

Trial Hearing  
WITNESS: DAR-D31-P-0035

(Open session)

ICC-02/05-01/20

1 International Criminal Court  
2 Trial Chamber I  
3 Situation: Darfur, Sudan  
4 In the case of The Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman ("Ali  
5 Kushayb") - ICC-02/05-01/20  
6 Presiding Judge Joanna Korner, Judge Reine Alapini-Gansou and Judge Althea Violet  
7 Alexis-Windsor  
8 Trial Hearing - Courtroom 3  
9 Monday, 22 April 2024  
10 (The hearing starts in open session at 1.34 p.m.)  
11 THE COURT USHER: [13:34:45] All rise.  
12 The International Criminal Court is now in session.  
13 Please be seated.  
14 PRESIDING JUDGE KORNER: [13:34:59] Yes. Good afternoon all.  
15 Could we call the case, please.  
16 THE COURT OFFICER: [13:35:15] Good afternoon, Madam President, your  
17 Honours.  
18 This is the situation in Darfur, Sudan, in the case of The Prosecutor versus Ali  
19 Muhammad Ali Abd-Al-Rahman, case reference ICC-02/05-01/20.  
20 And for the record, we are in open session.  
21 PRESIDING JUDGE KORNER: [13:35:33] Yes, thank you very much.  
22 And welcome all to a most unusual day, we've actually got a witness here in court.  
23 Before we deal with that, can I say something about the  
24 appearance of the witness. It has taken a great deal of really hard work and effort by  
25 the Registry to get this witness organised. I, on the last occasion when we discussed

1 it, I was not very complimentary about the Registry. I now wish to make it  
2 absolutely clear that the Court, and indeed no doubt the Defence in this case - and I  
3 see Mr Laucci nodding - owes a debt of gratitude to the Registrar and all his staff for  
4 all the efforts they have put into enabling this witness to appear, because I understand  
5 he's one of the more important Defence witnesses in this case.

6 So, having said that, can we now have the various appearances. First of all, from  
7 the -- well, no, actually, we will start -- no, it's the Defence case, Defence first.

8 MR LAUCCI: [13:36:59] Thank you, Madam President. And I will start by  
9 seconding what you just said about today and tomorrow, actually.

10 PRESIDING JUDGE KORNER: [13:37:05] Yes.

11 MR LAUCCI: [13:37:06] Together with Mr Abd-Al-Rahman, present in the  
12 courtroom, legal assistants Nina Guilloux and Ahmad Issa. Our counsel  
13 Iain Edwards will join us in a moment. And I am Cyril Laucci, lead counsel.

14 PRESIDING JUDGE KORNER: [13:37:26] Yes. Thank you very much, Mr Laucci.  
15 Yes, Prosecution.

16 MR NICHOLLS: [13:37:30] Good morning, Madam President. Good morning, your  
17 Honours. Good morning, everyone. Good afternoon, I'm corrected. It's nice to  
18 see everyone again. Julian Nicholls with Alison Whitford, Edward Jeremy, Claire  
19 Sabatini and Diana Saba. And Prosecution also echoes your Honour's comments.  
20 We are grateful for the good work of the Registry. Thank you.

21 PRESIDING JUDGE KORNER: [13:37:54] Yes. Thank you very much, Mr Nicholls.  
22 Yes, and the representatives of the victims.

23 MS VON WISTINGHAUSEN: [13:37:58] Yes. Good afternoon, Madam President,  
24 your Honours, dear colleagues. Good afternoon to everyone in and around the  
25 courtroom. Next to me Anand Shah, my associate counsel; behind me you will see

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1 my case manager, Saif Kassis. And we've two new persons on our team, visiting  
2 professional Kathryn Ravey, just behind me; and far in the back, intern Henriette  
3 Willberg.

4 And, well, of course, I will join in the chorus of compliments to the Registry. I  
5 understand, through all the correspondence, it's been a huge effort. Thank you.

6 PRESIDING JUDGE KORNER: [13:38:33] Yes. Thank you very much,  
7 Ms von Wistinghausen.

8 The witness actually has counsel but, as we are going to have to go into a private  
9 session, indeed, in fact, closed session for the evidence, we will deal with his  
10 appearance when we do so.

11 I think the only other thing I want to mention before we go into closed session, and  
12 that, I'm afraid, to those who just appeared in the public gallery, it means you -- the  
13 blinds will be drawn and you won't be able to see anything or hear anything, so I'm  
14 afraid it's not going to be of very much interest in this Court.

15 There are a number of administrative matters to be dealt with, but I think what we'll  
16 do is, working on the basis that the evidence -- the two witnesses will be concluded  
17 on Wednesday, which seems to me reasonable, that we will have a status conference  
18 on Thursday morning to deal with outstanding administrative issues, or, if we finish  
19 early on Wednesday, we'll go straight into a status conference.

20 We can't -- I don't think we can, because we have to sit Wednesday afternoon again,  
21 don't we? All right.

22 Yes, thank you very much.

23 Actually, I'm sorry, before we go into closed session, I think, as the witness is  
24 appearing under Rule 68(3), Mr Laucci, if you can read a short summary of his  
25 evidence for the purposes of the public.

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1 MR LAUCCI: [13:40:13] Yes, so that the public did not come for nothing. Thank  
2 you, Madam President.

3 Witness D-35 is a retired member of the Central Reserve Forces, CRF. He served in  
4 the CRF over the same period as Mr Ali Muhammad Ali Abd-Al-Rahman and he got  
5 to know him from this period of service within the CRF.

6 Witness D-35 describes the entry of Mr Abd-Al-Rahman into the CRF in Garsila in  
7 March 2004, and the various stages of Mr Abd-Al-Rahman's initial period of training,  
8 until his formal appointment into the CRF in July 2005.

9 Witness D-35 explains that Mr Abd-Al-Rahman was recruited in the CRF, even  
10 though he was older than the maximal admission age, because of his medical  
11 background within the Sudanese Armed Forces and to serve as a medical officer.

12 Witness D-35 explains how he got to know Mr Abd-Al-Rahman and why he  
13 remembers him still today. Witness D-35 also confirms the absence of any link  
14 between Mr Abd-Al-Rahman and the name Ali Kushayb. Witness D-35 states that a  
15 former Janjaweed leader who had been in direct communication with Minister  
16 Ahmad Harun would never have been recruited within the CRF.

17 Witness D-35 explains that the so-called Janjaweed were recruited by the Border  
18 Guards working under the supervision of the National Intelligence Services.

19 According to Witness D-35, former Janjaweed would never have passed the vetting  
20 process that was compulsory prior to admission within the CRF.

21 PRESIDING JUDGE KORNER: [13:42:34] Yes. Thank you very much, Mr Laucci,  
22 and we will go straight into closed session.

23 (Closed session at 1.44 p.m.)

24 THE COURT OFFICER: [13:44:20] We are in closed session, Madam President.

25 (Redacted)

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Trial Hearing  
WITNESS: DAR-D31-P-0035

(Closed session)

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Trial Hearing  
WITNESS: DAR-D31-P-0035

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- 23 (The hearing ends in closed session at 4.32 p.m)