

Trial Hearing
WITNESS: MLI-D28-P-0006

(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 Monday, 10 October 2022
10 (The hearing starts in open session at 9.31 a.m.)
11 THE COURT USHER: [9:31:59] All rise. The International Criminal Court is now
12 in session. Please be seated.
13 PRESIDING JUDGE MINDUA: [9:32:34](Interpretation) The Court is now in
14 session.
15 Good morning everybody.
16 Court officer, please call the case.
17 THE COURT OFFICER: [9:32:51] Good morning, Mr President, your Honours.
18 This is the situation in the Republic of Mali, in the case of The Prosecutor versus Al
19 Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud, case reference ICC-01/12-01/18.
20 And for the record, we are in open session.
21 PRESIDING JUDGE MINDUA: [9:33:10](Interpretation) Thank you very much,
22 court officer.
23 We will start with the appearances as we do every day.
24 Firstly, the Prosecution, please.
25 MR DUTERTRE: [9:33:25](Interpretation) Good morning, your Honours. The

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1 Prosecution today is represented by Lucio Garcia on my left and myself Gilles

2 Dutertre. And I would like to say good morning to everybody here and outside the
3 courtroom.

4 PRESIDING JUDGE MINDUA: [9:33:51](Interpretation) Thank you very much,
5 Prosecution.

6 Defence, Ms Taylor.

7 MS TAYLOR: [9:33:57] Good morning, Mr President, good morning, your Honours,
8 good morning to everyone inside the courtroom and outside the courtroom. The
9 Defence for Mr Al Hassan is represented today by Mr Maauloud Al Ansary,
10 Maître Mohamed Youssef and myself, Melinda Taylor.

11 And Mr Al Hassan is attending today and is behind me.

12 Thank you very much.

13 PRESIDING JUDGE MINDUA: [9:34:28](Interpretation) Thank you very much,
14 Ms Taylor.

15 I would also like to say good morning to Mr Al Hassan.

16 PRESIDING JUDGE MINDUA: [9:34:44](Interpretation) The Legal Representative of
17 Victims, please.

18 MR LUVENGIKA: [9:34:45](Interpretation) Good morning, Mr President,
19 your Honours, and my esteemed colleagues. The victims are represented today by
20 Madam Romane Tovia Vila and myself, Fidel Nsita Luvengika for today. And this
21 afternoon, we will be joined by Ms Prisque Biyéké Dipanga.

22 PRESIDING JUDGE MINDUA: [9:35:10](Interpretation) Thank you very much,
23 Mr Nsita.

24 I turn now to the counsel for the witness.

25 MS CARIOLOU: [9:35:19] Good morning, your Honours, good morning, everyone.

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1 I am Leto Cariolou and appear as legal adviser assigned to Witness D-6.

2 PRESIDING JUDGE MINDUA: [9:35:37](Interpretation) Thank you very much,
3 Ms Cariolou.

4 This morning, we are going to hear Witness D-0006 of the Defence. So I now turn to
5 Mr Witness.

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

7 WITNESS: MLI-D28-P-0006

8 (The witness speaks Tamasheq)

9 (The witness gives evidence via video link)

10 THE WITNESS: [9:36:02] (Interpretation) Good morning, I can hear you very well
11 and I am well.

12 PRESIDING JUDGE MINDUA: [9:36:11](Interpretation) Thank you very much,
13 Mr Witness.

14 Mr Witness, on behalf of the Chamber, I would like to welcome you here today. You
15 are going to testify in order to help the Chamber find the truth in the case involving
16 Mr Al Hassan. Mr Witness, protective measures have been put in place so that your
17 identity will not be revealed to the public. Whenever you have to give details that
18 might reveal your identity, we will discuss these matters in closed session -- in private
19 session. In that way no one, other than the people here in the courtroom, will be able
20 to hear what you say.

21 Mr Witness, we will now proceed to your solemn undertaking under 66(1) of the
22 Rules of Procedure and Evidence.

23 Mr Witness, on your table you should have in front of you the official wording. Do
24 you have that?

25 THE WITNESS: [9:38:25] (Interpretation) Yes, I have that.

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- 1 PRESIDING JUDGE MINDUA: [9:38:39](Interpretation) The procedures ...
- 2 Do you have the wording for the solemn undertaking?
- 3 THE WITNESS: [9:38:48] (Interpretation) Yes, I have that in front of me.
- 4 PRESIDING JUDGE MINDUA: [9:38:55](Interpretation) So you will repeat after me
- 5 and aloud, please, I solemnly declare that I will speak the truth --
- 6 THE WITNESS: [9:39:13] (Interpretation) I solemnly declare that I will speak the
- 7 truth --
- 8 PRESIDING JUDGE MINDUA: [9:39:21](Interpretation) The whole truth and
- 9 nothing but the truth.
- 10 THE WITNESS: [9:39:25] (Interpretation) The whole truth and nothing but the
- 11 truth if God is willing.
- 12 PRESIDING JUDGE MINDUA: [9:39:30](Interpretation) Thank you very much,
- 13 Mr Witness. You are now under oath.
- 14 THE WITNESS: [9:39:45] (Interpretation) Yes, of course.
- 15 PRESIDING JUDGE MINDUA: [9:39:46](Interpretation) The Legal Representatives
- 16 of Victims -- of witnesses and the representatives of the Defence will have explained
- 17 to you what that actually entails.
- 18 So I now have some practical advice for you. You should bear in mind throughout
- 19 your testimony that everything said in this courtroom is transcribed by court
- 20 reporters and translated simultaneously into a number of languages by our
- 21 interpreters. It is therefore important to speak clearly and slowly. Please do not
- 22 start speaking until the person you -- asking you questions has finished putting their
- 23 questions to you.
- 24 You will first be questioned by the Defence, then by the Office of the Prosecutor.
- 25 There may then be questions from the Legal Representatives for Victims and probably

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1 also by the members of the Chamber. So I think I shall now pass the floor to the
2 Defence for the examination-in-chief.

3 Ms Taylor.

4 MS TAYLOR: [9:42:04] Thank you very much, Mr President.

5 QUESTIONED BY MS TAYLOR:

6 Q. [9:42:09] Good morning, Mr Witness. How are you?

7 A. [9:42:15] I am well. Everything is going fine. Thank you.

8 Q. [9:42:26] Are you able to see me?

9 A. [9:42:36] Yes, I can see you.

10 Q. [9:42:39] Now as the presiding judge mentioned, it's very important to have
11 pauses between the questions and the answers. If I put up my hand during your
12 testimony, that is not a mark of disrespect. It doesn't mean you've done anything
13 wrong. It just means to make a pause so the interpreters can catch up.

14 MS TAYLOR: [9:43:31] Mr President, with your leave, can I ask some identifying
15 questions in private session?

16 PRESIDING JUDGE MINDUA: [9:43:42](Interpretation) Court officer, private
17 session, please.

18 (Private session at 9.43 a.m.)

19 THE COURT OFFICER: [9:43:49] We are in private session, Mr President.

20 PRESIDING JUDGE MINDUA: [9:43:59](Interpretation) Thank you very much,
21 court officer.

22 Ms Taylor.

23 MS TAYLOR: [9:44:02] Thank you, Mr President.

24 Q. [9:44:04] Mr Witness, we're now in private session, which means the public can't
25 hear us.

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- 1 Can you tell the judges your full name.
- 2 A. [9:44:36] My name is (Redacted).
- 3 Q. [9:44:42] And are you able to tell us your date of birth?
- 4 A. [9:44:57] I was born in (Redacted).
- 5 Q. [9:45:10] And where were you born?
- 6 A. [9:45:13] I was born at (Redacted), in the commune of (Redacted) in the region of
- 7 (Redacted)-- in the (Redacted), in the region of (Redacted).
- 8 Q. [9:45:57] Can you tell us the name of your father?
- 9 A. [9:46:12] His name is (Redacted).
- 10 Q. [9:46:19] And Mr Witness, what tribe do you belong to?
- 11 A. [9:46:25] I'm a member of the (Redacted).
- 12 Q. [9:46:37] (Redacted) not?
- 13 A. [9:46:52] (Redacted).
- 14 Q. [9:47:22] Mr Witness, are you able to describe what this means?
- 15 A. [9:47:44] You're talking about (Redacted)?
- 16 Q. [9:47:51] Yes, please.
- 17 A. [9:48:15] I don't know the (Redacted) detail, but I know that I am (Redacted) and
- 18 he's (Redacted) I know that there (Redacted)
- 19 (Redacted).
- 20 Q. [9:48:35] Mr Witness, I'm going to be going into open session. When I refer to
- 21 (Redacted), in order to stay in open session, there are times where I might refer to him
- 22 as "Mr A". And when I refer to a "Mr A", I'm referring to (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 (Redacted)

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1 (Redacted)

2 MS TAYLOR: [9:49:44] Mr President, if we could go in ...

3 Mr President, if we could go in ...

4 PRESIDING JUDGE MINDUA: [9:50:11](Interpretation) Ms Taylor, please be

5 vigilant because we have consecutive interpretation; so we need to have the breaks

6 because part of the interpretation is not simultaneous.

7 So what did you want to say?

8 MS TAYLOR: [9:50:29] Mr President, I ask if we can go into open session?

9 PRESIDING JUDGE MINDUA: [9:50:35](Interpretation) Yes, of course.

10 Court officer, public session, please.

11 (Open session at 9.50 a.m.)

12 THE COURT OFFICER: [9:50:43] We are back in open session, Mr President.

13 PRESIDING JUDGE MINDUA: [9:50:57](Interpretation) Thank you very much,

14 court officer.

15 Ms Taylor.

16 MS TAYLOR: [9:51:00]

17 Q. [9:51:02] Mr Witness, can you tell us which languages you speak.

18 A. [9:51:23] My mother tongue is Tamasheq. I understand Arabic a bit, a little bit

19 of French, and also a little bit of Songhai.

20 Q. [9:51:54] Did you go to school?

21 A. [9:52:18] I went to school a bit, up to the third year, but I stopped at that point.

22 Q. [9:52:30] And why did you stop?

23 A. [9:52:52] I was a child at the time and nobody obliged me to go back.

24 Q. [9:53:03] And in which languages were you taught in school?

25 A. [9:53:21] It was in French.

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1 Q. [9:53:24] And what type of school was this?

2 A. [9:53:43] I don't know at all, except I could say that it was a school where we
3 were taught to read and write, so that a person would be able to work in later life.

4 Q. [9:54:07] I apologise if my question wasn't clear. Was it a school that was
5 organised by the Malian authorities or was it a madrasa? Do you know?

6 A. [9:54:42] It was a public school, a Malian school.

7 Q. [9:54:50] Now, Mr Witness, I'm going to speak about the time period before 2012
8 and the situation in your tribe before 2012. I'm not going to mention the name of
9 your tribe. Mr Witness, can you tell us how disputes or problems were resolved in
10 your tribe before 2012?

11 A. [9:56:07] For example, what -- what sort of thing?

12 Q. [9:56:13] If two people had a dispute about property, for example.

13 A. [9:56:58] Well, for this type of problem, they will go to the commander or the
14 mayor. But I didn't grow up in a big town, I grew up in (Redacted).

15 MS TAYLOR: [9:57:24] Mr President, may I go briefly into private session?

16 PRESIDING JUDGE MINDUA: [9:57:33](Interpretation) Yes, of course.

17 Court officer, private session, please.

18 (Private session at 9.57 a.m.)

19 THE COURT OFFICER: [9:57:45] We are in private session, Mr President.

20 PRESIDING JUDGE MINDUA: [9:57:50](Interpretation) Thank you very much.

21 Ms Taylor.

22 MS TAYLOR: [9:57:53]

23 Q. [9:57:54] Mr Witness, we're now in private session, which means the public can't
24 hear us. You've mentioned the locations where you grew up. I'm going to go -- ask
25 the presiding judge to go back into open session, but I'm going to ask you not to refer

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1 to (Redacted) when we go back into open session. If you could just refer to your
2 village generally.

3 A. [9:58:56] Yes.

4 Q. [9:59:00] So we'll ask you in open session how issues were dealt with in your
5 village and I won't use the words (Redacted) but that's what I'm referring to.

6 MS TAYLOR: [9:59:28] Mr President, if we can go into open session.

7 PRESIDING JUDGE MINDUA: [9:59:34](Interpretation) Of course.

8 Court officer, public session, please.

9 THE COURT OFFICER: [9:59:41] We are back in open session, Mr President.

10 (Open session at 9.59 a.m.)

11 PRESIDING JUDGE MINDUA: [9:59:58](Interpretation) Thank you very much,
12 court officer.

13 Mr Witness, if the counsel asks you a question, please answer yes. It is not sufficient
14 to just nod your head because that is not enough for the transcript where we have to
15 have everything in writing. Is that okay?

16 THE WITNESS: [10:00:43] (Interpretation) Yes, I understand, absolutely. I
17 understand. Thank you.

18 PRESIDING JUDGE MINDUA: [10:00:50](Interpretation) Thank you very much.

19 Madam Taylor, please.

20 MS TAYLOR: [10:00:56]

21 Q. [10:00:56] Mr Witness, we were speaking about your village. Can you tell us
22 about how problems over property or a well, for example, were dealt with in your
23 village.

24 A. [10:02:01] Concerning disputes over wells, the owners of the wells would
25 attempt to try and settle disputes themselves and when they were not successful, they

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1 would go to the commander, that is to say, the *préfet* or the mayors, before going on to
2 conflict or confrontation. And I have another thing to say, but I will wait for
3 translation first.

4 THE INTERPRETER: [10:02:57] From the interpreter: You may wish to indicate
5 that the translation is completed. Thank you.

6 MS TAYLOR: [10:03:03]

7 Q. [10:03:03] Mr Witness, you can continue.

8 A. [10:03:38] Concerning disputes over marriages or if there was a problem in
9 a marriage, people would go and see the marabout and it's really the marabout that
10 would settle that kind of difference for people living in the bush or in villages. But
11 concerning a well or what -- what applies to the wells, applies also to real estate
12 property, to land.

13 Q. [10:04:16] Mr Witness, did you use the word "*faqih*", when you were referring to
14 the person who would deal with marriage issues?

15 A. [10:04:46] Yes, a *faqih* is the *cadi* of the village.

16 Q. [10:04:54] And when the *cadi* or the *faqih* helped people with their disputes, did
17 people respect their decisions?

18 THE INTERPRETER: [10:05:34] The witness says there was a sound issue and he did
19 not get the entire question.

20 MS TAYLOR: [10:05:40] Could the interpreters repeat it.

21 PRESIDING JUDGE MINDUA: [10:05:50] *Monsieur le Procureur*.

22 MR DUTERTRE: [10:05:54](Interpretation) Yes, I'm sorry, Mr President, I didn't
23 want to butt in too soon, but remember the Chamber's instructions for all parties.

24 All parties were asked to focus on all the issues really at stake in this case at this stage
25 in the proceedings. This question -- this type of question was asked repeatedly to

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1 several witnesses and it seems to me that the Chamber has enough information to be
2 sure about how things stood in this matter.

3 And for the purposes of expediency -- I think expediency, I think we can move on to
4 other questions for this witness.

5 PRESIDING JUDGE MINDUA: [10:06:43](Interpretation) Ms Taylor.

6 MS TAYLOR: [10:06:44] Mr President, is the Prosecution making an admission of
7 fact?

8 PRESIDING JUDGE MINDUA: [10:06:57](Interpretation) Mr Prosecutor, that's an
9 excellent question on the part of the Defence.

10 MR DUTERTRE: [10:07:06](Interpretation) I'm just recalling, sir, instructions given
11 to the Chamber. I am not stating admissions of fact during the hearing just to please
12 Ms Taylor.

13 PRESIDING JUDGE MINDUA: [10:07:28](Interpretation) So, Ms Taylor, this -- I
14 think that the Office of the Prosecutor is just proffering some advice. Now we have
15 had enough witnesses to speak on this issue -- now, this is not a -- per se an admission
16 of fact, and so I think that you can move on to something else to be able not to waste
17 any more time.

18 MS TAYLOR: [10:08:03] Thank you, Mr President. And I understand therefore that
19 this will not be raised in cross-examination.

20 Q. [10:08:10] Now, Mr Witness, were you married before 2012?

21 A. [10:08:17] Yes.

22 Q. [10:08:25] And did you have children before 2012?

23 A. [10:08:40] Yes.

24 MS TAYLOR: [10:08:42] Mr President, if we could go into private session.

25 PRESIDING JUDGE MINDUA: [10:08:48](Interpretation) Very well. Could we go

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1 into private session, please.

2 (Private session at 10.08 a.m.)

3 THE COURT OFFICER: [10:08:57] We are in private session, Mr President.

4 PRESIDING JUDGE MINDUA: [10:09:14](Interpretation) Thank you very much.

5 Madam Taylor.

6 MS TAYLOR: [10:09:18]

7 Q. [10:09:18] Now, Mr Witness, at the beginning of 2012, can you tell us how many
8 children you had?

9 A. [10:09:43] (Redacted).

10 PRESIDING JUDGE MINDUA: [10:09:50](Interpretation) Madam Taylor, I don't
11 know your strategy, but is it really important to know the number of children?

12 MS TAYLOR: [10:10:00] Yes, Mr President, for my follow-up questions.

13 Q. [10:10:03] Mr Witness, can you tell us the age that the children had at the
14 beginning of 2012?

15 A. [10:10:28] Each one?

16 Q. [10:10:34] Maybe the oldest and the youngest.

17 A. [10:10:52] The oldest was (Redacted) and the youngest was (Redacted).

18 Q. [10:10:59] And where were you living at the beginning of 2012?

19 A. [10:11:19] In my village.

20 Q. [10:11:23] And can you say for the record the name of this village. We are in
21 private session.

22 A. [10:11:41] (Redacted).

23 MS TAYLOR: [10:11:48] Mr President, if we can go into open session.

24 PRESIDING JUDGE MINDUA: [10:11:56](Interpretation) Absolutely. court officer,
25 could we go into public session, please.

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1 (Open session at 10.12 a.m.)

2 THE COURT OFFICER: [10:12:04] We are back in open session, Mr President.

3 PRESIDING JUDGE MINDUA: [10:12:17](Interpretation) Thank you very much.

4 Madam Taylor, please.

5 MS TAYLOR: [10:12:25]

6 Q. [10:12:25] Mr Witness, you told us you were in your village at the beginning of
7 2012. Did you stay in your village or did you leave?

8 A. [10:12:52] I left.

9 Q. [10:12:56] And why did you leave?

10 A. [10:13:12] Because there was fighting, there was war.

11 Q. [10:13:18] And why did this concern you?

12 A. [10:13:47] I'm not the only one to have left, many people left. Some went to
13 Burkina, others Mauritania, others to Niger. Others went to Algeria and I was part
14 of those who went to Algeria.

15 Q. [10:14:03] And what do you think would happen to you if you stayed?

16 A. [10:14:28] I think that something would have happened. The same as
17 happened to some people before.

18 Q. [10:14:42] And Mr Witness, can you tell us what happened to people before?

19 A. [10:15:13] Well, when the army goes out to fight and then comes back from
20 fighting, upon their return, soldiers kill whoever, whoever they happen upon.

21 Q. [10:15:40] And do you know if this had happened to other people or not?

22 A. [10:16:01] At that time? That year?

23 Q. [10:16:09] Either that year or in previous years?

24 A. [10:16:37] That year, I don't know of anyone that something would've happened
25 to in that region, but the previous year, no one stayed back.

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1 THE INTERPRETER: [10:17:07] Correction: Nobody was spared. No one was
2 spared.

3 MS TAYLOR: [10:17:16]

4 Q. [10:17:17] And Mr Witness, where did you go to?

5 A. [10:17:34] I went to Algeria.

6 Q. [10:17:39] And what was the weather like during the journey?

7 MR DUTERTRE: [10:17:58](Interpretation) Mr President, what's the relevance?

8 PRESIDING JUDGE MINDUA: [10:18:03](Interpretation) Madam Taylor.

9 MS TAYLOR: [10:18:06] Mr President, it's directly relevant to the conditions of the
10 journey.

11 MR DUTERTRE: [10:18:13] *Monsieur le Président.*

12 PRESIDING JUDGE MINDUA: [10:18:14](Interpretation) Mr Prosecutor.

13 MR DUTERTRE: [10:18:15](Interpretation) Well, it should be relevant to the case,
14 not to the journey. Many things may be relevant to the journey, but may not be
15 relevant to the case and to issues the Court has to decide upon.

16 PRESIDING JUDGE MINDUA: [10:18:31](Interpretation) Madam Taylor, I don't
17 know what your answer will be, but once again I'm not informed of your strategy, but
18 as far as possible could you please stay as close to the charges as possible, to those
19 elements in relation with the charges please.

20 MS TAYLOR: [10:18:52] Thank you, Mr President. I do believe the Chamber's been
21 apprised of our strategy through our trial brief, which specifically discusses the
22 relevance of these issues to the Defence strategy and positive defences. We should
23 be allowed to present relevant evidence to those defences.

24 PRESIDING JUDGE MINDUA: [10:19:24](Interpretation) You're absolutely right,
25 Madam Taylor. But we must also be aware of the time and the length of the

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1 proceedings, and that is why we do advise you to stick to the charges and not to the
2 tiny details, which might not be important. That's our opinion. Thank you.

3 MS TAYLOR: [10:19:49] Thank you, Mr President. If the witness -- this is in the
4 summary, if the witness could kindly answer the question to describe what was the
5 temperature like during the journey.

6 THE WITNESS: [10:20:27](Interpretation) At that time, it was cold.

7 MS TAYLOR: [10:20:31]

8 Q. [10:20:32] And were there women travelling with you?

9 A. [10:20:56] The car was -- the vehicle was full of women because these were
10 families that were moving.

11 Q. [10:21:05] And what was the journey like for the women?

12 A. [10:21:31] It was very tiring. A lot of women were carsick. When they arrived,
13 we even thought that they would not survive.

14 Q. [10:21:44] And were there children travelling with you?

15 A. [10:22:04] Yes, there were. There were children amongst us. Each person
16 brought with them all of their children.

17 Q. [10:22:16] And what was the journey like for the children?

18 A. [10:22:38] It was very tiring. They were sick.

19 Q. [10:22:48] Now you told us you went to Algeria. How long did you stay in
20 Algeria?

21 A. [10:23:27] I can't tell you how many months and, as far as I'm concerned, I was
22 in Khalil and when Algeria refused to take us on as refugees, we went back to Khalil
23 and we set up shops there. We started trading.

24 Q. [10:23:55] Do you know why Algeria refused to give you refugee status?

25 PRESIDING JUDGE MINDUA: [10:24:09] *Oui, Monsieur le Procureur.*

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- 1 MR DUTERTRE: [10:24:15](Interpretation) Yes, a clarification, aside from relevance.
- 2 There's a reference to "Khalil". It's confusing in French, it's confusing in English.
- 3 We don't know if it's in Algeria. We don't know what that place is.
- 4 Could the counsel - for the clarity of the transcript - clarify this. This is not
- 5 (indiscernible) questioning, not at all. It's just a clarification.
- 6 THE INTERPRETER: [10:24:42] And also interpreter correction, line 19, 3: "We
- 7 started trading."
- 8 PRESIDING JUDGE MINDUA: [10:24:48](Interpretation) Ms Taylor.
- 9 MS TAYLOR: [10:24:49] Mr President, I can clarify that but I had asked a question to
- 10 the witness and I do believe he should be given the opportunity to answer.
- 11 PRESIDING JUDGE MINDUA: [10:25:03](Interpretation) Absolutely. So step by
- 12 step. Answer first and then we will go on to a clarification.
- 13 THE WITNESS: [10:25:36](Interpretation) Algeria did not accept refugees on its
- 14 territory, but it does accept people to be on its territory without special status as
- 15 ordinary people. We don't know why.
- 16 MS TAYLOR: [10:25:51]
- 17 Q. [10:25:52] Now, Mr Witness you've referred to a location called "Khalil". Is this
- 18 location in Mali or in Algeria?
- 19 A. [10:26:29] Khalil is inside the Algerian border. Al Borj is 15 kilometres away; so
- 20 Khalil is 15 minutes away from Al Borj.
- 21 Q. [10:26:52] And did you stay in Khalil or did you leave at a certain point?
- 22 A. [10:27:05] I stayed in Khalil. All of the people who could trade stayed there,
- 23 but those who did not have any activity, they went back to Mali and then went on to
- 24 Burkina.
- 25 Q. [10:27:43] Now Mr Witness, did you stay in Khalil all of 2012 or did you leave

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1 Khalil at a certain point?

2 A. [10:28:22] I did not stay in Khalil all -- the entire year, and as soon as the rebels
3 occupied the territory, I went back home.

4 MS TAYLOR: [10:28:35] And if I may go into private session, just to clarify.

5 PRESIDING JUDGE MINDUA: [10:28:50](Interpretation) Court officer, private
6 session, please.

7 (Private session at 10.28 a.m.)

8 THE COURT OFFICER: [10:28:55] We are in private session, Mr President.

9 PRESIDING JUDGE MINDUA: [10:29:07](Interpretation) Thank you very much.

10 Madam Taylor.

11 MS TAYLOR: [10:29:11]

12 Q. [10:29:12] Mr Witness, the public can't hear us. You told us you went home.

13 Can you tell us what you mean by "home"? Where the location was?

14 A. [10:29:47] I went straight to (Redacted). Then I moved to Timbuktu.

15 Q. [10:30:00] And when you moved to Timbuktu, which neighbourhood were you
16 living in?

17 A. [10:30:07] I lived in (Redacted).

18 Q. [10:30:24] And whose house were you living in?

19 A. [10:30:43] I was living in (Redacted).

20 Q. [10:30:50] I'm going to ask to go into open session. I'm going to refer to you to
21 living in Timbuktu, but I'm not going to mention (Redacted) or your neighbourhood.

22 PRESIDING JUDGE MINDUA: [10:31:09](Interpretation) Ms Taylor, before we go
23 back into public session, the witness said he went back to Timbuktu. Could you
24 please find out from him at what point he returned to Timbuktu, when that was.

25 MS TAYLOR: [10:31:27] Certainly, Mr President, I have quite a few follow-up

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1 questions, but these can be done in open session.

2 PRESIDING JUDGE MINDUA: [10:31:39](Interpretation) Very well. Thank you.

3 Court officer, public session, please.

4 (Open session at 10.32 a.m.)

5 THE WITNESS: [10:32:03] (Interpretation) Yes, if Allah is willing, yes.

6 THE COURT OFFICER: [10:32:09] We are back in open session, Mr President.

7 PRESIDING JUDGE MINDUA: [10:32:20](Interpretation) Thank you very much,

8 court officer.

9 Ms Taylor.

10 MS TAYLOR: [10:32:28]

11 Q. [10:32:29] Now, Mr Witness, you told us you went back to Timbuktu. Can you
12 tell us why you decided to go back to Timbuktu?

13 A. [10:33:01] It was with the purpose of finding an activity or some trade,
14 that -- that sort of idea.

15 Q. [10:33:14] And why did you think it would be better to do it in Timbuktu rather
16 than Khalil?

17 A. [10:33:52] It was because I felt that Timbuktu was my home, it was my territory
18 and I felt that I would have more opportunities there.

19 Q. [10:34:10] And did you return alone or with other people?

20 A. [10:34:37] I was with the same group that I was with when I left.

21 Q. [10:34:49] So I understand from that you returned with your family. When you
22 arrived in Timbuktu, were any groups present in Timbuktu?

23 A. [10:35:22] Yes.

24 Q. [10:35:23] can you tell us which groups were present?

25 A. [10:35:41] Yes, I can.

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1 Q. [10:35:45] Can you please do so.

2 A. [10:36:01] The MNLA was there.

3 Q. [10:36:09] Mr Witness, had you finished your answer or were other groups
4 present?

5 A. [10:36:39] No, I hadn't finished. I didn't want to be too long. There was
6 Ansar Dine, there was AQMI and there was Al Sharia.

7 Q. [10:36:54] Now you've mentioned the MNLA. Where were the MNLA based
8 when you returned?

9 A. [10:37:27] They were at the airport on the banks of the river and Kabara.

10 Q. [10:37:36] And do you recall approximately what month it was when you
11 returned?

12 A. [10:38:07] I couldn't tell you which month exactly, but it was close to the period
13 of Ramadan.

14 MS TAYLOR: [10:38:22] Mr President, may I ask some questions in private session.

15 PRESIDING JUDGE MINDUA: [10:38:30](Interpretation) Of course.

16 Court officer, private session, please.

17 (Private session at 10.38 a.m.)

18 THE COURT OFFICER: [10:38:45] We are in private session, Mr President.

19 PRESIDING JUDGE MINDUA: [10:38:50](Interpretation) Thank you very much.

20 Ms Taylor.

21 MS TAYLOR: [10:38:53]

22 Q. [10:38:54] Mr Witness, the public can't hear us. Did you have any interactions
23 with the MNLA?

24 A. [10:39:48] Yes. The only link with the MNLA was the fact that they were in our
25 communities. We didn't have official links of any type, (Redacted)

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1 (Redacted)

2 THE INTERPRETER: [10:40:18] Correction from the Tamasheq: (Redacted)

3 (Redacted)

4 MS TAYLOR: [10:40:27]

5 Q. [10:40:29] Mr Witness, can you tell us (Redacted)

6 (Redacted)?

7 A. [10:41:17] Well, what I can recall, (Redacted)

8 (Redacted).

9 Q. [10:41:35] Where did you go (Redacted)?

10 A. [10:42:01] (Redacted) within

11 Timbuktu or in the surrounding areas; that sort of thing.

12 Q. [10:42:15] (Redacted)

13 A. [10:42:49] (Redacted)

14 Q. [10:43:02] (Redacted)

15 (Redacted).

16 MR DUTERTRE: [10:43:12] *Monsieur le Président*.

17 PRESIDING JUDGE MINDUA: [10:43:14](Interpretation) Prosecution.

18 MR DUTERTRE: [10:43:15](Interpretation) I would like open questions on this

19 matter, please. The previous question from the Defence was a leading question.

20 We must proceed in an open manner without indirectly refreshing the memory of the

21 witness.

22 PRESIDING JUDGE MINDUA: [10:43:37](Interpretation) Ms Taylor.

23 MS TAYLOR: [10:43:40] Thank you, Mr President. I'm not attempting to refresh

24 the witness's memory. I'm attempting to refresh -- not refresh actually, that's not the

25 right word, to establish whether the witness has any personal knowledge of

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1 checkpoints so I can then have a basis to know whether to put follow-up questions
2 concerning checkpoints. So as a preliminary question I have to establish
3 whether - when this witness went (Redacted)- he (Redacted).
4 I can rephrase it by adding "or not", but it's an open question that leads to either
5 possibility and it concerns -- he's already given me a foundation by saying he went
6 (Redacted) throughout Timbuktu. So this is a follow-up question to ask whether any
7 of (Redacted).

8 PRESIDING JUDGE MINDUA: [10:44:46](Interpretation) Yes, Prosecution, I think
9 there is a basis.

10 So Ms Taylor, please proceed.

11 MS TAYLOR: [10:44:53] Thank you.

12 Q. Mr Witness, I apologise, I think my question wasn't clear. My question is
13 whether, when you went (Redacted)
14 (Redacted)

15 A. [10:45:53] Yes, I passed checkpoints. I went there often when I was working
16 and also when I was not working.

17 MS TAYLOR: [10:46:10] I have follow-up questions so that I can do an open session,
18 but I have a few more identifying questions.

19 Q. [10:46:25] Mr Witness, did you have (Redacted)
20 (Redacted)

21 A. [10:46:51] I never (Redacted).

22 Q. [10:46:54] Did you receive (Redacted)?

23 A. [10:47:23] No, never. I never received any training -- not at any time in my life.

24 PRESIDING JUDGE MINDUA: [10:47:34](Interpretation) Ms Taylor, can we now go
25 back to public session?

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1 MS TAYLOR: [10:47:38] If I may ask one more question and then go into open
2 session.

3 Q. [10:47:45] And Mr Witness, after (Redacted), did
4 you continue to live in (Redacted) or not?

5 A. [10:48:21] Yes, that's where I was living. I never went anywhere other than that.
6 I never lived anywhere other than that.

7 Q. [10:48:31] Mr Witness, we are going into open session. (Redacted)

8 (Redacted)

9 (Redacted)

10 PRESIDING JUDGE MINDUA: [10:48:55](Interpretation) Court officer, public
11 session, please.

12 (Open session at 10.49 a.m.)

13 THE COURT OFFICER: [10:49:09] We are back in open session, Mr President.

14 PRESIDING JUDGE MINDUA: [10:49:19](Interpretation) Thank you very much.

15 Ms Taylor.

16 MS TAYLOR: [10:49:22]

17 Q. [10:49:25] Mr Witness, (Redacted). Do you
18 know if Mr T was paid or not?

19 A. [10:50:15] Whenever Mr T carried out an errand, he was paid for that; so he
20 didn't receive a monthly salary. He was paid for each errand.

21 Q. [10:50:30] Now Mr Witness, you told us about seeing or going to checkpoints
22 while you were in Timbuktu. Which groups were in charge of the different
23 checkpoints?

24 A. [10:51:20] In the town -- town of Timbuktu, it was held by Ansar Dine.

25 Q. [10:51:27] And what about the areas outside of Timbuktu?

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1 MR DUTERTRE: [10:51:44](Interpretation) Mr President.

2 PRESIDING JUDGE MINDUA: [10:51:45](Interpretation) Prosecution.

3 MR DUTERTRE: [10:51:48](Interpretation) Two points: Firstly, all these questions
4 have been covered with other witnesses -- firstly; and secondly, the question is very
5 general. The other areas - north, south, east, west - it's a large area. It's not clear
6 what the witness is being asked.

7 PRESIDING JUDGE MINDUA: [10:52:13](Interpretation) Ms Taylor?

8 MS TAYLOR: [10:52:15] Thank you, Mr President. I do believe that the witness can
9 answer on the basis of what he knows. This isn't a guessing game. I'm not going to
10 ask him north, east west, south and try and guess whether he might be in a position to
11 answer with a particular direction. It's much preferable if he can elucidate what he
12 himself knows. I can then ask follow-up questions, if necessary.

13 PRESIDING JUDGE MINDUA: [10:52:52](Interpretation) Ms Taylor, our aim is to
14 have a quick trial, so among the objections that are acceptable, there is
15 contesting -- repetitive questions or questions that cover areas already covered and
16 that's what the Prosecutor is raising. And then he referred to general questions.
17 This is also not acceptable when you talk about the areas or regions; that's a fairly
18 general statement.

19 So please try to be more precise. Thank you.

20 MS TAYLOR: [10:53:32] Thank you, Mr President.

21 Q. [10:53:34] Mr Witness, you talked about the MNLA being in Kabara, were there
22 any checkpoints around Kabara?

23 A. [10:54:12] The MNLA was the group that held all the checkpoints around the
24 town of Timbuktu.

25 Q. [10:54:25] And what did the MNLA check for at these checkpoints?

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1 * A. [10:55:10] I don't know what they were looking for. What I do know is that
2 they were not trying to establish peace, but I don't know what they
3 were looking for.

4 Q. [10:55:33] And when cars went through, did they have to pay something or not?

5 A. [10:56:02] Yes. Everybody paid, apart from members of the MNLA.

6 Q. [10:56:17] Now Mr Witness, can you describe the relationship between
7 Ansar Dine and the MNLA at the time you returned to Timbuktu.

8 A. [10:57:02] Initially, they had a strong link, but as time past, this link no longer
9 existed.

10 Q. [10:57:17] And when you arrived, what did you understand to be the objectives
11 of the MNLA?

12 A. [10:58:11] Well, the aims of the MNLA from the first day to the last was to
13 occupy the territory and to find work in their territory and if they had -- I don't know
14 whether they had any objectives other than these. And, of course, the independence
15 of this territory.

16 Q. [10:58:38] And based on what you saw and heard, what did you understand to
17 be the objectives of Ansar Dine?

18 A. [10:59:32] So from the outset, I heard that Ansar Dine had the same objectives as
19 the MNLA, but that was in the same way as I heard the aims of MNLA. I realised
20 that this was not the same and it was a similar position for Ansar Dine.

21 MS TAYLOR: [10:59:59] Mr President, I see it's 11 o'clock, if it's an opportune
22 moment for a break.

23 PRESIDING JUDGE MINDUA: [11:00:11](Interpretation) Yes, indeed, Ms Taylor.

24 So we will now interrupt our proceedings for half an hour.

25 We will start again at 11.30.

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- 1 The hearing is suspended.
- 2 THE COURT USHER: [11:00:28] All rise.
- 3 (Recess taken at 11.00 a.m.)
- 4 (Upon resuming in open session at 11.33 a.m.)
- 5 THE COURT USHER: [11:33:27] All rise. Please be seated.
- 6 PRESIDING JUDGE MINDUA: [11:33:58](Interpretation) The Court is now back in
7 session.
- 8 Over to the Defence for the rest of the examination-in-chief.
- 9 Madam Taylor.
- 10 MS TAYLOR: [11:34:13] Thank you very much, Mr President.
- 11 Mr President, may I take advantage of the fact that there's no one in the public gallery
12 to go briefly into private session to ask one or two questions that are identifying,
13 before going back into open session.
- 14 PRESIDING JUDGE MINDUA: [11:34:31](Interpretation) All right, so could we
15 please have private session. Thank you.
- 16 (Private session at 11.34 a.m.)
- 17 THE COURT OFFICER: [11:34:40] We are in private session, Mr President.
- 18 PRESIDING JUDGE MINDUA: [11:34:53](Interpretation) Thank you very much.
- 19 Madam Taylor.
- 20 MS TAYLOR: [11:34:57]
- 21 Q. [11:34:58] Mr Witness, you told us before the break that you did trade in
22 (Redacted). Can you tell us what type of trade you did?
- 23 A. [11:35:31] Yes.
- 24 Q. [11:35:35] Please tell us, Mr Witness.
- 25 A. [11:36:01] I would sell goods (Redacted).

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1 Q. [11:36:12] And when you returned to Timbuktu, did you also do trade or not?

2 A. [11:36:36] Yes, of course. I've always been involved in trade, but in Timbuktu, I
3 was -- I did not have a specific place to carry out that trade.

4 Q. [11:36:54] Can you tell us what type of items you sold in Timbuktu?

5 PRESIDING JUDGE MINDUA: [11:36:56] *Monsieur le Procureur*.

6 MR DUTERTRE: [11:37:16](Interpretation) Well, Mr President, we can continue this
7 line of questioning, but I really don't see the relevance to the facts. He sold diverse
8 products in (Redacted), fine. But how does that help the Chamber.

9 PRESIDING JUDGE MINDUA: [11:37:30](Interpretation) Madam Taylor, the
10 gentleman said that he sold foodstuffs; so perhaps we can move on to something else.

11 MS TAYLOR: [11:37:46] Mr President, I don't believe the Prosecutor read the
12 transcript properly. I'm not talking about (Redacted). I'm talking about Timbuktu
13 after he returned. He said he continued to trade in Timbuktu; although he didn't
14 have a fixed position. I'm asking him about what he was selling in Timbuktu when
15 the groups were there.

16 PRESIDING JUDGE MINDUA: [11:38:02](Interpretation) Go on, Madam Taylor.

17 MS TAYLOR: [11:38:05]

18 Q. [11:38:05] (Redacted)

19 (Redacted)

20 A. [11:38:30] (Redacted)

21 Q. [11:38:34] (Redacted)

22 A. [11:38:56] (Redacted)

23 (Redacted)

24 Q. [11:39:12] (Redacted) did Arabic and Tuareg women use (Redacted) veils before 2012 or not?

25 A. [11:39:41] Since the time I was born, those are the veils that they wore and still

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1 wear today.

2 Q. [11:39:55] (Redacted), did you visit the markets in

3 Timbuktu or not?

4 A. [11:40:33] (Redacted)

5 (Redacted).

6 MS TAYLOR: [11:40:46] I believe we can go into open session.

7 PRESIDING JUDGE MINDUA: [11:40:51](Interpretation) Court officer, could we

8 please go into public session.

9 (Open session at 11.41 a.m.)

10 THE COURT OFFICER: [11:41:02] We are back in open session, Mr President.

11 PRESIDING JUDGE MINDUA: [11:41:15](Interpretation) Thank you very much.

12 Madam Taylor.

13 Q. [11:41:19] Now, Mr Witness, when you went to the markets, did you see women

14 at the markets or not?

15 A. [11:41:42] Yes, of course, I would see women at the market.

16 Q. [11:41:49] And were there women working at the market or not?

17 A. [11:42:13] Yes, of course. There were women who worked there. In the

18 restaurants, there were some that sold products.

19 Q. [11:42:28] Now after you returned to Timbuktu, what was the situation for

20 electricity?

21 A. [11:43:04] There was electricity, I can't say exactly how much there was or to

22 what extent there was, but I can say that it was free of charge at the time. But I can't

23 say from when to when.

24 Q. [11:43:23] Do you know why it was free of charge?

25 A. [11:43:50] No, I don't know who made it free of charge, but I know that towards

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1 the end of that period, we were asked to pay 2,000 francs for the electricity, which we
2 did.

3 Q. [11:44:09] Now, you've mentioned there being free electricity, was there
4 anything else free or not?

5 A. [11:44:50] No, I don't ... All I saw were cereals and grains coming to Mali.
6 There were also donations as well as medications.

7 Q. [11:45:11] You referred to cereals and medications, were these free or not?

8 A. [11:45:41] No. Medications at the hospital were free, except perhaps for
9 medications sold in a private pharmacy.

10 Q. [11:45:57] And you've mentioned cereal. Was cereal given for free to the
11 population or not?

12 A. [11:46:37] Some cereals came in as donations. They were distributed to chiefs,
13 chiefs of tribes, and then -- then they would go on and distribute the cereals to their
14 community in Timbuktu.

15 Q. [11:47:01] Now, the MNLA, did it stay in Timbuktu throughout 2012 or did it
16 leave at a certain point?

17 A. [11:47:42] The MNLA had left at some point. I can't remember the precise
18 month, but they did leave and then they came back, and when they came back, they
19 came back under another name. So throughout 2012, they were there under
20 a different name.

21 Q. [11:48:04] You've said the MNLA came back with another name. What was the
22 other name that they came back under?

23 A. [11:48:31] They left and when they came back, they had become Ansar Dine.

24 Q. [11:48:43] Now, after the MNLA left the first time, did you stay in Timbuktu?

25 A. [11:49:10] Yes, I stayed there. I did not move.

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- 1 MS TAYLOR: [11:49:18] Mr President, may I ask some questions in private session?
- 2 PRESIDING JUDGE MINDUA: [11:49:25](Interpretation) Yes, you may.
- 3 Court officer, private session, please.
- 4 (Private session at 11.49 a.m.)
- 5 THE COURT OFFICER: [11:49:41] We are in private session, Mr President.
- 6 PRESIDING JUDGE MINDUA: [11:49:46](Interpretation) Thank you very much.
- 7 Madam Taylor.
- 8 MS TAYLOR: [11:49:50]
- 9 Q. [11:49:51] Now, Mr Witness, the public can't hear us now. I've mentioned the
- 10 name Al Hassan Ag Abdoul Aziz to you before. Did you meet Al Hassan Ag
- 11 Abdoul Aziz in 2012, in Timbuktu?
- 12 A. [11:50:39] Yes, we did meet in Timbuktu.
- 13 Q. [11:50:49] Can you tell us how you first met him?
- 14 A. [11:51:11] Yes, of course.
- 15 Q. [11:51:14] Please do so.
- 16 A. [11:51:40] The first time I met him was on the occasion of a complaint against me,
- 17 filed against me by someone.
- 18 Q. [11:51:54] Please, continue.
- 19 A. [11:52:17] (Redacted)
- 20 (Redacted)
- 21 (Redacted).
- 22 Q. [11:52:43] Please, continue.
- 23 A. [11:53:13] And so Al Hassan was the person serving as an interpreter for the
- 24 person who had come in to complain. When I spoke to Al Hassan, he told me he
- 25 knew that person, and he understood later that the person had lied. And that person

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1 then escaped.

2 Q. [11:53:46] Please continue.

3 A. [11:54:09] And that person fled, and, following that, Al Hassan told me to forget
4 about that story because they realised that that person had lied. And later on, we
5 understood that that person had fled to (Redacted).

6 Q. [11:54:37] Now, Mr Witness, what location was this that you went to?

7 A. [11:54:58] The place in the market.

8 Q. [11:55:03] Can you describe the building?

9 A. [11:55:34] In terms of the buildings, I'm not making -- I can't tell you the names
10 of the place, but I do believe it was a bank and I think there's an "S" in the name of the
11 bank. But I don't know what -- what are the letters before or after the "S" in the
12 name.

13 Q. [11:55:56] And who was present when you went to this building?

14 A. [11:56:25] The people from the Islamic police were there.

15 Q. [11:56:31] Who do you remember seeing?

16 A. [11:57:05] That day when they got me to talk, I don't remember anyone else
17 from Al Hassan and the person who made me talk, his name was Adam. But I don't
18 know his father's name.

19 PRESIDING JUDGE MINDUA: [11:57:22](Interpretation) Ms Taylor, we're still in
20 private session.

21 MS TAYLOR: [11:57:29] Yes, Mr President. This was part of our request for private
22 measures to deal with this in private session, and once I've obtained all the follow-up
23 detail, I will ask some general questions about the Islamic police in open session.

24 PRESIDING JUDGE MINDUA: [11:57:45](Interpretation) Very well. Go ahead.

25 MS TAYLOR: [11:57:47] Thank you.

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1 Q. [11:57:50] Now, you've referred to a person called "Adam", do you know where
2 he came from?

3 A. [11:58:21] No, I don't know where he came from. But it was said that he was
4 from Mauritania, but where he came from when entering the territory, I do not know.

5 Q. [11:58:41] And do you know what his position was?

6 A. [11:59:03] Yes, I do know.

7 Q. [11:59:06] And what was it?

8 A. [11:59:29] He was the chief of the Islamic police, everyone in
9 Timbuktu -- anyone in Timbuktu knew that he was the head of the Islamic police.
10 He speaks French and he also speaks Arabic.

11 Q. [11:59:46] Now, Mr Witness, there might be an issue of translation, so I just want
12 to clarify it. You said when you came in, Al Hassan was interpreting for someone.
13 Who was he interpreting for?

14 A. [12:00:30] He was interpreting between me and the person who had complained
15 about me.

16 Q. [12:00:39] So do I understand correctly that the person who complained about
17 you was present when you arrived or not?

18 A. [12:01:22] No. He was not present. He refused to come. The interpretation
19 was between me and the boss. The boss was questioning me and he didn't tell me
20 who this -- he didn't actually tell me who had filed the complaint against me.

21 Q. [12:01:48] Do you know the ethnicity of the person who filed the complaint
22 against you?

23 A. [12:02:16] Yes, I do.

24 Q. [12:02:18] And what was it?

25 A. [12:02:40] What I do know is that he was (Redacted), but I don't know whether

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1 he was (Redacted) or (Redacted), but it's one of the two; that I do know.

2 Q. [12:02:58] Now Mr Witness, I'm going to go into open session and I'm going to
3 refer (Redacted) "Mr A."

4 PRESIDING JUDGE MINDUA: [12:03:26](Interpretation) Yes, court officer, public
5 session, please.

6 (Open session at 12.03 p.m.)

7 THE COURT OFFICER: [12:03:34] We are back in open session, Mr President.

8 PRESIDING JUDGE MINDUA: [12:03:44](Interpretation) Thank you very much.
9 Ms Taylor.

10 MS TAYLOR: [12:03:48]

11 Q. [12:03:49] Now Mr Witness, did you meet with Mr A (Redacted)
12 (Redacted)

13 A. [12:04:31] Yes, I remember that we met (Redacted), but these were not
14 B. planned meetings. We just came across each other.

15 Q. [12:04:51] And where did these meetings happen?

16 A. [12:05:16] I can recall the first time we -- that I mentioned, and I can also
17 remember other places where they were before.

18 Q. [12:05:27] Please tell us what these other places were.

19 A. [12:05:56] Yes, the first place was the Islamic police as I said, and the second
20 place was the *gouvernorat*. I haven't -- I remember that one. I haven't forgotten it
21 like the others.

22 Q. [12:06:13] Now when you saw Mr A, what was he wearing?

23 A. [12:06:36] He was wearing what Tamasheq people wear. What I'm wearing
24 today, for example, Tamasheq dress.

25 Q. [12:06:48] And did he have a weapon or not?

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1 A. [12:07:02] Personally I never met him carrying a weapon. It's possible that he
2 had a weapon, but I never met him -- I never saw him wear -- with a weapon when I
3 met him.

4 Q. [12:07:25] And what did you see him doing?

5 MR DUTERTRE: [12:07:35] *Monsieur le Président*.

6 PRESIDING JUDGE MINDUA: [12:07:37](Interpretation) Prosecution.

7 MR DUTERTRE: [12:07:39](Interpretation) There are questions which I've let go, but
8 we're talking about the Islamic police, the bank, the *gouvernorat*, which is very vague.
9 The Defence will come to it perhaps, but I'd like to have more clarity. I feel that
10 these questions are rather vague.

11 PRESIDING JUDGE MINDUA: [12:08:06](Interpretation) Ms Taylor.

12 MS TAYLOR: [12:08:06] Thank you, Mr President. I think it's standard to ask
13 general questions and then ask follow-up questions, if necessary. I think the
14 Prosecutor has put the cart before the horse and wanting to go into specifics detail
15 without allowing me to first establish a foundation for follow-up questions.

16 PRESIDING JUDGE MINDUA: [12:08:41](Interpretation) Yes, Ms Taylor, that's fine.
17 But I'm also taking notes myself and on a number of occasions we've been from the
18 bank, to the *gouvernorat*. We haven't got precisions about time. These questions do
19 seem vague. I agree with the Prosecution. Perhaps you should be clearer in your
20 questions and that might enable us to gain some time as well.

21 MS TAYLOR: [12:09:12] Thank you, Mr President.

22 Q. [12:09:14] Now Mr Witness, the first time you met Mr A, was this before or after
23 the MNLA left Timbuktu?

24 A. [12:09:52] After they had left.

25 Q. [12:09:56] And do you recall if it was before or after Ramadan?

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1 A. [12:10:21] It was the same period. I think it was about the same time. Even if
2 it was before Ramadan, it would've been just before Ramadan, but anyway it's
3 around that period.

4 Q. [12:10:36] When you saw Mr A at this first location, what did you see him
5 doing?

6 A. [12:11:16] On that day he was just interpreting -- interpreting for the people who
7 came. He wrote and then he interpreted.

8 Q. [12:11:27] And did you see him again at the same location?

9 A. [12:11:47] It's possible, but I can't recall any particular occasion.

10 Q. [12:11:55] And you've mentioned the "*gouvernorat*," do you recall seeing him at
11 the *gouvernorat*?

12 A. [12:12:16] Yes, I said that I saw him there.

13 Q. [12:12:22] And what did you see him doing at the *gouvernorat*?

14 A. [12:12:53] He was doing the same thing. When he finished doing that, he went
15 under the trees, and under the trees he talked to people, told them stories about what
16 had happened during the day. And he was having fun with these people.

17 Q. [12:13:17] Mr Witness, when you say "these people," are you referring to
18 members of the Islamic police or locals? Who was he interacting with under the
19 trees?

20 A. [12:14:07] All people. All. Everyone who came. There was police, Islamic
21 police. There was also members of the population, people who came for their
22 problems, looking for a solution to their problems or some who came out of simple
23 curiosity to see what was happening there.

24 Q. [12:14:35] And did you yourself see him interacting with locals?

25 A. [12:14:58] Yes. Yes, of course, I saw that happening in -- I saw him interacting

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1 with the population.

2 Q. [12:15:05] And what was his role in interacting with the population? What was
3 he doing?

4 MR DUTERTRE: [12:15:16] *Monsieur le Président*.

5 PRESIDING JUDGE MINDUA: [12:15:20](Interpretation) Prosecution.

6 MR DUTERTRE: [12:15:21](Interpretation) The question is not very clear, What is
7 his role? But in fact the witness has already answered this question in the previous
8 answer -- or the answer to a previous question from Ms Taylor; so we've had an
9 answer. But it's still a vague question.

10 PRESIDING JUDGE MINDUA: [12:15:44](Interpretation) Ms Taylor, the witness has
11 already answered this question, that he -- how he was interacting with these people.

12 MS TAYLOR: [12:15:56]

13 Q. [12:15:56] And do you know if -- based on what you saw and heard, did the
14 local population that were interacting with him see this as a positive or a negative
15 interaction?

16 MR DUTERTRE: [12:16:13] *Monsieur le Président* (No interpretation)(Overlapping
17 microphones)

18 PRESIDING JUDGE MINDUA: [12:16:15](Interpretation) Prosecution.

19 MR DUTERTRE: [12:16:16](Interpretation) I think this is a speculative question.
20 The witness can't put himself in the -- into the heads of the population.

21 PRESIDING JUDGE MINDUA: [12:16:25](Interpretation) I think this question does
22 lead to or call for speculation.

23 MS TAYLOR: [12:16:34] Thank you, Mr President, I will rephrase.

24 Q. [12:16:37] Mr Witness, you mentioned Al Hassan having fun. What did you
25 see to be the reactions of the local population?

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1 A. [12:17:34] What I saw was that -- was that he interacted with the population. I
2 think that the population took him as one of their own, and they were afraid of some
3 others, but when he interacted with people, with the population, he told stories about
4 what had happened that day. And also he spoke about the whole situation.

5 Q. [12:18:18] Now, Mr Witness, based on what you yourself saw, were they afraid
6 of him or not?

7 A. [12:18:54] What I saw led me to think that the population appreciated him a lot
8 and treated him as one of their own, and, if it was -- thanks to God, thanks to him, if it
9 had not been for him, the situation in Timbuktu would have been much worse.

10 Q. [12:19:21] And Mr Witness, why do you say that?

11 A. [12:19:57] Because I think he was a good person. A person who was
12 appreciated because he had no problems with anyone. He had no problems with the
13 tribe, nor with the languages, nor with the colour of people's skins. So that's the
14 person I saw. It was -- I saw someone who was much loved.

15 Q. [12:20:36] Now, Mr Witness, I'm going to move on to different individuals.
16 Now speaking specifically of the time period at the *gouvernorat*, can you give me the
17 names of anyone that you saw there at this building?

18 A. [12:21:24] With regard to the names of people for the Tamasheq, I can give some
19 names, but for the Arabs and the others, I tend to forget their names.

20 Q. [12:21:40] Well, you have mentioned an individual previously called "Adam".
21 Was Adam working at the *gouvernorat* or not?

22 A. [12:22:07] No, he wasn't working.

23 Q. [12:22:11] You told us he was the chief. Who was the chief afterwards?

24 A. [12:22:39] It was an Arab, an Arab called Khaled, who came from the Sahara.
25 And he was a light-skinned person.

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1 Q. [12:22:53] And for how long was he the chief?

2 A. [12:23:17] This person was the leader until I left -- or they left. I didn't hear of
3 any change.

4 Q. [12:23:33] Now apart from Khaled and Mr A, can you give us the name of
5 anyone else that you saw at the *gouvernorat*?

6 A. [12:24:00] Of course.

7 Q. [12:24:03] Please do so.

8 A. [12:24:07] Yes, I can. Yes, of course.

9 MS TAYLOR: [12:24:25] Mr President, it might be better to go into private session.

10 PRESIDING JUDGE MINDUA: [12:24:33](Interpretation) Court officer, private
11 session, please.

12 (Private session at 12.24 p.m.)

13 THE COURT OFFICER: [12:24:50] We are in private session, Mr President.

14 PRESIDING JUDGE MINDUA: [12:24:56](Interpretation) Thank you very much.

15 Ms Taylor.

16 MS TAYLOR: [12:24:58]

17 Q. [12:24:58] Now Mr Witness, the public can't hear us. Can you tell the judges
18 the names, ethnicities and positions of the various people that you saw at the

19 *gouvernorat*?

20 MR DUTERTRE: [12:25:23](No interpretation)(Overlapping microphones)

21 PRESIDING JUDGE MINDUA: [12:25:26](Interpretation) Go ahead, Mr Prosecutor.

22 MR DUTERTRE: [12:25:29](Interpretation) I'm sorry, I'm jumping ahead of myself.

23 I don't understand why we're in private session, whereas this could be in public if

24 we're not going to reveal the identity of the witness.

25 PRESIDING JUDGE MINDUA: [12:25:46](Interpretation) Ms Taylor, I agree with the

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1 Prosecutor.

2 MS TAYLOR: [12:25:50] Mr President, I respectfully disagree in the sense of if he's
3 knowing certain persons, that could identify his ethnicity or his tribe or his
4 interactions with specific individuals. This witness appeared to me to be slightly
5 nervous about answering my question in open session. I believe it's in the interests
6 of justice for him to be given the opportunity to elucidate these matters to the
7 Chamber, if the Chamber is indeed interested in knowing the names of people
8 working at the *gouvernorat*. I would assume they are and I don't see that as a basis
9 for the Prosecution to object.

10 PRESIDING JUDGE MINDUA: [12:26:37](Interpretation) Ms Taylor, I don't think
11 that -- I mean, he was not the only person to go to the *gouvernorat*; so that wouldn't
12 reveal his identity. I think that we can -- since we have them, I think we can have
13 these names in public session, Ms Taylor.

14 So if you have no objection, we will go back into public session.

15 MS TAYLOR: [12:27:08] Thank you, Mr President.

16 PRESIDING JUDGE MINDUA: [12:27:12](Interpretation) Court officer, public
17 session, please.

18 (Open session at 12.27 p.m.)

19 THE COURT OFFICER: [12:27:18] We are back in open session, Mr President.

20 PRESIDING JUDGE MINDUA: [12:27:33](Interpretation) Thank you very much,
21 court officer.

22 Ms Taylor.

23 MS TAYLOR: [12:27:36]

24 Q. [12:27:37] Mr Witness, we are in open session; that means the public can hear.

25 Are you able to answer my question?

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1 A. [12:28:15] I can tell you what I know about these people.

2 Q. [12:28:22] Please do so.

3 A. [12:28:39] One was called Youssef and he was Tamasheq and I think he was
4 a soldier. I don't think he had any other work. Another was called Mohamed.
5 Another was called Abdallah and he did the same thing. He came from Burkina
6 Faso and he is dark skinned. Another was Dahman.

7 Q. [12:29:31] Please continue.

8 A. [12:29:50] There was another - I've just remembered today - it was Aboubacrine.
9 He had teeth missing and he was also from Burkina Faso. Afterwards, I don't think
10 that they had ranks, I didn't think there was -- there was a boss, but they were just
11 other people. That's how I perceived it.

12 Q. [12:30:26] Now Mr Witness, I think you've referred to Youssef and Mohamed
13 being Tamasheq. Is that Tamasheq *noir* or Tamasheq *clair*?

14 A. [12:30:57] Mohamed -- Mohamed was a dark-skinned Tamasheq. Youssef was
15 mixed, his father was Tamasheq, his mother was dark skinned -- is dark skinned.
16 Dahman is light skinned.

17 Q. [12:31:23] Mr Witness, the names I have - just to make sure that they've all been
18 noted - was Dahman, Youssef, Mohamed, Abdallah and Aboubacrine?

19 A. [12:31:45] Yes, that's correct. Those are the ones that I remember.

20 Q. [12:32:03] Does the name "Abu Zhar" mean anything to you?

21 MR DUTERTRE: [12:32:21] *Monsieur le Président.*

22 PRESIDING JUDGE MINDUA: [12:32:23](Interpretation) Prosecutor, please.

23 MR DUTERTRE: [12:32:24](Interpretation) I would like it to be noted that in these
24 circumstances, this is a very leading question.

25 PRESIDING JUDGE MINDUA: [12:32:34](Interpretation) Ms Taylor.

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1 MS TAYLOR: [12:32:35] Mr President, I'm allowed to ask a witness if he knows
2 a particular name. He can say yes or no. I have a foundation.

3 PRESIDING JUDGE MINDUA: [12:32:48](Interpretation) Well, Mr Prosecutor,
4 indeed, Ms Taylor had a name -- wanted to know if the witness knew this name.
5 So -- and you're asking whether this is a leading question; that's what I read from the
6 transcript.

7 MR DUTERTRE: [12:33:06](Interpretation) Well, it is the context in which the
8 question was asked and the way it was asked that makes it suggestive or a leading
9 question. So -- but I've made my point, Ms Taylor can go ahead since the question
10 has been asked.

11 PRESIDING JUDGE MINDUA: [12:33:25](Interpretation) Well, I was signing a
12 document, so I didn't fully follow. But reading the transcript, I think that this seems
13 acceptable.

14 So Ms Taylor, please go ahead.

15 MS TAYLOR: [12:33:35]

16 Q. [12:33:37] Mr Witness, can you please continue.

17 A. [12:34:05] You asked me whether I knew Abu Zhar. Yes, Abu Zhar was part of
18 them. He's a Fulani and all of the Fulani, when they come in, well, he is their leader.

19 Q. [12:34:25] And where did Abu Zhar work?

20 A. [12:34:44] He works in the place we call the police.

21 Q. [12:34:55] And you've told us that he was the chief of the Fulani. Were there
22 other Fulani in Ansar Dine?

23 A. [12:35:18] Yes, indeed, and even in the court, I would see some Fulani.

24 Q. [12:35:30] Can you tell us what you mean by the "court"?

25 A. [12:35:57] The building of the police that I called in French, *la cour* -- in English,

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1 could be the courtyard or the court, but that's the place that we're talking about now.

2 Q. [12:36:12] Now to your knowledge, when you were present in Timbuktu, did
3 you know of any marriages between members of Ansar Dine and the local population
4 or not?

5 MR DUTERTRE: [12:36:39] *Madame -- Monsieur le Président?*

6 PRESIDING JUDGE MINDUA: [12:36:39](Interpretation) Go ahead, Mr Prosecutor.

7 MR DUTERTRE: [12:36:42](Interpretation) There's no mention of this in the witness
8 summary, if memory serves, and so if we could focus on the questions that the
9 witness is supposed to testify to, that would be preferable.

10 PRESIDING JUDGE MINDUA: [12:37:03](Interpretation) Ms Taylor, you've heard
11 this objection by the Prosecutor.

12 MS TAYLOR: [12:37:09] Yes, Mr President, and if the Prosecutor could perhaps read
13 the witness summary, specifically paragraph 9, there is an explicit reference to this.
14 Given that the witness is in my presence, I'm not going to read it out. I believe the
15 Prosecutor can read.

16 PRESIDING JUDGE MINDUA: [12:37:34](Interpretation) Mr Prosecutor, I have that
17 document in front of me.

18 MR DUTERTRE: [12:37:39](Interpretation) I withdraw. *Mea culpa -- mea maxima*
19 *culpa*. I'm whipping myself. I'll accept. Thank you.

20 PRESIDING JUDGE MINDUA: [12:37:49](Interpretation) Go ahead, Ms Taylor.

21 MS TAYLOR: [12:37:54] Thank you, Mr President.

22 Q. [12:37:58] Mr Witness, can you please answer my question.

23 A. [12:38:26] I did not personally witness any marriage, but there are marriages
24 every day, and there were many.

25 Q. [12:38:37] Now you've referred to an individual called "Abu Zhar". To your

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1 knowledge was he married in 2012 or not?

2 A. [12:39:06] Yes, he was. He was married to a Tamasheq woman.

3 Q. [12:39:13] And can you tell us about how this marriage was organised?

4 A. [12:39:48] I can't tell you because I was not present. However, I learned that he
5 was married to a woman from the Kal El Horma tribe. She was Tamasheq. There
6 was no specific event that came to my ears concerning this marriage.

7 Q. [12:40:21] Did you know anyone who was related to her or not?

8 A. [12:40:51] Yes, I know someone, but not someone from the town. It was
9 someone who was in the bush, someone from the tribe, but at that time, there were
10 many people who would come and would work on getting people married to people
11 from Ansar Dine in order to get money.

12 Q. [12:41:21] Can you tell us the name of the person that you knew?

13 A. [12:41:42] I know the name of the chief of the tribe, (Redacted).

14 Q. [12:41:52] Now you told us, Mr Witness, that there were people who would
15 work on getting people married to get money.

16 Can you explain what you mean.

17 A. [12:42:39] Well, people, when they know there's something somewhere, they go
18 there to -- to try and get something. So those people would only get people married.

19 Q. [12:43:06] These people who were getting people married, were they locals or
20 not?

21 A. [12:43:28] Yes, these were locals from the population.

22 Q. [12:43:46] Do you know if Abu Zhar stayed married or not to this woman?

23 A. [12:44:26] I don't know. I just learned that Abu Zhar got married with
24 a light-skinned woman and that's at -- the end of the story. That was the end of the
25 story, and I didn't ask any further questions on this.

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1 Q. [12:44:48] Until what point did you stay in Timbuktu?

2 A. [12:45:16] Well, I know that it was from before Ramadan through to near the
3 end of the year.

4 Q. [12:45:28] How would you describe the situation in Timbuktu at the end of the
5 year?

6 A. [12:45:57] I did not understand. If you could repeat your question, I can try
7 and answer.

8 Q. [12:46:04] What was your daily life like at the end of 2012 in Timbuktu?

9 A. [12:46:45] I was busy using my motorcycle to transport goods for sale, and, from
10 time to time, when I had nothing to do, I would -- to pass the time, I would go to the
11 place of sharia and I would spend time there. And a lot of people did the same.

12 Q. [12:47:12] And what was the security situation like when Ansar Dine were
13 present in Timbuktu?

14 A. [12:47:45] I didn't understand the question. You're talking about clashes
15 between the rebels and with the population -- what are you referring to?

16 Q. [12:47:59] I apologise, Mr Witness. I'm talking specifically about the situation
17 in Timbuktu medina. Were you safe or not?

18 A. [12:48:49] Yes, of course, apology accepted of course. Now I understand the
19 question. At that time, people were very much afraid. They would be scared when
20 they went to sleep, they would be afraid when they woke up. They would carry
21 around their goods and be afraid. They would spend their day afraid. Can I go on?

22 Q. [12:49:19] Mr Witness, are you talking about the time you left?

23 A. [12:50:01] This was -- well, after I left, the town was no longer stable. But at
24 that time though, there were never any crimes. No one ever committed a crime
25 against anyone.

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1 Q. [12:50:30] Please continue.

2 A. [12:51:01] At that time, there were no crimes, no deaths; whereas today, these
3 days, every day there's a local person that dies in the hands of the mafia or others.

4 Q. [12:51:25] And when you left Timbuktu at the end of 2012, what were you afraid
5 of?

6 A. [12:51:44] It was said that fighting was about to erupt.

7 Q. [12:51:55] Between who?

8 A. [12:52:16] Between the mujahideen and Ansar Dine and also the Malian army as
9 well as anyone coming in with the intention of supporting the Malian army.

10 Q. [12:52:30] And what did you think would happen to you if the Malian army
11 came in?

12 * A. [12:53:04] Well, even before the Malian army came in,
13 I was afraid of being attacked when I was not the target.

14 I was also afraid of the Malian army because of
15 what they had done to others that they found at the location.

16 (Counsel confers)

17 MS TAYLOR: [12:53:43] Thank you for that clarification.

18 Q. [12:53:46] You said other people had been arrested. By whom had they been
19 arrested?

20 A. [12:54:26] Well, I didn't say -- I didn't mean "arrested."

21 What I meant was that what happened to them was what

22 I feared would happen.

23 The Malian army targeted a certain number of persons. There's even one person

24 who had come to welcome them bringing in a cow. They arrested the person, killed

25 them and buried

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1 them. And this was broadcast on Al Jazeera. His wife got him out of the ground
2 using a shuffle.

3 Q. [12:55:14] And what type of people were the Malian army targeting?

4 A. [12:55:42] The Malian army, according to what it says, according to what it says,
5 targets armed movements. However, rather than pursuing that objective, they
6 would persecute any person who was light skinned.

7 MS TAYLOR: [12:56:09] Mr President, may I ask a follow-up question in private
8 session?

9 PRESIDING JUDGE MINDUA: [12:56:14](Interpretation) Yes.

10 Court officer, could we please go into private session.

11 (Private session at 12.56 p.m.)

12 THE COURT OFFICER: [12:56:39] We are in private session, Mr President.

13 PRESIDING JUDGE MINDUA: [12:56:45](Interpretation) Thank you very much.

14 Ms Taylor.

15 MS TAYLOR: [12:56:48]

16 Q. [12:56:49] Mr Witness, you told us that the Malian army targeted a certain
17 number of persons. Did they target anyone who was related to you or not?

18 A. [12:57:38] No. All I know is that they killed (Redacted) because he'd
19 gone back to them thinking there was peace, that he could come back without
20 a problem, and, coming back, he was killed in the -- in the very same town.

21 Q. [12:58:03] What was the name (Redacted)?

22 A. [12:58:18] His name is (Redacted).

23 Q. [12:58:22] And where did he live before he was killed?

24 A. [12:58:48] He lived in Timbuktu. From my birth, he lived in Timbuktu. Since
25 1984 and through to 2012, he was in Timbuktu -- through to 2012, when Ansar Dine

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1 arrived. Then he -- when Ansar Dine arrived, then he left.

2 Q. [12:59:12] And was (Redacted) a member of an armed group or not?

3 A. [12:59:29] No. He was just a local person, someone poor from the local
4 population.

5 MS TAYLOR: [12:59:41] Mr President, I see that it's 1 o'clock.

6 PRESIDING JUDGE MINDUA: [12:59:48](Interpretation) Yes, indeed, Ms Taylor.

7 Court officer, could we go back into public session, please.

8 (Open session at 12.59 p.m.)

9 THE COURT OFFICER: [13:00:03] We are back in open session, Mr President.

10 PRESIDING JUDGE MINDUA: [13:00:09](Interpretation) Thank you very much,
11 court officer.

12 It is now 1 p.m., precisely. We will adjourn for lunch and we will resume at 2.30
13 p.m.

14 This sitting is adjourned.

15 THE COURT USHER: [13:00:32] All rise.

16 (Recess taken at 1.00 p.m.)

17 (Upon resuming in open session at 2.33 p.m.)

18 THE COURT USHER: [14:33:33] All rise. Please be seated.

19 PRESIDING JUDGE MINDUA: [14:4:00] (Interpretation) The Court is back in
20 session.

21 Defence, you have the floor to continue the examination-in-chief.

22 Mr Nsita.

23 MR LUVENGIKA: [14:34:20](Interpretation) Your Honours, I would like to add Ms

24 Prisque Biyéké Dipanga is with us this afternoon, as I had said this morning would be
25 the case.

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1 PRESIDING JUDGE MINDUA: [14:34:35](Interpretation) Thank you very much,

2 Mr Nsita.

3 And also for the record, I will say that the accused is not with us this afternoon. He

4 has been excused by the Chamber.

5 MS TAYLOR: [14:34:49] Thank you very much, Mr President. I would like to thank

6 the Chamber for granting Mr Al Hassan his request to be excused.

7 Q. [14:35:06] Good afternoon, Mr Witness. How are you?

8 A. [14:35:25] I am very well, thank you, and thanks be to God.

9 Q. [14:35:31] Mr Witness, are you able to see me on your screen?

10 A. [14:35:53] Yes, I can see you.

11 Q. [14:35:56] Now Mr Witness, before the break, you mentioned an individual who

12 had lived in Timbuktu, had left Timbuktu when Ansar Dine arrived, and then came

13 back and was killed.

14 Do you remember when he was killed?

15 A. [14:37:09] Yes, I can recall that the person had left, and when the Malian army

16 returned, he came back from where he had been, and he came because the Malian

17 army had returned and that was when he was killed.

18 MS TAYLOR: [14:37:35] Mr President, I'm going into a new topic now and I do

19 believe that this is highly identifying and as per our summary, it was our intention to

20 ask questions regarding this topic in private session.

21 PRESIDING JUDGE MINDUA: [14:37:57](Interpretation) Yes, indeed, Ms Taylor.

22 Court officer, private session, please.

23 (Private session at 2.38 p.m.)

24 THE COURT OFFICER: [14:38:15] We are in private session, Mr President.

25 PRESIDING JUDGE MINDUA: [14:38:20](Interpretation) Thank you very much.

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1 Ms Taylor.

2 MS TAYLOR: [14:38:23]

3 Q. [14:38:24] Now Mr Witness, after you left Timbuktu, where did you go?

4 A. [14:38:47] I went to the bush near (Redacted).

5 Q. [14:38:58] Approximately how long were you in the bushes?

6 A. [14:39:25] That was from -- from the time I left Timbuktu, until the moment I
7 was arrested (Redacted).

8 Q. [14:39:39] Mr Witness, please tell us what happened when you were arrested by
9 the (Redacted)?

10 A. [14:40:15] Are you talking about my arrest? Or are you talking about
11 something else?

12 Q. [14:40:24] Mr Witness, please tell us what happened on the day that you were
13 arrested. Please describe it to us.

14 A. [14:40:51] Yes, of course, I can.

15 Q. [14:41:02] Please start.

16 A. [14:41:32] (Redacted)

17 (Redacted)

18 (Redacted).

19 Q. [14:42:04] Please continue.

20 A. [14:42:31] (Redacted) a group of people who
21 exited it and came towards me. When they came to my position in front of the house,
22 I greeted them, "Hello," and, at that point, he told me -- they told me to put my hands
23 in the air.

24 Q. [14:43:09] Please continue.

25 A. [14:43:38] So having put my hands up, they told me to get down on the ground.

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1 I got down on the ground. They bound my hands and they took me about five
2 metres, and one of them kneed me in the side until I fell.

3 Q. [14:44:03] Please continue.

4 A. [14:44:29] He pointed his torch at me and asked -- him, "Are you ...". He asked
5 me something, and I said yes. And he spoke (Redacted) to me. I said I didn't
6 understand (Redacted) and he needed to find somebody to speak Tamasheq so that I
7 could talk to him. (Redacted)
8 (Redacted).

9 Q. [14:45:13] Please continue.

10 A. [14:45:39] They again told me to get down on the ground, which I did. And
11 then one put his foot on my neck and they asked, "Where are the weapons? Where
12 is the telephone?" I said, "I had no weapons." And I said that my phone was with
13 my things -- by my sleeping place.

14 Q. [14:46:05] Please continue.

15 A. [14:46:36] So they found the telephone, and, after that, they asked where the
16 Thuraya was. I told them I had no Thuraya. And then one of them said, "We're
17 going to search your house and if we found a weapon, we're going to go and take
18 your wife with us." And I said, "If you find weapons, then take my wife, take my
19 children and take everything I own."

20 Q. [14:47:10] Please continue.

21 A. [14:47:34] Then they started searching the house and then they asked me,
22 "Where is the key of the car?" (Redacted)
23 (Redacted). They then went and searched the whole vehicle.

24 They opened the bonnet, they broke the windows, they opened the door.

25 Q. [14:48:06] Please continue.

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1 A. [14:48:35] Then -- well, I was saying, they asked, (Redacted)

2 (Redacted), and, at that point,

3 they -- he already had spread out the things that were there. They asked, "What are

4 all these things?" I said, "There was sugar, there was flour, and there was also rice."

5 Q. [14:49:13] Please continue.

6 * A. [14:49:48] So when I left the house, I heard shots all round the houses and then

7 I realised that they had shot at a (Redacted). They had hit him and brought him back.

8 They were talking to the (Redacted). He didn't understand, and they came to me and

9 they said to me, "What is (Redacted)"(phon)? (Redacted)" And I understood what

10 they were trying to get at, but he did not understand. I explained that (Redacted)

11 was a forename.

12 Q. [14:50:36] I believe you are referring to the name "(Redacted)" - can you please

13 continue - and not "(Redacted)".

14 A. [14:51:14] Yes, that's what I said, "(Redacted)".

15 So the next day, because I woke up, and -- I saw that (Redacted) was bound next to

16 me and I also saw the (Redacted) who was bound and this was at sunrise.

17 Q. [14:51:41] Mr Witness, I've been told that you said that you heard gunshots, is

18 that correct?

19 A. [14:52:22] Yes. I did talk about a firing when I left the house. I did hear firing.

20 And then I heard it was (Redacted) who had been shot at and he was wounded.

21 Q. [14:52:39] Please continue.

22 A. [14:53:11] So the next morning they took a photo of me and I went, and, when I

23 came back at that time I heard a noise. I heard a woman shouting, "Hey, hey" to this

24 person, but I didn't understand at that point. So I got back, I asked why she was

25 saying, "Hey, hey," and it was because they were also taking children. She was

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1 shouting, "Hey, hey" because of the children.

2 Q. [14:53:52] Mr Witness, can you tell us who was taking the children?

3 A. [14:54:16] The people who had come to arrest me. They had started stopping
4 the children, "Get down on the ground," and the woman was shouting in order to
5 avoid the children having to do that.

6 Q. [14:54:41] Mr Witness, were you still in your house at this point or were you
7 somewhere else?

8 A. [14:55:16] I was lying down about 50 metres from where I had been lying before.
9 This was about 50 metres from the house. My hands were bound. Somebody had
10 put his foot on my neck, but I could hear what was happening, I could hear the noise.

11 Q. [14:55:43] Can you tell us what happened next?

12 A. [14:56:24] So then they took a photo of me, they also (Redacted)
13 (Redacted). They also took a
14 photo of the phone and the phone of -- belonging to somebody else, which was with
15 me for repair. And then the woman came to me and she said that -- she said that she
16 would like to speak to them.

17 Q. [14:57:09] Can you tell me who this woman is?

18 MR DUTERTRE: [14:57:22] *Monsieur le Président.*

19 PRESIDING JUDGE MINDUA: [14:57:25](Interpretation) Prosecutor.

20 MR DUTERTRE: [14:57:28](Interpretation) So we've had questions now for half an
21 hour and I am wondering about their relevance, Mr President, which may or may not
22 help the Chamber to deal with the fundamental questions in this case. My point is
23 relevance.

24 PRESIDING JUDGE MINDUA: [14:57:58](Interpretation) Ms Taylor, the Chamber
25 has exactly the same concern as the Prosecutor. We don't understand the need for

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1 these details or this line of questioning. Are they linked to the charges? Perhaps
2 you could skip this step.

3 MS TAYLOR: [14:58:12] Mr President, I am very concerned about the dignity and
4 wellbeing of witnesses. This witness is recounting difficult matters which are
5 directly relevant to defences. I do believe it's important to the witness's wellbeing to
6 do so in a gradual step-by-step manner, asking him to recount in his own words,
7 rather than a rapid question-and-answer format, which can be triggering.

8 Now we will use far less in the amount of time allotted to us for this witness. The
9 Chamber is aware that this is a unique witness and we want to make sure he's in the
10 best position to tell his evidence in a way that promotes memory recall.
11 Now the Prosecution was given considerable leeway with witnesses to question them
12 in the way that they considered most appropriate given the witness's profile. We ask
13 that we be accorded the same deference to craft our questioning based on the profile
14 of the witness. They had a year and a half for their case. All we ask is a couple of
15 hours with this witness. Thank you.

16 PRESIDING JUDGE MINDUA: [14:59:58](Interpretation) Prosecutor (No
17 interpretation)(Overlapping microphones)

18 Ms Taylor, don't talk about the Prosecution. This is also a concern shared by the
19 Chamber regarding your line of questioning thus far. The Chamber is also very
20 much concerned about the dignity and wellbeing of the witness. You said it's your
21 concern. It's also our concern. But your task is to bring the arguments related the
22 charges in this case and this part related to the questions and to the dignity and
23 wellbeing of the witness, I think that you can summarise that.

24 MS TAYLOR: [15:00:49]

25 Q. [15:00:50] Mr Witness, can you tell us what happened to (Redacted)? Did he

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1 stay with you or not?

2 A. [15:01:33] (Redacted) was taken to (Redacted). That happened before I myself
3 left, 10 minutes before I was taken there.

4 Q. [15:01:48] Mr Witness, are you able to tell us how (Redacted) is today?

5 A. [15:02:15] Today, he's doing well. He's not suffering in any way thank God.
6 However, at that time, it's his wife who went mad.

7 Q. [15:02:28] And why did she go mad?

8 MR DUTERTRE: [15:02:33](Interpretation) Mr President, there, I see, no relevance
9 with the charges against Mr Al Hassan. Now with all due respect to the Defence and
10 the witnesses, and with deference to the situation of Mr (Redacted) and his wife, this
11 is in no relation with the charges brought before the ICC today.

12 PRESIDING JUDGE MINDUA: [15:03:01](Interpretation) Ms Taylor, I entirely agree
13 with the Prosecutor on this point. Of course you may ask questions about the
14 situation of all those who suffered as a result of these events, but is that our topic
15 today? So please, focus on the charges and please leave aside what I recognise is
16 difficult, but is of no relevance for us here today.

17 MS TAYLOR: [15:03:28]

18 Q. [15:03:28] Mr Witness, you told us you were taken to Gao. What happened in
19 Gao?

20 A. [15:04:02] I was brought to Gao. A young man came there, but he would
21 question me maybe three times in the evening, twice during the day. Nothing
22 serious happened to me. But he would threaten me.

23 Q. [15:04:25] Can you describe these threats?

24 A. [15:04:40] Yes, I can.

25 Q. [15:04:42] Please do so.

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- 1 A. [15:05:07] They explained to me that I would not see my wife and my children
2 again. That I wouldn't go back to my community again and that Mali was looking
3 for me and that they would do this and that to me.
- 4 Q. [15:05:25] What nationality was this young man?
- 5 A. [15:05:44] I don't know what you're talking about -- or, what is this about?
- 6 Q. [15:05:49] This person who threatened you, was he Malian or a different
7 nationality?
- 8 A. [15:06:08] He is French.
- 9 Q. [15:06:13] When he said to you that they would do this and that, what did you
10 understand that to mean?
- 11 A. [15:06:54] Well, I understood -- I understood it that way, and, you know, when
12 someone comes to arrest you at your house, if they want, they can kill you.
- 13 Q. [15:07:17] Where were you taken after Gao?
- 14 A. [15:07:31] They brought me to Bamako.
- 15 Q. [15:07:35] And what location in Bamako were you taken to?
- 16 A. [15:07:52] They took me to the (Redacted).
- 17 Q. [15:07:57] How long did you stay in the (Redacted)?
- 18 A. [15:08:13] At the (Redacted), I spent four days.
- 19 Q. [15:08:19] And were you questioned at the (Redacted) or not?
- 20 A. [15:08:36] I was questioned during one day, (Redacted).
- 21 Q. [15:08:44] And did you have a lawyer or not?
- 22 A. [15:09:00] No. I was just asked questions on how I was arrested and that's all.
- 23 Q. [15:09:10] And what happened after the (Redacted)? Where were you taken to
24 next?
- 25 A. [15:09:27] They took me to the *sécurité d'État*, and, then, I was in my grave.

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1 Q. [15:09:40] And what happened when you first arrived at the *sécurité d'État*?

2 A. [15:10:00] I got there in the afternoon, and right away I was asked questions
3 until night started falling.

4 Q. [15:10:16] Did you have a lawyer present or not?

5 A. [15:10:28] No. There was not.

6 Q. [15:10:34] And were you given a choice as to whether to answer the questions or
7 not?

8 A. [15:10:58] No. I could not -- I --

9 THE INTERPRETER: [15:11:03] Correction: No. I did not have a choice. I was
10 not given a choice. Just I was not killed.

11 MS TAYLOR: [15:11:14]

12 Q. [15:11:16] Was anything said to you about what would happen if you didn't
13 answer the questions?

14 A. [15:11:55] Well, by Allah, they said that if I did not give them the information
15 that they wanted, I would be killed. I would be put in a house I would never be able
16 to leave from. "This is a place, a house, where big men went in before you and they
17 did not survive."

18 Q. [15:12:26] Did they tell you the type of information they wanted?

19 * A. [15:12:58] They just wanted me to say that I was a jihadist, and I also knew on
20 that day that by telling them that, they would release me from the State Security, so I
21 said it so that I would be released like others who had said that they were jihadists
22 and had afterwards been released by them.

23 Q. [15:13:35] Can you describe the people who were questioning you?

24 A. [15:13:55] Yes, I know them.

25 Q. [15:13:56] Can you please describe them for us.

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1 THE INTERPRETER: [15:14:31] A message from the Tamasheq booth: Could
2 perhaps the witness be asked to repeat, but somewhat slower.

3 PRESIDING JUDGE MINDUA: [15:14:42](Interpretation) Mr Witness, could you
4 please restate your answer a little more slowly, please. Thank you.

5 THE WITNESS: [15:15:03] (Interpretation) What should I repeat?

6 PRESIDING JUDGE MINDUA: [15:15:06](Interpretation) Mr Prosecutor?

7 MR DUTERTRE: [15:15:09](Interpretation) Yes, Mr President, just a clarification. It
8 seems to be a difference in the English, page 69, lines 2 to 6 and the French, page 69,
9 lines 13 to 20. There seems to be a difference. There's something incomplete. In
10 French, it's -- it is stated, he said he's a jihadist and in English, it's not clear. Perhaps
11 it's a translation issue.

12 PRESIDING JUDGE MINDUA: [15:15:48](Interpretation) Excuse me, Mr Prosecutor,
13 you have haven't followed what I just said. The interpreters asked him to ask the
14 witness to repeat because it was difficult to follow. So the witness will repeat his
15 answer, will he not? And then that way, that will answer your concern.

16 MR DUTERTRE: [15:16:11](Interpretation) I'm sorry, I thought the witness was
17 asked to repeat the very last part and not that part of the answer.

18 PRESIDING JUDGE MINDUA: [15:16:20](Interpretation) Well, let's ask him to
19 repeat his answer.

20 So Mr Witness, the Defence asked you a question.

21 Perhaps, Ms Taylor could ask the question again so that the witness knows which
22 part to repeat.

23 MS TAYLOR: [15:16:32] Thank you, Mr President. I believe there's different
24 aspects, so since we were asking for the names, I think we will continue with the
25 names. Then I can clarify the other issues. I do believe we should allow the

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1 witness to do things in order.

2 PRESIDING JUDGE MINDUA: [15:16:47] Maître Taylor --

3 MS TAYLOR: [15:16:48] He was giving --

4 PRESIDING JUDGE MINDUA: [15:16:52](Interpretation) Ms Taylor, the witness
5 had already started to speak. The interpreters did not catch it. I will turn to the
6 interpreters.

7 So speaking to the interpreters, which part would you like repeated?

8 THE INTERPRETER: [15:17:10] The Tamasheq booth: Mr President, could the
9 witness repeat his answer.

10 PRESIDING JUDGE MINDUA: [15:17:18](Interpretation) You mean his last answer?

11 THE INTERPRETER: [15:17:22] Tamasheq booth: Yes, the last answer.

12 PRESIDING JUDGE MINDUA: [15:17:28](Interpretation) Well, Ms Taylor, perhaps
13 the witness forgot the question. So could you please perhaps restate the question.
14 Thank you.

15 MS TAYLOR: [15:17:39] Thank you very much, Mr President.

16 Q. [15:17:43] Mr Witness, I believe you were giving us names and unfortunately we
17 didn't register them. So do you mind repeating your description of the persons who
18 were interviewing you, and please make pauses.

19 A. [15:18:32] So you want me to state the names?

20 Q. [15:18:35] Yes, Mr Witness. If you could repeat your description that you
21 provided. I did hear the words "(Redacted)", and I heard the word
22 "interpreter", but if you could kindly repeat it as it wasn't registered properly.

23 A. [15:19:28] So the person asking me questions, (Redacted), then the
24 interpreter for Tamasheq, (Redacted).

25 Q. [15:19:44] Please continue.

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1 A. [15:20:04] Then there's (Redacted), a Tamasheq. A Frenchman who speaks
2 Arabic. Those are the six who threatened me.

3 Q. [15:20:20] Now Mr Witness --

4 PRESIDING JUDGE MINDUA: [15:20:27](Interpretation) Please excuse me,
5 Ms Taylor.

6 Mr Prosecutor, so has your concern been addressed, Mr Prosecutor?

7 MR DUTERTRE: [15:20:42](Interpretation) No, I'm afraid not because that was not
8 my point. I will read back in French and English the two passages and I will let you
9 see where the problem lies.

10 MS TAYLOR: [15:20:54] Mr President, I'm aware of the issue and I was just about to
11 ask the question before the Prosecutor stood up.

12 PRESIDING JUDGE MINDUA: [15:21:00](Interpretation) Very well. So
13 Mr Prosecutor, please be patient, we'll see where we're going.

14 So Ms Taylor.

15 MS TAYLOR: [15:21:08]

16 Q. [15:21:09] Now, Mr Witness, there might be a little bit of a confusion with the
17 translation. Did you tell the interrogators that you were a jihadist or not?

18 A. [15:21:38] Not at all. Not at all. That is not what I said.

19 Q. [15:21:45] Mr Witness, according to what we heard in Tamasheq, you said:

20 "If I knew that by saying I was a jihadist they would have taken me out of state
21 security, I would have certainly done it, because some said that and they were taken
22 out."

23 Is that what you said?

24 A. [15:22:40] Well, in fact, they are calling me (Redacted). I don't think that's the
25 way I said it. In fact, if I had said I was (Redacted), they would have made me leave

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1 the *sécurité d'État*, which is like a grave, and they would've sent me to the central
2 prison.

3 Q. [15:23:13] Did the people who were questioning you write down what you said?

4 A. [15:23:41] Well, I had a blindfold, and I would say I think so, but I can't be sure.

5 Q. [15:23:53] Did they read out to you what -- any notes?

6 A. [15:24:07] No.

7 Q. [15:24:10] Now, Mr Witness, you've said you had a blindfold. Can you tell us
8 how you were able to identify the people who were questioning you?

9 A. [15:24:46] Well, I knew who these people were much later. (Redacted)

10 (Redacted)

11 (Redacted).

12 Q. [15:25:06] (Redacted)

13 A. [15:25:36] (Redacted)-- the questioner, the interpreter and the Tamasheq who
14 was threatening me. The Frenchman -- the Frenchman, I don't know.

15 Q. [15:25:57] Can you clarify something. Was the interpreter a Tamasheq or not?

16 A. [15:26:18] Yes, he's a Tamasheq.

17 Q. [15:26:21] And was this the person you called "(Redacted)"?

18 A. [15:26:32] Yes, he's (Redacted).

19 Q. [15:26:36] Do you know which room you were questioned in?

20 A. [15:26:57] Yes. I know which building it is because I knew it after a (Redacted)
21 years and I -- I knew which building it was.

22 Q. [15:27:15] Did this room have a name or a number?

23 A. [15:27:40] It's called the -- it's called "*audition*", "*la maison des auditions*".

24 Q. [15:27:49] Are you able to describe this room?

25 A. [15:28:29] Well, it's a cell. It's a room in which there is a cell. So there is

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1 a door towards the south and another door towards the east. That door, the eastern
2 door, is never open.

3 Q. [15:28:51] And Mr Witness, did you stay in this room or were you taken
4 somewhere else?

5 A. [15:29:27] I stayed in that cell. After that, they brought me to another cell
6 which goes by the name of (Redacted). So the first cell was called (Redacted), the
7 second one I was in was (Redacted).

8 Q. [15:29:47] And were you in (Redacted) alone or were other people in the cell
9 with you?

10 A. [15:30:13] I was alone.

11 Q. [15:30:17] And what was the temperature like in (Redacted)?

12 A. [15:30:43] It was not hot in this cell. (Redacted)
13 (Redacted).

14 Q. [15:30:51] And how many days were you in (Redacted)?

15 A. [15:31:08] Four days.

16 Q. [15:31:12] You told us you were taken to cell 4. Can you describe cell 4 for us.

17 A. [15:31:58] Cell number 4 was very small, three metres by two, with a door to the
18 south and a small window about a metre. And they used this window for the
19 delivery of our food.

20 PRESIDING JUDGE MINDUA: [15:32:24](Interpretation) I'm sorry, Ms Taylor, in
21 the said question about -- a question -- (Redacted), there was (Redacted)
22 (Redacted).

23 Did -- they had (Redacted).

24 What does the witness actually mean by this?

25 MS TAYLOR: [15:33:02] I thought it was clear.

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1 Q. [15:33:07] Mr Witness, can you explain what you mean by "(Redacted)"?

2 PRESIDING JUDGE MINDUA: [15:33:15](Interpretation) Ms Taylor, (Redacted) is
3 not necessarily a (Redacted)-- in French, (Redacted).

4 MS TAYLOR: [15:33:31]

5 Q. [15:33:31] Mr Witness, can you repeat your answer regarding (Redacted). Not
6 (Redacted), but (Redacted). You mentioned an (Redacted) and an (Redacted), was
7 there one or both?

8 A. [15:34:15] One could find both there.

9 Q. [15:34:20] So we were speaking of cell 4. Now, what was the temperature like
10 in cell 4?

11 A. [15:35:08] In cell number 4, it was extremely hot, which explains why, when I
12 left it, I lost my skin and I was bleeding. And I had problems with my knee as well,
13 and my skin was coming off and I was in pain.

14 Q. [15:35:39] Mr Witness, are you able to tell us why it was so hot in this room?

15 A. [15:36:18] It was extremely hot simply because it was a small cell, three metres
16 by two, with a corrugated iron roof and -- and it was during the extremely hot period,
17 which explains why it was so hot in this cell.

18 Q. [15:36:52] Mr Witness, was there a ventilator or airconditioning in cell 4?

19 A. [15:37:22] There was nothing. Not even a light bulb which would allow you to
20 see anything at all. There was just fleas and mosquitoes.

21 Q. [15:37:36] Do you know why you were taken from (Redacted)?

22 A. [15:38:04] I only know the reason that they gave me.

23 Q. [15:38:08] And what was that?

24 A. [15:38:19] They told me that they -- I should say what they were expecting from
25 me.

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1 Q. [15:38:31] Were you questioned after you were taken to (Redacted)?

2 A. [15:39:10] So, (Redacted) days after they transferred me to (Redacted) - I can't
3 remember whether it was (Redacted) days - they asked me whether I had anything to
4 add to my statement, and I said that, "No, I didn't." And they said, well, in that case
5 I could stay there and I would die in that cell.

6 Q. [15:39:43] Could you describe what was inside cell 4?

7 A. [15:40:28] Well, they had irons bars, circular bars, which they used to attach the
8 prisoners to. During the (Redacted) years in -- that I spent there, I wasn't tied to
9 these bars. The (Redacted)... I rested -- I remained not attached to these during the
10 whole (Redacted) months, but I was handcuffed.

11 Q. [15:41:06] While you were there these (Redacted) months, was anyone else
12 attached to these chains?

13 MR DUTERTRE: [15:41:21] *Monsieur le Président.*

14 PRESIDING JUDGE MINDUA: [15:41:22] *Oui.*

15 MR DUTERTRE: [15:41:23] There is a contradiction. There's a reference to
16 "(Redacted) years" and then "(Redacted) months". Could my learned colleague
17 please clarify this.

18 Did he remain there for (Redacted) years or for (Redacted) months?

19 Thank you.

20 PRESIDING JUDGE MINDUA: [15:41:38](Interpretation) Firstly, he said (Redacted)
21 years and then he said (Redacted) months, which is it, please, Ms Taylor?

22 MS TAYLOR: [15:41:45] Thank you, Mr President.

23 Q. [15:41:48] Mr Witness, were you in (Redacted) for "(Redacted) years" or
24 "(Redacted) months"?

25 A. [15:42:15] I stayed there for (Redacted) months in (Redacted), but detention in

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1 the (Redacted) lasted a total of (Redacted) years.

2 Q. [15:42:33] Now, Mr Witness, when you were in cell 4, did you see these chains
3 being used with anyone else?

4 A. [15:43:08] I saw somebody who was attached to these iron devices.

5 Q. [15:43:16] And can you tell us what you saw?

6 A. [15:43:38] Yes, I saw (French spoken).

7 THE INTERPRETER: [15:43:40] Sorry --

8 THE WITNESS: [15:43:41] (Interpretation) Yes, I can tell you.

9 THE INTERPRETER: [15:43:42] Apologies from the interpreter.

10 MS TAYLOR: [15:43:50]

11 Q. [15:43:54] Please do so.

12 * A. [15:44:21] Yes, I did see a person who was chained up, in (Redacted) chains.

13 (Redacted)

14 (Redacted). In fact we didn't wash, we were not authorized to wash. We would pee in
15 a small receptacle.

16 Q. [15:44:50] And who was the person who was attached to the chains?

17 A. [15:45:14] It was somebody who was nicknamed (Redacted).

18 Q. [15:45:22] Did you know who this person was?

19 A. [15:45:40] (Redacted); that's what I was told.

20 Q. [15:45:47] And how long was he chained?

21 A. [15:46:10] He told me that it was a long time. (Redacted)

22 (Redacted).

23 Q. [15:46:26] And how long did he stay with you there?

24 A. [15:46:58] He stayed (Redacted) months. I stayed (Redacted) months and our other
25 friend stayed (Redacted) months. And another friend, (Redacted) months.

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1 Q. [15:47:12] Mr Witness, if I understand correctly, there was (Redacted) of you in
2 that room, is that correct?

3 A. [15:47:37] Yes, there were (Redacted) of us. Yes, there were four of us.
4 (Redacted)

5 (Redacted). I mentioned the (Redacted) people. (Redacted)

6 (Redacted).

7 Q. [15:48:17] Mr Witness, did cell 4 have any other name or description that was
8 given to it by detainees?

9 * A. [15:49:15] I have no idea, but the (Redacted) I talked to told me that it was
10 called Taoudéni prison, which no longer exists since Modibo's time and was closed by
11 Moussa Traoré. I don't know if what he said was true or if he was just chatting.

12 Q. [15:49:54] Did room 4 have a particular purpose or not?

13 MR DUTERTRE: [15:50:09](Interpretation) Mr President.

14 PRESIDING JUDGE MINDUA: [15:50:10](Interpretation) Mr Prosecutor.

15 MR DUTERTRE: [15:50:11](Interpretation) This is speculative and I -- it's a way -- it's
16 a way that we are being brought back to the previous question, where the witness
17 answered, "I have no idea." And therefore I object.

18 PRESIDING JUDGE MINDUA: [15:50:35](Interpretation) Ms Taylor.

19 MS TAYLOR: [15:50:36] Thank you, Mr President. I don't believe my question was
20 translated properly because the witness has referred to "Taoudéni prison" and there's
21 no linkage between the answer and question. Now, this witness has described
22 various rooms as having both a number and a name or a description. So, for
23 example, cell 1 was also known as the "*audition* room"; so it was referred to by its
24 purpose.

25 So this is a logical follow-up question whether there was a specific description that

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1 was attached to this room or not. We have an *audition* room. I do believe I can ask
2 if this room had a similar description as well as a number.

3 PRESIDING JUDGE MINDUA: [15:51:28](Interpretation) Yes, Mr Prosecutor.

4 MR DUTERTRE: [15:51:31](Interpretation) Yes, the question about the description
5 has been put - asked and answered - and the question now is speculative. Thank you.

6 PRESIDING JUDGE MINDUA: [15:51:45](Interpretation) Perhaps, Ms Taylor, you
7 could reformulate your question.

8 MS TAYLOR: [15:51:51] Thank you, Mr President.

9 Q. [15:51:53] Did the detainees refer to the room with any other descriptions other
10 than cell 4? You've told us about cell 1 being the *audition* room. Were there any
11 other descriptions attached to cell 4?

12 MR DUTERTRE: [15:52:18] Asked and answered, *Monsieur le Président*.

13 MS TAYLOR: [15:52:25] Mr President, it wasn't asked and answered. As I
14 mentioned, there was an issue with interpretation. You asked me to reformulate to
15 be more specific, I have.

16 And I don't think it's appropriate for Maître Dutertre to shake his head.

17 PRESIDING JUDGE MINDUA: [15:52:40](Interpretation) That is a reformulation,
18 Mr Prosecutor. So we can now await the reply from the witness.

19 THE WITNESS: [15:53:34] (Interpretation) So, I don't know any nicknames that were
20 given to this cell by the prisoners, apart from (Redacted), which were the (Redacted).
21 But then they changed and it became a (Redacted).

22 MS TAYLOR: [15:53:57]

23 Q. [15:53:57] Where were you taken after you left (Redacted)?

24 A. [15:54:20] (Redacted).

25 Q. [15:54:23] And why were you taken out of (Redacted)?

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1 A. [15:54:45] It was after we became ill. (Redacted)

2 (Redacted) and then they took us to a -- a healthier place -- a cooler place.

3 THE INTERPRETER: [15:55:07] Apologies

4 PRESIDING JUDGE MINDUA: [15:55:09](Interpretation) Ms Taylor, it's

5 five minutes to four, the witness asked us to stop a little earlier because he needs to go

6 to (Redacted). Therefore, I think this would be an appropriate time.

7 MS TAYLOR: [15:55:23] Certainly, Mr President.

8 PRESIDING JUDGE MINDUA: [15:55:29](Interpretation) Mr Witness, we are now

9 coming to the end of our day a little earlier as you requested. So we are still in

10 private session, so we will first move to public session.

11 Court officer, public session, please.

12 (Open session at 3.56 p.m.)

13 THE COURT OFFICER: [15:56:06] We are back in open session, Mr President.

14 PRESIDING JUDGE MINDUA: [15:56:16](Interpretation) Thank you very much,

15 court officer. So Mr Witness, we are going to stop a little earlier in accordance with

16 your request. As you can tell, your testimony has not yet been completed.

17 Therefore, you will be continuing tomorrow morning. Between now and then, you

18 are not allowed to speak of your testimony to anyone at all. Not to your friends, not

19 to your family.

20 THE WITNESS: [15:57:26] (Interpretation) If God is willing.

21 PRESIDING JUDGE MINDUA: [15:57:27](Interpretation) So I would like to thank

22 you once again on behalf of the Chamber for having replied patiently and very clearly

23 to the questions that have been put to you.

24 So before we close this session, I would like to thank the parties and participants, the

25 court reporters and the interpreters, the security officers and our public.

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- 1 We will now conclude today's session.
- 2 THE COURT USHER: [15:58:14] All rise.
- 3 (The hearing ends in open session at 3.58 p.m.)