

Trial Hearing  
WITNESS: MLI-OTP-P-0150

(Closed Session)

ICC-01/12-01/18

1 International Criminal Court  
2 Trial Chamber X  
3 Situation: Republic of Mali  
4 In the case of The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag  
5 Mahmoud - ICC-01/12-01/18  
6 Presiding Judge Antoine Kesia-Mbe Mindua, Judge Tomoko Akane and  
7 Judge Kimberly Prost  
8 Trial Hearing - Courtroom 3  
9 Monday, 21 June 2021  
10 (The hearing starts in closed session at 9.42 a.m.)  
11 THE COURT USHER: [9:42:11] All rise.  
12 The International Criminal Court is now in session.  
13 Please be seated.  
14 PRESIDING JUDGE MINDUA: [9:42:52](Interpretation) Court is in session.  
15 Good morning to all.  
16 Courtroom officer, could you please call the case.  
17 THE COURT OFFICER: [9:43:04] 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: [9:43:27](Interpretation) Thank you very much,  
22 Mr Courtroom Officer.  
23 We are starting 12 minutes late due to technical issues.  
24 Now, with this long weekend that we have behind us, I hope that everyone has had  
25 the opportunity to rest and to regain their strength. So we shall continue this

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1 morning and, first and foremost, we shall start with the instructions on the part of  
2 the OTP.

3 Mr Prosecutor.

4 MR DUTERTRE: [9:44:01](Interpretation) Good morning, Mr President. Good  
5 morning, your Honours. The OTP is still represented by Yayoi Yamaguchi, behind  
6 me, Mr Lucio Garcia to my left, Mr Mousa Allafi to my right, and myself, Mr Gilles  
7 Duterte. And, as always, I would like to greet Maître Nsita and his team, the  
8 witness, [REDACTED] Ms Taylor and her team, the courtroom officer, and the usher and  
9 the interpreters and court reporters. Thank you.

10 PRESIDING JUDGE MINDUA: [9:44:36](Interpretation) Thank you very much,  
11 Mr Prosecutor.

12 Now over to the Defence.

13 Counsel.

14 MS TAYLOR: [9:44:42] Good morning, Mr President. Good morning, your  
15 Honours. And good morning to everyone in the courtroom and around the  
16 courtroom on this lovely first day of summer. The Defence for Mr Al Hassan is  
17 represented today by Maître Mohamed Youssef, and myself, Melinda Taylor.  
18 Thank you.

19 PRESIDING JUDGE MINDUA: [9:45:09](Interpretation) Yes, you are right,  
20 Ms Taylor, in saying that this is the longest day of the year today. Thank you very  
21 much.

22 I'm now turning to the Legal Representatives for Victims.

23 Counsel.

24 MR LUVENGIKA: [9:45:19](Interpretation) Good morning, Mr President.

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

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1 Madam Claire Laplace, by Mademoiselle Ludivine Tixier-Dunet, and by myself,  
2 Maître Fidel Nsita Luvengika. Thank you.

3 PRESIDING JUDGE MINDUA: [9:45:38](Interpretation) Thank you very much,  
4 Mr Nsita.

5 Now, finally we have counsel for our witness.  
6 Counsel, please.

7 [REDACTED] [9:45:49](Interpretation) Good morning, Mr President. Good  
8 morning to the Honourable Judges beside you. My name is [REDACTED]  
9 I am the counsel to [REDACTED], the witness in this case. And I'm  
10 appearing here as a Rule 74 counsel as per the Rules of Procedure and Evidence.  
11 I take this opportunity to extend my greetings to everyone in this courtroom, the OTP,  
12 the Defence team, the LRVs, the interpreters, the technicians, the court reporters,  
13 everyone in attendance, the witness, and all the participants. Thank you,  
14 Mr President.

15 PRESIDING JUDGE MINDUA: [9:46:39](Interpretation) Thank you very much,  
16 [REDACTED]  
17 Now over to the witness. I'm turning to the witness now.

18 Good morning, Mr Witness. Are you well?

19 WITNESS: MLI-OTP-P-0150 (On former oath)  
20 (The witness speaks Arabic)

21 THE WITNESS: [9:46:54](Interpretation) Good morning to you, Mr President, and to  
22 the two Honourable Judges beside you. I am doing well. Thank you very much.

23 PRESIDING JUDGE MINDUA: [9:47:09](Interpretation) Thank you very much,  
24 Mr Witness.

25 On behalf of the Chamber, I would like to once again welcome you. And I would

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1 like to remind you, as usual, that you are still under oath and that you should tell the  
2 truth, the whole truth, and nothing but the truth.

3 So without further ado, I shall hand over to the Office of the Prosecutor for the  
4 continuation.

5 Mr Prosecutor, please.

6 MR DUTERTRE: Thank you very much, Mr President, your Honours.

7 QUESTIONED BY MR DUTERTRE: (Continuing) (Interpretation)

8 Q. [9:47:47] Good morning again, Mr Witness.

9 A. [9:47:51] Good morning.

10 Q. [9:47:55] So we shall continue today in the same vein as what we were covering  
11 on Friday evening and with regard to the rules applied between April 2012 and  
12 January 2013.

13 Mr Witness, on a number of occasions you talked about the veil.

14 And I would like, Mr President, your Honours, now to show to the witness a  
15 document at tab 1435 of binder number 8 and for which the ERN is 0001-7235. It is  
16 in Arabic and in French.

17 But maybe the usher could also show it to the witness.

18 THE INTERPRETER: [9:49:37] Message from the English interpreter: Could the  
19 document please be zoomed in on so that we can read it. Thank you.

20 MR DUTERTRE: [9:50:13](Interpretation)

21 Q. [9:50:13] I shall let you have a look at it.

22 Mr Witness, have you already seen this document in the past?

23 A. [9:50:47] I have not.

24 Q. [9:51:01] At the time in Timbuktu between April 20 -- April 2012 and  
25 January 2013, were there documents circulated as to the manner in which women

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1 were supposed to dress, Mr Witness?

2 A. [9:51:19] I don't know about documents in this regard. What I know is that

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 Q. [9:52:17] And so what you're saying to us is that the behaviours that were

9 forbidden to you, that were forbidden on this document, are known to you and were

10 applied during the period in question. Is that right?

11 A. [9:52:36] Yes. [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 Q. [9:53:03] I thank you.

15 I would now, Mr President, like to move on to another document, to be found in

16 binder number 3, tab 398 and 399, with an ERN number 0053-0008, and the

17 translation is to be found at 0078-1650.

18 Mr Witness, what is this document?

19 A. [9:55:41] This document is an authorisation, a permission, for a journalist to

20 carry out a job in Timbuktu.

21 Q. [9:56:01] It's dated [REDACTED]. Can you tell us what these stamps are

22 that can be found at the bottom of the document, please.

23 A. [9:56:19] There is here the Islamic security stamp, the Islamic police stamp as

24 well.

25 Q. [9:56:39] Could you repeat what the second stamp is, please, Mr Witness.

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1 There might have been an interpretation issue.

2 A. [9:56:53] The Islamic police stamp.

3 Q. [9:57:09] I'm going to ask the witness to repeat because there was an  
4 interpretation issue on the first occasion. Mr Witness, could you please repeat it  
5 again. It didn't come through in the French.

6 A. [9:57:24] You've asked me about the second stamp, and I said that the second  
7 stamp is the Islamic police stamp.

8 Q. [9:57:41] And the first stamp to be found to the left, Mr Witness, what is it?

9 A. [9:57:48] It is the Islamic security stamp.

10 Q. [9:58:01] Very well. Security and not tribunal.

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 PRESIDING JUDGE MINDUA: [9:58:56](Interpretation) Ms Taylor.

18 MS TAYLOR: [9:58:57] Thank you, Mr President. I understand from my  
19 Arabic-speaking colleague that the English translation might not be wrong and it's  
20 not actually "person in charge" but it's "person concerned".

21 PRESIDING JUDGE MINDUA: [9:59:23](Interpretation) Thank you very much,  
22 Ms Taylor.

23 Can the witness confirm this, maybe.

24 Mr Witness?

25 THE WITNESS: [9:59:34](Interpretation) [REDACTED]

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1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 PRESIDING JUDGE MINDUA: [10:00:04](Interpretation) But above the signature,  
5 there's something written in Arabic. What is written above the signature?

6 THE WITNESS: [10:00:21](Interpretation) The person concerned means the very  
7 same person who is applying for the authorisation. It does not mean the person who  
8 is in charge and who is granting anything.

9 PRESIDING JUDGE MINDUA: [10:00:34](Interpretation) I think the Defence is  
10 right.

11 Mr Prosecutor, please continue.

12 MR DUTERTRE: [10:00:41](Interpretation) Absolutely. The translation on which I  
13 was basing myself was specified.

14 Q. [10:00:48] Do you know this individual, [REDACTED], Mr Witness?

15 A. [10:00:54] I know this person. [REDACTED] but we did not have  
16 any conversation.

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 Q. [10:02:02] (No interpretation)

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1 A. (No interpretation)

2 Q. [10:02:33] "Office of Media Affairs" is what we see on the document.

3 THE INTERPRETER: [10:02:41] Apologies from the interpreters. One of the  
4 channels was blocked momentarily.

5 MR DUTERTRE: [10:02:53](Interpretation) Would you like the witness to repeat his  
6 reply?

7 Q. [10:02:59] Mr Witness, could you repeat your last response, which was not  
8 recorded. Thank you.

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 Q. [10:03:36] At the very top of the document in Arabic, on the left, "Office of  
13 Media Affairs" is to be found. What is that a reference to, Mr Witness?

14 A. [10:03:52] It is in reference to the group of people to whom we have referred  
15 already in the past whose head occasionally was Sanda Boumama. [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 Q. [10:05:12] To your knowledge, could you explain why it was the Islamic security  
24 that stamped the document and the Islamic police that stamped the document and  
25 signed it.



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1 A. [10:05:42] I have previously explained this, and I said that security matters were  
2 under the co-management of the security office and the police office. And this is  
3 something I said in previous -- on previous occasions and which can also be  
4 understood from documents pertaining to digging wells in certain locations, because  
5 digging wells provoke security considerations and conflicts. The police had  
6 exclusive control over certain things in the city, such as things pertaining to the  
7 judiciary, so the work of the court and the sanctions. Also the security office had  
8 exclusive control over other things such as the checkpoints and the exits of the city.  
9 But in this case, when it comes to authorisations, it was always both the security office  
10 and the police office that co-signed. They had the office -- an office at -- their offices  
11 at the same location. So I said previously that it was the security office, and the  
12 police being a branch of that. But then I later noticed that the police office had an  
13 office and the security had a branch coming out of that. This is not a precise  
14 description. This is my personal observation of how things were.

15 Q. [10:07:18] Understood. Could you explain to us point number 3 that we find  
16 here on this authorisation. And I'll quote from the English version: (Speaks English)  
17 "He shall not videotape women Who are not wearing Islamic dress."

18 A. [10:07:47] Yes, this requirement is required here, and it is clear why it's required.  
19 In Timbuktu, what appears is only what the jihadists wanted to appear and wanted to  
20 be clear. So women compliance in the streets of Timbuktu is something that was  
21 sought to appear to the world. If the women were to be filmed dressed in  
22 Sharia-compliant clothing, that's something needed because it would give this image  
23 of this new Islamist-compliant Timbuktu.

24 Q. [10:08:44](Interpretation) Could you also explain point 4 to us, which says:  
25 (Speaks English) "He shall not conduct any press-related duty at night."

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1 A. [10:09:00] I don't know precisely about that. This could be for -- could signify  
2 many things. But what I understand is that it means this authorisation should not be  
3 used to do work that is not covered by the original authorisation, such as carrying out  
4 night-time work under the pretext of having such authorisation, although the  
5 authorisation originally -- was originally intended only for daytime work.

6 MR DUTERTRE: [10:09:40](Interpretation) Your Honours, I'd now like to move on  
7 to some video footage, binder 6, tabs 1151, 1152, and 1153. The ERN number for this  
8 video footage is [REDACTED]. Transcript and translation, [REDACTED] and [REDACTED].  
9 And, as usual, I will begin by playing the footage without sound.

10 (Viewing of the video excerpt)

11 MR DUTERTRE: [10:11:31](Interpretation) I'll stop at 00:00:13:22.

12 Q. [10:11:31] Mr Witness, do you recognise this footage?

13 A. [10:11:46] I do.

14 Q. [10:11:52] Could you tell us what this is all about exactly.

15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED]  
21 [REDACTED]  
22 [REDACTED]  
23 [REDACTED]  
24 [REDACTED]  
25 [REDACTED]

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

9 I'd now like to play the footage with sound, and I'd like to ask the interpreters if they  
10 could please read out the entire transcript. And I'll just wait for them to gesture to  
11 me and then we will start the video.

12 THE INTERPRETER: [10:15:19](Interpretation of the video excerpt) Sight  
13 translation:

14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED]  
21 [REDACTED]  
22 [REDACTED]  
23 [REDACTED]  
24 [REDACTED]  
25 [REDACTED]

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[Redacted text block containing 25 lines of blacked-out content]

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1

[REDACTED]

2

[REDACTED]

3

[REDACTED]

4

[REDACTED]

5

[REDACTED]

6

[REDACTED]

7

[REDACTED]

8

[REDACTED]

9

[REDACTED]

10

[REDACTED]

11

So I think that, [REDACTED] there was a discussion as well about the

12

detention of women by Mohamed Moussa and that we do not object to such detention

13

if it emanates from women's stubbornness and their open public appearance in

14

suspected times, for example, if they're alone at night.

15

[REDACTED]

16

[REDACTED]

17

[REDACTED]

18

Q. [10:22:41] Thank you, Mr Witness. I'd now like to move to something else.

19

This is a document that we've seen earlier but in relation to another point, binder 1,

20

tab 16 and 17 and 18, 19. There's information on one side and then the two

21

translations on the other side. So the ERNs, 0001-7193 and 0001-7194, with the

22

related translations, 0077-2366, 0077-2369.

23

Do you recognise this document, Mr Witness?

24

A. [10:25:24] I do. This is the document we refer to as Abou Zeid's letter, in which

25

he gives directives to those working within the police and the *Hesbah*, in addition to

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1 the security battalions.

2 Q. [10:25:52] If the court officer could scroll down.

3 Now, we see -- we see number 5 twice, but I'm talking about the number 5 at the  
4 bottom, "Women who are unveiled in public." In particular point 5(c), which reads  
5 as follows: (Speaks English) "In the case of repeated resistance, her guardian is to be  
6 notified and if she re-offends afterwards, then the *ta'zir* is to be applied."

7 (Interpretation) And English, it is "*ta'zir*", not "*da'zir*" (phon). I think that's been  
8 corrected.

9 Now, Mr Witness, could you explain to the Chamber what exactly was the *ta'zir* that  
10 applied under such circumstances.

11 A. [10:27:29] As you can see, these are the words of Abou Zeid. And here he  
12 leaves the matter open to the head of the *Hesbah* and to the head of the police, at least  
13 at this stage. Afterwards, it was decided that *ta'zir* be left for the judge to define and  
14 determine and then for the police to implement. But at this stage, *ta'zir* was left open  
15 to the head to determine -- to be determined by the head of the police or the head of  
16 the *Hesbah*, should they decide that -- or determine that a woman has been repeatedly  
17 stubborn.

18 And when I have a particular case, I would be aware of -- that women are detained  
19 and that they have been beaten, and I have sent you something about the woman who  
20 was kicked in her legs on the street.

21 Q. [10:28:42] If I've understood correctly, the *ta'zir* could be detention or blows. Is  
22 that what you're telling us?

23 A. [10:28:53] Exactly.

24 Q. [10:29:02] I would now like to go to 5(b), in the middle of the page, 5(b). And  
25 this has to do with means of transport. And it reads, and I quote: (Speaks English)

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1 "The brothers are not to inquire into the identity of people except in suspicious cases".

2 (Interpretation) And here we are talking about a man and a woman, for example, who  
3 might be sitting on a bicycle together or on a camel or on a donkey.

4 Could you clarify, Mr Witness. What was meant by "suspicious cases"?

5 A. [10:30:18] He laid that out clear here in word. He said suspicious cases  
6 illustrated by examples, and we can give three possible examples of that. The first  
7 possible case is to have a man and a woman, along with another woman, late at night.  
8 This is the time factor. Then there is the location factor, to be somewhere alone,  
9 unaccompanied, on the outskirts of the city. The third factor is the age factor, if they  
10 are young. These three factors stir suspicion in the minds of the jihadists that these  
11 two might have wanted to do something. There is another possibility, which is that  
12 the two people be known to what Abou Zeid here calls the brothers, meaning the  
13 jihadists. If the people are already known to the jihadists, then the jihadists are  
14 entitled to take the action as they deem fit.

15 Q. [10:31:48] Now I'm going to consult the second page, 0001-7194. That is the  
16 second part of the document. I'm homing in on number 7, and we have the  
17 translation here which is 0077-2369. I'm going to wait for it to come up on the screen.  
18 There we are.

19 So at number 7, Mr Witness, we're talking here about:

20 (Speaks English) "Movement at night is generally permitted. However, any  
21 noticeable suspicious matter shall be verified in accordance with the stipulations of  
22 the Sharia." End of quote.

23 (Interpretation) Can you tell us, to your knowledge, what suspicious matter or  
24 matters we could be talking about here.

25 A. [10:33:08] My answer is similar to my earlier answer. Night-time movement, if

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1 the *Hesbah* or the police see the people moving at night and find that these were  
2 young, even if there were -- there was a group of them, they might be trying to steal,  
3 they would stop them, they would take action regarding them. And this is allowable  
4 for them because this is a suspicious situation, a situation that provokes possible  
5 accusation.

6 Also, if a woman is walking alone at night, late at night, that also is a suspicious case  
7 requiring verification.

8 The reference to Sharia compliance is a generic reference. It means the matter is left  
9 to those who understand Islamic Sharia to do as they wish.

10 Q. [10:34:24] I would now like to, Mr President, your Honours, move on to another  
11 document to be found at tab 255 and 256 of binder number 2. So the original is  
12 0001-7460, with a translation to be found at 0078-0221.

13 And I will leave the time to Madam Usher to bring the document up on the screen,  
14 please.

15 What is this document, Mr Witness?

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 Q. [10:38:14] Fair enough.

25 (Interpretation) So I would now like to rapidly move, and to put this on to the record,



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1 to two documents, still in binder number 2, at tabs 209 and 210, Mr President, your  
2 Honours. ERN 0001-7430, to the right-hand side of the image. With the translation  
3 to be found at 0078-0200. I repeat, 0200.

4 So, Mr Witness, you will need to be looking at the right-hand side of the image.

5 What is this document, Mr Witness?

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 MR DUTERTRE: [10:41:22](Interpretation) I would now like to consult my second  
12 document, to be found in binder number 5, Mr President and Mr Youssef, in -- at tab  
13 number 858 and 859 (sic). 0001-71 -- 7419. Translation --

14 THE INTERPRETER: [10:42:01] Correction from the English booth: Tab 975.

15 MR DUTERTRE: (Interpretation) Translation 0077-2395 at tab 976. For the French  
16 transcript, it is 0077-2395.

17 I am sorry. It is tab 187 and 189 (sic), and it is binder number 2.

18 THE INTERPRETER: [10:43:54] Correction from the English booth: Tab 187 and 188  
19 in binder number 2.

20 MR DUTERTRE: [10:44:48](Interpretation)

21 Q. [10:44:48] So to the right-hand side of the image, please, Mr Witness.

22 And thank you, Madam Usher.

23 What is this document, Mr Witness?

24 [REDACTED]

25 [REDACTED]

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

9 MR DUTERTRE: [10:47:38](Interpretation) Now, Mr President, your Honours, I  
10 would like to move on to a video to be found in binder number 8, tab 1563 and 1564,  
11 and 1565 is the translation. Those are the tabs. ERN is 0011-233 -- 0423, with the  
12 transcript 0015-0071, is the transcript. And the translation, 0016-0439 for the  
13 translation. And I shall be playing it without any sound to start off with, from  
14 timestamp 00:01:43:24 to 00:01:53:20.

15 I shall be playing it without the sound.

16 (Viewing of the video excerpt)

17 MR DUTERTRE: (Interpretation) I stopped at 00:01:54:00.

18 Q. [10:50:06] Who is the individual speaking, Mr Witness?

19 A. [10:50:16] This is Sanda Boumama.

20 Q. [10:50:29] So I'm going to be playing the video once again with the sound, and I  
21 shall request the interpreters to please read the transcript. We're talking about  
22 lines 64 to 70, approximately, in the transcript.

23 (Viewing of the video excerpt)

24 THE INTERPRETER: [10:51:03](Interpretation of the video excerpt)

25 "We have allowed Arabic and religious schools to reopen; public schools cannot open

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1 until their programmes are changed to match Islamic values. With regard to the  
2 banks, we have a problem: We cannot allow banks that charge -- that charge  
3 interest to function here." End of transcript.

4 MR DUTERTRE: [10:51:31](Interpretation) In fact, I hadn't yet played it with the  
5 sound. I shall do so now for the witness to be able to hear it.

6 (Viewing of the video excerpt)

7 MR DUTERTRE: [10:52:11](Interpretation)

8 Q. [10:52:11] Mr Witness, with regard to public schools, could you specify how  
9 their programmes were supposed to reflect Islamic values.

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]


18 As to your question regarding Islamic values, that pertains to two aspects: The first  
19 aspect is the behaviour of students themselves. Their behaviour should be  
20 compliant with the views of the jihadists, that there be no mixing between boys and  
21 girls. And also girls being compliant, even at an early age, with the Islamic outfit.  
22 This is as far as the behaviour of the students is concerned.

23 Then there is the other aspect, which is the actual curriculum. The curriculum  
24 taught should focus, first of all, on religion and Arabic, given that Arabic is a gateway  
25 to understanding the Koran and the prophetic tradition. Afterwards, that there

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1 be -- that to ensure that books do not include any pictures of human beings or animals  
2 unless their faces are taken away, or for the animals not to have all of their body parts  
3 appearing. 

4

5

6

7

8 PRESIDING JUDGE MINDUA: [10:56:10](Interpretation) Mr Prosecutor, I do  
9 apologise. I would like to ask the witness if he knows why the schoolbooks should  
10 not show any human faces or photographs of animals.

11 THE WITNESS: [10:56:40](Interpretation) This is a firm belief held by the Islamist  
12 group that images are forbidden as per the instructions or the teachings of the  
13 prophet, peace be upon him.

14 This was strange in their ideology, because this matter was discussed by Muslims in  
15 old times and in modern times, and they have reached detailed conclusions on the  
16 matter. They gave a generalised viewpoint that said all images are not allowed and,  
17 therefore, should be banned.

18 PRESIDING JUDGE MINDUA: [10:57:23](Interpretation) Thank you very much,  
19 Mr Witness.

20 Ms Taylor.

21 MS TAYLOR: [10:57:25] Thank you, Mr President. In the English transcript,  
22 page 23, line 21, we have the word "*hudud*", "*hudud*". But it's my understanding that, in  
23 this context, it actually means borders. And perhaps this could be clarified with the  
24 witness so it doesn't create a misleading impression. It's my understanding that the  
25 word has different meanings.

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1 PRESIDING JUDGE MINDUA: [10:58:00](Interpretation) Thank you very much,  
2 Ms Taylor.

3 Mr Witness, could you explain to us why the word "*hudud*" appears here.

4 THE WITNESS: [10:58:13](Interpretation) Yes. It is important to clarify that. In  
5 the context of my talk here, I have been referring to "*hudud*" as a punishment  
6 instructed by the Koran. But the reference to "*hudud*" here pertains to borders  
7 between countries. The jihadists disbelieve in these borders and believe that these  
8 borders are an unfair imposition by colonisers.

9 PRESIDING JUDGE MINDUA: [10:58:56](Interpretation) Ms Taylor, is this all right  
10 with you?

11 MS TAYLOR: [10:59:09] Yes, Mr President.

12 PRESIDING JUDGE MINDUA: [10:59:15](Interpretation) Very well.

13 Mr Prosecutor, what do you say? It is one minute to 11.

14 MR DUTERTRE: [10:59:22](Interpretation) Well, I'm going to be using that minute  
15 because minutes are precious.

16 PRESIDING JUDGE MINDUA: [10:59:27](Interpretation) Please go ahead.

17 MR DUTERTRE: [10:59:29](Interpretation) But Ms Taylor has clarified an issue that I  
18 wanted to clarify.

19 Q. [10:59:32] But what is the jihadist jargon, Mr Witness? Could you tell us that in  
20 one minute flat, please.

21 A. [10:59:48] For example, the term "tyranny", also the term "conquest" for  
22 newly-occupied places, also the term "justice" instead of the term "equality", in  
23 addition to changing other terms they deemed wrong. Also limited freedom instead  
24 of absolute freedom, in addition to other examples.

25 MR DUTERTRE: [11:00:28](Interpretation) Mr President, I am in your hands.

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- 1 PRESIDING JUDGE MINDUA: [11:00:30](Interpretation) Very well. We shall  
2 suspend for half an hour and we shall reconvene at 11.30.  
3 The hearing is suspended.  
4 THE COURT USHER: All rise.  
5 (Recess taken at 11.00 a.m.)  
6 (Upon resuming in closed session at 11.29 a.m.)  
7 THE COURT USHER: [11:29:57] All rise.  
8 Please be seated.  
9 PRESIDING JUDGE MINDUA: [11:30:20](Interpretation) The hearing shall now  
10 resume.  
11 Mr Prosecutor, please proceed.  
12 MR DUTERTRE: [11:30:31](Interpretation) Thank you, your Honour.  
13 Q. [11:30:33] I'd now like us to move -- and this follow-up's on a question put by  
14 the Chamber to some video footage. This is from binder 6, tabs 1013 and 1014. This  
15 is some video footage, 1014. ERN 0009-1749. That's the video ERN number. And  
16 the transcript is 0028-0839 and \*timestamp 00:03:51:00 to timestamp 00:04:16:00. And  
17 I'll play this without sound.  
18 (Viewing of the video excerpt)  
19 MR DUTERTRE: [11:33:02](Interpretation) And I stopped at 00:04:15:13.  
20 Q. [11:33:20] Do you recognise this video footage, Mr Witness?  
21 A. [11:33:27] I do.  
22 Q. [11:33:31] And where was this filmed? In what city, Mr Witness?  
23 A. [11:33:35] In the city of Timbuktu.  
24 Q. [11:33:47] And when, in approximate terms? Which year?  
25 A. [11:33:52] In 2012.

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1 Q. [11:33:54] Before April 2012 or after April 2012?

2 A. [11:34:06] After April 2012.

3 Q. [11:34:15] And after timestamp 00:04:15:13, could you explain what we see on  
4 the screen.

5 A. [11:34:31] We see two drawings on a billboard in Timbuktu, and I remember  
6 that I passed by this place many times and I saw these two individuals, but I cannot  
7 now exactly determine where and for what object this was. I also know that after the  
8 arrival of the jihadists, the two faces were distorted. It is their view that a person's  
9 picture should not appear unless the faces are taken away.

10 Q. [11:35:24] There's one word, the last word is missing in French. Unless the  
11 features of the face are?

12 Thank you very much, Mr Interpreter. Very kind of you. I had heard the last word,  
13 but it was very weak.

14 Your Honours, I'd now like us to move to an audio recording, binder 5. The tab  
15 numbers are 931, 932, 933, 0038-0886. 0886, for the English transcript. 0056-0843.

16 Translation is 0063-1029. And I'd like to play the recording from 18:20 to 00:19:25.

17 And, your Honours and interpreters and court reporters, this corresponds to

18 page -- pages 1035 and 1036 of the translation, lines 224 to 229. Pages 1035 and 1036,  
19 lines 224 to 229.

20 I'm now at 18:21, and I'm just going to adjust the sound. And this is just for the  
21 point -- the purpose, rather, of identifying the voice.

22 (Viewing of the video excerpt)

23 MR DUTERTRE: [11:39:19](Interpretation)

24 Q. [11:39:21] I'll now stop at timestamp 19:00.

25 Did you recognise the voice of the person speaking, Mr Witness?

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1 A. [11:39:40] Yes, I do. This is Iyad Ag Ghaly, Abu al-Fadl, the head of the Ansar  
2 Dine movement.

3 Q. [11:39:58] I heard a word "al-Fadl" that was not transcribed in either English or  
4 French.

5 Which language is being spoken by this person, Mr Witness?

6 A. [11:40:18] In Tamasheq.

7 MR DUTERTRE: [11:40:24](Interpretation) I'd like to play this again with sound, and  
8 I would like to ask the interpreters to gesture to me once they are ready to provide a  
9 sight translation of the lines in question, lines 224 to 229.

10 I will rewind a little bit, and thank you for reminding me of that. I'll just rewind a  
11 little bit further so that I cover everything. Lines 221 to 229.

12 I'll start at 18:10 for practical purposes.

13 (Viewing of the video excerpt)

14 THE INTERPRETER: [11:41:32](Interpretation of the video excerpt) Sight  
15 translation:

16 "The obligation to repent lies with anyone who has participated, no matter how little,  
17 in a secular state, in a secular state. That person must repent immediately. In  
18 actual fact, turning back towards Allah, repenting for Allah on these two points,  
19 quote, 'Because Allah loves those who repent, and he loves those who purify  
20 themselves.' The third point that exists as well and people have to find a solution for,  
21 in fact, these people on our territory, there is sorcery going on, there are sorcerers.  
22 And what is more, we do not make any distinction anymore between the marabouts  
23 and the sorcerers. Sorcery is an evil thing. Anyone who believes in sorcery, or  
24 practices sorcery or any other such thing is evil. By the grace of Allah."

25 MR DUTERTRE: [11:43:06](Interpretation)



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1 Q. [11:43:06] Did you hear the passage in its entirety, Mr Witness?

2 A. [11:43:13] I did.

3 Q. [11:43:21] Could you explain the gentleman's remarks about marabouts and  
4 sorcerers.

5 A. [11:43:33] Yes. Iyad Ag Ghaly here is giving a lesson about the doctrine and he  
6 is laying out a -- an aspect of that called the invalidators of Islam, the things that  
7 would turn a Muslim into a nonbeliever should he do that. And before talking  
8 about magic, he talked about ruling in a way contrary to the rule of God and also the  
9 assistance, no matter how slight, in the establishment of a secular state.

10 Then he turned to the third invalidator of one's faith, and that is magic. And he  
11 talked about the country that he knows and the situation of the people he knows and  
12 individuals he knows. He said that magic was so widespread in use to the extent  
13 that you cannot make the distinction between good marabouts and those who engage  
14 in sorcery. And he said that sorcery is something that requires repentance and that it  
15 is an instance of infidelity.

16 Q. [11:44:45] Thank you.

17 I'd now like us to move, Your Honours, to binder 4. And we'll begin with tab 638, at  
18 the very beginning. And this is a document, 0055-0610. There's no translation.  
19 This is a photograph.

20 Can you see the photograph on evidence 1 channel, Mr Witness?

21 A. [11:46:04] I can.

22 Q. [11:46:05] Can you tell us what these things are.

23 A. [11:46:18] This is what I sometimes refer to by the word "spells" or "amulets".  
24 And the jihadists call it the talisman.

25 Q. [11:46:43] If we could now move to another tab, tab 639 and tab 640. 0055-1046

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1 is the original. And then the translation -- original ERN 00 -- 0055-1047 is the  
2 original ERN. And the translation is 0055-1057. I beg your pardon, 0080-2208 for  
3 the translation. 2288.

4 Mr Witness, what is this document?

5 A. [11:49:08] This is an example of what we call spells or amulets and what the  
6 jihadists call talisman or sorcery.

7 Q. [11:49:42] I'll now move, still binder 4, tabs 663 and 664. 0055-1182 is the ERN  
8 of the original. 0069-2409 for the translation.

9 What is this document, Mr Witness?

10 A. [11:51:34] This -- these are two pages from one of the books -- one book of the  
11 books that are called the Books of Secrets. This is what the locals, they refer to as the  
12 Books of Secrets, but the jihadists refer to all of this by "Books of Sorcery". The locals  
13 have books which they deem acceptable.

14 This could be the Book of Alfakaf for -- written by Alkzali. Or another book -- it  
15 could also be another book called Al Mjrbat by another writer.

16 THE INTERPRETER: And we could not gather the name of that other writer.

17 MR DUTERTRE: [11:52:18](Interpretation)

18 Q. [11:52:18] Could you repeat the second term or expression you used to refer to  
19 the book.

20 A. [11:52:26] These two pages trigger in my mind two books, either Al Mjrbat by a  
21 writer called Al Dayrabi. Or it could be another book, Alfakaf, written by Alkzali.

22 Q. [11:52:57] Could you write out the name of the book in question and the author  
23 that you mentioned. If you could write out that name and my colleague, who speaks  
24 Arabic, will be able to read out the name. And this will allow us to avoid having our  
25 language services unit do a translation.

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- 1 PRESIDING JUDGE MINDUA: [11:53:20](Interpretation) Very well. This will save  
2 us some time. The Defence counsel who speaks Arabic can also oversee this.
- 3 MR DUTERTRE: [11:53:35](Interpretation) We can show it to Mr Youssef. But it'll  
4 be up on the screen, in any event.
- 5 PRESIDING JUDGE MINDUA: [11:53:52](Interpretation) The document is being  
6 displayed on evidence 1.  
7 Court officer, please assign a reference number.  
8 Mr Prosecutor, I hope your colleague can now spell out the name.
- 9 MR ALLAFI: (Interpretation) Yes. I'll do it in French.
- 10 PRESIDING JUDGE MINDUA: [11:54:18](Interpretation) Fine. In French.
- 11 MR ALLAFI: [11:54:23](Interpretation) A-L-O-K-A-F (sic). That's the first word to  
12 the right. A-L-K-Z-A-L-I. And then the line below that, from right to left, the first  
13 word is M-J-A-B-A-T (sic). Second word, L-A -- correction, A-L-D-I-R-I-E (sic).  
14 Mja -- Mjrbat is the first -- Mjrbat Arabat (phon) is the first word. Aldirie. Al  
15 Dayrabi, yes. Al Dayrabi. Al Dayrabi.  
16 Let me repeat right from the beginning. Alokaf, Alkzali, and the second is  
17 M-J-R-B-A-T, second word A-L-T-I-R-B-I (sic).
- 18 PRESIDING JUDGE MINDUA: [11:56:39](Interpretation) Very well. Thank you  
19 very much.  
20 Mr Witness?
- 21 THE WITNESS: [11:56:47] I apologise. After this strenuous effort of Mr Mousa  
22 Allafi, the first word is not Alokaf. It's actually Alfa. So I would like to change two  
23 letters there. It's the "fa" that comes before the "ka" and not the other way around, as  
24 it now appears.
- 25 PRESIDING JUDGE MINDUA: [11:57:11](Interpretation) Are we in agreement?

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1 \*M. ALLAFI: [11:57:12] Yes, I read what was written. The witness wrote "Al Alkaf

2 (phon)", and then, subsequently, he corrected. So it's "Al Awfak (phon)," he said.

3 Is that correct, Mr. Witness?

4 MR DUTERTRE: [11:57:14](Interpretation) Yes. I -- we are in agreement. He

5 corrected the problem. "Alfa" he said.

6 PRESIDING JUDGE MINDUA: [11:57:24](Interpretation) Does your correction

7 change what we see on the piece of paper?

8 THE WITNESS: [11:57:42](Interpretation) What is written on the paper is wrong.

9 PRESIDING JUDGE MINDUA: [11:57:51](Interpretation) Well, let us start all over

10 again.

11 THE WITNESS: [11:58:01](Interpretation) Indeed.

12 PRESIDING JUDGE MINDUA: [11:58:02](Interpretation) Very well. Another sheet

13 of paper. It's a good thing we hadn't yet assigned a reference number to this item.

14 We now have the sheet of paper on evidence 1 channel. Let's start from the top.

15 MR DUTERTRE: (Interpretation) We could perhaps assign numbers to each one.

16 PRESIDING JUDGE MINDUA: [11:59:09](Interpretation) The first one is no longer --

17 THE INTERPRETER: [11:59:17] Overlapping speakers.

18 MR DUTERTRE: [11:59:19](Interpretation) Yet it is part of the case record.

19 PRESIDING JUDGE MINDUA: [11:59:21](Interpretation) Very well.

20 Mr Courtroom Officer, a number for the first item, which has an error, let's go ahead

21 with that.

22 THE COURT OFFICER: [11:59:39] Your Honours, the document bearing an error

23 will be assigned exhibit number MLI-REG-0001-0096. And the second document

24 will be assigned reference number MLI-REG-0001-0097.

25 PRESIDING JUDGE MINDUA: [12:00:08](Interpretation) Very well. And we have

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1 a number for the second item.

2 Do we have to do that again?

3 MR DUTERTRE: [12:00:15](Interpretation) No, I don't think so. I think we've  
4 managed.

5 PRESIDING JUDGE MINDUA: [12:00:19](Interpretation) Please proceed.

6 MR DUTERTRE: [12:00:21](Interpretation)

7 Q. [12:00:22] I'd now like to move on to some --

8 PRESIDING JUDGE MINDUA: [12:00:25](Interpretation) Ms Taylor.

9 MS TAYLOR: [12:00:26] Thank you, Mr President. I apologise for interrupting, but  
10 it's my understanding that there was also an issue with the transliteration of the  
11 second name, that is, that the transcript says on page 32, line 25 of the English  
12 transcript, A-L-T-I-R-B-I. And it should in fact be A-L break D-A-Y-R-A-B-I.

13 PRESIDING JUDGE MINDUA: [12:01:06](Interpretation) Who's going to help us  
14 here? Mr Interpreter?

15 Very well. So we shall approve this. I can see that the Prosecutor is also in  
16 agreement. And we shall continue.

17 MR DUTERTRE: [12:01:31](Interpretation) Yes. We shall indeed continue. Thank  
18 you very much, Mr Interpreter.

19 Q. [12:01:39] Now, at tab 1003, 1004, and 1005 in binder 5, \*ERN 0001-6931 with  
20 the transcript 0056-0581, and the translation is to be found at 0061-1139. I shall be  
21 playing from minute 00:02:12:00 to 00:02:26:23, without the sound, on channel  
22 evidence 2.

23 (Viewing of the video excerpt)

24 MR DUTERTRE: [12:03:44](Interpretation)

25 Q. [12:03:44] And I have stopped at 00:02:27:20.

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1 Mr Witness, do you know where this footage was filmed?

2 A. [12:04:04] I did not -- I did not follow the video as it was played.

3 Q. [12:04:19] Are you on evidence 2 channel, Mr Witness?

4 A. [12:04:25] I now have it up on display.

5 Q. [12:04:31] Well, I shall play it again then.

6 (Viewing of the video excerpt)

7 MR DUTERTRE: [12:04:51](Interpretation) So I have stopped at 00:02:12:00, and I  
8 shall be playing it again.

9 (Viewing of the video excerpt)

10 MR DUTERTRE: [12:05:17](Interpretation) I have stopped at 00:02:27:01.

11 Q. [12:05:22] Mr Witness, do you know where this video was filmed?

12 A. [12:05:34] I do. This footage was filmed in one of Timbuktu's streets. It is the  
13 *Flamme de la Paix* street.

14 Q. [12:06:03] Could you please write the name of the street on a piece of paper for  
15 this to be faithful in the record, Mr Witness. Thank you.

16 THE INTERPRETER: [12:06:13] Message from the English booth: Could counsel  
17 please tell us which lines he wishes us to provide a sight translation from the  
18 transcript, please. We have no idea and it is lengthy. Thank you.

19 PRESIDING JUDGE MINDUA: [12:07:01](Interpretation) We have it on evidence 1,  
20 now.

21 Now, Mr Prosecutor.

22 MR DUTERTRE: [12:07:03](Interpretation) Yes. Thank you, Mr President.

23 PRESIDING JUDGE MINDUA: (Interpretation) Wait a second.

24 Ms Taylor, you're on your feet.

25 MS TAYLOR: [12:07:09] Thank you, Mr President. The Defence has a proposal. It

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1 might be a bit premature, but we are wondering if it would make sense for the  
2 interpreters to read out the transliteration of the Arabic text into the record.

3 THE INTERPRETER: A note from the interpreters: We're fine with that, if the  
4 Chamber so instructs.

5 PRESIDING JUDGE MINDUA: (Microphone not activated)

6 THE INTERPRETER: [12:07:39] Microphone, please.

7 PRESIDING JUDGE MINDUA: (Interpretation) Thank you.

8 Ms Taylor, you would like, now that we have the item up on the screen, for the  
9 interpreter to read it out. Is that correct?

10 MS TAYLOR: [12:07:52] Yes. Exactly, Mr President. Into the English and the  
11 French transcripts. And that way we have a correct transliteration. We appreciate  
12 the Prosecution's efforts, but perhaps this is a more expeditious solution.

13 PRESIDING JUDGE MINDUA: [12:08:15](Interpretation) Yes. I can see that there's  
14 no objection, neither from the part of the Chamber nor from the Prosecutor. So that's  
15 fine. Let's do that, precisely that.

16 Now, Mr Interpreter, could you please help us.

17 THE INTERPRETER: [12:08:29] Note from the interpreters: In -- to transliterate the  
18 name written by the witness, the transliteration is as follows: Three words -- or four  
19 words. The first word is Flame, F-L-A-M-E; second word, D-E; third word, L-A;  
20 fourth word, P-A-I-X.

21 PRESIDING JUDGE MINDUA: [12:09:11](Interpretation) Very well. We are all in  
22 agreement now.

23 So, Mr Courtroom Officer, could you please provide it with a number.

24 THE COURT OFFICER: [12:09:22] Your Honours, the document will bear reference  
25 MLI-REG-0001-0098.

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1 PRESIDING JUDGE MINDUA: [12:09:37](Interpretation) Thank you very much,  
 2 Mr Courtroom Officer.

3 Mr Prosecutor.

4 MR DUTERTRE: [12:09:40](Interpretation) Thank you, Mr President.

5 Q. [12:09:54] So that's *Rue de la Flamme de la Paix*.

6 Could you please tell us in which period, approximately, this footage was taken.

7 A. [12:10:15] This was filmed at the beginning of the jihadists' arrival. This might  
 8 have been in the month of April, the beginning of April.

9 Q. [12:10:29] \*And at 00:02:24:16, could you please tell us what is  
 10 going on.

11 A. [12:10:44] Here, the jihadists are confiscating the amulets or spells that the  
 12 people were hanging on themselves. Then they are tearing these spells or amulets  
 13 apart, showing the people that they contain sorcery and infidelity, and then setting  
 14 them on fire in front of everyone.

15 MR DUTERTRE: [12:11:25](Interpretation) Now, Mr President, your Honours, I am  
 16 going to be moving on to binder number 4, tab 649 and 650. That is ERN 0055-1070,  
 17 1-0-7-0 (sic) that is, for the original. And 0054-0306 for the translation.

18 Q. [12:13:01] What is this document, Mr Witness?

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 Q. [12:14:14] Now, in binder number 3 at tab number 509 and 510, I'm going to be



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1 showing document 0053-0336, with the translation to be found at 0078-0037.

2 Just one correction: The preceding document was 0055-1072 at tab 649. That was  
3 my mistake. Tab 649.

4 What is this document, Mr Witness? That is, 0053-0336. That's tab 509.

5 A. [12:17:03] Your question contained the word at the section or part. I didn't  
6 quite understand your question.

7 Q. [12:17:26] The document that you have before you, what is that document,  
8 Mr Witness?

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 PRESIDING JUDGE MINDUA: [12:18:32](Interpretation) Mr Prosecutor, I do  
16 apologise.

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

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1 PRESIDING JUDGE MINDUA: [12:19:50](Interpretation) Thank you very much,  
2 Mr Witness. That is very clear.

3 Mr Prosecutor.

4 MR DUTERTRE: [12:19:56](Interpretation) Yes. Thank you very much indeed in  
5 terms of practice and detention.

6 Now I'd like to move on to binder number 1, Mr President. 151 and 152 are the tabs,  
7 with the original to be found at 0001-7401, 0001-7401, and the translation at 0078-6023.  
8 So 0001-7401 for the English transcript.

9 Q. [12:21:51] I'm going to be asking you to look at the left-hand side page,  
10 Mr Witness, please.

11 What is this, Mr Witness?

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

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

9 Q. [12:26:04] Thank you.

10 So I would now like, Mr President, your Honours, to move on to binder number 2,  
11 315 and 316 are the tabs without -- with the translation. So 0052-0029. That's for  
12 Madam Usher. The original being 0001-7543. 7543 for the French transcript, that is.  
13 No, it's still not right. 7543 and not the other way around. Thank you.

14 What is this document, Mr Witness?

15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED]  
19 [REDACTED]

20 Q. [12:29:07] Thank you very much.

21 I would like to now move on to tabs 186, 187 of binder -- and the translation can be  
22 found at 0077-2392, in binder 2, with the original to be found at 0001-7417.  
23 So you need to be looking to the right-hand side of the page, Mr Witness.

24 Do you have any comments to make, Mr Witness?

25 [REDACTED]

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[Redacted content]

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1 [REDACTED]  
2 [REDACTED]  
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6 [REDACTED]  
7 [REDACTED]  
8 [REDACTED]  
9 [REDACTED]  
10 [REDACTED]  
11 [REDACTED]

12 Q. [12:36:50] I'd now like us to move to something else. Video footage, binder 5,  
13 tabs 1003, 1004, and 1005. 0001-6931 is the ERN number for the video - we saw this  
14 earlier, actually - with the translation 0061-1139, Madam Courtroom Usher.  
15 Transcript, 0056-0581.

16 In actual fact, I just need the image. And actually, what I'm interested in is the part  
17 from timestamp 00:01:38:00 to timestamp 00:01:54:05. And this will be displayed on  
18 evidence 1, Mr Witness. Correction: Evidence 2, Mr Witness.

19 I'll now start playing the video.

20 (Viewing of the video excerpt)

21 MR DUTERTRE: [12:39:14](Interpretation) Now I stopped at timestamp 00:01:54:11.

22 Q. [12:39:21] Mr Witness, do you know where this footage was shot?

23 A. [12:39:26] I do. And this is exactly the eastern part of the *Flamme de la Paix*.  
24 And this is the actual *Flamme de la Paix* after which the street has been named in  
25 Timbuktu.

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1 Q. [12:39:52] Are you referring to the boulevard *la Flamme de la Paix*?

2 A. [12:39:59] Yes, and you can see the *Flamme de la Paix* monument appearing on  
3 the picture.

4 Q. [12:40:07] Just to be crystal clear, what is the monument that we see in the  
5 background to the left of the image?

6 A. [12:40:17] This is the so-called *Flamme de la Paix*, the French name, and the  
7 Arabic translation is the peace flame. It is a monument erected by the Malian  
8 government and the Azawad front when they reached an agreement in 2005 or 2006.  
9 I can't remember anymore. Actually, I meant 1995 or 1996. They reached an  
10 agreement and they burned a lot of weapons at this monument.

11 Q. [12:41:04] Where is this monument exactly in relation to Timbuktu? North,  
12 south, east, west?

13 A. [12:41:12] It is in the northern-western part of the city of Timbuktu.

14 Q. [12:41:41] Do you know approximately when this footage was shot, Mr Witness?

15 A. [12:41:47] I think this was at the beginning of the events in the month of April.  
16 Might have been even in -- during the first week of April. I may add, as well, that  
17 the images that we've just seen and the film you've been playing is different, because  
18 the -- the shots were taken apart beforehand, then they were put together in this  
19 footage.

20 Q. [12:42:25] Could you specify what you mean by the images are different. They  
21 were compiled and arranged for the purposes of making this report.

22 A. [12:42:39] Because you've asked me twice about when was this filmed. In my  
23 memory, there are two things regarding this footage. First, I see now the number 20  
24 appearing, and it should be a number -- that number should be in reference to a  
25 particular TV channel that broadcast this footage. But I think, with a good degree of

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1 certainty, that this media outlet that produced this footage did so on the basis of  
2 previously filmed footages compiled and put together. So I am responding to you  
3 on the basis of the actual material, not on the particular footage that this media outlet  
4 produced. I know that, as soon as the jihadists arrived in the city, these were the  
5 first things that I saw them doing, and that is why I said this happened in April, early  
6 April, the first week of April 2012.

7 Q. [12:43:55] Understood. Could you tell us what we are viewing here on this  
8 footage. What's going on?

9 A. [12:44:05] What appears here is the jihadists breaking artistic monuments which  
10 they deemed idols or manifestations of human beings. These are forbidden,  
11 according to their doctrine and their jurisprudence.

12 Q. [12:44:35] What role did these statuettes play within society in Timbuktu at that  
13 time?

14 A. [12:44:48] In Timbuktu in particular, these were used only for decoration and as  
15 artistic monuments. But in -- if you delve deeper in history in the southern part of  
16 Mali, there were tribes worshipping idols, statues, like this, and these existed even in  
17 people's homes. And that is why the jihadists deemed these to be idols that ought to  
18 be destroyed.

19 MR DUTERTRE: [12:45:36] I'd now like to move to binder 8, your Honours. Video  
20 footage, tabs 1440 and 1441, [REDACTED] Transcript, [REDACTED] I'll play it without  
21 sound. It's less than one minute long. Evidence 2 channel, as usual.

22 (Viewing of the video excerpt)

23 MR DUTERTRE: [12:47:33](Interpretation)

24 Q. [12:47:33] Mr Witness, do you know where this footage was shot?

25 A. [12:47:41] I do. This was filmed in the city of Timbuktu.

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1 Q. [12:47:51] During which period of time in Timbuktu, Mr Witness, in  
2 approximate terms?

3 A. [12:47:59] I don't know precisely because the burning of tobacco happened, as  
4 far as I know, several times. And -- but given the amount of tobacco here, I would  
5 say this was in the early days because the merchants were caught off radar before  
6 they were able to get rid of the tobacco they had.

7 Q. [12:48:36] You're talking about before April 2012 or after April 2012, just to make  
8 it crystal clear on the transcript?

9 A. [12:48:53] When I say the early days, I mean in the month of April after the  
10 jihadists have arrived in Timbuktu.

11 Q. [12:49:11] I'm now at 00:00:33:04. This person that we see in the middle of the  
12 screen, to which body or institution does he belong? What organ does he belong to?

13 A. [12:49:36] The Islamic police.

14 Q. [12:49:50] Now, you say that they were about to burn all these cartons of  
15 cigarettes. Is that so?

16 A. [12:50:00] Indeed.

17 Q. [12:50:08] If we could now move to binder 2, tabs 313 and 314, 0034-0175. The  
18 original is at 0001-7542. 7542. Tabs 313 and 314.

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]



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1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 MR DUTERTRE: [12:55:10](Interpretation) I'm just waiting for the French transcript  
10 to come up. The English is correct, page 48, line 19.

11 I'd now like to move on to tabs 315 and 316, same binder. 0052-0029, Madam  
12 Courtroom Usher, translation at tab 316. And then the original, 00 -- 7543 is  
13 the -- 0001-7543.

14 Just one moment. I need to cross-check.

15 If you look to the right-hand side of the page. It's written vertically.

16 Q. [12:58:21] What do we read there, Mr Witness?

17 A. [12:58:25] What is written is "To the Islamic Court". And then we find written  
18 "Addressed to the Islamic Court."

19 Q. [12:58:41] Thank you.

20 Binder 2, binder 2, tab 197 and 198. Translation, 0078-1623. Original, 0001-7424.

21 If you could look at the right-hand side of the image, please.

22 PRESIDING JUDGE MINDUA: [13:00:23](Interpretation) You asked the witness to  
23 check something?

24 MR DUTERTRE: [13:00:28](Interpretation) I just noticed we're coming close to the  
25 fateful time of 1 o'clock.

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1 [REDACTED]  
2 [REDACTED]  
3 [REDACTED]  
4 [REDACTED]  
5 [REDACTED]  
6 MR DUTERTRE: [13:01:14](Interpretation) Thank you, your Honour.  
7 PRESIDING JUDGE MINDUA: [13:01:16](Interpretation) Very well.  
8 It is 1300 hours and one minute. We will now take our lunch break and resume  
9 at 2:30.  
10 The hearing is suspended.  
11 THE COURT USHER: [13:01:32] All rise.  
12 (Recess taken at 1.01 p.m.)  
13 (Upon resuming in closed session at 2.29 p.m.)  
14 THE COURT USHER: [14:29:51] All rise.  
15 Please be seated.  
16 PRESIDING JUDGE MINDUA: [14:30:17](Interpretation) We shall now resume our  
17 hearing. The OTP still has the floor to continue with examination-in-chief.  
18 Mr Prosecutor.  
19 MR DUTERTRE: [14:30:42](Interpretation) Thank you, your Honours.  
20 Q. [14:30:46] I would now like to play some video footage, binder 6, tabs 113 and  
21 114, 0009-1749, transcript 0028-0839.  
22 And I'll be playing from timestamp 00:08:47:20 to timestamp 00:09:24:12. And we'll  
23 begin by playing the footage without sound.  
24 (Viewing of the video excerpt)  
25 MR DUTERTRE: [14:32:46](Interpretation) I'll stop now at 00:09:09:16.

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1 Q. [14:32:53] Mr Witness, do you know where this footage was shot?

2 A. [14:33:00] Yes, in the mosque of Imam Malika in the neighbourhood of Abaraz  
3 in the city of Timbuktu, 2012.

4 Q. [14:33:31] I'm just waiting for the French transcript.

5 Do you recognise the person who is on the screen at timestamp 00:08:55:21?

6 A. [14:34:00] Yes, Sheikh Abdallah Al Chinguetti.

7 Q. [14:34:13] Understood.

8 I'll now play the footage with sound, and I'll wait until the interpreters gesture to me.

9 And this is a number ending in 36 -- 39. Page 0846, transcript 0028-0839, lines 200 to  
10 209.

11 May I go ahead? I'll start at timestamp 00:08:46:20.

12 THE INTERPRETER: [14:35:57](Interpretation of the video excerpt) Sight

13 translation:

14 "Abdallah Al Chinguetti: Allah gives glory to whoever he wants to. He humiliates  
15 those who he wants to.

16 Reporter 1: [Voice over] The preacher is called Abdallah Al Chinguetti, he is  
17 coming -- he comes from the neighbouring country, he is from Mauritania. He is the  
18 spokesman of AQMI, who is -- and this group is currently detaining six French  
19 hostages in the region.

20 AAS: Dear brothers, you should help people. You should order good and fight  
21 against deviations and practices of deviation. Do not fear Allah alone. When there  
22 is prayer, henceforth, the shops must close and the merchants must pray. You must  
23 all pray and order your children to follow this practice."

24 End of sight translation.

25 MR DUTERTRE: [14:37:23](Interpretation)

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1 Q. [14:37:23] Mr Witness, did you hear the audio recording?

2 A. [14:37:34] Yes.

3 Q. [14:37:36] Could you clarify why Abdallah Al Chinguetti said that the shops  
4 must close during prayer and that merchants must come and pray? Why did he say  
5 that?

6 A. [14:37:56] \*Yes, this is one of the laws enacted in Timbuktu,  
7 and Sheikh Abdallah here is sensitizing the population and making them ready for  
8 the new ruling.

9 And then the Hesbah forced the shutting down of shops when people didn't want to  
10 close the shops, as did the police, at the last call for prayer on Friday.

11 Q. [14:38:51] If you know, what are we to understand from deviation as to practices?  
12 *Pratiques déviationnistes*, in French.

13 A. [14:39:10] In general terms, deviations to practices are what I mentioned before,  
14 such as women not adhering to the Sharia dress, or using amulets, or practising magic,  
15 or listening to music, and smoking. But Abdallah here is focusing on an important  
16 point here, which is merchants continuing to sell and work during the Friday prayer,  
17 and he is trying to stop them from doing this. And that's why he is describing this  
18 practice as deviation.

19 Q. [14:40:08] Mr Witness, do you know about Maouloud?

20 I will repeat. Do you know, Mr Witness, about the Maouloud celebration?

21 A. [14:40:50] Yes, it's a celebration that Muslims have around -- around the earth on  
22 the birthday of the Prophet Muhammad - peace and blessings be upon him - on the  
23 12th of the month -- the Islamic of month *Rabi' al-awwal* in the Islamic calendar.

24 Q. [14:41:37] In Timbuktu, were the people able to celebrate that time during the  
25 month of April 2012? April 2012 to January 2013.

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1 A. [14:42:06] No, they didn't do this, because it was one of the things that were  
2 prohibited by the new group that was occupying Timbuktu during that time.

3 Q. [14:42:31] And why was it prohibited, Mr Witness?

4 A. [14:42:39] The jihadists thought that this is an innovation in the religion. It's  
5 one of the things that were innovated after the time of the prophet - peace and  
6 blessings be upon him - and this is the opinion of the Salafist school of thought. Not  
7 only the jihadists, the Salafism said that they want to go back to the pure version of  
8 Islam as it was at the time of the prophet - peace and blessings be upon him - and his  
9 companions. The prophet and his companions never specified a day for this  
10 celebration, and that's why they considered this practice as a prohibited innovation  
11 that should be avoided.

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED] Then an official order was issued with the prohibition of the Maouloud.

22 Q. [14:45:22] [REDACTED] is that  
23 correct?

24 A. [14:45:28] Yes.

25 Q. [14:45:30] To your knowledge, how did the people respond to this prohibition?

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1 A. [14:45:46] People condemn that usually, and what appeared to me was the  
2 response from the members in the session itself. They were very angry. As Sheikh  
3 Abdallah described the scholars who -- who accept the Maouloud as people who like  
4 to feast and eat and that was -- caused a lot of anger amongst the members in the  
5 session. The population was also very angry, but their response was not important.  
6 They had no option but to accept the decisions.

7 PRESIDING JUDGE MINDUA: [14:46:44](Interpretation) Ms Taylor.

8 MS TAYLOR: [14:46:44] Thank you very much, Mr President.

9 I apologise for interrupting, but I believe on page 53, line 23, [REDACTED]

10 [REDACTED]

11 [REDACTED] And it's not reflected in either the English or the French transcripts, so I  
12 thought it was worthwhile raising now.

13 PRESIDING JUDGE MINDUA: [14:47:24](Interpretation) Indeed, I think the witness  
14 did give three names.

15 How are we going to deal with this?

16 MR DUTERTRE: [14:47:32](Interpretation) We'll have the witness repeat his reply.

17 PRESIDING JUDGE MINDUA: [14:47:36](Interpretation) Go ahead.

18 MR DUTERTRE: [14:47:38](Interpretation)

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 Q. [14:48:46] Mr Witness, page 50, line 27, what I'm reading is this, line 28, to 51, 1,

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1 I quote, "The people condemn that in general terms." End of quote.

2 Could you be more specific. What did you say exactly? I think there might have  
3 been a translation issue.

4 A. [14:49:17] Yes, the population spoke about the fact that -- that those people are  
5 Muslims but they don't want to hold the celebration of the prophet's birthday. There  
6 was general condemnation from the people, but what I said was that every time  
7 something like this happened, I expected protest marches from the people against  
8 such decisions, but that didn't happen. And the reason was clear. The force that  
9 was shown to the population every day made them unable to protest, despite their  
10 condemnation and objection.

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 Q. [14:51:06] Understood.

17 I'd now like to show three documents just so that they can be on the record. I'm  
18 referring to binder 2, tabs 223 and 224, with translation -- translation  
19 MLI-OTP-0078-0212, and the original 0001-7437.

20 And if you could please look to the right of the image.

21 What is this document, Mr Witness?

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

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1 A. [14:54:31] Houka Houka.

2 Q. [14:54:39] Thank you. I'd now like to move to another tab, binder 2, and if I  
3 could refer you to tab 215 and 216. The translation is 0078-3669 and the original  
4 bears the reference number 0001-7433.

5 And if you could look on the right-hand side of the image, what is this document,  
6 Mr Witness?

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 MR DUTERTRE: [14:57:06](Interpretation) Your Honours, if we could go to binder 1,  
12 tab 101 and 102. Binder 1, tab 101 and 102. The original is 0001-7376. And the  
13 translation -- the translation bears the reference number 0078-5997.

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 tabs 1589, 1590, 5991 (sic). The video is 0069-3786, transcript is 0078-4591, translation  
21 0078-4669. And I'll begin playing it without sound, and \*I am going to play from 00:  
22 00: 02: 11 to 00:03:45 which corresponds to lines 24 to 38.

23 (Viewing of the video excerpt)

24 MR DUTERTRE: [15:02:24](Interpretation) So I stopped at 00:02:14 (sic).

25 Q. [15:02:38] Do you recognise this person on the screen at 00:02:24:14?



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1 A. [15:02:45] Yes, this is Sanda Boumama.

2 MR DUTERTRE: [15:03:22](Interpretation) So I'm waiting for the green light from  
3 the interpreters to say if they can read lines 24 to 38. So I will play it.

4 (Viewing of the video excerpt)

5 THE INTERPRETER: [15:03:35](Interpretation of the video excerpt) "Of course we  
6 do not pay a lot of attention to international opinion ... because we know that they do  
7 not accept that we follow their -- if we follow their path ... this is something that we  
8 know in advance ... what is important for us is to know whether we apply rightly the  
9 orders of Almighty God. ... that is our only criteria. That means that for us ... not  
10 only cutting hands but it's in thinking about people ... they are free to have their  
11 opinion ... it's not just about applying the death sentence or cutting of hands or  
12 flagellation ... but also establishing the religion and the precepts of Almighty God ...  
13 in other areas .... we have imposed the limits of God by banning bribes ... and  
14 re-establishing all sorts of justice for all in -- by inviting people to embrace the religion  
15 of God Almighty. ... This constitutes the limits, that is to say ... the things that God  
16 has demanded ... and among others ... we have the intention to apply the religion in  
17 its whole ... that is to say the law of God ... even if it ends up with the cutting of a  
18 hand or a death sentence ... it is our law and we are never ashamed of cutting a hand  
19 because God ordered us to do so. ... God has said that the steal -- steal, a male or  
20 female, both should have their hands cut. ... and this is an order and for us it's a  
21 natural thing to do ... to execute that order."

22 MR DUTERTRE: [15:05:41](Interpretation) I think that the translation is now  
23 finished.

24 Q. [15:05:45] So, Witness, Sanda Ould Boumama said: We have the intention of  
25 applying the religion as a whole, that's the law of God. Even if it leads to the cutting

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1 off of hands or death sentences, that is our law and we will never be ashamed of  
2 cutting off a hand.

3 So what is your comment with regards to these words of Sanda Ould Boumama?

4 A. [15:06:21] Sanda Ould Boumama here is speaking in a formal capacity in an  
5 interview on behalf of the extremist group, and he is mentioning here the ideology of  
6 the group and the decisions of the emirs that he's speaking on their behalf. Now, I'm  
7 meaning by that Abou Zeid and Abou Al Hammam. He is talking about what they  
8 were thinking about and what they took of decisions as well.

9 Q. [15:07:20] I would like to come back, to conclude this chapter, to come back to  
10 certain points that you mentioned previously, Witness.

11 And I'm going to start with transcript 95, the English transcript real-time,  
12 page 44 -- page 44, lines 2 to 4.

13 And, Witness, in inverted commas in English: (Speaks English) "Sometimes some  
14 people who are in a senior position ... want to take this job upon themselves and  
15 inflict the punishment themselves." End quote.

16 (Interpretation) This was in a context when we were talking about flogging. Do you  
17 remember these people who were in senior positions who wanted to themselves  
18 inflict the punishment?

19 A. [15:09:08] Yes. I said this in the context of speaking about Radwan, [REDACTED]  
20 [REDACTED] [REDACTED] And he is not from the  
21 *Hesbah*, nor the police, but he and his likes wanted to use their position to participate  
22 in this work that they were so enthusiastic about, and they thought that they will get  
23 blessings from doing so. And that was the practice of all the jihadists, they all  
24 wanted to participate in inflicting the punishment.

25 So I think that the leaders in some areas wanted to have this honour for themselves.

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1 So, for example, when the police arrested someone in the streets and they saw that  
2 they should be beaten, then the leader of the patrol was the one who inflicted the  
3 beating because they were the ones who had the authority and wanted to get the  
4 blessing of inflicting the punishment. And if the person was stopped by the *Hesbah*,  
5 for example, then the commissioner of the *Hesbah* was the one to inflict the  
6 punishment because he had the authority and they wanted to get the blessings. So  
7 that's how things went in general terms.

8 Q. [15:11:17] I'm now going to transcript 92, French -- French edited version,  
9 page 60, lines 5 and following. And that refers to document 0001-7372 at tab 93, with  
10 the translation 0077-2770. That's at tab 94. We can show the witness the document.  
11 So this is the document on the right of the picture.

12 [REDACTED]  
13 [REDACTED]  
14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED]  
21 [REDACTED]

22 PRESIDING JUDGE MINDUA: [15:14:53](Interpretation) Not at all.

23 MR DUTERTRE: [15:15:16](Interpretation)

24 Q. [15:15:16] Sometimes, Witness, on the transcript it says Al Hassan Abdoul Al  
25 Aziz and sometimes Abdoul Bin Al Aziz.

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1 Could you tell us if there's a difference between "Ag" and "Bin"?

2 A. [15:15:42] No. It is written in Arabic as "Ag", but pronounced as "Ag" and it  
3 means "Ibn" or "son of".

4 [REDACTED]

5 [REDACTED] So there are  
6 different ways of saying the name. Al Hassan Abdoul Aziz, or Al Hassan Ag  
7 Abdoul Aziz, or Al Hassan Ibn Abdoul Aziz.

8 Q. [15:16:45] I'm going to come back, Witness, to the training that the  
9 recruits -- that the recruits undertook.

10 At the police station, among the people that you knew, you mentioned the name of  
11 Adama, Abou Baccar Al Chingetty, Khaled, Al Hassan, Al Bambari. Which of them  
12 had undergone training at the training centre that you mentioned?

13 A. [15:17:42] None of the people that you mentioned here undergone training.  
14 And that's why they are members of the leadership, because they were considered as  
15 people who acquired competence to undertake the missions and they did not  
16 undergone the -- they did not undergo the training period of 45 days that I mentioned  
17 before.

18 Q. [15:18:37] So now in transcript 92, French edited, page 46, it's indicated:

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 A. [15:19:47] Those who dealt with demonstrations were members of the police, as  
24 far as I know. And I remember that Al Hassan came to the house of Houka Houka  
25 and he was boasting about his success in dispersing one of the demonstrations. I

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1 don't know what methods were used or what was their plan, the plan of the police to  
2 disperse the demonstration, but it stayed in my mind at that time that a line of the  
3 soldiers who were carrying -- who were carrying weapons were standing in front of a  
4 group of people and who were considered as extremist groups that the people heard  
5 about in the radio and in the media as brutal killers and groups that destroy and  
6 explode places. Of course, the people didn't have any power in front of such group.

7 Q. [15:21:22] Could you clarify who was considered as extremists? Was that  
8 among soldiers or was it among the population?

9 A. [15:21:41] I'm talking about the soldiers and I'm talking here about the  
10 perception of the population about the soldiers.

11 Q. [15:22:03] So just a correction, page 59, line 9, it's marked in French, "Those who  
12 were responsible for administration," and I think in Arabic he said, "Those who were  
13 responsible for stopping demonstrations." But I would ask the witness to specify  
14 that.

15 Witness, you started your answer saying -- and I've got the French statement here,  
16 "Those who were responsible for the administration were members of the police, as  
17 far as I know."

18 Is that what you wanted to say?

19 A. [15:22:44] No, I said people who were responsible for dispersing the  
20 demonstrations were members of the police. I always speak about the police and the  
21 *Hesbah* as two institutions that did similar jobs, but here I'm talking about dispersing  
22 the demonstrations as the responsibility of the police.

23 Q. [15:23:45](No interpretation)

24 THE COURT OFFICER: [15:24:00] Your Honours, we don't have English  
25 interpretation.

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1 THE INTERPRETER: [15:24:23] Apologies. My console stopped working for no  
2 apparent reason. I'll try and work from this console.

3 Message from the interpreters: We had a technical glitch. If the counsel could  
4 repeat his question.

5 PRESIDING JUDGE MINDUA: [15:24:55](Interpretation) Prosecutor, please could  
6 you repeat the question because the English interpreter had a technical problem.

7 MR DUTERTRE: [15:25:03](Interpretation) Absolutely, your Honour.

8 Q. [15:25:04] So my question was as follows: In transcript 92, the French version,  
9 in 80 -- page 58, lines 10 to 18, you indicated, Witness, that Houka Houka, and here I  
10 quote:

11 [REDACTED]  
12 [REDACTED]  
13 [REDACTED]  
14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED]  
21 [REDACTED]

22 [REDACTED] I think that  
23 was a mistake.

24 Q. [15:26:57] Understood. It's good to clarify it. So at the same time, could you  
25 also state [REDACTED]

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1 [REDACTED]  
2 [REDACTED]  
3 [REDACTED]  
4 [REDACTED]  
5 [REDACTED]  
6 [REDACTED]  
7 [REDACTED]  
8 [REDACTED]  
9 [REDACTED]  
10 [REDACTED]  
11 [REDACTED]  
12 [REDACTED]  
13 [REDACTED]  
14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED]

21 Q. [15:30:18] So before going on to my next point, I want to show two videos just  
22 for identification purposes, just screenshots. And I'm going to start with the video  
23 0069-3714. I don't need the transcript or anything else.

24 So, Witness, I am at 00:00:03:21. Who can you see in this video?

25 A. [15:31:07] Al Hassan Ibn Abdoul Aziz.

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1 Q. [15:31:20] And I'm now going to do the same thing with video 0018-0091. At  
2 00:00:00, who can you see on the screen, Witness?

3 A. [15:31:55] Al Hassan Ibn Abdoul Aziz.

4 MR DUTERTRE: [15:32:15](Interpretation) Your Honour, your Honours, I'm now  
5 addressing myself to the Chamber for guidance, and perhaps I will speak in English  
6 or ask that the witness takes his headphones off. Or when I say, "speak in English",  
7 well, what I think is English.

8 PRESIDING JUDGE MINDUA: [15:32:42](Interpretation) Well, Witness, could you  
9 please take off your headphones, Witness?

10 Ms Taylor.

11 MS TAYLOR: [15:32:46] Thank you, Mr President. [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 PRESIDING JUDGE MINDUA: [15:33:11](Interpretation) I think Ms Taylor is right,  
18 so could you -- could you please escort the witness out so that we can have a few  
19 seconds.

20 (The witness exits the courtroom)

21 PRESIDING JUDGE MINDUA: [15:33:58](Interpretation) Prosecutor, the witness is  
22 outside the courtroom. Please go ahead.

23 MR DUTERTRE: [15:34:00](Interpretation) So I'll try to be quick. [REDACTED]

24 [REDACTED]

25 [REDACTED] And we have, therefore, in binder number 4,



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1 from tabs 728 to binder 5, to 922, [REDACTED]  
2 [REDACTED]  
3 [REDACTED] And I have to say that I haven't give the ERNs. It's hundreds of ERNs  
4 word by word, but they're not all in sequence, but they are all between these tabs, 728  
5 to 922. And among these documents, your Honour, your Honours, the witness, over  
6 weeks which have gone by, we have at least identified 21 and I can briefly mention  
7 them: Between 744, 768, 772. And I won't go through the rest of the list, but the last,  
8 21, is at 920.

9 THE INTERPRETER: [15:35:36] 922, corrects the interpreter.

10 MR DUTERTRE: [15:35:38](Interpretation) So what I would propose, I'm in the  
11 hands of the Chamber, but we've already identified these documents, [REDACTED]

12 [REDACTED]  
13 [REDACTED] and they were all listed on  
14 page 0505 -- from 0502 to 0505, and some of these were analysed from page 0788 to  
15 0808.

16 So you've already seen about 21 of these documents. Then we can take binders away  
17 which confirm the nature of these documents, to avoid having to show him one by  
18 one and discuss one by one all of these documents, which will make the Chamber  
19 waste its time without any utility.

20 PRESIDING JUDGE MINDUA: [15:37:12](Interpretation) Ms Taylor.

21 MS TAYLOR: [15:37:14] Thank you very much, Mr President.

22 I believe that the Prosecutor's proposal can either be construed in one of two ways.  
23 Firstly, if their proposal is simply to say, well, these are all [REDACTED]  
24 [REDACTED] we don't have an objection to that per se. If their proposal is to  
25 somehow [REDACTED]

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1 [REDACTED] then we would object. Because as

2 was discussed during the testimony [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED] according to his

7 testimony thus far, so we believe that if it's simply a matter of saying [REDACTED]

8 [REDACTED] we have no objection. But if it's an assumption that

9 these are in fact [REDACTED] then we would object, particularly in light of

10 the fact that this witness has in his testimony said that [REDACTED]

11 [REDACTED]

12 So nothing in the record thus far guarantees [REDACTED]

13 [REDACTED]

14 Thank you.

15 PRESIDING JUDGE MINDUA: [15:39:20](Interpretation) Thank you very much, Ms

16 Taylor.

17 Prosecutor, I think that Ms Taylor is right. What do you think?

18 MR DUTERTRE: [15:39:34](Interpretation) Thank you, your Honour.

19 Well, the distinction is a bit artificial, to the extent that the witness has already seen

20 [REDACTED]

21 [REDACTED] What we -- perhaps he should be able to look at them one by one, but we

22 won't ask questions about each one [REDACTED]

23 [REDACTED] So I would propose that we go through them

24 quickly and that he can make a comment on them or on all [REDACTED]

25 PRESIDING JUDGE MINDUA: [15:40:15](Interpretation) Because there are still a lot

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1 [REDACTED] so the witness is going to make comments to say whether he recognises  
2 them, that [REDACTED] or that these are -- these are  
3 [REDACTED]  
4 [REDACTED] and on the basis of which the Defence can have a cross-examination.  
5 That is the problem.

6 MR DUTERTRE: [15:40:44](Interpretation) Your Honour, firstly, I note that the  
7 Defence admits that [REDACTED] That's an  
8 admission.

9 Now, with regards to the comments of the witness [REDACTED] I cannot  
10 envisage in advance what he's going to say. The Defence can cross-examine in  
11 their -- well, in the time they have available to them.

12 PRESIDING JUDGE MINDUA: [15:41:11](Interpretation) A last word for Ms Taylor,  
13 then the Chamber will make its deliberations.

14 MS TAYLOR: [15:41:22] Certainly, Mr President. It's just to raise the issue of notice.  
15 Given that the Prosecution has interviewed this witness [REDACTED] we  
16 believe it's imperative that we have notice before cross-examination of the witness's  
17 position on [REDACTED] or these documents. So it's unfair to require the  
18 Defence in cross-examination to conduct an examination that should have been  
19 conducted by the Prosecution. If the Prosecution did not deem it sufficiently  
20 relevant [REDACTED]

21 [REDACTED] Now is not the time to be conducting investigations.  
22 Thank you.

23 (Trial Chamber confers)

24 PRESIDING JUDGE MINDUA: [15:43:38](Interpretation) Very well.

25 So the Chamber has deliberated. For the moment, we are all convinced that, with

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1 the exercise that was carried out, [REDACTED]

2 [REDACTED] We are going to authorise the Prosecutor to submit them to the witness

3 so the witness may recognise them. And Defence isn't going to lose anything

4 because the Defence, in its turn, can cross-examine if it considers that necessary.

5 And that's what we're going to do for the moment.

6 Court officer, please could you bring the witness back in?

7 (The witness enters the courtroom)

8 PRESIDING JUDGE MINDUA: [15:45:17](Interpretation) So the witness is once

9 again in the courtroom.

10 Witness, thank you for your patience.

11 Prosecutor, you have the floor.

12 MR DUTERTRE: [15:45:25](Interpretation) Thank you, your Honour.

13 I would ask the court usher to provide the witness with the two binders, 4 and 5.

14 Four from tabs 728 and five up to 922.

15 Q. [15:46:38] Mr Witness, if you could leaf through the document -- if you could

16 just leaf through the various documents found between the two tabs, tab 728 to

17 tab 922, if you could. Of course, there's a translation following each original, but you

18 don't need to look at the translations.

19 A. [15:49:14] What is the number of the last document that you wanted me to stop

20 at?

21 THE INTERPRETER: [15:49:29] I'm afraid I missed the first part of the sentence.

22 MR DUTERTRE: [15:49:33](Interpretation) All the way to the next binder, to

23 tab 922. Take your time.

24 PRESIDING JUDGE MINDUA: [15:50:10](Interpretation) Ms Taylor.

25 MS TAYLOR: [15:50:11] Thank you, Mr President. I just wonder if it might be

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1 more efficient to do this on a document-by-document basis. At this point in time,

2 I'm not sure the witness even knows why he's reviewing these documents.

3 PRESIDING JUDGE MINDUA: [15:50:41](Interpretation) Mr Prosecutor, your

4 response to that point?

5 MR DUTERTRE: [15:50:45](Interpretation) That would be going -- that would be

6 bypassing the decision just taken by the Chamber. And I'm quite confident in the

7 witness. I'm sure he understands what this is all about.

8 PRESIDING JUDGE MINDUA: [15:51:06](Interpretation) I don't know whether the

9 witness understands the exercise he is being subjected to at this time. He is now

10 looking at the document.

11 MR DUTERTRE: [15:51:21](Interpretation) Once he's done, I'll put a few questions to

12 him and then I think he will understand what's what.

13 PRESIDING JUDGE MINDUA: [15:51:28](Interpretation) Very well.

14 (Pause in proceedings)

15 PRESIDING JUDGE MINDUA: [15:54:19](Interpretation) Ms Taylor.

16 MS TAYLOR: [15:54:20] Thank you, Mr President.

17 In the interest of efficiency and saving time, perhaps it might be easier to put some

18 questions now, because otherwise I fear that we'll finish today's session without the

19 witness finishing and then the witness will have to re-review tomorrow.

20 So I would suggest that perhaps we stop at the tab that the witness has gotten up to,

21 some questions can be put, and in that way we avoid having to restart the process.

22 PRESIDING JUDGE MINDUA: [15:54:57](Interpretation) Prosecutor.

23 MR DUTERTRE: [15:54:57](Interpretation) No, I think we can allow the witness to

24 keep on reading and -- unless there's an objection --

25 THE INTERPRETER: [15:55:08] Overlapping speakers.

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1 PRESIDING JUDGE MINDUA: [15:55:11](Interpretation) Ms Taylor, kindly be  
2 patient.

3 (Pause in proceedings)

4 PRESIDING JUDGE MINDUA: [16:03:39](Interpretation) Mr Prosecutor, it is three  
5 minutes after 4, and I see that Ms Taylor has risen.

6 Ms Taylor.

7 MS TAYLOR: [16:03:45] Thank you, Mr President. If it assists, we're happy to sit  
8 extended hours, given that we've gone through this process. We can sit till 4.30, to  
9 allow the Prosecutor to ask the questions.

10 PRESIDING JUDGE MINDUA: [16:04:09](Interpretation) The Chamber is most  
11 appreciative of Ms Taylor's understanding.

12 Mr Prosecutor.

13 MR DUTERTRE: [16:04:20](Interpretation) I thank Ms Taylor for her proposal. I  
14 don't think we need to go till 4.30, but I think we could continue a few more minutes.

15 PRESIDING JUDGE MINDUA: [16:04:30](Interpretation) Very well. Understood.

16 (Pause in proceedings)

17 MR DUTERTRE: [16:08:54](Interpretation)

18 Q. [16:08:57] Mr Witness, did you have enough time to look at those documents?

19 A. [16:09:03] Yes.

20 Q. [16:09:06] And do you know what all these documents are?

21 A. [16:09:12] Yes. [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

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1 THE INTERPRETER: [16:10:02] Message from the interpreter: The last part was  
2 inaudible.

3 MR DUTERTRE: [16:10:12](Interpretation)

4 Q. [16:10:12] Could you repeat the last part of your response [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 Q. [16:11:18] The interpreter did not quite catch what you mentioned [REDACTED]

11 [REDACTED] You mentioned a person or a place name. Could you repeat, please?

12 A. [16:11:33] I mentioned [REDACTED]

13 Q. [16:11:45] And you mentioned a person [REDACTED]

14 A. [16:11:49] I spoke about [REDACTED]

15 MR DUTERTRE: [16:12:05] Understood. [REDACTED]

16 [REDACTED]

17 I've finished my questioning for today, your Honour, and so I will hand over to you.

18 PRESIDING JUDGE MINDUA: [16:12:17](Interpretation) Thank you very much.

19 MR DUTERTRE: (Interpretation) Thank you for being so patient.

20 PRESIDING JUDGE MINDUA: (Interpretation) Mr Witness, we have come to the  
21 end of today's hearing.

22 Now, obviously, your testimony has not concluded and so you will be coming back  
23 tomorrow at 9.30.

24 In the meantime, I thank you very much on behalf of the Chamber and I remind you  
25 that, as usual, you are not allowed to discuss your testimony with anyone, anyone at

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1 all.

2 Before adjourning, I would like to thank, one again, the parties and participants, the  
3 court reporters and interpreters. Today was quite a -- a particularly tough day, and  
4 also our security officers. I'd like to wish everyone a very pleasant evening and we  
5 will see one another tomorrow.

6 The hearing now stands adjourned.

7 THE COURT USHER: All rise.

8 (The hearing ends in closed session at 4.13 p.m.)

9 CORRECTION REPORT

10 The following corrections, marked with an asterisk and not included in the  
11 audio-visual recording of the hearing, are brought into the transcript.

12 Page 22 line 16

13 "timestamp 00:03:53:00" Is corrected to "timestamp 00:03:51:00"

14 Page 28 lines 1-3

15 "M. ALLAFI: [11:57:09] Yes, I read what was written. The witness wrote "Al Alkaf  
16 (phon)", and then, subsequently, he corrected. So it's "Al Awfak (phon)," he said.

17 Is that correct, Mr. Witness?" Is translated and added

18 Page 29 line 19

19 "ERN 0061-93 – 9631" Is corrected to "ERN 0001-6931"

20 Page 37 line 6

21 "Zeid" Is corrected to "Sayaf"

22 Page 44 lines 6-10

23 "Yes, this is one of the rules that were imposed in Timbuktu, and Sheikh Abdallah  
24 here is sensitising the population and making them ready for the new rules. And  
25 then the *Hesbah* forced the shutting down of shops when people didn't want to close



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1 the shops, but they had to enforce this during the prayer of Fridays." Is corrected to  
2 "Yes, this is one of the laws enacted in Timbuktu, and Sheikh Abdallah here is  
3 sensitizing the population and making them ready for the new ruling. And then the  
4 Hesbah forced the shutting down of shops when people didn't want to close the  
5 shops, as did the police, at the last call for prayer on Friday."

6 Page 48 lines 21-22

7 "I'll be going from -- this corresponds to lines 24 to 38.." Is corrected to "I am going to  
8 play from 00: 00: 02: 11 to 00:03:45 which corresponds to lines 24 to 38."

9 SECOND CORRECTION REPORT

10 The following correction, marked with an asterisk and not included in the  
11 audio-visual recording of the hearing, is brought into the transcript.

12 Page 32 line 9

13 "And at 00:02:02 -- at 00:02:24:1 - 16" Is corrected to "And at 00:02:24:16"