

Trial Hearing

(Closed Session)

ICC-01/12-01/18

WITNESS: MLI-OTP-P-0150

1 International Criminal Court

2 Trial Chamber X

3 Situation: Republic of Mali

4 In the case of The Prosecutor vs Al Hassan Ag Abdoul Aziz Ag Mohamed Ag

5 Mahmoud - ICC-01/12-01/18

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

7 Judge Kimberly Prost

8 Trial Hearing - Courtroom 3

9 Monday, 28 June 2021

10 (The hearing starts in closed session at 9.33 a.m.)

11 THE COURT USHER: [9:33:41] All rise.

12 The International Criminal Court is now in session.

13 Please be seated.

14 PRESIDING JUDGE MINDUA: [9:34:13](Interpretation) The hearing shall now

15 begin. Good morning, everyone.

16 Courtroom officer, kindly call the case.

17 THE COURT OFFICER: [9:34:22] Good morning, Mr President, your Honours.

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

19 Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud, case number ICC-01/12-01/18.

20 And for the record, we are in closed session.

21 PRESIDING JUDGE MINDUA: [9:34:43](Interpretation) Thank you very much,

22 courtroom officer.

23 As usual we will begin with introductions. Shall we begin with the OTP.

24 Prosecutor.

25 MR DUTERTRE: [9:34:54](Interpretation) Good morning, your Honours.

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1 The OTP is represented today by Mr Mousa Allafi, behind me, Ms Yayoi Yamaguchi,  
2 Mr Lucio Garcia, and myself Gilles Dutertre. I greet Mr Luvengika, Ms Taylor, the  
3 courtroom reporters, interpreters, security guards, everyone.

4 PRESIDING JUDGE MINDUA: [9:35:33](Interpretation) Thank you very much.  
5 Defence.

6 MS TAYLOR: [9:35:36] Good morning, Mr President. Good morning, your  
7 Honours. And good morning to everyone inside the courtroom and everyone  
8 around the courtroom. The Defence for Mr Al Hassan is represented today by  
9 Maître Mohamed Youssef, Maître Molly Thomas and Ms Sophia Westen, and myself  
10 Melinda Taylor. Thank you.

11 PRESIDING JUDGE MINDUA: [9:35:58](Interpretation) Thank you very much,  
12 Ms Taylor.

13 And now the Legal Representatives of Victims. Counsel.

14 MR LUVENGIKA: [9:36:05](Interpretation) Good morning, your Honours. The  
15 victims are represented at today's hearing by Ms Ludivine Tixier-Dunet and myself  
16 Fidel Nsita Luvengika. And I take this opportunity, of course, to wish everyone a  
17 good week. And I say hello, I greet Mr Dutertre and his team, my learned counsel  
18 opposite, Ms Taylor, and [REDACTED], and every other person taking part in  
19 this trial.

20 PRESIDING JUDGE MINDUA: [9:36:52](Interpretation) Thank you very much,  
21 Mr Luvengika.

22 And finally I will call upon the counsel for the witness.

23 [REDACTED] [9:36:59] \*(Interpretation) Good morning, Mr President. Good  
24 morning, your Honours. I am counsel for [REDACTED] Thank you,  
25 Mr President.

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1 PRESIDING JUDGE MINDUA: [9:37:25](Interpretation) Thank you very much,

2 [REDACTED]

3 And now I turn to the witness.

4 But before that I would like to remind everyone that we are continuing with the 36th

5 Prosecution witness. And I do hope everyone had a good weekend, a long weekend,

6 since I do hope that the Defence is well prepared and the witness is ready.

7 Good morning, Mr Witness. How are you?

8 WITNESS: MLI-OTP-P-0150 (On former oath)

9 (The witness speaks Arabic)

10 THE WITNESS: [9:38:04](Interpretation) Good morning, your Honour. Good

11 morning, everyone. I am well.

12 PRESIDING JUDGE MINDUA: [9:38:14](Interpretation) Thank you, Mr Witness.

13 As you know, your testimony continues today with cross-examination by the Defence.

14 And I remind you that you are still under oath and you must tell the truth, the whole

15 truth and nothing but the truth.

16 During the examination-in-chief you were extremely cooperative and you were very

17 much of good faith, and I hope you will continue with the Defence now. I believe

18 you are familiar with the proceedings and how things work. You must realise the

19 Defence is going about its work. And now I call upon you to answer their questions

20 correctly, as usual.

21 Without any further ado, I will hand over to Ms Taylor for cross-examination.

22 Ms Taylor.

23 QUESTIONED BY MS TAYLOR:

24 Q. [9:39:32] Good morning, Mr Witness.

25 A. [9:39:37] Good morning.

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1 Q. [9:39:40] I'm glad to hear you're well today.

2 As mentioned every morning, my name is Melinda Taylor. I'm the Defence counsel  
3 for Mr Al Hassan and I will be starting the cross-examination for the Defence.

4 Mr Witness, what colour is the sky today?

5 A. [9:40:15] I have no idea.

6 Q. [9:40:21] Do you think it's blue or clear?

7 A. [9:40:36] I didn't look at the weather forecast yesterday, so I don't know.

8 Q. [9:40:47] Mr Witness, do you understand that your obligation to tell the truth  
9 means that you're obliged to accurately describe things by reference to what you  
10 yourself heard or saw at the time of the events?

11 A. [9:41:12] Yes.

12 Q. [9:41:16] And you understand that you must distinguish between what you saw  
13 and heard in 2012 as compared to what you think could have happened?

14 A. [9:41:39] Yes. But thinking and believing are two quite different things. I  
15 agree with you, but when you -- when I say I think this or I think that, it's not by -- by  
16 chance.

17 Q. [9:42:01] And you understand that you need to distinguish between what you  
18 saw and heard in 2012 as compared to what you learned afterwards?

19 A. [9:42:21] Yes.

20 Q. [9:42:25] And if you provide information that comes from someone else or other  
21 sources, and you don't specify this to the Court, this could be a form of false  
22 testimony?

23 A. [9:42:48] No, I don't quite agree with you on that point. I don't quite agree  
24 with --

25 PRESIDING JUDGE MINDUA: [9:42:56](Interpretation) Prosecutor.

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1 MR DUTERTRE: [9:42:57](Interpretation) I think these comments are entirely  
2 inappropriate. One merely puts questions to the witness and Ms Taylor's job is to  
3 ask him where he got the information from. This is certainly not a matter of false  
4 testimony.

5 PRESIDING JUDGE MINDUA: [9:43:19](Interpretation) Did Ms Taylor say anything  
6 about giving false testimony, that the witness gave false testimony?

7 MR DUTERTRE: [9:43:30](Interpretation) Ms Taylor indicated that, page 4, line 27,  
8 on to the following page, line 2, she said, and I quote, "if you provide information  
9 from other people or other sources and you don't specify that to the judges of this  
10 Chamber, this could be deemed to be false testimony."

11 And so it's up to Ms Taylor to ask where the information came from and it is not false  
12 testimony.

13 PRESIDING JUDGE MINDUA: [9:44:04](Interpretation) You're completely right.

14 But I think Ms Taylor is explaining a principle. She did not say that the witness gave  
15 false testimony.

16 Ms Taylor, you did not say that the witness gave false testimony, you merely set out a  
17 principle. What say you?

18 MS TAYLOR: [9:44:25] That's absolutely correct, Mr President. We have not  
19 accused the witness of providing false testimony, we have merely provided our  
20 understanding of the witness's obligation under oath. And we are putting questions  
21 to the witness as concerns his understanding, which we're perfectly entitled to do.

22 PRESIDING JUDGE MINDUA: [9:44:46](Interpretation) Very well.

23 Ms Taylor, allow me to specify that you have said that you did not say anything  
24 about the witness giving false testimony.

25 Witness, this was not said.

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1 All the same, counsel, I'm not quite entirely with you. Why are you insisting on this  
 2 point? Because, after all, at the beginning of this hearing I told the witness that he  
 3 was under oath and he must tell the truth, the whole truth and nothing but the truth.  
 4 I think that is sufficient.

5 Now, if you have any specific cases of possible false testimony, provide references  
 6 and we will see.

7 MS TAYLOR: [9:45:30] Thank you, Mr President.

8 Do you mean case law or do you mean incidents? Because at this point in time we're  
 9 not going into specific details of the witness's testimony. We're merely posing  
 10 questions as concerns the witness's understanding of his obligation to provide  
 11 truthful testimony pursuant to a cooperation agreement.

12 PRESIDING JUDGE MINDUA: [9:45:57](Interpretation) Prosecutor.

13 MR DUTERTRE: [9:45:58](Interpretation) Briefly, Ms Taylor is incorrect in law.

14 And, secondly, it is the Chamber's task to put questions about the conditions of giving  
 15 testimony.

16 PRESIDING JUDGE MINDUA: [9:46:14](Interpretation) Very well.

17 I see that we are in agreement. We shall continue.

18 Ms Taylor, begin your cross-examination.

19 MS TAYLOR: [9:46:22]

20 Q. [9:46:22] So, Mr Witness, as part of your responses, I would ask that you use the  
 21 past tense and not the future tense when you refer to events that you actually saw or  
 22 heard, as compared to events that you think could have happened.

23 A. [9:46:59] Yes, I will try to do that. And if I make a mistake, please correct me.

24 Q. [9:47:07] [REDACTED]

25 [REDACTED]

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- 1 [REDACTED]
- 2 A. [9:47:31] [REDACTED]
- 3 Q. [9:47:33] [REDACTED]
- 4 [REDACTED]
- 5 A. [9:47:49] [REDACTED]
- 6 Q. [9:47:54] [REDACTED]
- 7 A. [9:48:05] [REDACTED]
- 8 Q. [9:48:14] [REDACTED]
- 9 A. [9:48:25] [REDACTED]
- 10 [REDACTED]
- 11 Q. [9:48:49] [REDACTED]
- 12 A. [9:48:57] [REDACTED]
- 13 Q. [9:49:01] [REDACTED]
- 14 A. [9:49:11] [REDACTED]
- 15 [REDACTED]
- 16 [REDACTED]
- 17 Q. [9:49:32] [REDACTED]
- 18 A. [9:49:41] [REDACTED]
- 19 [REDACTED]
- 20 [REDACTED]
- 21 [REDACTED]
- 22 Q. [9:50:15] [REDACTED]
- 23 [REDACTED]
- 24 A. [9:50:28] [REDACTED].
- 25 Q. [9:50:32] [REDACTED]

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1 A. [9:50:45] [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED].

5 Q. [9:51:19] [REDACTED]

6 [REDACTED]

7 A. [9:51:39] [REDACTED]

8 [REDACTED]

9 [REDACTED].

10 Q. [9:52:05] [REDACTED]

11 A. [9:52:12] [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 Q. [9:52:52] [REDACTED]

17 A. [9:53:04] [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 Q. [9:53:37] [REDACTED]

21 [REDACTED]

22 A. [9:53:49] [REDACTED]

23 [REDACTED]

24 Q. [9:54:07] [REDACTED]

25 [REDACTED]



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1 A. [9:54:18] [REDACTED]

2 Q. [9:54:24] Now, just turning to Prosecution tab 1403, that's [REDACTED].

3 It's the English. Turning to page 0031. And the Arabic is Prosecution tab 1405,

4 that's [REDACTED], page 0063, paragraph 19d. [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 A. [9:56:26] As far as I'm concerned, it's a very simple matter. I am someone who

14 was a witness to the events and the Prosecution is interested in these events. Thus,

15 I am completely willing to explain to them everything that happened during these

16 incidents which I was a witness to.

17 Q. [9:56:53] [REDACTED]

18 [REDACTED]

19 A. [9:57:21] [REDACTED]

20 [REDACTED].

21 Q. [9:57:29] [REDACTED]

22 [REDACTED]

23 A. [9:57:58] [REDACTED]

24 [REDACTED]

25 [REDACTED]

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1 [REDACTED]

2 [REDACTED]

3 Q. [9:58:31] [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 A. [9:59:08] [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 Q. [9:59:41] [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 A. [10:00:08] [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 Q. [10:00:39] [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 PRESIDING JUDGE MINDUA: [10:01:05](Interpretation) Thank you very much,

25 Prosecutor, for this clarification.

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1 MS TAYLOR: [10:01:10]

2 Q. [10:01:12]

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6 A. [10:01:48]

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11 Q. [10:02:37]

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13 A. [10:02:55]

14 Q. [10:02:57]

15 A. [10:03:06]

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22 PRESIDING JUDGE MINDUA: [10:03:57]

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24 MS TAYLOR: [10:04:03]

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1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 PRESIDING JUDGE MINDUA: [10:04:56](Interpretation) Ms Taylor, I think that you  
9 can continue and leave this question.

10 MS TAYLOR: [10:05:03] Thank you, Mr President.

11 Q. [10:05:05] [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 A. [10:05:49] [REDACTED]

17 Q. [10:05:56] Mr Witness, between April 2012 and January 2013, [REDACTED]

18 [REDACTED] were you aware of a common plan or

19 shared understanding that the group in control of Timbuktu would commit torture

20 for the application of Sharia law?

21 A. [10:06:42] Yes. But it wasn't torture. I wouldn't call it torture. It was a term  
22 that I used, but at the time it was called a punishment under Sharia law, and not  
23 torture. A punishment.

24 Q. [10:07:08] Between April 2012 and January 2013, [REDACTED] [REDACTED] [REDACTED]

25 [REDACTED] were you aware of a common plan or shared

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1 understanding that the group in control of Timbuktu would commit rape through the  
2 application of Sharia law?

3 A. [10:07:47] No. There was no plan to rape. But there were individual acts of  
4 rape.

5 Q. [10:08:03] Between April 2012 and January 2013, [REDACTED]  
6 [REDACTED], were you aware of a common plan or shared  
7 understanding that the group in control of Timbuktu would commit sexual  
8 enslavement through the application of Sharia law?

9 MR DUTERTRE: [10:08:44](Interpretation) Your Honour.

10 PRESIDING JUDGE MINDUA: [10:08:46](Interpretation) Yes, Prosecutor.

11 MR DUTERTRE: [10:08:47](Interpretation) Just by way of clarification. [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED] Because otherwise it becomes difficult, we don't know what the  
16 witness is replying to.

17 PRESIDING JUDGE MINDUA: [10:09:16](Interpretation) Ms Taylor, you have to  
18 give the right references.

19 MS TAYLOR: [10:09:22] I will do so, Mr President. [REDACTED]

20 [REDACTED]

21 [REDACTED] But I can reformulate my question.

22 PRESIDING JUDGE MINDUA: [10:09:42](Interpretation) Indeed.

23 MR DUTERTRE: [10:09:44](Interpretation) Furthermore, if I may, when we speak  
24 about a common plan, between who and whom? That has to be clear for the witness  
25 as well. These are legal terms. They're clear for us, but not necessarily for the

1 witness. And we have to know who the people concerned are by this plan.

2 PRESIDING JUDGE MINDUA: [10:10:06](Interpretation) Ms Taylor.

3 MS TAYLOR: [10:10:07] (Overlapping speakers) Mr President, I've said the group in  
4 control -- sorry.

5 PRESIDING JUDGE MINDUA: [10:10:13](Interpretation) I was waiting for the end  
6 of the interpretation. Were you able to follow?

7 MS TAYLOR: [10:10:18] Yes, Mr President. I have said the group in control of  
8 Timbuktu during that time period. And I don't believe it's appropriate for the  
9 Prosecution to be making these objections in front of the witness in such detail.  
10 And I would ask the Prosecutor not to nod their head like that in the courtroom.

11 PRESIDING JUDGE MINDUA: [10:10:53](Interpretation) Very well, Ms Taylor.  
12 The witness is not a jurist, so when you use legal terms such as common plan, it's  
13 complicated. You have to use simple language for the witness.

14 With regards to the Prosecutor, he knows that he shouldn't make gestures with his  
15 head.

16 MS TAYLOR: [10:11:15]

17 Q. [10:11:16] Now, Mr Witness, between April 2012 and January 2013, [REDACTED]

18 [REDACTED]  
19 [REDACTED]

20 Were you aware of a shared understanding among the group in control of Timbuktu  
21 that members of the group would commit or enslave women through the application  
22 of Sharia law?

23 A. [10:12:10] You used the term of -- you used the term to "enslave women". If we  
24 were agreed that the marriages that were carried out under pressure are cases of the  
25 enslavement of women, then the answer is yes, I was aware of that.

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1 Q. [10:12:42] [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 A. [10:13:10] \*If you're speaking about Hudud in Shariah law and the beatings that  
5 happen to the noncompliant ones -as we call them-, then yes I'm aware of that.

6 Q. [10:13:25] [REDACTED]

7 [REDACTED]

8 A. [10:13:48] [REDACTED].

9 Q. [10:13:53] [REDACTED]

10 A. [10:14:03] [REDACTED]

11 Q. [10:14:06] [REDACTED]

12 A. [10:14:18] [REDACTED]

13 Q. [10:14:24] [REDACTED]

14 A. [10:14:34] [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 Q. [10:14:53] [REDACTED]

18 A. [10:15:03] [REDACTED]

19 [REDACTED]

20 Q. [10:15:14] [REDACTED]

21 [REDACTED]

22 A. [10:15:33] [REDACTED]

23 Q. [10:15:38] [REDACTED]

24 [REDACTED]

25 A. [10:15:54] [REDACTED]

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1 [REDACTED].

2 Q. [10:16:04] [REDACTED]

3 A. [10:16:14] [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 Q. [10:16:56] Mr Witness, are you talking about the recent preparation sessions  
10 with the Prosecution?

11 A. [10:17:09] Yes.

12 Q. [10:17:11] [REDACTED]

13 [REDACTED]

14 \* A. [10:17:36] [REDACTED].

15 Q. [10:17:36] [REDACTED]

16 A. [10:17:48] [REDACTED]

17 [REDACTED] So I didn't  
18 read the documents.

19 THE INTERPRETER: [10:18:09] And the interpreter adds that the previous answer  
20 was "yes", which needs to be added in the English transcript. Page 19, line 20.

21 PRESIDING JUDGE MINDUA: [10:18:27](Interpretation) Prosecutor.

22 MR DUTERTRE: [10:18:27](Interpretation) If you would allow me, in the French  
23 transcript it says [REDACTED] and in the English it says [REDACTED]

24 [REDACTED] Could Ms Taylor clarify which is the right interpreting, because it's  
25 not the same thing.



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1 PRESIDING JUDGE MINDUA: [10:18:45](No interpretation)

2 MS TAYLOR: Certainly. I was noticing a difference as well.

3 Q. [10:18:47] Mr Witness, did you say that [REDACTED]

4 [REDACTED]

5 A. [10:18:58] [REDACTED]

6 [REDACTED]

7 Q. [10:19:16] [REDACTED]

8 [REDACTED]

9 A. [10:19:35] [REDACTED]

10 PRESIDING JUDGE MINDUA: (Overlapping speakers)

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED].

17 Ms Taylor.

18 MS TAYLOR: [10:20:23]

19 Q. [10:20:24] Mr Witness, [REDACTED]

20 [REDACTED]

21 A. [10:20:38] [REDACTED]

22 [REDACTED]

23 Q. [10:20:51] [REDACTED]

24 [REDACTED]

25 A. [10:21:04] [REDACTED]

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1 Q. [10:21:09] [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 A. [10:23:40] [REDACTED]

9 Q. [10:23:44] So was this information incorrect, the information that's provided to  
10 the Prosecution?

11 A. [10:23:57] No. The information is not incorrect. [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 Q. [10:24:27] [REDACTED]

17 [REDACTED]

18 A. [10:24:40] [REDACTED]

19 Q. [10:24:42] [REDACTED]

20 A. [10:24:49] [REDACTED]

21 Q. [10:24:52] [REDACTED]

22 A. [10:25:00] [REDACTED]

23 [REDACTED]

24 Q. [10:25:13] [REDACTED]

25 [REDACTED]

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[REDACTED]

A. [10:25:26] [REDACTED]

Q. [10:25:50] [REDACTED]

[REDACTED]

A. [10:26:04] [REDACTED]

[REDACTED]

Q. [10:26:24] [REDACTED]

A. [10:26:32] [REDACTED]

[REDACTED]

PRESIDING JUDGE MINDUA: [10:26:50](Interpretation) Prosecutor.

MR DUTERTRE: [10:26:51](Interpretation) Yes, just a correction that Ms Taylor would like to make. [REDACTED] I don't know that's the right translation.

PRESIDING JUDGE MINDUA: [10:27:02](Interpretation) Ms Taylor, perhaps you could ask the witness if we're not sure.

MS TAYLOR: [10:27:09] Certainly, Mr President.

Q. [10:27:13] [REDACTED]

[REDACTED]

A. [10:27:26] [REDACTED]

Q. [10:27:32] [REDACTED]

[REDACTED]

A. [10:27:55] [REDACTED]

Q. [10:28:04] [REDACTED]

A. [10:28:21] [REDACTED]

Q. [10:28:43] [REDACTED]

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1 [REDACTED]

2 A. [10:29:00] [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 Q. [10:29:34] [REDACTED]

7 A. [10:29:41] I have forgotten. So if you try to find errors in what I say, like the  
8 Prosecution, then I think it's [REDACTED]. But I no longer remember.

9 Q. [10:30:04] Now turning back to the videos, during your interview sessions with  
10 the Prosecution - and I'm not talking here about the preparation sessions, I'm talking  
11 about your interviews beforehand - [REDACTED]

12 [REDACTED]

13 A. [10:30:35] I'm not quite sure I have properly understood your question.

14 PRESIDING JUDGE MINDUA: [10:30:48](Interpretation) Prosecutor.

15 MR DUTERTRE: [10:30:51](Interpretation) [REDACTED]

16 [REDACTED]

17 [REDACTED] So I think Ms Taylor really should specify what time frame she's  
18 talking about.

19 PRESIDING JUDGE MINDUA: [10:31:15](Interpretation) Ms Taylor.

20 MS TAYLOR: [10:31:16] I believe -- thank you, Mr President. I believe it would be  
21 appropriate so ask a general question before going into specifics. So my general  
22 question to the witness is [REDACTED]

23 [REDACTED]

24 PRESIDING JUDGE MINDUA: [10:31:46](Interpretation) All the same, the question  
25 is rather broad. I don't know whether the witness will be able to answer. Perhaps

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1 rephrase, Ms Taylor.

2 MS TAYLOR: [10:31:58]

3 Q. [10:31:59] Mr Witness, [REDACTED]  
4 [REDACTED]

5 A. [10:32:18] [REDACTED]  
6 [REDACTED]  
7 [REDACTED]

8 Q. [10:32:41] Mr Witness, [REDACTED]  
9 [REDACTED]  
10 [REDACTED]  
11 [REDACTED]

12 A. [10:33:25] [REDACTED]  
13 [REDACTED]  
14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED]

17 Q. [10:34:04] Mr Witness, if I can refer you to OTP tab 1386. That's  
18 [REDACTED]

19 Now according to this transcript, you said to the Prosecution: [REDACTED]  
20 [REDACTED]  
21 [REDACTED]

22 MR DUTERTRE: [10:35:01](Interpretation) Your Honour, it would be useful if  
23 Ms Taylor were to mention the date of the interview. I think this would help with  
24 clarification.

25 PRESIDING JUDGE MINDUA: [10:35:13](Interpretation) References, please,



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1 affected your ability to remember specific persons, events or details?

2 A. [10:39:10] Yes. And at the same time, the more we talk about it, the more I  
3 remember about other information. So the questions that are put to me stimulate  
4 other memories. But when it comes to other issues that were not dealt with, they are  
5 hazier.

6 Q. [10:39:37] Nine years later, do you find it difficult to distinguish between what  
7 you saw and heard in 2012 as compared to what you learned afterwards?

8 A. [10:40:00] As I told you, when it comes to issues that were raised as part of the  
9 testimony that's been on for a number of days, it refreshes my memory. But I have  
10 more trouble with issues or topics that were not raised.

11 MS TAYLOR: [10:40:24] Mr President, I'm now moving on to another section, and  
12 we've asked before the hearing if my colleague, Maître Youssef, could be task with  
13 putting these questions to the witness, with your permission.

14 PRESIDING JUDGE MINDUA: [10:40:41](Interpretation) Certainly, on an  
15 exceptional basis owing to issues of language, Mr Youssef is authorised to put his  
16 questions to the witness.

17 Prosecutor, Mr Youssef will be putting questions to the witness in Arabic.

18 MR DUTERTRE: [10:41:26](Interpretation) \*That makes sense, Mr President, but we  
19 were simply not aware of this. Well, unless we forgot ... in an email or...

20 PRESIDING JUDGE MINDUA: [10:41:31](Interpretation) Probably, and the  
21 Chamber has authorised this.

22 MR YOUSSEF: [10:41:42] Just to clarify, Mr President, the questions will be in  
23 English. Only some parts will be in Arabic.

24 PRESIDING JUDGE MINDUA: [10:41:53](Interpretation) Go ahead, Counsel.

25 QUESTIONED BY MR YOUSSEF:

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1 Q. [10:42:00] Good morning, Mr Witness.

2 A. [10:42:08] Good morning, Counsel.

3 Q. [10:42:10] Mr Witness, my first question is: Sharia means legal principles

4 deriving from the Holy Koran and the *hadith* or the *ahadith*, which would be the plural

5 for sayings of the prophet, peace be upon him. Is this correct?

6 A. [10:42:34] Yes.

7 Q. [10:42:36] And would it be correct to say that respect for justice, protection of

8 human life, and dignity are central principles in Sharia?

9 A. [10:42:52] That is correct.

10 Q. [10:42:56] Is it correct that the Holy Koran enlightens us that all human beings

11 are from one male and female and, as such, there should be no ethnic or class

12 division?

13 A. [10:43:18] That is correct.

14 Q. [10:43:19] (Overlapping speakers) Could you please recite the Koranic verse or

15 verses supporting this statement.

16 A. [10:43:30] Yes. God all powerful said the -- you human beings have been

17 created from a man and a woman and you have become various tribes and ...

18 Q. [10:43:49] For ease of reference for the interpreters, I will refer to tab, Defence

19 tab 144. So that's MLI-28-0005-1247, and now I'm at page 1962.

20 Mr Witness, could you please explain the meaning of this verse to the Chamber.

21 A. [10:44:32] This Koranic verse confirms that there are no preferences or privileges

22 between an Arab and a non-Arab, between a black person and a non-black person.

23 The only important thing is the statement of piety.

24 So this Koranic verse states that it is not possible to make a distinction between

25 humans. The only distinction that is allowed is that human beings -- well, this is



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1 something that is to be found in the bottom of one's heart. So there can be no  
2 distinction amongst human beings because the only distinction in Sharia law is -- well,  
3 only God can make such assessments, and this assessment is not something to be  
4 done from -- from this world. So I would leave it at that.

5 Q. [10:46:04] Thank you.

6 If we could show on evidence 1 Defence tab 144, still in the same tab.

7 MLI-D28-0005-1247, page 1945.

8 Could you, please, Mr Witness, turn to evidence 1 channel, please.

9 PRESIDING JUDGE MINDUA: [10:46:42](Interpretation) The interpretation in  
10 English was not coming through.

11 THE INTERPRETER: [10:46:50] Apologies from the English booth. The English  
12 interpreter had inadvertently blocked the channel.

13 THE COURT OFFICER: [10:46:58] Perhaps counsel can pose the question once more.

14 MR YOUSSEF: [10:47:08] Yes.

15 Q. [10:47:13] For Defence -- for the evidence channel 1, could we please show page  
16 1945.

17 I am looking at *Surat Al-Ahqaf*, verse number 19. Do you see that, Mr Witness?

18 A. [10:48:12] Yes.

19 Q. [10:48:14] Could you please explain the meaning of this verse to the Chamber.

20 A. [10:48:29] You are showing the saintly -- this saintly Koran to us, not a Defence  
21 exhibit. This is a document that I just saw for the same time. This is the Koran.

22 Not a Defence document. Are you aware of that?

23 Q. [10:48:40](Overlapping speakers) I'm referring to the Defence tab, so it is  
24 Defence evidence.

25 A. [10:48:50] Thank you. God almighty stated that each person has a degree,

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1 depending on his actions, and everyone will be rewarded and no one will be slighted.

2 In this verse, it says that on the day of judgment human beings will be rewarded  
3 depending on their actions during their life, and the distinctions between them will  
4 depend on the actions they took. God Almighty shall reward them without them  
5 being slighted.

6 So anyone who commits an act, even a minor act, will be rewarded, and anyone who  
7 avoids a wrongful act will also be rewarded.

8 Q. [10:49:47] Thank you.

9 And could I please turn to page 1371 of the same tab.

10 I am looking at *Surat An-Nisa'*, verse number 32. Could you please provide an  
11 explanation of this verse to the Chamber.

12 A. [10:51:00] Yes, indeed. God Almighty said in this verse that men shall receive a  
13 reward, depending on what they have acquired or earned, and women as well shall  
14 receive a reward on the basis of what they have earned. And this will be on the basis  
15 of Allah, Allah who knows everything in equal shares.

16 And the rules having to do with the heritage that come before this are not unfair.

17 Allah does not make any distinction between what women have done and -- between  
18 what women have earned. They shall be rewarded, and men as well.

19 And one must not envy what others have received from Allah, because Allah  
20 distinguishes between human beings.

21 Some verses have to do with money and others have to do with good actions.

22 Q. [10:52:22] Mr Witness, earlier in your testimony, and I refer to transcript 090, the  
23 English version, edited, page 29, lines 2 to 9, I will read it out aloud and I'll do so  
24 slowly.

25 This was related to the issue of equality between men and women, and you have

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1 stated the following:

2 "This matter was also addressed and they said that equality just like that for everyone  
3 is wrong, and that the concept that they recognised was justice because justice was to  
4 give everybody what they are entitled to. It is to -- those who are not equal, to  
5 ensure that they are not treated the same. And those who are equal, to treat them  
6 the same. And equality just like that between the two sexes is not okay. Women  
7 are different from men in rights and obligations. And there are areas where women  
8 could have more rights than men or less rights than men and vice versa.  
9 And that is the perspective from which they addressed subject." End of quote.

10 Do you have any specific examples where women have more rights than men?

11 A. (Microphone not activated)

12 Q. [10:54:55] Could you please turn on your microphone.

13 THE INTERPRETER: [10:55:00] Microphone, please.

14 THE WITNESS: [10:55:02](Interpretation) Thank you.

15 Yes, first of all, regarding the principle of equality or inequality, there are some verses,  
16 for example, in which God Almighty says that those who know and those who do not  
17 know are equal, and he also says in another verse, and those who have committed  
18 wrongful acts cannot be considered the same as those who have performed good  
19 actions and so on and so forth.

20 There are other verses. In actual fact, he uses these verses but out of context. In  
21 any event, regarding faith, it is established that the testimony of faith, if there is no  
22 male witness, there has to be a man and a woman. But this has to do with testimony  
23 for adoption, for example. The testimony of a woman has more weight than the  
24 testimony of a man in such a case.

25 The same holds true for inheritances. When it comes to inheritances, men cannot

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1 have a greater share than women; unless they are the grandfather, father or son  
2 because in the past, these men contributed to the building up of the assets. Whereas  
3 the woman did not take part in the acquisition of these assets and thus the share of  
4 the woman was half the share of the man.

5 But women can also claim one third if men and -- if there are both men and women  
6 amongst the heirs. And a daughter can claim half of the inheritance, and the rest of  
7 the family shares the rest. In other words, the daughter receives one half and the  
8 other men can claim only another share. So the wife can get half, and, so you see in  
9 such cases, women can have a greater share than men.

10 As for other kinds of money, for example, certain assets, men and women are on an  
11 equal basis. Men and women get the same share. And in various verses of the  
12 Koran, it has been shown that men have more responsibility than women or more  
13 strength or more rights, but in actual fact, there are some details that have to -- that  
14 have to do with the state of society at the time.

15 PRESIDING JUDGE MINDUA: [10:58:10](Interpretation) Prosecutor.

16 MR DUTERTRE: [10:58:11](Interpretation) Just a translation issue, your Honour.

17 In the French transcript we read, page 29, lines 19, 20: "If there is no male witness".

18 I believe that it is "d-e", but I think it needs to be "d-e-u-x". Two.

19 And in the English transcript, page 33, line 8, we read:

20 "there is" -- "[if] there is no male witness, there has to be a male and a female."

21 The French does not seem to be accurate. And the English seems to be further away  
22 from ...

23 Perhaps Mr Youssef could seek clarification.

24 PRESIDING JUDGE MINDUA: [10:58:59](Interpretation) Quite so. Counsel, could  
25 you please clarify with the witness.

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1 MR YOUSSEF: [10:59:05]

2 Q. [10:59:05] (Overlapping speakers) Mr Witness, could you please clarify what  
3 you were saying earlier about the issue of witnesses.

4 A. [10:59:16] Perhaps I was talking too fast. In any event, I wanted to specify that  
5 in the Koran, one reads that one asks for the testimony of two men, if there is a debt.  
6 If there is not two men, then there can be one man and two women. So the  
7 testimony of two women equals the testimony of one man. But that has only to do  
8 with debt or other issues relating to men. In other fields, women have a greater  
9 weight. For example, issues having to do with adoption -- or, for example,  
10 testimony having to do with sexuality or the sexuality of the man within the  
11 relationship. \*Here, a woman's testimony takes precedence over that of a man, or a  
12 woman's testimony is accepted while the man's is not.

13 PRESIDING JUDGE MINDUA: [11:00:33] \*Maître Youssef, it is 11 o'clock. I don't  
14 know, shall we allow you one more question or can we stop now?

15 MR YOUSSEF: [11:00:37] I believe, Mr President, we could resume after the break.

16 PRESIDING JUDGE MINDUA: [11:00:43](Interpretation) Very well. We shall  
17 suspend for half an hour and resume at 11.30.

18 The hearing is now suspended.

19 THE COURT USHER: [11:00:53] All rise.

20 (Recess taken at 11.00 a.m.)

21 (Upon resuming in closed session at 11.30 a.m.)

22 THE COURT USHER: [11:31:01] All rise.

23 Please be seated.

24 PRESIDING JUDGE MINDUA: [11:31:22](Interpretation) Court is in session.

25 ██████████ you have the floor.

1 [REDACTED]  
2 [REDACTED]  
3 [REDACTED]  
4 [REDACTED]  
5 [REDACTED]  
6 [REDACTED]  
7 [REDACTED]  
8 [REDACTED]  
9 [REDACTED]  
10 [REDACTED]

11 PRESIDING JUDGE MINDUA: [11:32:59](Interpretation) Thank you very much,  
12 [REDACTED]. Your comments are relevant, but I think we've already resolved the  
13 problem. We've already had a determination thereon, so it's closed as far as we're  
14 concerned.

15 Ms Taylor is going to continue the cross-examination without going back on what has  
16 already been decided on.

17 Ms Taylor.

18 MS TAYLOR: [11:33:31] Thank you, Mr President. But Mr Youssef was continuing  
19 the cross-examination, with your leave.

20 PRESIDING JUDGE MINDUA: [11:33:45](Interpretation) That's correct.

21 Counsel Youssef, please go ahead.

22 MR YOUSSEF: [11:33:52] Thank you, Mr President.

23 Q. [11:33:57] Mr Witness, before the break you were referring to the term *Al-Ahqaf*  
24 when you were speaking about instances where women may have more rights than  
25 men.

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1 Just for the accuracy of the transcript, and I would kindly like to ask the interpreters  
2 to transliterate the word *Al-Ahqaf*, if the witness so confirms. Please go ahead,  
3 Mr Witness.

4 A. [11:34:56] Indeed. This is a term which is very technical, so either you put it in  
5 inverted commas or it is translated, and this is a term where men and women are  
6 equal.

7 Q. [11:35:14] Thank you.

8 Does Sharia impose an obligation on society to take care of and protect mothers,  
9 including widows and divorced women?

10 A. [11:35:43] Yes.

11 Q. [11:35:45] Could you please refer to the religious text that support this  
12 statement?

13 A. [11:35:57] I think that the third part, in the middle of the third part, women who  
14 are breastfeeding --

15 THE INTERPRETER: [11:36:35] The witness is referring to a text in the Koran which  
16 the interpreter does not have.

17 THE WITNESS: (No interpretation)

18 PRESIDING JUDGE MINDUA: [11:36:59](Interpretation) Witness, you've just  
19 quoted a verse of the Koran.

20 Do we have the references for the interpreters?

21 THE ARABIC INTERPRETER: [11:37:11] Note from the interpreters: We now have  
22 the reference that the -- that the witness used and we can read it out to you aloud if  
23 the witness would like to repeat his answer. We now have the reference on, so if he  
24 can be asked to repeat his answer.

25 THE WITNESS: [11:37:31](Interpretation) I heard you, your Honour, but I didn't

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1 have the translation in Arabic.

2 PRESIDING JUDGE MINDUA: [11:37:40](Interpretation) Very well.

3 You quoted a verse from the Koran. The interpreters need the references in order to  
4 be able to better translate it.

5 THE ARABIC INTERPRETER: [11:37:56] Note -- a repetition from the interpreters:

6 We have the reference already now up. He can repeat his answer if he's asked to.

7 PRESIDING JUDGE MINDUA: (Overlapping speakers)

8 MR YOUSSEF: [11:38:06] (Overlapping speakers) just before you go ahead and recite

9 the verse of the Koran, we could wait for the signal from the interpreters until they

10 find the exact reference.

11 PRESIDING JUDGE MINDUA: [11:38:19](Interpretation) Indeed.

12 MR YOUSSEF: [11:38:25]

13 Q. [11:38:27] Please resume, Mr Witness.

14 A. [11:38:30] So I gave the reference before reading the *surat*, but I don't know the  
15 number of the verse, so I will just quote the verse and the part as well. And I said that  
16 it is a verse in the *surat* in the middle of part 3.

17 (No interpretation)

18 Q. [11:38:59] Yes, please, Mr Witness.

19 A. [11:39:03] God Almighty said: "And the mothers may nurse their children for  
20 two whole years. If they wish to complete the period of nursing, and it is incumbent  
21 on him who has begotten the child to provide in a fair manner for their sustenance  
22 and clothing. No human being shall be burdened with more than he is well able to  
23 bear. Neither shall a mother be made to suffer because of her child, nor because of  
24 his child he who has begotten it. And the same duty rests upon the father's heir."

25 Unquote.



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1 (No interpretation)

2 Q. [11:40:00] Yes, please, Mr Witness.

3 A. [11:40:02] Now, you asked a question concerning children being looked after  
4 and in the verse it says "children". So among the obligations that are incumbent  
5 upon the father, you have expenditure relating to housing and clothing and in -- the  
6 inheritors are also cited in the Koran. So if the father's not able to assume the  
7 responsibilities, the grandfather or another person by procurement of the father, or  
8 even if there is a brother, then this brother can spend the money and assume the  
9 financial responsibilities.

10 And in the verse it also states that the other inheritors assume the same responsibility.

11 Q. [11:41:15] Thank you.

12 I would now like to turn to Defence tab 51 -- 51. This is MLI-D28-0005-2831. I'm at  
13 page 2842. The second paragraph, fifth line, starts with "A man".

14 I will read this in Arabic, it might be easier, and then I will use the kind assistance of  
15 the interpreters in English.

16 (Interpretation) "A man came to the Prophet Muhammad and he said, 'Who has the  
17 right to best -- who is most worthy of my companionship?' 'Your mother.' 'Then  
18 who?' 'Your mother.' The man further asked, 'Then who? Then your mother.'  
19 The man asked again. 'Then who?' 'Then your father.'"

20 THE INTERPRETER: This is the general sense of what was said by the Defence.

21 MR YOUSSEF: [11:43:16]

22 Q. [11:43:17] Could you please provide an explanation of the meaning of this  
23 *hadith*?

24 A. [11:43:26] Yes. These are the words of the Prophet which demonstrate the  
25 uncontestable rights of mothers on their *progéniture*. And this right is much more

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1 important than the rights of the father. And this is what the Prophet said,  
 2 blessing -- peace be upon him. This was highlighted in the *Surat* of *Al-Ahqaf*, which  
 3 was quoted at the start.

4 THE INTERPRETER: [11:43:57] And the witness also quotes a Koran verse.

5 MR YOUSSEF: [11:44:04] May we -- I apologise for interrupting. May we please  
 6 wait for the signal that they have the accurate verse?

7 THE ARABIC INTERPRETER: [11:44:43] Do you have the first number?

8 MR YOUSSEF: [11:44:48] *Surat Al-Ahqaf* is verse number 46.

9 THE ARABIC INTERPRETER: [11:44:52] That's chapter number. *Al-Ahqaf* is  
 10 chapter 46.

11 MR YOUSSEF: [11:44:55] I was referring to the *Surat*, *Surat Al-Ahqaf* (Overlapping  
 12 speakers).

13 THE WITNESS: [11:45:07](Interpretation) How did you know the verse before I said  
 14 it?

15 MR YOUSSEF: [11:45:13] Number 46.

16 THE WITNESS: [11:45:18](Interpretation) Verse 46.

17 MR YOUSSEF: [11:45:22] Please proceed.

18 THE WITNESS: [11:45:22](Interpretation) The recommended man to maintain the  
 19 guardianship of the mother. In this verse, God stresses the importance of the rights  
 20 of the mother over the son. It's a lot more important than the rights of the pair.  
 21 There are a lot of *hadiths* from the Prophet to take care of the mother. It is said that  
 22 going to paradise is dependent on the will of the mother. Even the sister or the  
 23 daughter, where it concerns their rights, there are *hadiths* which stress the importance  
 24 of taking care of women in general and that demonstrates the importance of -- that  
 25 Sharia gives to the women.

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1 MR YOUSSEF: [11:46:33] I am just responding to the message from the  
2 interpretation booth. I was indeed referring to the *surah*, not the *ayah*, as I was not  
3 aware of the *ayah* that was about to be cited by the witness.

4 PRESIDING JUDGE MINDUA: [11:47:08](Interpretation) Prosecutor, yes.

5 MR DUTERTRE: [11:47:09](Interpretation) Your Honour, there are lots of  
6 overlapping speakers in the English version, so we don't have the question. And if  
7 we could respect the five-second rule for questions and answers, that would help a lot.  
8 I know that I am used to committing such things myself, but this is something we  
9 have to do.

10 PRESIDING JUDGE MINDUA: [11:47:26](Interpretation) Indeed, Counsel. There  
11 are a lot of holes in the transcript.

12 So, Counsel Youssef, please pay attention to that. Thank you.

13 MR YOUSSEF: [11:47:38] Absolutely, Mr President.

14 Q. [11:47:45] I will now turn to Defence tab 51. This is MLI-D28-0005-2831, page  
15 2833. I am at the first paragraph under "Women Rights" and I will read out starting  
16 from the fifth line:

17 "A woman in Sharia keeps her family name after she marries, and, unlike the practice  
18 in other countries, her husband cannot change her family name. A woman in Sharia  
19 keeps all of her possessions after marrying, and her husband has no right to control  
20 them."

21 PRESIDING JUDGE MINDUA: [11:49:32](Interpretation) Prosecutor.

22 MR DUTERTRE: [11:49:33](Interpretation) Thank you, your Honour.

23 We have no objection, the witness is -- questions being put on this document, but the  
24 Defence needs to explain to the witness what this document is, which is different to  
25 the previous document. And the witness has to know what it is before we go into

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1 substantive questions with him about which we have no questions, and we have no  
2 obligations in principle.

3 PRESIDING JUDGE MINDUA: [11:49:57](Interpretation) Indeed. Because this isn't  
4 the same -- this isn't the Koran. This is another document. So we have establish the  
5 basis upon which you're going to put questions to the witness.

6 MR YOUSSEF: [11:50:12] I can rephrase my question, Mr President.

7 PRESIDING JUDGE MINDUA: [11:50:20](Interpretation) Please do, indeed.

8 MR YOUSSEF: [11:50:22]

9 Q. [11:50:23] Mr Witness, under Sharia principles, after marriage, women keep  
10 their family names; is that correct?

11 A. [11:50:49] This isn't in Islamic Sharia. This is a tradition. There isn't a verse of  
12 the Koran which states that.

13 Q. [11:51:06] Do women keep all of their possessions after marriage?

14 A. [11:51:18] Yes. Indeed. In the case of Sharia, yes. But outside Sharia, things  
15 are different. So women keep their property and their possessions and men do not  
16 have the right to take these possessions, as in the *surat*, at the beginning of this *surat*.

17 THE INTERPRETER: [11:51:48] The witness is quoting another verse that the  
18 interpreter doesn't have.

19 MR YOUSSEF:

20 Q. [11:51:57] And perhaps just for clarity, could you provide an explanation of the  
21 meaning of this exact verse.

22 A. [11:52:16] Well, this is a verse at the start of the *surat* of women in Arabic. So  
23 when you give the dowry to the woman, her right -- well, you do not have the right  
24 afterwards to withdraw the dowry. The woman is free afterwards to use that dowry.  
25 And if the woman accepts to give you part of her money from her dowry, you can

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1 accept it. So that proves that women have their possessions independently from  
2 men.

3 Q. [11:53:16] Is it correct that the Holy Koran speaks of Bilqis, the queen of Saba, a  
4 female ruler, and praises her intelligence and wisdom?

5 A. [11:53:39] Yes, indeed.

6 Q. [11:53:43] (Overlapping speakers) turn to Defence tab 144, MLI-D28-0005-1247.

7 And I am at pages 17 -- starting from 1766 to page 1769, *Surat An-Naml*. So this is  
8 *surat* number 27, and I start with the verse 22 -- 23.

9 And it says: (Interpretation) "I found a woman ruling over them: she has been given  
10 all things that could be possessed by any ruler of the earth, and she has a great  
11 throne."

12 (Speaks English) Does this correspond to the story of Bilqis, the queen of Saba?

13 A. [11:55:28] Yes.

14 Q. [11:55:29] Could you elaborate further on the story of Bilqis and why the Koran  
15 has praised her intelligence and wisdom.

16 A. [11:55:51] Firstly, Bilqis was a queen in Yemen at the time of the prophet,  
17 Sulaiman. So an army was mobilised composed of animals and birds. And the  
18 prophet Sulaiman thought that he had taken possession of all the earth. And these  
19 birds discovered that there was another kingdom in Yemen, Bilqis's kingdom, and so  
20 he wanted to control that kingdom. So he sent a messenger and the -- obviously, the  
21 Koran praises her wisdom and intelligence.

22 Firstly, Bilqis took advice. She gathered together her advisers and asked them, "A  
23 message has been put to me by Sulaiman." And he starts by saying, "In the name of  
24 God the merciful, and he has come to me on this subject."

25 And the queen adds, "Give me your opinion on this because, without your

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1 participation, I will not decide." End of the verse. And she insisted on the advice  
2 from her entourage which proves that this queen had great wisdom.  
3 Now where it concerns her intelligence, at the end of the story on the following page  
4 of the Koran, the throne was taken from her and she saw with her own eyes. And  
5 the question -- Sulaiman put the question to her, "Is that your throne?" She didn't  
6 say, "Yes, it's my throne." She said, "Yes, it would seem to be my throne." So she  
7 wanted to make the question and answer identical. So she was prudent. She left a  
8 margin there, because something apparent could be erroneous, mistaken, and  
9 something mistaken could be true. This is a precautionary principle which showed  
10 her intelligence.

11 Q. [11:58:54] So would it be correct to say that Sharia principles do not prohibit the  
12 participation of women in political life?

13 A. [11:59:13] Sharia does not exclude women in political life.

14 Q. [11:59:18] And the wife of the Prophet, peace be upon him, was also one of the  
15 biggest traders in her community; is that correct?

16 A. [11:59:42] Which woman? Which wife?

17 Q. [11:59:49] His first wife, I believe.

18 A. [11:59:54] Yes, indeed.

19 Q. [11:59:57] (Overlapping speakers) So Sharia principles do not prohibit women  
20 from working; is that correct?

21 A. [12:00:10] Indeed.

22 Q. [12:00:15] I will now turn to Defence tab 144, Defence tab, MLI-D28-0005-1247.  
23 I'm at page 1399, *Surat Al-Ma'idah*, number 5, and I'm at verse number 2.

24 (Interpretation) "When you -- you may..."

25 PRESIDING JUDGE MINDUA: [12:01:21](Overlapping speakers)

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1 THE INTERPRETER: [12:01:27] Message from the interpreter: Could counsel read  
2 out the verse again slowly.

3 PRESIDING JUDGE MINDUA: [12:01:36](Overlapping speakers)

4 MR YOUSSEF: [12:01:44]

5 Q. [12:01:48](Interpretation) "Let not the hatred of some people in (once) stopping  
6 you from Makkah lead you to transgression (and hostility on your part). Help you  
7 one another in virtue, righteousness and piety; but do not help one another in sin and  
8 transgression. And fear God only. Verily, God is in severe -- is severe in  
9 punishment."

10 Mr Witness, could you please provide an explanation of the meaning of this verse?

11 A. [12:02:38] I don't necessarily remember the entire context in which this verse  
12 was revealed. I'll just explain the content of this passage and the circumstances  
13 surrounding this revelation, as best I understand.

14 This verse makes reference to what happened during Al-Hudaybiyyah, the first time  
15 when the people living in Quraysh kept the Prophet and his companions from  
16 arriving to Mecca. Some of the Prophet's people with him wanted to wage a  
17 ferocious war because the people from Quraysh had kept from travelling to the sacred  
18 place of Mecca.

19 This verse was revealed because God ordered them to go back, not to carry out their  
20 pilgrimage, and to do the minor pilgrimage, not the major one. And thus they were  
21 able to enter into an agreement with the wrongdoers. They thought that this was  
22 humiliation, they wanted a war. But God advised them, gave a number of pieces of  
23 advice. Within the Koran, there are many mentions or examples in the Koran of this.  
24 Don't allow hatred to incite you to engage in wrongdoing. In other words, hatred of  
25 others, namely your hatred of those who kept you from going to Mecca. Do not

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1 allow this hatred to allow -- to incite you to commit wrongful acts. Rather, be pious.

2 Do not enter into transgressions."

3 Q. [12:05:15] The Prophet Muhammad, peace be upon him, also called upon

4 followers to promote peace among societies and to use the greeting "peace be upon

5 you" every day. Is that correct?

6 A. [12:05:35] Yes, that is correct.

7 Q. [12:05:38] And could you please recite the relevant *hadith* or *ahadith* supporting

8 this statement?

9 A. [12:05:54] I don't know the *hadith* by heart the way I have memorised the Koran.

10 However, when comes to the *hadith*, within the entire *hadith* of the Prophet he

11 reminds us that Allah all powerful, almighty, has given us a greeting to use, namely

12 that peace be upon you. May peace and safety accompany you and there will be no

13 transgressions from our part. And that is a greeting that allows people to feel

14 relaxed when they receive this greeting.

15 Q. [12:06:40] Could I please turn to Defence tab 245.

16 Perhaps we could show it on evidence 1. It's MLI-D28-0005-5001.

17 (Interpretation) "Abu Hurairah ... reported: The Messenger of God said, "By Him in

18 Whose Hand is my life! You will not enter Jannah until you believe, and you will

19 not believe until you love one another. Shall I inform you of something which, if

20 you do, you will love one another? Promote greetings amongst yourselves."

21 (Speaks English) Do you recognise this *hadith*, Mr Witness?

22 A. [12:08:36] Yes.

23 Q. [12:08:37] And could you please provide an explanation of its meaning?

24 A. [12:08:47] I believe that it -- that no explanation is necessary. It is quite clear.

25 The remarks that we find here are very clear. The goal or the objective is to say



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1 something and to read something else even more important in order to promote the  
2 main point, which is peace. No one will achieve paradise unless one believes, and  
3 you will not believe unless you -- one another.

4 "Should I inform you of something which, if you do, you will love one another?

5 Promote greetings amongst yourselves." So you see, this greeting establishes a link  
6 between the people. And also there is a link between peace and heaven, between  
7 belief and friendship or love for others who may lead you to paradise.

8 Q. [12:10:03] Mr Witness, would you agree that in the Islamic theory of  
9 government, the head of state has wide-ranging executive and judicial powers and  
10 may also pass legislation within the limits set by Sharia?

11 A. [12:10:41] You used the expression system of government, yet in the history of  
12 Islam the system of government evolved over periods of time. One cannot merely  
13 go by the first period of time, namely, the period of time after the Prophet. The  
14 caliph, the grand emirs of the Islamic people, they are the ones who deploy the emirs  
15 to the very provinces and they represent the caliph of the Prophet, peace be upon  
16 him.

17 And since he is a legislator with this power from God, announcing the law of God,  
18 the person -- the caliph has an obligation to apply all rules and principles of Sharia  
19 that must apply to various spheres of government. As you said, these powers are  
20 very broad. They are unlimited. Because he is the representative -- or, rather, the  
21 successor of the Prophet who he himself is the vessel of God on earth.

22 Q. [12:12:13] Thank you. What are the four schools of doctrine in Sunni Islam?  
23 And here I refer to the word *maddhab* for school of doctrine, and *maddahib* for the  
24 plural.

25 A. [12:12:47] \*It is commonly said in modern times that Sunni Islam has four

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1 well-known Madhhabs, namely that of Imam Malik, Abu Hanifa, Shafi'i and Ahmad  
2 Ibn Hanbal. However, this is just terminology. The jurisprudential Madhhabs are in  
3 fact jurisprudential schools of thought that have evolved overtime. The context and  
4 circumstances surrounding each school of thought have helped shape that Madhhab  
5 or school of thought. The scholars whom we've identified as four, were in fact over a  
6 hundred. But because there was a large number of students around a particular  
7 Sheikh at a particular time, his opinions and the opinions of his disciples would be  
8 perpetuated, forming eventually the well-known Madhhab. Though in fact, it's the  
9 views of scholars acting with independent reasoning upon practicing Koranic  
10 exegesis, analyzing Koranic text and the sayings of the Prophet -peace be upon him-,  
11 and seeking new rulings on novel issues. This is what Madhhabs mean. So, to say that  
12 there exists only four Madhhabs is wrong. To claim that these four Madhhabs are  
13 different is also wrong.

14 Q. [12:14:59] Would it be correct to say that Wahhabism is not a doctrinal -- a  
15 doctrinal school, or *maddhab*, but rather a reform movement within the hanbalite,  
16 *maddhab*.

17 A. [12:15:24] That is exactly correct. \*To call Wahhabism a Madhhab would be  
18 pejorative. To be fair, Wahhabism consists in the Madhhab of Ahmad Ibn Hanbal  
19 after the addition of other opinions from modern scholars. They had new views  
20 which they added to the Madhhab.

21 THE INTERPRETER: \*Ibn Hanbal corrects the French interpreter.

22 MR YOUSSEF:

23 Q. [12:16:08] *Al hudud* are a penalty fixed by the Koran; is that correct?

24 A. [12:16:25] That is correct.

25 Q. [12:16:26] And if the criteria for imposing *al hudud* are fulfilled, are these

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1 penalties mandatory?

2 A. [12:16:59] This question requires a detailed answer, so I can't just say yes or no.  
3 I need to give you a detailed explanation.

4 Q. [12:17:10] What are what is referred to as *Al-Uqubat Al-Muqaddara*.

5 A. [12:17:30] These are the *hadd* sentences that we mentioned earlier, that is to say,  
6 proportionality, or the -- rather, the imposition of the sentence on those who  
7 committed fornication. There is another *surat* in which it is said, he who commits  
8 adultery or she who commits adultery shall receive 100 lashes. And I will end the  
9 quotation in the same *surat*, the *surat* of light: He who commits perjury or false  
10 testimony in relation to a person's reputation will receive 80 lashes. And in the  
11 Koran it also says that he who attacks the reputation of a woman shall receive 80  
12 lashes, and so on and so forth.

13 God says that he who steals, be it a man or a woman, in the *surat*, in the *surat* of the  
14 table, God Almighty says a thief should have his hand cut off. So there's some  
15 ambiguity here, exactly what is meant by the part of the arm. And the Prophet and  
16 other linguistic experts have ruled on this. These are sentences that must be  
17 assessed.

18 There are other kinds of sentences. Kaffarah, for example, is another kind of  
19 punishment. So there are various punishments and sentences provided for.  
20 That is the case, for example, if a man who compares his wife to people in a situation  
21 of incest, that is prohibited under Sharia. And to purify himself, he must fast for two  
22 months or pay -- make a payment or even be subjected to the death penalty. Certain  
23 amounts of money are provided for for such offences.

24 Q. [12:20:23] Apart from the hanafite, is it correct to say that the rationale of having  
25 the fixed punishment for a *hudud* offence is to allow the defendant to fully atone for

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1 the sins so that the defendant will have no punishment in the afterlife?

2 A. [12:21:12] What you have just said is part of the punishment. It is part of the

3 punishment. As you know, evil and good, originally, good must be confirmed, and

4 evil must be refuted. Since the punishment is part of the evil, the related sentence

5 must include a number of positive elements. And thus, there has to be an advantage

6 to society and something positive for the person who committed the crime, as you've

7 just said.

8 But I remember, for example, when it -- when it comes to punishments in Islam, the

9 person who committed the crime must repent when he appears before the judge or

10 the emir. And once he realises the seriousness of the crime, he must repent. Then

11 he has to be punished so that he is deterred from offending again.

12 Third, all of society must learn a lesson so that people do not make similar mistakes.

13 There are other aspects that could be said as well in this -- in this regard.

14 Q. [12:22:52] Is it correct to say that the Malikite *maddhab* allows the tribunal to rely

15 on circumstantial evidence in relation to the *hudud* offence?

16 The *hudud* offence of sexual relations outside of marriage, that is the fact of having a

17 child, for example, can establish this offence?

18 A. [12:23:45] You are delving into my knowledge about the various doctrines and

19 the distinctions within these doctrines.

20 Now, what you have mentioned does exist, but I can't tell you whether it is a Malikite

21 position or the position of another school without -- without consulting my own

22 references.

23 Q. [12:24:20] Is it only the Malikite school that allows for fines for *ta'zir* offences,

24 also referred to as *Al Ta'zi Bil-Mal*?

25 A. [12:24:48] No, not at all. That is a common practice, common to the various

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1 doctrines. It is not a matter of one doctrine being in favour and others opposed. It  
2 is a common position.

3 PRESIDING JUDGE MINDUA: [12:25:04](Interpretation) Ms Taylor, I think that  
4 when you filed an application -- or, rather, when you requested Mr Youssef  
5 intervening, you mentioned 15 minutes for a number of issues having to do with  
6 Arabic. Now this has been an hour and many of the questions have been in English.  
7 Now how would you like to proceed?

8 MS TAYLOR: [12:25:30] Thank you, Mr President. It was based on an estimation,  
9 obviously, but things do take longer, depending on the answers that we receive, and  
10 many of these answers have been quite lengthy. And my colleague, Maître Youssef,  
11 as explained, is someone who's admitted to the bar for eight years. The questions  
12 he's putting to the witness do have Arabic terms in them, even if he's not reading  
13 them out in Arabic. And I do believe it would be in the interests of clarity for him to  
14 pose the questions, even if it takes longer than 30 minutes. These are questions that  
15 are of a technical nature. They're not going into the facts of the case. And I believe  
16 if I was to try to attempt some of these Arabic terms, we would end up with a  
17 completely mangled transcript.

18 PRESIDING JUDGE MINDUA: [12:26:30](Interpretation) He may continue. But  
19 please remember to keep your word. You must consider the amount of time being  
20 used.

21 MR YOUSSEF: [12:26:48] Thank you, Mr President.

22 Q. [12:26:53] I will now turn to Defence tab 144. That's MLI-D28-0005-1247. I'm  
23 at page 1729, *Surat An-Nur*, surat number 24, verses 27 to 28:

24 (Interpretation) "O you believe! Enter not houses other than your own, until you  
25 have asked permission and greeted those in them; that is better for you, in order that

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1 you may remember.

2 And if you find no one therein, still, enter not until permission has been given to you.

3 And if you're asked to go back, go back, for it is purer for you. And God is

4 All-Knower of what you do."

5 Mr Witness, could you please provide an explanation of the meaning of these two

6 verses.

7 A. [12:28:41] Both verses are very clear. Their meaning is clear. It's all about

8 good manners really, how to visit someone, how to enter someone houses. One is

9 not allowed to go into a house unless one has -- unless one has received permission.

10 You need to have asked for permission from the owner before you enter a house. It's

11 a matter of good manners.

12 But this does not rule out -- it does not keep police officers, for example, from entering

13 a house because someone might use this verse to avoid arrest. So these verses do not

14 protect criminals. These verses have to do with good manners and proper morality

15 before entering a house.

16 Q. [12:29:44] Thank you. I will turn to Defence tab 155, MLI-D28-0005-6121.

17 And I'm at page 6121.

18 Could you please explain this *hadith* to us, Mr Witness.

19 A. [12:30:53] This is a *hadith* from the Prophet, peace and blessings be upon him, in

20 which he calls upon Muslims not to spy upon people, not to try to find out things that

21 are not revealed spontaneously. This is prohibited under Sharia because one should

22 avoid interfering in other people's lives or sticking one's nose into other people's

23 business or their flaws. It prohibits listening behind doors to hear what people are

24 saying and this is meant to discourage criminality.

25 Q. [12:32:00] So is it correct to say that the *muhtasib* may act on wrongdoing only if

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1 it is apparent, so what is called a *zahir* without entering the home or spying?

2 A. [12:32:22] Indeed.

3 PRESIDING JUDGE MINDUA: [12:32:31](Interpretation) Prosecutor.

4 MR DUTERTRE: [12:32:32](Interpretation) Your Honour, there's a translation

5 missing, and this is somewhat handicapping when it comes to following, in particular

6 lines 5 -- 26 in the English transcript.

7 PRESIDING JUDGE MINDUA: [12:32:54](Interpretation) How are we going to

8 resolve that? Perhaps Mr Youssef can resolve that by putting the question.

9 MR YOUSSEF: [12:33:05] The two terms I have used were *al muhtasib*. This is

10 M-U-H-T-A-S-I-B. And the other term that I have used is *zahir*. So that's

11 Z-A-H-I-R.

12 So for the understanding of everyone in the courtroom, I will ask the question again.

13 Q. [12:33:50] Is it correct to say that the *muhtasib* may only act on a wrongdoing

14 that is *zahir* which, in other words, is also - means manifest or apparent - without

15 entering the home or spying?

16 A. [12:34:31] Yes, indeed. And I told you that there is also another term for spying,

17 or spying on people. This is what the police, caliph Omar police do, and this is the

18 difference between the work of the police and the work of the Islamic police on the

19 other hand.

20 Q. [12:34:54] (Overlapping speakers) *Tajassos*, T-A-J-A-S-S-O-S. And the other one

21 is a *tahassos*, so T-A-H-A-S-S-O-S.

22 Could you please clarify the difference between the two.

23 PRESIDING JUDGE MINDUA: [12:35:35](Interpretation) Prosecutor.

24 MR DUTERTRE: [12:35:36](Interpretation) Yes, your Honour. We have an

25 explanation of *zahir*, but we don't know what it means. *Muhtasib*, if I pronounce

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1 incorrectly, page 57, line 3. Overlapping speakers in English, so we don't  
2 understand what the question is. Neither what *tajassos* means. So we -- Mr Youssef  
3 has to explain. Well, respecting the breaks and for the non-Arabic speakers, explain  
4 the sense of the term so that we can follow this. Otherwise, we're just a bit lost.

5 PRESIDING JUDGE MINDUA: [12:36:22](Interpretation) Thank you very much,  
6 Prosecutor. You're right.

7 Mr Youssef, we have two problems. The first is that when it comes to breaks  
8 between different speakers, because, you see, we use Arabic and English and French.  
9 So we have to be able to have an interpretation of what you're saying. You have to  
10 observe the time for the pauses.

11 And the second point is the vocabulary. When you use an Arab term, Arabic term,  
12 give us the definition or ask the witness to define it and then ask your question.

13 That's it.

14 MR YOUSSEF: [12:37:01] Thank you, Mr President.

15 Q. [12:37:05] So, Mr Witness, we have four terms here that we would like to use  
16 your assistance to explain what they mean. The first one is a *muhtasib*.

17 A. [12:37:27] *Muhtasib*, he is the president of the Islamic police responsible for  
18 prohibiting bad and what is good. Each member of the police is considered a  
19 member of the *muhtasib*, a member of the *Hesbah*.

20 Q. [12:37:45] Does it derive from the word *Hesbah*?

21 A. [12:38:03] Yes, indeed. That's to say it is free work, and the recompense will be  
22 accorded by God.

23 PRESIDING JUDGE MINDUA: [12:38:12](Interpretation) Witness, you've just  
24 spoken about *Hesbah*, and you've said Islamic police. That's what I heard in French.  
25 But we know in Timbuktu that there was the *Hesbah* and there was also Islamic police.



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1 And I have the impression that everything is mixed up now. No?

2 THE WITNESS: [12:38:43](Interpretation) I said the moral police and not the Islamic  
3 police. That's perhaps a fault of the interpreters. It's the morals police.

4 PRESIDING JUDGE MINDUA: [12:38:53](Interpretation) That's it. In French in the  
5 transcript it said "Islamic police". So it's the morals police. Thank you.

6 Maître Youssef.

7 MR YOUSSEF:

8 Q. [12:39:04] And the second term that we had was *zahir*, Z-A-H-I-R. Could you  
9 please explain to us what it means.

10 A. [12:39:23] *Zahir*, this is the appearance which is apparent to the observer  
11 through one of the five senses, and it's designed -- designated as being a reprehensible  
12 act. For example, in a *hadith* of the Prophet, we spoke about a beard or where a vein  
13 appears. So the reprehensible act is manifest for man, according to Sharia, and it can  
14 be observed by the five senses, one of the five senses.

15 Q. [12:40:20] Then we have the two terms, *tajassos* and *tahassos*. So could you  
16 please provide an explanation for each one of those.

17 A. [12:40:36] Spying is prohibited for the police and the *Hesbah*. When it comes to  
18 spying or secret observation, this is behaviour which is prohibited from the *Hesbah*,  
19 but the police can carry that out, because secretly observing can lead to a fight against  
20 crime.

21 Q. [12:41:21] I have another question that will involve the use of three Arabic terms:  
22 *Al qudra*, Q-U-D-R-A. *Al ilm*, that's I-L-M. And *al qasd*, *qasd*, Q-A-S-D.

23 Is it correct that in order to meet the criteria for a legal punishment it is necessary to  
24 demonstrate, first, that the offender had the power to commit or not commit,  
25 not -- not commit the act - so this is what we would call *al qudra* - that he must have

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1 known that the act was an offence - so this is what we would refer to as *al ilm* - and he  
 2 must have acted with intent. This is what we would refer to as *al qasd*.

3 Would you agree with this?

4 A. [12:43:04] Yes, indeed. These are essential elements, all the elements of the  
 5 crime. There has to be an act against somebody.

6 Q. (Overlapping speakers)

7 THE INTERPRETER: [12:43:21] Overlapping speakers.

8 MR YOUSSEF: [12:43:24] Apologies.

9 PRESIDING JUDGE MINDUA: [12:43:27](Interpretation) Prosecutor.

10 MR DUTERTRE: [12:43:30](Interpretation) Your Honour, in the French transcript  
 11 the Arab terms are missing, and the precision of the definition given by Mr Youssef.  
 12 It would be good to know what the source of this allegation is concerning, what has  
 13 just been submitted to the witness, where that comes from.

14 PRESIDING JUDGE MINDUA: [12:43:56](Interpretation) Mr Youssef.

15 MR YOUSSEF: [12:43:58] Mr President, I believe the witness had already confirmed  
 16 that he agrees with this statement. And I was just about to seek his clarification as to  
 17 why he believes so.

18 As to what concerns the terms, I'm happy to read them. I had spelled them out  
 19 already. I'm happy to do this again, if this will be of help.

20 PRESIDING JUDGE MINDUA: [12:44:31](Interpretation) Please do. Let's save  
 21 some time.

22 MR YOUSSEF: [12:44:40]

23 Q. [12:44:41] Mr Witness, could you please provide the basis for you agreeing with  
 24 this statement.

25 A. [12:45:02] There are a certain number of *hadiths*, words of the Prophet, which

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1 verify that or stress that. And my communities exonerated in the case of forgetting  
2 something in case of a fault or a third case --

3 THE INTERPRETER: [12:45:26] Which the interpreter did not hear.

4 MR YOUSSEF: [12:45:33]

5 Q. [12:45:34] Mr Witness, could I ask you to repeat the *hadith* again, please.

6 A. [12:45:41] My community will be exonerated in the case of a fault, in case of an  
7 oversight, or an oversight by force. So in the case of fault, in the case of oversight, or  
8 in the case of force.

9 Q. [12:46:16] (Overlapping speakers) And it's *shubha*. So this is S-H-U-B-H-A.

10 Mr Witness, could you please provide an explanation for what this term means.

11 A. [12:46:45] This is a Koranic term from jurisprudence, and the sense is different  
12 depending on the context. So when people talk about *shubuhah* or doubt, that's the  
13 plural. This is error -- making an error where the prohibition isn't clear in Sharia and  
14 the Muslim or the believer abstains therefrom. But sometimes the believer commits  
15 this act and he doesn't know that there's a prohibition on this in Sharia. So this is a  
16 *shubha* or *shubuhah* where there is a prohibition on committing these acts and it can  
17 lead to reprehensible acts, or *haram* in Arabic.

18 When you speak about the legal aspects, what I explained to you was the sentences  
19 relating to these acts.

20 So it's a matter of preventing punishment, illegal punishment by using the acts that I  
21 spoke about, acts which are ambiguous, and where things are not clear to be able to  
22 say in black and white that a particular sentence can be applied to the person. So  
23 there are a certain number of acts, for example, where there is doubt or lack of  
24 knowledge or fault, lack of knowledge.

25 So there are a lot of acts that can be included in this category in order to prevent the

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1 execution of a legal sentence by the person who committed it -- by the person who  
2 committed the crime.

3 Q. [12:49:15] So if I understood you correctly, in case of a *shubha*, the defendant  
4 would not be sentenced to a fixed penalty, so *Al-Uqubat Al-Muqaddara*; is that correct?

5 A. [12:49:35] Indeed.

6 MR YOUSSEF: [12:49:45] This concludes my questions, your Honour. I will now,  
7 with your permission, yield the floor to Maître Taylor.

8 PRESIDING JUDGE MINDUA: [12:49:56](Interpretation) Very well, Maître Yousef.

9 Thank you very much. Thank you.

10 So, Maître Taylor, you have the floor.

11 QUESTIONED BY MS TAYLOR: (Continuing)

12 Q. [12:50:23] Thank you, Mr Witness, for these explanations.

13 I'll just be going through some documents, and I'm going to bring up Defence tab 82.

14 It's the English. It's MLI-OTP-0001-1468. And for the interpreters, I don't believe

15 this needs to be brought up, but in case it assists, for the French we have tab 83.

16 That's MLI-OTP-0006-2722.

17 And the Arabic, which I believe you have with you, Mr Witness, is tab 84. That's

18 MLI-D28-0005-4947.

19 Mr Witness, do you have tab 84?

20 And it's shown on evidence 1.

21 Mr Witness, if you could turn to the first page. Can you describe what this

22 document is?

23 A. [12:52:45] It would appear to be a document written by the Security Council.

24 Q. [12:52:53] And what is the date that you can see?

25 A. [12:52:57] 3 July 2012.

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1 Q. [12:53:15] I believe it's a 5, but it's unclear.

2 Mr Witness, in 2012 were you familiar with this document?

3 A. [12:53:36] No.

4 Q. [12:53:40] I'd just like to turn to two sections of this document. Returning to,  
5 for the English, page 1471. For the French interpreters, the French is page 2725.

6 And the Arabic is 4950, Mr Witness, and we'll be focusing on paragraph 13.

7 And it states that the Security Council:

8 "Calls upon all parties in the North of Mali to cease all abuses of human rights and

9 violations of international humanitarian law, condemns in particular the targeted

10 attacks against the civilian population, sexual violence, recruitment and use of child

11 soldiers and forced displacement, [and] recalls in this regard all its relevant

12 resolutions on women and peace and security, on children and armed conflict, and on

13 the protection of civilians in armed conflicts, and stresses that the perpetrators shall

14 be brought to justice."

15 Mr Witness, does this section speak about Sharia law or the imposition of *hudud*

16 punishments?

17 A. [12:55:17] (Overlapping speakers)

18 PRESIDING JUDGE MINDUA: [12:55:18](Interpretation) Prosecutor.

19 MR DUTERTRE: [12:55:18](Interpretation) Your Honour, the witness has said he

20 doesn't know this document. What Ms Taylor says is something she can plead

21 herself. We don't need the witness to comment on a document who says that he

22 doesn't know this document. He wasn't a member of the Security Council or

23 anything like that. So the relevance of his answers with asking him to

24 appear -- asking him about the aspects of this document seems to be very limited in

25 its relevance.

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1 PRESIDING JUDGE MINDUA: [12:55:51](Interpretation) Ms Taylor, I also doubt the  
2 witness's capacity to answer the questions put to him. This is a resolution of the  
3 Security Council. He wasn't even aware of this resolution when it was taken, and  
4 today he is not a lawyer. So what is his contribution? It's not worth it.

5 MS TAYLOR: [12:56:12] Thank you, Mr President. I'll move on, then, to the next  
6 document. Although I do recall the Prosecutor showing documents to the witness  
7 that the witness was not familiar with.

8 I'm moving on now to Defence tab 89. That's MLI-OTP-0001-1924. That's the  
9 English. Tab 90 is the French. That's MLI-OTP-0006-2728. That's the French.

10 And the Arabic is tab 91. That's MLI-D28-0005-4958.

11 Mr Witness, can you describe what this document is?

12 A. [12:57:53] It would appear to be one of the resolutions of the Security Council of  
13 12 October 2012.

14 Q. [12:58:05] And in 2012, were you familiar with the contents of this document?

15 A. [12:58:17] Not at all.

16 Q. [12:58:23] If we could now turn to Defence tab 98. That's MLI-D28-0005-4963.  
17 It's the English. Defence tab 97 is the French. That's MLI-OTP-0006-2732. And the  
18 Arabic is Defence tab 99, it's MLI-D28-0005-4970.

19 Mr Witness, can you describe what this document is.

20 A. [12:59:36] It would also appear to be one of the resolutions of the Security  
21 Council dated 20 December 2012.

22 Q. [12:59:49] And in 2012 were you familiar with the contents of this document?

23 A. [13:00:03] No.

24 MS TAYLOR: [13:00:09] Mr President, looking at the clock it's 1 o'clock, so I believe  
25 that now would be a good time to break.

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- 1 PRESIDING JUDGE MINDUA: [13:00:18](Interpretation) Indeed, Ms Taylor.
- 2 It's now 1 o'clock. We're going to break here for lunch and we will be back at 2.30.
- 3 Court is suspended.
- 4 THE COURT USHER: [13:00:33] All rise.
- 5 (Recess taken at 1.00 p.m.)
- 6 (Upon resuming in closed session at 2.30 p.m.)
- 7 THE COURT USHER: [14:30:58] All rise.
- 8 Please be seated.
- 9 PRESIDING JUDGE MINDUA: [14:31:26](Interpretation) Court is in session.
- 10 Maître Taylor, you have the floor for your cross-examination.
- 11 MS TAYLOR: [14:31:34]
- 12 Q. [14:31:38] Good afternoon, Mr Witness. I hope you are well rested.
- 13 A. [14:31:50] Good afternoon to you as well. Yes.
- 14 Q. [14:32:04] Now, earlier, at page 62, line 1 of the transcript, you were discussing
- 15 the term or the concept of *shubha* and you said it refers to making an error where the
- 16 prohibition is not clear.
- 17 I just have two follow-up questions.
- 18 Mr Witness, under Sharia principles, is it a crime to apply Sharia principles?
- 19 A. [14:32:52] Yes, if Sharia is applied at the wrong moment, or if it is applied
- 20 without legal foundation, or it's done by a religious authority.
- 21 Q. [14:33:14] And who makes this determination as to whether it's done without
- 22 legal foundation?
- 23 A. [14:33:35] This is what we call the people responsible or the religious authorities
- 24 or the emirs who represent them.
- 25 Q. [14:33:54] And under Sharia principles, is it a crime to execute the orders of the

1 religious authorities?

2 A. [14:34:15] No. Unless that it is known that it's not in accordance with the order  
 3 with Sharia. In such an eventuality, then that person cannot apply what he is  
 4 ordered to do.

5 Q. [14:34:38] And who makes that determination?

6 A. [14:34:48] The Al-Ulema.

7 Q. [14:35:00] Can you explain what this Al-Ulema is?

8 THE INTERPRETER: [14:35:06] Note from the interpreter: The English transcript  
 9 appears to have stopped.

10 THE WITNESS: [14:35:11](Interpretation) These are people who know the  
 11 fundamental sources -- well, the Koran and the words and traditions of the Prophet,  
 12 blessings be upon him. These are the people who have studied the necessary studies  
 13 to make it possible to specialize in these different types of texts and they have the  
 14 ability, a general knowledge, which makes it possible for them to know the rules of  
 15 Sharia which is based on textual references.

16 MS TAYLOR: [14:35:53] Just a note for the interpreters and transcribers, I  
 17 understand that the witness used the word "Al-Ulema", and that should be A-L  
 18 U-L-E-M-A.

19 Q. [14:36:15] Now, Mr Witness, earlier this morning at page 43, line 5, you said,  
 20 "outside Sharia things are different." So I'm going to put some questions to you  
 21 about the situation in Timbuktu before 2012, outside Sharia.

22 Is it correct that before 2012, society in Timbuktu was dominated by males and  
 23 women were expected to be submissive?

24 A. [14:37:00] Yes, I said that and I confirm that.

25 Q. [14:37:07] And if a woman disobeyed, she could be sued in court?



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1 A. [14:37:29] Yes, and I described the nature of the legal proceedings at this time.

2 Q. [14:37:33] Now, in terms of these legal proceedings, is it correct that before 2012,  
3 there were no female judges in Timbuktu?

4 A. [14:37:55] Yes. And in the history of Islam, there was no woman judge.

5 Q. [14:37:58] And speaking specifically of Timbuktu before 2012, is it correct that  
6 there were no female prosecutors in Timbuktu?

7 A. [14:38:18] When it comes to the term "prosecutor" or "prosecution", that doesn't  
8 exist in the legal system that I'm referring to.

9 Q. [14:38:27] Mr Witness, perhaps we have a confusion. I'm specifically asking  
10 you about the situation in Timbuktu, not referring to Sharia, but referring specifically  
11 to the court systems under the Malian authorities.

12 A. [14:39:05] I think there's a certain degree of ambiguity. The legal system in  
13 Timbuktu - which I've already spoken about, and I've given certain answers in light of  
14 that - you have customary law, Islamic customary law. Before the jihadists, I spoke  
15 about the state judicial system.

16 So if you ask me a question concerning the official legal system, the answer would be  
17 different.

18 Q. [14:39:33] The speaking about the state judicial system in Timbuktu --

19 PRESIDING JUDGE MINDUA: [14:39:40](Interpretation) Prosecutor.

20 MR DUTERTRE: [14:39:43](Interpretation) Yes, your Honour. Just a question by  
21 way of clarification, because in the transcript it would appear that the witness has a  
22 degree of confusion with regards to which legal system Ms Taylor is referring to.

23 And on page 68, 12, in English, it was marked (Overlapping speakers)

24 (Speaks English) "And if a woman disobeyed, she could be sued in court?"

25 (Interpretation) The answer was: (Speaks English) "Yes," (Overlapping speakers) "and

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1 I described nature of the legal proceedings."

2 (Interpretation) Could we ask the witness to say whether he's referring to the Malian  
3 system or the subsequent system put in place by Ansar Dine in Timbuktu from  
4 April 2012 to January 2013.

5 PRESIDING JUDGE MINDUA: [14:40:34](Interpretation) Ms Taylor, you heard the  
6 concerns of the Prosecutor. Could you check that with the witness.

7 MS TAYLOR: [14:40:40] Thank you, Mr President. Although I respectfully submit  
8 it's not appropriate for the Prosecutor to conduct re-examination during  
9 cross-examination. My question to the witness was concerning society in Timbuktu.  
10 I'm now moving into questions specifically about the state judicial system. I believe  
11 if the Prosecutor would stop interrupting, the matters will be clarified with the  
12 witness.

13 PRESIDING JUDGE MINDUA: [14:41:09](Interpretation) No, Ms Taylor. The  
14 Prosecutor isn't carrying out a cross-examination. There was a problem of clarity  
15 and that's what he's asked for. Please continue.

16 MS TAYLOR: [14:41:21]

17 Q. [14:41:22] Mr Witness, is it correct - I believe you've already answered this - that  
18 you said to the Prosecution during one of your interviews that women were expected  
19 to be submissive to her husband and if she disobeyed, she could be sued in court?

20 A. [14:41:45] Yes, and here, I'm speaking about the Islamic system in a general way.

21 Q. [14:41:50] And this (Overlapping speakers)

22 A. [14:41:51] And about the customary system as well in Timbuktu.

23 Q. [14:42:01] And this predated 2012?

24 A. [14:42:07] Yes.

25 Q. [14:42:12] Now speaking about the state judicial system, is it correct that there

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1 were no female judges in Timbuktu before 2012?

2 A. [14:42:28] No, no. I can't say that because I'm not aware of the lack of official  
3 judges in Timbuktu or in the state system.

4 Q. [14:42:39] So, Mr Witness, you were questioned by the Prosecution and the LRV  
5 on marital practices in Timbuktu during 2012, so I have some points of clarification.

6 I would like to bring up Defence tab 15. This is MLI-D28-0005-2225. This is the  
7 Malian family code. And if we turn to page 2284, this is Article 319. If we could  
8 bring that up on to the screen, that's page 2284. And it states: (Interpretation) "The  
9 husband is the head of the family. He loses this quality for that of women when  
10 there is:

11 Unjustified and prolonged absence; in case of disappearance; in case of prohibition; in  
12 case of the inability to show his will. The choice of the residence of the family  
13 belongs to the husband. Women must live with him -- their wives must live with  
14 him and receive him.

15 This choice must be done in the exclusive interest of the household.

16 The household costs are to be paid by the husband. The married wife who has  
17 revenues can contribute to the household costs."

18 (Speaks English) Mr Witness, are you aware that under Malian law - specifically, the  
19 Malian family code, in 2012 - the husband was considered to be the chief of the  
20 family?

21 A. [14:45:11] That is the tradition that they want with Islamic Sharia. Having said  
22 that, I didn't have that information with regards to the official gazette of Mali, but  
23 I was aware of it.

24 Q. [14:45:29] Were you aware that under Malian law, the wife was obliged to live  
25 with the husband unless the exceptions applied?

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1 A. [14:45:47] You're continuing to ask me questions about Malian law. I've said  
2 that I'm not aware of Malian law.

3 Q. [14:45:58] Were you obliged -- were you aware that under Malian law, the wife  
4 was obliged to live at the residence chosen by the husband?

5 PRESIDING JUDGE MINDUA: [14:46:12](Interpretation) Prosecutor.

6 MR DUTERTRE: [14:46:13](Interpretation) Your Honour, I'm not going to intervene  
7 all the time, but he's already said that he's not an expert in Malian law, so this  
8 question has already been answered in fact.

9 PRESIDING JUDGE MINDUA: [14:46:28](Interpretation) Ms Taylor.

10 MS TAYLOR: [14:46:29] (Overlapping speakers) If I may respond, Mr President?

11 PRESIDING JUDGE MINDUA: [14:46:36](Interpretation) Yes, I would like to listen  
12 to your answer with regards to this question of Malian law.

13 MS TAYLOR: [14:46:41] Now, the witness has been presented with various  
14 questions of a legal nature in examination-in-chief. And I do believe, in response to  
15 many objections from the Defence, the position of the Prosecution and of the Bench  
16 was that this is a witness with a profound amount of knowledge.

17 Now we are, in cross-examination, entitled to explore the extent of that knowledge.

18 [REDACTED] we're entitled to explore his  
19 knowledge of Malian law and the extent to which some of these principles may have  
20 been known [REDACTED].

21 PRESIDING JUDGE MINDUA: [14:47:28](Interpretation) Ms Taylor, the witness has  
22 said that he's not a specialist in Malian law. Obviously, we understand that. But at  
23 the same time, I don't know, perhaps you should not base yourselves on the precise  
24 articles, such as Article 320, but ask him what he knows about the situation in Mali at  
25 that time. Because he's a Malian citizen, perhaps he could help you in that regard or

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1 he could help the Chamber. But with regards to basing himself on the three Malian  
2 articles, I don't think he's capable to do that.

3 MS TAYLOR: [14:48:12] Thank you, Mr President. We will reformulate our  
4 questions accordingly.

5 Q. [14:48:21] Mr Witness, specifically before 2012 in Timbuktu, was it the practice  
6 that the wife was obliged to live at the house chosen by the husband?

7 A. [14:48:37] Yes, that's correct. Apart from certain exceptional cases.

8 Q. [14:48:47] And before 2012, according to the practice that you know, if there was  
9 no mutual consent to divorce, were the husband and wife obliged to first try to  
10 reconcile?

11 A. [14:49:21] In Islamic law it is desirable to avoid divorce, and that's what the  
12 inhabitants of Timbuktu and the neighbouring villages tried to avoid, divorce. As  
13 God -- Almighty God said, it's always preferable to have reconciliation. And this  
14 verse is in the *surat* for women and it concerns the context of marriage and it is  
15 desirable to have reconciliation. In Islam, having said that, divorce is the initiative of  
16 man, sometimes the unique initiative of man.

17 Q. [14:50:01] Before 2012, based on what you know concerning the practices  
18 in 20 -- in -- of marriage in Timbuktu, if the husband did not consent to divorce, what  
19 were the grounds for a wife to obtain a divorce?

20 A. [14:50:32] You can turn towards an Islamic judge -- she can turn to an Islamic  
21 judge and mention the principles which make it impossible for her to reside in the  
22 husband's home. The judge will examine the situation and will rule in accordance  
23 with these circumstances. He will, for example, order that a sum of money be paid  
24 or, alternatively, that the husband repudiates her in terms of the harm suffered before  
25 the *juge* -- before the judge.

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1 Q. [14:51:14] And in case of divorce, based on the practices that you know before  
2 2012, who would have custody of the children?

3 A. [14:51:31] In the case of divorce, tradition and Sharia are unanimous in this.

4 The children are looked after by the woman and she is responsible for ensuring their  
5 needs. This is children of a low age. But if she marries another man, then the  
6 husband can order that their children be withdrawn from the woman.

7 And with regards to the continual care, this depends upon the boy and the girl,

8 whether it's a boy or a girl. The boy around 12 or 13 years old can choose whether to

9 live with the father or mother. But a daughter, the father has the right to withdraw

10 her from the care of the mother at an age which I cannot remember at the moment.

11 Q. [14:52:42] Speaking specifically about the situation before 2012, was domestic  
12 abuse tolerated or accepted in Timbuktu society?

13 PRESIDING JUDGE MINDUA: [14:53:06](Interpretation) Prosecutor.

14 MR DUTERTRE: [14:53:06](Interpretation) Yes, your Honour. I would like  
15 Ms Taylor to define the sense of "domestic abuse".

16 PRESIDING JUDGE MINDUA: [14:53:18](Interpretation) Well, I followed it in  
17 French. I heard it as "marital violence".

18 But, Ms Taylor, for the benefit of everybody, could you explain your thoughts on this  
19 issue.

20 MS TAYLOR: [14:53:33] I believe marital violence would be a good term.

21 Q. [14:53:38] So what would be the situation if a husband beat his wife before 2012?

22 A. [14:53:52] For the majority of Muslims and majority of the people, the belief was  
23 as follows: The man had the right to beat his wife who refused to obey him. But  
24 when the case is before judges, the people know that the fact of beating your  
25 wife - and this is set out in the Koran - this is very circumscribed and the Koran

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1 speaks of this. I think you have to quote the verses quoted by Muslims who wrongly  
2 believe that it gives them the right to beat their wife if she disobeys them. In the  
3 *surat*, women, Almighty God says that those among you who you fear that she's not  
4 chaste, isolate that person in their home and their bed and do not transgress their  
5 rights.

6 And, well, the ulemas, they know that the idea of a beating is to punish. For  
7 example, hitting with a pillow, that's not something that happens. They're hit with  
8 sticks, et cetera. Women only complain if there are -- their physical harm, lasting  
9 physical harm is suffered, then they can complain and divorce can be authorised.

10 Q. [14:55:54] Mr Witness, are you aware of any cases in Timbuktu before 2012 of  
11 men being prosecuted for rape committed against their wives under the state judicial  
12 system?

13 A. [14:56:21] No, not at all.

14 Q. [14:56:26] Mr Witness, were there many lawyers in Timbuktu before 2012?

15 A. [14:56:43] I don't know.

16 Q. [14:56:50] How would you describe the state judicial system in Timbuktu before  
17 2012?

18 A. [14:57:06] First of all, I never knew any case, criminal or civil cases in Timbuktu.  
19 None of my relatives were involved in that either. However, in terms of crimes in  
20 my region, these were dealt with by reconciliation or via a customary judge, that is to  
21 say that I never had any experience of this system. But because you're putting the  
22 question to me and asking my personal opinion, well, I will tell you following:  
23 Personally, I think that justice on the judges, this is based on the constitution. It is  
24 based on law in accordance with general rules or general principles of law, which the  
25 basis for the law -- [REDACTED]. I always believed that it was based

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1 on the principle of justice and on a scrupulous examination of the details of the case  
2 and the facts. But I make a distinction between the legal apparatus at times.  
3 Sometimes I consider that certain legal systems are not just or that they can be corrupt.  
4 There could be bribes, et cetera, et cetera. So my opinion, there is difference between  
5 different legal systems and the judiciary as envisaged in the constitution.

6 Q. [14:58:53] If we could turn to Defence tab 11. It's MLI-D28-0004-7124. And  
7 specifically going to page 7125, this is a study of customary justice in Mali. And  
8 on -- page 7125 refers to a study of 36 African countries and it states that Mali has the  
9 lowest degree of interaction with the formal or the state judicial system, as you refer  
10 to it.

11 And in terms of the reasons why, it states 32 per cent prefer to go to traditional  
12 leaders, 20 per cent don't expect fair treatment, 18 per cent believe that the  
13 courts -- the state courts favour the powerful and 13 per cent don't trust courts.

14 Now, Mr Witness, you've stated that in your region people used the customary or  
15 Islamic systems. Did any of these factors play a role as concerns why people  
16 brought matters to a customary or Islamic judge?

17 A. [15:00:55] Yes, there are other reasons for that.

18 Q. [15:01:01] Can you explain those reasons?

19 A. [15:01:12] Among the most important reasons that have not been provided in  
20 this document and that are, to my mind, very important, I would say the nature of the  
21 tribes of Timbuktu and the surrounding areas, which are Sufi Muslim tribes, and they  
22 have Tijaniyya and Salazi (phon) Sufism, which is known to their ways of praying to  
23 Allah. A number of these tribes, or many of these tribes, believe that customary  
24 justice is only an inheritance from French colonialism and there is always a nexus in  
25 the mind of the people between the state justice and those who were the non-believers,



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1 that is why they have distanced themselves from state justice. And they then sought  
2 help from customary justice, which replaced state justice for most of these tribes.

3 Q. [15:02:37] If I could ask a point of clarification. Line 15 says that, "a number of  
4 these tribes, or many of these tribes, believe that customary justice is only an  
5 inheritance from French colonialism".

6 Did you mean to say that customary justice comes from French colonialism or did you  
7 mean something else?

8 A. [15:03:02] No, I mean official justice. I do apologise. Official justice.

9 Q. [15:03:17] Speaking of issues concerning the tribes, was a fear of discrimination  
10 an issue?

11 A. [15:03:35] Yes, this is one of the reasons that I might have given, but I did not,  
12 because the tribes which did not accuse the judicial of racism were distancing  
13 themselves from the system for religious reasons. Many tribes were distancing  
14 themselves from the legal system because of this religious factor.

15 Q. [15:04:11] And was there a concern among some ethnic groups such as Tuaregs  
16 that they would not receive fair treatment under the state judicial system?

17 A. [15:04:32] Yes, indeed. This was one of the factors which concerned some  
18 ethnic groups, the Tuaregs, the Peulhs and the Arab tribes which spoke -- or who  
19 spoke Arabic.

20 Q. [15:04:51] Now, Mr Witness, on the same page, it says: "Compounded with the  
21 historical distrust between the northern regions in Bamako, the 2012 conflict forced  
22 the Malian state out of the north, leaving an enduring institutional vacuum. As a  
23 result of an absent state, civil society and other groups took over to service the justice  
24 needs of citizens."

25 Mr Witness, based on what you saw and heard, is it correct that after the departure of

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1 the Malian authorities there was a justice and security vacuum that needed to be  
2 filled?

3 A. [15:05:55] Yes, indeed.

4 Q. [15:05:58] And when steps were taken to set up the Islamic tribunal in Timbuktu,  
5 was the goal to fill this vacuum and to provide a forum for locals to resolve their  
6 disputes and regulate and deter criminal activity?

7 A. [15:06:25] This was one of the factors. There was one other factor, namely that  
8 the Islamic groups who were filling this vacuum had their own regime or system that  
9 they wanted to impose upon the country.

10 Q. [15:06:55] Now, is it correct that before 2012, selling or drinking alcohol was  
11 banned or prohibited in the medina?

12 A. [15:07:16] Could you please repeat your question.

13 PRESIDING JUDGE MINDUA: [15:07:21](Interpretation) Mr Prosecutor.

14 MR DUTERTRE: [15:07:23](Interpretation) Yes, the medina where? There are  
15 many medinas in the world. It might be a good idea to say which one.

16 PRESIDING JUDGE MINDUA: [15:07:35](Interpretation) Ms Taylor.

17 MS TAYLOR: [15:07:36] Thank you, Mr President. I will clarify.

18 Q. [15:07:40] Actually I'll reformulate.

19 Mr Witness, according to Prosecution Witness █████ and I give the reference here as  
20 Defence tab 125, and it should not be shown, MLI-OTP-0019-0296-R02, at 303,  
21 paragraph 45. I'll read out the paragraph.

22 (No interpretation)

23 THE INTERPRETER: [15:08:52] Message from the English interpreter: We do not  
24 have the document up on the screen. Apologies.

25 MS TAYLOR: [15:09:06] I believe it's in the bundle of documents that were emailed

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1 to the interpreters this morning. It can be put up on the screen as long as it's not  
 2 broadcast to the witness.

3 PRESIDING JUDGE MINDUA: [15:09:30](Interpretation) Mr Prosecutor.

4 MR DUTERTRE: [15:09:32](Interpretation) For the clarity of the transcript and the  
 5 future, [REDACTED]  
 6 [REDACTED]

7 And furthermore, I would imagine that Ms Taylor is going to be reading this  
 8 paragraph in its entirety.

9 PRESIDING JUDGE MINDUA: [15:09:56](Interpretation) Very well.

10 Ms Taylor.

11 MS TAYLOR: [15:09:59] (Overlapping speakers) Yes, exactly, Mr President. P-654,  
 12 it's paragraph 45: (Interpretation) "As this is mainly a Muslim life, many of daily life  
 13 rules comes from ... "

14 THE INTERPRETER: [15:10:20] The interpreter cannot follow. Apologies, she has  
 15 not got it on the screen. She has not the ability to look for it at the same time as  
 16 interpreting.

17 MS TAYLOR: [15:10:32] (Overlapping speakers) I could wait for the interpreters to  
 18 find it, but I understand it could be on the screen as long as it's not shown to the  
 19 witness.

20 THE INTERPRETER: [15:10:38] Request from the interpreter: Could it please be  
 21 put on the screen. Thank you.

22 MS TAYLOR: [15:10:55] And if it's easier, it could be just --

23 THE INTERPRETER: [15:10:58] The interpreter now has it in front of her. Thank  
 24 you very much for your patience.

25 MS TAYLOR: [15:11:05] (Overlapping speakers) read out by the French interpreter

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1 and the English interpreter and the Arabic interpreter, the paragraph, in its entirety.

2 THE INTERPRETER: [15:11:16] From the English booth:

3 "As this is mainly a Muslim -- a majority Muslim city, a number of the rules of daily  
4 life come from Muslim and Tuareg tradition. For example, within the medina, it is  
5 prohibited to sell alcohol. At the end of 2010, a commission for the safeguarding  
6 of ..."

7 MS TAYLOR: [15:11:42](Overlapping speakers) Actually, there is something that  
8 should be redacted, that should not be read out. So I believe -- I apologise, but I  
9 believe it's better for me to read it out.

10 PRESIDING JUDGE MINDUA: [15:12:01](Interpretation) Very well, Ms Taylor.

11 But you needed to tell us that beforehand.

12 Please go ahead.

13 MS TAYLOR: [15:12:09] I believe we've already read out the first sentence, so:

14 (Interpretation) "At the end of 2010, the commission for the safeguard of *moeurs* was  
15 put in place of Timbuktu. Some members of this commission were radicals. Some  
16 journalists wanted to recall or remind people that Mali is a secular country. They  
17 tried to cancel certain popular events, such as the election of Ms ORTM, but they did  
18 not succeed."

19 End of transcript.

20 (Speaks English) Mr Witness, is it correct that before 2012, it was prohibited to sell  
21 alcohol in the Medina of Timbuktu?

22 A. [15:13:20] The term we need to home in on is that of prohibition. You asked me  
23 whether it was prohibited. This is the correct term. The society of Timbuktu  
24 prohibited alcohol because it is a Muslim society. But anyone living in Timbuktu  
25 knew only too well where to find alcohol or shops selling alcohol and nobody could

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1 stop them from buying it. [REDACTED]

2 [REDACTED] nobody can object to alcohol being

3 sold in those places.

4 However, the situation is as follows: I had spoken about Wahhabism that was

5 being -- that was spreading in Timbuktu before 2012, before the armed groups arrived,

6 and there were issues around the construction of mosques, there was conflict between

7 the inhabitants of the city. And these various Muslim doctrines gave rise to dissent,

8 divisions within the society of Timbuktu.

9 Before 2012, there were groups who were trying to do what the *Hesbah* did.

10 Subsequently, when the Islamic groups took over the control of the town, well, [REDACTED]

11 [REDACTED]

12 all -- or every four years what we refer to as "Tamakannit", which is a celebration that

13 exposes Tuareg culture and also this was a commercial celebration.

14 But a group of preachers who were very Wahhabist tried to stop this type of

15 get-together because according to them, this is where men and women mixed and this

16 type of celebration would diffuse occidental thought patterns or ideas. And it is in

17 this very context that the election of Ms ORTM was also put a stop to and cancelled.

18 So we cannot say that despite all of this, alcohol was prohibited in Timbuktu at the

19 time.

20 Q. [15:16:39] [REDACTED]

21 A. [15:16:52] [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 MS TAYLOR: [15:17:25] If I could bring up Defence tab 146, and this should be

25 shown to the witness.

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1 PRESIDING JUDGE MINDUA: [15:17:40](Interpretation) Prosecutor.

2 MR DUTERTRE: [15:17:42](Interpretation) Yes. Maybe Ms Taylor, as I did in the  
3 examination-in-chief, would like to have the precise spellings of the locations given  
4 by the witness which are in -- which are missing from the French transcript. And  
5 I would imagine it's probably not even that clearer in the English transcript.

6 PRESIDING JUDGE MINDUA: [15:18:05](Interpretation) Yes, Ms Taylor.

7 Whenever there are names that come up, maybe you could ask the witness to write  
8 them down for the benefit of all.

9 MS TAYLOR: [15:18:13]

10 Q. [15:18:13] [REDACTED]

11 A. [15:18:37] [REDACTED]

12 Q. [15:18:48] [REDACTED]

13 A. [15:18:58] [REDACTED]

14 THE INTERPRETER: [15:19:01] [REDACTED]

15 [REDACTED]

16 MS TAYLOR: [15:19:10]

17 Q. [15:19:11] [REDACTED]

18 [REDACTED]

19 A. [15:19:20] Yes.

20 MS TAYLOR: [15:19:23] If we could bring up the Defence tab, it's 146,

21 MLI-D28-0004-3186.

22 Q. [15:20:31] Mr Witness, do you recognise any of the individuals on this page?

23 A. [15:20:45] Yes. I -- I know Imam Ben Essayouti.

24 Q. [15:20:54] And the person at the bottom, do you recognise them?

25 A. [15:21:04] No.

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1 Q. [15:21:09] Now, Mr Witness, this refers to a meeting *du comité des moeurs en 2010*.

2 Earlier you referred to a commission that was trying do what *Hesbah* did. Is this  
3 similar to that, or can you explain if there's any link?

4 A. [15:21:38] I do not see that there is anything to be explained here. I can see the  
5 photograph of Imam Ben Essayouti, and I know nothing about the context of this  
6 photograph.

7 Q. [15:21:55] Then if we could bring up Defence tab 147. That's  
8 MLI-D28-0004-3334. Do you recognise any individuals in this photo?

9 A. [15:22:31] Yes, I know Imam Ben Essayouti and the individual to his left, that is,  
10 on the right-hand side of the photograph. I believe his name is Tandina. I know  
11 the other faces of course.

12 Q. [15:22:52] Perhaps going from left to right, left being you facing the photo, if you  
13 could name the individuals that you recognise. If you could describe what they're  
14 wearing, just to be clear.

15 A. [15:23:17] The third individual from the right of the photograph, as I said, I  
16 know him. If my memory serves me correctly, his name is Tandina. And the  
17 person after him is Imam Ben Essayouti. I know the other faces, but I believe that  
18 after Ben Essayouti it is the imam from the Sankore mosque.

19 Q. [15:23:46] And who was the imam from the Sankore mosque?

20 A. [15:23:58] I forget his name. I believe his name is Mohamed El-Ameen.

21 Q. [15:24:13] Mr Witness, I'm just going to spell that out, if you could confirm it's  
22 correct. Is it Mohamed, M-O-H-A-M-E-D, and then E-L dash A-M-E-E-N?

23 A. [15:24:42] Yes.

24 Q. [15:24:43] If I could bring up Defence tab 148, MLI-D28-0004-3335. And it  
25 concerns resolutions adopted by the *comité des moeurs* on 10 June 2010.

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1 Mr Witness, do you have Defence tab 148 next to you?

2 Mr Witness, can you read through the document.

3 MR DUTERTRE: [15:26:12](Interpretation) Mr President, I'm not sure whether the  
4 witness is up to speed in French or not.

5 PRESIDING JUDGE MINDUA: [15:26:20](Interpretation) Yes, Ms Taylor. This  
6 document is indeed in the French language.

7 MS TAYLOR: [15:26:24]

8 Q. [15:26:26] Mr Witness, are you able to read it in French, or do you need  
9 assistance?

10 A. [15:26:34] No, my level of French does not enable me to read this document.

11 MS TAYLOR: [15:27:06] Mr President, would it be permissible for my colleague,  
12 Maître Youssef, to read out a paragraph in Arabic? It's in French, but perhaps it'd be  
13 easier for the witness. Or he can read it in French.

14 PRESIDING JUDGE MINDUA: [15:27:24](Interpretation) Do you have this text in  
15 Arabic?

16 MS TAYLOR: [15:27:33](Overlapping speakers) No, we have it in French.

17 PRESIDING JUDGE MINDUA: [15:27:36](Interpretation) But he's not our official  
18 interpreter to -- can you read it in French, Maître Youssef. Read it in French, and  
19 then we have the Arabic interpreters who will interpret it into Arabic.

20 THE INTERPRETER: [15:28:00] Message from the English booth: Could we please  
21 know exactly which lines will be read out.

22 MR YOUSSEF: [15:28:08](Interpretation) I'm going to start from the very beginning.  
23 This is the *comité des mœurs* resolutions of 10 June 2010 in Timbuktu.

24 General Assembly of -- dated Saturday, 12 June 2010 at Place Sankore.

25 "General resolutions



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1 Subsequent to the alarming decay in sociocultural and religious values which  
2 have -- which have constructed the international notoriety of the town or the city of  
3 Timbuktu, there has been a degree of goodwill within the *comité des mœurs* which has  
4 started to reflect on means of finding a way to put a stop to bad behaviour."  
5 I'm going to jump a number of paragraphs and I'm going to start again with  
6 "*recommande*":  
7 "It is recommended that clothing requirements be respected according to our secular  
8 culture; that a *comité des mœurs* be put in place within each neighbourhood; that there  
9 be a reflection on the implementation of this *comité des mœurs* and that there should  
10 be school uniform introduced within all establishments and that the organisation of  
11 'Miss' contests be set aside; that there be a prohibition of any mixed excursions to the  
12 beaches; that there be regulations on the cortege of -- marriage corteges in keeping  
13 with traffic security; and that the time and location of praying centres and groupings  
14 of notables be respected; that funeral corteges be regulated; that there be a prohibition  
15 on the use of cellular telephones within cemeteries, mosques, and schools; that there  
16 be -- that the Friday prayer be made secure by prohibiting the movement of traffic  
17 around mosques during a time that would enable the worshippers to go to these  
18 locations to accomplish their duty and to return home; that the month of Ramadan be  
19 strictly respected and the Maouloud celebration and that there be a restriction upon  
20 the proliferation of bars.  
21 "Requests that the communal authorities be accompanied in the implementation of  
22 efficient measures to combat deprivation and any other behaviour which -- which  
23 plays with sociocultural values; the contribution of media to all orders of sensitisation  
24 towards the population.  
25 "Timbuktu, 12 June 2010

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1 "Assembly -- general assembly."

2 MS TAYLOR: [15:33:39] Thank you, Maître Youssef.

3 Q. [15:33:41] Now, Mr Witness, as someone who has testified in relation to life in  
4 Timbuktu before 2012, were you aware of this committee?

5 A. [15:33:55] Yes. I wouldn't call it a committee. There are two committees.  
6 This one is that of the notables, but -- the ulemas. But there's also another one of  
7 the -- which comes -- is derived from this committee, that of young people. [REDACTED]

8 [REDACTED]

9 and you had communications from this assembly which is presided over by  
10 imam -- Imam Essayouti.

11 Q. [15:34:38] Can you explain the relationship between the youth committee and  
12 the committee of notables.

13 A. [15:34:52] The committee of notables, the -- it was the consequence or result of  
14 contacts between the different ulema in Timbuktu. And it was also the result of  
15 debates on sensitive issues, for example, concerning births at the time. Previously  
16 there were debates, and those who were against or the fact -- even if it's possible from  
17 a legal perspective under Sharia, if there are prohibitions that come in, this is  
18 something that's done so. At the heart of this notables committee, they establish a  
19 way of celebrating this feast by avoiding any reprehensible acts. So the women's  
20 festival was separated from the men's festival in accordance with these rules, so there  
21 was no mixing at the time.

22 And where it concerns mosques, everything that was indicated there, it was subject to  
23 long discussions. And this committee also took inspiration from the life of the  
24 supreme council in Bamako. Perhaps I didn't express myself saying it inspired itself.  
25 It cooperated with them, with the Supreme Islamic Council, and they coordinated

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1 their activities together. And [REDACTED] would put into practice the  
2 opinions that emanated from the notables committee. [REDACTED] carry out  
3 activities in the town, activities aimed at spreading these notions.

4 Q. [15:37:01] Mr Witness, I understand there's words missing from the transcript.  
5 Page 90, line 19, were you referring to the Supreme Islamic Council in Bamako?

6 A. [15:37:22] No, the Supreme Islamic Council of Bamako.

7 Q. [15:37:32] Mr Witness, this youth committee [REDACTED]

8 [REDACTED]

9 A. [15:37:41] It's difficult for me to remember the names, but there was a young  
10 person whose name was [REDACTED], and almost all of the  
11 Arabic-language teachers and researchers in the Ahmed Baba Centre participated in  
12 this committee.

13 Q. [15:38:18] The persons called [REDACTED], do you remember their last  
14 names or more names that they had?

15 A. [15:38:30] No. But I could add an additional element, names like [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 Q. [15:39:10] Mr Witness, can I confirm that the spelling of [REDACTED]

19 [REDACTED].

20 A. [15:39:37] Yes.

21 Q. [15:39:40] [REDACTED]

22 Now I'm going to move to Defence tab 2, MLI-D28-0004-0003. It's a video. I'm  
23 going to play it first without sound on evidence 2.

24 (Viewing of the video excerpt)

25 MS TAYLOR: [15:41:36]

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1 Q. [15:41:37] Mr Witness, did you recognise the locations?

2 A. [15:41:49] No.

3 Q. [15:41:57] Mr Witness, I'm going to play the beginning again, just the first five  
4 seconds.

5 (Viewing of the video excerpt)

6 MS TAYLOR: [15:42:24]

7 Q. [15:42:25] Mr Witness, do you recognise this location?

8 A. [15:42:38] Yes.

9 Q. [15:42:39] What is the location?

10 A. [15:42:48] This building was used by the *Hesbah* and of -- Ansar Dine in 2012.

11 MS TAYLOR: [15:42:59] Now, the transcript is Defence tab 3, MLI-D28-0004-3961.

12 And I'll wait for the interpreters to find it. And I'll be playing from the 20-second  
13 mark until the 41-second mark. And if the interpreters would kindly indicate if  
14 they've been able to locate the transcript.

15 So we'll now play it up until the 40:11 -- up until the 40-second mark.

16 (Viewing of the video excerpt)

17 MS TAYLOR: [15:44:28] We'll play it again from the 20-second until the 41-second  
18 mark.

19 THE INTERPRETER: So we're going to play it again from the 20th second to the 41st  
20 second.

21 (Viewing of the video excerpt)

22 THE INTERPRETER: (Interpretation of the video excerpt)

23 "So they're accused of being terrorists. Among their targets, this man who -- he takes  
24 refuge in a truck for the Malian army.

25 Islamists have left."

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1 MS TAYLOR: [15:44:58]

2 Q. [15:44:58] Mr Witness, did you recognise any of these individuals?

3 A. [15:45:13] I recognised two of their faces, but I don't know them.

4 Q. [15:45:21] What is your recollection of them?

5 A. [15:45:33] Nothing.

6 Q. [15:45:35] I'll play from the 40-second mark until the 01:11 mark with sound:

7 (Viewing of the video excerpt)

8 THE INTERPRETER: (Interpretation of the video excerpt)

9 "The soldiers seem to be overrun. Some of them tried to have dialogue.

10 Please, please. The army has come. They've not come to pillage the town.

11 They've come to provide security. They've come so that the whole territory is

12 respected. Help us in our work. Stop pillaging and stop taking things from the

13 Arabs.

14 Others use stronger means. The NGOs have called upon the Malian authorities to

15 put an end to these abuses."

16 MS TAYLOR: [15:46:18] And if we could just freeze at the 01:11 mark.

17 (Viewing of the video excerpt)

18 THE INTERPRETER: (Interpretation of the video excerpt)

19 "The NGOs have asked the Malian authorities to take immediate measures to put an

20 end to these abuses."

21 MS TAYLOR: [15:46:56]

22 Q. [15:46:57] Do you recognise this location, Mr Witness?

23 A. [15:47:09] Yes. The buildings are a bit far away, but I can see -- I can see that it

24 looks like part of the market. But I'm not sure which market of Timbuktu it is.

25 Q. [15:47:27] So as a market, is it a place where civilians would go and walk

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1 around?

2 A. [15:47:41] The market is the place where the traders -- or it's a place where  
3 traders go to show their products, their goods.

4 Q. [15:48:00] Now, Mr Witness, there's a vehicle on the screen. What type of  
5 vehicle is it?

6 A. [15:48:12] I don't know the model of the vehicle. But if you ask me what I think,  
7 I would say it's a Toyota pickup. That's how I describe such vehicles.

8 Q. [15:48:26] Is it a military vehicle?

9 A. [15:48:34] Yes.

10 Q. [15:48:38] Now, Mr Witness, what was happening in this section?

11 A. [15:48:48] What's happening. Well, I didn't know this before, but now I  
12 understand. It seems that there's a soldier who wants to calm down the population  
13 who are pillaging goods and they are attacking Arabs.

14 Q. [15:49:15] And did he calm down the population by beating them?

15 MR DUTERTRE: [15:49:22](Interpretation) Your Honour, the witness wasn't present  
16 during the events, so he's being asked to repeat or interpret something from an image.  
17 And these -- he didn't take part in these events in Timbuktu.

18 PRESIDING JUDGE MINDUA: [15:49:43](Interpretation) Yes, Ms Taylor. I think  
19 that you're asking too much of the witness here.

20 MS TAYLOR: [15:49:48] Thank you, Mr President. I'll reformulate.

21 Q. [15:49:52] Mr Witness, did you yourself, either before or after 2012, hear of any  
22 incidents of the Malian army beating civilians in Timbuktu?

23 A. [15:50:15] Yes. The Malian army didn't just beat people, didn't just beat the  
24 civilian population. They killed them and buried them in a wild way, without  
25 indicating the place where they buried them. They even dug common graves. And

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1 those who came to receive the soldiers and showed hospitality to them, they received  
2 them. And despite that, they killed them.

3 Q. [15:50:54] What was the role of the Malian gendarmerie - that's the state  
4 gendarmerie - in Timbuktu in the north before 2012? Are you able to describe it?

5 A. [15:51:17] Absolutely not.

6 Q. [15:51:21] If I could bring up Defence tab 49, MLI-D28-0005-2785. And this is  
7 an article from the Malian government website. And referring to the time period  
8 after independence, the article states that: (Interpretation)

9 "Afterwards, the national gendarmerie of Mali became a real army with a chief of staff  
10 based in Bamako and with territorial units over the entire territory, like a spider's  
11 web."

12 (Speaks English) Now, based on your experiences, Mr Witness, did it appear in any of  
13 your interactions, if you had any with the Malian gendarmerie, that it was like a  
14 veritable army?

15 PRESIDING JUDGE MINDUA: [15:52:36](Interpretation) Prosecutor.

16 MR DUTERTRE: [15:52:38](Interpretation) Your Honour, two points: Firstly, the  
17 witness said he could absolutely not speak about the gendarmerie. And secondly, in  
18 the question of the Defence there's a supposition that the witness had relations with  
19 the gendarmerie, which has not been established at all. So I object to this question.

20 PRESIDING JUDGE MINDUA: [15:53:02](Interpretation) Ms Taylor, perhaps you  
21 could reformulate the question. But the witness says he doesn't know the  
22 gendarmerie. And furthermore, your question would seem to indicate that he had a  
23 relationship with the gendarmerie.

24 MS TAYLOR: [15:53:15] Thank you, Mr President. The witness said that he didn't  
25 know the role of the gendarmerie, not that he didn't know the gendarmerie. That's a

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1 slightly different nuance. But I will reformulate the question.

2 Q. [15:53:31] Mr Witness, are you aware of the public perception of the Malian  
3 gendarmerie by locals in Timbuktu before 2012?

4 A. [15:53:55] Yes. Everything depends on what you understand by "locals". For  
5 example, the tribes such as where I grew up, and the Arab tribes, the Tuareg tribes,  
6 and a certain number of the inhabitants lived in Timbuktu over the past years, and  
7 they don't make a distinction between the Malian government.

8 You know, there are three types of government. We have what we call the -- the  
9 agricultural land police and the civilian police. And then we have the army, the  
10 gendarmerie. The tribes, the white tribes, consider that cooperating and  
11 collaborating with -- with the population of the north to -- when it comes to the  
12 north -- when it concerns the police, which is the agricultural land police, they  
13 exploit -- they exploit the poor. They steal their money. They really suck  
14 everything out of them. If a peasant has -- or cuts a branch to put up a tent, then the  
15 gendarme appears in order to get money out of them, or perhaps a goat or something  
16 like that.

17 This is a type of occupation which does not come from the central government, but  
18 they have let the troops act in this way. So the local people do not make a distinction  
19 between these different government troops, but the peasants know the  
20 land -- agricultural land police.

21 Now when it concerns the gendarmerie, of course I have no commentary to make in  
22 that regard.

23 Q. [15:56:20] Now, Mr Witness, if I could bring up Defence tab 48, dash -- MLI -- it's  
24 MLI-D28-0005-2781. It's an article about the Malian gendarmerie, but I'm more  
25 interested in the images.



1 If we could turn to page 2784, and if that could be shown in evidence 1. If we could  
 2 scroll down.

3 Mr Witness, are you in a position to tell the Court how the gendarmerie appeared,  
 4 what type of equipment that they had?

5 A. [15:57:26] All I know on the subject of the gendarmerie, [REDACTED]  
 6 [REDACTED]  
 7 [REDACTED]

8 [REDACTED] I never saw gendarme who were wearing this  
 9 type of uniforms. They wore green uniform and green berets or red. I'm not sure  
 10 now. But the essential point is that I don't make a distinction between the different  
 11 uniforms used by the different troops of the Malian forces.

12 Q. [15:58:13] And were the gendarmerie armed?

13 A. [15:58:24] Yes. When they were patrolling or outside the town, they bore  
 14 weapons. But when I saw them in the centre or in the post, they didn't have  
 15 weapons on them at that time.

16 Q. [15:58:42] What type of weapons did they have?

17 A. [15:58:54] Weapons such as the ones you see on the screen now.

18 Q. [15:59:14] Mr Witness, just before we break, I believe there's words missing from  
 19 the transcript, so if we can just see if we can fix that. It's page 97, line 5, in the  
 20 English. And you're referring to the tribes, the white tribes, consider that  
 21 cooperating or collaborating with.

22 What were you referring to? You used the terms *Tadyeeq* and *Dass*. If you could  
 23 explain those terms.

24 A. [16:00:01] No. What I said was that the tribes who had light skin, they  
 25 sometimes call them the Arabs, and the Tuareg sometimes. They all think that the

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1 branches of the Malian government were joined together to humiliate them, to  
2 deprive them of their rights, and to crush them.

3 MS TAYLOR: [16:00:30] Mr President, it's now 4 o'clock, if this is a good point to  
4 stop.

5 PRESIDING JUDGE MINDUA: [16:00:41](Interpretation) Okay. We're going to  
6 stop there for today. Thank you, Ms Taylor.

7 Witness, we are coming to the end of our day. And, obviously, your testimony is not  
8 over, so you will come back tomorrow morning here. In the meantime, I'd like to  
9 thank you for your assiduity.

10 And I would like to -- before ending the session, I would like to thank the parties and  
11 participants, the court reporters and the interpreters, as well as our security guards.

12 I wish you all a good evening.

13 And, Witness, I just need to remind you that you mustn't discuss your testimony with  
14 anyone.

15 Court is adjourned.

16 THE COURT USHER: [16:01:39] All rise.

17 (The hearing ends in closed session at 4.01 p.m.)

18 CORRECTIONS REPORT

19 The following corrections, marked with an asterisk and not included in the  
20 audio-visual recording of the hearing, are brought into the transcript.

21 Page 1 lines 23-25:

22 "██████████: [9:36:59] (Interpretation) (No interpretation)." Is corrected to

23 "██████████: [9:36:59] (Interpretation) Good morning, Mr President. Good  
24 morning, your Honours. I am counsel for ██████████. Thank you,  
25 Mr President."

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1 Page 16 line 14:

2 "A. [10:17:36] (No interpretation)."

3 Is corrected to

4 "A. [10:17:36] Yes."

5 SECOND CORRECTIONS REPORT

6 The following corrections, marked with an asterisk and not included in the  
7 audio-visual recording of the hearing, are brought into the transcript.

8 Page 15 lines 4-5

9 "If you're speaking about punishments in Sharia law, the cases of beatings was  
10 something that I was aware of." Is corrected to "If you're speaking about Hudud in  
11 Shariah law and the beatings that happen to the noncompliant ones -as we call them-,  
12 then yes I'm aware of that."

13 Page 18 lines 11-14

14 [REDACTED]  
15 [REDACTED]"

16 Is corrected to

17 [REDACTED]  
18 [REDACTED]  
19 [REDACTED]"

20 Page 23 lines 18-19

21 "Was this raised in an email?" Is corrected to "That makes sense, Mr President, but  
22 we were simply not aware of this. Well, unless we forgot ... in an email or..."

23 Page 29 lines 11-12

24 "The testimony of one woman is sufficient and corroboration (Overlapping  
25 speakers)" Is corrected to

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1 "Here, a woman's testimony takes precedence over that of a man, or a woman's  
2 testimony is accepted while the man's is not."

3 Page 29 line 13

4 "THE INTERPRETER: [11:00:29] Overlapping speakers." Is deleted

5 Page 29 lines 13-14

6 "(no interpretation)" Is corrected to "Maître Youssef, it is 11 o'clock. I don't know,  
7 shall we allow you one more question or can we stop now?"

8 Page 41 line 25 to Page 42 line 13

9 "These schools of doctrine of the Sunnites -- well, there are four major  
10 schools that have a good reputation. The one of Abou Malik, but -- and others, but  
11 these are terms. The doctrines are schools of Islamic jurisprudence that evolved with  
12 time. And this -- each -- the arrival of each school was part of a particular context or  
13 circumstances that governed the school of doctrine. And there are four.  
14 The great imams -- well, there are hundreds of imams, but the fact that students were  
15 in a particular place around a particular imam was such that his personal opinions  
16 and those of his disciples were able to develop and grow and thus eventually become  
17 a school of doctrine.  
18 So these are actually the advice. So they tried to draw conclusions when it came to  
19 new or innovative matters. That is what a school of doctrine. One speaks of four  
20 major schools, but in actual fact that is an error. And if one says that these schools of  
21 doctrine are not the -- are -- are different, that is also an error."

22 Is corrected to

23 "It is commonly said in modern times that Sunni Islam has four well-known  
24 Madhhabs, namely that of Imam Malik, Abu Hanifa, Shafi'i and Ahmad Ibn Hanbal.  
25 However, this is just terminology. The jurisprudential Madhhabs are in fact

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1 jurisprudential schools of thought that have evolved overtime. The context and  
2 circumstances surrounding each school of thought have helped shape that Madhhab  
3 or school of thought. The scholars whom we've identified as four, were in fact over a  
4 hundred. But because there was a large number of students around a particular  
5 Sheikh at a particular time, his opinions and the opinions of his disciples would be  
6 perpetuated, forming eventually the well-known Madhhab. Though in fact, it's the  
7 views of scholars acting with independent reasoning upon practicing Koranic  
8 exegesis, analyzing Koranic text and the sayings of the Prophet -peace be upon him-,  
9 and seeking new rulings on novel issues. This is what Madhhabs mean. So, to say that  
10 there exists only four Madhhabs is wrong. To claim that these four Madhhabs are  
11 different is also wrong."

12 Page 42 lines 17-20

13 "What's more, to say the Wahhabite school, well that is a mistake. To be fair, you  
14 should say that Wahhabism is the doctrine of Muhammad and other ulema  
15 added -- made additions or added additional advice or council to the initial --" Is  
16 corrected to "To call Wahhabism a Madhhab would be pejorative. To be fair,  
17 Wahhabism consists in the Madhhab of Ahmad Ibn Hanbal after the addition of other  
18 opinions from modern scholars. They had new views which they added to the  
19 Madhhab."

20 Page 42 line 21

21 "Ibn an Hal (phon)" Is corrected to "Ibn Hanbal"

22 Page 70 lines 10 and 11

23 "[REDACTED]"