

Trial Hearing
WITNESS: DAR-OTP-P-0769

(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 1
9 Monday, 14 November 2022
10 (The hearing starts in open session at 9.33 a.m.)
11 THE COURT USHER: [9:33:12] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE KORNER: [9:33:47] Yes, good morning, all.
15 Can we call the case, please.
16 THE COURT OFFICER: [9:33:53] Good morning, Madam President. Good
17 morning, your Honours.
18 This is the situation in Darfur, Sudan, in the case of The Prosecutor versus
19 Ali Muhammad Ali Abd-Al-Rahman, case reference ICC-02/05-01/20.
20 And for the record, we are in open session.
21 PRESIDING JUDGE KORNER: [9:34:09] Yes, thank you.
22 Appearances, Prosecution, same as Friday?
23 MR NICHOLLS: [9:34:13] Yes, your Honour, but I don't believe the names are on
24 the record, because we switched --
25 PRESIDING JUDGE KORNER: [9:34:15] Oh, right. Okay.

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1 MR NICHOLLS: [9:34:15] -- midway through the last witness. So it's myself,
2 Julian Nicholls, with Ed Jeremy, Rachel Mazzarella and Claire Sabatini.
3 And good morning to all. Thank you.
4 PRESIDING JUDGE KORNER: [9:34:27] Thank you, yes.
5 Mr Shah, I see you've joined the Prosecution team this morning.
6 MR SHAH: [9:34:35] They're very friendly, Madam President. Good morning,
7 Madam President, your Honour. Anand Shah, associate counsel, with
8 Nur Mahameed, legal intern for the participating victims. Thank you.
9 PRESIDING JUDGE KORNER: [9:34:46] Thank you.
10 And the Defence.
11 MR LAUCCI: [9:34:47] Good morning, Madam President. Good morning,
12 your Honours. Good morning, colleagues. Good morning, Mr Witness.
13 On the side of the Defence, together with Mr Ali Muhammad Ali Abd-Al-Rahman,
14 who is present in the courtroom, Madam Eva Kalb, associate evidence reviewer,
15 Mr Ahmad Issa, our case manager, my colleague Iain Edwards and myself, Cyril
16 Laucci, counsel.
17 PRESIDING JUDGE KORNER: [9:35:14] Good morning, Mr Laucci.
18 And good morning to you, sir. In a moment, Mr Jeremy will continue to ask you
19 questions.
20 Mr Nicholls, when the witness has completed his evidence, I want to discuss, please,
21 forthcoming witnesses and where we are.
22 MR NICHOLLS: [9:35:31] Yes, your Honour.
23 PRESIDING JUDGE KORNER: [9:35:32] Yes, Mr Jeremy.
24 WITNESS: DAR-OTP-P-0769 (On former oath)
25 (The witness speaks Arabic)

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1 MR JEREMY: [9:35:39] Thank you, Madam President. Your Honour.

2 Good morning. Good morning, all.

3 QUESTIONED BY MR JEREMY: (Continuing)

4 Q. [9:35:46] And good morning, sir.

5 A. [9:35:48] Good morning.

6 MR JEREMY: [9:35:54] Madam President, we'll need to move into private session.

7 PRESIDING JUDGE KORNER: [9:35:56] Are we going to be in private session all
8 day? I mean, are you going to complete your questioning --

9 MR JEREMY: [9:36:04] Yes, I'll complete today. I would estimate -- it's quite hard
10 to estimate, it went pretty fast actually on Friday afternoon, so I would say around
11 two sessions for me today.

12 PRESIDING JUDGE KORNER: [9:36:15] Right. Oh, sorry, I should have said,
13 today, this afternoon, we're going to sit at 2 o'clock rather than 2.30, but we're going to
14 conclude a little early, which is about 3.15, or thereabouts.

15 MR JEREMY: [9:36:35] Okay.

16 PRESIDING JUDGE KORNER: [9:36:35] Yeah, thank you.

17 Sorry, after that all, private session, please.

18 (Private session at 9.36 a.m.)

19 THE COURT OFFICER: [9:36:56] We're in private session, Madam President.

20 MR JEREMY: [9:37:04]

21 Q. [9:37:04] (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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23 (Recess taken at 11.03 a.m.)

24 (Upon resuming in private session at 11.36 a.m.)

25 THE COURT USHER: [11:36:11] (Redacted)

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- 1 (Redacted)
- 2 (Redacted)
- 3 (Redacted)
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- 7 (Redacted)
- 8 (Redacted)
- 9 MR JEREMY: [12:59:31] (Redacted)
- 10 (Redacted)
- 11 PRESIDING JUDGE KORNER: [12:59:36] (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 THE COURT USHER: [12:59:53] (Redacted)
- 16 (Recess taken at 12.59 p.m.)
- 17 (Upon resuming in private session at 2.02 p.m.)
- 18 THE COURT USHER: [14:02:28] (Redacted)
- 19 (Redacted)
- 20 MR JEREMY: [14:03:10]
- 21 Q. [14:03:13] (Redacted)
- 22 (Redacted)
- 23 A. [14:03:25] (Redacted)
- 24 Q. [14:03:28] (Redacted)
- 25 (Redacted)

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- 1 A. [15:01:23] (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 Q. [15:01:45] (Redacted)
- 5 (Redacted)
- 6 PRESIDING JUDGE KORNER: [15:01:48] (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 THE COURT USHER: [15:02:10] (Redacted)
- 12 (The hearing ends in private session at 3.02 p.m.)