

Trial Hearing
Procedural Matters

(Open Session)

ICC-02/05-01/20

1 International Criminal Court
2 Trial Chamber I
3 Situation: Darfur, Sudan
4 In the case of The Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman ("Ali Kushayb") -
5 ICC-02/05-01/20
6 Presiding Judge Joanna Korner, Judge Reine Alapini-Gansou and Judge Althea Violet
7 Alexis-Windsor
8 Trial Hearing - Courtroom 3
9 Monday, 10 June 2024
10 (The hearing starts in open session at 9.33 a.m.)
11 THE COURT USHER: [9:33:08] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE KORNER: [9:33:28] Yes, good morning, all.
15 Appearances, please, from the Defence.
16 MR LAUCCI: [9:33:43] Good morning, Madam President. Good morning, your
17 Honours. Good morning, colleagues.
18 This morning, together with Mr Ali Muhammad Ali Abd-Al-Rahman, present in the
19 courtroom we have Madam Claire Chauffard, intern in the Defence team; Madam
20 Haneen Ghali and Madam Eva Kalb, legal assistants; counsel, Iain Edwards; and
21 myself, Cyril Laucci, counsel.
22 PRESIDING JUDGE KORNER: [9:34:09] Yes.
23 Prosecution.
24 MR NICHOLLS: [9:34:13] Good morning, Madam President. Good morning, your
25 Honours. Good morning to everybody. Julian Nicholls with Diana Saba, Claire

- 1 Sabatini, Alison Whitford, and Edward Jeremy. Thank you.
- 2 PRESIDING JUDGE KORNER: [9:34:25] Thank you very much.
- 3 And representatives of the victims.
- 4 MR SHAH: [9:34:28] Good morning, Madam President. Good morning, your Honours
- 5 and colleagues.
- 6 The legal representative Natalie von Wistinghausen appears by video-link, and --
- 7 sorry, you're not?
- 8 PRESIDING JUDGE KORNER: [9:34:41] Can't hear you.
- 9 MR SHAH: [9:34:45] Can you hear me?
- 10 PRESIDING JUDGE KORNER: [9:34:50] The mic doesn't seem to be --
- 11 MR SHAH: [9:34:52] Ah.
- 12 PRESIDING JUDGE KORNER: [9:34:53] Just try again, would you?
- 13 MR SHAH: [9:34:54] Yes, the legal representative Natalie von-Wistinghausen appears
- 14 by video link. And in the courtroom, Saif Kassis, Kathryn Ravey, Henriette Willberg,
- 15 and myself, Anand Shah. Thank you.
- 16 PRESIDING JUDGE KORNER: [9:35:05] Yes, thank you very much.
- 17 We appear to have lost the witness.
- 18 THE COURT OFFICER: [9:35:11] We are re-establishing the connection as we speak.
- 19 PRESIDING JUDGE KORNER: [9:35:14] All right. I'm assuming this witness is going
- 20 to finish in two sessions, both examination and cross-examination?
- 21 MR LAUCCI: [9:35:21] Well, I'm not sure I will not need more than one. I may go in
- 22 the second session, I mean. And also --
- 23 PRESIDING JUDGE KORNER: [9:35:29] On what? I mean, he knows nothing about
- 24 2003-2004.
- 25 MR LAUCCI: [9:35:37] He knows about --

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1 PRESIDING JUDGE KORNER: [9:35:39] He knows about the later events and
2 everything he's heard from his father. All right.

3 MR LAUCCI: [9:35:46] But, anyway, we were discussing with my colleague. It looks
4 like the familiarisation meeting for the next witness, D-5, has been scheduled by VWU
5 only this afternoon, after our hearing. So he will not be able to start today anyway.

6 PRESIDING JUDGE KORNER: [9:36:03] No. All right. Well, that's fine because you'd
7 withdrawn one of the witnesses.

8 MR LAUCCI: [9:36:08] Who was supposed to come on Wednesday, only. So there is
9 no change on the appearance of the next witness, D-5.

10 PRESIDING JUDGE KORNER: [9:36:14] And the one after should be moved up to the
11 Wednesday?

12 MR LAUCCI: [9:36:17] This is what we have requested, yes.

13 PRESIDING JUDGE KORNER: [9:36:19] And is that then it? Is that your case?

14 MR LAUCCI: [9:36:22] Is that what?

15 PRESIDING JUDGE KORNER: [9:36:23] Is that your case?

16 MR LAUCCI: [9:36:25] Is that what?

17 PRESIDING JUDGE KORNER: [9:36:25] Is that your case? Is that your case
18 concluded?

19 MR LAUCCI: [9:36:27] We have no more witnesses, yes.

20 PRESIDING JUDGE KORNER: [9:36:28] Yeah, okay. All right. Okay.
21 Well, except that for once it's all gone wrong.

22 (The Chamber confers with the court officer)

23 PRESIDING JUDGE KORNER: [9:37:27] Thank you. There's a power failure at the
24 location which -- they're trying to use generators to power up again.

25 So we'll have to -- nobody can say how long it's going to take, so we'll adjourn until it's

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- 1 working. Yes, thank you.
- 2 THE COURT USHER: [9:37:50] All rise.
- 3 (Recess taken at 9.37 a.m.)
- 4 (Upon resuming in open session at 9.43 a.m.)
- 5 THE COURT USHER: [9:43:02] All rise.
- 6 (The witness enters the video-link room)
- 7 THE COURT USHER: [9:43:22] Please be seated.
- 8 WITNESS: DAR-D31-P-0029
- 9 (The witness speaks Arabic)
- 10 (The witness gives evidence via video link)
- 11 PRESIDING JUDGE KORNER: [9:43:33] Sir, can you hear and understand me?
- 12 THE WITNESS: [9:43:37](Interpretation) I can hear you.
- 13 PRESIDING JUDGE KORNER: [9:43:44] Right.
- 14 You're about to make a solemn declaration to tell the truth. But before you do that,
- 15 there are a couple of matters that I'm just going to tell you about.
- 16 First of all, there will be a break at 11 o'clock for 30 minutes and then, if necessary,
- 17 though I cannot see how it will be necessary, you will have an hour and a half over
- 18 lunch.
- 19 In fact, there are slight problems this afternoon with one of the Judges who has a
- 20 commitment as a result of her position and, if necessary, we'll sit on to finish the
- 21 witness through the luncheon adjournment.
- 22 But, anyhow, sir, if you need a break at any stage, just raise your hand and say so.
- 23 Second, everything you say is --
- 24 THE WITNESS: [9:45:03](Interpretation) That's clear.
- 25 PRESIDING JUDGE KORNER: [9:45:04] Thank you. Everything that you say is being

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- 1 interpreted, so it's important that you don't speak too quickly and leave a pause before
2 you answer any questions.
- 3 If you don't understand a question --
- 4 THE WITNESS: [9:45:25] (Interpretation) That's clear.
- 5 PRESIDING JUDGE KORNER: [9:45:27](Interpretation) -- say so, and it will be
6 repeated. I hope all of that's clear. And can you now repeat these --
- 7 THE WITNESS: [9:45:38](Interpretation) That's clear.
- 8 PRESIDING JUDGE KORNER: [9:45:40] Can you now repeat the words of the solemn
9 declaration after the court officer.
- 10 THE COURT OFFICER: [9:45:47] I solemnly declare.
- 11 THE WITNESS: [9:45:52](Interpretation) I solemnly declare.
- 12 THE COURT OFFICER: [9:45:59] That I will speak the truth.
- 13 THE WITNESS: [9:46:02](Interpretation) That I will tell the truth.
- 14 THE COURT OFFICER: [9:46:08] The whole truth and nothing but the truth.
- 15 THE WITNESS: [9:46:13](Interpretation) All the truth and nothing but the truth.
- 16 THE COURT OFFICER: [9:46:22] Thank you, witness. You are now under oath.
- 17 PRESIDING JUDGE KORNER: [9:46:26] Yes. Who is calling the witness? Mr Laucci.
- 18 MR LAUCCI: [9:46:31] Thank you, Madam President.
- 19 QUESTIONED BY MR LAUCCI:
- 20 Q. [9:46:36] Good morning, Mr Witness. I will ask --
- 21 A. [9:46:42] Good morning.
- 22 Q. [9:46:43] I hope you are well.
- 23 MR LAUCCI: [9:46:45] I will ask to move in private session.
- 24 A. [9:46:50] I'm fine, thank you.
- 25 MR LAUCCI: [9:46:53] I will ask to move to private session for the usual identification

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1 questions.

2 PRESIDING JUDGE KORNER: [9:46:59] Yes, private session, please. Is there actually
3 any need to produce each of these witnesses' identity card? I mean, nobody's disputing
4 this man is who he says he is, so why does the identity have to be gone through each
5 time?

6 MR LAUCCI: [9:47:33] I have a question about the contents of the laissez passer.

7 PRESIDING JUDGE KORNER: [9:47:37] All right. Thank you.

8 THE WITNESS: [9:47:47](Interpretation) Do you want to ask about the laissez passer?

9 MR LAUCCI: [9:47:50] Not yet. Wait.

10 PRESIDING JUDGE KORNER: [9:47:58] I see, okay.

11 (Private session at 9.48 a.m.)

12 THE COURT OFFICER: [9:48:05] We're in private session, Madam President.

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

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22 (Open session at 10.00 a.m.)

23 THE COURT OFFICER: [10:00:48] We are back in open session, Madam President.

24 PRESIDING JUDGE KORNER: [10:01:02] Yes.

25 MR LAUCCI: [10:01:03]

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1 Q. [10:01:04] So, Mr Witness, we are in open session, so do not mention anything that
2 may identify you. My first question is how familiar are you with internet?

3 A. [10:01:18] I'm not familiar with the internet.

4 Q. [10:01:33] Do you know what it is?

5 A. [10:01:36] I don't have a good phone device or a big phone device to be able to use
6 the internet.

7 Q. [10:01:52] And, generally, what is your access to the media? How do you receive
8 news about what happens in Sudan or in the wider world?

9 A. [10:02:09] Through radio and television.

10 Q. [10:02:23] Do you watch the news on TV?

11 A. [10:02:28] Not currently.

12 Q. [10:02:38] I know that you are not watching the news at this moment, sir, but do
13 you regularly watch news broadcasts on TV? That's my question.

14 A. [10:03:04] In general, no.

15 Q. [10:03:07] What is it that you watch on TV, then?

16 A. [10:03:13] Television.

17 THE INTERPRETER: [10:03:39] The answer is not clear, sir.

18 MR LAUCCI: [10:03:41]

19 Q. [10:03:42] Okay. Forget my question. I move to the next question.

20 Do you listen to the news on the radio?

21 A. [10:03:50] Yes, I do listen to the news on the radio.

22 Q. [10:04:03] Where did you hear the name Ali Kushayb for the first time, sir?

23 A. [10:04:15] The first time I heard it was on the radio.

24 Q. [10:04:28] Do you remember when that was approximately?

25 A. [10:04:33] Could you please repeat the question.

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1 Q. [10:04:42] Do you have any recollection in what year, for instance, you heard the
2 name Ali Kushayb on radio?

3 A. [10:04:53] I don't remember when it happened. I remember that it happened on
4 the radio, but not when exactly.

5 Q. [10:05:11] And what -- do you remember what they were saying on the radio
6 about Ali Kushayb?

7 A. [10:05:19] I only remember hearing the name. I don't remember hearing what
8 they were saying about him.

9 Q. [10:05:34] Did you ever hear on the radio that the International Criminal Court
10 was looking for a person named Ali Kushayb?

11 A. [10:05:54] The international court? Well, I heard about Ali Osman and
12 Muhammad Ahmad Harun and Omar Al-Bashir.

13 Q. [10:06:11] Okay. But did you -- is that the only names that you heard that were
14 looked at by the Court?

15 A. [10:06:26] Yes, these are the ones I heard.

16 Q. [10:06:32] So, I come back to Ali Kushayb. Was that a name that you heard on the
17 radio in connection with the Court?

18 A. [10:06:49] I just heard about -- we just heard it on the radio. We had not heard it
19 in relationship to the Court.

20 Q. [10:07:04] Okay.

21 PRESIDING JUDGE KORNER: [10:07:13] What were they saying about Ali Kushayb?
22 Let's try that.

23 THE WITNESS: [10:07:23](Interpretation) We were just hearing that name on the radio.
24 What exactly was said, that is something I'm not familiar with because back in the
25 days, I did not follow current events. However, it is a name that we heard on the radio.

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1 It was not someone I would have been able to recognise if he were brought before me.

2 PRESIDING JUDGE KORNER: [10:07:55] Yes, but in what -- why did a name stick in
3 your mind like that? There must be lots of names mentioned on the radio.

4 THE WITNESS: [10:08:17](Interpretation) Well, we just heard the name, but we didn't
5 know what it was about. We didn't know the details. It's just a man. We were not
6 familiar with anything further than that.

7 MR LAUCCI: [10:08:36]

8 Q. [10:08:36] Okay. And following up to the question by Madam President, you
9 nevertheless remembered that name. Why did you remember it? Is that a name that
10 you discussed in Rahad Al-Berdi with other people after hearing it on the radio?

11 A. [10:08:54] Could you please repeat the question.

12 Q. [10:09:02] Yes. You say you just heard the name, but you do not remember what
13 the radio was saying about that name. So the question is what makes that you
14 nevertheless remember that name? Were there discussions in Rahad Al-Berdi about
15 that name after you heard it on the radio?

16 A. [10:09:30] And so I don't remember that exactly because that happened a long
17 while ago. I don't remember these things.

18 Q. [10:09:45] Okay. I will start in a different way.

19 Sir, what do you know about what happened to the Fur population in Darfur in 2003-
20 2004?

21 A. [10:10:13] Problems happened between the Fur and the Arabs. This is what we
22 heard about.

23 Q. [10:10:32] Could you be a little bit more specific. What kind of problem that was?

24 A. [10:10:40] We just heard that problems happened between the Fur and the Arabs.
25 The Fur were displaced, went to camps, the Kalma and Deleig camps. These are the

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1 only details I'm familiar with.

2 Q. [10:11:02] Do you know where the people who went to the camps were coming
3 from?

4 A. [10:11:13] I don't know that. We just heard that people from Darfur were
5 displaced and ended up in the Kalma and Deleig camps. These things we heard over
6 the radio, but I'm not familiar with any more details about the matter.

7 Q. [10:11:37] From which localities in Darfur were they coming?

8 A. [10:11:44] I'm not in a position to explain what localities they came from in Darfur.

9 Q. [10:12:00] Did you ever hear about the Government of Sudan launching a counter-
10 insurgency campaign in Darfur over those years, 2003-2004?

11 A. [10:12:26] That's also something we just heard over the radio.

12 Q. [10:12:33] And do you know against whom that campaign was directed?

13 A. [10:12:40] It was against the opposition.

14 Q. [10:12:48] Which opposition? Who was the opposition?

15 A. [10:12:53] The opposition did not belong to a particular tribe. It could have been
16 any tribe.

17 PRESIDING JUDGE KORNER: [10:13:05] Mr Laucci, appreciating that hearsay is
18 admissible, but given he was about 10 at the time, or 11, is this really going to help?

19 MR LAUCCI: [10:13:17] I'll move on, Madam President.

20 PRESIDING JUDGE KORNER: [10:13:19] All right.

21 MR LAUCCI: [10:13:22]

22 Q. [10:13:22] You mentioned that you heard that some people went to the camps in
23 2003 -- some Fur people went to the camps in 2003 and 2004. Since that date - that is,
24 between 2003 and 2004 and now - did you ever see Fur people arriving and seeking
25 protection in Rahad Al-Berdi?

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1 A. [10:13:52] There are no displaced people in Rahad Al-Berdi.

2 Q. [10:14:04] So what you say is that at any moment in time, nobody went, ever, from
3 outside to Rahad Al-Berdi to seek protection?

4 A. [10:14:20] Protection is possible to be provided to a person, but we had not
5 received any person in Rahad Al-Berdi. I do not remember that such thing happened
6 at all.

7 Q. [10:14:39] Okay.

8 PRESIDING JUDGE KORNER: [10:14:41] Sorry, Mr Laucci, let's see if we can get this.

9 What, about roughly ten years ago, do you remember the conflict between the Ta'aisha
10 and the Salamat?

11 THE WITNESS: [10:14:58](Interpretation) There was a conflict.

12 PRESIDING JUDGE KORNER: [10:15:05] Were there any displaced people, at that
13 stage, arriving in Rahad Al-Berdi or leaving Rahad Al-Berdi that you know of?

14 THE WITNESS: [10:15:21](Interpretation) Yes. The Salamat had a problem -- a dispute
15 with the Ta'aisha and they left town. Of course, the town belongs to the Ta'aisha.

16 During the conflict, they left the town, and people took advantage of the situation, and
17 the Ta'aisha remained in their home area.

18 PRESIDING JUDGE KORNER: [10:15:42] Right.

19 But other than that, you don't remember any kind of displacement in Rahad Al-Berdi?

20 THE WITNESS: [10:15:51](Interpretation) There was no other displacement.

21 PRESIDING JUDGE KORNER: [10:16:00] All right.

22 MR LAUCCI: [10:16:04] Thank you, Madam President.

23 Q. [10:16:06] Sir, I want to ask you about the Fur tribe in Rahad Al-Berdi and the way
24 it is structured generally.

25 First of all, is there a Fur population in Rahad Al-Berdi?

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1 A. [10:16:24] Yes, in large numbers.

2 Q. [10:16:34] Okay. Since when have these Fur people been in the region of Rahad
3 Al-Berdi?

4 A. [10:16:49] They have been there since ever. They are natives to the area.

5 Q. [10:17:02] Which other tribes are present in Rahad Al-Berdi other than the Fur?

6 A. [10:17:10] The Ta'aisha.

7 Q. [10:17:26] Ta'aisha, very well. Other tribes other than the Fur and the Ta'aisha?

8 A. [10:17:37] A countless number of tribes.

9 Q. [10:17:42] Can you give us some examples about the biggest tribe in
10 representation -- in numbers?

11 A. [10:17:53] First, the natives are the Ta'aisha, the Fur, the Masalit, the Tama, the
12 Rizeigat, the Mimi, the Zaghawa. We also have Kajaksa. We have also the Masalat,
13 different from the Masalit. We also have the Beni Halba, in addition to Tarjam . It is a
14 large number of tribes. Rahad Al-Berdi is like a melting pot of tribes.

15 Q. [10:18:52] Thank you for this exhaustive list. We can see that.

16 And how do these tribes get on with each other? Are there tensions that you know
17 about?

18 A. [10:19:05] Among us who live there, is that your question? No, there are no --
19 there is no tension. The tribes that live in the Dar-Al-ta'aisha have no problems among
20 each other, because they are all interconnected. Praise be to god, we do not have any
21 problems.

22 Q. [10:19:41] Okay. And are the newcomers, whatever the tribes they belong to, are
23 the newcomers subjected to specific conditions to settle in Rahad Al-Berdi?

24 MS TOGNINI SABA: [10:20:07] Your Honour, the witness didn't mention newcomers.

25 THE INTERPRETER: [10:20:24] Mr Laucci, there was an interruption, so we were not

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1 able to render the question.

2 PRESIDING JUDGE KORNER: [10:20:27] Yeah, I'm sorry. Yeah, you'd better go back
3 over that, Mr Laucci, because he didn't mention newcomers.

4 MR LAUCCI: [10:20:33] Yeah.

5 Q. [10:20:33] Does that happen, that new people come and arrive in Rahad Al-Berdi
6 and want to settle there?

7 A. [10:20:40] Outsiders do come and reside in Rahad Al-Berdi. Some people come
8 from the north; others come from Nyala and Khartoum. People came from all
9 provinces where there are problems. Some people came from Al Fasher. People are
10 massively present in Rahad Al-Berdi.

11 Q. [10:21:17] Okay. And when these new people arrived, whatever the date,
12 whatever the time, were they welcome in Rahad Al-Berdi or were there conditions to
13 their settlement there?

14 A. [10:21:34] They are welcomed, and they are given shelter, accommodations of
15 sorts, so that they can live.

16 Q. [10:21:51] Okay. You just said that some people came from all provinces where
17 there are problems - you mention Al Fasher, et cetera. When did that happen? Which
18 period are you referring to?

19 A. [10:22:16] I'm in the period where the problems related to the current government
20 have happened.

21 Q. [10:22:30] Can you give us a time frame of the period you are thinking about?

22 A. [10:22:36] These problems in Sudan that have happened related to the government
23 and the Rapid Support Forces. These problems started in 2023 and continue to the
24 present time. It is in this timeframe that these people came to town.

25 Q. [10:23:04] Okay, thank you. You are talking about this period. Thank you.

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1 Do you know if the Fur tribe is represented in the tribal committees in Rahad Al-Berdi?

2 A. [10:23:26] Could you please repeat the question. I haven't -- I didn't understand
3 the question well.

4 Q. [10:23:53] I will ask it differently. Is there a tribal administration of the Fur tribe in
5 Rahad Al-Berdi? Do you have *umdahs*, sheikhs, others?

6 A. [10:24:06] There is.

7 Q. [10:24:15] Can you tell us what specific titles and functions you are aware of in the
8 Fur tribe in Rahad Al-Berdi?

9 A. [10:24:27] I can't tell you who holds which position, but I can tell you, yes, there
10 are functions, and they operate jointly with others. All positions or functions are held
11 by people, and this includes teachers, employees at the locality office, and the *zakat*
12 office. They hold many functions.

13 Q. [10:25:05] Do the Fur have *umdah* or *umdahs* in Rahad Al-Berdi?

14 A. [10:25:11] Yes, they do have an *umdah*.

15 Q. [10:25:20] Do you know his name?

16 A. [10:25:25] Yes, *umdah* Muhammad Ahmed.

17 Q. [10:25:35] Are you aware of Fur *agids* in Rahad Al-Berdi?

18 A. [10:25:43] Yes, there are *agids*.

19 Q. [10:25:52] And is there as well a Fur *agid al-ogada*, one or more, in Rahad Al-Berdi?

20 A. [10:26:01] Yes, there is.

21 Q. [10:26:10] Do you know if there is one or more *agid al-ogada* of the Fur tribe in
22 Rahad Al-Berdi?

23 A. [10:26:17] *Agid al-ogada* is supposed to be only one person. Well, if it's a huge
24 number of people, they may be given two or three such positions for organisational
25 purposes.

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1 Q. [10:26:37] Do you know the name of the current *agid al-ogada* of the Fur tribe in
2 Rahad Al-Berdi?

3 A. [10:26:47] Certainly. Daoud Sadiq .

4 Q. [10:26:55] And do you know what are the functions of the *agid al-ogada* of the Fur
5 in Rahad Al-Berdi?

6 A. [10:27:05] Certainly. First of all, *agid al-ogada* has an organisational role. He keeps
7 order of those who are horsemen and who are camel herders and also those who do not
8 have any animals to ride. For example, to receive the *nazir* as he is coming to visit their
9 area, or if the governor is coming to visit, or the *mu'atamid* .

10 The *agid al-ogada* organises the people, makes sure those who are riding camels are at
11 the top, behind them those on horses, behind them those on donkeys, and behind
12 everyone those who don't have any animals to ride. A correction: Actually, those
13 people who do not ride anything are at the front, and they would receive the dignitary
14 visiting them. This is something the *agid al-ogada* does as part of his duties.

15 Q. [10:28:11] Okay. And does he play any functions in relation to security?

16 A. [10:28:22] He keeps security. If there is any riots, he would stop those people and
17 would make sure people are held accountable. That is part of his duties.

18 MR LAUCCI: [10:28:55] Excuse me one minute, Mr Witness.

19 Madam President, I'm informed that Mr Abd-Al-Rahman would need to have a
20 comfort break and he requests to be excused.

21 PRESIDING JUDGE KORNER: [10:29:06] Yes. Is he content that the examination
22 continue in his absence? Can you just check that.

23 MR LAUCCI: [10:29:55] Apparently the answer is yes, we can carry on.

24 PRESIDING JUDGE KORNER: [10:29:57] Right. I don't imagine
25 it's going to take very

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1 long.

2 Thank you, sir. If you'd like to go with the security guards.

3 (Mr Abd-Al-Rahman exits the courtroom)

4 MR LAUCCI: [10:30:19]

5 Q. [10:30:20] And last question about the *agid al-ogada*. Sir, do you know who
6 appoints him?

7 A. [10:30:32] He is affiliated to the civil administrations. The people appoint him as a
8 person who would regulate.

9 Q. [10:30:45] Do you mean the general population is choosing the *agid al-ogada*?

10 A. [10:30:51] Yes, your people would appoint you.

11 Q. [10:31:03] Thank you.

12 MR LAUCCI: [10:31:05] Madam President, I need to move to private session for a short
13 time, for some questions.

14 PRESIDING JUDGE KORNER: [10:31:10] Yes, private session, please.

15 (Private session at 10.31 a.m.)

16 THE COURT OFFICER: [10:31:27] We are in private session, Madam President.

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

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4 (Open session at 10.39 a.m.)

5 THE COURT OFFICER: [10:39:58] We are back in open session, Madam President.

6 MR LAUCCI: [10:40:08]

7 Q. [10:40:08] Sir, in private session you told us that you know Mr Ali Muhammad Ali
8 Abd-Al-Rahman. Can you tell us since when you know him -- you have known him?

9 A. [10:40:25] Since 2010.

10 Q. [10:40:33] Did your parents know Mr Ali Muhammad Ali Abd-Al-Rahman before
11 you?

12 A. [10:40:43] Yes, they know him. They live in Rahad.

13 Q. [10:40:56] And do you know if they knew him for a long time?

14 A. [10:41:02] I'm unable to tell you that, but all Rahad knows him, not only us.

15 Q. [10:41:18] What, if anything, did your parents tell you about Mr Ali Muhammad
16 Ali Abd-Al-Rahman? What kind of opinion or comments did they make about him?

17 A. [10:41:31] The comments did not come from my parents. They never, like, talked
18 about a specific -- a certain person, so he had -- the people say good things about him,
19 but in Rahad in general.

20 Q. [10:42:01] Do you know what happened in 2010 that made you meet Mr Ali
21 Muhammad Ali Abd-Al-Rahman for the first time?

22 A. [10:42:27] In 2010, he had a force, that is the Central Reserve Forces, who came
23 from Khartoum to Rahad Al-Berdi in 2010, and that was the first time I met him.

24 Q. [10:42:59] Do you mean that he arrived together
25 with other people from the

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1 Central Reserve Forces? He did not come alone?

2 A. [10:43:09] Repeat the question, please.

3 Q. [10:43:17] You just said, sir, that: "In 2010, he had a force, that is the Central

4 Reserve Forces, who came from Khartoum to Rahad Al-Berdi ... and that was the first
5 time I met him."

6 So my question is do you mean that he arrived together with people from the Central
7 Reserve Forces to Rahad Al-Berdi?

8 A. [10:43:43] Yes, he did.

9 Q. [10:43:54] Do you know what was his rank in the Central Reserve Forces when he
10 arrived in 2010?

11 A. [10:44:04] He was a warrant officer, musa'id.

12 Q. [10:44:13] And in that rank, was he the one commanding the Central Reserve
13 Forces in Rahad Al-Berdi, or was there someone above him in Rahad Al-Berdi?

14 A. [10:44:26] This person was a warrant officer. I don't know if there were any ranks
15 that were above him. So they are -- they are formal people and I am simple citizen, so I
16 just don't mingle a lot with them.

17 Q. [10:45:04] Okay. But from your perception, at least, was he the commander of the
18 Central Reserve Forces in Rahad Al-Berdi?

19 A. [10:45:13] He was the commander, and his rank was warrant officer.

20 Q. [10:45:25] Okay. And when he arrived in 2010 in Rahad Al-Berdi, how did the
21 people react? Was there any reaction to his arrival and the fact that he took command
22 of the Central Reserve Forces there?

23 A. [10:45:41] Repeat the question, please.

24 Q. [10:45:50] My question is how did the people in Rahad Al-Berdi react, if at all, to
25 the arrival of Mr Ali Muhammad Ali Abd-Al-Rahman as the head of the Central

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1 Reserve Forces in Rahad Al-Berdi in 2010?

2 A. [10:46:13] Do you mean how he was welcomed or how? So what do you mean.

3 Q. [10:46:24] That's exactly it, if you can answer that question.

4 A. [10:46:36] The entire area of Rahad Al-Berdi welcomed him.

5 Q. [10:46:40] Why did they welcome him?

6 A. [10:46:44] Because he is one of them. He is a person from Rahad Al-Berdi.

7 Q. [10:46:57] So do we understand he was welcomed because he was returning back
8 to his place, or something like that?

9 A. [10:47:05] Yes, and concerning also the force, or the camp that he brought. This
10 was the welcome that they received.

11 Q. [10:47:27] Was there a presence of the Central Reserve Forces in Rahad Al-Berdi
12 prior to his return in 2010?

13 A. [10:47:34] No, there were no Central Reserve Forces before he came. He came and
14 he brought them with him.

15 Q. [10:47:50] And were the people happy to have now a presence of the Central
16 Reserve Forces in Rahad Al-Berdi?

17 A. [10:48:03] So, this is a formal force, so nobody can refuse them. It's like a formal
18 force that's there.

19 Q. [10:48:21] Okay. But what was the perception? What was the opinion? Was it a
20 good thing in the mind -- in your mind, was it a good thing that the Central Reserve
21 Forces were settling in Rahad Al-Berdi, or a bad thing, or you have no opinion?

22 A. [10:48:42] It was good. Wonderful. It was good.

23 Q. [10:48:54] Okay. And in what way did the population welcome his arrival?

24 A. [10:49:06] They welcomed him warmly. It was a warm welcome.

25 Q. [10:49:19] Can you describe more? I mean, was there a specific event, anything,

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1 ceremony? I don't know.

2 A. [10:49:31] There were no ceremonies, but all the people were happy for the arrival
3 of this person, and he would preserve the security. So everybody was happy about
4 this.

5 Q. [10:49:53] And was it a -- was this feeling and opinion commonly shared among
6 the population, whatever the tribes of the people?

7 A. [10:50:11] All the tribes. All the tribes were happy about this. All the tribes, with
8 no exception.

9 Q. [10:50:23] Do you remember any specific incidents were showing that the people
10 were happy about him being here?

11 A. [10:50:36] Repeat the question, please.

12 Q. [10:50:44] Do you -- do you have any concrete example? Do you remember
13 anything that made you think that the people were happy that Mr Ali Muhammad Ali
14 Abd-Al-Rahman and the CRF was arriving in Rahad Al-Berdi?

15 A. [10:51:07] They were very happy. Rahad Al-Berdi in general was happy.

16 Q. [10:51:16] I move on, Madam President.

17 A. [10:51:28] Go ahead, please.

18 Q. [10:51:32] How often did you meet with Mr Ali Muhammad Ali Abd-Al-Rahman?
19 Was it someone that you were meeting regularly with?

20 A. [10:51:57] When I go to the market, I would meet him in his pharmacy. He has a
21 pharmacy there, and he's there 24 hours.

22 Q. [10:52:07] Okay. And is that someone with whom you were chatting? Did you
23 have, like, any kind of relationship exchanging?

24 A. [10:52:24] No, I used to see him from afar only.

25 Q. [10:52:33] Did you ever have a discussion with him?

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1 A. [10:52:38] No.

2 Q. [10:52:47] Based on what you heard or know, was Mr Ali Muhammad Ali Abd-Al-
3 Rahman known to be involved in politics?

4 A. [10:52:57] No, he did not deal with politics. I did not hear that, at least.

5 Q. [10:53:12] Did you ever hear that he was in any way discriminating against people
6 based on their tribe or ethnicity?

7 A. [10:53:29] No, no. He's a man and he does not have -- he is, like, a national man.
8 He does not have such a thing.

9 Q. [10:53:47] Did you ever hear that he was doing or saying anything discriminatory
10 against the members of the Fur tribe?

11 A. [10:54:04] No, no. I did not hear that.

12 Q. [10:54:14] And did you ever hear people from the Fur tribe --

13 MR NICHOLLS: [10:54:19] Excuse me. Excuse me. There hasn't been an objection, but
14 it's becoming remarkably leading.

15 MR LAUCCI: [10:54:32] I move on.

16 Q. [10:54:36] Do you know if Mr Ali Muhammad Ali Abd-Al-Rahman had any
17 function or position within the administration of the Ta'aisha tribe?

18 A. [10:54:52] No, no. He only had his pharmacy where he used to sell things.

19 PRESIDING JUDGE KORNER: [10:55:06] Is this in Rahad Al-Berdi, in the market?

20 THE WITNESS: [10:55:17](Interpretation) Yes, he's present in the market a lot.

21 PRESIDING JUDGE KORNER: [10:55:21] Are you saying that he ran a pharmacy
22 whilst he was the head of the CRF?

23 THE WITNESS: [10:55:28](Interpretation) Excuse me, what did you say about him
24 being the commander of the CRF?

25 PRESIDING JUDGE KORNER: [10:55:44] No, you told us he was the commander of

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1 the CRF. What I am asking is whether, at the same time, he was also running a
2 pharmacy in the marketplace?

3 THE WITNESS: [10:56:04](Interpretation) He has a pharmacy in the market, yes. It's a
4 pharmacy for humans.

5 PRESIDING JUDGE KORNER: [10:56:13] Right. Now, just listen very carefully indeed.
6 In the period from 2010, whilst he was in charge of the CRF, as you have told us, was
7 he also running a pharmacy in the market in Rahad Al-Berdi? Do you understand the
8 question?

9 THE WITNESS: [10:56:40](Interpretation) Yes, I understand.

10 PRESIDING JUDGE KORNER: [10:56:45] The answer?

11 THE WITNESS: [10:56:50](Interpretation) He has a pharmacy in the market, yes.

12 PRESIDING JUDGE KORNER: [10:56:58] At the same time as he was in charge of the
13 CRF?

14 THE WITNESS: [10:57:11](Interpretation) Yes.

15 PRESIDING JUDGE KORNER: [10:57:13] Thank you.

16 MR LAUCCI: [10:57:17] And I believe that's the -- the next question that maybe
17 Madam President will ask you.

18 Q. [10:57:26] How did he share his time between the Central Reserve Forces and the
19 pharmacy, as far as you know?

20 A. [10:57:34] I don't know these details. But sometimes you would find him in the
21 pharmacy, but I cannot tell you what time he works here or what time he works there.
22 So this man is like -- he's like someone who's responsible, who has, like, a position of
23 responsibility, so I cannot follow up on these issues with him.

24 Q. [10:58:06] Would you describe Mr Ali Muhammad Ali Abd-Al-Rahman as a --

25 PRESIDING JUDGE KORNER: [10:58:10] (Microphone not activated).

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1 MR LAUCCI: [10:58:12] Sorry?

2 PRESIDING JUDGE KORNER: [10:58:13] To start a question, "Would you describe"
3 implies a leading question.

4 MR. LAUCCI: [10:58:15] Okay.

5 PRESIDING JUDGE KORNER: [10:58:17] "How would you describe".

6 MR LAUCCI: [10:58:22] Okay.

7 Q. [10:58:26] How would you describe the wealth of Mr Ali Muhammad Ali Abd-Al-
8 Rahman?

9 A. [10:58:34] Do you mean the wealth when it comes to owning animals?

10 Q. [10:58:45] If he has animals -- if he had animals, you can tell us so, but what was
11 the general apparent level of his wealth?

12 A. [10:58:57] I did not see that he had wealth.

13 PRESIDING JUDGE KORNER: [10:59:10] Well, how would you have known one way
14 or the other, may I ask, given that you never spoke to him? How would you know
15 what his wealth was?

16 THE WITNESS: [10:59:25](Interpretation) This man has no wealth. I did not see that
17 he has any wealth.

18 MR LAUCCI: [10:59:45]

19 Q. [10:59:45] Under which name or names did you know Mr Ali Muhammad Ali
20 Abd-Al-Rahman?

21 A. [10:59:52] His name is Ali Muhammad Ali Abd-Al-Rahman.

22 Q. [11:00:07] How did you call him yourself?

23 A. [11:00:11] Uncle Ali.

24 PRESIDING JUDGE KORNER: [11:00:21] How could he call him anything? Well ...

25 MR LAUCCI: [11:00:22]

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1 Q. [11:00:23] Did you ever have an interaction with Mr Ali Muhammad Ali Abd-Al-
2 Rahman during which you called him that name that you just said?

3 A. [11:00:32] Uncle Ali. So you would call any person who is older than you with
4 these words. Even for women, if they are older than you, you would call them aunt
5 something. So out of respect, a man who is older than you, you would call them uncle
6 with their name.

7 Q. [11:00:58] Okay. But is it a name that you have used in direct discussion with him
8 or just referring to -- talking with third people?

9 A. [11:01:10] Everyone would address him by "Uncle Ali", and also if you come
10 across him to greet him, you would say "Hello, Uncle Ali", and so forth. It is out of
11 respect as per Sudanese tradition.

12 Q. [11:01:34] Are you aware of any other name that was used in Rahad Al-Berdi to
13 call him?

14 A. [11:01:39] They would also call him Abu Nasser, because his eldest son is Nasser.
15 As per Sudanese tradition, you would be called by your eldest son or eldest daughter.
16 Say your eldest daughter's name is Halima or Samiya, and so forth, and in his case he
17 had an eldest son whose name is Nasser; hence, the nickname Abu Nasser.

18 Q. [11:02:13] And did you hear anyone ever call him by the name Ali Kushayb?

19 A. [11:02:20] I only heard it from you here and over the radio. That's -- those are the
20 only times I heard the name Ali Kushayb.

21 MR LAUCCI: [11:02:37] Madam President, that's -- Madam President, I think that's an
22 appropriate time for the break. It will not be long after the break, but I need some
23 more.

24 PRESIDING JUDGE KORNER: [11:02:57] Are you finished?

25 MR LAUCCI: [11:02:59] Not yet. I still have some questions.

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1 PRESIDING JUDGE KORNER: [11:03:01] Carry on.

2 MR LAUCCI: [11:03:03] Ah, okay.

3 PRESIDING JUDGE KORNER: [11:03:04] We are going to have to sit slightly odd
4 hours today, because of this.

5 MR LAUCCI: [11:03:06] Okay.

6 PRESIDING JUDGE KORNER: [11:03:07] So, you finish off.

7 MR LAUCCI: [11:03:08] Okay.

8 Q. [11:03:17] Between 2010 and 2012, sir, did you ever hear discussions about a
9 possible departure of Mr Ali Muhammad Ali Abd-Al-Rahman from Rahad Al-Berdi?

10 A. [11:03:35] Could you please repeat the question.

11 Q. [11:03:45] I'll repeat the question.

12 Between 2010 and 2020, did you ever hear talk, discussions, about a possible departure
13 of Mr Ali Muhammad Ali Abd-Al-Rahman from Rahad Al-Berdi?

14 A. [11:04:20] I haven't heard such discussions. I only learned that he has ended up in
15 the Netherlands, in addition to the things we heard over the radio.

16 Q. [11:04:37] Sir, I would like to refresh you with something that you said at
17 paragraph 24 of your statement of August 2023.

18 PRESIDING JUDGE KORNER: [11:05:13] I suppose I could be technical, Mr Laucci,
19 and say you need to ask him whether it would help him to have his memory refreshed
20 --

21 MR LAUCCI: [11:05:23] But he doesn't know he's asked.

22 PRESIDING JUDGE KORNER: [11:05:25] -- from the statement he made last year.

23 MR LAUCCI: [11:05:27] Yeah.

24 PRESIDING JUDGE KORNER: [11:05:28] But you go ahead and just put it to him.

25 MR LAUCCI: [11:05:29] Okay. Thank you.

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1 Q. [11:05:32] Sir, at paragraph 24 of your statement of August 2023 that was read
2 back to you during the preparation session last Monday, you say:

3 "I used to meet with Mr Ali all the time. I would see him approximately every two
4 days, as Rahad Al-Berdi is a small place and he was not far from my home."

5 So with that read-back, sir, can you tell us once again whether you met with Mr Abd-
6 Al-Rahman and had some even totally informal chat with him from time to time?

7 A. [11:06:30] That's a normal thing to happen. You would greet a person, he would
8 greet you back, and then you would go on, on your way. Or you would come across
9 him as he was standing with other people and you would greet everybody. I wouldn't
10 spend a whole day at home. Sometimes I'd go to the market, and that's how I would
11 greet him.

12 And there are these cafes, or tea houses, so you'd come there to get a coffee or a tea.
13 You'd come across such people and greet them and so forth.

14 Q. [11:07:18] What you just mentioned, is that something that you happened to do or
15 used to do between the years 2010 and 2020?

16 A. [11:07:30] Between 2010 until 2015, or 2016, in those areas, that I can remember,
17 but I don't remember if I did such things afterwards because afterwards I had been
18 travelling a lot. I would travel to Nyala, also to another area called Shuwaib, so I have
19 been travelling frequently afterwards.

20 PRESIDING JUDGE KORNER: [11:08:09] I think the real question is, apart from, say,
21 greeting him when you saw him in the street or in the market, or wherever, did you
22 actually sit down and have a conversation with him at any stage during those years?

23 THE WITNESS: [11:08:28](Interpretation) No. We never discussed anything. We
24 never had any exchange of that sort. It's just a greeting, as per Sudanese custom. Such
25 thing is totally unproblematic. You need not discuss anything in particular.

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1 MR LAUCCI: [11:08:59] Thank you.

2 Q. [11:09:01] And not with Mr Abd-Al-Rahman, but with other people in Rahad Al-
3 Berdi, did you ever -- do you remember ever discussing that Mr Ali Muhammad Ali
4 Abd-Al-Rahman was wanted by the International Criminal Court?

5 A. [11:09:23] No.

6 Q. [11:09:31] Did you have discussion with other people where it was discussed that
7 Mr Ali Muhammad Ali Abd-Al-Rahman had participated in the war in Darfur in, let's
8 say, 2003-2004?

9 A. [11:09:52] No, that is something I just heard by myself.

10 Q. [11:10:04] What do you mean you heard it by yourself?

11 A. [11:10:08] I haven't heard that. I just heard it here.

12 Q. [11:10:24] But in Rahad Al-Berdi, you never heard it?

13 A. [11:10:33] At all.

14 Q. [11:10:41] How did you learn that Mr Ali Muhammad Ali Abd-Al-Rahman had
15 gone to surrender to the ICC?

16 A. [11:10:54] After he arrived in the Netherlands, that's when we learned about it.

17 Q. [11:11:07] Where did you learn it from?

18 A. [11:11:14] The radio.

19 Q. [11:11:16] Were there discussions about that event in Rahad Al-Berdi?

20 A. [11:11:20] Back then, I was travelling, and I had just returned from Nyala, and I
21 was told that he surrendered himself but with no further details.

22 Q. [11:11:50] And what did people say about his surrender? What was the reaction?

23 A. [11:11:55] People were furious about that. They said he was resolving their
24 disputes, protecting their farming activity, ensuring their security, so people were
25 angry about it, but I was not -- I don't know what other things happened as far as their

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1 reaction is concerned, because I had to travel afterwards to go see my family.

2 Q. [11:12:33] Which people are you talking about?

3 A. [11:12:38] Well, it's just street talk. I cannot be specific as to whom, as to who said
4 it.

5 Q. [11:12:54] And in your perception, was it a perception that was a reaction that was
6 shared by the entire population, or was it specific to one tribe or the other?

7 A. [11:13:26] All tribes.

8 Q. [11:13:26] Had the departure of Mr Ali Muhammad Ali Abd-Al-Rahman from
9 Rahad Al-Berdi consequences on the situation in Rahad Al-Berdi?

10 A. [11:13:35] Yes. The situation totally collapsed. There was devastation afterwards.
11 Thieves came there and plundered as they pleased. Rahad Al-Berdi is no longer what
12 it used to be.

13 Q. [11:13:58] And how is it related to the departure of Mr Ali Muhammad Ali Abd-
14 Al-Rahman?

15 A. [11:14:07] Could you please repeat the question.

16 Q. [11:14:14] What is the link with this deterioration of the situation that you
17 mentioned? What is the link with the departure of Mr Abd-Al-Rahman?

18 A. [11:14:27] Because security was lost as soon as he left. Thieves increased
19 significantly in number.

20 MR LAUCCI: [11:14:43] Madam President, for my last questions I would need to go
21 very briefly in private session, please.

22 PRESIDING JUDGE KORNER: [11:14:50] Yes.

23 MR LAUCCI: [11:15:05] No. Actually, no need.

24 PRESIDING JUDGE KORNER: [11:15:10] Is that your last question, then?

25 MR LAUCCI: [11:15:11] (Microphone not activated).

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1 PRESIDING JUDGE KORNER: [11:15:12] Sorry.

2 MR LAUCCI: [11:15:13] Mr Witness, these were my questions. I thank you for your
3 appearance in this trial, and now you will be asked questions by the other participants
4 in this trial. Thank you very much.

5 PRESIDING JUDGE KORNER: [11:15:29] Yes. Thank you, Mr Laucci.

6 All right. Sir, we are going to take a break for half an hour, 30 minutes, so you can
7 leave and come back in 30 minutes. Tell the people who are with you. All right?

8 THE WITNESS: [11:15:50](Interpretation) That is fine. Very clear.

9 PRESIDING JUDGE KORNER: [11:15:53] Yeah. You can leave. Thank you very much.

10 Okay. Mr Shah, are you going to ask any -- or Ms von Wistinghausen, although it's
11 going to be difficult with you on video-link.

12 MR SHAH: [11:16:07] Just a few questions with the Chamber's leave. Maybe five to
13 seven minutes maximum. Very discrete questions.

14 PRESIDING JUDGE KORNER: [11:16:13] I don't know where you are going to get to
15 with him.

16 MR SHAH: [11:16:16] We hope a few useful bits of information.

17 PRESIDING JUDGE KORNER: [11:16:20] All right. Yeah. All right.

18 We'll sit again at a quarter to 12, and then we'll sit through to 1.30, because, as I say,
19 Judge Alapini has official duties to deal with at 2.20. Something like that, anyhow. All
20 right.

21 Court Officer, we will adjourn.

22 THE COURT USHER: [11:16:47] All rise.

23 (Recess taken at 11.16 a.m.)

24 (Upon resuming in open session at 11.50 a.m.)

25 THE COURT USHER: [11:50:28] All rise. Please be seated.

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1 PRESIDING JUDGE KORNER: [11:50:45] Yes, Mr Shah.

2 MR SHAH: [11:50:48] Thank you, Madam President.

3 QUESTIONED BY MR SHAH:

4 Q. [11:50:51] Sir, can you see and hear me?

5 A. [11:50:59] Yes.

6 Q. [11:51:04] Thank you.

7 My name is Anand Shah and I am one of the lawyers representing the victims in these
8 proceedings. On behalf of our clients I would like to ask you a few questions.

9 PRESIDING JUDGE KORNER: [11:51:25] Yes, go ahead.

10 MR SHAH: [11:51:28]

11 Q. [11:51:28] Sir, firstly, can you tell me in which neighbourhoods of Rahad Al-Berdi
12 do the Fur people live?

13 A. [11:51:45] Well, there is a neighbourhood called -- called Assad Al-Ali, also
14 Alsalam, and Karyan, and Barango. These neighbourhoods belong to the Fur, in
15 addition to another one called Annojum.

16 Q. [11:52:14] And the Fur people do not live outside of these neighbourhoods; is that
17 correct?

18 A. [11:52:22] Could you please repeat the question.

19 Q. [11:52:32] I'll move on. Now, in your evidence this morning in answering
20 questions from my colleague, Mr Laucci, you spoke about some of the tribal leadership
21 positions in Rahad Al-Berdi. And I'd like to know if you know how many *umdahs* of
22 the Ta'aisha tribe there are in Rahad Al-Berdi?

23 A. Well, the *umdah* is Ahmad Abdullahi, in addition to Umdah Abbas, Umdah
24 Ahmed Ibrahim Al-Semeh, Umdah Abddelkarim, Umdah Hussein. There are
25 numerous *umdahs*.

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1 Q. [11:53:50] Thank you, sir.

2 And would you agree with me that there are around 23 sheikhs from the Fur
3 community in Rahad Al-Berdi?

4 A. [11:54:06] I can't give you a specific figure but I can tell you that sheikhs are
5 numerous.

6 Q. [11:54:18] That's fine. Thank you, sir.

7 I'm going to move on to my last subject. Mr Witness, is the term *zurga* a term that the
8 Fur people use to refer to each other?

9 A. [11:54:39] No, no.

10 Q. [11:54:53] *Zurga* is a derogatory term for persons from African tribes in Darfur; is
11 that correct, sir?

12 A. [11:55:02] The word *zurga* is a derogatory term, and it is a false term because
13 almighty God has created people into different tribes and groups and hence the term
14 *zurga* is of no relevance.

15 Q. [11:55:30] Those are all my questions, sir.

16 MR SHAH: [11:55:33] Thank you very much, Madam President.

17 PRESIDING JUDGE KORNER: [11:55:35] It's a term, sir, that you have heard. To
18 whom is it applied?

19 THE WITNESS: [11:55:55](Interpretation) The word *zurga* is only an informal insult. It
20 is not a word that has any formal sense.

21 PRESIDING JUDGE KORNER: [11:56:09] Okay. You say it's an informal insult. Is it
22 applied to any particular tribe or a member of any particular tribe?

23 THE WITNESS: [11:56:24](Interpretation) It can be said to whomever.

24 PRESIDING JUDGE KORNER: [11:56:30] Thank you. Yes.

25 MS TOGNINI SABA: [11:56:45] It's me, Madam President. Thank you.

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- 1 PRESIDING JUDGE KORNER: [11:56:47] (Microphone not activated).
- 2 MS TOGNINI SABA: [11:56:50] Yes. Can you hear me now, Madam President?
- 3 PRESIDING JUDGE KORNER: [11:56:57] More or less. I think you have to keep your
4 voice up slightly.
- 5 MS TOGNINI SABA: [11:57:05] Okay. Good morning, Madam President. I'll be
6 leading the witness. And I can assure you that we will be comfortably done by 1.30.
- 7 QUESTIONED BY MS TOGNINI SABA:
- 8 Q. [11:57:19] Good morning, Mr Witness.
- 9 A. [11:57:31] Good morning.
- 10 Q. [11:57:37] We've met last Friday, but for the record my name is Diana Saba and I'll
11 be asking you questions on behalf of the Prosecution.
- 12 And sir, I want to start by asking you some questions about your contact with the
13 Defence. Now, you were interviewed by the Defence team last year; yes?
- 14 A. [11:58:10] Could you please repeat.
- 15 Q. [11:58:12] Yes. You travelled and met with the Defence in around mid-last year, in
16 2023, and provided a statement to them; correct?
- 17 A. [11:58:28] Correct.
- 18 Q. [11:58:33] And in that process, the Defence explained to you the importance of
19 telling the truth; correct?
- 20 A. [11:58:44] Yes.
- 21 Q. [11:58:47] At the end of your interview, your statement was read back to you and
22 you were given the opportunity to make corrections and clarifications; correct?
- 23 A. [11:59:00] Correct.
- 24 Q. [11:59:04] And, sir, you've met with the Defence again last Monday and you again
25 were read back your statement; correct?

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1 A. [11:59:15] Correct.

2 Q. [11:59:18] And you were again given the opportunity to make corrections and
3 clarifications to that statement; yes?

4 A. [11:59:28] Correct.

5 Q. [11:59:30] And you did then provide a number of corrections and clarifications to
6 paragraphs of your statement and you, for instance, corrected your year of birth after
7 going over your personal information recorded in that statement; yes?

8 A. [11:59:51] Correct.

9 Q. [11:59:55] And, sir, this morning again, you were given the opportunity -- you
10 were asked about your name, your place of birth, your date of birth, your occupation,
11 and you again provided truthful answers to those questions; correct?

12 A. [12:00:14] Correct.

13 Q. [12:00:17] Okay, sir. I want to move to another topic and I'm going to ask you
14 about some people in Rahad Al-Berdi.

15 Now, you know Mahmoud Abd-Al-Rahman Bishara --

16 A. [12:00:29] Go ahead.

17 Q. [12:00:31] I'll repeat the question. Sir, you know Mahmoud Abd-Al-Rahman
18 Bishara; yes?

19 A. [12:00:42] He is the *nazir* of the Ta'aisha.

20 Q. [12:00:47] And, sir, you know Ahmed Ibrahim Al-Semeh Abd-al-Ghani; yes?

21 A. [12:00:59] Yes, I know him.

22 Q. [12:01:02] And, sir, you also know Hassan Mohamed Hussein Bashir; yes?

23 A. [12:01:15] Hassan -- Mohamed, Hassan, no, I don't know this person.

24 Q. [12:01:21] Sir, I'm going to repeat the name again. It's Hassan Mohamed Hussein
25 Bashir.

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1 A. [12:01:41] Hassan Mohamed Hussein Bashir, no.

2 Q. [12:01:47] Okay. I'm going to ask you about someone else. Do you know Zakaria
3 Abdelkarim Mohamed Zein Ahmad?

4 A. [12:02:01] No, I don't know him.

5 Q. [12:02:07] And sir, you know Hajro Moussa Adam Al-Sanoussi ; yes?

6 A. [12:02:17] Hajro Moussa Adam Al-Sanoussi , so I only hear the name. I heard
7 people saying this.

8 Q. [12:02:34] And, sir, Mohamed Zein Adam Al-Bassati Sharafeldin, you also know
9 him; right?

10 A. [12:02:59] I only heard this name.

11 Q. [12:03:04] Okay, sir. I'm going to move on. This morning, you told the Defence
12 that you listened to the news on the radio; yes? And I read in your statement that you
13 mention Radio Dabanga; is that correct? You listened to Radio Dabanga; right?

14 A. [12:03:31] Yes, Radio Dabanga, this is the one I listen to.

15 Q. [12:03:36] You also listen to Radio Omdurman; correct?

16 A. [12:03:44] Correct, yes.

17 Q. [12:03:47] Sir, this morning you were asked about hearing about the name Ali
18 Kushayb and you said that you do not remember what was being said about Ali
19 Kushayb. You heard it on the radio but you don't remember what was being said
20 about it.

21 * And this is at transcript pages 13 and 14, your Honours.

22 A. [12:04:20] I don't remember what they said.

23 Q. [12:04:24] Sir, I'm going to read to you from paragraph 18 of your statement. It
24 says:

25 "I have heard about Ali Kushayb but I do not know who he is. I heard about him on

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1 Radio Dabanga in relation to problems in Darfur. They talked about him on Radio

2 Dabanga but I do not know what role he played in the events."

3 That's the truth; right, sir?

4 A. [12:04:57] Yes.

5 Q. [12:05:03] You heard on Radio Dabanga about Ali Kushayb in relation to problems
6 in Darfur; correct?

7 A. [12:05:11] I heard about that but I don't know about the problems. I heard this on
8 the radio.

9 Q. [12:05:25] And, sir, by "problems", you mean the 2003-2004 counter-insurgency
10 campaign against the Fur; correct?

11 A. [12:05:39] That was against the insurgents, so there were -- there was the
12 opposition, and the government was against the opposition. And the opposition was
13 not composed of only one tribe.

14 Q. [12:06:06] And, sir, this is the problem in Darfur you are referring to and you
15 listened to on Radio Dabanga that Ali Kushayb was involved in?

16 A. [12:06:21] No, he was not involved. I did not hear that he was involved. I only
17 heard about the counter-insurgency of the government to stop the opposition, and that
18 was a tribal problem between the Arabs and the Fur.

19 Q. [12:06:46] Okay, sir. This morning, you were also asked about your contact with
20 Mr Abd-Al-Rahman in Rahad Al-Berdi.

21 And I'm at page 33 and 40 of the transcript, your Honours.

22 And you said, sir --

23 THE INTERPRETER: [12:07:05] He asked to repeat the question.

24 MS TOGNINI SABA: [12:07:07]

25 Q. [12:07:07] I'm still going -- I was just situating the Judges. I'm going to formulate

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1 my question now, sir.

2 You told us this morning --

3 A. [12:07:17] Go ahead, please.

4 Q. [12:07:18] -- that you used to meet Mr Abd-Al-Rahman when you went to the
5 market in Rahad Al-Berdi; yes?

6 A. [12:07:29] Yes. Every time I went to the market, I saw him.

7 Q. [12:07:35] And, sir, I can read from your statement - and this is at paragraph 24 -
8 that you also mentioned seeing him at his house sometimes; correct?

9 A. [12:07:51] Yes. If I'm walking and passing in front of their house, you would see
10 them sitting outside on chairs. So I would be walking on the street and this is how I
11 would see them.

12 Q. [12:08:10] And it's also recorded in your statement that sometimes you would see
13 him when you were at the CRF camp; yes?

14 A. [12:08:21] Yes, in the CRF camp because this was his force.

15 Q. [12:08:38] You were a regular in the CRF camp; correct, sir?

16 A. [12:08:49] So, I am a farmer, and I would be walking and I would see -- pass next
17 to them. And I would see the camp because when I'm going to my farm to plant, the
18 street is close to the camp.

19 Q. [12:09:14] Okay, sir. I want to move on to a different topic now.

20 This morning, you told Madam President - and this is at page 18 of the transcript - that
21 you are aware of a conflict, of a fighting, that happened between the Ta'aisha and the
22 Salamat in Rahad Al-Berdi about 10 years ago; correct?

23 A. [12:09:38] Yes, correct.

24 Q. [12:09:45] And Radio Dabanga published a lot of reports about this conflict;
25 correct?

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1 A. [12:10:05] Yes, they talked about the Ta'aisha and the Salamat.

2 Q. [12:10:10] Sir, I'm going to suggest to you that in the various reports that Radio
3 Dabanga published about this conflict, Ali Kushayb is mentioned.

4 A. [12:10:32] No, they did not mention Ali Kushayb on this radio. I did not hear that.

5 Q. [12:10:39] Sir, I'm going to also suggest to you that Ali Kushayb is mentioned as
6 being wanted by the International Criminal Court and being a CRF commander in
7 Rahad Al-Berdi, and this is typical from the Radio Dabanga reports at this time. You
8 must have heard about this.

9 A. [12:11:02] No, I haven't heard about this.

10 Q. [12:11:16] Now, sir, this morning you were asked about Mr Abd-Al-Rahman's
11 surrender and you have mentioned that the news of his surrender were met with
12 anger. You said people in Rahad Al-Berdi were furious to know about his surrender to
13 the International Criminal Court; correct?

14 A. [12:11:50] Yes, correct.

15 Q. [12:11:53] And you also clarified that all the people in Rahad Al-Berdi of all tribes
16 had this reaction; correct?

17 A. [12:12:10] Yes, correct.

18 MS TOGNINI SABA: [12:12:18] Madam President, can we please move into private
19 session, please.

20 PRESIDING JUDGE KORNER: [12:12:24] Yes, private session, please.

21 (Private session at 12.12 p.m.)

22 THE COURT OFFICER: [12:12:29] We are in private session, Madam President.

23 (Redacted)

24 (Redacted)

25 (Redacted)

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- 24 (The hearing ends in open session at 12.52 p.m.)