

Trial Hearing
WITNESS: DAR-OTP-P-0643

(Open Session)

ICC-02/05-01/20

1 International Criminal Court
2 Trial Chamber I
3 Situation: Darfur, Sudan
4 In the case of The Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman ("Ali
5 Kushayb") - ICC-02/05-01/20
6 Presiding Judge Joanna Korner, Judge Reine Alapini-Gansou and Judge Althea Violet
7 Alexis-Windsor
8 Trial Hearing - Courtroom 2
9 Friday, 8 July 2022
10 (The hearing starts in open session at 9.31 a.m.)
11 THE COURT USHER: [9:31:11] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 THE COURT OFFICER: Good morning, Madam President. Good morning, your
15 Honours.
16 This is the situation in Darfur, Sudan, in the case of The Prosecutor versus Ali
17 Muhammad Ali Abd-Al-Rahman, case reference ICC-02/05-01/20.
18 And for the record, we are in open session.
19 PRESIDING JUDGE KORNER: [9:31:51] Yes, thank you.
20 Yes, good morning to you, sir. We're just going to do the normal introductions.
21 PRESIDING JUDGE KORNER: [9:31:57] Yes, Defence, please.
22 MR LAUCCI: [9:31:59] Good morning, Madam President, your Honours, colleagues,
23 Mr Witness. The -- on the Defence, same composition as yesterday.
24 PRESIDING JUDGE KORNER: [9:32:09] Representatives of victims. Same as
25 yesterday, I see.

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1 MR SHAH: [9:32:13] Yes. Good morning, Madam President. Same as yesterday.

2 Thank you.

3 PRESIDING JUDGE KORNER: [9:32:19] And Prosecution.

4 MR NICHOLLS: [9:32:20] Good morning, your Honours. Good morning, Madam
5 President. Same as yesterday, minus our case manager, Ms Sabatini.

6 PRESIDING JUDGE KORNER: [9:32:26] All right. Thank you.

7 Yes, right. Mr Laucci, if you'd like to continue.

8 Sir, as I say, Mr Laucci is going to continue asking you questions, but your evidence
9 will be concluded today.

10 WITNESS: DAR-OTP-P-0643 (On former oath)

11 (The witness speaks Arabic)

12 MR LAUCCI: [9:32:41] Thank you, Madam President.

13 QUESTIONED BY MR LAUCCI: (Continuing)

14 Q [9:32:42] Good morning, Mr Witness. I hope you are -- you feel well. For this
15 last day of cross-examination, we have two topics to cover. Today, the first one will
16 be brief. I hope so. And it is to ask you some clarification --

17 PRESIDING JUDGE KORNER: [9:33:01] Sorry, Mr Laucci.

18 Are we in open -- yeah, sorry. Can we go into private session. Sorry, I forget.

19 MR LAUCCI: [9:33:09] Me too. So did I.

20 MR NICHOLLS: [9:33:10] Your Honours, my apologies. Just to say, I will have to
21 leave this session about ten minutes early today.

22 PRESIDING JUDGE KORNER: [9:33:17] Yes, that's fine. Thank you.

23 (Private session at 9.33 a.m.)

24 THE COURT OFFICER: [9:33:24] We're in private session, Madam President.

25 (Redacted)

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Trial Hearing
WITNESS: DAR-OTP-P-0643

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- 24 (Open session at 1.29 p.m.)
- 25 THE COURT OFFICER: [13:29:59] We're back in open session, Madam President.

Trial Hearing
WITNESS: DAR-OTP-P-0643

(Open Session)

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1 PRESIDING JUDGE KORNER: [13:30:02] Yes, thank you.

2 Sir, all I was going to do was to thank you again for coming to give your evidence.

3 Witness evidence is important. As you rightly say, it is for us, the judges, at the end

4 to assess that evidence, but it is equally important that everyone comes to court when

5 asked to do to tell us about those events. So we wish you a safe return to your

6 country, and thank you, again. Yes, if you'd like to go with the court officer.

7 THE WITNESS: [13:30:52](Interpretation) Thank you.

8 (The witness is excused)

9 MR JEREMY: [13:30:54] I had a small housekeeping issue. It was the ERN to two

10 photographs that we used a couple of days. If I can put those on the record. So the

11 first photograph that we used with the witness has ERN DAR-OTP-0220-5596 and the

12 transcript reference is T-57, page 50.

13 The second photograph has ERN DAR-OTP-0220-5589, and that's page 51 of

14 transcript 57. Thank you.

15 PRESIDING JUDGE KORNER: [13:31:49] Yes, thank you very much, Mr Jeremy.

16 Yes, well, that concludes the proceedings for today, unless there are any other

17 matters.

18 Although, Mr Laucci, if you rhetorically ask the question again "If I stand up and say I

19 killed somebody, is that evidence," the answer in the adversarial common law system

20 is, "Yes, it couldn't be better evidence, and no further evidence is required." So it's

21 not a good rhetorical question to ask.

22 MR LAUCCI: [13:32:25] This is where you see that I come from a totally different

23 system.

24 PRESIDING JUDGE KORNER: [13:32:30] And I'm well aware that in the civil law

25 system, outside evidence is required.

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- 1 Other than that, we're not sitting on Monday because it's a holiday, so I wish
- 2 everybody a good weekend. And I think on Monday we get the first witness, do we
- 3 not, who's testifying in the Fur language?
- 4 MR JEREMY: [13:32:46] Tuesday.
- 5 PRESIDING JUDGE KORNER: [13:32:46] Tuesday, I mean. Tuesday.
- 6 Yes, thank you all very much. We'll see you on Tuesday.
- 7 THE COURT USHER: [13:32:52] All rise.
- 8 (The hearing ends in open session at 1.32 p.m.)