

Trial Hearing
WITNESS: V-0004

(Open Session)

ICC-02/05-01/20

1 International Criminal Court
2 Trial Chamber I
3 Situation: Darfur, Sudan
4 In the case of The Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman
5 ("Ali Kushayb") - ICC-02/05-01/20
6 Presiding Judge Joanna Korner, Judge Reine Alapini-Gansou and
7 Judge Althea Violet Alexis-Windsor
8 Trial Hearing - Courtroom 2
9 Wednesday, 18 October 2023
10 (The hearing starts in open session at 9.35 a.m.)
11 THE COURT USHER: [9:36:02] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE KORNER: [9:36:36] Yes. Good morning, all.
15 Appearances this morning, please.
16 Actually, I suppose we ought to call the case. We didn't do that at the status
17 conference. Let's call -- let's call the case this morning.
18 THE COURT OFFICER: [9:36:52] Good morning, Madam President, your Honours.
19 This is the situation in Darfur, Sudan, in the case of The Prosecutor versus
20 Ali Muhammad Ali Abd-Al-Rahman, case reference ICC-02/05-01/20.
21 And for the record, we're in open session.
22 PRESIDING JUDGE KORNER: [9:37:07] Yes. Thank you.
23 Yes, can we have the appearance this morning, first of all from the representatives of
24 the victims.
25 MS VON WISTINGHAUSEN: [9:37:16] Well, thank you, Madam President.

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1 Good morning, your Honours. Good morning, dear colleagues. Good morning to
2 everyone in and around the courtroom.

3 The victims today are represented by my associate counsel Anand Shah, behind me;
4 next to me, case manager Saif Kassis; behind me our visiting professional,
5 Charlotte Imhof; and myself, Natalie von Wistinghausen.

6 PRESIDING JUDGE KORNER: [9:37:40](Microphone not activated)

7 THE INTERPRETER: [9:37:42] Microphone, please.

8 PRESIDING JUDGE KORNER: [9:37:48] Sorry.

9 I can hear you in court, but I wasn't getting it through my earphones. Can -- ah, it
10 helps if you push in the ...

11 Okay. Yes, thank you very much. Don't worry to say it all again.

12 Right. Yes, Defence.

13 MR LAUCCI: [9:38:12] Good morning, Madam President. Good morning,
14 your Honours. Good morning dear colleagues. And good morning to the members
15 of the public.

16 Together with Mr Ali Muhammad Ali Abd-Al-Rahman present in the courtroom this
17 morning, we have Mr Thomas Chatelet, who is the -- our intern in the Defence team;
18 Madam Marcela Velarde, assistant evidence reviewer; Mr Ahmad Issa, our case
19 manager; Madam Audrey Mateo, our legal adviser; my colleague, Iain Edwards; and
20 myself, Cyril Laucci, counsel.

21 PRESIDING JUDGE KORNER: [9:38:50] Right. Thank you very much, Mr Laucci.

22 Except my LiveNote is frozen, nothing is working -- moving on it. Okay. Is
23 the French -- yeah, the French version is working, or not? Okay.

24 Yes, okay.

25 Prosecution then.

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1 MR NICHOLLS: [9:39:09] Good morning, Madam President. Good morning,
2 your Honours. Good morning, everybody.

3 Rachel Mazzarella, Claire Sabatini and myself, Julian Nicholls. Thank you.

4 PRESIDING JUDGE KORNER: [9:39:18] Thank you very much.

5 Yes, Ms --

6 MS VON WISTINGHAUSEN: [9:39:24] Can I -- can I just -- sorry, Madam President.

7 I just want to make sure, or can I verify with the court officer that the protective
8 measures are in place, like face and voice distortion. It wasn't very clear to me and I
9 just want to be sure that's the case.

10 THE COURT OFFICER: [9:39:38] I can confirm that the protective measures are in
11 place and have been tested accordingly.

12 MS VON WISTINGHAUSEN: [9:39:42] Thank you.

13 PRESIDING JUDGE KORNER: [9:39:43] Yes, Mr Laucci.

14 MR LAUCCI: [9:39:44] Yes, and another verification of the same kind. Actually, I
15 checked this morning, just to be sure, but I was informed that -- actually, not
16 informed, we are not sure that there is a broadcast functioning for this session and
17 maybe for the session -- the other sessions of the week. That's a bit of a problem.

18 PRESIDING JUDGE KORNER: [9:40:08] Yeah, Mr Laucci, I understand that because
19 of the events which have caused all these problems to the various court systems, there
20 is no public broadcast. What's going to happen, I'm told, is that particularly your
21 opening will be put out on YouTube.

22 I wasn't aware, but apparently there is a YouTube channel which -- which -- but not at
23 the same time as you're speaking, I'm afraid.

24 MR LAUCCI: [9:40:36] And do you have any idea of the delay between the two?

25 PRESIDING JUDGE KORNER: [9:40:44] The same day, I'm told.

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1 MR LAUCCI: [9:40:45] Okay. Thank you very much.

2 PRESIDING JUDGE KORNER: [9:40:48] Right. Yes.

3 Sir, thank you very much for attending. Can I make sure that you are able to hear
4 and understand what is happening in court?

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6 (The witness speaks Arabic)

7 (The witness gives evidence via video link)

8 THE WITNESS: (No interpretation)

9 MS VON WISTINGHAUSEN: [9:41:25] He obviously doesn't hear us. And, also,
10 the English LiveNotes are not working.

11 PRESIDING JUDGE KORNER: [9:41:30] No, I've just said that, English LiveNote is
12 definitely not working.

13 Sir, can you hear -- can you hear me at all?

14 THE WITNESS: (No interpretation)

15 PRESIDING JUDGE KORNER: [9:41:52] Well, you can hear me, but judging by
16 the fact there's no interpretation, I don't think they can hear you.

17 Could you say some -- sir, could you say something, just so that we can get
18 interpretation.

19 THE WITNESS: [9:42:24] Good morning, Judge.

20 THE INTERPRETER: [9:42:38] The witness speaks in English.

21 PRESIDING JUDGE KORNER: [9:42:42] Well, he may have spoken in English, but I
22 couldn't hear anything.

23 Did you hear anything, Ms von Wistinghausen?

24 Channel 2.

25 MS VON WISTINGHAUSEN: [9:43:04] Well, you could hear it on channel 0, which
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1 is like the original, but I think we didn't get any translation, and also we couldn't hear
2 him.

3 PRESIDING JUDGE KORNER: [9:43:12] Okay.

4 What language is he going to be speaking in, Ms von Wistinghausen, English or
5 Arabic or Fur?

6 MS VON WISTINGHAUSEN: [9:43:21] He's going to speak Arabic.

7 PRESIDING JUDGE KORNER: [9:43:25] Arabic, right.

8 Well, then we need to stay on the translation channel.

9 All right, well, let's -- well, anyhow, sir, if you can hear me, let's see how we go with
10 Ms von Wistinghausen.

11 MS VON WISTINGHAUSEN: [9:43:43] Well, I think he has to -- no, he doesn't have
12 to -- I was just -- okay.

13 QUESTIONED BY MS VON WISTINGHAUSEN:

14 Q. [9:43:57] So, good morning, sir. It's very good to see you on the screen and to
15 have you with us here in the courtroom. Obviously, we would all have wanted to
16 have you --

17 A. [9:44:10] Good morning. Peace be upon you all. I'm happy to be with you
18 here.

19 Q. [9:44:16] Very good.

20 We would have wanted to have you here with us in person. That was impossible.

21 But I can assure you that your presence on the screen is -- is - what's the word? - well,
22 it's as if you were with us here in the room.

23 We will, and we talked about this (Overlapping speakers)

24 A. [9:44:41] Yes, indeed, I -- I am here present on the screen as if I was there
25 personally.

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1 Q. [9:44:49] Very good. We briefly spoke about this yesterday, that everything
2 you say is going to be translated to English for the two judges on the right, and to
3 French for the judge on the left.
4 So there are interpreters sitting up here in the courtroom and translating first to
5 English and then to French.
6 Why am I saying this? Because it's important that you speak slowly so that they
7 have the time to catch everything, the interpreters, and translate it to these two
8 languages. The judges don't want to miss any of what you're saying. So please try
9 to speak slowly and wait until you get the interpretation before you start speaking, all
10 right?

11 A. [9:46:00] Very well, no problem at all.

12 Q. [9:46:01] Very good. We --

13 A. [9:46:03] I personally would need the interpretation.

14 Q. [9:46:09] Are you not getting an interpretation to Arabic?

15 A. [9:46:15] Yes, I do get interpretation.

16 Q. [9:46:19] Okay. If at any time you don't get an interpretation, or anything that I
17 say is unclear, please let us know, and also, of course, any time you need a break
18 outside of the normal break times, also let us know, okay?

19 A. [9:46:46] Very well.

20 Q. [9:46:48] All right.

21 Madam President, I need a closed session of probably one or two minutes, please.

22 PRESIDING JUDGE KORNER: [9:47:32] Yes.

23 We'll go into closed session for a couple of minutes.

24 (Private session at 9.47 a.m.)

25 THE COURT OFFICER: [9:47:32] We're in private session, Madam President.

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25 (Open session at 9.49 a.m.)

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- 1 THE COURT OFFICER: [9:49:39] We're back in open session, Madam President.
- 2 MS VON WISTINGHAUSEN: [9:49:44] All right, so we are back to open session.
- 3 Q. [9:49:47] Can you tell the judges what level of education you have?
- 4 A. [9:50:05] I have a Sudanese certificate or degree.
- 5 Q. [9:50:14] And is it correct that back in 2003 you served as a volunteer teacher in
- 6 your home village?
- 7 A. [9:50:29] That's correct, yes, I worked from 2003.
- 8 Q. [9:50:36] And what work do you do today?
- 9 A. [9:50:43] I still work as a teacher?
- 10 Q. [9:50:48] And what subjects do you teach?
- 11 A. [9:50:54] Science and Arabic. Science and Arabic.
- 12 Q. [9:51:00] And can you let us know if this -- this is a paid occupation; are you
- 13 paid for what you're doing as a teacher?
- 14 A. [9:51:21] Education is popularly -- is funded by the population.
- 15 Q. [9:51:30] That means that -- that means that you're paid by voluntary
- 16 contributions of the parents; is that correct?
- 17 A. [9:51:43] Yes, that's correct.
- 18 Q. [9:51:47] All right. So we will first go back to 2003 and I will ask you to tell us
- 19 more about life in Darfur in your home village before the attacks in 2003.
- 20 So, in 2003 your home village - and we agree that you don't name it - was located in
- 21 locality of Mukjar, and it is located in the general area of the town of Deleig; is that
- 22 right?
- 23 A. [9:52:31] Yes, it's the locality of Deleig. It's a separate locality. And my village
- 24 is located in the locality of Deleig, yes.
- 25 Q. [9:52:47] Can you tell us how many people lived in your home village and what

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1 ethnic groups were represented in your home village.

2 A. [9:53:06] The people who lived in my village are no fewer than 1,000 family,
3 a thousand families, and they all are Fur.

4 Q. [9:53:24] Were there other villages in the area of your home village, and what
5 was the tribal ethnicity of the people there?

6 A. [9:53:43] There are other neighbouring villages, more than -- about 10 or 11
7 villages. And they are not far from each other and they all belonged to the Fur
8 ethnicity. This is the area.

9 Q. [9:54:08] And can you tell us about the relationship between the people of your
10 home village and the surrounding villages?

11 A. [9:54:28] The relationship between people in the countryside is built on social
12 relationships, people cooperate with each other. There is harmony, we have
13 solidarity with each other, we live the same condition, so we are in the same status.

14 Q. [9:55:02] Can you tell us about any special traditions in the community, or
15 celebrations that took place in your community at the time.

16 A. [9:55:21] Yes. Every community has their own traditions, norms, and some
17 occasions where -- when people celebrate together, for example, circumcision, and
18 sometimes education too. For example, those people who study in the Koran
19 schools, Islamic schools, we celebrate this when they graduate, so there is
20 participation, societal participation from all the villages. So this is a collective
21 celebration.

22 THE INTERPRETER: [9:56:40] Sound is breaking up.

23 MS VON WISTINGHAUSEN:

24 Q. [9:56:41] Can you hear me well, sir?

25 A. [9:56:41] Yes, I do. I can hear you.

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1 MS VON WISTINGHAUSEN: [9:56:41] Okay, maybe just for the interpreters, if it
2 breaks up for you, let me know, because I can't hear the original.

3 Q. [09:56:53] Yes, sir, can you describe to us the area surrounding your home
4 village. What did it look like, the forests, hills, greenery?

5 A. [9:57:09] The east of Arawala -- the south of Deleig and east of Arawala, there is
6 a mountain chain, mountain ridge from the northern side and the eastern side.

7 THE INTERPRETER: [9:57:39] Note from the interpreter: The sound is breaking up
8 again.

9 THE WITNESS: [9:57:39](Interpretation) There are also forests, there are plains,
10 there is also a big valley in the centre of this area.

11 MS VON WISTINGHAUSEN: [9:57:52]

12 Q. [9:57:53] In --

13 A. [9:57:55] And the people -- the population works mainly on farming, and some
14 work in trade.

15 Q. [9:58:16] In 2003, sir, were you married? And did you have children?

16 A. [9:58:25] Yes, I was married and I had three children.

17 Q. [9:58:34] And what age were the children at that time in 2003?

18 A. [9:58:47] My -- my eldest was born in 1999, because I was married in 1998. My
19 second eldest was born in 2002, and the youngest was born in the same month of
20 another year, the same month where the conflict broke out.

21 Q. [9:59:21] And can you tell us about you and your family's life prior to the attack
22 on your home village, like what livestock did you have, how did you live, did you do
23 farming? Describe to us a little bit the life of your family.

24 A. [9:59:50] The life in the countryside was a simple life. Farming or agriculture
25 was the main profession in the area, so if a person lives there, this person would be

1 a farmer. So most people or every person was a farmer or was working in
2 agriculture and the people relied mostly on agriculture in their livelihoods.
3 During summer, people rely completely on the crops harvested in autumn, and
4 during summer people plant some vegetables or legumes. There would be fewer
5 livestock. So in some areas there would be more livestock than others, so livestock is
6 not equally distributed among the area. However, the presence of livestock was
7 necessary. It was necessary to have goats at least, as well as camels and cows,
8 because these would help us economically and to help us in our livelihoods.

9 Q. [10:01:32] And did you or your family sell any crops and did you own any
10 livestock?

11 A. [10:01:46] We had cattle and goats, sheep, so these are the ones we had, as well
12 as cows. We used to sell corn. So the family used to plant a harvest and sell. We
13 also -- we also had a part of our crops that were for household use, for our household
14 use.

15 Q. [10:02:28] And you lived, like many people in your community, in small huts
16 grouped together in a compound; is that all right?

17 A. [10:02:49] Yes. People lived in small communities, in family communities, so
18 the family can be a big family. The father is the founder of the family or the one who
19 establishes it. The father builds the small hut using local substances or material.
20 They can also use mud for the construction of the huts and the entire family would
21 live there.

22 And, recently, the system changed, the system of construction of building system
23 changed. So, inside the hut there would be a shape of a *dabanga* or a store, a storage,
24 a storage room or a silo that protects the grains such as millet and other types of
25 grains, as well as agricultural crops. So everything stored inside these silos would

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1 be protected.

2 In case of fire, the *dabanga* or the silo would be safe from it because it's built from
3 material that is resistant to fire.

4 So this is how the housing looked like and this is how we used to store our crops.

5 Q. [10:04:46] And where did the people in your village get water from?

6 A. [10:05:01] There were two ways to get water in the village. The first way is
7 through wells. So there are underground water --

8 THE INTERPRETER: [10:05:21] Message from the interpreter: The sound is
9 breaking up again.

10 THE WITNESS: [10:05:31](Interpretation) I already told you that in the middle of
11 the area there is a valley that gets its water from the mountains. And in this valley,
12 at the end of autumn, it would have current water, running water. So this can be
13 a source of water for us, so sometimes people would go there to get water.

14 So this is how we -- the two ways from which we used to get water in the area.

15 MS VON WISTINGHAUSEN: [10:06:16]

16 Q. [10:06:17] And can you tell us if the government at the time provided any
17 services to your area, like were any officials based in your home village or in
18 surrounding villages, like police, for example?

19 A. [10:06:41] The government is supposed to provide services, for example,
20 education, health services. However, these services were not present, were not
21 available.

22 THE INTERPRETER: [10:07:00] Message from the interpreter: The sound is
23 breaking up again.

24 THE WITNESS: [10:07:07](Interpretation) So, at schools, you would rarely have
25 available teachers. So, for example, teachers would be available at the last three

1 months of the academic year and the children wouldn't get sufficient education
2 during this year. So educational services from the government were very weak.
3 When it comes to health care, I can say that there were no health services provided,
4 and in the 12 villages that were present in the area there was only one health centre.
5 However, in this health centre, for example, the building would be of a very bad
6 quality, it would be partially destroyed, and medical services would be limited.
7 The centre would not be properly equipped and would only provide first aid, as well
8 as antibiotics. The most modern service it would provide is bandages to wounds.
9 However, more serious injuries or illnesses would be transferred to other areas. So
10 health care was not provided, it was not available.
11 So we had this municipal system in health care and women were covered in this
12 system. And if the case that they receive in the system, the health case that they
13 receive in this system is a bit difficult, the patient has to be sent to the city that is at
14 least 40 to 50 kilometres away from the village. Transportation was not available as
15 well and people used to rely on people travelling from area to area to get medication.
16 So, for example, if there is a woman who is ill, a -- some sort of a bed would be
17 provided for her, placed on the -- on a camel back and then she has to travel on
18 the camel, and there's a possibility that this person would reach the destination or not.
19 When a woman is in labour or in birth cases, there are lots of accidents when it comes
20 to this. And we have also lots of chronic diseases that we don't have any treatment
21 for.

22 Q. [10:10:25] Let's speak a little bit about schooling, which is an area that you know
23 very well. And we are still at the time before the start of the conflict.
24 Can you tell us what level of education schools could provide and if school and
25 education was something important to the Fur community in your area?

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1 A. [10:11:13] Can you please repeat the question. The sound was breaking up.

2 Q. [10:11:14] Yes, of course. Let's speak a little bit more about schooling, an area
3 that you know well. And we are still at the time before the attacks in 2003 in your
4 home village. Can you tell us what level of education did the school provide for and
5 if education was something important for your community in your area?

6 A. [10:11:49] The level of education was low.

7 I told you that there are 11 villages that are not far from one another and there would
8 be only one school for all these villages.

9 The school was established in 1975, but it's a simple school, primary education, that
10 only provides a little education. I only remember that in only one year students
11 passed or completed their academic year. But I don't know or I don't remember
12 much about it as well.

13 So schooling services were very weak in the area and education was not given a lot of
14 importance, like in terms of providing these services. However, despite the scarcity
15 of educational services, most people had to go study Islamic studies or to study
16 the Koran. And you would have more than 15 to 30 persons who have memorised
17 the Koran in each village.

18 So this changed in the recent period, because the situation does not allow it and
19 people are not able to send their children to school or to get any education.

20 Q. [10:14:02] I would also like you to explain what the community leadership
21 structures were like in your home village, and also in the wider region. So, for
22 example, what was the role of the various community leaders, can you explain that to
23 us please?

24 A. [10:14:34] The system that was in place had two or three levels. There was also
25 the political system for -- that comes from the government authority and then we

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1 have the locality and there are exchanges between the -- these authorities. So there
2 would be a person who is representing the government in each area.
3 So, we have also a constant system, that is the local system. The local administration
4 system, this is a constant, a stable system that doesn't change like the government.
5 So this is composed of the *sheikh*, who is the closest person to the citizens. This *sheikh*
6 would be present in the village. And then, higher than the *sheikh*, we have the *umdah*.
7 And after the *umdah*, we have the *shartay*. The *shartay* would have a *hakura* or
8 a -- like a compound of homes.
9 So the *sheikh* is the popular leader because he is the closest to the -- to the villagers or
10 to the citizens. And the *sheikhs*, 15 to 16 *sheikhs*, can elect or choose an *umdah* who
11 would be the leader of the *sheikhs*. The *umdahs* also choose a *shartay*. And
12 the *shartay* would be leading the *umdahs*.
13 So this is the structure of the administration in the area. So this is how
14 the administrative hierarchy was composed of in the area. So the *sheikh* was
15 the closest person to the citizens.
16 The *sheikh* has a social role and that is solving local problems on the level of
17 the village. The *sheikh* can also solve family problems or some problems that can
18 occur in agriculture.
19 So, for example, if there are a conflict on the borders of farms, some conflicts can
20 happen or some differences can happen between the citizens, therefore, the *sheikh* can
21 establish a commission in the village in order to re-conciliate the people.
22 In case the problem is a bit more complicated, then it's sent to the *umdah*. If
23 the *sheikh* cannot solve it, the problem is sent to the *umdah*. And then, if the *umdah*
24 cannot solve it, it's sent to the *shartay*, and if the *shartay* cannot solve it, then it goes to
25 the judge.

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1 However, most problems are solved on lower levels because we have a concept that is
2 the -- all the people are -- all people are relatives, so they reconcile with each other
3 and they can find solutions to their differences in an amicable way.

4 Q. [10:18:49] In times of difficulties or of crisis, did the community leaders have
5 a special role?

6 A. [10:19:11] Yes, the leaders, in times of crisis, are the ones we rely on, so they give
7 some sort of tranquility to the people. They calm the people down. They can ask
8 the people to be patient in case there's a problem somewhere by the time this problem
9 would be solved.

10 So they keep the people calm and they follow up on the problems in order to solve
11 them. So this is the custom that we have.

12 However, when the issues or the conflict of 2003 erupted, there were political
13 interferences. Some administrations were affected by the government and they
14 changed their way of work based on what the government told them to do. Some
15 other leaders kept working based on the system that they had before.

16 However, this does not mean that the administrative system stayed as it was.

17 Sometimes this system became more of an individualist system and this system
18 became weak and it was not sustainable.

19 Q. [10:21:04] We will move, sir, to the attacks on your home village and -- and
20 the fleeing after that. But just before I start asking you questions about that, I would
21 like to know if before the conflict you and your family ever visited Deleig? Is it
22 a place where you regularly went to?

23 A. [10:21:44] Yes, Deleig was the crossing point from our area to Nyala and other
24 areas. So it was the transit area. It was a locality. And for the areas that are
25 located to the east of Arawala, it was difficult to reach them by car. So used -- people

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1 used to travel using animals to Deleig and then, from Deleig, they could go to Nyala,
2 to Zalingei, or to the east of Sudan or any other place from Nyala.

3 If we were in the eastern part, we want to towards the west, we have to go through
4 Deleig in order to reach the final destination. So Deleig was a centre for people to
5 meet, a transit centre. It was also a centre for trade and for -- for commerce, where
6 people used to go and sell their goods in Deleig. And also people used to go to
7 Deleig in order to satisfy some personal needs, some individual needs.

8 Q. [10:23:18] And do you know approximately how many people lived in Deleig in
9 2003?

10 A. [10:23:36] Honestly, I'm unable to specify the number of people who lived there.
11 But Deleig was considered one -- a big village. It's more like a locality. If there
12 were in my village approximately 1,000 households, then in Deleig there wouldn't be
13 less than 2,000 to 3,000. However, now I think there are at least 10 to 15,000 people
14 there at the moment.

15 Q. [10:24:16] Let us speak now about the attacks on your home village. And I
16 understand from conversations that we had, that after the outbreak of conflict in
17 Darfur in 2003, there were multiple attacks on your village prior to a final attack, if I
18 may call it so, in December 2003.

19 Can you tell us what happened during these earlier attacks?

20 A. [10:25:02] As citizens there, we did not have any background and we did not
21 know anything about the conflict. Suddenly, in the morning, we woke up and there
22 was an attack. People armed to the teeth, on horsebacks, and on donkeyback and
23 camelback as well. So these people attacked the village. And this was surprising
24 for the citizens, for the villagers, they did not understand what was happening at the
25 beginning. And without any introductions they started shooting rounds

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1 immediately.

2 So the situation was, for us, like a mirage between imagination and reality, between
3 fiction and reality. So the people started fleeing from the village towards the valleys
4 surrounding the area, because surrounding the area there are lots of valleys, there's
5 the valley and some abundant forests. So the nature was a refuge for a large number
6 of citizens.

7 Also the crops in autumn, they were tall, and some people went to the fields and hid
8 between the plants that were there.

9 The attackers were hasty, they were not scrutinising every single location to see if
10 there's somebody hidden somewhere, hiding somewhere, so they were just attacking
11 us and they attacked us several times, maybe more than five times.

12 So they attacked the village. The people went to the mountains. So some of
13 the attackers went to the farms, they went to the village. So, in general, this was
14 the shape of the attack.

15 In addition, people suffered from difficult situation back then, so this was a difficult
16 situation for us. It's difficult to remember these.

17 So imagine yourself in a valley and the straw was very tall and you are hiding
18 in-between and then there was heavy rain as well, so people were staying outside and
19 the children were crying. And then when the attackers would hear the sound of
20 children in the farms, they would start shooting randomly. So this was -- this was
21 how the attack -- this is how I remember the attack. This was difficult for me. It
22 was an emotional moment. And the children went into very difficult, very dire
23 situation.

24 Q. [10:29:00] Thank you, sir. And I apologise for having to bring back these sad
25 memories to you, but, on the other hand, this is the important role that you're playing

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1 today in this courtroom and it's important that you share this with us.

2 And I will have to ask you to tell us or to describe us what you personally saw and
3 experienced during the attack in December 2003 on your home village, the final attack,
4 if I may say. Can you please share with us what happened to you and to your
5 family. And I just want to reiterate that whenever you need a break, please let us
6 know, we know it's not easy for you to speak about these events.

7 A. [10:30:01] Yes, indeed it's difficult, yet necessary, it is necessary to speak. So
8 we need to talk about these events so that people understand what happened.

9 As for the attack, it resulted in casualties, people from the villages, people are
10 scattered in the villages. So people were killed in mass murdering, mass killing and
11 some people were buried in mass graves and some people were just left like that.
12 There were some scenes where people would -- for example, someone is sitting or
13 hiding with his family, sister, mother, they would be hiding somewhere in
14 the mountain and then they would be discovered and all of them would be shot dead.
15 I remember one incident, we had a person called Yaquob, and he was with his son
16 and the son -- the father was talking to them. He would say -- he said, "Take me but
17 leave this child. He is still young. Leave him. You can kill me, but please spare
18 my son's life."

19 THE INTERPRETER: [10:31:57] There was a difficulty hearing the testimony.
20 There is a difficulty with the sound coming from the witness.

21 THE WITNESS: [10:32:18](Interpretation) Is it clear? Is my voice clear?

22 THE INTERPRETER: [10:32:24] The witness says.

23 MS VON WISTINGHAUSEN: [10:32:27]

24 Q. [10:32:28] Sir, I'm afraid you will have to repeat this last answer because there
25 are problems with the connectivity and the interpreters didn't hear you well.

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1 And maybe for the interpreters, it's difficult for me to judge if, you know, if you're
2 losing parts of the account of my client or not. It's really for you to tell if -- if you
3 think you can interpret adequately.

4 A. [10:32:55] Yes. There were many incidents. They would hunt people down.
5 They would like -- like as if they were hunting. I remember Mr Haroun and his son,
6 they were hiding somewhere and when the Janjaweed came and saw them, he aimed
7 the gun at them, so the elder man said, "Kill me. Kill me, but please spare my son's
8 life. He is still young and he has a life ahead of him." But, unfortunately, they shot
9 his son before shooting him.

10 So they killed -- we buried them in one grave. This is one incident I remember.

11 There were so many other incidents. For example, they would kill four people, two
12 people, and this is unconceivable, it's inconceivable. They killed more than 70 or 80,
13 about 70 to 80 persons -- people. Those people were present in Deleig at that time.

14 PRESIDING JUDGE KORNER: [10:34:19] I'm sorry, can I just interrupt for a moment,
15 sir.

16 The incident you described of the father and his son, is that an incident you saw
17 yourself or is it something that was -- that you were told about?

18 THE WITNESS: [10:34:41](Interpretation) These incidents were numerous. Some
19 we saw and some we heard about. But this incident about Haroun, it was close to
20 the mountain and he yelled in a high voice, a loud voice so everybody could hear, and
21 everyone could see the Janjaweed approaching Haroun and we could see this
22 happening. And after they shot them we went to that place and we saw them, dead.

23 PRESIDING JUDGE KORNER: [10:35:11] Yes, thank you.

24 MS VON WISTINGHAUSEN: [10:35:12]

25 Q. [10:35:13] Can you, sir, specifically describe what happened to your family, to

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1 your family compound, the huts, your property.

2 A. [10:35:31] Personally speaking, all the huts were similar to each other, but they
3 were all burned down. We were not able to conceive what was happening and we
4 didn't understand that there was a political reason behind this. We didn't
5 understand that. We thought that this was one of the tribal issues that was
6 happening. But people would flee to the mountain and then come back, so we
7 thought there would be stability after this. The village was burnt four times.
8 The first time it was burnt down, and the second time they came back and burn it
9 down. And the third time we built a *rakuba*, some structure called *rakuba*, and it was
10 in a circular shape, so it was some sort of shade built on four pillars and because
11 we -- we were in the mountains, so if we heard any noise or -- noise of people
12 approaching, we would flee to the mountains. We would even take our children.
13 So that practice was becoming common and familiar with -- amongst people.

14 THE INTERPRETER: [10:37:22] Sound is breaking up again: says the interpreter.

15 THE WITNESS: [10:37:33](Interpretation) This is what happened. So the family
16 would be composed of brothers or siblings and were -- many of them were martyred,
17 were just killed.

18 So these incidents, these conflicts in Darfur, you could hardly find a family that was
19 spared -- that didn't have a family member who was killed, and so on and so forth.

20 MS VON WISTINGHAUSEN: [10:38:11]

21 Q. [10:38:12] When you eventually fled your home village after the December 2003
22 attack, was there anything left of your house, your property, your livestock, or was
23 everything burnt and lost?

24 A. [10:38:42] The whole village was burnt out, not just my home.

25 THE INTERPRETER: [10:38:49] Sound is breaking up again.

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1 THE WITNESS: [10:38:55](Interpretation) So ...

2 THE INTERPRETER: [10:38:58] It's difficult to hear the witness.

3 PRESIDING JUDGE KORNER: [10:39:06] Just pause for a moment, would you,
4 Ms von Wistinghausen.

5 Is there somebody there with the witness? I think he may be sitting too far from
6 the mic.

7 (Presiding Judge and Court Officer confer)

8 PRESIDING JUDGE KORNER: [10:39:36] It does appear, Ms von Wistinghausen,
9 there are some connection issues which they're going to try and sort in the break.
10 For the moment, the best we can do is ask him to sit a little closer to the microphone.

11 MS VON WISTINGHAUSEN: [10:40:00]

12 Q. [10:40:02] Sir, there are connectivity internet issues. We will try to get a better
13 connection during the break. But for the moment I will ask you to sit as close as
14 possible to the microphone. And if you can please repeat your last answer, if you
15 remember the question I posed, because the interpreters didn't catch everything.

16 A. [10:40:37] You asked me if my property was burnt down or if I had lost
17 everything. Wasn't that the question?

18 And I answered that all I had was burnt, everything was taken away. Whatever they
19 didn't burn they took with them, not just my property, but all the village.

20 So, for example, the area where our crops are stored inside the homes, this would be
21 fireproof, so if it didn't -- if they didn't burn it down, they would break it, the silos.
22 So they would take also part of these crops with them, so they would take that with
23 them.

24 Q. [10:41:38] You fled to the surrounding mountains. Can you tell us if your
25 family was with you and can you describe the situation there in the mountains.

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1 A. [10:42:01] Yes. Everybody would flee to the mountain and would take their
2 family members, starting with children, because they had the most priority. And
3 then you would follow, you would catch up with your family members.
4 Life in the mountain was extremely difficult. People would -- would sit or stay there
5 for the whole day without a sip of water, except if they could find water from
6 the wells that I mentioned before.

7 And sometimes the Janjaweed would come around -- down around the mountain and
8 they would shoot up the mountain, towards -- randomly, and some people got
9 injured. And they would need treatment, but we would only use traditional healing
10 techniques using tree leaves and similar things. We would just use local product.
11 But if a person would go out to seek treatment, they would be -- he would be killed,
12 or she would be killed. That was the policy of the country.

13 Q. [10:43:27] Can you describe what was the feeling among the people. Were they,
14 like, hopeful that they may be able to go back one day? Can you remember what
15 kind of discussions there were amongst you and -- and the others who had to flee?

16 A. [10:44:04] The reason people stayed longer in the mountains was the hope that
17 they would be able to return to their places of origin. They would -- they thought
18 that this was a tribal war, a conflict, then after a few weeks or a month they would be
19 able to return.

20 THE INTERPRETER: [10:44:27] There is a connection issue.

21 THE WITNESS: [10:44:30](Interpretation) But eventually people lost hope, and after
22 a few months people lost hope. People -- some people went early on because they
23 were afraid, so they went early on to Deleig. If you would be going --

24 PRESIDING JUDGE KORNER: [10:44:52] Ms von Wistinghausen, I'm just
25 wondering whether, rather than going on like this, we adjourn -- we take the break

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1 now and see if they can fix this problem. It's up to you.

2 MS VON WISTINGHAUSEN: [10:45:06] No, it's -- I mean, I -- I'm in the hands of
3 the technicians, of course. I have a -- I have hope that things can be improved.

4 Q. [10:45:15] Sir, the Presiding Judge is suggesting - and I'm sorry we interrupt
5 you - to take the break now and to see if the technicians can fix the connectivity or
6 improve the connectivity so that we can better understand you. All right?

7 PRESIDING JUDGE KORNER: [10:45:37] So that you don't have to repeat
8 everything.

9 THE WITNESS: [10:45:40](Interpretation) No problems, no problems at all.

10 PRESIDING JUDGE KORNER: [10:45:50] Right. I'm told that we think we can fix
11 this within half an hour. So we'll rise now -- adjourn now and sit again at 11.15.
12 Yes, thank you.

13 THE COURT USHER: [10:46:03] All rise.

14 MR EDWARDS: [10:46:05] Your Honour.

15 PRESIDING JUDGE KORNER: [10:46:08] Sorry, Mr Edwards.

16 MR EDWARDS: [10:46:09] Yes. Your Honour, this needn't detain the witness, of
17 course.

18 PRESIDING JUDGE KORNER: [10:46:12] Yes, well, the witness can take a break
19 then, can leave the room where he is.

20 MR EDWARDS: [10:46:18] I just wanted to highlight that we won't have any
21 questions for this gentleman. He's not giving evidence, he's providing his views and
22 opinions --

23 PRESIDING JUDGE KORNER: [10:46:29] Views and concerns.

24 MR EDWARDS: [10:46:31] -- views and concerns. He hasn't -- he hasn't been
25 sworn in, as it were.

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1 So, I know your Honour raised the matter related to hearsay, was it something that he
2 heard himself, but it's not a point we would take. We just underscore that this is not
3 evidence.

4 PRESIDING JUDGE KORNER: [10:46:48] No. And I'm well aware -- I'm well
5 aware of that, Mr Edwards, but it does have a relevance at -- or, sorry, it may have
6 relevance at a later stage.

7 MR EDWARDS: [10:46:58] Yes, yes.

8 PRESIDING JUDGE KORNER: [10:46:59] And, therefore, from that point of view,
9 it's still important for the Chamber to know whether this is something he was told
10 about or actually saw himself.

11 MR EDWARDS: [10:47:10] Quite, yes.

12 PRESIDING JUDGE KORNER: [10:47:11] But I'm well aware this is not evidence.
13 Thank you, Mr Edwards.

14 Right. Yes, we'll adjourn now. We'll say 11.20, as we've gone on.

15 Yes, 11.20.

16 THE COURT USHER: [10:47:25] All rise.

17 (Recess taken at 10.47 a.m.)

18 (Upon resuming in open session at 11.28 a.m.)

19 THE COURT USHER: [11:28:38] All rise.

20 Please be seated.

21 PRESIDING JUDGE KORNER: [11:28:57] Ms von Wistinghausen, the technicians
22 have reconnected, apparently, in the hopes it will work better, but it may be that
23 the problem is with the internet here rather than the place where he's testifying, so I'm
24 afraid we'll just have to struggle on.

25 MS VON WISTINGHAUSEN: [11:29:17] Yes, I guess we have no choice. Our case
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1 manager, who's fluent in Arabic, also communicated with the interpreters and they
2 agreed that he will raise his hand when he feels that too much is getting lost so that I
3 also know when I have to ask him to repeat.

4 Q. [11:29:36] Okay, sir, well, even in the modern European world we have
5 connectivity issues, probably more here in the Netherlands than where you are, but
6 we are trying our best so that we understand each other.
7 Again, if you don't get my question or if you don't hear me well, let me know and we
8 may have to ask you to repeat the one or the other response if it doesn't arrive well
9 here, all right?

10 A. [11:30:11] Yes, all clear.

11 Q. [11:30:14] We were speaking about you and your family having fled to
12 the mountains after the attack on your home village, and you described the dire
13 situation there for you and everyone around you.
14 Can you let us know how long you stayed in the mountains and when did you decide
15 to seek refuge in Deleig?

16 Did you hear my question, sir?

17 A. [11:31:16] Can you please repeat the question.

18 Q. [11:31:22] We were speaking about you and your family seeking refuge in
19 the mountain, and you described the dire situation there.
20 Can you let us know how long you stayed in the mountains and when did you decide
21 to seek refuge in Deleig?

22 A. [11:31:52] As I told you, the attacks were intermittent, so you would have an
23 attack now and later on another attack.

24 So during this period of time, whenever an attack happened, we used to flee to
25 the mountains, spend two to three -- two to four days, for example, and then we

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1 would return to the village.

2 So when the attack is over, people would return to the village and stay there, and then
3 two to three days later another attack happens and people flee again.

4 However, during the last period, at the end of the first month of the year, attacks
5 started being successive, so people then decided to leave and to go to Deleig.

6 So in December, January and February, people would go like a group after the other
7 and not all together, because if you would leave all together you would be targeted.

8 So people, every night a group of people would leave. And each person have to find
9 out the way to get there on their own, to try to reach the destination safely.

10 So it took the people two to three months to -- for all -- it took all the people two to
11 three months to leave the area completely.

12 Q. [11:33:32] And when did you and your family arrive in Deleig? And where did
13 you stay there?

14 A. [11:33:49] I sent my family ahead of me, so they left one to two weeks before I
15 did. I stayed behind for that time.

16 My uncle lived in Deleig to the east of the centre -- he lived to the east of the centre of
17 Deleig and he hosted us in his house. So I started my journey to Deleig on Sunday
18 and I arrived on a Monday. Usually the road from my village to Deleig would take
19 four to five hours. However, for security reasons I had to move at night from
20 the village and I arrived or reached Deleig in the morning of the next day.

21 Q. [11:34:57] Can you tell us what the situation was like in Deleig at the time.
22 Were there many displaced persons there?

23 A. [11:35:15] There was a large number of displaced people who got displaced
24 from the areas that were attacked. So they were -- they came from the areas around
25 Arawala, the south of Deleig, so most of the people were displaced and went to

1 Deleig.

2 So the families were going successfully, not all in one group. So a group would
3 leave on a day, another group would leave on another day.

4 On the way there's a possibility that some of them would be killed also. So the road
5 to Deleig was fraught with dangers.

6 So most of the displaced people were staying in the south -- southern part of Deleig
7 where there was a school and there was space for them near also the police station of
8 Deleig. People used to stay under the trees, and those who had people they knew in
9 Deleig, they would go to them. So the situation was difficult.

10 So people were just trying to find a shaded area to stay in. Some people stayed
11 inside the school. So people who had relatives in Deleig, they went and they were
12 hosted by these relatives too. However, most of the displaced people stayed in
13 the southern part of Deleig.

14 Q. [11:37:16] Was there enough food for everyone? And what happened to people
15 who were sick or injured?

16 A. [11:37:35] If a person is sick, then it's a problem, because there were no
17 possibilities or capabilities in this regard. And when the people started reaching
18 Deleig, there they were starting to organise the displacement. There were
19 organisations working and trying to organise some assistance. However,
20 the assistance was very limited.

21 When it comes to getting any treatment for any illness, that was very difficult because
22 there were no treatments available anywhere. And if there was a wounded person,
23 then the situation is very difficult and most people were using local, local remedies,
24 for example, extracts from trees or some local substances they used to heal people.

25 Q. [11:38:43] Can you put a date, more or less, on your arrival in Deleig?

1 A. [11:39:01] I arrived to Deleig approximately at the end of February. So I
2 left -- so I arrived on Monday, so -- and five days later, the problem, the biggest
3 problem or the biggest attack happened. So I can tell you that that was around
4 the -- the end of February. It was a Friday also.

5 Q. [11:39:36] On this Friday after your arrival in Deleig, can you tell us what
6 happened. What did you see on your way to the mosque?

7 A. [11:39:57] On Friday morning in Deleig, I found the -- the city surrounded or
8 besieged by the Janjaweed, who were on foot and on horsebacks. They also had
9 vehicles. So at this point we understood what was happening, but we also sensed
10 that there's -- that the village or the town was under siege.

11 The people inside were moving normally, but there were fears among the people.
12 Afterwards, the Janjaweed started searching the village house by house, and during
13 these search operations they were taking the men to the police stations.
14 At approximately 12 to one, at noon, I was going home and the movement in Deleig,
15 the movement of the people in Deleig was normal on that day, so the market was
16 open, people were going and coming to the market.

17 But the displaced persons who were in the southern area were the most affected by
18 the siege. So at some point when they rounded up all the people, we found
19 the people lying down in front of the police station and then when I was on the way
20 to the mosque I saw -- I saw all this scene in front of me. So at this point I
21 understood that there was something bad happening.

22 So when I exited the mosque, I saw that the people were lying down on their bellies
23 with their mouth open on the floor and they were being beaten. I also saw some
24 soldiers walking on the backs of people. This was very terrifying for people.

25 So at that point I returned home, where I stayed for a period of time. And then all

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1 these people were taken and -- and the Janjaweed left also. And the rest is history,
2 you know what happened.

3 Q. [11:43:08] What do you mean by "the rest is history, you know what happened"?
4 Tell us what happened or what you saw?

5 A. [11:43:23] So they started taking people away in groups. The people thought
6 that these people were taken from the police station to another police station.
7 However, these people were taken to places where they were executed, they were
8 killed. They were taken to near a village called Koska, so where there was a *chor* or
9 a creek. So there's -- a group of people were taken there. Another group were
10 taken -- was taken to another area where they were executed as well. So all
11 the people who were there were killed.

12 Q. [11:44:12] You said that you saw the people being detained, and don't mention
13 their names, but I would like to know did you recognise any of these detained
14 persons, did you know any of them?

15 A. [11:44:36] The people are known. The people who are detained are known. I
16 know some of them. So some I don't know, and some I do know, because some of
17 them come from the same village as I am. And I saw some of them being detained,
18 yes.

19 MS VON WISTINGHAUSEN: [11:44:58] Can we, Madam President, just very briefly
20 go into closed session so that he can give the names of the persons that he recognised
21 and knew personally, please.

22 PRESIDING JUDGE KORNER: [11:45:08] Yes.
23 Private session, please.

24 (Private session at 11.45 a.m.)

25 THE COURT OFFICER: [11:45:25] We're in private session, Madam President.

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1 (Redacted)

2 (Redacted)

3 (Redacted)

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11 (Redacted)

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14 (Redacted)

15 (Redacted)

16 (Open session at 11.47 a.m.)

17 THE COURT OFFICER: [11:47:17] We're back in open session, Madam President.

18 MS VON WISTINGHAUSEN: [11:47:29]

19 Q. [11:47:30] You said, sir, that you walked back from the mosque to your home, or
20 the house where your family was staying. Can you tell us what happened on
21 the way back, who did you meet?

22 A. [11:48:03] When I left the mosque we were a group of people going back to
23 the village. So I looked and I -- and I saw the people that I mentioned, but before I
24 went to the mosque I saw them walking there in the morning. When I was -- when
25 I was going to the mosque I was walking cautiously because there were some people

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1 around who were armed.

2 Q. [11:48:59] Did you meet a gentleman called Mulonqwe?

3 A. [11:49:13] I saw -- saw Abdallah Mussa, also known as Mulonqwe, so after I
4 returned from the mosque and I went home, at approximately 5 in the evening I
5 passed in front of the market and when I exited my house on the way to the market,
6 there's a crossroads. And this is where I saw him. This is where I saw Abdallah
7 and Abdallah is the person who confirmed to me that the people were killed. I was
8 the first person who saw Abdallah and he was coming from the location of the event.
9 He was injured above his eye. So on the way I was walking and he -- I did not see
10 him, so he called me, he -- he saluted me, he greeted me and he told me what
11 happened. And he told me not to go anywhere. He told me to go back home and
12 not to go anywhere, because all the people who were detained were taken and killed.
13 He told me that he was in the location of this incident, this event, and he was injured
14 in his head. He showed me the head injuries that he had. So this was a very
15 difficult situation. I was -- I was almost having a mental breakdown. So he went to
16 the mosque and shortly afterwards he passed away.

17 But this man, Abdallah, I saw him in person, I saw him directly and I talked to him.

18 Q. [11:51:28] This news of the detained persons in -- in Deleig and the executions
19 that you had heard of, did this news spread quickly and -- in Deleig, and can you tell
20 me what the reaction of the Fur community was to this terrible news?

21 A. [11:52:03] The Fur community is a peaceful one. After they heard the news,
22 people didn't have anything to do, they couldn't do anything, except to grieve and cry.
23 I personally, when I know -- knew about this news, I couldn't even carry or render
24 this news to the other people. I was unable to tell them the news. It took me some
25 time. Even they asked me, they said, "What's wrong with you? You're

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1 daydreaming and silent. What's happened?" It took me a long time and eventually

2 I told them what happened. That was very difficult.

3 The community in Darfur didn't do anything, aside from grieving. They couldn't do

4 anything. They had nothing to do. They were unable to do anything.

5 Q. [11:53:26] Is it your understanding that community leaders were among

6 the -- amongst the detained and executed? And, if so, did this have a particular

7 impact on the reaction of -- of the Fur community?

8 A. [11:53:50] Could you -- could you repeat the question? The connection is

9 breaking up.

10 Q. [11:53:56] Yes. Is it your understanding, or do you know or have you heard

11 that community leaders were among those detained and executed in Deleig? And, if

12 so, what was the particular impact on the Fur community in Deleig?

13 A. [11:54:28] Part of my answer, when you ask me what you had witnessed in

14 the yard in Mukjar, because you -- you asked me, but I didn't say. I know that there

15 were some leaders. One of them is Adam Ahmed who is *umdah*, called *umdah*

16 Kindiri, {ICR: (Redacted)}. And when the first -- when the events started the first

17 they captured were the leaders.

18 Also Adam Abd-Al-Rahman was also captured or detained in the prison.

19 Adam Abbaker Riziq was also detained, detained in the -- in the police station. As

20 well *sheikh* Suleiman, also known as Diokabe. Also Hassan Al-Badri (phon). All

21 these were detained. Also Suleiman, there was a brother called Suleiman. I don't

22 know his last name, but he was also detained. Also Omar Rashid, who was also

23 detained. Another person was called Ali Khamis. These were -- came from

24 different villages. But these people were all present and they all had -- they were all

25 leaders.

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1 *Umdah* Jiddo also, and Adam Idris, *umdah*. Adam Abbaker Riziq, who's a *sheikh*.
2 These were detained. And I know that some leaders -- these leaders were detained
3 and they were actually captured before they started capturing or detaining
4 the regular citizens.

5 Q. [11:56:41] Do you know whether these incidents were reported to the police or
6 any other authorities at the time?

7 A. [11:57:03] This happened in front of the police. The police didn't have any
8 prerogative. There was a person called Juma'a in the police station. His name was
9 Juma'a Fadhali, he was the chief, the police chief. He was somewhat criticising some
10 aspects, but he didn't -- he was unable to do anything.

11 Q. [11:57:40] You said to us that it took you some time even to be able to speak
12 about what you saw and what you heard. Can you tell the judges how you feel
13 about it now, two decades later. Can you say what -- what's the impact of these
14 events on -- on you today?

15 A. [11:58:16] These events are indeed tragic and they make you feel how vulnerable
16 you are. You are being wronged and you can do nothing about that. That is a very
17 difficult feeling.

18 We hope and wish that justice is established, eventually.

19 Q. [11:58:59] Sir, we will now move on to the time where you reached a refugee
20 camp. And we are not going to mention the name of that camp. Because after
21 the events of that Friday in Deleig that you described, my understanding is that you
22 and your family left Deleig.

23 Can you explain to us where you went, again without mentioning the specific
24 location, and if you still reside there today.

25 A. [11:59:45] We moved from Deleig after these events and we headed to Nyala.

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1 We suffered a lot on the way. There was a lot of searching. Anyone could possibly
2 hit you or beat you.
3 Until we reached Zalingei, where we found also some security measures. And we
4 passed until we reached Nyala.
5 People there suffered a lot from the severe or difficult conditions. There were camps
6 and some gatherings and if you would -- if you happened to have a family member or
7 you know someone there, you would go to them. My brother lived in that city and I
8 went to him.
9 Some days later, the -- we heard about the -- establishing some camps.
10 The government would not cooperate with the -- these gatherings, they would reject
11 or refuse to help. So that was the place where people would seek refuge in.
12 What happened moved the international community and conscience and the result
13 was that some organisations started moving, which I would like to thank all
14 the organisations that helped us and served humanity. They provided shelter for us
15 and they specified specific locations for the camps.
16 Despite all the challenges -- there were grave challenges, whether from the side of
17 the government or the Janjaweed, despite all these challenges, every person in every
18 camp would face challenges. If you would exit the camp you would be in trouble.
19 And also the government later provided some forces for these camps. So, this
20 resulted in some security issues facing the citizens.
21 Despite all of this, people were patient and resilient. It was very difficult. But what
22 was relieving somewhat was the organisations' work. As I mentioned, they work
23 well. They provided some health care, food, education or health education. They
24 provided what they were able to provide. Thanks to them there is some sort of
25 stability in these camps.

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1 That's how these camps came to be formed and people started to settle down and be
2 able to find -- to have food. It's the international organisations who were able to
3 achieve that.

4 Q. [12:03:52] Can you tell us how long it took, more or less, from Deleig to
5 the camp where you still reside now? How long were you on the road?

6 A. [12:04:16] That we moved from Deleig at about 11 or 12 a.m. There were some
7 difficulties along the way and on the following day we reached Nyala about 10 in
8 the morning.

9 Ten hours there and 12 hours, so I think 20-plus hours, the whole journey.

10 Q. [12:04:58] When you arrived in the camp, can you estimate how many people
11 had arrived and were living in this camp during your first year there? Are we
12 talking about hundreds, thousands?

13 A. [12:05:27] This camp, the inhabitants were in thousands, in thousands. And
14 people from all over Darfur would head from -- to these camps because there
15 were -- there was shelter and some sort of security. So people would -- would flock
16 there. So people would come to these camps.

17 At some point we would -- some units were in -- the number was 200, 300, so from
18 a camp to a camp the number varies depending on the size. So in a big camp
19 the number could reach 300, approximately.

20 So this is how the camps worked, because of -- because people actually gathered there
21 and went there in big numbers.

22 Q. [12:06:45] And from what ethnic group or tribes were most of the refugees in
23 the camp where you're staying?

24 A. [12:07:07] After we arrived in these camps, we found people from different
25 tribes, from so many tribes. In some camps the ethnicities would differ. In some

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1 camps you would find 20 or 20-plus ethnicities. In some other camps, 10 to 15. So
2 there was -- there was a mix of all ethnicities.

3 Q. [12:07:47] Were there many people from the Fur tribe as well?

4 A. [12:08:00] The majority in most camps belonged to the Fur, because the Fur tribe
5 was the largest in numbers -- in number. So it was one of the biggest tribes, and they
6 would be the majority in any camp. Fur, Zaghawa, Masalit, these are the different
7 tribes, besides the other tribes.

8 Q. [12:08:39] Sir, I will show you pictures now and ask you to comment on them.

9 We sent a PowerPoint presentation with a few pictures. It's the -- the presentation is
10 DAR-V47-00000271, and if we could show slide number 1.

11 PRESIDING JUDGE KORNER: [12:09:07] Can these be publicly displayed?

12 MS VON WISTINGHAUSEN: [12:09:11] It can all be publicly displayed, yes.

13 PRESIDING JUDGE KORNER: [12:09:16] Yes, thank you. Right.

14 Evidence channel 2. Right. Thank you.

15 MS VON WISTINGHAUSEN: [12:09:19]

16 Q. [12:09:22] These pictures, sir, are about the housing situation in the camp.

17 Can you explain to us what you see in these pictures. Are these normal houses in
18 a refugee camp? What are the conditions of these houses? Please explain to us.

19 A. [12:09:51] I can explain in reverse number from 4 to 3 to 2 and then ending by 1,
20 number 1, picture number 1, is that okay?

21 Q. [12:10:07] Yes, absolutely.

22 A. [12:10:09] Picture number 4 and number 3, these are the actual images of
23 the early stages of displacement. They lived in shelters similar to this. For example,
24 back home we used to live in huts made of hay or straw, so we moved from big huts
25 to smaller huts. These are similar to the smaller huts. So this was the early stages

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1 of displacement and all the camp looked like this. And after the arrival of -- of
2 the organisations we would get the plastic covering which we would use on top.
3 After that, there were some challenges. As I mentioned, there were some police and
4 the government permitted the organisations to work, but what was -- what we would
5 receive from these organisations, we -- would not be sufficient and they tried to
6 disperse the work of these organisations. There was random shooting from
7 the police and the army. So people were concerned. Some people were injured by
8 bullets. So they would try to improve the construction and the structure of
9 the accommodation.

10 So the pictures you see in number 2, 4 and 3, there might -- it's possible that there
11 are -- there is a hole inside for people to hide in and seek cover from the bullets.
12 So pictures number 2 and 1, people started to build with mud with the help of
13 the organisations. So they would use the plastic covering to give a message that this
14 is a camp, that was a camp. This is how people live. This is how people reside
15 inside the camps, until this very day, 2023.

16 Q. [12:12:47] Do you get electricity to these houses?

17 A. [12:13:00] No, there is no electricity whatsoever. We didn't have electricity in
18 our places of origin, not to mention these places. So in our localities we didn't have
19 electricity, not to mention these camps.

20 Some people use gasoline - and this also depends on the ability of people to provide
21 gasoline - or organisations sometimes provide gasoline, which they used for
22 the services of the centre. Some people used generators for the stores, for the shops.
23 Even charging your mobile phone, you would pay for that. So you would take your
24 phone to a centre and pay for the phone to be charged, because that was a business
25 someone was conducting.

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1 Q. [12:14:09] Can you say how the lack of proper housing and -- and electricity that
2 probably you are used to because you have no choice, but how do you feel it affects
3 the -- the overall well-being of the people who live in the camps?

4 A. [12:14:36] Are you referring to the lack of electricity? I didn't understand that
5 question quite well.

6 Q. [12:14:42] Yes, I wasn't probably very clear.

7 I -- I mean the lack of proper housing, but also the lack of electricity.

8 A. [12:14:58] This affects us mentally, because we have the sense that we are not
9 part, we do not belong to that state, to that country, because currently electricity,
10 drinking water, proper shelter, these are life necessities. Any person must have
11 access to these things. People should not struggle to have some water, drinking
12 water.

13 Q. [12:15:33] Can you describe what your own house looks like and what property
14 does your family own, if at all?

15 A. [12:15:53] Repeat the question, the voice was not clear, it's breaking up.

16 Q. [12:15:59] Can you tell us what your own -- your family's home looks like and
17 do you have any property in your house?

18 A. [12:16:15] At the beginning in the camp would -- people would have some form
19 of mattresses or ground cover and we would receive these covers or mattresses by
20 the -- or from the organisations. And this came along with food services. And
21 the plastic cover, we would receive this to help us in the fall. With the passing of
22 time, people would try to work, provide some -- save some money and they started to
23 furnish.

24 For example, later on you would have a bed and nothing more.

25 So for you to be able to buy a bed, it requires a lot. And families don't have most of

1 the necessities. For example, TVs and other things similar to that, we didn't have
2 any of this.

3 Q. [12:17:36] You were speaking about the assistance of help organisations during
4 the first few years that you were living in the camp, and I would like you to look at
5 the second slide of pictures, which supposedly shows humanitarian aid and shelter
6 distribution.

7 Can you comment on these pictures, what you see.

8 A. [12:18:12] Yes, these pictures, I see how people from the different organisations
9 provided services. At some point they would be able to buy these things with
10 money, so they would be also able to treat -- provide health care. So they would do
11 this in the huts. So they would use this material in the huts, inside the huts, and use
12 plastic as blanket.

13 That's the -- also, sometimes there were fires in the camp. So the organisations
14 would save people, try to save people, rescue them and provide the same materials to
15 rebuild the homes.

16 So, yes, this is how organisations used to help us. So this was
17 the -- some -- the compensation people would receive in case of any incidents. These
18 are real pictures.

19 Q. [12:19:34] This picture number 3, does it show shelter that is kind of rolled and
20 distributed to newcomers in the camp, or how does it work, the distribution?

21 A. [12:20:03] The distribution happens in two cases. So when there's an excuse,
22 a person has an excuse or has justification to receive such a thing from
23 the organisation, so, for example, in order to rebuild the hut after a fire.

24 And the second case is when there's -- the person is a newcomer, is a recently
25 displaced person, so this person would receive these in order to be able to build their

1 own house. Even for the toilet, they make a wall from these material that are present
2 in the picture.

3 Q. [12:20:52] And these shelters that we see would still need some plastic
4 protection on top in order to be waterproof; do I understand that correctly?

5 A. [12:21:12] So, it needs a plastic cover in order to protect from the water. If
6 there's no plastic cover, then the water would infiltrate through the straw in order to
7 enter. So these huts or these houses need plastic to be protected from the water.
8 As for the toilets, sometimes they are covered with plastic and sometimes they aren't.

9 Q. [12:21:46] Let's speak about the distribution of food.
10 And this is on the third slide.

11 Can you describe what you see on these pictures, how often is food aid distributed in
12 the camps and who receives this aid and who doesn't? Can you explain to us,
13 please.

14 A. [12:22:23] So this place, people come to this place in order to receive the food
15 assistance. So there's a group of people who would distribute this food and
16 the people would come in small groups in order to receive this -- the food aid. And
17 one person gets a quantity of food to -- for several persons, so the organisations,
18 the humanitarian organisations were organising this distribution.

19 The second and the third pictures show also the market. So we also see
20 the -- the *commerçant*, the trader selling millet or corn. And the organisations also
21 come and do studies on the market to see what is the situation and how people are
22 behaving there and the organisation tries to find better solutions all the time.
23 So you can see on the right that there are people from the organisation who came on
24 a field visit to the market in order to take stock of the situation. And you can see
25 behind the houses how the houses look and how people stand in order to get

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1 the food.

2 There's a picture that's not very clear to me. Picture number 4. As far as I see, I
3 think this is the market. Is that clear?

4 Q. [12:24:22] It's for you to tell, because I haven't been there, but -- but if you
5 recognise it, it's fine, and if you don't, don't worry.

6 I was going to ask you if there are certain criteria for a refugee in the camp to receive
7 some food supplies, or is there enough for everyone, or how does the distribution
8 process work? And maybe I should say we should make the difference between
9 the time when the help organisations were on the ground and the time after that.

10 A. [12:25:14] At the beginning there were international organisations active there
11 and they were distributing the food twice, maybe, per day, and the situation was
12 somewhat better. However, when the organisations left, the situation became
13 difficult and we do not get sufficient quantities of food. And this is a problem.
14 At the moment, the quantity of foods that are -- that is available is not sufficient.
15 And lots of people also now are trying to find different ways to get their food, some
16 of them are maybe going into debt. So people -- and also the tickets people used to
17 get from organisations now are being divided, they are not sufficient also for people.
18 So -- and we don't know, some people don't know whether they're getting food now
19 or whether in two months.

20 I think that providing food supplies is the task of the government. However,
21 the government is not doing that.

22 Now there's no food at all. There's no food at the moment. There's no food for
23 the displaced persons at the moment.

24 Q. [12:27:11] You mention that in the early years the help organisations were very
25 present and helped a lot, but those organisations eventually left the camp. Can you

1 tell us when this was and why?

2 A. [12:27:43] That was a part of the policy of the government, so the organisations
3 were expelled. And that was based on a decision from the presidency of the state.
4 There was a decision or an order for these organisations to be expelled, to leave
5 between 2015 or 2016. So they left based on the decision of 2016. The government
6 ordered all international organisations to leave.

7 Q. [12:28:19] And when you say now there is no food at all, you're referring to
8 the situation in October 2023, probably since the new outbreak of the conflict in -- in
9 April this year; is that right?

10 A. [12:28:41] Yes, after the last conflict, the situation became even worse. It
11 exacerbated a lot. There's no food. There's no mobility. There's no life. In
12 the past, even if there was no food, people had mobility, they could move around.
13 People used to go to work, women could work, the youth could work, men could
14 work, could do different types of jobs in order to get -- maybe to buy some goods and
15 to solve some of the issues they face.
16 However, after 15 -- 15 March, and it's been six months, the city itself collapsed, so
17 we cannot even walk in the city. Moreover, the camps are in the worst situation
18 possible. Inside the camp there are no problems, but if you exit the camp you will
19 face a lot of problems, because outside there are lots of security issues. You can be
20 robbed, you can be killed, women can be raped. So now people are just being
21 conservative or staying inside the camp. So the situation is difficult right now.
22 Some people don't even have enough food to eat one meal every few days. So
23 the suffering and the struggle of the people is very difficult.

24 Q. [12:30:45] We will speak a bit more about the current situation a bit later today.
25 I wanted to ask you about the sanitation situation in the camp, which you have

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1 already touched upon, and if you could see -- if you could have a look at the pictures
2 that are now on the screen which show the water situation in the camp.

3 That is slide number 4.

4 Can you explain to us what we see on these pictures, please.

5 A. [12:31:30] Picture number 3, so this is where you can see organisations
6 providing sanitation or water services. So they were the source of the water and
7 the facilities. So I confirm that picture number 3 is the work of the organisations.
8 Picture number 2, I told you earlier that when we were in the villages there were two
9 sources of water, so we have the water streams in the valley, so picture number 2, this
10 is the current water streams where we get water. And people can dig a hole to get
11 some clean water, but we cannot get the clean water from the surface.

12 Picture number 1 shows a well, and the well was a source of water for the villagers
13 and this is where they used to get drinking water from. So the well was the source
14 of water, the main source of water for villagers.

15 Q. [12:33:02] And how do you get the water from the wells to the houses?

16 A. [12:33:25] The women used to use water recipients or water buckets to transport
17 the water from the well to the houses. Some people had donkeys, for example, that
18 could transport larger buckets of water. They used to come collect the water and
19 move it, to take it to further locations.

20 So there's also the mechanism of the water bucket that is attached to a rope, so you
21 just lower the bucket using the rope, get the water and pull it back up.

22 Q. [12:34:20] I suppose that sometimes it rains, especially, of course, during
23 the rainy season. There can be heavy rains which sometimes provoke floodings in
24 the camp. If you have a look at the pictures now in front of you, can you describe to
25 us what you see and is this something that has happened where you live?

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1 A. [12:34:58] This happened a lot and in most camps, so such cases happened in
2 most camps. So you can see a house built from local material that has been taken by
3 the water. The quantity of water that you see here is -- has a strong surge that takes
4 everything with it. However, when these incidents, these natural things happen
5 from god, we have to accept them. But they increase our suffering. So I was
6 talking about the pictures below.

7 The pictures above show the houses made of mud, how they become humid and then
8 they fall apart. Sometimes some people die when they are in these houses and such
9 incidents happen. The floods can also take away children. So when the surge is
10 strong, people can die, can drown. So this happens in lots of the camps and these
11 are real pictures that embody and show the struggle and the suffering of the people
12 who live in these camps. This is a reality, this is -- these are real images that depict
13 the reality.

14 Q. [12:36:51] Can you tell us how the people cope with that situation and do they
15 receive any kind of assistance then to rebuild their houses?

16 A. [12:37:15] As I told you, a situation is different from another situation. At the
17 beginning, in the early days, when such a problem would happen, the next morning
18 you would find the organisations present and working. And they would make some
19 sort of berms in order to reduce the risk, the danger of floods in the future, like -- they
20 also help the people who are affected. They provide the affected people with
21 services. However, after the expulsion of the organisations from the area and only
22 simple, small, national or local organisations were present, there are some simple
23 assistance but it's very symbolic and it's not very significant.
24 So there's a possibility that you would lose your home and you would not be
25 compensated or you would not get any assistance to rebuild.

1 So, in theory, there are services that are being provided, but, actually, on the ground,
2 no services are being provided. And now, after the recent events, there is nothing
3 being provided, nothing is being provided. Only there's solidarity between
4 the people, who help each other. So if I have something, I share it with the others.
5 So now there is nothing that we can rely on.

6 Q. [12:39:07] You have also touched upon other calamities like fire.

7 If we look at the -- the next pictures, can you tell us what you see.

8 A. [12:39:36] This picture shows that there are crops or foodstuffs that are burned.
9 And as I told you, people struggle and suffer in the camps and some people leave
10 the camps, they walk for some distance and they try to plant some crops such as
11 beans and corn and they contribute to the assistance and the aid that people get. So
12 these crops would help the people and they can -- the people who plant these crops
13 can sell them and then this could contribute to the education of their children.
14 Sometimes a fire can happen. Usually the fires happen in January or February when
15 there's strong wind. Some fires happen by themselves and some fire are man-made.
16 However, the fires -- the flames eat the houses that are nearby and they create great
17 damage. And if the houses are close to each other, then the fire would spread from
18 a house to the other.

19 In some instances, 20 to 30 houses were burnt in one fire.

20 Moreover, there are no firefighting means or material. So people cooperate together
21 in order to try to fight the fire all together. So they try to create some sort of space
22 that -- to cut the fire, so they try to protect an area and make a barrier to stop the fire
23 from spreading. They make a line to stop the fire.

24 So some people go to try to do water sources in order to bring the water to extinguish
25 the fire. However, fires are the biggest problem, because when a fire happens

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1 the damage is very big.

2 Q. [12:42:13] You were mentioning earlier this morning that in your home village
3 you had a specific type of construction that was fireproof, or at least that wouldn't
4 burn easily. Is this something that could be reproduced in the camp or is it
5 impossible?

6 A. [12:42:45] This is a beautiful question. So I'm talking here about the silo of
7 the village. This is where people used to take refuge in. However, in the camps
8 such structures are very rare because there's not even corn to be stored any way. So
9 some families can produce 40 to 50 sacks or like organisations bring 40 to 50 sacks to
10 the camp and a person or a household would get only one sack. So you wouldn't
11 need such space to store it, so people didn't think about building these structures in
12 the camp.

13 Q. [12:43:44] Yes, probably it wasn't a very smart question, but it just crossed my
14 mind and I wanted to ask you if it was an option against fires.

15 PRESIDING JUDGE KORNER: [12:43:54] He told you it was a beautiful question,
16 Ms von Wistinghausen.

17 MS VON WISTINGHAUSEN: [12:43:58] Well, he is so polite, he's a real gentleman.

18 Q. [12:44:03] Anyway, so, sir, the camp is certainly organised in a -- in a certain
19 fashion, because there is many people living there. Can you tell us how it is
20 organised and governed. The community leadership structures that you had in your
21 home villages, did they -- were they in a way reproduced in the camps?

22 A. [12:44:49] The administrative system is inherited, so as soon as the people came
23 to the camp, the first thing they thought about is to form a body that can secure
24 the situation for the people. So they started with the *sheikhs*. So the -- so, for
25 example, when people come and stay in an area in the camp, a *sheikh* is nominated for

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1 this area. So this person, this *sheikh*, is the person who communicates with
2 the organisations, who -- this *sheikh* is the person who knows who are the newcomers.
3 So this is how the system, the governing system in the camp is.
4 And the camp is divided in centres, you have centre 1, centre 2, centre 3, and some
5 camps are divided into squares, square 1, square 2, square 3, square 4, for example, or
6 block. So in each block or each centre, you'd have a head or a president elected by
7 the *sheikhs*.

8 So let's say there are eight centres in a camp, so these eight centres, they get together
9 in order to chose a president or a chairman for the entire camp. So this is when it
10 comes to the camp. And the head of the camp is the person who organises, for
11 example, if there is an organisation coming to the camp. This chairman, this person
12 organises the work with this organisation. He or she gives the number of
13 the refugees that are present in the camp, divides the tasks of these people on how to
14 distribute the assistance.

15 So, in general, the system, the administrative system is a good system that is accepted
16 by the displaced persons in the camps and nowadays we don't have problems in
17 the camps because all the people cherish each other and they respect each other.
18 And despite the differences, when there are different tribes present in the camp, they
19 all live in solidarity.

20 Q. [12:48:17] You described this morning that the medical situation in your home
21 village wasn't easy. How is it in the camps? Do you get any medical assistance?

22 A. [12:48:47] This question has two -- an answer with two parts. So, the first part
23 is when the organisations were present and this -- and health care was related to or
24 linked to these organisations. So there was support, there were health centres
25 available in the camp and they provided good services. And also the -- there was

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1 also good educational services when there were organisations working there.

2 However, when the organisations were expelled, we returned to ground zero,

3 the services became weak. There are health centres, but they have very weak

4 services.

5 And after the latest conflict, the situation became even more dire. There's

6 malnutrition among children. And at the moment there are only two centres that are

7 functional or operational in the centre, in the camp, and all the other health centres

8 are out of service in the camp. So this is one of the problems.

9 Q. [12:50:23] Can you tell us what your personal family situation is today. How
10 many children do you have? How many were born since you live in the camp?

11 A. [12:50:50] Thank god, I have two wives.

12 THE INTERPRETER: [12:50:59] A message from the interpreter: The sound in
13 the microphone makes it impossible to understand the witness.

14 MS VON WISTINGHAUSEN: [12:51:10]

15 Q. [12:51:11] Sir, can I interrupt you. I'm sorry. The interpreters didn't get your
16 response. Can you maybe move closer to the microphone. We just heard that you
17 have two wives, but maybe you can repeat what you said after that.

18 A. [12:51:33] I have two wives and children. When I came from my village to
19 the camp I had three children. So I had three children back then, two boys and one
20 girl. Now in the camp I have five girls and four boys. So the total number is nine
21 children.

22 Q. [12:52:13] So six children were born in the camp. Can you describe what it
23 means to raise small children in a camp.

24 A. [12:52:40] Raising children is very difficult in the camp, but thankfully I think
25 that god gave me a lot, because all -- none of my children are delinquents, because

1 lots of people also dropped out and left their education.

2 Moreover, my work conditions make -- give me the opportunity to be closer to my
3 children. It's true that they study with me at school. So -- but thankfully I did not
4 see anything wrong with them.

5 However, the living situation is difficult and we have a modest life. But I would like
6 to thank god for giving them to me and I ask him to keep them in good health.

7 Q. [12:53:51] You said that since the new outbreak of the conflict in spring this year
8 most people can't go to work anymore due to the difficulty security situation. But
9 before that, that type of work do most people in the camp do? What are
10 the possibilities of earning some money, in normal times, if I may say?

11 A. [12:54:30] In other times, as I mentioned, all the people in the camp would work.
12 Women would work in the farms, in the neighbouring farms, so they would work
13 there. And some would go to the cities to work there, to work in the houses of
14 people, to earn some money. Men as well would -- sorry, I also need to talk about
15 women, they would work with -- as bricklayers or carriers, so they would go to some
16 areas and help work there, which helps them earn some money.

17 Men would go to Nyala, they would work in trade. So they would, for example,
18 take some commodities, some goods from a merchant and then they would sell them
19 in the market, pay back to the merchant and make some marginal profit.

20 Some people would work in the market, some people would have any craftsmanships
21 which they would practice to earn some livelihood.

22 Elderly people would work as guards or doormen. So they would work in any kind
23 of job.

24 So whenever you'd go out, seek a form of employment, you would find only god
25 provides, but this is how people would work and find work.

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1 Yet some other people also would work in the organisations, but they were very few.
2 So this is how people worked and lived and how they would make their livelihood
3 there.

4 MS VON WISTINGHAUSEN: [12:56:54] I think, Madam President, this is an
5 appropriate time for a break, and I can say that we've done good progress. We won't
6 need the whole afternoon session.

7 PRESIDING JUDGE KORNER: [12:57:04](Microphone not activated) I was just
8 going to ask you. I mean, it seemed to me you were coming towards a conclusion of
9 his evidence, or is that -- is that wrong? Because if so, and you can do it in
10 10 minutes or 15 minutes, then we'll sit on to conclude. But if --

11 MS VON WISTINGHAUSEN: [12:57:22] No, I'm sorry, I can't do it in 10 minutes. I
12 would say I still need half an hour or so. And it also depends on some of his
13 answers when I get to more general questions.

14 PRESIDING JUDGE KORNER: [12:57:34] Yes, all right.

15 All right, sir, we'll take the break for lunch now, which will last for one and a half
16 hours, and we'll sit again at 2.30.

17 Just before we adjourn -- so, thank you, sir, you can leave and go for lunch.

18 Mr Edwards --

19 THE WITNESS: [12:58:00](Interpretation) Thank you very much, your Honour.

20 PRESIDING JUDGE KORNER: [12:58:03] Mr Edwards, it suddenly occurred to me
21 that when the Prosecution opened their case they very kindly gave us a copy of what
22 was going to be said. There's no necessity for you to do so, but if it were possible, it
23 would just enable us to follow and possibly mark.

24 MR EDWARDS: [12:58:23] Yes. That will be with you by the end of today, perhaps
25 first thing tomorrow morning.

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1 PRESIDING JUDGE KORNER: [12:58:32] That's fine. And I'm assuming it's half
2 French and half English?

3 MR EDWARDS: [12:58:38] Yes, it is.

4 PRESIDING JUDGE KORNER: [12:58:39] Well, that's fairness.

5 Yes, all right. Thanks very much.

6 Yes, 2.30, please.

7 THE COURT USHER: [12:58:45] All rise.

8 (Recess taken at 12.58 p.m.)

9 (Upon resuming in open session at 2.32 p.m.)

10 THE COURT USHER: [14:32:31] All rise.

11 Please be seated.

12 MS VON WISTINGHAUSEN: [14:33:12]

13 Q. [14:33:12] Good afternoon, sir. I hope you had a good rest over the lunchtime.

14 And I think we probably have half an hour, 40 minutes to go.

15 We were speaking about different conditions, situations, in the camp and, as you are a

16 teacher, I would like to ask you more about schooling in the camps. But first of all,

17 let's speak about your children.

18 Were the older and the younger children able to go to school since you live in the

19 camp?

20 A. [14:34:16] When it comes to education, since the early days of the camp, as I said

21 before, there were organisations providing education for children until -- for -- for

22 young teenagers as well. So schools were established and the UNICEF was

23 providing lots of services, lots of aids for education.

24 When these organisations left, the educational process was affected and lots of

25 teenagers dropped out of education. Only basic schools, or schools providing basic

1 education remained, and these are supported or subsidised. They are supported by
2 organisations, and we have what we call the educational council that supports these
3 schools.

4 Teachers who are parents of the students volunteer at schools, and in most schools
5 teachers work on a voluntary basis and the remuneration is very simple or very
6 minimal. And in each camp there are approximately 200 to 300 -- teachers, and in
7 each school there would be 10 to 15 teachers.

8 So this is how the educational system is functioning, and it's more on voluntary basis
9 than it is on work or job opportunity basis or remunerated job purposes -- basis.

10 Q. [14:36:40] Are you able to provide a rough estimate of what proportion of
11 children in the camp are able to attend the school, like every 10th child, every second
12 child?

13 A. [14:37:01] Children when they are 4, 5, to 6 years old, they are in pre-education.
14 Starting 7 years of age, they enter grade 1 or primary education, followed by higher
15 levels of education. So when a child, 6 years old -- or before a child is 6 years old,
16 they have to go through kindergarten, like a pre-educational phase, and if they go
17 through this phase, they would have a better level.

18 However, some conditions prevent some children from going to preschool education,
19 and there, also, teachers work on a voluntary basis and there are attempts at raising
20 awareness in order for people to understand the importance of education, especially
21 preschool education, in order for the children to be at a better level when they enter
22 primary education. And the situation in the camp also influences the situation of the
23 students at school.

24 Q. [14:38:40] If we look at the next slide of the presentation, it's slide 7 -- can you
25 see that on your screen?

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1 A. [14:38:56] Yes.

2 Q. [14:38:57] And what can you say about these pictures? Is this more or less
3 what a school, schooling looks like?

4 A. [14:39:09] Yes, picture number 1 is a classroom or a class. At the beginning
5 these classrooms were made of local material, and with time these classrooms were
6 developed and they were made of other material, but you can see that it's not covered.

7 So I think that students in this picture are between grade 1 and grade 3. So this is
8 how classrooms looked like.

9 Picture number 3, this is how students used to sit for exams, or this is how students
10 sit for exams inside the camp.

11 So these are for more advanced classes, such as grade 8, so they have these exams,
12 they sit for these exams. So students sit for such exams in the square when they are
13 in grade 8, and -- so they have these unified exams; and, if they pass, they can go to
14 the higher level of education.

15 So these exams can be the final exams, the final exam of the academic year. And, as
16 you can see, some classrooms can be -- or some classes can be very crowded, as you
17 can see in the last picture, and other classes can be less crowded with 30 to
18 40 students in each classrooms. And, as you can see, these are -- this is how
19 classrooms looked like, and these pictures show the reality.

20 Q. [14:41:30] And the school supplies, where do they come from; for example, the
21 papers and the pens? School uniform doesn't really seem to exist, but the school
22 supplies, who provides for that?

23 A. [14:41:58] As I mentioned, in the past, there were resources coming from some
24 institutions or organisations, so the UNICEF used to provide notebooks, books
25 and -- and some tools for the teachers. So all this material was provided by the

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1 UNICEF.

2 At the beginning, we used to get them directly from the UNICEF, but later on we
3 started getting them from the UNICEF through the government or through the
4 ministry of education. Now, the situation is a bit more difficult. And now some
5 supplies are being bought from some of the money that the school has or we receive
6 them through charity. However, we don't have any direct support now, any direct
7 aid received -- that we receive for schools.

8 Q. [14:43:18] I can imagine that life of children in the camp is -- is not very easy.

9 As a teacher you probably observe, and as a father as well -- observe the life of
10 children on a daily basis. Can you tell us about other difficulties and hardship that
11 children are facing around you?

12 A. [14:43:51] Children are suffering a lot. Their suffering is related to the life
13 conditions they are subject to.

14 Can you hear?

15 So these children are clearly suffering nowadays.

16 Can you hear me? Is it clear?

17 Q. [14:44:27] Yes. Yes, thank you. I can hear you.

18 And --

19 A. [14:44:36] So the children are suffering in the camp and this suffering is not
20 simple. Certainly, each person has individual needs and these needs are not being
21 met at the camp. All the children start to work and they can provide a little bit for
22 themselves, so we have lots of children who work.

23 They work in the market, for example. So they work in order to try to get something
24 in return and to help their households, and these children usually are not able to
25 continue their education. So if we compare the life of a child in the camp and the life

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1 of children outside, we can find lots of differences. So these children in camps are
2 living a more dire reality. Their life is difficult in the camp -- the economic situation
3 is difficult, life is difficult.

4 Q. [14:46:13] Can you say how children, maybe your own children, but also
5 children you teach and observe and who were born and raised in the camp, how do
6 they relate to the Fur culture? Is it something that -- that the community is able to
7 transmit?

8 A. [14:46:45] It is true that the children are being -- are raised in an environment
9 that's related to the culture.

10 MS VON WISTINGHAUSEN: [14:47:00] I think we lost him.

11 PRESIDING JUDGE KORNER: [14:47:25] He's gone. What's happened?

12 We appear to be missing your witness.

13 He's back again.

14 THE WITNESS: [14:47:40](Interpretation) I will repeat. Shall I repeat?

15 MS VON WISTINGHAUSEN: [14:47:54]

16 Q. [14:47:54] Yes, please.

17 You can repeat the answer to the question. We can hear you.

18 A. [14:48:36] So the children and the families, they speak the Fur language, so they
19 grow up and they have a certain relationship with the language, the traditions. And
20 children are partners in the family, and this is why they are aware and they know the
21 culture they grow up in.

22 Second, in addition to the Fur, the other -- children of other tribes present in the
23 camps, they speak the languages of their tribes.

24 Third, I spoke about education. People face economic challenges. Mothers are
25 working and I-- what I notice in the camp is that mothers are working hard in order

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1 to provide for their children or their -- to provide their -- for the needs of their
2 children.

3 I told you that my children do go to school; however, I'm also a teacher in that school,
4 so we have to make lots of concessions in order to make sure that our children can go
5 to school. So it's not granted. So in order to provide or to make sure that our
6 children are benefiting from the right to education, we have to make lots of
7 concessions to make sure that they can go to school, because they are not
8 getting any -- we are not getting any assistance from elsewhere. So this is one of the
9 things we live also.

10 And my relationship with my children is good, as I had told you before. So I had
11 three children before coming to the camp and I hope that the other siblings will catch
12 up with their siblings as well.

13 Q. [14:50:57] Were you able to teach your children about how your community
14 lived before you were displaced, and do some of the traditions go on in the camps,
15 like celebrations, the ones you mentioned this morning? Is this something that you
16 succeed in giving some continuity?

17 A. [14:51:35] This is a mission that we all carry, because we have to show our
18 children what happened, how we used to live, and we have to tell them also what
19 happened. It's also important to take these children also back to the places where
20 these incidents happened.

21 And, certainly, the children understand that something happened and there's a
22 reason why we're not in our villages anymore. Hopefully, in the future, people will
23 have an opportunity to return to their lands because there are lots of
24 inheritance -- lands that can be inherited, and this is one of our rights also. It has
25 been very long since we've been out of our land. This is why it's important for us to

1 teach our children everything and to tell them about everything that has happened
2 before.

3 Q. [14:53:00] We understand that you had a very long and difficult journey in order
4 to appear before the judges today. Can you explain to the judges why it was so
5 important for you to undertake this very difficult journey and to be able to speak to
6 them today, even if it is remotely? But, as I said, you are very present in this room.

7 A. [14:53:39] My trip started from Deleig going to Nyala, so this is the displacement.
8 The displacement journey from -- to Nyala was more difficult because back then we
9 did not know where we were going. We were going into the unknown or where we
10 can live, so back then the journey did not have any purpose.

11 As for the journey from Nyala to here, during that journey we faced lots of challenges
12 and difficulties. However, I have a target, so I had to go after this target.

13 I have already lost my land and my country, and I have lost lots of people in my life.

14 I-- I'm seeking an entity that can achieve justice, give me justice. This is why
15 I wanted to travel. So if I suffer a little bit during the journey, it will not be a
16 problem because I will be standing before the Court and I will be calling to be granted
17 my rights. I will be asking for my rights.

18 Q. [14:55:26] You are, sir, a participating victim in these proceedings, based on
19 what you told us today, what you witnessed and experienced in Deleig on this Friday
20 in March 2004. Is there anything that you would like to say to the judges about what
21 these proceedings mean for you personally, but also for your community?

22 A. [14:56:09] At the beginning, I would like to thank the Court for the procedures,
23 for these proceedings.

24 Concerning this case, this case is for all the refugees and the displaced persons, for all
25 the children and for the widows. These proceedings are important for them and

1 I hope that justice will be achieved.

2 And we know that the law is above everything, and whatever is achieved by law will
3 be satisfying for the people that I mentioned. So, I hope that the path of law will be
4 achieved and we will -- and things will be fair for us.

5 So, we also hope that all those against whom arrest warrants were issued will stand
6 before the judges in order to serve justice. So, I hope that God will give us strength
7 to be successful in this quest.

8 Q. [14:57:43] We understand, sir, that your experience and hopes may not be the
9 same for all the victims and we, as your lawyers, always stress that every victim is an
10 individual and may have very different hopes and wishes.

11 Now, you are here as a kind of ambassador for many others because we can't call
12 them all, and I know that you have very regular discussions within the victims'
13 community. Do you want to tell us, or can you tell us, what the views and hopes of
14 other Darfuris who you know and who you have been in contact with have
15 expressed?

16 A. [14:58:40] Do you mean their views when it comes to this case or their views in
17 this court?

18 Q. [14:58:49] Their views when it comes to this case, but also their hopes for the
19 future.

20 A. [14:59:02] Their views and their hopes for the future are, first of all, all the
21 people are longing for a verdict from the Court, and as soon as a decision was made
22 to establish a Court, a case, all the people started following the news on the television
23 and they started going to clubs in order to follow up on this matter. They were
24 following up on this issue with passion. They were eager to hear news about this.
25 Even now, they hope that this case will advance.

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1 They also hope that they can return to their original villages in the future. They
2 hope that justice will be served. They hope that justice will also be sustained so
3 people will not be followed in the future. So they hope that everything will happen
4 in a safe manner as well.

5 Q. [15:00:40] Sir, unless there is anything that I forgot to ask you, I would like to
6 wholeheartedly thank you for this incredible journey that you undertook, also on
7 behalf of the other participating victims; and, above all, I wish you a safe return to
8 your wives and to your family. Thank you.

9 A. [15:01:14] Thank you very much. My gratitude is also extended to all common
10 representatives, Legal Representatives of Victims, also the Bench and all those
11 involved in the court process. And allow me to take this opportunity to offer my
12 prayers to the martyrs of Darfur, the orphans, the widows and the survivors.

13 I also would like to address Darfurian women against whom the economy was used
14 as an instrument against them, to humiliate them. However, they remain dignified,
15 firm.

16 They -- the Darfurian women are iron ladies and justice will be rendered, hopefully,
17 and the future will carry the best for them. We respect and appreciate women.

18 Women are mothers, sisters and everything. And to quote a poet, *the hand that
19 rocks the cradle is the hand that rules the world.

20 Thank you very much and my warmest greetings to you.

21 And if I missed anything, I hope I am forgiven. Thank you.

22 Q. [15:02:52] Thank you.

23 PRESIDING JUDGE KORNER: [15:02:59] I'm taking it, as I said, there are no
24 questions from anybody else. No.

25 Sir, that does conclude what you have to say to us.

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1 And, like Ms Von Wistinghausen, we thank you very much for coming to the court
2 with all the difficulties that that entailed. When I say "coming to the court", these
3 days there is no difference as far as the impact is concerned on whether you are
4 physically present in court or, as you have been, on a screen.

5 Can I assure you that if an appropriate time does come, then the views and concerns
6 you have expressed over the last few hours will be taken into account.

7 And so I thank you once again.

8 THE WITNESS: [15:04:17](Interpretation) Thank you very much indeed.

9 PRESIDING JUDGE KORNER: [15:04:21] Yes, thank you very much. That
10 concludes your session.

11 (The witness is excused)

12 PRESIDING JUDGE KORNER: [15:04:53] Yes.

13 Ms Von Wistinghausen, I understand you can't continue with the second victim on
14 the basis that they haven't had a familiarisation yet.

15 MS VON WISTINGHAUSEN: [15:05:09] Yes. The familiarisation, we tried to have
16 it during the lunch break, but that didn't work out, so it's going to be this afternoon.

17 And, in any event, there would have been a change in --

18 PRESIDING JUDGE KORNER: [15:05:20] Yes. Well, I imagine there would have
19 had to have been a break anyhow.

20 All right. All I want to inquire of you -- there is no time limit, but do you think you
21 can conclude by the end of the second session; in other words, the break over lunch?

22 MS VON WISTINGHAUSEN: [15:05:38] I think so. I hope there won't be too
23 many connection problems. And the participating victim who will appear tomorrow
24 will speak in Fur, so of course this will take a bit more time.

25 On the other hand, I don't intend to show her pictures, so I think we should be fine.

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1 I may ask for a bit more time, but I don't want to rush her. It's difficult to say
2 because I didn't even have the opportunity to prepare with her for tomorrow, so --
3 PRESIDING JUDGE KORNER: [15:06:10] All right.
4 MS VON WISTINGHAUSEN: [15:06:11] -- I also have to see, you know, how it goes.
5 PRESIDING JUDGE KORNER: [15:06:13] Yes, all right. Yes, all right.
6 Mr Laucci, I see you are back. I gather -- do you want to raise -- or somebody wants
7 to raise something before we break?
8 MR LAUCCI: [15:06:26] Unfortunately, yes, Madam President; but that will require
9 a closed session.
10 PRESIDING JUDGE KORNER: [15:06:31] Yes. All right. Let's have a closed
11 session. This is something we can do something about, is it, Mr Laucci, rather than
12 just a complaint?
13 MR LAUCCI: [15:06:40] It falls under your prerogative.
14 PRESIDING JUDGE KORNER: [15:06:43] Yes, all right.
15 MR LAUCCI: [15:06:44] I can see something that falls under your prerogative.
16 PRESIDING JUDGE KORNER: [15:06:49] All right.
17 Yes, private session.
18 (Private session at 3.07 p.m.)
19 THE COURT OFFICER: [15:07:00] We're in private session, Madam President.
20 (Redacted)
21 (Redacted)
22 (Redacted)
23 (Redacted)
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14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Open session at 3.21 p.m.)

18 THE COURT OFFICER: [15:21:33] We're back in open session, Madam President.

19 PRESIDING JUDGE KORNER: [15:21:41] Yes. Well, having dealt with that -- that

20 matter, that brings us to the end of today's proceedings. And we'll adjourn until

21 tomorrow morning at 9.30. Yes, thank you.

22 THE COURT USHER: [15:21:54] All rise.

23 (The hearing ends in open session at 3.21 p.m.)