were armed.

11 Q. [10:16:45] Madam Witness, I'm talking about what you saw yourself.

12 Did they go about the town on foot or in -- in a vehicle?

13 A. [10:16:57] They went about in vehicles, not on foot.

14 Q. [10:17:12] Could you tell us in general terms - I know that you're not an  
15 expert when it comes to cars, we don't expect that of you - but could you  
16 describe those vehicles that they were riding around in?

17 A. [10:17:28] They were Toyotas.

18 Q. [10:17:43] Were they normal cars? Were they large? Small?

19 A. [10:17:57] They weren't large or small. They were vehicles with an open  
20 cab at the back.

21 Q. [10:18:21] Madam Witness, could you tell us about life was like with  
22 those people when they came into the city?

23 A. [10:18:47] What do you mean, life with those people? I haven't  
24 understood.

25 Q. [10:18:57] How -- what was your experience with them? Had you any

Trial Hearing  
WITNESS: MLI-OTP-P-0636

(Open Session)

ICC-01/12-01/18

1 problems with them? Did other people have problems with them?

2 A. [10:19:15] There were problems with everyone because they wanted to  
3 subject people to their will.

4 Q. [10:19:36] And in light of your experience, what you saw, heard,  
5 could -- what do you mean? What do you mean by "their will"? Explain to  
6 the Court.

7 A. [10:19:52] Yes, could you repeat the question.

8 Q. [10:20:03] Yes, of course. You do well by asking me to repeat the  
9 question. You said that they wanted to submit the people to their will. For  
10 me to understand and for the judges as well, can you tell us what you meant by  
11 that? What did you mean?

12 A. [10:20:27] They wanted to become the masters of the town.

13 Q. [10:20:46] Madam Witness, did your way of living change once they were  
14 there?

15 A. [10:21:05] Yes, it did change my way of life.

16 Q. [10:21:15] How did your mode of life change?

17 A. [10:21:20] They came to impose their strict rules upon us that everyone  
18 had to obey.

19 Q. [10:21:39] Tell us, Madam Witness, what were these strict rules that  
20 everyone had to obey?

21 A. [10:21:46] They required men to shorten their trousers. As for women,  
22 they had to be entirely veiled. Only their hands could be seen, the rest of the  
23 body had to be covered up.

24 Q. [10:22:23] In light of what you saw and what you experienced, what  
25 would happen when a person didn't respect those rules?

Trial Hearing  
WITNESS: MLI-OTP-P-0636

(Open Session)

ICC-01/12-01/18

1 A. [10:22:36] If you didn't follow the rules, they had weapons, we didn't, and  
2 they did whatever they wanted to with us.

3 Q. [10:23:05] You, Madam Witness, you personally, did you have problems  
4 with those people?

5 A. [10:23:32] Yes, I had serious problems with them.

6 Q. [10:23:47] Madam Witness, I know this may be difficult, but I'd like us to  
7 now talk about what happened to you personally. We will begin in open  
8 session and, at one point, I'll be asking the Chamber to go into private session,  
9 but for now, could you tell us how the problem began? The problem that you  
10 had with those people in general terms?

11 A. [10:24:26] Could you repeat the question.

12 Q. [10:24:53] Madam Witness, tell us how the problem that you had with  
13 those people began?

14 A. [10:25:09] Yes, I've understood.

15 Q. [10:25:15] So explain to us right from the beginning, what happened?  
16 But take your time, take it one step at a time.

17 A. [10:25:29] I had problems with them because of my clothing. You see, it's  
18 not easy to wear the veil. When I was going to fetch water, you see, my veil  
19 fell to the ground.

20 Q. [10:26:28] Okay. We'll take this story of what happened to you one step  
21 at a time. So your veil fell to the ground. Then what happened? Just  
22 quietly, slowly explain to us what happened.

23 A. [10:26:49] It was one evening, late in the evening, I was almost back home,  
24 I was carrying water on my head. They followed me in a vehicle. The  
25 vehicle came up to me, two gentleman came out of the vehicle. I asked them

Trial Hearing  
WITNESS: MLI-OTP-P-0636

(Open Session)

ICC-01/12-01/18

1 what was going on and they said that I wasn't wearing a veil.

2 Q. [10:27:47] Before we go on to the next part, you mentioned "them." Who  
3 are these people in the vehicle?

4 A. [10:28:05] They were Islamists, but I don't know their name.

5 Q. [10:28:10] Did they have weapons?

6 A. [10:28:14] Yes, they did.

7 Q. [10:28:20] So you had just said that they got out of their vehicle -- they  
8 jumped out of their vehicle and they said that you weren't wearing a veil.  
9 What happened after that? Tell us just one little part at a time.

10 A. [10:28:43] What happened was that one of them pushed me into the  
11 vehicle. When someone has a weapon and you don't, you're in a weak  
12 position. Some of them spoke Arabic, others Tamasheq. I didn't understand  
13 Arabic very well, but I did understand the Tamasheq.

14 MR LUVENGIKA: [10:29:40](Interpretation) Your Honour, our team is at  
15 a strict minimum right now and I do have a -- a need to visit the ...

16 PRESIDING JUDGE MINDUA: [10:29:55](Interpretation) Go ahead, counsel.

17 THE WITNESS: [10:30:03](Interpretation) Yes, I understand.

18 MR GARCIA: [10:30:07](Interpretation)

19 Q. [10:30:10] Now before we go any further, you say that they were speaking  
20 Tamasheq and Arabic. Were you able to understand anything that they were  
21 saying to you?

22 A. [10:30:31] Even when you don't understand the language, according to  
23 the gestures of people and their movements, you can understand what they're  
24 trying to get across in terms of a message.

25 Q. [10:30:53] Very well, Madam Witness, and what gestures were they

Trial Hearing  
WITNESS: MLI-OTP-P-0636

(Open Session)

ICC-01/12-01/18

1 making that led you to understand what was going on?

2 A. [10:31:05] Well, the one who was speaking Arabic, when he'd stopped  
3 speaking, the one speaking Tamasheq said, "Take this bedeviled child and take  
4 her and put her in that place where the mosquitoes are to be found."

5 Q. [10:31:40] Very well, Madam Witness, we shall get there. I just wanted  
6 to come back to that part of your testimony and ask you what happened  
7 subsequently? I understand that those people jumped out of their vehicle,  
8 and what happened next?

9 A. [10:32:00] What do you mean by that?

10 Q. [10:32:12] What I would like to quite simply know, Madam Witness, is  
11 whether they put you in their vehicle? Or whether you stayed at that  
12 location?

13 A. [10:32:24] Yes, I was obliged to get into their vehicle. I didn't have  
14 a choice.

15 Q. [10:32:36] Madam Witness, could you please tell us whether they took  
16 you anywhere?

17 A. [10:32:42] Yes.

18 Q. [10:32:54] Are you in a position to tell us how long the journey took from  
19 the moment at which you were taken and put in the vehicle and taken to that  
20 location?

21 A. [10:33:14] Well, it didn't take very long because Timbuktu is not a large  
22 town and these people were driving fast.

23 Q. [10:33:41] I know that these questions might be a little bit overly specific,  
24 but are you able to remember, Madam Witness, how long it took to get from  
25 the place where you were put in the vehicle to the other place in terms of

1 minutes? Is it more or less than half an hour?

2 A. [10:34:09] To be quite honest, it would be difficult for me to tell you or  
3 give you an idea of the time it took. It happened a long time ago, and, as you  
4 know, it was a real nightmare for me and when that is the case, one has  
5 a tendency to want to try and forget it.

6 Q. [10:34:52] I do understand you only too well, Madam Witness, but are  
7 you in a position to tell us where that location that you were taken to is located?  
8 In which neighbourhood?

9 A. [10:35:03] As you know, when one is in a state of panic, one doesn't really  
10 pay attention to the location. This place was called the Islamic police. The  
11 Islamic police. That's what it was called.

12 Q. [10:35:45] There we are, Ma'am. I see that you're looking for something.  
13 Do you need water or something?

14 A. [10:35:51] No, nothing.

15 Q. [10:36:00] So I would like for to you describe that location to us, the  
16 location where you were taken?

17 A. [10:36:11] Yes, it would seem that it was a house and the inhabitants had  
18 been pushed out of that house. I don't really know the official place name.

19 Q. [10:36:46] I do understand, Madam. Do you remember the colour of the  
20 walls?

21 A. [10:36:52] To be quite honest, I was in a state of panic and I didn't really  
22 look at the colour of the walls.

23 Q. [10:37:15] I do understand you perfectly, and just be aware that when I  
24 put questions to you, it's just to ascertain whether you know these things or  
25 not.

Trial Hearing  
WITNESS: MLI-OTP-P-0636

(Open Session)

ICC-01/12-01/18

1 Madam Witness, are you in a position to tell us -- you're talking here of a house,  
2 were there a number of storeys to this house according to what you can  
3 remember and what you can tell us?

4 A. [10:37:54] The place they took me to was not a house with several storeys,  
5 there might have been storeys elsewhere, but the place that I went to was  
6 a one-storeyed house. It did not have any other storeys.

7 Q. [10:38:27] Now, Madam Witness, I would like for us to go through what  
8 happened to you. When you arrived at that house, what did you see?

9 A. [10:38:38] Yes, when I arrived, the cell or the place where women were  
10 put was empty. There were lots of people in the house itself and a lot of  
11 people outside as well.

12 Q. [10:39:25] You said that there were a lot of people inside and outside the  
13 house. How were these people dressed?

14 A. [10:39:34] Are you talking about those who were inside and outside the  
15 house?

16 Q. [10:39:57] Well, Madam Witness, I understand you arrived there in the  
17 vehicle. Can you please tell us about the people you saw who were standing  
18 outside the house, what were they wearing?

19 A. [10:40:14] All of those who were standing outside were wearing khaki  
20 clothing and they had turbans around their heads.

21 Q. [10:40:32] Were they armed?

22 A. [10:40:35] They were all armed.

23 Q. [10:40:40] Now before continuing, during the journey to that location, did  
24 somebody tell you why you had been arrested?

25 A. [10:40:55] Who do you mean?

Trial Hearing  
WITNESS: MLI-OTP-P-0636

(Open Session)

ICC-01/12-01/18

- 1 Q. [10:41:06] Those people in the vehicle with you, the ones who were armed,  
2 did they, at any moment in time, tell you why they had arrested you?
- 3 A. [10:41:18] No, they didn't tell me anything.
- 4 Q. [10:41:27] So when you got to the location, you said that there were  
5 people who were outside all wearing the same attire, who were armed.  
6 Did -- or -- did anyone explain to you at that moment in time, why you had  
7 been arrested?
- 8 A. [10:41:50] No, I didn't speak to anyone about it and nobody spoke to me.
- 9 Q. [10:42:03] A few moments ago, you mentioned somebody speaking to  
10 you about mosquitoes, what exactly was that?
- 11 A. [10:42:19] Yes, these were still the people who had arrested me.
- 12 Q. [10:42:31] And what precisely did they say to you?
- 13 A. [10:42:37] What do you mean?
- 14 Q. [10:42:46] You said that somebody spoke to you about mosquitoes, about  
15 the place where the mosquitoes were to be found. Could you please explain  
16 that to me?
- 17 A. [10:43:04] That's just what they said. They said that this woman from  
18 hell needed to be put in that location where the mosquitoes were to be found  
19 for two days for her to know just what she'd done.
- 20 Q. [10:43:46] Now Madam Witness, when we left off, you were talking  
21 about -- you were describing about what -- you were describing what  
22 happened to you and what you saw outside of the building.  
23 Now, we need to take this step by step because I think we're going a little bit  
24 too fast.
- 25 A. [10:44:22] Where precisely are you talking about? Do you mean inside



Trial Hearing  
WITNESS: MLI-OTP-P-0636

(Private Session)

ICC-01/12-01/18

1 the house?

2 Q. [10:44:28] Yes, I'm sorry, Madam, maybe I wasn't clear enough, but when  
3 you got to that house, what happened? Can you explain this to us in little  
4 steps.

5 A. [10:44:45] In fact, what happened was that I was put in a cell in that house  
6 where there was just a mat on the floor and, (Redacted)  
7 (Redacted)

8 Q. [10:45:32] One moment, please.

9 MR GARCIA: [10:45:33](Interpretation) Mr President, with your leave, could  
10 we move into private session.

11 PRESIDING JUDGE MINDUA: [10:45:40](Interpretation) Madam courtroom  
12 officer, could we please move into private session.

13 (Private session at 10.45 a.m.)

14 (Redacted)

15 THE COURT OFFICER: [10:45:52] (Interpretation) We are in private session,  
16 Mr President.

17 (Redacted)

18 (Redacted)

19 (Redacted)

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Trial Hearing  
WITNESS: MLI-OTP-P-0636

(Private Session)

ICC-01/12-01/18

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Page redacted - Private session.

Trial Hearing  
WITNESS: MLI-OTP-P-0636

(Private Session)

ICC-01/12-01/18

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Page redacted - Private session.

Trial Hearing  
WITNESS: MLI-OTP-P-0636

(Private Session)

ICC-01/12-01/18

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8 (Open session at 10.54 a.m.)

9 THE WITNESS: [10:54:05](Interpretation) Yes, I have understood.

10 THE COURT OFFICER: [10:54:07](Interpretation) We are in open session, Mr  
11 President, your Honours.

12 PRESIDING JUDGE MINDUA: [10:54:11](Interpretation) Thank you very  
13 much very much, Madam courtroom officer.

14 So we shall suspend the hearing and reconvene at 11.30.

15 The hearing is suspended.

16 (Recess taken at 10.54 a.m.)

17 (Upon resuming in open session at 11:36 a.m.)

18 THE COURT USHER: [11:36:16] All rise. Please be seated.

19 PRESIDING JUDGE MINDUA: [11:36:30](Interpretation) The hearing shall  
20 now resume.

21 Mr Prosecutor, please proceed with your examination-in-chief.

22 MR GARCIA: [11:36:58](Interpretation) Could we go into private session?

23 PRESIDING JUDGE MINDUA: [11:37:06](Interpretation) How long?

24 MR GARCIA: [11:37:09](Interpretation) Ten minutes maybe. We don't want  
25 to reveal anything.

- 1 PRESIDING JUDGE MINDUA: [11:37:21](Interpretation) Very well.
- 2 Courtroom officer.
- 3 (Private session at 11.37 a.m.)
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Trial Hearing  
WITNESS: MLI-OTP-P-0636

(Private Session)

ICC-01/12-01/18

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Page redacted - Private session.

Trial Hearing  
WITNESS: MLI-OTP-P-0636

(Private Session)

ICC-01/12-01/18

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Page redacted - Private session.

Trial Hearing  
WITNESS: MLI-OTP-P-0636

(Private Session)

ICC-01/12-01/18

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Page redacted - Private session.



Trial Hearing  
WITNESS: MLI-OTP-P-0636

(Private Session)

ICC-01/12-01/18

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Page redacted - Private session.

Trial Hearing  
WITNESS: MLI-OTP-P-0636

(Private Session)

ICC-01/12-01/18

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Page redacted - Private session.

Trial Hearing  
WITNESS: MLI-OTP-P-0636

(Private Session)

ICC-01/12-01/18

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Page redacted - Private session.

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Page redacted - Private session.

Trial Hearing  
WITNESS: MLI-OTP-P-0636

(Private Session)

ICC-01/12-01/18

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Page redacted - Private session.

Trial Hearing  
WITNESS: MLI-OTP-P-0636

(Private Session)

ICC-01/12-01/18

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Page redacted - Private session.

Trial Hearing  
WITNESS: MLI-OTP-P-0636

(Private Session)

ICC-01/12-01/18

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15 (Open session at 12.15 p.m.)  
16 THE COURT OFFICER: [12:15:44] (Interpretation) We are in open session, Mr  
17 President.  
18 PRESIDING JUDGE MINDUA: [12:15:49](Interpretation) Thank you very  
19 much.  
20 Mr Prosecutor.  
21 MR GARCIA: [12:15:52](Interpretation)  
22 Q. [12:15:53] Madam Witness, we are once again in open session, so I would  
23 like you to be very careful and to answer briefly and in a general manner.  
24 Did you talk to the members of your family to tell them what happened to you  
25 whilst you were in detention?

Trial Hearing  
WITNESS: MLI-OTP-P-0636

(Open Session)

ICC-01/12-01/18

1 A. [12:16:14] I didn't speak to anybody immediately.

2 Q. [12:16:45] And why didn't you speak to anybody -- to any of your  
3 relatives at the time?

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

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15 (Redacted)

16 Q. [12:19:37] I shall come back to that in private session, but I'd like to put a  
17 different question to you for the time being. You mentioned at the beginning  
18 before we took the break, that the location that you were taken to, if I  
19 understood you correctly, was the Islamic police.

20 A. [12:20:23] Yes, that is what people said. I don't know places very well.

21 Q. [12:20:31] I would like to, quite simply, ask you to speak in general terms,  
22 to not go into detail too much. You say that people said that. Who were  
23 those people who told you that that was the Islamic police?

24 A. [12:20:54] Well, when things like that happen, people talk about that and  
25 people did, and even if you don't know a place, you -- when you get there, you



Trial Hearing  
WITNESS: MLI-OTP-P-0636

(Private Session)

ICC-01/12-01/18

1 realise that such and such a place represents something. And there was their  
2 flag upon which there was writing.

3 Q. [12:21:43] When you say that there was their flag and writing on it, can  
4 you tell us a little bit more about that?

5 A. [12:21:52] Like what, for example?

6 Q. [12:22:03] I'm just asking you a question because at the end of your  
7 previous answer, you said that there was their flag with their writing on it.  
8 Could you tell us what their flag was?

9 A. [12:22:20] Well, there was Arabic written and their flag is different from  
10 ours.

11 Q. [12:22:51] Are you in a position to describe to us what that flag looked  
12 like, if you recall?

13 A. [12:23:00] I do remember it a little bit, not much, but I could provide you  
14 with a brief description.

15 Q. [12:23:16] Please go ahead.

16 A. [12:23:20] Well, they had a black flag with a white circle in the middle of  
17 it and Arabic written.

18 MR GARCIA: [12:23:51](Interpretation) Mr President, could we move into  
19 private session for five or 10 minutes to broach a number of questions that  
20 could be identifying for the witness, please.

21 PRESIDING JUDGE MINDUA: [12:24:03](Interpretation) Courtroom officer,  
22 could we move into private session, please.

23 (Private session at 12.24 p.m.)

24 (Redacted)

25 THE COURT OFFICER: [12:24:13] (Interpretation) We are in private session.

Trial Hearing  
WITNESS: MLI-OTP-P-0636

(Private Session)

ICC-01/12-01/18

- 1
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Page redacted - Private session.

Trial Hearing  
WITNESS: MLI-OTP-P-0636

(Private Session)

ICC-01/12-01/18

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Page redacted - Private session.

Trial Hearing  
WITNESS: MLI-OTP-P-0636

(Private Session)

ICC-01/12-01/18

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Page redacted - Private session.

Trial Hearing  
WITNESS: MLI-OTP-P-0636

(Private Session)

ICC-01/12-01/18

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Page redacted - Private session.

Trial Hearing  
WITNESS: MLI-OTP-P-0636

(Private Session)

ICC-01/12-01/18

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Page redacted - Private session.

Trial Hearing  
WITNESS: MLI-OTP-P-0636

(Private Session)

ICC-01/12-01/18

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Page redacted - Private session.

Trial Hearing  
WITNESS: MLI-OTP-P-0636

(Private Session)

ICC-01/12-01/18

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12 (Open session at 12.42 p.m.)  
13 THE COURT OFFICER: [12:42:45] (Interpretation) We are back into open  
14 session.  
15 PRESIDING JUDGE MINDUA: [12:42:54](Interpretation) Thank you very  
16 much.  
17 We will now suspend and resume at -- what time, courtroom officer? What  
18 time?  
19 THE COURT OFFICER: [12:43:05] (Interpretation) It is in your hands, of  
20 course. Did you want to keep the same -- the same timing or do you want to  
21 opt for the time that was initially scheduled?  
22 MR GARCIA: [12:43:23](Interpretation) I have about 30 minutes more.  
23 PRESIDING JUDGE MINDUA: [12:43:26](Interpretation) We will keep to the  
24 usual schedule. We will suspend now and resume at 2:30 in the afternoon.  
25 Ms Sutherland?



Trial Hearing  
WITNESS: MLI-OTP-P-0636

(Open Session)

ICC-01/12-01/18

1 MS SUTHERLAND: [12:43:41] Mr President, we prepared our  
2 cross-examination on the understanding that we would have five hours and  
3 the Prosecution would have five hours. Thus that we would be starting our  
4 cross-examination tomorrow. We have disclosed our lists this morning on  
5 that understanding. If the Prosecution are going to take significantly less than  
6 five hours, that is going to have a significant impact on our cross-examination.  
7 Could I ask for some clarity as to when we should be expected to start and  
8 request that it be tomorrow?

9 PRESIDING JUDGE MINDUA: [12:44:34](Interpretation) I will consult my  
10 colleagues, Ms Sutherland.

11 (The Trial Chamber confers)

12 PRESIDING JUDGE MINDUA: [12:45:11](Interpretation) The Chamber has  
13 conferred. Your request has been accepted. You will begin your  
14 cross-examination tomorrow morning.

15 We shall now take our break and resume at 2.30 and that will be for the end of  
16 the examination-in-chief, and we will begin with questions from the legal  
17 representative of victims.

18 The hearing is now suspended.

19 (Recess taken at 12.46 p.m.)

20 (Upon resuming in open session at 14:33 p.m.)

21 THE COURT USHER: [14:33:01] All rise.

22 Please be seated.

23 PRESIDING JUDGE MINDUA: [14:33:23](Interpretation) The hearing shall  
24 now resume.

25 The OTP may address the Chamber with continuation of the

Trial Hearing  
WITNESS: MLI-OTP-P-0636

(Open Session)

ICC-01/12-01/18

1 examination-in-chief. I see Mr Nsita?

2 MR LUVENGIKA: [14:33:41](Interpretation) Yes, your Honour, for the  
3 transcripts purpose, I would just like to mention that Ms Claire Laplace has  
4 joined us at today's hearing. Thank you.

5 PRESIDING JUDGE MINDUA: [14:33:56](Interpretation) Thank you, it's very  
6 important to mention that your colleague is indeed here in the courtroom.  
7 Mr Prosecutor.

8 MR GARCIA: [14:34:07](Interpretation) Thank you, your Honours.

9 Q. [14:34:10] Good afternoon, Madam Witness.

10 A. [14:34:17] Good afternoon.

11 Q. [14:34:21] Madam Witness, just to say right at the outset that I don't have  
12 a lot of questions for you, maybe half an hour. Please be patient and I'll get  
13 through the rest of my questions.

14 A. [14:34:48] I understand.

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 Q. [14:35:16] Madam Witness, now, if you can talk to us about that, did you  
19 hear of other cases such as your own, women getting pregnant in your  
20 neighbourhood or elsewhere in Timbuktu, any other cases you knew about?

21 A. [14:35:39] Yes, the Islamists married some girls and they were not able to  
22 marry others.

23 MR GARCIA: [14:36:10] Your Honour, if we could go into private session to  
24 put a number of questions to the witness.

25 PRESIDING JUDGE MINDUA: [14:36:17](Int.) Certainly, Mr Prosecutor.

Trial Hearing  
WITNESS: MLI-OTP-P-0636

(Private Session)

ICC-01/12-01/18

- 1 Courtroom officer, private session, please.
- 2 (Private session at 2.36 p.m.)
- 3 THE COURT OFFICER: [14:36:31] (Interpretation) We are in private session.
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Trial Hearing  
WITNESS: MLI-OTP-P-0636

(Private Session)

ICC-01/12-01/18

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7 (Open session at 2.40 p.m.)

8 THE COURT OFFICER: [14:40:11] (Interpretation) We are in open session.

9 PRESIDING JUDGE MINDUA: [14:40:13](Interpretation) Thank you.

10 Prosecutor.

11 MR GARCIA: [14:40:16](Interpretation)

12 Q. [14:40:17] I'd just like to remind you of what you just said. You said  
13 that -- well, you told us about a girl who had got pregnant after having sexual  
14 intercourse with the Islamists. Can you tell us what you knew about this  
15 exactly?

16 A. [14:40:39] All I can say is that I heard people say that she was pregnant.  
17 I can't tell you much more than that.

18 Q. [14:41:19] Just to make sure it's perfectly clear, did you see this girl when  
19 she was pregnant?

20 A. [14:41:33] Yes, I did see her when she was pregnant, I saw it with my own  
21 eyes.

22 Q. [14:41:52] And did you have an opportunity to see the child that she gave  
23 birth to?

24 A. [14:42:05] Honestly, I didn't see the child because I don't know when she  
25 had the baby.

Trial Hearing  
WITNESS: MLI-OTP-P-0636

(Open Session)

ICC-01/12-01/18

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17 Q. [14:45:18] That is why I am asking you this question in relation to this  
18 incident. You say that the girl got pregnant because she had had sex with the  
19 Islamists. From where you were, did you see the Islamists at that residence or  
20 not?

21 A. [14:45:42] Yes, I did see Islamists in that residence, in that yard or  
22 compound.

23 Q. [14:46:03] And when you saw them, what were they doing exactly?

24 A. [14:46:10] I can't tell you much because I wasn't in that house. What I do  
25 know is that they would come and park the vehicle and go into the compound,

Trial Hearing  
WITNESS: MLI-OTP-P-0636

(Open Session)

ICC-01/12-01/18

1 into the house.

2 Q. [14:46:42] Did you later learn through conversation or anything else what  
3 had happened, why they would go to that compound and what they went to  
4 do in that house?

5 A. [14:46:59] What I learned from the compounds is that -- what I learned  
6 through the conversations was that they wanted to marry the girl, the parents  
7 did not agree and they went to get the girl and to take her away forcibly.

8 Q. [14:47:49] Just to make sure this is perfectly clear, you said they came to  
9 get the girl, who were these people, "they"? How were they dressed?

10 A. [14:48:08] They were Islamists, ever since they came from the north, I  
11 never saw them with any other kind of clothing, I'm talking about the  
12 khaki-coloured clothing.

13 Q. [14:48:44] Once again, Madam Witness, I'd like to ask you to call upon  
14 your memory. Do you remember what happened when they went into that  
15 house, into that compound? What happened after that?

16 A. [14:49:01] Even though I heard about it, honestly, it was a long time ago  
17 and I don't remember.

18 Q. [14:49:33] Very well. Thank you, Madam Witness.

19 Another question: You also said that she had had sex with these Islamists,  
20 where did that occur?

21 A. [14:49:52] I don't know. I heard people say that they had taken the girl  
22 forcibly with them, but I don't know where they took her.

23 MR GARCIA: [14:50:43](Interpretation) Your Honour, if we could go into  
24 private session for just a few moments.

25 PRESIDING JUDGE MINDUA: [14:50:52](Interpretation) Courtroom officer,

Trial Hearing  
WITNESS: MLI-OTP-P-0636

(Private Session)

ICC-01/12-01/18

1 private session, please.  
2 (Private session at 2.50 p.m.)  
3 THE COURT OFFICER: [14:50:59] (Interpretation) We are in private session.  
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Trial Hearing  
WITNESS: MLI-OTP-P-0636

(Private Session)

ICC-01/12-01/18

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Trial Hearing  
WITNESS: MLI-OTP-P-0636

(Private Session)

ICC-01/12-01/18

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Trial Hearing  
WITNESS: MLI-OTP-P-0636

(Private Session)

ICC-01/12-01/18

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23 (Open session at 3.09 p.m.)

24 THE COURT OFFICER: [15:09:33](Interpretation) We are in open session,

25 your Honour.

Trial Hearing  
WITNESS: MLI-OTP-P-0636

(Open Session)

ICC-01/12-01/18

1 PRESIDING JUDGE MINDUA: [15:09:41](Interpretation) Thank you very  
2 much.

3 Prosecutor.

4 MR GARCIA: [15:09:46](Interpretation)

5 Q. [15:09:47] So, Madam Witness, this was my -- these were my last  
6 questions for you. You have told us about what happened to you when you  
7 were at the Islamic police station. And I just want to try to see exactly when  
8 that happened, so I'm going to ask you a few questions about that.

9 A. [15:10:38] Yes, you're speaking about which event?

10 Q. [15:10:43] The event that concerns you, what happened to you when you  
11 were at the Islamic police station?

12 A. [15:10:50] Yes, that was during the conflict in the north, it was in August  
13 2012, it was in 2012 to 2013.

14 Q. [15:11:14] Thank you. I just wanted to put some questions to you. I'm  
15 going to give you three choices: Was it at the start when the armed groups  
16 arrived? Was it in the middle? Or was it towards the end when the armed  
17 groups were leaving? You spoke about the fact that the French troops came  
18 afterwards, so was it at the start or in the middle or was it towards the end, if  
19 you are able to remember?

20 A. [15:11:48] Yes, at the start there weren't problems with persecution, but  
21 towards the middle of the occupation, they started to take the women and to  
22 attack people and they really wanted to dominate and master the town and  
23 that's when the abuses started being committed.

24 Q. [15:13:08] Madam Witness, did you witness anything concerning  
25 mausolea in Timbuktu?

Trial Hearing  
WITNESS: MLI-OTP-P-0636

(Open Session)

ICC-01/12-01/18

1 A. [15:13:19] Yes, I saw a lot of things concerning the mausolea.

2 Q. [15:13:41] So Madam Witness, tell us briefly what you saw.

3 A. [15:13:49] Yes, I had heard that they were destroying the mausolea, that  
4 they were moving the rubble. And myself, I saw it, they were destroying the  
5 mosques -- the mausolea --

6 THE INTERPRETER: Corrects the interpreter.

7 THE WITNESS: [15:14:36](Interpretation) -- and they were spreading the  
8 rubble into the sand.

9 MR GARCIA:

10 (Redacted)

11 (Redacted)

12 Q. [15:15:13] So just so we are clear, this destruction of the mausolea that  
13 took place, was it before the incident that you spoke about which happened at  
14 the Islamic police station, or was it afterwards?

15 A. [15:15:47] All these events happened towards the middle of the  
16 occupation.

17 Q. [15:16:07] Are you able to tell us if it was before or after what happened  
18 to you?

19 A. [15:16:27] Yes, the destruction of the mausolea was after the incident  
20 when I was at the Islamic police station.

21 Q. [15:16:50] Thank you, Madam Witness. I have no further questions for  
22 you.

23 MR GARCIA: Thank you, your Honour, your Honours.

24 PRESIDING JUDGE MINDUA: [15:17:43](Interpretation) Thank you very  
25 much, Prosecutor.

Trial Hearing  
WITNESS: MLI-OTP-P-0636

(Open Session)

ICC-01/12-01/18

1 So I now turn towards Maître Nsita to ask if the Legal Representatives of  
2 Victims have questions they would like to put, having heard the  
3 examination-in-chief by the Office of the Prosecutor. Maître Nsita?  
4 I would like to point out that the Prosecutor used 2 hours and 39 minutes.  
5 Maître Nsita, if you would be so kind.  
6 MR LUVENGIKA: [15:18:28](Interpretation) Thank you, your Honour. I just  
7 have a few questions by way of clarification which I wish to put to the witness.  
8 PRESIDING JUDGE MINDUA: [15:18:37](Interpretation) So I now turn  
9 towards the Defence for the usual question. Ms Sutherland, do you have any  
10 objections?  
11 MS SUTHERLAND: [15:18:44] Thank you, Mr President. No objection in  
12 principle, though of course we reserve the right pending hearing the actual  
13 questions. Thank you.  
14 PRESIDING JUDGE MINDUA: [15:18:56](Interpretation) Thank you very  
15 much, Ms Sutherland.  
16 Maître Nsita, the Chamber gives you leave to proceed.  
17 MR LUVENGIKA: [15:19:06](Interpretation) Thank you very much,  
18 your Honour, your Honours.  
19 QUESTIONED BY MR LUVENGIKA: (Interpretation)  
20 Q. [15:19:11] Good afternoon, Madam Witness.  
21 A. [15:19:16] Good evening.  
22 Q. [15:19:24] Yes, so I introduced myself this morning, I am Maître Fidel  
23 Nsita. I represent the victims of Timbuktu, victims of the events that you  
24 spoke about with the Prosecutor.  
25 I wanted to ask you a few questions to aid my understanding which will

Trial Hearing  
WITNESS: MLI-OTP-P-0636

(Open Session)

ICC-01/12-01/18

1 complete your account, but if you don't know the answer, please just tell me  
2 that you don't know.

3 And in order to ensure the publicity of proceedings, I'm going to try and stay  
4 in open session, so please be careful in the answers that you give, taking into  
5 account the fact that we are in open session.

6 A. [15:20:59] I understand.

7 Q. [15:21:02] My first question is about whether you can help the Chamber,  
8 the judges and everybody participating here, about your motives or what  
9 drove you to testify here about what happened to you?

10 A. [15:21:26] Yes, I can tell you.

11 Q. [15:21:49] If you would be so kind, we are listening to you.

12 A. [15:21:56] If I had the courage to come and testify about what happened  
13 it's because I had people who proposed to help me. Because I was injured and  
14 alone, I couldn't get help, and so people proposed to help me get reparations  
15 and that's how I accepted to testify.

16 Q. [15:22:40] Yes. To go into what happened to you, for what happened  
17 that you wish to get reparations for, how do you feel today about what  
18 happened to you? How do you feel emotionally within you?

19 A. [15:23:08] Like what, for example?

20 Q. [15:23:20] Well, what -- what does your current life represent for you?  
21 Your personal life, the life of your children, what does all of that represent for  
22 you?

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Trial Hearing  
WITNESS: MLI-OTP-P-0636

(Open Session)

ICC-01/12-01/18

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9 Q. [15:26:13] Could you tell us how many children you have?

10 A. [15:26:21] I've only got one child.

11 Q. [15:26:34] Does your child go to school?

12 A. [15:26:41] Yes, I put him to school this year.

13 (Redacted)

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17 (Redacted)

18 (Redacted)

19 Q. [15:27:59] Could you tell us since the events, were you able to get any  
20 psychological support or material support for you or your child?

21 A. [15:28:15] There were people who helped me psychologically, but I didn't  
22 have anybody help me financially because I didn't tell this story to a lot of  
23 people and I didn't explain my story to everyone.

24 Q. [15:28:57] Yes, thank you, Madam Witness. I'm coming to the end of my  
25 questions. What are your current concerns with regard to your child?



Trial Hearing  
WITNESS: MLI-OTP-P-0636

(Open Session)

ICC-01/12-01/18

1 A. [15:29:11] All that I'm trying to get for my child is that I ask that God  
2 makes him live and he has enough to live and grow up. That's all I ask God  
3 for.

4 Q. [15:29:54] Thank you, Madam Witness. I have finished with my  
5 questions.

6 MR LUVENGIKA: [15:30:00](Interpretation) Your Honour, your Honours, I  
7 have finished. I would like to thank you.

8 PRESIDING JUDGE MINDUA: [15:30:08](Interpretation) Thank you very  
9 much, Maître Nsita, for your questions.

10 Since the Defence will not begin its cross-examination today, we have come to  
11 the end of today's sitting.

12 Madam Witness, the Bench thanks you for answering the questions put to you  
13 with great clarity and courage.

14 THE WITNESS: [15:31:02](Interpretation) I'm honoured and I thank you.

15 PRESIDING JUDGE MINDUA: [15:31:07](Interpretation) But as you've  
16 noticed, the Defence has not yet begun its cross-examination; thus, tomorrow  
17 you will continue giving testimony.

18 THE WITNESS: [15:31:34](Interpretation) Yes.

19 PRESIDING JUDGE MINDUA: [15:31:39](Interpretation) Remember that you  
20 are not allowed to talk about your testimony to anyone at all.

21 THE WITNESS: [15:32:01](Interpretation) Yes, I understand.

22 PRESIDING JUDGE MINDUA: [15:32:04](Interpretation) You may not speak  
23 to your family members or to friends in the event that you are in contact with  
24 them this evening.

25 THE WITNESS: [15:32:35](Interpretation) I will not speak to anyone, not even

Trial Hearing  
WITNESS: MLI-OTP-P-0636

(Open Session)

ICC-01/12-01/18

- 1 my father. My father doesn't even know that I'm part of this process --
- 2 THE INTERPRETER: [15:32:49] Correction: -- this trial.
- 3 PRESIDING JUDGE MINDUA: [15:32:51](Interpretation) Have a very good
- 4 evening and rest.
- 5 I now turn to the parties and participants.
- 6 THE WITNESS: [15:33:04](Interpretation) I understand.
- 7 PRESIDING JUDGE MINDUA: [15:33:07](Interpretation) I thank the parties
- 8 and participants for their cooperation. I thank the court reporters and the
- 9 interpreters and as well the security officers and of course anyone listening to
- 10 the proceedings.
- 11 So we will resume tomorrow at 9.30 to hear the same witness and we will
- 12 begin with the cross-examination of the Defence.
- 13 Court is adjourned.
- 14 THE COURT USHER: All rise.
- 15 (The hearing ends in open session at 3.33 p.m.)