

Trial Hearing
WITNESS: DAR-OTP-P-0905

(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 Thursday, 6 October 2022
10 (The hearing starts in open session at 9.30 a.m.)
11 THE COURT USHER: [9:30:16] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE KORNER: [9:30:39] Yes. Can we call the case, please.
15 THE COURT OFFICER: [9:30:42] Good morning, Madam President. Good
16 morning, your Honours.
17 This is the situation in Darfur, Sudan, in the case of The Prosecutor versus
18 Ali Muhammad Ali Abd-Al-Rahman, case reference ICC-02/05-01/20.
19 And for the record, we are in open session.
20 PRESIDING JUDGE KORNER: [9:30:58] Yes. Good morning to all.
21 Appearances for the Prosecution, the same as Tuesday?
22 MR NICHOLLS: [9:31:05] Good morning, your Honours. Good morning, everyone.
23 Yes, same as Tuesday. Thank you, your Honour.
24 PRESIDING JUDGE KORNER: [9:31:10] Right.
25 Victims, no. We're missing Ms von Wistinghausen, this morning.

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1 MR SHAH: [9:31:14] That's correct, Madam President. Good morning.

2 On behalf of the victims, I'm Anand Shah, associate counsel. Thank you.

3 PRESIDING JUDGE KORNER: [9:31:22] And Defence, the same as ...

4 MR LAUCCI: [9:31:24] Not exactly. Madam President, Mr Ali Muhammad Ali

5 Abd-Al-Rahman is not in the courtroom again today.

6 Our intern, Madam Marcela Velarde, is with us, and together with

7 Madam Nina Guilloux and Mr Mohammad El Rahi, assistant evidence reviewer.

8 And of course my colleague, Iain Edwards, and myself, Cyril Laucci, counsel.

9 PRESIDING JUDGE KORNER: [9:31:46] Yeah. Mr Laucci, we're in public session
10 for the moment, so I won't go into details, but do I take it you've had no further
11 updates about --

12 MR LAUCCI: [9:31:58] I speak to him, I mean, to my client. Well, I think he will
13 need to -- to take some more time. But I have no update from the -- the detention.

14 PRESIDING JUDGE KORNER: [9:32:10] No. Well, there has been one, but
15 I -- the order I made I think was there should be some sort of report by actually today
16 by 4 p.m. Really in relation to video link possibilities. And I don't know, or I'll find
17 that out later, whether there's been a response to my order on Monday or Tuesday.
18 Yes. Right, there's one other thing before we go into private session. I gather,
19 Mr Jeremy, we need to stay in private, yeah?

20 Mr Laucci -- or, there was an email in respect of information about Witness, I think it's
21 P-11. I'll deal with that orally at the end of the afternoon. I think you may want to
22 think about if there are any further submissions you want to make about an order for
23 disclosure to somebody who's not -- to an organisation that isn't subject to disclosure,
24 if you see what I mean.

25 MR LAUCCI: [9:33:23] I responded to that email very briefly, but I'm happy too --

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- 1 PRESIDING JUDGE KORNER: [9:33:29] All right. Well, I mean, I just -- I'll
2 deal -- I'll (Overlapping speakers)
- 3 MR LAUCCI: [9:33:30](Overlapping speakers) Yeah. There is -- there is an email
4 on record, immediately after the email from VWU.
- 5 PRESIDING JUDGE KORNER: [9:33:34] Right. All right.
6 Yes. Sir, good morning, to you. Sorry, we had to go through some preliminary --
- 7 MR EDWARDS: [9:33:40] Excuse me, your Honour.
- 8 PRESIDING JUDGE KORNER: Oh, Mr Edwards.
- 9 MR EDWARDS: [9:33:39] Just lest it gets lost on the transcript, is your order for
10 a medical report for close of business today or tomorrow, Friday?
- 11 PRESIDING JUDGE KORNER: [9:33:51] No, I've ordered -- it's not a medical report,
12 I ordered to see -- well, I suppose it is a medical report, whether -- whether he will be
13 able to attend by video link next week.
- 14 MR EDWARDS: [9:34:07] Yes. I think that there was an oral order to that effect,
15 and then it was followed up by an email, which seems to have put the order back to
16 close of business Friday.
- 17 PRESIDING JUDGE KORNER: [9:34:22] Oh, really?
- 18 MR EDWARDS: [9:34:23] I would just hope that there's no confusion.
- 19 PRESIDING JUDGE KORNER: [9:34:26] I thought the email -- I remember there was
20 an email, but I thought it was -- definite it was Thursday, because tomorrow's too late.
- 21 MR EDWARDS: [9:34:36] It's the email --
- 22 PRESIDING JUDGE KORNER: [9:34:38] Oh, tomorrow is Friday. No, today's
23 Thursday, yeah.
- 24 MR EDWARDS: [9:34:42] Yeah. It was the email of Tuesday, 4 October, 11.46 a.m.
25 (Trial Chamber confer)

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1 MR EDWARDS: [9:34:49] I think it will be our preference --

2 PRESIDING JUDGE KORNER: [9:34:53] Okay. I think -- tomorrow is Friday, and I
3 think we need to know the answer tomorrow rather than waiting till Monday, so my
4 oral order stands. I want to know by 4 p.m. today whether he will be in a condition
5 to attend by video link next week.

6 I'm sorry, I didn't see that the email said Friday.

7 And I did order that -- yeah, I think that was all in private session, but the other order
8 I made was for information regarding the specialist.

9 All right.

10 Sir, I'm very sorry, that's administrative matters, which needn't trouble you. I hope
11 you've had a good day off and Mr Jeremy is going to continue to ask you questions
12 and we'll go into private session now.

13 (Private session at 9.36 a.m.)

14 THE COURT OFFICER: [9:36:06] We're in private session, Madam President.

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1 (Open session at 12.55 p.m.)

2 THE COURT OFFICER: [12:55:51] We're back in open session, Madam President.

3 MR JEREMY: [12:56:00]

4 Q. [12:56:01] Okay. Sir, I want to show you an exhibit now. Tab 27 of
5 the binders. DAR-OTP-0222-0037.

6 Sir, do you see that image on the screen before you?

7 A. [12:56:49] Yes.

8 Q. [12:56:54] Do you recognise this person?

9 A. [12:56:57] Ali Kushayb.

10 Q. [12:57:05] Thank you, sir.

11 I've no further questions, Madam President, your Honours.

12 PRESIDING JUDGE KORNER: [12:57:09] Well, I have on this. You keep on using
13 this.

14 Are there any differences that you notice in that photograph that you've identified as
15 Ali Kushayb and his appearance at the time that you're describing?

16 THE WITNESS: [12:57:38](Interpretation) The same appearance. Approximately is
17 the same appearance. He was thinner. So he was thin and he was still thin or slim.
18 He is still the same.

19 PRESIDING JUDGE KORNER: [12:57:53] Yes, all right.

20 Well, that's an appropriate time to take the break.

21 Sir, after the break, which is for lunch, so it's till half past 2.

22 Mr Shah, you're going to ask some questions, are you? Yes.

23 MR SHAH: [12:58:08] Yes.

24 PRESIDING JUDGE KORNER: [12:58:10] Yeah, Mr Shah will be asking you
25 questions on behalf of the victims and then Mr Edwards on behalf of the accused

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1 person.

2 Yes, if you'd like to leave court, thank you very much. And we'll see you at 2.30.

3 (The witness exits the courtroom)

4 PRESIDING JUDGE KORNER: [12:58:51] Yeah. Mr Shah, how long do you think
5 you're going to be?

6 MR SHAH: [12:58:55] I imagine no more than 10 minutes, your Honour.

7 PRESIDING JUDGE KORNER: [12:58:58] Right.

8 Mr Edwards, do you think you will conclude tomorrow?

9 I'm just wondering for the purposes of --

10 MR EDWARDS: [12:59:07] Yeah. No is the short answer.

11 PRESIDING JUDGE KORNER: [12:59:11] Yeah, I rather thought.

12 MR EDWARDS: [12:59:13] We're going to go into Monday. I've already notified
13 my learned friends for their calendar for next week.

14 PRESIDING JUDGE KORNER: [12:59:20] Right.

15 MR EDWARDS: [12:59:21] No, there's a lot to get through.

16 PRESIDING JUDGE KORNER: [12:59:23] Yeah. Well, no, no, I mean I'm not in any
17 way -- I just wanted to know, because it seemed to me that it was unlikely you were
18 going to finish tomorrow.

19 MR EDWARDS: [12:59:31] Yes. And then we have two witnesses for next week,
20 the first of which is Mr Laucci's witness, and both parties are of the view that that will
21 be a short witness.

22 PRESIDING JUDGE KORNER: Right.

23 MR EDWARDS: [12:59:46] The witness after that, which is the addition --

24 PRESIDING JUDGE KORNER: Oh, the new one, yes.

25 MR EDWARDS: [12:59:53] -- the late addition, but I don't complain when I say late

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1 addition, just objectively, will be me and a viva voce witness. My learned friend
2 estimates two hours, thereabouts, in chief.

3 MR NICHOLLS: [13:00:08] Yeah, I would guess two to three.

4 So, unfortunately, we'll -- these are the only two witnesses next week at this point,
5 since we could not bring the other three who we lost contact with.

6 PRESIDING JUDGE KORNER: [13:00:22] Yes. Can you tell me something, is P -- I
7 mean, we're in public session. Is P-885, who is a problem, contact has been lost,
8 is -- is that --

9 MR NICHOLLS: [13:00:40] I think yes --

10 PRESIDING JUDGE KORNER: [13:00:41] It is?

11 MR NICHOLLS: [13:00:42] -- would be the answer to what I think you're asking in
12 public session.

13 PRESIDING JUDGE KORNER: [13:00:45] Yes.

14 MR NICHOLLS: [13:00:46] So it may not be the most surprising --

15 PRESIDING JUDGE KORNER: [13:00:49] Correct. That's what in fact I --

16 MR NICHOLLS: [13:00:52] -- development. Although, again, we were in contact
17 and we -- and VWS was in contact, so we were -- and signs were that the person
18 would come.

19 PRESIDING JUDGE KORNER: [13:01:03] Yes.

20 MR NICHOLLS: [13:01:05] Until very recently.

21 PRESIDING JUDGE KORNER: [13:01:06] Right. Okay, that's fine then.

22 All right. So we're likely to have a short week next week.

23 MR NICHOLLS: [13:01:16] Yes, I think --

24 PRESIDING JUDGE KORNER: [13:01:18] Well, I see Mr Laucci shaking his head,
25 but ...

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1 MR LAUCCI: [13:01:22] No, I was just thinking aloud. Sorry, Madam President. I

2 think not so short, because if we are on Monday with the (Overlapping speakers)

3 PRESIDING JUDGE KORNER: Yes.

4 MR LAUCCI: [13:01:29] Tuesday on the second one. Remain three days. I don't

5 know how long it will take for the (Overlapping speakers)

6 PRESIDING JUDGE KORNER: [13:01:34](Overlapping speakers) Yeah. Well,

7 actually, yeah. No. I mean, so it's not likely. Okay. Fine.

8 And okay, today, Mr Edwards, if you can -- if you can stop at about 10 to four then - it

9 is going to Monday anyhow - because I want to deal with your -- with

10 the outstanding matter.

11 MR EDWARDS: [13:01:51] That would be very welcome. It's been a heavy day.

12 PRESIDING JUDGE KORNER: [13:01:56] Yes, it has.

13 All right. Yes, 2.30, please.

14 THE COURT USHER: [13:02:00] All rise.

15 (Recess taken at 1.02 p.m.)

16 (Upon resuming in private session at 2.31 p.m.)

17 (Redacted)

18 (Redacted)

19 (Redacted)

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9 (Open session at 2.44 p.m.)

10 THE COURT OFFICER: [14:44:59] We're back in open session, Madam President.

11 MR EDWARDS: [14:45:05]

12 Q. [14:45:11] In November of 2020, when you had this contact, is it right to say that
13 you were aware that a Sudanese national had been arrested and transferred to this
14 Court?

15 A. [14:45:33] Yes.

16 Q. [14:45:37] And did you know that that person was called Ali Muhammad Ali
17 Abd-Al-Rahman, who the Prosecution say is also called Ali Kushayb?

18 A. [14:45:54] Yes.

19 Q. [14:45:57] This was enormous news, wasn't it, where you lived?

20 A. [14:46:13] Yes, it was.

21 Q. [14:46:15] It was heavily covered in the -- the national media?

22 A. [14:46:27] Yes.

23 Q. [14:46:35] Did you ever access internet sites that referred to the arrest and
24 transfer of Mr Abd-Al-Rahman to this Court?

25 A. [14:46:56] I did not used to have access to internet at that time.

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1 Q. [14:47:06] Do you, in more recent years, have access to the internet?

2 A. [14:47:26] I do not have -- I don't deal with internet at all.

3 Q. [14:47:31] All right. The national media coverage of the arrest and transfer to
4 this Court, that included television coverage, correct?

5 A. [14:47:57] Through the radio.

6 Q. [14:48:01] Okay. Did you at any point see coverage of this trial on television?

7 A. [14:48:21] I never saw that.

8 Q. [14:48:24] We may come back to that a little bit later. Now, at the beginning of
9 this screening interview with the Prosecution, the investigators informed you that
10 they were interested in what you could say about the events in Darfur between 2002
11 and 2005, correct?

12 A. [14:49:04] Darfur incidents from 2002 until 2005, that is correct.

13 Q. [14:49:10] And specifically about events in Deleig, Mukjar, Bindisi, Arawala and
14 Kodoom, correct?

15 A. [14:49:26] Yes, that is correct.

16 Q. [14:49:28] And you of course knew that Mr Abd-Al-Rahman was from
17 West Darfur?

18 A. [14:49:39] Yes, I do.

19 Q. [14:49:42] And the investigators made it clear to you -- well, let me put it
20 a different way. Did the investigators make it clear to you that they were interested
21 in asking you about Mr Abd-Al-Rahman, also known as, according to them,
22 Ali Kushayb?

23 A. [14:50:04] Yes, they did.

24 Q. [14:50:15] So, is it right to say that it didn't take much for you to, as it were, put
25 two and two together. When you were contacted over the telephone, you knew that

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1 they were interested in what you might have to say about the person that you call
2 Ali Kushayb?

3 A. [14:50:47] Yes.

4 Q. [14:50:50] Now, I don't want you to tell us the name of the town, but I want you
5 to think about the town where you were when you were first contacted by telephone,
6 all right?

7 Are you -- yeah.

8 A. [14:51:14] Yes. (Redacted)

9 (Redacted) (Overlapping speakers)

10 PRESIDING JUDGE KORNER: [14:51:33] Sorry to interrupt.

11 Sir, you don't have to -- you've just been asked to think about it, not say anything.

12 Not say where it is at the moment. We're in public session.

13 MR EDWARDS: [14:51:45]

14 Q. [14:51:46] Just answer yes or no to my next question. Were you working in that
15 place?

16 A. [14:51:57] Yes.

17 Q. [14:52:00] And you lived with your family in that place?

18 A. [14:52:06] Yes.

19 Q. [14:52:09] Did you tell members of your family that you had been contacted by
20 investigators of the OTP?

21 A. [14:52:22] No, I did not.

22 Q. [14:52:24] Why not?

23 A. [14:52:28] That was a confidential and personal contact. And I cannot
24 guarantee anyone -- I cannot tell that to people called me. Those people, when they
25 called me, they warned me, they cautioned me against telling people, because it will

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1 be risky for me.

2 Q. [14:52:57] Now I want to be very clear. I'm not talking about you speaking to
3 just any old random person in the street. I'm talking about your family, your spouse,
4 for example. Did you mention to your spouse that you had been contacted by
5 investigators of the OTP?

6 A. [14:53:21] None, none of my family knew that I had contact with the OTP.

7 Q. [14:53:31] And when you say that, are you referring specifically to
8 the first -- the screening interview, the telephone interview, or do you mean more
9 generally, that none of your family know that you've had any contact with the OTP,
10 even today?

11 A. [14:54:02] Only my wife knows that nowadays.

12 Q. [14:54:10] And did you tell your wife about this at the end of your screening
13 interview, the telephone interview?

14 A. [14:54:28] No, she did not know everything.

15 Q. [14:54:33] No, I'm not asking about whether she knew everything or some things.
16 Just generally speaking, when did you first tell your spouse that you were in contact
17 with the OTP?

18 A. [14:54:57] I did not -- I only talked to my wife after I left Sudan for another
19 country.

20 Q. [14:55:14] Okay.

21 Your Honour, regrettably I'm going to have to go into closed session for a short
22 moment.

23 PRESIDING JUDGE KORNER: [14:55:21] I mean, for the rest of the afternoon, or ...

24 MR EDWARDS: [14:55:24] Just bear with me, I'll see if there's something that I can
25 hop to that ...

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1 PRESIDING JUDGE KORNER: [14:55:32](Microphone not activated)

2 MR EDWARDS: [14:55:40] Yes, okay. I'll -- I'm jumping forward a little bit and I'll
3 come back to some more private session questions a bit later on.

4 Yeah, okay. Could we please have on the screen a satellite image that we haven't
5 seen yet. It's at Prosecution tab 36, DAR-OTP-0220-4779.

6 PRESIDING JUDGE KORNER: [14:56:24](Microphone not activated)

7 MR EDWARDS: [14:56:29] It's not annotated, so in fact, yes, it can be.

8 All right. Okay, this is going to require some dexterity.

9 Could I ask the court officer, please, to zoom in towards the bottom of the image.

10 Scroll down. Yeah. Zoom in a bit more, please. Thank you.

11 Q. [14:57:21] Now, Mr Witness, again, be careful. Can you just answer my next
12 question yes or no.

13 I think it was on Tuesday when you were being asked about certain locations in
14 the area that we see on the screen.

15 Are you with me?

16 A. [14:57:48] Yes.

17 Q. [14:57:48] Okay.

18 If now we can zoom back out, because what I want to do is to show you the entire
19 satellite image in order that you can get your bearings.

20 And I'm now going to ask the court officer to zoom in on the area to the north of
21 the map. We've got the -- we've got the *wadi*, the light-coloured *wadi* that flows from
22 north to south. Right.

23 Zoom in a little bit more, please. A little bit more. Thank you. And then scroll
24 towards the right, please. Towards the right, please. Thank you.

25 Now, without mentioning it, sir, you were also asked about this location by

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1 the Prosecution on Tuesday, right?

2 A. [14:58:54] Yes.

3 Q. [14:58:56] So now that we have our bearings, can we zoom back out to see
4 the whole image. All right.

5 Now, you see where the mosque in the marketplace is on the screen?

6 A. [14:59:24] Yes.

7 Q. [14:59:28] How long would it take to walk from the mosque to the area which is
8 to the north and slightly to the east that we focused on a moment ago?

9 A. [14:59:49] Which area specifically? Which area are you talking about?

10 MR EDWARDS: [15:00:00] I'm looking -- I'm looking to my -- to my friend. Is there
11 any difficulty in our saying in public session what that location is, if we limit it to
12 naming that location in the top of the image?

13 MR JEREMY: [15:00:19] No, I think that's fine. And I think we -- we even did that
14 in public session --

15 MR EDWARDS: [15:00:25] Okay.

16 Q. [15:00:25] so there's the SAF base in the north of this image. So tell us, how
17 long would it take to walk from the mosque in the market, or just -- within
18 the marketplace, to the SAF base, please?

19 A. [15:00:49] If you walk from that mosque, and to this *khore* in front of you, all
20 along the command, it takes around 10 or 12 minutes on foot.

21 Q. [15:01:11] So again, just -- just to be clear. Not so much to the *khore*, but to
22 the base itself, 10 to 12 minutes by foot?

23 A. [15:01:25] The mosque. There are two mosques. Do you mean the Atiq
24 mosque or the military command mosque?

25 Q. [15:01:38] The mosque which is to the east of the market?

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1 A. [15:01:43] The Atiq mosque locality of Garsila. If you -- if you don't cross
2 the *khor*, you can't reach the command, you have to cross the *khor*.

3 Q. [15:01:59] I understand that. Let's assume you cross the *khor* on foot. How
4 long does it take to walk from the mosque to the army base?

5 A. [15:02:16] Approximately 10, 12 or 15 minutes.

6 Q. [15:02:28] Would it be right to say that if somebody were standing at the
7 mosque, even if they were looking in the direction of the base, they wouldn't be able
8 to see what was going on at the army base, would they?

9 A. [15:02:50] No, they can't.

10 Q. [15:02:53] All right. I'd now like to move on to the question of weapons held
11 by members of non-Arab tribes in the period up to 2003 and in 2003 itself.

12 Yes, this -- this image can be taken off the screen, please.

13 Now, in your substantive interview with the Prosecution, by that I mean the lengthy
14 sit-down interviews that you had face to face with the Prosecution investigators --

15 A. [15:03:37] Yes.

16 Q. [15:03:38] -- you explained that there had been, in the period up to 2003, great
17 dissatisfaction amongst the non-Arab tribes in Darfur. Specifically -- please translate
18 that.

19 THE INTERPRETER: [15:04:04] It's done.

20 MR EDWARDS: [15:04:06]

21 Q. [15:04:07] Specifically dissatisfaction that the government was doing nothing to
22 protect these tribes from attacks and banditry at the hands of the Janjaweed, correct?

23 A. [15:04:23] Yes.

24 Q. [15:04:27] And that the nature of these attacks were essentially of -- of Janjaweed
25 acting as common criminals coming along and stealing livestock?

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1 A. [15:04:51] Yes.

2 Q. [15:04:52] And in the course of these acts of banditry, villagers, non-Arab tribe
3 villagers, would even be injured and even killed, right?

4 A. [15:05:16] Yes.

5 Q. [15:05:16] This is at, your Honours, tab 4. ERN 6202 and 6203.

6 Now I want to ask you about something that you told the investigators.

7 Yes, if we can go to -- or if I can just direct your Honours' attention to ERN 6202.

8 You're talking about these incidents of banditry and you say this -- you're talking
9 about the Baggara, the Baggara being people who -- it's a general term for people who
10 herd cows; is that right?

11 A. [15:06:35] Yes, the Baggara. The Baggara. The herders. The cattle herders.

12 Q. [15:06:48] And cattle herders, you say, you say this:

13 "... normally in their village, in their area, we will not have weapons. They will only
14 have like 2 guns just as a mode of protection."

15 Do you remember telling the investigators that?

16 A. [15:07:17] Yes.

17 Q. [15:07:17] And then you go on, over to ERN 6203, your Honour: "And then, of
18 course, when these cows are taken, ... the Baggara will go out with a number ...

19 a number of them will go maybe 4 or 5 guns and the rest will have spears and they
20 will go." And then you explain how they might be ambushed.

21 Do you remember telling the Prosecution that?

22 A. [15:07:56] Yes.

23 Q. [15:07:56] And then, couple of lines down, you're making it very clear that when
24 you're talking about the Baggara, you're talking about the Fur tribe, right?

25 A. [15:08:07] Yes.

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1 Q. [15:08:09] So, I suppose first I want to know, how do you know about this?
2 How do you know about Fur cow herders being victims of Janjaweed banditry?
3 Was this common knowledge?

4 A. [15:08:41] Common knowledge.

5 Q. [15:08:44] But then specifically about the fact that these villagers would be
6 armed, possibly armed with four or five guns for protection, how did you know
7 about that, sir?

8 A. [15:09:12] Most of the Baggaras were from the Fur tribe. They were the most of
9 the people who owned cattle. The Darfur events and pillaging and the plundering
10 started in Baggara. The Arabs wanted to have their cows or cattle, so they would
11 attack even towards the end of the evening when the cattle has come back home, they
12 would attack and take the cattle, or six in the morning when the cattle are still in their
13 places.

14 So when -- when those people would attack, all of them were armed with lethal
15 weapons. When people follow these cattle, usually they are driven or run -- they
16 would run off with a small number and some people would hide and ambush
17 the herders that would follow their cows.

18 Q. [15:10:27] Now I'm just putting -- I'm just putting up my hand. Thank you
19 very much. That's -- that's very helpful.

20 I want to focus specifically, though, on the point related to the fact that the Fur
21 herders were armed. How did you know that the Fur herders were sometimes
22 armed?

23 A. [15:11:01] My father himself was a Baggara. Four or five people would meet
24 and they would buy one weapon to protect the cattle. And they would buy this
25 small arm that carry only one bullet. I think it's locally made.

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1 Q. [15:11:32] Okay. And so, a group of herders might pool their resources and
2 a group might end up having, between them, four or five such weapons, is
3 that -- does that summarise the matter accurately?

4 A. [15:11:52] Yes, this is the summary.

5 Q. [15:12:02] And was there frustration that this level of being armed was simply
6 inadequate for the purposes of protection against the Janjaweed?

7 A. [15:12:30] They would -- they needed to protect their own property. They were
8 not fighting the Janjaweed. How would they protect their properties?

9 Q. [15:12:39] Exactly. The fact that they didn't have sufficient weapons to
10 adequately protect their -- their property was a source of frustration; is that right?

11 A. [15:13:01] Weaponry was very rare. There was no arms, only one rifle or two.

12 Q. [15:13:09] Yes. Although in your interview with the Prosecution you -- you
13 state that a Baggara would go out, a number of them will go with maybe four or five
14 guns; is that right?

15 A. [15:13:32] Yes.

16 Q. [15:13:37] Let me just see if I can deal with one other matter. Although I see
17 that we've chased away quite a few of the public.

18 Yes, perhaps your Honours would -- would be good enough to turn to tab 6, ERN
19 6220.

20 In fact, let's have that up on the screen, because I'd -- I think it's fair for you, sir, to be
21 able to read what you say in the Arabic. So it's tab -- tab 6, starting ERN

22 DAR-OTP-0219-6214. Yes, thank you very much. At 6220.

23 Yeah. Actually, I think to put this into context we'll go back to ERN 6218, please.

24 And if we -- if we just focus on, yes, line 115 in the English.

25 I'm just going to read out what's translated. 115, thank you.

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1 Well, can we -- can we scroll up a little bit so that the witness can see his answer in
2 Arabic. That's right. Okay.

3 So do you see line 113 on your screen, sir?

4 A. [15:16:23] Yes.

5 Q. [15:16:24] Now here it's pretty clear that you're talking about the -- the group
6 that you described as the movement or the rebels in the course of your testimony.

7 You say this, paragraph -- from line 115:

8 "Anyhow, they were ... they were withdrawn, they were demobilised. They went
9 back, and then the place deteriorated ... collapsed, actually. And ... then

10 the protection of the civilians was done by some of the armed ... civilians, and they're
11 protecting what is left ... from the ... from the cows." You say.

12 Now, here you're talking about the rebels arming to protect the local population and
13 their property; is that fair?

14 A. [15:17:20] Yes.

15 Q. [15:17:26] And then a little bit further on you're talking about the African tribes,
16 "the dark tribes". Line 127:

17 "... specifically the Fur. ... the people of toroboro; they say that we ... that the Arab
18 tribes are against the Fur."

19 Okay. So that's the context.

20 You then in the next couple of pages talk about the weapons that were available,
21 Kalashnikovs and GM3s and RPGs.

22 Now, when you're talking about Kalashnikovs and GM3s and RPGs, are you talking
23 about weapons that were obtained by the rebels?

24 A. [15:18:20] Weapons were taken from the rebels? No, we didn't have any
25 weapons taken from the rebels.

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1 Q. [15:18:27] No, I suppose what I mean is, when you talk about AK-47s,

2 Kalashnikovs and GM3s, are these the sort of weapons that the rebels had?

3 A. [15:18:44] GM3 belong to the armed forces. The Kalashnikovs belong to
4 the military police.

5 Q. [15:18:53] All right. Let's move forward to ERN 6220.

6 So what I'm about to read out to you has been put into some sort of context, line 196,
7 please. In fact, line 193 for the witness in the Arabic. Yeah.

8 I'm going to read out the translation of what you said. You said: "And we have
9 seen ... we are there, we have seen ... this Fur people with their own means and
10 facilities, they ... obtained weapons with their own means and they are protecting
11 themselves."

12 When you're talking about people obtaining weapons with their own means to
13 protect themselves, just so that we're clear, you're talking about the Fur here, right?

14 A. [15:19:59] Yes.

15 Q. [15:20:01] So moving on.

16 "And if the Arab come to take the cows of ... their village, they will protect, because
17 they are protecting their village, and their people, and their animals. And
18 the government is not protecting them."

19 Again, we're talking about the Fur taking steps to protect themselves and their people,
20 right?

21 A. [15:20:23] Yes.

22 Q. [15:20:27] And then I'm going to be careful about how I read the next part. I'm
23 going to paraphrase what you say in the next part.

24 You heard, you were made aware that the Fur tribes are being heavily armed.

25 Do you see that when you read line 202 and line 203?

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1 A. [15:21:05] Yes, I can see it.

2 Q. [15:21:07] Thank you.

3 Yes, in order for this to make any sense, your Honour, I'm afraid I do now have to go
4 into private session, with my apologies.

5 PRESIDING JUDGE KORNER: [15:21:24](Microphone not activated)

6 THE INTERPRETER: [15:21:26] Microphone, your Honour.

7 PRESIDING JUDGE KORNER: [15:21:29] As we've only got another half hour, I
8 imagine we're going to stay in private session.

9 So we'll go into private session, which means, for those in the public gallery, you
10 wouldn't be able to hear anything for the rest of the afternoon.

11 (Private session at 3.21 p.m.)

12 THE COURT OFFICER: [15:21:49] We're in private session, Madam President.

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

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- 25 (The hearing ends in private session at 4.01 p.m.)