

Trial Hearing
WITNESS: DAR-OTP-P-0585

(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 Thursday, 17 November 2022
10 (The hearing starts in open session at 9.32 a.m.)
11 THE COURT USHER: [9:32:09] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE KORNER: [9:32:29] Yes. Good morning, all.
15 Can we call the case, please.
16 THE COURT OFFICER: [9:32:33] Good morning, Madam President. Good
17 morning, your Honours.
18 The is the situation in Darfur, Sudan, in the case of The Prosecutor versus Ali
19 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: [9:32:50] Yes.
22 Appearances for the Prosecution.
23 MR NICHOLLS: [9:32:54] Good morning, Madam President. Good morning,
24 your Honours. Good morning, everyone. Myself, Julian Nicholls, with Pubudu
25 Sachithanandan, Mohanad Elkholy and Claire Sabatini. Thank you.

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1 PRESIDING JUDGE KORNER: [9:33:06] Yes, thank you.

2 Defence.

3 MR LAUCCI: [9:33:09] Good morning, Madam President. Good morning,
4 your Honours. Good morning, colleagues. Good morning, Mr Witness.

5 Mr Ali Muhammad Ali Abd-Al-Rahman is present in the courtroom this morning.

6 And I am with Madam Nina Guilloux, assistant evidence reviewer; Mr Ahmad Issa,
7 case manager; my colleague, Iain Edwards; and myself, Cyril Laucci, counsel.

8 PRESIDING JUDGE KORNER: [9:33:28] Thank you very much.

9 And, finally, the representatives of the victims.

10 MS VON WISTINGHAUSEN: [9:33:32] Yes. Good morning, Madam President,
11 your Honours, dear colleagues. Good morning to everyone in and around the
12 courtroom.

13 The victims today are represented by my associate counsel, Anand Shah. I'm here
14 today with two interns, Nur Mahameed and Randa Bellahdid, and myself, Natalie
15 von Wistinghausen. Thank you.

16 PRESIDING JUDGE KORNER: [9:33:50] Yes, thank you, Ms von Wistinghausen.

17 Yes. And good morning to you, sir. Welcome back to the court. Again, I remind
18 you to try and keep your answers short because of the double interpretation. And if
19 you at any stage want a break outside the normal breaks, then just let us know.

20 WITNESS: DAR-OTP-P-0585 (On former oath)

21 (The witness speaks Fur)

22 THE WITNESS: [9:34:48](Interpretation) Good morning. I am well. Thank you.

23 QUESTIONED BY MR SACHITHANANDAN: (Continuing)

24 Q. [9:34:57] Good morning, Mr Witness. I hope you had a good break over the
25 evening.

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1 A. [9:35:11] Thank God, I am well.

2 Q. [9:35:15] I'm going to remind you of one or two things you said yesterday. So
3 it's not a question. It's just a brief reminder. And then I will ask you a question
4 about that thing that I'm going to remind you of.

5 A. [9:35:44] Fine.

6 Q. [9:35:47] Yesterday you said that your village -- that the big attack on your
7 village happened between September and October 2003 --

8 PRESIDING JUDGE KORNER: [9:35:58] Reference, please.

9 MR SACHITHANANDAN: [9:36:02] Reference, page 57, lines 1 to 5.

10 Q. [9:36:19] And then yesterday at page 57 -- at page 59, lines 8 to 13, you said that
11 around the time of November, December 2003, Ali Kushayb came to your village with
12 some governmental officials.

13 And at page 74, line 23-24, you said that after this meeting with the governmental
14 officials, Ali Kushayb was coming to you on a regular and constant basis.

15 A. [9:37:25] Yes, that is correct.

16 Q. [9:37:28] So after this big meeting with the governmental officials in 2003, what
17 was the next significant moment that you saw Ali Kushayb in your village?

18 A. [9:38:31] After that meeting, there was no other significant occasion. However,
19 Ali Kushayb was coming constantly to the village, especially to the Janjaweed camps
20 that were near the village. He also came whenever he had something to deal with.
21 He would come to inform the *sheikhs* and the imams.

22 Q. [9:39:02] Right. So after the meeting, can you please tell us about the next time
23 that -- after the meeting with the Government of Sudan officials, can you please tell us
24 about the next time that Ali Kushayb came to your village.

25 A. [9:40:15] The second significant time when I saw Ali Kushayb, it was when Ali

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1 Kushayb was coming from another village. By the time he reached our village, he
2 found that there were -- there was turmoil in our village resulting from the Janjaweed
3 accusing the villagers of stealing a weapon.

4 Q. [9:40:43] Please describe to us in a narrative about this turmoil.

5 PRESIDING JUDGE KORNER: [9:40:53] I don't think that's a good way of going
6 about this, I'm afraid, Mr Sachithanandan, describing a narrative. I think it's much
7 better, and we get shorter answers, if you ask focused questions.

8 MR SACHITHANANDAN: [9:41:09] Very well, your Honour.

9 Q. [9:41:17] What happened when the Janjaweed accused the villagers -- what
10 happened when the Janjaweed lost a weapon?

11 A. [9:42:08] At that point in time, Ali Kushayb -- I was present, I was standing in
12 the middle of the village, and I saw Ali Kushayb stepping out of his car, as did his
13 security detail officers. He was speaking on a cell phone all the time. His security
14 detail officers were beating people and telling them, "You look like rebels."

15 Q. [9:42:35] Do you remember roughly what period this was?

16 A. [9:43:01] This happened after the big meeting attended by the government
17 representatives.

18 Q. [9:43:09] Roughly how many weeks or months after the big meeting?

19 A. [9:43:37] Well, I'm not sure, but it might have happened a month after that
20 meeting.

21 Q. [9:43:48] What did Ali Kushayb do once he arrived in your village?

22 A. [9:44:24] When Ali Kushayb came and his guards were beating people, Ali
23 Kushayb was at that time busy talking on his phone. And at that time a Janjaweed
24 member arrived on horseback, and he asked Ali Kushayb about the theft of a weapon
25 incident.

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1 PRESIDING JUDGE KORNER: [9:44:56] A focused question is not "What happened
2 when the weapon was lost?" At the moment, we don't actually know what this is all
3 about.

4 What -- sir, what happened to you when this weapon was alleged to have been
5 stolen?

6 THE WITNESS: [9:45:48](Interpretation) Well, I was not personally beaten, but other
7 people were beaten. It turned out eventually that the owner of the weapon was
8 asleep and another Janjaweed member is the one who stole the weapon. Ali
9 Kushayb promised to resolve the matter.

10 MR SACHITHANANDAN: [9:46:28] Would your Honour like to follow up? I'm
11 principally interested in what happened afterwards.

12 Q. [9:46:34] Mr Witness, I want to learn more about what happened after the
13 arrival of Ali Kushayb, but let me begin with this question: What sort of phone was
14 he holding and talking on?

15 A. [9:47:17] It was a large or long black phone commonly known as a Thuraya.
16 Back then, there were no other phones, but government representatives had Thuraya
17 phones.

18 Q. [9:47:37] And who else in your area had a Thuraya phone?

19 A. [9:48:04] In our village, no one had that type of phone, because there were no
20 government officials in the village.

21 Q. [9:48:21] Who, to your knowledge, in the Janjaweed had a Thuraya phone?

22 A. [9:48:55] In that area, it was Al-Safi among the Janjaweed who had a Thuraya
23 phone because he was in touch with Ali Kushayb.

24 Q. [9:49:14] Right. So when Kushayb came, who in the village did he talk to?

25 A. [9:49:38] Are you asking me about that same day about which I have been

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1 talking, or are you talking about other occasions?

2 Q. [9:49:47] The day, the day after the turmoil, when Ali Kushayb came to your
3 village.

4 A. [9:50:19] Usually when he came to our village, Ali Kushayb would speak to the
5 *sheikhs* and the imam of the village. Afterwards, he would go to the Janjaweed
6 camps.

7 Q. [9:50:33] Right. But I'm asking about that day. Is this what happened on that
8 day, or did something else happen?

9 A. [9:51:20] I do not remember anything else that Ali Kushayb said. However, I
10 remember that he told the inhabitants of the village to go home and that should
11 something happen, he would address the *sheikhs* and the imams. Later, he went to
12 the Janjaweed camps.

13 Q. [9:51:47] Who amongst the villagers spoke to Ali Kushayb?

14 A. [9:52:09] The imam of the village.

15 Q. [9:52:14] And what did the imam of the village say to Ali Kushayb during this
16 period of turmoil?

17 A. [9:53:03] The imam of the village spoke to Ali Kushayb regarding the threats
18 that were expressed by the Janjaweed to the villagers in the aftermath of the theft of a
19 weapon. Ali Kushayb responded by saying that the weapon has been found and
20 that the matter is going to be -- was going to be resolved.

21 Q. [9:53:33] And is this something that somebody else told you, or is this
22 something you saw and heard yourself?

23 A. [9:54:02] Regarding the threats, the threats were expressed by the Janjaweed to
24 the imam. He was told that if the people failed to bring back the weapon, that they
25 would attack the village in consequence. The imam in his turn related those things

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1 to us.

2 Q. [9:54:23] And the conversation between the imam and Ali Kushayb, is this
3 something somebody else told you, or is this something you saw and heard yourself?

4 A. [9:54:58] I was seeing him talking with the imam aside. Afterwards, they
5 briefed us about the exchange they had.

6 Q. [9:55:13] You mentioned that people had been beaten by the Janjaweed. What
7 happened to these people who were beaten?

8 A. [9:56:03] The people who got detained had been beaten and tortured. They
9 were beaten using butt strokes. Ali Kushayb stood by and did not give importance
10 to that as he was trying to resolve the weapon theft problem. After talking to the
11 Janjaweed, he left immediately, without resolving the issue of the detainees.

12 Q. [9:56:38] You mentioned yesterday the occurrence of rapes in your village. At
13 the time of this turmoil, had the rapes stopped, or were they ongoing?

14 A. [9:57:19] Since that attack, the incidents of rape had not stopped. They
15 continued to happen perhaps until today.

16 Q. [9:57:34] You mentioned that people were beaten and that Ali Kushayb stood by.
17 What was the distance between Ali Kushayb and the people who were beaten?

18 A. [9:58:26] It was not a long distance between Ali Kushayb and those who were
19 being tortured. Ali Kushayb was just standing beside the vehicle. The detainees
20 were on the other side of the vehicle. In other words, the distance between Ali
21 Kushayb and the ones who were tortured was just the vehicle.

22 Q. [9:58:57] What happened after Ali Kushayb spoke to the imam?

23 PRESIDING JUDGE KORNER: [9:59:07](Microphone not activated) we get there.
24 Sir, do you know, did the imam tell you whether there were any other topics
25 discussed with Ali Kushayb, other than the torture of the men or the threats to the

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1 village?

2 THE WITNESS: [10:00:02](Interpretation) On that same day, no, he didn't say
3 anything else to me.

4 MR SACHITHANANDAN: [10:00:15]

5 Q. [10:00:17] Sorry. One additional question. The rapes that were ongoing,
6 who -- who was carrying out these rapes?

7 A. [10:01:11] Those are the Janjaweed. Specifically, the Janjaweed. Sometimes
8 they entered our villages carrying weapons and they threat women and rape them.
9 And some other times they used to take women and rape them outside the village, in
10 the farms or in the valley. Or when women go out to collect wood, they get raped
11 there. But the problem is women don't speak about what happens to them, because
12 in our community this is considered taboo and they don't talk about the fact that they
13 were raped. Only about two or three women I remember talked about the rape.
14 But we know that it happens all the time.

15 MR SACHITHANANDAN: [10:02:09] Your Honour, could we go into private
16 session for one question.

17 PRESIDING JUDGE KORNER: [10:02:11] Yes.
18 (Private session at 10.02 a.m.)

19 THE COURT OFFICER: [10:02:27] We are in private session, Madam President.

20 MR SACHITHANANDAN: [10:02:31]

21 Q. [10:02:31] (Redacted)

22 (Redacted)

23 (Redacted)

24 A. [10:03:17] (Redacted)

25 PRESIDING JUDGE KORNER: [10:03:24] (Redacted)

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1 PRESIDING JUDGE KORNER: [10:11:57] (Redacted)
2 (Redacted)
3 (Redacted)
4 (Redacted)
5 THE WITNESS: [10:13:24](Interpretation) (Redacted)
6 (Redacted)
7 (Redacted)
8 (Redacted)
9 (Redacted)
10 (Redacted)
11 (Redacted)
12 PRESIDING JUDGE KORNER: [10:14:07] (Redacted)
13 (Redacted)
14 (Redacted)
15 THE WITNESS: [10:14:39](Interpretation) (Redacted)
16 PRESIDING JUDGE KORNER: [10:14:41] (Redacted)
17 (Redacted)
18 (Open session at 10.15 a.m.)
19 THE COURT OFFICER: [10:15:00] We are back in open session, Madam President.
20 PRESIDING JUDGE KORNER: [10:15:05] To your knowledge, sir, was any attempt
21 made to report these rapes to anybody in authority?
22 THE WITNESS: [10:16:06](Interpretation) No. At that time there was no presence
23 of the authorities. There was no police, no military, and no reporting happened.
24 The only authority that we could have reported these things to would have been Ali
25 Kushayb, but Ali Kushayb was very busy with his military operations, and he was

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1 not present in the village. So it was very difficult to find him and speak to him.

2 PRESIDING JUDGE KORNER: [10:16:45] Yes, thank you.

3 MR SACHITHANANDAN: [10:16:55]

4 Q. [10:16:55] Sir, about these rapes, were the *agids* of the Janjaweed unaware of
5 these rapes, or were they aware of these rapes?

6 A. [10:17:56] They were aware. They were aware of these rapes. And on that
7 day, the *agid* who was overseeing the operation was Al-Safi, but he was very busy
8 with the detainees who were ordered to lie on the floor. And he was trying to divide
9 them into two groups, those who own money and those who don't. So he was very
10 busy with that, and he didn't really pay much attention to any rape incidents that
11 took place.

12 Q. [10:18:36] Now, I want to come back to Ali Kushayb being in your village
13 shortly after that gun was stolen. You said that he was near his vehicle and that
14 there were people beaten on the other side of the vehicle. What happened after he
15 spoke to the imam?

16 A. [10:19:54] When Ali Kushayb was standing next to the imam and he was talking
17 to him, a member of the Janjaweed came and said that the gun was found. So Ali
18 Kushayb knew at the time that the villagers had nothing to do with this. So he told
19 the locals to go back to their homes and that he will sort out this problem with the
20 Janjaweed.

21 Q. [10:20:31] Is this something you learned from someone else, or is this something
22 you saw and heard yourself?

23 A. [10:21:04] I was present, and I saw him when he was speaking to the imam, but
24 later, the imam also told us about what happened. Not just myself, but the whole
25 group of people.

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1 Q. [10:21:29] Did Ali Kushayb say anything else, or was this the only thing he said?

2 A. [10:22:17] What I remember is that Ali Kushayb was always very busy, and he
3 was -- he said something about the rebels. He said, "If there was a group of the
4 rebels who came back from Sindu or if a group of the villagers joined the rebellion
5 and then went back to Sindu, we need to know." And he was saying things like that,
6 something like that.

7 Q. [10:22:53] Did he depart the same day?

8 A. [10:23:12] Yes. He left on the same day. He went to a neighbouring village.

9 Q. [10:23:20] At this point, were people able to leave your village, or were they not
10 allowed to leave your village?

11 A. [10:24:15] We used to go out of the village only for one reason, which is going to
12 the market. So if someone wanted to go to the market, they had to ask the Janjaweed
13 to do so. So the Janjaweed used to gather people who wanted to go to the market
14 and then take all of them in one truck. Obviously, we had to pay an amount of
15 money for that. And that's how we managed to go to the market and then come
16 back in the evening. Those Janjaweed were the group that was ordered to stay by
17 Ali Kushayb, and they were in a camp very close to our village.

18 Q. [10:25:10] So, in 2004, did you continue to live in your village, or did you leave
19 at some point?

20 A. [10:25:58] I stayed in 2004, maybe until April or maybe May. I can't remember
21 exactly. But I used to go out of the village and then come back. So I didn't live in
22 the village permanently.

23 Q. [10:26:28] So tell us about this departure. You say you are not sure; it could be
24 April, it could be May. Tell us about this departure from your village. Where did
25 you go to?

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1 A. [10:27:37] I remember that I left my village and went to Nyala around late
2 February. And then I went back to my village in March, and then I left again for
3 good in June.

4 Q. [10:28:06] Right. So let's talk about this journey to Nyala in late February.
5 Once you got to Nyala, how long did you stay there?

6 A. [10:28:43] I am not very sure, but I think it was something around two weeks.

7 Q. [10:28:53] And when you left Nyala, can you describe which towns you went
8 through on your journey.

9 A. [10:29:36] I kept going back to my village regularly, and I used to go through
10 other towns such as Zalingei and Garsila, because I had to in order to come back from
11 Nyala back to my village.

12 Q. [10:29:59] Sorry. I see here Garsila and Zalingei. Were those the only villages
13 you mentioned, or did you mention another village? Just because I thought I heard
14 another village mentioned.

15 A. [10:31:00] There are many villages on -- that were on the way for me, and all of
16 those villages were burned. When you exit Zalingei, you'd find the Beja village.
17 And if you go onwards from there, you would pass by a number of burned villages
18 until you reach or until you pass by Deleig as well.

19 Q. [10:31:34] So after this trip in February to Nyala, am I right in understanding
20 that you passed through Deleig?

21 A. [10:32:10] Indeed, I passed by Deleig. I had intended to stay for a while in
22 Deleig, but given the inappropriate security circumstances, I continued my path to
23 Garsila.

24 Q. [10:32:29] Do you remember which day of the week it was that you passed
25 through Deleig?

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1 A. [10:33:06] It was on a Friday, because the buses that came from For Baranga to
2 take people to Nyala, they would pass by Deleig on a Friday. However, on their
3 way back, they would come on Sunday. When coming from Nyala to Deleig, they
4 would come back on a Friday.

5 Q. [10:33:41] Right. And I would like to ask you some questions about what you
6 saw on the Friday when you travelled through Deleig. Can you tell us, please, what
7 you saw on that Friday when you came through Deleig.

8 A. [10:34:33] When I reached Deleig -- actually, since reaching the entrance to
9 Deleig, it was possible for me to see that Deleig was full of Janjaweed members all
10 over. And even when we reached the marketplace, at its edge, where people of
11 Deleig would stop -- or would step out of the bus.

12 Q. [10:35:07] And did the bus -- did your bus stop on that day for people to step
13 out or not?

14 A. [10:35:38] Yes, our bus stopped. Some people got off the bus, and we
15 continued our trip afterwards.

16 Q. [10:35:51] Right. And I want to ask some questions about what you could see
17 when the bus stopped. Could you please tell us what -- could you please tell us in a
18 narrative what you saw when the bus stopped.

19 PRESIDING JUDGE KORNER: [10:36:06](Microphone not activated)

20 MR SACHITHANANDAN: [10:36:07] All right. I do believe this is the best way,
21 but I will ask focused questions.

22 Q. [10:36:17] When the bus stopped, what could you see?

23 A. [10:37:14] When the bus stopped, I was able to see a number of Janjaweed
24 members inside the village. They were there, and they were also in the marketplace.
25 They were taking people out of their homes and out of the village and taking them to

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1 the police station. When I looked further ahead, I saw a number of men on the
2 ground, face down, at the square which was next to the police station.

3 So I was in the bus. Precisely, I had a window seat. And when I opened the
4 window, I saw a Janjaweed member who rode a vehicle, and I asked him about the
5 men who were on the ground. I asked him who were they and what would become
6 of them. He responded by saying that they were all *tora bora* and that they were
7 going to be killed.

8 Q. [10:38:42] Sir, you said you saw men lying on the ground. How far were they
9 from the police station?

10 A. [10:39:30] I cannot give you a precise figure regarding the distance in metres.
11 However, it was possible to see people clearly. Most of them were dressed in white
12 *jallabiyas*. They were on the ground, face down.

13 Q. [10:39:51] And I know you can't give an exact number, but can you estimate
14 how many men you saw lying on the ground?

15 A. [10:40:24] Those on the ground were many. Perhaps over a hundred persons
16 when you look at them afar.

17 Q. [10:40:40] And you said while you were in the bus you talked to a person from
18 the Janjaweed. What happened after that conversation?

19 A. [10:41:32] After I spoke to that Janjaweed member, suddenly Ali Kushayb came
20 and stopped at the level of the first vehicle or the front vehicle. I was supposed to
21 get off the bus in Deleig, as were supposed another number of -- was supposed
22 another number of people. However, it seemed that Ali Kushayb prevented the
23 drivers of those vehicles from allowing people to leave there -- to step out there in
24 Deleig.

25 Q. [10:42:09] I'd like to know more about the appearance of Ali Kushayb. Which

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1 direction did he arrive from?

2 A. [10:43:03] Ali Kushayb came from the direction of the livestock market. And
3 the front bus was between the school and the mosque. There was another vehicle in
4 the middle. Our bus was at the back.

5 Q. [10:43:27] What sort of vehicle was Ali Kushayb in?

6 A. [10:44:05] Ali Kushayb was in a military vehicle. It was only him who stepped
7 out of that vehicle. The other guards remained in the vehicle. He was talking to the
8 driver of the bus. Afterwards, he went on to speak to the other drivers of the other
9 buses.

10 Q. [10:44:28] The back of Ali Kushayb's vehicle, did it have a roof or did it not have
11 a roof?

12 A. [10:45:05] It did not have a roof on the back. And it had only -- at the first row,
13 there was a driver's seat and perhaps no other seat. But behind them, it was totally
14 open.

15 Q. [10:45:28] What colour, if you remember, was the vehicle?

16 A. [10:45:59] I don't know exactly, but it was a military vehicle with a mixture of
17 green and black colours, in addition to other colours.

18 Q. [10:46:17] You said Ali Kushayb's vehicle stopped at the level of the first bus.
19 What did Ali Kushayb do when the vehicle stopped?

20 A. [10:47:10] Ali Kushayb, when he was speaking to the driver of the first bus, we
21 were not -- we did not know about their exchange. Then he went to the second bus.
22 But when he reached the bus where I was, I was able to hear his exchange with the
23 driver. He was warning the driver not to allow anyone to get off the bus there in
24 Deleig and not to allow people to get into the bus from Deleig. And he ordered the
25 driver to leave there and go to Garsila immediately.

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1 Q. [10:47:46] When Ali Kushayb was speaking to the driver of your bus, how far
2 were you from Ali Kushayb? For example, using this courtroom, was he further
3 than me to you, around my distance to you, or closer than me to you?

4 A. [10:49:03] I was in the middle of the bus, on the left side. I had a window seat.
5 When Ali Kushayb came, he passed by our bus, and he passed by me, specifically.
6 He spoke to the driver, and I was not far from the driver. I was near them.

7 Q. [10:49:30] When -- when Ali Kushayb passed by you and spoke to the driver,
8 was there anything blocking your view?

9 PRESIDING JUDGE KORNER: [10:49:40] I'd wait for cross-examination. He says
10 he saw him and he heard him, and we will wait and see what the cross-examination
11 is.

12 MR SACHITHANANDAN: [10:49:51] That's -- that's fine with me, your Honour.

13 Q. [10:50:08] What did Ali Kushayb do after this conversation with your bus
14 driver?

15 A. [10:50:58] After speaking to the driver of our bus, Ali Kushayb went to the
16 vehicle that was behind us. Afterwards, he left. Two or three minutes afterwards,
17 the buses left. When we were driving in the middle of the village, we reached later
18 the area of Koska, and when we were in the village, we saw the Janjaweed driving
19 people away. And some Janjaweed were looting possessions in the village.

20 Q. [10:51:32] Overall, during that stop in Deleig, how long did you spend in Deleig
21 when you were in the bus?

22 A. [10:52:08] I'm not certain, but it might have been between 15 and 20 minutes.

23 Q. [10:52:24] Right. Sir, I'm going to show you an image, a drawn sketch.
24 Could the court officer please pull up tab 9, I believe. It's 0201-0072. And that is for
25 the witness. The translation, which can be shown to the rest of us, is 0219-1675, the

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1 next tab.

2 Sir, shortly you will see an image pop up in the screen in front of you.

3 Is it not possible to display the image to the witness on one channel and the rest of us
4 on the other channel? It might be easier, it might be a better way to look at it.

5 THE COURT OFFICER: [10:54:36] Your Honours, DAR-OTP-0219-1674 will be
6 displayed on evidence 2.

7 MR SACHITHANANDAN: [10:54:48]

8 Q. [10:54:48] Sir, can you see the sketch in front of you?

9 A. [10:54:56] Yes, I see it clearly.

10 Q. [10:54:58] Am I correct in thinking that this is a sketch that you drew of Deleig
11 of the day that you were in a bus in Deleig?

12 A. [10:55:45] Yes, this is the rough sketch I drew, and it has the itinerary we
13 followed as -- in the bus, in addition to the marketplace.

14 Q. [10:56:05] And that's the bus that you were in parked somewhat close to Deleig
15 mosque, with an arrow indicating it?

16 A. [10:56:48] Yes. It is the third vehicle in the order of vehicles, that's the one
17 where I was. There was another vehicle behind the one where I was.

18 Q. [10:57:01] And to the east, you've marked the police station where people were
19 lying on the ground; that's correct, isn't it?

20 A. [10:57:35] Yes. I am the one who drew this rough sketch, too. I wanted to
21 show where the people who were lying down were and what was happening there.

22 Q. [10:57:50] And near the buses, on the same road, you have drawn Kushayb's
23 vehicle; is that correct?

24 A. [10:58:30] Yes. Ali Kushayb first started talking to the driver of the first bus.
25 He sounded hesitant. He was walking on his feet. Then he later reached our bus.

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1 And there was a vehicle following him as he was going from one bus to the next.

2 MR SACHITHANANDAN: [10:58:54] Your Honour, I'm going to leave this image,
3 unless you have additional questions.

4 Thank you. This can be taken down then.

5 PRESIDING JUDGE KORNER: [10:59:06](Microphone not activated) probably an
6 appropriate place to take the break.

7 Yes. Sir, we are going to have the first break, which will last for half an hour. So if
8 you would like to be back at 11.30, please.

9 THE WITNESS: [10:59:27](Interpretation) That is fine.

10 THE COURT USHER: [10:59:30] All rise.

11 (Recess taken at 10.59 a.m.)

12 (Upon resuming in open session at 11.30 a.m.)

13 THE COURT USHER: [11:30:43] All rise.

14 Please be seated.

15 PRESIDING JUDGE KORNER: [11:31:11] Yes.

16 MR SACHITHANANDAN: [11:31:15]

17 Q. [11:31:21] Mr Witness, we just finished discussing the events of that Friday
18 when you were in a bus in Deleig. Where did you go after you left Deleig that day?

19 A. [11:31:59] After leaving Deleig, we went to Garsila. I got off the bus in Garsila.

20 Q. [11:32:10] How long did you stay in Garsila?

21 A. [11:32:37] When I arrived in Garsila, I tried to go back to my village after a short
22 time, but I found that the road was blocked. So I had to stay in Garsila on a Friday
23 night and Saturday night and until Sunday.

24 Q. [11:33:01] Where did you go on Sunday?

25 A. [11:33:27] On Sunday, I heard that the people of Deleig were subjected to torture

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1 and many other things, and I had relatives in Deleig. So when I found that the road
2 towards our village was blocked, I thought, "Okay, I should go to Deleig to check on
3 my relatives there."

4 Q. [11:33:55] So tell us, if you know, which day is market day in Deleig?

5 A. [11:34:18] The market day, where people come from lots of different regions, is
6 Sunday.

7 Q. [11:34:30] What did you do when you got to Deleig?

8 A. [11:34:56] When I went back to Deleig, I went to the market. And then I went
9 towards my uncle's store, and I asked, "What happened? Are you all okay?"

10 Q. [11:35:13] What did your uncle tell you?

11 A. [11:35:42] My uncle told me that he was not harmed personally, but his property
12 was looted. And as for my extended family, I learnt that two of my relatives were
13 taken with a group, and they didn't come back yet. And they think that they are
14 killed.

15 Q. [11:36:12] Can you explain what you mean by "two of my relatives were taken
16 with a group".

17 A. [11:36:49] Those two people were from my extended family. One of them was
18 my maternal cousin and the other one was a distant relative.

19 Q. [11:37:06] Sir, do you have one -- did you have one uncle in Deleig or did you
20 have two?

21 A. [11:37:35] I had only one maternal uncle.

22 THE INTERPRETER: [11:37:41] Correction from the interpreter: I had only one
23 paternal uncle and one maternal uncle.

24 MR SACHITHANANDAN: [11:37:50]

25 Q. [11:37:50] When you say these relatives were taken away with a group, who

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1 took them away?

2 A. [11:38:27] I mean by that the Janjaweed, the Janjaweed who were going to
3 different neighbourhoods and arresting young men. That's what happened to the
4 whole group. They were taken to the police station and then were taken to an
5 execution site. And they were later executed, as far as what I heard.

6 Q. [11:38:54] On which day were they taken to the execution site?

7 A. [11:39:23] They were arrested on that same Friday. When I went back on
8 Sunday, I didn't hear anything.

9 MR SACHITHANANDAN: [11:39:41] Your Honour, could we go into private
10 session for about two questions.

11 PRESIDING JUDGE KORNER: [11:39:47] Yes.

12 (Private session at 11.39 a.m.)

13 THE COURT OFFICER: [11:39:58] We're in private session, Madam President.

14 MR SACHITHANANDAN: [11:40:02]

15 Q. [11:40:03] (Redacted)

16 (Redacted)

17 (Redacted)

18 A. [11:40:37] (Redacted)

19 (Redacted)

20 Q. [11:40:54] (Redacted)

21 (Redacted)

22 A. [11:41:31] (Redacted)

23 (Redacted)

24 Q. [11:41:45] (Redacted)

25 (Redacted)

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1 A. [11:42:21] (Redacted)

2 Q. [11:42:26] (Redacted)

3 (Redacted)

4 A. [11:42:53] (Redacted)

5 Q. [11:42:58] (Redacted)

6 (Redacted)

7 (Redacted)

8 PRESIDING JUDGE KORNER: [11:43:19] (Redacted)

9 (Open session at 11.43 a.m.)

10 THE COURT OFFICER: [11:43:38] We are back in open session, Madam President.

11 MR SACHITHANANDAN: [11:43:43]

12 Q. [11:43:45] How did your paternal uncle know that your maternal cousin and
13 other distant relative were arrested?

14 A. [11:44:41] My maternal uncle was an elderly man, so that's why he managed to
15 go around the town. And that's why he told my paternal uncle that his son was
16 taken. He also told him that he went to the police station but was not allowed to get
17 any -- close to the prisoners who were lying on the floor, on the ground.

18 Q. [11:45:14] Just to be clear, which police station was this?

19 A. [11:45:32] Deleig, Deleig police station. That was the only police station in
20 Deleig. That's the one located to the east of the market.

21 Q. [11:45:44] And how did your paternal uncle know that these two people were
22 taken -- taken to execution sites?

23 A. [11:46:40] My uncles went, went to their houses, the houses of those two
24 relatives who were detained and they couldn't find them anywhere. So that's why
25 they concluded that they were taken to the execution site. And they didn't -- or at

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1 that time, they were not back yet so that's why they thought they must have been
2 executed.

3 Q. [11:47:14] These two relatives that were arrested, did you ever see them again in
4 your life?

5 A. [11:47:39] They never came back. I never saw them again.

6 Q. [11:47:46] The Janjaweed who arrested people and took them away, tell us, if
7 you know, who was in charge of these people -- of these Janjaweed?

8 A. [11:48:23] Well, the direct commander was *Sheikh* Ali. He is the one who gave
9 them instructions and orders.

10 Q. [11:48:36] Who are you referring to as *Sheikh* Ali? Could you give us a full
11 name.

12 A. [11:49:15] Well, I mean by *Sheikh* Ali, Ali Abd-Al-Rahman. In our community,
13 we don't call older people with their first names. We had to either say *Sheikh* Ali or
14 Mr Ali or Dr Ali. So that's why I got used to saying *Sheikh* Ali.

15 PRESIDING JUDGE KORNER: [11:49:44] Just for me, the translator -- the interpreter
16 is saying "share" but it's *sheikh*. I mean, that's what's coming out in the transcript.

17 THE INTERPRETER: [11:49:55] *Sheikh*.

18 PRESIDING JUDGE KORNER: [11:49:56] Yeah, thank you.

19 MR SACHITHANANDAN: [11:49:58]

20 Q. [11:49:58] I've asked this at a different time, but I'm going to ask again just so
21 that I am sure. What other names did Ali Abd-Al-Rahman have or nicknames?

22 A. [11:50:51] The well-known name is Ali Kushayb, but because he was older than
23 us, we couldn't just call him with his first name. So that's why we used to call him
24 *Sheikh* Ali.

25 Q. [11:51:13] When you were talking to your paternal uncle, am I right in thinking

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1 you were in his shop; is that right?

2 A. [11:52:05] Yes, I was with my paternal uncle in his store. And he didn't allow
3 me to wander around a lot because I was not a resident of Deleig, and he said that Ali
4 Kushayb still patrols the area with his men. So he told me, "It's better that you stay
5 here and not wander around a lot so that you do not get arrested."

6 Q. [11:52:35] How did he know that Ali Kushayb was still patrolling around with
7 his men?

8 A. [11:53:15] My uncle knew that because Ali Kushayb was patrolling regularly. I
9 saw him with my own eyes. When I was in my uncle's store, I saw him patrolling
10 and coming in and out with his soldiers.

11 Q. [11:53:36] Okay. So when you saw him patrolling, how far away was Ali
12 Kushayb from you in your uncle's store?

13 A. [11:54:18] Not far at all. No more than 10 metres between me and him.

14 Q. [11:54:27] Did you see him on his feet? Did you see him in a vehicle? Or
15 both?

16 A. [11:54:58] In both cases. I saw him once in his vehicle, and I saw him also on
17 his feet walking with his guards.

18 Q. [11:55:15] Tell us, please, about when you saw him in a vehicle.

19 A. [11:56:07] The last time I saw him, a car came with a group of people dressed in
20 white *jallabiyas* and their heads were covered. And then Ali Kushayb's car came and
21 went in the same direction. Later, I learnt that those people who were on the back of
22 the vehicle were executed.

23 Q. [11:56:38] Okay. Sir, I want to ask you some questions about that. What kind
24 of vehicle had the people in white *jallabiyas*?

25 A. [11:57:26] A regular military vehicle with an open back. You can see what's on

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1 the back of it. And a covered cabin, this area where the driver and the passenger
2 seats are. But the rest of the car are with an open -- are open.

3 Q. [11:57:57] So the people in the white *jallabiyas*, were they in the covered cabin or
4 were they in the open back?

5 A. [11:58:34] They were in the back of the car, the open part of it.

6 Q. [11:58:39] You said their heads were covered. What does that mean? Do you
7 mean they were wearing something on their head? Am I understanding you
8 correctly?

9 A. [11:59:28] They had turbans on their heads, but with part of the turban covering
10 their faces. I think they didn't want anyone to recognise the people who were on the
11 vehicle when they were passing through the market. So it was difficult to tell who
12 exactly was on the back of this car.

13 Q. [11:59:58] Did you come to know who these people were?

14 A. [12:00:49] I asked my paternal uncle regarding the identities of those who were
15 on the vehicle. He said he did not know who they were. Afterwards, I went to
16 another store and asked again. I was told there that the ones who were on the
17 vehicle were *umdahs* who had been detained at the police station and that then they
18 were being taken somewhere else. Perhaps to the prison in Zalingei.

19 Q. [12:01:22] Tell us, please, if you know, the names of these *umdahs*.

20 A. [12:02:10] I asked the owner of that store. He said those *umdahs* included
21 *Umdah* Jiddo, *Umdah* Kindiri, *Umdah* Muhamed Suleiman, and that *umdah* was the
22 *umdah* of Tanako. Also a *sheikh* of Garsila was there, in addition to another person by
23 the name of * Dikobi. There was a fifth person whose identity we were not able to
24 establish.

25 Q. [12:02:44] Sorry, who was * Dikobi? I didn't catch that. Who was * Dikobi?

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1 A. [12:03:06] His name was * Dikobi. He was the *sheikh* of the western
2 neighbourhood of Garsila.

3 MR SACHITHANANDAN: [12:03:15] Your Honour, could I ask one question in
4 private session.

5 PRESIDING JUDGE KORNER: [12:03:18] Yes.
6 (Private session at 12.03 p.m.)

7 THE COURT OFFICER: [12:03:41] We are in private session, Madam President.

8 MR SACHITHANANDAN: [12:03:45]

9 Q. [12:03:45] (Redacted)
10 (Redacted)

11 A. [12:04:08] (Redacted)
12 (Redacted)

13 MR SACHITHANANDAN: [12:04:24] (Redacted)

14 PRESIDING JUDGE KORNER: [12:04:26] (Redacted)
15 Open session.

16 (Open session at 12.04 p.m.)

17 THE COURT OFFICER: [12:04:43] We are back in open session, Madam President.

18 MR SACHITHANANDAN: [12:04:48]

19 Q. [12:04:48] So we are back in public, so let's not mention this person's name.
20 How did he come to know that these people in this jeep -- sorry, in this vehicle were
21 *umdahs*?

22 A. [12:05:40] My friend (Redacted) learned of the names of those *umdahs* from
23 another person who was among the detainees at the police station in Deleig. He was
24 later on released, and he said that he left the *umdahs* detained back there.

25 Q. [12:06:08] Sir, in your community, what sort of people wear white *jallabiyas* and

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1 turbans?

2 A. [12:07:08] In our community, most people dress in *jallabiyas* and turbans.

3 However, it was mostly the elderly who dressed like that. There are two types of

4 turbans. One type is of turban is expensive; another type is cheap. The turbans I

5 saw worn by those people who were on the vehicle seemed to be of the expensive

6 type, affordable only to officials, rich people, *sheikhs* or government representatives.

7 Q. [12:08:06] Sir, I'm going to show you an image.

8 If the court officer please pull up tab 22; that is to say, 00000465, 00000465.

9 Can we please zoom in so that the image fills -- so that all the writing is visible. Yeah.

10 Scroll down a little. Yeah, that should be fine.

11 Sir, can you see this image in front of you?

12 A. [12:09:34] Yes, I see it.

13 Q. [12:09:40] You recall marking this image with me and Mohanad a few days ago?

14 A. [12:10:01] Yes, I remember that very well.

15 Q. [12:10:03] Okay. It's correct, isn't it, that number 1 here in this image is the

16 Deleig police station?

17 A. [12:10:26] Yes, indeed, that is the police station.

18 Q. [12:10:28] It's correct, isn't it, that number 2 is the Deleig mosque?

19 A. [12:10:49] Yes, that is correct.

20 Q. [12:10:51] And number 3 is where you were in your bus when you saw people

21 lying down in front of the Deleig police station; is that correct?

22 A. [12:11:16] Yes, correct.

23 Q. [12:11:18] And number 4 is where the *umdahs* drove in a vehicle on that Sunday

24 when you saw them; that's correct, isn't it?

25 A. [12:11:45] Yes, correct.

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1 Q. [12:11:49] This can be taken down.

2 Sir, I'm right in thinking that you went back to your village after spending the Sunday
3 in Deleig; is that correct?

4 A. [12:12:38] Yes. On Sunday, after the market finished, I went in the vehicles that
5 transport people to the market. I went to Garsila.

6 Q. [12:12:55] I see. And after that, did you ever get back to your village?

7 A. [12:13:35] Yes. We were in Garsila. We were worried because the roads were
8 still closed and the locals were not able to reach Garsila or Deleig. Later we went to
9 (Redacted), and then we went to the mountains. This was by evening time.

10 Q. [12:14:06] Okay. But did you get back to your village eventually or not?

11 A. [12:14:35] I did. I was able to reach my village by night-time.

12 I have mentioned a name of a village that it may tell the village I come from. Would
13 it be possible for you then to redact the name of that village I mentioned, and I'm
14 referring to the (Redacted) village.

15 PRESIDING JUDGE KORNER: [12:15:05] Yes, that will be possible, sir, although try
16 not to mention it for a second time.

17 THE WITNESS: [12:15:26](Interpretation) All right.

18 MR SACHITHANANDAN: [12:15:29]

19 Q. [12:15:30] Sir, when you saw Ali Kushayb on that Sunday in Deleig, was that the
20 last time you ever saw him, or did you ever see him again?

21 A. [12:16:26] Yes, I saw him after that Sunday. I saw him at his drugstore when I
22 wanted to buy some medicine. And the last time I saw him was when I passed near
23 his pharmacy, and he called on me, and I was carrying a radio cassette player. He
24 said, "Boy, come here. I want to buy from you that radio cassette player."

25 Q. [12:16:55] How many weeks or months after that Sunday in Deleig did this

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1 incident with the cassette player happen?

2 A. [12:17:46] I am not certain as to how long exactly or how many weeks exactly,
3 but it might have been around a month after the Deleig events.

4 Q. [12:18:03] When Ali Kushayb asked you for your radio cassette player, how did
5 you respond?

6 A. [12:18:40] My response to Ali Kushayb was the following: "My radio cassette
7 player is not for sale." He insisted. He tried to convince me to sell him that player
8 anyway, but I insisted back that it was not for sale. Then I left his pharmacy.

9 Q. [12:19:03] What happened about the cassette player after you left the pharmacy?

10 A. [12:19:43] After Ali Kushayb -- after parting ways from Ali Kushayb, I was
11 going to the market. Some of his guards followed me and told me that, "Your master
12 wants to buy that player from you. Why would you object to that?"

13 THE INTERPRETER: [12:20:17] Interpreter's observation: The word interpreted as
14 "your master" is not recognised in standard Arabic. So take it with a grain of salt,
15 counsel.

16 MR SACHITHANANDAN: [12:20:22]

17 Q. [12:20:23] Sir, as far as I understood from your interpretation, you said that
18 some of his guards followed you and told you that your master wants to buy that
19 player. What do you mean by "your master" in this context?

20 A. [12:21:17] What they meant is that he wanted to buy that from you, so why
21 would you object. They also believed that someone who was an outsider to the
22 village or to the town, someone -- it was possible to forcefully loot a possession from
23 someone as long as that person is an outsider to the town.

24 PRESIDING JUDGE KORNER: [12:21:48] Mr Sachithanandan, where is this incident
25 in his statement?

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1 MR SACHITHANANDAN: [12:21:55] It's not, your Honour. It is in the prep log.

2 PRESIDING JUDGE KORNER: [12:21:58] Where? I'm looking at it now, but I can't
3 see anything ...

4 MR SACHITHANANDAN: [12:22:11] Paragraph 31.

5 PRESIDING JUDGE KORNER: [12:22:17] Thank you.

6 MR SACHITHANANDAN: [12:22:26]

7 Q. [12:22:26] Sir, was this the last time you saw Ali Kushayb, or did you ever see
8 him again?

9 A. [12:22:57] I have not seen him after that incident, because before travelling I was
10 not going to Garsila on a regular basis.

11 Q. [12:23:14] That year, did you remain in your village all of 2004, or did you quit
12 your village at some point?

13 A. [12:23:59] It was in -- it was between mid-2005 to early 2006 that I had travelled
14 to Deleig, and from Deleig to Nyala, and ever since I have not been back to my
15 hometown.

16 Q. [12:24:23] Sir, you mentioned the rapes that began when the war started. In
17 2004, did these rapes end in your village, or did they continue?

18 A. [12:25:22] They continued. They have not stopped. As the case with thefts
19 and threats, they might be still happening to this very day.

20 Q. [12:25:37] Could you tell us briefly, why did you leave your village?

21 A. [12:26:20] I left my village because I lost everything. Even the farming was
22 seasonal, in addition to the threats that were coming constantly. That is why I
23 thought about leaving my village to somewhere else, somewhere safer.

24 Q. [12:26:45] Was it possible for people in your village to easily leave your village?

25 A. [12:27:27] It was difficult in normal days. However, in -- on market days, it

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1 was possible for someone to go to a Janjaweed camp, register their name so that they
2 know the number of people who needed to go to the market. Because after the
3 market finishes, they would be driven back in the evening to their villages. So you
4 needed a guarantor on market days in order to move from one place to another.

5 Q. [12:28:05] Sir, I'm almost at the end of my questions to you, but I wanted to ask
6 you the meaning of certain words. Have you heard of the word *zurga*?

7 A. [12:28:53] The word *zurga* has two meanings. And it was always used to refer
8 to people who belonged to non-Arab tribes, those who were not Arabs.

9 Q. [12:29:15] Who -- who used the term *zurga*? Who used that term?

10 A. [12:29:45] The Janjaweed were the ones using the word, the term *zurga*, they
11 used it to refer to non-Arab tribes. They used that term because they did not want to
12 specify a particular tribe or clan, so they just said "*zurga*".

13 Q. [12:30:14] In the area of your village, when the Janjaweed said "*zurga*", which
14 tribe did they mean?

15 A. [12:31:02] In our region, most of the population were from the Fur. No other
16 tribes. Well, we had some minority tribes such as Gimir, Tama and Masalit.

17 Q. [12:31:22] What about the term *abid*, what does that mean?

18 A. [12:31:56] The Janjaweed always insulted people of dark colour using this word,
19 *abid*.

20 Q. [12:32:08] And what is the meaning of the word *abid*?

21 A. [12:32:38] I know that in Arabic this word is the plural of *abd*. That's what it
22 means. I don't know if it has any other name, any other meaning.

23 MR SACHITHANANDAN: [12:32:58] Could the Arabic interpreter please say on
24 the record if there's an Arabic meaning to the word *abid*.

25 THE INTERPRETER: [12:33:05] Slaves.

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1 MR SACHITHANANDAN: [12:33:11] Just for the purposes of the transcript, I asked
2 the Arabic interpreter whether there was an Arabic language meaning to the word
3 *abid*, and there was a response.

4 PRESIDING JUDGE KORNER: [12:33:26](Microphone not activated) interpreters are
5 meant to give evidence. I mean, I thought you were asking the witness -- I'm not
6 sure why you're asking the witness, but -- but I don't think the Arab interpreters are
7 in a position to give evidence.

8 MR SACHITHANANDAN: [12:33:38] It's not evidence, your Honour. It's merely
9 the meaning in Arabic of the term *abid*.

10 PRESIDING JUDGE KORNER: [12:33:46] All right. I'm not at all clear why you've
11 asked either of these questions, but still.

12 MR SACHITHANANDAN: [12:33:56]

13 Q. [12:33:57] Sir, which tribes were the Janjaweed referred to as *abid*?

14 A. [12:35:02] The Janjaweed introduced this term after they were given instructions
15 and authorities to do what they did. So they felt that they had the right to call you as
16 *abd*, which means slaves. This is what they meant by calling us *abid*.

17 Q. [12:35:31] Thank you, Mr Witness. That brings me to the end of my questions
18 for you.

19 PRESIDING JUDGE KORNER: [12:35:38] Yes, Ms von Wistinghausen.

20 QUESTIONED BY MS VON WISTINGHAUSEN:

21 Q. [12:36:10] Yes, Mr Witness. Good morning. I think we can still say good
22 morning.

23 We have met, but just for the record, I am Natalie von Wistinghausen and I am
24 leading the team representing the participating victims in this case. You are one of
25 them. And I will concentrate on different questions than the ones asked by the

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1 Prosecutor.

2 A. [12:37:04] Okay. But can you excuse me, please? I need to go to the toilet
3 quickly, and then we can continue.

4 Q. [12:37:12] Yes, of course, absolutely. We can have a small break, I suppose.

5 PRESIDING JUDGE KORNER: [12:37:15] Yes. Is it quite -- all right. Yes. Sir, if
6 you just go with the court officer then.

7 THE WITNESS: [12:37:34](Interpretation) Thank you. Thank you.

8 (The witness exits the courtroom)

9 PRESIDING JUDGE KORNER: [12:37:44] Actually, while that's happening, I might
10 as well deal with a couple of matters of administration.

11 Mr Nicholls, am I right, P-1074 is now going to testify by video link?

12 MR NICHOLLS: [12:38:02] That was the -- that is indeed the information I gave you
13 yesterday, your Honour. We are making efforts now still to bring the witness, and
14 so I'm waiting for confirmation on that.

15 PRESIDING JUDGE KORNER: [12:38:15] All right. Because there are various -- but
16 that's next week, and there are various special measures being requested, some of
17 which won't apply if it's video link.

18 MR NICHOLLS: [12:38:29] Yes. Yeah, I understand that completely, and I'm sorry.
19 But we will try to get back to you for sure, as -- as the message said, by COB today,
20 whether we are in fact able to bring this witness viva voce next week.

21 PRESIDING JUDGE KORNER: [12:38:39] Yeah. All right.

22 And the other matter then is that, as I understand it then, the -- the evidence will
23 finish next week, by Wednesday. Is that -- is that likely?

24 MR NICHOLLS: [12:39:01] Well, your Honour, I hate to introduce uncertainty, but
25 while I've been sitting here in the courtroom we've managed to speak to a couple of

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1 the witnesses that I told you yesterday we were having difficulty with, and we're
2 pressing to get them here this block, because, as I said, we are still trying. We're still
3 trying with -- I won't give the numbers just now, but we contacted two witnesses that
4 were problematic overnight, and we're trying with them. And we will continue
5 trying with the person who we talked about yesterday who may or may not be video
6 link and if that person was video link, it wouldn't be very convenient. So we can
7 confirm that we try --

8 PRESIDING JUDGE KORNER: [12:39:50] Right.

9 MR NICHOLLS: [12:39:50] And just to say, sorry, some of the witnesses that have
10 been problematic, if we get a hold of them now and can bring them now, that that
11 would be our preference, rather than hoping that we can bring them next year.

12 PRESIDING JUDGE KORNER: [12:40:05] No, no, I'm fully with you on that,
13 Mr Nicholls. No, well I mean, simply, at some stage or another, the Court has got to
14 know the dates.

15 MR NICHOLLS: [12:40:14] Absolutely. So what I -- if I can, I will update you COB
16 today and tomorrow on where we are.

17 PRESIDING JUDGE KORNER: [12:40:21] Right. No, but I certainly -- I mean,
18 I'd -- I'd certainly agree that it would be much more sensible where, if you get hold of
19 the witnesses and you can get them here, you get them here.

20 MR NICHOLLS: [12:40:33] Thank you.

21 (Pause in proceedings)

22 MR LAUCCI: [12:41:38](Microphone not activated) No, I do not want to interrupt
23 but --

24 PRESIDING JUDGE KORNER: [12:41:43] No, Mr Laucci, we're just killing time.

25 MR LAUCCI: [12:41:46] Okay. So, to kill time myself, too, I use the present

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1 opportunity that I have time to kill to ask you for two clarifications about the voir dire
2 that we have to file by the 28th. We were not clear on how much -- is it skeleton
3 arguments?

4 PRESIDING JUDGE KORNER: [12:42:08] Skeleton arguments.

5 MR LAUCCI: [12:42:10] Okay, fine. That's the clarification that we wanted to get.

6 PRESIDING JUDGE KORNER: [12:42:13] Right, yeah, skeleton. No, definitely
7 skeleton argument.

8 MR LAUCCI: [12:42:15] Okay.

9 PRESIDING JUDGE KORNER: [12:42:16] Everything else can be dealt with at court.

10 MR LAUCCI: [12:42:19] Okay. Which means then that I do not have to ask the
11 second question, which was about the number of pages, but if it is skeleton, it's moot.

12 PRESIDING JUDGE KORNER: [12:42:26] All right.

13 (The witness enters the courtroom)

14 MS VON WISTINGHAUSEN: [12:42:50]

15 Q. [12:42:51] Yes, Mr Witness, to start with, the pace of your testimony was perfect.
16 So if we can keep the same rhythm, that would be very helpful for the interpretation.
17 And if I think you are going on too long with your answer, I will just give you a
18 mimical sign or raise my hand or something alike. All right?

19 A. [12:43:34] Very well.

20 Q. [12:43:36] You are a participating victim in these proceedings, and this gives you
21 the opportunity to explain to the judges the impact and the consequences of the
22 crimes allegedly committed by the accused on you, your family and the Fur
23 community. And I will ask you some specific questions about this. All right?

24 A. [12:44:44] Very well.

25 Q. [12:44:46] First of all, I would like to ask you about your home village, and we

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1 agree not to mention the name of your home village. How many families lived in
2 this village before the conflict, more or less?

3 A. [12:45:39] My village was quite a big village in comparison with the other
4 villages in our region, but I can't tell how many people lived in the village exactly.
5 But I guess it was more than 3,000 people.

6 Q. [12:46:01] And in general terms, the relationship between the neighbours was
7 good?

8 A. [12:46:53] The relationship between the neighbours in the village was really
9 good. And we also had a very good relationship with the surrounding villages,
10 including the Arab tribes. We also had a really good relationship with the Arab
11 tribes because we were partners in trading and in other matters. But, unfortunately,
12 after the government started using the Arabs against us, things deteriorated.

13 Q. [12:47:33] You mentioned the trading. Is it correct that your family had a shop
14 in your village? And if so, can you tell me what kind of goods you were selling?

15 A. [12:48:30] Yes, we did own a very big store, and we mainly sold food products.
16 The basic products. And the Arab used to come to our store to buy some products
17 from us.

18 Q. [12:48:55] You say that members of the Arab tribes came to your shop. Were
19 any of the members of these Arab tribes in your area farmers themselves?

20 A. [12:49:48] The Arab tribes did not really work in farming much, but they used
21 to -- they were herders. A very small number of the Arabs did farm, but the farming
22 was done mainly by the Fur tribe.

23 Q. [12:50:11] That means they needed to buy the groceries from you?

24 A. [12:50:32] Yes. Yes, that's correct.

25 Q. [12:50:34] And yesterday you told us that your family was also involved in an

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1 animal trading. Can you tell us, was it a small trade or a larger operation?

2 A. [12:51:41] Yes. It was quite a large trade. We had this store inside our house,
3 but we also owned livestock. My father and my mother and my entire family owned
4 this trade. I also had a partnership with my brother, and we had an investment
5 capital that we used to buy livestock from the Arab. And then they exported these
6 livestock abroad.

7 Q. [12:52:21] So if I understand correctly, you would do trade with members of the
8 Arab tribes. There were business relationships with them before the conflict.

9 A. [12:52:56] Correct. We had partnerships together.

10 Q. [12:53:02] And is it correct to say that after the attack on your village, your
11 family could actually never rebuild this quite important business? Nothing of it was
12 left, be it goods in the shop or any of the livestock; is that all right -- is that correct?

13 A. [12:54:19] Yes, we lost everything, especially the livestock. We lost everything.
14 And we lost our store that we had inside the house. That was looted completely.
15 And even our personal property, the furniture inside our house, everything got
16 looted. And we heard from the Arab that we used to have dealings with that Ali
17 Kushayb made very clear orders, and he said, "I don't want to see any member of the
18 Fur community having a cow or a horse or any kind of cattle."

19 Q. [12:55:08] You mentioned cows and horses, and I think you also have goats.
20 And is it right to say that of each of these animals, you had hundreds, hundreds of
21 cows, hundreds of goats, hundreds of sheep, and also a few horses, and all of that is
22 gone?

23 A. [12:56:09] Yes, correct.

24 Q. [12:56:14] You mentioned yesterday, Mr Witness, that after the first attack on
25 your village, the villagers held a meeting, and they decided to leave the village but

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1 were prevented in doing so by the Janjaweed.

2 And I make reference to transcript page 58, lines 12 to 15.

3 I'm interested to know, is this how important decisions were normally taken in your
4 village, through a meeting among the community?

5 A. [12:58:02] Yes. Traditionally, we usually had the *umdahs* speaking to the locals,
6 and also the *sheikhs* used to have consultations and decide upon what they need to do
7 in the future. But other than that, people were free to take their own decisions and
8 do whatever they wanted.

9 Q. [12:58:35] You mentioned the role of the *umdahs* and the *sheikhs*, and we've
10 heard from you about assaults on *umdahs* and *sheikhs*, and we have heard that from
11 other witnesses, indeed. Can you tell us what impact it had on the community that
12 many of these leaders were deported or imprisoned or even killed.

13 A. [13:00:18] What happened to the *umdahs* had a very significant impact on the
14 Fur community, because the *umdahs* were symbols, symbols in our community and in
15 the entire region of Darfur. So when *umdahs* were arrested, we felt that things have
16 changed, because when the *umdahs* are free and doing what they want, we always felt
17 safe.

18 THE INTERPRETER: [13:01:11] Can we ask the Fur interpreters --

19 THE WITNESS: [13:01:14](Interpretation) Can I carry on?

20 MS VON WISTINGHAUSEN: [13:01:19]

21 Q. [13:01:19] Yes, of course.

22 Madam President, can we let him finish the answer to this question?

23 PRESIDING JUDGE KORNER: [13:01:25](Microphone not activated)

24 MS VON WISTINGHAUSEN: [13:01:28] Yes, of course.

25 THE WITNESS: [13:02:01](Interpretation) In the small villages, we didn't have any

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1 contact or communication with the governmental organisations. We were relying
2 mainly on the community leaders. So the *umdahs* and the *sheikhs* were very
3 important symbols. They were the people that we went to in order to sort out any
4 disputes or problems.

5 MS VON WISTINGHAUSEN: [13:02:32]

6 Q. [13:02:32] Thank you, Mr Witness.

7 I think it's an appropriate moment for the lunch break.

8 PRESIDING JUDGE KORNER: [13:02:36] Yes.

9 We will take the lunch break now and sit again at 2.30.

10 THE COURT USHER: [13:02:46] All rise.

11 (Recess taken at 1.02 p.m.)

12 (Upon resuming in open session at 2.38 p.m.)

13 THE COURT USHER: [14:38:17] All rise.

14 Please be seated.

15 PRESIDING JUDGE KORNER: [14:38:44] Yes, Ms von Wistinghausen, just before
16 you go on, just so that we're clear, I gather that the next witness has got problems if he
17 has to stay over till Monday.

18 MR NICHOLLS: [14:38:58] That's correct. Unfortunately, your Honour, we've tried.
19 He absolutely must be back at where he's from Monday morning --

20 PRESIDING JUDGE KORNER: [14:39:07] Right.

21 MR NICHOLLS: [14:39:08] -- unfortunately.

22 PRESIDING JUDGE KORNER: [14:39:09] All right. Well, we have been asked
23 whether we will agree to the following course: We'll say that Ms von Wistinghausen
24 finishes her questioning. But what I don't think is desirable is that we start
25 cross-examination and then interrupt it. So unless the witness can be here for this

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1 afternoon.

2 MR NICHOLLS: [14:39:37] I just sent an email on it, your Honour, to the lawyer,
3 Ms Whitford, who's working with that witness. My guess is it's not possible
4 because --

5 PRESIDING JUDGE KORNER: [14:39:47] He's not here.

6 MR NICHOLLS: [14:39:48] -- he's not here. I don't think he is in the building.

7 PRESIDING JUDGE KORNER: [14:39:50] All right. Well, then, Ms von
8 Wistinghausen, how much longer do you think you are going to be?

9 MS VON WISTINGHAUSEN: [14:39:58] Maybe half an hour.

10 PRESIDING JUDGE KORNER: [14:39:59] All right. Well, then we'll -- cricketing,
11 an analogy for the interpreters. We'll draw stumps after that. And the
12 witness -- and this witness has no problems, does he, in coming back, if necessary, on
13 Monday?

14 MS VON WISTINGHAUSEN: [14:40:18] Well, maybe I should say that our gratitude
15 should go towards him as well. I mean, as he is our client, I could speak with him
16 and explain to him or ask him, actually, what his plans are for the weekend. And he
17 was kind enough to say that, given the circumstances and the problems with the other
18 witness, he would be prepared to stay here until Monday.

19 PRESIDING JUDGE KORNER: [14:40:43] Right.
20 Mr Laucci.

21 MR LAUCCI: [14:40:45] And maybe for the information of the witness - I hope this
22 is translated - maybe I will be able to complete the cross-examination tomorrow
23 afternoon, in which case, your weekend will be yours and you will not have to come
24 back on Monday, if we manage to go through everything tomorrow.

25 PRESIDING JUDGE KORNER: [14:41:05] Right.

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1 MS VON WISTINGHAUSEN: [14:41:06] I mean, in my view, we could start with the
2 cross-examination today. I suppose that it's like structured in some thematic blocks.

3 MR LAUCCI: [14:41:16] The problem would be to stop the cross-examination, have
4 the next witness, and then resume.

5 PRESIDING JUDGE KORNER: [14:41:24] I don't think that's desirable for a number
6 of reasons, Ms von Wistinghausen. I'd prefer, apart from anything else, for ease of
7 finding where the witnesses are in the transcripts, that cross-examination is done in
8 one block.

9 MS VON WISTINGHAUSEN: [14:41:42] No, I agree with that. Of course, that is a
10 better course of action.

11 MR NICHOLLS: [14:41:46] Sorry, I just feel like I really need to thank my friends. I
12 really do appreciate it. Thank the witness as well and thank the Court. And not
13 really my business, but I would also support that the cross should not be interrupted.

14 PRESIDING JUDGE KORNER: [14:42:01] All right.

15 Yes. All right. Thank you very much.

16 Yes, Ms von Wistinghausen.

17 MR EDWARDS: [14:42:07] Your Honour, forgive me, I'd got to my feet earlier and
18 then sat back down again. Just so that your Honours understand, I'm taking the next
19 witness, 697, and we are given to understand that any evidence-in-chief is going to be
20 extremely short.

21 PRESIDING JUDGE KORNER: [14:42:24] I would have thought so, having read the
22 statement.

23 MR EDWARDS: [14:42:27] Yeah. And there is a prep log and corrections and
24 clarifications that, in fact, I am in the middle of reading right now. It only came
25 through over lunch. But be that as it may, there is no chance that the witness is

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1 going to take more than a session.

2 PRESIDING JUDGE KORNER: [14:42:43] Right. Well, that's very helpful. Thank
3 you, Mr Edwards.

4 Yes. Well, thank you all. Right.

5 Thank you, sir, very much for your cooperation in this matter as well. And Ms von
6 Wistinghausen is going to continue asking you questions.

7 MS VON WISTINGHAUSEN: [14:43:02]

8 Q. [14:43:02] Yes, Mr Witness, I'm not sure what has been translated to you and
9 what hasn't. I just want to summarise what all this means. I will have about half an
10 hour of questions that I want to discuss with you, and then we will stop for the day
11 and your testimony will resume tomorrow afternoon, but it means that you may have
12 to stay here over the weekend, which we have discussed is all right for you.

13 PRESIDING JUDGE KORNER: [14:43:32] That would be tomorrow morning, not
14 tomorrow afternoon.

15 MS VON WISTINGHAUSEN: [14:43:33] Tomorrow morning, sorry, yes. Anyway,
16 I just wanted to make sure he understands because it's also about him.

17 PRESIDING JUDGE KORNER: [14:43:38] Yeah. That's all right.

18 MS VON WISTINGHAUSEN: [14:43:43] Okay?

19 PRESIDING JUDGE KORNER: [14:43:46] Yeah.

20 MS VON WISTINGHAUSEN: [14:43:55]

21 Q. [14:43:55] All right. Mr Witness, yesterday --

22 A. [14:44:01] Yes, I don't have any problem with this.

23 Q. [14:44:05] Thank you. We are all very grateful.

24 Back to my questions. Yesterday and today, you told the Court about rapes
25 committed by the Janjaweed during the period your village was under siege or

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1 controlled by these forces.

2 And I'm referring to yesterday's transcript, pages 69 and 70, lines 12 to 15.

3 I would like to know from you, as far as you can say, how these rapes impacted the
4 community, the families.

5 A. [14:45:51] The impact of the rapes on our area and the region in general was
6 great, because the freedom of the people was restricted and people were threatened,
7 and they were witnessing threats and attacks every day. So they were highly
8 impacted. Some people managed to escape, and others did not manage to escape
9 and they had to submit to the reality. And they are still living under these
10 conditions up until now.

11 Q. [14:46:31] You explained to us that women don't speak about what has
12 happened to them, understandably, and that there was no reporting to police or
13 authorities. Can you say something about individual victims who you may know
14 and if there was any stigma or social consequence within the society when you knew
15 that a woman had been raped.

16 A. [14:48:23] At the beginning of the war, it was difficult to talk about the rapes.
17 Even women were not able to talk about the rape incidents. Even the men. When a
18 woman in your society or in your community or your family is raped, you cannot talk
19 about this thing. However, later on, when time passed, this became normal, and it
20 applied to the entire area. So it became something normal later on to talk about.

21 Q. [14:49:08] Can you say anything about children that were born out of rape? Do
22 they have a -- another standing, if I may say, as other children in the community?

23 A. [14:50:43] Concerning the illegitimate children, our society was a tolerant and
24 accepting society. So they accepted the illegitimate children because the children did
25 not do anything wrong. Even the mother did not do anything wrong. So people

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1 didn't have anything to say about these. They accepted these children in the society,
2 and they treated them as human beings because we think that any human being is a
3 human being regardless their origin.

4 Q. [14:51:21] Thank you.

5 My friend --

6 PRESIDING JUDGE KORNER: [14:51:26] Mr Laucci.

7 MR LAUCCI: [14:51:27] Madam President, not to lodge an objection. Just a
8 question for clarification, so that if we understand which are the interests that are at
9 stake here. Do we have children born out of rape among the victims in that case?

10 MS VON WISTINGHAUSEN: [14:51:49] We have women who have been raped and
11 who may have had children out of rape. I can't confirm that here straight away on
12 the record, but I think that it's a consequence of probably every war.

13 MR LAUCCI: [14:52:09] Absolutely.

14 MS VON WISTINGHAUSEN: [14:52:11] And this is why we are interested to know
15 how this was handled in the Fur community and how actually the different
16 perspectives -- there are different perspectives on it. And this is why it's interesting
17 to ask different people about it.

18 MR LAUCCI: [14:52:26] As I said, it's not an objection. Please carry on. I just
19 wanted to know.

20 MS VON WISTINGHAUSEN: [14:52:32] Well, I can confirm that we don't have a
21 participating victim who is a child who was born out of rape. That I can confirm.

22 Q. [14:52:45] Mr Witness, can you tell us, were there any incidents during the time
23 of the conflict that you have described, where you yourself were detained, assaulted
24 or injured?

25 A. [14:53:59] Yes, I was arrested when I was moving from my village to Deleig. I

1 was arrested on the way to Deleig, and I was taken to a camp belonging to the
2 Janjaweed. I was accused that I was a rebel, and they said that we were coming from
3 Sindu or Dereissa.

4 Q. [14:54:30] Could you tell me what kind of injuries you suffered.

5 A. [14:55:33] Yes. I was arrested and tortured. I was tied with a rope and they
6 were beating me with the backs of their rifles. And then I was taken to the police
7 station. The camp of the Janjaweed was located next to the police station, and the
8 Janjaweed were present in that camp. They were arresting people and bringing
9 them to the police station where they started interrogating them. If it was proven
10 that they belonged to the rebels, they were executing them immediately. If nobody
11 comes to confirm that the arrested people are innocent, they were also killed
12 immediately.

13 Concerning my condition, I was arrested and tortured. I was beaten harshly and I
14 got injured in my head. It was a serious injury, and I received treatment for it.

15 When I was arrested, other Janjaweed were brought, and these Janjaweed used to live
16 in the surroundings of our villages, and they brought them to identify us. So they
17 were asked, "Do you know this person or that person?" So they were asking these
18 questions to the other Janjaweed.

19 Later on, I recovered -- or, when I recovered, I was released.

20 Q. [14:58:05] Thank you. And can you tell us if these injuries had any lasting
21 physical or psychological consequences over the years and until today, or are you
22 fully recovered?

23 A. [14:59:29] Yes. The injury lasted for a long time, even when I travelled to
24 Nyala. In Nyala, I recovered. And, yes, this has impacted me tremendously. I
25 suffered from vertigo for a long time. And when I came to Europe, I stopped feeling

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1 these symptoms and I feel better.

2 Q. [14:59:59] I know this is very difficult to talk about, and we have discussed that
3 it's completely up to you, if you want to speak about the death of your family
4 members. But you told the Court today, or yesterday, I think it was, that the war
5 greatly damaged you on different levels, but that, of course, the greatest damage was
6 the death of your mother and your father and your elder sister during the first attack
7 on your home village. So only if you wish to, is there anything further you would
8 like to say about how the deaths of your family members impacted your life and that
9 of your family?

10 A. [15:02:40] If I speak about the direct impact, in the past, when you were safe,
11 you were free, you had your money, you would practice your trade freely, you would
12 live amongst your family members, and when a sudden disaster happens and you
13 lose everything you had, and you also lose some of your family members, that is
14 indeed difficult. However, we need to accept the reality, our destiny.
15 This war has involved us in a turmoil of poverty, endless poverty. Even here we live
16 in Europe, where we live safely, but those who we have left behind are not safe. Our
17 family members in Darfur rely on us for everything, for their daily livelihood, for
18 school tuition, and so on. So we have been -- we have been entered into a cycle,
19 endless cycle of war.
20 To continue my previous answer, the family members who were left in Darfur still
21 suffer from difficult circumstances. Until this day, they are not allowed to raise their
22 own cattle or horses or camels. They just raise goats. And some are allowed to
23 raise some other types of cattle. And if the number of cattle you have grows, they
24 come and take it from you. The situation is difficult there.
25 And if a family member has a son who is able to flee to Europe or another country,

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1 this helps them. But those who have nobody to provide them with the money, they
2 live in harsh circumstances.

3 Before the government kicked out the NGOs and the international organisations, the
4 situation was better because such organisations would supply us with some food and
5 medication. Yet, after they were expelled, the situation deteriorated once again.

6 Now people live in very difficult conditions. Even those who live abroad, we are not
7 happy. We are not content because we are attached physically and mentally to our
8 family members back in Darfur.

9 Q. [15:07:15] Thank you. Just one event I want to bring back to your memory, and
10 then I will stop doing that, is what you saw at Deleig police station in early 2004,
11 because your status as a victim in these proceedings arises from in what you
12 witnessed on that day. Can you please tell the Judges how what you saw on that
13 day from the bus, what you described to us, impacted you, and if this is something
14 you still think about.

15 A. [15:09:22] Yes. That was very difficult, indeed, to see such scenes. Deleig for
16 us was the capital. Especially when it concerns our region, Deleig was the symbolic
17 capital. So for us to see such scenes was very disturbing and difficult, indeed.

18 Up until now, that psychological impact is still haunting me. Children who were
19 born in these conditions, such as my son, for example, who is 19 or 20 years old now,
20 when the events started, he was only a few months old. I look at these children who
21 were born in these conditions inside the camps, you see that nobody respects their
22 fathers. They don't have any respect for them. There is no school. There is no
23 work. Everything is terrible. It is a very difficult situation. We have lived
24 somehow a beautiful childhood, but these children, they still live in miserable
25 childhood.

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1 It is difficult, indeed, because the destruction was comprehensive and it affected all
2 fields, all factors. So there is nothing we could do.

3 Q. [15:12:23] We understand that you arrived in Kalma camp in mid-2004. Can
4 you tell us what the situation was like when you first arrived, regarding food, shelter,
5 water, security, and how it evolved over the years until you left.

6 A. [15:14:06] At the beginning, when we arrived to Kalma camp, before that, we
7 were inside Nyala in an area to the west of the city called Al Salaam district. And at
8 that time we suffered a lot. Some of the police officers would come at night and
9 would detain people and take them to areas outside of the city, and we would return
10 again on foot. And we asked questions: "Why do you detain us and expel us out of
11 the city? We are in -- in the city, we didn't do any criminal activities. Why would
12 you deport us?"

13 And we constantly asked them why were we being deported in this manner. Why?
14 They answered -- the police officer said that the displaced would really cause some
15 sort of visual pollution in the city. And then we were taken to Kalma camp, where
16 we found other displaced persons who had gone through the same process of
17 deportation. We remained in the camp, and we decided to take this camp, the
18 Kalma camp, we decided to convert it into a camp, and it remained so until this very
19 day.

20 Also, at the beginning when I arrived to Kalma camp, the number of displaced people
21 was small, yet it started to grow after the displaced people started to flock into that
22 camp. And some of them would report -- would tell their family members in other
23 areas that they shouldn't go to the centre of Nyala when they arrived because the
24 authorities would detain people and deport them, and that they should come directly
25 to Kalma camp. That's why we remained in that area until it has become in the form

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1 and shape of the camp that we know today.

2 Q. [15:18:01] You mentioned in your statement, Mr Witness - and this is paragraph
3 112 - that in the early days at Kalma camp, there was a visit of the governor of
4 South Darfur, Adam Hamed Musa, and that he addressed the internally displaced
5 persons and that he threatened them. Can you tell us more about what happened
6 there and what he actually said to the displaced persons like you. If you remember,
7 of course. It's a long time ago.

8 A. [15:20:36] Yes. Adam Hamed Musa visited the Kalma camp several times.
9 And after he saw that the size of the camp was growing and the number of
10 IDB -- IDPs was increasing as well, he was concerned. And after the organisations
11 had organised the camp, supplied it with fresh water and food, as well as medications,
12 Adam Hamed Musa thought that this camp would become a threat to the city of
13 Nyala because he thought that these IDPs were just a group of rebels who came here
14 and met together.

15 During the visit of Adam Hamed Musa, the one that I witnessed, I'd like to say that
16 Kalma camp was divided into centres, and each centre had its own *sheikh*. Adam
17 Hamed Musa gathered these *sheikhs* and had a meeting with them. After that, he
18 addressed the public. He told -- asked them to return back to where they came from
19 because their presence in Kalma is futile. So they were better off going back to their
20 locations to practice farming.

21 The response from the people was, "The Janjaweed, who you armed, are still roaming
22 in our own regions. How can we return back?"

23 The response of the IDP people was that, "We are not returning", because Adam
24 Hamed Musa started his speech with a threat and he reported -- he deployed more
25 than 30 police officers. And he asked them to remain in the camp. As well as the

1 Janjaweed who were also moving in -- at the outskirts of this camp, and they would
2 fire constantly. Sometimes they would shoot -- fire bullets in the air and sometimes
3 people would get wounded by these bullets.

4 Q. [15:24:53] We understand that you stayed in Kalma camp for several years and
5 that you then left. And I'm not going to mention where you went. And you were
6 separated from your family for a long time. Can you tell us about what this time
7 was like for you and also for your family.

8 A. [15:26:30] Yes, indeed. At that time the situation was very difficult. I
9 remained in the camp until I was fed up with staying in this camp. Then I decided
10 to travel abroad. I spoke with my wife and family members that I was leaving, and
11 "if I found a safe place, I would bring you -- I will bring you to that place."
12 After that, I travelled to another country, that you know which one. I remained
13 there until from the beginning of 2007 until the end of 2009 -- or, rather, 2008. By the
14 end of 2010, I returned back, and I took my children. I brought them to the country
15 where I live now.

16 Q. [15:28:04] To conclude my questions, I'm going to ask you this: You accepted
17 to be a witness in these proceedings. You decided to ask to be a participating victim,
18 which was granted by the Trial Chamber. Can you explain to us why you agreed to
19 do that and what importance this trial has for you and your family.

20 A. [15:29:58] Yes. I came here to the International Criminal Court because I want
21 to tell the truth before this Court. I want to tell you what I saw, what I heard and
22 what happened to us. Hopefully we will get justice at some point, because what we
23 lived was very difficult.

24 Yes. I came here to testify. Hopefully we will get justice one day.

25 And concerning the displaced persons who stayed in Darfur, they are now fed up

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1 from everything, because those who caused their displacement are still there, they are
2 still being armed, and their weapons, arsenal, is increasing day after day. Because,
3 also, the funding and weapons are still incoming from abroad to them.

4 The situation is very difficult. The people are now desperate, and they are fed up of
5 everything. And they do not expect that anything will come better as to the future.

6 As for the children who were born in the camps, they are confused. They don't
7 know where to go and what to do, because the new settlers who the government
8 brought to our area are still doing the same exactions. This started 20 years ago and
9 it's still ongoing.

10 The main reason why I came to the Court in order to testify is that I wanted to say the
11 truth. I wanted to say what I saw with my own eyes, what I heard with my own ears.

12 I wanted to tell what happened to me, to my family, and to the entire country.

13 Do you have any other question that I can answer, or you are repeating the same
14 questions?

15 Q. [15:34:14] No. I just wanted to give you the opportunity to finish your answer,
16 but I conclude my questions, and thank you for your answers.

17 PRESIDING JUDGE KORNER: [15:34:26] Yes, thank you very much, Ms von
18 Wistinghausen. In fact, your estimate for once was slightly out of kilter.

19 MS VON WISTINGHAUSEN: [15:34:37] I was going to say my time management is
20 not as good as Mr Shah's.

21 PRESIDING JUDGE KORNER: [15:34:44] Sir, thank you very much for agreeing to
22 suspend your evidence. In fact, we wouldn't have much time left for today in any
23 event. But if you could be back tomorrow morning, please, for the second session.
24 The Victims and Witnesses Unit will advise you.

25 Again, please don't discuss the evidence with anybody else overnight. You may not

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1 talk to anybody about the evidence, and that includes counsel for -- your own counsel,
2 as it were.

3 Yes. Thank you very much.

4 Mr Laucci, do you want the witness to leave?

5 MR LAUCCI: [15:35:36] No, no, not at all. And I want what I will say to be
6 translated to him. Out of extra caution, maybe I would advise to have the witness in
7 the building earlier than the start of the second session, because, if that is concluded
8 earlier, then maybe we could start earlier. I want to maximise the chances of not
9 compelling the witness to stay until Monday.

10 PRESIDING JUDGE KORNER: [15:36:02] Thank you have much, Mr Laucci. That
11 seems probably a good idea. I agree.

12 Yes, thank you all very much, then. And we will resume tomorrow morning with
13 witness, whatever he is, at 9.30.

14 THE COURT USHER: [15:36:20] All rise.

15 (The hearing ends in open session at 3.36 p.m.)

16 CORRECTIONS REPORT

17 The following corrections, marked with an asterisk and included in the audio-visual
18 recording of the hearing, are brought into the transcript.

19 Page 26 line 23-25 – page 27 line 1 :

20 “Diokabe” is corrected to “Dikobi”