

Trial Hearing  
WITNESS: MLI-D28-P-0512

(Open Session)

ICC-01/12-01/18

1 International Criminal Court  
2 Trial Chamber X  
3 Situation: Republic of Mali  
4 In the case of The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag  
5 Mahmoud - ICC-01/12-01/18  
6 Judge Antoine Kesia-Mbe Mindua, Presiding, Judge Tomoko Akane and Judge  
7 Kimberly Prost  
8 Trial Hearing - Courtroom 3  
9 Tuesday, 7 June 2022  
10 (The hearing starts in open session at 9.32 a.m.)  
11 THE COURT USHER: [9:32:30] All rise. The International Criminal Court is now  
12 in session. Please be seated.  
13 PRESIDING JUDGE MINDUA: [9:32:54](Interpretation) Court is in session.  
14 Good morning to all.  
15 Courtroom officer, could you please call the case.  
16 THE COURT OFFICER: [9:33:13] Good morning, Mr President.  
17 This is the situation in the Republic of Mali, in the case of the Prosecutor versus Al  
18 Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud, case reference ICC-01/12-01/18.  
19 And for the record, we are in open session.  
20 PRESIDING JUDGE MINDUA: [9:33:33](Interpretation) Thank you very much,  
21 indeed, Madam Courtroom Officer.  
22 As every morning, we shall now be taking the appearances for the various teams,  
23 starting with the Office of the Prosecutor.  
24 Mr Prosecutor.  
25 MR GARCIA: [9:33:50](Interpretation) Good morning, Mr President, good morning,

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1 your Honours. I am accompanied today by Maître Marie-Jeanne Sardachti,

2 Maître Gilles Dutertre and myself, Mr Lucio Garcia. Thank you.

3 PRESIDING JUDGE MINDUA: [9:34:06](Interpretation) Thank you very much,

4 Mr Prosecutor.

5 I'm now turning to the Defence.

6 Counsel.

7 MS TAYLOR: [9:34:10] Good morning, Mr President, good morning, your Honours,

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

9 represented today by Maître Sarah Marinier-Doucet, Maître Mélissa Beaulier-Lussier

10 and myself, Melinda Taylor, and we are working with the Registry to have another

11 member of the team join us remotely, and we ask that we have an additional couple

12 of minutes to allow him to join the link before we start the presentation of our

13 evidence today.

14 PRESIDING JUDGE MINDUA: [9:34:57](Interpretation) Very well, I have

15 understood.

16 Now I'm turning to the Legal Representatives for Victims. Maître.

17 MR KASSONGO: [9:35:05](Interpretation) Thank you, Mr President, your Honours,

18 good morning to everyone. The Legal Representatives for Victims' team comprises

19 today, Madam Carla Boglioli, who is assisting me, and myself, Maître Kassongo.

20 We'd like to thank the entire Chamber.

21 PRESIDING JUDGE MINDUA: [9:35:25](Interpretation) Thank you very much,

22 Maître Kassongo.

23 Now before we move on to the witness, I would like to know, Ms Taylor, what this is

24 all about.

25 MS TAYLOR: [9:35:34] Thank you very much, Mr President. I have been liaising

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1 with the Registry. The problem is that the Webex link has not been activated yet in  
2 Bamako and the team down in Bamako is working with our case manager to activate  
3 it, and they told us before the start that they needed an additional couple of minutes  
4 to do so. Because once we start hearing the evidence, I believe that he can't join the  
5 link. So before starting to hear any testimony, we would like to be given two  
6 minutes to activate the link due to technical problems.

7 PRESIDING JUDGE MINDUA: [9:36:24](Interpretation) Is the liaison or the link  
8 with your case manager who is going to be following what's going on in Songhai, is  
9 that correct?

10 MS TAYLOR: [9:36:35] Yes, indeed, Mr President. It's necessary to activate the  
11 Webex link. He's present, but the team there was working on it with him and it  
12 hadn't yet been activated at 9.30.

13 PRESIDING JUDGE MINDUA: [9:36:59](Interpretation) Very well. So Madam  
14 Courtroom officer, we are in your hands.

15 THE COURT OFFICER: [9:37:03] The issue at hand is that the video link needs to be  
16 locked since we are dealing with a protected witness, and once the Defence case  
17 manager joins the call, we can do so. So I'm hoping that the Defence could give me  
18 an estimate on how long it would take their case manager to join the call, since the call  
19 is online.

20 I see that possibly someone joined, so I think we should be good to go.

21 THE INTERPRETER: [9:37:49] From the remote location: Yes, he's already  
22 connected.

23 MR AL-ANSARY: [9:37:55] (Interpretation) Good morning.

24 PRESIDING JUDGE MINDUA: [9:37:56](Interpretation) Good morning.

25 THE COURT OFFICER: [9:38:09] I can confirm that we're good to start.

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1 PRESIDING JUDGE MINDUA: [9:38:23](Interpretation) Very well. Now today, we  
2 shall be hearing the testimony of witness -- the Defence witness, D-0512, so let me  
3 now turn to Madam Witness. Good morning.

4 Mr Prosecutor, you're on your feet.

5 MR GARCIA: [9:38:41](Interpretation) I really apologise for interrupting, but could  
6 we please know the person for -- who has just joined us from the remote location for  
7 the record.

8 PRESIDING JUDGE MINDUA: [9:38:55](Interpretation) Yes, indeed, Mr Prosecutor.  
9 Ms Taylor.

10 MS TAYLOR: [9:38:57] Certainly, Mr President. I was simply waiting to be given  
11 the floor to announce the name of our case manager. It's Mohamed Al-Ansary who's  
12 our case manager. Thank you very much.

13 PRESIDING JUDGE MINDUA: [9:39:15](Interpretation) Yes, that's what I have here,  
14 Mohamed El Maouloud Al-Ansary.

15 Good morning, Madam Witness, can you hear me?

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17 (The witness speaks Songhai)

18 (The witness gives evidence via video link)

19 THE WITNESS: [9:39:36] (Interpretation) Yes, I can hear you, good morning.

20 PRESIDING JUDGE MINDUA: [9:39:42](Interpretation) Good morning. On behalf  
21 of the Chamber, I would like to welcome you. You shall be testifying with a view to  
22 assisting the Chamber in establishing the truth in the case concerning Mr Al Hassan.

23 THE WITNESS: [9:40:22] (Interpretation) Very well.

24 PRESIDING JUDGE MINDUA: [9:40:25](Interpretation) Madam Witness, protective  
25 measures have been put in place with a view to making sure that your identity is not

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1 revealed to the public.

2 THE WITNESS: [9:40:44] (Interpretation) Very well.

3 PRESIDING JUDGE MINDUA: [9:40:47](Interpretation) Whenever you need to  
4 provide details that might disclose your identity, we shall talk about this in private  
5 session.

6 THE WITNESS: [9:41:08] (Interpretation) Very well.

7 PRESIDING JUDGE MINDUA: [9:41:13](Interpretation) This means that no one,  
8 with the exception of those present in the courtroom, will be able to hear what you  
9 have to say.

10 THE WITNESS: [9:41:28] (Interpretation) Very well.

11 PRESIDING JUDGE MINDUA: [9:41:32](Interpretation) Madam Witness, I shall  
12 now undertake or administer the oath under Rule 66(1) of the Rules of Procedure and  
13 Evidence.

14 THE WITNESS: [9:41:55] (Interpretation) Very well.

15 PRESIDING JUDGE MINDUA: [9:42:00](Interpretation) So you shall after me repeat  
16 out loud as follows --

17 THE WITNESS: [9:42:17] (Interpretation) Very well.

18 PRESIDING JUDGE MINDUA: [9:42:19](Interpretation) -- I solemnly declare --

19 THE WITNESS: [9:42:24] I solemnly declare --

20 PRESIDING JUDGE MINDUA: [9:42:26](Interpretation) That I shall speak the  
21 truth --

22 THE WITNESS: [9:42:30] (Interpretation) ...

23 PRESIDING JUDGE MINDUA: [9:42:37](Interpretation) The whole truth and  
24 nothing but the truth.

25 THE INTERPRETER: [9:42:45] Overlapping speakers.

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1 THE WITNESS: [9:42:50] (Interpretation) I solemnly declare that I shall speak the  
2 truth, the whole truth and nothing but the truth.

3 PRESIDING JUDGE MINDUA: [9:42:59](Interpretation) Thank you very much.

4 THE WITNESS: [9:43:01] (Interpretation) Thank you.

5 PRESIDING JUDGE MINDUA: [9:43:06](Interpretation) Madam Witness, you are  
6 now under oath.

7 THE WITNESS: [9:43:17] (Interpretation) Very well.

8 PRESIDING JUDGE MINDUA: [9:43:19](Interpretation) The representatives of the  
9 victims and witness section and those -- the representatives of the Defence have  
10 already explained to what you this means.

11 THE WITNESS: [9:43:38] (Interpretation) Yes.

12 PRESIDING JUDGE MINDUA: [9:43:40](Interpretation) Very well. So I have some  
13 practical advice to give you.

14 THE WITNESS: [9:43:49] (Interpretation) All right.

15 PRESIDING JUDGE MINDUA: [9:43:56](Interpretation) You should bear in mind  
16 throughout your testimony that everything that is said in this courtroom is  
17 transcribed by court reporters and interpreted simultaneously by interpreters.

18 THE WITNESS: [9:44:31] (Interpretation) Very well.

19 PRESIDING JUDGE MINDUA: [9:44:35](Interpretation) So today is a little out of the  
20 ordinary because we also have consecutive interpretation involved.

21 THE WITNESS: [9:44:51] (Interpretation) Very well. That's no problem.

22 PRESIDING JUDGE MINDUA: [9:45:01](Interpretation) So it is very important to  
23 speak clearly and slowly.

24 THE WITNESS: [9:45:07] (Interpretation) Very well.

25 PRESIDING JUDGE MINDUA: [9:45:14](Interpretation) Please only start speaking

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1 once the person who is putting a question to you has finished doing so.

2 THE WITNESS: [9:45:30] (Interpretation) Very well.

3 PRESIDING JUDGE MINDUA: [9:45:35](Interpretation) Of course, if you have  
4 a question, raise your hand to indicate that you would like to address the Chamber.

5 THE WITNESS: [9:45:52] (Interpretation) Very well, I have understood.

6 PRESIDING JUDGE MINDUA: [9:45:59](Interpretation) Very well. So you shall  
7 first be questioned by the Defence, then by the Office of the Prosecutor, and then  
8 possibly by the Legal Representatives for Victims.

9 THE WITNESS: [9:46:27] (Interpretation) Very well.

10 PRESIDING JUDGE MINDUA: [9:46:32](Interpretation) So without any further ado,  
11 I'm now going to hand over to Ms Taylor. Ms Taylor, please.

12 MS TAYLOR: [9:46:40] Thank you very much.

13 QUESTIONED BY MS TAYLOR:

14 Q. [9:46:42] Good morning, Madam Witness. How are you today?

15 A. [9:46:48] I am well. There's nothing untoward.

16 Q. [9:47:06] That's good to hear. My name is Melinda Taylor, we've met in person  
17 and we met via video last week.

18 A. [9:47:30] Yes.

19 Q. [9:47:33] I'm going to start with a few housekeeping matters. As stated by the  
20 presiding judge, we have consecutive interpretation, so it is better to give short  
21 answers.

22 A. [9:48:10] Very well.

23 Q. [9:48:16] If I raise my hand like this, it's no sign of disrespect, it just means to  
24 pause for the interpreters.

25 A. [9:48:49] All right.

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1 Q. [9:48:53] If my questions aren't clear, please let me know and I'll rephrase them.

2 That's not a problem.

3 A. [9:49:13] Very well, I have understood.

4 Q. [9:49:19] Now, Madam Witness, I'm going to ask you some questions that  
5 concern your identity, so I'm going to ask the presiding judge if we can go into  
6 private session to do so.

7 PRESIDING JUDGE MINDUA: [9:49:37](Interpretation) Madam Courtroom Officer,  
8 private session, please.

9 (Private session at 9.49 a.m.)

10 THE WITNESS: [9:49:52] (Interpretation) Very well.

11 THE COURT OFFICER: [9:50:00] We are in private session, Mr President.

12 PRESIDING JUDGE MINDUA: [9:50:05](Interpretation) Thank you very much,  
13 Madam Courtroom Officer.

14 Ms Taylor, please.

15 MS TAYLOR: [9:50:13]

16 Q. [9:50:15] Madam Witness, can you please give your name to the Chamber.

17 A. [9:50:22] Yes, I can. My name is [REDACTED].

18 Q. [9:50:39] Thank you, Madam Witness. And from this point onwards, I would  
19 ask that you not give your name again. I will refer to you as "Madam Witness."

20 A. [9:50:55] Very well.

21 Q. [9:51:09] And Madam Witness, can you give your date of birth -- approximately,  
22 if you don't know a specific month.

23 THE INTERPRETER: [9:51:42] The witness, speaking French --

24 THE WITNESS: [9:51:44] (Interpretation) [REDACTED]

25 MS TAYLOR: [9:51:49]



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1 Q. [9:51:49] And what is your ethnicity?

2 A. [9:52:03] I am Songhai and Wolof.

3 MS TAYLOR: [9:52:11] Mr President, I believe we can go into open session now.

4 PRESIDING JUDGE MINDUA: [9:52:19](Interpretation) Madam Courtroom Officer,  
5 open session, please.

6 (Open session at 9.52 a.m.)

7 THE COURT OFFICER: [9:52:26] We are back in open session, Mr President.

8 PRESIDING JUDGE MINDUA: [9:52:36](Interpretation) Thank you very much,  
9 Madam Courtroom Officer.

10 Ms Taylor.

11 MS TAYLOR: [9:52:42] Thank you.

12 Madam Registrar, would it be possible to bring up tab 1, it shouldn't be shown to the  
13 public, it's MLI-D28-0006-2611.

14 Q. [9:52:55] And Madam Witness, you should have a binder of documents next to  
15 you, and this will be tab 1 in that binder. If the court officer on-site could assist, and  
16 if we could scroll down to the bottom of the page.

17 PRESIDING JUDGE MINDUA: [9:53:39](Interpretation) Ms Taylor, I'd like to make  
18 the most of this opportunity, while the courtroom officer is bringing up the document  
19 on the screen, to point out to you that Mr Al Hassan is once again in the courtroom; so  
20 it's not like last week.

21 There we are.

22 Yes, please go ahead, Ms Taylor.

23 MS TAYLOR: [9:54:01] Thank you very much.

24 Q. [9:54:02] Madam Witness, do you remember meeting a member of the Defence  
25 this year in March? And I would ask you not to give the location.

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1 A. [9:54:31] Yes, we did meet.

2 Q. [9:54:35] And Madam Witness, there's a signature at the left-hand side of this  
3 document. Do you recognise that signature?

4 A. [9:55:01] Yes, this is my signature.

5 Q. [9:55:06] Now Madam Witness, you have the document in front of you, can you  
6 turn through each page and confirm whether you see your signature on each page.

7 A. [9:55:26] These are my signatures. These are all my signatures. Every single  
8 one is my signature.

9 Q. [9:56:16] Now Madam Witness, when you signed this document, was there an  
10 interpreter present who spoke Songhai?

11 A. [9:56:40] Yes, there was an interpreter.

12 Q. [9:56:50] And did this interpreter read this through to you in Songhai?

13 A. [9:57:03] Yes, everything was reread.

14 Q. [9:57:27] And were you explained the importance of telling the truth before you  
15 signed?

16 A. [9:57:54] No, nobody forced me. I'm sure that I told the truth.

17 Q. [9:58:10] Madam Witness, you've just said that nobody forced you. Did  
18 anybody offer you anything in exchange for signing this statement?

19 A. [9:58:40] No, nobody gave me anything at all. Nobody gave me anything at all.

20 Q. [9:58:50] Madam Witness, do you know Mr Al Hassan?

21 A. [9:59:04] No, I do not know him.

22 Q. [9:59:12] Do you know anyone from his family?

23 A. [9:59:27] I do not know anybody from his family.

24 Q. [9:59:39] Now, Madam Witness, last week we spoke by video link on the Friday,  
25 and during this session we read through your statement and made some corrections

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1 and clarifications.

2 MS TAYLOR: [9:59:50] And with the permission of the Chamber, I'm going to go  
3 through the relevant paragraphs and put the question to the witness in court so the  
4 witness can potentially provide the correction or clarification.

5 PRESIDING JUDGE MINDUA: [10:00:19](Interpretation) Indeed, Ms Taylor, please  
6 go ahead.

7 THE WITNESS: [10:00:49] (Interpretation) Very well.

8 MS TAYLOR: [10:00:53]

9 Q. [10:00:53] If we could turn to page 2614 of the statement - that should not be  
10 broadcast to the public - and we'll be looking at paragraph 15. Now I'll just read out  
11 the first sentence because I believe this can be read out in open session.

12 Madam Witness, the first sentence states:

13 "Four months after the arrival of the Islamists, my mother took my children to [go to]  
14 Bamako to go to school."

15 My question is, did you make a correction to this sentence?

16 A. [10:01:30] Yes, when you said it was my mother who took the children, I said I  
17 took them myself.

18 Q. [10:02:04] Thank you for that correction.

19 MS TAYLOR: [10:02:11] Mr President, I'd just like a clarification from the Chamber.  
20 During the preparation session, paragraph 17 was read to the witness. There were  
21 no substantive corrections or changes, the witness confirmed its contents were correct,  
22 but we read out broken down into three sentences rather than two sentences.  
23 So there was no corrections of content. Is it necessary for me to go through  
24 a broken-down version, given that the witness indicated that the content was correct?

25 PRESIDING JUDGE MINDUA: [10:02:47](Interpretation) Paragraph 17, Ms Taylor,

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1 from what I see is that there are two lines. Is that it?

2 MS TAYLOR: [10:02:59] Exactly. And during the preparation session, to facilitate  
3 interpretation, we broke it down into three sentences rather than two, I don't believe  
4 it changed the content at all.

5 PRESIDING JUDGE MINDUA: [10:03:17](Interpretation) Prosecutor.

6 MR GARCIA: [10:03:19](Interpretation) Your Honour, from what I can see, is, the  
7 witness has confirmed that the content is correct, so I don't see what the issue is.

8 PRESIDING JUDGE MINDUA: [10:03:32](Interpretation) Me too. I don't see what  
9 the issue is, Ms Taylor. You really want it to be done by sentence, so do it as three  
10 sentences.

11 MS TAYLOR: [10:03:42] No, Mr President, I believe we can move on. If we can  
12 turn --

13 PRESIDING JUDGE MINDUA: [10:03:49](Interpretation) Very well. Thank you  
14 very much.

15 MS TAYLOR: [10:03:51] If we can now turn to page 2616, paragraph 33, and I  
16 believe I will have to deal with this briefly in private session because of the name.

17 PRESIDING JUDGE MINDUA: [10:04:11](Interpretation) Madam Court Officer,  
18 private session, please.

19 (Private session at 10.04 a.m.)

20 THE COURT OFFICER: [10:04:20] We are in private session, Mr President.

21 PRESIDING JUDGE MINDUA: [10:04:31](Interpretation) Thank you very much.  
22 Ms Taylor.

23 MS TAYLOR: [10:04:34] Thank you, Mr President.

24 Q. [10:04:36] Madam Witness, the last sentence of this paragraph is referring to  
25 someone called "[REDACTED]", and it says, "[REDACTED] is now [REDACTED]."

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1 Did you have any corrections (Overlapping speakers)?

2 A. [10:05:19] Yes. I wanted to say yes. I said it to you.

3 Q. [10:05:23] And Madam Witness, you're now in front of the judges, can you  
4 repeat to them what you said to me.

5 A. [10:05:33] Yes, I can.

6 Q. [10:05:50] Thank you, Madam Witness, if you could explain what change you  
7 made.

8 A. [10:06:09] No, I didn't make a change.

9 MS TAYLOR: [10:06:14] I believe it may have been an interpretation issue.

10 Q. It is correct, Madam Witness, that [REDACTED] is [REDACTED]

11 A. [10:06:29] Yes, she's [REDACTED] [REDACTED] [REDACTED]

12 Q. [10:06:57] That's clear, thank you.

13 Madam Witness, with the permission of the Chamber, I will refer to this individual as  
14 Madam "G," if it's possible to do so in open session, if the Prosecution has no  
15 objection.

16 PRESIDING JUDGE MINDUA: [10:07:19](Interpretation) There's no objection?

17 Mr Prosecutor.

18 MR GARCIA: [10:07:24](Interpretation) No objection. Furthermore, I'm going to be  
19 using the same pseudonym because I'm going to put questions to the witness.

20 PRESIDING JUDGE MINDUA: [10:07:34](Interpretation) Very well -- very well said.

21 Court officer, we will now go back into open session.

22 Is that right, Ms Taylor?

23 THE INTERPRETER: [10:07:44] Message from the Songhai booth: Your Honour,  
24 with your permission, we would like to give you -- a message in private session.

25 PRESIDING JUDGE MINDUA: [10:07:55](Interpretation) Please wait, Madam Court

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1 Officer, we'll stay in private session.

2 Please go ahead, interpreter.

3 (Pause in proceedings)

4 THE INTERPRETER: [10:08:01](Interpretation) Very well.

5 PRESIDING JUDGE MINDUA: [10:08:11](Interpretation) Please take us into open  
6 session.

7 (Open session at 10.08 a.m.)

8 THE COURT OFFICER: [10:08:28] We are back in open session, Mr President.

9 PRESIDING JUDGE MINDUA: [10:08:31](Interpretation) Thank you very much,  
10 Madam Court Officer.

11 Ms Taylor.

12 MS TAYLOR: [10:08:36] Thank you, Mr President.

13 Q. [10:08:37] If we could now turn to page 2617, again not to be shown to the  
14 public.

15 Now, Madam Witness, this paragraph states that you were in contact with Madam G  
16 every day in 2012. And earlier, you clarified you went to Bamako for 20 days before  
17 Tabaski.

18 So my question is, were you in contact with Madam G during these 20 days? Or do  
19 we need to make a correction?

20 A. [10:09:23] Yes, before I left, we were in contact every day. We used to see each  
21 other.

22 Q. [10:10:11] And Madam Witness, after you returned, were you in contact with  
23 Madam G each day?

24 A. [10:10:34] Yes, we were in contact.

25 MS TAYLOR: [10:10:58] Mr President, may I briefly go into private session just to

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1 give the name of an individual that I will be asking questions about and to designate  
2 a pseudonym.

3 PRESIDING JUDGE MINDUA: [10:11:14](Interpretation) Very well, Ms Taylor.  
4 Court officer.

5 (Private session at 10.11 a.m.)

6 THE COURT OFFICER: [10:11:21] We are in private session, Mr President.

7 PRESIDING JUDGE MINDUA: [10:11:33](Interpretation) Thank you very much,  
8 Madam Court Officer.

9 Ms Taylor.

10 MS TAYLOR: [10:11:40]

11 Q. [10:11:41] Madam Witness, I'm about to ask you some questions about an  
12 individual called "██████████" Now in order to be able to ask you these questions in  
13 open session, I'm going to refer to her as "Madam H."

14 A. [10:12:21] Very well.

15 Q. [10:12:23] Is it clear who I'm speaking about?

16 A. [10:12:29] Yes, I know ██████████

17 PRESIDING JUDGE MINDUA: [10:12:49](Interpretation) Court officer, please take  
18 us into open session.

19 (Open session at 10.12 a.m.)

20 THE COURT OFFICER: [10:12:55] We are back in open session, Mr President.

21 PRESIDING JUDGE MINDUA: [10:13:10](Interpretation) Thank you very much,  
22 court officer.

23 Ms Taylor.

24 MS TAYLOR: [10:13:16]

25 Q. [10:13:17] Now Madam Witness, you gave us evidence about a Madam H, and

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1 you gave us evidence that Madam H got married in 2012. What was Madam H's  
2 position to the marriage? Do you know if she consented or she did not consent?

3 A. [10:13:37] No, she was in agreement with the marriage.

4 Q. [10:14:05] And Madam Witness, how do you know that?

5 And please put up your hand if you need to go into private session.

6 A. [10:14:32] Very well.

7 MS TAYLOR: [10:14:43] It might be better to go into private session, Mr President.

8 PRESIDING JUDGE MINDUA: [10:14:52](Interpretation) Court officer, please take  
9 us into private session.

10 (Private session at 10.14 a.m.)

11 THE COURT OFFICER: [10:14:58] We are in private session, Mr President.

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

13 Ms Taylor.

14 MS TAYLOR: [10:15:14]

15 Q. [10:15:16] Madam Witness, you stated that Madam H was in agreement with the  
16 marriage. How do you know that?

17 A. [10:15:25] I found out because [REDACTED] and she also asked  
18 her mother and her mother informed me. The same marriage was done in  
19 discretion.

20 THE INTERPRETER: [10:16:11] Correction from the interpreter: Not "she asked her  
21 mother", but "I asked her mother".

22 MS TAYLOR: [10:16:20]

23 Q. [10:16:21] Madam Witness, do I understand from this that her mother told you  
24 that [REDACTED] had consented?

25 A. [10:16:29] Yes, it was her mother who told me the marriage was carried out



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1 discreetly and it was her mother who told me about it and, indeed, she accepted.

2 Q. [10:17:08] I'll just ask some questions while we are in private session. Now at

3 page 2619, paragraph 53, you gave evidence that [REDACTED] --

4 "[...] husband spoke Arabic, because he is an Arab although I don't know which

5 country he came from and I never saw him."

6 I have two questions.

7 Madam Witness, how did you know the husband spoke Arabic?

8 A. [10:17:48] I found out because they wanted it to be done discreetly and I asked

9 [REDACTED]

10 Q. [10:18:45] Madam Witness, I'm not sure if my question was interpreted

11 properly.

12 How do you know that the husband spoke Arabic? Did someone tell you?

13 MS TAYLOR: [10:19:18] Do we have interpretation?

14 PRESIDING JUDGE MINDUA: [10:19:26](Interpretation) Court officer, it appears

15 that there's no connection.

16 THE COURT OFFICER: [10:19:32] We have lost the connection to the interpreters

17 and my colleagues are working on re-establishing the connection.

18 (Pause in proceedings)

19 PRESIDING JUDGE MINDUA: [10:20:58](Interpretation) Ms Taylor, the technicians

20 are working on this. We're going to wait a bit longer.

21 (Pause in proceedings)

22 THE COURT OFFICER: [10:21:44] We have the interpreters connected again, so we

23 can resume.

24 PRESIDING JUDGE MINDUA: [10:21:51](Interpretation) Very well.

25 Ms Taylor, please continue.

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1 MS TAYLOR: [10:21:57] Thank you very much, Mr President.

2 Q. [10:21:59] I'm not sure if my previous question was interpreted.

3 My question was, you didn't see the husband and you don't know which country he  
4 came from, how did you know he spoke Arabic?

5 A. [10:22:26] I didn't know him. She asked, and her mother, she was the one who  
6 said it was somebody with light skin.

7 Q. [10:23:03] Madam Witness, when you say "she," who are you referring to?

8 A. [10:23:23] ██████████

9 THE INTERPRETER: [10:23:30] Says the witness.

10 MS TAYLOR: [10:23:32]

11 Q. [10:23:33] Now, Madam Witness, you never saw or spoke to the husband, can  
12 you be certain he was an Islamist?

13 A. [10:23:56] Yes. Because they like discretion, they carry out marriages discreetly.  
14 That's how you know that's an Islamist that he married -- or that that's him who got  
15 married.

16 Q. [10:24:28] Madam Witness, were there any Arabs that lived in your  
17 neighbourhood in 2012?

18 A. [10:24:37] Yes, there were Arabs in our neighbourhood.

19 PRESIDING JUDGE MINDUA: [10:25:02](Interpretation) Ms Taylor, are we going to  
20 stay in private session?

21 MS TAYLOR: [10:25:07] I have a couple of questions about Madam H, which might  
22 be of a private nature concerning Madam H, so it might be better for me to deal with  
23 them in private session before going into open session.

24 PRESIDING JUDGE MINDUA: [10:25:24](Interpretation) Very well. Please go  
25 ahead.

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1 MS TAYLOR: [10:25:26]

2 Q. [10:25:27] Now just turning -- before turning to those questions, I have one  
3 follow-up question.

4 Madam Witness, do you know the names of all the Arabs who live in your  
5 neighbourhood?

6 A. [10:25:42] I don't know all their names.

7 Q. [10:26:02] Now, Madam Witness, you gave evidence at paragraph 53 that

8 [REDACTED] My question is, did she  
9 marry the father of this child?

10 A. [10:26:40] That was after she divorced. After she got divorced, she got married  
11 to him.

12 Q. [10:26:51] And Madam Witness, if you don't know the answer that's fine, do you  
13 know if she's still married to this person?

14 A. [10:27:03] The one who she had a child with or not? Yes.

15 Q. [10:27:22] Yes, I'm asking about the one she had the child with?

16 A. [10:27:38] Yes.

17 Q. [10:27:41] And do you know the name of this husband?

18 A. [10:27:58] No, I don't know the name of her husband.

19 Q. [10:28:02] You've also given evidence concerning an uncle of Madam H. Do  
20 you know the name of the uncle of [REDACTED] Sorry, [REDACTED]

21 A. [10:28:21] The uncle of the -- the uncle, that the father or the brother of ... A  
22 name ... A name? That I said I didn't know his name.

23 Q. [10:29:03] Now, this uncle - and I understand you don't know his name - the one  
24 who's paying for [REDACTED] schooling, is he related to the mother or the father of

25 [REDACTED]

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1 A. [10:29:23] On his -- mother's side.

2 Q. [10:29:45] And who told you that the uncle was paying for [REDACTED]  
3 schooling?

4 A. [10:30:19] It was she herself who said that. [REDACTED]  
5 [REDACTED]

6 Q. [10:30:35] Madam Witness, do you mind stating for the record when you say  
7 "she herself" told me the uncle was paying, who was the "she"?

8 A. [10:31:11] [REDACTED]

9 Q. [10:31:16] Now Madam Witness, at paragraph 56 of your statement, that's page  
10 5267, you gave evidence that [REDACTED] mother kept the money from the marriage,  
11 she kept the dowry herself. How did you learn this?

12 A. [10:32:10] I knew this because it was her mother who said that her mother had  
13 kept it.

14 MS TAYLOR: [10:32:23] And I have some questions about the sister of [REDACTED]  
15 that's called "[REDACTED]", but I believe if I use "Madam [REDACTED]" that could be too identifying.

16 So with the permission of the Chamber I could either do this in private session  
17 because I believe if I called her "Madam [REDACTED]", that's going to be too obvious.

18 It's only a couple of questions.

19 PRESIDING JUDGE MINDUA: [10:32:57](Interpretation) Madam Court Officer,  
20 private session, please.

21 Okay, very well. Let's go ahead.

22 MS TAYLOR: [10:33:10]

23 Q. Now, Madam Witness, at paragraph 61, that's page 2620, you gave evidence  
24 that [REDACTED] got married before 2012.

25 Now did [REDACTED] stay with this husband or did she get divorced?

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1 A. [10:33:29] [REDACTED] yes, she's in the marriage. She's still in the marriage.

2 Q. [10:34:03] So just to be clear, Madam Witness, when you say "she's still in the  
3 marriage", are you talking about the person that she got married to before 2012?

4 A. [10:34:43] I'm sorry, I didn't understand.

5 Q. [10:34:46] I apologise, Madam Witness.

6 When you say she's still with the husband, are you talking about the person she  
7 married before 2012, that is, are you saying she's only ever had one husband?

8 A. [10:35:31] Yes, there's just one husband.

9 Q. [10:35:41] And do you know what the husband does?

10 A. [10:35:43] [REDACTED]

11 Q. [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 Q. [10:37:20] I'd like to turn to tab 3, that's [REDACTED] if we could turn to  
18 page 7378 - and I think we've asked this sometimes in private session, sometimes in  
19 public session, but I think we can do it in private session - and then I have another  
20 question, which we'll need to do -- another picture which we need to do in private  
21 session, then I can go into open session.

22 Madam Witness, can you see this photo or do you need us to scroll in? You should  
23 also have a hard copy with you. Madam Witness, do you recognise this individual?

24 A. [10:38:31] Yes, I do know this person, it's [REDACTED].

25 Q. [10:38:55] If we could turn to Defence tab 4, it's [REDACTED] and turn to

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1 page 8190.

2 Madam Witness, please let us know if we need to scroll in more, but do you recognise  
3 this individual?

4 A. [10:39:51] It's [REDACTED] [REDACTED]

5 Q. [10:39:55] And Madam Witness, when you say "[REDACTED]", is this the same [REDACTED]  
6 that you gave evidence to the Defence about, the one who is friends with your  
7 daughter?

8 A. [10:40:34] Yes, it's the same person.

9 Q. [10:40:38] And now we can go into open session, we have a video to play that  
10 shouldn't be shown to the public, but the sound isn't confidential, there's no words.

11 PRESIDING JUDGE MINDUA: [10:40:59](Interpretation) Madam Courtroom Officer,  
12 open session, please.

13 (Open session at 10.41 a.m.)

14 THE COURT OFFICER: [10:41:08] We are back in open session, Mr President.

15 PRESIDING JUDGE MINDUA: [10:41:16](Interpretation) Thank you very much.

16 Ms Taylor.

17 MS TAYLOR: [10:41:21] I'm going to play from evidence 2, this is tab 2,

18 MLI-D28-0006-3315, and we are going to play from 00:17. I'm going to play for about  
19 10 or 15 seconds to allow the witness to see if she identifies.

20 (Viewing of the video excerpt)

21 MS TAYLOR: [10:42:13]

22 Q. [10:42:14] I believe we're stopping at 39 seconds and I believe the witness may  
23 have identified it as "Yobou Tao."

24 Is that correct?

25 Madam Witness, is that correct that this is Yobou Tao in Timbuktu?

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1 A. [10:42:50] Yes.

2 Q. [10:42:52] We are now going to continue playing to 1:27.

3 (Viewing of the video excerpt)

4 MS TAYLOR: [10:43:51] So we are stopping at 1:27.

5 Q. [10:43:54] Madam Witness, did you see any women in this video?

6 A. [10:44:21] Yes, I did see some women. Some were wearing veils, others were  
7 wearing scarves.

8 Q. [10:44:34] And Madam Witness, the veils and scarves they were wearing, was  
9 that typical to Timbuktu?

10 A. [10:45:05] Yes, that is something that we have been doing since.

11 THE INTERPRETER: [10:45:13] Says the witness.

12 And the interpreter did not catch the rest of the answer.

13 Could it please be repeated.

14 (Overlapping microphones)

15 MS TAYLOR: [10:45:28] I apologise, I interrupted. Could the Songhai interpreters  
16 repeat the rest of the answer so that the English can interpret.

17 THE WITNESS: [10:45:53] (Interpretation) Can't you see that that's also what I'm  
18 wearing.

19 MS TAYLOR: [10:46:01]

20 Q. [10:46:01] And did women wear these types of scarves and veils before 2012?

21 A. [10:46:37] Yes, well before 2012 in Timbuktu, we were wearing veils and scarves.

22 Q. [10:46:47] Now Madam Witness, as part of the Rule 68(3) procedure, I need to  
23 ask you if you agree to have your statement along with the corrections you have  
24 made admitted into evidence. Madam Witness, do you agree for your statement to  
25 be admitted into evidence?

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1 A. [10:47:42] Yes, they should be admitted.

2 Q. [10:47:47] Thank you, Madam Witness. I have no further questions for you.

3 That ends my examination.

4 Mr President, Mr Al Hassan has asked if he could use the bathroom. I don't know if  
5 now would be an opportune moment for him to be able to go?

6 PRESIDING JUDGE MINDUA: [10:48:06](Interpretation) Yes, indeed, Ms Taylor.

7 Mr Al Hassan is excused.

8 (Mr Al Hassan exited the courtroom)

9 PRESIDING JUDGE MINDUA: [10:48:32](Interpretation) Ms Taylor -- thank you  
10 very much, Ms Taylor for your examination-in-chief.

11 So we have 13 minutes remaining. I'm now turning to the Office of the Prosecutor to  
12 ascertain whether Mr Prosecutor is at the ready.

13 Ms Taylor, would you like to stand up again?

14 MS TAYLOR: [10:48:51] Yes, Mr President. In accordance with the decision on the  
15 conduct of the proceedings, the Defence obviously does have the right to object to the  
16 use of certain items in the Prosecution list and the time for us to do so is before the  
17 commencement of the testimony of -- sorry, of the cross-examination.

18 And our objection does concern tab 3, and to address it I would have to address it  
19 without the link to the witness or we could cut off interpretation.

20 PRESIDING JUDGE MINDUA: [10:49:32](Interpretation) Yes, indeed, Madam  
21 courtroom officer, could you please cut off the link, the interpretation to the witness,  
22 that is.

23 THE COURT OFFICER: [10:49:47] Mr President, the audio to the witness has been  
24 disconnected.

25 PRESIDING JUDGE MINDUA: [10:49:58](Interpretation) Thank you very much.



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1 Ms Taylor, we are all ears with regards to your objections.

2 MS TAYLOR: [10:50:06] Thank you very much, Mr President.

3 Now of course P-639 and P-570 were Rule 68(3) witnesses, so their statements were  
4 admitted into evidence, but P-610 was not a Rule 68 witness, so the statement that's  
5 on this list was not entered into evidence. P-610 testified viva voce, and, of course,  
6 the Prosecution can use the transcripts of P-160, but they can't use the statement  
7 because the Prosecution case is closed.

8 So I do believe it would be inappropriate after the closure of the Prosecution case for  
9 the Prosecution to use statements that were not admitted into evidence, particularly  
10 when they are viva voce transcripts, which they can and should use.

11 Cross-examination should not be a back door to admit evidence that did not fulfil the  
12 requirements of Rule 68(3) during the course of the Prosecution case.

13 So it's quite simple: They can simply just use the transcripts if there's something  
14 they wish to put to this witness, rather than a statement that was not admitted into  
15 evidence.

16 PRESIDING JUDGE MINDUA: [10:51:31](Interpretation) Mr Prosecutor.

17 MR GARCIA: [10:51:32](Interpretation) Mr President, your Honours, the OTP does  
18 not have the intention of tendering these statements into evidence. So if that is the  
19 concern of the Defence, I can assure you that that is not the case.

20 PRESIDING JUDGE MINDUA: [10:51:49](Interpretation) Ms Taylor.

21 MS TAYLOR: [10:51:51] Mr President, it's not even a matter of simply tendering it  
22 into evidence. The point of using exhibits is that they must in some form have  
23 probative value. This statement has no probative value because this witness has  
24 testified under oath. It's the under-oath testimony that should be used.

25 I have no idea why the Prosecution wants to use a statement that was not tendered

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1 into evidence. It can't assist the Chamber to determine the truth to put to this  
2 witness or confront this witness with information that can never be entered into  
3 evidence.  
4 The purpose of confronting a witness with the evidence of another witness is to give  
5 that witness an opportunity to clarify certain issues and to assist the Chamber to  
6 render a verdict at the end with the benefit of both versions at hand. Here, we have  
7 a version that was never tendered into evidence. It can't even be used. To allow it  
8 to be used would essentially be circumventing the closure of the Prosecution's case.  
9 They've had an opportunity to bring evidence. They can't now confront Defence  
10 witnesses with evidence that was not tendered through the Prosecution's case. That  
11 simply does not assist the Chamber, and it would actually violate Rule 68(3). To  
12 allow them to use testimony, which hasn't been admitted through Rule 68(3), that  
13 violates Rule 68 in the same way as trying to tender it would.

14 There are rules for exhibit lists; it's not anything goes. So if they have transcripts,  
15 they should use the transcripts.

16 PRESIDING JUDGE MINDUA: [10:54:00](Interpretation) Now, Mr Prosecutor, you  
17 want to use the item, just to confront the witness, but you say that you do not have  
18 the intention of requesting its tendering, is that correct? If I can sum up what you  
19 said.

20 MR GARCIA: [10:54:16](Interpretation) That is correct, Mr President. And I do  
21 understand that it is a preliminary objection that is being made. I've already  
22 answered. I don't see what the concern is. If the Defence thinks that during my  
23 cross-examination at a certain moment in time I go beyond the scope of what is  
24 permitted, then they could always object. I don't see what the problem is. We can  
25 always use items that are in the file that we have at hand in order to provide

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1 a foundation for a question that one has to put without the document or the  
2 information in question being in evidence.  
3 So it is the principle that we don't get this information from any old where, but  
4 otherwise I believe it is rather premature to my mind, and it could be that I might not  
5 even use the information from there. But I do not have the intention of confronting  
6 the witness with it, saying, for example, that such-and-such a witness -- Witness X  
7 claims such-and-such a thing. This is a subtlety that is quite important and I don't  
8 think that the Defence has quite grasped it.

9 PRESIDING JUDGE MINDUA: [10:55:26](Interpretation) Ms Taylor, I do believe  
10 that we have understood your concern, but also the explanation furnished by the  
11 Prosecution. The Prosecutor would like to use the item just as a basis or foundation  
12 upon which to put his questions, but not to confront the witness. There is  
13 a difference between the two; so it is just to form as a foundation. I do believe that  
14 we can authorise the Prosecutor to use that item, do you not agree?

15 MS TAYLOR: [10:55:56] Mr President, this does strike at an issue of fairness in that  
16 when we bring our Defence case, we bring it on our understanding of what the  
17 Prosecution's evidence is, that is, the evidence that was actually tendered and  
18 submitted into evidence during the Prosecution's case concerning this witness. It's  
19 an important distinction because otherwise we would violate our right to silence and  
20 our right to make informed choices on that basis.

21 Now if the Prosecution can pick and choose through elements of statements that did  
22 not come up to proof or which were not given under oath, that does present  
23 fundamental problems for the ability of the Defence to make informed choices as to  
24 what evidence it presents during the Defence case.

25 Now it also raises a significant issue of notice and disclosure in that I have no idea

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1 what part of this statement the Prosecution thinks is so probative and so relevant that  
2 they need to put it, rather than the vive voce sworn testimony of this witness. And I  
3 do believe it is prejudicial because the Prosecution is saying it's to give a foundation.  
4 They are therefore expecting you as judges to look at this statement in order to  
5 ascertain the foundation; so they are essentially submitting the statement through the  
6 back door.

7 PRESIDING JUDGE MINDUA: [10:57:29](Interpretation) Mm, Ms Taylor, I shall  
8 confer with my colleagues because it would seem that we have disparate positions in  
9 this regard.

10 (Trial Chamber confers)

11 PRESIDING JUDGE MINDUA: [10:59:43](Interpretation) So, Ms Taylor, you have  
12 raised a matter on which we are divided. It is 11 o'clock, and we shall come back  
13 after half an hour, for the continuation of the testimony of this witness, before which  
14 we shall give the Chamber's decision in this regard.

15 The hearing is suspended.

16 (Recess taken at 11.00 a.m.)

17 (Upon resuming in open session at 11.33 a.m.)

18 THE COURT USHER: [11:33:55] All rise.

19 Please be seated.

20 PRESIDING JUDGE MINDUA: [11:34:16](Interpretation) Court is in session.

21 We have finished with the examination-in-chief by the Defence. The ritual question  
22 was asked - and I note that the conditions of the proceedings under 68(3) of the rules  
23 have been met -

24 so the Chamber is now going to move to the objection made by the Defence with  
25 regards to the items that the Prosecution wishes to use.

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1 Madam Court Officer, we don't have a connection with the witness, is that correct?

2 THE COURT OFFICER: [11:35:10] We do not, Mr President. That is correct.

3 PRESIDING JUDGE MINDUA: [11:35:16](Interpretation) Thank you very much,  
4 court officer.

5 The Chamber has deliberated and issues its decision where it concerns the objection  
6 made by the Defence about the inclusion of a previous statement, which was not  
7 admitted into evidence on the list of documents which the Prosecution wishes to use  
8 during its cross-examination.

9 As indicated prior to the break, there is a difference between the use of a piece of  
10 evidence as a basis for a question and using an item with a view to putting it to the  
11 witness for the testimony of our witness.

12 The Chamber is of the opinion that it is not appropriate to completely prohibit the use  
13 of previous statements which are not been tendered into evidence. However, this  
14 previous statement can, in particular, be used as a basis for the question put by the  
15 Prosecution.

16 Having said that, it is necessary to consider this issue on a case-by-case basis, and in  
17 the case in point, the Chamber is going to rule in accordance with the precise question  
18 that will be put by the Prosecution.

19 The objection by the Defence is therefore rejected, and the previous statement of  
20 P-0610 can be included in the list of documents that the Prosecution intends to use,  
21 possibly with Witness D-0512.

22 That's it. We shall see on a case-by-case basis.

23 Prosecutor, you have the floor.

24 But first, the court officer is going to re-establish the link with our witness, if you  
25 would be so kind.

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- 1 THE COURT OFFICER: [11:38:28] The audio has been reconnected, Mr President.
- 2 PRESIDING JUDGE MINDUA: [11:38:35](Interpretation) Thank you very much.
- 3 Prosecutor, you have the floor for your cross-examination.
- 4 MR GARCIA: [11:38:42](Interpretation) Thank you, your Honour, your Honours.
- 5 QUESTIONED BY MR GARCIA: (Interpretation)
- 6 Q. [11:38:50] Good morning, Madam Witness.
- 7 A. [11:38:56] Good morning. Thank you.
- 8 Q. [11:39:00] Witness, my name is Lucio Garcia. I'm going to put questions to you
- 9 on behalf of the Prosecution.
- 10 A. [11:39:26] Very well.
- 11 Q. [11:39:28] So, Witness, if, at any time, you haven't understood a question that I
- 12 put or you don't understand what I'm saying, then please just tell me. Okay?
- 13 A. [11:40:05] Very well.
- 14 Q. [11:40:07] Witness, I have a few questions to put to you by way of clarification.
- 15 A. [11:40:22] Very well.
- 16 Q. [11:40:25] These questions refer to the statement that the Defence team provided
- 17 us with, which is a 12-page statement, a statement that you signed on 15 March 2022.
- 18 A. [11:41:17] Very well. I've understood.
- 19 MR GARCIA: [11:41:22](Interpretation) Your Honour, could we go into private
- 20 session for a few minutes to go into the subject and ask some questions. That's what
- 21 I'd like to do for most of my questions.
- 22 PRESIDING JUDGE MINDUA: [11:41:34](Interpretation) Indeed.
- 23 Court officer.
- 24 (Private session at 11.41 a.m.)
- 25 THE COURT OFFICER: [11:41:39] We're in private session, Mr President.

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- 1 PRESIDING JUDGE MINDUA: [11:41:52](Interpretation) Thank you very much,  
2 Madam Court Officer.  
3 Prosecutor.  
4 MR GARCIA: [11:41:56](Interpretation)  
5 Q. [11:41:59] Madam Witness, I read your statement and you mentioned in  
6 paragraph 22 and following certain problems that your brother called ██████████ had  
7 with the Islamists.  
8 Does that remind you of anything?  
9 A. [11:42:28] Yes, I remember.  
10 Q. [11:42:51] Very well. In a few moments I'm going to ask the presiding judge to  
11 return into open session, and I shall refer to your brother ██████████ as being "Mr C."  
12 Is that agreeable to you?  
13 A. [11:43:12] Yes, very well.  
14 PRESIDING JUDGE MINDUA: [11:43:29](Interpretation) Court officer, please take  
15 us into open session.  
16 (Open session at 11.43 a.m.)  
17 THE COURT OFFICER: [11:43:34] We're back in open session, Mr President.  
18 PRESIDING JUDGE MINDUA: [11:43:46](Interpretation) Thank you very much.  
19 Prosecutor.  
20 MR GARCIA: [11:43:49](Interpretation)  
21 Q. [11:43:52] So if I've understood well your statement, Madam Witness, in 2012,  
22 Mr C was detained by Islamists, is that correct? Am I right?  
23 PRESIDING JUDGE MINDUA: [11:44:33](Interpretation) Ms Taylor?  
24 MS TAYLOR: [11:44:34] Thank you very much, Mr President.  
25 I'm going to make an objection that the Prosecution has itself made. The term

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1 "detained", they themselves have argued, is a technical term. It's an objection that  
2 the Prosecution has made and that this Chamber has upheld. So it can be confusing  
3 to use the word "detained". It's the Chamber itself that has ruled that.

4 PRESIDING JUDGE MINDUA: [11:45:11](Interpretation) Very well.

5 Prosecutor, please reformulate.

6 MR GARCIA: [11:45:19](Interpretation) I'm sorry, your Honour, I haven't  
7 understood the intervention to the Chamber. The question that I had was if his -- if  
8 he had been detained. We didn't make it possible for the witness to answer the  
9 question. And when it comes to detention, if I'm not wrong, this was taken up in  
10 another context.

11 And what I can do is I can re-put the question; that might simplify things. We only  
12 have an hour. But I don't know if the witness has understood well. It's not  
13 a complicated term.

14 PRESIDING JUDGE MINDUA: [11:45:50](Interpretation) Well, I let the interpreters  
15 translate the question, but the objection of Ms Taylor is valid because it's technical. If  
16 you could explain it better or reformulate it.

17 MR GARCIA: [11:46:05](Interpretation)

18 Q. [11:46:07] Madam Witness, would I be right to say that Mr C was arrested by the  
19 Islamists in 2012?

20 PRESIDING JUDGE MINDUA: [11:46:30](Interpretation) Ms Taylor, let the witness  
21 answer, please.

22 MS TAYLOR: [11:46:34] Mr President, my concern is that the Prosecutor is using  
23 terminology that's not in the statement.

24 PRESIDING JUDGE MINDUA: [11:46:47](Interpretation) Very well. We're going  
25 to try and save time. Let's see if the witness answers.



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1 MS TAYLOR: [11:46:52] Mr President, my concern is they've used it in a leading  
2 sense, and it can be confusing to use terminology that's not in the statement. That  
3 word "arrested" is not in the statement. So it's confusing to say to the witness, "I  
4 understand that this happened," when it's not in her statement.

5 PRESIDING JUDGE MINDUA: [11:47:22](Interpretation) Ms Taylor, we're in the  
6 framework of a cross-examination. So what is the term that's in the statement?

7 MR GARCIA: [11:47:33](Interpretation) Your Honour?

8 PRESIDING JUDGE MINDUA: [11:47:35](Interpretation) Yes, Prosecutor.

9 MR GARCIA: [11:47:36](Interpretation) Quite simply, I understand that the witness  
10 is still there with us. I don't want to delay things, but I have the right to ask in  
11 cross-examination, to simplify things so we can make progress. Paragraph 24 states:  
12 "The Islamists came to his house and took him."

13 I asked the question if they arrested him. If the witness doesn't understand, I can  
14 come back and I can use the same thing. I'm in cross-examination, but I do have the  
15 right to ask questions that are leading to simplify as well, and my intention is not to  
16 lead the witness into error because the paragraph 24 states this.

17 PRESIDING JUDGE MINDUA: [11:48:18](Interpretation) Ms Taylor, we're going to  
18 try to make progress. The Prosecutor only has one hour if I'm right. You yourself  
19 carried out cross-examination not that long ago, and within that framework of  
20 questions leading questions are acceptable. So there, the Prosecutor, in my view is  
21 asking the question as he should.

22 So you want to intervene for a last time? But let's be in agreement on the principles.

23 MS TAYLOR: [11:48:48] Certainly, Mr President. We have no objection to leading  
24 questions. We simply ask the Prosecution, use the terminology that's in the  
25 statement and not substitute their own terminology because that's misleading and it's

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1 not fair to the witness. They can use the language in the statement, which was  
2 requirements that were put on the Defence throughout the Prosecution's case.  
3 MR GARCIA: [11:49:15](Interpretation) Your Honour, if you would allow me,  
4 because we have been doing this trial for a while. I think the rules were quite clear.  
5 If I had wanted to put something to the witness from a previous statement as was  
6 decided by this Chamber, I would have had to do it in a verbatim way, that is to say,  
7 giving all the words that were stated. But now I am simplifying things. I'm asking  
8 questions by being leading, which is very much allowed.

9 If -- I'm not trying to induce the witness into error. It's not the case. If I did, I  
10 was -- I would understand the objection. But where I'm concerned, I don't see why  
11 there've been two objections to this question, which is quite simple and which just  
12 takes up what is in paragraph 24 of the statement of the witness.

13 PRESIDING JUDGE MINDUA: [11:50:12](Interpretation) Indeed. Obviously, we  
14 can all read it, "The Islamists came to his house and [they] took him." The Prosecutor  
15 is trying to explain, and I think the witness has understood. We're going to see what  
16 the witness answers.

17 Please continue, Prosecutor.

18 MR GARCIA: [11:50:35](Interpretation)

19 Q. [11:50:36] Madam Witness, I'm sorry for the interruptions, but would I be right  
20 to say that in 2012, the Islamists arrested Mr C?

21 A. [11:51:04] Yes. They came and arrested him from his home.

22 Q. [11:51:14] And if I understand well, Witness, at the time, you were not living  
23 with Mr C. He was living in another house.

24 A. [11:51:37] Yes. He was in his house, and we were with our family, our large  
25 family.

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1 Q. [11:51:49] And, Witness, was he living alone in his house, or did he live with  
2 a girlfriend?

3 A. [11:52:03] He lived alone there.

4 Q. [11:52:09] Very well. Now, you also said in your statement, and I -- you said it  
5 was a member of your family who went to speak to the Islamists such that the  
6 Islamists released him. So they released your brother, they freed your brother. Is  
7 that correct?

8 A. [11:52:44] Yes, it's true. It was my uncle who went to see them such that he  
9 would be released.

10 Q. [11:52:59] And it was your uncle who told you what had happened, that he had  
11 asked them to release Mr C.

12 A. [11:53:31] Yes. When my uncle heard, he himself went to see them in order to  
13 intervene to get him released. He told them that he had done nothing.

14 Q. [11:53:49] Very well, Witness. When I read your statement, you stated that  
15 there was an event which took place in 2009, but it's not clearly explained why the  
16 Islamists arrested him.

17 A. [11:54:59] The reason was because he had had problems with them before  
18 2012 -- with the man before 2012, and the Islamists called him and they went to get  
19 him.

20 Q. [11:55:19] Yes, Madam. In fact, that explanation appears in paragraph 22 of  
21 your statement for events that took place in 2009, the event that you're talking about  
22 with a man, with a gentleman.

23 A. [11:55:41] Yes. That happened in 2009 with [REDACTED]

24 Q. [11:56:04] And if I understand well, Madam Witness - we're not going to say this  
25 name in public session once more - this person who you just mentioned

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1 would -- apparently denounced Mr C, reported Mr C to the Islamists.

2 Is that what's in your statement? Is that correct?

3 A. [11:56:31] Yes, he was the one who denounced him.

4 Q. [11:57:02] Very well, Madam Witness. And in 2012, would I be right to say that  
5 Mr C had a friend, a girlfriend with whom he was not married, is that correct?

6 A. [11:57:37] Yes, it's true. He had a girlfriend who he hadn't yet married at that  
7 time. The girlfriend was the niece of this gentleman that we spoke about a moment  
8 ago.

9 Q. [11:57:53] Very well, Witness. And when the Islamists came to the town, Mr C  
10 could no longer walk around with his girlfriend, nor meet her at his house because it  
11 was a prohibited activity under the Islamists, was it not?

12 A. [11:58:31] (No interpretation)

13 PRESIDING JUDGE MINDUA: [11:58:32](Interpretation) Ms Taylor?

14 MS TAYLOR: [11:58:35] Thank you, Mr President.

15 The Prosecution has been asking very long-winded, complicated questions. Now, I  
16 do recall that with other witnesses, we were directed in cross-examination to use  
17 simpler, more direct questions, rather than a question that has at least three different  
18 elements in it and which is going to be complicated.

19 PRESIDING JUDGE MINDUA: [11:59:07](Interpretation) You're right about the  
20 principle, Ms Taylor. I can no longer remember the question, if it's got three  
21 elements to it.

22 But Prosecutor, please simplify it.

23 MR GARCIA: [11:59:17](Interpretation) Your Honour, could we have the answer. I  
24 see here that the witness did answer, but we don't have the answer in the case record.  
25 But perhaps she understood, but we don't know.

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- 1 PRESIDING JUDGE MINDUA: [11:59:34](Interpretation) You're right. The answer  
2 wasn't translated.
- 3 Yes, Ms Taylor, on the principle, you are right. Complicated questions are  
4 prohibited. But as the question has already been put and the witness has already  
5 answered, then let's listen to the answer.
- 6 Interpreters, could you translate the answer for us.
- 7 MS TAYLOR: [11:59:59] If I may --
- 8 THE WITNESS: [12:00:07](Interpretation) Yes. At this time, they couldn't walk  
9 around together.
- 10 PRESIDING JUDGE MINDUA: [12:00:13](Interpretation) Very well. We have the  
11 answer. It's clear.
- 12 Please continue, Prosecutor.
- 13 MR GARCIA: [12:00:16](Interpretation)
- 14 Q. [12:00:16] Thank you for this answer, Witness.
- 15 So is it not correct, Madam Witness - I don't see it in your statement - that the reason  
16 why Mr C was arrested by the Islamists was because he used to go and see his  
17 girlfriend, whereas, he wasn't married. Is that correct?
- 18 A. [12:01:13] No, that's not the reason why he was arrested. It's because he had  
19 a long-standing dispute with them. That's the reason why he was arrested.
- 20 Q. [12:01:29] But Madam Witness, according to what you said to the Defence  
21 members of the team, the dispute that you're referring to was a dispute from 2009,  
22 that's to say, three years earlier. So how can you now be saying that the arrest of  
23 Mr C by the Islamists was related to something that happened three years prior  
24 thereto?
- 25 PRESIDING JUDGE MINDUA: [12:01:58](Interpretation) Ms Taylor?

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- 1 MS TAYLOR: [12:01:59] Mr President, if we can just cut the feed briefly to the  
2 witness or the interpretation.
- 3 PRESIDING JUDGE MINDUA: [12:02:13](Interpretation) Madam Courtroom Officer,  
4 could you please cut off the feed to the witness.
- 5 THE COURT OFFICER: [12:02:20] The audio to the witness has been disconnected.
- 6 PRESIDING JUDGE MINDUA: [12:02:28](Interpretation) Thank you very much,  
7 Madam Courtroom Officer.
- 8 Ms Taylor.
- 9 MS TAYLOR: [12:02:36] Thank you, Mr President.
- 10 There's two elements to my objection. First, it's not appropriate for the Prosecution  
11 to argue with the witness. The witness has given a response. They might not like it,  
12 but it's the response of the witness.
- 13 Second, this witness has testified that the individual filed a complaint in 2012 because  
14 of a grudge that dates from 2009. They've been given a clear answer and it's not fair  
15 for the Prosecution to ignore that answer in order to maintain an argument with the  
16 witness.
- 17 PRESIDING JUDGE MINDUA: [12:03:23](Interpretation) Ms Taylor, it is true that  
18 once again, with regard to the principle, you are correct, that augmentative questions  
19 should not be put, nor should one hold a debate with the witness.
- 20 But the question put by the OTP was not argumentative. It was just with a view to  
21 seeking clarification because the answer given by the witness, even I was not able to  
22 understand.
- 23 So Mr Prosecutor, over to you.
- 24 MR GARCIA: [12:03:55](Interpretation)
- 25 Q. [12:03:56] Madam Witness, Madam Witness --

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- 1 PRESIDING JUDGE MINDUA: [12:04:09](Interpretation) Madam Courtroom Officer,  
2 it would seem that the witness has issues.
- 3 THE COURT OFFICER: [12:04:19] The audio to the witness is reconnected.
- 4 PRESIDING JUDGE MINDUA: [12:04:24](Interpretation) Ah, there we are. Thank  
5 you very much, Madam Courtroom Officer.
- 6 Mr Prosecutor.
- 7 MR GARCIA: [12:04:32](Interpretation)
- 8 Q. [12:04:32] Madam Witness, I'm going to put the question to you once again, but  
9 a different way so that we are all in agreement.
- 10 Are you telling us -- are you telling the Court here today that the -- the denouncement  
11 had a bearing on events that had occurred in 2009, that is to say, the denouncement  
12 made to the Islamists?
- 13 THE INTERPRETER: [12:05:24] Correction from the English booth: "The  
14 denunciation".
- 15 THE WITNESS: [12:05:30](Interpretation) Do you -- are you talking about  
16 denunciations dating back to 2009? I haven't understood.
- 17 MR GARCIA: [12:05:37](Interpretation)
- 18 Q. [12:05:37] Very well, Madam Witness. We're going to put the question another  
19 way around.
- 20 So, Madam Witness, what you're telling me today is that the denunciation that was  
21 made to the Islamists was with regard to the fact that an individual - and I'm referring  
22 here to paragraph 22 - had thrown themselves off a motorbike when they saw that  
23 they were going to hit a car in which Mr C was to be found.
- 24 And I'm really repeating what you said to the members of the Defence team.
- 25 So does that ring a bell, this story?

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1 A. [12:07:19] Yes, that is correct. That is what happened in 2009. He saw him  
2 coming in a car. He was on a motorbike. And when he saw him coming, he  
3 jumped off. He threw himself to the ground. That's what happened when the  
4 Islamists arrived. He -- this act was denounced, and this was also added to the fact  
5 that he was with a girlfriend that he had not yet married.

6 Q. [12:08:02] Well, thank you, Madam Witness. So now we have come to the  
7 reason why Mr C was arrested. It was because he was with a girlfriend and he was  
8 not married. Do you agree with me?

9 A. [12:08:35] (Overlapping speakers)

10 PRESIDING JUDGE MINDUA: [12:08:39](Interpretation) No, no. Please, wait.  
11 Ms Taylor, I can see that the witness really wants to answer, so let's have an  
12 interpretation of the answer.

13 MS TAYLOR: [12:08:53] I'm happy for her to be interpreted, but I would ask my  
14 learned colleague not to use this tone with the witness. Defence witnesses should be  
15 treated with dignity and respect and that's not happening today.

16 Thank you, Mr President.

17 PRESIDING JUDGE MINDUA: [12:09:20](Interpretation) Well, I'm a little reserved  
18 on that matter, because I do not believe that the Prosecutor was overly harsh and if it  
19 is the case, well ...

20 Interpreter, please, what is the answer from the witness?

21 THE INTERPRETER: [12:09:43] Message from the Songhai witness [interpreter]: Mr  
22 President, could the witness please come back on her answer because you interrupted  
23 us while she was speaking.

24 PRESIDING JUDGE MINDUA: [12:09:54](Interpretation) Yes, of course, you are  
25 right, Mr Interpreter.



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1 Madam Witness, could you please repeat your answer.

2 THE WITNESS: [12:10:26] (Interpretation) Yes, it was with regard to what he said,  
3 the reason why he was arrested. I said no, because the man lied saying that he was  
4 with a girlfriend in the bedroom. The Islamists went to search the house to see what  
5 was what, but they took him away anyway.

6 MR GARCIA: [12:11:01](Interpretation)

7 Q. [12:11:03] I am right that in your statement, paragraph 25, you stated that it was  
8 Adama himself who asked Mr C with regard to his girlfriend and why he was not  
9 married. Do you remember having said that to the Defence?

10 A. [12:12:00] Yes, I do remember that. Because when they had a discussion, that's  
11 when he said to the gentleman that really, he needed to marry the girlfriend now.  
12 And he answered, saying, "I'm not going to. This is -- it's somebody from my  
13 family -- if I want to get married, I will get married, it's somebody from my family  
14 who will get me married if that's the case."

15 THE INTERPRETER: [12:12:42] Says the interpreter in Songhai.

16 MR GARCIA: [12:12:46](Interpretation)

17 Q. [12:12:47] Thank you, Madam Witness.

18 I did understand that, but am I right in saying that Mr C subsequently got married to  
19 his girlfriend in 2012?

20 A. [12:13:28] Yes. After all that, he did end up marrying the girl -- the woman.  
21 We asked him ourselves to marry the woman.

22 Q. [12:13:49] Madam Witness, would I be right in saying that it was one of the  
23 conditions of his release that namely, he marry his girlfriend?

24 A. [12:14:17] No, no, no. There were no conditions stated. They just released  
25 him. But it was of his own volition that he wanted to marry the girl, and he married

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1 her. No conditions were set out. And Adama himself subsequently asked him if he  
2 was going to marry the girl.

3 Q. [12:15:09] But Madam Witness, would I not be correct in saying that he would  
4 not be able to carry on with his girlfriend in 2012, if he did not marry her?

5 A. [12:15:49] Had they wanted to, they could have seen each other in hiding.  
6 They are big enough to do so. He was not forced to marry her. He wanted to  
7 marry her, and he married her. The town was big enough for them to see each other  
8 in hiding if they had wanted to at the time.

9 Q. [12:16:16] So they could have seen each other in hiding, but if somebody had  
10 seen them, the Islamists, they would have been punished. Would you agree with  
11 me?

12 A. [12:16:58] The Islamists would not have seen them. Many things were going  
13 on without the Islamists seeing.

14 Q. [12:17:06] Madam Witness, but you are aware of the fact that in 2012 - you're  
15 going to be able to answer "yes" or "no" to this - people in Timbuktu who do not  
16 follow the rules imposed by the Islamists would be punished if they were caught.  
17 Would you agree with me?

18 A. [12:18:10] No. With regard to the Islamists, we did not have any problems.  
19 The natives who were there, who joined the Islamists, were the ones who would  
20 cause problems. They were the ones who set those conditions. But with the  
21 Islamists themselves, we didn't have an issue.

22 Q. [12:18:40] But, Madam Witness, you have heard people say -- or, you might  
23 have seen with your very own eyes people who were arrested by Islamists and who  
24 were punished in public at the Sankoré square. You've heard people talk about that  
25 in 2012.

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- 1 PRESIDING JUDGE MINDUA: [12:19:09](Interpretation) Ms Taylor.
- 2 THE WITNESS: [12:19:10] (No interpretation)
- 3 PRESIDING JUDGE MINDUA: [12:19:15](Interpretation) Wait, wait, please.
- 4 Madam Witness, when I make a noise with my gavel, I would like a little bit of silence
- 5 because Ms Taylor is raising an objection. Ms Taylor, please.
- 6 MS TAYLOR: [12:19:35] Thank you, Mr President.
- 7 I would request the Prosecution not veer into the territory of pure speculation here.
- 8 We have a witness who's here to tell the Chamber what she saw with her own eyes
- 9 and what she herself knows. The Prosecution is wanting her to speculate as to what
- 10 could and might have happened in Timbuktu. That's not the purpose of her
- 11 testimony and I don't think that's fair to the witness, and I don't think that's
- 12 particularly helpful.
- 13 It's the witness who's in the stand. Not the Prosecution. We can simply ask her to
- 14 testify on the basis of what she herself saw and what she herself experienced in 2012.
- 15 I'm happy for her answer to be read into the record, but I do believe that future
- 16 questions should not be so speculative. I believe the interpreters can give her her
- 17 answer, but for future responses, we should be focusing on what the witness herself
- 18 experienced. Thank you.
- 19 PRESIDING JUDGE MINDUA: [12:20:53](Interpretation) No, Ms Taylor. Before
- 20 the interpreters interpret what was said, I would like to answer your objection. Once
- 21 again, you are right in terms of principle. Speculative questions are not accepted.
- 22 However, to my mind, you are misapplying this principle because the Prosecutor put
- 23 a question to the witness and the witness said: Well, the man could see his girlfriend
- 24 in hiding.
- 25 To explain, the Prosecutor says: Ah, but there were punishments that were executed.

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1 And Madam Witness can tell us whether such punishments were executed in  
2 Timbuktu at the time. It's not speculation. It is a logical follow on to the question  
3 that has been put. You are right in terms of the principle, but as to the application of  
4 the principle, I do not agree.

5 Please continue, Mr Prosecutor.

6 MR GARCIA: [12:22:04](Interpretation) I don't know whether the interpreters were  
7 able to interpret the answer from the witness. I do know she answered. If not, I  
8 can put the question again.

9 PRESIDING JUDGE MINDUA: [12:22:19](Interpretation) Interpreters, can you  
10 interpret what she had to say, or does the witness have to say something further?

11 THE INTERPRETER: [12:22:23] The Songhai interpreter: Could the witness please  
12 repeat her answer, Mr President.

13 PRESIDING JUDGE MINDUA: [12:22:28](Interpretation) Very well.

14 Mr Prosecutor, could you please repeat your question.

15 MR GARCIA: [12:22:32](Interpretation)

16 Q. [12:22:33] Madam Witness, I'm going to put the question to you once again. At  
17 the time, in 2012, you certainly heard people talk about people who did not follow the  
18 rules set out by the Islamists and who were subsequently punished in public, flogged  
19 at Sankoré square.

20 Is this something that you heard people speak about or that you saw with your very  
21 own eyes at the time?

22 A. [12:23:38] No, I didn't see that. I didn't see it.

23 Q. [12:23:43] Did you not hear people talk about it?

24 A. [12:23:48] No, I didn't hear anything about it.

25 Q. [12:23:55] Did you at least hear people say that people had been punished by the

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1 Islamists if they were caught not respecting their rules? Did you hear anyone speak  
2 about that at the time?

3 A. [12:24:49] No. As far as the Islamists are concerned, no, we didn't see that, but  
4 those from the town who joined those groups were the ones who made us respect  
5 those rules. But the Islamists themselves, when they came, they would say, "Well,  
6 the manner in which you are covered is okay. You are respecting Islam." But the  
7 ones who joined the groups were the ones who put us through that in terms of  
8 revenge.

9 Q. [12:25:31] Madam Witness, were you there in Timbuktu in 2012, or were you  
10 elsewhere?

11 A. [12:25:38] I was in Timbuktu. I was in Timbuktu at the time, and everything  
12 happened whilst I was there. I hadn't gone anywhere.

13 Q. [12:26:06] But you were not in Timbuktu for the entire year of 2012, were you?

14 A. [12:26:41] I was there for four months. I took my children to Bamako to put  
15 them in school, and then 20 days later, I returned. You can't live anywhere if it isn't  
16 in Timbuktu.

17 Q. [12:27:01] Madam Witness, I would like to understand because you've just said  
18 that you were --

19 "[...] there for four months. I took my children to Bamako to [...] school, and then"  
20 afterwards for 20 days [...]"

21 For four months and 20 days you were outside of Timbuktu, is that what one should  
22 understand?

23 A. [12:27:33](No interpretation)

24 PRESIDING JUDGE MINDUA: [12:27:34](Interpretation) Ms Taylor.

25 MS TAYLOR: [12:27:41] Thank you, Mr President.

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1 I'm not sure if it's a problem with the French transcript, but the English transcript is  
2 abundantly clear. The witness said that she was there for four months. She then  
3 took her children to Bamako to put them in school, and then 20 days later, she  
4 returned.

5 It's exactly what she said earlier; it's exactly what she said in her statement. I don't  
6 understand why the Prosecution is trying to create confusion just to confuse the  
7 witness.

8 There's no contradiction, Mr President. The Prosecution's just created one.

9 PRESIDING JUDGE MINDUA: [12:28:23](Interpretation) Well, apparently with the  
10 French, there was a little bit of confusion.

11 But go ahead, Mr Prosecutor.

12 Wait, wait, wait, wait, wait.

13 Madam Witness ...

14 Madam Witness, would like to say something.

15 Madam Witness?

16 THE WITNESS: [12:28:38] (No interpretation)

17 THE COURT OFFICER: [12:28:53] Excuse me, Mr President. We have the lost the  
18 interpreters in the field, and we are working to re-establish the connection.

19 PRESIDING JUDGE MINDUA: [12:29:08](Interpretation) Yes. Well, that's a very  
20 serious issue because we won't have the witness's answer. So we are waiting for the  
21 connection.

22 (Pause in proceedings)

23 THE COURT OFFICER: [12:30:13] It appears we have re-established the connection  
24 to the interpreters.

25 PRESIDING JUDGE MINDUA: [12:30:22](Interpretation) Thank you very much.

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1 So, Madam Witness, when you gave your answer, there was no longer a connection  
2 with the Songhai interpreters. Could you please repeat your answer,  
3 Madam Witness.

4 THE WITNESS: [12:31:08](Interpretation) I was saying that I was in Timbuktu and  
5 four months afterwards I went to Bamako and I spent 20 days there, and then I  
6 returned to Timbuktu. And since then, I didn't leave Timbuktu until the end of the  
7 events.

8 MR GARCIA: [12:31:38](Interpretation)

9 Q. [12:31:40] Madam Witness, would I be right to say that the school that your  
10 children went to was closed in the month of April 2012? Am I right to say that?

11 A. [12:32:26] There was no more school at that time, but I don't know what month  
12 it was. As there was no more school anymore, I took them.

13 Q. [12:32:39] So, Witness, please correct me if I'm wrong, but you took your  
14 children, I would imagine immediately or shortly after the schools closing in  
15 Timbuktu, so your children's school I'm talking about here.

16 A. [12:33:29] Of course, that's the case. When we saw that there was no longer  
17 any school, then I took my children. It was at that time when we saw there were no  
18 longer any courses in the school. The courses weren't normal anymore, I took my  
19 children away.

20 Q. [12:33:50] Well, that's exactly it, Witness. In your statement, in paragraph 15,  
21 you state that the schools closed in Timbuktu when Gao fell into the hands of the  
22 MNLA, and, at that time, the Islamists hadn't yet arrived in Timbuktu.

23 A. [12:34:29] Yes, they hadn't come to Timbuktu. They hadn't come.

24 Q. [12:34:39] But now, Madam Witness, if you took your children shortly after the  
25 schools closed, and they closed when Gao fell into the hands of the MNLA, that

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1 wasn't four months afterwards.

2 A. [12:35:35] Yes, it can't be the same. Gao was taken first. And when they took  
3 Timbuktu, we stayed until four months. And when we saw that the schools weren't  
4 working anymore, that was when I took my children.

5 Q. [12:35:59] Madam, I think there's still a question with regard to the time that you  
6 took them. You answered in a different way, but I'll put the question -- I'll put the  
7 following question: You also state that you stayed in Bamako for 20 days and that  
8 you returned to Timbuktu -- Timbuktu for Tabaski. That's also in paragraph 15.

9 A. [12:36:44] Yes. Indeed, the festival that -- when I returned, that coincided with  
10 the Tabaski holiday.

11 Q. [12:36:57] Simply, Witness, we have by way of information that Tabaski was the  
12 24th to the 29th of October 2012, is that correct?

13 A. [12:37:08] I don't know the dates. All I'm saying is that it coincided with the  
14 Tabaski festival. That's all I know.

15 Q. [12:37:43] So quite simply, when you say it coincided with the Tabaski festival,  
16 did you arrive during the festival or afterwards?

17 A. [12:37:57] No. I arrived there a few day afterwards, or a few days before the  
18 festival of Tabaski.

19 Q. [12:38:31] Madam, you would agree with me, you stayed in Bamako for more  
20 than 20 days then, if we accept you just left four months afterwards.

21 A. [12:39:09] I don't know too much ... But I don't know. It wasn't a month. I  
22 said 20 days. I'm sure it was, even if was a few more days, it -- it certainly wasn't  
23 a month, at least.

24 Q. [12:39:29] Madam Witness, if you say -- if we accept your testimony that you left  
25 four months later, that takes us to the month of August. So if you left in the month



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1 of August and you came back in October, maybe the third -- that's more than a month,  
2 maybe two months and a few weeks that you left and you came back.

3 A. [12:40:32] I don't know that. I don't know the dates. I don't know how to  
4 calculate the months. I don't know how to calculate the months, I don't know that.

5 Q. [12:40:49] Thank you, Madam Witness.

6 Your Honour, if you would allow me, I'd like to go into private session for a few  
7 moments to introduce the next subject.

8 PRESIDING JUDGE MINDUA: [12:41:00](Interpretation) Very well, Prosecutor.

9 Court officer, please take us into private session.

10 (Private session at 12.41 p.m.)

11 THE COURT OFFICER: [12:41:12] We are in private session, Mr President.

12 PRESIDING JUDGE MINDUA: [12:41:21](Interpretation) Thank you very much,

13 Madam Court Officer.

14 Prosecutor.

15 MR GARCIA: [12:41:27](Interpretation)

16 Q. [12:41:27] So, Madam Witness, for the next questions, I'm going to ask you about

17 ██████████, also known as "████████". And in order to put these questions, I'm

18 going to refer to Madam M. Has that been well understood?

19 A. [12:41:51] Very well.

20 PRESIDING JUDGE MINDUA: [12:42:22](Interpretation) Court officer.

21 (Open session at 12.42 p.m.)

22 THE COURT OFFICER: [12:42:35] We're back in open session, Mr President.

23 PRESIDING JUDGE MINDUA: [12:42:40](Interpretation) Thank you very much.

24 Prosecutor.

25 MR GARCIA: [12:42:43](Interpretation)

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1 Q. [12:42:46] Madam Witness, you gave details to the Defence team on Madam M,  
2 paragraphs 45 to 49 of your statement, MLI-D28-0006-2618.

3 So, Madam Witness, I note in your statement that you speak about [REDACTED] or [REDACTED] that  
4 Madam M would have had, and I just want to clarify something I don't see it in your  
5 paragraph.

6 Are you able to tell us why Madam M had been arrested, firstly?

7 A. [12:44:30] I don't know why she was arrested.

8 Q. [12:44:36] Madam Witness, if I understand well, you provided five paragraphs  
9 by way of information to the Defence team concerning Madam M. You spoke about  
10 these so-called [REDACTED] but at no time were you informed at the time or thereafter of the  
11 reason why she had been arrested by the Islamists.

12 A. [12:45:46] I didn't have information with regards to her arrest. When she was  
13 released, it was that time that she went to speak to [REDACTED]  
14 [REDACTED] Other than that ... [REDACTED] If not,  
15 I didn't know the reason for her arrest.

16 Q. [12:46:18] Witness, I'll just refer you to paragraph 47: "She was taken by the  
17 Islamists to the BMS." And it was at this time "when Hamed Moussa was in charge."  
18 So is this information that was given to you by the sister [REDACTED]  
19 that information?

20 A. [12:47:12] Yes. When she was released and she spoke to [REDACTED] it was at  
21 that time she said it was Hamed Moussa. But Hamed Moussa, at the time, I didn't  
22 count him as one of the Islamists because he was from the town.

23 Q. [12:47:34] You would confirm that this is information that you received at the  
24 time. You were telling us that you yourself, you didn't ask to know why she was  
25 arrested by the Islamists, Madam M. Weren't you curious?

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1 A. [12:48:43] No, it didn't occur to me to ask the reason why she was arrested. It  
2 was when she spoke to [REDACTED] that I found out that she had been  
3 arrested. When she was taken there, these [REDACTED] started. You know that these are

4 [REDACTED]  
5 THE INTERPRETER: [12:49:17] The interpreter notes that the word "[REDACTED]", in  
6 French, is usually "[REDACTED]" in English.

7 MR GARCIA: [12:49:24](Interpretation)

8 Q. [12:49:25] Madam Witness, I didn't -- I asked you a question concerning these  
9 [REDACTED], perhaps ... Why are you speaking about that? I didn't speak to  
10 you -- I didn't ask you a question concerning these [REDACTED]. Why did you  
11 speak about that?

12 A. [12:49:57] Yes. It's because she spoke about these [REDACTED]  
13 [REDACTED] as the one who mentioned that when she spoke about it.

14 Q. [12:50:08] So, Madam Witness, if I understand you correctly, you have  
15 information with regards to these [REDACTED] - that she was taken to the Islamists, to the  
16 BMS - and you had the information who was in charge, you have the information that  
17 during the night she had a [REDACTED] but you have no information about something as  
18 important, namely, the reason why Madam M was arrested, firstly.

19 Would you be in agreement with me on that?

20 A. [12:51:17] I didn't have this information. I wasn't aware of that. I don't want  
21 to lie about that. All I know is what I told you.

22 Q. [12:51:26] Witness, did you know that she was arrested because she wasn't  
23 wearing anything on her head? She wasn't wearing a veil, Madam M? Would that  
24 remind you of anything?

25 A. [12:52:07] I didn't hear that. I don't know. I know what I spoke to you about.

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1 I didn't hear that she was badly dressed or not veiled. I did not hear that.

2 Q. [12:52:24] Madam Witness, I have here by way of information that you met the  
3 Defence team on six occasions - and I'm not going to ask you what happened on every  
4 occasion - but I'd just like to clarify something with you or clarify certain things with  
5 you. I would like some precisions.

6 I note that you gave information to the Defence team about certain persons. You  
7 spoke about them in the examination-in-chief, and you were asked  
8 about -- information about other people.

9 What I would like to know, Madam Witness, is, when the Defence team gave you  
10 these names of people about which it would like more information, was it the first,  
11 second, third, fourth, fifth meeting? When was it?

12 A. [12:54:24] From the first meeting, I gave the names. Right from the first  
13 meetings, I gave it to the team. Everything that I said from the first meeting, I gave  
14 them.

15 Q. [12:54:40] Allow me to understand, Witness. Are you telling us that you're the  
16 one who gave them the names and not the Defence who gave you the names of  
17 precise people?

18 A. [12:55:20] I was the one who gave these names. These didn't come up in the  
19 interventions. These were the names that I remember. They were in my head.  
20 They didn't know these names. I was the one who gave them.

21 Q. [12:55:41] Madam Witness, in your statement, you start with certain people  
22 saying: I know such-and-such a person, which makes one think that you were asked  
23 if you knew that person.

24 Is that -- are you certain about what you're telling us?

25 THE INTERPRETER: [12:56:46] Message from the Songhai booth: Your Honour,

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1 could the witness repeat her answer.

2 PRESIDING JUDGE MINDUA: [12:56:53](Interpretation) Witness, please, could you  
3 repeat your answer.

4 THE WITNESS: [12:57:15](Interpretation) I said that everything I had to say, I said  
5 from my will. Nobody gave me money or anything to say it. And I said what I was  
6 aware of.

7 MR GARCIA: [12:57:32](Interpretation)

8 Q. [12:57:32] But, Witness, that's not the question I put to you. So I'm going to ask  
9 you another question.

10 If I understand your testimony, you are the one who went to see the Defence team,  
11 and during this first meeting on 22nd June '21, you gave them names that you had in  
12 mind. Is that correct, Madam Witness?

13 A. [12:58:39] Yes. One of my friends who was looking for information -- well, we  
14 were together, but I didn't go and -- go and find them to get information.

15 Q. [12:58:57] Which friend are you talking about?

16 Just a moment.

17 Could we into private session just to ask for clarification with regards to this question.

18 PRESIDING JUDGE MINDUA: [12:59:07](Interpretation) Indeed, but I can see  
19 Ms Taylor is standing up.

20 MS TAYLOR: [12:59:11] Thank you, Mr President.

21 Apart from the fact that this is identifying to the individual, and we're in open session,  
22 it's also identifying for the location of the witness. So we do oppose this line of  
23 questioning.

24 The Prosecution has several times mischaracterised what the witness has said. They  
25 haven't identified a relevant basis. So, for example, in the last question, the

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1 Prosecutor had said to this witness that she had said that she went to see the Defence.  
2 That does not exist in any of her prior answers. She's now stated that again, but the  
3 Prosecution has mischaracterised her evidence and is now going into issues that  
4 directly concern confidential Defence investigations and I am very concerned about  
5 the security of our team. I'm concerned about the security of this witness and  
6 they've given no foundation for pursuing this line of questioning. We have people  
7 in the field whose security is at risk.

8 PRESIDING JUDGE MINDUA: [13:00:30](Interpretation) Ms Taylor, I think the  
9 Prosecutor was asking for private session.

10 Court officer.

11 (Private session at 1.00 p.m.)

12 THE COURT OFFICER: [13:00:46] We're in private session, Mr President.

13 PRESIDING JUDGE MINDUA: [13:00:51](Interpretation) Thank you very much.

14 Mr Garcia, you have one minute or two to put the question.

15 MR GARCIA: [13:01:03](Interpretation)

16 Q. [13:01:07] Madam Witness, you have just told us that you were there with  
17 somebody. What is the name of the individual that you were there with?

18 A. [13:01:48] I don't know their names. These were young people who came and  
19 asked for information. I do not know their names. I know who they are, but I don't  
20 know their names. I don't have to give their names.

21 THE INTERPRETER: [13:02:17] Says the witness.

22 PRESIDING JUDGE MINDUA: [13:02:22](Interpretation) Madam Witness, you  
23 know their name and you don't want to give their names? Or you don't know their  
24 names at all? Which is it?

25 Interpretation?

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- 1 THE WITNESS: [13:02:58](Interpretation) I do not know the name of the first person.
- 2 They came to talk to us, but they didn't give us their names. And then it's a long
- 3 time ago. I really don't know.
- 4 PRESIDING JUDGE MINDUA: [13:03:10](Interpretation) Very well.
- 5 Mr Prosecutor, I believe that we can stop now, can we not?
- 6 MR GARCIA: [13:03:16](Interpretation) Yes, Mr President, we can. Thank you.
- 7 PRESIDING JUDGE MINDUA: [13:03:19](Interpretation) Madam Courtroom Officer,
- 8 open session, please.
- 9 (Open session at 1.03 p.m.)
- 10 THE COURT OFFICER: [13:03:26] We are back in open session, Mr President.
- 11 PRESIDING JUDGE MINDUA: [13:03:32](Interpretation) Thank you very much,
- 12 Madam Courtroom Officer.
- 13 It is three minutes past one. We are going to rise for lunch now, and we shall
- 14 reconvene at 2.30.
- 15 Court is suspended.
- 16 THE COURT USHER: [13:03:53] All rise.
- 17 (Recess taken at 1.03 p.m.)
- 18 (Upon resuming in open session at 2.31 p.m.)
- 19 THE COURT USHER: [14:31:24] All rise. Please be seated.
- 20 PRESIDING JUDGE MINDUA: [14:31:49](Interpretation) The hearing shall now
- 21 resume.
- 22 Good afternoon.
- 23 The Prosecutor's office may continue with cross-examination. Madam Court Officer,
- 24 how much time does the OTP have left?
- 25 THE COURT OFFICER: [14:32:09] The Office of the Prosecutor has used one hour

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1 and 14 minutes thus far, so they have one hour and 16 minutes left.

2 PRESIDING JUDGE MINDUA: [14:32:21](Interpretation) Thank you.

3 Mr Prosecutor.

4 MR GARCIA: [14:32:28](Interpretation) Thank you, Mr President, your Honours. I

5 can already announce that I'm confident that I will be taking less time than the

6 remaining one hour and 16 minutes for my cross-examination.

7 Your Honour, if we could go into private session for a few moments to clear up

8 a number of items, five minutes at the most.

9 PRESIDING JUDGE MINDUA: [14:33:12](Interpretation) Court Officer, if you

10 could.

11 (Private session at 2.33 p.m.)

12 THE COURT OFFICER: [14:33:20] We are in private session, Mr President.

13 PRESIDING JUDGE MINDUA: [14:33:33](Interpretation) Thank you very much.

14 Mr Prosecutor.

15 MR GARCIA: [14:33:36](Interpretation)

16 Q. [14:33:38] Madam Witness, good afternoon.

17 A. [14:33:49] Good afternoon.

18 Q. [14:33:53] I still have a few questions for you. Thank you for being so patient.

19 A. [14:34:08] Very well.

20 Q. [14:34:12] Madam Witness, just before the break, you mentioned at page 62,

21 lines 7 to 10 of the English transcript, that one of your friends was trying to obtain

22 information and that you were together with that friend.

23 Which friend are you talking about?

24 A. [14:34:46] You're saying that someone was looking for information?

25 Q. [14:35:11] Yes, Madam Witness. I just want to make sure that we understand



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1 one another. I was asking you whether you had gone to see the Defence team, the  
2 first meeting with the Defence team that was on 22 June 2021, and you answered  
3 saying that one of your friends was looking for information and that the two of you  
4 were together.

5 Do you remember telling the Chamber that just before the break?

6 A. [14:36:15] Yes, I remember that.

7 Q. [14:36:18] Who was that friend? What's that friend's name?

8 A. [14:36:47] Are you talking about my friend who was going about trying to get  
9 information? As I told you, it was a long time ago and I've forgotten. I've forgotten  
10 some things.

11 Q. [14:37:09] If I've understood correctly, you've forgotten the name of the friend  
12 with whom you were together on 22 June 2021, when you met the Defence, is that  
13 correct?

14 A. [14:38:00] Yes, indeed, the first person -- that person I don't remember, but all  
15 the same, the one who came lately, I do remember, but -- is it necessary -- is it  
16 necessary to give a name? Is it worthwhile to give a name?

17 Q. [14:38:23] Madam Witness, we just want to understand what you're saying. So  
18 the first person you don't remember that person's name and now you are talking  
19 about --

20 PRESIDING JUDGE MINDUA: [14:38:33](Interpretation) Ms Taylor?

21 MS TAYLOR: [14:38:36] Mr President, may we cut off the sound briefly to the  
22 witness?

23 PRESIDING JUDGE MINDUA: [14:38:49](Interpretation) Court officer, please cut  
24 the audio.

25 THE COURT OFFICER: [14:39:01] The audio to the witness has been cut.

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1 PRESIDING JUDGE MINDUA: [14:39:06](Interpretation) Thank you. Ms Taylor.

2 MS TAYLOR: [14:39:09] Thank you very much, Mr President.

3 Now, as the Chamber will be aware, t [REDACTED]

[REDACTED] The Prosecution has asked the witness if she knows the

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 So I do urge the Court to take that into consideration and the need for -- to direct  
12 questions to relevant issues, and so far, I haven't seen anything that's relevant as to  
13 this line of questioning. The Prosecution hasn't applied to have these redactions  
14 lifted to the Chamber and we do think it's not necessarily appropriate to do so  
15 through cross-examination.

16 PRESIDING JUDGE MINDUA: [14:40:14](Interpretation) Yes, Mr Prosecutor, it  
17 would appear that there is a problem with the redactions and the witness has  
18 problems.

19 Is it really necessary to ask for this name?

20 MR GARCIA: [14:40:30](Interpretation) Yes. It is necessary. It is the witness who  
21 began talking to us about these friends. There are two things. First of all, I'm not  
22 familiar with the information, so I'm going by what the witness is telling us. She  
23 mentioned a first friend and then another person.

24 So the question is this, how was the witness approached? By whom and under what  
25 circumstances?

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1 That is rather relevant to determine whether she was influenced, whether there were  
2 links to other people; so I do think that this is a relevant line of questioning and I  
3 don't understand the Defence's objection. I will be concise with the witness and  
4 really focus on the first person, but to answer the Chamber's question, yes, it is  
5 relevant to the Prosecution.

6 PRESIDING JUDGE MINDUA: [14:41:29](Interpretation) Ms Taylor.

7 MS TAYLOR: [14:41:31] Thank you very much, Mr President.

8 Now as a first point, in terms of the Prosecution saying they wish to answer  
9 question -- to pose questions about the first person, the witness has stated several  
10 times that she doesn't know the first person, so I do believe that's not going to be a  
11 fruitful line of questioning.

12 If the Prosecution wishes to put questions to her as to whether any of these  
13 individuals gave her suggestions as to what she should say, whether they put  
14 pressure on her, whether they offered her money, they're welcome to put those  
15 questions, but I do believe that asking her specific inquiries about the identity of  
16 persons might make her feel insecure.

17 So I'm just bringing that to the attention of the Chamber, [REDACTED]

18 [REDACTED] We have persons in very vulnerable situations and we do want  
19 to do our best to make them feel secure when they testify. So it's not an objection per  
20 se, but I'm aware that this could make the witness feel uncomfortable, and I do  
21 believe that this line of questioning could be -- could be perfectly put to the witness  
22 without asking specific questions as to identities.

23 We have no objection to them asking about whether any of the persons she met asked  
24 her to give specific evidence, whether they told her what to say, whether they made  
25 promises to her, whether they put pressure on her. There's no problem with that.

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1 But we don't believe it's necessary to ask specific questions about information that's  
2 covered by redactions and that could impede the security of witnesses and Defence  
3 investigations. Thank you.

4 PRESIDING JUDGE MINDUA: [14:43:01](Interpretation) Very well, Ms Taylor.  
5 You yourself said that it wasn't really an objection, but rather a precautionary  
6 measure. We are amongst professionals here and I do hope that the Prosecutor will  
7 take that into account insofar as certain names are not strictly necessary.

8 Mr Prosecutor, continue.

9 MR GARCIA: [14:43:25](Interpretation) Thank you, your Honour.

10 Q. [14:43:27] Madam Witness, regarding this first person whose name you no

11 [REDACTED]

12 PRESIDING JUDGE MINDUA: [14:43:56](Interpretation) Wait, wait, wait. First of  
13 all, we have to re-establish the audio.

14 MR GARCIA: [14:44:01](Interpretation) Sorry, your Honour.

15 PRESIDING JUDGE MINDUA: [14:44:04](Interpretation) Court officer, if you could.

16 THE COURT OFFICER: [14:44:14] We have reconnected the audio to the witness,  
17 Mr President.

18 PRESIDING JUDGE MINDUA: [14:44:21](Interpretation) Thank you very much.

19 Mr Prosecutor.

20 MR GARCIA: [14:44:23](Interpretation) Thank you.

21 Q. [14:44:25] Madam Witness, my question is this, regarding this first person  
22 whose name you no longer recall, could you tell us whether this person [REDACTED]

23 [REDACTED]

24 A. [14:44:51] Yes, yes, [REDACTED]

25 Q. [14:44:59] And you also said that this person is a friend of yours, is that correct?

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1 A. [14:45:05] Yes, it's our friend. [REDACTED]

3 Q. [14:45:31] Just to make sure we've understood one another [REDACTED]

5 A. [14:46:00] [REDACTED]

7 Q. [14:46:12] [REDACTED]

9 A. [14:46] [REDACTED]

20 THE INTERPRETER: [14:48:22] Overlapping.

21 MR GARCIA: [14:48:24](Interpretation)

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11 Q. [14:51:01] Thank you for that clarification, Madam Witness. If I've understood  
12 correctly, you met with the Defence team [REDACTED] You told us --

13 PRESIDING JUDGE MINDUA: [14:51:18](Interpretation) Ms Taylor.

14 MS TAYLOR: [14:51:21] Could the sound be cut off to the witness very briefly.

15 PRESIDING JUDGE MINDUA: [14:51:30](Interpretation) Court officer, if you could  
16 cut the audio feed, please.

17 THE COURT OFFICER: [14:51:38] The sound to the witness has been cut off, Mr  
18 President.

19 PRESIDING JUDGE MINDUA: [14:51:44](Interpretation) Thank you very much.  
20 Ms Taylor.

21 MS TAYLOR: [14:51:48] Thank you, Mr President.

22 Now the witness has not stated that she met with the Defence [REDACTED] and the  
23 Defence has not stated that it met with the witness [REDACTED] There have been  
24 contacts and interviews, but the phrase "met" is going to create a great deal of  
25 confusion given that not all interviews were conducted in person. Thank you.

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- 1 PRESIDING JUDGE MINDUA: [14:52:29](Interpretation) Thank you very much.
- 2 Mr Prosecutor, perhaps you should be more specific.
- 3 Court officer, the audio feed, please.
- 4 THE COURT OFFICER: [14:52:57] The audio to the witness has been re-established,
- 5 Mr President.
- 6 PRESIDING JUDGE MINDUA: [14:53:06](Interpretation) Thank you very much,
- 7 court officer.
- 8 Mr Prosecutor.
- 9 MR GARCIA: [14:53:12](Interpretation)
- 10 Q. [14:53:16] Madam Witness, just so that we're quite clear, when I read your
- 11 statement, I read the following; namely, that you took part in a number of interviews
- 12 with the Defence on six occasions - 22 of June, 2021, 3 November 2021, 2 December
- 13 2021, 5 January 2022, 18 February 2022 and 15 March 2022 - this is what is written on
- 14 your statement, which you have signed.
- 15 Madam Witness, I'd just like to know, during your testimony before the break you
- 16 told us that you were the one who introduced yourself. Page 61, lines 6 to 8, you
- 17 said:
- 18 Right from the first meeting, I gave the names, right from -- right from the first
- 19 meetings, I gave the team everything I had said during that first meeting I gave.
- 20 And that was in response to my question about when you gave the names of the
- 21 people whose names are to be found in the statement.
- 22 Do you remember saying that?
- 23 A. [14:56:10] Yes, yes, indeed. I said "everything".
- 24 Q. [14:56:15] Very well. So you said everything during the first interview or
- 25 during the second, the third, the fourth, the fifth, the sixth? Or did you give the

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1 information bit by bit each time you met with the people? Did you just give a little  
2 bit of information each time?

3 How did it actually happen?

4 A. [14:57:07] Each time I was asked, I answered in accordance with what I knew  
5 about the question.

6 Q. [14:57:18] If I've understood correctly, you answered questions from the Defence  
7 when you went to those interviews, is that the case?

8 A. [14:57:50] Yes, the answers that I had, that's what I said.

9 Q. [14:57:59] I just want us to be clear because before the break, I think you said  
10 that you yourself gave the names and now you're telling us that you answered their  
11 questions -- you are answering the Defence's questions when you went and that they  
12 were asking you questions.

13 A. [14:58:55] As I was asked ... How? How was I asked? What happened  
14 I -- but -- but -- how was I asked?

15 Q. [14:59:23] Madam, unfortunately, what I am reading here is -- well, I'm having  
16 trouble understanding your reply.

17 Could you repeat your reply?

18 PRESIDING JUDGE MINDUA: [14:59:43](Interpretation) Ms Taylor?

19 MS TAYLOR: [14:59:45] Thank you, Mr President. I'm not sure there was actually  
20 a question that was put to the witness. So the Prosecutor doesn't understand the  
21 response, I think that's a direct product of the question. So I don't think it's any help  
22 to just simply repeat statements that are being made to her.

23 PRESIDING JUDGE MINDUA: [15:00:05](Interpretation) Perhaps the Prosecutor  
24 will have to rephrase his question. That would be a solution.

25 Mr Prosecutor.



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1 MR GARCIA: [15:00:23](Interpretation) Yes, yes. I'll try to say it more clearly.

2 Q. [15:00:27] Madam Witness, I'd just like to know, was it the Defence who put  
3 questions to you about people or was it you who gave information about those  
4 people?

5 PRESIDING JUDGE MINDUA: [15:01:00](Interpretation) Yes, Ms Taylor.

6 MS TAYLOR: [15:01:06] Thank you very much, but that question is about as clear as  
7 mud. I mean, if "the Defence put questions to you about people" or did "you give  
8 information about those people?" Both can happen. This is not a clear question.  
9 It's really unclear what the Prosecution is actually asking this witness. Of course, if  
10 the Defence poses a question, a witness will give information.

11 I don't really understand what's being put to this witness and she should be given  
12 a fair opportunity to respond rather than in questions that actually don't really make  
13 any sense.

14 PRESIDING JUDGE MINDUA: [15:01:50](Interpretation) Counsel, you were the one  
15 who raised the objection. The witness was answering.

16 So Mr Interpreter, could you please interpret the answer furnished by the witness.

17 THE INTERPRETER: [15:02:03] Message from the Songhai booth:

18 Mr President, Madam Witness was interrupted, so could she please repeat what she  
19 said. Thank you.

20 PRESIDING JUDGE MINDUA: [15:02:12](Interpretation) Madam Witness, could  
21 you please repeat your answer.

22 THE WITNESS: [15:02:33](Interpretation) I was asked whether it was I who said  
23 things or not. Well, what I said was that it was I who told them what I knew about it.  
24 I was -- that's what I said.

25 PRESIDING JUDGE MINDUA: [15:02:51](Interpretation) Mr Prosecutor, I do

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1 believe that we do have the answer. It's her -- she said that she was the one who  
2 took the initiative.

3 MR GARCIA: [15:02:58](Interpretation) Yes, Mr President. Thank you.

4 Q. [15:02:59] Madam Witness, I do understand that from what I see here from your  
5 statement, you met with them on six occasions. Could you tell us -- you've signed  
6 the statement on 15 March 2022?

7 PRESIDING JUDGE MINDUA: [15:03:19](Interpretation) Ms Taylor, I think you  
8 want to come back to the matter of meeting on six occasions, but we've already shed  
9 light on that and the witness already understood. So we can continue, otherwise the  
10 Prosecutor won't be able to manage to finish in time. So I would please ask you to  
11 be seated.

12 Mr Prosecutor, please.

13 MR GARCIA: [15:03:42](Interpretation)

14 Q. [15:03:42] Madam Witness, if I understand correctly, you supplied information.  
15 You answered questions. I have a statement before me here -- I don't know whether  
16 it's different, every time that you would put an end to an interview, during the time  
17 between the first and second and the third and the fourth interview -- the fourth and  
18 the fifth interview, would you go back to where you went to put questions to people  
19 to find out more, so that you could give the details to the Defence teams?

20 A. [15:05:00] I didn't look for information anywhere. I only said what I knew.

21 What I knew. I didn't go looking for information anywhere else, apart from what I  
22 was aware of. So I didn't say anything more than what I knew.

23 PRESIDING JUDGE MINDUA: [15:05:19](Interpretation) Mr Prosecutor, it would  
24 seem to me that we are still in private session.

25 MR GARCIA: [15:05:24](Interpretation) Yes, Mr President. We can go into open

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1 session.

2 PRESIDING JUDGE MINDUA: [15:05:29](Interpretation) Very well. Thank you  
3 very much.

4 Madam Courtroom Officer, open session, please.

5 (Open session at 3.05 p.m.)

6 THE INTERPRETER: [15:05:38] Message from the English booth: For the record,  
7 could pauses please be observed between French-speaking counsel and the presiding  
8 judge. I know they can't hear me, but I would very appreciate if one of the members  
9 on their team on the OTP, for example, would convey this message. Thank you.

10 THE COURT OFFICER: [15:06:07] We are back in open session, Mr President.

11 PRESIDING JUDGE MINDUA: [15:06:12](Interpretation) Thank you very much,  
12 Madam Courtroom Officer.

13 Mr Prosecutor, please continue.

14 MR GARCIA: [15:06:16](Interpretation)

15 Q. [15:06:18] Madam Witness, do you remember how much time, hours or minutes,  
16 each of these interviews would take?

17 A. [15:06:50] No, I wouldn't be able to tell you that. I don't know how to calculate  
18 time. I don't have a watch. All I know is that we just spoke.

19 Q. [15:07:03] Was it more than an hour, less than an hour, Madam Witness? Are  
20 you able to tell us that?

21 PRESIDING JUDGE MINDUA: [15:07:49](Interpretation) What's going on? We've  
22 lost our interpreters.

23 THE COURT OFFICER: [15:07:54] It appears that we have lost the interpreters.  
24 One moment and we will check.

25 (Pause in proceedings)

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1 THE COURT OFFICER: [15:08:16] Our colleagues are working on re-establishing the  
2 connection.

3 PRESIDING JUDGE MINDUA: [15:08:24](Interpretation) Thank you very much.

4 THE COURT OFFICER: [15:08:44] It appears that we have been successfully  
5 reconnected to the interpreters.

6 PRESIDING JUDGE MINDUA: [15:08:52](Interpretation) Very well. Thank you  
7 very much.

8 So Mr Prosecutor, please continue.

9 MR GARCIA: [15:08:57](Interpretation)

10 Q. [15:09:00] Madam Witness, you might have answered the question if we think  
11 about it, but do you remember these interviews with the members of the Defence  
12 team? Whether it was more than an hour or less than an hour? Are you in  
13 a position to provide us with an estimation of the duration?

14 A. [15:09:46] Yes, that's what I told you. That's what I told you. I'm not going to  
15 lie. Really, I don't know about the time. I do not have a watch and I don't measure  
16 time.

17 MR GARCIA: [15:10:04](Interpretation) Mr President, with your leave, two minutes  
18 in private session, just to broach another subject.

19 PRESIDING JUDGE MINDUA: [15:10:12](Interpretation) Yes, indeed.

20 Madam courtroom officer, private session, please.

21 (Private session at 3.10 pm.)

22 THE COURT OFFICER: [15:10:25] We are back in private session, Mr President.

23 PRESIDING JUDGE MINDUA: [15:10:34](Interpretation) Thank you very much.

24 Mr Prosecutor.

25 MR GARCIA: [15:10:40](Interpretation)

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1 Q. [15:10:41] Now, Madam Witness, I'd like to put a question to you with regard to  
2 a lady that you mention in your statement by the name of [REDACTED]  
3 Does that ring a bell?

4 A. [15:11:07] Yes, I do know her.

5 Q. [15:11:10] So Madam Witness, we are going to be moving back into open session.  
6 I'm going to request this of the presiding judge, and then I'd like to refer to this lady  
7 as "Madam C."

8 PRESIDING JUDGE MINDUA: [15:11:28](Interpretation) Madam Court Officer,  
9 open session, please.

10 (Open session at 3.11 p.m.)

11 THE WITNESS: [15:11:44] (Interpretation) Very well.

12 THE COURT OFFICER: [15:11:48] We are back in open session, Mr President.

13 PRESIDING JUDGE MINDUA: [15:11:55](Interpretation) Thank you very much.  
14 Mr Prosecutor.

15 MR GARCIA: [15:11:59](Interpretation)

16 Q. [15:12:21] So, Madam Witness, to place you in your statement at paragraph 34,  
17 you -- and onwards, you mention some victims who were in Bamako and who  
18 received money and you stated also at paragraph 35: I know many people who lied;  
19 I believe that "90% of people lied."

20 Do you remember having made this claim to be found at paragraphs 34 and 35 of  
21 your statement?

22 A. [15:13:39] Yes, I do remember.

23 Q. [15:13:44] But, Madam Witness, you would agree with me that you did not  
24 know all those who went to Bamako and filed complaints for incidents that occurred  
25 in 2012.

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1 You do agree with me?

2 A. [15:14:24] No, I do not know them. No.

3 Q. [15:14:31] And Madam Witness, nor do you know what those people said in  
4 Bamako as to the substance of the file -- the complaint that they filed, you're not  
5 aware of that either, are you?

6 A. [15:15:10] I do not know who brought them. I wasn't there either to be privy to  
7 what they said. I don't know what brought them.

8 Q. [15:15:22] Well, Madam Witness, you will agree with me that when you said  
9 that: I believe that "90% of people lied", that you have no basis on which to make  
10 that claim. It is false, is it not? Am I right?

11 A. [15:16:22] Yes, that's what I was saying. I said that most of those who went and  
12 said that they had been raped and that the Salafists fell on them or lay on them, they  
13 just said those things in order to get some -- something, some money.

14 Q. [15:16:48] But, Madam Witness, we have already established with you in the  
15 questions before this, that you do not know all of those people who went and filed  
16 complaints and you agreed with me that you did not know precisely what they said.  
17 So you will agree with me that you cannot make a claim or the claim that 90 per cent  
18 of those people lied because you do not know them, is that correct?

19 A. [15:18:02] Yes, well, as I hadn't understood what you said at first, it was in your  
20 second comment that I understood what you were saying, that's why.

21 Q. [15:18:29] Well, Madam Witness, I'm not going to come back to the questions  
22 that I put to you, but you also spoke about -- if I'm not mistaken, you also indicated ...  
23 One moment.

24 Mr President, could we go into private session for a few moments, please, it's going to  
25 make life easier for me.

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1 PRESIDING JUDGE MINDUA: [15:19:03](Interpretation) Yes, indeed. Madam

2 Courtroom Officer, private session, please.

3 (Private session at 3.19 p.m.)

4 THE COURT OFFICER: [15:19:16] We are in private session, Mr President.

5 PRESIDING JUDGE MINDUA: [15:19:20](Interpretation) Thank you very much.

6 Mr Prosecutor.

7 (Counsel confers)

8 MR GARCIA: [15:19:37](Interpretation)

9 Q. [15:19:43] Well, Madam Witness, I just wanted to come back to your  
10 statement for a moment.

11 You said in your statement that Madam [REDACTED]  
12 [REDACTED], came to consult to you -- came to consult to you and came to  
13 get the names of victims of the Islamists, people who had been mistreated.  
14 That's what you say in your statement, paragraphs 32 and 33, and you gave to  
15 Madam [REDACTED] -- to "Madam C", I apologise, the name [REDACTED], Madam G,  
16 that is.

17 Do you remember that?

18 A. [15:21:13] It was I who gave her the name and asked her to go and question that  
19 person.

20 Q. [15:21:21] Madam Witness, if I understand correctly, you also gave other names  
21 to Madam C, other people who had been victims of the Islamists, is that correct?

22 A. [15:21:35] I do not remember.

23 Q. [15:21:56] You do not remember the fact that you gave her other names? Or do  
24 you not remember the names of those people who had been mistreated by the  
25 Islamists?

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1 A. [15:22:42] Yes, I -- she asked me and I asked her what she wanted to do with  
2 these names, and she said, "It's not my problem." So I gave her the name of  
3 [REDACTED] and because they were talking about Islamists, that they should go and ask  
4 them, but I don't know --

5 THE INTERPRETER: [15:23:01] Overlapping speakers.

6 MR GARCIA: [15:23:04](Interpretation)

7 Q. [15:23:05] Madam Witness, do you [REDACTED] or  
8 was that at a later stage?

9 A. [15:23:23] Yes, a [REDACTED]

10 Q. [15:23:29] So for it to be clear, when Madam C came to see you to put questions  
11 to you, [REDACTED]

12 A. [15:24:00] [REDACTED]

13 MR GARCIA: [15:24:20](Interpretation) Very well.

14 Mr President, could we please come back into open session.

15 PRESIDING JUDGE MINDUA: [15:24:26](Interpretation) Indeed. Madam

16 Courtroom Officer, please, open session.

17 (Open session at 3.24 p.m.)

18 THE COURT OFFICER: [15:24:33] We are back in open session, Mr President.

19 PRESIDING JUDGE MINDUA: [15:24:44](Interpretation) Thank you very much,

20 Madam Courtroom Officer.

21 Mr Prosecutor.

22 MR GARCIA: [15:24:50](Interpretation)

23 Q. [15:24:50] Now, Madam Witness, at paragraph 36 of your statement you said  
24 that the Islamists had not raped anybody at all in the year 2012; that they had not  
25 forced anyone to get married.



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1 Do you remember having made that statement in your statement?

2 A. [15:25:41] They didn't lie down on top of anyone. They didn't marry anyone  
3 forcibly. All the people that they married, it was because they liked them and they  
4 married them in full consent.

5 Q. [15:25:57] But Madam Witness, if we pick your statement apart somewhat,  
6 you're not in a position to tell the tribunal that anyone was raped. You were not in  
7 Timbuktu for the entirety of 2012, nor do you know what happened to everyone, all  
8 the women in Timbuktu at the time?

9 A. [15:27:07] Well, people saying that somebody had ...

10 THE INTERPRETER: [15:27:16] What the witness is saying is very unclear.

11 THE WITNESS: [15:27:18](Interpretation) And the fact that they say that people  
12 were forcibly married, this is something that we did not see.

13 THE INTERPRETER: [15:27:25] Could the witness please repeat their answer. It  
14 was not at all clear in the Songhai into French.

15 THE WITNESS: [15:27:31](Interpretation) And also these are things that cannot ...

16 (Overlapping speakers)

17 MR GARCIA: [15:27:34](No interpretation)

18 (Overlapping speakers)

19 THE INTERPRETER: [15:27:35] Counsel did not let me finish.

20 MR GARCIA: [15:27:40](Interpretation)

21 Q. [15:27:41] So if I understand you correctly, you are claiming that the Islamists  
22 did not rape or forcibly marry people in 2012 because you didn't see it yourself, is that  
23 correct?

24 A. [15:28:22] They didn't rape anybody and they did not forcibly marry anybody.  
25 Anybody that they did marry, they did so in full consent and they ...

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1 (Overlapping speakers)

2 THE INTERPRETER: [15:28:34] Overlapping speakers again.

3 MR GARCIA: [15:28:37](Interpretation)

4 Q. [15:28:38] But Madam, you did not know everyone who was married by the  
5 Islamists in 2012, did you?

6 A. [15:29:12] I do not know the numbers, but those that I do know of - four or five  
7 of them - were not forcibly married. They all married with consent.

8 Q. [15:29:36] Madam Witness, when you talk about Madam G, you claim in  
9 paragraph 41: I saw and I spoke to Madam G every day in 2012.

10 Do you remember having made that claim?

11 A. [15:30:15] Yes, I do remember. When she left the market and she came, we  
12 would often sit in front of our door under a tree to have a chat.

13 Q. [15:30:37] But Madam Witness, we have already established - and looking at  
14 paragraph 15, if I'm not mistaken - that you were outside of Timbuktu for a certain  
15 amount of time, possibly for seven months and/or two and a half months.

16 So when you say I saw her and spoke to her every day in 2012, it's not correct. It's  
17 false, would you not agree?

18 PRESIDING JUDGE MINDUA: [15:31:26](Interpretation) Ms Taylor.

19 MS TAYLOR: [15:31:30] Thank you very much, Mr President. It's an entirely,  
20 actually a grossly unfair position to put to the witness. The witness has stated  
21 clearly in the statement and under oath that she went to Bamako. She's informed the  
22 Chamber that she wasn't in contact with Madam G during that period and that her  
23 statement should be understood in that sense.

24 MR GARCIA: [15:31:54](Interpretation) This is incompletely inappropriate to do this  
25 in front of the witness.

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- 1 PRESIDING JUDGE MINDUA: [15:32:00](Interpretation) Court officer, please cut  
2 the audio feed to the witness.
- 3 THE COURT OFFICER: [15:32:09] The audio to the witness has been disconnected,  
4 Mr President.
- 5 PRESIDING JUDGE MINDUA: [15:32:16](Interpretation) Thank you. Ms Taylor.
- 6 MS TAYLOR: [15:32:19] Thank you very much, Mr President. What's -- what's  
7 misleading is what's just been put to the witness. The Prosecutor has said, "we have  
8 established [...] that you were outside of Timbuktu for a certain amount of time,  
9 possibly for seven months [...]"
- 10 There's nothing in the record about seven months. Nothing in the record. The  
11 witness repeatedly stated it was 20 days. It could not have been up to a month. So  
12 that is grossly unfair to put to the witness -- firstly.
- 13 Secondly, this witness has stated clearly that she was not in contact with Madam G  
14 during that period.
- 15 Now it's not -- it's entirely unfair to put to the witness that she's lied to the Chamber.  
16 That's a grossly unfair position to put to a witness, and we do ask that our witnesses  
17 be treated with the type of dignity that we afforded to Prosecution witnesses.
- 18 If the Prosecution wants to read out transcripts, they can do that, but to put that we  
19 have already established that she was outside the seven months, this is badgering the  
20 witness and it's misleading and it's not accurate in any sense of the word.
- 21 Thank you.
- 22 PRESIDING JUDGE MINDUA: [15:33:36](Interpretation) Very well. We will try to  
23 move forward.
- 24 Perhaps the Prosecutor was rather severe when he said deceive or lie, but this is  
25 something that stems from the debate we had this morning.

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1 The witness said that she left for four months after the Islamists arrived in Bamako,  
2 she left with her son and then she came back a few days before Tabaski. That -- that  
3 occurred in October 2012; that was established. And the Prosecutor said probably it  
4 was seven months. He didn't say seven months. He said probably seven months.  
5 Let's try to make some progress here.

6 THE INTERPRETER: [15:34:27] Overlap.

7 MS TAYLOR: [15:34:30] With the greatest respect, Mr President, the witness never  
8 said she left for four months. That's not in the transcripts. I've looked at the French  
9 transcripts, I've looked at the English transcripts. She stated clearly: After four  
10 months, I went to Bamako. And she stated repeatedly it was 20 days, it could not  
11 have been a month. She has never stated on the record that she went for four  
12 months. There's nowhere in neither the French or the English transcripts, anything  
13 to suggest that this witness was away for four months. It's not in the transcripts. It  
14 is very clearly stated several (Overlapping speakers)

15 PRESIDING JUDGE MINDUA: [15:35:02](Interpretation) Very well, very well, Ms  
16 Taylor. You're starting to repeat yourself. Very well. But I am trying to find  
17 a solution so that we can move forward.

18 The witness has said that after the Islamists arrived, four months after that, she left for  
19 Bamako and she stayed for 20 days. She came back for the Tabaski, and the witness  
20 said several times that she does not have any understanding of dates or months.  
21 But it was determined that Tabaski was October and that is why the Prosecutor has  
22 said probably it was seven months; that's what was said.

23 Let's try to move forward, let's not waste ...

24 (Overlapping speakers)

25 THE INTERPRETER: [15:35:43] Overlapping.

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1 MR GARCIA: [15:35:45](Interpretation) I don't want to waste any time, but you see  
2 this is why I put the question. First of all, there are two scenarios. I asked the  
3 witness whether she had left immediately after or slightly after the fall of Gao to the  
4 MNLA. The witness said: Yes, to the best of my memory. So you see, Gao fell on  
5 30 March, just before 1 April. If she left on that date, that means she left for at least  
6 seven months because the other date was Tabaski.  
7 If we take the other scenario, the witness said that she left four months ... The first  
8 scenario makes sense because she left with her children when the schools closed and  
9 that was 30 March; that's paragraph 15. I'm not making anything up here.  
10 Second scenario, she left four months after April - May, June, July, then we have  
11 August, September and half of ... That's several months and ... Well, the goal of all  
12 of this -- I don't want to plead all of this, but I was quite direct with the witness. I  
13 said that -- I asked her whether it was false or not. I did not ask her if she had lied to  
14 the Chamber. Ms Taylor tried to clear this all up in her evidence -- she is entitled to  
15 do so, but there's nothing that keeps me, the Prosecution, from going back to the  
16 statement in trying to determine exactly why she said she was there every day, every  
17 day that she saw the person and that -- whereas, that is clearly not so.  
18 I am entitled to put the question no matter what the Defence may do with its evidence.  
19 The Defence has already reviewed this with the witness, but that does not mean ...  
20 PRESIDING JUDGE MINDUA: [15:37:57](Interpretation) One last time, you may  
21 respond, Ms Taylor.  
22 MS TAYLOR: [15:38:00] Thank you, Mr President. Now the witness did not say  
23 that she left when the schools closed. She stated she left when it was clear that they  
24 would not reopen. She also stated that she came back before Tabaski and that she  
25 was not certain of months, and she did not know specifically how long before Tabaski

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1 that was. That's the first point. That's what is in the transcripts.

2 The second point is that the Prosecutor appears to want to say to this witness that she  
3 lied because something is in her statement that she has clearly corrected before this  
4 Chamber.

5 PRESIDING JUDGE MINDUA: [15:38:43](Interpretation) Very well, we've all  
6 understood. The Chamber has understood. Now for the last question, the  
7 Prosecutor said that he did not use the word "lie." Now that is true or not true, he's  
8 entitled to do so because we are in cross-examination. He can put a question and  
9 await an answer.

10 Go ahead, Mr Prosecutor.

11 MR GARCIA: [15:39:09](Interpretation) Could the audio feed be restored.

12 PRESIDING JUDGE MINDUA: [15:39:17](Interpretation) Certainly. Court officer,  
13 if you could.

14 THE COURT OFFICER: [15:39:30] The audio is reconnected with the witness.

15 PRESIDING JUDGE MINDUA: [15:39:36](Interpretation) Thank you very much,  
16 court officer.

17 Mr Prosecutor.

18 MR GARCIA: [15:39:37](Interpretation)

19 Q. [15:39:38] Madam Witness, when you stated in your statement that you had  
20 seen ██████ each day in 2012, that was not so, that was false. Am I right?

21 PRESIDING JUDGE MINDUA: [15:40:06](Interpretation) Interpretation?

22 THE WITNESS: [15:40:44] (Interpretation) That is so. We always saw one another,  
23 it was just a few days that we didn't see one another when I was in Bamako. I didn't  
24 say that I spent two months.

25 MR GARCIA: [15:41:02](Interpretation)

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1 Q. [15:41:05] Paragraph 42, when you said that [REDACTED] was never at the hospital  
2 except for a consultation, you're not able to say that with certainty either now, are you?  
3 When you were with Ms G, you said you were with her each day, but you're not in  
4 a position to say that you were with her every ... That ...

5 A. [15:42:02] We saw one another, of course. The time that she went to the  
6 hospital, well, she spent some time there to see whether --

7 THE INTERPRETER: [15:42:15] Inaudible.

8 THE WITNESS: [15:42:16](Interpretation) -- and then I was told that she was

9 [REDACTED]

10 MR GARCIA: [15:42:23](Interpretation)

11 Q. [15:42:24] Madam Witness, you gave several details about what happened to Ms  
12 G in 2012 - and those are at paragraph 41, I'm not going to go into that right this very  
13 moment - but at the time, you didn't tell us about those details. You didn't note  
14 those details about Ms G. You didn't know that you would be asked questions  
15 about --

16 PRESIDING JUDGE MINDUA: [15:42:55](Interpretation) Ms Taylor? Ms Taylor.

17 MS TAYLOR: [15:42:58] Thank you, Mr President. Now the Prosecutor has her  
18 statement in front of them at paragraph 43, and it could be abundantly clear to them  
19 that she's confusing two different sections. She said [REDACTED] she's referring to  
20 [REDACTED]

21 She has said, paragraph 43 - and I ask that this not be interpreted:

22 [REDACTED]

23 s [REDACTED]."

24 So she has stated about her going to the hospital after 2012, in connection with what  
25 she's just referenced, which is her being [REDACTED]

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1 So again, I ask the Prosecutor to be fair to the witness. They're conflating two different  
2 time periods and then they're accusing the witness of not furnishing details that are  
3 explicitly furnished in her statement.

4 PRESIDING JUDGE MINDUA: [15:44:01](Interpretation) Mr Prosecutor, we have  
5 paragraph 43 right here, what say you?

6 MR GARCIA: [15:44:07](Interpretation) I must admit I don't see the -- paragraph 43  
7 was quite clear. It says ██████ was never at the hospital in 2012, unless she went  
8 there just for a consultation. So my question was based on paragraph 41, when the  
9 witness said that she saw Madam G every day in 2012. That is the scope of my  
10 questions. I don't -- I just don't understand my learned friend's point. I'm sure -- I  
11 would imagine she complete the point ...

12 PRESIDING JUDGE MINDUA: [15:44:53](Interpretation) No. No, no, no further  
13 responses. I think we've understood. When you read paragraph 41 and paragraph  
14 43, you understand the wit- -- the Prosecutor's question now.

15 I think he can put his question and the witness can respond.

16 Go ahead, Mr Prosecutor.

17 MR GARCIA: [15:45:09](Interpretation) I believe that the witness has already -- has  
18 already responded or at least unless ...

19 Well, Mr President, I think I'd already moved on to something else.

20 PRESIDING JUDGE MINDUA: [15:45:34](Interpretation) Well then, go ahead.

21 MR GARCIA: [15:45:36](Interpretation)

22 Q. [15:45:37] Madam Witness, you said in your statement you gave some details in  
23 the statement about what happened that day, but these are details that have to do  
24 with an event that occurred 10 years ago.

25 At the time, you did not take note of those events, am I correct?



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1 A. [15:46:35] I don't write, I don't write. I don't write. I'm not a journalist, I don't  
2 write and I don't ask people. I'm just saying what I know.

3 Q. [15:46:52] So 10 years later, you can remember that Ms G went to the market at  
4 10, at which time she came back and even the amount of money that she spent on  
5 a veil - namely, 2,250 FCA francs - you can remember all of that 10 years later?

6 A. [15:48:08] Yes, I remember. It was a chat between us and when she explained  
7 to me, I said she wasn't right and that if she had been covered up properly, it  
8 wouldn't have happened. And she said she even -- she said to me that she'd even  
9 bought the veil, 2,250 francs.

10 Q. [15:48:37] Madam Witness, I'd like now to move on to Witness H -- rather to  
11 Madam H, paragraph 50 and onwards. At paragraph 50, you stated regarding  
12 Mrs H, she never left Timbuktu in all of 2012, and, just before, she -- said, "She was in  
13 Timbuktu throughout 2012", and you explained where her house was located - [REDACTED]  
14 [REDACTED] - and you said, "She never left Timbuktu in all of 2012."

15 Do you remember saying that in your statement?

16 A. [15:50:01] She never went anywhere, indeed. She never went anywhere, that is  
17 completely true. She never left Timbuktu. Up until now.

18 Q. [15:50:15] But Madam Witness, you weren't there in Timbuktu. We've already  
19 talked about that. You weren't there in some parts of 2012, so you can't talk about  
20 a period of time when you weren't there?

21 A. [15:50:54] I can say that because when I came back, she -- she never told me  
22 about going somewhere. She had not travelled. She didn't go anywhere.

23 Q. [15:51:10] But Mrs H wasn't your friend, am I correct?

24 A. [15:51:45] Yes, of course. We were in front of our doors and we were talking  
25 during -- *le grin*. [REDACTED] so it was just -- you know, you just

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1 turn and you arrive [REDACTED]

2 Q. [15:52:08] But what sort of difference of age was there between you and Madam

3 H, could you tell the Court?

4 A. [15:52:47] She's not as old as me. Even if she were older than me, it wouldn't  
5 be more than four or five years. Myself, I never said that she was older than me.

6 We are friends. We are from the same generation -- excuse me.

7 Q. [15:53:12] But, Madam Witness, but if -- I put it to you that you're not from the  
8 same generation, that there's nearly 20 years' difference between the two of you?

9 A. [15:53:49] Are we talking about the same person? She's older than me. Are  
10 we talking about the same person?

11 Q. [15:54:00] This is what I'm wondering. You're talking about someone and you  
12 say that she's the same generation as you.

13 PRESIDING JUDGE MINDUA: [15:54:09](Interpretation) Perhaps private session,  
14 Mr Prosecutor.

15 MR GARCIA: [15:54:15](Interpretation) Please.

16 PRESIDING JUDGE MINDUA: [15:54:20](Interpretation) Private session, court  
17 officer.

18 (Private session at 3.54 p.m.)

19 THE COURT OFFICER: [15:54:26] We are in private session, Mr President.

20 PRESIDING JUDGE MINDUA: [15:54:38](Interpretation) Thank you very much.  
21 Ms Taylor, did you want say -- shall we cut off the audio feed to the witness?

22 MS TAYLOR: [15:54:46] It's just a very brief suggestion, which has been brought to  
23 me by my learned colleague in that the witness doesn't read. So perhaps  
24 pseudonyms -- using letters could be confusing. So now that we are in private  
25 session, perhaps if we could use full names, that might be more clarifying.



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1 THE COURT OFFICER: [15:57:53] We are back in open session, Mr President.

2 PRESIDING JUDGE MINDUA: [15:58:02](Interpretation) Thank you very much.

3 Mr Prosecutor.

4 MR GARCIA: [15:58:07](Interpretation)

5 Q. [15:58:10] Madam H wasn't your friend now, was she?

6 A. [15:58:21] No.

7 Q. [15:58:24] You say that there was a [REDACTED] but you agree that  
8 you didn't know what was going on in that house at any time of the day or night back  
9 in 2012.

10 You agree with me on that point?

11 A. [15:58:46] [REDACTED] So I can't know what's going on in  
12 her house.

13 Q. [15:59:08] So you can't tell us what she was doing every day in 2012, Mrs H, is  
14 that correct?

15 A. [15:59:34] I can't. I don't.

16 Q. [15:59:49] All you know about Mrs H is what you may have seen or heard, is  
17 that correct?

18 A. [16:00:18] I don't know anything about her except that -- well, I've met her,  
19 that's -- that's what I've seen.

20 Q. [16:00:33] And you also spoke about that person's sister. Do you remember  
21 that?

22 THE INTERPRETER: [16:01:01] Message from the Songhai interpreter: Could  
23 Madam Witness please repeat what she just said.

24 PRESIDING JUDGE MINDUA: [16:01:09](Interpretation) Madam Witness, could  
25 you please repeat your answer.

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1 THE WITNESS: [16:01:21] (Interpretation) I said yes, I do know her sister -- her  
2 younger sister.

3 PRESIDING JUDGE MINDUA: [16:01:29](Interpretation) So Mr Prosecutor, if you  
4 have finished with this part of your questioning, I would like to ask you, how much  
5 time you still need?

6 MR GARCIA: [16:01:38](Interpretation) I need three or four minutes, I have two or  
7 three questions more.

8 PRESIDING JUDGE MINDUA: [16:01:45](Interpretation) Well, then let's continue.  
9 Let's go.

10 MR GARCIA: [16:01:48](Interpretation) Thank you, Mr President.

11 Q. [16:01:52] So Madam Witness, but you would agree with me that you were not  
12 a friend of the sister of Madam H, were you?

13 A. [16:02:12] We're not friends at all.

14 Q. [16:02:20] So you had no reason to watch or know her comings and goings -- the  
15 comings and goings of the sister of Mrs H, did you?

16 A. [16:02:54] No. I didn't pay attention because it has nothing to do with me. It's  
17 our children, our children.

18 Q. [16:03:16] Thank you, Madam Witness. I have no further questions for you.

19 A. [16:03:33] Thank you to you, too.

20 PRESIDING JUDGE MINDUA: [16:03:36](Interpretation) Very well. Thank you  
21 very much Mr Prosecutor for your cross-examination. So I'm turning now to the  
22 Legal Representatives for the Victims.

23 Maître, what do you say?

24 MR KASSONGO: [16:03:47](Interpretation) Thank you very much, Mr President,  
25 your Honours. Having heard the Defence examination-in-chief of the witness and

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1 having also grasped the thrust of the questions and the answers provided to the  
2 cross-examination on the part of the OTP, the LRVs do not intend to question the  
3 witness, but would like to congratulate, encourage and thank the witness for her  
4 testimony, with the authorisation of the Chamber, and we thank you.

5 PRESIDING JUDGE MINDUA: [16:04:26](Interpretation) Thank you very much,  
6 Counsel, for this statement.

7 Now, I'm turning to the Defence.

8 Ms Taylor, do you have any further questions?

9 MS TAYLOR: [16:04:37] Yes, I do, Mr President. We'll try to keep this as brief as  
10 possible, but there are some issues that require clarification.

11 PRESIDING JUDGE MINDUA: [16:04:51](Interpretation) Very well, over to you.

12 QUESTIONED BY MS TAYLOR:

13 Q. [16:04:54] Madam Witness, I'll try to be as brief as possible, I apologise for  
14 prolonging your day.

15 A. [16:05:25] Very well.

16 Q. [16:05:27] Now, Madam Witness, is it correct that in Timbuktu, the school year  
17 finishes in June and starts again in October?

18 THE INTERPRETER: [16:06:06] Message from the Songhai interpreter: Answer  
19 from the witness --

20 THE WITNESS: [16:06:17](Interpretation) I do not know the date, especially in  
21 Songhai. I do not know how to differentiate between them.

22 THE INTERPRETER: [16:06:27] The Songhai interpreter did not complete their  
23 message.

24 MS TAYLOR: [16:06:31]

25 Q. [16:06:32] That's not a problem, Madam Witness.

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1 Did you take your children to Bamako before the start of the school year so that they  
2 could attend school for the start of the school year?

3 A. [16:07:14] There were classes in Bamako. That was the situation.

4 Q. [16:07:25] Now just to be clear, Madam Witness, is it correct that you were not  
5 there for a month or more than a month?

6 A. [16:07:58] No, I didn't spend a month there.

7 Q. [16:08:08] Now Madam Witness, at page 92, line 10, you were talking about an  
8 individual --

9 MS TAYLOR: [16:08:16] And I believe it might easier to go into private session not  
10 to have any confusion with names or pseudonyms.

11 PRESIDING JUDGE MINDUA: [16:08:27](Interpretation) Yes, indeed. Indeed,  
12 Madam Courtroom Officer, private session, please.

13 (Private session at 4.08 p.m.)

14 THE COURT OFFICER: [16:08:42] We are in private session, Mr President, but  
15 we've also lost the connection to the interpreters and are working to re-establish that.

16 PRESIDING JUDGE MINDUA: [16:09:02](Interpretation) Very well. Thank you very  
17 much.

18 MS TAYLOR: [16:09:07] I do believe - I've had information as well - that  
19 the question I put previously was put the wrong way, so that the interpreters asked if  
20 the schools started in June and closed in October. So in Songhai, it was interpreted  
21 the converse.

22 PRESIDING JUDGE MINDUA: [16:09:32](Interpretation) Yes, we'll correct that.

23 MS TAYLOR: [16:09:35] Unfortunately, the witness would have heard the wrong  
24 way.

25 (Pause in proceedings)

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1 PRESIDING JUDGE MINDUA: [16:11:01](Interpretation) Now, I think we have the  
2 interpreters back.

3 THE COURT OFFICER: [16:11:13] I can confirm that the interpreters are  
4 reconnected. Thank you, Mr President.

5 PRESIDING JUDGE MINDUA: [16:11:22](Interpretation) Thank you very much,  
6 Madam Courtroom Officer.

7 Over to you, Ms Taylor.

8 MS TAYLOR: [16:11:27] Thank you. I'll just clarify something.

9 Q. [16:11:30] Madam Witness, you said you didn't spend a month there. Was it  
10 less than a month that you spent in Bamako?

11 MR GARCIA: [16:11:39](Interpretation) Mr President.

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

13 MR GARCIA: [16:11:44](Interpretation) I am going to object to that because the  
14 Defence has had the opportunity to put that question to shed light on the matter,  
15 which is what she attempted to do, and we're not understanding the situation here,  
16 we're putting questions once again.

17 So I do not think that this is part of cross-examination or resulting out of  
18 cross-examination.

19 PRESIDING JUDGE MINDUA: [16:12:09](Interpretation) Yes, Ms Taylor, I don't see  
20 what you're going to obtain from this witness. She said on a number of occasions  
21 that she understands nothing about dates and months; so I don't see what you are  
22 going to do now.

23 Please move on to something else.

24 MS TAYLOR: [16:12:27] Mr President, I don't believe that's a fair characterisation of  
25 what the witness has said and I do believe I could now put to her if she's in a position



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1 to actually estimate whether it was less than a month. I think she stated that she has  
2 difficulty with the fact that the interpreters used the wrong Songhai for the month  
3 before, which is correct, but never has she said that she's not able to calculate the  
4 period of time.

5 MR GARCIA: [16:12:55](Interpretation) She said, Mr President, at page ...

6 PRESIDING JUDGE MINDUA: [16:13:00](Interpretation) Wait, wait.

7 Mr Prosecutor, you are going far too fast. We have interpretation issues and then  
8 you need to request authorisation before you address the Court. Now I am going to  
9 give you the authorisation.

10 MR GARCIA: [16:13:14](Interpretation) Thank you, Mr President, I do apologise,  
11 but at page 101, lines 4 to 5, she said:

12 (Speaks English) "I do not -- I do not know the date, [specifically] in Songhai. I do  
13 not know how to differentiate between them."

14 MS TAYLOR: [16:13:27] And Mr President, as I've explained, the Songhai was  
15 interpreted incorrectly. So I do believe I should be allowed to put to this witness is  
16 she able to calculate periods in day. Would she be able to know if it was  
17 approximately 20 days. 20 days and nights.

18 There's a difference between being able to give specific names of months in different  
19 languages and being able to calculate numbers of days.

20 PRESIDING JUDGE MINDUA: [16:14:08](Interpretation) Very well, so one last time,  
21 put your question and it shall be interpreted into Songhai.

22 MS TAYLOR: [16:14:15] Thank you, Mr President.

23 Q. [16:14:17] Madam Witness, are you able to remember roughly the number of  
24 days -- is a day something that you understand? A day and a night? You can  
25 remember approximate periods of days?

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1 A. [16:15:13] That's what I said to you, I wouldn't be able to tell you the number of  
2 days or nights. What I do know is that it wasn't a month.

3 PRESIDING JUDGE MINDUA: [16:15:27](Interpretation) Ms Taylor, we do have the  
4 answer to that question now. So if you have any other questions, very well.

5 MS TAYLOR: [16:15:33] Thank you, Mr President. But I do note many witnesses  
6 calculate, particularly women are able to calculate months. But I'll move on.

7 Q. [16:15:50] Now Madam Witness, at page 92, lines 10, you state that you spent  
8 some time in the hospital -- you stated that - and, we're in private session - [REDACTED]  
9 [REDACTED] spent some time in the hospital and you referenced the word [REDACTED].  
10 Were you referring to her spending time in the hospital in 2012 or in a period after  
11 2012?

12 A. [16:17:26] No. In 2012, she didn't have any problems. Maybe she had to  
13 consult at the hospital, but there was nothing wrong with her. It was subsequently  
14 that she was [REDACTED] [REDACTED] But in 2012, she was still  
15 active. [REDACTED]

16 [REDACTED] She had no problems at that time.

17 Q. [16:18:07] Now, speaking about the periods still of 2012, did people in your  
18 neighbourhood talk about whether they had problems? So if someone had -- for  
19 example, been stopped by the Islamists, is that something that people would talk  
20 about amongst themselves?

21 MR GARCIA: [16:18:26](Interpretation) I shall object to that.

22 PRESIDING JUDGE MINDUA: [16:18:28](Interpretation) Mr Prosecutor.

23 MR GARCIA: [16:18:29](Interpretation) So Mr President, this does not rise out of my  
24 cross-examination. It could have been put in examination-in-chief by the Defence  
25 counsel were she had found it important in any way, but to my mind it can't be done

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1 now in redirect.

2 PRESIDING JUDGE MINDUA: [16:18:49](Interpretation) Ms Taylor, this is  
3 a question that should normally be put in examination-in-chief. It does not arise out  
4 of the cross-examination on the part of the OTP. So move on to something else,  
5 please.

6 MS TAYLOR: [16:19:08] Thank you, Mr President.

7 Q. [16:19:09] Now the Prosecutor has put questions to you in cross-examination  
8 about an individual called "██████████", and it's in your statement at paragraph 32, you  
9 gave evidence that you knew that ██████████ was specifically looking for victims of  
10 rape and forced marriage.

11 And I'll wait for that to be interpreted and then I'll ask a question.

12 Now, Madam Witness, did you hear or learn that people from your neighbourhood  
13 had joined ██████████ association and gone to Bamako and claimed to be victims of  
14 rape or forced marriage, even though what they were saying was not consistent with  
15 what you saw or what you heard about them in 2012?

16 MR GARCIA: [16:20:50](Interpretation) I shall object to that.

17 PRESIDING JUDGE MINDUA: [16:20:55](Interpretation) Yes, Mr Prosecutor.

18 MR GARCIA: [16:20:58](Interpretation) Once again, Mr President, I think this is  
19 quite obvious that this question - were it useful at all to the Defence - the counsel for  
20 the Defence should have put it in examination-in-chief and it does not stem out of my  
21 questions. My questions were quite specific in nature.

22 We are asking here -- asking the witness to come back to her statement and to things  
23 that she has already said in paragraph 36, inter alia, where she explains her point of  
24 view with regard to rape and forced marriage and she is asked -- being asked extra  
25 questions, something that could have been done in examination-in-chief.

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1 Defence counsel chose not to do so, that is her strategy, but she cannot subsequently  
2 try to have this -- get this by as a valid question in redirect.

3 PRESIDING JUDGE MINDUA: [16:21:54](Interpretation) Whilst the Prosecutor  
4 was -- was talking, I was just checking. He's right, that this does not stem from his  
5 cross-examination.

6 MS TAYLOR: [16:22:08] Mr President, if I may, the Prosecutor asked the witness to  
7 clarify how she knew that people had lied. Now that was a question directly put to  
8 the witness in cross-examination, and as you recall, since this a Rule 68(3) witness, we  
9 are not given a very extensive examination; so we can't ask everything that might be  
10 possible. So given that this question has been put to the witness specifically in  
11 cross-examination, I should now be entitled to pose a very few follow-up questions as  
12 to the witness's basis of knowledge. It would be unfair to allow the Prosecution to  
13 put questions concerning the basis of knowledge and not to allow us to do so.

14 PRESIDING JUDGE MINDUA: [16:23:04](Interpretation) Mr Prosecutor, what do  
15 you say to that?

16 MR GARCIA: [16:23:06](Interpretation) It would seem to me that -- indeed, but the  
17 witness has already answered the question and I -- I suggested something to her in  
18 this regard and also a reminder that one cannot be suggestive with the witness and  
19 suggest something to her. It might be a question of rephrasing, of simplifying the  
20 question and, if need be, to put the witness back into the context to ascertain what she  
21 said.

22 PRESIDING JUDGE MINDUA: [16:23:38](Interpretation) So Ms Taylor, please  
23 rephrase.

24 MS TAYLOR: [16:23:42]

25 Q. [16:23:43] I can go straight to the transcripts and read it out from what the

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1 Prosecution stated and what she responded. Now at page 86, when asked about the  
2 numbers of persons, she said, line 16:

3 "I do not know the numbers, but those that I do know of - four or five of them - were  
4 not forcibly married. They all married with consent."

5 So I have two follow-up questions, Madam Witness.

6 Is it correct that you did not give all the names of these individuals to the Defence?

7 PRESIDING JUDGE MINDUA: [16:24:44](Interpretation) Interpretation?

8 THE WITNESS: [16:24:53] (Interpretation) I -- I didn't give the name of these all  
9 people, who are you talking about?

10 MS TAYLOR: [16:25:06]

11 Q. [16:25:07] I apologise, Madam Witness. Earlier today, the Prosecution asked  
12 you about all the persons that you knew who had gotten married to Islamists and you  
13 said: I don't know the numbers, but I do know of four or five of them.

14 Do you recall that, Madam Witness?

15 A. [16:25:58] Yes, I do remember.

16 Q. [16:26:05] And these individuals, is it correct that you think that they lied  
17 because you did not see anything to indicate that they'd been raped or forcibly  
18 married in 2012?

19 MR GARCIA: [16:26:20](Interpretation) I shall object to that, Mr President.

20 PRESIDING JUDGE MINDUA: [16:26:26](Interpretation) Mr Prosecutor.

21 MR GARCIA: [16:26:27](Interpretation) This is suggestive. I do not see how more  
22 suggestive it could be in -- under such circumstances. This does not give the  
23 Defence the authorisation to put suggestive questions to their witness. It is their  
24 witness after all.

25 PRESIDING JUDGE MINDUA: [16:26:49](Interpretation) That is correct. This lady

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1 is your witness, so please rephrase.

2 MS TAYLOR: [16:26:53] Thank you, Mr President. I can't see how that's in any way  
3 leading or suggestive given that this witness has stated that these four or five  
4 individuals were not raped or forcibly married. She stated that at page 86, lines 16 to  
5 18 already. That's already in the record.

6 So I can't see how it's suggestive for me to ask her if this is what she's referring to, that  
7 she has heard -- and, again, I'm aware I'm on a link to the witness, but I'm seeking to  
8 clarify what's in the witness's statement and I do believe we should be allowed to do  
9 so, and I don't understand why I'm not allowed to put to the witness information that  
10 is already in the record. She's stated that these individuals were not forcibly married  
11 or raped. I'm entitled to ask her if that's what she's referring to when she's talking  
12 about people who have lied and to ask her the basis for that.

13 Are we allowed to do this or not?

14 PRESIDING JUDGE MINDUA: [16:28:00](Interpretation) Well, if she has already  
15 answered in the statement, then why are you putting the question again? We do  
16 have the answer.

17 MS TAYLOR: [16:28:11] Then I can ask the follow-up question.

18 Q. [16:28:14] Did you know that they had lied because you know these individuals  
19 and you --

20 MR GARCIA: [16:28:23](Interpretation) I am objecting to that.

21 PRESIDING JUDGE MINDUA: [16:28:28](Interpretation) Mr Prosecutor.

22 MR GARCIA: [16:28:28](Interpretation) This is the second time, Mr President, that  
23 the same question is being put that is suggestive. The fact that it is already in the  
24 statement, then why should we come back to it because it's clear.

25 And secondly, we can't be suggestive even if it is to shed light on the basis of this

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1 knowledge that has already been elucidated in examination-in-chief.

2 PRESIDING JUDGE MINDUA: [16:28:52](Interpretation) I think we're going to

3 wrap up here with regard to this question, Ms Taylor. We are already sufficiently

4 informed and I do not see how you going to rephrase that; so we'll stop there.

5 Please move on to something else.

6 MS TAYLOR: [16:29:09] Thank you very much.

7 Q. [16:29:10] Madam Witness, it's my understanding that your children went to the

8 [REDACTED] school. Do you know if [REDACTED] went to the same school?

9 A. [16:30:06] I do not know. I do not know whether [REDACTED] went to that

10 school, but my children went to the [REDACTED] school.

11 Q. [16:30:21] Are your children, did they interact with [REDACTED]

12 MR GARCIA: [16:30:34](Interpretation) Objection, your Honour.

13 PRESIDING JUDGE MINDUA: [16:30:37](Interpretation) Mr Prosecutor.

14 MR GARCIA: [16:30:37](Interpretation) I let the first question go by, I wanted to see

15 where she was going, but I just don't see the point of this question, whether her

16 children had interactions with [REDACTED] That clearly does not stem from my

17 cross-examination.

18 PRESIDING JUDGE MINDUA: [16:31:02](Interpretation) Ms Taylor, the Chamber

19 agrees with the Prosecutor. This question is not accepted.

20 MS TAYLOR: [16:31:12] Mr President, if I may, there was a direct reference to her

21 children at the end of Mr Garcia's cross-examination, where Mr Garcia asked if she

22 knew this individual, and I do believe there was an answer referring to her children.

23 So I'm just going to find it - with your leave - because it specifically referred to her

24 children.

25 PRESIDING JUDGE MINDUA: [16:31:38](Interpretation) Yes. The Prosecutor may

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1 have made mention of the children, but where is the link? The relevance? You  
2 can't grab one word and just attach something to it, plus we have no further time.

3 MS TAYLOR: [16:31:56] Well, it's not -- with the greatest respect, it's not really the  
4 fault of the Defence that we can't continue with this witness tomorrow. So I do have  
5 just a limited number of questions - one or two - but I don't understand why we're not  
6 being allowed to ask questions on this basis.

7 PRESIDING JUDGE MINDUA: [16:32:23](Interpretation) Mr Prosecutor?

8 MR GARCIA: [16:32:25](Interpretation) If it can help the Chamber, I never asked a  
9 question about the children and their relationship with ██████████ That was never  
10 one of my questions. Fundamentally, if the question of the children was raised,  
11 there has to be something that needs to be cleared up. You just can't throw out  
12 a name and begin --

13 PRESIDING JUDGE MINDUA: [16:32:52](Interpretation) I've already responded to  
14 that. I said that just before you mentioned the children, that -- you know, that  
15 doesn't mean that you can ask all kinds of questions about the children. I've already  
16 ruled -- I've already said what I had to say.

17 We have no further time. Perhaps one minute. No more than one minute.

18 MS TAYLOR: [16:33:18]

19 Q. [16:33:18] Madam Witness, can you confirm to the Chamber whether you spoke  
20 to ██████████ and her mother in 2012 about her marriage?

21 A. [16:33:48] Yes, we talked about it. We did talk about it.

22 MS TAYLOR: [16:33:54] Thank you, Mr President.

23 PRESIDING JUDGE MINDUA: [16:34:00](Interpretation) Thank you very much,  
24 Ms Taylor, for your re-examination.

25 I now turn to the witness.



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1 Interpretation, please.

2 Madam Witness, on behalf of the Chamber, I would like to once again thank you most  
3 sincerely for helping us by answering very clearly and with great goodwill the  
4 questions that have been put to you. Your testimony has now come to an end.

5 THE WITNESS: [16:35:10] (Interpretation) Very well.

6 PRESIDING JUDGE MINDUA: [16:35:16](Interpretation) Farewell and I wish you  
7 good luck.

8 (The witness is excused)

9 PRESIDING JUDGE MINDUA: [16:35:27](Interpretation) Before adjourning, very  
10 quickly, I would like to thank everyone who has helped with today's hearing, the  
11 parties, the participants, the court reporters, the interpreters and the security officers  
12 and, of course, the general public listening.

13 Tomorrow we resume at 9.30 for Witness D-072. Witness D-072. The hearing is now  
14 adjourned.

15 (The hearing ends in private session at 4.36 p.m.)