

Trial Hearing
WITNESS: DAR-OTP-P-0584

(Open Session)

ICC-02/05-01/20

1 International Criminal Court
2 Trial Chamber I
3 Situation: Darfur, Sudan
4 In the case of The Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman
5 ("Ali Kushayb") - ICC-02/05-01/20
6 Presiding Judge Joanna Korner, Judge Reine Alapini-Gansou and
7 Judge Althea Violet Alexis-Windsor
8 Trial Hearing - Courtroom 1
9 Monday, 7 November 2022
10 (The hearing starts in open session at 9.39 a.m.)
11 THE COURT USHER: [9:39:36] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE KORNER: [9:39:58] Yes. Good morning, all.
15 Can we call the case, please.
16 THE COURT OFFICER: [9:40:03] Good morning, Madam President. Good
17 morning, your Honours.
18 This is the situation in Darfur, Sudan, in the case of The Prosecutor versus
19 Ali Muhammad Ali Abd-Al-Rahman, case reference ICC-02/05-01/20.
20 And for the record, we are in open session.
21 PRESIDING JUDGE KORNER: [9:40:20] Yes, thank you.
22 Appearances. Prosecution.
23 MR NICHOLLS: [9:40:26] Good morning, Madam President. Good morning,
24 your Honours. Good morning, everybody in the courtroom.
25 Julian Nicholls with Rachel Mazzarella, Claire Sabatini, Pubudu Sachithanandan and

Trial Hearing
WITNESS: DAR-OTP-P-0584

(Open Session)

ICC-02/05-01/20

1 Alison Whitford. Thank you.

2 PRESIDING JUDGE KORNER: [9:40:41] I can't hear a thing. I mean I can hear you,
3 but I mean I can't hear the ... just a moment. Okay.

4 Now I've got it. I hope.

5 Yes. Defence, appearances, sorry.

6 MR LAUCCI: [9:41:12](Interpretation) Good morning, Madam President. Good
7 morning, your Honours. Good morning, dear colleagues. This morning I would
8 like to welcome once again Mr Ali Abd-Al-Rahman, present in the courtroom. And
9 Nina Guilloux is in charge of evidence, Mr Ahmad Issa, and myself, Cyril Laucci, who
10 is lead counsel for the Defence. Thank you very much.

11 PRESIDING JUDGE KORNER: [9:41:45] Yes.

12 Before we hear about the witness, there are a couple of matters I want to raise. First
13 matter can be in public, and that relates to the witness order. It's witness here -- I
14 gather that you're having problems, Mr Nicholls, again, with 885. And do I
15 understand this: You are in contact with 921 and you want -- and therefore you
16 want to call him at the end of the session?

17 MR NICHOLLS: [9:42:25] No, your Honours. I don't know if I should speak now
18 or wait for you to -- to finish.

19 PRESIDING JUDGE KORNER: [9:42:30] Well, no, because -- no, no, that was it.
20 Because the Defence are objecting, and I was -- I was going to deal with that.

21 MR NICHOLLS: [9:42:36] I can give you a bit of an update.

22 I've spoken to my friend, Mr Laucci, this morning. We are -- I'm going to start
23 apologising now. We are having some problems in this block. We spent a long
24 time talking to VWS about it, and some of the issues, they may address the Chamber
25 themselves, I believe, or I will try to coordinate with them.

Trial Hearing
WITNESS: DAR-OTP-P-0584

(Private Session)

ICC-02/05-01/20

1 But to answer your question, 921 we intend to call in the next block. We are in
2 contact with him. We were hoping to be able to have him be able to testify if we got
3 very good news at the end of last week, over the weekend, but we didn't.

4 So 885 -- sorry, 921 we intend to try to call early next year.

5 PRESIDING JUDGE KORNER: [9:43:28] And what's -- if you are in contact with
6 him -- what I'm anxious to avoid, Mr Nicholls, is this: That we have a situation that
7 arose at the end of the last block, as it were, where we literally only sat, I think, for
8 about two days in each week.

9 MR NICHOLLS: [9:43:45] We are in contact with him, your Honour. He has some
10 serious health issues, and his statement was taken, very rapidly recorded in one day,
11 because we had a deadline that ended -- for that Monday and we did it on a Friday.
12 So the statement is not good and not one that you would find as helpful as it should
13 be. So we think we need to talk with him, as well as do a -- with VWS do an
14 assessment of his mental and physical health. At this moment, we don't know if he
15 can testify, and if -- one other point I need to go into private session for.

16 PRESIDING JUDGE KORNER: [9:44:36] We will have to go into private anyhow for
17 the next matter I want to raise.

18 MR NICHOLLS: [9:44:43] Yes.

19 PRESIDING JUDGE KORNER: [9:44:43] All right. Let's go into private session.

20 (Private session at 9.44 a.m.)

21 THE COURT OFFICER: [9:44:58] We're in private session, Madam President.

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: DAR-OTP-P-0584

(Private Session)

ICC-02/05-01/20

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Trial Hearing
WITNESS: DAR-OTP-P-0584

(Private Session)

ICC-02/05-01/20

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Trial Hearing
WITNESS: DAR-OTP-P-0584

(Private Session)

ICC-02/05-01/20

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Trial Hearing
WITNESS: DAR-OTP-P-0584

(Private Session)

ICC-02/05-01/20

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Trial Hearing
WITNESS: DAR-OTP-P-0584

(Private Session)

ICC-02/05-01/20

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3 PRESIDING JUDGE KORNER: [9:54:58] Right. Was there anything else before we
4 go back into public session and -- yes. Mr Laucci, you can answer the question.

5 I'm taking it this witness is going to be very short in chief?

6 MR NICHOLLS: [9:55:16] That's correct, your Honour.

7 PRESIDING JUDGE KORNER: [9:55:17] Mr Laucci, do you have any idea how long
8 you are going to be in cross-examination? It doesn't seem to me that it's as much.

9 MR LAUCCI: [9:55:25](Interpretation) I would agree with you, Madam President.

10 I don't know how long precisely my colleagues, the Legal of Representatives of
11 Victims will be questioning the witness for, but even if I were to start my
12 cross-examination during the next session, it will be wrapped up today without any
13 doubt whatsoever.

14 PRESIDING JUDGE KORNER: [9:55:45] Yes. Mr Shah, I think this morning -- I'm
15 trying to -- I forgot to ask if you were here, but anyhow, you are here.

16 MR SHAH: [9:55:57] Yes, thank you, Madam President. I am here with colleague
17 Idriss Anbari, case manager. This witness is a dual status witness and we will have
18 some questions for him, but I imagine, based on -- perhaps 20-25 minutes would be
19 my estimate.

20 PRESIDING JUDGE KORNER: [9:56:12] All right. For various reasons, two of the
21 Judges have to rise a little earlier today. So I will say that the next witness certainly
22 needn't be here for today, and I would hope that we would be finishing no later than
23 quarter to 4.

24 Yes. All right. Let's go back into public session.

25 (Open session at 9.56 a.m.)

Trial Hearing
WITNESS: DAR-OTP-P-0584

(Open Session)

ICC-02/05-01/20

1 THE COURT OFFICER: [9:56:49] We are back in open session, Madam President.

2 PRESIDING JUDGE KORNER: [9:56:52] Yes, very well.

3 If you would like, who is calling the witness?

4 MR NICHOLLS: [9:56:56] It's Ms Mazzarella, but either now or later I can update
5 you on the rest of those witness issues that I said could be in public or (Overlapping
6 speakers)

7 PRESIDING JUDGE KORNER: [9:57:05] I gather the witness has been waiting, so
8 let's deal with him and then do it --

9 MR NICHOLLS: [9:57:08] That's fine. Thank you.

10 PRESIDING JUDGE KORNER: [9:57:10] Right. Yes.

11 Yes, Ms Mazzarella, before he appears on the link, you want to give the Court
12 a summary or a public summary.

13 MS MAZZARELLA: [9:57:21] Certainly.

14 PRESIDING JUDGE KORNER: [9:57:56] Before the witness comes on the screen,
15 Ms Mazzarella, because it's a 68(3), you have got to do a summary in his absence.

16 MS MAZZARELLA: [9:58:07] Yes, I was intending to. I was just taking a moment
17 to set up. My apologies.

18 PRESIDING JUDGE KORNER: [9:58:12] Oh, I see. All right.

19 MS MAZZARELLA: [9:58:20] P-584 is a Fur civilian who witnessed the attack on his
20 village by GOS forces and the Janjaweed in late 2003, including the murder of
21 civilians and burning of homes.

22 P-584 describes how villagers hid in the nearby mountains for several months after
23 the attack, facing the prospect of nutrition and -- malnutrition, apologies, and
24 starvation.

25 These villagers only left the mountains to find food and water at night because they

Trial Hearing
WITNESS: DAR-OTP-P-0584

(Open Session)

ICC-02/05-01/20

1 feared being attacked by the Janjaweed.

2 P-584 fled from his village to Deleig in early 2004, along with civilians from other

3 villages in his area. He describes how GOS forces and the Janjaweed went house to

4 house in Deleig searching for males to arrest on Friday, 5 March 2004. These males

5 were then brought to the police station in Deleig and ordered to lie face down in the

6 hot sun.

7 P-584 also describes Ali Kushayb personally striking and killing a man named *Sheikh*

8 Motor outside the police station.

9 P-584 later found the dead bodies of these detained males at the site where they were

10 executed.

11 And that concludes my brief summary, your Honours.

12 PRESIDING JUDGE KORNER: [10:00:18] Yes, well, let's have the witness on the

13 screen.

14 Sir, good morning to you. Can you hear and understand me?

15 WITNESS: DAR-OTP-P-0584

16 (The witness speaks Fur)

17 (The witness gives evidence via video link)

18 THE WITNESS: [10:01:30](No interpretation)

19 PRESIDING JUDGE KORNER: [10:01:37] Translation, please. Translation.

20 THE INTERPRETER: [10:01:40] The interpreter didn't hear the translation from Fur.

21 THE WITNESS: [10:01:46](Interpretation) Good morning.

22 PRESIDING JUDGE KORNER: [10:01:48] Could we try and -- could we try and get

23 this together, please, today. Right.

24 What did the witness actually say?

25 THE WITNESS: [10:02:12](Interpretation) Good morning, Madam President. Good

Trial Hearing
WITNESS: DAR-OTP-P-0584

(Open Session)

ICC-02/05-01/20

1 morning. Yes, I see you very well.

2 PRESIDING JUDGE KORNER: [10:02:23] Sir, first of all, thank you for agreeing to
3 give evidence in this case. It is really important, because of the difficulties with
4 interpretation, that you speak slowly when you answer questions and keep your
5 answers as short as is humanly possible. We will be having a break in
6 approximately one hour, but if you need a break at any other stage, please, just raise
7 your hand and we will have one.

8 In a moment, you will be asked to repeat the solemn declaration after the court
9 officer.

10 I hope all of that is clear.

11 THE WITNESS: [10:04:25](Interpretation) Yes. I would like to thank you all for the
12 efforts that you are exerting day and night. I am here and ready to give my
13 testimony.

14 PRESIDING JUDGE KORNER: [10:04:46] Yes. Thank you, sir. Yes.

15 THE COURT OFFICER: [10:04:48] Good morning, Mr Witness. Could you please
16 repeat the solemn undertaking after me.

17 I solemnly declare that I will speak the truth -- Mr Witness, would you --

18 THE WITNESS: [10:05:26](Interpretation) I solemnly declare --

19 THE COURT OFFICER: [10:05:28] That I will speak the truth, the whole truth and
20 nothing but the truth.

21 Thank you, Witness, you are now under oath.

22 THE WITNESS: [10:05:54](Interpretation) I solemnly declare to say the truth, all the
23 truth and nothing but the truth.

24 PRESIDING JUDGE KORNER: [10:06:02] Yes, thank you.

25 Yes, Ms Mazzarella.

Trial Hearing
WITNESS: DAR-OTP-P-0584

(Open Session)

ICC-02/05-01/20

1 QUESTIONED BY MS MAZZARELLA:

2 Q. [10:06:16] Good morning, Mr Witness.

3 A. [10:06:26] I'm fine.

4 Q. [10:06:27] We met a few days ago, but just to remind you, my name is
5 Rachel Mazzarella. And I will be asking you some questions on the behalf of the
6 Prosecution.

7 A. [10:06:57] Hello to you.

8 Q. [10:07:00] If you do not understand any of my questions, please let me know,
9 and I will do my best to clarify.

10 A. [10:07:24] Okay.

11 Q. [10:07:25] Mr Witness, last week, during the preparation session, you had the
12 opportunity to review your witness statement and annexes. And then you made
13 corrections and clarifications; is that correct?

14 A. [10:07:56] Yes, that is correct.

15 Q. [10:07:59] Your Honours, this information is recorded in document
16 DAR-OTP-00000419 and that is tab 26 of the Prosecution binder.

17 Mr Witness, do you confirm that, subject to those corrections and clarifications, your
18 statement was true and correct to the best of your knowledge and belief?

19 A. [10:08:56] Yes, I hereby confirm -- I confirm that all this information is correct.

20 Q. [10:09:02] Mr Witness, do you confirm that you also agreed that your witness
21 statement and the corrections and clarifications could be introduced into evidence?

22 A. [10:09:38] Yes, I agree.

23 Q. [10:09:41] I will now ask you a few additional questions about your statement.
24 And, Madam President, I expect to conduct most, if not all, of my examination in
25 public, but there might be one or two questions that we need to go into private

Trial Hearing
WITNESS: DAR-OTP-P-0584

(Open Session)

ICC-02/05-01/20

1 session for.

2 PRESIDING JUDGE KORNER: [10:09:59] Yes.

3 MS MAZZARELLA: [10:10:05]

4 Q. [10:10:05] Mr Witness, I remind you that we are currently in public session,
5 which means that the public will be able to hear your words. So please be careful
6 when answering questions so that you do not mention anything that might identify
7 you.

8 A. [10:10:47] Okay.

9 Q. [10:10:49] If you need to answer a question in a way that might identify you,
10 please let me know, and we can ask the judges to go into private session.

11 A. [10:11:17] Okay. This is good.

12 Q. [10:11:22] I'm going to begin by asking you a few questions about when you
13 were arrested in Deleig and brought to the police station on 5 March 2004.

14 A. [10:11:56] Okay.

15 Q. [10:11:59] In your statement, you mentioned Land Cruisers arriving at the police
16 station and a man exiting one of the vehicles.

17 A. [10:12:38] Yes, I saw vehicles that arrived to the police station. Some of them
18 stopped there, and some others left.

19 MS MAZZARELLA: [10:12:49] Your Honours, for the record, this is in the witness --

20 THE WITNESS: [10:13:01](Interpretation) Do you mean the large vehicles or the
21 small vehicles that are affiliated to the military personnel?

22 MS MAZZARELLA: [10:13:10]

23 Q. [10:13:10] Mr Witness, I will be asking a few questions about that in a moment.

24 PRESIDING JUDGE KORNER: [10:13:19] Don't worry, I know where you are. I
25 found it. Thanks.

Trial Hearing
WITNESS: DAR-OTP-P-0584

(Open Session)

ICC-02/05-01/20

1 MS MAZZARELLA: [10:13:26]

2 Q. [10:13:26] Mr Witness, I was referring to the Land Cruisers, one of which had a
3 plate number with the wording "*hakuma*" or "government" on it. Who was the man
4 who exited that vehicle?

5 A. [10:14:01] A pharmacist.

6 Q. [10:14:06] Could you please be more specific. What was the name of that
7 pharmacist?

8 A. [10:14:28] Ali Kushayb.

9 Q. [10:14:31] How did you know that this man was Ali Kushayb?

10 A. [10:15:00] When Ali Kushayb came to the police station, the military personnel
11 welcomed him and these personnel had gathered the people and took them to the
12 execution locations. So they were calling him. They were saying, "Mr Ali, Mr Ali,"
13 when he met them.

14 PRESIDING JUDGE KORNER: [10:15:20] It's already in his statement.

15 MS MAZZARELLA: [10:15:23] I believe that portion is, but there might be some
16 additional clarifications that arose in preparation that the witness might wish to add.

17 Q. [10:15:38] Where were you when Ali Kushayb arrived at the police station?

18 A. [10:15:58] I was on the ground with other people.

19 Q. [10:16:05] Approximately how far away were you from Ali Kushayb's vehicle
20 when it parked?

21 A. [10:16:37] The distance between myself and Ali Kushayb was approximately 6 to
22 7 metres, and that was when he exited his vehicle. Ali Kushayb was sitting in the
23 front seat of the vehicle.

24 Q. [10:17:01] And you mentioned that military personnel welcomed him. How
25 did these personnel welcome Ali Kushayb?

Trial Hearing
WITNESS: DAR-OTP-P-0584

(Open Session)

ICC-02/05-01/20

1 MR LAUCCI: [10:17:14] I think this question has been asked and answered.

2 PRESIDING JUDGE KORNER: [10:17:24] Yes, didn't he say -- I don't think it has
3 been asked, but I think he said, didn't he, that they were greeting him with whatever
4 it was?

5 MS MAZZARELLA: [10:17:34] I can move on, your Honour.

6 PRESIDING JUDGE KORNER: [10:17:36] Yes, yes.

7 MS MAZZARELLA: [10:17:48]

8 Q. [10:17:48] How did Ali Kushayb respond to these military personnel who
9 welcomed him?

10 A. [10:18:35] When Ali Kushayb arrived, the soldiers saluted him and welcomed
11 him. And Ali Kushayb answered back, saluted him back and he said, "*As-salaam*
12 *alaikum*," or peace be upon you. There was also a person called Sadig Dirwa and he
13 said that, "We were waiting for this moment for 20 years and now our wish has
14 become true." And Ali Kushayb replied by saying, "*Allahu Akbar, Allahu Akbar*."

15 Q. [10:19:10] And how far away were you from Ali Kushayb and this individual
16 Sadig when they had this conversation?

17 A. [10:19:47] They were speaking loudly. They were speaking out loud. And the
18 distance between myself and them was approximately 2 to 3 metres.

19 Q. [10:20:12] And what did Ali Kushayb do after he arrived at the police station
20 and had this conversation?

21 A. [10:20:30] He went to the office.

22 Q. [10:20:37] Where was the office?

23 A. [10:20:43] He went towards the office.

24 Q. [10:20:47] Where was the office?

25 THE INTERPRETER: [10:21:10] There is a problem with the sound. The voice of

Trial Hearing
WITNESS: DAR-OTP-P-0584

(Open Session)

ICC-02/05-01/20

1 the witness did not reach the Fur interpreter.

2 MS MAZZARELLA: [10:21:19]

3 Q. [10:21:19] Mr Witness, could you please repeat your answer.

4 What did Ali Kushayb do after he arrived at the police station and had this
5 conversation?

6 A. [10:22:01] He entered to the police office where there was a large room, so he
7 entered this large room.

8 PRESIDING JUDGE KORNER: [10:22:11] And how do you know that? How do
9 you know he entered a large room from where you were?

10 THE WITNESS: [10:23:02](Interpretation) I knew this office because I had been there.

11 *They wanted to check my name. I had been in that office before. So people used to
12 enter and exit this office continuously. And after Ali Kushayb entered and exited
13 this office, he started talking on the Thuraya phone.

14 MS MAZZARELLA: [10:23:29]

15 Q. [10:23:29] You mentioned that Ali Kushayb entered and exited the police station
16 and was speaking on his Thuraya phone. What did he do after speaking on his
17 Thuraya phone?

18 A. [10:24:05] I didn't hear him very well. I didn't hear what he was saying, but he
19 was talking using the Thuraya mobile phone.

20 Q. [10:24:20] Mr Witness, in your statement you mention a person in civilian
21 clothes directing the soldiers to place detainees on trucks outside the police station.
22 Where was Ali Kushayb when this occurred?

23 A. [10:25:05] At that moment, when Ali Kushayb finished his phone call, he came
24 and gave an order to the soldiers. So Ali Kushayb gave an order to the soldiers to
25 take the people and put them in the truck. There was another person wearing

Trial Hearing
WITNESS: DAR-OTP-P-0584

(Open Session)

ICC-02/05-01/20

1 civilian clothes from the north. He was also giving orders to these soldiers to put the
2 detainees on the truck.

3 Q. [10:25:55] How far away from Ali Kushayb were you when you heard this?

4 A. [10:26:19] They were standing behind me. Ali Kushayb was standing behind
5 me. Therefore, I cannot estimate the distance between myself and him. However,
6 the other person was standing towards my north.

7 Q. [10:26:46] How did you know that it was Ali Kushayb who was speaking?

8 A. [10:27:05] I could hear him very well. He was telling them, "Take these
9 detainees away."

10 MS MAZZARELLA: [10:27:45] Your Honours, I have no further questions.

11 PRESIDING JUDGE KORNER: [10:27:48] Yes, thank you very much, Ms Mazzarella.
12 Yes, Mr Shah.

13 MR SHAH: [10:27:54] Thank you, Madam President.

14 QUESTIONED BY MR SHAH:

15 Q. [10:28:00] Good morning, Mr Witness. It's good to see you again.

16 A. [10:28:16] I'm fine. Thank you.

17 Q. [10:28:19] We have spoken on several occasions, and that is because you were
18 not only a witness in these proceedings, you were also a participating victim.

19 A. [10:28:53] Yes, this is correct.

20 Q. [10:28:57] So today I would like to ask you just a few more questions about your
21 statement to the Prosecution and also give you the opportunity to address their
22 Honours.

23 A. [10:29:36] I'm ready.

24 Q. [10:29:37] Thank you, Mr Witness.

25 A. [10:29:37] And thank you for giving me this opportunity.

Trial Hearing
WITNESS: DAR-OTP-P-0584

(Open Session)

ICC-02/05-01/20

1 Q. [10:29:45] Mr Witness, I just want to remind you, as my colleague from the
2 Prosecution has already done, that we are in open session. So please do not mention
3 the name of your home village or the name of any individuals.

4 A. [10:30:28] Very well.

5 Q. [10:30:31] Mr Witness, can you please tell us what life was like in your home
6 village before the conflict started.

7 A. [10:31:05] Yes, I can tell you. In our village, we were blessed with safety and
8 security, and we had a good life. People were well off and they owned livestock.
9 They had everything that they needed, but after the war, everything changed. It
10 turned into hell. Well, actually, I think that hell would be better than the life that we
11 are living.

12 Q. [10:31:46] Thank you, Mr Witness.

13 And you mentioned -- you mentioned livestock. Did livestock have any particular
14 importance for the Fur community in your village?

15 A. [10:32:25] Of course. Livestock in the Fur community meant richness. People
16 used to assess how rich a person is by the amount of livestock they owned.

17 Q. [10:32:52] And what sort of relationship did you and your family have with
18 your neighbours?

19 A. [10:33:30] It was very good. People used to gather in social events, and people
20 married from the same community. And we all lived together as one family.

21 Q. [10:33:51] Thank you, Mr Witness.

22 Now, I'd like to ask you just one question about the first attack on your home village
23 which took place around September 2003.

24 A. [10:34:25] Yes, that's true.

25 Q. [10:34:27] Now, besides livestock, did the attackers loot or take away any other

Trial Hearing
WITNESS: DAR-OTP-P-0584

(Open Session)

ICC-02/05-01/20

1 property from the village?

2 A. [10:35:03] Well, when we were in Darfur, our houses were built from straw, and
3 we called them *guttiya* or hut. So when they came and looted our village, they burnt
4 down all of these huts and they killed people.

5 Q. [10:35:31] Mr Witness, after the second attack on your home village, at the end
6 of 2003, did your family ever return to live in your village?

7 A. [10:36:18] Well, this attack happened in the autumn, so we went back to our
8 houses as some of the houses were not burnt down. But * towards the end of 2003, I
9 think that was late November, they burnt down the rest of the houses. Then people
10 were not able to stay in the village, so they went to the mountains. They couldn't get
11 out of the mountains during the day. They only went out at night to bring water
12 because the Arabs were still in the village. And if people went back to their village,
13 they would be killed. And there are a few people who did go back to the village, but
14 they never returned, which meant that they were killed.

15 Q. [10:37:23] And you mentioned collecting water when you were in the mountains.
16 Where did you collect water from?

17 A. [10:37:56] From a well called * Kachung. We used to bring water from there.
18 This well was in a village called Zarey.

19 Q. [10:38:13] And what did you use for shelter when you were in the mountains?

20 A. [10:38:38] We used to hide under trees. We didn't have any houses. We just
21 lived under the trees, because if we had tried to build a house, the Janjaweed would
22 have known about us, and they would have come -- come and killed us. So that's
23 why we were just hiding. We didn't try to build any houses. And that's why many
24 of the elderly people died during that period. People got injured and then died
25 because there was no medical care and no way of providing people with any kind of

Trial Hearing
WITNESS: DAR-OTP-P-0584

(Private Session)

ICC-02/05-01/20

1 medical care. And that's why many of the elderly people and children died during
2 that time.

3 Q. [10:39:38] Mr Witness, you also mentioned that due to the start of the conflict
4 and the general insecurity in your area, you were not able to attend school from 2003
5 to 2004. Did this -- did your situation reflect the situation of most of the students in
6 your area, if you can tell us about that?

7 A. [10:40:32] Yes, that's correct. Many of the students died*.

8 Q. [10:40:54] Thank you, Mr Witness.

9 Madam President, I think for my next few questions, it would be better if we were in
10 private session.

11 PRESIDING JUDGE KORNER: [10:41:04] Yes.

12 Private session, please.

13 (Private session at 10.41 a.m.)

14 THE COURT OFFICER: [10:41:26] We are in private session, Madam President.

15 (Redacted)

16 (Redacted)

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Trial Hearing
WITNESS: DAR-OTP-P-0584

(Private Session)

ICC-02/05-01/20

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Trial Hearing
WITNESS: DAR-OTP-P-0584

(Private Session)

ICC-02/05-01/20

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16 (Open session at 10.49 a.m.)

17 THE COURT OFFICER: [10:49:42] We are back in open session, Madam President.

18 MR SHAH: [10:49:47]

19 Q. [10:49:48] Mr Witness, this psychological treatment that you received, has that
20 helped you in any way?

21 A. [10:50:20] Yes. I have improved a little bit, but I still suffer from nightmares.
22 Every night I dream of my old friends, my childhood friends that I used to play and
23 chat to. None of them is still alive except just one person.

24 Q. [10:51:11] Mr Witness, I'd now like to ask you, why is it -- why did you apply to
25 be a participating victim in these proceedings?

Trial Hearing
WITNESS: DAR-OTP-P-0584

(Open Session)

ICC-02/05-01/20

1 A. [10:51:54] My friends and my relatives, many of them died. They were killed.

2 And I still suffer from nightmares and * sleeplessness. I sometimes can't sleep for
3 more than one hour. The memories keep coming back to me. It just flashes in front
4 of me, and I am in real suffering.

5 Q. [10:52:35] We appreciate your sharing that with us, Mr Witness. And I'd like to
6 ask you about this trial. What importance does this trial have for you, your family
7 and your community?

8 A. [10:53:35] Well, my view regarding this court, well, given that this court is called
9 the court of justice, the international court of justice, then they have to achieve justice.
10 That's what they have to do. You have to hold those criminals accountable so that
11 such crimes are not repeated. I hope that God can send his blessings upon the poor
12 people who are still in refugee camps until today.

13 Q. [10:54:13] Thank you very much, Mr Witness, for your testimony. I don't have
14 any further questions for you, but is there anything additional that you would like to
15 express to their Honours as a participating victim?

16 A. [10:55:01] (Redacted)

17 (Redacted)

18 (Redacted)

19 *But I am fine. There are families that lost their main breadwinner and children as
20 young as seven years old had to work in order to support their families.

21 Q. [10:55:50] Mr Witness, sorry to interrupt you. You are going to have to speak a
22 little bit slower and pause for the interpreters.

23 THE INTERPRETER: [10:56:15](Interpretation) Can we ask the witness to repeat
24 because he was speaking in Arabic. The Fur interpreters did not interpret what he
25 just said.

Trial Hearing
WITNESS: DAR-OTP-P-0584

(Open Session)

ICC-02/05-01/20

- 1 MR SHAH: [10:56:25]
- 2 Q. [10:56:25] (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 A. [10:57:16] (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 Q. [10:57:45] Mr Witness, thank you very much.
- 9 I have no further questions.
- 10 PRESIDING JUDGE KORNER: [10:57:52] Mr Shah, you've just illustrated the
- 11 dangers of asking that sort of open-ended question, I'm afraid. All right. Well,
- 12 presumably we will have to redact that.
- 13 Yes. Very well. Sir, we are going to take a break now, and then you will return,
- 14 please, at 11.30, when Mr Laucci will ask you some questions.
- 15 Yes. Thank you very much. 11.30, please.
- 16 THE COURT USHER: [10:58:28] All rise.
- 17 (Recess taken at 10.58 a.m.)
- 18 (Upon resuming in open session at 11.32 a.m.)
- 19 THE COURT USHER: [11:32:27] All rise.
- 20 Please be seated.
- 21 PRESIDING JUDGE KORNER: [11:32:49] Yes, Mr Laucci.
- 22 MR LAUCCI: [11:32:53] Thank you, Madam President.
- 23 QUESTIONED BY MR LAUCCI:
- 24 Q. [11:32:58] Good morning, Mr Witness.
- 25 A. [11:33:08] Good morning.

Trial Hearing
WITNESS: DAR-OTP-P-0584

(Open Session)

ICC-02/05-01/20

1 Q. [11:33:10] My name is Cyril Laucci. We briefly met last week.

2 THE INTERPRETER: [11:33:15] There is a problem with the sound. There is a
3 technical problem with the sound of the witness.

4 MR LAUCCI: [11:33:30] Tell me when that is resolved.

5 Okay. Apparently, it's resolved.

6 Q. [11:33:43] I was saying that we briefly met last week. My name is Cyril Laucci,
7 and I am the counsel for Mr Ali Muhammad Ali Abd-al-Rahman.

8 A. [11:34:06] Okay.

9 Q. [11:34:07] I thank you for appearing before this Court, and I will ask you some
10 questions in cross-examination to assist the Chamber in its -- in her -- in their
11 assessment of your evidence.

12 A. [11:34:32] Okay. You are welcome.

13 Q. [11:34:36] A quick clarification before starting. In response to my learned
14 friend, the representative of victims, this morning you mentioned that at the time of
15 the events, you were 13 years old. Is that correct?

16 A. [11:35:14] I said that those who were 13 years old or above were all killed.

17 Q. [11:35:34] Okay. But yourself, are you -- can you confirm that you were born
18 (Redacted)

19 A. [11:36:02] (Redacted)

20 THE INTERPRETER: [11:36:08] Note from the Fur interpreter: The sound of the
21 witness did not reach me. I think there is a problem.

22 MR LAUCCI: [11:36:16] Does that require the witness to repeat?

23 THE WITNESS: [11:36:17](No interpretation)

24 THE INTERPRETER: [11:36:33] The Fur interpreter is saying that the sound of the
25 witness is not reaching them. But he's saying that --

Trial Hearing
WITNESS: DAR-OTP-P-0584

(Open Session)

ICC-02/05-01/20

1 THE WITNESS: [11:36:39](Interpretation) (Redacted).

2 MR LAUCCI: [11:36:45]

3 Q. [11:36:46] Okay. Thank you for that clarification. It clarifies that you were
4 actually 17 years old at the time of the events, not 13. Thank you.

5 A. [11:36:58](No interpretation)

6 Q. [11:37:06] I have three parts in my cross-examination. I announce them now.

7 I want first to ask you some questions about your interaction with the rebellion.

8 Then I will move to the events in Deleig, and finally, we will talk about the person
9 you call Ali Kushayb. So that's the three topics.

10 First topic, your interaction with the rebellion.

11 A. [11:37:50] I did not understand the question very well. Could you please
12 repeat.

13 Q. [11:37:56] There was no question. I was just announcing the plan. I will start
14 now with the question.

15 PRESIDING JUDGE KORNER: [11:38:04] Pause for a minute, Mr Laucci.

16 At one stage, sir, you spoke Arabic. Are you able to answer the questions in Arabic?
17 Because it will certainly make life a lot easier, if you are.

18 THE WITNESS: [11:38:30](Interpretation) No.

19 PRESIDING JUDGE KORNER: [11:38:34] Okay. Well, that's as clear as can be.

20 MR LAUCCI: [11:38:39] Thank you, Madam President.

21 Q. [11:38:41] Mr Witness, at paragraph 64 of your statement, you said that, after
22 having experienced the attack on your village in November 2003, you fled to the
23 mountains, and you and other people decided to organise yourself to look after your
24 family against the Janjaweed. This is what I want to talk about.

25 You say --

Trial Hearing
WITNESS: DAR-OTP-P-0584

(Open Session)

ICC-02/05-01/20

1 PRESIDING JUDGE KORNER: [11:39:23] Mr Laucci, same point that I made to
2 Ms Mazzearella to you, try and avoid the long lead up and just ask the question.

3 MR LAUCCI: [11:39:35] Okay.

4 Q. [11:39:37] This initiative to organise yourself and -- okay. I will try again.

5 This initiative to organise and defend your community, was it based on a suggestion
6 by the community -- by the community leaders? And if yes, which ones?

7 A. [11:40:36] It is as follows: They burnt our villages, so if the women or our
8 mothers returned to the village, they were also killed. Even the men, when they
9 returned to the village, they were also killed. So this is about human feelings here.
10 We cannot watch our parents being killed and not have any reaction.

11 Q. [11:41:12] Fully understood, Mr Witness, and there is no judgment in my
12 question. I repeat the question.

13 Who are the community leaders who initiated this organisation to defend your
14 community?

15 A. [11:41:51] We are not talking about protection here. We were hiding in the
16 mountains. So we were hiding in the mountains in order to protect ourselves. We
17 did not have any villages to organise ourselves. We didn't even have anything to eat.
18 So what to do and how could we even organise ourselves in this situation?

19 Q. [11:42:15] You mentioned 13 villages from where the people were coming. Did
20 all the community leaders of these 13 villages encourage the forming of that -- the
21 taking of that initiative?

22 A. [11:42:47] No, not at all.

23 Q. [11:42:50] Which one then?

24 THE INTERPRETER: [11:43:04] Note from the Fur interpreter: The sound of the
25 witness is not reaching them.

Trial Hearing
WITNESS: DAR-OTP-P-0584

(Open Session)

ICC-02/05-01/20

1 THE WITNESS: [11:43:28](Interpretation) So they raped -- if they raped your sister
2 and your family, and they burn your house, take your money away, and you don't
3 have anywhere to go -- so we were not even able to leave the mountains during the
4 day. We could only leave during the night to try to get some food, to the remains of
5 the food.

6 PRESIDING JUDGE KORNER: [11:43:52] Okay. Mr Laucci, maybe I can help.
7 Sir --

8 THE WITNESS: [11:43:55](Interpretation) So when your family is being killed and
9 your village is being burned, all the foodstuffs are stolen. So we had to go to the
10 mountains. We did not have any other choice. So we had to -- we used to leave the
11 mountains at night in order to try to get some food, some burned food or the remains
12 of some food from the village.

13 PRESIDING JUDGE KORNER: [11:44:21] Okay. Sir, I think there's -- you are not
14 listening carefully to the question. You told the Court in your statement that as a
15 result of the initiative, you went to Sindu to train to protect yourselves. You're being
16 asked --

17 THE WITNESS: [11:44:51](Interpretation) Yes. Yes, this is correct.

18 PRESIDING JUDGE KORNER: [11:44:56] You are simply being asked who of the
19 community leaders arranged for that to happen.

20 THE WITNESS: [11:45:34](Interpretation) The *sheikhs* of the villages met and
21 decided to do this.

22 MR LAUCCI: [11:45:46] Thank you, Madam President.

23 Q. [11:45:47] Which *sheikh*? Can you be more specific?

24 A. [11:46:05] Some of these *sheikhs* are alive and some others were killed.

25 Q. [11:46:17] Mr Witness, we are in public session. Is it a question that you want

Trial Hearing
WITNESS: DAR-OTP-P-0584

(Open Session)

ICC-02/05-01/20

1 to answer in private session, the identity of the *sheikh*?

2 A. [11:46:42] Yes.

3 MR LAUCCI: [11:46:42] Madam President.

4 PRESIDING JUDGE KORNER: [11:46:42] Yes.

5 We can go to private session.

6 Sorry, what I'm hearing and you are saying "share", but what's appearing on the
7 transcript is *sheikh*. Is that -- well, no, I mean --

8 MR LAUCCI: [11:46:55] My pronunciation.

9 PRESIDING JUDGE KORNER: [11:46:56] I see. But I know, but I think it's the
10 pronunciation also of the interpreter. Are we talking about a *sheikh*?

11 THE WITNESS: [11:47:27](Interpretation) By *sheikh*, I don't mean the Muslim
12 scholars, I mean the *sheikh* who is the administrator of the village. So these *sheikhs*
13 are similar to judges. They solve the local issues.

14 PRESIDING JUDGE KORNER: [11:47:40] Yes, I'm sorry. We needn't ask the
15 witness again. All I'm asking, what is appearing on the English transcript is *sheikh*.
16 What I'm hearing is not the word *sheikh*. I'm hearing "sheve" (phon), or something,
17 or "share". So are we talking -- is it simply a question of pronunciation?

18 MR LAUCCI: [11:48:04] That's my understanding but ...

19 PRESIDING JUDGE KORNER: [11:48:06] This is not a question for the witness. I
20 want an answer, please, from the interpreter.

21 THE INTERPRETER: [11:48:12] He is saying *sheikh*.

22 PRESIDING JUDGE KORNER: [11:48:16] Thank you. Right.

23 Yes, let's go into private session.

24 (Private session at 11:48 a.m.)

25 THE COURT OFFICER: [11:48:29] We're in private session, Madam President.

Trial Hearing
WITNESS: DAR-OTP-P-0584

(Private Session)

ICC-02/05-01/20

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Trial Hearing
WITNESS: DAR-OTP-P-0584

(Private Session)

ICC-02/05-01/20

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- 16 (Redacted)
- 17 (Open session at 11.53 a.m.)
- 18 THE COURT OFFICER: [11:53:46] We are back in open session, Madam President.
- 19 MR LAUCCI: [11:53:49] Thank you.
- 20 Q. [11:53:50] Mr Witness, you said in your statement that the community leaders
- 21 picked some people to join this group. Were they volunteers, or was it compulsory?
- 22 A. [11:54:18] It was voluntary.
- 23 Q. [11:54:22] Why did some of them have to be picked up then?
- 24 A. [11:54:49] So this was on a voluntary basis and it was open to everybody. So
- 25 we cannot say that some people were selected or chosen. What we can say is that

Trial Hearing
WITNESS: DAR-OTP-P-0584

(Open Session)

ICC-02/05-01/20

1 some people had some military experience and worked with the PDF. However, for
2 this instance here, it was on a voluntary basis.

3 Q. [11:55:22] You mentioned that some of them had experience with the PDF. Can
4 you develop a little bit, please.

5 A. [11:55:55] In Sudan, there is an organisation called the PDF, the Popular Defence
6 Forces. In Khartoum, they were arresting people and sending them to the south of
7 Sudan in order to fight. So when they returned, they had acquired experience from
8 * South Sudan and they returned to *Darfur. Their number was very few. They
9 were not -- it wasn't a large number of people who did this. This is what I mean
10 here.

11 Q. [11:56:31] Thank you. And was it a recent experience? When I mean recent,
12 did they join the PDF over the year of 2003?

13 A. [11:57:00] No. This was before that.

14 Q. [11:57:03] And that included people from the Fur tribe, right?

15 A. [11:57:26] We were all from the Fur tribe. There were no other people from
16 other tribes among us.

17 Q. [11:57:34] Thank you. And in 2003, did you hear about --

18 A. [11:57:34] So those who were from other tribes were the people who used to
19 come for the harvest season from the Arab tribes.

20 Q. [11:57:45] Thank you. I repeat. And in 2003, do you remember any
21 compulsory mobilisation or recruitment in the PDF among the Fur?

22 A. [11:58:26] When I talk about the PDF, I mean the period of * war in South Sudan.

23 Q. [11:58:37] Okay. I move on.

24 When you arrived in Sindu, you saw a training camp. How big was it?

25 A. [11:59:11] I did not reach that place. I did not reach that location. Before

Trial Hearing
WITNESS: DAR-OTP-P-0584

(Open Session)

ICC-02/05-01/20

1 arriving there, I was told that I was too young, so I had to return.

2 Q. [11:59:32] Okay. Thank you. That clarifies.

3 And when you departed from the mountains to Sindu, did you expect to find a
4 training camp there?

5 A. [12:00:07] Yes. I had heard about this camp.

6 Q. [12:00:12] Was it well known that the rebellion was recruiting and training
7 people?

8 A. [12:00:34] Yes, they were training people, indeed.

9 Q. [12:00:37] And my question was if that information was widely spread.

10 A. [12:00:55] Yes, of course.

11 Q. [12:01:04] Had you heard about people joining the rebellion before your
12 departure?

13 A. [12:01:27] No.

14 Q. [12:01:36] Did you have the opportunity to speak with people you knew who
15 were old enough and could attend the training?

16 A. [12:02:03] I was told to go back. I was ordered to go back, so I couldn't speak to
17 anybody.

18 Q. [12:02:14] Okay. So you don't -- you never had any discussion with someone
19 attending that training in Sindu, right?

20 A. [12:02:44] Yes, that's right. I was told that I was too young and they ordered
21 me to leave.

22 Q. [12:02:53] Who told you that?

23 A. [12:03:04] I don't know the name.

24 Q. [12:03:07] I mean, without the name, who were they? Were they people from
25 the rebellion who told you, "No, you cannot come. You are too young"? Was it

Trial Hearing
WITNESS: DAR-OTP-P-0584

(Open Session)

ICC-02/05-01/20

1 that?

2 A. [12:03:41] Yes. He is somebody that was working in the Sudan Liberation
3 Movement.

4 Q. [12:03:49] Okay. So you -- at least you had the opportunity to see some of them,
5 some people from the SLA when you went there.

6 A. [12:04:30] Well, the nature of our region is very mountainous. So when we left
7 the mountains, we went past a village. And in that village, they divided people into
8 groups. And I was put in the young people's group. And that's why I didn't carry
9 on with them.

10 Q. [12:04:55] Thank you. And those people from the Sudanese Liberation
11 Movement that you saw, did they wear a uniform?

12 A. [12:05:23] No, not at all. Some of them * were in military uniform, but the
13 others didn't. Most of them, really, didn't have a military uniform. That's what I
14 saw, at least.

15 Q. [12:05:46] Did you -- did they have any insignia or something?

16 A. [12:06:04] No.

17 Q. [12:06:07] And how could you then differentiate them from the rest of the
18 population?

19 A. [12:06:38] Because the people who joined the movement looked * different.
20 They were carrying weapons, while the rest of the population did not carry weapons.
21 That's what I saw.

22 Q. [12:06:58] Thank you. And I don't know if you can answer this question, but if
23 you cannot, just say it. In your understanding, did the absence of distinction from
24 the rest of the population form part of a deliberate strategy of the rebellion?

25 A. [12:07:20] (No interpretation)

Trial Hearing
WITNESS: DAR-OTP-P-0584

(Open Session)

ICC-02/05-01/20

1 Q. [12:07:38] We received no interpretation.

2 A. [12:08:12] Well, you should address this question to the commanders of the
3 movement, not to me. I can't answer that question.

4 Q. [12:08:22] Thank you. Fair enough. You stayed there for about one week.
5 Over that period, did you see people coming from other villages?

6 A. [12:08:55] No.

7 Q. [12:09:02] And you say that ten people from your group were selected to attend
8 the training. Did you -- did you see them again after that?

9 A. [12:09:36] No, I didn't see them after that. Some of them, I didn't see them at all
10 since 2004.

11 Q. [12:09:53] I move to the second chapter, which is the events in Deleig. Thank
12 you, Mr Witness.

13 When you arrived in Deleig, (Redacted).

14 Did that wound -- how serious was that wound?

15 A. [12:10:35] Yes. (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 Q. [12:11:36] Thank you. And how serious was your wound? Did that impede
22 your movement? Could you run? Had you difficulty walking?

23 A. [12:12:21] I didn't have any fractures or breaks, (Redacted)

24 (Redacted). However, I managed to carry on walking towards Deleig.

25 Q. [12:12:40] Okay. But did that -- as a result of that, did that in any way impede

Trial Hearing
WITNESS: DAR-OTP-P-0584

(Open Session)

ICC-02/05-01/20

1 your movement? Were you able to run, for instance?

2 A. [12:13:10] I was able to run.

3 Q. [12:13:21] Thank you. You describe a house-to-house search by soldiers in

4 Deleig on 5 March. When you say "soldiers", do you mean members of the Sudanese
5 armed forces?

6 A. [12:14:12] The government gave the khaki uniform to the militia. So the
7 soldiers that conducted this house-to-house search were dressed in khaki, and they
8 arrested people and took them to the police station.

9 Q. [12:14:43] Thank you. But at paragraph 95 of your statement you say -- you
10 specify:

11 "I understood these people to be regular army soldiers that entered the house ..."

12 So do you confirm that these were from the regular army forces?

13 A. [12:15:17] No. They -- they were mixed. They were mixed. Some of them
14 were from the Janjaweed.

15 Q. [12:15:38] Why did you specify that they were from the regular army forces
16 then?

17 A. [12:16:20] I said that the soldiers who conducted the search were mixed. Some
18 of them were from the armed forces and some of them were from the Janjaweed.
19 And the people who were arrested and taken to the police station -- well, if there was
20 no conspiracy or deal between the militia and the government, they wouldn't have
21 been taken to the police station. Right?

22 Q. [12:16:59] Thank you, Mr Witness.

23 These people came (Redacted) house. The first time you were not arrested because
24 you were wounded; is that correct?

25 A. [12:17:44] (Redacted)

Trial Hearing
WITNESS: DAR-OTP-P-0584

(Open Session)

ICC-02/05-01/20

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4 And then they arrested us and took us to the police station.

5 Q. [12:19:00] Okay. (Redacted), but

6 they do not arrest you. Is that what you say?

7 A. [12:19:24] Yes, I was hit but not arrested.

8 Q. [12:19:28] And do you understand why they did hit you but not arrest you, or

9 you have no explanation for that?

10 A. [12:19:54] I didn't understand a thing at the time.

11 Q. [12:19:59] Did you see them check whether you or other people bore marks on

12 your shoulder as a result of carrying a firearm. Did they check that?

13 A. [12:20:47] Yes, they did this kind of searching on people's bodies, but they also

14 searched the houses for -- in order to find belongings of the displaced people.

15 Q. [12:21:12] Did you ever see someone with a mark on their shoulder as a result of

16 carrying a firearm?

17 A. [12:21:37] No, not at all.

18 Q. [12:21:41] And you mentioned the presence of a person in civilian clothes

19 who -- with a partially covered face, who was pointing at those who had to be

20 arrested. Do you know who that person was?

21 A. [12:22:29] No. I couldn't recognise that person. And until today, nobody

22 knows who that person was.

23 Q. [12:22:47] Was that person in civilian clothes the same who then later registered

24 you when you were at the police station?

25 A. [12:23:15] No. It wasn't him. No. I never knew that person or recognised

Trial Hearing
WITNESS: DAR-OTP-P-0584

(Open Session)

ICC-02/05-01/20

1 him, but it wasn't him.

2 Q. [12:23:34] Thank you. When you arrived at the police station, it was manned
3 by policemen, right?

4 A. [12:24:05] Yes. Policemen were there, but there was also Janjaweed on
5 horsebacks.

6 Q. [12:24:21] Do you mean the Janjawees on horsebacks were in the compound of
7 the police station?

8 A. [12:25:20] The police station didn't have a fence around it, but the Janjaweed
9 were inside the police station. And there was a room for them as well. And they
10 were guarding people so they don't escape. And Sadig Dirwa, who conducted the
11 arrest campaign, was also there. He was at the police station. He was the leader of
12 the Janjaweed. He was carrying a rope in his hand.

13 Q. [12:26:18] Yes, thank you, Mr Witness. I will ask you some questions about this
14 Sadig Dirwa a bit later. But yourself, when you were at the police station, the people
15 you had guarding you were policemen, weren't they?

16 A. [12:26:55] They were mixed as well. Most of them were from the Janjaweed.

17 Q. [12:27:05] Okay. But you mentioned three interactions with some people
18 guarding you, and every time that's a policeman. The first one, you tried to plead
19 your case with a policeman. I am at paragraph 98. Is that correct?

20 A. [12:28:08] On the first occasion, I asked him for some water. And on the
21 second occasion, I asked him to allow me to go to the toilet. And then the third time,
22 I asked him if I can perform the prayer. But then he said, "No, you are going to pray
23 in a completely different world today."

24 Q. [12:28:32] Does that mean that the three times you mentioned, it was the same
25 policeman that you were talking to?

Trial Hearing
WITNESS: DAR-OTP-P-0584

(Open Session)

ICC-02/05-01/20

1 A. [12:28:58] No, no. Different people.

2 Q. [12:29:03] But they were all policemen. This is what you describe in your
3 statement. Right? When I say "all", the three people with whom you interacted in
4 the way you described.

5 A. [12:29:28] No, no. Some of them were from the Janjaweed.

6 Q. [12:29:37] Okay. So the one to whom you pled -- you tried to plead your case,
7 was he a policeman or was he a Janjaweed?

8 MS MAZZARELLA: [12:30:06] Your Honours, if I may. The witness might be a bit
9 confused. If we could provide him with some more context, perhaps that would be
10 helpful.

11 PRESIDING JUDGE KORNER: [12:30:17] I think the question --

12 MS MAZZARELLA: [12:30:18] There -- yes, your Honour.

13 PRESIDING JUDGE KORNER: [12:30:19] Sorry, go on.

14 MS MAZZARELLA: [12:30:20] Well, there are multiple references to multiple
15 individuals across the witness's account, and he might be confusing him.

16 MR LAUCCI: [12:30:30] I am happy to read the relevant portions.

17 PRESIDING JUDGE KORNER: [12:30:34] As shortly as possible, just remind him of
18 the -- starting with paragraph 98, there is one sentence where he says.

19 MR LAUCCI: [12:30:41] Yes.

20 Q. [12:30:42] Mr Witness, I will try to read the relevant parts of your statement.

21 Paragraph 98, it's written:

22 "I pleaded with a policeman to release me as I was simply in the wrong area at the
23 wrong time."

24 So can you confirm that was a policeman.

25 A. [12:31:46] Yes.

Trial Hearing
WITNESS: DAR-OTP-P-0584

(Open Session)

ICC-02/05-01/20

1 Q. [12:31:48] Thank you. When you are inside the police station registering, it's
2 written at paragraph 99:

3 "Another policeman in a blue uniform was standing next to me at that time."

4 Was there a policeman standing next to you inside the police station?

5 PRESIDING JUDGE KORNER: [12:32:07] I didn't think you were asking about that.

6 I thought the next incident was where he wanted to go and urinate at paragraph 101.

7 MR LAUCCI: [12:32:17] That's my third incident, but I have this one first,
8 paragraph 99.

9 PRESIDING JUDGE KORNER: [12:32:25] All right.

10 THE WITNESS: [12:32:54](Interpretation) Yes, this is correct.

11 MR LAUCCI: [12:32:59]

12 Q. [12:32:59] Thank you. And the third event is at paragraph 102:

13 "I asked one of the policemen who was guarding us if I could go to the toilet to
14 urinate, but he told me to urinate on my place."

15 Can you confirm that that person was also a policeman.

16 A. [12:33:34] There were two policemen, yes.

17 Q. [12:33:36] Thank you. When you went to the police station for registration, the
18 man in civilian clothes that you described, paragraph 100, checked the name you gave
19 on the list. Did you see what this list was?

20 A. [12:34:26] I was standing there when he was reading this paper. However, I
21 was not sure what was written on that paper.

22 Q. [12:34:35] Did it look like an official document from the police or from the
23 military intelligence, or no?

24 A. [12:35:05] You can direct this question towards Ali Kushayb because he knows
25 better how to answer this question. He knows it very well.

Trial Hearing
WITNESS: DAR-OTP-P-0584

(Open Session)

ICC-02/05-01/20

1 Q. [12:35:17] I'm asking you, sir. If you don't know, just say it.

2 A. [12:35:20] So this question has to be addressed to Ali Kushayb. He knows what
3 names were registered. He knows very well about this list, about this paper.

4 Q. [12:35:30] Mr Witness, I'm asking you. If you don't know, simply say so.

5 A. [12:35:47] Okay.

6 PRESIDING JUDGE KORNER: [12:35:51] Right. The question, sir - and Mr Laucci
7 is quite right, you must answer the questions - was: Did the list look like an official
8 document to you?

9 THE WITNESS: [12:36:27](Interpretation) I'm not sure. I'm not sure about this. I
10 was standing a bit far. So if you want to double check this or to make sure of this,
11 you have to read this document and make sure of its content. So I was standing a bit
12 far, so I was not sure what that paper was.

13 PRESIDING JUDGE KORNER: [12:36:52] That's all right. That's all you were being
14 asked.

15 MR LAUCCI: [12:36:55] Absolutely.

16 Q. [12:36:55] Just a follow-up question. Did you see a stamp on that document?

17 A. [12:37:13] I'm not sure.

18 Q. [12:37:17] Was it a long list? Did the man have to turn many pages in order to
19 check whether your name was on the list?

20 A. [12:37:43] Yes. There were three pages, approximately, or three papers.

21 Q. [12:37:55] And I know that you were a bit far, but based on what you see, were
22 there many entries on each page? Was it written big, small, a lot of writings, or not
23 so many?

24 A. [12:38:29] It was handwritten.

25 Q. [12:38:43] And then many -- did you see if there were many entries on each page,

Trial Hearing
WITNESS: DAR-OTP-P-0584

(Open Session)

ICC-02/05-01/20

1 or was it big letters with not so many entries?

2 A. [12:39:18] I did not see it closely. And I'm not sure. I did not hold these
3 papers in my hands in order to check the content. I only saw it from * afar as a paper.
4 I am not sure what details it carries.

5 Q. [12:39:46] Okay. Did the man checking your name on the register ask you
6 anything, apart from your name, of course, before releasing you?

7 A. [12:40:30] They opened the paper and asked me about my name. When I gave
8 them my -- I did not give them my real name. I gave them a different name. So
9 they asked me from which village I came from, and I gave them the name of a
10 village -- a different village where I come from and the name of a *sheikh* who is not the
11 *sheikh* of my village. The *sheikh* of my village was one of my relatives. This is why I
12 did not give them any real information.

13 Q. [12:41:01] Did they ask you anything else?

14 A. [12:41:16] Yes. They asked me where my father was. They asked me, "Where
15 is your father now?"

16 Q. [12:41:27] What did you answer?

17 A. [12:41:45] I told them that my father was either in the north of Sudan or the east
18 of Sudan. There was blood on my clothes. So there was blood on my clothes
19 because I was hit before. They asked me, "What is this blood?" And I answered,
20 "This blood is because of the hit that I -- I was subject to a beating, and this is why I
21 have blood on my clothes."

22 Q. [12:42:27] Did they ask you about your wounds (Redacted)?

23 A. [12:42:46] No, they did not ask me about these wounds (Redacted)
24 (Redacted). Therefore, they weren't able to see these wounds.

25 Q. [12:43:07] Did they ask you if you knew anything about the rebellion?

Trial Hearing
WITNESS: DAR-OTP-P-0584

(Open Session)

ICC-02/05-01/20

1 A. [12:43:30] Yes, that was in the morning when they hit me.

2 Q. [12:43:37] But not at the police station? My question is related to the police
3 station. And to be more -- even more specific, my questions are limited to the
4 questions that were asked by the person checking your name on the register.

5 A. [12:44:26] He did not ask me about that. He only asked me about my name.

6 Q. [12:44:32] And did he make any comment as to the reason why he decided to
7 release you?

8 A. [12:44:51] He only told me to go. And when I left, I saw the Janjaweed again.
9 They told me that I am from the *tora bora* and asked me where I was going. So they
10 arrested me again, and they took me back to the police station.

11 Q. [12:45:19] Did you try to explain that you had just been released?

12 A. [12:45:36] I told them that, but they did not believe me.

13 Q. [12:45:41] Did you see them go to the police station to check about the veracity
14 of your release?

15 A. [12:46:02] Not at all. No, not at all. They also beat me. However, that was
16 not a very hard beating or harsh beating.

17 Q. [12:46:32] When you went back the second time with the Janjaweed to the police
18 station, did you go once again to the -- inside the office for registration like the first
19 time?

20 A. [12:47:04] No. We stayed -- I stayed for a while, and then they took us away in
21 the vehicles.

22 Q. [12:47:18] Before that, Mr Witness, when you arrived at the police station for the
23 second time, did anything happen that made that the events did not unfold the same
24 way as the first time and you were not taken for registration inside the office? Did
25 something prevent that?

Trial Hearing
WITNESS: DAR-OTP-P-0584

(Open Session)

ICC-02/05-01/20

1 A. [12:48:09] They dealt with us as insects. They did not have any respect * for us.

2 If a person respects you, he would register your name. And this did not happen the
3 second time.

4 Q. [12:48:27] So does that mean that these persons who arrested you the second
5 time did not care for procedure and the registration process and everything?

6 A. [12:48:54] Exactly.

7 Q. [12:48:59] Did you hear anything -- did you hear they make comments that they
8 did not have to respect the authority of that guy who had released you earlier?

9 A. [12:49:31] No. They only ordered me to lie down on my belly, just like the
10 other people.

11 Q. [12:49:58] Okay. But the person who had registered you and released you
12 actually had authority on them because, later on, that's the person who orders the
13 loading of the prisoners, (Redacted), isn't it?

14 A. [12:50:32] I don't know that.

15 PRESIDING JUDGE KORNER: [12:50:36] Sorry, can you just point me to the
16 paragraph, Mr Laucci.

17 MR LAUCCI: [12:50:40] Yes, I'm at paragraph 108. The order to load the prisoners
18 on the truck.

19 Q. [12:50:46] Can you confirm, sir, that the order to load the prisoners in the truck
20 was given by this person in civilian clothes who had released you the first time inside
21 the police station.

22 A. [12:51:23] Of course.

23 Q. [12:51:34] Thank you. Your answer "of course" -- I don't know if it's a matter of
24 interpretation, but your answer "of course" seems to suggest that what I was asking is
25 obvious. Is that what you mean?

Trial Hearing
WITNESS: DAR-OTP-P-0584

(Open Session)

ICC-02/05-01/20

1 A. [12:52:12] Yes. I mean that what you said is true. This is what I mean by "of
2 course".

3 Q. [12:52:17] Okay. Thank you. Thank you for the clarification.
4 So you arrive at the police station the second time. You are ordered to lay down.
5 Were you laying face down or in another position?

6 A. [12:52:56] I was lying down on my belly, face down.

7 Q. [12:53:05] How long did you stay laying like this on the floor of the police
8 station?

9 MS MAZZARELLA: [12:53:08] My understanding is that --

10 THE WITNESS: [12:53:39](Interpretation) They took me to the police station at
11 approximately 12 in the evening.

12 PRESIDING JUDGE KORNER: [12:53:45] Sorry about that, sir. Yes, Ms Mazzarella,
13 what's --

14 THE INTERPRETER: [12:53:49] Pardon, correction: At 12 at noon.

15 PRESIDING JUDGE KORNER: [12:53:53] Right.

16 What's the problem, Ms Mazzarella?

17 MS MAZZARELLA: [12:53:58] I believe my colleague phrased the question: "How
18 long did you stay laying like this on the floor of the police station?" I don't recall the
19 witness ever saying that he was on the floor of police station. That implies --

20 PRESIDING JUDGE KORNER: [12:54:11] Where do you see (Overlapping speakers)

21 MR LAUCCI: [12:54:13] I meant on the --

22 PRESIDING JUDGE KORNER: [12:54:15] Yeah, it is outside because everybody says
23 it was outside.

24 MR LAUCCI: [12:54:16] Yeah, it's no -- I'm not saying that he was lying outside of
25 the police station but just in front actually. And I think the witness understood

Trial Hearing
WITNESS: DAR-OTP-P-0584

(Open Session)

ICC-02/05-01/20

1 perfectly.

2 PRESIDING JUDGE KORNER: [12:54:28] Yeah. No, no, no, I mean -- yeah. And
3 interestingly enough, Ms Mazzarella, in the UK, quite often witnesses when they are
4 talking about the ground, all talk about the floor. Yes.

5 Yes. All right. Do you want -- can you finish this topic before the adjournment?
6 Right.

7 MR LAUCCI: [12:54:48]

8 Q. [12:54:50] While you were lying like this in front of the police station, did you
9 hear at any time an aircraft or a helicopter flying over you?

10 A. [12:55:38] Yes. When the Janjaweed came and entered my maternal uncle's
11 house, they gathered the people and they arrested them. Then they took them to the
12 police station. During this time, I heard the sound of a helicopter that was flying
13 towards the west, to Garsila.

14 Q. [12:56:03] Did it land somewhere in Deleig?

15 A. [12:56:19] No. It went towards Garsila.

16 MR LAUCCI: [12:56:26] Madam President, the next questions are about the convoy,
17 so maybe it's nice to stop here, if you agree.

18 PRESIDING JUDGE KORNER: [12:56:34] Yeah, I just want to know roughly how
19 long you are going to be this afternoon.

20 MR LAUCCI: [12:56:38] The session, no more. Maximum, the session.

21 PRESIDING JUDGE KORNER: [12:56:41] Okay. Not forgetting that -- well, in that
22 case I think what we better do is say we'll sit at quarter past rather than half past
23 because we have to adjourn at quarter to 4.

24 MR LAUCCI: [12:56:55] Okay.

25 PRESIDING JUDGE KORNER: [12:56:56] So quarter past 2.

Trial Hearing
WITNESS: DAR-OTP-P-0584

(Private Session)

ICC-02/05-01/20

1 MR LAUCCI: [12:57:01](Microphone not activated)

2 THE INTERPRETER: [12:57:04] Microphone, please.

3 MR LAUCCI: [12:57:05] I have a question for my colleagues but I think it requires a
4 private session.

5 PRESIDING JUDGE KORNER: [12:57:09] Well, I was going to go into private
6 session very quickly anyhow before the break.

7 Sir, we are going to have a break now until 2.15 and your evidence will be concluded
8 this afternoon.

9 So can we disconnect him and go into private session.

10 (Private session at 12.57 p.m.)

11 THE COURT OFFICER: [12:57:51] We are in private session, Madam President.

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

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Trial Hearing
WITNESS: DAR-OTP-P-0584

(Private Session)

ICC-02/05-01/20

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Trial Hearing
WITNESS: DAR-OTP-P-0584

(Private Session)

ICC-02/05-01/20

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21 MR NICHOLLS: [13:01:42] Yes, and we will send an undated list today, which I can
22 go into some of the problems now or not. I have already discussed them with my
23 friends, the parties and participants. We are having some problems with travel
24 documents and also setting up AVL. So, at the moment, we are having to shift P-131
25 and P-987 down further in the order. We hope to get to them, but where they were,

Trial Hearing
WITNESS: DAR-OTP-P-0584

(Private Session)

ICC-02/05-01/20

1 others will move up. We are not proposing or trying to swap people around, but
2 some will move up.

3 We are okay, I believe, for the first six witnesses in the block, which gets us through
4 P-585 in a couple weeks from now. We are meeting with often and speaking with
5 VWS about this and trying to together sort these out, but I -- I'm not making excuses,
6 but I alluded to this earlier, as we are running out of witnesses that we intend to call,
7 it gets harder when there is a witness a problem who says he or she cannot come for
8 some reason to fill that gap.

9 In addition, we've reached another stipulation with our friends, which we haven't put
10 before the Court yet, which will cut another three witnesses that we were planning on
11 calling. And doing our review, we now expect it likely that we will finish in
12 February, I think, if all, including ones that were not able to call now, like 885 and
13 921 -- and so we think likely we will finish in February or that if there are witnesses
14 then that we still haven't been able to reach or bring, that likely the Court will say,
15 well, you know, how do we know you are going to get them in March. So we are
16 doing our best. We think we will get into the -- calculating the days in January and
17 February, we think we can finish in February for the live witnesses (Overlapping
18 speakers)

19 PRESIDING JUDGE KORNER: [13:04:02] Well, I was going to ask, it seemed to
20 me and -- and can I say, as I say, we thoroughly commend the cooperation that's
21 going on between the parties, and that the Prosecution is taking a sensible and
22 realistic attitude towards the evidence. Roughly speaking, how many more
23 witnesses do you think you've got? And I'm not asking, obviously, for an exact
24 figure.

25 MR NICHOLLS: [13:04:42] For either viva voce or AVL?

Trial Hearing
WITNESS: DAR-OTP-P-0584

(Private Session)

ICC-02/05-01/20

1 PRESIDING JUDGE KORNER: [13:04:44] Yeah.

2 MR NICHOLLS: [13:04:46] So not 68(2) (Overlapping speakers)

3 PRESIDING JUDGE KORNER: [13:04:48] No, not 68(2) or -- no.

4 MR NICHOLLS: [13:04:53] Approximately 24. And that's rough, I'm sorry, because
5 (Overlapping speakers)

6 PRESIDING JUDGE KORNER: [13:05:02] Well, I think your estimate's right -- all
7 right. Well, there is one aspect -- I think then, in any event, before Christmas, we
8 need to have a discussion of various outstanding matters and briefs and all the rest of
9 it. And obviously, it would be a good idea before the Christmas break to have an
10 idea of how long the Defence, particularly if you're going to finish in February, are
11 going to want to prepare their case.

12 So at some stage, if there does come a point where you run out of witnesses or a
13 witness is much shorter than anybody thinks, we will discuss all that before the
14 Christmas break.

15 MR NICHOLLS: [13:05:39] It could be early February if we can't find -- can't bring
16 people we wanted to or if we have more problems.

17 PRESIDING JUDGE KORNER: [13:05:48] All right. Well, then it's even more
18 urgent that we deal with this before Christmas. All right.
19 Yes, thank you very much.

20 I'm sorry, well, I cut lunch a little short, but just to make sure Mr Laucci has got
21 enough time, I think we will sit at 2.15.

22 THE COURT USHER: [13:06:08] All rise.
23 (Recess taken at 1.06 p.m.)

24 (Upon resuming in open session at 2.18 p.m.)

25 THE COURT USHER: [14:18:03] All rise.

Trial Hearing
WITNESS: DAR-OTP-P-0584

(Private Session)

ICC-02/05-01/20

1 Please be seated.

2 PRESIDING JUDGE KORNER: [14:18:30] Yes, Mr Laucci.

3 MR LAUCCI: [14:18:33] Thank you, Madam President.

4 Good afternoon, Mr Witness, colleagues, your Honour.

5 Q. [14:18:52] I resume my cross-examination at the point where (Redacted)

6 (Redacted)

7 Actually, Madam President, sorry, we had a discussion with the Office of the

8 Prosecutor, who believes that this scene should be covered rather in private session.

9 PRESIDING JUDGE KORNER: [14:19:14] I see. I can see that because I don't think
10 there are that many witnesses. Yes, all right. I think we ought to go into private
11 session.

12 (Private session at 2.19 p.m.)

13 THE COURT OFFICER: [14:19:40] We are in private session, Madam President.

14 (Redacted)

15 (Redacted)

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Trial Hearing
WITNESS: DAR-OTP-P-0584

(Private Session)

ICC-02/05-01/20

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Trial Hearing
WITNESS: DAR-OTP-P-0584

(Private Session)

ICC-02/05-01/20

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19 (Redacted)

20 MR LAUCCI: [14:31:34] Thank you.

21 Q. [14:31:40] Mr Witness, the announcement of the first warrant of arrest in the

22 Darfur cases against Ahmad Harun and the person you call Ali Kushayb in 2007 must
23 have been very big news for you, wasn't it?

24 A. [14:32:29] At the beginning, I did not believe it. But when the list of names was
25 issued in 2009, the victims were happy, (Redacted)

Trial Hearing
WITNESS: DAR-OTP-P-0584

(Private Session)

ICC-02/05-01/20

1 (Redacted). So they were happy because of this decision.

2 Q. [14:32:58] Okay. Thank you.

3 A. [14:33:15] Ali Kushayb was free to kill whoever he wants and to leave whoever
4 he wants. He had utmost freedom as per what he can do and what he cannot do.

5 (Redacted)

6 (Redacted)

7 (Redacted)

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Trial Hearing
WITNESS: DAR-OTP-P-0584

(Private Session)

ICC-02/05-01/20

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13 Page redacted – Private session

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Trial Hearing
WITNESS: DAR-OTP-P-0584

(Private Session)

ICC-02/05-01/20

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Trial Hearing
WITNESS: DAR-OTP-P-0584

(Private Session)

ICC-02/05-01/20

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13 Page redacted – Private session

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Trial Hearing
WITNESS: DAR-OTP-P-0584

(Private Session)

ICC-02/05-01/20

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Trial Hearing
WITNESS: DAR-OTP-P-0584

(Private Session)

ICC-02/05-01/20

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13 Page redacted – Private session

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13 Page redacted – Private session

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13 Page redacted – Private session

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13 Page redacted – Private session

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13 Page redacted – Private session

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- 17 (Redacted)
- 18 (Redacted)
- 19 (Open session at 3.22 p.m.)
- 20 THE COURT OFFICER: [15:22:16] We're back in open session, Madam President.
- 21 MR LAUCCI: [15:22:23]
- 22 Q. [15:22:23] So, Mr Witness, I heard you say this morning that it was Ali Kushayb
- 23 who ordered the loading of the prisoners on the truck, but this is not what you said in
- 24 your statement. I read from paragraph 108:
- 25 "The person in civilian clothes who checked my name in the register exited the police

Trial Hearing
WITNESS: DAR-OTP-P-0584

(Open Session)

ICC-02/05-01/20

1 station and directed the soldiers to place us on the awaiting trucks. He did this by
2 saying the words, 'Soldiers, let's start the work. Pick them up.'"

3 So how come this morning and just right now --

4 A. [15:23:16] I said that Ali Kushayb was the one who ordered this.

5 Q. [15:23:21] You said that this morning but not in your written statement. How
6 do you explain this change in your story?

7 A. [15:23:53] I said this indeed. I mentioned this.

8 Q. [15:24:04] "This" is what?

9 A. [15:24:26] I mean that Ali Kushayb was the one who ordered to take the
10 detainees or the prisoners away and to take them to the execution site.

11 Q. [15:24:37] Thank you. It's not what is in your statement, but the point is taken.
12 Finally, during your preparation session, you also brought up this story about Ali
13 Kushayb at some point wishing to become a *shartay*. Remember that? I'm at
14 paragraph 12 of the prep log.

15 Do you remember that story about Ali Kushayb wishing to become a *shartay*?

16 A. [15:25:21] Yes, I heard this.

17 Q. [15:25:25] And you said that the *umdahts* elected instead another *shartay*. Are
18 you talking about the Fur *umdahts*?

19 A. [15:25:56] Yes. It was like *Umdah* Kindiri.

20 Q. [15:26:05] So does that mean that at some point in time Ali Kushayb tried to
21 become the *shartay* of the Fur?

22 A. [15:26:36] I heard about that, but what I didn't hear was that Ali Kushayb
23 wanted to be the *shartay* of the Fur. But he was hoping to become a *shartay* in
24 general. How would you be a *shartay* for the Fur if you were not part of the Fur, if
25 you were not Fur yourself?

Trial Hearing
WITNESS: DAR-OTP-P-0584

(Open Session)

ICC-02/05-01/20

1 PRESIDING JUDGE KORNER: [15:27:02] No, really, I mean, you know, this is
2 rumours and gossip again. And it doesn't, as you point it out, make any sense at all.

3 MR LAUCCI: [15:27:09] Okay. So I can move on, if you reach that conclusion.
4 Thank you.

5 Let me check that I have everything. I can conclude.

6 Q. [15:27:33] Mr Witness, I will now conclude my cross-examination by submitting
7 you some proposals, and you just need to say if you agree or disagree with what I'm
8 saying.

9 You have no personal knowledge of the man you call Ali Kushayb --

10 A. [15:28:07] (No interpretation)

11 Q. [15:28:08] I repeat. You have no personal knowledge of the man you call Ali
12 Kushayb and you actually never saw him, not even in Deleig, on 5 March 2004.

13 A. [15:28:46] I saw him.

14 Q. [15:28:51] The truth is that you never -- you were actually never arrested in
15 Deleig, never detained, and you never escaped.

16 PRESIDING JUDGE KORNER: [15:29:15] Well, I'm not sure you can put it as
17 positively as that, but I take the point, Mr Laucci.

18 THE WITNESS: [15:29:33](Interpretation) That is correct. This did not happen just
19 with me. There are people who suffered way more than I did.

20 MR LAUCCI: [15:29:48]

21 Q. [15:29:49] And, finally, you did not mention your arrest, detention, (Redacted)
22 (Redacted), and interaction with Ali Kushayb in your asylum request, whereas this
23 would have supported it, for the simple reason that these are all untrue.

24 A. [15:30:49] All that I have mentioned is correct and true.

25 Q. [15:30:55] Thank you, Mr Witness.

Trial Hearing
WITNESS: DAR-OTP-P-0584

(Open Session)

ICC-02/05-01/20

- 1 Thank you, Madam President.
- 2 PRESIDING JUDGE: [15:30:58] Well, Mr Laucci, I suppose we better -- you put to
- 3 him that he was never arrested in Deleig, never detained, (Redacted)
- 4 And he began his answer by saying, "That is correct."
- 5 MR LAUCCI: [15:31:17] I will not rely on his answer as proof of what I'm saying,
- 6 Madam President.
- 7 PRESIDING JUDGE KORNER: [15:31:21] All right. Okay.
- 8 MR LAUCCI: [15:31:22] I'm relying on the asylum request, essentially.
- 9 PRESIDING JUDGE KORNER: [15:31:27] All right. I think it may be a question
- 10 again of interpretation, but I think we'd better clarify that.
- 11 Sir, do you stand by your account that you were arrested, imprisoned in Deleig,
- 12 (Redacted)
- 13 THE WITNESS: [15:32:22](Interpretation) Yes. I am certain of that, and I am ready
- 14 to take an oath that this was the truth.
- 15 PRESIDING JUDGE KORNER: [15:32:36] Yes.
- 16 Any re-examination, Ms Mazzarella?
- 17 MS MAZZARELLA: [15:32:42] No, Madam President.
- 18 PRESIDING JUDGE KORNER: [15:32:44] Right.
- 19 Judge Alapini-Gansou has a question.
- 20 JUDGE ALAPINI-GANSOU: [15:32:56](Interpretation) Your Honour, it's not a
- 21 question.
- 22 PRESIDING JUDGE KORNER: [15:33:04] Oh, right.
- 23 JUDGE ALEXIS-WINDSOR: [15:33:18] Good day, sir. One question, please. To
- 24 your knowledge, in 2000 --
- 25 THE WITNESS: [15:33:33](No interpretation)

Trial Hearing
WITNESS: DAR-OTP-P-0584

(Open Session)

ICC-02/05-01/20

1 JUDGE ALEXIS-WINDSOR: [15:33:38] My apologies. All right. I didn't get an
2 interpretation of that intervention.

3 THE INTERPRETER: [15:33:42] There was no interpretation, your Honour.

4 JUDGE ALEXIS-WINDSOR: [15:33:56] All right. Let me go on then. To your
5 knowledge, in 2004, were any rapes -- alleged rapes by Janjaweed reported to the
6 police or to any other authorities?

7 THE WITNESS: [15:34:57](Interpretation) We, the Fur, were not allowed to go to the
8 police station to report complaints. So even if we had gone to report, they -- they
9 would stop us from reporting. So we were unable -- so you wouldn't be able to say
10 that, for example, a sister or a woman or my wife or my daughter had been raped.
11 So if we had been seen, even without being charged of any murder -- any crimes, we
12 would be shot. So we were hiding in mountains, on the rocks, we were able to move
13 during night-time. We couldn't report any crimes. We moved at night to bring
14 food and/or water, to bring some sort of food, or to make food called *assida* to present
15 it to people who were hiding in the mountains.
16 We didn't have a chance to go to the police stations -- to go to the police stations and
17 report about rape incidents that had happened to our daughters and sisters and wives.
18 We didn't have that opportunity.
19 The police did not recognise our reports. They did not recognise us as human beings,
20 we the Fur. They saw us as insects. So many women were raped. They were
21 ashamed to -- to disclose what had happened to the public or to report it -- to report
22 anything about the rape. Instead of sympathising with the raped women to alleviate
23 her suffering, people would look down upon her.
24 For example, there were women who went to bring some bread. The girls were
25 arrested, and women, the elderly women were left behind. Later, after two days,

Trial Hearing
WITNESS: DAR-OTP-P-0584

(Open Session)

ICC-02/05-01/20

1 they were released. Their condition was miserable. Some of them are still
2 suffering -- have been suffering until now, suffering of some mental disorder. Yet
3 people would accuse these girls that they were the cause of them being raped while
4 they were the victims. The society does not understand the issue of rape.
5 The women that were raped and those who didn't have food to bring to their children
6 or water to drink, what would they do? They had to move to bring food and water,
7 and as a result of this movement, they were being targeted and raped on the roads.
8 They were moving to save their small children. Meanwhile, they were being raped
9 in the roads while they were searching for food. And some of them passed away
10 because of the lack of cures and medicine. Some of them would use -- some of them
11 would use saline solutions, for example. And in the month of February, some of
12 them were attacked and a lot of the elderly died as a result of this attack. Some of
13 them were not even buried.
14 After that, some people returned to the village. The attack that took place in
15 December and in September, there were so many elderly and the blind, those who
16 were burnt alive inside the houses. They were unable to leave the houses, so they
17 were burned down alive inside the houses and they died.
18 JUDGE ALEXIS-WINDSOR: [15:41:12] Thank you.
19 THE WITNESS: [15:41:12] (Interpretation) After the displacement ...
20 JUDGE ALEXIS-WINDSOR: [15:41:18] Which leads me to one more question. In --
21 THE WITNESS: [15:41:22](No interpretation)
22 PRESIDING JUDGE KORNER: [15:41:36] I'm sorry, can we have interpretation,
23 please.
24 THE WITNESS: [15:41:59](Interpretation) Okay.
25 JUDGE ALEXIS-WINDSOR: [15:42:02] All right. You spoke of the fact that, in your

Trial Hearing
WITNESS: DAR-OTP-P-0584

(Open Session)

ICC-02/05-01/20

1 view, women could not report rapes. Do you know personally or did you hear, in
2 2004, of any women and girls who reported or tried to report to the police or other
3 authorities about rapes?

4 PRESIDING JUDGE KORNER: [15:42:51] And it's a yes or no answer, sir.

5 THE WITNESS: [15:43:04](Interpretation) No, I didn't hear about that. No, they
6 did not go.

7 JUDGE ALEXIS-WINDSOR: [15:43:07] Thank you, Witness. Those are all my
8 questions.

9 PRESIDING JUDGE KORNER: [15:43:21] Yes. I just have one matter that I want to
10 ask you about and it's what you said this morning at - sorry - page 26, line 4. You
11 said that the main reason for all the suffering that you underwent is Ali Kushayb.
12 And why, in a very, very short, please, answer, do you say that, as opposed to any of
13 the other leaders?

14 THE WITNESS: [15:44:43](Interpretation) Because Ali Kushayb was the commander
15 of the militias. His men were the ones who burned down our villages.

16 PRESIDING JUDGE KORNER: [15:44:55] Okay. Thank you very much, sir. Sir,
17 thank you for coming to give the evidence that you have. Although, as you will
18 have gathered, there is a dispute about part of it, nobody has sought to dispute about
19 what personally happened to you in terms of your injuries and what happened to
20 other members of your family. And we offer you our sympathy for that. And also
21 add that unless people are willing to testify about what happened, then these trials
22 could not take place. So we wish you a safe return home.

23 Yes. Has it all been interpreted?

24 THE WITNESS: [15:46:52](Interpretation) I did not hear.

25 PRESIDING JUDGE KORNER: [15:46:59] Okay. Sir, all I was doing was thanking

Trial Hearing
WITNESS: DAR-OTP-P-0584

(Open Session)

ICC-02/05-01/20

1 you very much for the evidence you gave. I don't know why you didn't hear. I
2 don't know what's going on with the interpretation, but it isn't satisfactory. But
3 thank you very much for coming.

4 THE WITNESS: [15:47:27](No interpretation)

5 THE INTERPRETER: [15:47:27] Answer from the Fur booth, the sound -- the voice
6 of the witness was not very audible.

7 PRESIDING JUDGE KORNER: [15:47:33] Yes, but you were supposed to be
8 translating what I said to him, not what he said.
9 Right.

10 Yes, thank you very much, sir. That concludes your evidence. Perhaps somebody
11 who did hear what I said would be good enough to repeat it to him at a later -- yes,
12 thank you.

13 Yes. Can we cut the link.

14 (The witness is excused)

15 PRESIDING JUDGE KORNER: [15:48:25] I know there has been a break. I would
16 have thought in that break there could have been perhaps a practice for all, in
17 particular Fur, interpreters. I cannot reiterate too strongly how important it is that
18 everything a witness says is interpreted. Also, that it is interpreted correctly.

19 I have no idea what was going on today, but what I am clear about is that there were
20 great parts which were not being interpreted when the witness was speaking. And I
21 don't mind if it's just "yes". The interpreter is to say, "The witness said 'yes'." On
22 two or three occasions, in fact, it was clear to me the witness said more than "yes". It
23 has to be literal interpretation. I hope that's absolutely clear.

24 Right. Tomorrow, the witness I see speaks fluent English. Is there any chance that
25 the witness can give witness in English, so that the only interpretation that there will

Trial Hearing
WITNESS: DAR-OTP-P-0584

(Open Session)

ICC-02/05-01/20

- 1 have to be is from English to Arabic for the purposes of the defendant?
- 2 MR NICHOLLS: [15:49:49] I will check that, your Honour, and email the Chamber
- 3 regarding --
- 4 PRESIDING JUDGE KORNER: [15:49:53] We got an email from V -- saying that the
- 5 witness speaks fluent Arabic and fluent -- and indeed fluent -- or Arabic and fluent
- 6 English. It would be jolly helpful to have a witness give evidence in English so, as I
- 7 say, there is only one -- well, two, French and Arabic.
- 8 MR NICHOLLS: [15:50:13] I will check that right away.
- 9 PRESIDING JUDGE KORNER: [15:50:15] Right. Yes.
- 10 THE COURT USHER: [15:50:31] All rise.
- 11 (The hearing ends in open session at 3.50 p.m.)