

Trial Hearing  
WITNESS: MLI-D28-P-0514

(Open Session)

ICC-01/12-01/18

1 International Criminal Court  
2 Trial Chamber X  
3 Situation: Republic of Mali  
4 In the case of The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag  
5 Mahmoud - ICC-01/12-01/18  
6 Judge Antoine Kesia-Mbe Mindua, Presiding, Judge Tomoko Akane and Judge  
7 Kimberly Prost  
8 Trial Hearing - Courtroom 3  
9 Tuesday, 25 October 2022  
10 (The hearing starts in open session at 9.58 a.m.)  
11 THE COURT USHER: [9:58:36] All rise. The International Criminal Court is now  
12 in session. Please be seated.  
13 PRESIDING JUDGE MINDUA: [9:59:06](Interpretation) Court is in session.  
14 Good morning to one and all.  
15 Would you mind calling the case, court officer, please.  
16 THE COURT OFFICER: [9:59:18] Good morning, Mr President, your Honours.  
17 This is the situation in the Republic of Mali, in the case of The Prosecutor versus Al  
18 Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud, case reference ICC-01/12-01/18.  
19 And for the record, we are in open session.  
20 PRESIDING JUDGE MINDUA: [9:59:37](Interpretation) My thanks, court officer.  
21 So as custom dictates, we'll have now the appearances. And let's begin quite  
22 obviously with the Office of the Prosecutor, please. Madam Prosecutor.  
23 MS YAMAGUCHI: [9:59:54] Good morning, Mr President, your Honours. Today  
24 the Prosecution is represented by Lucio Garcia at my back, Gilles Dutertre on my left  
25 and, myself, Yayoi Yamaguchi.

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1 PRESIDING JUDGE MINDUA: [10:00:11](Interpretation) Thank you very much.

2 And now the Defence. Counsel.

3 MS GERRY: [10:00:18] Good morning, Mr President, your Honours, and everyone in  
4 and around the court. Today, Mr Al Hassan is represented by myself, Felicity Gerry,  
5 by Melissa Beaulieu Lussier, who sits to my right, by Maauloud Al Ansary, who sits  
6 behind me and of course Mr Al Hassan is here as well. Thank you.

7 PRESIDING JUDGE MINDUA: [10:00:46](Interpretation) Thank you very much,  
8 Counsel Gerry.

9 And I also take this opportunity to say good morning to the accused.

10 I now turn to the Legal Representative for Victims.

11 Counsel.

12 MR LUVENGIKA: [10:01:00](Interpretation) \*Good morning, your Honour. The  
13 victims this morning are represented by Ms Prisque Dipanga and myself, Fidel Nsita  
14 Luvengika. And I take this opportunity to wish good morning to my colleagues and  
15 their respective teams. Thank you.

16 PRESIDING JUDGE MINDUA: [10:01:24](Interpretation) Thank you very much,  
17 counsel.

18 So this morning we were to hear D-0514, a Defence witness.

19 Now, the Chamber has been informed that for the time being at least, this witness is  
20 not in a position to come to the stand. Now, this is being looked into by the Registry.

21 As soon as the arrangements have been put to bed, the Registry will inform the  
22 Chamber and the parties and the participants to the proceedings, quite obviously, will  
23 be kept abreast of where things stand, basically to the matter of whether we sit or not  
24 today. This is all I can say at this juncture.

25 So we are going to rise, unless anybody would like to take the floor?

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- 1 All right, then, so we will rise and return at some point during the day.
- 2 Thank you very much. Court is risen.
- 3 THE COURT USHER: [10:02:43] All rise.
- 4 (Recess taken at 10.02 a.m.)
- 5 (Upon resuming in open session at 11.03 a.m.)
- 6 THE COURT USHER: [11:03:35] All rise. Please be seated.
- 7 PRESIDING JUDGE MINDUA: [11:03:54](Interpretation) Court is in session once
- 8 again, and I'd like to verify the make up of the various teams, please.
- 9 Office of the Prosecutor, I can see that nothing has changed. The Defence is fine. I
- 10 note that with regards to the Legal Representatives of the victims, for the time being
- 11 they are not present, but they will be joining us very soon indeed.
- 12 For this exceptional situation, we are going to start without further ado.
- 13 So as I was saying earlier on, we shall today be hearing the testimony of Witness
- 14 D-0514 from the Defence.
- 15 I shall turn now to the witness.
- 16 Mr Witness, good morning, can you hear me?
- 17 WITNESS: MLI-D28-P-0514
- 18 (The witness speaks Songhai)
- 19 (The witness gives evidence via video link)
- 20 THE WITNESS: [11:05:07](Interpretation) Yes, I can hear you, good morning.
- 21 PRESIDING JUDGE MINDUA: [11:05:12](Interpretation) Thank you very much.
- 22 Mr Witness, on behalf of the Chamber I would like to welcome you and tell you that
- 23 you shall be testifying with a view to assisting the Chamber in establishing truth in
- 24 the case against Mr Al Hassan.
- 25 THE WITNESS: [11:05:41](Interpretation) Okay.

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1 PRESIDING JUDGE MINDUA: [11:05:44](Interpretation) And Mr Witness,

2 protective measures have been put in place with a view to making sure that your

3 identity is not revealed to the public. Every time you need to provide details that

4 might be identifying, we shall talk about it in private session.

5 THE WITNESS: [11:06:26](Interpretation) Very well.

6 PRESIDING JUDGE MINDUA: [11:06:28](Interpretation) In such a way, no one with

7 the exception of those seated in the courtroom will be in a position to hear what you

8 have to say.

9 THE WITNESS: [11:06:43](Interpretation) Very well.

10 PRESIDING JUDGE MINDUA: [11:06:46](Interpretation) Mr Witness, I shall now be

11 undertaking the solemn undertaking according to Rule 66, first paragraph of the

12 Rules of Procedure and Evidence.

13 THE WITNESS: [11:07:11](Interpretation) Very well.

14 PRESIDING JUDGE MINDUA: [11:07:13](Interpretation) So please repeat aloud

15 after me the following wording: I declare -- I solemnly declare --

16 THE WITNESS: [11:07:27](Interpretation) I solemnly declare --

17 PRESIDING JUDGE MINDUA: [11:07:33](Interpretation) That I shall speak the truth,

18 the whole truth and nothing but the truth.

19 THE WITNESS: [11:07:52](Interpretation) That I shall speak the truth and the whole

20 truth and nothing but the truth.

21 PRESIDING JUDGE MINDUA: [11:08:00](Interpretation) Thank you very much, Mr

22 Witness.

23 THE WITNESS: [11:08:08](Interpretation) Thank you to you, too.

24 PRESIDING JUDGE MINDUA: [11:08:10](Interpretation) Mr Witness, you are now

25 under oath and the representatives of the VWS, in addition to the representatives of

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1 the Defence have already briefed you as to what this precisely means.

2 THE WITNESS: [11:08:37](Interpretation) Yes, they did explain it to me.

3 PRESIDING JUDGE MINDUA: [11:08:41](Interpretation) Now, I have a few  
4 practical pieces of advice to provide you with.

5 You should bear in mind throughout your testimony that everything that is said in  
6 this courtroom is transcribed by court reporters and interpreted simultaneously and  
7 consecutively in a number -- into a number of languages by the interpreters.

8 THE WITNESS: [11:09:20](Interpretation) Very well.

9 PRESIDING JUDGE MINDUA: [11:09:22](Interpretation) Please only start to speak  
10 once the person who is putting a question to you has finished doing so.

11 THE WITNESS: [11:09:38](Interpretation) Very well.

12 PRESIDING JUDGE MINDUA: [11:09:40](Interpretation) You will first be  
13 questioned by the Defence and then by the Office of the Prosecutor, and probably also  
14 by the Legal Representatives for Victims.

15 THE WITNESS: [11:10:05](Interpretation) Very well.

16 PRESIDING JUDGE MINDUA: [11:10:08](Interpretation) Very well. Thank you very  
17 much.

18 THE WITNESS: [11:10:14](Interpretation) I thank you, too.

19 PRESIDING JUDGE MINDUA: [11:10:16](Interpretation) I am now turning to Ms  
20 Gerry or Ms "Gerry". Now, in view of our situation today, you will note that it is  
21 nearly 10 past 11 and the witness has a number of logistical constraints for tomorrow.  
22 So it would be a good thing for us to be able to finish his testimony today.

23 Now, for this first session, we shall be sitting until 1 p.m., with the hope that you have  
24 been able to finish by then and that subsequently, the Office of the Prosecutor will  
25 take over from 2 p.m., with a one-hour shortened lunch break. Of course, our wish

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1 to wrap things up today -- well, if you can't, then it could be that tomorrow morning  
2 we could add an extra session, but we would like to make that extra effort to wrap  
3 things up today. So let us concentrate or hone in, if you like, on what is most  
4 relevant and try not to disperse ourselves in matters that are less relevant.

5 Are you -- do you understand what I've just said to you, Ms Gerry.

6 MS GERRY: [11:11:42] I do understand and I will try my best to finish by one  
7 o'clock.

8 PRESIDING JUDGE MINDUA: [11:11:51](Interpretation) Thank you very much,  
9 Ms Gerry.

10 Mr Witness, I'm now handing you over to the Defence.

11 QUESTIONED BY MS GERRY:

12 Q. [11:12:00] Good morning, Mr Witness. Can you see and hear me clearly?

13 A. [11:12:17] Yes, I can see you and hear you clearly.

14 Q. [11:12:22] Thank you.

15 MS GERRY: [11:12:23] Mr President, I'm about to ask some identifying questions.

16 May we go into private session, please.

17 PRESIDING JUDGE MINDUA: [11:12:35](Interpretation) Yes, indeed, Ms Gerry.

18 Madam Courtroom Officer, could we please move into private session.

19 \* (Private session at 11.12 a.m.) (Reclassified partially in public)

20 THE COURT OFFICER: [11:12:50] We are in private session, Mr President.

21 PRESIDING JUDGE MINDUA: [11:13:02](Interpretation) Thank you very much,

22 Madam Courtroom Officer.

23 Ms Gerry, please.

24 MS GERRY: [11:13:07]

25 Q. [11:13:09] Mr Witness, we are in private session. Can you give us your full

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1 name, please.

2 THE INTERPRETER: [11:13:34] Message from the Songhai booth: Mr President,  
3 could we ask please ask the witness to repeat his answer.

4 PRESIDING JUDGE MINDUA: [11:13:39](Interpretation) Mr Witness, could you  
5 please repeat your answer.

6 THE WITNESS: [11:13:48](Interpretation) My name is (Redacted)  
7 (Redacted)

8 Q. [11:14:16] Thank you, Mr Witness. We understand that your name is (Redacted)  
9 but that you're also known as (Redacted), is that correct?

10 A. [11:14:31] Yes, indeed.

11 Q. [11:14:37] Thank you. Could you give us your date of birth please, speaking  
12 slowly and clearly.

13 A. [11:15:00] I was born on the (Redacted)

14 THE INTERPRETER: [11:15:08] Says the witness.

15 MS GERRY: [11:15:10]

16 Q. [11:15:11] Mr Witness, how old are you now?

17 A. [11:15:25] I am (Redacted) years of age.

18 Q. [11:15:29] And Mr Witness, where were you born?

19 A. [11:15:40] I was born in Timbuktu.

20 Q. [11:15:44] (Redacted)

21 A. [11:15:57] (Redacted)

22 Q. [11:16:02] (Redacted)

23 A. [11:16:20] (Redacted)

24 Q. [11:16:27] Thank you. Which district are you from, please?

25 A. [11:16:38] (Redacted)

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1 Q. [11:16:44] Are you married or single?

2 A. [11:16:56] I am married.

3 Q. [11:16:59] Have you been married once or more than once?

4 A. [11:17:14] I have only been married the once.

5 PRESIDING JUDGE MINDUA: [11:17:19](Interpretation) Ms Gerry, these details  
6 might be put to one side, don't you think? Is it relevant?

7 MS GERRY: [11:17:34] Yes, in the sense you do have to assess the witness. I only  
8 have a few more introductory questions, which in my submission are relevant and  
9 swift.

10 Q. [11:17:47] Mr Witness, can you give us your father's name?

11 A. [11:18:01] The name of my father is (Redacted)

12 Q. [11:18:07] And your mother's name, please?

13 A. [11:18:20] (Redacted)

14 Q. [11:18:25] Thank you. Which languages do you speak, please?

15 A. [11:18:39] I speak Songhai, I speak Tamasheq.

16 Q. [11:18:48] What is your occupation now?

17 A. [11:19:02] I am a (Redacted)

18 Q. [11:19:10] And what was your occupation in 2012, please?

19 A. [11:19:28] In the year 2012, I was selling a shop.

20 THE INTERPRETER: [11:19:36] Literal translation from the Songhai.

21 THE WITNESS: [11:19:39](Interpretation) I was selling a shop.

22 MS GERRY: [11:19:42]

23 Q. [11:19:42] And finally, what type of shop was it? What did it sell?

24 A. [11:20:01] It was a shop selling foodstuffs.

25 Q. [11:20:07] I should just ask you, whereabouts was the shop in Timbuktu?



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1 Which area?

2 A. [11:20:36] (Redacted)

3 (Redacted)

4 Q. [11:20:50] Thank you.

5 MS GERRY: [11:20:51] Mr President, may we go into public session, please.

6 PRESIDING JUDGE MINDUA: [11:20:57](Interpretation) Madam Courtroom Officer,  
7 could we please move into open session.

8 (Open session at 11.21 a.m.)

9 THE COURT OFFICER: [11:21:06] We are back in open session, Mr President.

10 PRESIDING JUDGE MINDUA: [11:21:22](Interpretation) Thank you very much,  
11 Madam Courtroom Officer.

12 Ms Gerry.

13 MS GERRY: [11:21:32]

14 Q. [11:21:32] Mr Witness, are you aware of a group called Ansar Dine?

15 A. [11:21:49] Yes.

16 Q. [11:21:54] Do you refer to that group as the "Islamists"?

17 A. [11:22:09] Yes.

18 Q. [11:22:12] Back in 2012, were you also aware of a group called the "Arab  
19 Militia"?

20 A. [11:22:35] Yes.

21 Q. [11:22:38] Just so that we are clear, are the Arab Militia the same as or different  
22 from the Islamists?

23 A. [11:23:11] No, it is not the same group.

24 Q. [11:23:15] Mr Witness, we are in public session, so I am not going to describe  
25 your workplace in public session. We know what your workplace was, but when

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1 you were at your workplace at the beginning of 2012, what did you see the Arab  
2 Militia do?

3 A. [11:24:16] Well, on that day, during the morning, people were saying that  
4 Timbuktu had been taken and, on that day, (Redacted). The first thing I heard  
5 was gunfire. After that, I was sitting (Redacted) and after the gunfire, we  
6 heard that it was the Arab Militia who had attacked the camp and had taken the  
7 weapons from that camp, put them in the vehicles, and left in the vehicles with said  
8 weapons.

9 Q. [11:25:15] Do you know where the Arab Militia vehicles had come from?

10 A. [11:25:42] No. The cars were not theirs, these were the vehicles belonging to  
11 the authorities and the Malian soldiers or army.

12 Q. [11:25:58] So you have told us that the Arab Militia took cars and weapons. To  
13 your knowledge, did they take anything else?

14 A. [11:26:34] Well, they looted the camp. They took the vehicles belonging to the  
15 authorities of the camp and left. But they did no harm to the members of the  
16 population.

17 Q. [11:26:53] When Ansar Dine arrived in Timbuktu, what did they do in relation  
18 to the Arab Militia?

19 THE INTERPRETER: [11:27:33] Message from the Songhai booth: Mr President,  
20 could the witness please repeat his last response.

21 PRESIDING JUDGE MINDUA: [11:27:40](Interpretation) Mr Witness, could you  
22 please repeat your response.

23 THE WITNESS: [11:27:48](Interpretation) Yes, with regard to Ansar Dine, well,  
24 when the Arab Militia looted Timbuktu, on the next day at precisely midday ...

25 THE INTERPRETER: [11:28:17] Overlapping speakers: The witness and

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1 interpreter.

2 THE WITNESS: [11:28:22](Interpretation) It wasn't the next day, it was actually the  
3 same day at precisely midday, the MNLA entered the city and, upon their arrival,  
4 they went to the *gouvernorat* and they hoisted their flag. That's it. At 10 a.m.,  
5 Ansar Dine entered the city and upon entering, they surprised three members of the  
6 Arab Militia who were just about to set the electric grid on fire. And the first thing  
7 they did, well, those three young men that they surprised in the act, they took them  
8 away and they tied them up. And when they went to the *gouvernorat*, they found  
9 that the MNLA flag had been hoisted there. They took it away, and they said that it  
10 was for them. And they said that they had not come in order to relieve people of  
11 their possessions. They had just come to practice sharia. And they asked the  
12 militia to leave the city because they said that they could not share the city. They  
13 said that they had understood that this militia was bandits and that they needed to  
14 leave the city. And that is how they came to leave the city. And the MNLA took  
15 the airport and they remained with us ...

16 THE INTERPRETER: [11:31:07] Unclear.

17 THE WITNESS: [11:31:10](Interpretation) And if no one were to provoke them, they  
18 remained inactive. That is what I can tell you about them.

19 MS GERRY: [11:31:28]

20 Q. [11:31:30] Mr Witness, in your -- the end of your last answer, you said:

21 "[...] they remained with us."

22 Who did you mean by that? Who remained with the population?

23 A. [11:32:13] It was Ansar Dine. They stayed with us in the city. And they  
24 chased out the Arab militia and the MNLA went to the airport and to Kabara.

25 PRESIDING JUDGE MINDUA: [11:32:33](Interpretation) Counsel Gerry, for the

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1 record, we are going to be asking Counsel Nsita to enter his appearance.

2 If you wouldn't mind doing so.

3 MR LUVENGIKA: [11:32:47](Interpretation) My thanks, your Honour, honourable

4 members of the Bench, the victims' representation is now present. Do forgive us.

5 We were in a meeting away from our workstation, so please forgive us. I beg the

6 Chamber's forgiveness for our late arrival.

7 PRESIDING JUDGE MINDUA: [11:33:13](Interpretation) And I think there are two

8 of you in the courtroom, is that right?

9 MR LUVENGIKA: [11:33:16](Interpretation) Yes, Prisque Biyéké is at my side.

10 PRESIDING JUDGE MINDUA: [11:33:24](Interpretation) Thank you very much,

11 Counsel Nsita.

12 Counsel Gerry, you may continue.

13 MS GERRY: [11:33:29]

14 Q. [11:33:29] Mr Witness, you told us that Ansar Dine stayed with the local

15 population. What was the relationship like between Ansar Dine and the local

16 population when Ansar Dine were there?

17 A. [11:34:20] The relationship between the Ansar Dine people and the local

18 population was such that if they were not provoked, there would be no problem, and

19 if you did what you were told, then there was -- then there would be no problem

20 whatsoever.

21 Q. [11:34:47] Mr Witness, you told us in your last answer that Ansar Dine said if no

22 one provoked them, they would remain inactive. That's at line 22 of the English

23 transcript.

24 Can you help us understand what you mean by that, please.

25 A. [11:36:05] What I meant was that those are the rules that they established. If

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1 you did -- well, if you abided by the rules, then that was okay. Women were asked  
2 to cover themselves and, if they did so, there wouldn't be a problem. Men  
3 who -- who were -- were forbidden to commit adultery. If they abided by that, no  
4 problem.

5 So if you stuck to the rules, no problem at all. I was a friend with them and even ...

6 THE INTERPRETER: [11:36:28] There was something unclear about the -- the --

7 The interpreter is unsure what was said.

8 Could the witness repeat his answer, please.

9 MS GERRY: [11:37:09]

10 Q. [11:37:11] Mr Witness, I think the interpreters missed the last part of your  
11 answer. Could you just repeat the last part of your answer please. Not the whole  
12 answer, just the last part.

13 A. [11:38:05] As I was saying, now there were some members of Ansar Dine, some  
14 of them became friends and even helped me sell (Redacted). Some people had  
15 problems with them. But anyway, my friends helped me free those people,  
16 particularly those people that we would call -- that were called Adama. Even  
17 Hassan, here, he helped me free people.

18 Q. [11:38:42] Mr Witness, we have a note that you said:

19 "Even you were friends with them, even myself I would help them being liberated  
20 through them."

21 Is that correct, did you say that or not?

22 A. [11:39:27] That's what I said. Yes.

23 Q. [11:39:36] Thank you. I want to ask you about a person called Adam  
24 (Microphone not activated)

25 PRESIDING JUDGE MINDUA: [11:39:43](Interpretation) Counsel for the

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1 Prosecution.

2 MS YAMAGUCHI: [11:39:48] Thank you, Mr President. I believe there is one more  
3 element that's missing. When you compare the transcripts, the French transcript and  
4 the English transcript, the witness mentioned something about they helping to (Redacted)  
5 (Redacted). If you could clarify, if that's indeed what he said.

6 MS GERRY: [11:40:14] Mr President, I heard -- that was what he said, so I don't  
7 know that it needs clarification. I will check the transcript.

8 PRESIDING JUDGE MINDUA: [11:40:25](Interpretation) Please continue, Counsel  
9 Gerry, but in French I also heard it.

10 MS GERRY: [11:40:31] Page 16, line 1 of the English transcript. Thank you for  
11 letting me continue.

12 Q. [11:40:38] Mr Witness, I want to ask you about Adam. You have told us that  
13 you knew him. How did you know Adam?

14 A. [11:41:20] He bought things in my shop, and that's how we met and, after, he  
15 always loved coming to my shop really and that's how we came to know each other  
16 and that's how we became friends.

17 Q. [11:41:38] Did you know if Adam was a member of Ansar Dine or not?

18 MR DUTERTRE: [11:41:49](Interpretation) Your Honour?

19 PRESIDING JUDGE MINDUA: [11:41:50](Interpretation) Yes, Mr Prosecutor.

20 MR DUTERTRE: [11:41:52](Interpretation) This is leading: Does he know which  
21 group he belonged to, and I don't want to get involved in the why of my objection,  
22 which is known. It's on the record regarding the group that Adam belonged to.

23 PRESIDING JUDGE MINDUA: [11:42:15](Interpretation) Madam Gerry, would you  
24 like to respond to the objection?

25 MS GERRY: [11:42:13] I will adjust the question to save time.

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1 PRESIDING JUDGE MINDUA: [11:42:23] Very well. Rephrase.

2 MS GERRY: [11:42:26]

3 Q. [11:42:26] Mr Witness, were you aware whether Adam was a member of any  
4 group?

5 A. [11:42:52] Adama is -- belongs to the Ansar Dine, that's the group he belongs to.  
6 The AQMI group.

7 Q. [11:43:12] Did you know if Adam had any particular role or job in the  
8 Ansar Dine group?

9 MR DUTERTRE: [11:43:39](Interpretation) Your Honour?

10 PRESIDING JUDGE MINDUA: [11:43:41](Interpretation) Counsel for the  
11 Prosecution.

12 MR DUTERTRE: [11:43:43](Interpretation) Sorry, this question is misleading. He  
13 said he belonged to the AQMI group and Counsel Gerry says, what's -- what's his role  
14 in the Ansar Dine group. It's not quite the same thing at all -- well, not quite the  
15 same thing, let's put it that way, suffice to say the witness is varying -- the witness, on  
16 page 17, quite clearly, he says ... Hang on, it's line 4, in that particular group, AQMI,  
17 that's the group he belongs to. And the question after that is the following, on  
18 page 7, did he have a specific role in the Ansar Dine group, that is, I think leading the  
19 Chamber astray.

20 PRESIDING JUDGE MINDUA: [11:44:33](Interpretation) Well, the witness had  
21 already answered, Mr Adama belonged to AQMI and Ansar Dine. That's what I can  
22 read from the transcript.

23 MR DUTERTRE: [11:44:44](Interpretation) Yes, but the Defence in that case needs  
24 to clarify, because in French, we have:

25 Adama is ... he is ... Ansar Dine member, that's the group he belongs

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1 to -- the -- the -- the AQMI group.

2 This is what I read on the transcript.

3 So either the Defence needs to de-muddy these waters or we take the last part of the

4 question, which the witness clarifies himself. In any case, you can't put the question:

5 What's his role in Ansar Dine.

6 PRESIDING JUDGE MINDUA: [11:45:18](Interpretation) Counsel Gerry, now,

7 maybe these two groups are different, but then perhaps you can put this question to

8 the witness.

9 PRESIDING JUDGE MINDUA: [11:45:25](Interpretation) Mr Duterte rises to his

10 feet too quickly. I'm entitled to ask first about Ansar Dine, then about AQMI and to

11 clarify with this witness his understanding of the groups. Mr Duterte just went too

12 quickly. That was precisely what I was going to do and we'll move more quickly if

13 he lets me do my job properly.

14 May I continue?

15 PRESIDING JUDGE MINDUA: [11:45:57](Interpretation) Please continue, Counsel

16 Gerry.

17 MS GERRY: [11:45:59]

18 Q. [11:45:59] Mr Witness, were you aware of any job or role that Adam had in the

19 group, Ansar Dine?

20 A. [11:46:23] Adama was in the Islamic police, that was his role.

21 Q. [11:46:31] Mr Witness, were you aware whether Adama had a role in or job in

22 the AQMI group that you mentioned?

23 A. [11:47:18] I don't have anything to do with the AQMI people. They just come

24 and buy things in my shop.

25 Q. [11:47:26] You told us that Adam was in the police. Did you know what his



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1 title was in the police?

2 A. [11:47:57] In those days, he was a commissioner.

3 Q. [11:48:03] You told us on -- at page 16 of the English transcript that Adam  
4 helped you. Can you describe to us how Adam helped you, please.

5 A. [11:48:50] I'll never forget the help he provided. One day I was sitting down  
6 and my mother-in-law arrived, and she told me that they'd just taken her husband's  
7 child and -- and there was even a girl that he was -- she was suckling and the -- the  
8 person who had taken the child was Hamed Moussa and he -- was taken to the BMS.  
9 And immediately he got into his car and even the drink that he wanted to buy from  
10 my shop, he didn't end up buying it. Anyway, immediately he went straight to get  
11 the child straight back to her house -- to get the child -- to get the woman back to her  
12 house.

13 THE INTERPRETER: [11:50:27] Corrects the interpreter.

14 MS GERRY: [11:50:34]

15 Q. [11:50:35] And was the woman brought back to her house by Adam or not?

16 A. [11:50:55] It was Adama who took her back in his own car to her home.

17 Q. [11:51:05] Are you able to describe Adam's relationship with the local  
18 population?

19 A. [11:51:40] Adama and the local population, they got very close and everybody,  
20 men, women, they talked to -- about Adama. They only had Adama on their lips.

21 Q. [11:52:02] Mr Witness, you told us that they had only Adam on their lips. Can  
22 you help us to understand what you mean by that, please?

23 A. [11:52:51] He was very nice with the local population. I remember once the  
24 Arabs decided to walk to Timbuktu --

25 THE INTERPRETER: [11:53:03] Overlapping speakers.

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1 THE WITNESS: [11:53:07](Interpretation) -- because one of them had been killed.

2 THE INTERPRETER: [11:53:20] Message from the Songhai booth: The interpreters  
3 didn't understand what the witness says.

4 PRESIDING JUDGE MINDUA: [11:53:27](Interpretation) Would you retake up your  
5 answer, witness.

6 THE WITNESS: [11:53:49](Interpretation) It wasn't an Arab who was killed in  
7 Timbuktu. It was on the border, hence they -- hence their decision to walk. It was  
8 at Nara on the border. And when they decided to walk or march, I remember there  
9 was a butcher, (Redacted) was his name, who was carrying meat on his motorbike and  
10 the Arabs blocked the road and he couldn't get past. They told him he wouldn't pass,  
11 and Adama stepped in to say that they couldn't do that, "The butcher was doing his  
12 job and they were doing their job to march, but they shouldn't prevent him going on  
13 his way." And so Adam allowed him to go on his way. This is the type of thing he  
14 would do.

15 MS GERRY: [11:55:20]

16 Q. [11:55:21] Thank you. I'm now going to ask you about marriages.

17 MS GERRY: [11:55:24] So Mr President, may I ask to go into private session, please,  
18 because some of the questions may be identifying of certain people.

19 PRESIDING JUDGE MINDUA: [11:55:39](Interpretation) Of course, Counsel Gerry.  
20 Court officer, private session, please.

21 \* (Private session at 11.55 a.m.) (Reclassified partially in public)

22 THE COURT OFFICER: [11:55:51] We are in private session, Mr President.

23 PRESIDING JUDGE MINDUA: [11:56:01](Interpretation) Thank you very much,  
24 court officer.

25 Counsel Gerry.

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- 1 MS GERRY: [11:56:05]
- 2 Q. [11:56:06] Mr Witness, to your knowledge, was Adam married?
- 3 A. [11:56:31] He married in Timbuktu.
- 4 Q. [11:56:35] Do you know the name of the woman that he married?
- 5 A. [11:56:53] (Redacted) was the woman's name.
- 6 Q. [11:57:05] And when did Adam marry (Redacted)?
- 7 A. [11:57:12] In the month of Ramadan.
- 8 Q. [11:57:20] Which year was that? Which year?
- 9 A. [11:57:34] In 2012.
- 10 Q. [11:57:36] And did you know (Redacted)?
- 11 A. [11:57:57] Yes, I'm (Redacted).
- 12 Q. [11:58:02] On the day that Adam married (Redacted) was there one wedding or
- 13 more than one wedding?
- 14 A. [11:58:35] There were two weddings on that particular day. (Redacted) wedding
- 15 with Adama on the one hand and (Redacted) (phon) ...
- 16 THE INTERPRETER: [11:58:49] Interrupted statement.
- 17 THE WITNESS: [11:58:50](Interpretation) (Redacted) that was the second
- 18 wedding -- (Redacted)
- 19 MS GERRY: [11:59:09]
- 20 Q. [11:59:10] And did you know (Redacted)?
- 21 A. [11:59:30] (Redacted)
- 22 Q. [11:59:36] Do you know (Redacted) mother's name?
- 23 A. [11:59:56] (Redacted) mother was called (Redacted)
- 24 Q. [12:00:09] And do you know the name of (Redacted) father?
- 25 A. [12:00:26] (Redacted) father is called (Redacted)

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1 Q. [12:00:33] And which district did (Redacted) come from in Timbuktu?

2 A. [12:00:55] From (Redacted).

3 Q. [12:00:59] And which district did (Redacted) come from, please?

4 A. [12:01:13] (Redacted) also came from (Redacted).

5 MS GERRY: [12:01:19] Mr President, may we go back into public session, please.

6 PRESIDING JUDGE MINDUA: [12:01:28](Interpretation) Madam Courtroom Officer,  
7 could we go into open session, please.

8 (Open session at 12.01 p.m.)

9 THE COURT OFFICER: [12:01:38] We are back in open session, Mr President.

10 PRESIDING JUDGE MINDUA: [12:01:50](Interpretation) Thank you very much,  
11 Madam Courtroom Officer.

12 Ms Gerry, please, continue.

13 MS GERRY: [12:01:55]

14 Q. [12:01:56] Mr Witness, in private session you told us about two weddings. I  
15 am not going to use the names of those people, apart from Adam, and I'll try and  
16 make sure my questions are not confusing.

17 In relation to Adam and his wife, was the wedding celebrated?

18 A. [12:02:52] Yes. The marriage was indeed celebrated.

19 Q. [12:02:59] Again, in relation to the marriage of Adam and his wife, was there  
20 a dowry?

21 A. [12:03:27] Yes, of course. There was a dowry and the marriage was completed  
22 in the correct manner. And even when they divorced, they divorced on good terms.

23 Q. [12:03:47] In relation to the other couple that you told us about, the other  
24 marriage, was that marriage celebrated?

25 A. [12:04:25] Both marriages went swimmingly according to the rules. And they

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1 announced after the marriages everywhere that those people had got married.

2 Everyone was in the know.

3 Q. [12:04:45] And again, in relation to the other couple that you told us about, did  
4 that marriage have a dowry?

5 A. [12:05:13] Yes, of course.

6 Q. [12:05:19] Did you attend those weddings on that day or not?

7 A. [12:05:38] No. No, no.

8 Q. [12:05:45] You told us that it went swimmingly. How do you know that if you  
9 weren't there?

10 A. [12:06:14] I said that because the mother of the other wife, who was not the wife  
11 of Adama, (Redacted) and I was there and I asked where they were going or  
12 where they had come from. They were saying to me that they were looking for  
13 such-and-such an individual who had got married yesterday and that they had put  
14 something in a cushion, and they didn't know where they had taken them. I said to  
15 them that, "Well, that serves you right." And they said to me that they had  
16 been -- that they had got married according to the rules and they took their cream and  
17 they left.

18 Q. [12:07:54] You told us that it was the wife of -- the mother of the wife of the  
19 second couple that you saw. Were you able to assess the reaction of that mother to  
20 that marriage?

21 A. [12:08:42] Well, the mother was in agreement with the marriage and that's why  
22 she'd taken this cream in powder form to her son-in-law. She thought the traditions  
23 were the same and that's why (Redacted), and that's how I  
24 came to learn that the wedding had taken place.

25 Q. [12:09:07] You told us that both marriages were announced everywhere. What

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1 did you mean by that? How were they announced everywhere?

2 A. [12:09:52] Well, this means that at that moment in time, the city was virtually  
3 empty. There was no one around and people would seek information everywhere.  
4 There were people that -- who went to specific places to get information and you  
5 would hear that such-and-such a person had got married to such-and-such a person  
6 the day before. And that was how information was being circulated in the city.

7 Q. [12:10:21] Thank you. You told us that the marriage between Adam and his  
8 wife did not continue and that they parted on good terms. Did the marriage of the  
9 other couple continue or not?

10 A. [12:11:02] The two marriages were -- wedding ceremonies were conducted at  
11 the same time and this also applied to the divorces. And when they got divorced,  
12 they took them back -- the ladies back to their abodes.

13 Q. [12:11:36] You told us that the marriages were celebrated in a traditional way.  
14 Was it the same for the divorces or different?

15 PRESIDING JUDGE MINDUA: [12:11:53](Interpretation) Mr Duterte.

16 MR DUTERTRE: [12:11:56](Interpretation) Could Ms Gerry please provide us with  
17 this reference -- to this reference of traditional celebration. I do not remember the  
18 witness saying or uttering the word "traditional", and if Ms Gerry were to have this  
19 reference, we would be very happy to have it.

20 PRESIDING JUDGE MINDUA: [12:12:15](Interpretation) Yes, indeed, Mr  
21 Prosecutor, I heard and I see in the transcript that the marriage went ahead according  
22 to traditions, but I didn't hear the word "traditional".  
23 Ms Gerry.

24 MS GERRY: [12:12:27] I apologise, that may be my error. I thought I had. I don't  
25 want to waste time by debating whether I heard correctly or not. I'll simply continue

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1 asking questions. I will rephrase.

2 PRESIDING JUDGE MINDUA: [12:12:53](Interpretation) Yes, indeed, rephrase.

3 MS GERRY: [12:12:58]

4 Q. [12:12:58] Mr Witness, you told us you heard about the marriages from the  
5 mother of the other -- the woman of the second couple. And you told us that  
6 that -- those marriages were celebrated. Are you able to help us as to what you  
7 mean by the marriages being celebrated, please.

8 A. [12:13:56] Yes, if I said that, it was because that was when the religious  
9 ceremony occurred. It occurred before sundown and each time the man would come  
10 and pick up his wife and take them away at night.

11 Q. [12:14:23] And in relation to the divorce, was there a system for divorce as well?

12 A. [12:15:01] Well, with regard to a divorce, when one divorced a lady, one has  
13 to -- well, the lady has to remain in her home for three months without going outside.  
14 That is Islamic tradition.

15 Q. [12:15:22] And did that happen for those two couples?

16 A. [12:15:37] I -- I'm sorry, what did you say?

17 Q. [12:15:41] Was that three-month period observed by the wife of Adam?

18 A. [12:16:25] It was when we came to learn that fact, when they divorced, that was  
19 on the 27th day, which corresponded to a holiday --

20 THE INTERPRETER: [12:16:43] That the interpreter did not catch.

21 THE WITNESS: [12:16:47](Interpretation) That was on ...

22 You didn't answer my question.

23 THE INTERPRETER: [12:16:52] Says the witness.

24 MS GERRY: [12:16:54] Sorry, the interpreter is moving away from the microphone  
25 so I can't hear her.

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1 THE INTERPRETER: [12:17:12] Message from the Songhai booth: We heard it in  
2 French, and we heard the witness saying in French that you had not answered his  
3 question.

4 PRESIDING JUDGE MINDUA: [12:17:23](Interpretation) Yes, indeed. So Ms Gerry,  
5 there is a small confusion here. The witness does not know quite which question to  
6 answer, is that it?

7 MS GERRY: [12:17:36] I'll just ask the question again.

8 PRESIDING JUDGE MINDUA: [12:17:46] (Interpretation) Yes, please do.

9 MS GERRY: [12:17:47]

10 Q. [12:17:47] Mr Witness, you told us that on a divorce, the woman in  
11 a relationship has to stay at home for three months in Islamic tradition. Did the  
12 woman (Overlapping speakers)

13 To your knowledge, did the woman who married Adam observe that Islamic  
14 tradition to stay at home for three months?

15 A. [12:18:50] She did so.

16 Q. [12:18:53] And Mr Witness, what about the other woman? Did she -- the other  
17 woman from the other marriage, did she observe that three-month period?

18 A. [12:19:16] No, she did not respect it.

19 Q. [12:19:21] Mr Witness, the next topic I want to ask you about is rape. In 2012,  
20 in Timbuktu, did you hear about rape?

21 A. [12:20:14] I swear with my hand raised that in Timbuktu we never heard speak  
22 about any women being raped. Even one case -- well, there was one case of  
23 a gentleman by the name of Bocar who raped a girl. That was the only case we  
24 heard of.

25 Q. [12:20:40] Mr Witness, the next questions I want to ask about is about a specific



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1 person.

2 MS GERRY: [12:20:48] So Mr President, may we go into private session, please.

3 PRESIDING JUDGE MINDUA: [12:20:56](Interpretation) Yes, indeed. Madam

4 Courtroom Officer, private session, please.

5 \* (Private session at 12.21 p.m.) (Reclassified partially in public)

6 THE COURT OFFICER: [12:21:16] We are in private session, Mr President.

7 PRESIDING JUDGE MINDUA: [12:21:22](Interpretation) Thank you very much,

8 Madam Courtroom Officer.

9 Ms Gerry, please.

10 MS GERRY: [12:21:28]

11 Q. [12:21:29] Mr Witness, we are in private session. In 2012, in Timbuktu, did you  
12 know a woman called (Redacted)?

13 A. [12:22:09] I know her very well. And her name, (Redacted), well, she is  
14 the (Redacted) in fact.

15 Q. [12:22:27] Mr Witness, I'm not sure if I said the name correctly, is it "(Redacted)" or  
16 "(Redacted)"?

17 A. [12:22:50] She goes by the name of (Redacted)

18 Q. [12:22:59] How do you know her, Mr Witness, please?

19 A. [12:23:14] I know her, as I said, she is my (Redacted)

20 Q. [12:23:22] How long have you known her, please?

21 A. [12:23:40] Well, I knew her before she was even born and she was born in my  
22 arms, as it were.

23 Q. [12:23:54] In 2012, was she married or single?

24 A. [12:24:11] She was married and she even had children.

25 Q. [12:24:16] Can you tell us the name of her husband, please?

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1 A. [12:24:35] His -- her husband was called (Redacted)

2 Q. [12:24:44] In 2012, how often did you see (Redacted)

3 A. [12:25:16] I go past (Redacted) door when I go on my way to work. I  
4 pass by in front of her house on my way to work and back again.

5 Q. [12:25:40] Which district was her house in?

6 A. [12:26:01] She was in (Redacted)

7 Q. [12:26:06] You told us that you were (Redacted). Can you help us to  
8 understand where her house was in relation to your house, please.

9 A. [12:26:41] (Redacted)

10 (Redacted)

11 Q. [12:26:57] In 2012, how often did you see her husband, (Redacted)

12 A. [12:27:26] Every morning we would have breakfast and tea together before we  
13 went off to work. We'd do that on a daily basis.

14 Q. [12:27:38] Did you meet (Redacted) at a particular place?

15 A. [12:28:15] We would meet at a friend's house when we took a cup of tea, before  
16 going off to work, and, at that moment in time, people were looking for information  
17 as to what had been going on in the city, and they would then hold the *grin*.

18 MS GERRY: [12:28:59] Mr President, I'm afraid the English translator is just moving  
19 away from her microphone and putting her hand over her mouth and I can't hear.

20 So did she finish on the word "*grin*" or was there anymore?

21 THE INTERPRETER: [12:29:14] She did indeed - message from the

22 interpreter - finish on the word "*grin*". It was a little unclear. Thank you.

23 PRESIDING JUDGE MINDUA: [12:29:23](Interpretation) Yes, it does finish with the  
24 word "*grin*", in the French.

25 MS GERRY: [12:29:31]

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1 Q. [12:29:31] Mr Witness, just so that we understand you properly, what do you  
2 mean by "*grin*"?

3 A. [12:29:57] A "*grin*" is a place where people would come together to talk about  
4 a number of things as to what had happened to so-and-so and what had happened  
5 over the night. And then people would go their own way.

6 PRESIDING JUDGE MINDUA: [12:30:18](Interpretation) Are we continuing in  
7 private session, counsel, or not?

8 MS GERRY: [12:30:22] Yes, there's a little bit more that may be identifying.

9 Q. [12:30:32] Can you tell us what (Redacted) did for work? You told us you would  
10 meet on your way to work. What did (Redacted) do for work?

11 A. [12:31:02] He was a (Redacted).

12 Q. [12:31:11] And can you help us to understand who was he a (Redacted) for?  
13 Who did he do (Redacted) for?

14 A. [12:31:48] For everybody. He was a (Redacted) for everybody. But at that time,  
15 there weren't enough people. So he worked more (Redacted) because there  
16 were -- there was nobody around really. So that's why he worked mostly for the  
17 (Redacted).

18 Q. [12:32:08] Did you know -- you told us that they lived (Redacted)  
19 did you know her neighbour, female neighbour?

20 A. [12:32:41] Yes, (Redacted) was his neighbour who's just behind where they lived.

21 Q. [12:32:52] Can I just check that name with you again, please. How do we spell  
22 or say it, please?

23 A. [12:33:18] Yes, I can do that for you. (Redacted)

24 THE INTERPRETER: [12:33:42] The Songhai interpreter did not understand the  
25 utterance from the witness.

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1 PRESIDING JUDGE MINDUA: [12:33:49](Interpretation) Would you mind  
2 repeating your answer, witness.

3 THE WITNESS: [12:33:57](Interpretation) You asked me what the neighbour's name  
4 was and I said that it was (Redacted) (phon). (Redacted) (phon).

5 PRESIDING JUDGE MINDUA: [12:34:15](Interpretation) I think we have it  
6 phonetically. I think we can move on.

7 MS GERRY: [12:34:21]

8 Q. [12:34:21] Mr Witness, I want to ask you about one other person. In the  
9 (Redacted) district, did you know a woman by the name of (Redacted)?

10 A. [12:35:00] No, no.

11 PRESIDING JUDGE MINDUA: [12:35:07](Interpretation) Counsel Gerry --

12 MS GERRY: [12:35:08] Just about to ask to go in public session, which I suspect is --

13 PRESIDING JUDGE MINDUA: [12:35:13] *Voilà* --

14 MS GERRY: [12:35:13] -- what you are about to ask me, if I may, yes, please.

15 Before I do, might I ask the witness to understand that I want to refer to (Redacted)

16 (Redacted) as Mrs X and (Redacted) as Mr Y. May I explain that to the witness?

17 PRESIDING JUDGE MINDUA: [12:35:32](Interpretation) Yes, you can tell him that.

18 MS GERRY: [12:35:35] Thank you.

19 Q. [12:35:35] Mr Witness, we are now going into public session. I want to ask you  
20 some more questions about (Redacted) and her husband, (Redacted). But I don't  
21 want to use their names -- none of us to use their names in public session. Will you  
22 be able to call Ms -- I'm going to refer to (Redacted) as Mrs X and (Redacted) as Mr Y.  
23 Can you cope with that as well?

24 A. [12:36:47] Okay, that's fine.

25 PRESIDING JUDGE MINDUA: [12:36:49](Interpretation) Very well.

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1 Court officer, open session now, please.

2 MS GERRY: [12:36:56] Mr President, before we do, I believe I may have

3 mispronounced a particular name. May I just check one more question with a

4 mispronunciation in case it's my fault, please.

5 PRESIDING JUDGE MINDUA: [12:37:15](Interpretation) Yes.

6 Court officer, we're still ...

7 Yes. Okay, off you go, Counsel Gerry, please.

8 MS GERRY: [12:37:21] Thank you very much. I'm sorry for the hassle.

9 Q. [12:37:22] Mr Witness, can I just check, in 2012, in the (Redacted) district, did  
10 you know a woman by the name of (Redacted)?

11 A. [12:38:08] (Redacted), I know her. And she was the lynchpin for building cases.

12 The people who put together a case to say that they had been victims of rape.

13 PRESIDING JUDGE MINDUA: [12:38:34] Madam (Overlapping microphones)

14 MS GERRY: [12:38:34] (Microphone not activated)... a follow-up question in private  
15 session -- a follow-up question, if I may in private session.

16 Q. [12:38:37] Can you help us --

17 MS GERRY: [12:38:34] If I may?

18 PRESIDING JUDGE MINDUA: [12:38:41](Interpretation) Perhaps you can put that  
19 question afterwards. We'll now move into open session first because we do have  
20 people in the public galley.

21 Court officer --

22 MS GERRY: [12:38:52] I just want to ask (Overlapping microphones) ... I want to ask  
23 where she lived in relation to (Redacted), and that location might be identifying,  
24 please.

25 PRESIDING JUDGE MINDUA: [12:39:02](Interpretation) All right, then. Go

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1 ahead.

2 MS GERRY: [12:39:07] Thank you.

3 Q. [12:39:08] Mr Witness, can you help us as to where (Redacted) lived in  
4 relation to (Redacted), please?

5 A. [12:39:54] (Redacted) house and (Redacted) house were opposite  
6 each other. No, it's not that.

7 THE INTERPRETER: [12:40:10] Said the witness.

8 MS GERRY: [12:40:13]

9 Q. [12:40:15] Mr Witness, are you able to describe where (Redacted) lived in  
10 relation to (Redacted) lived, please?

11 A. [12:40:41] This is what I was saying a moment ago. (Redacted) house is  
12 opposite (Redacted), but there's a block that separates them from (Redacted) --

13 Q. [12:40:22] Thank you --

14 A. [12:40:22] -- and when you go past that block, you can reach where (Redacted) live.

15 PRESIDING JUDGE MINDUA: [12:41:28](Interpretation) Now we go into open  
16 session, please.

17 MS GERRY: [12:41:32] Thank you.

18 Q. [12:41:33] We are going to open session, Mr Witness. If we need to refer to  
19 that person, I'll call her Madam X -- Madam Z, "Madam Z". (Redacted), Madam  
20 Z.

21 So that's (Redacted), Mrs X. (Redacted), Mr Y. And (Redacted), Madam Z.

22 Mr President, may we go into public session, please.

23 PRESIDING JUDGE MINDUA: [12:42:16](Interpretation) Very well, court officer,  
24 please.

25 (Open session at 12.42 p.m.)

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(Open Session)

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1 THE COURT OFFICER: [12:42:24] We are back in open session, Mr President.

2 PRESIDING JUDGE MINDUA: [12:42:30](Interpretation) My thanks, court officer.

3 Counsel Gerry, please continue.

4 MS GERRY: [12:42:38]

5 Q. [12:42:39] Mr Witness, you told us that you met Mr Y in the *grin* every morning  
6 for tea on your way to work. Did Mr Y ever tell you about any problems with the  
7 Islamists?

8 A. [12:43:33] No, we never heard anything of that nature. Not one single day did  
9 we ever hear anything of that sort.

10 Q. [12:43:43] Mr Witness, you told us that you would go past the door of Mrs X,  
11 who was married to Mr Y, on your way to work, you would pass by her house.  
12 That's Mrs X and Mr Y. When you past by her house, did you see her, Mrs X?

13 A. [12:44:40] It wasn't only going by, I would go in and say hello to them before  
14 carrying on my way. I would always go into the house to greet them and before  
15 going on my way.

16 Q. [12:44:53] In 2012, did you ever see Mrs X have any problems with the Islamists?

17 A. [12:45:38] Never. Never at the *grin*. Not one single day. And even --

18 THE INTERPRETER: [12:45:47] Overlapping speakers.

19 THE WITNESS: [12:45:49](Interpretation) It was only Z that would propagate  
20 rumors and to ask her to produce documents and files. Otherwise, we never heard  
21 anything of that nature.

22 MS GERRY: [12:46:06]

23 Q. [12:46:06] Focusing on --

24 A. [12:46:10] And she was given to understand that she would be compensated.

25 Q. [12:46:18] Just focusing on Mrs X in the time in 2012, when you were passing by

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1 Mrs X and Mr Y's house, you told us that you went in and you spoke to Mrs X.

2 When you were speaking to Mrs X at that time, did she ever tell you about any

3 problems with the Islamists?

4 MR DUTERTRE: [12:46:56](Interpretation) Your Honour, two objections.

5 PRESIDING JUDGE MINDUA: [12:47:01](Interpretation) Mr Prosecutor.

6 MR DUTERTRE: [12:47:02](Interpretation) Two objections. One, the question is

7 misleading. Second, the question is misleading. First, because the witness said that

8 he went into greet, not to speak, so that's a nuance but it is - for all that - important.

9 My second objection, the question is leading and would elicit a particular answer.

10 We need open-ended questions. If the person is speaking or greeting, but if there is

11 speech, what is the utterance about? Here, this is an examination-in-chief. It's not

12 a cross-examination. My learned friend knows that very well. So I have a twofold

13 objection here.

14 PRESIDING JUDGE MINDUA: [12:47:45](Interpretation) Very well. But I saw the

15 witness raise his hand.

16 Would you like to say something, Mr Witness?

17 THE WITNESS: [12:47:56](Interpretation) I would like to go to the toilet.

18 THE INTERPRETER: [12:48:00] Says the witness.

19 PRESIDING JUDGE MINDUA: [12:48:01](Interpretation) Very well, you can do just

20 that. We give you leave to do so.

21 (The witness exits the video-link room)

22 PRESIDING JUDGE MINDUA: [12:48:22](Interpretation) So while the witness is not

23 on the stand, Counsel Gerry, did you want to respond to the Prosecution's objection.

24 MS GERRY: [12:48:30] In my submission it was a perfectly proper question. It was

25 exactly the same question I asked about the husband to which there was no objection.



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1 It's the core issue that this Court needs to decide about. A greeting is plainly  
2 speaking. It's an objection that has no foundation in my submission and, frankly,  
3 given the time available, it's a sensible way to progress in this case.

4 I see Mr Duterte is on his feet. I haven't finished speaking. Perhaps he'd like to  
5 wait his turn.

6 PRESIDING JUDGE MINDUA: [12:49:08](Interpretation) Very well.

7 MS GERRY: [12:49:11](Overlapping microphones) or his wax work, but there we are.

8 In my submission, this is the way in which this Court should be receiving this type of  
9 evidence, and I've asked the question and we ought to hear the answer.

10 PRESIDING JUDGE MINDUA: [12:49:29](Interpretation) All right. Then,

11 Mr Prosecutor, so the question is normal for the Prosecution?

12 MR DUTERTRE: [12:49:38](Interpretation) Two points: First, time. The time  
13 configuration doesn't mean that you have to trounce the rules. That's not  
14 a substantial reason. Now we let the other leading question go because we can't be  
15 on our feet every five minutes. We have to make sure that we make some progress  
16 here, but at a given point in time, you know, with one after the other of these  
17 examples, you have to return to the proper way. So you need to put open-ending  
18 questions and the witness did say that he came to greet, not to talk.

19 PRESIDING JUDGE MINDUA: [12:50:18](Interpretation) Now, Counsel Gerry, you  
20 heard the objection. Perhaps you could just rephrase.

21 MS GERRY: [12:50:25] Mr President, no, I can't. In my submission it's a proper  
22 question. Mr Duterte is wrong and you need to hear this evidence and I would  
23 invite you to rule in our favour.

24 PRESIDING JUDGE MINDUA: [12:50:40](Interpretation) No, look, listen --

25 (The witness enters the video-link room)

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1 PRESIDING JUDGE MINDUA: [12:50:44](Interpretation)

2 The witness has returned to the stand.

3 I don't want to dwell on this, but the witness said, "I went to greet." The

4 witness -- and you're saying, "What did you speak." There is a nuance there I think.

5 Try to ...

6 MS GERRY: [12:50:59] Well, I understood no, so I'll keep going. Unfortunately I

7 couldn't hear the English interpretation, so I don't know what happened, but I

8 understood the word no.

9 Q. [12:51:11] Mr Witness, when you went to Mrs X's house on the morning passing  
10 by on your way to work, did you speak to her?

11 A. [12:51:59] Of course we'd spoke.

12 Q. [12:52:02] What did you speak about?

13 THE INTERPRETER: [12:52:28] Songhai interpreter: Your Honour, could the  
14 witness repeat his answer.

15 PRESIDING JUDGE MINDUA: [12:52:35](Interpretation) Mr Witness, would you  
16 mind repeating your answer.

17 THE WITNESS: [12:53:01](Interpretation) We talked about everyday life, pretty  
18 much everything and nothing. And we also wanted to know whether we had any  
19 information about Adam. We wanted to know about what was going on with  
20 people in the city. That's all we talked about.

21 MS GERRY: [12:53:22]

22 Q. [12:53:23] You told us that at that time there were Islamists in the city. Was  
23 there ever any conversation about Islamists?

24 A. [12:53:59] When the Islamists were there, people had only that to talk about.

25 All conversation revolved around the topic of the Islamists.

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1 Q. [12:54:10] Just focusing on Mrs X, did she talk to you about the Islamists?

2 A. [12:54:48] We talked about the Islamists, but more in general terms. How that  
3 they came into the neighbourhood, how that they'd come through. That's the type of  
4 thing that we talked about.

5 Q. [12:54:59] Did she ever talk to you about any problems that she had?

6 A. [12:55:26] Never. Never we spoke about that. But she speaks very well and if  
7 there was something to say, she would have told me.

8 Q. [12:55:40] Were you ever aware of any problems in their street? Madam X's  
9 and Mr Y's street? Were you ever aware of any problems in their street in 2012?

10 A. [12:56:30] Now, this is -- harks back to what we said a moment ago. It's not  
11 Adama's wife. The problem arose in the street. It was all about that. The wife of  
12 the person we mentioned had surprised his wife in the street and that was the 27th  
13 night in Ramadan, and it was at that night that we were celebrating a wedding. And  
14 she was called up short because she wasn't allowed to go out. The 30-day limit  
15 hadn't yet been reached -- hadn't yet been reached, and so she was taken back to the  
16 house. Otherwise, apart from that, there was no other instance to speak of.

17 Q. [12:57:43] And are you aware of anyone ever being arrested in the street of  
18 Mr X -- sorry, Mrs X and Mr Y, I should say in 2012?

19 A. [12:58:15] Never heard of that.

20 Q. [12:58:30] You described Madam Z as a "lynchpin". Can you help us to  
21 understand what you meant by that description, please.

22 A. [12:59:51] Now, Mrs Z, many people had heard that she had said that she  
23 was helping people, and that's why they brought her papers and they constituted an  
24 association. But other people said that they shouldn't lie and so they -- they  
25 shouldn't lie. And so all these people came, the -- X, Y and Z, and the previous

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1 month, even then, Y's mum said that Mrs X had put -- had included Mr Y in all her  
2 lies. And (Redacted) had also said that they were going to take them to court for their  
3 rights to be respected, and that was what Madam Z was saying.

4 MS GERRY: [13:00:55] Mr President, I haven't finished. I see it's one o'clock, may I  
5 have another half an hour after lunch until 2.30 please? I have one, two, three more  
6 topics and one of them may take a little time.

7 (Trial Chamber confers)

8 PRESIDING JUDGE MINDUA: [13:01:21](Interpretation) Ms Gerry, maybe possibly  
9 15 minutes, instead of 30?

10 MS GERRY: [13:01:28] I can try. I can only try. My estimate is 30 minutes, I can  
11 explain in private session if you wish now, but there are three topics, there is -- that I  
12 wouldn't wish to discuss in front of the witness, so I can try. I'll do my best is all I  
13 can say, but I'm asking for half an hour. And it may be helpful to observe that at the  
14 moment, it's only my time that's being cut and not the Prosecution's. So I would  
15 appreciate the extra.

16 PRESIDING JUDGE MINDUA: [13:02:04](Interpretation) No, Ms Gerry, that is not  
17 correct. There will be equal treatment for all parties. It is two minutes past 1 p.m.,  
18 and we shall now draw to a close and rise for lunch. It's a bit shorter than usual  
19 because we shall resume at 2 p.m.

20 Court is suspended.

21 THE COURT USHER: [13:02:31] All rise.

22 (Recess taken at 1.02 p.m.)

23 (Upon resuming in open session at 2.04 p.m.)

24 THE COURT USHER: [14:04:46] All rise. Please be seated.

25 PRESIDING JUDGE MINDUA: [14:05:13](Interpretation) Court is in session once

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1 again.

2 I shall hand over to the Defence for the continuation and conclusion of the  
3 examination-in-chief.

4 Ms Gerry.

5 MS GERRY: [14:05:25] Thank you, Mr President.

6 Q. [14:05:26] Mr Witness, you told us just before the break that you were not aware  
7 of anyone being arrested in Mrs X and Mr Y's street. You said you'd never heard of  
8 this. Can we just be clear, does that include Mrs X? Have you ever heard of her  
9 being arrested?

10 A. [14:06:33] Well, I swear, I swear to you that nothing happened to her.

11 Q. [14:06:51] Thank you, Mr Witness. You told us that just before lunch - and it's  
12 at page 42, lines 14 to 21, for us - Mr Witness, you said: Mr Y's mum said Mrs X had  
13 included Mr Y in all her lies.

14 Can you help us to understand what you meant by that, please.

15 A. [14:07:56] Well, that's -- it wasn't only me who said that. The members of her  
16 family all said the same thing. He left everything behind him, his job, his family in  
17 order to go with her. I'm not the only person who said that. Everyone was saying  
18 that all over the place.

19 Q. [14:08:26] And can you help us as to what you meant by, "All her lies." What  
20 were her lies about?

21 A. [14:09:03] Well, what I said is that all these --

22 THE INTERPRETER: [14:09:20] Unclear.

23 THE WITNESS: [14:09:23](Interpretation) Everything that was said about Madam Z  
24 was ...

25 THE INTERPRETER: [14:09:30] The Songhai interpreter trails off.

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1 THE WITNESS: [14:09:33](Interpretation) The fact that she was raped -- well, that  
2 really is lies. That's all lies. That's not something that was actually experienced.

3 MS GERRY: [14:09:43]

4 Q. [14:09:45] Mr Witness, just to be clear, when you say that "that was all lies", is  
5 that your opinion or is that what people were saying so that we can be clear of the  
6 difference?

7 A. [14:10:39] Well, it is not something that I just believe, I'm not -- it's not  
8 something that just I believe. This is something that was noted throughout the city;  
9 namely, that people see all these images on social media, on WhatsApp, on Facebook.  
10 Otherwise, it's not something that I just conjured up in my head.

11 Q. [14:11:12] Did you know someone called (Redacted)?

12 A. [14:11:27] Yes.

13 Q. [14:11:29] Are you aware of any interaction between (Redacted) and Mrs X at  
14 all in 2012?

15 A. [14:12:00] In that regard, I really can't say. I do not know, quite honestly.

16 Q. [14:12:08] Do you know someone called Baba Boyba?

17 A. [14:12:29] Yes, Baba Boyba is the chief of the Abaradjou neighbourhood, but he  
18 is deceased.

19 Q. [14:12:38] Are you aware of any interaction between Baba Boyba and Mrs X in  
20 2012?

21 A. [14:13:05] No, I'm not aware of that at all.

22 Q. [14:13:20] Sorry. In that area, in 2012, had there been interaction between those  
23 people, do you think it would've come to your attention or not?

24 A. [14:14:14] In fact, (Redacted) and Madam X, well, there's just two blocks  
25 separating them, just as there are two blocks separating Madam X and myself. So

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1 nothing could have gone on in that interval without us knowing about it. As I said  
2 to you, everything that goes on in that area, well, we are informed of this. We are in  
3 the know. As regards to those people who lied to say that things had happened to  
4 them, we are aware of that.

5 Q. [14:14:58] I just want to check some translation with you, Mr Witness. I'm told  
6 when you were telling us about Madam X's lies, you mentioned (Redacted).

7 Did you mention (Redacted) or not?

8 A. [14:15:40] Yes, I did mention that person, indeed.

9 Q. [14:15:47] I'm afraid we didn't get what you said. Can you tell us again what  
10 you were trying to tell us about (Redacted), please.

11 PRESIDING JUDGE MINDUA: [14:16:02](Interpretation) Yes, Mr Nsita.

12 MR LUVENGIKA: [14:16:05](Interpretation) Mr President, I believe that our learned  
13 friend needs to be careful because we are in open session, and in providing the names  
14 of certain individuals, well, I believe that she should ask that we move into private  
15 session prior to that.

16 PRESIDING JUDGE MINDUA: [14:16:21](Interpretation) Yes, indeed, Mr Nsita.

17 Mr Duterte.

18 MR DUTERTRE: [14:16:24](Interpretation) Thank you, Mr President. I let this very  
19 speculative question go by - the question that was put a few moments ago - because  
20 you can't get to our feet to object constantly. But in this instance, with regard to the  
21 question just put, what is the reference? I do not understand. Was this the answer  
22 that the witness had just provided or was it from a previous passage?

23 I'd like very much for Ms Gerry to tell us more about this. It would enable us to  
24 follow things a little more productively and ascertain whether this is exactly what the  
25 witness said or not.

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1 PRESIDING JUDGE MINDUA: [14:17:05](Interpretation) Yes, indeed, the objection,  
2 but we also have the problem associated with the name. Maybe we would need to  
3 go into private session briefly for this name.

4 Madam Courtroom Officer, private session, please.

5 \* (Private session at 2.17 p.m.) (Reclassified partially in public)

6 THE COURT OFFICER: [14:17:38] We are in private session, Mr President.

7 PRESIDING JUDGE MINDUA: [14:17:40](Interpretation) Thank you very much,  
8 Madam Courtroom Officer.

9 So, Mr Prosecutor, you are requesting the foundation -- the reference for the lies that  
10 were allegedly proffered by (Redacted) and other individuals.

11 Ms Gerry.

12 MS GERRY: [14:17:58] Firstly, my apologies for using the name in public session.

13 It's entirely my fault and I'm very sorry. Secondly, we have the Songhai translation  
14 that the name was used, so I used a very open question saying, What did you want to  
15 tell us about that person.

16 I don't know how more open I could make it. There was a moment certainly in the  
17 English translation where the interpreter said it was unclear, and we think it fell into  
18 that "unclear" - and I can see the interpreter nodding - so I'm simply asking to fill  
19 a gap that's clearly available on the Songhai transcript. Rather than ask for this  
20 transcript to be corrected later, better that the witness tell us what he's trying to say.

21 PRESIDING JUDGE MINDUA: [14:18:43](Interpretation) So who's going to tell us  
22 about this? The interpreters?

23 MS GERRY: [14:18:47] No. Me, I'm going to ask the witness the question now.

24 PRESIDING JUDGE MINDUA: [14:18:52](Interpretation) Very well. Put the  
25 question, please.



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1 MS GERRY: [14:18:55] Thank you.

2 Q. [14:18:58] Mr Witness, can you help us to understand the connection that you  
3 were trying to make between (Redacted) and (Redacted) -- well, what you  
4 refer to as (Redacted) lies. What were you trying to tell us?

5 A. [14:20:26] (Redacted) -- as to what (Redacted) and (Redacted) said to each  
6 other, I am not aware of that. But what is known -- and I thought that (Redacted)  
7 (Redacted) well, I heard people say that people came to get them and took them away.  
8 After that, I saw -- saw (Redacted) asking people to (Redacted)

9 (Redacted)

10 (Redacted)

11 PRESIDING JUDGE MINDUA: [14:21:20](Interpretation) Ms Gerry, are we going  
12 back into open session?

13 MS GERRY: [14:21:26] I was just waiting for the witness's answer to finish, I think  
14 there might be some more.

15 THE INTERPRETER: [14:21:31] No, that was it.

16 MS GERRY: [14:21:36] Thank you.

17 Mr President, there are a couple of other names that I was going to deal at bit later in  
18 private session, I might as well do those now while we're here, if I may.

19 PRESIDING JUDGE MINDUA: [14:21:50](Interpretation) Please go ahead, Ms  
20 Gerry.

21 MS GERRY: [14:21:55] Thank you.

22 Q. [14:21:55] Mr Witness, while we're in private session, I want to ask you about  
23 (Redacted) also known as (Redacted) and (Redacted). Do  
24 you know those people?

25 THE INTERPRETER: [14:22:17] Message from the Songhai booth: Mr President,

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1 could Defence counsel please revisit these names -- these two names.

2 PRESIDING JUDGE MINDUA: [14:22:27](Interpretation) Ms Gerry, could you  
3 please repeat the names of those two individuals.

4 MS GERRY: [14:22:31] Of course. I have (Redacted) also known as (Redacted)  
5 (Redacted) and (Redacted)

6 THE WITNESS: [14:23:15](Interpretation) Yes.

7 MS GERRY: [14:23:22]

8 Q. [14:23:23] Were they married or not married?

9 A. [14:23:37] They were not married at the time. They are married now.

10 Q. [14:23:43] Do you know of any event or issue in relation to them in 2012 in  
11 Timbuktu?

12 A. [14:24:13] Yes, yes. They looked for them and they got them.

13 THE INTERPRETER: [14:24:19] Message from the English booth: It's unclear  
14 whether it is singular or plural, hence the use of "them".

15 MS GERRY: [14:24:29]

16 Q. [14:24:30] I think I can ask you about the events in public session, but what I'll  
17 do is clarify one other name before we go back into public session.

18 Do you know the name (Redacted), Mr Witness?

19 A. [14:24:55] Yes.

20 MS GERRY: [14:24:58] Mr President, may we go back into public session, please.  
21 I will refer to (Redacted) as "Mr A".

22 THE WITNESS: [14:25:22](Interpretation) Very well.

23 PRESIDING JUDGE MINDUA: [14:25:24](Interpretation) Very well. Madam  
24 courtroom officer, open session, please.

25 (Open session at 2.25 p.m.)

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1 THE COURT OFFICER: [14:25:41] We are back in open session, Mr President.

2 PRESIDING JUDGE MINDUA: [14:25:43](Interpretation) Thank you very much.

3 Ms Gerry.

4 MS GERRY: [14:25:45]

5 Q. [14:25:46] Mr Witness, we're back in public session. I want to ask you about  
6 three lots of people in a short period of time. Firstly, in 2012, did you know a man  
7 called Bagna?

8 A. [14:26:26] Yes, Bagna. There are many Bagnas, but I know the Bagna in our  
9 neighbourhood.

10 Q. [14:26:35] Is the Bagna from your neighbourhood alive or dead?

11 A. [14:26:53] He is deceased.

12 Q. [14:26:57] Mr Witness, I'm sorry for your loss. How did Bagna die?

13 A. [14:27:21] Bagna died of natural causes. Nobody killed him. He was just old.

14 Q. [14:27:33] Are you aware if Bagna was ever flogged?

15 A. [14:27:57] Bagna, an elderly gentleman -- he's an elderly gentleman. Even if  
16 they were to lay eyes on him, there would be -- they would pity him and not want to  
17 flog him.

18 Q. [14:28:23] I just want to be clear on your answer, Mr Witness. Are you aware if  
19 he was ever flogged or not?

20 MR DUTERTRE: [14:28:37] Mr President, asked and answered.

21 PRESIDING JUDGE MINDUA: [14:28:39](Interpretation) Yes, Ms Gerry, the witness  
22 has already answered that question and you have one minute remaining. Please  
23 wrap up.

24 MS GERRY: [14:28:48]

25 Q. [14:28:48] Mr Witness, I asked you about a couple in private session, you told us

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1 were not married and now they are married. You started to tell us about an issue  
2 with that couple. Can you describe that to -- the issue that happened with that  
3 couple in 2012?

4 A. [14:29:36] Well, with regard to what happened to them in 2012, they had been in  
5 a relationship for a long time. So they would meet in a house next to the  
6 mosque -- opposite the mosque, every time they met. And people tried to forbid  
7 them doing that, tried to stop them from meeting there, saying to them, "Well, even if  
8 you do meet, you shouldn't be meeting next to the mosque."  
9 They did not want to stop meeting, until those people turned up, and when they  
10 arrived, some people denounced them. It was the people from the mosque, in fact,  
11 who denounced them. So when they arrived, they had laid in waiting for them and  
12 waited for them to enter the building, and when they entered, they stopped them or  
13 arrested them in front of the door. They arrived, and (Redacted) came out. And when  
14 the man came out, he said to them that the lady was his wife. And they said to him,  
15 "Well, if she is your wife, leave her here and go and get some witnesses to testify to  
16 this effect." And it was while looking for these witnesses that we were told that  
17 (Redacted) had fled, left the woman behind and had gone to Bamako.

18 Two days later, I went by the market -- the Yobou Tao market and I saw a crowd of  
19 people present there. When I asked what was going on, I was told that it was the  
20 woman that had been caught in the company of Bagna, and that she was being  
21 flogged. So she was told that it was not a good thing for her to do -- to have done  
22 and that she shouldn't have done it.

23 That is what I'm aware of with regard to this story.

24 Q. [14:32:49] Thank you. I asked you about Mr A in private session. Can you  
25 help us as to your interaction with Mr A, please.

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1 A. [14:33:35] One day he came to my house, he'd come to see in the neighbourhood  
2 whether there are any people who'd been raped, and that if that was the case, then  
3 they should bring their file. So after that, we saw lots of people with their files. We  
4 handed on the information that they should come forward. So there are many  
5 people, and it was important they wouldn't lie and -- and it's not for receiving  
6 something that they would lie anyway.

7 So one day I went to see them there with people, and when I asked what was going  
8 on, they said, "No, these are the people that the Islamists did bad things to and they  
9 are with the white people."

10 And that's what I can tell about this.

11 Q. [14:35:09] Mr Witness, you told us earlier on that Madam Z had dossiers. You  
12 told us that Mr A had files. Are these the same documents or different documents?

13 A. [14:35:53] No, it's not the same thing because each one of them had -- well, they  
14 had different NGOs and I preferred -- since I didn't understand really what was going  
15 on, I preferred to remain a bit aloof.

16 Q. [14:36:16] Now you told us --

17 PRESIDING JUDGE MINDUA: [14:36:19](Interpretation) Counsel Gerry, your  
18 30 minutes have elapsed, so please wrap up.

19 MS GERRY: [14:36:24]

20 Q. [14:36:25] Mr Witness, you told us that it was about receiving something or not  
21 receiving something. Can you explain to us what you meant by "receiving  
22 something" or "not receiving something," please?

23 A. [14:37:10] This is what I was saying. They were told they had entitlements  
24 because this was all about human rights.

25 Q. [14:37:25] What sort of entitlements?

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1 A. [14:37:57] I don't know. Some people look for things, but what are they  
2 seeking? Obviously they're seeking an entitlement, but what entitlement exactly that  
3 would be, I can't tell you.

4 Q. [14:38:18] And did you work with Mr A in relation to these files or not?

5 A. [14:38:42] No. I didn't work on that with him. I was just asked to retrieve  
6 things and I did so, but I didn't work in conjunction with him.

7 Q. [14:38:53] And you told us that people came with their files. Do you know  
8 whether those files were accepted or not by Mr A?

9 A. [14:39:09] Unfortunately... No, he accepted some and refused others.

10 PRESIDING JUDGE MINDUA: [14:39:28](Interpretation) Mr Prosecutor.

11 MR DUTERTRE: [14:39:30](Interpretation) Your Honour, I simply note that the  
12 witness said that he hadn't worked with him. So I don't really understand how he  
13 would be able to answer those questions, and I refer you to page 55, line 5, in the  
14 French version:

15 (Speaks English) "No. I didn't work on that with him." Full stop.

16 PRESIDING JUDGE MINDUA: [14:39:50](Interpretation) There you have it, Counsel  
17 Gerry, I think the objection --

18 MS GERRY: [14:39:54] Mr President, I worked on the basis that the witness had said  
19 he saw people come in with their files, so therefore he could see whether files were  
20 accepted or not. The witness has, in fact, answered: Some were accepted and some  
21 were not. So I don't propose to ask any more questions. You have the evidence  
22 and it does have a foundation, which is evidence that he -- that people came with  
23 their files. So it's really a matter for cross-examination. I have the evidence and  
24 you've heard it. I'm told it's page 52, line 20 to 23, that people came in with their files,  
25 it's page 52, lines 20 to 23. So the follow-up question was, Were they accepted or not?

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1 It had nothing to do with whether this witness was working there or not.

2 PRESIDING JUDGE MINDUA: [14:41:00](Interpretation) Okay, I think we've  
3 understood everything. But I think this is the end, isn't it, Counsel Gerry? Because  
4 now it's really 40 minutes.

5 MS GERRY: [14:41:09] I finished my examination-in-chief. Thank you very much,  
6 Mr President.

7 And thank you, Mr Witness.

8 THE WITNESS: [14:41:33](Interpretation) Thank you, too.

9 PRESIDING JUDGE MINDUA: [14:41:35](Interpretation) Thank you, Mr Witness.  
10 Thank you, Counsel Gerry.

11 So now I look to the Prosecution.

12 Prosecutor Yamaguchi, are you ready?

13 MS YAMAGUCHI: [14:41:47] Yes. Please just give me a few minutes to set up  
14 everything.

15 PRESIDING JUDGE MINDUA: [14:41:52](Interpretation) Very well. Very well.

16 MS YAMAGUCHI: [14:42:50] Mr President, I'm ready to proceed.

17 PRESIDING JUDGE MINDUA: [14:42:54](Interpretation) Please proceed,  
18 Mrs Prosecutor.

19 MS YAMAGUCHI: [14:42:57] Thank you, Mr President.

20 QUESTIONED BY MS YAMAGUCHI:

21 Q. [14:42:59] Mr Witness, can you hear and see me well?

22 A. [14:43:17] Yes, I can.

23 Q. [14:43:20] We met briefly yesterday already, but for the record, my name is  
24 Yayoi Yamaguchi and I'll be asking you questions on behalf of the Prosecution today.  
25 Before we proceed, let me just explain, sometimes before asking you a specific

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1 question, I'll read out what you have said in court earlier today or something that's  
2 written in a document, and if it's a long passage, I'll pause to facilitate the work of the  
3 interpreter. Please just wait for me to ask a question before responding or  
4 commenting on what I've read out. Okay?

5 A. [14:45:14] Okay.

6 MS YAMAGUCHI: [14:45:16] Mr President, I would like to go into private session  
7 for approximately five minutes to cover some identifying issues.

8 PRESIDING JUDGE MINDUA: [14:45:26](Interpretation) Very well. Court officer,  
9 private session, please.

10 \* (Private session at 2.45 p.m.) (Reclassified partially in public)

11 THE COURT OFFICER: [14:45:36] We are in private session, Mr President.

12 PRESIDING JUDGE MINDUA: [14:45:48](Interpretation) Thank you very much.  
13 Madam Prosecutor.

14 MS YAMAGUCHI: [14:45:54] Thank you, Mr President.

15 Q. [14:45:56] Mr Witness, you testified that your name is (Redacted) but  
16 you're also known as (Redacted). Is it correct that you also go by the name of  
17 (Redacted) sometimes?

18 A. [14:46:36] That's right.

19 Q. [14:46:41] You said in 2012, you were living in the (Redacted) neighbourhood  
20 and you were working in a boutique (Redacted). Do you recall how far  
21 was your work from your house, approximately?

22 A. [14:47:43] It's very far away. It must be (Redacted) between where I lived  
23 and (Redacted).

24 Q. [14:48:03] And did you go by walking or some other means of transport?

25 A. [14:48:18] I do it on foot, but some people can take me on a motorbike.



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1 Q. [14:48:28] Could you tell us some locations you would pass by between your  
2 house and your boutique?

3 A. [14:49:07] (Redacted)

4 (Redacted) before I reach my place of work.

5 Q. [14:49:23] You said you sold foodstuffs at your boutique. I presume you had  
6 a mobile phone for your work or other purposes at that time, correct?

7 A. [14:50:06] Yes, I had a telephone and I also sold telephone credit.

8 Q. [14:50:17] You stated that you speak Songhai and Tamasheq. According to the  
9 information we received from the Defence, you also speak French and Arabic, is that  
10 correct?

11 A. [14:51:15] Yes, that's what I told you. I speak those languages, but the  
12 language I master is Songhai and Tamasheq. But I can also speak Arabic and French,  
13 but the -- the language I master is the Songhai and Tamasheq.

14 Q. [14:51:34] Can you read and write --

15 PRESIDING JUDGE MINDUA: [14:51:39](Interpretation) Mrs Prosecutor, can we go  
16 back into open session?

17 MS YAMAGUCHI: [14:51:43] Just one more question, please, Mr President.

18 PRESIDING JUDGE MINDUA: [14:51:47](Interpretation) Very well.

19 MS YAMAGUCHI: [14:51:49]

20 Q. [14:51:51] And did you learn how to write or read French or Arabic?

21 A. [14:52:20] (No interpretation)

22 Q. [14:52:23] What's the name of the school --

23 A. [14:52:25] Yes, I did learn.

24 Q. [14:52:29] Sorry, I think I overspoke the interpreter. I will repeat my question:  
25 What's the name of the school you attended?

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1 PRESIDING JUDGE MINDUA: [14:52:50](Interpretation) Hang on a second, please.

2 Counsel Gerry?

3 MS GERRY: [14:52:54] Mr President, I don't know if it's a problem between  
4 interpreters, but we don't have an answer to the question, Did you learn how to write  
5 or read Arabic?

6 We've gone on to the question about school without an answer. At least on the  
7 English transcript we have.

8 PRESIDING JUDGE MINDUA: [14:53:15](Interpretation) Very well.

9 Mrs Prosecutor, could you put the question once again to the witness so we have the  
10 answer on the transcript.

11 MS YAMAGUCHI: [14:53:27] In French, at page 57, line 15, there is an answer  
12 captured; so I believe we can proceed.

13 PRESIDING JUDGE MINDUA: [14:53:43](No interpretation)

14 MS YAMAGUCHI: [14:53:50] Yes, Mr President.

15 THE INTERPRETER: [14:53:51] The Presiding Judge: Please be mindful of the fact  
16 that we need to go back in open session as soon as possible. Thank you.

17 MS YAMAGUCHI: [14:54:00]

18 Q. [14:54:01] Mr Witness, what is the name of the school you attended?

19 A. [14:54:11] (Redacted) is the name. *École -- école* (Redacted).

20 (Redacted) What you see on the front of the school is "(Redacted)

21 (Redacted)".

22 Q. [14:54:54] Thank you.

23 MS YAMAGUCHI: [14:54:56] Mr President, I would like to return to open session,  
24 please.

25 PRESIDING JUDGE MINDUA: [14:54:59](Interpretation) Very well. Court officer,

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1 open session, please.

2 (Open session at 2.55 p.m.)

3 THE COURT OFFICER: [14:55:11] We are back in open session, Mr President.

4 PRESIDING JUDGE MINDUA: [14:55:18](Interpretation) Thank you very much,  
5 court officer.

6 Mrs Prosecutor, please proceed.

7 MS YAMAGUCHI: [14:55:25] Thank you, Mr President.

8 Q. [14:55:27] Mr Witness, during the Defence questioning you mentioned that some  
9 members of Ansar Dine became friends with you, and, in particular, Adama loved  
10 coming to your workplace. I refer to transcript 16, line 2 to page 17, line 9.

11 Do I understand correctly that you had regular contact with Adama throughout the  
12 period when the Islamists were in Timbuktu in 2012?

13 A. [14:56:59] When they were there, we frequented each other and he -- and he  
14 always came to the shop.

15 Q. [14:57:12] Now, Adama was not a Malian person, correct?

16 A. [14:57:35] I don't know. I don't know his nationality. I just saw Adama like  
17 that. I couldn't tell you what his nationality was.

18 Q. [14:57:47] In which language did you communicate with Adama?

19 A. [14:58:04] We spoke in Arabic and French. Those are the two languages that he  
20 understood.

21 Q. [14:58:12] Adama could also speak a little bit of other local languages, like  
22 Bambara, no?

23 A. [14:58:46] I personally never heard him speak that language. I knew that he  
24 could speak French and Arabic and that was it, as far as I knew.

25 Q. [14:58:57] When did Adama start coming to your workplace?

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1 A. [14:59:26] Since the beginning of the occupation, that's when our relationship  
2 began. And at that time, it was only my shop that stored all that everybody needed.

3 PRESIDING JUDGE MINDUA: [14:59:46](Interpretation) You raised your hand, Mr  
4 Witness. Did you need something?

5 THE WITNESS: [14:59:52](Interpretation) I'd like to go to the toilet, please.

6 PRESIDING JUDGE MINDUA: [14:59:56](Interpretation) Please go ahead.

7 (The witness exits the video-link room)

8 (The witness enters the video-link room)

9 PRESIDING JUDGE MINDUA: [15:01:37](Interpretation) There we are, Madam  
10 Prosecutor, the witness has returned. So please continue.

11 MS YAMAGUCHI: [15:01:45]

12 Q. [15:01:47] So Adama came to your workplace from the beginning of the  
13 occupation. Do you recall how often he would come to your place? Every week?  
14 Several times a week? Do you recall?

15 A. [15:02:44] All the time. If I did not see him, it was because he was on mission.  
16 But if he was not on mission, he was in town, he would not spend a day without  
17 coming by my shop. Sometimes he would come from three-to-five times a day, and  
18 whenever there were events going on in the city, he would tell me about them, saying,  
19 "There's such-and-such a thing going on today", for example.

20 Q. [15:03:14] You talked about an incident where Mohamed Moussa arrested  
21 a woman and after you told Adama about the incident, Adama brought her home.  
22 I pause for the interpretation.

23 A. [15:03:50] It did occur, yes.

24 Q. [15:03:52] Do you know why this woman was arrested by Mohamed Moussa?

25 A. [15:04:17] According to the information I was privy to, the woman was passing

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1 by and she wasn't properly covered and that's why he stopped her and locked her up  
2 with her child. Both of them were locked up.

3 Q. [15:04:33] Do you know how old this child was at the time?

4 A. [15:04:59] It was a young child of less than a year. He was very small and he  
5 was still breastfeeding. It was just at that time that his mother was coming out of  
6 quarantine.

7 Q. [15:05:27] And do you know where the two of them were locked up by  
8 Mohamed Moussa?

9 A. [15:05:53] He took them to the BMS and that's where he locked them up.

10 Q. [15:06:02] Do you recall when this incident happened? Was it before or after  
11 Ramadan 2012?

12 A. [15:06:26] I swear, I do not know. Really I don't.

13 Q. [15:06:35] Did Adama contact you after you told him about the arrest to confirm  
14 that he did indeed manage to get them released?

15 A. [15:07:18] Yes, just at the very moment when I gave him that information, he  
16 shook his head, he took the vehicle and he left. And when he left, he picked up the  
17 lady and took her home and then he came back to my place to tell me that he had  
18 released her and taken her home.

19 Q. [15:07:58] Do I understand correctly that you heard from Adama that they  
20 were -- they had been arrest- -- detained at the BMS?

21 A. [15:08:31] No, it was not Adama who told me. (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 Q. [15:08:56] Thank you for that clarification.

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1 Now, you testified that Adama was a commissioner within the Islamic police. Isn't it  
2 correct that Adama himself was dismissed from that position after a complaint from  
3 the local population?

4 A. [15:09:54] The truth be told, it affected his work because people said that he was  
5 too close to the population and that he could not remain in that position. They  
6 removed him from that position and they put Hamed -- the dog, Hamed Moussa in  
7 his place.

8 PRESIDING JUDGE MINDUA: [15:10:31](Interpretation) Mr Witness, I think I heard  
9 you say or mention this "dog, Hamed Moussa". This is a court of law. You need to  
10 moderate your language. Do we agree?

11 THE WITNESS: [15:11:12](Interpretation) I apologise, but this is somebody who  
12 really gets on my nerves and everyone around the city would call him that way, and I  
13 do apologise.

14 PRESIDING JUDGE MINDUA: [15:11:27](Interpretation) Very well. Madam  
15 Prosecutor, please continue.

16 MS YAMAGUCHI: [15:11:31] Thank you, Mr President.

17 Q. [15:11:32] Mr Witness, isn't it correct that Adama was dismissed not because he  
18 was close to the population, but because he chased a woman into the -- her house and  
19 beat her there?

20 A. [15:12:26] No, we never heard anything to that effect about Adama, it was  
21 Mohamed Moussa. It was the day when he was removed from his position that he  
22 ran after a lady in the Bellafarandi neighbourhood.

23 Can I speak, please?

24 THE INTERPRETER: [15:12:46] Says the witness.

25 PRESIDING JUDGE MINDUA: [15:12:48](Interpretation) Yes, indeed. Please go

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1 ahead.

2 THE WITNESS: [15:13:14](Interpretation) Adama -- let me tell you. Well, Adama,  
3 one of those people had deceased -- was deceased and everyone was led to believe  
4 that it was Adama. Everyone was discouraged, until Adama came forward and  
5 everyone started to smile again. But Adama really was far too close to the  
6 population in general and that's why he lost his position.

7 MS YAMAGUCHI: [15:13:43]

8 Q. [15:13:45] Mr Witness, so is it your testimony that it is only today that you hear  
9 from me for the first time that Adama chased a woman and beaten her?

10 A. [15:14:18] Yes, that is the truth. This is the first time that I'm hearing this.

11 Q. [15:14:27] And your testimony is that you only heard about Adama helping the  
12 local population?

13 A. [15:15:04] Yes, I swear, he did help the population and even if there were  
14 donations, he would ask the organisations to distribute these donations in an  
15 equitable manner to the population.

16 Q. [15:15:30] Mr Witness, so you were friends with Adama. You saw him very  
17 frequently. You knew that Adama belonged to AQIM, not Ansar Dine, correct?

18 A. [15:16:30] Well, AQMI and Ansar Dine for us are one of the same thing. And  
19 Adama is from the real AQMI and Ansar Dine, and Mohamed Moussa is one of those  
20 people who ended up becoming one of them or integrating the movement.

21 Q. [15:17:02] I'll move on to another topic.

22 Mr Witness, during the Defence questioning, you talk about a woman who you say  
23 was married with an Islamist named (Redacted) Could you clarify this  
24 nickname of the person to whom she was married?

25 A. [15:18:25] I know him very well. They got married and that lasted for two or

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1 three weeks, and upon divorcing her, he asked for the tradition to be respected;  
2 namely, the Idda. That three months should be respected before she was able to  
3 leave the house again.

4 Q. [15:18:53] And his nickname, "(Redacted)" it means -- can you clarify the meaning  
5 of the nickname, please?

6 A. [15:19:28] Well, I don't know really why that was. This is somebody who was  
7 a criminal --

8 THE INTERPRETER: [15:19:38] As the witness said --

9 THE WITNESS: [15:19:39](Interpretation) -- and if he flogged people, he would do it  
10 forcefully, and that's why people in Timbuktu would call him "(Redacted)". Otherwise,  
11 his true name is (Redacted).

12 MS YAMAGUCHI: [15:19:54]

13 Q. [15:19:54] And who were these people who got flogged by (Redacted) or (Redacted)  
14 (Redacted)

15 A. [15:20:26] The truth be told he is the one who could be called a victim. His case  
16 was broadcast everywhere, everyone was aware of it. His name was Chau.

17 Q. [15:20:52] Could you tell us in more detail about what happened to Chau based  
18 on what you know?

19 A. [15:21:27] Well, I don't know, four days or a week might have gone by, and  
20 there was a public announcement where it was said that at the Place Sankoré, they  
21 would apply the sharia. And they made sure that all the shops were closed and they  
22 invited everyone to attend the Sankoré square. And when we got there, everyone  
23 was seated -- sat around and there was somebody by the name of Ahmad Al Faqi  
24 who was holding the Koran, and, on occasion, he would get to his feet to read  
25 excerpts from the Koran. And he told us that a man and a woman had been caught



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1 red-handed committing adultery and that they would -- and that the sharia would be  
2 applied.

3 THE INTERPRETER: [15:22:59] Message from the Songhai booth: The last utterances  
4 from the witness have not been understood.

5 PRESIDING JUDGE MINDUA: [15:23:04](Interpretation) Mr Witness, could you  
6 please repeat your answer.

7 THE WITNESS: [15:23:22](Interpretation) Yes, as I was saying, at that time, they  
8 were saying that they would apply the sharia. Well, we didn't know who they were  
9 going to apply it to. And it was just at the time when they had finished reading from  
10 the sharia that a white ambulance arrived, their ambulance, that is, and the  
11 ambulance was parked up and they were told to get out. So Chau and his wife got  
12 out of the ambulance.

13 Once they had alighted from the ambulance, then people realised that it was Chau  
14 and -- and they stopped them and said that they were going to flog them 100 times  
15 each. There were five individuals flogging them one after the other, and amongst  
16 those five individuals was one by the name of Radwan, another was Bocar or Feraoun,  
17 and another by the name of Abou Jalal (phon) and Ardwan (phon) and Hamed Al Faq  
18 (phon), him saying -- himself. Those were the ones who flogged them. Hamed  
19 Moussa himself. Everyone else -- well, they were flogging them, but Bocar was  
20 doing it in a very forceful manner indeed. And it was from that day onwards that he  
21 was called or given the nickname Feraoun.

22 That's what I know about what happened.

23 MS YAMAGUCHI: [15:25:53]

24 Q. [15:25:54] So you were present at the flogging of Chau and his girlfriend. You  
25 also saw Adama and Al Hassan present at this flogging, didn't you?

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1 A. [15:26:11] Yes, I was in attendance and I did indeed see them. But they were  
2 not amongst those who were administering the flogging.

3 Q. [15:26:45] I'd like to go back to the marriage between (Redacted) and the woman.  
4 You said you were not present at their marriage separation. You yourself also were  
5 not present either when she was asked by (Redacted) to get married, is that correct?

6 A. [15:27:22] No, I was not present.

7 Q. [15:27:28] So what you know about the marriage is based only on what you say  
8 her mum told you at your workplace on the next day of the marriage, is that correct?

9 A. [15:28:01] That is what I'm aware of.

10 Q. [15:28:07] You also talked about the woman who got married with Adama in  
11 2012. Now, again, you yourself were not present when Adama asked this woman to  
12 marry him, correct?

13 A. [15:28:39] No, I was not present.

14 Q. [15:28:43] And you said that both marriages ended with a divorce at the same  
15 time, and that was on the 27th day of Ramadan. Did I understand correctly?

16 A. [15:29:45] On the 27th of the month of Ramadan, the 27th day they were already  
17 separated. But it was on that day that they saw the former spouse of (Redacted), and  
18 told her that she was not -- she should not be out and about before the end of the Idda  
19 period, and that's how they came to take her back to her home.

20 Q. [15:30:17] So if I understand correctly, in both cases the marriage lasted only for  
21 two or three weeks, is that correct?

22 A. [15:30:50] Yes, that's right. Between the time of their marriage and the time  
23 that they were divorced, two weeks had barely gone by.

24 Q. [15:31:01] Isn't it correct that such a short marriage is rather uncommon in  
25 Timbuktu?

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1 A. [15:31:48] Well, you can marry and then divorce the next day. If I get married  
2 and I see that she does something that is not right and doesn't please, then I'll divorce  
3 her. It really depends.

4 Q. [15:32:08] I will move on to another topic.  
5 You talked about a couple who lived in the same street as you and you said you  
6 spoke to the woman every day when you passed by their house on your way to work.  
7 I will pause for interpretation.

8 A. [15:33:05] Whenever I went by, every morning I -- I saw the man and both  
9 were -- where both were there.

10 Q. [15:33:36] So let me just clarify. You said:  
11 "Whenever I went by, every morning I saw the man and both were there."  
12 Did you actually speak to the woman as well every morning? I just want to clarify.

13 A. [15:34:19] Every time I went by, every single time, morning, evening, night,  
14 whenever I went by, I would stop and -- and greet them with my hand before  
15 carrying on. The woman goes -- she likes to have -- she likes -- she's a bit -- a bit of  
16 a teaser. She likes having fun with everybody and she provokes people.

17 Q. [15:35:01] Mr Witness, my question was whether you actually spoke to the  
18 woman every morning when you dropped by their house. Could you please answer  
19 my question.

20 A. [15:35:33] Yes, of course.

21 Q. [15:35:41] Now, we have a summary of the information you provided to the  
22 Defence during the three interviews you had before coming to testify today, and we  
23 understand you had the opportunity to make clarifications or corrections to that  
24 summary during your preparation session. Is that correct? And I'm referring to  
25 MLI-D28-0006-3104.

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1 A. [15:36:52] Yes.

2 Q. [15:36:54] And in that summary, to which you made no correction or  
3 clarification during the preparation session, it was only mentioned that you passed by  
4 her house each day on the way to your work.

5 A. [15:38:12] I would go by that way, and if you would go by somebody and you  
6 say hello, I think that means you've spoken to the person, even though you haven't  
7 stopped and -- and talked at length. But the fact that you greet somebody involves  
8 also speaking to somebody by way of greeting.

9 Q. [15:38:40] You mentioned that the way from your house and your workplace  
10 was quite long, and I imagine you spent most of your day at your workplace. So  
11 you were not always at her house or in front of her house, correct?

12 A. [15:39:42] In Timbuktu, you can go across Timbuktu in a single day and come  
13 back. I go back -- I go from home at seven. Around half past one, I come back  
14 home. And I pray at four and I go back to my shop, and then I close up my shop at  
15 around eight at night -- nine o'clock at night.

16 THE INTERPRETER: [15:40:17] Correction from the interpreter.

17 MS YAMAGUCHI: [15:40:20]

18 Q. [15:40:22] I repeat my question: So you were not always at the couple's house  
19 or in front of their house, isn't that correct?

20 A. [15:41:15] Are you talking about their house?

21 Q. [15:41:19] Yes, the house of the couple.

22 A. [15:41:45] Well, I don't spend much time in their house, but every morning, I  
23 would see the man, we'd have tea and then we'd go our separate ways.

24 Q. [15:42:06] You mentioned that you would see the man also at your *grin*. But  
25 with respect to the woman, if I understand correctly, you'd only see her when you

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1 were dropping by their house on the way to your workplace and greet her. Do I  
2 understand correctly?

3 A. [15:43:13] The woman, well, it was when I would go by. But the man, often I  
4 would see him at the *grin* or we'd meet up at the *grin*. We could also see the woman  
5 if I bump into her, for example, in the street.

6 Q. [15:43:43] So if I understand correctly, your contact with the woman were quite  
7 short in any event?

8 A. [15:44:17] Well, sometimes she didn't even leave my place of work. She was  
9 always at my place of work.

10 Q. [15:44:44] So now you're saying that she would also come to your workplace?

11 A. [15:45:19] Yes, she would come all the time. And lots of people came. She  
12 came all the time when things are over.

13 Q. [15:45:38] And you did not mention this to the Defence earlier? This is the first  
14 time you are talking about the woman coming to your workplace, is that correct?

15 A. [15:46:34] Yes, we're just human, aren't we? You can forget. It depends on the  
16 questions put. If the question didn't explore that avenue, then I wouldn't -- it  
17 wouldn't elicit an answer to that effect. And maybe I've forgotten. Things that  
18 happened two or three years back, you -- you can forget, and it really depends how  
19 the question is put and then the follow-up questions.

20 Q. [15:47:13] And indeed these brief contacts occurred more than 10 years ago now,  
21 correct?

22 A. [15:48:01] Since the liberation, everybody went their own way, did their own  
23 thing. And I went to sell things in a -- in a shop in order to have something to do,  
24 because I say to myself, if I hadn't had that to do, possibly I would've joined the  
25 jihadists or even integrated the MNLA group.

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1 Q. [15:48:37] In fact, you wouldn't be able to tell us what the woman said or did not  
2 say to you 10 years ago, right? That was not particularly important for you at the  
3 time?

4 A. [15:49:43] At the time, everybody had become pretty much mad and  
5 traumatised. What happened in Timbuktu, nobody can provide an accurate account,  
6 other than those who were there right from the beginning and all through to the end  
7 and before whom things occurred.

8 Q. [15:50:20] Now you testified that in terms of any problems occurring in their  
9 street in 2012, the only incident you could think of was the wife of (Redacted) being caught  
10 by the Islamists during her Idda period, when she was supposed to be staying at  
11 home, and that was on the 27th day of Ramadan.

12 Did I understand correctly?

13 A. [15:51:25] Yes.

14 Q. [15:51:28] On the 27th day of Ramadan, in Timbuktu, it's a tradition to celebrate  
15 marriages, right?

16 A. [15:52:09] All those who married during the month of Ramadan, that's -- was on  
17 the 27th day upon which weddings were performed.

18 Q. [15:52:25] And many women would dress up to go -- and go out to celebrate  
19 these marriages, correct?

20 A. [15:52:48] Yes.

21 Q. [15:52:50] Isn't it correct that on the 27th day of Ramadan, in 2012, many women  
22 who went out to celebrate marriages but did not fully conform to the dress code  
23 imposed by the Islamists were flogged?

24 A. [15:54:05] Well, I don't know. There were floggings at a certain point in time.  
25 All I can tell you is that the lady was -- people went out to collect the lady and take

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1 her home. But the town is too big for me to know everything that's going on in it.

2 Q. [15:54:39] But you also said during the time when the Islamists were in

3 Timbuktu, a lot of people were talking all the time about what the Islamists were

4 doing, weren't they?

5 A. [15:55:26] Of course. Everything that occurred would be talked about.

6 Everybody knew what was going on at the same time.

7 Q. [15:55:41] And you never heard of this incident on the 27th day of Ramadan,

8 when many women were flogged for not wearing a proper dress -- well, not

9 respecting a dress code?

10 A. [15:56:39] No, I didn't hear anything about that quite honestly.

11 Q. [15:56:46] You testified that the only rape incident you had heard about in 2012

12 concerned someone called Bocar. Now based on your knowledge of society in

13 Timbuktu, generally speaking, rape is considered to be a dishonour for the victim,

14 isn't that correct?

15 A. [15:57:51] Yes. It is a dishonour. It is a genuine dishonour.

16 Q. [15:57:59] If a woman is known to be a rape victim, it's difficult for her to marry,

17 isn't it?

18 A. [15:58:51] It really depends on God. If I love someone, even if that person had

19 been raped, if I love that person, I would marry them. It depends on God. If -- if

20 somebody comes in Timbuktu, then she may be installed elsewhere. It really

21 depends on providence, it depends on God. And tomorrow if a raped person has

22 a husband, it could be a president, a minister, or somebody else for that matter.

23 Q. [15:59:37] Mr Witness, I'm talking generally about how the society in Timbuktu

24 perceives a rape victim. So, for example, if the rape victim is already married, she

25 can be divorced by the husband, isn't that correct?

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1 A. [16:01:05] It's not easy to rape someone. Generally these are people who've got  
2 some sort of agreement, which is ultimately betrayed, and then the other person  
3 shouts out, "I've been raped." But me, I'm against rape. But it's not always easy,  
4 and even if you look at (Redacted) - an example which you mentioned earlier on - (Redacted)  
5 and his wife understood something but ultimately that led to betrayal. Other  
6 people -- some people shouted conspiracy and other people shouted rape and because  
7 they were caught, the woman then simply shouted rape.

8 PRESIDING JUDGE MINDUA: [16:02:13](Interpretation) Madam Prosecutor  
9 Yamaguchi, it is one minute past four. So just how much time do you need to wrap  
10 up your cross-examination?

11 (Counsel confers)

12 MS YAMAGUCHI: [16:02:37] It depends also on the witness's answers, but I  
13 estimate that I would need at least 15 minutes -- between 15 to 25 minutes.

14 (Trial Chamber confers)

15 PRESIDING JUDGE MINDUA: [16:03:06](Interpretation) Mr Nsita, would you like  
16 to put any questions to the witness?

17 MR LUVENGIKA: [16:03:14](Interpretation) Yes, Mr President. In light of the  
18 testimony with regard to Madam Z, I would like to put some questions to this  
19 witness.

20 PRESIDING JUDGE MINDUA: [16:03:28](Interpretation) Thank you very much,  
21 Maître Nsita.

22 So Madam Prosecutor, I believe that we can't continue today because for this session,  
23 we have already allocated two hours, and as far as the interpreters and court  
24 reporters and tapes are concerned, we can't continue.

25 So we shall rise and reconvene tomorrow morning in the hope that we won't need too



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1 much time tomorrow morning.

2 There we are.

3 So I'm now turning to the witness.

4 Mr Witness, on behalf of the Chamber, I would like to very sincerely thank you for  
5 having answered in a very clear and enthusiastic manner those questions that have  
6 been put to you, but unfortunately we have not yet finished with your testimony  
7 today. So you shall be continuing tomorrow.

8 THE WITNESS: [16:05:00](Interpretation) Very well.

9 PRESIDING JUDGE MINDUA: [16:05:02](Interpretation) Thank you very much.

10 So in the meantime, please remember that you are not allowed to talk to anyone at all  
11 about your testimony whether it be members of your family or friends.

12 THE WITNESS: [16:05:33](Interpretation) Well, even I here would not like anyone to  
13 know that I have come to testify.

14 PRESIDING JUDGE MINDUA: [16:05:42](Interpretation) That's very good, Mr  
15 Witness. Thank you very much.

16 Now before we rise for today, as is the custom, I would like to very sincerely  
17 thank the parties, the participants, the court reporters and the interpreters, the  
18 security guards, and, of course, I'm very grateful also to those present in the public  
19 gallery and further afield.

20 I would like to wish you all a very pleasant evening and I say, until tomorrow, the  
21 court is adjourned.

22 THE COURT USHER: [16:06:19] All rise.

23 (The hearing ends in open session at 4.06 p.m.)