

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 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 Judge

7 Kimberly Prost

8 Trial Hearing - Courtroom 3

9 Wednesday, 30 June 2021

10 (The hearing starts in closed session at 9.30 a.m.)

11 THE COURT USHER: [9:30:21] All rise.

12 The International Criminal Court is now in session.

13 Please be seated.

14 PRESIDING JUDGE MINDUA: [9:30:41](Interpretation) Court is in session.

15 Good morning to all.

16 Mr Courtroom Officer, could you please call the case.

17 THE COURT OFFICER: [9:31:07] Good morning, Mr President,

18 your Honours.

19 This is the situation in the Republic of Mali, in the case of The Prosecutor

20 versus Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud, case number

21 ICC-01/12-01/18.

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

23 PRESIDING JUDGE MINDUA: [9:31:27](Interpretation) Thank you very

24 much, Mr Courtroom Officer.

25 We shall start with the appearances like every morning.

1 Now, Office of the Prosecutor, please. Prosecutor.

2 MR DUTERTRE: [9:31:41](Interpretation) Good morning, Mr President.

3 Good morning, your Honours. The Office of the Prosecutor is represented
4 today by Mr Mousa Allafi, Mr Lucio Garcia, myself, Mr Gilles Dutertre.

5 And I would like to, as every morning, greet Maître Nsita and his team, the
6 witness, [REDACTED] Ms Taylor and her team, the usher, the court officer, the
7 interpreters and everyone else.

8 PRESIDING JUDGE MINDUA: [9:32:15](Interpretation) Thank you very
9 much, Mr Prosecutor.

10 Now over to the Defence. Counsel.

11 MS TAYLOR: [9:32:20] Good morning, Mr President. Good morning
12 your Honours. Good morning to everyone in the courtroom and around the
13 courtroom. The Defence for Mr Al Hassan is represented today by
14 Mr Maître Mohamed Youssef, Maître Molly Thomas, and myself, Melinda
15 Taylor. Thank you.

16 PRESIDING JUDGE MINDUA: [9:32:40](Interpretation) Thank you very
17 much, Ms Taylor.

18 Now over to the Legal Representatives for Victims, Maître.

19 MR LUVENGIKA: [9:32:47](Interpretation) Good morning, Mr President.
20 Good morning, your Honours. The victims are represented today at this
21 hearing by Mademoiselle Ludivine Tixier-Dunet, and by myself, Maître Fidel
22 Nsita Luvengika.

23 And I'd like to make the most of this opportunity to greet all of my learned
24 friends and the members of their teams. And thank you very much.

25 PRESIDING JUDGE MINDUA: [9:33:13](Interpretation) Thank you very

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1 much, Maître Nsita.

2 Now over to counsel for our witness, Maître.

3 [REDACTED] [9:33:20](Interpretation) Good morning, Mr President. Good
 4 morning, your Honours. I am Maître [REDACTED] counsel for
 5 [REDACTED] witness in this case. I'd like to make the most of this opportunity
 6 to address all those present in the courtroom. I'd like to greet you all and
 7 wish you a very nice day.

8 PRESIDING JUDGE MINDUA: [9:33:43](Interpretation) Thank you very
 9 much, [REDACTED] I'd like to now turn to the witness.

10 Good morning, Mr Witness. How are you?

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

12 (The witness speaks Arabic)

13 THE WITNESS: [9:33:55](Interpretation) Good morning, Mr President.

14 Good morning, your Honours. I am very well. Thank you very much.

15 PRESIDING JUDGE MINDUA: [9:34:06](Interpretation) Thank you very
 16 much, Mr Witness.

17 I would like to, once again, welcome you, and remind you that you are still
 18 under oath, that you should speak the truth, the whole truth and nothing but
 19 the truth.

20 This morning, we shall be continuing with the cross-examination on the part of
 21 the Defence and I shall leave you in the hands of Ms Taylor.

22 Ms Taylor, over to you.

23 MS TAYLOR: [9:34:39] Thank you very much, Mr President.

24 Mr President, this might be a little bit unorthodox, but I was wondering if I
 25 could move the screen back so I can see the clock? It's moved forward since

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1 yesterday and it's of assistance if I can actually see the time. I can just quickly
2 move it a little bit backwards, if that's okay.

3 I've just noticed now that I can't see it at all.

4 PRESIDING JUDGE MINDUA: [9:35:06](Interpretation) Yes, you are right, of
5 course, Ms Taylor, because we do work on the basis of the clock, do we not?

6 Madam usher, could you please assist.

7 MS TAYLOR: [9:35:19] Perfect, thank you. I apologise for that.

8 PRESIDING JUDGE MINDUA: [9:35:51](Interpretation) Thank you very
9 much, Madam Usher.

10 Ms Taylor.

11 MS TAYLOR: [9:35:57] Thank you.

12 QUESTIONED BY MS TAYLOR: (Continuing)

13 Q. [9:35:59] Good morning, Mr Witness. How are you this morning?

14 A. [9:36:04] Good morning. I'm very well, thank you.

15 Q. [9:36:08] Now, Mr Witness, on day 2, transcript 89 of the English edited,
16 page 18, line 22, to page 19, line 1, you testified that after the MNLA took over
17 Timbuktu, the Arab group militia asked for the help of Ansar Dine.

18 So I have some follow-up questions concerning the relationship between
19 Ansar Dine and the Arab front, and, to do so, I'd like to use again the article we
20 were going through yesterday; that was Prosecution tab 1278. For the English,
21 that is MLI-OTP-0024-0015, and we will be looking at page 0031. And, Mr
22 Witness, for you, the Arabic is tab 1277 of the Prosecution list; that's
23 MLI-OTP-0010-0088, looking at page 90 -- 0094.

24 And if that could be displayed on evidence 1.

25 Now, Mr Witness, I'll be looking at the paragraph starting with, "Once the

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1 militias had felt that they were secure."

2 PRESIDING JUDGE MINDUA: [9:38:38](Interpretation) Mr Prosecutor.

3 MR DUTERTRE: [9:38:40](Interpretation) Yes. Thank you, Mr President.

4 Just for clarification of what Ms Taylor just provided, I refer to the transcript 89,

5 English version, and it is written that they were -- they're called the jihadists.

6 Not Ansar Dine, specifically.

7 Now, if she's going to be providing us with references, it would be a good

8 thing for her to say precisely what the witness said.

9 PRESIDING JUDGE MINDUA: [9:39:03](Interpretation) Ms Taylor.

10 MS TAYLOR: [9:39:10] Thank you, Mr Prosecutor, for that clarification.

11 Q. [9:39:52] Mr Witness, have you identified the paragraph? It's under

12 a question, which is:

13 "What happened to the militias after you had taken over Kidal and

14 Tombouctou? Did they turn to peace and give in to reality?"

15 A. [9:40:22] Yes, I can see the paragraph in question.

16 MS TAYLOR: [9:40:29] And if they're ready, I'll read it into the record.

17 Q. [9:40:36] "Once the militias had felt that they were secure, they retracted

18 on the agreement and declined to be part of the Islamic project. They kept

19 their armed battalions roaming the desert and they never suffered anything at

20 the hands of the *mujahidin*. However, after some time had passed, the

21 *mujahidin* were taken by surprise by a very long military convoy which was

22 moving about with all its equipment on the edge of town and carrying out

23 body searches of people. This convoy was no other than one belonging to the

24 Arab Front and it came through one of the checkpoints at which there was no

25 guard at the time. In the face of this provocative movement, the *mujahidin*

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1 commanders explained to their troops how difficult the situation was, and
2 Sheikh 'Abd-al-Hamid Abu-Zayd - may Allah's mercy be upon him - sent
3 a delegation composed of the following brothers: the late martyred Sheikh
4 'Abdullah Aba-al-Hasan al-Shinqiti - may Allah Almighty's mercy be upon
5 him - whose real name was Muhammad al-Amim Bin al-Hasan from the Majlis
6 al-'Ilm tribe; 'Abd-al-Haqq al-Ansari; Abu-Mus'ab al-Sahrawi and Talha
7 Abu-Mus'ab al-Shinqiti - may Allah protect them - to the leaders of the group
8 to tell them that they faced two choices: either they join the Islamic project or
9 if they refuse to do so then they had to leave the town immediately, and if they
10 had any demands or anything else to say they had to send a delegation to
11 negotiate on their behalf."

12 Now, Mr Witness, are you familiar with this incident of the Arab group
13 conducting body searches of people outside Timbuktu?

14 A. [9:43:19] Yes, I have heard speak of this, but I was never present.

15 Q. [9:43:26] Do you know when it happened?

16 A. [9:43:29] No, I do not recall that.

17 Q. [9:43:40] Would you be able to give an estimate as to whether it happened
18 before Ramadan or after Ramadan?

19 A. [9:43:49] Certainly before the Ramadan.

20 Q. [9:43:59] And do you know where it occurred?

21 A. [9:44:03] Yes, the Arab militia -- in fact, the Malian president at the
22 time -- or before that time, the Malian president had created a neighbourhood
23 for them constructed in a very modern manner that they called Att Bougou,
24 and it is to be found in the north-east part of the town or city.

25 It was the headquarters of the leaders of the officers of this militia. When they

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1 Dubai, but they are not official names to describe these vehicles.

2 Now, with regards to the colour, the Arab front would use -- well, generally
3 speaking, they would not change the colour of the vehicles, but the jihadists
4 would put earth on their vehicles thereby changing their colour.

5 As regards the MNLA, on occasion they would use the colours of the Malian
6 army or the Libyan army that resemble the colours of the military uniform and
7 this is how they would paint their cars.

8 Q. [9:49:26] And were they allowed to come in with painted cars into
9 Timbuktu?

10 A. [9:49:32] As I said, the Arab front didn't generally change the colour of
11 their vehicles, so they would come with their vehicles of which the colour had
12 not been changed.

13 Q. [9:50:03] When you say "the colour had not been changed", what was the
14 original colour?

15 A. [9:50:10] By "original colour", I mean that which it -- the colour that it is
16 when it comes out of the factory. It might be grey with backlines. I can't
17 give you any more detailed a description because I'm not interested in the
18 matter, nor do I have any training in it, and I have difficulty describing -- or I
19 do not have the ability to describe a vehicle once I've seen it.

20 Q. [9:50:54] Now, Mr Witness, you provided me just before with an answer
21 about the cars used by the Arab front, that is that they didn't change the colour.
22 My question was, when the MNLA came into town, were they allowed to use
23 vehicles which had MNLA colours on them?

24 A. [9:51:25] The general agreement was that flags were prohibited.

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2 Q. [9:51:52] And if the Arab front members came into Timbuktu pursuant to
3 the terms of this agreement, were they permitted to wear uniforms?

4 A. [9:52:09] From the outset, the members of the Arab front did not wear any
5 military attire. Even when they go out into the desert, they wear civilian
6 attire.

7 Q. [9:52:34] Can you describe that civilian attire?

8 A. [9:52:37] I'm not in a position to be able to describe it because they did not
9 wear -- all wear the same thing. Everyone would wear what they wanted to.
10 They would wear clothes as people would wear clothes in the region, you
11 know, somebody would wear a tunic, somebody would wear a pair of trousers.
12 It's difficult for me to describe their attire because it was just the way they
13 would dress.

14 Q. [9:53:14] If we could turn to page 0034 of the article, and it's 0095 in the
15 Arabic. And the question that was put to the writer was:

16 "What were the duties assigned to the Islamic police?"

17 Now, Mr Witness, if you could kindly let me know when you have identified
18 that paragraph.

19 A. [9:53:41] What page are you referring to?

20 Q. [9:54:04] It's 0095 in the Arabic.

21 A. [9:54:29] Yes, I can see the paragraph.

22 Q. [9:54:41] "What were the duties assigned to the Islamic police?"

23 The police were firmly bound to the judges.

24 - It was not within the remit of the police to carry out the Islamic statutory
25 penalties (*hudud*) and discretionary penalties (*ta'zir*), no matter how minor the

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1 misdemeanour was; these had to be decided upon by a judge.

2 Their tasks included" --

3 THE INTERPRETER: [9:55:11] The interpreter from the French booth cannot
4 find this excerpt. Apologies from the French booth.

5 MS TAYLOR: [9:55:18] I understand that the French interpreter hasn't been
6 able to find the excerpt. It's on evidence 1, if the French interpreter is able to
7 see that.

8 THE INTERPRETER: [9:55:34] The interpreter from the French booth is
9 saying thank you. Yes, he has found it on evidence 1. Thank you.

10 MS TAYLOR: [9:55:41] Thank you. I will start again. I apologise for that.

11 Q. [9:55:45] "What were the duties assigned to the Islamic police?

12 The police were firmly bound to the judges.

13 - It was not within the remit of the police to carry out the Islamic statutory
14 penalties (*hudud*) and discretionary penalties (*ta'zir*), no matter how minor the
15 misdemeanour was; these had to be decided upon by a judge.

16 Their tasks included: Ensuring the implementation of sentences by the
17 judges;

18 Ensuring the *hudud* and *ta'zir* were carried out according to a sentence that had
19 been issued by the judges and approved by the Governor; and
20 Transporting the disputing parties from the interior - where there were no
21 judicial establishments - to the capital of the region and then returning them
22 when so required."

23 Mr Witness, have you read the paragraph?

24 A. [9:57:03] Yes.

25 Q. [9:57:07] Now, when the author says that "the police were firmly bound

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1 to the judges", this means, doesn't it, that the police were obliged to execute the
2 decisions issued by the judges?

3 A. [9:57:26] Is that a question that you're putting to me?

4 Q. [9:57:36] Yes.

5 PRESIDING JUDGE MINDUA: [9:57:41](Interpretation) Mr Prosecutor.

6 MR DUTERTRE: [9:57:42](Interpretation) Yes, Mr President. I do believe
7 that the reaction of the witness is -- is expressive. We're asking here for the
8 witness to speculate as to what the author is writing here. Ms Taylor can put
9 the question directly to the witness without necessarily referring to what this
10 individual has written -- providing an opinion in an article, published for
11 reasons or aims that we do not know.

12 PRESIDING JUDGE MINDUA: [9:58:15](Interpretation) Ms Taylor.

13 MS TAYLOR: [9:58:16] Thank you, Mr President. Again, I believe that these
14 types of objections should be made outside the presence of the witness. If
15 Mr Duterte wants to go into the content of my questioning, it should not be
16 done in the presence of the witness.

17 I'm happy to respond, but I do believe it would be appropriate to do so not in
18 the presence of the witness.

19 PRESIDING JUDGE MINDUA: [9:58:41](Interpretation) Mr Prosecutor, I am
20 reading back over the transcript, but I don't really understand your objection.

21 Maybe we should just allow -- or leave Ms Taylor to carry on with her
22 question.

23 Ms Taylor.

24 MS TAYLOR: [9:58:57] Thank you, Mr President.

25 Q. [9:59:02] Mr Witness, my question was, is it correct that by saying that

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1 "the police were firmly bound to the judges", this means that the police were
2 obliged to execute the decisions issued by the judges?

3 A. [9:59:30] Yes, that is correct.

4 Q. [9:59:37] And if the judges decided that someone should be punished in
5 accordance with the legal system approved by the governor, the police could
6 not reverse that order?

7 A. [9:59:51] Do you want me to agree with this paragraph or take issue with
8 it? I don't understand.

9 Q. [10:00:18] Is it correct that if the judges decided that someone should be
10 punished in accordance with the legal system approved by the governor, the
11 police themselves could not reverse the order of the judges?

12 PRESIDING JUDGE MINDUA: [10:00:41](Interpretation) Ms Taylor, now, I
13 can see your line of questioning before me. We have an article and you are
14 putting questions to the witness. What are you getting at? Do you want the
15 witness to give him -- his knowledge of the facts, or do you want him to justify
16 what is here?

17 MS TAYLOR: [10:01:06] Thank you, Mr President. My last question was an
18 open question asking the witness specifically what his answer would be in
19 relation to that proposition that I just gave to him.

20 PRESIDING JUDGE MINDUA: [10:01:28](Interpretation) This is an open
21 question. You are asking for his opinion or the reality of the situation in the
22 field.

23 MR DUTERTRE: [10:01:38](Interpretation) This is not an open question
24 because, you know, I'm -- if I were allowed to do so in the examination-in-chief,
25 Ms Taylor would be constantly rising to her feet. I think this is a very

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1 suggestive question, leading.

2 PRESIDING JUDGE MINDUA: [10:01:55](Interpretation) Could you please
3 rephrase your question, Ms Taylor.

4 MS TAYLOR: [10:02:00] Thank you, Mr President, although I believe the
5 Prosecutor is well aware that leading questions are allowed in cross.

6 Q. [10:02:11] Now, Mr Witness, you've just stated that the police were
7 obliged to execute the decisions issued by the judges.

8 So, Mr Witness, is it correct that in Timbuktu, if the judges decided that
9 someone should be punished in accordance with the legal system approved by
10 the governor of Timbuktu, the *shurta*, the police themselves, could not reverse
11 the order of the judges?

12 A. [10:02:46] Well, the problem is the term that you have used, that is to say,
13 against the decision of the tribunal or the court as if the police were on equal
14 footing with the judicial system and can appeal the matters. What I said
15 previously is that the role of the police is to implement or execute the decisions
16 of the courts, but as to whether the police was capable or not, that comes down
17 to the police and I can't provide an assessment or judgment of that.

18 Q. [10:03:41] I believe this might be an issue of terminology. Just to follow
19 up on your response, is it correct that the police were not on equal footing
20 as -- as the judges, but were underneath them, so to speak?

21 A. [10:03:59] Yes, absolutely.

22 Q. [10:04:08] So to put it in plain terms, if the Islamic tribunal says, "This is
23 our decision, this is the punishment we have ordered", the police themselves
24 can't simply say, "No, we won't implement that order"?

25 A. [10:04:37] The police works under the emirate, so the emirate or the emir,

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1 Abou Zeid, would execute decisions and the police is in charge of
 2 implementing said decisions. So they have to respect or not respect the orders
 3 of Emir Abou Zeid, and, whatever the case maybe, that is always what they
 4 did.

5 Q. [10:05:14] Now, on the same page, Sheikh 'Abd-al-'Aziz Habib says:
 6 "What the media is saying about our brothers burning the manuscripts is all
 7 fabricated. How do we benefit from burning manuscripts?"

8 Now, is it correct, Mr Witness, that the group, that is, the jihadists or
 9 Mujahideen, as a group took no steps to destroy the manuscripts?

10 PRESIDING JUDGE MINDUA: [10:06:05](Interpretation) Mr Prosecutor.

11 MR DUTERTRE: [10:06:06](Interpretation) I believe that we need to leave the
 12 witness the time to peruse the article before answering the excerpt that
 13 Ms Taylor is referring to.

14 PRESIDING JUDGE MINDUA: [10:06:19](Interpretation) Yes, indeed.

15 THE WITNESS: [10:06:31](Interpretation) Which page is this excerpt on,
 16 please.

17 MS TAYLOR: [10:06:37]

18 Q. [10:06:37] It's the same page. As I understand it, it's just immediately
 19 above and it starts with:

20 "What the media is saying about our brothers burning the manuscripts is all
 21 fabricated."

22 A. [10:06:52] Now, Mr Witness, here, the writer says that the -- what the
 23 media is saying about the brothers, the Mujahideen burning the manuscripts, is
 24 fabricated.

25 Is that correct? That the group took no steps as a group to destroy the

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1 manuscripts?

2 A. [10:07:34] I do know that some members of the group did do so. So they
3 burnt the covers of the printed manuscripts in the archives, and this was part
4 of a magazine in which there were images of women in very brief attire, and all
5 of this was burnt. They said that all the manuscripts were burnt. I also
6 know that amongst those manuscripts, there were books written by the
7 Mujahideen as a type of sorcery, but I do not know what they did with those
8 manuscripts.

9 Everything that was said at a later stage, namely, that the manuscripts were
10 burnt, Abou Zeid had said that this was pure lies; namely, that the manuscripts
11 were burnt after the Mujahideen had left.

12 Q. [10:09:02] When you say that they burnt covers of the printed
13 manuscripts in the archives and this is part of the magazine, how many
14 manuscripts here are you talking about?

15 A. [10:09:21] The information that I provided you with at an earlier stage, is
16 everything that I have. I can't add anything to it because I do not know all
17 about this matter.

18 Q. [10:09:41] What is the source of your information?

19 A. [10:09:46] What was said.

20 Q. [10:10:00] Said by whom?

21 A. [10:10:04] I believe that we do not need to provide or quote an individual
22 but merely say what was being said, rumours, because this is a lot of what was
23 being said.

24 Q. [10:10:27] So is it correct that your source is rumours, effectively?

25 * A. [10:10:35] You can describe it as such. [REDACTED]

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1 [REDACTED] These are things

2 that have been widespread or said in a widespread manner and that can
3 become a reality.

4 PRESIDING JUDGE MINDUA: [10:11:12](Interpretation) Mr Prosecutor.

5 MR DUTERTRE: [10:11:13](Interpretation) Yes, Mr President. It might be an
6 issue of terminology that Ms Taylor might like to look into. I'm being told
7 that the witness in his answer did not necessarily use what was translated into
8 French as the word "rumours."

9 So it might be a good idea for Ms Taylor to revisit this because she is interested
10 in the source.

11 PRESIDING JUDGE MINDUA: [10:11:38](No interpretation)

12 MS TAYLOR: [10:11:40] Thank you, Mr President. My understanding is this
13 is said at --

14 PRESIDING JUDGE MINDUA: [10:11:42](Interpretation) Did you hear the
15 question? Because you were speaking. I do believe that he is right. You
16 need to be more explicit.

17 MS TAYLOR: [10:11:50] Thank you, Mr President. I do believe that he said
18 in Arabic, "*shayiea*," and it -- so if my colleague can perhaps say it into the
19 microphone. And it was correctly interpreted into the English and the French
20 as "rumour".

21 He can perhaps say the Arabic word, and if the witness could confirm that's the
22 word he used.

23 PRESIDING JUDGE MINDUA: [10:12:15](Interpretation) Could you please
24 ask the witness to say the word in Arabic.

25 MS TAYLOR: [10:12:19] Yes, Mr President. But I can't pronounce it. So if

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1 my colleague could pronounce it onto the record, I believe that would be more
2 effective.

3 PRESIDING JUDGE MINDUA: [10:12:31](Interpretation) Mr Youssef, please.

4 * MR YOUSSEF: [10:12:33] «Al shae'». «Mina al shae'»

5 THE INTERPRETER: [10:12:37] So, *shayiea*, in Arabic, is public knowledge.

6 THE WITNESS: [10:12:50](Interpretation) *Shayiea*, public knowledge. I used
7 a term, in inverted commas, public knowledge, which is different from the
8 word "rumour," and, in English, it is "rumours." However, it is what is
9 referred to as "public knowledge." This is -- matters that are known by
10 everybody; so these are not rumours. "Public knowledge" is used as a term by
11 some Islamic scholars, meaning that one does not have to identify an
12 individual to confirm or deny the utterance because this is a fact that is
13 sufficiently spread within the population for us not to have to go and secure
14 the source. So, when you say that I should specify the source, well I can
15 specify the source when a person or a group or somebody in the public domain
16 has said something. But if you mean somebody in particular, I can't provide
17 you with a source as such. I'm not in agreement with the term being used.

18 PRESIDING JUDGE MINDUA: [10:14:13](Interpretation) There you are,
19 Ms Taylor. It's very clear. He has said it is public knowledge. So that is
20 different from "rumours."

21 MS TAYLOR: [10:14:21] Thank you, Mr President. I'll just spell onto the
22 record the phrase used. The terms used was a-l dash s-a-m-a-a and then a-l
23 dash s-h-a-e apostrophe.

24 Q. [10:14:44] Now, if we could turn to page 0034, Mr Witness, in the English,
25 0095 in the Arabic. I apologise. 0035 in English. 0095 -- and, I don't

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1 understand why we have an objection when I haven't put a question.

2 MR DUTERTRE: [10:15:16](Interpretation) It's not --

3 PRESIDING JUDGE MINDUA: [10:15:18](Interpretation) I think --

4 MR DUTERTRE: [10:15:21](Interpretation) And this is not Ms Taylor's fault,
5 but the spelling she just provided apparently is not quite correct. So for the
6 accuracy of the record, it would be a good thing to have the exact spelling.

7 PRESIDING JUDGE MINDUA: [10:15:39](Interpretation) Ms Taylor.

8 MS TAYLOR: [10:15:43] If the interpreters could provide the spelling. I
9 believe in the English, perhaps an A was also missed out when I read out a-l
10 dash s-h-a-e apostrophe.

11 PRESIDING JUDGE MINDUA: [10:16:07](Interpretation) Could one of the
12 interpreters assist.

13 THE INTERPRETER: [10:16:10] It should be transcribed as a-l-s-a-m-a-u space.
14 That's the second word, l-a-l space s-a- -- s-h-a-i apostrophe, *alsamau lalshai'*.

15 PRESIDING JUDGE MINDUA: [10:16:51](Interpretation) Very well. Thank
16 you very much.

17 Ms Taylor.

18 MS TAYLOR: [10:16:55]

19 Q. [10:16:56] Now, if we're turning to page 0035 of the English, it's 0095 of
20 the Arabic, Mr Witness, it starts with the words:

21 "Among those who assumed command of the Islamic police ..."

22 If you could let me know when you have found ...

23 Now, the question put to the writer is:

24 "Who assumed command of the policing responsibilities in the Islamic
25 Emirate?"

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1 The response is:

2 "Among those who assumed command of the Islamic police were: the late
3 martyred Khalid Abu-Sulayman al-Sahrawi, may Allah have mercy upon him,
4 whose real name was Ghali Bin al-Bashir, from the Awlad Musa tribe;
5 - 'Umar Bin Muhammad al-Ansari;
6 - Abu-Muhammad al-Kumasi;
7 - Abu-al-Yaman-al-Ansari; and
8 - Abu 'Umayr al-Shinqiti."

9 Now, in this section, [REDACTED] mentions Khalid. But he doesn't list Al Hassan,
10 does he, as one of the commanders of the Islamic police?

11 A. [10:18:37] Yes, but you want -- you want -- do you want to know why?

12 Q. [10:18:50] Mr Witness, you mentioned earlier that [REDACTED]
13 [REDACTED], so he would have been familiar with
14 the commanders of the Islamic police. That's correct?

15 [REDACTED]
16 PRESIDING JUDGE MINDUA: [10:19:27](Interpretation) Prosecution?

17 MR DUTERTRE: [10:19:30](Interpretation) The witness said, "si ... but would
18 you like to know the reason?"

19 It would be a good thing to allow the witness to provide an explanation. He
20 is giving testimony under oath.

21 PRESIDING JUDGE MINDUA: [10:19:46](Interpretation) I agree.

22 Ms Taylor, what do you want to know about this witness in this regard? You
23 put a question. There were four names -- no rather, five names, Khalid -- five
24 names in total as possible leaders of the police. And the witness said, "Yes,
25 but do you want to know why?" But you didn't let him say why.

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1 So what do you want from this witness? You should give him the
2 opportunity to say why.

3 MS TAYLOR: [10:20:24] Certainly, Mr President. But I do believe the
4 Defence should be given some latitude as to the order of questions put to
5 a witness.

6 Q. [10:20:33] Now, Mr Witness, given what you've just said about [REDACTED]
7 knowledge being better than yours, please provide your answer.

8 A. [10:20:44] Yes. In this paragraph, we read -- oh, [REDACTED] -- well, rather,
9 he cites certain people who took command of the police within the Islamic
10 emirate, not in all of Timbuktu, so he did not include all the police. So how
11 can he list the police in the entire city?

12 All these people listed or mentioned are people who served the emirate of the
13 police -- Kidal, Tessalit, and so in each region, he mentioned a person -- [REDACTED]
14 *à Kidal*. I no longer recall exactly. I don't know the other people mentioned
15 very well, * [REDACTED] Khalid al-Sahraoui. And in each of
16 these regions, like in Kidal or in Timbuktu, there were other police leaders at
17 various periods of time. For example, in Timbuktu, there was Adam, but
18 Hassan was not mentioned. This non-mention is because the subject here is to
19 mention the police chiefs in all regions, not the region of Timbuktu only.

20 Q. [10:22:23] Now, is it correct that [REDACTED] arrived in Timbuktu at a later
21 period when Khalid was in charge?

22 A. [10:22:34] Yes. Yes, I can -- I can confirm that, but I wasn't sure about
23 the period of time when he was in command. [REDACTED]

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3 So what you have asked is completely correct.

4 Q. [10:23:35] Now, [REDACTED], he continued in Timbuktu to the end. That's
5 correct?

6 A. [10:23:46] Yes. But I think that he did conduct some visits. He visited
7 Kidal and for the rest of the time, so ... they were very short trips.

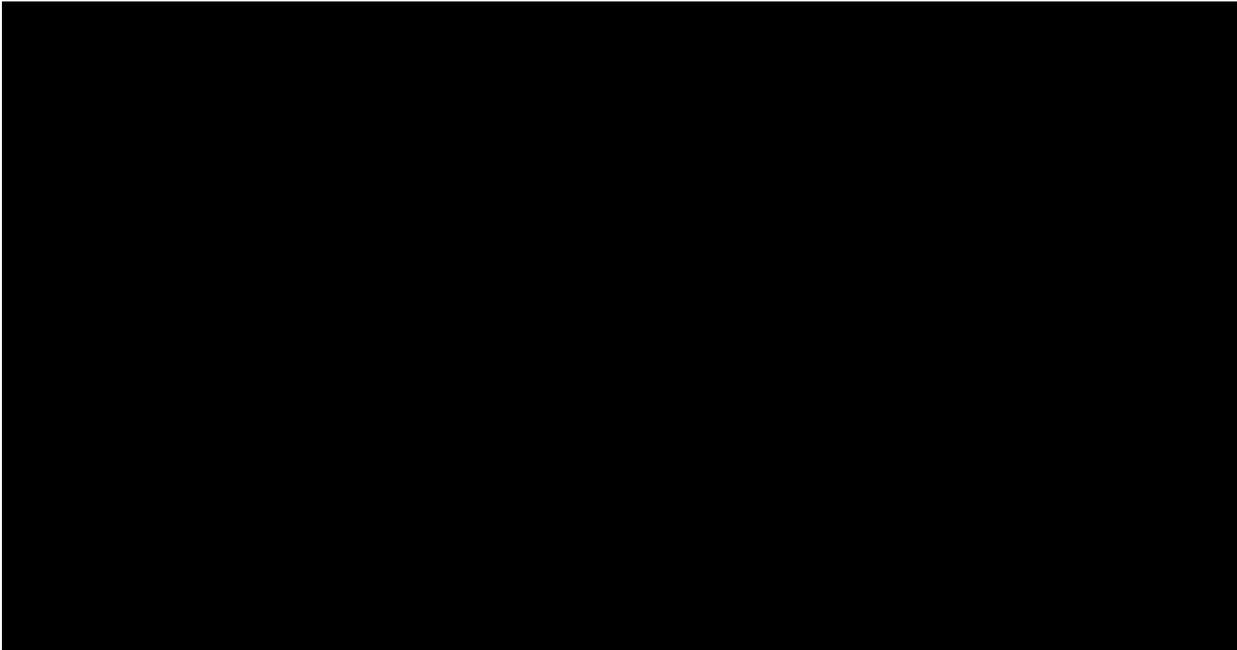
8 THE INTERPRETER: [10:24:07] Inaudible.

9 MS TAYLOR: [10:24:09]

10 Q. [10:24:09] Now turning to page 0036 -- sorry. 0041 of the English, and
11 the Arabic is 0098. It's at the bottom of the page. And it's in the middle, in
12 Arabic, Mr Witness, and it's under the title: "Who was it who supervised the
13 *Hisba* institutions and the aid?"

14 MS TAYLOR: [10:25:23] Do the interpreters have the right section? It says:
15 "Who was it who supervised the *Hisba* institutions and the aid?
16 Among those who assumed the leadership of the *Hisba* system was the late
17 martyred Sheikh Dauwd Abu 'Abd-al-Rahman al-Shinqiti - may Allah have
18 mercy upon him - whose real name was Muhammad al-Faqih Bin Khatri from
19 the notables of Bani 'Abd-al-Mu'min, Sheikh Abu Turab al-Ansari and Sheikh
20 Muhammad Musa al-Ansari, both of whom were members of the Judicial
21 Council in Tombouctou, Sheikh Salim Abu-'Abdaullah al-Ansari --"
22 And if we could turn to the next page, 0042 of the English "-- "and brothers
23 Muhammad Ahmad al-Ansari, Musa Bin-Sayyid al-Mukhtar al-Ansari,
24 Abu-al-Walid al-Tachadi and Abu Dauwd al-Ansari -- may Allah protect
25 them."

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10 [REDACTED] It's important to draw the chamber's
11 attention to the fact that some people are mentioned by their real names
12 because they're dead, while others are not mentioned by their real names to
13 preserve confidentiality because they're still alive. For example, Abou Tourab
14 here is not mentioned by his name Ahmad Al-Faqi.

15 THE INTERPRETER: [10:28:31] Could the witness please repeat the last
16 sentence.

17 MS TAYLOR: [10:28:36]

18 Q. [10:28:36] Mr Witness, I believe the last sentence wasn't included or heard
19 by the interpreters. You said: "To keep them alive, for example..."

20 * [10:28:50] For example, Abou Tourab, sheikh Abou Tourab al-Ansari,
21 [REDACTED] did not mention that his name was Ahmad Al-Faqi.

22 Q. [10:29:10] [REDACTED]
23 [REDACTED] Is it correct
24 that [REDACTED] named the persons who were important or who played a key
25 role in implementing *hesbah* in Timbuktu?

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1 A. [10:29:31] Yes.

2 Q. [10:29:38] Now if I could turn to page 0036 in the English, and the Arabic
3 is 0096, the second paragraph, Mr Witness. This concerns the work of *Hesbah*.
4 It's at the top of the page.

5 Mr Witness, do you have the section starting with:

6 "The practice followed by *Hisba* individuals was to prevent those matters ..."?

7 THE INTERPRETER: [10:30:50] A note from the booth: We don't
8 have -- Ms Taylor, we do confirm that we don't have it either. So if you could
9 please tell us again. Thank you. The start of the paragraph isn't clear for the
10 interpreter. Please, could you repeat it.

11 MS TAYLOR: [10:31:05] For the English interpreters, it's the first paragraph
12 showing on the page. "... this took place" and then, full stop. "The practice
13 followed by *Hisba* individuals." And I'm just going to identify the Arabic
14 paragraph.

15 PRESIDING JUDGE MINDUA: [10:31:31](Interpretation) Prosecutor.

16 MR DUTERTRE: [10:31:32](Interpretation) Yes, your Honour. The sentence
17 that Ms Taylor is reading:

18 (Speaks English) "The practice followed by *Hisba* individual[s] was to prevent
19 those matters ..."

20 (Interpretation) So I think that "those matters" refer to what there was in the
21 same paragraph, 0024-0035. So you have to have the whole paragraph in
22 order to understand what it's a question of, and it's the same for the witness in
23 the Arabic version thereof.

24 PRESIDING JUDGE MINDUA: [10:32:01](Interpretation) Ms Taylor, we
25 have -- you have to read the paragraph from the start in order to understand

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1 what it's about.

2 MS TAYLOR: [10:32:07] I can do so, Mr President. We're just in the process
3 of finding the Arabic.

4 PRESIDING JUDGE MINDUA: [10:32:44](Interpretation) Microphone,
5 Ms Taylor.

6 MS TAYLOR: [10:32:45]

7 Q. [10:32:46] Mr Witness, for the Arabic, if it helps you to identify the
8 location, there's a question, which is:

9 "What were the duties of the *Hisba* system and the promotion of virtue and the
10 prevention of vice?"

11 And it's, I believe, the second paragraph underneath starting with:

12 "*Hisba* individuals were mainly religious scholars."

13 And for the English, this is on page 0035 at the bottom of the page.

14 A. [10:33:31] Yes. I see the passage in question.

15 MS TAYLOR: [10:33:35] I think the interpreters still haven't found it. Is that
16 correct? (Microphone not activated)

17 PRESIDING JUDGE MINDUA: [10:33:52](Interpretation) The French
18 interpreter has found the passage. And for the English interpreter and the
19 Arabic interpreters --

20 MS TAYLOR: [10:34:03] Mr President, the Arabic interpreter hasn't found it.

21 So if my colleague, Maître Youssef, can kindly explain to the Arabic interpreter
22 where it is.

23 PRESIDING JUDGE MINDUA: [10:34:14](Interpretation) Indeed. Mr Youssef.

24 MR YOUSSEF: [10:34:20](Interpretation) Page 0096, the first paragraph and
25 the second paragraph.

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1 THE INTERPRETER: He reads the passage in Arabic.

2 MS TAYLOR: [10:35:05] Are the interpreters ready?

3 "*Hisba* individuals were mainly religious scholars, some of whom were
4 members of the judicial councils, and engaged in the tasks of promoting virtue,
5 such as ensuring that people perform their prayers timely, compelling the
6 people who are responsible for provide for other persons to support them
7 financially, monitoring public streets and prohibiting flamboyant sinners. It is
8 unfortunate that in this territory, specifically the Region of Tombouctou, as
9 a result of the secularists' rule for an extended period of time, reprehensible
10 actions of all kinds took place. The practice followed by *Hisba* individuals
11 was to prevent those matters that were undoubtedly obvious and clear or
12 which were evidenced in plain and incontestable religious texts, and to deal
13 with anything else through advice-giving. They also adopted a progressive
14 system for the correction of abominable behaviour."

15 Mr Witness, have you finished reading this paragraph?

16 *A. [10:36:43] Yes

17 Q. [10:36:48] Are you familiar with what [REDACTED] is describing here?

18 A. [10:36:54] Yes.

19 Q. [10:37:02] Is it correct that he's referring to the approach of *Hesbah* in
20 Timbuktu?

21 A. [10:37:11] Yes, but here, they used an expression saying that this wasn't
22 the *Hesbah* to impose *hudud*. It wasn't up to the *Hesbah* to do it, and they used
23 the same expression for the police. And when he said that even if there is
24 a minor infraction - he used it when he spoke about the police, and he spoke
25 about it in terms of the *Hesbah* as well.

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1 What [REDACTED] is saying here, is the -- Abou Zeid's policy towards the end.

2 You have to remember that there are three phases thereof where it concerns the
3 question of *ta'zir* sentences and other sentences concerning the *Hesbah* and the
4 police, and I explained that at length when I answered the Prosecution's
5 questions.

6 Q. [10:38:06] Now, in terms of these three phases, are you referring here to
7 a progressive system where the first phase was to advise people about the rules
8 for *ta'zir*, the second was to give stricter advice, and then, and only then, in the
9 third stage were *ta'zirs* applied if no other solution had worked?

10 A. [10:38:46] That was the strategy of the *Hesbah* and the police, what's called
11 the proceeding by steps or phases. This is a procedure in Islam. [REDACTED]
12 had tried to explain that the police and the *Hesbah* did not apply the *ta'zir*
13 sentences. They applied the *hud* regulations, which came from the judges'
14 decision, and these are not -- they do not come under the competence of the
15 *Hesbah*; that doesn't include the three phases that I mentioned at the beginning.
16 So from the start, and to the month of November, the police, such as, *Hesbah*,
17 they didn't have the right to impose sentences, unless they had an order from
18 a judge. But right at the start of the events, even simple soldiers who
19 would -- were responsible for looking at entries, they could impose
20 sentries -- sentences.

21 And things developed because there were complaints, and, as a result of that,
22 the *Hesbah* and the police became organs which applied a sentence. But once
23 the group saw that this was chaotic and it gave rise to a lot of complaints, then
24 the role of both the *Hesbah* and the police could only -- they could only impose
25 sanctions when it came from the police or the *Hesbah*.

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1 And the third phase is the one that was mentioned by [REDACTED] here. The
2 *Hesbah*, as the police, no longer had the right to punish anyone, unless they had
3 an order from the judge. This is what [REDACTED] explains.

4 Q. [10:40:47] Now, is it correct that, in preventing vice, the *Hesbah* focused
5 on visible and manifest sins?

6 A. [10:41:06] Yes, I think that's correct. Yes, it was clear in the street, but it
7 was also clear where everybody was meant to know what a sin was.

8 Q. [10:41:26] If we could turn to page 0042 in the English, and the Arabic is
9 0098. This concerns the establishment of the Islamic tribunal.

10 And I'll direct you to the paragraph, Mr Witness. For the English, the
11 sentence starts with, "The people of Azawad, as a whole ...".

12 A. [10:42:11] Could you indicate to me the Arabic page, the page in the
13 Arabic version, please.

14 Q. [10:42:18] The page is 0098, and I'm in the process of trying to find out
15 where on the page it is.

16 MS TAYLOR: [10:43:14] Mr President, may my colleague explain in Arabic
17 where it is on the page, to assist the witness and the Arabic interpreter?

18 PRESIDING JUDGE MINDUA: [10:43:27](Interpretation) Indeed.
19 Mr Youssef.

20 MR YOUSSEF: [10:43:32](Interpretation) Witness, this is page 0098. So the
21 fifth question: What are the institutions that decide between people?

22 There's the first aspect, the method of selecting judges.

23 THE WITNESS: [10:44:05](Interpretation) Yes. I see the paragraph.
24 Thank you.

25 MS TAYLOR: [10:44:10] I believe the interpreters are ready.

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1 Q. [10:44:10] "Method for selecting the judges: The people of Azawad, as a
2 whole, are a people who love their religion, regard *Sharia* with respect and are
3 averse and hostile to the Malian government. So, during the Malian
4 government's rule their cases were heard and judged before their own scholars
5 and according to *Sharia* law, wholly and entirely. The Malian government
6 disregarded them, that's why the scholars had the practical experience in this
7 field. The *mujahidin*, both locals and from [the] other regions, had strong ties
8 with the scholars in the region dating back a long time, and were keen that the
9 scholars occupied their appropriate statuses. At one [time], some time prior
10 to the formation of the group Ansar Dine, Sheikh Abu-al-Fadl Iyad
11 Bin-Ghali - may Allah protect him - and the late martyred Ibrahim
12 Bin-Bahnaqa - may Allah Almighty have mercy upon him - and the *mujahidin*
13 with them, decided to establish *Sharia* law courts in the north of the country.
14 As such, a comprehensive plan was drawn up and a group of scholars agreed
15 to assume the responsibility for judging cases amongst the people. However,
16 when the project started, Gaddafi's tyrannical regime fell and large groups of
17 people fleeing Libya arrived. The dark clouds of war started to loom over the
18 horizon, and there had to be a shift to another system and then Ansar Dine was
19 founded."

20 Mr Witness, is it correct that the plan to establish *Sharia* courts in the north
21 predated 2012?

22 A. [10:46:53] Yes, that's correct.

23 Q. [10:47:02] And it predated any fighting or conflict that started as a result
24 of the fall of Gaddafi?

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2 Q. [10:47:37] And based on what you heard and what you know, was this
 3 plan linked to the lack of trust that people had in the north towards the Malian
 4 authorities?

5 A. [10:47:52] Yes. And furthermore, we also explain the difference between
 6 the ethnic groups in the north of Mali.

7 Q. [10:48:11] Now moving to page 0043, English, and I believe we're still on
 8 page 0098 of the Arabic, and this concerns the work of the Islamic tribunal. If
 9 we could scroll to the top of the page. In the Arabic, it's the bottom. And I
 10 can read out each bullet point here, although I believe there might be more, but
 11 just to give the context.

12 If the interpreters can tell me if they're ready.

13 It says here, describing the work of the tribunal, that it was to:

14 "- Render decisions on giving back all property established as belonging to
 15 a certain Muslim before the booty was divided.

16 - Examine the police's investigations and confirm they were acquired according
 17 to the *Sharia*; the judges solely relied in their rulings on their own
 18 investigations.

19 - The first people to be ordered by the judges to give back things that belonged
 20 to other people were the *mujahidin* themselves, who willingly complied."

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Pursuant to the Trial Chamber X's directions, ICC-01/12-01/18-789-AnxA, dated 6 May 2020, the lesser-redacted version of the transcript is filed in the record of the case.

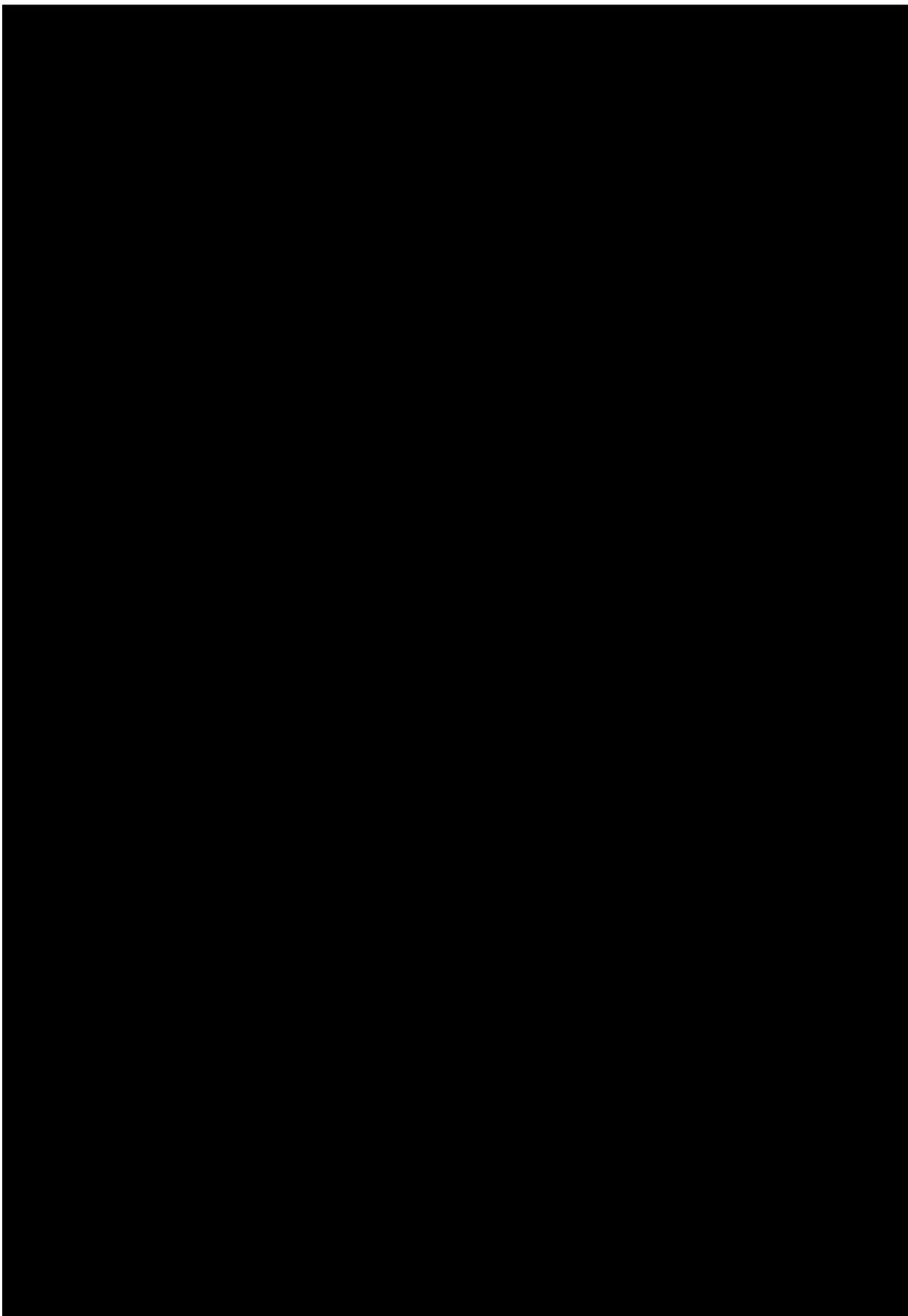
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ICC-01/12-01/18

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Q. [10:54:17] Turning to page 0042 in the English, and then it's the Arabic 0098, it's again discussing the role of the tribunal, and the paragraph starts with, "Deliver judgments between the people and resolve disputes."

Mr Witness, have you been able to identify the location?

A. [10:54:59] (No interpretation)

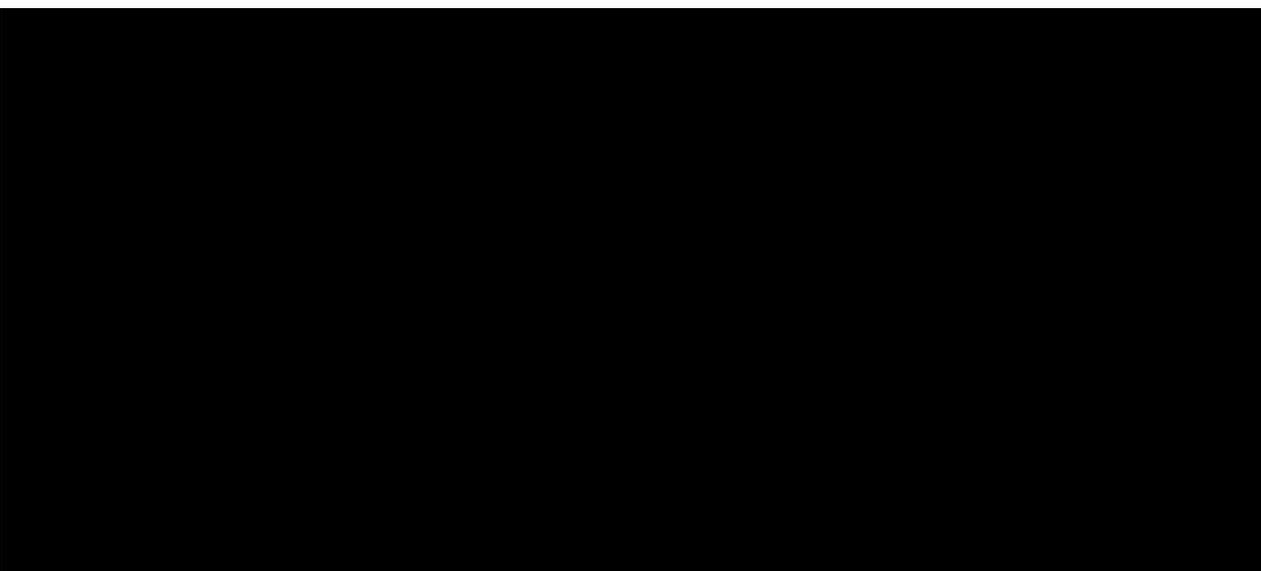
Q. [10:55:05] So the author writes that the role of the tribunal was to:

"- Deliver judgments between the people and resolve disputes. The judges issued judgments in a number of disputes which had been going for a long time and resolved many intractable problems, especially in Tombouctou. As a result, astonishing numbers of people approached the judges when they experienced the justice established by the *Sharia* law, how fast the rulings were implemented and how honest the judges were."

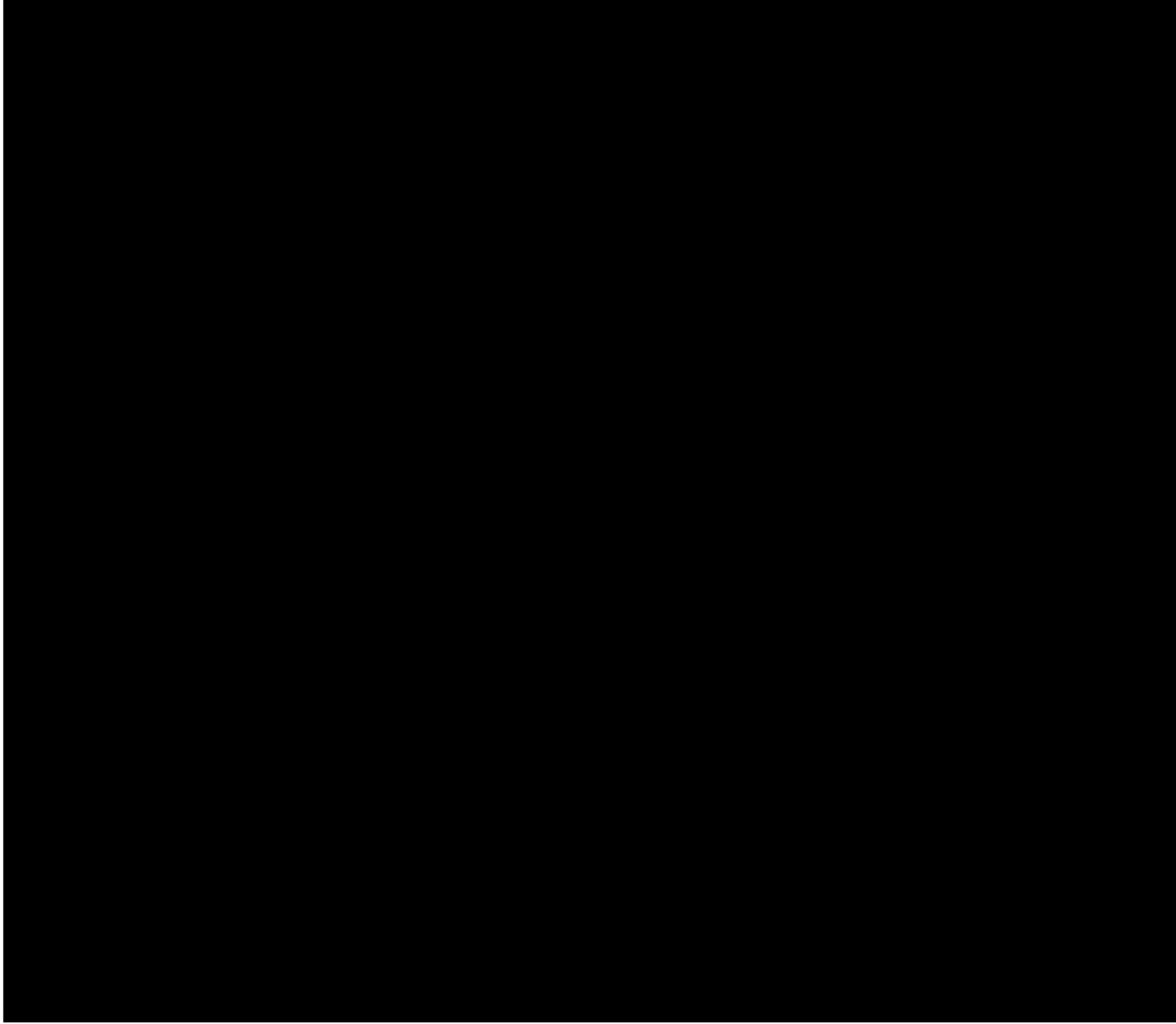
A. [10:55:50] I read the passage, but I didn't hear the question.

Q. [10:55:58] I haven't put the question yet, Mr Witness.

I apologise, I'm waiting for the interpreters. I believe they're finished.



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18 Because there were other villages, for example, throughout history, where land
19 was stolen and the goods were stolen, the property was stolen from these
20 villages. And the same is the issue for the land issue. There was land
21 belonging to the Tuareg or light-skinned people, they had lost -- well,
22 light-skinned people had lost the land as I indicated. There were conflicts
23 between the whites and the blacks, and some people wanted to recover their
24 land which had been taken by the blacks with the aid of official justice at the
25 time.

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PRESIDING JUDGE MINDUA: [11:00:37](Interpretation) Ms Taylor, it is 11 o'clock. We are therefore going to suspend our hearing and we will be back at 11.30.

Court is suspended.

(Recess taken at 11.00 a.m.)

(Upon resuming in closed session at 11.31 a.m.)

THE COURT USHER: [11:31:30] All rise. Please be seated.

PRESIDING JUDGE MINDUA: [11:31:58](Interpretation) Court is in session.

The floor is with the Defence for the follow-up of the cross-examination.

Ms Taylor.

Mr Witness? Witness? At the request of the interpreters, I would like to remind you that you have to leave breaks after the questions from Ms Taylor. Before answering, you wait. Perhaps you have to look up to the interpreters to see if their lights are on to see if they were still interpreting. That's it.

Thank you.

Ms Taylor.

MS TAYLOR: [11:32:41] Thank you, Mr President.

Q. [11:32:48] How are you, Mr Witness?

A. [11:32:52] I'm fine. Thank you.

Q. [11:33:01] Mr Witness, is it correct that the name Abou Oumar Al Chinquetti... Oumar...

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1 MS TAYLOR: [11:33:23] Mr President, may I ask my colleague to read out a
2 name?

3 PRESIDING JUDGE MINDUA: [11:33:27](Interpretation) Mr Youssef.

4 MR YOUSSEF: [11:33:29] Abou Oumar Al Chinquetti.

5 PRESIDING JUDGE MINDUA: [11:33:38](Interpretation) Thank you very
6 much.

7 Ms Taylor.

8 MS TAYLOR: [11:33:40]

9 Q. [11:33:40] Mr Witness, is it correct that that name is the real name for
10 Adam?

11 A. [11:33:48] No, I don't know.

12 Q. [11:34:03] Is it correct that you were not that familiar with Adam?

13 A. [11:34:09] No. [REDACTED]

14 THE INTERPRETER: [11:34:37] [REDACTED], corrects the
15 interpreter.

16 MS TAYLOR: [11:34:39]

17 Q. [11:34:40] Now, if we could focus on page 0044 of the same article.

18 That's the English. Turning to 0099 of the Arabic, Mr Witness. I'll be dealing
19 with the paragraph starting with, "During the crusader invasion..."

20 Mr Witness, if you would kindly let me know if you found the paragraph.

21 [REDACTED] writes:

22 "During the crusader invasion and after most of the *mujahidin's* battalions and
23 companies had joined from Tombouctou, one of the *mujahidin* brothers was
24 guarding the *mujahidin's* fuel and some people came to steal from it. So, he
25 fired shots up in the air and accidentally killed one who was a Songhai man.

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1 The late martyred Sheikh 'Abdullah al-Shinqiti - commander of the Al-Furqan
 2 battalion - accompanied by some of the *mujahidin* went in search of the family
 3 of the deceased to pay the blood money, until they found them, despite the
 4 hardship they were going through. The deceased's family were wholly and
 5 utterly astonished by these people who were going through a hardship but still
 6 acted this way. The Sheikh explained to them that this was Allah's religion
 7 and that they abided by it both in times of prosperity and hardship. The
 8 family of the deceased said that they would be content with any sum paid to
 9 them and would leave the rest, so the Sheikh paid them 5,000 euros."

10 Mr Witness, are you familiar with this incident?

11 A. [11:37:09] No, not at all. But I heard people speak of this incident with
 12 [REDACTED].

13 Q. [11:37:25] And what did you hear people say?

14 A. [11:37:29] I said [REDACTED]. And as written here -- it was as
 15 written here in this paragraph.

16 Q. [11:37:49] Did you hear whether this incident happened towards the end,
 17 that is, beginning of 2013?

18 A. [11:37:56] Yes.

19 Q. [11:38:15] We could turn to page 0045 of the English. That's 0099 of the
 20 Arabic. And it's the first paragraph starting with, "This was because there
 21 were disputes among the people..."

22 PRESIDING JUDGE MINDUA: [11:39:05](Interpretation) Prosecutor.

23 MR DUTERTRE: [11:39:05](Interpretation) Yes, your Honour. I'd just like to
 24 make a comment. As before, the witness has to be given the opportunity to
 25 read the entire paragraph, and, in English, that starts on 0024, the third

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1 example.

2 PRESIDING JUDGE MINDUA: [11:39:26](Interpretation) Yes, Ms Taylor.

3 The witness has to be able to read the paragraph in question. 0024-0044.

4 MS TAYLOR: [11:39:52] Certainly, we will then need to -- the interpreters or
5 the Registry to scroll for the interpreters from 0044 to 0045. The paragraph
6 starting with the third example.

7 Q. [11:40:13] Mr Witness, can you indicate if you've found the paragraph.

8 A. [11:40:18] Yes.

9 Q. [11:40:34] So [REDACTED] is answering a question. The question is:

10 "You have spoken of some examples, but can you give us more examples in
11 this area that more or less depicts how the judges actually worked in the
12 Islamic Emirate?"

13 Now, the third example he gives, that:

14 "The judges only imposed Islamic statutory penalties when the perpetrator of
15 the respective crime confessed or when there was conclusive evidence which
16 was in an unquestionably accurate. This was because there were disputes
17 among people that significantly conflicted with evidence, in addition to the fact
18 that many people lacked the conditions of a reliable witness. This is why all
19 Islamic statutory penalties enforced were the result of confessions, except for
20 some alcohol-related crimes when the drunks had been apprehended by the
21 *Hisba* individuals in the street[s]."

22 [REDACTED]
23 [REDACTED]
24 [REDACTED]

25 [REDACTED] When people were arrested who were drunk in

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1 the street, that was by the police under the command of Mohamed Moussa.

2 Q. [11:42:34] The transcript says, "that was by the police under the command
3 of Mohamed Moussa." Did you mean to say *Hesbah* under the command of
4 Mohamed Moussa?

5 A. [11:42:51] Yes.

6 MR DUTERTRE: [11:43:02](Interpretation) Your Honour, can we ask the
7 witness to state whether he spoke about an -- one organ or the other, or just of
8 the second organ, the *Hesbah*, which Ms Taylor talks about? Because in Arabic,
9 perhaps he said two things. So perhaps we could ask for clarification there.

10 PRESIDING JUDGE MINDUA: [11:43:20](Interpretation) Ms Taylor, could
11 you get a clarification from the witness, please.

12 MS TAYLOR: [11:43:25] Thank you, Mr President, but I don't believe there's
13 any foundation for the Prosecutor's objection. The witness has clearly stated
14 now and answered to my request for clarification that he was referring to
15 *Hesbah* under the command of Mohamed Moussa.

16 PRESIDING JUDGE MINDUA: [11:43:43](Interpretation) Prosecutor.

17 MR DUTERTRE: [11:43:47](Interpretation) I don't want to influence the
18 witness, but I'm told that the wording was wider, including the *Hesbah*, so it
19 would be good to have clarification there.

20 PRESIDING JUDGE MINDUA: [11:43:59](Interpretation) Ms Taylor, when
21 there's a problem with the interpreting from Arabic to French or the other, we
22 normally cooperate; so why would you refuse to carry out the checking here?
23 Please, could you check it with the witness.

24 MS TAYLOR: [11:44:14]

25 Q. [11:44:16] Mr Witness, did you mean to say "police" or did you mean to

1 say "*Hesbah*" before?

2 A. [11:44:34] I mentioned the police first, and then afterwards I said the

3 *Hesbah*. [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED] So who arrested people? It was either the police

8 or it was the *Hesbah* under the command of Mohamed Moussa.

9 Q. [11:45:25] And being drunk on streets, that's a manifest and visible crime?

10 A. [11:45:39] Yes. So three adults have to come to an agreement and be

11 a witness. But when there is any doubt, that is not seen as a concluding an

12 apparent fact.

13 Q. [11:46:03] Turning to page 0041, I'm just waiting for the Arabic. It's 0098,

14 the second paragraph, the second question. And we have the question:

15 "How did the Islamic Emirate treat the issue of women and women's

16 education?"

17 Do you have that paragraph, Mr Witness?

18 A. [11:47:21] What page exactly?

19 Q. [11:47:29] Page 0098. It's the second question: "How did the Islamic

20 Emirate treat the issue of women and women's education?"

21 Are the interpreters ready? It says:

22 "The *mujahidin* didn't prevent women from working or from activity, however

23 the *Sharia* legal obligations they did impose upon them were to wear the veil

24 and not to mix with the opposite sex. It is commonplace in Tombouctou for

25 men and women to ride together on a motorbike. So the *mujahidin* tolerated

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1 their current lifestyle when the men who rode the motorbikes with the women
2 claimed that they were either their husbands or were not allowed to marry
3 them because of blood relationship, except in suspicious cases and places such
4 as on the outskirts of the town or late at night."

5 So is it correct, Mr Witness, is it correct that women were not prevented from
6 working or engaging activities?

7 A. [11:48:54] Yes, that's correct.

8 Q. [11:49:02] I'm going so show a video. It's Defence tab 110,
9 MLI-OTP-0018-0056. I'll play it without sound on evidence 2.

10 (Viewing of the video excerpt)

11 MS TAYLOR: [11:50:37]

12 Q. [11:50:37] Mr Witness, do you recognise the location?

13 A. [11:50:43] Yes. The photographs show the small market in Timbuktu. I
14 would call it the small market. And that's the most widely known name
15 among the inhabitants, the Souk or the Bajendi market.

16 Q. [11:51:21] Is the spelling of Badindé, B-A-D-I-N-D-E with an accent?

17 A. [11:51:34] Yes.

18 THE ARABIC INTERPRETER: [11:51:45] Correction from the -- for the
19 spelling in light of his answer. We gave him the Arabic spelling, in which
20 case the English spelling must be B-A-J-E-N-D-I. And it reads Bajendi.

21 MS TAYLOR: [11:52:06]

22 Q. [11:52:06] Are you able to identify what year or time period this is being
23 shot?

24 A. [11:52:13] [REDACTED]

25 [REDACTED]

1 [REDACTED] But where it
 2 concerns the period of afterwards with regards to the -- with regards to the
 3 sequence and the clothing of the people, I think it was 2012, according to how
 4 they were dressed in the sequence.

5 Q. [11:53:06] And could you see women handing out food at the markets?

6 A. [11:53:20] Yes, nothing's changed with regard -- the women in the
 7 markets participated in commerce. Nothing had changed. That was the way
 8 they dressed.

9 Q. [11:53:36] Is it correct that under Ansar Dine there were female teachers
 10 who were teaching girls and immigrant women?

11 A. [11:53:49] That's correct.

12 Q. [11:54:05] Now, on day 7, transcript 94, edited transcript, page 47, lines 19
 13 to 25, page 48, lines 1 to 11, you referred to "Mohamed Ag Ghadi" [REDACTED]

14 [REDACTED]

15 Is it correct that this individual was a teacher at a school in Zarho?

16 A. [11:54:46] Yes, he was even the president of the school.

17 Q. [11:54:56] What type of school was it?

18 A. [11:55:01] This was a government school, a primary school which taught
 19 the Arabic language, and I think he also gave lessons in French as well, but I'm
 20 not 100 per cent sure.

21 Q. [11:55:29] When he went back to Zarho, did he go back to teach?

22 A. [11:55:37] When there was Ansar Dine still there, he carried out his own
 23 business. And, at the time, he told me that he had a stomach ulcer and he was
 24 looking for a remedy. After Ansar Dine left and the government returned, I
 25 think at that time he returned to his post and he continued to be a teacher.

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1 Q. [11:56:19] So when he went back to Zarho [REDACTED]?

2 A. [11:56:30] [REDACTED]

3 Q. [11:56:35] And is that what he told other people?

4 A. [11:56:40] I don't know.

5 Q. [11:56:50] Did he return to Zarho [REDACTED]? I'll
6 repeat the question.

7 Did he return to Zarho [REDACTED]?

8 * A. [11:57:26] Firstly, Mohamed Ag Hetti was a native of Zarho. He came to

9 Timbuktu for a certain period, [REDACTED]

10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]

18 [REDACTED] He worked within the group
19 until the Timbuktu group left and then he went back to his village in Zarho.
20 And with the return of the government, he continued his work as a teacher.

21 [REDACTED]

22 [REDACTED] I think is not
23 very clear for me. [REDACTED]

24 [REDACTED]
25 [REDACTED]

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1 THE INTERPRETER: [11:59:58] [REDACTED]

2 [REDACTED] -- corrects the interpreter.

3 MS TAYLOR: [12:00:03]

4 Q. [12:00:05] Mr Witness [REDACTED] worked within the group
5 until the Timbuktu group left and then he went back to his village in Zarho,
6 and with the return of the government, he continued to work as a teacher, [REDACTED]
7 [REDACTED].

8 Now, in these later years, did [REDACTED] for
9 Al-Qaeda?

10 A. [12:00:43] Could you state in which period you are talking about?

11 Q. [12:00:51] The period of -- for example, 2016, 2017?

12 A. [12:00:58] No. [REDACTED] was not aware of Al-Qaeda. [REDACTED]

13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]

17 Q. [12:01:39] Now, Mr Witness, you've spoken of [REDACTED] What are the
18 names [REDACTED]

19 A. [12:01:53] I do not remember their names.

20 Q. [12:02:04] Do you remember how old they were in 2012?

21 A. [12:02:10] I know that one of them is younger than [REDACTED] and he used
22 to [REDACTED]. He must have been about 13 or 12 at the
23 time. In 2007 and 2008, he used to spend a lot of time in [REDACTED]

24 [REDACTED]

25 Q. [12:02:49] Now, [REDACTED] is it correct

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2 A. [12:03:03] Yes, I believe that to be the case.

3 Q. [12:03:14] Do you know [REDACTED] ?

4 THE INTERPRETER: [12:03:42] Message from the French interpreter: Could
5 Ms Taylor please repeat the name?

6 PRESIDING JUDGE MINDUA: [12:03:48](Interpretation) Did you follow the
7 question from the interpreter, Ms Taylor?

8 Mr Prosecutor.

9 Ms Taylor.

10 MS TAYLOR: [12:03:59] I only just got the interpretation and I can repeat the
11 name, if that's what the Prosecutor was standing up for. Otherwise, if the
12 Prosecutor is going to go into issues of substance again, I would suggest that
13 they do not do so in front of the witness.

14 PRESIDING JUDGE MINDUA: [12:04:23](Interpretation) Mr Prosecutor.

15 MR DUTERTRE: [12:04:25](Interpretation) It's just a simple question of
16 translation, Mr President. In the French, page 46, line 27, it is written in 2007
17 and 2008, he would spend a lot of time in [REDACTED] I believe
18 that there is an issue with the interpretation of the response in the word "he".

19 PRESIDING JUDGE MINDUA: [12:04:56](Interpretation) Did you --

20 THE INTERPRETER: [12:04:58] Overlapping speakers.
21 Could counsel please wait?

22 PRESIDING JUDGE MINDUA: [12:05:04](Interpretation) Ms Taylor, would
23 you like to clarify this, the meaning of the sentence to the witness?

24 MS TAYLOR: [12:05:12] Yes, I can put that to the witness again.

25 Q. [12:05:15] Mr Witness, in the English it says, "In 2007 and 2008, he used to

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1 spend a lot of time in [REDACTED]" Should that be, "I used to
 2 spend a lot of time" or "he"?"

3 A. [12:05:33] Yes, it was I, who, in 2007 and 2008 and 2009, [REDACTED]
 4 [REDACTED]

5 Q. [12:05:55] Mr Witness, can you explain if you spent all this time in
 6 [REDACTED] how it is that you don't know the name [REDACTED]
 7 [REDACTED]?

8 A. [12:06:12] I remember the name of [REDACTED]. All of this is
 9 associated with the links that I had [REDACTED] I didn't have
 10 such relations with the younger [REDACTED] that would enable me
 11 to remember their names at the drop of a hat.

12 Q. [12:06:50] Do you know [REDACTED]?

13 A. [12:07:04] No, unless I know him by another name. [REDACTED]
 14 [REDACTED]
 15 [REDACTED]
 16 [REDACTED] but I do not remember their names.

17 Q. [12:07:40] If I was to say that he was [REDACTED],
 18 would that refresh your memory?

19 A. [12:07:50] Yes, that would enable me to say that I do not know him or
 20 them.

21 Q. [12:08:10] Do you know [REDACTED], also known as
 22 [REDACTED]?

23 A. [12:08:22] Yes, known by the name of [REDACTED], yes.

24 Q. [12:08:35] And is it correct that in 2012, he arrived in Timbuktu and then
 25 [REDACTED]?

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1 A. [12:08:44] Did you say, 2012? [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 for example, we greeted each other, but I do not know anything further than
6 his name, [REDACTED].

7 Q. [12:09:38] And he was [REDACTED]?

8 A. [12:09:43] I do not know [REDACTED]

9 [REDACTED] I don't know [REDACTED].

10 Q. [12:10:01] [REDACTED]

11 [REDACTED]

12 THE INTERPRETER: [12:10:25] Microphone, please.

13 THE WITNESS: [12:10:27](Interpretation) Yes.

14 MS TAYLOR: [12:10:29]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 Q. [12:11:01] If I can refer to OTP tab 1384, it's [REDACTED] at
19 0880, lines 415 to 420.

20 It's an interview, Mr Witness, between you and the Prosecution, [REDACTED].

21 And it says -- or, starting from line 409, you were asked how it is that you
22 remember the dates specifically [REDACTED]. At line 415:

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

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2 Does this refresh your memory, Mr Witness?

3 A. [12:12:32] Yes, I did say that. But I do not recall having said two days
4 later or two months later. Are you sure about that? Is the Office of the
5 Prosecutor certain that I said two days later?

6 PRESIDING JUDGE MINDUA: [12:12:56](Interpretation) Mr Prosecutor.

7 MR DUTERTRE: [12:12:58](Interpretation) I think the most -- the easiest thing
8 would be to bring up the transcript on the screen in the Arabic and English
9 versions and then the witness can check what he said.

10 I think this would be fair for him to be able to see what he said, and he cannot
11 remember everything he said precisely.

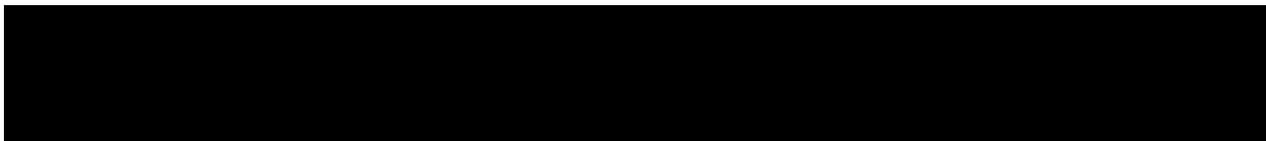
12 PRESIDING JUDGE MINDUA: [12:13:23](Interpretation) Yes, I entirely agree
13 with you.

14 Ms Taylor.

15 MS TAYLOR: [12:13:27]

16 Q. [12:13:27] Mr Witness, can you see the screen? It's an
17 interpretation/translation prepared by the Prosecution.

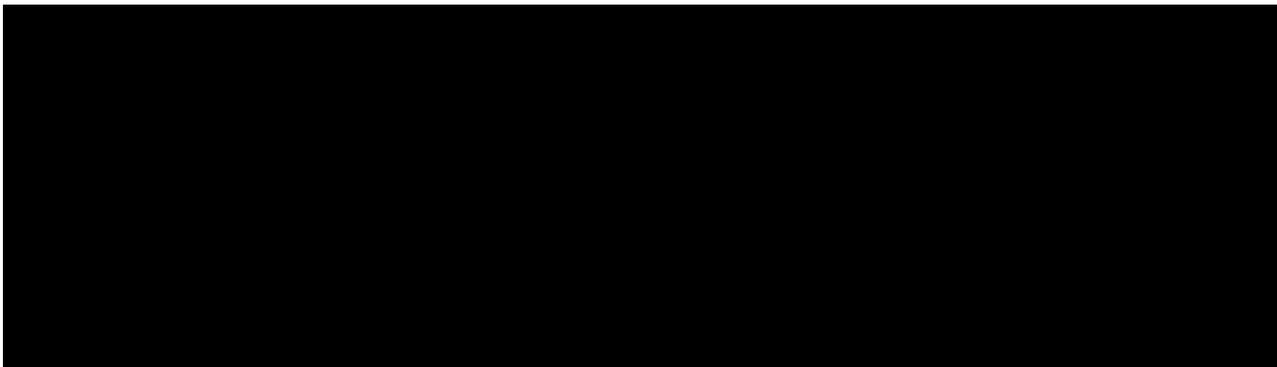
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20 THE INTERPRETER: But the witness did not finish his answer.

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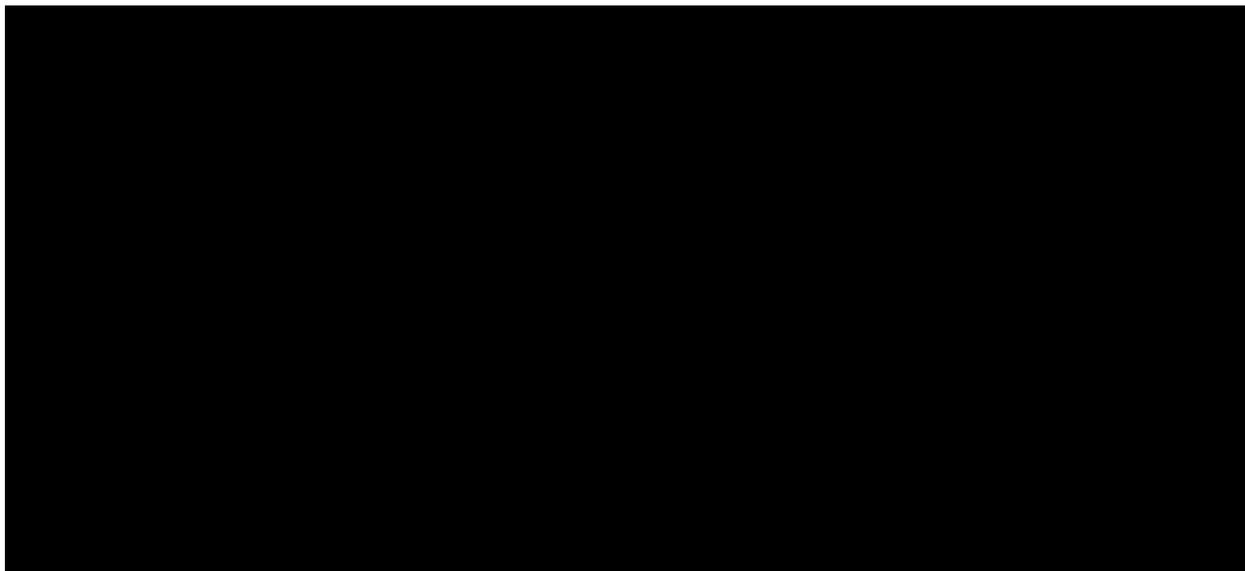
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PRESIDING JUDGE MINDUA: [12:15:43](Interpretation) Mr Prosecutor.

MR DUTERTRE: [12:15:45](Interpretation) Yes. Just to be on the record that in the translation of the transcript of the interview in question that I have before me, there is a mistake in the interpretation from Arabic into English. * It is "months" and not "days"

PRESIDING JUDGE MINDUA: [12:16:11](Interpretation) Yes, I can see that at line 415, it is said "after 2 days". Is that a mistake?

MR DUTERTRE: [12:16:18](Interpretation) Yes. But the witness can specify whether it's two days or two months.

PRESIDING JUDGE MINDUA: [12:16:24](Interpretation) Ms Taylor, do you agree?

MS TAYLOR: [12:16:28] Mr President, the witness has answered this and said two months. We have to work on the transcripts we're given by the Prosecution.

PRESIDING JUDGE MINDUA: [12:16:40](Interpretation) Very well. Please continue.

MS TAYLOR: [12:16:43]

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1 Q. [12:16:45] Now, Mr Witness, is it correct that [REDACTED]
2 [REDACTED] [REDACTED] for
3 a period of one and a half -- or approximately, one month?

4 A. [12:17:09] No, that is not correct. [REDACTED]
5 [REDACTED]

6 Q. [12:17:22] If we could turn to OTP tab 1350. That's
7 [REDACTED], at page 1130, lines 284 to 285.
8 This is the records of an interview of [REDACTED], and I believe it's on
9 evidence 1. And at line 284 to 285, it says:

10 [REDACTED]
11 [REDACTED]

12 Is the English the same as the Arabic, Mr Witness?

13 A. [12:19:05] Yes, it is accurate.

14 Q. [12:19:11] Were you telling the Prosecution the truth?

15 A. [12:19:16] Yes, I did tell them the truth. And what is more, I am not
16 certain about what I said. *Mish 'aref* means I'm not very sure. And this first
17 interview with the OTP, as I said to you, as questions were being put to me I
18 became more and more clear with regard to certain episodes because my
19 memory returned. [REDACTED]

20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

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Q. [12:20:52] Now, Mr Witness, you're speaking here about --

PRESIDING JUDGE MINDUA: [12:20:58](Interpretation) Mr Prosecutor.

MR DUTERTRE: [12:21:00](Interpretation) Yes, there is a word in the English transcript, page 55 -- page 54, line 10: "I did tell her the truth. And what is more, I am not certain by what I said." And then there's an Arabic word being used at that moment.

(No interpretation)

THE INTERPRETER: [12:21:28] Message from the French booth: *Mish 'aref*, "I am not sure" or "I do not know" is the translation.

PRESIDING JUDGE MINDUA: [12:21:36](Interpretation) Does that resolve your problem?

MR DUTERTRE: [12:21:39](Interpretation) Yes. In the transcript of the interview at the time, it 0041-1130, so it was lines 284 to 285 of that interview.

PRESIDING JUDGE MINDUA: [12:21:56](Interpretation) Very well. That is noted.

Ms Taylor.

THE INTERPRETER: [12:22:05] The French interpreter: The expression can be found in lines 282 and 283 of the Arabic transcription.

PRESIDING JUDGE MINDUA: [12:22:16](Interpretation) Mr Prosecutor, did you follow? Very well, then let's move on.

Ms Taylor.

MS TAYLOR: [12:22:24]



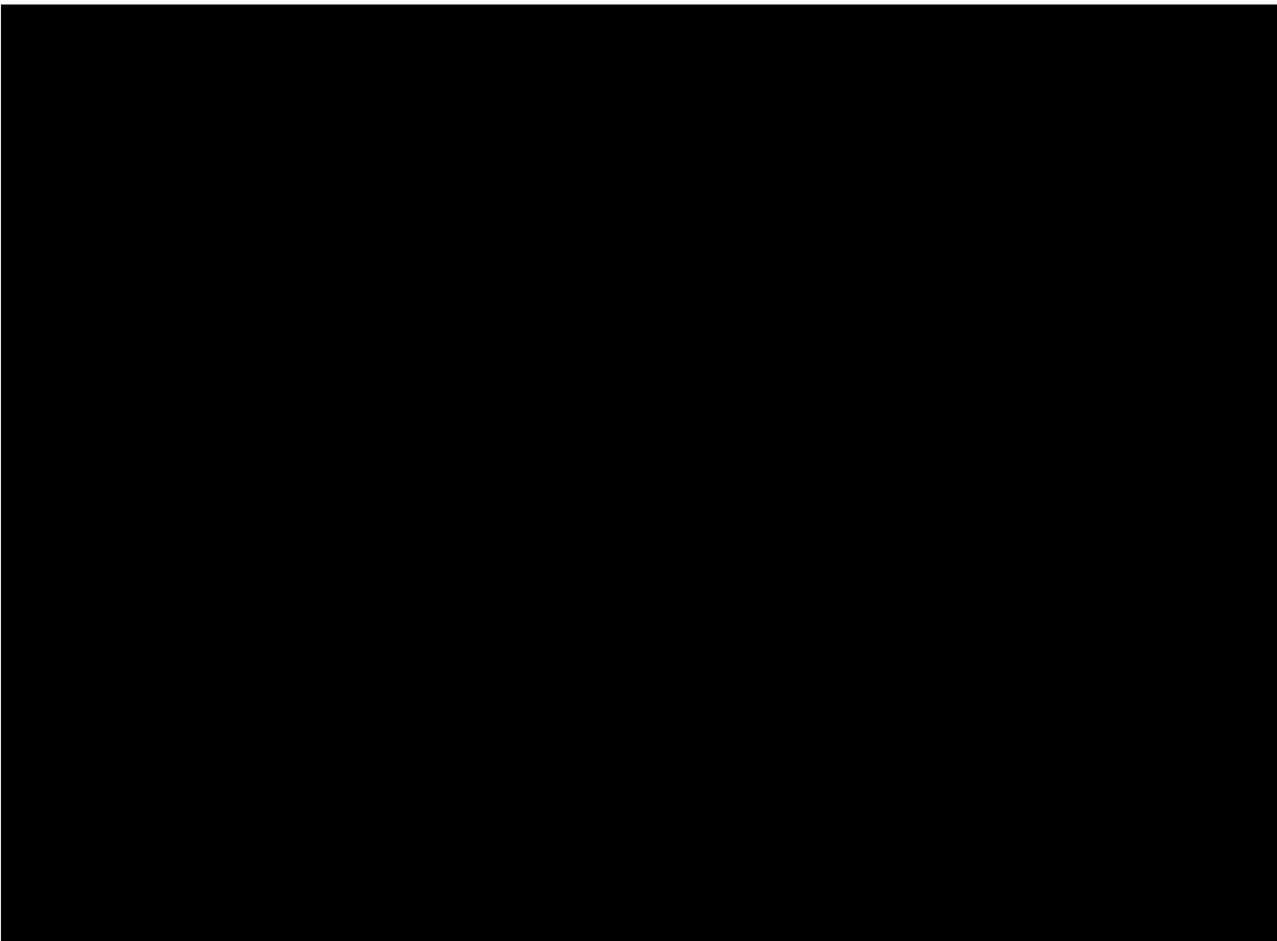
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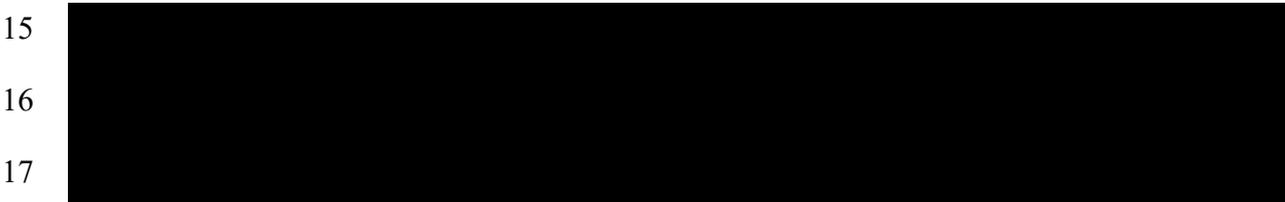
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14 Q. [12:23:58] I believe there might have been some confusion there. [REDACTED]



18 [REDACTED] up to approximately

19 a month or so?

20 A. [12:24:35] Less than a month. No, no, as I said to you, 10 days, and I
21 stand by that approximation. I gave you a preamble when I said and
22 explained to the OTP that I don't -- I'm not very sure with regard to my
23 estimations as to periods of time.

24 Q. [12:25:10] Now is it correct that [REDACTED] that you

25 heard allegations or rumours of Talha and the security taking steps to deal

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1 with alcohol and cigarettes?

2 A. [12:25:31] Yes, that is correct. There were other rumours that were far
3 more extensive, according to which they had dug up cadavers and then burnt
4 them.

5 Q. [12:26:09] Who did you hear these rumours from?

6 A. [12:26:13] Amongst the tradesmen. [REDACTED] is
7 a thoroughfare, in the sense that tradesmen come through there on their way to
8 Timbuktu. The tradesmen stop off there at the mosque and we talk to them,
9 we chat to them, and they are the ones who spoke of these rumours.

10 Q. [12:26:46] Is it correct that when you described these rumours to the
11 Prosecution in [REDACTED], you gave your opinion that you thought Talha was
12 responsible because he was the only one in control at the time?

13 A. [12:27:05] Yes. And I know the extent of the control that Talha had. * I am
14 not saying that he was the emir who gave orders, but I know that he was the
15 commander of the security battalions and he was in charge of security
16 throughout the city.

17 Q. [12:27:39] And is it correct that this occurred before Ansar Dine
18 established its institutions and objectives?

19 A. [12:27:49] Yes, that is correct.

20 Q. [12:27:59] Now transcript 92, corrected --

21 PRESIDING JUDGE MINDUA: [12:28:08](Interpretation) Mr Prosecutor.

22 MR DUTERTRE: [12:28:09](Interpretation) There was a compound question,
23 that is to say, established institutions and objectives. I think one need not
24 remind ourselves that there has -- there was a meeting at Hôtel Bouctou. So
25 when we put compound questions, we didn't know what the witness is

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1 answering actually, do we?

2 PRESIDING JUDGE MINDUA: [12:28:34](Interpretation) Ms Taylor, the
3 Prosecutor is right in so saying.

4 MS TAYLOR: [12:28:38] Yes, and the Prosecutor has just given evidence in
5 front of the witness.

6 PRESIDING JUDGE MINDUA: [12:28:48](Interpretation) Yes, but he did have
7 to raise his objection because you have a multistoreyed question going on here
8 and we don't know what part the witness answered.

9 MS TAYLOR: [12:28:57](Interpretation) Thank you, Mr President. But we
10 have asked repeatedly for the Prosecutor to make their objections outside the
11 presence of the witness if they're going to go into issues of evidence. Not once
12 has Mr Duterte asked for the witness to leave the courtroom.

13 PRESIDING JUDGE MINDUA: [12:29:22](Interpretation) We shall resolve
14 this, for now and for the future.

15 What do you say to that, Mr Prosecutor?

16 MR DUTERTRE: [12:29:29](Interpretation) I think we would have to have
17 him leave the room on a regular basis then.

18 I'm referring here to what the witness has already given in terms of evidence
19 during the examination-in-chief; so I'm not influencing the witness in any way.

20 This is the transcript of what the witness has already said under oath before
21 your very Chamber a few days ago.

22 PRESIDING JUDGE MINDUA: [12:29:55](Interpretation) Well, did you
23 follow that answer, Ms Taylor? Of course we're not going to show the witness
24 out all the time, but you should be careful when you put compound questions
25 to the witness and you should avoid that.

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1 MS TAYLOR: [12:30:17] Thank you, Mr President. I believe also a solution
2 might be for the Prosecutor to perhaps be more judicious with their objections,
3 then we won't have so many disruptions.

4 Q. [12:30:29] Now, Mr Witness, is it correct that this occurred before
5 Ansar Dine had put in place its institutions?

6 A. [12:30:51] Could you repeat the incident and state when we spoke about
7 that.

8 Q. [12:31:04] Mr Witness, you were talking about the rumours you heard
9 about Talha [REDACTED] and about how you believe that Talha
10 was in control because he was the only person -- that you thought he was
11 responsible because he was the only one in control at the time. My question
12 was: Did this therefore occur before Ansar Dine had put in place the
13 institutions, such as, the *shurta*, the *Hesbah*?

14 A. [12:31:48] Yes, that's what I think.

15 Q. [12:31:55] Now, if I can refer to your prior statement. That's still up, I
16 think it's just page 1131. And it was lines 310 to 316 and the Prosecution said
17 to you, line 310:

18 "Which is ... which might be a little ... complicated because if you can explain
19 how this fluid or unclear early situation in Timbuktu, how does that fit with
20 the ... Ansar Dine policy in Timbuktu?"

21 And you said at line 316:

22 "I think the policy only became clear when the different institutions were
23 established."

24 Mr Witness, is this what you said?

25 A. [12:33:01] Yes, that's what I said. * And I would need this to be further

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1 explained, because I don't recognize this policy mentioned here

2 Q. [12:33:19] Now, Mr Witness, at transcript 92, page 40, lines 3 to 9, you
3 stated:

4 "From the beginning of April [...] until the last week of April, I don't know
5 exactly where Al Hassan was. But at the end of April, I saw Al Hassan
6 working with Talha.

7 "Mr Witness, can you tell us what you saw exactly. What was he doing when
8 you saw him?

9 "The first time, [REDACTED] I saw Al Hassan writing
10 to Talha in the security office."

11 Mr Witness, what do you mean by this sentence, "[...] [REDACTED]
12 [REDACTED] and you saw Al Hassan writing to Talha in the security office?

13 A. [12:34:17] I don't understand your question because you're speaking
14 about Hassan [REDACTED] at the same time, and I was speaking about two
15 different people on different occasions. Could you please clarify your
16 question.

17 Q. [12:34:41] Mr Witness, perhaps I'm putting things around, because I'm
18 asking you to clarify your answer.

19 So I'll read it out again, and it's the last sentence that I would ask you to clarify:

20 "From the beginning of April [...] until the last week of April, I don't know
21 exactly where Al Hassan was. But at the end of April, I saw Al Hassan
22 working with Talha."

23 The question put by the Prosecutor was:

24 "Mr Witness, can you tell us what you saw exactly. What was he doing when
25 you saw him?

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1 "The first time, [REDACTED], I saw Mr Al Hassan
2 writing to Talha in the security office."

3 Mr Witness, can you explain what you meant when you said: "The first time,
4 [REDACTED], I saw Mr Al Hassan writing to Talha in
5 the security office."

6 A. [12:35:46] I didn't say this sentence at all. What I said was, when the
7 Prosecutor asked me the question about what Mr Al Hassan was doing, I
8 replied that Al Hassan was writing a message to Talha. But this sentence, this
9 long sentence, I didn't say that.

10 Q. [12:36:11] Where was Mr Al Hassan sitting?

11 A. [12:36:16] He was seated in what we call the security office that was in the
12 building in the police centre, first police centre.

13 Q. [12:36:36] And where was Talha sitting?

14 A. [12:36:40] I didn't see Talha, I never saw him in the police centre, but I
15 saw him with Abou Zeid or I would see him walking around in the streets.

16 Q. [12:37:02] Is it correct that there was only one desk in this office for
17 security?

18 A. [12:37:14] Yes. There was the police office which was opposite that
19 building.

20 THE INTERPRETER: [12:37:36] "Police desk", corrects the interpreter.

21 MS TAYLOR: [12:37:40]

22 Q. [12:37:41] When you came in, where was Adam?

23 A. [12:37:45] I don't know where he was exactly. I don't remember, but to
24 the best of my knowledge, he must have been in the police office. [REDACTED]

25 [REDACTED]

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1 [REDACTED]

2 Q. [12:38:16] So you didn't meet him in the police station?

3 A. [12:38:22] [REDACTED] I don't
4 remember seeing him behind the office called the office of the police centre.

5 Q. [12:38:41] How many desks were there in the section for the police?

6 A. [12:38:50] What I said was that you had the desk in the police office and
7 you also had the security desk where there was another office, but it was a low
8 table. I don't remember its form exactly. I think that it was green, it was low,
9 a small table. I don't really remember.

10 THE INTERPRETER: [12:39:24] It was in glass, corrects the interpreter.

11 THE WITNESS: [12:39:28](Interpretation) I don't remember very well. These
12 were two tables, two desks for security. One for security, and one for the
13 police.

14 MS TAYLOR: [12:39:37]

15 Q. [12:39:38] And is it correct that the police only had one computer?

16 A. [12:39:44] The police have a computer, but I wouldn't be able to tell you if
17 it's one computer or two computers.

18 Q. [12:40:04] And is it correct that the police only had one printer?

19 A. [12:40:09] I think that they have a printer, but I didn't look at all the
20 materials attached to the computer. I wouldn't be able to tell you exactly.
21 But to the best of my knowledge, I can tell you that, yes, there was a printer.

22 Q. [12:40:39] Turning to Prosecution tab 1376. That's
23 [REDACTED] at 3225, lines 479 to 480. If that could be put on
24 evidence 1 for the witness.

25 This is from your interview of [REDACTED] And at line 475, the

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1 Prosecutor says to you: "Okay ... do you remember if Hassan had a role at
2 that time in that ... if I can call it a project?"

3 At line 479, you respond: "Hassan has always ... had always been connected
4 to the police and his role was limited to the police."

5 PRESIDING JUDGE MINDUA: [12:42:25](Interpretation) Prosecutor.

6 MR DUTERTRE: [12:42:28](Interpretation) Your Honour, without going into
7 the substantive matters, there have to be time considerations which need to be
8 clarified by Ms Taylor and which figure just above on the page on your screen.
9 Without that, we don't know what time we are talking about.

10 PRESIDING JUDGE MINDUA: [12:42:51](Interpretation) Ms Taylor, the
11 situation has changed over time, so what -- what era was this?

12 MS TAYLOR: [12:43:01] Mr President, I do believe this objection was
13 premature because my question would have resolved that issue. I do believe I
14 should be permitted to put a question before the Prosecutor objects.

15 PRESIDING JUDGE MINDUA: [12:43:16](Interpretation) Very well. Please
16 go ahead, Ms Taylor.

17 MS TAYLOR: [12:43:19] And again, I would ask the Prosecutor not to shake
18 their head like that. It's not courteous.

19 Q. [12:43:20] Now, Mr Witness, is the English translation correct?

20 A. [12:43:50] Yes.

21 Q. [12:43:54] Now, Mr Witness, here it says Mr Al Hassan "has always ... had
22 always been connected to the police." Was that correct?

23 A. [12:44:06] Yes.

24 Q. [12:44:15] And is it correct that his role was always limited to the police?

25 A. [12:44:22] I mentioned Al Hassan in different time frames -- different time

1 periods since his work in the Mujahideen, and I spoke about the other time
 2 period and other tasks [REDACTED] At the time
 3 [REDACTED] Mr Al Hassan was linked to the work of the
 4 police.

5 Q. [12:45:06] Well, let's go to a different time period where you answered
 6 responses to the Prosecution.

7 If I can turn to OTP tab 1377, that's [REDACTED] page 3249, lines
 8 528 to 529. This is an interview [REDACTED]. Lines 528 to 529.

9 And the Prosecutor, the page before, is asking you about the role and
 10 responsibility of "Hassan Abdel Aziz" in relation to the police. That is
 11 page 3248 at line 473. And there's a discussion.

12 And then at line 528, you say: "From ... from the beginning, he became part of
 13 the police office and he was in charge of writing down the records."

14 Is the English translation correct?

15 A. [12:46:59] Yes. Furthermore, I mentioned in Arabic the complaint and
 16 the others -- the other documents.

17 Q. [12:47:26] And is what you said to the Prosecution true, that he was part
 18 of the police?

19 A. [12:47:33] Yes, indeed.

20 Q. [12:47:46] And is it correct that the first time that you mentioned any link
 21 between Mr Al Hassan and security was in [REDACTED]

22 [REDACTED]?

23 We can pull up that reference. It's tab 1393, it's [REDACTED] at
 24 8978.

25 And it says at line 551 to 553:

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1 "I am sure that he joined the group before the establishment of the police. I
2 am not sure exactly what duties he was doing, but I think he was part of the
3 security institution under the command of Talha at that time."

4 Then at line 560 you say:

5 "I am pretty sure that this information is accurate."

6 Mr Witness, since you say that you did not know what Mr Al Hassan was
7 doing and were only pretty sure that the information you provided was
8 accurate, is it correct that you were basing this on information you had read or
9 heard from someone else?

10 A. [12:49:39] Here, this isn't a novel. This isn't something that's told by
11 someone, you can't say that I heard it from somebody. What is written is
12 based on what I saw. I was present and I know that the activities of the
13 group -- I know what the activities of the group were and what they did in
14 Timbuktu. And the Prosecution is asking me questions about that -- about
15 these events. They were prior to the establishment of the police and the
16 *Hesbah*. And entering this period of time before the establishment of the
17 police and the *Hesbah*, what were the acts and responsibilities of Mr Al Hassan?
18 I don't know, in fact, but that doesn't mean that I do not know where
19 Mr Al Hassan was working or that he was working with Talha firstly, who was
20 the president of the security battalion. Furthermore, the police was set up and
21 Mr Al Hassan continued to work with the police subsequently. So all of these
22 words -- you can't put these words to me because this is what I saw with my
23 own eyes.

24 Q. [12:51:22] So in terms of what you saw with your own eyes, at
25 transcript 92, page 40, lines 3 to 9, "From the beginning of April [...] until the

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1 last week of April, I don't know exactly where Al Hassan was. But at the end
2 of April, I saw [Mr] Al Hassan working with Talha."

3 So is it correct, Mr Witness, that your evidence that you're pretty sure that he
4 was part of the security institution is based on you seeing him write something
5 on a desk that you believed to be Talha's office?

6 A. [12:52:13] That's not what I want to say. What I want to say is that he
7 was a member of Talha's institution and he was a reporter in Talha's office.
8 But this isn't a person who was just passing through Talha's office to write
9 something. He was a rapporteur.

10 Q. [12:52:48] Now, regarding the BMS, is it correct that no rooms were used
11 upstairs for detention?

12 A. [12:53:01] I wouldn't be able to tell you because I informed the
13 Prosecution that I wasn't aware of all activities carried out in the upstairs
14 rooms of the BMS, and I didn't state the details of that building. But I do
15 know that there was a corner for prayer and there was also a room for invited
16 people where they could eat, and I think there was a kitchen. I also spoke
17 about prisoners and I said that it was on a lower floor -- they were on a lower
18 floor.

19 I can't say that the information you've provided is correct.

20 Q. [12:54:10] Do you recall telling the Prosecution that you didn't think that
21 there were rooms upstairs for detention?

22 A. [12:54:18] I don't remember, but perhaps it corresponds with what I
23 believe. I didn't see signs of detention rooms on the upstairs floor.

24 Q. [12:54:47] If I could bring up OTP tab 1400, that's MLI-OTP-0077-3967,
25 that's the English. And the Arabic is OTP tab 1399, that's MLI-OTP-0036-0084.

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1 And if the witness could be provided tab 1399.

2 Do you recognise this sketch?

3 A. [12:56:44] Yes. This is my sketch.

4 Q. [12:56:52] Can you explain what it is?

5 A. [12:56:56] Yes, I was trying from my memory to draw what I remembered
6 with regards to the inside of the *Hesbah*, the *Hesbah* building, which was the
7 police building and that's the building you spoke about.

8 Q. [12:57:32] So just to be clear, this is the BMS when the *Hesbah* was there?

9 A. [12:57:39] Yes.

10 Q. [12:57:51] Now on the left, can we see an office for security?

11 A. [12:57:56] Yes.

12 Q. [12:58:08] So is it correct that Talha and the security stayed in the BMS
13 even after the police moved?

14 A. [12:58:19] No. Not at all. There was no security in the office when
15 there was the *Hesbah* there. But I called it the security office, but I don't mean
16 that the security was in that office. And in my comment to the Prosecution, I
17 told them that I was not sure of these rooms on the left because the security
18 office was also an office where Mohamed Moussa detained women.

19 Q. [12:59:06] When did you tell the Prosecution that?

20 A. [12:59:12] Perhaps it was recorded, perhaps in the part on the discussion
21 on Mohamed Moussa. I don't know exactly when.

22 Q. [12:59:35] If we could bring up MLI-REG-0001-0064. It's a Registry
23 exhibit.

24 Is there a way to display the Arabic to the --

25 PRESIDING JUDGE MINDUA: [13:00:23](Interpretation) Prosecutor.

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1 MR DUTERTRE: [13:00:24](Interpretation) Perhaps to avoid any ambiguity,
2 when the witness says that he spoke about the room, perhaps he could say if it
3 was during his testimony here or during the interview by office of the
4 Prosecution. In Arabic there's a certain sense which is applied to this
5 formulation, but we have to be clear.

6 PRESIDING JUDGE MINDUA: [13:00:51](Interpretation) Yes, I agree with the
7 Prosecutor, Ms Taylor.

8 MS TAYLOR: [13:00:55] Mr President, I'm not sure which line the Prosecutor
9 is referring to, but I do see it's one o'clock. So if the Prosecutor could give the
10 specific reference and then we can address it after the break.

11 I also suggest that it might be helpful for the Prosecutor to have the English
12 and the French transcripts up.

13 PRESIDING JUDGE MINDUA: [13:01:27](Interpretation) Prosecutor, you
14 heard the answer from Ms Taylor.

15 So we are going to suspend the hearing for the lunch break and we will be back
16 at 1430.

17 Court is suspended.

18 THE COURT USHER: All rise.

19 (Recess taken at 1.01 p.m.)

20 (Upon resuming in closed session at 2.39 a.m.)

21 THE COURT USHER: [14:39:27] All rise.

22 Please be seated.

23 PRESIDING JUDGE MINDUA: [14:39:44](Interpretation) Court is in session
24 once again.

25 So, we have started with a 10-minutes' delay, and it is not in the habit of this

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1 Chamber to arrive late. It is because the Chamber received -- I don't know
2 whether we should call it an objection or a remark or a comment on the part of
3 the Defence with regard to the incident that occurred just before we rose for
4 lunch.

5 In response to the question put by Ms Taylor on the subject of the room on the
6 upper floor, the Prosecutor intervened, and, in the minds of the Defence, this
7 was not a justifiable objection because it was a means for the Prosecutor to
8 intervene.

9 Now what does the Chamber think of all of this?

10 For the Chamber, and in this particular instance, rather, it was an instance of
11 clarification. The Prosecution was seeking clarification as to whether the
12 witness had said here, in the courtroom, something, or whether he had said
13 something during the investigation.

14 But generally speaking, rather, we should be ascertaining the following:
15 Defence, when you put questions to the witness, you should not be putting
16 vague questions. If you avoid putting vague questions, then the Prosecution
17 won't be tempted to intervene.

18 And as far as the Prosecution is concerned, I would also ask the Prosecution to
19 be mindful that when you are seeking a point of clarification with regard to, for
20 example, a vague question, then you raise the objection immediately after the
21 question has been put. If you let time run and the question go by and the
22 witness starts to answer and then you intervene, then everyone gets confused.

23 On this occasion, the Chamber believes that it was simply a matter of
24 clarification.

25 So we shall continue with our session, and I believe that we did obtain the

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1 clarification that we were seeking.

2 And, Ms Taylor, I'm going to hand over to you for the continuation of your
3 cross-examination.

4 MS TAYLOR: [14:43:00] Thank you, Mr President.

5 Q. [14:43:03] Mr Witness, we have on evidence 1, a map that you drew
6 during your testimony. And I believe you should still have next to you tab
7 1399, which is a map you drew for the Prosecution of the *Hesbah*.

8 Mr Witness, could you kindly confirm that you have that map still next to you?

9 A. [14:43:36] Yes, I still have it before me.

10 Q. [14:43:51] Would it be possible for the Registry to rotate the map to the
11 opposite side, Mr Witness -- or, perhaps I could ask you, Mr Witness, if you
12 could make sure that you have both maps orientated in the same way, such
13 that the main entrance or main gate is facing to the bottom, or the top. But if
14 you could let me know which way it is for you. I think that would help
15 orientate everyone in the courtroom.

16 So for the tab 1399, could you please let me know if the main gate is facing
17 towards the bottom or towards the top?

18 A. [14:44:35] The main door is pointing upwards from the image that I have
19 before me.

20 Q. [14:45:04] Mr Witness, are you speaking about the image on the screen or
21 the tab 1399, which is the sketch that you drew of *Hesbah*, which is on a piece of
22 paper that was given to you previously?

23 A. [14:45:22] I spoke of the -- or, I was speaking about the image on the
24 screen.

25 As for the other document, well, the main door is facing downwards.

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1 Q. [14:45:48] Would it be possible, Mr Witness, for you to turn that
2 document like this - and, for the record, I'm turning it 180 degrees - so that it's
3 facing the same way as the one on the screen.

4 MR DUTERTRE: [14:46:19](Interpretation) Mr President.

5 PRESIDING JUDGE MINDUA: [14:46:21](Interpretation) Mr Prosecutor.

6 MR DUTERTRE: [14:46:22](Interpretation) On the screen it's upside down,
7 the document. It's like we were reading a newspaper the wrong way around.
8 So the document -- the witness is going to be looking at two documents upside
9 down. That won't help in the reading exercise.

10 PRESIDING JUDGE MINDUA: [14:46:44](Interpretation) What does the
11 witness think about this, because it is he who is going to be interpreting this
12 plan, is he not, this sketch?

13 Mr Witness, do you understand this sketch before you on the screen? Is it
14 upside down or is it the right way up?

15 MS TAYLOR: [14:47:02] Mr President, if I may interject, I have a solution.
16 We asked before --

17 PRESIDING JUDGE MINDUA: [14:47:07](Interpretation) Ms. Taylor, yes.

18 MS TAYLOR: [14:47:08] -- during the break if we could get a printout of the
19 Registry exhibit. Unfortunately, it's in the vault. But we did print a copy.
20 Perhaps it's easier for the witness to have both copies in front of him so that he
21 can orientate them next to each other. Otherwise, it could be done on the
22 screen, but if it's easier for the witness to see himself, in front of him.

23 PRESIDING JUDGE MINDUA: [14:47:36](Interpretation) So it's the witness
24 who has to understand what's going on.

25 What do you prefer, Mr Witness? Would you like to have it in a hard copy as

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1 well?

2 THE WITNESS: [14:48:01](Interpretation) That won't be necessary. I am able
3 to compare these two documents, even if one were the wrong way around or
4 upside down, but it will have an impact on my description. I'm going to be
5 saying "right" and "left," and when you compare the two, of course there's
6 going to be a contradiction in my description.

7 PRESIDING JUDGE MINDUA: [14:48:24](Interpretation) Well, as you can use
8 both of them, let's all use the one that's up on the screen.

9 MS TAYLOR: [14:48:32] If the Registry could kindly turn it upside down.

10 PRESIDING JUDGE MINDUA: [14:48:47](Interpretation) *Voilà*. (No
11 interpretation)

12 MS TAYLOR: [14:48:50]

13 Q. [14:48:50] Now, Mr Witness, is it correct that in both the document, which
14 is tab 1399, and the document, which is on the screen, on the left-hand side,
15 bottom corner, there is written "security office"?

16 A. [14:49:23] Yes.

17 Q. [14:49:27] And is it correct that on the right-hand side of the diagram in
18 one sketch you have Mohamed Moussa's office - that's the one you drew of *the*
19 *Hesbah* - and then the one you drew in the court, you simply put "Al Hassan's
20 office"?

21 A. [14:49:53] Yes.

22 Q. [14:50:05] So you've have effectively changed (Overlapping speakers) for
23 Al Hassan?

24 A. [14:50:11] That is true.

25 Q. [14:50:17] Now in this sketch, the one that's on the screen, where was

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1 Adam's office?

2 A. [14:50:28] Adam did not have an office, but Al Hassan's office was Adam
 3 and Mohamed Moussa's office. So this same room, where I have written
 4 "Al Hassan's office", was also the office of Khalid, of Mohamed Moussa as well.

5 Q. [14:51:04] Is this the office with the computer in it?

6 A. [14:51:09] Yes.

7 Q. [14:51:15] If I could turn to --

8 PRESIDING JUDGE MINDUA: [14:51:18](Interpretation) Prosecution.

9 MR DUTERTRE: [14:51:23](Interpretation) Mr President, I think this deserves
 10 clarification. But if I am going to take the floor, I believe the witness should
 11 be shown out of the courtroom.

12 PRESIDING JUDGE MINDUA: [14:51:33](Interpretation) Could you please
 13 show the witness out of the courtroom for a few moments, Madam Usher.

14 Thank you.

15 (The witness exits the courtroom)

16 PRESIDING JUDGE MINDUA: [14:52:12](Interpretation) Ms Taylor, do you
 17 have the transcript in English?

18 MS TAYLOR: [14:52:16] Yes.

19 PRESIDING JUDGE MINDUA: [14:52:26](Interpretation) Thanks. I was just
 20 checking with you because Judge Prost had an issue with the transcript.

21 Mr Prosecutor, the witness is now out of -- out of the courtroom. Over to you.

22 MR DUTERTRE: [14:52:43](Interpretation) Yes, Mr President. We need to be
 23 clear and precise when putting questions to him. This is a question of fairness
 24 in order to avoid any confusion and to shed light on the matter for the
 25 Chamber.

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1 A witness can have prepared a sketch. And when talking to him about
2 Mohamed Moussa, in order -- he's going to put Mohamed Moussa's office at
3 a specific location, even though he's gone to the governor's office. And when
4 I'm interviewing him and asking him where the police office was at the BMS
5 when he was there, he will then provide another description with names on the
6 same locations. That doesn't mean, nevertheless, that everyone was there at
7 the same moment in time.

8 So there is a concern here that Ms Taylor might specifically indicate and bring
9 the witness's attention to the context in which he has made the sketch. Then
10 he's going to get confused. It's is not fair on him. It's going to give rise for
11 confusion for everyone in the courtroom and for the Chamber.

12 So this sketch that he prepared for the OTP from memory, this is when we
13 were talking about Mohamed Moussa and the *Hesbah* at the BMS. And when
14 I asked him to produce the sketch under oath in the courtroom, that was when
15 I was talking about the police at the BMS.

16 So there is no superposition here of all this information. It's not that they're all
17 confused using the same offices. It's just that we need to situate this and
18 enable the witness to be able to know where it all is so that it can provide
19 useful evidence in the future.

20 PRESIDING JUDGE MINDUA: [14:54:39](Interpretation) Thank you very
21 much. I was just waiting for the interpretation for Ms Taylor.

22 Ms Taylor, I do find that the Prosecutor's intervention is very relevant here,
23 and you will answer me. When you asked the witness to provide or make
24 a sketch - when one asks him to make a sketch - it does depend on the period
25 because when -- throughout the events, the offices and the various organs of

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1 Ansar Dine over time changed. So there is the issue of time. And what

2 period are we talking about when putting the question to the witness?

3 And as the Prosecution just rightly said a moment ago, when asking where

4 Mohamed Moussa's office is located, then the witness is going to hone in on

5 Mohamed Moussa and maybe offer ...

6 Forget the office of the secretaries or the court clerk et cetera, and, then, when

7 we ask him where the police office is, then he's going to concentrate on the

8 police office to the detriment of maybe rooms or offices.

9 So what do you say to that? Because your question seems to me to be rather

10 vague.

11 MS TAYLOR: [14:55:59] Thank you, Mr President. Although I do have to

12 admit I'm a little bit confused because we were comparing two sketches, one

13 where I clearly stated this was a sketch that he drew -- that he drew of *Hesbah*

14 when it was in the BMS. The other sketch is the sketch he drew of the police,

15 when the police was in the BMS.

16 Now, we're trying to work out which offices are the same offices. And I'm

17 putting that to him in a systematic manner. I do believe this objection is

18 premature because I have a series of questions that will go through this,

19 including the manner in which he created the first sketch. So I do believe we

20 should be given our leeway to put questions to this witness.

21 And my last question was: Was there a computer in the office to the far right?

22 The witness has answered that question. He didn't find it confusing. I can

23 ask him was there a computer there when the police was there, and I can ask

24 him was there a computer when *Hesbah* was there.

25 But I do believe going into an historical description of anything beyond that

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1 falls out the scope of that question. It's simply a question as to whether there
2 was a computer in that office. That's all.

3 PRESIDING JUDGE MINDUA: [14:57:30](Interpretation) Very well. So you
4 may put your questions but avoiding vague questions and specifying on each
5 occasion what you are looking for.

6 And I believe that the Prosecution will also be minded not to intervene
7 constantly.

8 Madam usher, could you please show the witness into the courtroom.

9 (The witness entered the courtroom)

10 THE COURT OFFICER: [14:58:12] Your Honours, as we await the witness's
11 return, the document currently being displayed does have a translation, and it
12 will be made available in the course of the day tomorrow. Its ERN is
13 MLI-REG-0001-0064. Thank you. Sorry. Just to correct that, it's
14 MLI-REG-0001-0164. Thank you.

15 PRESIDING JUDGE MINDUA: [14:59:00](Interpretation) Thank you very
16 much indeed, Mr Courtroom Officer.

17 Now the witness has returned to the courtroom.

18 Mr Witness, thank you very much for your patience.

19 And over to Ms Taylor, please.

20 MS TAYLOR: [14:59:09] Now, Mr Witness, we were just talking about the
21 far-right office, and I asked you if a computer was in that office.

22 Can you confirm whether there was a computer in that office when the police
23 were there and also when *Hesbah* was there.

24 A. [14:59:40] Yes, there was a computer.

25 Q. [14:59:42] Mr Witness, if I can go to a transcript of your interview with

1 the Prosecution. It's your interview dated [REDACTED] It's Prosecution
 2 tab 1372. It was [REDACTED]. Speaking at page 3128, if that
 3 could be put on evidence 1 for the witness.

4 And this is a record of the interview where you're describing *Hesbah*. And at
 5 lines 533 to 534, you say:

6 "If you go to the opposite side, you will go to Talha's office which was called
 7 the security office."

8 And if we can turn to page 3129, lines 556 to 562, you say --

9 The interpreter says: For example, this is the main door. And the
 10 interviewer says: Okay then, if you could mark turning to the right from the
 11 main door, this Mohamed Moussa's office.

12 Then the interpreter says to the left this is Talha's office, or what we call the
 13 security office.

14 When you drew this sketch, Mr Witness, did you believe that the security office
 15 or Talha's office was in this left-hand room in the BMS at the time that the
 16 *Hesbah* was there?

17 A. [15:02:06] Yes. But I meant the room that I had identified to the OTP as
 18 the security office. And that's what I have always said during the interviews.
 19 When I use a term, I repeat it to those I am speaking to. To the best of my
 20 recollection, I said that this was the security office and I carried on calling it the
 21 security office.

22 Q. [15:03:02] So was it the security office because security had an office there
 23 at that time?

24 A. [15:03:10] During the time when Mohamed Moussa was in charge, the
 25 security and the police were transferred to another place and that place became

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1 for Mohamed Moussa and his activities.

2 Q. [15:03:42] So if the security was transferred, where was it transferred to?

3 A. [15:03:52] The security, generally speaking, I don't know the details about
4 the security service, but often I've always said during the interviews, the
5 security meant the security battalion. Talha was their leader, and the office
6 was at the first -- on the first floor of the police building.

7 And then you asked me for more information.

8 What I can tell you, in addition to what you have already heard is, as follows.

9 Talha, Talha led another building that was very tall, the Ahmed Baba centre,
10 the new centre, and Talha lived on the top floor of that building. In that
11 building, there were several wings, several offices. Perhaps the security
12 people used one or several offices in that building.

13 So when I talk about the security building within the police headquarters, I'm
14 not saying that it was the only office handling security in the entire city of
15 Timbuktu.

16 Q. [15:05:21] Mr Witness, I'm going to show a video. It's a video that was
17 shown to you already on day 6, transcript 93 edited, page 58, lines 2 to page 59,
18 lines 15. And the video is Prosecution tab 1225 and it's MLI-OTP-0041-0605.
19 I'm going to play it without sound.

20 (Viewing of the video excerpt)

21 MS TAYLOR: [15:06:55]

22 Q. [15:06:57] Mr Witness, which office is this on the map? If you could
23 refer to the sketch.

24 A. [15:07:21] It is what I called the -- Al Hassan's office or the office of
25 Mohamed Moussa, the room to the right.

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1 Q. [15:07:35] And is this the room where a computer was based?

2 A. [15:07:43] Yes.

3 Q. [15:07:51] And if I were to put it to you that this video is dated 11 June
4 2012, would this mean that this video was shot when Adam was the emir of the
5 police?

6 A. [15:08:15] Yes. And that is not strange to me.

7 Q. [15:08:24] And in this video, was Mr Al Hassan hearing a dispute
8 between two local Arabs?

9 A. [15:08:33] Yes, I believe so.

10 Q. [15:08:44] And was this either a conflict arising from a market or a tribal
11 conflict?

12 A. [15:08:58] The two reasons are possible, and there were such cases that
13 were heard at the police office.

14 Q. [15:09:16] Now the guns on the table, were these guns that appear to have
15 been confiscated by the police from either the MNLA or Arab militia?

16 A. [15:09:34] I can't determine that, but you're talking about a reality that
17 occurred often, but I can't say that what we see on the screen is that.

18 Q. [15:10:01] Do you recall telling the Prosecution that you thought that
19 these were confiscated guns that were on the table because the police had
20 nowhere to store them?

21 A. [15:10:13] I said that? I said that there was no other place to store
22 weapons? I don't know. I don't remember that. But if I made such
23 a comment about the image, I said so because I think that the police could
24 exhibit these weapons because they confiscated them from certain armed
25 groups, and so I concluded that the police wanted to exhibit these weapons.

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1 That's what I believed, but I can't guarantee that that is true for this

2 (Overlapping speakers)

3 PRESIDING JUDGE MINDUA: [15:11:08](Interpretation) Oh, the image
4 disappeared -- oh, it's back.

5 MR DUTERTRE: [15:11:14](Interpretation) When the Defence attributes
6 words to other witnesses, I think we need specific references.

7 PRESIDING JUDGE MINDUA: [15:11:26](Interpretation) Ms Taylor, the
8 Prosecution is correct. We have made that point several times. When you
9 present a statement from an alleged witness, you have to provide the correct
10 reference.

11 MS TAYLOR: [15:11:39] Thank you, Mr President, but I haven't put
12 a statement from another witness. I have put a question and I'm now going to
13 this witness's statement. So again, it's a bit of a premature interjection.
14 In accordance with the decision on the conduct of proceedings I have put
15 a question to the witness, I'm now going to his statement, that being OTP 1389,
16 [REDACTED] 1580.

17 Now, if the page could be on evidence 1, lines 291 to 306.

18 Q. [15:13:15] And the Prosecution showed you this video and asked you to
19 draw conclusions.

20 And at line 295, you said:

21 "As soon as I saw this picture, I drew the conclusion that this is an investigation
22 carried out by Hassan and the litigants in this are Arabs from the town. And I
23 can tell that they are Arabs from their clothing and from the face of that person,
24 which I recognise. I think I had seen him before."

25 Mr Witness - if we can just have the video on the screen again,

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1 evidence 2 - which person's face did you recognise?

2 A. [15:14:01] The person on the left of the image.

3 Q. [15:14:22] How did you know him?

4 A. [15:14:26] I don't know, but his face is familiar to me. And I spoke about
5 some reasons for which I had the impression that the faces were familiar.

6 [REDACTED] -- I may see
7 many faces that become familiar to me, but I don't remember who these people
8 are, nor do I remember where I met them.

9 Q. [15:15:14] Would it be fair to say that if you recognised him [REDACTED]

10 [REDACTED] he was a local of Timbuktu?

11 A. [15:15:25] He must be one of [REDACTED] because the people that I know in

12 Timbuktu are [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 Q. [15:15:55] Now if we could turn to page 1583. If we could put it on
16 evidence 1.

17 Lines 392, you say: "Okay. And those weapons that we can see in this
18 picture, do you have any idea" -- this is the interviewer. I apologise.

19 The interviewer says: "Okay. And those weapons that we can see in this
20 picture, do you have any idea whether ... do you think they belong to [the] men
21 who are there or are they weapons of the police?"

22 And you respond: "I think these are weapons that were seized by the police
23 from MNLA or [...] the Arab militia. At the police [...] itself, there is no
24 weapons storage ... And the police were always bragging about the weapons
25 that had been seized from the militias ... so maybe in that same context, this is

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1 where the weapons were coming from."

2 Is the translation correct?

3 A. [15:17:18] Yes. I think so. And I read in Arabic that there was no
4 storage place for weapons at the police headquarters. And if you wish, I can
5 make a comment about that phrase -- that line.

6 Q. [15:17:51] Mr Witness, when the Prosecution showed this to you, this
7 video that you just saw, is it correct that you weren't sure if it was the
8 *gouvernorat* or the BMS?

9 A. [15:18:16] Yes, the first time I saw that, that is true. But after more
10 viewings, I remembered the differences between each one of the two places.

11 MS TAYLOR: [15:18:46] If I can show a video, it's Defence tab 210, it's video
12 [REDACTED]. The transcript is tab 213, it's [REDACTED]. And
13 I'm going to play it without sound on evidence 2 from 15:51 until 16:24.

14 (Viewing of the video excerpt)

15 MS TAYLOR: [15:21:05]

16 Q. [15:21:07] Mr Witness, do you recognise the person who's on the screen?

17 A. [15:21:14] No.

18 Q. [15:21:22] Have you heard of an individual called [REDACTED]

19 [REDACTED]

20 A. [15:21:44] Could you please repeat the name.

21 Q. [15:21:50] [REDACTED]?

22 A. [15:22:00] Yes, [REDACTED] Yes, I do know [REDACTED]
23 But I don't know his son [REDACTED] If it actually is his son, I
24 don't know.

25 Q. [15:22:28] Is this person, [REDACTED] related to you in any way?

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1 A. [15:22:33] Yes. He belongs to my tribe. He's not very close to me, but
2 he does belong to my tribe.

3 Q. [15:22:50] Is he related to [REDACTED]?

4 A. [15:22:59] No. [REDACTED]
5 [REDACTED]
6 [REDACTED]

7 Q. [15:23:21] Did you see this individual in Timbuktu in 2012, the one on the
8 screen?

9 A. [15:23:34] I never met him personally. He might have been amongst the
10 people that I met, he might have seen me and recognised me. He might have
11 been part of the group of people that was in front of me. But I never met him.
12 Never made -- I never made his acquaintance, not myself.

13 Q. [15:24:02] If I could bring up Defence tab 195, it's [REDACTED].

14 It's -- if it could be shown on evidence 1. It's an article titled, [REDACTED]
15 [REDACTED].

16 If we could scroll

17 down to see the photo. Do you recognise the location of this photo?

18 A. [15:24:42] I've already seen this place, but I couldn't tell you what it is
19 now.

20 Q. [15:25:13] Can you clarify what you mean by, "I've already seen this
21 place"?

22 A. [15:25:28] I said that I had already seen this place because this place is
23 familiar to me, but I don't remember what it was, what that place was.

24 Q. [15:25:43] Do you know the author [REDACTED]?

25 A. [15:26:03] No.

Q. [15:26:17] Mr Witness, if we could turn to page [REDACTED] and there's

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1 a paragraph which says:

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 A. [15:27:14] I don't know. I have no idea. I'm not interested in these
8 issues -- the fact that they had been documented or that they've been kept.

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 Q. [15:29:02] Now turning to page 0250 of the same article, the author,

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

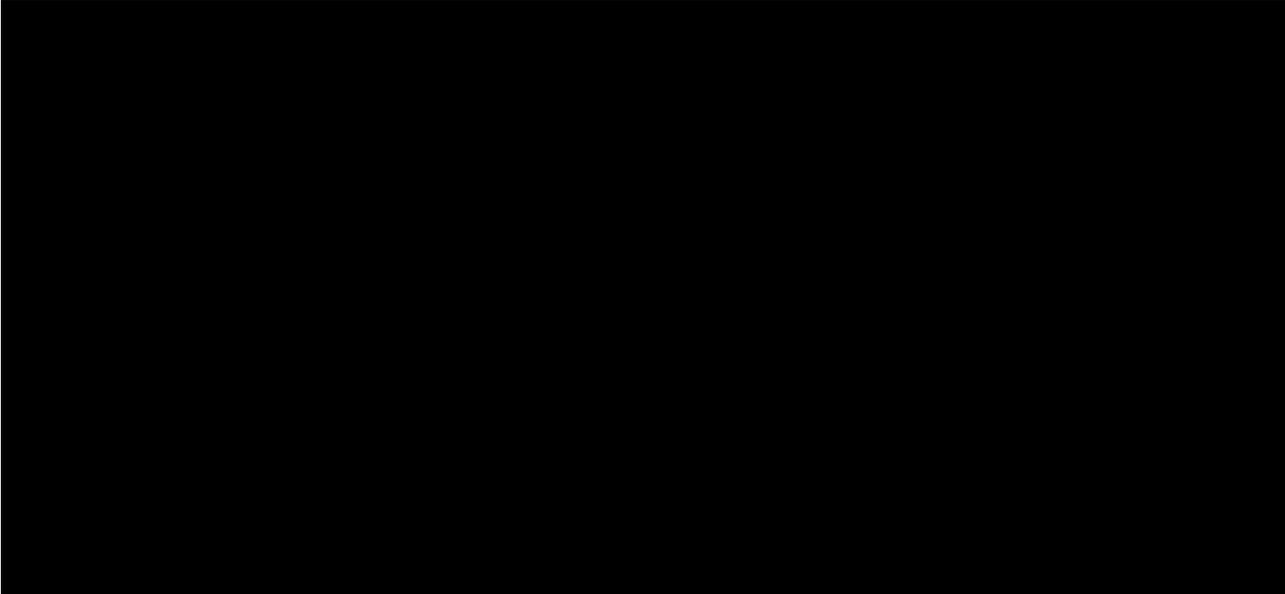
22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

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9 Q. [15:31:52] Mr Witness, is it correct that Ansar Dine consulted with local
10 imams, such as, Imam Essayouti?

11 A. [15:32:09] Yes. It is correct. I don't know whether the previous
12 question was interpreted correctly. I asked you the question, and then you
13 continued putting a new question to me, and you didn't answer my question.
14 Maybe there's a communication difficulty between the two of us.

15 Q. [15:32:35] Mr Witness, in response to your question, did Abou Zeid show
16 consideration to the imams? Can you speak about that.

17 A. [15:32:47] Yes, I can, and I am a witness to it.

18 Q. [15:33:03] In order to respect local traditions, is it correct that the Islamic
19 tribunal was primarily governed by reference to the Maliki doctrine?

20 A. [15:33:21] Yes, most of the time.

21 Q. [15:33:32] If I could turn to Prosecution tab 1278. That's
22 MLI-OTP-0024-0015, turning to page 0047. And I'll try to find the Arabic
23 reference for you, Mr Witness. For the interpreters, it's the paragraph starting
24 with:

25 "All countries in the Islamic Maghreb," that is, it's underneath the question:

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1 "The judges used to make their rulings according to the Maliki doctrine."

2 I believe it's page 100 in the Arabic, and it's under the second question on that
 3 page -- third question. If you could kindly let me know when you've found it,
 4 Mr Witness.

5 A. [15:36:47] Yes.

6 Q. [15:36:51] In response to the question: "The judges used to make their
 7 rulings according to the Maliki doctrine. Can you talk to us about this
 8 important aspect of *fiqh*?

9 "All countries of the Islamic Maghreb, without exception, follow the
 10 well-known rules of the doctrine of the Imam of Medina Malik Ibn Anas - may
 11 Allah have mercy upon him - which are included in the synopsis of fighter
 12 Sheikh Imam Khalil Ibn Ishaq al-Jindi - may Allah Almighty have mercy upon
 13 him - and the majority of the judges were followers of this doctrine.
 14 Sometime[s] they would deviate if they found that the right opinion was likely
 15 to be different. As used to be said by Sheikh Abu al-Fadl - may Allah protect
 16 him: 'We are governing based on the well-referenced Maliki doctrine.'
 17 And they give examples of that.



18
 19
 20 A. [15:38:28] No, that is not true. Quite to the contrary. The Maliki
 21 doctrine is supple with regards to the *hud*, the amputation of the hand. It is
 22 more flexible than other doctrines because the Maliki doctrine considered that
 23 public property, if it is stolen, well, then it should not be punished by
 24 amputation of the hand or other limb because in so doing, a lot of people
 25 would be amputated.

Pursuant to the Trial Chamber X's directions, ICC-01/12-01/18-789-AnxA, dated 6 May 2020, the lesser-redacted version of the transcript is filed in the record of the case.

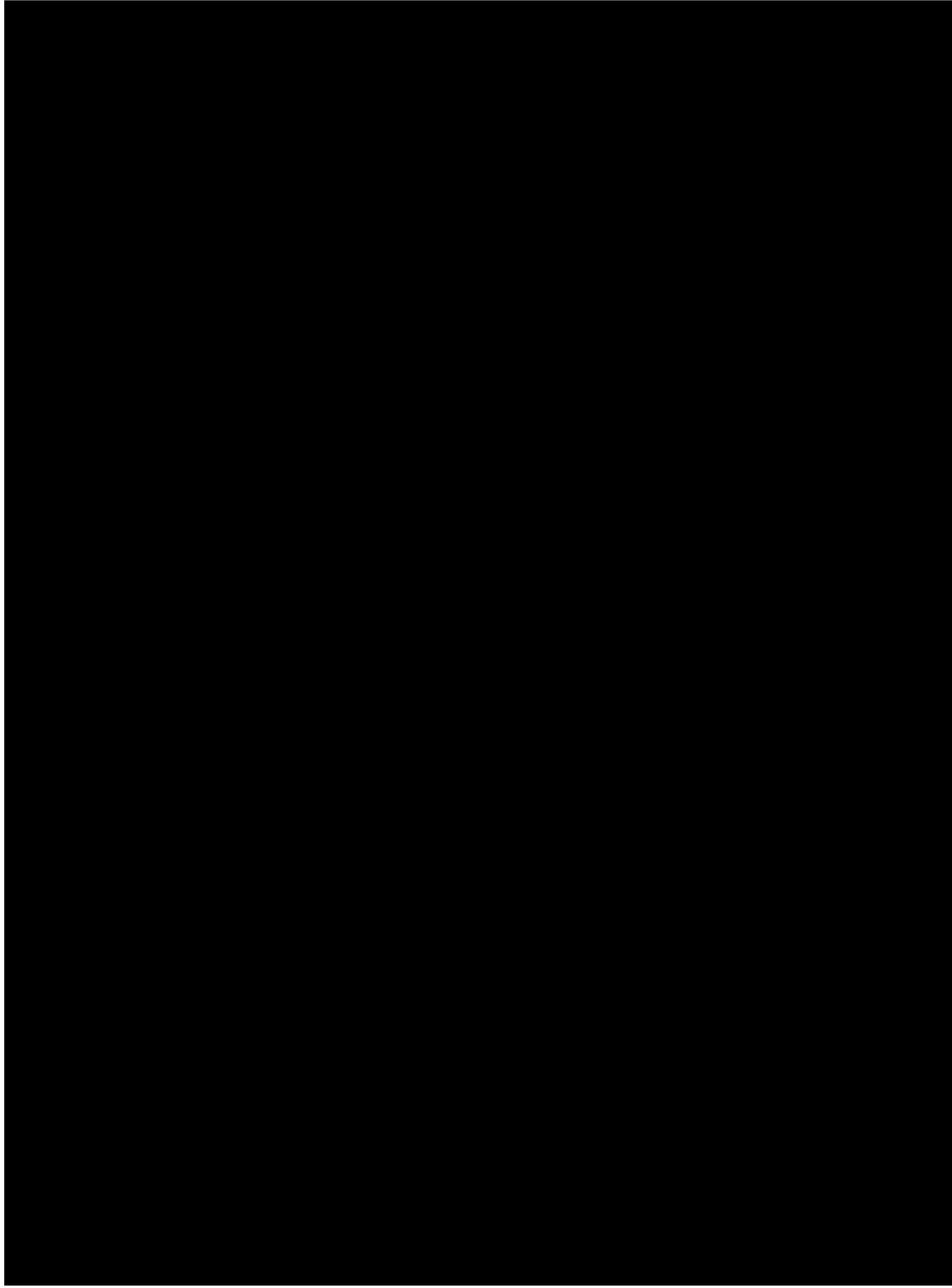
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5 Q. [15:43:25] Mr Witness, would you agree that someone who adheres to
6 Salafist views would not go dancing?

7 A. [15:43:38] Yes, that is true.

8 Q. [15:43:52] And they would not attend music concerts?

9 A. [15:43:57] Yes, but the Salafists or the Salafi doctrine

10 authorise -- authorises singing. Singing is not prohibited. But you talked
11 about concerts, musical concerts and singing concerts, and, yes, you are right in
12 saying that that was prohibited.

13 Q. [15:44:34] Would someone who adhered to Salafist ideology sell tickets
14 for the Festival of the Desert?

15 MR DUTERTRE: [15:44:54](Interpretation) Mr President.

16 PRESIDING JUDGE MINDUA: [15:44:55](Interpretation) Mr Prosecutor.

17 MR DUTERTRE: [15:44:57](Interpretation) I do not see how the witness can
18 answer this question. It is very speculative, and I really don't see the
19 relevance either.

20 PRESIDING JUDGE MINDUA: [15:45:16](Interpretation) Yes, Ms Taylor.

21 Somebody who adheres to Salafist ideology, could they sell tickets for the
22 Festival of the Desert ... I do not know whether the witness can answer such
23 a question. It is quite vague, is it not?

24 MS TAYLOR: [15:45:43] Thank you, Mr President. And I do believe during
25 examination-in-chief, the Prosecution was permitted to put questions about

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1 religion and religious belief to the witness. This does arise from that, as will
 2 be clear from my next questions.

3 The witness can obviously tell the Court if he's not in a position to answer the
 4 question.

5 PRESIDING JUDGE MINDUA: [15:46:10](Interpretation) Very well. Let's
 6 listen to what the witness has to say.

7 Mr Witness.

8 THE WITNESS: [15:46:19](Interpretation) I still haven't understood the
 9 question. I thought it was an error of interpretation, but the presiding Judge
 10 repeated the question, and I really do wonder what this Festival of the Desert is
 11 all about.

12 MS TAYLOR: [15:46:42]

13 Q. [15:46:42] Now, Mr Witness, you've given evidence on what you consider
 14 to be Wahhabi ideology or Salafist beliefs.

15 Would it be consistent with these beliefs to sell tickets to a music festival, such
 16 as, the Festival of the Desert in Timbuktu?

17 A. [15:47:02] In view of the fact that you have talked about a music concert, I
 18 do not see what the word "desert" is -- is doing in all of that, and what you
 19 have said is enough for me to be able to answer. According to the
 20 Salafist -- Salafist beliefs, it is not authorised to sell tickets for a music concert.

21 Q. [15:47:44] Now, if I could turn to Defence tab 197, and this should not be
 22 displayed to the witness. But for the record, it's [REDACTED]
 23 at 1116, paragraph 80.

24 Now, according to Prosecution witness, 1086, paragraph 80 --

25 THE INTERPRETER: [15:48:30] Message from the interpreter: Could you

1 please allow us time to find it in the document? Thank you.

2 MS TAYLOR: [15:48:37] I apologise.

3 THE INTERPRETER: [15:48:42] It's up on the screen now. Could you please
4 indicate whether -- where you're going to start? Thank you.

5 MS TAYLOR: [15:48:47] Paragraph 80, starting with: *Je ne pense pas ...*

6 THE INTERPRETER: [15:49:04] I have it. Thank you.

7 MS TAYLOR: [15:49:07]

8 Q. [15:49:07] Now, this Prosecution witness states:

9 (Interpretation) "I do not -- I do not think that the Hassan that I knew before
10 the crisis could become a criminal, but people change. The Hassan that I
11 knew before the crisis was somebody who liked to party and he loved pretty
12 girls. [REDACTED] We would go to the beach with

[REDACTED]

17 MS TAYLOR: [15:50:01]

18 Q. [15:50:02] Would it be correct, Mr Witness, that attending the festival of
19 the desert and going to the *plage* with girls is not conduct that is consistent
20 with extremist or Salafist views?

21 A. [15:50:22] Yes, what you are saying is not in keeping with Salafist
22 doctrine.

23 Q. [15:50:49] Another person interviewed by the Prosecution gave the
24 following evidence. It's Defence binder tab 175, [REDACTED] at 0967,
25 paragraph 35. And if the interpreters could kindly indicate whether they

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1 have found the relevant paragraph.

2 THE COURT OFFICER: [15:51:27] Could counsel kindly confirm if this
3 should be displayed to the witness or not?

4 MS TAYLOR: [15:51:34] No, it should not be displayed to the witness.

5 THE INTERPRETER: [15:51:43] The interpreter has found the excerpt.

6 (Interpretation) "I do not personally know Al Hassan. What is more, I was not
7 in Timbuktu whilst the radicals were there in 2012. However, I did see

8 Al Hassan before 2012. It was during a music concert [REDACTED]

9 [REDACTED] in 2010 and 2011. [REDACTED]

10

11

12 we did not socialise and I do not recall having ever talked to him directly."

13 End of transcript.

14 Q. [15:52:50] Now, this place, [REDACTED], is that [REDACTED] you referred
15 to yesterday or the day before?

16 A. [15:53:04] Yes.

17 Q. [15:53:09] And is it correct that someone who's opposed to music and
18 follows Salafist views would not dance to music at a concert at [REDACTED]

19

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24 Q. [15:54:03] If I could turn to Defence tab 171. This -- again, it should not
25 be shown to the witness. It's a statement from Prosecution witness, [REDACTED].

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1 It's Defence tab 171. It's [REDACTED] at 1889. The relevant
 2 paragraph is 27. And for the interpreters, the Arabic is tab 172. That's
 3 [REDACTED], at 1889 at paragraph 27. And if the interpreters
 4 could kindly let me know when they have identified the relevant paragraph.

5 THE INTERPRETER: [15:55:08] The interpreter's found the paragraph.

6 Thank you.

7 MS TAYLOR: [15:55:18] (Interpretation) [REDACTED]
 8 [REDACTED]
 9 [REDACTED] [REDACTED] [REDACTED]
 10 [REDACTED]
 11 [REDACTED]

12 [REDACTED] This -- this -- it was
 13 this gentleman who told me that the name of the commissioner was Hassan.
 14 The people of Timbuktu also said that the commissioner of the Islamic police
 15 was Hassan. Hassan was also known by those who had previously
 16 frequented the Festival of the Desert. He was a ticket salesman for the
 17 festival." End of transcript.

18 Q. [15:56:30] Mr Witness, I believe the festival should be *mahrajan*.
 19 Now, Mr Witness, would you agree that someone who follows Salafist views
 20 and who is opposed to music would not sell tickets to the Festival of the
 21 Desert?

22 PRESIDING JUDGE MINDUA: [15:57:10](Interpretation) Prosecutor.

23 MR DUTERTRE: [15:57:11](Interpretation) Yes, this is calling for speculation,
 24 Mr President. It's very general, it's very vague, and so there are many factors
 25 that mean that this is totally speculative.

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1 PRESIDING JUDGE MINDUA: [15:57:31](Interpretation) Ms Taylor, I was
2 somewhat worried where this line of questioning was actually going because it
3 doesn't seem to me that you're being very fair to the witness. Is there a way of
4 being fairer to him by establishing, for example, which period we are talking
5 about? The witness does not have access to this statement.

6 MS TAYLOR: [15:57:55] Thank you, Mr President. I'm now about to put that
7 question to the witness.

8 PRESIDING JUDGE MINDUA: [15:58:04](No interpretation).

9 MS TAYLOR: [15:58:06]

10 Q. [15:58:07] Now, Mr Witness, for clarity, that last statement was someone
11 speaking in 2012.

12 Now, at transcript 91, English, page 11, line 19, you testified that Mr Al Hassan

13

14 Now, is it possible that your memory is incorrect and you have confused
15 Mr Al Hassan with someone else?

16 PRESIDING JUDGE MINDUA: [15:58:43](Interpretation) Mr Prosecutor.

17 MR DUTERTRE: [15:58:53](Interpretation) Mr President, I believe that

18 Ms Taylor is saying the last statement was 2012, so we are suggesting here that
19 what the witness has said about Al Hassan concerns the period 2012; whereas,
20 it is written clearly, according to the witness, that Mr Hassan was well known
21 to those who frequented the Festival of the Desert in the past. So it is rather
22 misleading for the witness, and I think that if we're going to put the question to
23 him, we need to phrase it in a different way.

24 PRESIDING JUDGE MINDUA: [15:59:36](Interpretation) Ms Taylor, I was
25 just talking to you about periods of time, so here we are. I am in agreement

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1 with the Prosecution here with regards to the objection.

2 MS TAYLOR: [15:59:45] Thank you, Mr President. But I believe this

3 confusion has actually been introduced by the Prosecutor's insistence that I

4 give the year which the witness was talking about.

5 The witness was discussing an incident that occurred in 2012 and he was

6 recounting an encounter. I don't believe it's appropriate for me to give any

7 further commentary on what the witness said. It's in the transcript where he

8 said -- it's in the transcript where it said -- where he said:

9 (Interpretation) "Hassan was known as someone who often went to the

10 Festival of the Desert. He sold ... " (Overlapping speakers)

11 (Speaks English) I read out the entire paragraph in accordance with the

12 decision on the conduct of the proceedings. I have given the reference.

13 Now, if I have to go into any further details about this witness's testimony, we

14 are now going down a complete rabbit hole. And I would ask to put my final

15 question to the witness without any further interjections. This confusion is

16 coming from the constant interjections.

17 PRESIDING JUDGE MINDUA: [16:01:03](Interpretation) Ms Taylor,

18 Mr Prosecutor, I would like to have the witness leave the room so that we can

19 deal with this for once and for all.

20 What do you think, Ms Taylor?

21 MS TAYLOR: [16:01:15] Thank you, Mr President, but I really have one final

22 question. It's about something this witness said in transcript 91.

23 Now, I don't believe it's necessary for us to go into a long detailed history of

24 anything else for me to be able to put the question that I've already put to the

25 witness.

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1 PRESIDING JUDGE MINDUA: [16:01:44](Interpretation) Very well. Put the
 2 last question and we will see. Go ahead.

3 MS TAYLOR: [16:01:53]

4 Q. [16:01:54] Now, Mr Witness, at transcript 91, page 11, line 19, you claimed
 5 that Mr Al Hassan [REDACTED]
 6 [REDACTED].

7 Now, is it correct or is it possible that your memory is incorrect and you've
 8 confused Mr Al Hassan with someone else?

9 A. [16:02:37] No. Not at all. My memory has not failed me when it comes
 10 to Al Hassan. It might have failed me when it came to dates. And I would
 11 like to tell you that I have finally understood what is meant by the Festival of
 12 the Desert. [REDACTED] I was against some parts of that festival.

13 [REDACTED]

14 And you are talking about the selling of tickets. Let me tell you this - and, I
 15 reiterate - the Salafi doctrine cannot be in conformance with the selling
 16 to -- of -- of tickets by anyone for concerts. And so you are putting questions
 17 that I need to explain and questions that I can't answer with just a yes or a no.

18 MS TAYLOR: [16:03:51] Can I ask one final question following from what he
 19 said?

20 PRESIDING JUDGE MINDUA: [16:03:59](Interpretation) Go ahead.

21 MS TAYLOR: [16:04:01]

22 Q. [16:04:02] Mr Witness, you've just said that the Salafi doctrine cannot be
 23 in conformance with the selling of the tickets.

24 So would be it be correct that if Mr Al Hassan was selling tickets to the Festival
 25 of the Desert, then that would mean that he's not adhering to the Salafi

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1 doctrine?

2 A. [16:04:29] I've already explained that. I said that people who know him
3 know that -- well, some people don't really know Salafist doctrine and they
4 apply the part of the doctrine that they understand, the principles that they
5 understand. No more than that.

6 PRESIDING JUDGE MINDUA: [16:04:58](Interpretation) The Prosecution.

7 MR DUTERTRE: [16:05:02](Interpretation) The witness has answered. The
8 question was completely speculative. The witness said something about
9 "Wahhabist" in his previous reply, and this was not captured in the transcript.

10 PRESIDING JUDGE MINDUA: [16:05:21](Interpretation) Mr Witness, did
11 you say "Wahabbist" in your answer?

12 MS TAYLOR: [16:05:30] Mr President --

13 PRESIDING JUDGE MINDUA: [16:05:31] Maître Taylor, yes? *Oui ?*

14 MS TAYLOR: [16:05:32] -- I believe he said as a Wahabbist, [REDACTED]

15 [REDACTED]

16 Q. [16:05:00] Is that correct?

17 A. [16:05:44] Yes.

18 PRESIDING JUDGE MINDUA: [16:05:53](Interpretation) Very well. I think
19 we'll call it a day.

20 Mr Witness, we have come to the end of today's hearing. Your testimony has
21 not concluded, and as -- and you know what you are not to do; namely, you
22 are not to discuss your testimony with anyone whatsoever.

23 And now I would like to thank everyone, the parties and participants, the court
24 reporters and interpreters as well as our security officers.

25 I hope everyone has a very pleasant evening, and we will resume tomorrow at

1 9.30.

2 The hearing has now adjourned.

3 (The hearing ends in closed session at 4.06 p.m.)

4 CORRECTIONS REPORT

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

7 Page 7 line 25

8 "And on occasion, there are names, such as, Kajil and Dubai that are used," Is
9 corrected to "And sometimes, these vehicles are given folk appellations, such
10 as, Kujil and Dubai."

11 Page 15 line 25 - Page 16 line 1:

12 "A. [10:10:35] You can say that, but in Malian or Islamic jurisprudence, I
13 wouldn't think that that would be deemed rumour."

14 is corrected to Page 15 line 25 - Page 16 line 1:

15 "A. [10:10:35] You can describe it as such. But based my knowledge of
16 Islamic jurisprudence, that would not be deemed rumours."

17 Page 17 line 4:

18 " MR YOUSSEF: [10:12:33] (Speaks Arabic)"

19 is corrected to :

20 " MR YOUSSEF: [10:12:33] «Al shae'». «Mina al shae'»."

21 Page 20 lines 15-19:

22 "other than [REDACTED] and (inaudible). [REDACTED]

23 [REDACTED]

24 [REDACTED] there was Adama in Timbuktu. Hassan was not mentioned, and

25 other people were not mentioned either. So he mentions police chiefs in

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1 various regions, but not in all of Timbuktu or just in Timbuktu."

2 is corrected to :

3 "other than [REDACTED] and Khalid al-Sahraoui. [REDACTED]
4 [REDACTED]

5 [REDACTED] in Timbuktu, there was Adam, but Hassan was not
6 mentioned. This non-mention is because the subject here is to mention the
7 police chiefs in all regions, not the region of Timbuktu only."

8 Page 22 lines 6-14:

9 "A. [10:27:25] [REDACTED]
10 [REDACTED]

11 [REDACTED] So there
12 were many reasons. And there was an important remark to the court. Some
13 people -- some people are not mentioned. They have died, and their -- and
14 some people, their real names are not mentioned because they're still alive and
15 to keep them alive, for example ..."

16 is corrected to:

17 "A. [10:27:25] [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]

22 It's important to draw the chamber's attention to the fact that some people are
23 mentioned by their real names because they're dead, while others are not
24 mentioned by their real names to preserve confidentiality because they're still
25 alive. For example, Abou Tourab here is not mentioned by him name Ahmad

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1 Al-Faqui."

2 Page 22 lines 20-21:

3 "[10:28:50] I was giving an example, Abou Tourab al-Ansari, he was not
4 mentioned; that he -- his name was Mohamed Al Faqi. That was what I said."
5 is corrected to:

6 "[10:28:50] For example, Abou Tourab, sheikh Abou Tourab al-Ansari,
7 Koutaïba did not mention that his name was Ahmad Al-Faqui."

8 Page 25 lines 16-18:

9 "A. [10:36:43] (No interpretation)

10 Q. [10:36:48] Are you familiar with what [REDACTED] is describing here?

11 A. [10:36:54] (No interpretation)"

12 is corrected to:

13 "A. [10:36:43] Yes

14 Q. [10:36:48] Are you familiar with what [REDACTED] is describing here?

15 A. [10:36:54] Yes"

16 Page 41 lines 8-9:

17 "A. [11:57:26] Firstly, Mohamed Ag Ghadi, he was in -- well, he's from the
18 area. He came to Timbuktu, he was a local. [REDACTED]

19 [REDACTED]

20 is corrected to :

21 "A. [11:57:26] Firstly, Mohamed Ag Hetti was a native of Zarho. He came to
22 Timbuktu for a certain period, [REDACTED]

23 Page 47 lines 12-13:

24 "It is "me" and not "day" (sic)."

25 is corrected to:

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1 "It is "months" and not "days"."

2 Page 48 line 25 - Page 49 lines 1-2:

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7 is corrected to:

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11 Page 51 lines 13-15:

12 "Not to the extent of the emir, but he was a commander of one of the security

13 battalions"

14 is corrected to:

15 "I am not saying that he was the emir who gave orders, but I know that he was

16 the commander of the security battalions"

17 Page 53 line 25 page 54 line 1:

18 "And we don't need to explain it now, because I don't know this policy that

19 we're talking about now."

20 is corrected to:

21 "And I would need this to be further explained, because I don't recognize this

22 policy mentioned here"