

Trial Hearing
WITNESS: DAR-OTP-P-0007

(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
5 ("Ali Kushayb") - ICC-02/05-01/20
6 Presiding Judge Joanna Korner, Judge Reine Alapini-Gansou and
7 Judge Althea Violet Alexis-Windsor
8 Trial Hearing - Courtroom 2
9 Tuesday, 11 October 2022
10 (The hearing starts in open session at 9.31 a.m.)
11 THE COURT USHER: [9:31:34] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE KORNER: [9:31:54] Yes. Good morning, all.
15 Call the case -- I don't know why we call the case every morning.
16 All right. Call the case, please.
17 THE COURT OFFICER: [9:32:04] Good morning, Madam President. Good
18 morning, your Honours.
19 This is the situation in Darfur, Sudan, in the case of The Prosecutor versus
20 Ali Muhammad Ali Abd-Al-Rahman, case reference ICC-02/05-01/20.
21 And for the record, we are in open session.
22 PRESIDING JUDGE KORNER: [9:32:17] Yes, thank you.
23 Prosecution, appearances.
24 MR NICHOLLS: [9:32:20] Good morning Madam President. Good morning,
25 your Honours. Good morning, everybody else in the room. Julian Nicholls with

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1 Melissa Simms and Mohanad Elkholy. Thank you.

2 PRESIDING JUDGE KORNER: [9:32:29] Thank you.

3 Yes, Defence.

4 MR LAUCCI: [9:32:32] Good morning, Madam President. Good morning,

5 your Honours. Good morning, colleague. Mr Ali Muhammad Ali Abd-Al-Rahman

6 is not present and the composition of the team is the same as yesterday.

7 PRESIDING JUDGE KORNER: [9:32:42] Thank you.

8 And finally, Mr Shah.

9 MR SHAH: [9:32:45] Good morning, Madam President, your Honours. Good

10 morning, everyone in the courtroom. Our composition is also the same as yesterday.

11 Thank you.

12 PRESIDING JUDGE KORNER: [9:32:52] Yes, thank you.

13 Right, Ms Simms, you're calling P-7; is that right?

14 MS SIMMS: [9:32:56] Yes, your Honour.

15 PRESIDING JUDGE KORNER: [9:32:57] Okay, let's have the summary and let's have

16 him in.

17 MS SIMMS: [9:33:05] Your Honours, for P-7, his prior recorded testimony and

18 associated material were approved for Rule 68(3) in decision 699. His statement is

19 DAR-OTP-0088-0060. And P-0007 provides evidence on the geography of Bindisi

20 and its surrounding villages, as well as the administrative system and the ethnic

21 composition of the town, which at the time was majority Fur.

22 This witness further provides evidence on events in Bindisi prior to the attack on

23 August 15, 2003, such as the departure of police officers from Bindisi, as well as

24 the arrival of men into Bindisi who delivered the message that the Janjaweed would

25 come from Mukjar to Bindisi to collect millet for their horses.

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1 This witness describes that sometime after this message was received, that Bindisi
2 came under attack by government soldiers and the Janjaweed.

3 This witness further describes hearing the attackers calling civilians Nubas and
4 uttering statements, and I'll quote directly here from the witness statement at
5 page 0065, paragraph 21, where he says that he heard, "They did" - in quotes - "they
6 did not want any black person to survive." End of quote.

7 This witness further explains that he fled the attack alongside other villagers and that
8 during the course of fleeing the attack, he witnessed the rape and murder of three
9 women. And their biographical details, your Honours, is set out in

10 DAR-OTP-00000311 at page 000001.

11 Your Honour, this is at tab 9.

12 PRESIDING JUDGE KORNER: [9:35:54] I'm just wondering if we really need all
13 these numbers.

14 MS SIMMS: [9:35:57] Your Honours, before I have been advised that I put
15 the documents, the ERNs on the record.

16 PRESIDING JUDGE KORNER: [9:36:03] I see. Okay. Off you go then.

17 MS SIMMS: [9:36:07] Thanks.

18 This witness will further give evidence that he fled to Mukjar immediately after
19 the attack and that, there again, persons were arrested, male Fur, men, and he places
20 the accused in -- in Mukjar soon after.

21 The Defence, your Honours, does not object this witness being the -- the provider of
22 the documents that I have listed. And I'll also put on the records, your Honours,
23 the other documents which this witness provided during his witness prep, which
24 Defence counsel does not object to as well.

25 And this is a marked map and it's DAR-OTP-00000312. And the corrections and

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1 clarifications log, which is at DAR-OTP-00000314. And in the corrections log,

2 your Honours, you will see that this witness provides his consent for his documents

3 to be introduced into evidence via Rule 68(3).

4 Your Honours, I'd also want to put on the record that Defence counsel, we conversed

5 earlier and they have agreed that a list of names that were put to the witness in

6 the witness log, and that's DAR-OTP-00000316, that they have no objections to those

7 names being admitted on the record. And these names, your Honours, are found on

8 pages 000004 to 000005.

9 And if it pleases you, your Honours, this is my end of the marathon with the ERN

10 codes.

11 PRESIDING JUDGE KORNER: [9:38:20] Yes, thank you very much, Ms Simms.

12 Brilliant effort.

13 All right, let's have the witness, please.

14 We are in open session.

15 MS SIMMS: [9:38:31] We are, your Honours.

16 PRESIDING JUDGE KORNER: [9:38:34] Yes.

17 MS SIMMS: [9:38:34] And I'll only be asking the witness a few questions in relation

18 to paragraph 43. And given that those persons are deceased, I'd, with the consent of

19 the Court, remain in open session.

20 PRESIDING JUDGE KORNER: [9:38:46] Yes, that's fine. Thank you.

21 (The witness enters the courtroom)

22 PRESIDING JUDGE KORNER: [9:39:45] Yes. Sir, can you hear and understand

23 me?

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25 (The witness speaks Fur)

- 1 THE WITNESS: [9:39:51](Speaks English) Yes.
- 2 PRESIDING JUDGE KORNER: [9:39:52] Did you say "yes"?
- 3 THE WITNESS: [9:39:55](Interpretation) Yes. Yes.
- 4 MS SIMMS: [9:39:56] Yes, he does speak a bit of English.
- 5 PRESIDING JUDGE KORNER: [9:39:57] All right. What language are we in today,
- 6 Arabic or Fur?
- 7 MS SIMMS: [9:40:03] Fur, your Honours.
- 8 PRESIDING JUDGE KORNER: [9:40:04] All right. Sir, just a couple of things
- 9 before I ask you to repeat the solemn declaration after the court officer.
- 10 First, because you're going to be speaking in Fur, it's really important that you don't
- 11 speak too quickly and try and keep your answers short because of interpretation.
- 12 Second, I don't anticipate that your evidence is going to take more than this morning,
- 13 but there will be a break at 11 o'clock, and if you want another break at any other time,
- 14 please don't hesitate to say so.
- 15 THE WITNESS: [9:41:02](No interpretation)
- 16 PRESIDING JUDGE KORNER: [9:41:03] And finally, if you don't understand
- 17 a question that you're asked, say so straightaway, and the question will be repeated.
- 18 Right. Having said that, perhaps you'd be good enough to repeat the oath after
- 19 the court officer.
- 20 THE WITNESS: [9:41:21](No interpretation)
- 21 THE COURT OFFICER: [9:41:32] Good morning, Mr Witness. Please would you
- 22 repeat the solemn declaration after me.
- 23 I solemnly declare that I will speak the truth, the whole truth and nothing but
- 24 the truth.
- 25 THE WITNESS: [9:41:57](No interpretation)

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- 1 THE COURT OFFICER: [9:42:07] Thank you, Witness, you are now under oath.
- 2 PRESIDING JUDGE KORNER: [9:42:10] Yes, thank you.
- 3 Yes, Ms Simms.
- 4 QUESTIONED BY MS SIMMS:
- 5 Q. [9:42:18] Good morning, sir.
- 6 A. [9:42:21] I swear to say the truth and nothing but the truth.
- 7 Q. [9:42:34] And, sir, we met last week in the witness preparation session.
- 8 A. [9:42:46] Yes.
- 9 Q. [9:42:48] And I'll remind you of my name, I'm Melissa Simms and I have a few
- 10 questions to ask you on behalf of the Prosecution.
- 11 A. [9:43:10] Yes.
- 12 MS SIMMS: [9:43:13] Court officer, please, if you could pull up for me the map at
- 13 tab 8.
- 14 (Counsel confer)
- 15 MS SIMMS: [9:43:54] Thank you, court officer.
- 16 Q. [9:43:56] Sir, do you see the document on your -- the map on your screen?
- 17 A. [9:44:02] (Overlapping speakers)
- 18 Q. [9:44:03] And do you see your signature on --
- 19 A. [9:44:05] Yes.
- 20 Q. [9:44:13] And do you see your signature on this document that you had
- 21 marked?
- 22 A. [9:44:26] Yes, I see it quite well.
- 23 Q. [9:44:29] Okay. Thank you. Now, sir, on this map you had marked two areas
- 24 at point 1 and point 2.
- 25 A. [9:44:54] Yes.

1 Q. [9:44:56] And at point 2, sir, this is where you saw -- this is where the three
2 women were who were raped that you talk about in your statement?

3 A. [9:45:20] Yes, that's correct.

4 Q. [9:45:26] And at point 2 on this map, this was about where you were on the day
5 when you saw the three women being raped?

6 A. [9:45:47] Yes, this is true.

7 Q. [9:45:50] Now, sir, where you were at point 2, was this higher or lower than
8 where the women were at point 1 on the map?

9 A. [9:46:14] I was standing on -- on the higher side and the women were in
10 the lower side.

11 Q. [9:46:32] Sir, you explained that one of the women, Halima Isa, was your
12 neighbour?

13 A. [9:46:52] Yes, this is true.

14 Q. [9:46:53] Can you explain to the Court what you saw happen to Halima Isa,
15 where she was at point 1 on the map.

16 A. [9:47:34] I saw Halima Isa running to catch on to the mountain. And when she
17 was stopped at that place, she raised her hands and cried, she yelled. The -- the
18 criminals had three horses. Including three of them, one of them went down and
19 arrested Halima.

20 When they arrested -- he arrested Halima, he asked her to get her clothes off. And
21 the one who went down to the ground arrested Halima forcibly. He took her clothes
22 off forcibly. And those who were on the -- on the horsebacks told Halima, "Unless
23 you get off your clothes, we will shoot you." When one of them tried to strip her off
24 forcibly, Halima bent, he took her underwears off, and the other man took
25 off -- pulled down his trouser and he took his penis out and inserted it in Halima's ass.

1 When he completed his job, he ordered Halima to run.

2 Q. [9:49:53] Sir, did you see what happened to Halima after she was told to run?

3 A. [9:50:04](No interpretation)

4 PRESIDING JUDGE KORNER: [9:50:42] Are we getting a translation of what he
5 said?

6 Something seems to have happened.

7 THE WITNESS: [9:50:58](Interpretation) They shot Halima repeatedly so she was
8 dead.

9 MS SIMMS: [9:51:19]

10 Q. [9:51:20] Sir, you also speak about a Kony Harun who you knew from your
11 village. Can you explain to us what you saw happen to Kony Harun at point 1 on
12 the map.

13 A. [9:52:03] Kony as well was -- came running and she has been stopped. And
14 then when she has been stopped, they -- they took her clothes and asked her to lay
15 down on the ground. She refused. So one of them lashed her, whipped her and
16 asked her to lay down and said, "Unless you lay down on the ground, I will shoot
17 you." So she laid down and the one who was on the horseback dismounted
18 and -- and handed his arm -- his arm to his brother and took his clothes off and he
19 stepped over Kony and told her, "If you don't keep silent, I will kill you."
20 So she pretended that she was not moving and he raped her. And after, following
21 raping her, he stood up and he asked how -- he asked, "How was sleeping or making
22 sex with a Fur woman?" He said it was nice. Then he was asked, "Shall we keep
23 her alive or we kill her?" And then he shoot her immediately. He shoot her
24 repeatedly and she was killed.

25 Q. [9:53:56] Sir, you also speak about a Darasalam Husayn who you knew from

1 your village. Can you please explain to the Court what you saw happen to her at
2 point 1 on the map.

3 A. [9:54:34] Darasalam as well came running and they stopped her. There were
4 three of the perpetrators on the horse backs. One of -- also one of them was walking.
5 When they stopped Darasalam, the one who was walking on the ground, detained
6 Darasalam, asked her to lay down on the ground. Darasalam tried to resist.
7 However -- to escape. However, he told her, "If you run away, we will shoot you."
8 So Darasalam stopped and bent down and he told her, "Lay down. We will make
9 sex with you." He told her, "Today, you and your men, we will kill you all and we
10 will rape you all."

11 In this place, the one who was on the horseback dismounted and they forced
12 Darasalam to lay down on the ground. The one who was already on the ground
13 took her clothes off. The other one hold -- held her on the ground, to the ground.
14 And when they completed raping Darasalam, the one who was on the back horse
15 shoot her and she was dead. Then they burned her down.

16 When they completed their job, on their way they were asking each other, one of
17 them responded, saying that, "I did not want to kill Darasalam. We would have
18 ended with raping her because she had a boy, she were pregnant from one of us."

19 PRESIDING JUDGE KORNER: [9:56:48] Ms Simms, I think, can you explore exactly
20 how he's able to say all this.

21 MS SIMMS: [9:56:55] Yes, your Honours.

22 PRESIDING JUDGE KORNER: [9:56:57] Thanks.

23 MS SIMMS: [9:57:01]

24 Q. [9:57:01] Sir, can you explain to the Court how you were able to see these three
25 women being raped and killed.

1 PRESIDING JUDGE KORNER: [9:57:10] And hear what was being said.

2 MS SIMMS: [9:57:12] Yes, your Honours.

3 THE WITNESS: [9:57:42](Interpretation) Of course. In 15th -- in 15 August, it was
4 the fall time. In the mid-fall. The grass was quite long. When we were running to
5 the place where I was, there was a mountain. And when we were at the top of
6 the mountain, we were able to hear to those who were in the bottom who were
7 speaking there. We -- we could see them quite well. And when I was just on
8 the top of the mountain, they couldn't see me, but I could hear them quite well and I
9 could see them. However, I was hiding within -- inside the grass.

10 PRESIDING JUDGE KORNER: [9:58:51] What was the distance that you were from
11 what was happening?

12 THE WITNESS: [9:59:13](Interpretation) I can't know -- I can't tell exactly how was
13 the distance between the bottom of the mountain and the top of it. However, they
14 were just at the bottom and I was on the top. So I can't tell the specific distance.

15 MS SIMMS: [9:59:39]

16 Q. [9:59:40] Sir, if you're able to, look around the courtroom. From the back, to
17 where I'm pointing, to behind me, are you able to use it to give an approximate
18 distance? Is it one length, two lengths away? How would you describe
19 the distance?

20 A. [10:00:46] It was about two to three times the distance you pointed to here in
21 the courtroom.

22 PRESIDING JUDGE KORNER: [10:00:57](Microphone not activated) last question.
23 You talked about three women being raped. Was it all happening at the same time
24 or one after the other?

25 THE WITNESS: [10:01:38](Interpretation) They were all raped in the same location.

1 They were close to one another.

2 PRESIDING JUDGE KORNER: [10:01:51] Yeah. But were all three being raped by
3 different men, but at roughly the same time? Or was it one woman after another?

4 THE WITNESS: [10:02:40](Interpretation) They were being chased. And a group
5 would rape a woman. And the other one was raped by a man while the other
6 women were trying to escape.

7 PRESIDING JUDGE KORNER: [10:03:03] All right. Yes, thank you. Sorry,
8 Ms Simms.

9 MS SIMMS: [10:03:11]

10 Q. [10:03:12] Sir, you had earlier said that you saw one of the men take off his arm
11 and handed it to his brother. Can you explain to us what are you referring to when
12 you say "his arm".

13 A. [10:04:04] The man who was with his brother on the back of the horse, when he
14 wanted to rape the woman, he gave his weapon to the other man who was on
15 the back of the horse.
16 So he could rape the woman.

17 Q. [10:04:27] Do you remember what type of weapon it was?

18 A. [10:04:41] Yes. It was a Kalashnikov.

19 Q. [10:04:50] And when you use the term handing the weapon over to his brother,
20 when you use the word "brother", what do you mean by that?

21 A. [10:05:30] With "his brother", I mean the person who was with him when he
22 raped the woman.

23 Q. [10:05:51] And, sir, do you remember the total number of men that you saw
24 raping the women or around the women at the time you saw those events?

25 A. [10:06:35] When I heard the screams and the sounds, there were several men

1 who were around the women. And there were two men and one who was on foot.

2 And the other group, there were two people on the backs of horses and one on foot.

3 Q. [10:07:17] Your Honours, if it pleases you, I'm going to -- I won't ask any further
4 questions of this witness. Thank you.

5 And thank you, sir.

6 PRESIDING JUDGE KORNER: [10:07:24] Yes, thank you, Ms Simms.

7 Yes, Mr Shah.

8 MR SHAH: [10:07:30] Thank you, Madam President.

9 QUESTIONED BY MR SHAH:

10 Q. [10:07:34] Good morning, Mr Witness. You may remember that we met in this
11 courtroom about one week ago.

12 A. [10:07:55] Yes, we met before. Good morning to you, too.

13 Q. [10:08:00] For the record, I'll introduce myself again. My name is Anand Shah
14 and I am one of the lawyers representing the victims in this case. And on behalf of
15 our clients I would like to ask you some questions today.

16 A. [10:08:34] Yes. Please go ahead.

17 Q. [10:08:36] Thank you.

18 Now, we are in public session, so please make sure not to mention any information
19 that might identify you. For example, we know that you had a shop in your village,
20 but please don't mention what type of shop it was.

21 A. [10:09:07] Yes, fine.

22 Q. [10:09:10] I'd first like to ask you a few questions about life in your village before
23 the conflict. Now, we understand you had a farm. What type of crops did you
24 grow on your farm?

25 A. [10:09:55] Yes, I can tell you that. We were farmers, we planted millet, okra,

1 mangos, guavas, lemons. Our life was very simple.
2 What we give a lot of attention to was working in the autumn. So we would plant
3 the seeds in the autumn and, after that, we would harvest our crops, the tomatoes,
4 the okra, and we would cut the okra and dry it. We didn't have any other work.
5 But there were some people who had side businesses, so these were the activities in
6 our village.
7 I used to repair bikes and motors and I moved from one market to the other. There
8 was a day that were specified for the villages. So on Saturday it was the day for
9 Mukjar. Monday was the market day for Aberi. Tuesday was the market day for
10 Adomony (phon). On our way back on each of these days, we would attend to
11 the crops that were stored and we would take these crops and sell them in the market
12 in order to buy the things that we were running out of at home, like sugar, for
13 instance. Then we would go back home to our villages. This is how our life was.

14 Q. [10:12:45] Thank you, Mr Witness. And could you tell us what your
15 relationship was like with your neighbours in your community?

16 A. [10:13:12] My relationship with my neighbours was good. Our life was simple.
17 If someone was sick, we would go to visit and share their pain. If someone was
18 seriously ill, we would take them to the hospital. If somebody passed away, we
19 would gather together to bury that person. Our life was really beautiful. We
20 cooperated with one another.

21 Q. [10:13:53] Thank you, sir.

22 Now, in your statement you mention that there was a women's association in your
23 town and you also said that the villages around your town also had women's
24 associations, with presidents, representatives and secretaries. And that's at
25 paragraph 44 of the statement.

1 So, sir, I'd like to ask you, what was the role of these organisations before the conflict?

2 A. [10:14:39] The life that we had included these associations, but these were not
3 large associations, they were more to organise social affairs for women. Women
4 organised themselves by themselves, and the president of the association would bring
5 some crops and offer them as presents to one another. And the men also did
6 the same thing. We showed solidarity to one another. If one of us was sick, we
7 would take care of the medical expenses. We contributed to treating that person
8 outside the village if the treatment was not available in the village. We would also
9 visit their children on a daily basis and take care of them when their parent was not
10 available.

11 Q. [10:16:19] Thank you, sir.

12 And after the conflict, if you're able to say, did these type of associations continue to
13 exist and work, including in refugee camps and displaced persons' camps?

14 A. [10:17:17] Things were different. In some areas, the same activities continued if
15 people were from the same group.

16 However, if you were in the camp with different people, you could not carry on with
17 these activities.

18 We contributed and we helped, even if we were from different communities, from
19 Fur, Masalit, et cetera, we just gave what we had. We greeted our neighbours on
20 a daily basis, we visited them regularly.

21 Q. [10:18:11] Now, sir, in your statement you mention the name of the president of
22 the woman's association in your village. And because we're in public session, I don't
23 want you to mention any names, but I did want to ask if you do remember the names
24 of any of the other persons in the leadership of the women's association in your
25 village, the representatives, the secretaries, do you remember any of their names?

1 A. [10:19:14] It has been a while, so I cannot remember other names, only
2 the names that I had already mentioned to you. That's what I know. That's what I
3 remember at the moment. I cannot remember other names.

4 Q. [10:19:33] That's no problem. Thank you, sir.

5 I'd now like to turn to the attack on your village and ask you a few questions about
6 that.

7 A. [10:19:54] Yes, that's fine.

8 Q. [10:19:58] So in your statement to the Prosecution you said that you heard
9 the attackers shouting, "Nuba, Nuba," and saying in Arabic that they did not want
10 any black person to survive.

11 And that's at paragraph 21 of the statement.

12 Who did you understand the attackers to be referring to when they used the words
13 "Nuba" and "black person"?

14 A. [10:21:10] They were saying to us, Fur, "Nuba, Nuba", because the majority of us
15 in that area were Fur people. So the word Nuba, they mean with it a slave. "We are
16 going to kill you or we will exterminate you, we do not want slaves here. The land
17 is ours and not yours."

18 Q. [10:21:49] Thank you, sir.

19 Now, in your statement at paragraph 22, you explain that you saw the Janjaweed and
20 government soldiers shooting at and killing a lot of people, men, women and children
21 who were fleeing or -- fleeing towards or climbing the mountain to the south of your
22 village.

23 You remember that statement, yes, sir?

24 A. [10:23:04] Yes. When the Janjaweed came into the village, they entered from
25 three directions, from the west, the north -- rather, the south and the east. They

1 entered the village and they started shooting at people.

2 Q. [10:23:42] We can take a moment, Mr Witness. And all of this is in your
3 statement, so in fact we can move on to -- to another area. I understand this is very
4 difficult.

5 PRESIDING JUDGE KORNER: [10:24:10] Sir, I'll give you -- if you'd like, I'll give
6 you a break, but I think from your point of view it would be better if you can
7 continue.

8 THE WITNESS: [10:24:28](Interpretation) I can continue. I can continue.

9 When the Janjaweed entered our village, they entered on vehicles that had weapons
10 fixed to them. Some were on the backs of horses, some were on foot. Women and
11 people and cattle -- when I remember all this I get very upset. I do not really want to
12 talk about it. But when they entered our village they were shooting at people.

13 PRESIDING JUDGE KORNER: [10:25:30] Yes. You don't have to talk about it.
14 Mr Shah, move on, please.

15 MR SHAH: [10:25:31] I will. Thank you, Madam President.

16 Q. [10:25:36] Sir, I'd now like to take you to about two and a half to three weeks
17 after the attack on your village. You said you fled your village and then you
18 returned back to it for just an overnight visit. And you explained that you found
19 your village completely burnt down, including your own houses.

20 And I wanted to know if any of your property survived the attack, any furniture,
21 clothing, cooking implements, did any of your property survive this attack?

22 A. [10:27:16] When I returned to the village, I saw smoke. As the village was
23 totally burned down, it was not possible to identify my own house. The houses
24 were burned, the goods were looted, and the whole village stank. It had the smell of
25 decaying corpses. There was nothing left.

1 PRESIDING JUDGE KORNER: [10:28:07] Mr Shah, can I remind you, and indeed
2 Mr Laucci, that we are back to Fur interpretation. Can we please keep the questions
3 short. Your lead-up is not necessary. One-line questions. As we can see,
4 the interpretation is taking a very, very long time.

5 MR SHAH: [10:28:30] It's well noted, Madam President. Thank you.

6 Q. [10:28:34] Mr Witness, we understand that you and your family left Sudan at the
7 end of 2003 and became refugees.

8 So I'd like to ask you, what was life like for you and your family in the first few
9 months as refugees?

10 A. [10:29:42] Life in the first months was very difficult, because we had nothing.
11 We have been through very painful experiences. And even if we had any property,
12 this was not sufficient. So life in the first months was very difficult. In our village
13 we knew one another, but the place that we fled to was tight. We did not have much
14 space. But we did not have any choice. What could we do? We had to be there.

15 Q. [10:30:42] And after these first months you and your family moved to a refugee
16 camp. Can you --

17 PRESIDING JUDGE KORNER: [10:30:50] Don't bother about the lead-up, Mr Shah.
18 You needn't have said it the last question, we understand you became refugees. Just
19 ask what was it like in the camp. If that's what you want to ask.

20 MR SHAH: [10:31:07] Yes.

21 Q. [10:31:07] Sir, what was it like for you and your wives to raise your children in
22 a refugee camp?

23 A. [10:31:40] Life in the camp, when you come to a place where you know nobody,
24 no one, and you -- you don't hear the sounds of gunfires, it would be surely better.
25 The organisations came to treat sick people and to provide supplies. And there was

1 no one chasing us. So life came back to a normalcy in a way.

2 Q. [10:32:22] Sir, my last question to you is, is there anything that you would like to
3 tell the judges about what this trial before the ICC means to you and your
4 community?

5 A. [10:33:13] I would like to greet and praise the ICC. And I would like to
6 commend the person who has established this Court. And I'm quite confident that
7 the International Criminal Court, through its proceedings to establish the truth and to
8 serve justice, I know, I recognise very well that the ICC would at least arrest
9 the perpetrators who have committed these crimes against us. And -- and so that
10 there would be a lesson to others to deter them from committing aggression on other's
11 rights.

12 And the Court would make people aware about human rights, and we want to live in
13 dignity and no one would violate other one's rights. And if anyone did any wrong
14 to you, instead of shooting him back, you would come to the Court. Because there
15 are specialised persons who know the human rights, who know justice. And I
16 commend the Court and I appreciate its efforts so far in bringing me here before the
17 Court to provide my witness. And all people in Darfur appreciate that the ICC is
18 capable of serving justice and we will keep waiting until you serve justice.

19 Q. [10:35:23] Thank you very much. I appreciate your testimony, Mr Witness.
20 No further questions, Madam President.

21 PRESIDING JUDGE KORNER: [10:35:27] Yes.

22 Mr Laucci.

23 Please, Mr Laucci, one-sentence questions. No lead up.

24 MR LAUCCI: [10:35:41] Will do my best, Madam President.

25 THE WITNESS: [10:35:50](Interpretation) Thank you.

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1 QUESTIONED BY MR LAUCCI:

2 Q. [10:35:57] Good morning, Mr Witness. My name is Cyril Laucci. We met last
3 week. And I will now proceed to your cross-examination, trying to complete it
4 before lunchtime.

5 You did very well so far, providing short answers.

6 A. [10:36:46] Yes. I'm ready to respond to the questions and will answer correctly.

7 Q. [10:36:58] Thank you.

8 Just in case you need to make a longer answer - can you look at me, please - we
9 establish a small code between you and I. When I raise my hand, you stop. And if
10 you had not yet completed your answer, when I do like this, you carry on. This is
11 because of the interpretation.

12 And, Madam President, I will start with short, estimate five minutes, closed session.

13 PRESIDING JUDGE KORNER: [10:37:55](Microphone not activated)

14 (Private session at 10.38 a.m.)

15 THE COURT OFFICER: [10:38:05] We're in private session, Madam President.

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17 (Redacted)

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- 16 (Open session at 10.51 a.m.)
- 17 THE COURT OFFICER: [10:51:58] We're back in open session, Madam President.
- 18 MR LAUCCI: [10:52:02]
- 19 Q. [10:52:03] So now, Mr Witness, the public can hear what you say, so nothing that
- 20 could identify you, please.
- 21 My first question are about the attack on Bindisi. In your statement of September
- 22 and November 2005, you describe three aircrafts which bombed the town.
- 23 But last week, during your preparation session, you say that you actually did not see
- 24 those aircraft. Only heard the sound of it.
- 25 What makes you vary your recollection 18 years later?

1 A. [10:53:48] I did not change my recollection. However, sometimes when you try
2 to recollect information, and I speak Fur, sometimes I would provide my statement in
3 Fur and then, when they come to question me, they will ask me in different language
4 where misinterpretation would be occurring.

5 Q. [10:54:16] Did you see or hear these three aircrafts?

6 A. [10:54:41] The aircrafts on the second day, not on the first day. I saw
7 the aircraft flying and I could hear their sounds. And when I was at the top of
8 the mountain, I could see the aircrafts from afar. And I could hear and I was asking
9 about that sound which I didn't hear before, "What were those sounds?" and I could
10 see smokes and the fumes in the sky.
11 This was on the second day.

12 Q. [10:55:22] When you say "the second day", are you talking about the Friday,
13 15 August?

14 A. [10:55:51] No. The day of 15 August was the date of the attack on Bindisi.
15 However, the next day I was in the mountain. So I'm talking about the next day
16 when I fled to the mountain.

17 Q. [10:56:13] I agree with you, but in your statement of September and
18 November 2005, very consistently you say that the aircraft came on the first day, that
19 is Friday, 15 August. What makes you change that statement?
20 For the record, your Honour, I am at --

21 PRESIDING JUDGE KORNER: [10:56:52](Microphone not activated) wondering
22 why it matters, Mr Laucci?

23 MR LAUCCI: [10:57:00] I want to understand the -- how the attack developed and
24 how it started. If it is by shelling the village or not.

25 PRESIDING JUDGE KORNER: [10:57:09] All right.

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1 MR LAUCCI:

2 Q. [10:57:26] Please, Mr Witness.

3 A. [10:57:35] When I was in the mountain, I could see the fumes and the smokes
4 and the aircraft in the sky. And I could hear a nearby sounds and their sounds were
5 quite close to me. I believed -- I believed that they have bombed the area. I was in
6 the mountain at the time.

7 Q. [10:58:01] So today, 18 years later, you say that the attack on Bindisi did not start
8 with the bombing by three aircrafts, but that the bombing took place the day after.
9 Do we understand?

10 A. [10:58:57] Yes, what I am maintaining as a person who is a Fur speaker and
11 the person who has questioned me spoke a different language. So there was
12 a problem related to translation. So perhaps there has been some misinterpretation
13 in a way.

14 Q. [10:59:16] Okay. And that -- no comment.
15 You say you heard the aircrafts. But, in 2005 you are able to say that these were two
16 Antonovs and one Hercules. If you did not --

17 PRESIDING JUDGE KORNER: [10:59:37] Hercules.

18 MR LAUCCI: [10:59:41] Sorry?

19 PRESIDING JUDGE KORNER: [10:59:43] Hercules is how they're pronounced.

20 MR LAUCCI: [10:59:48] Hercules.

21 Q. [10:59:49] So two Antonovs and one Hercules. If you did not see them, how
22 could you say that?

23 MR NICHOLLS: [11:00:18] Your Honour, what's the reference, sorry, to he couldn't
24 see them? Where does that come from?

25 MR LAUCCI: [11:00:24] It's in the preparation session.

1 PRESIDING JUDGE KORNER: [11:00:26] It's been put to him in the preparation
2 session.

3 MR LAUCCI: [11:00:30] Paragraph 9.

4 PRESIDING JUDGE KORNER: [11:00:32] Okay, we're going to take the break.

5 Mr Laucci, if it helps you, by and large, we would be of the opinion that his account
6 in 2005 is likely to be more accurate than what he now remembers. It's not always
7 the case, I hasten to add, because sometimes -- but if that's what you want, we would
8 certainly accept that.

9 MR LAUCCI: [11:01:05] I take the point, Madam President.

10 But I also would like to check the reliability on what the -- of what the witness is
11 telling now, especially when there is a discrepancy with what he said earlier.
12 Because there are other inconsistencies in which I am more interested in and I would
13 like to know how reliable that kind of information is.

14 PRESIDING JUDGE KORNER: [11:01:34] Well, I mean all he's going to say is
15 that -- it seems to me -- none of this needs to be bothered to be translated at the rate
16 the interpretation is going this morning. It seems to me he is going to stick to his
17 answer. His recollection now is that he didn't see the planes. And the point that
18 you make is a good one, that if he didn't see them, it's pretty remarkable that he
19 described the type of aircraft.

20 MR LAUCCI: [11:02:04] If that can reassure you, I will not come back on the planes
21 after the break.

22 PRESIDING JUDGE KORNER: [11:02:10] All right.
23 Yes.

24 MR NICHOLLS: [11:02:11] Sorry, your Honour, but this is my point. The witness,
25 in this -- in the corrections, in the prep logs made clear that he didn't see the planes on

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1 the first day, he saw them on the second day. It's being put to him that he said he
2 never saw them, which is not correct from the record of what the witness has said.

3 That was my point.

4 PRESIDING JUDGE KORNER: [11:02:34] I see. All right. Yes, sorry, Mr Nicholls.

5 All right. Well, one way or another, can we please not go on about whether
6 the planes were the first or the second or what they were. It really does not seem, in
7 the scheme of things, to advance the case one jot further.

8 MR LAUCCI: [11:02:48] And by the way, sorry, but it's not what paragraph 9 says.

9 That's incorrect.

10 PRESIDING JUDGE KORNER: [11:02:53] All right. Why don't you two fight it out
11 over the break.

12 Right. Sir, there is going to be a break now until 11.30 -- it'll have to be 11.35 because
13 we have just gone over the 11 o'clock. So have a cup of coffee and relax, and then
14 hopefully you'll still be finished by lunch.

15 All right. Yes, thank you.

16 THE COURT USHER: [11:03:23] All rise.

17 (Recess taken at 11.03 a.m.)

18 (Upon resuming in open session at 11.35 a.m.)

19 THE COURT USHER: [11:35:25] All rise.

20 Please be seated.

21 PRESIDING JUDGE KORNER: [11:36:01] Yes, Mr Laucci.

22 MR LAUCCI: [11:36:06]

23 Q. [11:36:06] Good morning again, Mr Witness.

24 There was a *zakat* office in Bindisi. Are you aware of other *zakat* offices in the area?

25 A. [11:36:35] We did not have any other *zakat* office in the area, just one office.

1 Q. [11:36:47] You mention the arrival of soldiers by 6 a.m. on the first day. Did
2 you see these soldiers yourself?

3 A. [11:37:17] If you mean that when they came to the village and attacked
4 the village, then, yes, I saw them myself.

5 Q. [11:37:27] Were these soldiers from the Sudanese Armed Forces, those who
6 came at 6 a.m. in the morning?

7 A. [11:37:50] It was not at 6 in the morning. But the forces that came to the village,
8 they were from different units. They were on the backs of camels and some of them
9 were on foot.

10 Q. [11:38:11] I stop you there because we are not talking about the same thing.

11 I will read the relevant part of your statement. I am at paragraph 20.

12 "On 15 August 2003, government soldiers came with 2 Toyota Land Cruisers to our
13 town. They continued through the town and went to the house of the *umdah*."

14 PRESIDING JUDGE KORNER: [11:38:50](Microphone not activated) got to be
15 translated.

16 MR LAUCCI: [11:38:58] I will wait for the translation.

17 THE WITNESS: [11:39:06](Interpretation) In my statement, with Land Cruisers I
18 meant the vehicles that transported the soldiers, also the camels and the horses, and
19 some soldiers were on foot.

20 MR LAUCCI: [11:39:27]

21 Q. [11:39:27] Okay. But when you speak about "government soldiers", are you
22 talking about members of the Sudanese Armed Forces?

23 A. [11:40:01] I meant the army personnel. There is no entity that would own such
24 vehicles but the army. That's why I said military forces personnel.

25 Q. [11:40:20] Okay. And these soldiers, government soldiers, went to the *umdah's*

1 house. Did they stop at some point in the village and talk to villagers, or did they go
2 straight to the house of the *umdah*?

3 A. [11:40:50] There are two things. First, the vehicles that the soldiers took on
4 their way to the *umdah's* house, that was different. They attacked us. And then
5 the second thing is, on Friday they came and they said to the *umdah*, "There are people
6 coming, they are Janjaweed. They are coming here in order to get some seeds from
7 the *zakat* office. They will not harm anyone."
8 Then the attack took place the day after.

9 (No interpretation)

10 Q. [11:41:52] Thank you.

11 I'm talking about this second group of people, those announcing the arrival of
12 the Janjaweed. Did they stop in the village to talk with the villagers or did they only
13 go to the house of the *umdah*? That's my question.

14 A. [11:42:22] The soldiers who came by vehicles, they came and they went directly
15 to the *umdah*. They did not talk to any of the villagers. They went directly to
16 the *umdah's* house.

17 Q. [11:42:45] Thank you. Were you told that the director of the Bindisi *zakat* office,
18 Abd-Al-Jabbar, was present in the convoy of attackers?

19 A. [11:43:13] Yes, Abd-Al-Jabbar was the director of the *zakat* office. And when
20 they went to the *zakat* office, those who attacked the village, they told us that there are
21 people who are going to come to take seeds. We thought that Abd-Al-Jabbar was
22 going with them in order to open the warehouses, that's what we thought.

23 Q. [11:43:54] Is it what you thought or what you were told?

24 A. [11:44:20] I know very well that Abd-Al-Jabbar is the director of the *zakat* office.
25 And the soldiers who came to the *umdah's* house is also something that I know very

1 well. The Janjaweed were coming to get seeds from the *zakat* office. This is
2 something that I heard from others. I did not witness that myself.

3 Q. [11:44:51] Do you -- did you see a person named Al-Sadiq Uthman Zakariya,
4 also known as Solonga, on the day of the attack?

5 A. [11:45:14] No, I did not see Al-Sadiq at all. I do not know him.

6 Q. [11:45:50] But when you saw the attackers, what the attackers did on Bindisi, do
7 you agree that it went far beyond the looting of the sole *zakat* office?

8 A. [11:46:27] Yes. What happened was different from what was told to us. We
9 thought that the Janjaweed who were going to come were not going to harm us. But
10 then they burned the whole village down. They looted people's money, they killed
11 people, so this was different from what was told to us.

12 Q. [11:47:04] Did you see elements from the Central Reserve Forces during
13 the attack?

14 A. [11:47:31] The Central Reserve Forces came to the *umdah's* house. I was scared.
15 I could not tell whether the Central Reserve Forces were going to the *umdah's* house
16 or not. But when I saw them, I knew they were.

17 Q. [11:48:06] Was it while the attack had already started, or -- or before?

18 A. [11:48:32] They came two days before the attack. And that was in the evening.

19 Q. [11:48:40] And why were you scared then?

20 THE INTERPRETER: [11:48:53] Sorry, correction from the Fur booth: That was one
21 day before the attack.

22 MR LAUCCI:

23 Q. [11:49:01] The same question.

24 A. [11:49:15] I was scared, because when you are at home and something is told to
25 you, then something totally different happens, how can you not be afraid?

1 I am asking you a question. If somebody comes to you and tells you "don't worry",
2 then an attack happens, would you feel scared or not?

3 Q. [11:49:45] Mr Witness, I'm talking about one day before the attack, when you
4 say the Central Reserve Forces came. There was no attack at that point. Why did
5 you say you were scared?

6 A. [11:50:19] I was scared because the Central Reserve Forces in our area were
7 moved a month before that. And that caused me to be worried.

8 Q. [11:50:37] Can you explain why?

9 A. [11:50:55] I don't know why they were moved.

10 Q. [11:50:56] No, why you were --

11 A. [11:50:59] We only saw them being moved away from our village. We could
12 only see the forces being moved. And I didn't know why that was the case.

13 Q. [11:51:13] No, my question was why were you worried when you saw
14 the Central Reserve Forces back in the village one day before the attack? That's my
15 question. Why were you worried on that day?

16 A. [11:51:47] I was afraid because when they left, I was not sure why they came
17 back to the village. They disappeared and then they came back. And that was
18 a cause of worry for me.

19 Q. [11:52:09] And on the day of the attack did you see them again?

20 A. [11:52:24] Are you asking me to repeat my question? So the day of the attack
21 was a scary day. I could not tell what was happening. I was very afraid. So in
22 that case you cannot really distinguish between the different types of soldiers.
23 I was -- I was scared at the moment.

24 Q. [11:52:53] Mr Witness, you don't need to be defensive. Then the answer to my
25 question is: No, I did not see them. As simple as this.

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1 Or did I understand correctly that you did not see Central Reserve Forces during
2 the attack?

3 A. [11:53:46] The person who is asking me should put himself in my shoes. If you
4 were in such a scary situation, how can you distinguish between things? I was
5 scared.

6 PRESIDING JUDGE KORNER: [11:53:59] Don't worry, sir. Everybody expects you
7 and understands that you were scared. You're only being asked whether or not you
8 saw the Central Reserve Forces on the day of the attack. The answer is either yes or
9 no.

10 THE WITNESS: [11:54:37](Interpretation) The forces that entered the village entered
11 from different directions. So I could not concentrate on the type of forces or vehicles.
12 If I say that I saw them, maybe I am not telling the truth. And maybe if I said I did
13 not see them, I could be lying as well. So I could not really focus, because
14 the situation was really difficult and tragic.

15 PRESIDING JUDGE KORNER: [11:55:12] Sir, I'll repeat. We all under -- nobody is
16 suggesting that this attack did not happen. It's accepted that this attack happened.
17 You're just being asked to remember aspects of the attack. If you can't remember,
18 nobody will blame you for saying that. And if you can answer the questions directly
19 with a yes or no, then do so.

20 THE WITNESS: [11:56:10](Interpretation) That's fine.

21 MR LAUCCI: [11:56:12] I move on anyway. Thank you, Madam President.

22 Q. [11:56:17] What is the colour of the uniform of the Popular Defence Forces,
23 please?

24 A. [11:56:51] The uniform of the PDF was green and it was dispersed with a white
25 colour.

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1 Q. [11:57:05] Thank you.

2 Can we have on the screen, please, the document that is in tab 6 of the Defence binder
3 in English, DAR-D31-00000005. And go to the second page.

4 Can you zoom in on the picture, please. Thank you.

5 Mr Witness, is that the uniform of the Popular Defence Forces that you see on that
6 screen?

7 A. [11:58:08] No. But it is similar to the PDF uniform.

8 Q. [11:58:19] Same colour?

9 A. [11:58:31] No, the PDF uniform colour is lighter, of a lighter shade. This is dark
10 green.

11 Q. [11:58:40] Okay. You describe that -- and I am at paragraph 26 of your
12 statement. You describe that the Janjaweed wore green camouflage khaki with
13 white patches.

14 A. [11:59:15] Yes, there were white patches in their uniform. It was not bright
15 white, but it was white like the uniform of the soldiers that you showed in the picture.

16 Q. [11:59:44] Okay. And was it then the uniform of the PDF that you just
17 described? I read what you said, "green dispersed with a white colour." So were
18 the Janjaweed wearing the PDF uniform?

19 A. [12:00:20] Yes.

20 Q. [12:00:25] Thank you. We can remove the -- the picture from the screen.

21 So if they were wearing the -- the PDF uniform, can we assume that the Janjaweed
22 were members of the PDF?

23 A. [12:01:03] The Janjaweed were not part of the PDF, as far as I know. So I can't
24 tell whether the Janjaweed were part of any other unit, or they were reporting to
25 the government. I did not know.

1 However, to the best of my knowledge, they were not part of the PDF.

2 Q. [12:01:33] Thank you. "I don't know" is a -- is a quite correct answer to my
3 question. No problem.

4 You say about the Janjaweed, "Any black person amongst them would not have
5 a voice." I am at paragraph 25 of the statement.

6 What do you mean by "any black person"?

7 A. [12:02:16] Can you please repeat the question. I did not understand it.

8 Q. [12:02:21] When you say, talking about the Janjaweed, I quote, "any black person
9 amongst them would not have a voice", what do you mean by "any black person"?
10 Are you referring to the colour of the skin?

11 A. [12:03:01] Janjaweed, they would mean when they say "black person", they
12 would mean Fur. And when -- from -- from the time we were young, we would
13 know that Arabs would have red skin. So they won't have people with dark skin
14 amongst them.

15 Q. [12:03:27] My next question is about the government soldiers that you
16 mentioned earlier. So the Sudanese Armed Forces. Do you know who, which
17 officer was leading the operation on Bindisi on their side?

18 A. [12:04:05] The commander of that campaign, offensive, as I heard from people,
19 they said Ali Kushayb, they called him Ali Kushayb.

20 Q. [12:04:17] Are you telling us that Ali Kushayb was a member of
21 the Sudanese Armed Forces?

22 A. [12:04:34] * No. Ali Kushayb was Emir of the Arabs.

23 Q. [12:04:50] So I repeat my earlier question. Who -- do you know - and you can
24 say "no, I don't know" - do you know who was the officer commanding
25 the Sudanese Armed Forces in Bindisi?

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1 A. [12:05:40] The commander who was leading the operation, as I said first, was
2 named Marco.

3 Q. [12:06:01] Thank you. And I come back to the first answer that you gave. You
4 said that you heard that the mission was led by a person called Ali Kushayb. You
5 never mentioned that in 2005, did you?

6 A. [12:06:43] I mentioned Ali Kushayb in my list, that he was the commander of
7 the Janjaweed. I mentioned him in my list as a leader of the Janjaweed.

8 Q. [12:07:03] Did you provide a list of leaders of Janjaweed?

9 PRESIDING JUDGE KORNER: [12:07:11] I think he's referring to paragraph 35.

10 MR LAUCCI: [12:07:21] Yes, but this is related to Mukjar and I'm asking about
11 the attack on Bindisi.

12 Q. [12:07:27] Mr Witness, when you say -- when you mention the person you are
13 calling Ali Kushayb, are you referring to the events in Mukjar or about the attack on
14 Bindisi?

15 A. [12:07:58] The attack which was carried out on Bindisi was commanded and
16 leaded by Ali Kushayb. And it was -- and it was on the same day when those areas
17 were attacked. It was Ali Kushayb, no other person.

18 Q. [12:08:15] Mr Witness, you never said that in 2005. This information comes
19 from the -- for the first time out of your mouth in front of this Court. How do you
20 explain that?

21 A. [12:08:52] I mentioned this information in 2005, and it was included in my
22 statement. And I'm only reminding the Court again so that they can identify who
23 carried out that attack, who was the commander who launched that attack.

24 Q. [12:09:13] I can assure you that there is no mention of Ali Kushayb in Bindisi --

25 PRESIDING JUDGE KORNER: [12:09:16] We can see -- no, don't, don't, don't,

1 Mr Laucci. This is going to turn into an argument and we can see what's in
2 the statement.

3 MR LAUCCI: [12:09:23] Yeah. I move on.

4 Q. [12:09:23] You talk about seven Land Cruisers with heavy Dushkas mounted at
5 the back. Did the Sudanese Armed Forces use them against the villagers?

6 A. [12:09:47] Yes, they were used against villagers.

7 Q. [12:09:55] Thank you. Could a person visiting Bindisi on the day of the attack,
8 or in the following days, miss that a lot of persons had been killed and that the village
9 was burnt? My question is, was it obvious that an attack had been -- had taken place
10 and that a lot of person had been killed?

11 PRESIDING JUDGE KORNER: [12:10:54] That's exactly what I was about to suggest
12 you change the question to.

13 THE WITNESS: [12:11:20](Interpretation) Is the question whether there was
14 a person who came previously? Can you reformulate your question, please.

15 MR LAUCCI: [12:11:33]

16 Q. [12:11:33] I reformulate --

17 PRESIDING JUDGE KORNER: [12:11:35] Was it obvious to anyone who went to
18 Bindisi the day after the attack that it had been attacked and the village had been
19 burnt?

20 THE WITNESS: [12:12:10](Interpretation) Yes. Because the village was populated
21 and on the same day when the village was burned down, you could still see
22 the fumes and the smoke. Even you won't be able to identify, recognise that there
23 was a village once upon a time. It's been levelled to the ground.

24 MR LAUCCI: [12:13:00]

25 Q. [12:13:04] In your first statement, the one of September 2005, you say that you

1 heard from other people that, whilst they were running, they, being the Janjaweed,
2 abducted nine women. Did you hear about these abductions or did you witness
3 them directly?

4 A. [12:13:53] I heard about rapes of the three women who were raped forcibly.
5 This I saw with my eyes. I did not hear about it from any other person.

6 Q. [12:14:15] I believe there is an issue with the interpretation.

7 Did you see or hear about the rapes?

8 PRESIDING JUDGE KORNER: [12:14:27](Microphone not activated) you're
9 referring back to the screening note and he's talking about the three rapes that -- that
10 he witnessed.

11 MR LAUCCI: [12:14:40](Microphone not activated)

12 PRESIDING JUDGE KORNER: [12:14:41] No, right. But if you -- if you -- you ask
13 him did you hear or see about the rapes, the question is which ones. Do you see
14 the --

15 MR LAUCCI: [12:14:59] All rapes.

16 Q. [12:14:59] Did you see any rape during the attack on Bindisi, or after?

17 A. [12:15:22] Yes. And you could hear what I said before, that there were three
18 women who were raped. I saw this with my eyes.

19 PRESIDING JUDGE KORNER: [12:15:35] Okay. He's said that three times now.

20 MR LAUCCI: [12:15:35]

21 Q. [12:15:36] Okay. But then why these three rapes that you saw do not appear in
22 your statement of September --

23 PRESIDING JUDGE KORNER: [12:15:46] The screening note.

24 MR LAUCCI: [12:15:47] The screening note.

25 Q. [12:15:48] And you only mention that you heard about abductions then. Can

1 you explain that? Why did you not mention that these three rapes that you saw in
2 your first set -- screening note of September 2005?

3 PRESIDING JUDGE KORNER: [12:16:17] When the investigator spoke to you on
4 the phone.

5 MR LAUCCI: [12:16:22] It was not on the phone, actually, it was in the camp.

6 PRESIDING JUDGE KORNER: [12:16:25] In the camp, yes, sorry.

7 THE WITNESS: [12:16:31](Interpretation) I mentioned in my note when
8 the investigators came and it was included in my 2005 statement. I mentioned that
9 the three women were raped. And I included this in a different way. I put it
10 differently in a different part of my statement in 2005.

11 MR LAUCCI: [12:17:12]

12 Q. [12:17:12] Okay. Let's go it step by step. Are we clear now that what you say
13 is that the only rapes you allegedly saw are the rape of these three women whose
14 name you have given?

15 A. [12:17:50] The three -- the rapes which I saw with my eyes, yes, the three women
16 which I have mentioned in my statement. However, other rapes, I heard about them.
17 And they were too many.

18 Q. [12:18:10] Thank you. And -- yeah, I think that was mentioned in -- in public
19 session, so I can carry on.

20 You mentioned that you discussed these issues about rapes with the women's
21 association. Is that where you receive the information about the other rapes from?

22 A. [12:19:10] Those who were raped and killed, yes, I heard about them during
23 meetings of women. However, after we fled, I used to hear from women where I
24 resided, I used to hear the news and reports about rapes and I compiled a lot of
25 information about rapes.

1 And as I've mentioned earlier, in the village we were like one community, one family,
2 and we would check on each other. And we would ask about the news of other
3 members of the village. This is why we were able to hear news continuously.

4 Q. [12:19:57] Were the rapes committed by Sudanese Armed Forces soldiers and
5 Janjaweed alike?

6 A. [12:20:38] What -- what I saw with my eyes were Janjaweed. They were raping.
7 And they were on horse or camelbacks. However, what I heard was a lot. That
8 there -- there were too many women raped.

9 PRESIDING JUDGE KORNER: [12:21:04] By whom you're being asked. Were they
10 all being raped by the Janjaweed or were some of them raped by the members of
11 the official Sudanese Armed Forces?

12 THE WITNESS: [12:21:29](Interpretation) What I saw were Janjaweed. Women
13 who were raped were raped by Janjaweed.

14 MR LAUCCI: [12:21:41]

15 Q. [12:21:42] Mr Witness, in your statement of November 2005, when you describe
16 the rapes, you say, and I quote: "I do not know if the soldiers was Janjaweed or
17 a government soldiers."

18 How can you be sure today?

19 A. [12:22:19] When -- when I said I don't know, I meant because the rapes were
20 en masse, in group and in common between the government and the Janjaweed.
21 However, in particular the three women were raped by Janjaweed and I witnessed
22 this.

23 Q. [12:22:50] Well, we have on record that this is not what you say, but fine.
24 During the description which you made with my colleague were
25 the Office of the Prosecutor, you report what the rapists said to the victims. And I

1 want to quote from page 10, line 9 to 10 of the transcript of today, talking about
2 the rape of Madam Kony Harun, that you said, "If you don't keep silent, I will kill
3 you." Were they shouting?

4 A. [12:23:56] Yes. The Janjaweed --

5 THE INTERPRETER: [12:24:24] So would you please repeat. Sorry, sorry, would
6 you please repeat this answer.

7 THE WITNESS: [12:24:40](Interpretation) I would give you an example. If you
8 were attempting to rape or sleep with a woman who is not your wife, she would
9 surely scream. The three women, when the Janjaweed attempted to rape them, they
10 started to scream because the Janjaweed were intimidating them. So the scream was
11 resulted from fear because the Janjaweed were threatening them, to kill them.

12 MR LAUCCI: [12:25:15]

13 Q. [12:25:15] Mr Witness, I'm sure the women screamed. It was not my question.
14 What I was asking you is whether the rapists were shouting at them?

15 A. [12:25:50] Only the screaming I heard from the rapists, they were telling women,
16 "Unless you keep silent, we will kill you." This is the only speech I heard from
17 the mouth of the rapists or the perpetrators. They did not say anything else.

18 Q. [12:26:17] Thank you for your clarification of your earlier statement.
19 Were there any officers present during these rapes?

20 A. [12:26:47] I was not certain of their rank, so I can't be sure.

21 Q. [12:26:59] Okay. And did the -- the rapists try to hide when they committed
22 the rapes, or did they do it in open sight?

23 A. [12:27:40] The one who was carrying a weapon -- anyone who would carry
24 a weapon would not be scared of anyone else. So they were boasting themselves
25 over that. So they did not hide, they did it in the open. So the one who was by

1 their side was learning. However, they did not hide and they were not scared of any
2 person. They were taking pride with what they were doing.

3 Q. [12:28:11] Thank you. I'm done with Bindisi. I move to Mukjar now.

4 You say that the -- the Janjaweed and the government soldiers that you saw in Mukjar
5 were the same people who had attacked Bindisi. How do you know that?

6 A. [12:28:56] I knew this after the Bindisi was burned down. And they
7 were -- they were mentioning the commander of their -- the name of their commander.
8 The Janjaweed were mentioning the name of their commander. This is why I knew.
9 And the Janjaweed were saying that, "We ruined Bindisi and we burned it down
10 completely." They were bringing this up in their meetings and this is how I came to
11 know.

12 Q. [12:29:35] Did you attend many meetings with the Janjaweed in Mukjar?

13 A. [12:29:57] Why are you posing this question to me? Was this included in my
14 statement? How can I attend meetings with the Janjaweed? Am I a member of
15 the Janjaweed?

16 Q. [12:30:11] Mr Witness, you just explained what the Janjaweed were mentioning
17 when they were talking to each other. So am -- it's legitimate that I'm asking you
18 when did you witness those discussions among Janjaweed?

19 A. [12:30:52] I heard the Janjaweed talking about this attack when we were sitting
20 under the trees and the Janjaweed came to arrest men. So I heard what they were
21 saying to each other.

22 PRESIDING JUDGE KORNER: [12:31:14] So not meetings. You overheard this
23 when they came to arrest people?

24 THE WITNESS: [12:31:40](Interpretation) Yes, it's as you said.

25 MR LAUCCI: [12:32:01]

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1 Q. [12:32:02] How come you provide this information from -- for the first time
2 before this Court, that you heard the Janjaweed said that they had attacked Bindisi,
3 and it appears nowhere in your statement of 2005?

4 A. [12:32:49] Sometimes you forget. Sometimes you forget information. And
5 sometimes there are mistakes because of the interpreting. I recall this piece of
6 information now because I am in court and this is my only chance to reveal this
7 information.

8 Q. [12:33:21] Okay. So two years after the events you did not remember hearing
9 the Janjaweed talking --

10 PRESIDING JUDGE KORNER: [12:33:31](Microphone not activated) comment.

11 MR LAUCCI: [12:33:34] Okay, I move on.

12 Q. [12:33:35] You say that the person arrested were taken to the Janjaweed camp.
13 Was it a PDF camp?

14 A. [12:34:03] No. It was not a PDF camp. It was a school. And when
15 the Janjaweed came, they occupied this school and they used it as a camp. When
16 they arrested anyone, they brought them to the school. That's why we considered it
17 a Janjaweed camp.

18 Q. [12:34:40] Did you witness one of these transfers?

19 A. [12:35:00] Yes.

20 Q. [12:35:04] In Mukjar you mention the presence of a person named
21 Marco Hagar Alam. You say he was the head of the military in Mukjar. I'm at
22 paragraph 35 of the statement.
23 How did you know him?

24 A. [12:35:38] I am telling you once more, Marco was the head of Janjaweed in
25 Bindisi. Then he was transferred to Mukjar.

1 MR LAUCCI: [12:36:01] Can we make sure that there is no error of interpretation in
2 that answer.

3 Did the witness say that Marco was the head of the Janjaweed in Bindisi?

4 I will ask the witness.

5 Q. [12:36:29] Mr Witness, did you just say that Marco was the head of
6 the Janjaweed in Bindisi?

7 A. [12:37:03] I will repeat. Marco was the head of the government forces, then he
8 was transferred to Mukjar.

9 Q. [12:37:21] So the answer to my earlier question was, I knew him because he
10 was in Bindisi; is that correct?

11 A. [12:37:48] Yes. When he was in Bindisi and he was in charge of
12 the government forces.

13 Q. [12:37:59] You say he had the rank of *hadrat al-sol*. What is it, please?

14 A. [12:38:20] *Hadrat al-sol* is one of the government military ranks. He was
15 the head of the forces, so he was being addressed as *hadrat al-sol*. But I do not know
16 the military ranks well.

17 Q. [12:38:46] Fair enough. And when you saw him in Mukjar, I insist, in Mukjar,
18 what -- what was he doing?

19 A. [12:39:07] When I saw him in Mukjar he was doing the same tasks.

20 Q. [12:39:16] Was he issuing orders and, if the answer is yes, to whom?

21 A. [12:39:47] I do not know if he was the one issuing instructions or orders or
22 someone else. However, the soldiers who came to arrest people were among his
23 subordinates.

24 Q. [12:40:13] Thank you. You mention a second person named Al-Dayf Samih.
25 How did you know him?

1 A. [12:40:36] I do not know this person. I only heard his name. I heard his name
2 from people and those who mentioned him had much respect for him.

3 Q. [12:40:57] Do you know what his function was?

4 PRESIDING JUDGE KORNER: [12:41:05] Again, Mr Laucci, asking questions -- if he
5 says he doesn't know him, does it matter?

6 MR LAUCCI: [12:41:11] Well, if he heard the name from other people, the same
7 people might have told him what was the function. Okay, I can move on. Fine. I
8 save two minutes.

9 Q. [12:41:25] The same question. What did you see him do? Was he issuing
10 orders?

11 A. [12:41:46] Al-Dayf Samih came with his soldiers to arrest people. So he used to
12 come in person to do that.

13 Q. [12:41:56] What kind of soldiers was it?

14 A. [12:42:21] They belonged to different units. Some of them used to wear
15 Janjaweed uniforms and some used to wear military uniforms.

16 Q. [12:42:40] Thank you. And finally, you mention a third person named
17 Ali Kushayb. Same question, how did you know him?

18 PRESIDING JUDGE KORNER: [12:42:58](Microphone not activated)

19 MR LAUCCI: [12:43:04] No, I move to the next question.

20 Q. [12:43:09] During your preparation session, the one of last week, paragraph 10,
21 you describe that the person you call Ali Kushayb was wearing a uniform worn by
22 the Janjaweed which was brown and white, and sometimes would wear military
23 uniform which was brown and white, with little bit of red colour as well.

24 Do you know what is this uniform? The white and brown.

25 A. [12:44:07] This was the same uniform worn by the Janjaweed.

1 Q. [12:44:15] Thank you. Can we have on the screen the document in tab 5 in
2 the Defence folder. DAR-D31-00000004. And we -- if we can -- 6? Oh, 06, sorry.
3 And immediately on the picture -- yes, on the second page, if you can zoom in.
4 Mr Witness, was that the kind of uniform you saw the person you call Ali Kushayb
5 was wearing?

6 Yes, it can be broadcasted to the public. No problem.

7 A. [12:45:24] Yes, this is the same uniform that Ali Kushayb used to wear.

8 Q. [12:45:35] Do you agree that this is the uniform of the Central Reserve Forces?

9 A. [12:45:51] No.

10 Q. [12:45:58] Then maybe if we can have on the screen the Arabic version of
11 the same document, that is in tab 3. And that's DAR-D31-00000004. Yes, perfect.
12 Keep the title and the picture.

13 Mr Witness, are you able to read the -- the title at the bottom of the document in front
14 of you?

15 A. [12:46:50] Would you please repeat the question. I did not understand
16 the question.

17 PRESIDING JUDGE KORNER: [12:46:58] Is there any suggestion that he reads
18 Arabic? Does he?

19 MR LAUCCI: [12:47:01] I can ask.

20 PRESIDING JUDGE KORNER: [12:47:02] All right. It is all a bit wasted if he
21 doesn't read Arabic.

22 MR LAUCCI: [12:47:10]

23 Q. [12:47:10] Do you read Arabic?

24 A. [12:47:23] Yes, but with difficulty. I cannot always manage.

25 MR LAUCCI: [12:47:29] Okay, fair enough. Thank you, Madam President.

1 Q. [12:47:31] What is written here, and we had that in English before. I read
2 the title: "Leader of the Central Reserve Forces directs to continue the entertainment
3 days". So the pictures that we have here, if we trust the title, is referred to
4 Central Reserve Forces. Do you stand by your answer that the uniform of
5 the Central Reserve Forces is different?

6 A. [12:48:33] What I know is that the Central Reserve Forces have a different
7 uniform from the one that you have on the screen. If the government had changed
8 the uniform, that is not something that I would know about. And anything that was
9 not in my file is not really something that I would know much about.
10 And I would like to pose a question to you. Would you please ask me questions
11 about the information that was in my statement only? Thank you.

12 Q. [12:49:18] Can you describe the uniform of the Central Reserve Forces, as far as
13 you remember?

14 A. [12:49:45] I repeat what I said before. If the answer was in my statement, then I
15 would repeat the answer. Otherwise, I will not be able to answer the question.

16 PRESIDING JUDGE KORNER: [12:50:00](Microphone not activated) moment, Mr
17 Laucci, I really can't see the point of these questions.

18 MR LAUCCI: [12:50:05] I move to --

19 PRESIDING JUDGE KORNER: [12:50:07] He's not here to deal -- to give evidence
20 about what the various uniforms looked like.

21 MR LAUCCI: [12:50:13] But I would like to understand what he allegedly saw. But
22 I move on.

23 Q. [12:50:20] You say that the person you call Ali Kushayb was together with
24 Al-Dayf Samih and Commissioner Ja'afar Abd-Al-Hakam when they were arresting
25 people. What was the person you call Ali Kushayb doing?

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1 A. [12:51:02] What I know is that Ali Kushayb was the leader of these people.

2 There were other things that he did himself. Even our *sheikh* in the village, when he
3 issued orders, we had to comply. Ali Kushayb was the leader of these people and he
4 was the one who issued orders.

5 Q. [12:51:35] But you say that the commissioner Ja'afar Abd-Al-Hakam himself was
6 present. Wasn't he the highest authority?

7 A. [12:52:00] The authority of Ja'afar Abd-Al-Hakam was limited to being
8 a governor.

9 Q. [12:52:16] And Al-Dayf Samih, who was also present, wasn't he the highest local
10 authority for the Janjaweed in Mukjar?

11 PRESIDING JUDGE KORNER: [12:52:35] You know, this is really asking the witness
12 to speculate. He is not in a position to deal with the hierarchy that may or may not
13 have existed between these people that you're naming. You've got to be realistic
14 about this, Mr Laucci.

15 MR LAUCCI: [12:52:56]

16 Q. [12:52:56] So, Mr Witness, on who is it that you say the person you call
17 Ali Kushayb had authority at that moment in Mukjar?

18 A. [12:53:28] What I mean with the highest commander is that he was the highest
19 commander of the Janjaweed, not the highest commander of the area.

20 Q. [12:53:43] Thank you.

21 Mr Witness, during your first contact of September -- your screening note of
22 September 2005, you did not mention the person you call Ali Kushayb.

23 PRESIDING JUDGE KORNER: [12:53:59](Microphone not activated) I can see that.
24 We can all see that.

25 MR LAUCCI: [12:54:03]

1 Q. [12:54:04] The only person you mention is Marco Hagar Alam. What made
2 you suddenly mentioned -- suddenly mention the name of Ali Kushayb in your
3 statement of November 2005?

4 A. [12:54:39] I mentioned Ali Kushayb in all cases and in all statements. So I'd like
5 to ask you why do you reject my mentioning Ali Kushayb in my statement?

6 Q. [12:55:02] Was this name of Ali Kushayb suggested to you by your friend from
7 the woman's association or any other person? Between September and
8 November 2005, sorry.

9 A. [12:55:46] I am telling you again, I heard about Ali Kushayb from the people
10 who came to arrest others. I did not hear that from the women's association. And
11 I'm asking you once more, why are you repeating this question to me once and again?

12 Q. [12:56:13] Is it the investigator who specifically asked you about the presence of
13 the man Ali Kushayb in November 2005?

14 A. [12:56:45] I repeat. I heard the name of Ali Kushayb from his men,
15 the Janjaweed, who used to come to arrest people. He was the leader of
16 the Janjaweed. Why are you repeating this question?

17 Q. [12:57:05] I come to my conclusion.

18 Mr Witness, the Defence does not take issue with the content of your account, except
19 on the two following points:

20 First point, on the fact that you actually witnessed rapes of women in Bindisi. As
21 you say in your statement of September, you heard about abductions after the attack,
22 but you never saw any rape yourself. Do you agree with me?

23 PRESIDING JUDGE KORNER: [12:57:44] I'm not sure how you can put that. How
24 can you possibly -- how can you positively suggest he didn't see it?

25 MR LAUCCI: [12:57:54] Because he would have mentioned that in his screening

1 note of September.

2 PRESIDING JUDGE KORNER: [12:58:00] Well, all right. I suppose. Yes, okay.

3 That's the first thing, yes. (Microphone not activated)

4 MR NICHOLLS: [12:58:21] Yeah, I'm probably --

5 PRESIDING JUDGE KORNER: [12:58:25](Microphone not activated) September
6 talking about the screening note, not the actual statement.

7 MR NICHOLLS: [12:58:29] I understand that, your Honour.

8 PRESIDING JUDGE KORNER: [12:58:32](Microphone not activated)

9 THE WITNESS: [12:58:40](Interpretation) I presented a list with the names of
10 women who were raped. I would like to ask you, as a man of law, you know about
11 human rights. So I think that you should stand with those who bore the brunt of
12 the atrocities and not with the aggressors. You know the law. You can defend
13 the victims and the rape victims, so I hope that you show sympathy to them.
14 In our lives, a person has the right to raise their voice. The crime that was
15 committed was witnessed by many. It was reported on in the media. Ali Kushayb
16 was the one who committed these crimes. As you are a man of law and as you are
17 a defender of human rights, please defend these victims instead of defending other
18 people. Thank you.

19 PRESIDING JUDGE KORNER: [13:00:31] Sir, all you're required to do -- I know it's
20 difficult, but all you're required to do is say yes or no, and I suggest you do that.
21 What's the second suggestion you want.

22 MR LAUCCI: [13:00:38]

23 Q. [13:00:38] And finally, the second point on which the Defence is taking issue is
24 the presence of a man called Ali Kushayb in Mukjar which you --

25 PRESIDING JUDGE KORNER: [13:00:50] He doesn't know one way or the other

1 whether it's Ali Kushayb. A man was pointed out to him as Ali Kushayb.

2 MR LAUCCI: [13:00:56] Yes.

3 PRESIDING JUDGE KORNER: [13:00:57] And that's the highest he can say.

4 MR LAUCCI: [13:01:02] That concludes my cross-examination.

5 PRESIDING JUDGE KORNER: [13:01:04] Right.

6 Don't worry about that, sir. Yeah.

7 Yes, any re-examination, Ms Simms?

8 MS SIMMS: [13:01:09] No re-examination, your Honour. But just to flag that, for
9 the record, the photographs that were shown to the witness, that these are dated 2021
10 and 2022.

11 PRESIDING JUDGE KORNER: [13:01:21] What, the first one of the soldiers in
12 camouflage and then the second one of what's said to be the CRF uniform?

13 MS SIMMS: [13:01:33] Yes, your Honours.

14 PRESIDING JUDGE KORNER: [13:01:35] Right. Yes, I think that ought to be made
15 clear at some stage, Mr Laucci, if you want to submit them.

16 MR LAUCCI: [13:01:38] Well, we will ask for the admission of these two documents
17 in evidence so that will be available.

18 PRESIDING JUDGE KORNER: [13:01:43] Except that he doesn't accept them as I --

19 MR NICHOLLS: [13:01:46] That's why I asked Ms Simms to put the -- just in case
20 they wanted to tender them.

21 PRESIDING JUDGE KORNER: [13:01:53] I think you've got a bit of difficulty there.

22 (a), they're way, way out of date, and (b), he didn't adopt any of them.

23 MR LAUCCI: [13:02:00](Microphone not activated) This is the pictures of the PDF
24 and CRF uniforms we could find.

25 PRESIDING JUDGE KORNER: [13:02:10] As -- yes, but as taken in, as I understand

1 it, 2020 and 2021.

2 MR LAUCCI: [13:02:19] No -- no challenge.

3 PRESIDING JUDGE KORNER: [13:02:20] No challenge --

4 MR LAUCCI: [13:02:21] We accept that these pictures are dated '21 or --

5 PRESIDING JUDGE KORNER: [13:02:23] But then if the witness says, no, I don't

6 think that this is the uniform that the government soldiers were wearing, and (b), no,

7 that's not the CRF, what sort of -- what weight are we supposed to give them, if any?

8 I mean, how can they be probative of anything?

9 MR LAUCCI: [13:02:43] The two important information on that, Madam President,
10 is the description of the uniform the person the witness calls Ali Kushayb was

11 wearing compared to what you have on the picture.

12 PRESIDING JUDGE KORNER: [13:02:55] Oh, right. Okay. Well, you can try and
13 submit them, Mr Laucci, and see what response you get. Right.

14 Yes. And I think Judge Alapini-Gansou has got a couple of questions.

15 JUDGE ALAPINI-GANSOU: [13:03:11](Interpretation) Thank you,

16 Madam President. I have two questions to ask the witness.

17 Mr Witness, on page 33 of today's transcript, paragraph 10 to 18, you talked about

18 the arrival of soldiers in Bindisi and the meeting they had with the *umdah*. I would

19 like to know whether you were present at that occasion?

20 THE WITNESS: [13:04:05](Interpretation) I was not present. I was not present on
21 that event, in that meeting. However, I saw the soldiers when they were passing,

22 heading to the *umdah's* house. However, I never attended that meeting.

23 JUDGE ALAPINI-GANSOU: [13:04:26](Interpretation) And what makes you say

24 that they promised to do nothing to the villagers and that they should just arrive to

25 recover the *zakat*?

1 Did you hear them say that or did you imagine that?

2 THE WITNESS: [13:05:04](Interpretation) I heard when they told *umdah*. I heard
3 when they came to *umdah* and told him that, "We wanted to get grains from the *zakat*
4 office." So it was a habit that there would be -- the officers of the *zakat* office would
5 provide our village with the *zakat* grains. However, at that time, those forces came
6 and asked for the *zakat* grains.

7 PRESIDING JUDGE KORNER: [13:06:00] Okay, he's finished.

8 JUDGE ALAPINI-GANSOU: [13:06:07](Interpretation) You didn't answer my
9 question.

10 THE WITNESS: [13:06:25](Interpretation) Would you please repeat the question,
11 again.

12 JUDGE ALAPINI-GANSOU: [13:06:30](Interpretation) When you came to see
13 the *umdah* and spoke about him, I was asking if you were present at the time that he
14 was speaking to the *umdah*.

15 PRESIDING JUDGE KORNER: [13:06:47] I think the question is how do you know
16 what they said to the *umdah* if you were not there.

17 THE WITNESS: [13:07:07](Interpretation) When there will be a meeting in the house
18 of *umdah*, the *sheikh* would report the results, the outputs of meeting to people. And
19 we heard that from the *sheikh*.

20 JUDGE ALAPINI-GANSOU: [13:07:33](Interpretation) So just a last question,
21 your Honour.

22 So out of the three women who were victims of rape, and killed thereafter, these
23 women, were they adults? Could you give some information to us about these
24 people.

25 THE WITNESS: [13:08:10](Interpretation) Yes. One of them was (Redacted)

1 (Redacted)

2 They were adults. And they were on their mid-age, I would say. They were not
3 elderly or girls. They were in their mid-age, middle age, mid-life.

4 JUDGE ALAPINI-GANSOU: [13:08:54](Interpretation) Speaking of you in particular,
5 what did you do in terms of the -- the associations that defend rights and women?
6 Did you produce a report concerning this? Did you try to get close to their parents?

7 THE WITNESS: [13:09:36](Interpretation) Yes, the woman association recorded
8 the names of the women who were raped and those who were killed. They were
9 listed in a list because they knew each other.

10 JUDGE ALAPINI-GANSOU: [13:10:03](Interpretation) So, with regard to this event,
11 you said that you were on the hill at the time and that you could see what was
12 happening. Could the attackers who attacked these women, could they see you?

13 THE WITNESS: [13:10:44](Interpretation) Yes. I was at the top of the mountain
14 and the -- the attackers couldn't see me, because the time was the autumn, there were
15 long grass prevented them from seeing me. So they could never see me.

16 JUDGE ALAPINI-GANSOU: [13:11:14](Interpretation) Thank you.

17 PRESIDING JUDGE KORNER: [13:11:16] Sir, thank you very much. Yeah,
18 Ms Simms.

19 MS SIMMS: [13:11:22] Your Honours, I just wanted to flag that the biographical
20 details of the three victims has been provided by this witness in the list of persons
21 raped and killed at tab 9.

22 PRESIDING JUDGE KORNER: [13:11:36](Microphone not activated) yes.

23 Sir, may I, on behalf of the Court, thank you very much for coming to court to give
24 evidence, which I know was emotional for you. As you will have gathered, what
25 happened to you and your village is not a matter of dispute. And it's important that

1 the Court hears from people such as yourself so that we can try and understand what
2 happened.

3 We wish you a safe return to your home. And thank you once again.

4 THE WITNESS: [13:12:41](Interpretation) I am too, I would like to thank you very
5 much. And the person who suggested to establish this Court to protect the human
6 rights, I would like to thank them as well. And I would like all present today who
7 were listening to my statement -- and I'm grateful and quite delighted that I could
8 come to the Court and provide my statement. I was quite delighted, and I would
9 like to say farewell and goodbye to all of you who work here and who have listened
10 to my statement and testimony. I would like to thank you very much to all of you.
11 And I wish -- I hope that the efforts of this Court would continue to establish truth
12 and serve justice and so that any perpetrators and criminals in the world would know
13 that if he violates any rights or commits any crime, they would know that justice will
14 get him and they will be responsible and brought to be prosecuted. We hope that
15 the Court would continue its effort. And that awareness raised to people that crimes
16 are horrific things which should not be committed by people, by humankind.
17 PRESIDING JUDGE KORNER: [13:14:43] Yes, thank you very much, sir. We will
18 take those words to heart.

19 Yes, if you'd like to escort the witness from the Court. Thank you.

20 (The witness is excused)

21 PRESIDING JUDGE KORNER: [13:15:27] Yes. Mr Nicholls, I understand that
22 Witness P-935 will be available to start on Thursday.

23 MR NICHOLLS: [13:15:36] Yes.

24 PRESIDING JUDGE KORNER: [13:15:37] Right.

25 And is he expected -- he's viva voce, so he's expected to go for two days, is he?

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(Open Session)

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- 1 Mr Edwards, is it your witness? Or Mr Laucci.
- 2 MR NICHOLLS: [13:15:51] Close to two, I would say. We may finish before
- 3 the end of the day on Friday.
- 4 MR LAUCCI: [13:15:57] How do you expect for on your side, how much?
- 5 MR NICHOLLS: [13:15:59] I can't say the exact number now.
- 6 PRESIDING JUDGE KORNER: [13:16:01] Is it Ms Whitford calling this witness?
- 7 MR NICHOLLS: [13:16:05] Yes, and just meeting him today, so --
- 8 PRESIDING JUDGE KORNER: [13:16:07] All right. Well, don't worry. And then
- 9 Monday it's P-11, I think.
- 10 MR NICHOLLS: [13:16:11] Yes, your Honour.
- 11 PRESIDING JUDGE KORNER: [13:16:12] All right. Yes.
- 12 Thank you very much. Therefore, we'll adjourn until Thursday at 9.30.
- 13 THE COURT USHER: [13:16:21] All rise.
- 14 (The hearing ends in open session at 1.16 p.m.)