

1 International Criminal Court  
2 Trial Chamber X  
3 Situation: Republic of Mali  
4 In the case of The Prosecutor vs Al Hassan Ag Abdoul Aziz Ag Mohamed Ag  
5 Mahmoud - ICC-01/12-01/18  
6 Presiding Judge Antoine Kesia Mbe Mindua, Judge Tomoko Akane and  
7 Judge Kimberly Prost  
8 Closing Statements - Courtroom 3  
9 Tuesday, 23 May 2023  
10 (The hearing starts in open session at 9.34 a.m.)  
11 THE COURT USHER: [9:34:07] All rise.  
12 The International Criminal Court is now in session.  
13 Please be seated.  
14 PRESIDING JUDGE MINDUA: [9:34:42](Interpretation) The proceedings are hereby  
15 opened.  
16 Good morning, ladies and gentlemen.  
17 Court officer, could you announce the case, please.  
18 THE COURT OFFICER: [9:34:59] Good morning, Mr President, your Honours.  
19 This is the situation in the Republic of Mali, in the case of The Prosecutor versus  
20 Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud, case reference  
21 ICC-01/12-01/18.  
22 And for the record, we are in open session.  
23 PRESIDING JUDGE MINDUA: [9:35:16](Interpretation) Thank you very much,  
24 court officer. I would like to welcome all those who are present in the courtroom,  
25 and of course Mr Al Hassan, and I would also like to welcome all those who are

1 attending in the public gallery and those who are following these proceedings  
2 remotely.

3 Now, as usual, before going any further, I'm going to invite the parties and the  
4 participants to introduce themselves. And I shall start of course with the Office of  
5 the Prosecutor.

6 I see the Deputy Prosecutor is present. Good morning. Would you like to  
7 introduce the members of your team and yourself for the record.

8 MR NIANG: [9:36:18](Interpretation) Thank you, your Honour. Good morning,  
9 your Honours. The Office of the Prosecutor today is represented by Yanogo  
10 Pengdwende, who is a visiting professional; Caroline Leroy, who is an assistant who  
11 is responsible for this case; Sandra Schoeters, who is senior legal counsel;  
12 Yayoi Yamaguchi, Marie-Jeanne Sardacht, Mr Lucio Garcia, Mr Gilles Dutertre, who  
13 is well known to you, your Honour, and myself Mame Niang, Deputy Prosecutor.  
14 Thank you.

15 PRESIDING JUDGE MINDUA: [9:37:14](Interpretation) Thank you very much,  
16 Mr Prosecutor. Thank you for that and thank you for being in attendance today with  
17 your team.

18 I would now turn to the Defence. I see Ms Taylor is present.

19 Ms Taylor, please introduce yourself and your team.

20 MS TAYLOR: [9:37:34] Good morning, Mr President. Good morning, your  
21 Honours. Good morning to everyone in and around the courtroom.

22 The Defence for Mr Al Hassan is represented today, turning to my left, we have  
23 Dr Felicity Gerry, with Maître Alka Pradhan. We have  
24 Maître Melissa Beaulieu Lussier, Maître Mohamed Youssef, Maître Leila Abid,  
25 Professor Mohamed Badar, Mr Maouloud Al-Ansary, Maître Kelsey Ryan and

1 Ms Brianna Dyer.

2 I would also to acknowledge and thank all past and present members of the Defence  
3 who are following this hearing from around the courtroom and from afar. Thank  
4 you.

5 PRESIDING JUDGE MINDUA: [9:38:21](Interpretation) Thank you, Ms Taylor.

6 Once again good morning to you, on behalf of the Chamber, and I would like to  
7 welcome your full team.

8 I turn now to the Legal Representatives of Victims. I'm not sure who will be  
9 introducing the team. Is it Mr Nsita?

10 MR LUVENGIKA: [9:38:49](Interpretation) Yes, it is, indeed. Good morning,

11 your Honours. Good morning to all. The victims are represented today by

12 Ms Prisque Biyéké Dipanga, Mr Andrés Felipe Morales, Ms Julie Goffin, my colleague  
13 Mayombo Kassongo. And from the field in attendance are Mr Maiga Boubacar, who  
14 is our assistant in the field. And I believe that my colleague Seydou Doumbia and  
15 my colleague Jeanine Kapinga should also be attending in due course.

16 PRESIDING JUDGE MINDUA: [9:39:46](Interpretation) Thank you very much,

17 Mr Nsita.

18 So, once again, good morning to you and to your team, your team present in the room  
19 and also in attendance remotely.

20 I see that Mr Maiga is here and we expect your colleague Seydou Doumbia also to  
21 join us without further delay.

22 Now, today and the following two days are two very important days for us, because  
23 today we will be hearing the closing arguments of the parties and of the participants.

24 I hope that the parties and participants will take the opportunity to focus on the most  
25 important points, given that the Chamber has already received your written

1 submissions.

2 So without further ado, I'm going to hand the floor -- sorry, further ado, I'm going to  
3 hand the floor over to the Deputy Prosecutor to hear the closing arguments of the  
4 Office of the Prosecutor.

5 So please take your time, Mr Niang, to get yourself set up.

6 MR NIANG: [9:41:19](Interpretation) Thank you once again, Mr President, your  
7 Honours.

8 I would like to start by correcting a small omission when it comes to our team that is  
9 present. Madam Dianne Luping, whom you are fully familiar with because she was  
10 part of the trial, I forgot to mention her a short while ago. She will be joining the  
11 team shortly. And I think it's important to underscore this, mindful of the role she  
12 played in this trial.

13 PRESIDING JUDGE MINDUA: [9:41:55](Interpretation) Thank you very much,  
14 Mr Prosecutor. That is obvious and it will be -- it will figure on the record.

15 MR NIANG: [9:42:05](Interpretation) Thank you, Mr President, for giving me the  
16 floor and the opportunity to address the Court, to address the President and your  
17 Honours. Clearly, I have with me today the trial lawyers who have handled this  
18 case from the beginning and will be providing you with the substance of our closing  
19 arguments.

20 Mr Gilles Dutertre will provide you with a summary, as instructed, and I want to  
21 underscore that we intend to use the time that you have graciously afforded us, but  
22 maybe not all of it, because we are aware that you already have our final brief with  
23 you.

24 That having been said, Mr President, your Honours, I really appreciate the  
25 opportunity to avail myself of this solemn opportunity to first of all thank a number

1 of persons. In this regard, I am thinking about the Malian authorities who, right  
2 from the beginning of this trial, provided a lot of assistance to the OTP with collecting  
3 evidence and other types of assistance. I also want to include all the other States  
4 which provided a lot of help in facilitating our mandate. I also in that regard want  
5 to recognise the United Nations and civil society organisations which contributed  
6 immensely to our work throughout the duration of this trial, including the  
7 preparatory phase thereof.

8 Now, turning to the main point of today's hearing, I would like to briefly underscore  
9 at least one thing. And what is this thing? You see, the trial we are in today, allow  
10 me to solemnly state and repeat that this is not a trial about religion. Religion is not  
11 on trial here. Islam is not on trial here. It is true, however, that religion can be used,  
12 any kind of religion can be used as the ideological basis and a justification for  
13 perpetrating mass crimes.

14 Now, when such is the case whereby religion is used for such causes, religion cannot  
15 and should not become a shield that will be an obstacle in the way of prosecutions  
16 and sanctions. That is what we are dealing with here today. We are dealing with a  
17 blatant case of persecution where two armed groups, Ansar Dine and AQIM, impose  
18 on the people of Timbuktu, through forced violence and threats, their rules and  
19 prohibitions that those people had never experienced before.

20 So you will hear our senior trial lawyer Dutertre address you on the important role  
21 played by the accused Al Hassan within the Islamic police and the role that this organ  
22 played in the persecution of the peoples of Timbuktu. Among other things, we will  
23 be looking at crimes and forced marriages which were committed against women and  
24 girls in Timbuktu, public flogging of persons who did not obey the new rules which  
25 were new prohibitions introduced by Ansar Dine and AQIM.

1 The senior trial lawyer Dutertre will also provide you with significant excerpts of  
2 OTP witnesses and will show you some written and signed documents in the hand of  
3 Al Hassan himself. He will show you videos of police commissioner Al Hassan fully  
4 involved in the commission of crimes.

5 In a nutshell, your Honour, after over a period of 186 hearing days, the OTP called  
6 71 witnesses, of whom 52 at least were viva voce. Some 12,397 documents were  
7 produced into evidence, and the globality of the proof, or the evidence, points to the  
8 guilt of the accused in relation to the war crimes and crimes against humanity as  
9 charged, namely, the crimes of torture, cruel treatment, and other inhumane acts and  
10 outrages upon personal dignity, mutilation, and convictions by an improperly  
11 constituted court, forced marriages (as other inhumane acts), as well as other related  
12 crimes of rape and sexual slavery, as well as rapes in detention or custody, and then  
13 attacks on religious institutions, and then finally the crime of persecution on religious  
14 and gender-based grounds.

15 What I would like to underscore finally, your Honour, is that the evidence sufficiently  
16 points to the fact that constraint and state -- and the state of necessity which are  
17 claimed to be a defence cannot prosper today in this case. What we are dealing with  
18 is a case of voluntary, should I even say, enthusiastic and jubilatory participation in a  
19 criminal activity shrouded in religion.

20 Those are the few words I wanted to say by way of introduction before giving the  
21 floor to Mr Gilles Dutertre, our senior trial lawyer. Thank you, sir.

22 PRESIDING JUDGE MINDUA: [9:49:26](Interpretation) Thank you very much.  
23 Thank you very much, Mr Prosecutor.

24 The Chamber is now ready to hear Mr Dutertre.

25 MR DUTERTRE: [9:49:40](Interpretation) Good morning, Mr President. Good

1 morning, your Honours. Please allow me one second to set up properly. Thank  
2 you very much.

3 PRESIDING JUDGE MINDUA: [9:49:53](Interpretation) Take your time,  
4 Mr Duterte.

5 (Pause in proceedings)

6 PRESIDING JUDGE MINDUA: [9:50:37](Interpretation) Please proceed,  
7 Mr Duterte.

8 MR DUTERTRE: [9:50:39](Interpretation) Thank you, Mr President.

9 Let me salute all my colleagues opposite in the courtroom and the public gallery,  
10 those abroad, especially in Mali.

11 I want to reassure the Chamber that I hope to be done within the second session,  
12 depending on the tempo of my delivery.

13 Mr President, your Honours, on 7 November 2012, in Timbuktu, in the premises of  
14 the Islamic police, which was created by Ansar Dine and AQIM to forcibly impose  
15 their ideological and religious visions - in fact, precisely in the *gouvernorat*  
16 office - Al Hassan is sitting at a large wooden vignette table. He looks relaxed, while  
17 granting an interview. He's being questioned about the mission of the Islamic police.  
18 This interview is recorded, and I would like to quote his words, translated from  
19 Arabic into English. I quote:

20 (Speaks English) "[w]e do have a lot of work, [...] it involves patrols within the town,  
21 and correcting objectionable acts: any type of reprehensible act which has been  
22 forbidden [...] we correct, such as drinking alcohol, smoking, and a woman adorning  
23 herself, and other such acts [...] In Timbuktu, only one hand has been chopped off and  
24 only one murderer has been executed. And then two or three perpetrators have  
25 been flogged [...]"

1 (Interpretation) End of quote.

2 Allow me now to show a short excerpt of his presentation in Arabic, which is item 56,  
3 57 and 59 on the list that has been distributed. I do not need any translation because  
4 it depicts exactly what I have just spoken to previously.

5 (Viewing of the video excerpt)

6 MR DUTERTRE: [9:54:34](Interpretation) Mr President, your Honours, clearly it is  
7 Al Hassan whom we see in the image.

8 Witness P-0655, an expert in voice identification, assessed that it is indeed Al Hassan's  
9 voice that we hear.

10 Four things emerge from Al Hassan's remarks: The targeting of the population and  
11 women, the trivialisation of violence, subscription to violence, and an  
12 acknowledgment of his involvement in the enforcement and implementation of the  
13 new rules imposed by Ansar Dine and AQMI.

14 A little further into the video, Al Hassan concludes his remarks by laughing with his  
15 interlocutor. Clearly, he is unapologetic and strongly adheres to the plan of Ansar  
16 Dine and AQIM to establish their power and control over the population and to  
17 impose their ideological and religious visions, especially on women.

18 But let us back up a little bit, your Honours. AQIM has been present in northern  
19 Mali for several years, working to integrate into the population while waiting for its  
20 time to come. As for Ansar Dine, it was created by the end of 2011 by Iyad Ag Ghaly,  
21 who is a member of AQIM. During one of his sermons recorded in 2012, he  
22 proclaimed the following, and I quote: "We share everything with Al-Qaeda, we  
23 share a common religion, we share the same approach, we share a common doctrine,  
24 we share everything [...] doctrine, combat and faith." End of quote. In fact, Ansar  
25 Dine is a proxy of AQIM: a smokescreen with a virgin past that portrays a virgin, so



1 to speak, Malian origin that would thereby be more acceptable to the people.  
2 History offered these groups the opportunity of a lightning offensive. Ansar Dine,  
3 AQIM and other armed groups such as MUJAO and MNLA took control of northern  
4 Mali in less than three months. When Colonel Gaddafi fell in 2011, this reshuffled  
5 the cards, so to speak, in the Sahel, and the return of many Tuareg fighters from Libya  
6 to Mali also caused a massive influx of weapons into Mali. Mr President, your  
7 Honours, in other words, this means an influx of seasoned men and materiel  
8 resources.  
9 The first MNLA attack was carried out on 17 January 2012 against the Malian army  
10 camp located in Menaka. But the shock action, so to speak, the one that will shake  
11 the Malian army, was the attack of 18 January 2012 against the Aguelhok camp in the  
12 north of the country not far from the Algerian border. Ansar Dine and AQIM  
13 besieged this camp for seven long days. Iyad Ag Ghaly led the operations on the  
14 ground. Malian soldiers put up a strong resistance, but on January 24, 2012, one  
15 week after, they ran out of ammunition. So the camp fell and a hundred or so  
16 Malian soldiers were killed, including 20 to 30 prisoners of war who were executed in  
17 cold blood by Ansar Dine and AQIM. Captain Sekou Traore, who led the resistance  
18 within the camp, was among the assassinated prisoners.  
19 The message conveyed by these murderers -- or these murders, was unambiguous.  
20 The Malian army was shaken. The advance of AQIM and Ansar Dine, as well as  
21 MUJAO, seemed inevitable. The situation in Bamako was feverish. And on 21  
22 March 2012, President Amadou Toumani Toure was overthrown by a coup d'état.  
23 This in fact precipitated the advance of the armed groups, particularly in northern  
24 Mali, and that's how Kidal fell on March 30, 2012. Iyad Ag Ghaly and Abou Zeid of  
25 AQIM were in charge of the manoeuvres on the ground. Gao fell on 31 March 2012

1 into the hands of MUJAO. They beheaded a Malian lieutenant, and his head,  
2 hanging in public, caused panic to grow among the ranks of the Malian army.

3 No surprise when it comes to Timbuktu. The Malian soldiers preferred to accept the  
4 ultimatum imposed on them. They left the city for Diabaly in the south of the  
5 country.

6 On 1 April 2012, a militia called the Arab militia, and then the MNLA, entered  
7 Timbuktu one after the other. They engaged in looting while Ansar Dine and AQIM  
8 were on standby nearby.

9 Now, contrary to the claims of the Defence, Mr President, your Honours, Ansar Dine  
10 and AQIM did not come to Timbuktu to save the population from disorder and  
11 looting. Their lone purpose was to take over power in Mali. And they did not hide  
12 it. They are the ones who routed the Malian army. And they were in fact  
13 determined to capture the City of 333 Saints, a major and prestigious city in West  
14 Africa. A cosmopolitan city comprising a mix of communities, cultures and religions,  
15 the majority of whom were Muslim believers. A city where people were free to  
16 practice their religion as they wished. A city where in one word they could exercise  
17 their fundamental rights and traditions in accordance with the secular Malian  
18 constitution.

19 The goal of Ansar Dine and AQIM was to impose their power and control on the  
20 people and to impose their own ideological and religious vision on all aspects, and I  
21 repeat, all aspects of life in society, especially regarding women. It did so and it did  
22 not matter whatever resources needed to be allocated for that purpose.

23 That is how, shortly thereafter, in the afternoon of April 1 or on or around  
24 2 April 2012, the armed groups Ansar Dine and AQIM entered the city.

25 Mr President, your Honours, with your leave, let me show you some of the images

1 which we looked at during this trial which go to illustrate the entrance of Ansar Dine  
2 and AQIM into Timbuktu with their weapons and what have you. I'll show you  
3 item number 33 and 44, which show how the Ansar Dine convoy entered the city,  
4 passing in front of the mosques with their armoured vehicles.

5 As you can see on the first image, there is an AQMI -- AQIM flag on the first vehicle,  
6 while the convoy follows.

7 I want to zoom in and show you another image. And as you can see, this is the kind  
8 of equipment that Ansar Dine and AQIM had, particularly an armoured vehicle that  
9 was captured in a previous attack in a military camp in northern Mali. This is a  
10 picture of their entrance into Timbuktu, which heralds what would happen  
11 subsequently.

12 You see, when I say this is how they entered the city, who am I talking about exactly?

13 Well, there is Iyad Ag Ghaly and his acolytes: Abou Zeid, emir of the Tarek Ibn  
14 Ziyad battalion, and that battalion. There is Yahya Abou Al Hammam, emir of the  
15 Al Fourqane battalion, and the said battalion. There is also Abou Talha, a prominent  
16 member of the Al Fourqane battalion, as well as Sanda Ould Boumama, a long-time  
17 member of AQIM who served as spokesperson, among others.

18 At that time, Mr President, your Honours, the Arab militia, which I mentioned earlier,  
19 had in fact already withdrawn on its own. Ansar Dine and AQIM chased out  
20 MNLA, which withdraw to the airport located a few kilometres from the city. Ansar  
21 Dine and AQIM then occupied the city of Timbuktu for 10 endless months, until  
22 January 2013, when the Malian and French forces liberated the city.

23 Mr President, your Honours, they had become the new masters of the City of 333  
24 Saints. They agreed that any decision or action to be taken would be announced on  
25 behalf of Ansar Dine. And on this specific point I refer you to Witness P-0004. The

1 idea is to have them appear to be locals. It is in this spirit that Ansar Dine and  
2 AQIM also quickly coopted the services of native Timbuktu citizens such as  
3 Houka Houka, Al Mahdi, alias Abou Tourab, Mohamed Moussa and Al Hassan, the  
4 accused, who joined them and played a significant role in the brutal repression that  
5 befell Timbuktu and its inhabitants.

6 Mr President, your Honours, the tone was set right from the onset. Iyad Ag Ghaly  
7 took up residence at the military camp abandoned by the Malian army. About 20  
8 Timbuktu inhabitants went there to meet him. Witness P-0125 is one of them. This  
9 is what Iyad told them, and I quote, that "he is now the leader and that his group,  
10 Ansar Dine, is in charge of the city. That they had come to establish Islam and that  
11 anyone who lives in accordance or abides by what is said in the Koran would have no  
12 problem with him, but others will have problems with him and his group." End of  
13 quote.

14 In fact, Iyad Ag Ghaly considered the people of Timbuktu not to be true practising  
15 Muslims, although we are looking at the City of 333 Saints, which played a significant  
16 role in the history of Islam in Africa. In one of his speeches delivered in May 2012,  
17 Iyad Ag Ghaly says that he perceived the inhabitants of Timbuktu as unbelievers who  
18 needed, quote, unquote, "to learn their religion".

19 (No interpretation)

20 THE INTERPRETER: [10:13:06] Sorry.

21 MR DUTERTRE: [10:13:07](Interpretation) Defence D-0202 added further, and I  
22 quote, that "the inhabitants of Timbuktu claim to be Muslims, but their behaviour  
23 reflected otherwise." End of quote.

24 He says further regarding women, and I quote: "The body of a woman cannot be  
25 shown except for the face and the hands." End of quote.

1 That sums it all up. We see here the foundations of religious persecution and  
2 persecution against women that will unfailingly ensue in the following months.  
3 An avalanche, and that's the only word possible, of new religious rules and  
4 prohibitions rained down on the inhabitants of Timbuktu, affecting all aspects of their  
5 public and private lives.

6 Witness P-0547, whom you heard, stated as follows, and I quote: "After the arrival  
7 of the Islamists, Timbuktu changed completely." End of quote.

8 Witness P-0638, whom you also heard in this courtroom, essentially said the same  
9 thing, Mr President.

10 And Witness P-0114, who also testified, specified that overnight everything had  
11 become, and I quote, "haram, illicit, and forbidden". End of quote.

12 So, Mr President, your Honours, we are dealing here with a veritable campaign, a  
13 widespread and systematic attack against the population, a violation of the  
14 fundamental rights and freedoms of the inhabitants on religious and gender-based  
15 grounds, whereby:

16 Women must veil themselves.

17 Interaction between the sexes and coeducation is prohibited, both in the city and at  
18 school.

19 Nonreligious schools were closed.

20 The population could no longer gather at the mausoleums of the Muslims saints  
21 which were so dear to them, and part of which were destroyed and razed to the  
22 ground.

23 Inhabitants no longer could wear amulets or talismans, or even practice certain  
24 customary rituals.

25 Ceremonies, as well as cultural, civil or religious festivals and events were prohibited,

1 such as the feast of Maouloud.

2 Inhabitants of Timbuktu could no longer dance or listen to music.

3 Depictions of human faces on paintings or advertisements were vandalised and

4 erased.

5 Men and women could no longer dress as they wanted.

6 Alcohol and cigarettes were banned.

7 Watching television was also prohibited.

8 Satellite dishes were simply confiscated.

9 Ansar Dine and AQIM also dictated how prayers were to be said or conducted in the

10 mosques.

11 Christianity and Judaism were prohibited, among other cults.

12 Shops must remain closed on Fridays.

13 Bracelets were forbidden, even for children.

14 And so on and so forth. So you see, in a nutshell, that the inhabitants of Timbuktu

15 could no longer engage in anything.

16 In fact, any violation of these rules was followed by very brutal repression. Iyad's

17 words had proclaimed it. And his accomplices clearly endorsed it openly.

18 In an interview of 1 June 2012, Sanda Ould Boumama, whom I referred to previously,

19 stated as follows, and I quote: "I know that hands will be cut off. But we will also cut

20 off heads if the Sharia tells us to do so. So we don't have any complexes about that."

21 End of quote.

22 The use of intimidation and violence became the rule: arrests, detention, beatings and

23 other corporal punishments such as flogging. Twenty to 40 lashes if a woman were

24 found to be in the company of a man.

25 Al Hassan, the accused, was an important link in the repressive system that was set

1 up. He himself acknowledges that those sanctions were new. He told ICC  
2 investigators the following, and I quote: "... [the inhabitants] did not know these  
3 punishments. They are experiencing them for the first time. This is too much for  
4 them. But they cannot do anything about it. Everyone feared and was afraid of the  
5 word 'jihadist'. They feared punishment." End of quote.  
6 That says it all. Well, not indeed, not quite. You see, Ansar Dine and AQIM did  
7 not hesitate to use torture to extract confessions from the inhabitants of Timbuktu  
8 who had been arrested on such and such a pretext.  
9 On a very quick point of law relating to the enforcement of the new rules and  
10 prohibitions, let me briefly say the following: The fact that the members of Ansar  
11 Dine and AQIM themselves respected the rules similar to those they coercively  
12 imposed on the population through threats and violence is not relevant. A finding  
13 of persecution does not require perpetrators and victims to operate according to  
14 different rules. It requires that perpetrators should seriously deprive victims of their  
15 fundamental rights, while targeting them on the basis of discriminatory grounds and  
16 identity. That is what is relevant when it comes to the use of threats and violence,  
17 which is a common denominator in the action and violence of AQIM and Ansar Dine  
18 over this 10-month period.  
19 The fact is that Ansar Dine and AQIM were over-equipped and made it a point of  
20 honour to show it off. They paraded around the time every day in their pickup  
21 trucks. They displayed their weapons of war. They displayed their cartridges,  
22 slung over their shoulders. One witness pointed out before this Court, your  
23 Honours, and I quote, that "the ruined city was handed over to the exactions of the  
24 Islamic nebula, Timbuktu has been won over by fear, to which have been added  
25 misery and precariousness."

1 Witness P-0654, whom you heard, also confirmed that panic had spread through the  
2 population. Fear is the leitmotiv. Fear generated by the occupation forces Ansar  
3 Dine and AQIM as a means of control and power to impose their vision.  
4 So, concretely speaking, during the first week of April, it was Abou Talha of the  
5 Al Fourqane battalion, one of the visible armed wings of Ansar Dine and AQIM in  
6 Timbuktu, who were imposing the new rules. They surrounded and marked out the  
7 city with their men, in line with Iyad's words, which right from the beginning of the  
8 occupation was to implement and persecute the population on religious and sexist  
9 grounds.  
10 Abou Talha and Abou Dhar and others provide us the first examples of the same, as  
11 reflected in the media. And you can see destructions, as we have seen in a video  
12 from France 2. Statuettes were broken. And there also we have a video in the case  
13 file. Cigarettes were burned. And there are several videos to illustrate this point.  
14 Women were forced to cover themselves. And at the same time, other elements of  
15 Ansar Dine and AQIM were carrying out the first damage on the Sidi Mahmoud  
16 cemetery mausoleum to the north-east of the town and on the Al Farouk monument  
17 in the city centre. At the same time others also were engaged in the systematic  
18 looting of public property.  
19 This is precisely where we find, your Honours, the accused Al Hassan. He joined  
20 Ansar Dine and AQIM as early as April 2012 after the city was captured. He wasted  
21 no time and worked precisely for Abou Talha. And this emerges from several pieces  
22 of evidence, including an interview with Al Hassan himself at the time, as well as  
23 testimony from four witnesses.  
24 On 5 October 2012, Al Hassan granted an interview. Around noon. He was inside  
25 the *gouvernorat*. He was holding a walkie-talkie in his hands. And he looked



1 perfectly relaxed. The interview was recorded. What did he say? What did the  
2 accused say at that time? He evoked or talked about the beginning of the occupation,  
3 saying, and I quote: "If you had come during the first or early days, we only slept an  
4 hour or two per night. And for the cars, we would fill them up with fuel in the  
5 morning and by evening the tanks would already be empty." End of quote.

6 I will now show you an excerpt, without translation, of what I have just said to the  
7 Court. Al Hassan is speaking in Arabic and that corresponds to document number 4  
8 of Mali.

9 (Viewing of the video excerpt)

10 MR DUTERTRE: [10:29:30](Interpretation) So it's perfectly clear, Al Hassan joined  
11 the Ansar Dine/AQIM coalition from "the very first days", as he says himself.

12 So let's turn our attention now to the four witnesses that I referred to. These are  
13 D-0544, a Defence witness, and three Prosecution witnesses, including P-0638 and  
14 P-1086.

15 So first of all, D-0544, who was called by the Defence. He knows Al Hassan well,  
16 very well. Approximately two weeks after Ansar Dine and AQIM arrived, D-0544  
17 saw Al Hassan in Timbuktu commanding armed individuals who were looting.

18 Secondly, a Prosecution witness corroborated what D-0544 had said. This witness  
19 also knows Al Hassan very well. He saw him in the course of the last week of  
20 April 2012, at the Malian Solidarity Bank, working for Abou Talha. Now, this  
21 witness specifies that Talha at that time was relying on Al Hassan to identify property,  
22 public property to be looted. And I would remind you that the Defence would have  
23 you believe that Ansar Dine and AQIM put an end to looting in town, but the facts  
24 belie that.

25 Thirdly, Witness P-0638 also knows Al Hassan well, and he saw him at the Malian

1 Solidarity Bank in April 2012. And in passing, I can state that P-0638 is perfectly  
2 credible on this point as he is on the rest. And D-0245, with whom he did not live,  
3 had no reason to know exactly what P-0638 was or was not doing at that time. Let  
4 me give you a brief reference, T-210, the French version, page 27, line 22 to 24.  
5 That's T-210.

6 Finally, I will move on to my fourth witness on this point, and that's P-1086. Now,  
7 he too knew Al Hassan and he saw Al Hassan in front of a building that meets the  
8 description of the BMS, that is to say the bank, in April 2012.

9 Now, the Malian Solidarity Bank, the BMS, is located in the Badijinde neighbourhood.  
10 At that time it had become one of the new centres of power of the occupying groups  
11 Ansar Dine and AQIM. At that point in time, in April 2012, it was Abou Talha's  
12 headquarters. There was an office there. But the BMS also very rapidly became the  
13 HQ of the brand new Islamic police.

14 Indeed, Ansar Dine and AQIM very rapidly set up organs tasked with helping them  
15 impose their ideological and religious vision by force. And let's be clear on it, also  
16 helped them to persecute the inhabitants, and women were targeted in particular.

17 At the top, they installed the presidency, a kind of triumvirate, with Abou Zeid, who  
18 was the governor appointed by Iyad, Yahya Abou Al Hammam and Abdallah  
19 Al Chinguetti. The latter was a preacher known to AQIM and who was part of the  
20 Al Fourqane battalion, command of which he would take on in the course of 2012.

21 Importantly, Ansar Dine and AQIM set up a media office, an Islamic court, a morality  
22 brigade or *Hesbah*, and, of course, an Islamic police force. All working together in a  
23 coordinated fashion.

24 So, your Honours, allow me to now home in on the Islamic police. It was set up at  
25 the end of April, beginning of May 2012. From May to August 2012, it moved into

1 the BMS premises, which it shared with Abou Talha. Notably, it had detention cells  
2 there. Then, after Ramadan, towards mid-August 2012, the Islamic police moved to  
3 the governmental quarter and, more specifically, to the *gouvernorat*. Now, as  
4 everyone knows, the *gouvernorat* is the most imposing administrative building in the  
5 town and that says much about the importance of the police. Of course, the Defence  
6 would have us believe that the police was a kind of secondary organ, but in fact  
7 everything in the case file proves the contrary.

8 The Islamic police was certainly one of the main organs of repression in Timbuktu.  
9 It was 40-man strong in the city. They could be easily recognised by their blue vests  
10 emblazoned with the words "Islamic Police" in French and in Arabic. They were  
11 armed with Kalashnikovs. The Islamic police were everywhere. They patrolled by  
12 day and by night, by car, by motorbike and on foot.

13 I'm now going to show you an image that you've already seen but which illustrates  
14 well the nature of these patrols. You see a -- it's a screen -- it's an image taken from a  
15 screen and you see two policemen standing with the AQIM flag. The men are  
16 standing in a pickup truck, they're wearing their vests, and the policeman on the left  
17 quite clearly has a Kalashnikov on his chest. So this is a screenshot taken from  
18 document 36 on our list.

19 Now, we see these two individuals are wearing the Islamic Police vests, as I said  
20 before, and they are circulating in town with combat weapons, and that amidst a  
21 civilian population.

22 The fact of the matter is that the police would hunt down all those who broke the new  
23 rules. These rules sanctioned what was acceptable and prohibited what was  
24 unacceptable. It was Al Hassan himself who told the investigators of the Office of  
25 the Prosecutor the following, and I quote: "Sanction that which is acceptable and

1 prohibiting that which is unacceptable" he says "is the work of everyone". End of  
2 quotation.

3 A woman who spoke to a man, or simply wearing amulets, smoking a cigarette,  
4 practising magic, relationships outside of wedlock, et cetera, all now place the people  
5 at risk of reprisals and brutality.

6 So, the Islamic police would circulate in the city and apprehend inhabitants who  
7 broke these new taboos. The Islamic police would imprison them, they would  
8 torture them to elicit confessions. The Islamic police would write reports on their  
9 investigations. The Islamic police would administer punishments called *ta'zir* on  
10 their own initiative.

11 Witness P-0582, who was from the police, very clearly said that *ta'zir* or *petites sharia*,  
12 as he called it, were administered in the courtyard of the police station in, and I quote,  
13 in the presence of "those in charge of the police, Khaled and Al Hassan." End of  
14 quotation.

15 And you will find that on 0062-3872-R02, line 234, 238.

16 Now, for his part, Al Hassan stated that the *ta'zir*, a *ta'zir* of 10 to 20 lashes was  
17 "commonplace at the police". That's a quotation, "commonplace at the police".

18 Al Hassan specified that Abou Zeid had compiled a list, and I would quote: "It's  
19 written on it, for example, that the adjacent smoker, immediately adjacent, 10 lashes."  
20 End of quotation.

21 Or, in cases where the police did not mete out the punishment itself, it would turn the  
22 persons over to the Islamic court, which repeatedly breached even the most  
23 fundamental procedural rights. Then the Islamic police would administer the  
24 punishments imposed by the court in public, with plenty of publicity, to frighten the  
25 people of Timbuktu. The aim was to denigrate and subjugate.

1 So, it is well understood that the Islamic police had a major role in the persecution  
2 that the city endured. And, as was often the case, we see Al Hassan at work.  
3 Now, the Chamber will recall this video where we -- where we saw Al Hassan  
4 whipping two men who had drunk alcohol. It was 8 July 2012. It was at the market  
5 near the BMS building. Al Hassan is wearing military camouflage trousers. And  
6 Witness P-0653, who is an expert in facial identification, confirmed to a high degree of  
7 confidence that the person on the video was indeed Al Hassan. We see Al Hassan  
8 surrounded by members of the Islamic police wearing their vests and toting their  
9 weapons.

10 He has a whip in his hand, as well as the keys to the handcuffs that are on the two  
11 victims. I think we can all draw the obvious conclusions when it comes to  
12 leadership here.

13 The two somewhat distraught victims do not seem to apprehend what's happening to  
14 them. No conviction is read out. So this is manifestly a case of *ta'zir*, arbitrarily  
15 proclaimed by the police. Al Hassan and his acolyte Abou Dhar, in turn give -- or,  
16 rather, I should say hail down 40 lashes, 40 lashes on each of the two, of their two  
17 torture victims. And those two victims writhe in pain.

18 This is item 6 on our list.

19 (Viewing of the video excerpt)

20 MR DUTERTRE: [10:44:47](Interpretation) And here you can see Al Hassan who is  
21 beating the person.

22 (Viewing of the video excerpt)

23 MR DUTERTRE: [10:45:11](Interpretation) I think that the images say all that need  
24 to be said regarding the perpetration of violence by Al Hassan on that individual.

25 I would also remind you that a Prosecution witness explained that for members of

1 Ansar Dine and AQIM, taking part in these punishments would yield a religious  
2 benefit to them and they were proud of it.

3 So, that was life in Timbuktu in 2012. Daily violence based on Ansar Dine and  
4 AQIM's determination to control and based on their ideological and religious vision,  
5 including as regards women. A local dignitary stressed that, and I quote: "Everyone  
6 is holed up in their house, out of fear of being reprimanded, fear of being humiliated,  
7 fear of being beaten, fear of being assaulted ..."

8 Now, this video clip, your Honours, has taken me a little bit too rapidly to July 2012,  
9 so if I might, I would like to return back to events as they occurred chronologically, if  
10 you will.

11 So I was telling you that in April 2012 Al Hassan was working with Abou Talha, but  
12 at the end of April or early May 2012, so basically when the Islamic police was created,  
13 Al Hassan joined the Islamic police and very rapidly he became omnipresent and  
14 indispensable within the Islamic police.

15 There's plenty of evidence of this: telephone data, witness statements, police reports,  
16 personal notes, crisis committee reports, committees representing inhabitants of the  
17 city, but also videos and expert reports.

18 The television -- sorry, the telephone data shows regular contact between Al Hassan  
19 and Adama, who was the first emir of the Islamic police, and that starting about  
20 30 April 2012. Witness P-0641, for his part, clearly stated that Al Hassan was active  
21 in the early days when the Islamic police was being set up at the BMS.

22 We also have two documents which were found at the La Maison hotel by Witness  
23 P-0007. Now, these two documents prove that Al Hassan was a member of the  
24 Islamic police at the latest by 7 May 2012. The first document concerns the death of a  
25 pregnant woman at whom people had thrown stones. It's a handwritten document

1 and it bears the stamp of the Islamic police. Al Hassan has admitted that it is his  
2 writing. And on the back of the document we see that the case was referred to the  
3 Islamic court. And the second document is the register of the court itself. A page  
4 of the register refers to the case of the murder of a pregnant woman. And the  
5 adjacent page is dated 7 May 2012.

6 Furthermore, Witness P-0114 saw Al Hassan on 19 May 2012 at the BMS. At the time  
7 Al Hassan was questioning an individual, and P-0114 states that he then ordered a  
8 policeman to handcuff the person being interviewed and to lock him up.

9 There is no doubt that the accused joined the Islamic police right from the offset.  
10 Two other examples from June 2012 demonstrate this also, if the rest of the evidence  
11 were not enough.

12 A video recorded on 11 June 2012 shows Al Hassan in the office of the BMS. Now,  
13 for those who are familiar with the premises, this is in the northeastern corner of the  
14 building. Al Hassan is settling an issue regarding weapons between two individuals,  
15 and he has stated that it is him on the screen. Witness P-0065 has also identified him.  
16 Al Hassan clearly appears to be in a position of authority.

17 I'm just going to show you a screenshot of that. And this is taken from item 82 on  
18 our list.

19 So you see Al Hassan, in an office at the BMS, who is leading a discussion, and the  
20 weapons in question are on the table just in front of him. And as we see, he has a  
21 walkie-talkie for his other business. It's there too. His -- it's on the table to the  
22 right.

23 And then in June 2012 we have the flogging, a flogging for adultery which took place  
24 on 20 June of that year. This is -- was the first example of the public administration  
25 of *hudud* punishment imposed by the court. A man and a woman each receive

1 100 lashes. They are lashed and humiliated in front of everyone. Ansar Dine and  
2 AQIM are showing their force and seeking to intimidate the population by means of  
3 this punishment. And they got a lot of media attention based on this film. It was  
4 circulated widely on social media and it was also broadcast on a report on the  
5 television channel France 2.

6 Now I'm going to show you a screenshot which shows you the security arrangements  
7 put in place by Ansar Dine and AQIM at that time. And this relates to item 33 on the  
8 list.

9 So here we see that Ansar Dine and AQIM use heavy combat arms mounted on  
10 pickup trucks to secure the area where the punishment is taking place. And this is  
11 what the people of Timbuktu would say -- would see on a regular basis. And of  
12 course it was most worrying to them.

13 Now, during this event we see Al Hassan several times. In particular at the  
14 beginning, he raises his arm because he does not want to be filmed. Of course we  
15 now understand why.

16 And here's a screenshot taken from the same France 2 report showing that. You see  
17 him wearing the Islamic police vest and his arm raised. And then we have the fact  
18 that Al Hassan is right beside victims who are receiving lashes and howling in pain.  
19 I'm going to show you an extract from that report. It's quite short, but it illustrates  
20 what was happening.

21 (Viewing of the video excerpt)

22 MR DUTERTRE: [10:55:46](Interpretation) And as you see on the video, Al Hassan  
23 is there with a telephone in his hand, close to the victim, who's calling out for pity and  
24 asking for the flogging to stop. So it's very clear that he's part of the Islamic police  
25 contingent which is administering that punishment.



1 If I might, I'd just like to remove that video now.

2 Your Honours, the reality is that Al Hassan had a central role in the Islamic police.

3 Of course he didn't do everything. Adama was the first chief of police from

4 May 2012 to July or August 2012. And then there was Khaled, the second chief of

5 police, who was in that role from around December 2012 -- or, sorry, the interpreter

6 corrects, until about December 2012. And there was also the person called

7 Abou Dhar, who seems to have overseen the Islamic police who were of Bambara

8 ethnicity.

9 But all of the evidence shows that Al Hassan was a key individual in the Islamic

10 police. He is described by many witnesses as being the deputy chief of police.

11 Here I would refer to P-4, P-99, P-114 and by analogy P-0582. Some witnesses called

12 by the Defence itself stated that Al Hassan was the deputy chief of police. And here

13 I would refer to D-0093.

14 In fact, Al Hassan was a permanent pillar of the police force. It is he who was

15 always there from May 2012 through to January 2013, irrespective of who was chief of

16 police. It was him who ensured operations and continuity of the police on a

17 day-to-day basis. He was involved in internal phrases, for instance, evaluating new

18 recruits such as P-0582, but also he was involved in maintaining order in the streets,

19 and above all when it came to punishing violations of the new rules.

20 Your Honours, he was one of the few within the Islamic police who knew the city

21 very well and also spoke the local languages.

22 Now, Your Honours, I'm thinking that perhaps now would be a good time to take the

23 break and I will be happy to take that break here if the Chamber wishes.

24 PRESIDING JUDGE MINDUA: [10:59:21](Interpretation) You're quite right,

25 Mr Duterte. The Chamber thanks you for your very clear presentation.

1 We shall now take the break. Generally we take a 30-minute break, but today we're  
2 going to take a 45-minute break, and therefore we shall resume 11:45. And that is at  
3 the request of the Office of the Prosecutor. The Deputy Prosecutor has an  
4 appointment, needs to receive a foreign delegation during the break. And therefore  
5 we shall resume at 11:45.

6 THE COURT USHER: [11:00:13] All rise.

7 (Recess taken at 11.00 a.m.)

8 (Upon resuming in open session at 11.48 a.m.)

9 THE COURT USHER: [11:48:33] All rise.

10 Please be seated.

11 PRESIDING JUDGE MINDUA: [11:49:01](Interpretation) The Court session is now  
12 resumed. Good afternoon -- or good morning to everybody. Good morning again,  
13 Mr Prosecutor, or Deputy Prosecutor. On behalf of the Chamber, I would like to  
14 welcome Her Excellency Madam Minister Mutombo from the Democratic Republic of  
15 Congo. She is minister of justice there. The Democratic Republic of the Congo is a  
16 States Party to the ICC and an important -- and that is important for two reasons:  
17 We have excellent cooperation with that State and that is the reason why the minister  
18 is here. But also it is important for symbolic reasons, because Article 126 of the  
19 Rome Statute says that 60 days after -- after the 60th State lodges its instrument of  
20 ratification, and the DRC ratified or deposited its instrument of ratification on  
21 11 April of the year in question, and 60 days later the Statute of Rome came into force.  
22 The first State that ratified the Rome Statute was Senegal.  
23 So the presence of the DRC here today with the minister from the DRC is symbolically  
24 important.  
25 Now, Deputy Prosecutor, I turn to you. You have the floor anew.

1 MR NIANG: [11:51:20](Interpretation) Yes. Thank you, your Honour, your  
2 Honours. Before handing over to Mr Duterte, I would just like to let you know that  
3 the Prosecutor Karim Khan has now joined us. He has made a point of attending  
4 these closing statements today. And Ms Dianne Luping has now joined us also, your  
5 Honour.

6 PRESIDING JUDGE MINDUA: [11:51:54](Interpretation) Thank you very much,  
7 Deputy Prosecutor. And it is of course an honour for us to have the Prosecutor  
8 himself present in the courtroom today.

9 Mr Prosecutor, you are welcomed warmly by the Chamber.

10 And we also take note of the presence of Ms Luping.

11 Yes, Counsel, I see that you're on your feet. What is on your mind?

12 MR LUVENGIKA: [11:52:23](Interpretation) Yes. Thank you, your Honour. As I  
13 said, our colleague Mr Seydou Doumbia would be joining us during the hearing, and  
14 I just wanted to announce that he has been present, in fact, he already joined us  
15 during the first session, but I didn't want to interrupt the Prosecutor presenting his  
16 closing arguments. So I just wanted to inform you of the presence of our colleague.

17 PRESIDING JUDGE MINDUA: [11:52:50](Interpretation) Thank you very much,  
18 Mr Nsita.

19 I also welcome Mr Doumbia. I see that you are standing. Would you like to take  
20 the floor?

21 MR DOUMBIA: [11:53:08](Interpretation) Thank you, your Honour. I don't want  
22 to hold up proceedings, but I just wanted to take this opportunity to welcome all  
23 those who are present at this hearing. I won't list names because I will undoubtedly  
24 miss out someone or other, but I just wanted to state that I'm delighted to be here and  
25 greet you all.

1 PRESIDING JUDGE MINDUA: [11:53:36](Interpretation) Thank you, Mr Doumbia.  
2 The floor is now with the Office of the Prosecutor anew.

3 MR DUTERTRE: [11:53:50](Interpretation) Thank you, your Honour.  
4 Your Honours, just before we took the break I referred to the fact that Al Hassan, the  
5 accused, was an important member of the Islamic police, indeed a central member of  
6 the Islamic police.  
7 So, more specifically, what did Al Hassan do on a day-to-day basis at the Islamic  
8 police? Well, he would receive reports of crimes. He managed patrols from his  
9 office. He would patrol himself. He would issue summons. He would make  
10 arrests and he would question those who were arrested. He wrote reports logging  
11 the use of torture when relevant. He drafted decisions referring matters to the court.  
12 He would bring his reports and transport prisoners to the court. He would then take  
13 those prisoners back to the prison and would on occasion inspect the prison. And as  
14 we have already seen and will see again, he would take part in the administration of  
15 the punishments meted out to victims. In addition to all that, he was also active in  
16 communicating on behalf of the police. He would speak on behalf of the police and  
17 of Ansar Dine and AQIM and give interviews.  
18 Now these are all things, your Honours, which were part and parcel of implementing  
19 the common plan of Ansar Dine and AQIM, that plan being to control the population  
20 and to enforce their ideological and religious vision upon them.  
21 Al Hassan was personally involved in all of the tasks that were part of -- the various  
22 tasks of the Islamic police to oppress the inhabitants, as previously listed by me.  
23 And as such, Al Hassan was an important component in the overall system of  
24 persecution established by Ansar Dine and AQIM, that system being founded on the  
25 institutions which were put in place, the Islamic police, the Islamic court and the

1 *Hesbah.*

2 Now, as I said earlier, Al Hassan managed operations from his office. And by way  
3 of evidence, I would refer you to a video recorded on 5 October 2012 which was taken  
4 in the premises of the *gouvernorat*, which was where the Islamic police was located.

5 Now, Al Hassan says in Arabic the following, and I will quote: "There were robbers  
6 near Ber now people are calling us, they've said that we need to arrest them." He  
7 said that there were robbers and that people had caught those robbers near Ber.

8 Now I'm going to show you the video. It won't need to be translated because I have  
9 just told you what is said on it. We see Al Hassan, we see his walkie-talkie, and we  
10 also see a telephone in his hand and he is clearly managing a police operation. And  
11 this is item 11 on our list of evidence.

12 So you can see the clip on the screen.

13 (Viewing of the video excerpt)

14 MR DUTERTRE: [11:59:08](No interpretation)

15 THE INTERPRETER: [11:59:47] The interpreter apologises. The microphone was  
16 not on. It's been off since the video.

17 MR DUTERTRE: [11:59:57](Interpretation) So there was -- so to repeat: We see  
18 Al Hassan continue on. He says that he was rung on his own personal phone  
19 number, which shows how well known he was.

20 I'll now say in French what he goes on to say in Arabic: "Robbers, it seems that  
21 robbers robbed cattle, a certain number of heads of cattle near Arabella, behind the  
22 river, some distance from here, approximately 60 kilometres, and they have taken  
23 them to the souk in Ber. They have called me here on my number. People have  
24 arrested them and called upon us." End of quotation.

25 (Viewing of the video excerpt)

1 MR DUTERTRE: [12:01:44](Interpretation) It's quite explicit. And, your Honours,  
2 we will note in passing that the -- that the police covered quite a large geographic area  
3 because it seems that their range reached as far as Ber.  
4 Now, the Defence would have us believe that Mr Al Hassan was just a simple  
5 employee, but looking at these images I do not share the view of the Defence on that  
6 point.  
7 Al Hassan would also patrol. Witness P-0641 said it quite explicitly to you. What's  
8 more, Al Hassan has admitted it.  
9 As I said earlier, Al Hassan also would make arrests. Thereto Witness P-0641  
10 mentions that Al Hassan arrested people. And Al Hassan, the accused, has admitted  
11 it himself.  
12 Al Hassan would also summon people. And by way of illustration, here is  
13 a summons dated 3 September 2012 which bears the stamp of the Islamic police and  
14 Al Hassan's signature. And he admits that it is indeed his signature and writing.  
15 As you can see on your screen, there is a copy of the summons bearing the blue stamp  
16 in the middle at the bottom with the signature of the accused person appearing  
17 thereon.  
18 Al Hassan interrogated. And there is no ambiguity whatsoever about this because  
19 evidence to that effect abounds. We have a report that confirms this, a report which  
20 was signed quite early on in the occupation, namely, on 23 May 2012. That report  
21 was signed by Al Hassan in his capacity as an investigator, as you can see to the  
22 bottom left of the document, followed by Al Hassan's signature. And I will show  
23 you the document.  
24 As you can see on the document, to the very left of the document you can see the  
25 word "investigator", and Al Hassan acknowledged and recognised that the document

1 did in fact bear his handwriting and signature.

2 Various witnesses confirmed that Al Hassan carried out interrogations. For example,  
3 Defence witness D-0605, called by the Defence itself, provided specific details relating  
4 to a case of rape where Al Hassan conducted the interrogation. Prosecution  
5 witnesses P-0114, P-0626 and P-0582 also confirmed it.

6 Al Hassan managed the patrols. He patrolled himself. He summoned people. He  
7 interrogated people. And Al Hassan drafted and signed all the reports of the Islamic  
8 police mentioning, where necessary, that torture was actually used.

9 Around May 2012, a man was arrested in Timbuktu for selling and consuming  
10 alcohol and for being in the presence of a woman with whom he was not a relative.  
11 This matter was raised before this Court. And Al Hassan stated to the investigators  
12 of the OTP that this inhabitant of Timbuktu was detained for about two months, that  
13 he was tortured in a view to getting a confession from him as to the name of the  
14 person who had supplied him with the alcohol. This is written in Al Hassan's own  
15 hand in a police report which he signs on 16 July 2012. Al Hassan specifically noted  
16 in that report that the individual in question was interrogated,  
17 tortured -- "interrogated and tortured, in vain." End of quote.

18 I would like to show you briefly the document and the translation which appear  
19 under item 14 in the Prosecution list.

20 As you can see on the document to your right, in the middle of that document you  
21 have the following: (Speaks English) "He was interrogated and tortured, but to no  
22 avail."

23 (Interpretation) Two Prosecution witnesses recognised the Islamic police stamp and  
24 Al Hassan's signature. And by the way, Al Hassan himself acknowledged that he  
25 had drafted and signed the said document.

1 Mr President, your Honours, the fact is that the use of torture in this case was not an  
2 isolated act. A Prosecution witness pointed out that the police made recourse to  
3 torture in some cases. Another witness, P-0004, also talked about the case of an  
4 individual, whose name I will not mention for reasons of safety and security, who  
5 was taken to a place and blindfolded, and he was hung and beaten until he lost  
6 consciousness.

7 Al Hassan also explains how the police used torture, and he did so to the  
8 investigators of the OTP. He told them that where someone refused to confess the  
9 facts, particularly in a matter relating to public property or money, then they must,  
10 and I quote, "We must get the truth out of him". End of quote.

11 I think we all can clearly understand this understatement.

12 Al Hassan goes on to say that if the suspect does not confess after having been  
13 advised to do so and having been shown the evidence, then, I quote: "It is necessary  
14 to threaten, normal threats, as such; we're going to do that to you, we are going to  
15 torture you". End of quote.

16 Al Hassan further states, and I quote: "If that person does not admit by threat, they  
17 must be tortured", "beat the person", "hit the person". End of quote.

18 Mr President, your Honours, it is explicit enough.

19 Therefore, Al Hassan of course tried to downplay his role in the drafting of the police  
20 reports by claiming that the chiefs of the police and Abou Dhar also wrote reports.

21 But nothing, absolutely nothing corroborates those words.

22 The Prosecution seized numerous signed and unsigned documents at the BMS, BMS  
23 being the police headquarters, and Hotel La Maison being the headquarters of the  
24 court. All the signed documents that the Prosecution was able to seize, all signed  
25 documents that the Prosecution was able to seize bear the signature of Al Hassan.



1 No report whatsoever bears the signature of Khaled, one of the *émisaires* of the  
2 police.

3 Our expert witness, P-0621, did not detect any evidence of fraudulent manipulation  
4 on these documents. The signature expert stated that it can be established that the  
5 signatures on the 28 reports could have been affixed by Al Hassan.

6 So Al Hassan drafted the reports and also deferred matters to the court, and you see  
7 this throughout the chain of events. That is what happened in relation to the issue of  
8 consumption of alcohol, where torture was mentioned specifically.

9 But Al Hassan does so in all cases, all the cases. Adultery, tobacco trafficking, the  
10 practice of magic, matrimonial cases, contacts between men and women, and what  
11 have you. In total, we have -- and this is in the -- this has been produced in the  
12 annex, annex of our documents, we have a total of 39 police reports of referrals to the  
13 court by the accused person Mr Al Hassan.

14 As I said, Mr Al Hassan was present throughout the chain of repression.

15 We see him also present in the execution of the punishments meted out by the court.

16 At the very beginning of my statement, I showed you the video of 5 July 2012 in  
17 which Al Hassan was seen flogging people, flogging two poor individuals.

18 But that's not the only example. I have more examples, Mr President, your Honours,  
19 for your attention.

20 One example is a recording at the Yobou Tao market in the centre of Timbuktu on  
21 14 July 2012. Abou Baccar, otherwise known as Faraoun, Radwan, Talha and  
22 Al Hassan are present at the location. And on that day Al Hassan escorted the  
23 convicted person.

24 P-653, expert in facial recognition, confirmed that it was Al Hassan who could be seen  
25 on the image. Other factual witnesses also testified in the same vein.

1 Let me now show you this short video, item 38 on our list of exhibits for today. Item  
2 70, rather, I'm sorry.

3 (Viewing of the video excerpt)

4 MR DUTERTRE: [12:17:35](Interpretation) Here we see Abou Baccar flogging  
5 someone. Radwan is to the right with the red turban. And behind, in a red boubou,  
6 you have Abou Talha, the head of the security battalion. And Al Hassan will come  
7 into the picture from the left.

8 There you see Al Hassan in beige. He takes the victim to the police -- the Islamic  
9 police vehicle.

10 And Mr President, your Honours, you obviously heard the violent nature of the  
11 flogging as you listened to the sound.

12 Mr President, your Honours, there is another example, and this happened in  
13 mid-October 2012. The event occurs near the Azalai Hotel. It is the execution of a  
14 death sentence. That was also recorded. And Ansar Dine and AQMI did a lot  
15 when it came to advertising or publicity. In this instant, the police and other security  
16 personnel set up a safety cordon and Al Hassan was present. Witnesses such as P-65  
17 recognised him. He had a saffron-coloured turban on his head. He was wearing  
18 the jacket of the Islamic police. And he had a Kalashnikov on his shoulder. Our  
19 ballistic expert also confirmed this.

20 Let me now show you a screenshot of Al Hassan near the Islamic police vehicle on  
21 which there is a slogan of the Islamic police. That would be item 64 on our list.

22 As you can see, Al Hassan is there wearing the famous blue jacket of the Islamic  
23 police. He's moving away from the vehicle. The convicted person was naturally in  
24 a state of shock and was swerving as they walked into the last hour of their life.

25 Who is it that would escort him to the last place of prayer? It was Al Hassan.

1 Let me now play that excerpt, item 67 of our list, without any further comment.

2 (Viewing of the video excerpt)

3 MR DUTERTRE: [12:21:59](Interpretation) Then there is a member of the Tarek Ibn  
4 Ziyad battalion who would shoot the victim in the back, but the victim would not die  
5 on the spot. And as if that were not sufficient, he would agonise again for quite  
6 some time.

7 This simply says that all the people of Timbuktu were frozen and frightened by all  
8 these events.

9 The last example I want to show you happened one month later, around  
10 29 November 2012, at the Yobou Tao market, at the triangle, not far from the BMS, a  
11 matter of solidarity for Malians. On that day three couples were flogged for adultery.  
12 At least 600 lashes were given in total on that day. Al Hassan had prepared the  
13 police report for one of the couples and the two others came from the *Hesbah*. He  
14 acknowledged having drafted and signed the report. And this is corroborated by  
15 our signature expert P-0620.

16 We have produced into evidence a photograph of this event, Mr President, your  
17 Honours. It shows Al Hassan as being present at the venue of the events. You see  
18 his head, which is one notch above the shoulder of one of the victims. He was  
19 recognised by four victims, including P-654, P-638 and P-582. And furthermore, he  
20 also acknowledged that he was the one appearing on the photograph and that he had  
21 also taken part in meting out some of the 600 lashes.

22 So I show you a picture, on our list number 64.

23 THE INTERPRETER: [12:25:06] Number 74. Correction from the interpreter.

24 MR DUTERTRE: [12:25:12](Interpretation) We seem to have a technical problem, but  
25 I'll be showing you the photograph right away.

1 There you can see on that photograph Mr Al Hassan's head slightly above the  
2 shoulder of the victim, as you can see here. On the same photograph you see  
3 Abou Dhar and another member of the Islamic police.  
4 Let me therefore now refer to Witness P-65, your Honours, to illustrate clearly what I  
5 have been talking about in the images you have just seen. P-65 explains as follows in  
6 English: (Speaks English) "in all the activities of the Islamic police we would see  
7 [Al Hassan] present and overseeing the activities". (Interpretation) End of quote.  
8 When we see all that, Mr President, your Honours, it is not surprising that the  
9 personal telephone number of Mr Al Hassan was prominently displayed on the front  
10 or facade of the Islamic police at the BMS. The number is 79262392.  
11 You may want to recall the video which I played showing Al Hassan saying that  
12 people had called him on his number in relation to the Ber.  
13 Let me show you an image to illustrate the point. And this document was produced  
14 into evidence.  
15 If I'm able to scroll down, that would be fine.  
16 Here you see the facade of the BMS Islamic police. And right here, below, you see  
17 the personal number, phone number of Al Hassan. How do we know that it is his  
18 personal phone number? We do on the strength of his own very statements and  
19 from call data records which show that this number has been ascribed to him  
20 personally.  
21 Let me, in passing, also underscore that some 588 calls were made between this  
22 number belonging to Al Hassan and Judge Houka Houka.  
23 Some 241 calls were made between this number and Adama's number, one of the  
24 chiefs of the Islamic police.  
25 225 calls were made between this number and Sanda Ould Boumama's number, the

1 spokesperson of Ansar Dine.  
2 66 calls between this number and Mohamed Moussa.  
3 21 with Yahya Abou Al Hammam, the head of the Al Fourqane battalion.  
4 This clearly shows the integration, connection and network between Al Hassan and  
5 the perpetrators of the repression in Timbuktu in 2012.  
6 Now, in light of all of this data, it's not at all surprising that Al Hassan was  
7 considered by many to be the police commissioner. Many witnesses call him that.  
8 And rightly, because Commissioner Al Hassan, the superintendent, was omnipresent  
9 and was involved in everything. Commissioner Al Hassan is so zealous and does so  
10 much and so well, as the leaders of Ansar Dine and AQIM see it, that he becomes the  
11 emir of the Islamic police towards the end of 2012, beginning of 2013. And it's at that  
12 point of time that there is the attack launched by Ansar Dine and AQIM on Konna,  
13 Diabaly and the south of the country, an attack in which Khaled took part.  
14 A witness called by the Prosecution confirmed that Al Hassan was indeed promoted  
15 and did become the chief of police. But notably, the Defence also called a witness  
16 who said it. And I refer to Witness D-0605. That witness explicitly testified here in  
17 the courtroom that Al Hassan was the chief of police after Khaled, a Defence  
18 witness.  
19 Now, as we have seen, the accused dealt with the court regularly. So, your Honours,  
20 I'd like to say a few words regarding this court which is relevant to the charges faced  
21 by the accused.  
22 Now, the court sat at the La Maison hotel in the Abaradjou neighbourhood. It was  
23 presided over by Houka Houka. This court was not a properly constituted court,  
24 your Honours. It did not have the safeguards which are generally recognised as  
25 being indispensable for a fair trial.

1 The tribunal -- the court, rather, just like the police, which was the armed wing of  
2 AQIM and Ansar Dine, those two groups did not have as an aim to put in place a  
3 mechanism of justice which was independent and impartial. No. Ansar Dine and  
4 AQIM set up the court as an instrument to give an appearance of legitimacy to what  
5 they were doing and also to impose their ideological and religious vision on the  
6 people. The court would hand down physical punishments, many of which were  
7 irreversible.

8 For example, one witness explained that Ansar Dine and AQIM had been hoping for  
9 a case which in their eyes would meet the criteria for a punishment of amputation  
10 and that they were happy finally to be able to apply that punishment in the case of  
11 Dedeou Maiga. And I'll come back to that case. In other words, the court was a  
12 facade which hid the fact that it was the main members and sympathisers of AQIM  
13 who were in the main executive functions.

14 The court did not ensure independence at all. Let me explain why I say that. It's  
15 blatantly obvious. The court was largely made up of members or sympathisers of  
16 AQIM who were performing most of the executive roles in service of their vision and  
17 who constantly and systematically misused the court to that end. And here I would  
18 refer to Abdallah Al Chinguetti, Koutaiba, Radwan, Al Mahdi and also  
19 Mohamed Moussa.

20 But let's start by the presiding judge himself, the president of the court, Houka Houka.  
21 He was chosen because his religious ideas were in line with those of Ansar Dine and  
22 AQIM and he joined forces with them. At a meeting held early in 2012 at Bouctou  
23 hotel, attended by Iyad Ag Ghaly and Abou Zeid, Houka Houka agreed to cooperate  
24 with the groups. A witness who was present in the room testified that  
25 Houka Houka had even sworn allegiance to AQIM, but of course swearing allegiance

1 is committing to obey and that is the absolute opposite of being independent.  
2 Furthermore, in the case file there is a photograph taken at a meeting which took  
3 place in October 2012 in Timbuktu, not far from the Djinguereber mosque. This was  
4 a meeting between Ansar Dine and AQIM and inhabitants in the crisis committee,  
5 and they're seated next to Abou Zeid and Radwan, Sanda Ould Boumama,  
6 Al Chinguetti and Al Mahdi. We see them all side by side. If we needed any kind  
7 of further evidence, this is it. We see here Houka Houka shoulder to shoulder with  
8 the leaders of the group. He was -- he was purely and simply part of Ansar Dine  
9 and AQIM's plan in Timbuktu. And furthermore, I will show you an image, a photo  
10 on which you will see the AQIM flag above his head in the courtroom over which he  
11 presided.

12 But there wasn't only Houka Houka at the court, of course. Two other senior  
13 members of AQIM were at the court: Abdallah Al Chinguetti, who ran the city on a  
14 day-to-day basis with Abou Zeid, and Koutaiba Al Noaman, who was an AQIM  
15 judge. He was also a member of the Al-Fourqane battalion. These two individuals  
16 we know had a major influence on the court. We know this from the testimony of  
17 Witnesses D-0202 and P-0626 who testified to that.

18 But there was also Radwan at the court who was from the media office and who  
19 administered punishments. There was also Mohamed Moussa, the second in  
20 command at the *Hesbah*. Furthermore, we know that Iyad and Abou Zeid intervened  
21 in decisions taken by the court. In particular, Abou Zeid intervened in the  
22 enforcement of decisions, in the enforcement of *hudud* judgments.

23 Now, the court was not independent, but it did not ensure that minimum procedural  
24 safeguards were in place, as required by international law: Number one, one had no  
25 access to the court or to the judge to contest one's pretrial detention at the police -- or

1 by the police. Secondly, the court sanctioned the use of torture. Thirdly, the judges  
2 behaved in an intimidating fashion. Fourthly, there were no means, no facilities to  
3 prepare your defence and no assistance from lawyers, despite the fact that the  
4 punishments that were being handed down were harsh. Fifthly, the proceedings  
5 were expedited. Sixthly, there was no respect of the right to not incriminate oneself.  
6 Seventhly, more generally, there was a violation of the presumption of innocence.  
7 Eighthly, the rules were applied retroactively. And we're talking here about  
8 criminal law. And number nine, arbitrary punishments were imposed. Number  
9 ten, judgments could not be appealed.

10 And this is not the end of the list, but it's already many, many safeguards not in place.  
11 Let me now just zoom in on three particular aspects. First of all, the court approved  
12 of and authorised use of torture. You will recall the alcohol case where torture was  
13 used by the police and I showed you the report that had been drafted and signed by  
14 Al Hassan. Well, in that case, cognizant of the fact the court sentenced this resident  
15 of Timbuktu to 40 lashes, and as I said, cognizant of the fact that torture had been  
16 used and that he had spoken -- or, rather, refused to speak despite torture.

17 Furthermore, the court doesn't just sanction the use of torture, but it approves of it  
18 when witnesses or -- or, rather, not witnesses, but suspects are being interrogated.  
19 And Witness 626 testified to that effect.

20 And Al Hassan, the accused, explained how things would proceed. He explained to  
21 the investigators of the Office of the Prosecutor that the police would contact the court  
22 when they wanted to torture somebody and that that could then be authorised. And  
23 this could be arranged by telephone but could also be requested in writing. And,  
24 apparently, the court too could take the initiative on this.

25 And by way of evidence, I would provide you with the -- a handwritten copy of a



1 judgment which was found at the La Maison hotel. This is document 98 and 99 on  
2 our list of evidence. And I'll read it to you to save some time.  
3 The judgment says the following, I quote (Speaks English): "[the suspect] shall be  
4 kept in detention at a location pending the investigation, whilst authorising the police  
5 to use any possible pressuring means within the limits of what is humanly tolerable."  
6 (Interpretation) End of quotation.  
7 Your Honours, that leaves a lot of scope of abuses by the police.  
8 Now, there's no procedural safeguard at all when it comes to use of torture.  
9 Now I'd like to turn to a second point in more detail. That is the fact that those who  
10 are brought before the court did not have the facilities needed to prepare -- to defend  
11 themselves and they appeared in court without a lawyer. And this was the case of  
12 everybody who was convicted by the court in 2012, whether they were convicted for  
13 practising magic, for wearing talisman -- talismans or keeping the company of men or  
14 any other violation of these new rules which had been set out by Ansar Dine and  
15 AQIM. No one had the means to defend themselves. No one had a lawyer. And  
16 you can imagine what that meant when one was before such a court.  
17 Now, let me show you another photograph. This one was taken at the seat of the  
18 court. And on it we see the judge and president of the court and -- seated in court  
19 between two Kalashnikovs and with the Al-Qaeda flag prominently displayed. This  
20 was not a setup which could inspire confidence in those who were facing the court,  
21 your Honours. This is item 75 on our list. And you see one Kalashnikov to the  
22 right and one Kalashnikov to the left of Houka Houka, who is dressed here in white.  
23 And this is a court, an image or a picture of a court.  
24 Thirdly, a Prosecution witness, amongst others, confirmed that the court procedures  
25 were inadequate in terms of how they handled evidence and also in how it handled

1 translation.

2 Your Honours, in this courtroom, I would remind you that you heard this, and I

3 quote: "So, the way in which the investigations were conducted was very simple

4 and primitive. It's suffice it for the police to say, 'we've caught this person who was

5 attempting to commit a robbery'. When the judge would ask, 'Did you really

6 attempt to commit a theft when you were arrested?' It was sufficient for them to be

7 hesitant or to speak in an unconvincing language. The judge would then sentence

8 them on the basis of the police statement." End of quotation.

9 In other words, suspects could be found guilty on the basis of a police report alone.

10 And you have seen that those reports were drafted and signed by Mr Al Hassan

11 himself. One needs to be mindful of the horror and the atrocity perpetrated by this

12 court which was improperly constituted over the 10 months of occupation and

13 persecution that ran from April 2012 to January 2013.

14 Let's take the case of Dedeou Maiga. In September 2012, the court sentenced him to

15 amputation. The punishment was administered on around 16 September behind the

16 Azalai hotel. The two following photographs are quite shocking in terms of the

17 cruelty that they depict. At the time, this scared the people of Timbuktu rigid.

18 This is document 72 and 73 on our list.

19 So on the left you see the -- what remains of the arm of Dedeou Maiga, and on the

20 other photograph, the hand which has been removed. The hand is tied to the foot of

21 the victim. That's all very macabre, I think you will agree. And who arrested

22 Dedeou Maiga, your Honours? None other than Al Hassan and Adama, the first

23 chief of police.

24 In terms of atrocities, I'm going to show you briefly a video recorded in January 2013,

25 it was taken in Yobou Tao. And this is item number 108, 109 and 110 on our list of

1 evidence.

2 (Viewing of the video excerpt)

3 MR DUTERTRE: [12:54:18](Interpretation) And the woman continues to be beaten  
4 on the ground.

5 Just one moment, please.

6 Your Honours, Al Hassan knows about all this. He's in regular contact with

7 Houka Houka. We've seen that. He brings his police reports to the court. He

8 brings prisoners there. He obviously knows who are members of the court. He's

9 perfectly aware of the use of torture by the court. He knows that there are no

10 lawyers in the police station or at the court. He received copies of the judgments

11 himself. He administers punishments. And he knows that all this is

12 unprecedented in Timbuktu.

13 He also knows perfectly well that the court is not independent. In fact, he stated to

14 the investigators of the Office of the Prosecutor, and I would quote: "[...] I always

15 inquired whether this or that judgment had been handed down and when it was to be

16 enforced. And they would tell me that they were waiting for the judgment to be

17 approved by Abou Zeid." End of quotation.

18 In other words, Al Hassan is proactive, he's anticipating.

19 And when it comes to Abou Zeid, he said that the -- and I quote, "[...] the emir

20 intervenes or meddles in judicial affairs". End of quotation. And he adds, and I

21 quote: "In all cases of *hudud*, enforcement only takes place upon the order of the

22 emir. And that is considered to be an intervention." End of quotation.

23 In other words, Al Hassan knows that the -- that the court is not independent.

24 So we have just seen a video which shows a woman being subjected to inhuman

25 treatment, something which was quite difficult to look at.

1 Now, I want to say something more about women and girls who were the  
2 number-one targets of Ansar Dine and AQIM. They suffered particularly heavily by  
3 the persecution meted out by Ansar Dine and AQIM and we owe it to them to focus  
4 on their plight.

5 Ansar Dine and AQIM imposed severe controls and checks on almost every aspect of  
6 life of the people of Timbuktu and that irrespective of the age of the people. The  
7 ordeal began when the occupation of the city began and the women of the city spent  
8 months living in a constant climate of oppression, fear and lack of security.

9 An insider witness stated that, in the eyes of Ansar Dine and AQIM, and I quote,  
10 "women had to stay in the home, they had to take care of the home and the children.  
11 Women were not to leave the home other than to go to work, if that was absolutely  
12 necessary."

13 THE INTERPRETER: [12:58:36] The interpreter corrects: "They were not to leave  
14 the home or go to work unless that was absolutely necessary."

15 MR DUTERTRE: [12:58:46](Interpretation) End of quotation.

16 Your Honours, it was worse than that. A resident of Timbuktu has stated in a news  
17 item in December 2012, and I quote, that "One really had the impression that the  
18 jihadists had a hatred of the female sex." End of quotation.

19 And the facts bear this out, unfortunately.

20 On top of the restrictions and rules that applied to everybody, and I went through a  
21 list of those early on when I took the floor, Ansar Dine and AQIM also set out a  
22 number of rules that applied to women and girls, a large number of discriminatory  
23 and restrictive rules that limited their rights and freedoms. The list of what was  
24 prohibited is too long for me to list it fully. So I will just cite a few examples:

25 A ban on wearing traditional clothing or jewellery; the obligation to wear a veil and

1 clothing that covered the head and body; prohibition on being alone with a man to  
2 whom one was not married, a ban on speaking to their own brothers-in-law or  
3 cousins; prohibition on travelling by night; and a prohibition on something which  
4 was quite important in this society and very important to people as individuals and to  
5 the society as a whole, a prohibition on meeting together in public in groups to  
6 discuss matters or to discuss or set up a tontine.

7 Now, these rules -- your Honour, we may take the break if you like.

8 PRESIDING JUDGE MINDUA: [13:01:12](Interpretation) Yes. Of course, you have  
9 four hours available to you, but I just wanted to -- in order to organise our day, I'd  
10 like to know how much more time do you think you will need to complete your  
11 closing arguments?

12 MR DUTERTRE: [13:01:33](No interpretation)

13 PRESIDING JUDGE MINDUA: [13:01:44](Interpretation) Therefore, we shall take  
14 the lunch break and resume at 2:30.

15 Court officer, is that correct?

16 So we'll see after the break. We shall break now.

17 The hearing is adjourned.

18 THE COURT USHER: All rise.

19 (Recess taken at 1.02 p.m.)

20 (Upon resuming in open session at 2.30 p.m.)

21 THE COURT USHER: [14:30:31] All rise. Please be seated.

22 PRESIDING JUDGE MINDUA: [14:30:56](Interpretation) The hearing resumes.

23 Good afternoon to everyone in the courtroom. I just want to verify with the parties  
24 and participants whether there is any change in the composition of the teams.

25 Mr Prosecutor, sir?

1 MR DUTERTRE: [14:31:17](Interpretation) Yes, indeed, Mr President, your Honours.  
2 For professional and impending reasons, Mr Prosecutor, Karim Khan, and the Deputy  
3 Prosecutor and Sandra Schoeters have all had to go back to their offices, but the rest  
4 of the Prosecution team remains the same.

5 PRESIDING JUDGE MINDUA: [14:31:43](Interpretation) Thank you very much,  
6 Mr Duterte.

7 Defence, any changes? Ms Taylor.

8 MS TAYLOR: [14:31:49] Thank you, Mr President. No, we are the same.

9 Thank you.

10 PRESIDING JUDGE MINDUA: [14:31:56](Interpretation) Thank you very much,  
11 Ms Taylor.

12 Legal representation of victims. Mr Nsita?

13 MR LUVENGIKA: [14:32:07](Interpretation) Thank you, Mr President. Our second  
14 field assistant, Madam Jeanine Ilunga Kapinga has joined the team on the field, and I  
15 thank you, Mr President.

16 PRESIDING JUDGE MINDUA: [14:32:22](Interpretation) Thank you very much,  
17 Mr Nsita.

18 Without any further ado, I give the floor to the OTP for the continuation and end of  
19 the closing statements.

20 Mr Prosecutor, you have the floor.

21 MR DUTERTRE: [14:32:37](Interpretation) Thank you very much, Mr President;  
22 thank you, your Honours. I will be done in about 30 minutes, maximum, hopefully.  
23 Before the break, we were looking at a non-exhaustive list of the new prohibitions and  
24 obligations that had befallen particularly women. All of these rules - some of which I  
25 have outlined - were disseminated within the population through the radio and

1 through sermons at the mosques.

2 One example among many others, Mr President, your Honours, is a sermon that took  
3 place at a mosque in Timbuktu in 2012 where Abou Al Baraa, an AQMI preacher,  
4 specified what the behaviour and conduct of women should be, by saying the  
5 following and I quote:

6 "Women must not walk with any clicks or noises coming from their jewellery. They  
7 must hide their adornments and wear clothes that cover their entire bodies." End of  
8 quote.

9 The accused, Commissioner Al Hassan, agreed with that.

10 You may want to remember the video which I broadcast first today, that video which  
11 was recorded at the *gouvernorat* in November 2012, where he stigmatised women who  
12 beautified themselves.

13 The persecution of women, your Honours, was not only a matter of police work.

14 Everyone in Ansar Dine and AQMI was involved in it. Abou Zeid's instructions of  
15 August 2012 clearly speak to this point. Those written instructions were addressed  
16 to everyone: The police, the *Hesbah*, and, I quote, "to all soldiers."

17 What is Abou Zeid, governor of Timbuktu, so to speak, saying here? He is saying  
18 that if a *femme* is found to be unveiled in public, the man accompanying her must  
19 impose on her the wearing of a veil, and in case of resisted -- repeated resistance,  
20 therefore one could not object to it, her guardian had to be -- or had to warn her, and,  
21 if she repeated the offence, then the *ta'zir* must be applied.

22 In other words, Abou Zeid, the head of *katiba*, AQMI, did not prohibit violence  
23 against women. Instead, to the contrary, he institutionalised it and simply satisfied  
24 himself to institutionalise and regulate it, following the multiple abuses against the  
25 people of Timbuktu and the attendant complaints from the population that ensued.

1 Women were subjected to harassment on a daily basis. They were hunted down in  
2 the streets, in the schools, in hospitals and, sometimes, even in their own homes as  
3 has been testified to by a number of witnesses.

4 I will soon be showing you an example of this ongoing monitoring or control that  
5 women were subjected to. This will clearly illustrate the harassment to which they  
6 were subjected. I'll be showing you a video of 5 October 2012, where you can see  
7 two members of the Islamic police riding on board a motorcycle and stopping next to  
8 a woman who was trying to sell a few items in order to earn a living. They urge her  
9 to put on her veil properly. And the girl who was nearby, eight or 10 years old, was  
10 also wearing a veil.

11 I'm referring here to item 106 of the Prosecution list of exhibits. I will now play the  
12 video.

13 (Viewing of the video excerpt)

14 MR DUTERTRE: [14:38:39](Interpretation) As you can see, the bike stops next to the  
15 woman whom I talked about and she covers herself up. This was a daily occurrence  
16 for women in Timbuktu, Mr President, your Honours.

17 Now, who in the chain of command in the police was carrying out these orders in  
18 order to ensure that the various prohibitions and rules were implemented, including  
19 those affecting women? Well, it was Al Hassan. He actually admitted this to the  
20 investigators of the OTP when he said, and I quote:

21 "I am referring here to the work of the traffic police, the work of the patrol elements, I  
22 wrote down the names ... That is the names of men, and every day, the custody of this  
23 or that."

24 End of quote.

25 So when Ahmed or Khaled's orders were being transmitted, it all amounted to giving



1 another order. So this woman obeys immediately. She knew clearly what she was  
2 exposing herself to. The women who did not voluntarily or by omission who did  
3 not respect rules were beaten, arrested and imprisoned under inhumane conditions.  
4 The fact that they were imprisoned is not simply apparent from the testimonies you  
5 heard before this Court. It is actually confirmed by the first head of the *Hesbah*  
6 himself. I'm referring here to Mr Al Mahdi, alias Abou Tourab, who said in an  
7 interview, which is easily accessible on the internet, on September 20, 2012, which is  
8 when he spoke, he said the following, and I quote:  
9 "Women who do not respect the code of attire would be summoned by the  
10 Islamic police to return to their homes and to dress up decently before going out.  
11 And in the rare cases where they were stubborn girls, they would be kept in place or  
12 imprisoned in special detention facilities." End of quote.  
13 You see, when one tried to avail themselves of their fundamental rights and liberties,  
14 that would be referred to as being stubborn, Mr President, your Honours.  
15 The reality is that many women were very commonly held in detention. For  
16 example, during Adama's time and at the behest of the police. Adama, by the way,  
17 was removed from his functions because he had arrested Arab women and not  
18 Bambara women.  
19 You see, also under Mohamed Moussa, this happened by the initiative of *Hesbah*.  
20 *Hesbah*, under their command, often detained women and girls at the ATM, which  
21 was adjacent to the BMS -- which is quite close to the BMS. This location is actually  
22 a room of about two square metres, which was transformed into a cell and where  
23 women could have been held in several numbers, including pregnant women. And  
24 I'm referring here to the testimony of P-0099.  
25 Some of these women remained for days under excessively hot temperatures of above

1 40 degrees in Timbuktu. They had no access to food and health and even to any  
2 charitable donors. I'm referring here to P-0608 who, while going by, was asked to  
3 provide help to women who had been detained and the help was not provided by the  
4 Islamic police, but by a local inhabitant.

5 These women lived under deplorable sanitary conditions. They had to urinate on  
6 the spot, and, six months later, when P-0055, a forensic officer of the OTP visited the  
7 location, it still smelt like urine. That room was nicknamed the "nightmare cell of  
8 women".

9 But there were also other cells within the BMS where women were held in captivity  
10 and you saw pictures of those cells, and you were provided with a picture or drawing  
11 of the BMS by two witnesses so that you could be able to see what the cells were like.  
12 I said "nightmare," but that was not without talking -- that was before talking of the  
13 more sordid aspects of the place. Some women and young girls, even as young as 13  
14 years old, were victims of rape while in detention.

15 Let me take one example, among others, where a victim narrated that she had been  
16 arrested. And what was her fault? Her veil had simply fallen or dropped. She  
17 was taken to the BMS, she was raped by three men in turn. She was only 13 years  
18 old and she testified saying as follows, I quote -- look, consider a 13 year old girl at  
19 the BMS in the hands of the members of Ansar Dine and AQIM. This is what she  
20 had to say, and I quote:

21 "I could not defend myself, I did not have a weapon and I had no one to protect me.  
22 [...] They all raped me, but I had no power at that time." End of quote.

23 These incidents of rape during detention by the Ansar Dine are not isolated or  
24 individual acts as we have been given to hear the Defence say or claim. Witness  
25 P-0654, a well-informed witness, pointed out that people were saying that in most

1 cases, girls who were detained, and, I quote, "were raped by the combatants." End of  
2 quote.

3 Those rapes were a predictable consequence of the coercive environment obtaining in  
4 the city, which was under the yoke of men who constantly went about with their  
5 weapons of war.

6 These rapes are the result of the intentional plan of Ansar Dine and AQIM who  
7 sought to impose their power and control over women and girls to harass them, to  
8 arrest them and to detain them, thereby placing them at the mercy of their  
9 tormentors.

10 The same modus operandi was implemented at all times: arrests for not wearing  
11 a veil, detention and then rape. They used their force on the women and girls of  
12 Timbuktu who were defenceless. They abused them sexually and repeatedly.

13 In a town which was occupied and overweaponised, where women were  
14 discriminated against, where women were hunted down and detained without any  
15 judicial control - and under the exclusive custody of men who believed that they were  
16 the masters of the city - it is clear under these circumstances that every woman or  
17 young girl in detention was exposed to the risk of rape occurring in the normal course  
18 of events.

19 It is the leaders of Ansar Dine and AQMI who knowingly set up this repressive  
20 system which made it possible for these crimes to take place. They created  
21 a coercive environment. They set up various organs, such as the Islamic police, in  
22 order to exercise their power and control over the people. They exposed young  
23 women -- women and young girls to the risk of rape and, thereby, they enabled their  
24 members to enjoy almost full impunity.

25 I will take one example to demonstrate the point. Only one policeman was

1 convicted after a rape, but it must be stated that he was not convicted for rape but,  
2 rather, for adultery. The judgment is in our hands. It is of 27 August 2012 and it is  
3 in evidence. You have read it and this completely annihilates the situation of the  
4 raped young girl.

5 It can therefore not be said that the Ansar Dine leaders were not aware of this and  
6 that these were a *post factum* conflict as depicted elsewhere.

7 On 6 October 2012, the women and girls of Timbuktu demonstrated to express their  
8 anger and to denounce the abuses committed by Ansar Dine and AQIM members  
9 upon them. Some 200 women and young girls from Timbuktu gathered on that  
10 occasion and called for the departure of Mohamed Moussa, as well as an end to the  
11 wearing of the veil and the closure of the women's prison.

12 Once again, who is it that set up the police to control this demonstration? It was  
13 Al Hassan. And we know this through a witness of the Islamic police who provided  
14 evidence on this point. They did not have the right to demonstrate and some of  
15 them were arrested.

16 In fact, later on, on 8 October 2012, an article published in Jeune Afrique carried the  
17 words of the organiser of the demonstration, and I quote her, as follows:

18 "It was with broken hearts that we walked. We are Muslims and we are fully aware  
19 of the Sharia law, but the head of the Islamic morality brigade, Mohamed Moussa, did  
20 unacceptable things. He ordered abusive arrests at the market and in  
21 neighbourhoods. He would take some of the women to his home and rape them."

22 Furthermore, Mr President, your Honours, the crisis committee which represented  
23 the inhabitants of Timbuktu also reported this phenomenon to the leaders of  
24 Ansar Dine and AQIM, as we can see in the testimony of a Prosecution witness who  
25 appeared before your Chamber. The witness specified that a member of the crisis

1 committee talked about the case of a woman, and I quote:  
2 "who had suffered immensely that night because of the heat and [...] she had been  
3 sexually attacked and she had in general terms been harassed." End of quote.  
4 In other words, the existence of rape is something that AQIM and Ansar Dine were  
5 fully aware of. But these things never stopped. Besides these cases of rape in  
6 detention, the inhabitants of Timbuktu were also victims of rape and sexual slavery  
7 perpetuated in the context of marriages that were imposed on them.  
8 Such marriages served a triple purpose: One, these so-called marriages served some  
9 political purposes, such as strengthening the control and integration of Ansar Dine  
10 and AQIM into the local population, and this indeed was consistent with their plan to  
11 control Timbuktu.  
12 Secondly, getting married was some kind of retribution or salary, as pointed out by  
13 a Prosecution witness who said they had talked to a deserter from the Ansar Dine and  
14 AQIM ranks sometime in 2012. That deserter told him -- and I quote the following,  
15 it's in English: "when you join the fighters, you get a wife." End of quote. That  
16 deserter also told him that Iyad Ag Ghaly had given him a wife or a woman himself.  
17 Thirdly, as another witness testified, Ansar Dine and AQMI encouraged their  
18 members to marry local women and girls in order to meet and satisfy their sexual  
19 needs. According to their ideology, sexual relationships could not be enjoyed  
20 outside of marriage; so these marriages became a cover, a smokescreen, to legitimate  
21 the rape of women and their sexual enslavement. And as we all know, these were  
22 not arranged marriages; they were forced marriages. And I think we can refer to the  
23 Ongwen case, which the Chamber is fully familiar with.  
24 So for this to happen, members of Ansar Dine and AQMI used force in order to  
25 arrange these marriages. They used force and the threat of force and created a

1 coercive environment which they had set up in the city.

2 The situation of P-0620 speaks to the use of force. This is a Prosecution witness.

3 P-0620 was approached by members of Ansar Dine/AQIM to marry their leader.

4 And she said, and I quote:

5 "How can you say that you do not love us? We control everything here. We're the

6 bosses here. And here, this gentleman, he's our leader and he says that he loves

7 you." End of quotation.

8 One of them then pointed his weapon at her and threatened to take her away by force

9 if she didn't accept the marriage. After a religious ceremony, in which she did not

10 even participate, P-0620 was put in their vehicle and taken by force to a house. She

11 was subjected to a marriage by force. She was locked away and she was raped.

12 But aside from the use of force -- the threat of force, Ansar Dine and AQMI simply

13 took advantage of the course of environment that they had created. In this city,

14 which was under occupation, there were men who were armed to the teeth and who

15 would go to the houses of civilians -- poor civilians, and demand to marry their

16 daughters. You have evidence of that in the case file.

17 So who under such circumstances could -- would believe that the women of

18 Timbuktu and their family were freely consenting to this? For example, after

19 Witness 0620 and her father refused the marriage proposal, members of Ansar Dine

20 and AQIM persisted and kept visiting them in their home. P-0620 said, and I quote:

21 "We were obliged to cede because" - and I quote - "at that point in time, they owned

22 all of Timbuktu." End of quotation.

23 I think that that's quite eloquent.

24 Now, your Honours, it is undeniable that Commissioner Al Hassan, who was the

25 deputy to the chief of police, contributed to maintaining -- to installing and

1 maintaining that coercive environment in Timbuktu that facilitated the perpetration  
2 of these crimes.

3 Furthermore, the top -- those who were at the top of Ansar Dine and AQIM that were  
4 from Timbuktu - Al Hassan and Mohamed Moussa, for instance, and Al Mahdi  
5 himself and Houka Houka - would also act as intermediaries to establish marriages  
6 between the local women and members of the two groups.

7 What they did created a lot of pressure on families. Some of those who appeared in  
8 this court told you that. Here, you had local people who were part of these  
9 organisations -- Ansar Dine and AQIM -- and were bearing weapons at all stages of  
10 the arrangement of the marriage.

11 Furthermore, in this context -- this overall context of coercion, Ansar Dine and AQIM  
12 encouraged such marriages, knowing full well the circumstances. First of all, the  
13 leaders of Ansar Dine and AQIM married women from the city and many of  
14 them -- and many others followed their example and took part in forced marriages.

15 Secondly, Abou Zeid, the so-called governor, and Yahya Abou Al Hammam set up  
16 a fund to help fund dowries. All members of the police who were not yet married  
17 received 300,000 CFA to serve as a dowry to enable them to marry. Al Hassan, the  
18 accused, admits that he drafted requests to -- addressed to Abou Zeid on behalf of  
19 members of the police requesting money for dowries.

20 So let's talk about those dowries. Well, P-0538 declares: "They came one day -- one  
21 night with 25,000 francs, which they threw at my father, saying that it was the  
22 dowry."

23 So quite obviously, none of this is consensual.

24 In many cases, there were a sort of marriage ceremony; however, members of the  
25 family of the supposed bride were not present. These were shams. Other women

1 were simply abducted and treated as wives. And once married -- so-called  
2 "married", they were separated from their loved ones and friends and were subjected  
3 to restrictions on their movements and contacts with their family and friends.  
4 They were obliged to have sexual relations with their so-called "husbands", and, in  
5 practice, these women were forced to have sexual relations not only with their  
6 so-called "husbands", but also with other members of Ansar Dine and AQIM.  
7 For example, after P-0538 attempted to run away from her husband, she was locked in  
8 and raped by four different armed men. And, in fact, it was the husband -- the  
9 so-called "husband" who ordered the gang rape to punish her. P-0538 said, and I  
10 quote: "It was he himself who said to his companions that as I had refused to marry  
11 him, they should treat me accordingly. And so it was -- and that each of them  
12 should pass, one by one, and treat me as if I was nothing." End of quotation.  
13 His men told him that the city -- that they owned the city and that it was they who  
14 were running the city and that they would do what they wanted. And that is what  
15 they did. End of quotation.  
16 Now, some women fell pregnant further to these forced relations and gave birth to  
17 a child; others had abortions. In both cases, there was a resulting stigmatism on their  
18 family and on them in society. And unlike true marriages, these so-called  
19 "marriages" proved to be short lived. Some women were divorced after only a few  
20 days or weeks -- and here, I would refer to P-0520 and P-0610. And, more generally,  
21 these women were abandoned when Ansar Dine and AQIM fled Timbuktu towards  
22 the end of January 2013.  
23 So these short-lived marriages and these -- and the fact that the women were  
24 abandoned, clearly indicates that these were pseudo marriages, obviously unwanted  
25 by the women of Timbuktu, and that these women had been the victims of sexual



1 predation.

2 Your Honours, the various prohibitions and bans enforced, the various types of  
3 violence perpetrated, the arrests, the forced marriages, the rapes, and, in general, all  
4 the measures restricting fundamental rights and liberties which targeted women,  
5 amounted to a veritable campaign of aggression and oppression of women; in other  
6 words, persecution.

7 The women were targeted because they were women. Timbuktu, which was the  
8 first city run by Ansar Dine and AQIM in Africa, is a perfect case of persecution based  
9 on gender. And the evidence shows that Al Hassan participated actively in the  
10 persecution of women and girls in Timbuktu and that in the name of the religious and  
11 ideological vision of Ansar Dine and AQIM, which he followed.

12 Moreover, Commissioner Al Hassan also contributed to the commission of the  
13 crime -- of the following crimes: Forced marriage, sexual slavery and rape in  
14 detention, all of which are predicate offences of the crimes of gender-based  
15 persecution. And this, for three reasons: First of all, as he was at the head of the  
16 police, Al Hassan contributed to maintaining and reinforcing the coercive  
17 environment in Timbuktu.

18 Furthermore, through his roles and responsibilities within the police, Commissioner  
19 Al Hassan specifically contributed to a system of arrests, including joint patrols with  
20 *Hesbah* and a system whereby anybody who broke the new rules imposed by  
21 Ansar Dine and AQIM were detained, and that included women and girls, thereby  
22 exposing them to the risk of rape by their jailers. He knew that the jailers were men  
23 only. He admitted that.

24 Commissioner Al Hassan also assisted members of Ansar Dine and AQIM to marry  
25 with local women, knowing very well the context of occupation of the city, and that

1 the women of Timbuktu and their families had no choice, or were unable to refuse the  
2 marriage proposals. Al Hassan, therefore, was responsible for sexual crimes and  
3 gender-based crimes as charged.

4 This persecution which women endured, your Honours, this persecution which they  
5 endured over months is symbolic of the persecution of the whole population of  
6 Timbuktu as a whole. The persecution of the women of Timbuktu affected the entire  
7 community. Any resident of Timbuktu would have a mother, a sister, a daughter or  
8 could have a mother, a sister or a daughter who had endured the severity and  
9 violence of the occupiers.

10 When one strikes your wife in front of you, your sister in front of you, imprisons them,  
11 and you can do nothing, when your own mother is struck in front of you, you can't  
12 say anything because you are unarmed, and, thereby, you lose your dignity too.

13 This persecution of women went hand in hand with the religious persecution of the  
14 inhabitants of Timbuktu that I described earlier today. So the persecution was  
15 twofold in other words, and that's what makes this case very particular, very special,  
16 and also particularly grave.

17 Now if you would allow, I will just say a word about the mausoleums which are  
18 covered in the charges. These mausoleums were the pride of the city and were  
19 destroyed due to religious persecution. This is an example of religious persecution.

20 Here, this was a joint action by Ansar Dine, AQIM, the *Hesbah*, the police. All  
21 worked hand in hand to destroy these emblems that made the pride of the city of  
22 Timbuktu, the city of the 333 saints.

23 Now I do have a video, but I'm not going to show it because we are pressed for time,  
24 but it was recorded on the site of Sidi Mahmoud, where we see members of the police  
25 hacking away at the Sidi Mahmoud mausoleum, at the cemetery there.

1 A few days later, on 18 July 2012, Al Hassan himself visited another site where  
2 destruction was raging, and I'm referring to the Bahaber Babadié mausoleum and the  
3 Ahamed Fulane one too, which is next to the Djinguereber grand mosque.

4 Now, Al Hassan said the following, and I quote:

5 "The day that they were destroying -- there, next to the Djinguereber mosque, I was  
6 travelling by, I greeted them and I boarded the police car. I saw Abou Tourab and  
7 Talha who were there. I greeted them as I passed on the road. That day, I don't  
8 recall what task I was involved in."

9 Your Honours, the fact that a member of the police such as Al Hassan, who is a local,  
10 a man from Timbuktu and who had studied the importance of the mausoleums, the  
11 fact that he was greeting those who were destroying them was quite clearly a sign of  
12 quite reprehensible encouragement of them.

13 Now, the reason for all of these destructions -- or all of this destruction was clearly  
14 religious and that is clear -- that is clear from a video which was recorded at the time  
15 in July 2012 at the site of the Sidi Yahia mosque, the door of which is -- the side door  
16 of which is considered to be sacred, and it was being destroyed at that time.

17 Now, Al Mahdi, who was head of the *Hesbah* at the time, was questioned about this  
18 and he said:

19 "What you see there, it's a way of eradicating superstition, heresy and all things or  
20 subterfuges liable to lead to polytheism."

21 And we know just how precious these sites and these buildings were to the people of  
22 Timbuktu. One of them expressed it, and this was broadcasted by the French  
23 television channel TF1. He said:

24 "Timbuktu is losing its soul. Timbuktu is under threat of outrageous vandalism."

25 End of quotation.

1 Now, as regards Commissioner Al Hassan, he was perfectly aware of the religious  
2 motivation of all that Ansar Dine was doing and AQIM was doing throughout the  
3 campaign against the residents. In an interview dated 30 October 2012, Al Hassan  
4 stated in Arabic - and I'll quote the French translation - and, I quote:

5 "The law of the infidels has held hold for 120 years in Mali. Now these 120 years are  
6 over. A black page. We must apply Islamic law here and defend Islamic law to our  
7 death."

8 Now I'm going to show you that video without the sound because I've just read out  
9 the content thereof. This is item 103 on our list.

10 (Viewing of the video excerpt)

11 MR DUTERTRE: [15:19:49](Interpretation) So not only does Al Hassan make  
12 proclamations, but he also make demands. At this juncture, allow me to return to  
13 a point which was made by the Deputy Prosecutor this morning. As he said to you,  
14 this case is not a case against religion or against Islam. Absolutely not. It is a case  
15 concerning a matter of manifest persecution whereby one community was subjected  
16 to unlawful rules that are foreign to it. And I would also remind you of what  
17 Al Hassan said at the beginning, I quote:

18 "These punishments were new to the inhabitants. They'd never seen their like  
19 before." End of quotation.

20 Now, the Defence claim that Al Hassan was just a work-a-day employee. You have  
21 seen part of the evidence -- the videos, the documents, the expert reports and the  
22 witness statements. Who has ever seen a simple employee administer a flogging?  
23 The Defence also asserts that Al Hassan had no choice or that he was simply  
24 following orders.

25 In fact, the Defence has presented a kind of mix of different grounds for precluding

1 criminal liability because it is unable to characterise any one ground clearly and  
2 precisely, and it is unable to produce factual evidence to support its allegations.  
3 The reality, your Honours, is that Commissioner Al Hassan was a zealous man. He  
4 climbed the ranks. Quite clearly, he was ready and willing to participate in  
5 persecution of the local population; so zealous as to play the role of rabble-rouser,  
6 reading out a text prepared by Ansar Dine and AQIM, and I'll read a French  
7 translation of that. And here, he's referring to the offensive -- a self-bound offensive.  
8 (Speaks English) "We believe that removing hostile ... hostile people from positions of  
9 power in Bamako represents a positive step ... represents a positive step that we are  
10 taking in the right direction." (Interpretation) End of quotation.  
11 And now I'm going to show you the relevant video, and it's item 42 on our list and it  
12 was filmed in the media office at Timbuktu on 11 December 2012.  
13 I'll just try to enlarge the image for you.  
14 (Viewing of the video excerpt)  
15 MR DUTERTRE: [15:24:08](Interpretation) All things said, your Honours, as  
16 a witness said to you, and I will quote: (Speaks English) "[T]he main tasks at that time,  
17 such as managing the patrols in the city and organising the traffic and also organising  
18 the external patrols [...] all of these tasks were assigned to Al Hassan. And also, he  
19 used to write the reports and [...] to undertake the investigations and interrogations.  
20 So, the only task that was assigned to Khaled [...] was the big issues such as things  
21 that needed discussions with the Emirs. So that is the only difference between  
22 Al Hassan working as an assistant of the commissioner and when he was working as  
23 the commissioner himself, because he was able to discuss things directly with Abou  
24 Al Hammam." (Interpretation) End of quotation.  
25 And that summarises perfectly the role of Al Hassan in the police. The police itself

1 having a central role in the religious and gender-based persecution which took place  
2 in Timbuktu from April 2012 through to 2013.  
3 Your Honours -- through to January 2013.  
4 Your Honours, Timbuktu, an emblematic city that has thrived through the ages,  
5 Timbuktu and its inhabitants through abhorrent oppression were driven to the verge  
6 of losing its soul. The women and men of Timbuktu were subjected to persecution  
7 by men who had come from elsewhere and who had no scruples whatsoever when it  
8 came to the means that they deployed, assisted by certain locals. Al Hassan was one  
9 of them and was, in fact, one of the most important.  
10 The victims await and hope for your judgment. They are hoping that you will apply  
11 the law. Please recall the words that I said to you or relayed to you a quarter of an  
12 hour ago about the words of a raped woman, a woman who was raped at the BMS,  
13 who said, and I quote, "I had no one to protect me."  
14 It is by applying the law that the victims will best be protected by international  
15 criminal justice.  
16 We call for a conviction of the accused, your Honours.  
17 PRESIDING JUDGE MINDUA: [15:27:53](Interpretation) Thank you very much,  
18 Mr Dutertre. I thank the Office of the Prosecutor for the closing statements,  
19 exhaustive and concise as it was, particularly as it respected the time frames we had  
20 set for them. And we still have a few moments to spare.  
21 Now I turn to Mr Nsita, whether he is ready to proceed immediately.  
22 MR LUVENGIKA: [15:28:32](Interpretation) Thank you, your Honour, thank you,  
23 Mr President, for giving me the floor. We had been informed that the OTP would  
24 take up the morning and part of the afternoon and that we may be called to address  
25 the Court this afternoon, but we noticed that things did not develop as planned. We

1 have taken note of the very detailed statement by the Office of the Prosecutor and for  
2 this reason, we are going to have to do an in-depth review of our own statement in  
3 order to avoid any repetitions.

4 The Prosecutor has delved into many issues pertaining to the victims in Timbuktu,  
5 and so because we did not have the last part of that statement, we would need to  
6 review and revise our own statement. And for these reasons, we are asking the  
7 Court for leave to start tomorrow and we hope to be done by the first session  
8 tomorrow morning.

9 In any event, we are in the hands and the wisdom of the Court, but if you decide that  
10 we should proceed, we will do so working within the parameters that you would  
11 have set for us. Thank you very much.

12 PRESIDING JUDGE MINDUA: [15:30:17](Interpretation) Thank you very much,  
13 Mr Nsita. I will confer with my colleagues.

14 (Trial Chamber confers)

15 PRESIDING JUDGE MINDUA: [15:31:16](Interpretation) Mr Nsita, you have seen  
16 the Chamber deliberate. We need to manage our time properly. We have only  
17 three days, but can you reassure us that you will be done by the first session  
18 tomorrow?

19 MR LUVENGIKA: [15:31:35](Interpretation) Yes, Mr President. We intend to  
20 respect the time that the Court had allotted to us -- one and a half hours, and we  
21 worked between ourselves to make our statements within that time frame.

22 I will go first, and my statement will not exceed half an hour. I, therefore, believe  
23 that we should be able to finish our statements during the -- or by the end of the first  
24 session tomorrow morning.

25 PRESIDING JUDGE MINDUA: [15:32:17](Interpretation) Very well. In those

- 1 circumstances, the Chamber therefore grants you permission to start your closing  
2 statements tomorrow morning at 9.30.
- 3 Seeing no further request for the floor, we shall adjourn the hearing for today.  
4 Do I see anyone wanting to take the floor?  
5 I don't see any.
- 6 So, as usual, before we end today's hearing, I would like to thank you once again, the  
7 parties, the participants, our public in the gallery, our stenotypists, and the  
8 interpreters as well as our security officers. I wish you all a good evening. See you  
9 tomorrow at 9.30.
- 10 We shall adjourn now.
- 11 THE COURT USHER: [15:33:19] All rise.
- 12 (The hearing ends in open session at 3.33 p.m.)