

Trial Hearing
WITNESS: MLI-D28-P-0551

(Open Session)

ICC-01/12-01/18

1 International Criminal Court
2 Trial Chamber X
3 Situation: Republic of Mali
4 In the case of The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed
5 Ag Mahmoud - ICC-01/12-01/18
6 Presiding Judge Antoine Kesia-Mbe Mindua, Judge Tomoko Akane and
7 Judge Kimberly Prost
8 Trial Hearing - Courtroom 3
9 Monday, 19 September 2022
10 (The hearing starts in open session at 9.31 a.m.)
11 THE COURT USHER: [9:31:13] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE MINDUA: [9:32:21](Interpretation) The hearing is in session.
15 Good morning, everybody.
16 Court officer, please call the case.
17 THE COURT OFFICER: [9:32:30] Good morning, Mr President, your Honours.
18 This is the situation in the Republic of Mali, in the case of The Prosecutor versus
19 Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud, case reference
20 ICC-01/12-01/18.
21 And for the record, we are in open session.
22 PRESIDING JUDGE MINDUA: [9:32:53](Interpretation) Thank you, court officer.
23 We will start with the introductions of the various teams, starting with
24 the Prosecution, please, Mr Prosecutor.
25 MR DUTERTRE: [9:33:09](Interpretation) Good morning, Mr President. Good

Trial Hearing
WITNESS: MLI-D28-P-0551

(Open Session)

ICC-01/12-01/18

1 morning, your Honours. The Prosecution today consists of Sandra Schoeters,
2 Marie-Jeanne Sardachti on my right, and myself, Gilles Dutertre. And I would like
3 to note that today is the 200th day of hearing and this is the highest in this case.
4 PRESIDING JUDGE MINDUA: [9:33:40](Interpretation) Thank you very much,
5 *Maître* Dutertre.
6 The -- the Registry has also drawn our attention to the fact that it's the 200th day of
7 the hearing. And congratulations to everybody. Congratulations to the Registry,
8 the court reporters, the interpreters, who work every day, sometimes for long sessions,
9 and obviously our security officers whom I must not forget, as usual. I shall not
10 forget my colleagues here in the chamber who also offer themselves up every day, as
11 we all do, and particularly during the time of the COVID-19 pandemic, we were here
12 every day at the hearing working towards international justice to respect the rights of
13 the accused and to try and ensure that our trials are as short as possible.
14 So it is a day to celebrate, but also there are other things we must bear in mind.
15 So, Ms Gerry, please, for the Defence.
16 MS GERRY: [9:35:16] Good morning, Mr President, your Honours. Good morning
17 to everyone in and around the Court, and congratulations for making it this far.
18 Today, Mr Al Hassan is represented by myself, Felicity Gerry, by Melinda Taylor,
19 who sits to my right and by Maauloud Ansary who sits behind me, closest to
20 Mr Al Hassan, who is also here. Thank you.
21 PRESIDING JUDGE MINDUA: [9:35:49](Interpretation) Thank you, Ms Gerry.
22 And I would also like to see -- to welcome Ms Taylor back and to welcome Mr Hassan
23 to today's proceedings.
24 Legal Representative of Victims.
25 MR KASSONGO: [9:36:07](Interpretation) Good morning. Thank you,

Trial Hearing
WITNESS: MLI-D28-P-0551

(Open Session)

ICC-01/12-01/18

1 your Honour. Good morning, everybody. The Legal Representative of Victims
2 teams comprises Ms Tovia Vila Romane, my assistant, and I am here too,
3 *Maître* Kassongo. All the team would like join in with the congratulations
4 mentioned so far today and we would like to thank the audience to -- or those in
5 the public gallery at our 200th day.

6 PRESIDING JUDGE MINDUA: [9:36:51](Interpretation) Thank you,

7 *Maître* Kassongo.

8 So today we are going to hear our Defence witness D-0551, so I turn to our witness.

9 Good morning, Mr Witness. Can you hear me?

10 WITNESS: MLI-D28-P-0551

11 (The witness speaks French)

12 (The witness gives evidence via video link)

13 THE WITNESS: [9:37:09](Interpretation) Yes, I can hear you.

14 PRESIDING JUDGE MINDUA: [9:37:15](Interpretation) Thank you. Very good,

15 Mr Witness. On behalf of the Chamber, I would like to welcome you. You are

16 going to testify to help the Chamber establish the case -- the truth in the case against

17 Mr Al Hassan.

18 Mr Witness, protective measures have been put in place for the Chamber so that your
19 identity will not be revealed to the public.

20 Thus, whenever you have to give details which might reveal your identity, we will

21 discuss these matters in a private session. In that way, nobody outside the people

22 present in the courtroom will be able to hear you. Have you understood?

23 THE WITNESS: [9:38:32](Interpretation) Yes, I've understood.

24 PRESIDING JUDGE MINDUA: [9:38:35](Interpretation) Thank you very much,

25 Mr Witness.

Trial Hearing
WITNESS: MLI-D28-P-0551

(Open Session)

ICC-01/12-01/18

1 We shall now proceed to your solemn engagement under paragraph 66(1) of
2 the Rules of Procedure and Evidence.

3 So, on your desk you have a piece of paper bearing an official formula.

4 THE WITNESS: [9:39:02](Interpretation) Yes.

5 PRESIDING JUDGE MINDUA: [9:39:03](Interpretation) Very good.

6 This is your solemn undertaking by which you will swear to tell the truth, the whole
7 truth and nothing but the truth. I would therefore request you to read out loud what
8 it says on this document. Please go ahead.

9 THE WITNESS: [9:39:35](Interpretation) I declare solemnly that I will speak
10 the truth, the whole truth, and nothing but the truth.

11 PRESIDING JUDGE MINDUA: [9:39:48](Interpretation) Thank you very much,
12 Mr Witness.

13 You are now under oath. The representative of the Victims and Witness Section and
14 the representative of the Defence will have explained to you already what this means.

15 I will therefore not return to that. But I do have some practical advice for you.

16 You need to bear in mind throughout your testimony that everything said in this
17 courtroom is transcribed by court reporters and translated simultaneously into

18 a number of languages by interpreters. Do not start speaking until the person

19 questioning you has finished putting the question. There will need to be breaks and
20 pauses. These pauses are essential so that your statements can be duly recorded.

21 Of course, if you have a question, just raise your hand to indicate that you would like
22 to speak.

23 You will be questioned first by the Defence, who called you here today, then by

24 the Office of the Prosecutor for the cross-examination, and certainly by the Legal

25 Representative of Victims and finally, perhaps, by the Chamber.

Trial Hearing
WITNESS: MLI-D28-P-0551

(Private Session)

ICC-01/12-01/18

1 Have you understood?

2 THE WITNESS: [9:42:08](Interpretation) Yes, I've understood everything.

3 PRESIDING JUDGE MINDUA: [9:42:11](Interpretation) Very good, Mr Witness.

4 So without further ado, I pass the floor to the Defence for the start of
5 the examination-in-chief.

6 Ms Gerry, you have the floor.

7 MS GERRY: [9:42:25] Thank you, Mr President. May we briefly go into private
8 session to deal with identification issues, please.

9 PRESIDING JUDGE MINDUA: [9:42:37](Interpretation) Yes, of course.

10 Court officer, private session, please.

11 (Private session at 9.42 a.m.)

12 THE COURT OFFICER: [9:42:48] We're in private session, Mr President.

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: MLI-D28-P-0551

(Private Session)

ICC-01/12-01/18

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

Page redacted – Private session

Trial Hearing
WITNESS: MLI-D28-P-0551

(Private Session)

ICC-01/12-01/18

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

Page redacted – Private session

Trial Hearing
WITNESS: MLI-D28-P-0551

(Private Session)

ICC-01/12-01/18

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

Page redacted – Private session

Trial Hearing
WITNESS: MLI-D28-P-0551

(Open Session)

ICC-01/12-01/18

1 (Open session at 9.55 a.m.)

2 THE COURT OFFICER: [9:55:01] We're back in open session, Mr President.

3 PRESIDING JUDGE MINDUA: [9:55:05](Interpretation) Thank you very much,
4 court officer.

5 Ms Gerry.

6 MS GERRY: [9:55:09]

7 Q. [9:55:15] Mr Witness, you have told us that there were meetings that took place
8 between the representatives for young people and the community and the authorities.
9 We are particularly interested in the period from 2009 to 2012.

10 Can I ask you to focus on that period, 2009 to 2012, please.

11 A. [9:55:57] Yes.

12 Q. [9:55:58] Thank you. And can you help us to understand if -- if possible, if
13 there is an order in which those meetings took place through those years. So, for
14 example, if we take 2009, who were the meetings between?

15 A. [9:56:29] In 2009 -- may I speak? May I continue? In 2009, the meetings
16 involved primarily the community authorities, religious organisations, the young
17 people, and those in charge of managing hotels and places where alcoholic drinks
18 could be consumed.

19 Q. [9:57:27] And were the meetings the same in 2010, or different?

20 A. [9:57:39] No, it was more or less the same meetings which continued.

21 Q. [9:57:46] And were the meetings the same in 2011, or different?

22 A. [9:57:59] That changed in 2011, 2011 to the beginning of 2012.

23 Q. [9:58:10] Thank you. I just want you to then break that down a little bit.

24 We're going to start with focusing on 2009 and 2010, where you told us the meetings
25 involved primarily community authorities, religious organisations, young people and

Trial Hearing
WITNESS: MLI-D28-P-0551

(Open Session)

ICC-01/12-01/18

1 those in charge of hotels.

2 Can you help us as to what you mean by "community authorities", please.

3 A. [9:58:54] Community authorities were the heads of neighbourhoods,
4 the *chef de quartier*, the notables, the marabout, the women, those opinion leaders and
5 the customary chiefs.

6 Q. [9:59:44] Thank you. You told us there were members of religious
7 organisations present. What were their titles or how would you describe those who
8 represented religious organisations?

9 A. [10:00:06] That's the Islamic council, the association of young Muslims,
10 the imams, the *qadis*, the High Islamic Council. That's it.

11 Q. [10:00:48] Thank you. Can you just explain to us what is a marabout.

12 A. [10:01:00] A marabout, this is somebody who has a certain knowledge of Islam.

13 Q. [10:01:15] Thank you.

14 A. [10:01:15] He teaches --

15 Q. [10:01:27] Sorry, you told us "teaches". Were you going to go on to say
16 something else? I'm sorry, I interrupted you.

17 A. [10:01:43] Yes, I just wanted to say that he teaches the Koran to children, to
18 students, pupils.

19 Q. [10:01:56] Thank you. I apologise. I'll try not to interrupt you again.
20 Can you tell us what you mean by "opinion leaders".

21 A. [10:02:23] Opinion leaders are people who are well respected. They are
22 listened to. And generally, when they speak, people take into account what they
23 say.

24 Q. [10:02:48] And can you tell us what you mean by "*qadi*".

25 A. [10:03:00] The *qadis* are people who render justice when there's an issue with

1 regards to inheritance, when there's a family problem between a husband and wife,
2 a marital problem. When there are other problems in the society between people,
3 that person renders justice.

4 Q. [10:03:39] And just focusing on *qadis* for a moment. You've told us the *qadis*
5 were present in the meetings in 2009 and 2010. Were there *qadis* in Mali before those
6 times?

7 A. [10:04:04] Yes, of course, there were *qadis* before.

8 Q. [10:04:08] And were there *qadis* in Timbuktu before those times?

9 A. [10:04:19] Yes, there were a lot of *qadis*.

10 Q. [10:04:27] And were there *qadis* after those times? We've got to 2010 so far.
11 Were there *qadis* after 2010?

12 A. [10:04:41] Yes, of course.

13 Q. [10:04:48] And for how long? We are now in 2022. Between 2010 -- 2010 and
14 2022, have there been *qadis* or not?

15 A. [10:05:06] Yes, there have always been *qadis*.

16 Q. [10:05:14] Thank you. Thank you.

17 Going back to the order of meetings, you told us in 2009 and 2010 there were
18 meetings involving those groups that you've described. When you say "community
19 authorities", do you mean any particular role?

20 A. [10:05:47] Yes. This is the town hall, the communal council of the town hall.

21 Q. [10:05:58] And was there someone in place that had an official title at the
22 town hall?

23 A. [10:06:10] Yes, that's the mayor.

24 Q. [10:06:19] So were the meetings in 2009 between these groups and the mayor or
25 between these groups and someone else?

Trial Hearing
WITNESS: MLI-D28-P-0551

(Open Session)

ICC-01/12-01/18

1 A. [10:06:34] With the mayor.

2 Q. [10:06:44] And so that we can first of all understand the order of events, after
3 the meetings with the mayor, still in the period 2009, 2010, were there meetings with
4 anyone else? Was it just with the mayor or were there meetings with anyone else or
5 any other groups?

6 A. [10:07:12] Yes, the meetings involved other persons. There were committees or
7 commissions that had been set up. These commissions were responsible to meet
8 the actors in the field. That is hotels, people responsible for *gargottes* and other
9 people to speak about different issues that were of concern to the community parallel
10 to meetings with the mayor at another level.

11 Q. [10:08:09] You've told us about meetings with the mayor at a higher level, were
12 there -- in the period 2009 and 2010, were there any other particular people in
13 positions of power in Timbuktu that the community groups or the commissions met
14 with?

15 A. [10:08:46] No.

16 Q. [10:08:48] Can you help us to understand what the governance arrangements
17 were in Timbuktu in 2009 to 2010?

18 A. [10:09:05] In terms of the governance from 2009 to 2010, this came under
19 the authority of the mayor of the urban community of Timbuktu, or the urban
20 commune of Timbuktu. The mayor in his possession had the appropriate services
21 for the management of the commune, of the town. That is to say the services were
22 diversified in all different fields. So he's the only person who is in charge within
23 the commune. So if things are beyond him, then he refers to his superiors at a higher
24 level.

25 Q. [10:10:06] Can you help us to understand who were his superiors at a higher

Trial Hearing
WITNESS: MLI-D28-P-0551

(Open Session)

ICC-01/12-01/18

1 level, please.

2 A. [10:10:20] The higher level, this is the subprefecture. Then you have
3 the prefecture. Thereafter, the *gouvernorat*. Those are the superiors.

4 Q. [10:10:43] Can you help us to understand the *gouvernorat*. Is that a person or an
5 office?

6 A. [10:10:55] It's an office which is led by a governor. The governor's office.

7 Q. [10:11:06] Thank you. You told us about the community authorities and
8 community groups that met with the mayor. Did those community groups also
9 meet with the governor in 2009 to 2010, or not?

10 A. [10:11:33] Well, often --

11 PRESIDING JUDGE MINDUA: [10:11:35](Interpretation) Madam Prosecutor.

12 MS SARDACHTI: [10:11:37](Interpretation) Yes, your Honour. I'm intervening
13 now, but we've had a series of leading questions. I would ask for them to be put in
14 an open way.

15 PRESIDING JUDGE MINDUA: [10:11:53](Interpretation) Well, the Prosecutor is
16 reminding us of the rules. You are in examination-in-chief. Please use open
17 questions.

18 MS GERRY: [10:12:03] I thank Mr President for the reminder. The last one I accept
19 was leading. None of the others were.

20 Q. [10:12:18] Mr Witness, I think you did in fact answer the last question. So can
21 you help us, did the community groups only meet with the mayor or -- you were
22 telling us about the *gouvernorat* that was led by the governor. Can you help us as to
23 who else the community groups met with.

24 A. [10:13:00] Yes, the activities would be carried out for the town of Timbuktu,
25 the commune. And the primary interlocutor was the mayor. But often, he would

Trial Hearing
WITNESS: MLI-D28-P-0551

(Open Session)

ICC-01/12-01/18

1 make recourse to the governor at a higher level, for the simple reason that
2 the commune is the *chef-lieu* of the region, so they also had the possibility to reach
3 the *préfet* or the governor. But it was rare that they would do so.

4 Q. [10:13:50] Thank you. So can you tell us what these meetings were about,
5 please. In 2009 to 2011, you've told us that the community groups would meet with
6 the mayor and then on -- I think your word was rare occasions, would meet with
7 the governor. Can you tell us what those meetings were about, please.

8 PRESIDING JUDGE MINDUA: [10:14:23](Interpretation) Madam Prosecutor.

9 MS SARDACHTI: [10:14:25](Interpretation) Yes, I would ask my colleague to clarify
10 because the questions are compound questions. They have several elements at the
11 same time. So, if possible, to put question one at a time which would concern one
12 element at a time. Are we talking about the mayor, are we talking of the *préfet*, just
13 for the clarity of the transcript.

14 PRESIDING JUDGE MINDUA: [10:14:49](Interpretation) Indeed, *Maître* Gerry.

15 MS GERRY: [10:14:53] Mr President, it's perfectly acceptable to give a witness
16 a reminder of what they have said to put the question in context. But I will simply
17 ask what were the meetings about.

18 PRESIDING JUDGE MINDUA: [10:15:22](Interpretation) Very well.

19 MS GERRY: [10:15:27] Thank you.

20 Q. [10:15:28] Mr Witness, focusing on the period 2009 to 2011, can you tell us what
21 the community groups, as we've called them, were meeting about?

22 A. [10:15:56] The meetings were held about the primary or major concerns of
23 the population. Firstly, there was the holding of elections, which in reality was
24 about the community leaders of Timbuktu. But you had the Miss ORTM election.
25 It was a violation of the tradition of the town of Timbuktu. And they blamed

Trial Hearing
WITNESS: MLI-D28-P-0551

(Open Session)

ICC-01/12-01/18

1 Miss ORTM elections of -- for encouraging deprivations of morality, because it led
2 young girls to dress in a dishonourable way by wearing clothing that was against
3 Islam.

4 There was also the abusive consumption of alcohol by young people. There was also
5 practices -- or there were also practices that were against the society of Timbuktu.

6 There would be nocturnal gatherings in dark spaces between -- or nocturnal meetings
7 between men and women. There would be other types of behaviour which
8 transformed the society of Timbuktu. And there would also be other activities at
9 night, without forgetting aggression, in religious areas, because of the behaviour of
10 certain young people among the population in public spaces like the Place Sankoré.

11 Q. [10:19:02] Thank you. You told us about the Miss ORTM election. Can you
12 tell us what ORTM stood for?

13 A. [10:19:20] This was the national office for the broadcasting of Mali. This is
14 the national Office for the Television and Radio of Mali, which has representation
15 throughout the region.

16 Q. [10:19:38] And can you tell us what the Miss ORTM election was?

17 A. [10:19:51] This election consisted of selecting a certain number of young women
18 who were not over 22 years old, approximately, and they had to be elected on
19 the -- on the basis of their beauty. And through this beauty contest, they would
20 carry out a series of presentations with indecent attire. So they would often walk
21 around the stage dressed and they would give speeches. And in this activity, it
22 would be the young girl who would be exposed to all danger. So Timbuktu
23 considered that this was against the traditional religious values of the town.

24 Q. [10:21:12] And were you present at meetings where that concern that -- that
25 concerned that Miss ORTM election, were you present at the community meetings

Trial Hearing
WITNESS: MLI-D28-P-0551

(Open Session)

ICC-01/12-01/18

1 where that concern was discussed?

2 A. [10:21:40] Yes.

3 Q. [10:21:46] You've described that under the category of a major concern of
4 the population. Can you help us to understand what was discussed at the meetings
5 about the Miss ORTM election, please.

6 A. [10:22:13] The meetings were about the protest of -- of communities about
7 the holding of these Miss ORTM contests or elections. They also spoke about
8 the proliferation of bars and locations where alcohol would be consumed. These
9 meetings also went into the degradation of traditional and religious values in
10 the town of Timbuktu.

11 Q. [10:22:57] Thank you, Mr Witness. I'm just going to try and focus on one at
12 a time. So just for the moment focusing on the Miss ORTM election. Can you help
13 us to understand what was said at the meetings about the Miss ORTM election,
14 please.

15 A. [10:23:27] What was said on the subject of Miss ORTM was that there was
16 a strong denunciation of the fact that young girls were exposed on a public stage with
17 clothing which was not acceptable, indecent clothing, and the message that was given
18 through this activity.

19 Q. [10:24:06] You told us earlier on that the -- there would be meetings with
20 the mayor and rare meetings with the governor. Of the meetings that you were
21 present at where the Miss ORTM election was discussed, can you help us to
22 understand who was present out of -- out of those two. Was this one of those
23 meetings with the mayor or one of those rare meetings with the governor, or
24 something else?

25 A. [10:24:56] The meetings were held at two levels, as I said. There were meetings

Trial Hearing
WITNESS: MLI-D28-P-0551

(Open Session)

ICC-01/12-01/18

1 with the mayor, where these practices were denounced. There were meetings with
2 other groups such as the association of young Muslims, the Islam, the *qadis*, and with
3 other society groups which would denounce these aspects. There was also another
4 group, the morality brigade, that would denounce these actions and wanted to end
5 these practices within the town. But the mayor was a central figure at the
6 community level, or having, in terms of community, communal authority.

7 Q. [10:25:57] You told us that the -- they wanted to end the -- these practices.

8 Focusing on the Miss ORTM election, did that wish happen or not? Did the wish to
9 end -- sorry, it's a bad question.

10 Did the wish to end the practice happen or not?

11 A. [10:26:41] No, they weren't successful, because the regional authorities was
12 ultimately involved in this case. It was the governor. That is to say that
13 the communal authorities that -- they said that Timbuktu was in a republic and
14 the republic is secular and, as such, you could not prevent young people from
15 organising recreational activities. And so he had used all his weight or power not to
16 give a favourable response to a ban on holding Miss ORTM in Timbuktu.

17 Q. [10:27:40] You told us that discussed at these meetings was the abusive
18 consumption of alcohol by young people. Can you help us to understand what was
19 discussed at the meetings, please.

20 A. [10:28:04] Where it concerns the consumption of alcohol by young people, it was
21 a matter, firstly, of sending a commission which was set up, I was a member of it, to
22 discuss with the people who were in charge of hotels which were officially recognised,
23 and then they would examine the state of cafés or *gargottes* which perhaps did not
24 have permission to carry out the activity, and then we would see how these spaces
25 where alcohol was consumed could be regulated. That's the work that was carried

Trial Hearing
WITNESS: MLI-D28-P-0551

(Open Session)

ICC-01/12-01/18

1 out. Whilst also seeing that the people respected the rules, that is the hotels, that
2 they did not sell alcohol to adolescents, to children, because the sale of alcohol is
3 regulated. It is prohibited to sell alcohol to adolescents.

4 Q. [10:29:30] And can you help us to understand the outcome. Was there an
5 outcome from those steps that were taken that you've described, please?

6 A. [10:30:03] There was this major assembly in Sankoré which made it possible to
7 invite the mayor, who was the interlocutor, and to make his statement which was
8 given with regards to the morals and the management of the town following
9 the different problems or the -- that the town had seen.

10 Q. [10:30:33] Thank you. You told us about a third major concern of
11 the population that you described as practices against society. And you also referred
12 to degradation of traditional values. Can you tell us what you mean by that, please.

13 PRESIDING JUDGE MINDUA: [10:30:58](Interpretation) Madam Prosecutor.

14 MS SARDACHTI: [10:31:00](Interpretation) I may have missed it in the transcript,
15 but there was reference to preoccupations -- major preoccupations. Could I see
16 the reference, please.

17 PRESIDING JUDGE MINDUA: [10:31:17](Interpretation) Ms Gerry, did you hear
18 the objection?

19 MS GERRY: [10:31:22] Yes, I didn't quite understand it. I'm assuming she wants
20 the reference to practices against society, so I'll just have a look at that. I'm sure
21 we can find it. Would you give me a moment.

22 PRESIDING JUDGE MINDUA: [10:31:37](Interpretation) If I remember correctly,
23 there was talk of major concerns.

24 MS GERRY: [10:31:41] I'm told it's on page 20, lines 3 to 4.

25 THE INTERPRETER: [10:31:43] Overlapping speakers.

Trial Hearing
WITNESS: MLI-D28-P-0551

(Open Session)

ICC-01/12-01/18

1 PRESIDING JUDGE MINDUA: [10:31:55](Interpretation) So, Madam Prosecutor,
2 can you find it now?

3 MS SARDACHTI: [10:32:08](Interpretation) I have the word "*majeur*" and I have
4 the word "*important*" and that -- which is not the words of the witness, which is why
5 I'd like the reference.

6 PRESIDING JUDGE MINDUA: [10:32:21](Interpretation) Please, Ms Gerry, could
7 you please find the reference between "major concerns" and "important concerns".

8 THE INTERPRETER: [10:32:35] Also overlapping speakers.

9 MS GERRY: [10:32:37] Certainly. Would you give us a moment. It was translated
10 into English to "major". It may be that it's "important" in the French, so I'll make sure
11 we find that. Would you just give us a moment?

12 PRESIDING JUDGE MINDUA: [10:32:54](Interpretation) Very well.

13 (Counsel confer)

14 MS GERRY: [10:33:19] Mr President, the language of "major concerns" of
15 the population is at page 18, line 6. And thereafter, the witness gave -- one, two,
16 three, four -- five examples. I can list them as a reminder for my learned friend for
17 the Prosecution. They were the holding of elections, particularly the Miss ORTM
18 election; the abusive consumption of alcohol; the practices against society of
19 Timbuktu; other types of behaviour which transformed the society of Timbuktu; and
20 other activities at night, without forgetting aggression, in religious areas.

21 I'm not influencing the witness if that's about to be the explanation. I'm simply
22 reading back what is on the transcript. And I see my learned friend has sat down.
23 So I hope that's of assistance.

24 The language of degradation of traditional values I believe is at page 20, lines 3 to 4,
25 but I'll have that double-checked. I see a nod. Thank you.

Trial Hearing
WITNESS: MLI-D28-P-0551

(Open Session)

ICC-01/12-01/18

1 I wonder if I might proceed.

2 PRESIDING JUDGE MINDUA: [10:34:40](Interpretation) Well, Madam Prosecutor,
3 Ms Gerry has now listed the concerns as mentioned by the witness. Does that satisfy
4 you or is your --

5 THE INTERPRETER: [10:34:52] Overlapping speakers.

6 MS SARDACHTI: [10:35:01](No interpretation) (Speaks English) "The meetings
7 were held about the primary major concerns of the population."
8 (No interpretation)

9 THE INTERPRETER: [10:35:04] I'm sorry, but the English interpreter was not able to
10 catch the beginning of the Prosecutor's statement because I was still translating
11 Judge Mindua.

12 PRESIDING JUDGE MINDUA: [10:35:17](Interpretation) I think we can continue.
13 Those are the concerns as quoted by the witness. So this a matter of terminology.
14 Ms Gerry, I think you can continue.

15 MS GERRY: [10:35:35] Thank you. If it assists, I won't go back to the word "major"
16 so that we know the topics I'm dealing with now.
17 The third one is practices against society.

18 Q. [10:35:48] Sorry, Mr Witness, you told us that the concerns at the meetings
19 included practices against the society of Timbuktu and you also mentioned the phrase
20 "degradation of traditional values". Can you please tell us what you mean by these
21 expressions.

22 A. [10:36:24] Yes, by the expression "degradation of traditional values", one needs
23 to know that Timbuktu is cultural and Islamic, Timbuktu is known for its traditional
24 Islamic status. It's very religious, where the conduct of society is ruled by -- is
25 governed by the rules of Islam. So a woman or a young woman should conduct

1 herself correctly in the street and in public. In other words, she should be dressed
2 correctly. There are places where they should not enter.

3 A young man or a child of Timbuktu should also be of exemplary conduct. There is
4 a well-controlled line of conduct. And should not be -- should not indulge in certain
5 behaviour or activities which is against Islam in the tradition of Timbuktu.

6 So all these values degraded significantly during the period under discussion.

7 Q. [10:38:10] Thank you. You also used the phrase "nocturnal gatherings in dark
8 spaces". What did you mean by that, please.

9 A. [10:38:27] What I meant by that, well, in the streets of Timbuktu there was
10 a time where men -- where women and men, young and -- young people and adults
11 would meet in isolated places for practices which run counter to religion and even
12 counter to society. In other words, women and men were meeting for activities
13 which were not honourable. So this became much more common and the police
14 would often patrol in order to catch people who were in these situations. So this was
15 a matter of great concern in the town.

16 Q. [10:39:50] Again, just so that we're clear, were you present at the meetings
17 where these practices against society were discussed, or not?

18 A. [10:40:08] Yes, (Redacted)
19 (Redacted)

20 Q. [10:40:25] You -- you just mentioned police patrols. Can you describe to us
21 those police patrols in that period of time, please.

22 A. [10:40:40] Yes. The police patrols were on two levels. Firstly, the police
23 patrols were in order to regulate these nocturnal practices taking place in the town, to
24 try and educate the population and to separate the men and women in these places
25 and in order to impose correction in order to restore morality. That was the first

1 level.

2 And then if people were caught, they were taken to the police station, they were made
3 aware, they were educated. And they were -- and a fine was imposed.

4 The second patrol was targeted. These were targeted patrols. An example,
5 the Place Sankoré where there is the grand mosque of Sankoré, there -- this is also
6 the first site of University of Sankoré, it's a very respectable location, but because it's
7 a big space, at night young people gather around this mosque where they indulge in
8 practice such as the consumption of narcotics, drugs, and alcohol, and so on. And
9 also meetings between young men and young women. So it was -- they were
10 prohibited from being in such locations.

11 The young people continued to go to these squares, so the police were instructed to
12 carry out actions on a frequent basis in this area to chase away the young people. So
13 there were -- if there were warnings, the people would -- the police would descend on
14 the square to chase away the people. And there were sometimes confrontations
15 between the young people and the police and then they were dispersed by force. So
16 that's -- I'm trying to explain to you the types of patrols taking place in Timbuktu
17 during this period.

18 Q. [10:43:52] Thank you. You used the words "actions" to chase away young
19 people and the use of "force". Can you describe to us, to your knowledge, what force
20 was used or what actions were taken, please.

21 A. [10:44:26] Yes. Well, there was -- given the -- for the young people, given
22 the importance of the mosque and the square, the young people were not treated
23 clemently by the police. They came to -- to hit them, to correct them on these
24 occasions. So that was happening. So it was a significant measure, because
25 the -- the young people were told not to do that, that the mosque was a sacred place,

1 a place of value, and everybody knew that. But the young people continued to do
2 that. So when they came, they didn't come to make them aware of the situation, or
3 to educate them. They came in order to drive them away using force.

4 Q. [10:45:39] Thank you. In your list of concerns, you told us that there was
5 concern about "other types of behaviour which transformed the society of Timbuktu."
6 Can you help us to understand what those other types of behaviour were, please.

7 A. [10:46:06] Yes. The other types of behaviour of a negative nature was
8 the changes in people's behaviour. I said Timbuktu was an Islamic town,
9 a traditional town, and there was behaviour in fact, for example, dress -- the way
10 people dressed, and women particularly. And there was also modern cultural
11 events. And then there was also the phenomenon of women whose activity was to
12 offer themselves to men. There was the phenomenon of a lot of -- letting things go in
13 social acts. There was a lack of respect for elderly people and certain practices. So,
14 really, society changed on a number of levels, changed in a number of ways.

15 Q. [10:48:01] And finally on topics, you told us that there were also other activities
16 at night, without forgetting aggression, in religious areas, because of the behaviour of
17 certain young people in public places like Sankoré.

18 Can you help us to understand that. Is that what you've already told us, or is there
19 some more that we should know?

20 A. [10:48:38] Yes, this is what I've already told you. The practice of women -- as I
21 explained, women and men meeting in dark locations and the same -- the aggression
22 towards -- around the mosques. That's what I've already talked to you about. They
23 go to the mosques and carry out the type of activities I have described to you just
24 now.

25 Q. [10:49:16] And just checking that I've understood you correctly, everybody else

Trial Hearing
WITNESS: MLI-D28-P-0551

(Open Session)

ICC-01/12-01/18

1 probably has, but the Place Sankoré, is that the same place that you were telling us
2 earlier on is the location of the grand mosque?

3 A. [10:49:36] Yes.

4 Q. [10:49:40] Thank you. I want to show you some photographs, please.

5 The first one that I would ask is put on the screen is MLI-D28-0004-3334. Just
6 the photograph. No writing, please.

7 Thank you, court officer.

8 This is the first of six.

9 Mr Witness, can you see a photograph on your screen of a man speaking into
10 a microphone?

11 A. [10:52:09] Yes.

12 Q. [10:52:14] Can you tell us who that man is that is speaking into the microphone
13 wearing a white hat with blue clothes, please.

14 A. [10:52:37] Yes, this is Sane Chirfi Alpha.

15 Q. [10:52:47] And who is Sane Chirfi Alpha, please?

16 A. [10:53:00] Sane Chirfi Alpha is a notable from Timbuktu. He is a researcher.
17 He's a member of a number of organisations in Timbuktu. He is currently
18 a representative of media for the republic in Timbuktu and here he is a member of
19 the morality committee of Timbuktu.

20 Q. [10:53:36] You said, "Here he is a member of the morality committee of
21 Timbuktu." What did you mean? What did you mean by "here"?

22 A. [10:53:52] At this meeting, the meeting we see on the photo.

23 Q. [10:54:01] Do you remember when this meeting was?

24 A. [10:54:14] This was in 2010. I think one day in -- sorry, I think in June 2010.

25 THE INTERPRETER: [10:54:27] Corrects the interpreter.

Trial Hearing
WITNESS: MLI-D28-P-0551

(Open Session)

ICC-01/12-01/18

- 1 MS GERRY: [10:54:30]
- 2 Q. [10:54:31] Were you present at that meeting?
- 3 A. [10:54:37] (Redacted)
- 4 Q. [10:54:45] (Redacted)
- 5 A. [10:54:56] (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 Q. [10:55:49] As we look at the screen, on the right of Sane Chirfi Alpha is a man
11 wearing yellowy-gold clothes with a yellowy-gold hat. Who is he, please?
- 12 A. [10:56:13] That is Yaya Hamadou Maïga (phon), also a notable of Timbuktu.
13 He is also a member of the High Islamic Council. He was the president of the crisis
14 committee in Timbuktu in 2012. And he is currently a member of the regional team
15 for reconciliation in Timbuktu. He's an older man and he is retired. Sorry, he's
16 a retired teacher.
- 17 Q. [10:57:16] Mr Witness, I just want to check that I heard you correctly. Did you
18 say he's currently a member of the reconciliation team, or have I got that wrong?
- 19 A. [10:57:34] Yes, he's a member of the regional team supporting reconciliation in
20 Timbuktu.
- 21 Q. [10:57:45] Thank you. Going back to the photograph. To the right of
22 the notable, Mr Maïga - sorry, I've not noted his full name - we can see someone in
23 red. I know you can't see the whole person, but are you able to help us as to who
24 the person in red is, please, red clothes.
- 25 A. [10:58:19] This is the mayor of Timbuktu at the time, the urban Timbuktu,

Trial Hearing
WITNESS: MLI-D28-P-0551

(Open Session)

ICC-01/12-01/18

1 Mr Hallé Ousmane.

2 Q. [10:58:32] Thank you. Now looking to the left of Sane Chirfi Alpha, as we look
3 at the screen. To the left of him speaking is a man with a beard and a white hat.

4 Can you help us as to who the man with the beard and the white hat is, please.

5 A. [10:58:56] It's not a hat. It's a turban, a white turban. It's Imam Ben Essayouti
6 and he is the -- the imam of the grand mosque of Djinguereber and president of the --

7 THE INTERPRETER: [10:59:18] Apologies, I didn't catch what he was president of.

8 MS GERRY:

9 Q. [10:59:25] Thank you, Mr Witness. Firstly, my apologies for saying "hat"
10 instead of "turban". I will make sure I say "turban" at the right moments in future.

11 I'm sorry.

12 Secondly, the translator didn't hear -- the English translator didn't hear that Ben
13 Essayouti is the president of something. Could you tell us what he's president of?

14 A. [11:00:02] The High Islamic Council. The High Islamic Council.

15 Q. [11:00:05] Thank you.

16 PRESIDING JUDGE MINDUA: [11:00:12](Interpretation) Ms Gerry, could we call
17 a halt there for the break?

18 MS GERRY: [11:00:17](Microphone not activated)

19 Yes, I'm sorry, I hadn't realised the time. Thank you.

20 PRESIDING JUDGE MINDUA: [11:00:26](Interpretation) Very good.

21 It's exactly 11 o'clock. We will take a half-hour break and we will start again at 11.30.

22 The hearing is suspended.

23 THE COURT USHER: [11:00:38] All rise.

24 (Recess taken at 11.00 a.m.)

25 (Upon resuming in open session at 11.32 a.m.)

Trial Hearing
WITNESS: MLI-D28-P-0551

(Open Session)

ICC-01/12-01/18

- 1 THE COURT USHER: [11:32:55] All rise.
- 2 Please be seated.
- 3 PRESIDING JUDGE MINDUA: [11:33:22](Interpretation) We are once more in
4 session.
- 5 Defence has the floor to continue the examination-in-chief. Ms Gerry.
- 6 One moment. Madam Prosecutor.
- 7 MS SARDACHTI: [11:33:38](Interpretation) I would like to add that Lucio Garcia
8 has joined the Prosecution team.
- 9 PRESIDING JUDGE MINDUA: [11:33:46](Interpretation) Thank you very much.
10 This is very important for the record.
- 11 So, Ms Gerry, please.
- 12 MS GERRY: [11:33:56] Thank you, Mr President. And might I ask that
13 the court officer return the image to the screen, please. As a reminder it was
14 MLI-D28-004-3334.
- 15 Thank you very much to the court officer.
- 16 Q. [11:34:22] Mr Witness, can you see and hear me okay?
- 17 A. [11:34:33] Yes, I can hear you.
- 18 Q. [11:34:37] Thank you. You told us before the break that the man with the beard
19 to the left of Sane Chirfi Alpha was Ben Essayouti, the president of the Islamic high
20 council. In the photograph on the screen, again looking to the left of Ben Essayouti,
21 we can see a man in a -- in brown or beige clothes with a white turban. Do you
22 know who that person is, please?
- 23 A. [11:35:22] Yes.
- 24 Q. [11:35:23] Can you tell us, please.
- 25 A. [11:35:33] This is Imam Al Hakoum, the imam of the Sankoré mosque.

Trial Hearing
WITNESS: MLI-D28-P-0551

(Open Session)

ICC-01/12-01/18

1 Q. [11:35:53] And still moving to the left, we can see a man in white with a white
2 hat, and I think he might have glasses on. Do you recognise that person next to
3 Imam Al -- I'm sorry, I can't pronounce the name, I'm sorry.

4 A. [11:36:13] Yes.

5 Q. [11:36:16] And can you tell us who that person is, please.

6 A. [11:36:23] This is Abderrahmane Hamman Sidi. Abderrahmane Hamman Sidi.

7 Q. [11:36:39] And what was his role, please.

8 A. [11:36:45] He is a notable from Timbuktu and he comes from a well-respected
9 family in Timbuktu. It's a family one turns to when there are conflicts or
10 misunderstandings, and they are very respected and people do what they request.

11 Q. [11:37:19] Thank you. And the last person I want to ask you about in this
12 picture. Behind Abderrahmane Hamman Sidi is a man standing against a wall. So
13 he's standing up with a hat on and white clothes against the wall. Do you recognise
14 that person?

15 A. [11:37:49] Yes.

16 Q. [11:37:50] Can you tell us who he is, please.

17 A. [11:38:01] This is Sidna (phon) Abderrahmane. He is the director of something
18 in Sankoré -- the madrasa Aquit of Sankoré.

19 Q. [11:38:22] I think you told us he's the director of the madrasa. Can you explain
20 to us what a madrasa is, please?

21 A. [11:38:37] A madrasa is a school where one teaches -- where they teach
22 the Arabic language. It's a school where Arabic is taught.

23 Q. [11:38:54] Thank you.

24 If we could remove that image from the screen now, please, and put up instead
25 another image or set of images. MLI-D28-0004-3228. Please.

Trial Hearing
WITNESS: MLI-D28-P-0551

(Open Session)

ICC-01/12-01/18

1 Thank you very much, court officer.

2 Mr Witness, can you see another image of Sane Chirfi Alpha speaking on your
3 screen?

4 A. [11:40:14] Yes.

5 Q. [11:40:17] Is that the same meeting or a different meeting that we looked at in
6 the last photograph?

7 A. [11:40:32] This is the same meeting.

8 Q. [11:40:36] Thank you. Next to Abderrahmane Hamman Sidi, the notable in
9 the white clothes with the white hat and the -- I think glasses, this a man in blue
10 clothes with a brown head covering. Do you recognise the person in blue clothes
11 with the brown head covering, please?

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

13 Q. [11:41:12] Can you tell us who he is, please.

14 A. [11:41:19] This is Baba Wangara, he is the president of the morality committee
15 that organised this assembly.

16 Q. [11:41:43] Thank you. Now, in the top left corner of this photograph we can
17 see three people in a gap in the wall wearing brown clothes. Can you help us to
18 understand, is there any significance as to why some people wear brown clothes and
19 some people wear white clothes, please?

20 A. [11:42:15] Yes. There is a significance. Because in Timbuktu, the notables,
21 the imams, the *qadis*, and the important personalities are normally dressed in white,
22 or blue, often with turbans or hats. So the main thing that these people wear is that.
23 Exceptionally, they take other colours but that's very rare, very rare.

24 Q. [11:43:15] So what are the people in brown? What's -- what's their role?

25 A. [11:43:26] The people on the extreme left of the officials are ordinary

Trial Hearing
WITNESS: MLI-D28-P-0551

(Open Session)

ICC-01/12-01/18

1 populate -- members of the population, ordinary citizens.

2 Q. [11:43:44] Thank you. Just going back for a moment to Sane Chirfi Alpha
3 speaking, we can see in the photograph he's holding a piece of paper. You told us
4 you were present at that meeting. Are you able to remember what he was speaking
5 about or -- and/or what that piece of paper was about? I appreciate that's more than
6 one question, but I'm hoping you can help us to understand.

7 A. [11:44:21] Yes. On the paper he's reading, he's reading the recommendations
8 for the population of Timbuktu who should be restored to morality. So in this
9 document he is recalling the traditional values and the religious values of Timbuktu.
10 And he's reading point by point what the community is recommending in terms of
11 behaviour that should be followed in the town. In this document, there's also a list
12 of what the community no longer wishes to see in Timbuktu and what they want
13 the town to become. So that's what in this paper, in this document.

14 Q. [11:45:41] And can you help us, please, as to how that document came to be
15 written, please.

16 A. [11:46:00] This document was written following the meetings which were held
17 in the neighbourhoods, following the awareness raising, but also contains
18 the conclusions of the members of the committee who worked on the matter. So it's
19 a synthesis of the recommendations relating to the situation in the town.

20 Q. [11:46:34] And you told us that at that table, next to the person in yellowy-gold
21 clothes was Hallé Ousmane, the mayor, who was wearing red. We can't see him in
22 this photograph, but what was the significance of having Hallé Ousmane present,
23 please?

24 A. [11:47:13] Hallé Ousmane was present at the meeting because he was invited by
25 the people who organised this meeting in order to listen to what the population said,

Trial Hearing
WITNESS: MLI-D28-P-0551

(Open Session)

ICC-01/12-01/18

1 to hear the recommendations and to see how these could be implemented in
2 the town.

3 Q. [11:47:51] Thank you.

4 Madam Court Officer, I wonder if we could take down that image, please, and replace
5 it with another image. MLI-D28-004 -- sorry, I'll start again. MLI-D28-0004-3227.

6 Thank you, court officer.

7 Mr Witness, can you see an image of three people, and in the middle is a person in
8 red on your screen?

9 A. [11:48:53] Yes.

10 Q. [11:48:56] Who is that person in red, please?

11 A. [11:49:03] That is the mayor Hallé Ousmane, mayor of the urban commune of
12 Timbuktu at the time.

13 Q. [11:49:15] And is this the same meeting or a different meeting from the last two
14 photographs, please?

15 A. [11:49:30] Yes, this is the same meeting.

16 Q. [11:49:32] And we can see a man with a beard and a turban who seems to be
17 holding a piece of green paper. Can you help us as to who is the man with the beard
18 and the white turban, please.

19 A. [11:49:54] This is Imam Ben Essayouti, imam of the grand mosque and president
20 of the High Islamic Council.

21 Q. [11:50:07] Can you help us to understand the significance or -- of the green piece
22 of paper, if anything, please.

23 A. [11:50:28] This green paper is a file -- or a folder containing the document that
24 was being read out. So it's the recommendations read out before the assembly being
25 handed over to the mayor of Timbuktu.

Trial Hearing
WITNESS: MLI-D28-P-0551

(Open Session)

ICC-01/12-01/18

1 Q. [11:50:44] And you've told us that you were present. Can you help us to
2 understand why Imam Ben Essayouti is being given a microphone to speak into,
3 please.

4 A. [11:51:05] This was to pass on the message of the community of Timbuktu, and
5 as witnessing to everyone that he is handing over the documents and
6 the recommendations to the mayor of the urban commune, saying, "You've heard
7 these are the recommendations and this is what the town of Timbuktu should be, as it
8 is set out in these documents." And it's because the president of the High Islamic
9 Council and of the imam of the grand mosque doing it, because it's based mainly -- or
10 to a great extent on recommendations linked to the traditional and religious values of
11 Timbuktu.

12 Q. [11:52:19] And just so we're clear. You mentioned to us earlier on
13 "communications". Do you know to whom the communications were made?
14 Where did the communications go to? Sorry, it wasn't a very good question. I
15 apologise. Where did the communications go to?

16 A. [11:52:48] The communications were addressed to the population and
17 the authorities and the mayor.

18 Q. [11:52:56] And how were they addressed to the population and the authorities?

19 A. [11:53:12] The imam is the authority. And the population were there. There
20 was a very large presence of heads of families at the square and there's also the radios,
21 so those are the messages which would then later be broadcast on the radio.

22 Q. [11:53:33] Thank you. I'm sorry, it was a bad question. So thank you for your
23 answer.

24 THE INTERPRETER: [11:53:39] Correction, the mayor is the authority not the imam.
25 Apologies.

Trial Hearing
WITNESS: MLI-D28-P-0551

(Open Session)

ICC-01/12-01/18

1 MS GERRY: [11:53:44]

2 Q. [11:53:44] Yeah. I should have asked you how was it communicated to
3 the population. I think, to be fair, you've answered it, so I won't ask it again.
4 But just so that we're clear, you've mentioned the radio. Were there other forms of
5 communication, aside from the radio, in Timbuktu in 2010 when this document was
6 communicated?

7 A. [11:54:29] Yes. Apart from the radio, there was also television, and that's
8 ORTM. And there were also -- there was also the written press, a number of
9 newspapers.

10 Q. [11:54:51] Thank you.

11 And if I can ask that the court officer take that picture down and instead put up an
12 image with the number MLI-D28-0004-3189, please.

13 Thank you, court officer.

14 Mr Witness, can you on your screen see a series of five photographs?

15 A. [11:55:46] Yes.

16 Q. [11:55:48] Does that show the same meeting or a different meeting?

17 A. [11:55:55] It's the same meeting.

18 Q. [11:55:57] On the table in the top left photograph we can see what looks like
19 a green paper. Is that the same green folder or a different green folder?

20 A. [11:56:22] No, there's another folder where there are white papers on it, in front
21 of Hassan.

22 Q. [11:56:36] Thank you. And just focusing on the middle photograph on
23 the right, we can see a view of what I would describe as an audience. Do you
24 recognise anyone in that photograph, in the middle on the right?

25 A. [11:57:00] Middle on the right, yes?

Trial Hearing
WITNESS: MLI-D28-P-0551

(Open Session)

ICC-01/12-01/18

- 1 Q. [11:57:03] Yes, please.
- 2 A. [11:57:15] Yes.
- 3 Q. [11:57:19] Thank you to the court officer for making it bigger.
- 4 We can see a man on the front row in a turban with white clothes and what looks like
- 5 gold decoration. Do you recognise that person?
- 6 A. [11:57:42] Yes.
- 7 Q. [11:57:43] Can you tell us who he is, please.
- 8 A. [11:57:53] This is Mohamed Ali Ag Mohamed. He's known by the name of
- 9 Moussa Moussa. He is the president of Recotrade, which is the regional organisation
- 10 of traditional communicators in their region of Timbuktu.
- 11 Q. [11:58:28] Thank you. And to his right, looking at the same photograph, is a
- 12 man with also gold decoration on his clothes but with a hat and a beard. Do you
- 13 recognise that person?
- 14 A. [11:59:01] On the left or on the right?
- 15 Q. [11:59:04] On the right, please.
- 16 A. [11:59:06] On the right. On the right of my screen, do you mean?
- 17 Q. [11:59:10] Yes, as you look on the screen, on the right, please.
- 18 A. [11:59:24] Ibrahim Garba is on the right. Ibrahim Garba Touré, the
- 19 *chef de quartier*, neighbourhood chief of Djinguereber.
- 20 Q. [11:59:36] Thank you. You told us that at these meetings were the chiefs of
- 21 the neighbourhoods. Can you help us to understand how many neighbourhoods
- 22 there were and how many chiefs there were, please?
- 23 A. [11:59:59] There are eight neighbourhoods in Timbuktu.
- 24 Q. [12:00:12] And how many chiefs were there for those eight neighbourhoods,
- 25 please?

Trial Hearing
WITNESS: MLI-D28-P-0551

(Open Session)

ICC-01/12-01/18

1 A. [12:00:24] All the neighbourhood chiefs were present.

2 Q. [12:00:27] Thank you. You've told us there were eight neighbourhoods. Can
3 you help us to understand how many chiefs there were for each neighbourhood.

4 A. [12:00:47] In each neighbourhood there was a chief, but each neighbourhood
5 chief had an advisor, or advisors. There were 15 of them, depending on the size of
6 the neighbourhood. So you had the *chef de quartier*, the neighbourhood chief, and
7 you also have his advisors.

8 Q. [12:01:18] And at this meeting in 2010, how many of those chiefs and advisors
9 were present?

10 A. [12:01:33] It's difficult to say the number of advisors who were present. But for
11 the *chef de quartier*, there were eight of them who were present at the meeting.

12 Q. [12:01:47] Thank you. And if we can just scroll down and look at the picture on
13 the bottom right, please. And can you tell us what we're looking at in that picture.
14 Who are the people in that picture? I'm not asking you to name them all, but are you
15 able to help us with what we're looking at?

16 A. [12:02:15] The man with the glasses, Assekou Gassamba, he is a notable or
17 prominent person from Sankoré. That is Assekou Gassamba. And he's also
18 a development officer. And you have Imam Sidi Lamine Kounta who is a *qadi* from
19 Timbuktu. And he is an imam. Imam Sidi Lamine Kounta.

20 Q. [12:02:51] So in relation to the *qadi* from Timbuktu, what's he wearing so we can
21 be clear which person it is in the photograph?

22 A. [12:03:10] He's wearing a turban. He's wearing a blue boubou. He is the one
23 just opposite, if that's who it is.

24 Q. [12:03:22] Thank you. So you've told us about the man in the glasses and
25 the man in the turban. What about all the other people behind? Who are they?

Trial Hearing
WITNESS: MLI-D28-P-0551

(Open Session)

ICC-01/12-01/18

1 A. [12:03:37] Those are citizens of the town of Timbuktu. Family leaders, young
2 people. That's it.

3 Q. [12:03:49] Sorry, my fault, I may have interrupted you. You got to young
4 people. Were you trying to say something else?

5 THE INTERPRETER: [12:03:55] Interpreter notes there was some distortion on
6 the line during the last answer.

7 THE WITNESS: [12:04:02](Interpretation) No. It's good.

8 MS GERRY: [12:04:07] Thank you.

9 And if we can take that image down and put up the next one, which has the number
10 MLI-D28-0004-3186, please.

11 Q. [12:04:57] Mr Witness, can you see a picture of a man with a beard in blue
12 clothes and a white turban on your screen?

13 A. [12:05:16] Yes.

14 Q. [12:05:18] Who is that person, please?

15 A. [12:05:26] Imam Ben Essayouti. Imam of the grand mosque of Djinguereber
16 and president of the High Islamic Council of Timbuktu.

17 Q. [12:05:37] Thank you.

18 And if the court officer would kindly zoom out so that we can see the other pictures
19 at the bottom all together but without the writing. Thank you.

20 Mr Witness, can you see a person in the middle photograph with a white hat on and
21 glasses? Are you able to tell us who that is?

22 A. [12:06:09] This man is Mohamed Dicko, Imam Mohamed Dicko, president of
23 the High Islamic Council of Mali.

24 Q. [12:06:24] And we can see that that collection of photographs comes with two
25 pictures of an aeroplane. Are you able to tell us when this was that these pictures

Trial Hearing
WITNESS: MLI-D28-P-0551

(Open Session)

ICC-01/12-01/18

1 come from?

2 A. [12:06:46] This photo is a photo from 2013, January 2013. January or
3 February 2013. End of January 2013, beginning of February -- rather than
4 the beginning of February.

5 THE INTERPRETER: [12:07:12] Corrects the interpreter.

6 MS GERRY: [12:07:14] Thank you.

7 And if we could take that image down and replace it with the last one. Image
8 MLI-D28-0004-3335, please.

9 Q. [12:07:55] Mr Witness, can you see a typed document on your screen?

10 A. [12:08:10] Yes, I can see it.

11 Q. [12:08:12] Do you recognise that document?

12 A. [12:08:18] Yes.

13 Q. [12:08:19] Can you tell us what it is, please.

14 A. [12:08:25] This is a document that was given to the urban community of
15 Timbuktu mayor following the assembly, the photos of which we saw previously.

16 Q. [12:08:41] Does that document help you as to the exact date of that meeting?

17 A. [12:08:54] Yes. I can see 10 June 2010. I said towards June, it was in fact 10
18 June.

19 Q. [12:09:09] Thank you.

20 PRESIDING JUDGE MINDUA: [12:09:11](Interpretation) Ms Gerry, please excuse
21 me. This document dates from 10 June 2010. A resolution of the morality
22 committee. Could you clarify, for my own edification, with the witness. This
23 morality committee, was it an official institution attached to the commune, or was it
24 an association, a citizens' association, for example? Such as a civil society
25 organisation by way of example.

Trial Hearing
WITNESS: MLI-D28-P-0551

(Open Session)

ICC-01/12-01/18

1 MS GERRY: [12:09:53] Certainly, Mr President.

2 Q. [12:09:54] Mr Witness, can you help us to understand what was the *Comité des*
3 *moeurs*?

4 A. [12:10:08] This is a citizen association and it has nothing to do with the town hall.
5 These are people who come together and created this morality committee to demand
6 that things change in the town of Timbuktu.

7 It's not attached to the town hall.

8 PRESIDING JUDGE MINDUA: [12:10:33](Interpretation) Thank you very much,
9 Witness.

10 Ms Gerry.

11 MS GERRY: [12:10:36]

12 Q. [12:10:38] Just one last question on that topic, Mr Witness -- can you. You've
13 told us on the previous page of the transcript that this was the document that was
14 handed to the mayor. Can you help us to understand why the document had
15 the heading, "*Résolution comité des moeurs*", please?

16 A. [12:11:06] I can't tell you much about the resolution. But I do know that it came
17 out of the assembly and meetings that were held in the neighbourhoods, where there
18 was sensibilisation or outreach carried out, and this with regards to the resolution --

19 PRESIDING JUDGE MINDUA: [12:11:24](No interpretation)

20 THE INTERPRETER: Overlapping speakers.

21 MS SARDACHTI: [12:11:33](Interpretation) Yes, could we disconnect the sound,
22 please.

23 PRESIDING JUDGE MINDUA: [12:11:39](Interpretation) Court officer, please cut
24 the sound to the witness.

25 THE COURT OFFICER: [12:11:47] The sound to the witness has been disconnected,

Trial Hearing
WITNESS: MLI-D28-P-0551

(Open Session)

ICC-01/12-01/18

1 Mr President.

2 PRESIDING JUDGE MINDUA: [12:11:52](Interpretation) Thank you very much,

3 Madam Court Officer.

4 Prosecutor.

5 MS SARDACHTI: [12:11:56](Interpretation) Yes, I would just like to stress that

6 questions have been put on the document. We can see the title and the date, but we

7 can see underneath that it comes from a person with a date which is different and it's

8 presented as being the resolution of the general assembly. So I would like to know

9 why the Defence didn't show the text of the assembly general rather than going

10 through this document which is a Facebook post from somebody else in 2013. It's for

11 the clarity of the transcript as well, but also out of fairness towards the witness.

12 PRESIDING JUDGE MINDUA: [12:12:37](Interpretation) I think that the Prosecutor

13 is right, because the document dates from 2013.

14 MS GERRY: [12:12:48] I wasn't going to go through the document. But I will just

15 clarify the date.

16 PRESIDING JUDGE MINDUA: [12:13:01](Interpretation) If you would be so kind.

17 Should we re-establish the connection?

18 Prosecutor, first.

19 MS SARDACHTI: [12:13:08](Interpretation) Just to state by fairness, in this case he

20 has to be shown the entire document.

21 PRESIDING JUDGE MINDUA: [12:13:16](Interpretation) I agree with Madam

22 Prosecutor.

23 Ms Gerry, we're going to re-establish the sound.

24 Court officer.

25 THE INTERPRETER: [12:13:22] The interpreter ask that Madam Prosecutor observe

Trial Hearing
WITNESS: MLI-D28-P-0551

(Open Session)

ICC-01/12-01/18

1 a pause before speaking.

2 THE COURT OFFICER: [12:13:30] The sound to the witness has been re-established,

3 Mr President.

4 PRESIDING JUDGE MINDUA: [12:13:37](Interpretation) Thank you very much,

5 Madam Court Officer.

6 Ms Gerry.

7 MS GERRY: [12:13:41] Thank you, Mr President.

8 Q. [12:13:43] Mr Witness, just looking back at the document on our screen, I just

9 want you for a moment to see it -- scroll through to the end, just if I could ask

10 the court officer to scroll through, slowly, just so that you can see the whole

11 document.

12 All the way through to the end, please, just scroll for the moment. Keep going. Just

13 keep going for the moment. Just scroll through, just for the moment. Just pause at

14 the bottom. Could we please just scroll through and make sure we've got to

15 the bottom of the document.

16 Thank you very much. Super. Thank you.

17 I had it the wrong way around, sorry.

18 Mr Witness, I just want you to help us with dates on this document, first.

19 Can you see at the bottom of the page we have Timbuktu (Interpretation) Timbuktu,

20 12 June 2010.

21 (Speaks English) And then if we can scroll straight back up to the top, please.

22 And, Mr Witness, then in the title we can see 10 June 2010 and just below the name

23 Sane Chirfi Alpha we can see the date 25 December 2013.

24 Are you able to -- can you help us with the dates on that document, or to understand

25 the dates on that document, first?

Trial Hearing
WITNESS: MLI-D28-P-0551

(Open Session)

ICC-01/12-01/18

1 A. [12:16:05] Yes. The date of 10 June 2010 is the date on which the document was
2 drafted by the commission responsible for making the summary. And it could be
3 called the resolutions, recommendations. The date of the 12th below, at the end of
4 the document, is the date of the general assembly in front of all the communities and
5 the urban community. And 25 December 2013 is a date of publication on
6 the Facebook page of Sane Chirfi Alpha. So it is a publication that he made to -- as
7 a reminder for the population. And that's why he put it on his Facebook page.

8 Q. [12:17:12] Have you seen that Facebook page before?

9 A. [12:17:25] Yes. (Redacted)

10 Q. [12:17:30] And when did you see that Facebook post?

11 A. [12:17:40] (Redacted)

12 (Redacted)

13 Q. [12:17:50] Thank you. Very briefly going -- without putting the photographs
14 back on screen, was there a name for that meeting on 12 June in 2010, the meeting that
15 we saw in the photographs? Did it have a name?

16 A. [12:18:22] I haven't understood the question.

17 Q. [12:18:26] You just told us that there was a general assembly in front of
18 the community on 12 June 2010. Can you help us to understand whether that's
19 the same meeting that we saw in the photographs or a different meeting?

20 A. [12:18:50] No, it's the same meeting.

21 Q. [12:18:52] And just while we're remembering the photographs, without putting
22 them back on screen, you will recall telling us that a -- there was a paper between
23 Imam Ben Essayouti and the mayor, Hallé Ousmane. Can you help us to
24 understand --

25 A. [12:19:12] Yes, it's the same document. It's the same document that the imam

Trial Hearing
WITNESS: MLI-D28-P-0551

(Open Session)

ICC-01/12-01/18

1 gave to the mayor.

2 Q. [12:19:26] Thank you.

3 Perhaps we could move the -- remove the image from the screen now. Thank you.

4 You told us that Hallé Ousmane was invited to listen to what the population said and
5 to hear and to see how these could be implemented in the town. What happened
6 after the general assembly?

7 A. [12:20:17] After the general assembly, the document was given to the mayor.

8 And the mayor made a commitment before everybody to bring the document, to
9 examine it, and to see in the communal council what they could do in order to execute
10 the different points contained therein.

11 Q. [12:20:52] And was anything executed?

12 A. [12:21:06] It's difficult to say that something was executed, or to say if anything
13 was executed, because everything that was taken by way of measures -- the mayor
14 was not able to execute the desired recommendations, because the same practices
15 continued thereafter.

16 Q. [12:21:42] So can you help us to understand how society was in Timbuktu
17 between 2009 and 2011.

18 PRESIDING JUDGE MINDUA: [12:22:09](Interpretation) Madam Prosecutor.

19 MS SARDACHTI: [12:22:10](Interpretation) Yes, I object to the formulation of
20 the question. "Can you help us understand how society was in Timbuktu between
21 2009 and 2011." It is too general.

22 PRESIDING JUDGE MINDUA: [12:22:25](Interpretation) Madam Prosecutor --

23 MS GERRY: [12:22:32] I -- I don't want to talk across you. I agree.

24 PRESIDING JUDGE MINDUA: [12:22:34](Interpretation) Okay, very well.

25 MS GERRY: [12:22:35]

1 Q. [12:22:36] Mr Witness, you told us that there was a change in the meetings in
2 2011. It's on the English transcript at page 11, lines 24 to 25. Can you tell us what
3 you meant, Mr Witness, by the "change in the meetings" in 2011?

4 A. [12:23:04] I haven't understood.

5 Q. [12:23:05] When you were answering my questions earlier this morning,
6 you -- you started with telling us about the period from 2009 to 2011. And I asked
7 you whether the meetings were the same in 2011 and you said, no, there was a change
8 in the meetings. Can you help us to understand what you meant by the change in
9 the meetings.

10 A. [12:23:54] Yes. The change in the meetings. As I said, there was a succession
11 of events at specific times and periods. And after this series of meetings on morality,
12 on the degradation of traditional values, from 2013 there was a new phase of
13 meetings which went into this situation, the situation with the bars, the consumption
14 of alcohol, and also the security situation in the town. Or, rather, the situation of
15 insecurity in the town.

16 Q. [12:25:14] So taking it slowly, you told us there was a succession of events and
17 specific times and periods. After the meeting that we've seen in the photographs in
18 2010, who were the meetings with next?

19 A. [12:25:46] The meetings took place with the communal authorities. Young
20 people, women, with the representatives of militia and the regional authorities. That
21 is to say the *gouvernorat*, or governor's office.

22 Q. [12:26:30] You mention the representatives of the militia. Can you tell us who
23 they were, please. Or what the -- I should ask you what the militia was, please, first.
24 What the militia was, first, please.

25 A. [12:26:53] The militia, for militia questions, that was at the start of the years 2012.

1 The militia was a form of armed group, a community armed group.

2 Q. [12:27:18] Thank you. I just want to go back a little so that we can fill the gap.

3 Were there meetings between 2010 -- before the start of 2012?

4 A. [12:27:47] Yes, there were meetings, of course.

5 Q. [12:27:56] Were they the same types of meetings that you've described to us
6 already, or different types of meetings?

7 A. [12:28:07] They were different meetings.

8 Q. [12:28:13] So in the period from 2010 to before the start of 2012, can you help us
9 to understand those meetings, who was there and what they were about, please.

10 A. [12:28:41] These meetings were meetings on the security in Timbuktu. And
11 they concerned the communal authorities, the communal councils,
12 the neighbourhood chiefs, the religious places, young people, women, administrative
13 authorities and religious leaders.

14 Q. [12:29:20] Why was there a need to have meetings on security in Timbuktu?

15 A. [12:29:34] At the end of December 2011, after a large festival that was held in
16 Timbuktu, the Essakane festival, it was seen in the town of Timbuktu that some
17 communities started to leave the town. This was mainly Arab communities, Tuareg
18 communities and nomad communities. And why? Because in the towns in the east
19 and north of Mali, in Aguelhok, in Ménaka, in Tessalit, Kidal, there were attacks
20 which were starting on the Malian army positions and there was also the arrival of
21 armed men in Kidal. They were Malian nationals with the Libyan guard. They
22 came with weapons to Kidal. Or, rather, with the war in Libya, they came with
23 weapons to Kidal. And they were driving away the -- so these events started to
24 scare the population in Timbuktu. There were desertions as well within the army, in
25 the Malian army in Timbuktu. And there were multiple attacks on the roads going

1 towards Timbuktu or other localities in the north.

2 And this led to increasing insecurity and the Arab community of Timbuktu set up an
3 armed militia. So this armed militia was based in the eastern part of Timbuktu on
4 the Ber road. And the -- and so certain leaders of this militia, who were armed,
5 Dina Aya, Lamine Tahar and Ibrahim Ould Sidatt, they came to see the mayor of
6 Timbuktu in order to explain that they had created an armed militia which was going
7 to help the Malian army to secure the town of Timbuktu. And it was from there that
8 the meetings started.

9 THE INTERPRETER: [12:33:03] And for the purposes of the transcript, says
10 the interpreter, it was the Essakane festival, which was the grand festival held in
11 Timbuktu.

12 MS GERRY: [12:33:18]

13 Q. [12:33:19] Thank you. Mr Witness, you told us about armed men in Kidal that
14 were Malian nationals. Can you help us to understand what that meant, the Malian
15 nationals?

16 A. [12:33:42] Well, I don't know too much about that, but I do know that at the time
17 in 2011, 2012, there was a sizeable group of Malian nationals who had been in Libya
18 who came back to Kidal with weapons and started to attack. And there were also
19 attacks on the camps of the Malian army. For example, the massacre of the military
20 in the camp of Aguelhok and another number of camps in the east of Mali, for
21 example, between -- rather, to say between Ménaka, Tessalit and Kidal. That was it.

22 Q. [12:34:45] Thank you. You told us these Malian nationals were driving
23 something away. And I don't think we got the full answer. Driving something
24 away? What were you trying to explain there?

25 A. [12:35:13] I said they came back with weapons. Weapons and munition.

Trial Hearing
WITNESS: MLI-D28-P-0551

(Open Session)

ICC-01/12-01/18

1 Q. [12:35:24] To drive what away?

2 A. [12:35:36] I said arms and ammunition.

3 Q. [12:35:54] You told us that there was a meeting between the leaders of the militia
4 and the mayor. Were you present at that meeting?

5 A. [12:36:10] Yes, I was at that meeting.

6 Q. [12:36:15] Can you tell us what was said at that meeting, please.

7 A. [12:36:27] At that meeting, the three that I mentioned, they came back to meet, to
8 say to the mayor that to help the town of Timbuktu they had created an armed militia
9 and that this armed militia was already in place across the city and -- and its role was
10 to aid the return to security of the town of Timbuktu and they came to ask for his
11 support and help.

12 MS GERRY: [12:37:39](Microphone not activated)

13 PRESIDING JUDGE MINDUA: [12:37:40] Microphone, please.

14 MS GERRY: [12:37:41] I'm so sorry. I was doing quite well today.

15 Q. [12:37:45] Mr Witness, what did the mayor say?

16 A. [12:37:56] The mayor answered that he had heard and that he would report to
17 the communal council and the leaders of the neighbourhoods, to the women and
18 the young people, and then he would report to the governor of the region of
19 Timbuktu, who had the ultimate responsibility for the city. And that he would do
20 that, and afterwards he would give them an answer.

21 Q. [12:38:35] We have a note on the English transcript at page 57, line 10 that you
22 said something about "at that meeting the three that I mentioned". Can I just be clear
23 as to who the three were at that meeting?

24 A. [12:39:02] The three from the Arab militia, it was Ould Sidatt, Dina, and
25 Lamine Tahar.

1 Q. [12:39:17] Thank you. And you told us what the mayor said at that meeting.

2 Can you help as you to what happened after that meeting, please.

3 A. [12:39:43] After the meeting, the mayor invited the communal council,
4 the neighbourhood leaders, the young and the women to report to them on
5 the meeting with those in charge of the militia. He said exactly what the militia had
6 said to him to hear what their reaction was. And the reaction of the advisors to
7 the mayor and the leaders of the neighbourhood was that they were not in favour of
8 this form of securing the town, because the mayor wanted the young people of
9 Timbuktu to be part of this and that was category -- categorically rejected by
10 the communal council and the leaders of the neighbourhoods. They felt that this
11 was a state matter and the committee could go with the mayor to present the problem
12 to the governor of the region of Timbuktu.

13 Q. [12:41:10] And did the mayor present the problem to the governor?

14 A. [12:41:21] Of course.

15 Q. [12:41:23] And were you present when the mayor presented to the governor?

16 A. [12:41:32] Yes.

17 Q. [12:41:34] Tell us about that, please.

18 A. [12:41:42] When the mayor and the committee and some advisors and
19 the leaders of certain neighbourhoods -- to the governor, the governor received them,
20 they explained the problem and the governor was quite categorical as well. He said
21 that security is a matter for the state. The state will take it on and will not allow
22 the population -- civilian population to be part of the militia operations.
23 So they informed them that the militia worked with the army and that he has received
24 instructions at national level to facilitate this work with the militia. So
25 the -- the neighbourhood leaders said it should be the army and the state responsible

Trial Hearing
WITNESS: MLI-D28-P-0551

(Open Session)

ICC-01/12-01/18

1 for security.

2 Q. [12:43:13] Thank you. What, if anything, was facilitated?

3 A. [12:43:29] It was in the end the militia that continued to encircle the town to do
4 the -- to carry out the security with the Malian security forces, and the governor gave
5 them vehicles and weapons.

6 Q. [12:44:05] Thank you. You were helping us as to the series of events that
7 required meetings. After these meetings about the militia, can you help us just to
8 what meetings happened next.

9 A. [12:44:43] After the meetings with the militia? I didn't quite understand what
10 you meant.

11 Q. [12:44:59] I'm sorry, my question wasn't clear. On the topic of asking you
12 about changes in meetings, you said there was a succession of events with specific
13 times and periods. So I'm trying to take you carefully through those specific times
14 and periods.

15 You have just told us about a specific time at the end of December 2011 where it was
16 necessary to have meetings about security. I'm trying to understand what else it was
17 necessary to have meetings about and when they occurred, please.

18 A. [12:46:06] So after the meetings with the militia, well, that took us to the end of
19 March. End of March. And at the end of March, the situation was already very
20 complicated and the town of Timbuktu fell on 1 April 2012. So there was no
21 governor, there was no authorities on 31 March. So there was no army. They
22 already went the day before on the night of 31 March to 1 April, and the city had
23 fallen.

24 Q. [12:46:55] Thank you. I just want to take you back a little bit so that we can
25 deal with the period from January to March of 2012, please. So can we focus on

Trial Hearing
WITNESS: MLI-D28-P-0551

(Open Session)

ICC-01/12-01/18

1 January 2012 to March 2012, please.

2 Did the militia secure the city?

3 A. [12:47:31] No. The militia were there during that whole period. There was no
4 attack on the city. But outside the town, there were attacks against the army. In
5 the western part of the region of Timbuktu, on the road to Goundam, the road to
6 the east had already been cut to Ber by armed groups, so the army was in the town
7 with the militia. There was no problem. But outside the town there were armed
8 groups present.

9 Q. [12:48:32] (Microphone not activated) When we looked at those photographs,
10 where were the meetings taking place? In those photographs that we looked at
11 earlier on.

12 A. [12:48:53] They were held at the Place Sankoré. Opposite the Sankoré mosque.

13 Q. [12:49:04] Thank you. Were there meetings -- was there ever a meeting in
14 another place?

15 A. [12:49:20] I'm confused. Which meeting are you referring to?

16 Q. [12:49:29] Do you remember earlier we looked at some photographs with some
17 aeroplanes in them?

18 A. [12:49:43] Yes, yes, I do.

19 Q. [12:49:44] Does Timbuktu have an airport?

20 A. [12:49:53] Yes, of course.

21 Q. [12:49:57] Can you help us as to locations that meetings were held, please.

22 PRESIDING JUDGE MINDUA: [12:50:13](Interpretation) Madam Prosecutor.

23 MS SARDACHTI: [12:50:14](Interpretation) I don't understand to which meetings
24 my learned colleague is referring. The witness said he was confused which meetings,
25 so which meetings are being referred to, because even the witness doesn't know.

Trial Hearing
WITNESS: MLI-D28-P-0551

(Open Session)

ICC-01/12-01/18

1 PRESIDING JUDGE MINDUA: [12:50:33](No interpretation)

2 MS GERRY: [12:50:38] I understand the objection. I'll try and help.

3 Q. [12:50:45] Mr Witness, I'm just trying to get things in chronological order. I
4 want you to help us as to any meetings that took place between January and March of
5 2012 and where they were, please.

6 A. [12:51:14] The meetings between January and March 2012 took place at the
7 town hall in Timbuktu and the *gouvernorat*, in the governor's office in Timbuktu.

8 Q. [12:51:38] And just so that we're clear. What were those meetings about and
9 who was there, please?

10 A. [12:51:53] That's what I said. They were meetings about the security situation
11 of Timbuktu. And they were with, firstly, the -- those responsible for the Arab
12 militia, whose names I gave, the communal council, the mayor, the leaders of
13 the neighbourhoods, the religious leaders, the young and the women. And then
14 with the governor, the mayor, some of the neighbourhood leaders and the young
15 people. That was at the governor's office of Timbuktu. And also sometimes -- or
16 often members -- representatives of the army. That's who was there.

17 Q. [12:52:50] Thank you. And you told us that outside the town there were
18 attacks against the army. Do you know who they were from?

19 A. [12:53:14] These were -- it's difficult to say. I know that there were armed
20 groups who were in this area.

21 Q. [12:53:29] Did the militia stay in Timbuktu, the Arab militia that you told us
22 about?

23 A. [12:53:44] They stayed in Timbuktu until the morning of 1 April 2012.

24 Q. [12:53:54] And where did they go to, do you know?

25 A. [12:54:06] I don't know where they went, but I do know that they left the town

1 with the weapons, with everything that they had and everything they'd taken from
2 the town. Some went into the bush and others left -- well, I don't know exactly
3 where they went.

4 Q. [12:54:36] What had they taken?

5 A. [12:54:46] They -- they took the weapons that remained in the military camp
6 because the army had left the day before without being able to take everything. So
7 they took the arms from the military stores, they took military vehicles, they took
8 NGO vehicles and they also took vehicles belonging to some private person -- persons.
9 They took everything they could.

10 Q. [12:55:19] You told us earlier on that something called a crisis committee was
11 formed. When was that formed, please?

12 A. [12:55:36] The crisis committee in Timbuktu was created shortly after
13 the occupation of the town of Timbuktu, when the commander of the MNLA,
14 Mohamed Najim had invited the neighbourhood leaders, the imams -- and the imams
15 to go to the airport of Timbuktu to talk about their presence in Timbuktu and
16 the situation of the -- that was a few days after the occupation of the town, and also
17 after having called the imams and the marabout. These are being called by the head
18 of Ansar Dine, Iyad Ag Ghaly.

19 So after these two meetings, it was decided to create a crisis committee among
20 the leaders of neighbourhoods -- of the neighbourhoods. And that's how the idea of
21 establishing the crisis committee came about.

22 Q. [12:57:03] Thank you. You told us about the MNLA. Can you help us to
23 understand their presence in Timbuktu, what you referred to as "their presence" and
24 "the situation". Can you help us to understand that, please?

25 A. [12:57:35] Well, the MNLA was the first armed group to enter the town of

1 Timbuktu under the direction of the Arab militia, which was based at the east of
2 the town of Timbuktu. They came in to the town with the troops of the MNLA,
3 negotiating the departure of the Malian army from the town to avoid any combat
4 within the town of Timbuktu. So when the MNLA arrived in Timbuktu, the army
5 had already left and the camp had been pillaged by the militia. So when the MNLA
6 arrived on 1 April 2012, they took up position at the airport of Timbuktu. And then
7 others came from the west of the town, and then we understood that they were
8 the ones who had been attacking this -- in this direction.

9 So that's how the MNLA arrived and took up position in the town of Timbuktu.

10 Q. [12:59:13] Nearly did it.

11 You mentioned "the situation". Your words, "their situation -- the situation in
12 Timbuktu." Sorry. Can you help us to understand the situation in Timbuktu,
13 please, at that time.

14 A. [12:59:39] The situation at Timbuktu at that time, well, the MNLA had come in
15 in the morning, the -- the militia had been pillaging the town and thieving until late in
16 the night, but Ansar Dine arrived between 13 and 1400 hours. They came into
17 Timbuktu, Ansar Dine, under the leadership of Iyad Ag Ghaly. So they also took up
18 position on strategic locations.

19 Firstly, they quickly took control of the hospital so it would not be pillaged and
20 certain strategic posts and started to try and understand the situation. Then they
21 went to the camp and then they took everything that was available there. And they
22 tried to establish order in the town, because MNLA was at the airport, but there were
23 elements in the city itself taking vehicles and so on. And they -- there was
24 a confused situation and they were attempting to create order in the town.

25 PRESIDING JUDGE MINDUA: [13:01:21](Interpretation) I think that this is a good

Trial Hearing
WITNESS: MLI-D28-P-0551

(Open Session)

ICC-01/12-01/18

1 time to start. I'm awaiting the end of the interpreting.
2 So, it is now one minute past 1. We will now break for lunch and we will start again
3 at 14.30.
4 The hearing is suspended.
5 THE COURT USHER: [13:01:44] All rise.
6 (Recess taken at 1.01 p.m.)
7 (Upon resuming in open session at 2.33 p.m.)
8 THE COURT USHER: [14:33:28] All rise.
9 Please be seated.
10 PRESIDING JUDGE MINDUA: [14:33:55](Interpretation) Court is in session.
11 Good afternoon to everyone.
12 The Defence has the floor to continue with the examination-in-chief, but I see
13 the Prosecutor is standing up.
14 MR DUTERTRE: [14:34:11](Interpretation) Yes, your Honour, your Honours. I
15 would just like to take an opportunity to make a point of clarification, if you would
16 allow me so to do.
17 PRESIDING JUDGE MINDUA: [14:34:20](Interpretation) Please go ahead,
18 Prosecutor.
19 MR DUTERTRE: [14:34:22](Interpretation) The Office of the Prosecutor has put in
20 place a new recording system and I just wanted it to be clear for the transcript and for
21 everybody in this courtroom. And in particular we have a system which is as
22 follows: MLI-OTP-four figures-four figures. And we've gone to a new system
23 which is as follows: MLI-OTP-eight consecutive figures.
24 There are several advantages with the new system. I won't go into all the details to
25 save time, but it does not change anything. It will be done in a transparent way with

Trial Hearing
WITNESS: MLI-D28-P-0551

(Open Session)

ICC-01/12-01/18

1 regards to this change and it facilitates the management for the Prosecution. And
2 the Defence will continue to use which system it prefers. Thank you very much,
3 your Honour.

4 PRESIDING JUDGE MINDUA: [14:35:18](Interpretation) Thank you very much,
5 Prosecutor.

6 As we don't have a lot of time today, you haven't got the time to explain, but I do
7 hope that in the future, in a very close future, you will explain why this change has
8 been necessary. Thank you very much.

9 Ms Gerry.

10 MS GERRY: [14:35:35] Thank you, Mr President.

11 For the record, Mr Maauloud Al-Ansary is not here this afternoon.

12 Q. [14:35:49] Mr Witness --

13 PRESIDING JUDGE MINDUA: [14:35:50](Interpretation) Thank you very much.

14 It's been noted for the transcript. Please go ahead.

15 MS GERRY: [14:35:55] Thank you.

16 Q. [14:35:56] Mr Witness, I just want to clarify something that you said before
17 lunch at page 55, lines 6 to 11.

18 You said:

19 "At the end of December 2011, after a large festival that was held in Timbuktu, the [...]
20 festival [...] was seen in the town of Timbuktu that some communities started to leave
21 the town. This was mainly Arab communities, Tuareg communities and nomad
22 communities."

23 Can you help us to understand why the Arab, Tuareg and nomad communities were
24 leaving Timbuktu, please.

25 A. [14:37:12] Thank you. You have to understand that the nomad communities

Trial Hearing
WITNESS: MLI-D28-P-0551

(Open Session)

ICC-01/12-01/18

1 are the Arab communities, the Tuareg communities. That's the first point. It's
2 a common designation for the two communities. But it wasn't only the Arab and
3 Tuareg communities that left the town. There were also foreigners leaving. That is
4 to say, nationals or people from other areas of Mali who were starting to be scared
5 and who left the town of Timbuktu. So the reason why they left, the reason why
6 they left the town, that was due to the insecurity that reigned and there were more
7 attacks.

8 Q. [14:38:01] Thank you. You mention the MNLA and you were telling us about
9 meetings. Were there meetings with the MNLA?

10 A. [14:38:21] Yes.

11 Q. [14:38:25] When were the meetings with the MNLA?

12 A. [14:38:35] There was a meeting with the MNLA just after they set themselves up
13 at Timbuktu airport. This meeting was called by Mohamed Najim. He was the first
14 person, or primary person responsible, in charge of the MNLA at the time. And at
15 this meeting he called the mayor, the neighbourhood chiefs, the imams, the radio,
16 radio stations. So the meeting took place at Timbuktu airport.

17 Q. [14:39:40] (Redacted)

18 A. [14:39:46] (Redacted)

19 (Redacted)

20 (Redacted)

21 Q. [14:40:10] Can you tell us what was said at that meeting at the airport, please.

22 A. [14:40:24] At this meeting at the airport, Mohamed Najim explained to people
23 the objective of their presence in Timbuktu. He explained to them what they were
24 coming to do in Timbuktu and what they expected from the Timbuktu population.

25 So he went into that story such that people would understand what they had come to

1 do.

2 Q. [14:41:13] Thank you. You told us that Najim explained the MNLA objective.
3 Can you explain what that was. What did he say the objective was, please?

4 A. [14:41:38] He told them, first of all, that he had heard them -- people speak about
5 Timbuktu, that it was a large town in the north and that after several decades,
6 Timbuktu, as well as the other major towns in the north, were not sufficiently
7 developed. And they had come to free the land that was Timbuktu and give
8 Timbuktu over to the sons of Timbuktu for its development and the well-being of
9 the population and also for the security of the populations of the north.

10 Q. [14:42:36] You told us Najim explained what they were coming to do. Can you
11 help us to understand what you meant by those words, please?

12 A. [14:42:54] He wanted to tell the population in Timbuktu that they had come to
13 liberate the town of Timbuktu, to hand over Timbuktu to the people of Timbuktu
14 such that they could develop their region and their town.

15 Q. [14:43:17] Thank you. You told us that he -- that Najim talked about what
16 the MNLA expected from the population. Can you help us to understand what he
17 said about what was expected from the population.

18 A. [14:43:44] He wanted the population to collaborate with them. He wanted
19 the authorities -- namely, the neighbourhood chiefs and the authorities to work with
20 them and for them to facilitate the administration of the region of Timbuktu. And he
21 explained what he expected from the collaboration and accepted working with them.

22 Q. [14:44:28] At that meeting at the airport, did members of the community groups,
23 the chiefs and imams and so forth, did they respond to what Najim was saying?

24 A. [14:44:46] Yes, they did respond.

25 Q. [14:44:50] What did the community say to Najim?

1 A. [14:44:59] What they said to Najim was, firstly, that they were concerned by
2 their security, and also that they were not in the same line of thought when it came to
3 contributing to making insecurity in the town of Timbuktu.

4 What they wanted was for the MNLA to facilitate and protect the population and
5 to -- what they also wanted them to do was to ensure that those who wanted to leave
6 could have their exit facilitated from Timbuktu. To hand back the vehicles and
7 property to the individuals, property that had been taken from them, so to give it
8 back to their owners and thereafter to protect and to make safe the populations.

9 Q. [14:46:27] And was there a response from Najim at that meeting to those
10 concerns?

11 A. [14:46:44] Obviously, he answered them. That is to say, they had come to
12 protect the population, to free the lands of their ancestors, to contribute to security of
13 people and property and they would hand back all the vehicles to their owners.
14 They asked the imams to pass on that message. Everybody who had vehicles should
15 recover them. And that they would do no harm to anyone. They had nothing to do
16 with the civilians.

17 Q. [14:47:49] Thank you, Mr Witness. After that meeting, how were things in
18 Timbuktu in terms of security? The first concern that you told us about.

19 A. [14:48:17] Where it concerns security within the town of Timbuktu, this was
20 ensured by Ansar Dine because the MNLA was at the airport. The airport was
21 3 kilometres away from the town of Timbuktu. But there's the main road, or the exit
22 to the -- the exit from Timbuktu towards the river. There was a lot of insecurity
23 there because MNLA elements were on the road which went towards the river,
24 towards the south, and it was controlled by MNLA elements who, in reality, were
25 guilty of a lot of excesses on that route. So the security -- well, you couldn't speak

1 about security. There were a lot of armed men who were not under control.

2 Q. [14:49:38] Can you help us to understand what the excesses were on the route
3 where the MNLA elements were. What were those excesses?

4 A. [14:50:01] That was controlling the passers-by, arrests, confiscation of people's
5 property, motorbikes and vehicles, and attacks on certain people who were passing
6 by the control post.

7 Q. [14:50:33] You told us that the community leaders told Najim that they wanted
8 the MNLA to protect the population and that Najim answered that they had come to
9 protect. Did that happen? Was there protection from the MNLA?

10 A. [14:51:01] No. This protection that people were expecting didn't happen,
11 because, as I was saying, Najim did not control all the elements in the field. So
12 among the men, there were a lot of local persons, that is to say, people who were from
13 the town or who had lived in the town and who knew people well. There were also
14 combatants who had come from other localities who didn't know the people, they
15 didn't know the population. So there was complete disorder in the town and
16 through the different posts.

17 Q. [14:52:00] You told us that Najim explained at that meeting that one of
18 the objectives was the well-being of the population. Can you help us to understand
19 whether there was well-being for the population after that meeting.

20 A. [14:52:31] For the well-being of the population, the only act that the population
21 called for, which was managed by Najim and his men, that was making fuel available
22 for the electricity plant in Timbuktu. Because the MNLA controlled the fuel depot,
23 the Total fuel -- the Total fuel depot in Kabara. So they had large stocks of fuel in
24 Kabara. They were controlled by the MNLA. And so that the electric power station
25 would work, fuel was needed. And the water provision, SOMAGEP were providing

Trial Hearing
WITNESS: MLI-D28-P-0551

(Open Session)

ICC-01/12-01/18

1 water for the town but electricity was needed, so a delegation for the crisis committee,

2 I was a member of it, we were at the airport in order to meet the person in charge.

3 Adam wasn't there -- Najim wasn't there.

4 THE INTERPRETER: [14:53:57] Corrects the interpreter.

5 THE WITNESS: [14:53:59](Interpretation) But there was another person, a colonel,
6 who gave a favourable welcome to this request for fuel.

7 MS GERRY: [14:54:15]

8 Q. [14:54:16] Thank you. And was fuel restored to the city by the MNLA?

9 A. [14:54:30] Yes, firstly by the MNLA and afterwards there was a second -- on
10 the instructions of Ansar Dine, there was a second donation as well.

11 Q. [14:54:47] And was electricity restored to Timbuktu by the MNLA?

12 A. [14:55:02] Yes, electricity was restored, thanks to the fuel that was given.

13 Q. [14:55:14] And what about water? Was there -- at the time that the MNLA
14 were at the airport, was there water at Timbuktu?

15 A. [14:55:24] Yes. With the fuel, there was water, at a particular time.

16 Q. [14:55:36] You told us that there were issues with vehicles and the MNLA. Can
17 you help us to understand whether vehicles were handed back.

18 A. [14:55:57] To the best of my knowledge, there was just one vehicle that was
19 handed back in my presence. This vehicle was used to transport certain people to
20 the airport -- certain participants at the meeting to the airport to return to the town.
21 And it was a vehicle which belonged to a hotel, the hotel Azalaï in Timbuktu. So
22 this vehicle was handed back and it was used as a means of transport to return
23 the imams and the neighbourhood chiefs to town. But I don't know what happened
24 to the others after me.

25 Q. [14:56:56] And you told us that the MNLA were at the airport, did they come

1 into the city of Timbuktu or not?

2 A. [14:57:12] Yes, they would often come into the city of Timbuktu but under
3 the control of Ansar Dine. They were prohibited from coming into the town with
4 weapons. So if they had to enter into the town, they would come without weapons
5 or under the control of Ansar Dine.

6 Q. [14:57:43] You told us just before lunch, page 65, line 24 of our transcript, that
7 Ansar Dine came to create order.

8 Let me just get you the exact words that you used. Excuse me.

9 You said, "There was a confused situation and they were attempting to create order in
10 the town."

11 Can you help us understand what Ansar Dine were attempting to do, please.

12 A. [14:58:43] When Ansar Dine arrived, between 1300 and 1500 hours at midday, in
13 Timbuktu, they were informed about the pillaging which was taking place in
14 the town. So the first thing that Ansar Dine did was to protect the hospital,
15 the regional hospital of Timbuktu, and certain sensitive areas such as the EDM
16 electricity provision, and then to stop pillaging and theft of property in the town of
17 Timbuktu. That was the disorder that reigned at the time. And Ansar Dine had
18 come to stop this phenomenon, so drive away all the armed men who did or did not
19 belong to the MNLA to get them to leave the town. And they occupied the strategic
20 points of the town in order to survey what was actually happening in the town of
21 Timbuktu.

22 Q. [15:00:02] Just so that we're clear, you've told us about a meeting with
23 the MNLA at the airport. Were there meetings with Ansar Dine?

24 A. [15:00:12] Yes. There was a meeting with Ansar Dine, with Iyad. He called
25 the imams, that's to say the religious leaders, and certain neighbourhood chiefs. But

Trial Hearing
WITNESS: MLI-D28-P-0551

(Open Session)

ICC-01/12-01/18

1 he made it clear that the interlocutors were the imams, the religious persons.

2 Q. [15:00:39] Were you at that meeting?

3 A. [15:00:47] Yes. Yes.

4 Q. [15:00:51] Do you know who was present as a member of Ansar Dine?

5 A. [15:01:08] At the time, there -- it was only Iyad that I knew. There were a lot of
6 others, but I didn't know the others because this was the first time I had met them.

7 Q. [15:01:29] And you've told us that imams and chiefs were present. Was it
8 the same groups who we saw in these photographs from 2010, or different?

9 A. [15:01:50] There, these were different people, but some of the first group were
10 also at this meeting.

11 Q. [15:02:01] And do you remember what the imams and the chiefs said to Iyad?

12 A. [15:02:22] What they said to Iyad was the same message. Having heard what
13 he said, what they had come to do in the town, that Timbuktu was a town of peace, of
14 religious tolerance, it was a peaceful town. And all that they were asking for was to
15 protect the population and to ensure that there was security in the town and to
16 protect the population who wanted to leave the town and go elsewhere. That was
17 all at that stage -- particularly to Bamako.

18 THE INTERPRETER: [15:03:13] Apologies.

19 MS GERRY: [15:03:16]

20 Q. [15:03:16] And what did Iyad say?

21 A. [15:03:24] Iyad replied that he was aware of the values of Timbuktu, and that is
22 why he himself had taken the responsibility of coming personally to Timbuktu,
23 because he knew the value of Timbuktu. And he assured them that he had come to
24 restore order to Timbuktu, to protect the population of Timbuktu, and to do
25 everything possible for justice to be restored in the town of Timbuktu, that is sharia.

Trial Hearing
WITNESS: MLI-D28-P-0551

(Open Session)

ICC-01/12-01/18

1 And that he -- he gave assurances that nobody would fall on anyone in Timbuktu.

2 Q. [15:04:38] You mention protection of the hospital. Was that discussed at this
3 meeting with Iyad?

4 A. [15:04:54] Yes. He said -- he said that as soon as they arrived, they secured
5 the hospital because, as far as he was concerned, the hospital was for everyone. So it
6 must be protected, no one must be allowed to touch it. He was one of the first
7 people to go and protect the hospital and the material and all the installations that
8 were within the hospital.

9 Q. [15:05:41] Thank you. You told -- you told us he said something about
10 the value of Timbuktu. Did you understand what that meant?

11 A. [15:05:59] Yes, he knew that Timbuktu is a town with an international
12 reputation, a major Islamic town, and a town of scholars. And he mentioned this on
13 several occasions, referring to the value of Timbuktu.

14 Q. [15:06:27] Thank you. You told us he said he wanted to restore order. Was
15 order restored?

16 A. [15:06:47] Yes, one could say that order was restored following the arrival of
17 Ansar Dine in the town. The pillaging was considerably reduced, the thefts reduced
18 a lot, violence also was reduced in the town. So from -- compared with the MNLA,
19 that reduced considerably. The MNLA groups withdrew from the town towards
20 the airport -- to the airport.

21 Q. [15:07:29] You told us that Iyad said he wanted to protect the population.

22 Were the population protected by Ansar Dine?

23 PRESIDING JUDGE MINDUA: [15:07:47](Interpretation) Madam Prosecutor.

24 MS SARDACHTI: [15:07:48](Interpretation) This is asking the witness to express an
25 opinion.

Trial Hearing
WITNESS: MLI-D28-P-0551

(Open Session)

ICC-01/12-01/18

1 PRESIDING JUDGE MINDUA: [15:08:03](Interpretation) Madam Prosecutor,
2 the question is, was the population actually protected. According to you, you
3 believe that is asking the witness to give an opinion. So are you saying that
4 the Defence is saying this is speculative?

5 MS SARDACHTI: [15:08:30](Interpretation) Yes.

6 THE INTERPRETER: [15:08:31] Overlapping speakers.

7 PRESIDING JUDGE MINDUA: [15:08:34](Interpretation) Ms Gerry, what's your
8 reply to this?

9 MS GERRY: [15:08:38] I can see the point. It may be it's easier if I ask were there
10 protections for the population.

11 PRESIDING JUDGE MINDUA: [15:08:58](Interpretation) Yes, so perhaps you could
12 reformulate your question along those lines.

13 MS GERRY: [15:09:04] Thank you.

14 Q. [15:09:04] Mr Witness, after that meeting with Iyad, were there protections for
15 the population?

16 A. [15:09:25] The population or -- or by Ansar Dine?

17 Q. [15:09:35] I'll ask the question again because it's getting confusing, Mr Witness.
18 So we'll start again.

19 You told us that Iyad said he wanted to protect the population. After that meeting
20 with Iyad, were there protections for the population?

21 A. [15:10:09] No.

22 Q. [15:10:22] Can you help us to understand what protections the population
23 needed at that time?

24 PRESIDING JUDGE MINDUA: [15:10:40](Interpretation) Madam Prosecutor.

25 MS SARDACHTI: [15:10:42](Interpretation) This is too general wording. Can -- can

1 he know what sort of protection would be required? And I would ask, please, that
2 that be factual elements and that the questions be more precise.

3 PRESIDING JUDGE MINDUA: [15:11:06](Interpretation) Ms Gerry, it is true that
4 the witness said he was in the town and he was part of the population, therefore he
5 could see what happened to the population. But perhaps you could reformulate in
6 order to put your question in a more precise manner.

7 MS GERRY: [15:11:26] Of course.

8 Q. [15:11:28] Mr Witness, what did you understand when you were at the meeting
9 with Iyad that he meant about protecting the population? What did he say those
10 protections were going to be?

11 A. [15:11:52] It's what I said. There was no protection for the population, despite
12 the fact that he assured us he would protect the population. But, in reality, this was
13 not the case. Because for Ansar Dine, there were elements which were out of control
14 and they were committing excesses in the town. So there was not the system of
15 protection for the population that had been promised.

16 Q. [15:12:33] You told us that Iyad said he wanted to do everything possible for
17 justice to be restored to sharia. What did you understand that to mean when you
18 were at that meeting?

19 A. [15:13:00] What I understood was that Ansar Dine had brought together all
20 the armed elements and there were attacks on citizens and that they were taking
21 vehicles, equipment, and -- and we -- they took things from individuals. And we felt
22 that Ansar Dine had acted in this way on those points.

23 Q. [15:13:48] I just want to make sure I understand you. The English translation
24 was you felt that Ansar Dine -- I'll just get the exact words, sorry. It's scrolled out of
25 my sight.

Trial Hearing
WITNESS: MLI-D28-P-0551

(Open Session)

ICC-01/12-01/18

1 You felt -- you "felt that Ansar Dine had acted in this way on those points."

2 Can you help us to understand what that meant, what you meant by "Ansar Dine had
3 acted in this way on those points"?

4 A. [15:14:36] Yes. We're talking about bandits, armed men coming into the town
5 to take people's belongings or to attack people, or to commit crimes in the town. So
6 every time that armed men came into town, Ansar Dine was there to arrest them.

7 Q. [15:15:05] Thank you. And just help us to understand what you mean by
8 sharia, please?

9 A. [15:15:25] Sharia, for us, is the implementation of Islamic principles to
10 the principles of society.

11 Q. [15:15:45] And finally, in relation to the meeting with Iyad, you told us that, "He
12 gave assurances that nobody would fall on anyone in Timbuktu." That's how it was
13 translated in English. Can you help me to understand what that meant, that Iyad
14 gave assurances no one would fall on anyone in Timbuktu, please.

15 A. [15:16:27] Here, what one could say is that we understood that the people who
16 were armed who come face to face with the population who are not armed, well,
17 Ansar Dine would act to install justice. We also saw people who had their goods
18 taken away from them, motorcycles, cars, whatever. They were -- these were moved
19 and then Ansar Dine ensured that their rights were served. After they had
20 complained to Ansar Dine, they received justice.

21 Q. [15:17:31] You told us earlier on today that a crisis committee was formed.
22 Was that -- had that been formed at the time of the meeting with Iyad or -- or was it
23 formed at some other time?

24 I should have just asked when if that helps my learned friend, I'll ask. Yes, I --

25 PRESIDING JUDGE MINDUA: [15:17:57](Interpretation) Madam Prosecutor.

Trial Hearing
WITNESS: MLI-D28-P-0551

(Open Session)

ICC-01/12-01/18

1 MS SARDACHTI: [15:18:00](Interpretation) Before we move to another subject,
2 could we please have some information about this meeting and some indication in
3 time.

4 PRESIDING JUDGE MINDUA: [15:18:20](Interpretation) Ms Gerry, could you
5 please be a bit more precise.

6 MS GERRY: [15:18:26] Yes, I understand the point. Thank you.

7 Q. [15:18:30] Mr Witness, can you tell us when the meeting with Iyad was, please?

8 A. [15:18:43] This meeting with Iyad took place just two days after his arrival in
9 the hotel known as the Hotel Bouctou, Hotel Bouctou in Timbuktu. In that
10 meeting -- that was where the meeting took place just after the meeting with
11 the community leaders and the mayor at the airport. So it was just after that, in
12 the afternoon, with the certain religious leaders and community neighbourhood
13 leaders.

14 Q. [15:19:28] So just so that we're clear, was the meeting at the airport on the same
15 day as the meeting at the hotel Bouctou?

16 A. [15:19:47] No, I said it was the day after.

17 Q. [15:19:48] Thank you. I'm sorry if I caused confusion.

18 Now, focusing on the meeting with Iyad at the hotel Bouctou, had the crisis
19 committee been formed by that date, or not? When was the crisis committee
20 formed?

21 A. [15:20:15] No, the crisis committee meeting was the day after the meeting with
22 Iyad. Perhaps I can explain this.

23 Mohamed Najim called an initial meeting with the neighbourhood leaders and
24 the imams and the mayor. So they -- they met, they did their meeting and then Iyad
25 called the imam and the neighbourhood leaders and some people. So after that they

1 took -- they made contact with people. So every time Iyad calls the imams and then
2 Mohamed Najim would call the others, the leaders or the mayor, various people. So
3 the mayor of Timbuktu said, "Instead of having various partners between me and
4 Mohamed Najim at the other side of the airport, why not have a crisis committee
5 which will speak to both parties on behalf of the population? Because it's the same
6 population in both cases." So the mayor called a big meeting to establish the crisis
7 committee.

8 So the crisis committee was set up after all these meetings that we've just been talking
9 about.

10 Q. [15:22:01] After the meeting with Iyad, did the crisis committee have meetings?

11 A. [15:22:16] Yes. Before holding the meeting, there was first of all
12 the establishing of the crisis committee. So there were meetings to set up the crisis
13 committee and to establish it before it went on to -- to other meetings.

14 Q. [15:22:34] (Redacted)

15 (Redacted)

16 A. [15:22:48] (Redacted)

17 Q. [15:22:57] No need to tell us your role. I'm just going to stop the translation
18 there if I can. Just to help us to understand, what were the concerns of the crisis
19 committee at that stage?

20 A. [15:23:19] The aim of the crisis committee at this stage was to be
21 the -- the interface between the population and Ansar Dine and the MNLA. That
22 was its main concern.

23 Q. [15:23:38] And once the crisis committee was set up, did the crisis committee
24 have meetings?

25 A. [15:23:52] Of course, the committee held a lot of meetings.

Trial Hearing
WITNESS: MLI-D28-P-0551

(Open Session)

ICC-01/12-01/18

1 Q. [15:24:02] What were those meetings about?

2 A. [15:24:13] The meetings were about the security situation in the town, on
3 humanitarian actions, the humanitarian aid that was arriving in the town of
4 Timbuktu. It covered activities by the farmers around the town. It had -- there
5 were meetings about school, education, also about water and electricity, the electricity
6 supply in the town, and also about the concerns of the population with regard to their
7 day-to-day activities.

8 Q. [15:25:09] Who was at these meetings?

9 A. [15:25:21] At these meetings, there were the members of the crisis committee.

10 Q. [15:25:32] Did the crisis committee go on to meet anyone else?

11 A. [15:25:47] The crisis committee met Ansar Dine a number of times. They also
12 met, as I said earlier, the representative of the MNLA at the airport. It also met
13 humanitarian representatives, or intermediaries of humanitarian activities, as well as
14 the neighbourhood leaders and the councils of the neighbourhood leaders in order to
15 report on activities.

16 Q. [15:26:30] (Redacted)

17 (Redacted)

18 A. [15:26:46] (Redacted)

19 Q. [15:26:49] Do you remember how many meetings there were between the crisis
20 committee and Ansar Dine?

21 A. [15:27:06] No.

22 Q. [15:27:08] Do you remember how many meetings that the crisis committee had
23 all together?

24 A. [15:27:23] No.

25 Q. [15:27:26] Without spending too long on it, just one final question, all together,

Trial Hearing
WITNESS: MLI-D28-P-0551

(Open Session)

ICC-01/12-01/18

1 did the crisis committee have more than 10 or less than 10 meetings? Or does that
2 not help you at all?

3 A. [15:27:46] It was more than 10. A lot more than 10.

4 Q. [15:27:52] And are you able to help us as to when those meetings were, which
5 months, or weeks, or dates, depending on what you can remember?

6 A. [15:28:15] I know that the crisis committee met every week. They had
7 extraordinary meetings. But the number and the period, it's -- is difficult to say. It
8 is not easy to say.

9 Q. [15:28:38] You've told us about some dates at the end of March, beginning of
10 April. Obviously, a year runs to December. In the year of 2012, are you able to say
11 whether those meetings were continuing for the whole year or only for part of
12 the year?

13 A. [15:29:15] After the committee was established in April 2012, the meetings did
14 not stop until after the liberation of Timbuktu in January 2012 -- 2013. End of
15 January 2013. And that continued afterwards when the administration came back,
16 the governor came back and the administration returned to Timbuktu at the end of
17 2013, 2014, and that's when they came to an end, these meetings.

18 Q. [15:29:56] Thank you. Focusing on the meetings between the crisis committee
19 and Ansar Dine, you've given us some topics for meetings. I'm just going to check
20 whether they were discussed or not.

21 So in the meetings between the crisis committee and Ansar Dine, was security
22 discussed?

23 A. [15:30:30] Yes, of course. Security was the main subject of discussion.
24 The town was under occupation by two different groups, Ansar Dine in the city itself
25 and MNLA on the periphery of Timbuktu. And the population was very much

Trial Hearing
WITNESS: MLI-D28-P-0551

(Open Session)

ICC-01/12-01/18

1 concerned by the question of security, because there were weapons everywhere, there
2 kept being security incidents, so the primary subject of discussion in these meetings
3 was the question of security.

4 Q. [15:31:22] (Microphone not activated)

5 PRESIDING JUDGE MINDUA: [15:31:24] Microphone, please.

6 MS GERRY: [15:31:25] I'm sorry.

7 Q. [15:31:26] Mr Witness, as the year progressed, you told -- told us until the crisis
8 committee finished, but focusing just on the meetings with the crisis committee and
9 Ansar Dine, how was security discussed later in the year?

10 A. [15:31:58] What I was saying on the subject of the security situation, there wasn't
11 a lot of debate on that, because Ansar Dine, who were masters of the field in the town,
12 at a certain time they drove away the MNLA from the town of Timbuktu. From
13 the end of the month of June 2012, they drove the MNLA completely out of Timbuktu.
14 So the security situation came back into the hands of Ansar Dine for quite a long time,
15 until the end of the occupation. So it was a subject about which there wasn't too
16 much discussion, apart from when there were incidents. When there were incidents,
17 then they would deal with the issue, but they did not discuss security strategies with
18 Ansar Dine, no.

19 Q. [15:33:11] (Microphone not activated)

20 PRESIDING JUDGE MINDUA: [15:33:17] Microphone, please.

21 MS GERRY: [15:33:19]

22 Q. [15:33:20] So, Mr Witness, from the end of June to when Ansar Dine finished, if
23 you like, how was security in Timbuktu?

24 A. [15:33:41] As you know, you can't speak about security, because where you have
25 weapons, at any time there's gunfire there are incidents. You can't speak about

1 security because the men who controlled the town with weapons also escaped
2 the control of their chiefs. Because there were a lot of men who were armed in
3 Timbuktu, so there could be an incident at any time. You couldn't speak about
4 security.

5 Q. [15:34:31] Focusing on the meetings between the crisis committee and
6 Ansar Dine, were humanitarian actions and aid discussed?

7 A. [15:34:51] Yes.

8 Q. [15:34:55] What did Ansar Dine say about humanitarian actions and aid?

9 A. [15:35:08] Ansar Dine was favourable towards the entry of humanitarian
10 convoys into the town. Apart from the CICR, their insignia. You had the -- a red
11 crescent or other logos that they didn't want to have on the vehicles on a
12 humanitarian convoy.

13 As regards the rest, they were in favour of them for the distribution of humanitarian
14 aid within the town.

15 Q. [15:35:50] And did that happen, was there distribution of humanitarian aid
16 within the town when Ansar Dine were in Timbuktu?

17 A. [15:36:01] Yes, there was a lot of distribution of humanitarian aid.

18 Q. [15:36:12] You told us at the crisis committee meetings, activities by farmers
19 were discussed. Were the activities by farmers discussed in those meetings with
20 Ansar Dine?

21 A. [15:36:35] Yes.

22 Q. [15:36:38] Can you help us to understand what was discussed about
23 the activities by farmers, please.

24 A. [15:36:51] What was discussed was to see how Ansar Dine could give
25 agricultural cooperatives with -- give them fuel and -- provide them with fuel and

Trial Hearing
WITNESS: MLI-D28-P-0551

(Open Session)

ICC-01/12-01/18

1 facilitate their access to seeds and fertiliser and other elements like that.

2 Q. [15:37:22] And what did Ansar Dine say about the activities by farmers?

3 A. [15:37:34] They were in favour of agricultural activities. And they facilitated
4 the obtention of fuel and they also -- so they facilitated getting fuel for
5 the moto-pump groups and also for schools as well.

6 Q. [15:38:07] Can you just help us to understand how facilitating fuel for the moto
7 groups helps the activities by farmers, please.

8 MR DUTERTRE: [15:38:23](Interpretation) Your Honour.

9 PRESIDING JUDGE MINDUA: [15:38:24](Interpretation) Prosecutor.

10 MR DUTERTRE: [15:38:26](Interpretation) Could we cut the sound to the witness,
11 please.

12 PRESIDING JUDGE MINDUA: [15:38:31](Interpretation) Court officer, please cut
13 the sound to the witness.

14 THE COURT OFFICER: [15:38:41] The sound to the witness has been disconnected,
15 Mr President.

16 PRESIDING JUDGE MINDUA: [15:38:48](Interpretation) Thank you very much,
17 Madam Court Officer.

18 Prosecutor.

19 MR DUTERTRE: [15:38:52](Interpretation) Thank you. That's been a while when
20 we've been dealing with grain, water, electricity, fuel, and I think the Chamber asked
21 the parties to concentrate on what was very much at the heart of the case, charges of
22 torture, degrading activity. So perhaps my colleague could go on to what is really at
23 the heart of this case and the violence that the population was subject to. We haven't
24 heard about that for a moment. Perhaps my learned colleague doesn't want to go
25 into that, but that doesn't help the Chamber resolve the questions that are before it.

Trial Hearing
WITNESS: MLI-D28-P-0551

(Open Session)

ICC-01/12-01/18

1 PRESIDING JUDGE MINDUA: [15:39:43](Interpretation) Thank you very much,
2 Prosecutor.

3 Ms Gerry, the Chamber itself -- please wait. The Chamber took note and my
4 colleagues are taking notes as well, we have spoken a lot about the humanitarian
5 activities of Ansar Dine and their concerns with regards to farmers, et cetera. But I
6 think that we've really gone into that a lot. Now we can really move on to
7 something else. There is no point in continuing on this subject. We have well
8 understood how this organisation protected the hospitals, the farm -- farmers,
9 et cetera. Fuel. I don't know if you -- yeah, we have to move on.

10 MS GERRY: [15:40:34] I'm grateful for Mr President's understanding. The objection
11 could not be more wrong. It is not the Prosecution case at the moment, it's the
12 Defence case. Mr Al Hassan is charged with a common purpose. The purpose of
13 the organisation is the core of this trial and the activities of Ansar Dine are absolutely
14 relevant to that. In the same way as the Prosecution have obsessed with smoking,
15 these are issues that are absolutely relevant to the Defence.

16 PRESIDING JUDGE MINDUA: [15:41:15](Interpretation) I didn't go in the direction
17 of the Prosecutor to say it's not relevant. What I've said is we've understood this
18 subject, please move on, because you're going into details.

19 MS GERRY: [15:41:25] Yes. I apologise. I misunderstood. I'll carry on.

20 Q. [15:41:30] Briefly, Mr Witness --

21 PRESIDING JUDGE MINDUA: [15:41:31](Interpretation) Very well. We're going
22 to re-establish the sound.

23 Court officer, please re-establish the sound.

24 THE COURT OFFICER: [15:41:48] The sound to the witness has been re-established,
25 Mr President.

Trial Hearing
WITNESS: MLI-D28-P-0551

(Open Session)

ICC-01/12-01/18

1 PRESIDING JUDGE MINDUA: [15:41:54](Interpretation) Thank you very much,
2 court officer.

3 Ms Gerry.

4 MS GERRY: [15:41:58] Thank you, Mr President.

5 Q. [15:42:00] Mr Witness, you told us that the crisis committee discussed schooling
6 with Ansar Dine. Was schooling -- you also used the word "facilitated", that
7 Ansar Dine facilitated things. Was schooling facilitated by Ansar Dine?

8 A. [15:42:33] Yes. Classes were re-opened with the conditions of Ansar Dine,
9 namely, the separation of boys and girls in the classroom. And then they asked for
10 the introduction of the Arabic language into teaching, into public education. That's
11 it.

12 Q. [15:43:03] Was water facilitated by Ansar Dine?

13 MR DUTERTRE: [15:43:15](Interpretation) Your Honour.

14 PRESIDING JUDGE MINDUA: [15:43:15](Interpretation) Yes.

15 Madam, *Maître* Gerry, I see the Prosecutor and I can already imagine what he's going
16 to say, and you too, I think. So I think that you can move on.

17 MS GERRY: [15:43:32] I'll try -- I'll try a global question. That may assist.

18 Q. [15:43:36] Mr Witness, you told us that at the crisis committee meetings with
19 Ansar Dine, the following was discussed: Security, humanitarian actions, activities
20 by farmers, school, education, water, electricity and the concerns of
21 the -- the day-to-day concerns of the population.

22 Can we just be clear, were all of those topics discussed at the meetings with
23 Ansar Dine?

24 A. [15:44:13] Yes. Even with health. Even health issues.

25 Q. [15:44:21] Thank you. We'll add health to the list. And again, a global

Trial Hearing
WITNESS: MLI-D28-P-0551

(Open Session)

ICC-01/12-01/18

1 question, to move quickly: Were all of those topics facilitated by Ansar Dine?

2 A. [15:44:40] Yes. Whenever the problem arose.

3 PRESIDING JUDGE MINDUA: [15:44:44](Interpretation) Madam Prosecutor.

4 MS SARDACHTI: [15:44:47](Interpretation) This is a question that's far too general.

5 We don't know what it's about exactly.

6 PRESIDING JUDGE MINDUA: [15:44:52](Interpretation) Yes, Madam Prosecutor.

7 But I think this is a general question and a conclusive question. The Chamber has
8 understood. And now the Defence is going to move on.

9 Ms Gerry.

10 MS GERRY: [15:45:06] Thank you, Mr President.

11 Q. [15:45:08] Mr Witness, just one area of clarification. What were the day-to-day
12 concerns of the population, please?

13 PRESIDING JUDGE MINDUA: [15:45:22](Interpretation) No. Ms Gerry --

14 MS GERRY: [15:45:26] I'll ask it in another way. I understand.

15 PRESIDING JUDGE MINDUA: [15:45:29](Interpretation) No, please wait.

16 The Prosecution has its theory. You have yours. Now, with the elements that
17 you've already developed this afternoon, the Chamber has understood. The last
18 question you put to the witness we already have an answer to, so please move on.

19 MS GERRY: [15:46:04]

20 Q. [15:46:05] Mr Witness, earlier on today you told us about meetings in 2010 and
21 the concerns of the notables, the imams, the chiefs of the neighbourhood and the *qadi*.

22 After June of 2012, were those same concerns discussed at the meetings with
23 Ansar Dine, or not?

24 A. [15:46:49] No.

25 Q. [15:46:51] Why not?

Trial Hearing
WITNESS: MLI-D28-P-0551

(Open Session)

ICC-01/12-01/18

1 MS SARDACHTI: [15:47:00](Interpretation) I'm very sorry, your Honour, I'm sorry
2 to interrupt again, but here we're just into argumentation.

3 PRESIDING JUDGE MINDUA: [15:47:13](Interpretation) Ms Gerry, you're asking
4 the witness why not. And I think that that is argumentative.
5 Please reformulate it or move on to something else.

6 MS GERRY: [15:47:25] Certainly, Mr President. I'll just go back to what those
7 concerns were and break them down.

8 Q. [15:47:35] Mr Witness, when Ansar Dine were present in Timbuktu, did
9 the concerns regarding the holding of elections still remain?

10 A. [15:47:55] No. No, it wasn't the same circumstances.

11 Q. [15:48:01] Mr Witness, you told us that the concerns in 2010 were the abusive
12 consumption of alcohol by young people. Did those concerns remain when
13 Ansar Dine were in Timbuktu?

14 A. [15:48:30] When Ansar Dine came, the population and the leaders had other
15 ideas, different ideas to 2010. So it's true that with Ansar Dine there was a complete
16 prohibition on the consumption of alcohol, a total ban on going -- walking around in
17 certain types of clothing. But the community, the imams, the community leaders did
18 not appreciate the force imposed on the town. So subjects like that were not subject
19 to discussions with Ansar Dine. On the contrary, Ansar Dine tried to apply the same
20 measures in another way, by force, with repression. So the context is different.

21 Q. [15:49:37] Thank you, Mr Witness. You told us this morning that the concerns
22 in 2010 related to the practices against society and the degradation of traditional
23 values. Did -- and you gave an example of nocturnal gatherings in dark
24 places -- spaces. Did those concerns still remain when Ansar Dine were in
25 Timbuktu?

1 A. [15:50:11] Yes. When Ansar Dine was there, there was no longer the state,
2 the state was no longer present. The population had left, elsewhere. A large part of
3 the population had left, so those who remained were afraid. Everybody was hiding.
4 And those who tried to do the same thing were repressed by the Islamic police.
5 They were reprimanded by the Islamic police.

6 Q. [15:50:44] Now, you told us earlier on today that the community leaders wanted
7 to bring back the traditional Islamic society. Did that happen during the presence of
8 Ansar Dine or not?

9 A. [15:51:07] Yes, but in a form that the leaders did not appreciate. It's true that
10 the population appreciated the return of the dress code, they appreciated the fact that
11 alcohol was no longer consumed in town, they appreciated the fact that there was no
12 longer nocturnal liaisons, but when it came to -- they appreciated the fact that around
13 mosques it was calmer, but they didn't appreciate the way in which they did such
14 things. And they appreciated the fact that there were no longer disturbances of
15 the peace.

16 Q. [15:51:58] Mr Witness, you told us that the crisis committee was the interface
17 between the population and Ansar Dine. Can you help us to understand what
18 the crisis committee did, please, when Ansar Dine were present after June of 2012.

19 A. [15:52:24] Well, whenever women were imprisoned or taken to the Islamic
20 commissariat, the crisis committee would intervene with the police in charge to obtain
21 their freedom. Whenever people were victims of theft or criminal acts, they would
22 take steps with Ansar Dine to find a solution. Whenever there were problems in
23 the hospital or with regards to the energy company EDM or in another sector of
24 the town, the crisis committee would intervene to try and find a solution.
25 So the crisis committee, whenever there was a problem, a social problem or

Trial Hearing
WITNESS: MLI-D28-P-0551

(Open Session)

ICC-01/12-01/18

1 a structural problem, they would go to Ansar Dine who had the monopoly on
2 security in the town and they would approach them with a view to addressing
3 the issue to find a solution with them. And often, for example, in the celebration of
4 festivals, for example, Maouloud festival, the crisis committee, through the High
5 Islamic Council, sent a delegation to discuss this with Ansar Dine, how should
6 the festival of Maouloud be celebrated? So this was the issue. On religious
7 questions too they would have discussed and there would be meetings.

8 Q. [15:54:13] (Redacted)

9 (Redacted)

10 (Redacted)

11 A. [15:54:27] I haven't understood the question.

12 Q. [15:54:31] You told us that they went to Ansar Dine to find a solution. Were
13 solutions found?

14 A. [15:54:43] Yes. Often solutions were found.

15 Q. [15:54:51] Are you able to give us some examples?

16 A. [15:55:04] With regard to the imprisonment of certain women and young girls,
17 often when the crisis committee would take certain steps, even if they weren't
18 immediately freed, they were freed later. And also when the crisis committee called
19 for Ansar Dine to obtain generators to ensure that the town could have water, they
20 would make these generators available to the people to make sure that the town could
21 be supplied with water. And also, when it came to the school facilities, they
22 would -- Ansar Dine would help in providing fuel. They would make it possible for
23 humanitarian transport so that the lorries would not be attacked on the road. So
24 they did a lot of things like that.

25 Q. [15:56:23] And what about the stealing of cars and motorbikes and goods that

Trial Hearing
WITNESS: MLI-D28-P-0551

(Open Session)

ICC-01/12-01/18

1 you told us about? Did Ansar Dine do anything about that?

2 A. [15:56:42] That was from the first day of the occupation. When the MNLA
3 departed, that was done right from the beginning. This phenomenon ended when
4 the MNLA departed.

5 Q. [15:57:01] And when solutions were found to social and structural problems,
6 was that the crisis committee working on its own, or Ansar Dine working on its own,
7 or them working together, or something else? Can you help us to understand how
8 these solutions were achieved.

9 A. [15:57:33] What you have to understand is that the crisis committee would
10 analyse the situation in town, the problems, and the requests that were there, and
11 every time there had to be a solution from Ansar Dine, they wouldn't hesitate to send
12 a missionary -- emissaries to find a solution. That means as well that the crisis
13 committee worked in an autonomous way, without Ansar Dine. Ansar Dine also
14 carried out activities for the population without the crisis committee.
15 But where it concerned -- where they wanted to reach a particular part of
16 the population, then the contact was there.

17 Q. [15:58:24] And to your knowledge, without going through each and every
18 activity in your list, were there successful solutions?

19 A. [15:58:49] I had already spoken about success, times when there were results. I
20 already mentioned that. Unless I have to repeat it again, with regards to certain
21 subjects.

22 PRESIDING JUDGE MINDUA: [15:59:04](Interpretation) That's it.

23 Ms Gerry, you see, the witness himself says he said this several times. You're
24 repeating the same question and he's repeating the same answer. Please move on.
25 Furthermore, it's now one minute to 4. Ms Gerry, I see on your list that there is still

Trial Hearing
WITNESS: MLI-D28-P-0551

(Open Session)

ICC-01/12-01/18

1 one or two important subjects.

2 Knowing that this witness has to stay with us just for two days, today and tomorrow,
3 how much time do you still need in order to finish.

4 MS GERRY: [15:59:40] If you give me an extra half an hour, I might be able to finish
5 today. I can't promise, but I will try.

6 PRESIDING JUDGE MINDUA: [15:59:51](Interpretation) No, Ms Gerry. I think
7 that you can promise it to us if you summarise your questions, taking into account
8 precise answers from the witness.

9 So we're going to stop provisionally for five minutes in order to make it possible to
10 have a breath, and then we will be back at 4.05 and we will finish, Ms Gerry, at 4.35,
11 exceptionally, for you.

12 Court is suspended.

13 THE COURT USHER: [16:00:29] All rise.

14 (Recess taken at 4.00 p.m.)

15 (Upon resuming in open session at 4.07 p.m.)

16 THE COURT USHER: [16:07:00] All rise.

17 Please be seated.

18 PRESIDING JUDGE MINDUA: [16:07:22](Interpretation) Hearing is resumed. We
19 were more than two minutes. Please try to be punctual next time.

20 So, Ms Gerry, you have the floor for the continuation and conclusion of
21 the examination-in-chief. Ms Gerry.

22 MS GERRY: [16:07:44]

23 Q. [16:07:46] Mr Witness, I want to ask you about people. Focusing on 2012, do
24 you remember a man called Sanda?

25 A. [16:08:03] Sanda, yes, Sanda Ould Boumama.

1 Q. [16:08:11] Focusing on the second half of 2012, the crisis committee and
2 the issues you've been telling us about, what was Sanda's role?

3 A. [16:08:34] Sanda was the intermediary or interface between the crisis committee
4 and Ansar Dine.

5 Q. [16:08:46] Thank you. Do you remember a person called Abou Zeid?

6 A. [16:08:57] Yes.

7 Q. [16:08:58] What was his role, please?

8 A. [16:09:09] Abou Zeid was the big boss of Al-Qaeda in Timbuktu and he was also
9 at the head of Ansar Dine.

10 Q. [16:09:23] Thank you. Do you remember a man called Mohamed Moussa?

11 A. [16:09:39] Yes.

12 Q. [16:09:39] What was his role, please?

13 A. [16:09:44] He was the Islamic commissioner.

14 Q. [16:09:51] Can you help us as to what you mean by "Islamic commissioner".
15 That's how it was translated.

16 A. [16:10:05] Mohamed Moussa in Timbuktu was known for having a team of
17 Mujahidin and they ensured that the correct dress code was respected. And he
18 imprisoned a lot of women and young women in Timbuktu during the time that he
19 was Islamic commissioner.

20 Q. [16:10:41] What was he the commissioner of?

21 A. [16:10:54] The commissioner of the Islamic police. This is a term that
22 the population used for him. He may have another title which might be different.

23 Q. [16:11:11] You mentioned during the time he was the commissioner. Can
24 you -- was there a time when he was not the commissioner?

25 A. [16:11:25] Yes. There was a time when he was replaced by somebody by

1 the name of Adama.

2 Q. [16:11:38] Do you know the different departments there are or were in 2012 in
3 the Islamic police?

4 A. [16:11:55] No.

5 Q. [16:11:59] Do you remember when Moussa was removed, Mohamed Moussa
6 was removed?

7 A. [16:12:14] Mohamed Moussa was removed following a march by the women of
8 Timbuktu before the commissariat, the Islamic police in Timbuktu, and it was
9 following this protest that Mohamed Moussa was no longer at the head of the Islamic
10 police. It was then that he was removed from the post. The day of this sit-in.

11 Q. [16:12:57] When was the day of the sit-in, please?

12 A. [16:13:10] I don't recall the exact date. But I can remember the important
13 events that took place that day.

14 Q. [16:13:22] Where was the women's march?

15 A. [16:13:34] It was in front of the Islamic police.

16 Q. [16:13:40] Do you know the name of the building?

17 A. [16:13:48] It was the -- the bank, the BMS bank in Timbuktu.

18 Q. [16:13:55] What were the women protesting about?

19 A. [16:14:03] The women were protesting against the aggression towards them by
20 Mohamed Moussa. The fact that he insisted on correct dress in the market or in
21 the -- within the town, whereas some women carried out activities at the market
22 which did not allow them to wear the kind of clothing being imposed on them by
23 Mohamed Moussa. And also prohibitions against being in certain places or speaking
24 to certain men in the street. So he imposed constraints on the women's activities.
25 And before the sit-in demonstration at the bank, Mohamed Moussa had -- his men

Trial Hearing
WITNESS: MLI-D28-P-0551

(Open Session)

ICC-01/12-01/18

1 had attacked a woman or shown aggression towards a woman in front of her door,
2 and it was somebody belonging to this woman who hit the -- somebody hit one of
3 the Mujahidin and that led to the demonstration. And that's where the women
4 wanted to make their opinions known and that's -- they'd had enough and that's why
5 it led to this demonstration.

6 Q. [16:15:52] And after the demonstration by the women, were there
7 solutions -- you were telling us that solutions were reached. Were solutions reached
8 for this matter?

9 A. [16:16:11] Yes. When the problem blew up with the insistence of the women
10 and their protest in front of the commissariat, there were other leaders like Abou Zeid
11 and others responsible -- other leaders from Ansar Dine who came to convince
12 the women to leave and said that a solution would be found. So following
13 the demonstration, the next day we never saw Mohamed Moussa's vehicle in
14 the streets going after the women and the young girls. So apparently there was
15 a solution found without a problem.

16 Q. [16:17:04] You mention the women in the markets. Were there solutions for
17 the women in the markets?

18 A. [16:17:17] Yes. There was a solution for the women in the market because they
19 continued to conduct their activities. They were no longer harassed in this way.

20 Q. [16:17:31] And what activities did the women conduct in the markets?

21 A. [16:17:46] They were carrying out commercial activities. They had activities
22 linked to commercial activities and handicrafts, work.

23 Q. [16:18:11] And after the march, how were the women in the markets dressed?

24 A. [16:18:24] The women dressed correctly. But if they had to carry out some
25 activity which meant that they were not dressed correctly, they -- they did what they

1 needed to do. They followed the dress code, but some of the activities required them
2 to adjust their dress code.

3 Q. [16:18:55] You mentioned a person called Adam. Do you know when he
4 started work at the Islamic police?

5 A. [16:19:11] Adam was just after Mohamed Moussa had left. He then took on
6 the Islamic police activities at the BMS and you could see him very active in
7 the forefront of situations. But it's possible that he was working there before he
8 actually took over the responsibility for the Islamic police.

9 Q. [16:19:47] And how was his behaviour towards the people of Timbuktu, Adam's
10 behaviour?

11 A. [16:20:08] Adama was much more appreciated than Mohamed Moussa because
12 he was not as violent as Mohamed Moussa. He communicated with the young
13 people, he communicated with everybody. He accepted dialogue and he always
14 managed to find solutions with people. So he was very open to the population. He
15 was a very open-minded person. And he was open with everybody, ready to talk to
16 everybody.

17 Q. [16:20:55] Are you aware of any marriages in Timbuktu in 2012?

18 A. [16:21:08] Marriages, yes.

19 Q. [16:21:15] Do you recall any particular marriage?

20 A. [16:21:22] Yes, of course.

21 Q. [16:21:24] Can you tell us about it, please.

22 A. [16:21:34] The marriage which was celebrated which involved Adama was
23 the marriage of a young man called Chau who had good relations with Adama.
24 They used to chat together. He talked of his youth, his background. He told
25 Adama that he wanted to get married, but he was with a girl with whom he had

Trial Hearing
WITNESS: MLI-D28-P-0551

(Open Session)

ICC-01/12-01/18

1 a child, but the parents were not happy that they should get married for the time
2 being. Adama asked Chau is -- was he determined to marry, and he said yes, and he
3 said, "You know, it's sharia and to get married, then there are certain preconditions.
4 If you accept the preconditions, then there will be no problem and we can facilitate
5 the marriage." So the young man accepted this and it was explained that he must be
6 punished publicly so that the sins he had committed with the girl could be -- could
7 disappear before he got married.

8 He accepted this. They informed the parents of the girl, who also accepted this.
9 And the two of them were subject to punishment in public and then their marriage
10 was celebrated.

11 Q. [16:23:36] Thank you. I'm now going to ask you about Mr Al Hassan.

12 Have you ever met Mr Al Hassan?

13 A. [16:23:50] Yes, I met him I think three times.

14 Q. [16:23:59] Can you tell us about the first time, please.

15 A. [16:24:09] The first time I met him was to have a travel permit, travel permit
16 with young people who were to go and play football. So we needed to have this
17 authorisation, this permit, the document which allowed us to travel. I met him and
18 he gave me the travel permit.

19 Q. [16:24:39] Where did you meet him, please?

20 A. [16:24:47] I met him at the Islamic police, at the BMS.

21 Q. [16:24:56] And you told us you thought you'd met him three times. Can you
22 tell us about the other two times, please.

23 A. [16:25:10] The two other times was at the *gouvernorat*, the governor's office in
24 Timbuktu, in December, end of December. (Redacted)
25 (Redacted)

1 (Redacted). So following the burglary he came to Timbuktu, he was able to identify
2 the person who had damaged his house because of one of the motorcycles that had
3 been inside his house. So we saw Al Hassan at the governor's office. We went
4 there to submit a complaint.

5 So the second time was an appointment that we had for the same problem in order to
6 consider the next stages in the problem. And that the last time that I met him.

7 Q. [16:26:46] When you met him at the *gouvernorat* on those two times, is that
8 the same building or a different building from BMS?

9 A. [16:27:05] No, it's a different building. That was the governor's office in
10 Timbuktu.

11 Q. [16:27:10] And you said December, but you didn't give the year. Can we just
12 be clear on December of which year, please.

13 A. [16:27:20] December 2012.

14 Q. [16:27:23] And without giving me a name, when you went to the *gouvernorat*,
15 were you with (Redacted) who had the complaint or not?

16 A. [16:27:39] Yes, I was with him.

17 Q. [16:27:43] And you told us that the thief was identified. Again, without giving
18 names, was the thief present at the *gouvernorat* or not?

19 A. [16:28:01] Yes, he was present.

20 Q. [16:28:07] When you met with Mr Al Hassan on those two occasions, was
21 the complaint by (Redacted) resolved?

22 A. [16:28:27] Yes. The first time he listened to both sides, and having heard them
23 both, he instructed the person identified as the thief to bring back the goods and bring
24 back the motorcycles. He gave him a certain time, a deadline, and when
25 the deadline was up we went back. But that was when the French had arrived, so

1 that was not in the -- that was not possible. But we were asked to come back because
2 the situation was very tense and that's when the French strike force arrived. So
3 that's how it happened. In the meantime, there was the liberation which took place.
4 So we didn't see him again after that.

5 Q. [16:29:42] You've told us you didn't see him again in relation to (Redacted)
6 (Redacted) complaint after that. But did you see Mr Al Hassan anywhere else?

7 A. [16:30:03] Yes. We saw each other again in very difficult circumstances,
8 because there were two meetings at the town hall in Timbuktu, on two different
9 situations. First meeting was one asked by the Arab and Tuareg merchants who felt
10 that their shops were under threat, so they wanted to have a solution with Ansar Dine
11 for that. So we met on that occasion. And that was at night and
12 then -- the beginning of the evening.

13 And then there was a second meeting - he wasn't there - relating to the behaviour of
14 the young people in Timbuktu and some members of the population on
15 the -- regarding the fact that in their absence, people were going there, people were
16 smoking in the street and playing music. And particularly were playing music.
17 And that was to warn the population that they should respect the measures that were
18 in place. And there was a very firm attitude taken to this form of behaviour in
19 the street. And that was the period of the French intervention.

20 Q. [16:31:57] You've told us that Mr Al Hassan was not at the second meeting. So
21 just focusing on the first meeting. When you told us the Arab and Tuareg merchants
22 were under threat, can you just help us to understand what they were under threat
23 from, please.

24 A. [16:32:25] They said that they were threatened by young people from Timbuktu.
25 Because the question was asked, or they asked question of the leaders of Ansar Dine,

Trial Hearing
WITNESS: MLI-D28-P-0551

(Open Session)

ICC-01/12-01/18

1 if someone comes forcefully, breaks into your shop and take your belongings, what
2 should your attitude be? Is self-defence -- legitimate self-defence okay? Or how
3 should one conduct oneself in such a situation, which is a way of saying --

4 PRESIDING JUDGE MINDUA: [16:33:09](Interpretation) Ms Gerry, could you
5 please close your microphone, because there's feedback from the witness mic.

6 Mr Witness, please continue.

7 THE WITNESS: [16:33:21](Interpretation) So it was to say to Ansar Dine there are
8 groups of young people and then on the other hand there was a strike from
9 the French, they were going to attack their shops, how should they defend themselves.
10 That was the basic aim of the meeting and it was really a way of raising awareness of
11 the problem for everybody.

12 MS GERRY: [16:33:57]

13 Q. [16:33:58] Thank you. And what was Mr Al Hassan's response? You said you
14 saw him there. Did he speak?

15 A. [16:34:16] No, he was not the main person in charge at that meeting. He
16 attended the meeting, so, well, he -- he was not in charge of the meeting, he was just
17 present. But he was present at the meeting. So in that type of meeting he would
18 not have much say, or much to say.

19 Q. [16:34:47] Just give me a moment. I'm just going to check. I think I have two
20 more questions for you. But I'm just going to check. Excuse me.

21 Mr President, I hope that's acceptable. I just want to check.

22 (Counsel confer)

23 MS GERRY: [16:35:27]

24 Q. [16:35:27] Mr Witness, I understand that Mr Al Hassan did not speak. Did
25 someone from -- can I just understand the picture of this meeting that you saw

1 Mr Al Hassan at. Who -- who was present?

2 A. [16:35:52] This meeting, there was Adama, there was Al Hassan and there were
3 other people from Ansar Dine. But I don't know their names. I only know them by
4 sight. There were some people -- there were some Arab traders and people from
5 the crisis committee. It was exchanges between the two parties, the merchants and
6 the crisis committee. So the people there from Ansar Dine were just there to hear
7 both sides and then to give their verdict on the problem raised by the Arab
8 merchants.

9 Q. [16:36:32] And you've told us what the Arab merchants said. Can you help us
10 as to what the representatives for Ansar Dine said at that meeting, the first meeting
11 about the shops.

12 A. [16:36:52] Well, what Ansar Dine said was that they explained two things:
13 They talked about the case of a thief who comes -- comes, breaks a door and
14 disappears. And they talked about this type of case. And somebody who comes
15 aggressively to take your possessions. If somebody comes and takes things with
16 force or a knife, then -- then you are able to carry out legitimate self-defence. But if
17 it's a different set of circumstances, if they catch the thieves, they will judge them
18 according to sharia law.

19 So that's what Ansar Dine said. But they asked everybody to make people aware of
20 the situation and that nobody should do any wrong to another person. That was it.

21 Q. [16:38:10] When was that meeting between the traders and Ansar Dine? Do
22 you remember when it was?

23 A. [16:38:24] And I couldn't give you an exact date again, but it was in January, just
24 before the -- just before Timbuktu was liberated. January 2013. Beginning of
25 January 2013.

Trial Hearing
WITNESS: MLI-D28-P-0551

(Open Session)

ICC-01/12-01/18

1 Q. [16:38:49] (Microphone not activated)

2 PRESIDING JUDGE MINDUA: [16:38:50] Microphone, please.

3 MS GERRY: [16:38:56]

4 Q. [16:38:56] Mr Witness, final -- final question, were people made aware of
5 the situation that nobody should do any wrong to another person? Was that
6 communication made to the people?

7 A. [16:39:16] After --

8 PRESIDING JUDGE MINDUA: [16:39:20](Interpretation) Madam Prosecutor.

9 MS SARDACHTI: [16:39:22](Interpretation) The question is too general. Who are
10 "the people"?

11 PRESIDING JUDGE MINDUA: [16:39:28](Interpretation) In any case, Ms Gerry, this
12 question has been put to the witness and he has already replied. If you reread your
13 transcript.

14 MS GERRY: [16:39:39] Mr President, I was reading from the transcript. Little habit
15 from the Prosecution to get the last word in on a day that I don't like.

16 I was putting to the witness his words that that's what Ansar Dine said and I was
17 asking if that happened. They're two different questions.

18 I'm told that there was a response in French that didn't come through to me in English
19 that the communication was made on the radio. So it may be that others heard it
20 and I didn't. If, Mr President, you heard that, then I don't need to ask the question
21 again.

22 PRESIDING JUDGE MINDUA: [16:40:27](Interpretation) We've had the answer to
23 the question that you put this morning.

24 MS GERRY: [16:40:35] Mr President -- (Overlapping speakers).

25 PRESIDING JUDGE MINDUA: [16:40:38](Interpretation) Please go ahead. Please

Trial Hearing
WITNESS: MLI-D28-P-0551

(Open Session)

ICC-01/12-01/18

1 put your question and conclude and then we've finished.

2 MS GERRY: [16:40:44] Thank you very much, Mr President.

3 Q. [16:40:45] Mr Witness, did you say that the communication to make people
4 aware of the situation and that no one should do any wrong to another person was
5 made on a radio, made by radio? Did you say that just now?

6 A. [16:41:04] Yes, I started but I didn't finish.

7 What I was saying was that, after the meeting, as the -- as the meeting was in
8 the town hall, the radio station, Radio Bouctou was there in the same courtyard. So
9 the people from the crisis committee went on the radio to inform the population to
10 not attack people's shops, to not attack innocent people, to stay at home, and to not
11 touch any people's property. So this message was broadcast on the radio and
12 the population took it on and it was respected.

13 Q. [16:41:55] Thank you, Mr Witness. That completes my questions for you.
14 Thank you for staying the extra time, Mr President.

15 PRESIDING JUDGE MINDUA: [16:42:06](Interpretation) Indeed. Thank you,
16 *Maître* Gerry.

17 We don't have any more time. We're going to be very brief.

18 Witness, the Chamber would like to thank you most sincerely for having answered
19 the questions in a clear and precise way and with a lot of patience. But your
20 testimony is not over. So you will continue tomorrow from 9.30. Between now and
21 then, you are prohibited from speaking about your testimony with anyone else,
22 whether members of your family or with friends.

23 Before finishing the session, I would like to thank the parties and participants,
24 the court reporters and the interpreters, the security guards, and our public following
25 us from afar. I wish you all a very good evening and see you tomorrow.

Trial Hearing
WITNESS: MLI-D28-P-0551

(Open Session)

ICC-01/12-01/18

- 1 Court is adjourned.
- 2 THE COURT USHER: [16:43:19] All rise.
- 3 (The hearing ends in open session at 4.43 p.m.)