

Trial Hearing

(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 2

9 Tuesday, 6 June 2023

10 (The hearing starts in open session at 9.37 a.m.)

11 THE COURT USHER: [9:37:24] All rise.

12 The International Criminal Court is now in session.

13 Please be seated.

14 PRESIDING JUDGE KORNER: [9:37:40] Yes, good morning all.

15 Can we have appearances for the victims representatives this morning.

16 MS VON WISTINGHAUSEN: [9:38:04] Yes. Good morning, Madam~President,

17 your Honours, dear colleagues. Good morning to everyone in and around the

18 courtroom. The victims this morning are represented by associate counsel Anand

19 Shah; to my left, case manager Saif Kassis. And behind me, our field assistant

20 Oumda, and our two interns Nur Mahameed and Saskia Adjowa Afande, and myself,

21 Natalie von Wistinghausen. Thank you very much.

22 PRESIDING JUDGE KORNER: [9:38:30] Yes, thank you very much,

23 Ms von Wistinghausen.

24 Yes, Prosecution.

25 MR NICHOLLS: [9:38:34] Good morning, Madam~President. Good morning, your

Trial Hearing
WITNESS: V-0001

(Open Session)

ICC-02/05-01/20

- 1 Honours, and to everyone. Myself, Julian Nicholls, with Edward Jeremy, Claire
2 Sabatini and Diana Saba. Thank you.
- 3 PRESIDING JUDGE KORNER: [9:38:42] Thank you very much.
4 And finally the Defence.
- 5 MR LAUCCI: [9:38:45](Interpretation) Good morning, your Honour, your Honours,
6 dear colleagues. The composition of the Defence team this morning, next to
7 Mr Abd-Al-Rahman present in the courtroom this morning is the same as yesterday,
8 with the exception of Iain Edwards, who presents his apologies for not being able to
9 take part in the hearing this morning.
- 10 PRESIDING JUDGE KORNER: [9:39:05] I thought I was missing Mr Edwards on
11 screen. Yes, thank you very much.
12 Yes, Ms von Wistinghausen, the witness, I take it, would want to repeat the oath, the
13 solemn declaration after the clerk --
- 14 MS VON WISTINGHAUSEN: [9:39:26] Yes, absolutely, yes.
- 15 PRESIDING JUDGE KORNER: [9:39:26] -- the court officer.
- 16 MS VON WISTINGHAUSEN: [9:39:27] I think I understand what you mean.
- 17 PRESIDING JUDGE KORNER: [9:39:32] I don't know why I suddenly reverted to
18 my own domestic jurisdiction.
19 Yes. Madam, good morning to you. Can you hear and understand me?
- 20 WITNESS: V-0001
21 (The witness speaks Arabic)
- 22 THE WITNESS: [9:39:44](Interpretation) Yes, I can hear you.
- 23 PRESIDING JUDGE KORNER: [9:39:53] In a moment, I'm going to ask you to repeat
24 the solemn declaration after the court officer. You're then going to be asked
25 questions by Ms von Wistinghausen, who I am sure you've met.

Trial Hearing
WITNESS: V-0001

(Open Session)

ICC-02/05-01/20

1 Can I just say one thing: Everything that you say is being translated, interpreted,
2 and it's important, therefore, that you don't go too fast.

3 THE WITNESS: [9:40:39](Interpretation) That's fine.

4 PRESIDING JUDGE KORNER: [9:40:41] And although we will have a break at
5 11 o'clock this morning, if you want a break at any other time, please don't hesitate to
6 ask.

7 THE WITNESS: [9:40:55](Interpretation) Fine.

8 PRESIDING JUDGE KORNER: [9:40:57] Yes, thank you.

9 Yes, solemn declaration.

10 THE COURT OFFICER: Good morning, Madam Witness (Overlapping speakers)

11 PRESIDING JUDGE KORNER: [9:41:27] Something's going wrong. Could
12 somebody -- we're getting the Arabic on the English channel. And I'm not sure the --

13 THE INTERPRETER: [9:41:35] That -- that has been fixed, your Honour.

14 PRESIDING JUDGE KORNER: [9:41:38] All right. And can you explain that she
15 has to repeat the solemn declaration after -- she has to say the words after the court
16 officer.

17 No, it hasn't been fixed. I'm still hearing Arabic. Oh, it's the witness.

18 THE COURT OFFICER: [9:41:57] Madam witness, can you please --

19 THE WITNESS: [9:42:02](Interpretation) I declare that I will say the truth, the truth
20 and nothing but the truth.

21 THE COURT OFFICER: [9:42:12] Thank you, Witness. You are now under oath.

22 THE WITNESS: [9:42:21](Interpretation) God willing.

23 QUESTIONED BY MS VON WISTINGHAUSEN:

24 Q. [9:42:38] Good morning, Madam Witness.

25 A. [9:42:40] Greetings, hello.

Trial Hearing
WITNESS: V-0001

(Private Session)

ICC-02/05-01/20

1 MS VON WISTINGHAUSEN: [9:42:47] Madam President, I'm afraid we will have to
2 go into closed session very briefly, just for the personal details of the witness, but it
3 won't take longer than five minutes, I suppose.

4 PRESIDING JUDGE KORNER: [9:42:58] Yes, we'll go into closed session.
5 (Private session at 9.43 a.m.)

6 THE COURT OFFICER: [9:43:13] We are now in private session, Madam~President.

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Trial Hearing
WITNESS: V-0001

(Private Session)

ICC-02/05-01/20

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Trial Hearing
WITNESS: V-0001

(Private Session)

ICC-02/05-01/20

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18 (Open session at 9.50 a.m.)

19 THE COURT OFFICER: [9:50:18] We're back in open session, Madam~President.

20 MS VON WISTINGHAUSEN: [9:50:20]

21 Q. [9:50:24] So, Madam Witness, we are now in open session.

22 We are first going to speak a little bit about your life and your home village before the
23 attacks on Darfur in 2003 and 2004, and please do not mention the name of your home
24 village, all right?

25 A. [9:50:55] All right.

Trial Hearing
WITNESS: V-0001

(Open Session)

ICC-02/05-01/20

1 Q. [9:50:57] Can you tell us in which area you and your family lived before the
2 attacks which led to your displacement?

3 A. [9:51:08] Well, I lived in an area that was part of Darfur prior to the attack.
4 Afterwards, the attack happened, the attack by the Janjaweed, which they carried out
5 on horseback. They came and attacked the areas of Darfur. Afterwards, having
6 seen many men being killed, I told my husband to leave and to leave me and the
7 children behind. So my husband left. Afterwards, when gunfire intensified, I
8 personally tried on my own to carry my children and pull out of that place. As I was
9 leaving the place, I fell in an ambush that was set by the Janjaweed, so the Janjaweed
10 assaulted us. My son stood and ran away, so the Janjaweed shot my son and thus he
11 fell. After my son fell, I went down again and covered with clothes my children.
12 And as I was there, a Janjaweed officer came and had a brawl with me and he held
13 my hand and he broke my hand.
14 So I sat down and I was holding my hand, and I was crying a lot. He left me. He
15 went on his -- he rode his horse and went away. I was holding my hand and I went
16 to see my son and found that he was dead by then.
17 There was no one else there. There was one lady who was pregnant and another
18 lady who had her children with her. We took some plants and covered with those
19 thorn plants my son. So we decided to leave that area and go away from the
20 Janjaweed. We went by foot until we reached an area called Anjokoti, also part of
21 Darfur, and for three days we kept going without food. I had a young son who died
22 as a result of that. So we found the townsfolk of Anjokoti. They took my deceased
23 son and buried him and we were not witnessing that, so we went and moved. And
24 there was a lot of gunfire and the only way to survive the gunfire was to put your
25 head down and avoid the gunfire.

Trial Hearing
WITNESS: V-0001

(Open Session)

ICC-02/05-01/20

1 So we went to an area called Andressa in the Chadian territory. So, we reached the
2 Chadian territory. There, we rested a little, and my kids had their legs swollen out
3 of the running. Also, one of the ladies, I don't remember if she died or not, but we
4 saw her own child being born then. Her child fell out of her. We saw that with our
5 own eyes.
6 So the Chadian authority's representatives came there and -- in an area, and gave us a
7 token and told us to leave the area and go to Umm-Jrima: Otherwise the Janjaweed
8 would come and attack you here. Do your best to go there. There we can reach
9 you and give you aid.
10 So we left and we went to Umm-Jrima and it took us three days to reach that area.
11 and along the way, we stayed under trees. When we reached that town we found
12 the townsfolk who gave us some aid, and they gave us *madida*. And thank God we
13 were able to drink and to have our children drink *madida*. So we stayed there.
14 There were vehicles there -- or vehicles had not arrived yet, so at least there was no
15 gunfire anymore, and we tried to earn a living. We told the townsfolk, if you can
16 give us some work we can do to earn our living. The townsfolk gave us an area in
17 their farmland to work on, and in return it would be able -- we would be able to take
18 what we collect from there and sell in the market, and then prepare *asida* dishes. We
19 were very powerless, but we had no option but to work, in spite of the toil and sweat.
20 In Umm-Jrima we spent a month like that. Cars belonging to relief organisations
21 arrived and took us. They told us this area is -- there is a nearby area, you should
22 not stay in Umm-Jrima, come with us and we'll take you somewhere far in Chad.
23 They came, they took us in their cars and they took us to camps in Chad. So they
24 took us, received us, gave us food, gave us money, and gave us oil, food, medicine.
25 But, at the same time, they made a change. We were hungry, but we found corn,

Trial Hearing
WITNESS: V-0001

(Open Session)

ICC-02/05-01/20

1 which we ate, but which was not in a good condition, which led to disease, although
2 we were already sick. You would find 20, 25 or 30 people dying per day out of
3 diarrhoea. Diarrhoea was a particularly exhausting development. Afterwards,
4 organisations came to probe the matter, where the disease was coming from -- was it
5 due to the water or to something else?

6 So they took water samples. We had four strategic wells. They took the water to
7 run tests on. It turns out that the water turns eyes green. That disease killed many
8 Darfurian citizens, a countless number of people.

9 As I have said, the men died as a result -- died in large numbers as a result of the
10 attack. However, those who ended up in camps also died as a result of inexplicable
11 diseases, whether malaria, jaundice or this disease which turns eyes green and causes
12 diarrhoea. Diarrhoea was an understandable development because people were not
13 eating well. There was rampant malnutrition. There was nothing to eat but *asida*,
14 and that caused us ...

15 Q. [10:00:36] Madam Witness --

16 PRESIDING JUDGE KORNER: [10:00:39] Yeah, I was just -- I raised my hand and I
17 think she saw. I'm afraid you must slow down, because the interpreters are having
18 difficulty. And it's important that everybody hears what you say.

19 THE WITNESS: [10:00:54](Interpretation) Certainly.

20 MS VON WISTINGHAUSEN: [10:01:01]

21 Q. [10:01:01] Madam Witness, thank you already for sharing all this with us, with
22 the Judges, and we will speak more in detail about the situation in the camps. I
23 would like to take you back for a moment to your home village, because we would
24 like to understand what a typical Fur village looked like. And we have a few
25 pictures that we want to show you, and where maybe you can explain what you see

Trial Hearing
WITNESS: V-0001

(Open Session)

ICC-02/05-01/20

1 and if this looks familiar to you.

2 So if you could please show item number 3 on the list to the witness, it's

3 DAR-V47-00000199.

4 Madam Witness, can you see this picture on your screen?

5 A. [10:02:19] Yes.

6 Q. [10:02:21] And can you tell us what you see?

7 *A. [10:02:24] Yes. On this picture, that's a house in our homeland in Darfur. And

8 there are plenty of such houses back home in South Sudan as well, the same type of

9 houses, and also in the Blue Nile area. These *gatatee*, or huts, are our real huts in

10 Darfur.

11 Q. [10:03:06] And what are these huts built of, you know that?

12 A. [10:03:12] They are built of *korké* or wood, *matarig*, and straw that is called

13 *marhabeeb*. This type of hut is called "the back of a porcupine".

14 Q. [10:03:45] And how many people, approximately, would live in such a hut?

15 A. [10:03:54] It can accommodate a woman with her children and a father. All the

16 family. So a single hut can accommodate a family, because it's the only home that

17 we had.

18 Q. [10:04:14] Thank you.

19 And can we please show the witness item number 4 on the list, which ends in 200.

20 Yes, I should say all of this can be shown publicly.

21 Madam Witness, can you describe what you see on this picture.

22 A. [10:05:01] This picture -- this is a picture of a hut or a *guttiya*, and it is built

23 of -- of a *marhabeeb*, the substance called *marhabeeb*. And -- and they add

24 some -- some decoration inside and outside. *We call it *ar-gellha*, which -- the

25 function of which is to resist water. It's made of mud and this prevents water from

Trial Hearing
WITNESS: V-0001

(Open Session)

ICC-02/05-01/20

1 coming into the hut. This type of home, it's either -- it either belongs to a sheikh,
2 *umdah, shartay*, or other type of notable. So this is a big house of a notable.

3 Q. [10:05:50] Thank you.

4 And can we please show to the witness item number 5 on the list, which ends in 147,
5 and there page 20, please.

6 No, that's not the one, I'm afraid. It's my mistake, I apologise. Item number 2.

7 Item number 2, ending in 147, page 20. I apologise.

8 Madam Witness, this picture, what does it show you? Is this what a typical Fur
9 village in Darfur looked like?

10 *A. [10:07:37] Yes, this is a typical village in Darfur, because we built *gatatee* or huts,
11 and also yards, and we use cane or sugarcane to build the yards, or the fences of the
12 yards, and these are the empty spaces or yards that we had. This is a typical
13 Darfurian village. This is where we used to live. And the different huts, or the
14 other shaded areas, these are our areas where we used to receive guests and beloved
15 ones.

16 Q. [10:08:40] Thank you, Madam Witness.

17 We know that through the conflict a lot of the culture of your community has been
18 destroyed, but it's even more important for us to understand what life was like before
19 the attacks, when times were still peaceful. Can you describe to us the life in your
20 home village before the attacks and tell us more about Fur culture and traditions,
21 maybe some ceremonies, celebrations. I leave it to you to highlight what you think
22 is important in your memory.

23 A. [10:09:33] Yes. When we were settled down in peace in Darfur, we had our
24 traditions and culture, because we were comfortable. We had all the means within
25 our condition and limits in Darfur. We had something called *farangabia*, which is a

Trial Hearing
WITNESS: V-0001

(Open Session)

ICC-02/05-01/20

1 circumcision celebration. So when we have this ceremony, we hold a celebration
2 from village to village. So we invite all our family members to come and attend this
3 celebration. The boy or the boys, we bring these boys and they stay in one of the
4 neighbourhoods, and after that we hold this celebration in that neighbourhood.
5 We bring the boy, perform the circumcision and also hold the celebration, and people
6 sing and we go and bring that boy and bring them back, bring that boy back to his
7 own neighbourhood. We bring him from one neighbourhood to another, and that
8 takes time. We take -- that takes time, with all the celebrations and singing. We
9 bring him and then we slaughter sheep and other animals, people eat, drink, and
10 it's -- there is a lot of joy. As you can imagine, it's a lot of joy, because you see all the
11 family, all the tribe members, beloved ones, all friends, all together. We were very
12 comfortable in our homeland.
13 We do this celebration *farangabia*, we circumcise our boys, we celebrate with our
14 daughters in our homeland, the true homeland, because in our homeland we had
15 plantation, we had cattle in multitude, cows, sheep, also different types of goat.
16 When you're in homeland, you're comfortable, you got all you wanted. We didn't
17 have to go through suffering. Yet, now we have lost all of this. We have lost all of
18 this. We have lost it all. This is how we used to live in Darfur. This is our culture,
19 the true culture, so men -- women dress in similar *thoub*, like the one I am wearing
20 now, and girls wear blouse or skirt. Men wear *jallabiya*, and also *diwaniya* (phon),
21 and some sort of head cover. This is how men used to dress. As for boys, they
22 dress in pants and shirts. The children dress in *jallabiya* as well, and pants and shirts.
23 This is our culture. This is our civilisation in Darfur.
24 The social fabric was very harmonious. We loved each other. We -- you would
25 meet your brother or your friend, you would hug them, because you haven't met

Trial Hearing
WITNESS: V-0001

(Open Session)

ICC-02/05-01/20

1 them in a while, and you check on them. And you check on your friends, and they
2 would check on you as well.

3 Q. [10:14:24] If we stay, Madam Witness, a moment in these peaceful times, can
4 you explain to us what the majority of women used to do.

5 A. [10:14:45] Yes. The woman's role during that time, during the times of peace,
6 women, a woman, had a role, she was the wife. During that time she was the wife,
7 she was the one responsible for upbringing of children. She was very important part
8 of the Darfurian community. When women were comfortable, she would celebrate
9 henna ceremony, she would dress up, she would enjoy her time comfortably. She
10 was comfortable in her home, she would care about the education of her children.
11 She was an important part of the social fabric -- free, independent, that was in Darfur,
12 beloved Darfur.

13 This is what the Darfurian woman used to do when she was comfortable, in peace,
14 without any suffering and didn't have any needs, didn't have any concerns, so she
15 wouldn't, for example, say, "Oh, today I have some problems, I'm in need of this"; she
16 was comfortable 24/7.

17 And part of them were educated and they were receiving education, but we have lost
18 all this again. The Darfurian woman was involved in the social fabric. She was
19 taking care of her children, taking care of her house, of her husband. This is what
20 the Darfurian woman did.

21 Q. [10:16:53] Thank you, Madam Witness. And still staying in these memories of
22 peaceful times, can you describe the life of children before the conflict, in your village,
23 for example.

24 A. [10:17:13] Yes. The life of children before the conflict was a happy one. They
25 were happy. They were happy in their homeland. They would go to school, they

Trial Hearing
WITNESS: V-0001

(Open Session)

ICC-02/05-01/20

1 would go visit family members, and children received their full rights on all social
2 fronts -- food, clothes, beverages - anything - nutrition, anything that they would
3 require they would find. That's why children there were very happy, comfortable,
4 because they would not need anything. If they would need anything, we were able
5 to provide it. That's why children were comfortable and happy. They would play,
6 go to school. Our children were happy. They didn't lack anything. They didn't
7 suffer from malnutrition. They were comfortable. They would dress in the best
8 clothes provided by their parents. Whatever parents find or deemed necessary for
9 their children, they would provide that. Therefore, children in our homeland were
10 comfortable, free and independent.

11 Q. [10:19:03] Thank you. We are now turning to the difficult times after you left
12 your village, and you have described that you lost two of your sons, and that
13 eventually you arrived in Chad and NGOs came and brought you to a camp. So
14 please, again, don't mention the name of the camp, but can you tell us when you
15 arrived there.

16 A. [10:19:42] Yes, I arrived in 2003, or towards the end of the year or the beginning
17 of 2004 I arrived in the camp.

18 I arrived at the camp and I found -- I found some things in the camp. There, we
19 didn't meet -- we were not met by the NGOs, but after we had arrived to the camp,
20 the NGOs were there and they met us and provided some aid, some relief. So they
21 gave us -- so they gave us tents. So you had to be five members to receive one, even
22 if they were not family members. So they would provide this and not count the
23 adults -- they would not count children, correction, they would only count adults.
24 So each five members were provided with one. After that, they would use that and
25 adults would go out in the openness to collect some wood, and also we were warned

Trial Hearing
WITNESS: V-0001

(Open Session)

ICC-02/05-01/20

1 to collect the wood fallen on the ground, not to cut trees. After that, the NGOs
2 would give us some millet allowance.
3 And they showed us the hospital. They said, "This is the hospital, if someone has a
4 disease they can seek treatment there." After that, they showed us the places that we
5 could use and those that we could not use, so that we don't get into trouble with the
6 government or the local law there and get prosecuted.
7 So we were in that camp and we got settled down, yet there were diseases. People
8 who got injured by the Janjaweed were still suffering of their wounds. Secondly,
9 those women who were raped, repeatedly raped, were still suffering. They were still
10 sick. They couldn't -- they couldn't find proper treatment.
11 We had those who had been suffering from diseases and sicknesses. Due to the rape,
12 they ran into mental health issues. So they had both physical and mental health
13 issues, which we couldn't find treatment for. They were not taken to other areas to
14 be taken to other hospitals or other places where they could treat their wounds and
15 get the proper treatment.
16 There was one woman in the camp, she had been repeatedly raped and then she
17 could not get treatment. Now she is sick, she can't have children, she can't work, she
18 was held hostage. Until now, she's been -- she's still suffering. The implications of
19 war are numerous. People were not given treatment and we were unable to afford
20 treatment. They gave us a document called card. You had to bring the card, to take
21 it to the pharmacy. You didn't have money to buy, so you had to put your card and
22 wait. You could go on the following day again, they might just give you one tablet
23 called *barasitamul*, which relieves the headache only. That's the only thing that -- the
24 only tablet that they could receive from the hospital. Even if you were suffering
25 from another disease, the *barasitamul* did not treat the other disease and we would

Trial Hearing
WITNESS: V-0001

(Open Session)

ICC-02/05-01/20

1 complain to the organisations. We would say, "Please, take this person and try to
2 provide treatment." Every time they would go, they would write him a prescription
3 and the prescription would request for some money, which he didn't have. So they
4 would say, "Move away." And they would only pay attention when that person dies.
5 This is the suffering that we had in these camps, the suffering that we had to go
6 through in the camps.

7 Also, there was one person who was continuously urinating. That child, or that boy,
8 needed to be taken to receive treatment by the NGOs, where they could find available
9 treatment. Yet, we didn't leave a stone unturned, but they asked us to take him to
10 the hospital, to the other social affairs, to the protection, which we did. We followed
11 all the instructions, even human rights. We took that boy to all areas. He was
12 7 years old. He did not receive proper treatment. You would not -- your heart
13 would not tolerate this pain, to see that pain, but we were helpless. We had to
14 remain in these camps -- not just one camp, but all camps.

15 The suffering is plentiful. This is what women had to go through and this is the
16 economic situation in the camps. Thank you.

17 Q. [10:27:24] Thank you, Madam Witness. We will speak more in detail about
18 women and children. I would like to show you a few pictures from the camps, and
19 maybe you can explain to us and to the judges what we see on these pictures.

20 Can you please display item number 5. That's the one ending with ERN 201.

21 Yes, Madam Witness, what do you see on this picture?

22 A. [10:28:31] This is a picture from the camps, from the camps. So this is a hut
23 that was built by canes. But I think the vehicle belongs to one of the NGOs and these
24 other shaded areas called *karanik*. And that chamber there, or that room, is -- is for
25 protection -- protection from fires. So you would go and pay to the owners of the

Trial Hearing
WITNESS: V-0001

(Open Session)

ICC-02/05-01/20

1 land so that they can give you the mud. *You had to pay for it so that you can build
2 a room like this one, which is called *dialus*, in which you put your stuff, to protect
3 from fires. So it was used for protection from fires. So this *durdur*, if a fire - if there
4 is fire inside, there was nothing left. Everything inside would be charred. That's
5 why they would go to the locals, pay for -- pay some money and collect the soil or dirt,
6 which you need to convert into mud, the green mud, and then you could build some
7 room like this. So this is called *kornouk* (phon), and it's also built of hay, or canes.
8 So you build it just in case you receive any guests or something, you could host them
9 in similar places. Those were the people working in the camps.

10 Q. [10:30:41] Thank you, Madam Witness.

11 Can we please show her item number 6, the one ending in 199, please.

12 THE COURT OFFICER: [10:30:49] Would counsel kindly confirm if it's item 3 or
13 item 6.

14 MS VON WISTINGHAUSEN: [10:32:07] No, I think it's item 6, ending in 202. It
15 must be, probably, my mistake. This is what happens when I take my own notes. I
16 apologise. It should show a water point.

17 Yes, that's the one. Thank you.

18 MS VON WISTINGHAUSEN: [10:32:05]

19 Q. [10:32:09] So, Madam Witness, what do you see here, on this picture?

20 A. [10:32:14] This is a picture taken from the refugee camp. This is a water pump.
21 People would come here to collect water. People would line up, queue, to have this
22 water. Each person would wait for their turn to fill up their gallons or jerrycans with
23 this water. There would be a person managing with a donkey the pump and filling
24 people's buckets. Such water is used for household purposes. These women, when
25 they fill the buckets with water, they would carry the buckets on top of their heads

Trial Hearing
WITNESS: V-0001

(Open Session)

ICC-02/05-01/20

1 and head back home. People in all of the refugee camps have access to water like
2 this. There's no easy access to water. You have to wait in line. You wait for your
3 turn, which may take up to two hours. This is the only way water can be accessed.
4 That's how water is operated in refugee camps at the moment. There is no water
5 anywhere else, as far as the refugee camps are concerned, and people have to line up
6 for these water points. Sometimes you wouldn't find the water, and people have to
7 wait for their turns. That's how things are for us.

8 Q. [10:34:35] And I can see it's women who come to this water point. Is it the
9 women who carry the buckets in the camps with the water?

10 A. [10:34:45] These buckets are provided by relief organisations. As you can see,
11 they are -- they carry the label of the UNHCR. They give you such buckets so that
12 you can use to collect the water. We don't have means to buy such buckets on our
13 own. These are provided to us. The women, yes, do carry these buckets on top of
14 their heads. These buckets are used by the women in the camps. As I said, buckets
15 provided for by the organisations, and the women use them to carry the water.

16 Q. [10:35:54] And what about the men, would they help the women to carry the
17 buckets?

18 A. [10:36:00] The men do not carry the buckets to homes. However, the children
19 do. They assist their mothers -- sons and daughters assist their mothers in carrying
20 the water to home. No man stands in line and wait for his turn to get the water, no.

21 Q. [10:36:38] Okay.

22 Can we please show item number 7 to the witness in the redacted version, so it's
23 ending in 203-R01.

24 Madam Witness, can you tell us what you see on this picture?

25 A. [10:37:20] Yes. This picture is of the people we have in the refugee camp who

Trial Hearing
WITNESS: V-0001

(Open Session)

ICC-02/05-01/20

1 lost their children. These are elderly people who are not able to stand and go to look
2 for food or drink. Now, you see the person lifting their hands are begging, begging
3 in the hope of someone giving them some aid. Others are not able to stand because
4 they're very elderly, their children had died, no one is there to help them, they have
5 nothing, they are just out there on the street. They are there lifting their hands to beg.
6 And you can see they have water by their side, and that bucket or jerrycan, that's
7 where they have the water because they can't go on themselves to get the water.
8 They spent the whole day on the street begging for help. Maybe someone would
9 sympathise with them and give them something to eat. This is what this picture
10 reflects in terms of the people suffering in the camps, people whose children had died
11 in the war, and they had spent 20 years and no one had assisted them. This is how
12 they are in the camps. They are suffering, they do not have shelter, and no one is
13 there to help them.
14 In the past, relief organisations helped them, but very little assistance remains. They
15 do not have any shelter now. They are there begging for help on the street, poor
16 elderly people.

17 Q. [10:39:52] Thank you, Madam Witness.

18 Can we please show item number 10 in its redacted version. It ends in 206-R01.

19 Madam Witness, what do you see on this picture?

20 A. [10:40:34] On this image - well, this image is also taken from the camps. The
21 girls would go to far places, a three or four-hour distance, to bring firewood, firewood
22 which they would go and sell in nearby villages and make some money off that, off
23 selling the firewood. These girls, when they go for these long distances, three or four
24 hour-long distances, they run a great risk. It's dangerous. Why? Because the very
25 same Janjaweed there are present here, so they expose themselves to danger.

Trial Hearing
WITNESS: V-0001

(Open Session)

ICC-02/05-01/20

1 But no one would talk about it at home; no one would come home and say, "Well, the
2 Janjaweed found me or have fixed me," and so forth. It's only when a girl, who is 15
3 or 16 years old, whom you find out eventually is pregnant. It is only then that you'd
4 ask her, "How come you got pregnant?" It is then that she would tell you that on her
5 way to bringing firewood, something happened and that she could not talk at that
6 moment.

7 So the very same concerns persist, and there's no other way to earn a living but to get
8 the firewood and sell it. And sometimes they are very late and we end up going out
9 to search for our kids, where did they -- where they are, and we keep looking at the
10 wilderness until we find our children. And then we bring water to our children,
11 because they must have run out of the water that they had taken with them earlier in
12 the morning when they first went to get the firewood. These people are really
13 suffering.

14 As you can see, such persons should be in a classroom, in school, but, unfortunately,
15 you do not have means as parents to provide for these children. Not even clothes,
16 like everyone else, or to provide for their school fees. The situation as it stands, as
17 you see, these kids exposing themselves to danger, this is how earning a living in a
18 refugee camp looks like.

19 Q. [10:44:13] This picture was taken somewhere close to the camp, and you can see
20 this field and the vegetation. Does that look very similar to what it looked like close
21 to your home village in Darfur?

22 A. [10:44:33] It does not.

23 Q. [10:44:56] Can you describe what the nature and vegetation looked like close to
24 your home village in Darfur, or what is the difference to what we see on this picture.

25 A. [10:45:09] Yes, there is a difference. I'll tell you what is different here. In

Trial Hearing
WITNESS: V-0001

(Open Session)

ICC-02/05-01/20

1 Darfur -- well, this area, around this area there was a valley, and around the valley,
2 where there is no vegetation or bushes, you see the land that belongs to the refugee
3 camps here.

4 MS VON WISTINGHAUSEN: [10:46:05] Can we move on to item number 12, please,
5 in its redacted version as well. It ends in 208-R01.

6 Q. [10:46:38] Madam Witness, can you please describe for us what you see on this
7 picture.

8 A. [10:46:46] Yes. This is a boy heading to a well. He's riding a donkey and
9 carrying water. As you can see, these are the thorns and they are used to protect
10 them from anything entering their area. These are made of -- these are made of
11 branches. As you can see, this boy is carrying water and he's heading home, and
12 that's an example of a home that accommodates refugees in a refugee camp. And
13 they try to use straw to cover their homes and they are using -- they are using the
14 straw to make accommodation constructions called *karanik*, as reflected by this image,
15 and they are using the straw to make walls. This is what it looks like in the refugee
16 camps.

17 Q. [10:48:26] And this white house that we see on the right, is that like a typical
18 house provided by the UNHCR for one family?

19 A. [10:48:44] Well, it is a house for one family, but it doesn't matter how many in a
20 family. Even if you're 10 in a family, you would still stay in that same house. You
21 can't have a house on your own. So you'd be there with a spouse, with every single
22 one of your children. It is a house made of basic materials and you do not have any
23 means to build another house for members of your family. It is a problem. You
24 just have to fit in this single house.

25 Q. [10:49:46] And what is there in the house?

Trial Hearing
WITNESS: V-0001

(Open Session)

ICC-02/05-01/20

1 A. [10:49:51] Inside the house -- inside the house there are basic things provided by
2 the HCR -- blankets provided by the UNHCR, and not much inside the house. It is a
3 *kornouk* (phon) sort of house that provides basic protection from wind and
4 winter -- correction, from wind and rain for you to stay in. And it's just that. This
5 is what a *kornouk* sort of accommodation provides. And it accommodates everyone.
6 Even if you had a guest, you'd invite your guest inside such *kornouk* sort of
7 accommodation. So it's you, your spouse and each and every one of your kids.
8 There is nowhere else where you can host a guest. Everything takes place inside that
9 accommodation.

10 Q. [10:51:10] Thank you.

11 And can we please show item number 14 in its redacted version. It's ending in
12 210-R01.

13 What do you see on this picture, Madam Witness?

14 A. [10:51:42] On this image, these people are in their room. Then, their children
15 and their parents are not able to go anywhere else, so they're just sitting outside,
16 feeling amazed at how things have turned out, amazed and astonished about the
17 situation of the world, thinking about what they can do, thinking about how to earn a
18 living to feed themselves. And as you can see, the lady holding her own child,
19 they're not able to stand because they are so debilitated by the over-thinking. All
20 they can do is to just sit there.

21 Now, this situation applies to everyone else, and each member of the family is
22 actually inside this piece of accommodation. It's a very dire situation in these
23 refugee camps, very deplorable.

24 This is the situation of these suffering refugees in these refugee camps. Nothing to
25 do. Nothing to earn. No one to go to. No way to earn money to construct a new

Trial Hearing
WITNESS: V-0001

(Open Session)

ICC-02/05-01/20

1 house, because you would be told off by someone along the way not to cut a tree. If
2 you cut a tree, you'd be prosecuted, even though you have no other means. So you
3 are subjecting yourself to danger anyway. This is what our situation looks like in the
4 refugee camps. It is difficult, very difficult. However, we are forbearing, and we
5 are grateful to the Almighty, no matter what.

6 Q. [10:54:36] Thank you, Madam Witness.

7 One last picture I would like to show you, if that's all right. That's item number 15 in
8 its redacted version, and it ends in 211-R01, and after that we will take a break.

9 Can you show us what you see on this picture, please. Or can you tell us what you
10 see in this picture, please.

11 A. [10:55:24] Yes. On this picture, this is a refugee sitting in -- or staying in his
12 *kornouk* house, the one you can see. This person is bewildered. He is a refugee, but
13 we in Darfur, our men typically wear *jallabiya*, plain clothes as a typical outfit, and
14 also *maraqib* (phon) outfits.

15 However, as result of asylum, of being refugees, the men ended up wearing what the
16 locals in that area wear. So these are Chadian clothes. This is what Chadian people
17 wear. The refugees thus dress like the locals of that country, because there are no
18 other clothes, and these are the clothes worn by the locals, and hence you end up
19 wearing the same thing.

20 This is what the refugee is wearing, this refugee staying in his *kornouk* house. This is
21 my description of the gentleman appearing here.

22 Q. [10:57:10] Thank you, Madam Witness, for these descriptions.

23 MS VON WISTINGHAUSEN: [10:57:15] I think, Madam~President, it would be
24 good to take a break now, if that's all right.

25 PRESIDING JUDGE KORNER: [10:57:21] Yes, certainly.

Trial Hearing
WITNESS: V-0001

(Open Session)

ICC-02/05-01/20

1 Yes, we'll break until 11.30.

2 THE COURT USHER: [10:57:24] All rise.

3 (Recess taken at 10.57 a.m.)

4 (Upon resuming in open session at 11.32 a.m.)

5 THE COURT USHER: [11:32:54] All rise.

6 Please be seated.

7 MS VON WISTINGHAUSEN:

8 Q. [11:33:54] Yes, Madam Witness, I hope you could rest a little bit during the
9 break, and --

10 A. [11:34:08] All is good.

11 Q. [11:34:09] Good. I would like to focus now with you on the life of women and
12 children in the camp, and we will start with the women.

13 Just again to remind you that we're in public session, so don't mention the name of
14 the camp and also don't mention your role in the camp. All right?

15 A. [11:34:37] All right.

16 Q. [11:34:40] You have already mentioned difficulties that women are facing, but
17 I'm going to ask you more concrete questions.

18 Can you speak about the particular impact the displacement left on women like you,
19 and many others, and, in particular, the issues that women face when they have been
20 victims of rape. It would be good if you could describe to us if any assistance is
21 provided to them and where you see the specific difficulties of these women.

22 A. [11:35:29] All right. Women in the camp, they suffer. They suffer by the
23 violations and all the implications of the war. Women suffer: They lost men, they
24 lost their children, they were subjected to rapes by the Janjaweed. In addition,
25 women in the camps were so exhausted. They were in need of assistance for the

Trial Hearing
WITNESS: V-0001

(Open Session)

ICC-02/05-01/20

1 pain resulting from the rapes to heal, the pain that still exists in their own bodies,
2 simply because mass raping has caused pain in their uterus or in their bodies, and
3 that was a great pain to tolerate for women in the camps. Women did not find the
4 aid of relief. Some were beaten and were in need of surgery. They were in need of
5 treatment.

6 As for the aid for women, they are in need of urgent relief because women are
7 in -- are still struggling. If a woman has lost a husband, a child, an uncle, a brother,
8 that has resulted in mental illness.

9 We speak with the social affairs and human rights about this, but they are incapable
10 of forgetting the pain. What has happened is unspeakable. These women are
11 outside their homeland and they are in pain, the pain is deep in the heart. That's
12 why women are in need of aid. Hopefully, that could partially even remove the pain
13 in the heart. This could assist, because women are suffering a lot. Women are
14 caring for children without a man to assist, and the NGOs have lifted their hands
15 because they didn't have the funding necessary. That's why women are struggling a
16 lot, being tortured. She has lost her homeland and now she stays in a place without
17 any means to support her. Therefore, we need urgent need for women who are
18 struggling. She has lost a lot, almost everything. There is nothing.

19 So, women remember their homeland. They love their homeland. The mother is
20 the -- the woman is the mother, the caregiver, the wife. It's not easy to be a woman
21 in this circumstance because of the pain and the rape and she was vulnerable and she
22 suffered a lot.

23 Q. [11:40:06] Can you explain to us how a victim of rape is perceived in your
24 community: Does the rape affect the woman's position or reputation in the
25 community and, if so, how can you -- or what observations did you make?

Trial Hearing
WITNESS: V-0001

(Open Session)

ICC-02/05-01/20

1 A. [11:40:26] Victims of rape sees herself as separate from the society. If she walks
2 in the street, she thinks that everybody looks at her as the victim of rape; this is the
3 raped woman. She feels she doesn't belong to the society. She thinks that. On a
4 daily basis she remembers and she has memories of the repeated rape. Why?
5 Because she has the pain, and the pain occurs to her, that's why she remembers.
6 Because of the intensity of rape, now her body suffers. She can't walk properly.
7 She's wobbly. The women who were victims of rape suffer from pain that prevent
8 them from walking even properly.
9 When she thinks about the pain that she underwent, that prevents her from mingling
10 with her sisters and other female members of the community. So that's why she's
11 always ashamed and trying to hide. She is not obvious. She is not to be seen by the
12 community, because even if the community is not -- does not have this perspective,
13 she thinks that the community looks down upon her. Why -- she would think, "Why
14 did I have to go through this?"
15 Her life is -- she lives in misery. The mass rape was committed by the Janjaweed.
16 Even when she moved to the camp, she couldn't forget, and within that community
17 she's an outcast. Even people would whisper and say, "Oh, this woman was raped
18 during the war." That creates a complex within her. Even when she walks, she
19 walks like a dead person. She tries to avoid the -- to use the untrodden tracks so that
20 she avoids seeing people. She can't mingle with people, talk to people. The reason
21 I'm saying this is that because within many communities, women who were victims
22 of rape, I was able to see them first-hand, interact with them, and try to explain to
23 them and encourage them to mingle and interact with people, yet in vain. I would
24 take her to social affairs, to encourage her to interact and integrate, to be integrated in
25 the community, yet she can't do that.

Trial Hearing
WITNESS: V-0001

(Open Session)

ICC-02/05-01/20

1 She suffers a lot, extremely, extremely badly. I can't even describe the pain, because
2 she has lost homeland, and the company and her role in the social fabric, she has lost
3 all of this because that is a reason she avoids meeting people.

4 Now she lives by herself and the more she remembers, the more pain she gets and the
5 more anxiety she gets. She can't act and live her normal life. The reason is the
6 intense pain.

7 She can't forget it until the day she dies. These women struggle a lot, and suffer a lot.

8 She has lost everything. She even has lost her own body and the conscious. She is
9 suffering. Her husband has died, she has children -- she has children to care for.

10 That woman, she can't provide care because she lacks it. She can't live in normal
11 environment. We can't describe the suffering she goes through. Why? Because
12 she's inactive. She can't interact with friends, she doesn't have friends, because even
13 she fears the people, or even the closest friends, because someone could pretend to be
14 friends and later tell her, "You have been a victim of rape." So she is suffering. Her
15 situation is incredibly difficult in the camp.

16 Q. [11:46:10] Thank you, Madam Witness.

17 Can you tell us if there is some solidarity amongst the women who have been raped?
18 Is this something that they share with each other?

19 A. [11:46:23] Yes. Victims of rape fear for themselves. So maybe I was raped by
20 10 people, while the other person has been raped by seven people and the other one
21 by six people. Rape -- some people were raped by eight people. This is why there
22 is no openness and straightforwardness between -- amongst them. So they keep the
23 pain to themselves and try to struggle -- so they struggle with it, with this.

24 The other woman does the same, so solidarity does not exist between -- amongst them.
25 For example, they don't say how many people raped you, and you, how many people

Trial Hearing
WITNESS: V-0001

(Open Session)

ICC-02/05-01/20

1 raped you; they don't talk about this, because maybe this woman was raped by eight
2 people repeatedly, while others were raped by seven, six or four, and this is the
3 minimum, I would say.

4 So you would see the woman and recognise that she was raped by the way she walks.
5 Once she gets into that dilemma of mass raping, she walks in a wobbly manner and
6 you could recognise that. Her steps are not normal steps. When you see her, she
7 doesn't walk normally. But you can describe that, you can recognise her by the way
8 she walks. She struggles to walk.

9 She frequents hospitals with different health issues. You could recognise her by the
10 pain she suffers from, by the symptoms she has. She goes to the hospital on a daily
11 basis and you would see the prescriptions given to her by doctors, which she can't
12 find the medication.

13 Yet, the solidarity amongst raped women, there is none. There is no solidarity.

14 Why? Because there is discrepancy in the rape that each had suffered from.

15 Q. [11:49:46] So, if I understand you correctly, there is some medical support by
16 prescription of medicine, if required, but there is no psychological support for the
17 raped women, be it by their own community or the families, or by external
18 organisations; is that correct?

19 A. [11:50:16] Yes, that's correct. They are given prescriptions, but they would only
20 receive one or two tablets by the health authorities. When NGOs arrive and, for
21 example, refer you to a health treatment elsewhere, it doesn't correspond to the pain
22 you have. So it's called an exception, and exception means they would take the
23 woman who has been raped and say, "Please, wear these flip-flops," and they give her
24 some soap and some cream, some garments, and this is the form of aid she receives to
25 help her forget what she has suffered from. This is simple -- a simple thing that the

Trial Hearing
WITNESS: V-0001

(Open Session)

ICC-02/05-01/20

1 NGOs provide, and they ask her to be patient. They recommend patience.
2 The organisation of social affairs in the camp, this is the one that provides aid and
3 support, and it's on an individual basis. They interview with each person
4 individually and ask about the rape they had suffered from, and they note down
5 these marks and then they recognise the difficulty level you have had.
6 After that, they provide aid accordingly. Why? Because you don't have the means
7 to go and work and provide these needs. And this is specifically for raped
8 women -- just the cream, the soap, the clothing, shoes or flip-flops. Sometimes they
9 give her a blanket and some sheets or mattresses. Why? Because she is incapable
10 of working and providing these necessities on her own. This is special aid given to
11 raped women, given by the organisation.

12 Q. [11:52:59] We will speak about the situation of children in the camps a bit later,
13 but, in the context, I wanted to ask you about children who were born out of rape. Is
14 this known in the community and how does it affect the children and the families -- or
15 the children, in particular? Is this something that is known and that is spoken
16 about?

17 A. [11:53:30] Yes. Children born out of rape by the Janjaweed are different,
18 because they are coloured. So people pay attention to the different colour, because
19 people are in different colours in the camp. So even children, when people -- when
20 children are conscious enough and they realise what had happened to their mother,
21 they get impacted. Sometimes children bully each other and say, "Oh, you boy, you
22 are a result of a rape. Where is your father?" So that child has mental health issues
23 and is very anxious.

24 And the family itself, in the family, they have children out of rape, it's -- it's shame.
25 It's a stain of shame. And when this child comes, for example, into a family, the

Trial Hearing
WITNESS: V-0001

(Open Session)

ICC-02/05-01/20

1 whole family is impacted, because this causes pain to the whole family. The child
2 suffers in the camp because of the rape. What can we do?
3 These children are educated, gets educated, but the community expels them. When
4 they walk in the street, they point to them, "Oh, did you see this child? This is a
5 child of rape. His mother brought him or bore him by rape, out of rape." And once
6 they hear this, they suffer a lot, psychologically, of course. So they avoid contexts
7 where they could be insulted.

8 If you are subjected to this, the children try to avoid this, so you, as a mother or a
9 woman, you take these children to social affairs so that they can provide counselling
10 to them, for example, through playing. They give them books or show them
11 something so that the children can forget. And they encourage them to go
12 repeatedly and frequently to this area, and they can play together, and they give them
13 some toys in hopes of helping them forget what they have been through, because they
14 specialise in these affairs, to provide aid for women and children who were the result
15 of rape. So they provide aid for these particular children.

16 So these children suffer from these consequences and the organisation tries to help
17 them avoid mental health crisis. Sometimes the children suffer a lot and they have
18 to be taken to emergency and they don't understand what they are suffering from.
19 This is what these children are going through in the camps.

20 Q. [11:57:33] I suppose that some children who were born out of rape in the years
21 2003 and 2004 are now young adults, young women, young men. Can you say
22 something about their development as young adults. Did you make any
23 observations?

24 A. [11:58:02] Children who were the result of rape in 2003 and '04 now are young
25 men and women. If a child hears that they were the result of rape, they are not in

Trial Hearing
WITNESS: V-0001

(Open Session)

ICC-02/05-01/20

1 the camp anymore. So they just depart, they leave the camp, and that is another
2 displacement, a specific one for these children.

3 As for the girls, they -- of course, they have been impacted and now they are young
4 women, but the trauma appears when she is about to get married, for example.

5 They say, "This is a result of rape, she doesn't have a father, she doesn't have a name.

6 No, this man cannot marry this girl." This is a common phenomenon in the
7 community.

8 Even the young men suffer from the same thing. If they want to get married, no one
9 would marry them -- would marry their daughters to them. The girl suffers from the
10 same. This is what these young men are suffering from or struggling these days.

11 It's a shame that they suffer from. No one would marry them. This is their current
12 concern. This is the impact, the current impact. They suffer a lot. Young men can
13 leave the whole area altogether and go to another country or another area, but what
14 can the girl do? She stays. She's an outcast. This is the suffering from young men
15 and women in the camp.

16 Q. [12:00:30] Going back to the sanitary and health situation for women in the
17 camp, can you tell us about issues that pregnant women face in the camp. And I'm
18 not talking about women who have been raped, but just pregnant women in general.

19 A. [12:00:55] Yes. Regarding pregnant women in camps, as far as their health
20 situation is concerned, they suffer from malnutrition because a pregnant woman does
21 not have the means to buy nutritious food. So a woman would be tired and
22 debilitated because she spends all her time toiling to earn a living. Work causes her
23 exhaustion and leads to malnutrition, and this leads to a deteriorating health, and she
24 would not receive proper care, only late care.

25 It is only when things get very bad, as far as malnutrition is concerned, only then she

Trial Hearing
WITNESS: V-0001

(Open Session)

ICC-02/05-01/20

1 would be taken to a certain hospital, and she might give birth. But many deaths
2 happen to pregnant women -- most deaths, actually, affect pregnant women as a
3 result of exhaustion, malnutrition and lack of access to proper food. This is what
4 happens in camps. Pregnant women are victim -- are the victims, per se, in camps,
5 because if you have a child who needs food, there's no access to food. And the father
6 is out trying to earn a living. And, as a mother, you can't leave your children hungry.
7 That's why the woman ends up herself working out on the farmland, working in
8 people's homes, washing clothes, and so on and so forth, which leads to exhaustion.
9 And as a woman working 24 hours on end, you end up being exhausted and suffering
10 from malnutrition. This is a state of pregnant women in camps.

11 Q. [12:03:44] Many women in the camp have lost their husbands. Can you tell us
12 what issues the widowed women face in the camps?

13 A. [12:04:04] Yes. Widowed women have, of course, children, and there is no one
14 to assist a widowed woman. A widowed woman would try to save her kids from
15 victimisation and to help her kids reach a certain stage in life. If a mother leaves her
16 child by -- on their own, the children would not go far in life. So the woman tries to
17 be at the same time the mother, father and educator. So the widow does her best to
18 raise those kids she is left with. There are many women like that in the camps in
19 eastern Chad.

20 Q. [12:05:34] You spoke a few times about the women who work, because they
21 need to make a living to feed their families. Can you tell us what type of work most
22 of the women in the camps do?

23 A. [12:05:48] Most of the women in the camps, as it is typically known, rely on their
24 own toil and work in citizens' shops. Around the valley there is work, and in the
25 town they cut the grass, the straw, wash belongings, bring water. Many women also

Trial Hearing
WITNESS: V-0001

(Open Session)

ICC-02/05-01/20

1 go search for firewood, which they bring to town to sell. Others look for straw to
2 earn a living and to buy the things they need. This is what a woman is able to do in
3 a camp, because there are limited work opportunities.

4 You can do farming, purchase firewood, wash clothes or carry water on behalf of
5 someone, or bring firewood and straw. These are the limited work opportunities
6 that these women are able to do in the camps. There is nowhere elsewhere to go to
7 earn a living. That is about all you can do as work.

8 Q. [12:07:43] Can you give us an idea of how much money a woman can earn per
9 month, more or less, in the local currency?

10 A. [12:07:59] Yes. If a woman works, she wouldn't be able to save money every
11 month, but every day she needs to provide breakfast, lunch and dinner. That is all a
12 woman typically carries -- cares about, to provide for such meals to ensure that there
13 is no meal gap that the kids suffer from. There is no money to save.
14 You spend a whole day working and you'd only earn 150 riyals. Out of the 150
15 riyals you'd need to buy 100 -- with 100 riyal a roll of bread; and then with 20 riyal, oil;
16 salsa with 10 riyal, and then 20 riyal with something else. So you run out of the
17 money. So the daily income was earned during the day had to be spent in that day,
18 so there is no money saved. But the 150 riyals is earned every day. That is what
19 you have to earn in order to provide for yourself and your kids so that you don't
20 leave them suffering. You have to earn those 150 riyals with whatever means
21 possible. And you have to come early to the market before the market closes,
22 otherwise your children would end up hungry and the person you work for, if the
23 person is God-fearing, he'd help you with some bread, some tea, and so that, that you
24 can have, and then you -- he would give you some -- the money, the 150 riyals and
25 you'd have to rush afterwards to get the bread or the flour or the millet corn to

Trial Hearing
WITNESS: V-0001

(Open Session)

ICC-02/05-01/20

1 provide for your kids. That's what the state of women is like. But there is no
2 saving whatsoever. They don't get to save money every month.

3 Q. [12:11:07] When we spoke to you before you came here, you told me that
4 women can earn something like 30,000 a month with simple work she is doing. And
5 most of the time not very well paid. Is that a figure that is correct?

6 A. [12:11:43] The 57,000 refers to the work she does every month, not what she
7 earns. The hundred -- that's what she spends already, but the work she does per
8 month amounts to that money but it is already spent. What I had told you is correct
9 and reflects the truth. If a woman works * for 57,000 per month, of the 57,000 she
10 earns, she spends the entirety of it. She doesn't keep anything in her safe. These
11 are my words.

12 Q. [12:12:38] I understand that.

13 And just for your Honours to have an understanding of how much money we're
14 talking about, 30,000 is something like 45 euros. Yes. And I'm talking about
15 Chadian francs obviously, yes.

16 Madam witness, what kind of crops do you personally grow? Because I know that
17 you do farming.

18 A. [12:13:05] Sorry?

19 Q. [12:13:24] Shall I repeat the question?

20 A. [12:13:26] Yes.

21 Q. [12:13:29] I know that you farm yourself, you do farming. Can you tell us what
22 kind of crops you grow.

23 A. [12:13:38] Farming there, we grow several types of crops. *We grow Sudanese
24 beans, okra, *al-marique*. These are the types of crops that we grow. However, there
25 isn't enough farmland. It's basic farmland, enough to pay the rent of the land that is

Trial Hearing
WITNESS: V-0001

(Open Session)

ICC-02/05-01/20

1 allocated to you, and you'd have to divide it to corn, beans and okra. You divide the
2 lot allocated to you to those three types of plantations and that's where you grow the
3 crops. That is the farming we do there. We grow these types of grains, in addition
4 to okra and a local type of corn called *marique*. Such farming is enough for us to earn
5 an income.

6 And it's also -- it provides sufficient food so that when you don't have money you can
7 eat out of your own land. Prevention is better than cure, and it's important to have
8 such basic crops available for our own nutrition. And this applies to me as well as to
9 other women. And as I said, it's because there isn't sufficient farmland to do more
10 farming.

11 Q. [12:15:52] Madam Witness, we have a video of you where you are working and
12 where the judges can get an idea from that, and you agreed that we can play it in the
13 courtroom. It should not be displayed to the public, but the public can hear your
14 voice speaking and explaining what you're doing. That is still okay for you, yes?

15 A. [12:16:20] Yes, God willing.

16 MS VON WISTINGHAUSEN: [12:16:24] We would like to play the video, it's item
17 23 on the list. Again, please not to be displayed to the public, just the voice. And
18 the reference number is DAR-V47-00000219.

19 (Playing of the video excerpt)

20 THE INTERPRETER: [12:17:27](Interpretation of the video excerpt) "... not have
21 means for education, so now they came with us and we placed them there. So they
22 came with us, because they have nothing."

23 PRESIDING JUDGE KORNER: [12:17:39] I don't think we need the interpreter. It is
24 subtitled.

25 MS VON WISTINGHAUSEN: [12:17:44] For the public, Madam President, because

Trial Hearing
WITNESS: V-0001

(Open Session)

ICC-02/05-01/20

1 they don't see the video. They only hear the witness's voice in Arabic. So if we
2 could have English and French translation for the public, that would be nice.

3 PRESIDING JUDGE KORNER: [12:17:55] Yes, all right. I don't think you can have
4 both in the public gallery -- oh, I suppose you can on the earphones, yeah. Okay.
5 Sorry.

6 MS VON WISTINGHAUSEN: [12:18:06] Can we start again, please.

7 (Viewing of the video excerpt)

8 THE INTERPRETER: [12:18:13](Interpretation of the video excerpt)

9 "Greetings. Hello. *As-salamu alaykum.*

10 We came to work in the *wadi*. My sisters also come for the same work, in people's
11 farms, on a daily basis, in search for a living.

12 And of course our children do not have means for education, so now they came with
13 us and we placed them there, in the shade. So they come with us, because they have
14 nothing.

15 So, we came together and now you came here too and found us working here in the
16 *wadi*. This is the work we depend on to provide for our children. And so is the case
17 of women -- of the women here. They might be widowed, tired, but this is our work.

18 There is no one among us who is able to work on his own farm. Nobody really has
19 an alternative. No one will help us or give us anything. This is our situation.

20 There is no other way. We are tired of this situation. It is important for you to see
21 what our situation is. Whoever comes to see me, they always find me working here
22 in the *wadi*.

23 We come out here from 6 in the morning until 6 in the evening, and we do this hard
24 work just to provide food for the children, and this work is difficult and tiring. By
25 God, the Darfurian woman is in great suffering. She was displaced and suffered a

Trial Hearing
WITNESS: V-0001

(Open Session)

ICC-02/05-01/20

1 lot when arriving here, but she is also suffering today. She is not living in comfort.
2 All she can do is work for other people. No one that will help us.
3 We are really suffering, all women are suffering here. We harvest for only *150
4 riyals a day. This is never enough to buy millet, grind it, and buy salt, soap and
5 other necessities. This is difficult for us. This is our situation, this is our life.
6 Look at my sisters, they come every single day and spend all their time on people's
7 farms to provide for the families. There are many other women over there who
8 work like this on other farms. I'm going to walk up to them and tell them we're
9 speaking with you on their behalf. Their situation is the same. This, what you see,
10 is our situation."

11 MS VON WISTINGHAUSEN: [12:21:10]

12 Q. [12:21:10] Yes, Madam Witness, so this was you in the video speaking?

13 A. [12:21:15] Yes.

14 Q. [12:21:23] And can you explain to us where you were, how far is this from the
15 camp and what exactly you were doing on that specific day.

16 A. [12:21:44] Yes. The area where we were working, sometimes it's somewhere
17 like an hour-long walk from the camp to the *wadi*, and we go there to work. We
18 work on making separations and walls, and also ensuring irrigation canals for the
19 basins we make there. It's usually square-shaped, and by the side there would be an
20 irrigation canal to irrigate the basin where the plantation is. And we are -- we are
21 better skilled at that in comparison to the local citizens, so we work with them to help
22 them with that effort and ensure that proper irrigation is provided. We work from
23 morning till evening and that is when we go home.

24 By evening time, having received our daily income, we would be a little delighted
25 that we -- and reassured that we have some money to provide for our children, and be

Trial Hearing
WITNESS: V-0001

(Open Session)

ICC-02/05-01/20

1 ready to resume work the next day, business as usual. This is the work that
2 exhausted women carry, and that is why they remember the homeland all the time, as
3 a result of the exhaustion they suffer from in the camp.

4 Q. [12:23:39] And whose land is it that you're working on, as we saw in the video?

5 A. [12:23:46] The work we do in the *wadi*, this concerns only growing onions, but
6 also in the *wadi* area, we -- okra is grown, in addition to garlic. The separations you
7 saw there were for garlic plantations, and after we make -- we raise these separations,
8 to separate the lots, we try to treat each plant and the irrigation is then arranged by us
9 providing from the inside, or opening from the inside, and a machine being used
10 from the outside to pump the water in, and so on and so forth. We move on to the
11 second lot to arrange the irrigation. That is what we do every day, but this is in
12 summer time, in fact. Regarding organising these plantations, that's what we do
13 there.

14 However, by fall, our work becomes a lot less, very basic. We go to an area called
15 Tuon (phon). You'd have a rope, and that rope, you'd -- you would put it around an
16 area to have a nap there if the work has not been finished, and in that case you'd come
17 the next day to finish the work and you -- in over two days you'd earn 200 riyals.
18 This is the state of women in the camp.

19 Q. [12:25:59] Madam Witness, the land that we saw in the video where you were
20 working with the other women, who does this land belong to?

21 A. [12:26:12] The land is owned by the Dajawi (phon). We used to be in Garsila,
22 and the companions of that person came there as well, in addition to some Arabs who
23 owned some lots there, besides Chadian citizens. *But most of the land we work on,
24 we rent from Al-Dajou, and some of our brothers also rented some land from Arabs
25 and have been working on such land. But by harvest time they brought their

Trial Hearing
WITNESS: V-0001

(Open Session)

ICC-02/05-01/20

1 livestock, and the livestock ate the harvest.
2 We complained to gain back our right: How come you work for a whole season and
3 then by harvest time the livestock eats the crops? So we resorted to the protection
4 authority in Hasiar (phon) and Hainar (phon), and also the human rights authority.
5 These are all -- all together make up the protection authorities. They welcomed our
6 complaint and we have been trying to gain our right back, that which is our
7 entitlement.

8 However, this has been to no avail, because as a refugee you do not have a nation.
9 There's no way to pay you or to grant you something. And that is why we deplore
10 the loss of the homeland. Because, had we been in the homeland, there would have
11 been a rule of law and rights would have been granted. However, a refugee in a
12 refugee camp does not have a right. Everywhere a refugee goes, the pain increases.
13 That is why we are in greater pain. We are more tired than before and we are
14 not -- we do not have entitlements or rights. However, we are grateful for the
15 destiny decided to us by God. We accept it and we exercise forbearance. Thank
16 you.

17 Q. [12:29:37] You mention that some of the land is rented from local people. Can
18 you tell us a bit more about the relationship the people in the camp have with the
19 local population. Is there a lot of interaction, or not that much?

20 A. [12:30:02] Yes, we mingled with the citizens because they are the locals. They
21 ought to be respected and appreciated. They are the citizens.
22 When we arrived there, they did not make things difficult for us, so we interacted
23 with them under the logic that it's better to have an understanding with -- transparent
24 understanding with the local citizen and rent the land from the local citizen. We do
25 not have issues with local citizens.

Trial Hearing
WITNESS: V-0001

(Open Session)

ICC-02/05-01/20

1 They would give you land based on how much money you have. They would grant
2 you land to farm. And regarding our relationship with them, we try to respect the
3 citizens in this country we are living in, and we have been trying to be respectful and
4 ask them for the land to work on, to work, to invest, and to earn our living bit by bit,
5 if not by much.
6 So we are responsible for a good and heightened relationship with local citizens. It
7 has been our endeavour to ensure that love governs our interaction with the local
8 citizens and that we are there to mingle peacefully by having exchanges, being guests,
9 them receiving us in their homes, providing water, food and so forth, before us
10 making our requests, which is that we get land. And they would require prices.
11 For example, a lot equals 5,000 riyals. If you accept those terms, you could say, "Yes,
12 I accept the terms," and you can give a down payment of 1,000 riyals, and the
13 remaining money is paid in instalments, because we don't have much cash. So we
14 work bit by bit. We provide instalments, each is 500 riyals, until we finish paying
15 the remaining 4,000 riyals, which is the remaining amount of the lot. And he
16 would -- the owner would designate that area by putting a rope around it. I would
17 tell such person: "Well, you still need me to pay you 1,000, can you be patient,
18 because I'm in difficult conditions? I would give you this after the fall." If the
19 person is good and well-meaning, they would be patient until harvest time, and by
20 then we would be able to give the 1,000 remaining, whether it could be as a result of
21 the harvest -- it could be a result of selling the beans or other crops. And, anyway,
22 you have to arrange paying the remaining money so that the person does not refuse
23 by the next season to grant you land.
24 If this doesn't happen, there is something called *ouchour* (phon), or one-tenth,
25 meaning in the land the -- of the harvest, you give one-tenth instead of giving the

Trial Hearing
WITNESS: V-0001

(Open Session)

ICC-02/05-01/20

1 money. So that is how we were able to make a good social fabric with the local
2 citizens, on the basis of direct exchanges, not through the government or NGOs.
3 That is how we have been living with the local citizens.

4 Q. [12:34:28] Thank you for explaining this to us. I would like to speak about
5 children now in the camp, and I am talking about the children who were born in the
6 camps, like, let's say, in the past 10 and 15 years. I can imagine that the situation of
7 children in a camp is not easy, and we've heard that from witnesses already, but can
8 you share your own observations, please, just in very general terms, and we will
9 come to schooling after that.

10 A. [12:35:05] Children who were born during the last 10 to 15 years in the camp,
11 those children, when we first arrived, the human rights organisations started to offer
12 education for the 12/13-year-olds. One organisation was responsible for education,
13 for example. Even the school uniform was provided to children. Notebooks,
14 pencils and pens were also provided.

15 So you, as a caregiver, you only had to prepare food at home and children would
16 come back from school and eat. However, in the recent years, we have lost that
17 support for children at schools. We have lost the support for notebooks, pens and
18 pencils for school pupils.

19 And this is one of the reason there was shortage in education for children. That lack
20 of education was resulted because the children were required to dress in a particular
21 uniform. Now, what can the woman do when she doesn't have the means to
22 provide for that uniform? It has become a rule that children cannot go in regular
23 clothing. This created difficulties for households and children lost education. Why?
24 Because of the financial difficulty the families are suffering from because they
25 couldn't have the means to continue their education. And the organisations would

Trial Hearing
WITNESS: V-0001

(Open Session)

ICC-02/05-01/20

1 say that this family is not in need to receive aid, while that family is in badly -- in bad
2 need and they can't provide for their children to continue their education. That's
3 why those who can read and write in the camps are not many. So a family with
4 three/four children, they would ask the children, for example, the adults, to work so
5 that they can provide for the younger ones to go to school to provide for the school
6 fees and notebooks and uniform.

7 There was a lot of effort exerted for children to receive primary and secondary
8 education, but there is no post-secondary education available. There are no places
9 that offer that kind of education after secondary school.

10 Suppose if you earn a university degree in Chad, two people would go to provide
11 education. Only two people receive that degree. That's why -- correction: only two
12 people were able to provide that education in the camp, that's why children in the
13 camp did not receive that kind of degree. They didn't have the means so that they
14 can get proper education. This is what's happening to children who are 13 to
15 15 years old in the camp.

16 Q. [12:39:35] When you, Madam Witness, arrived in the camp, if I understand
17 correctly, there wasn't any school, but you, and with the help of other women, helped
18 building a school with firewood and with straw, and that took many years before
19 there even was a school; is that correct?

20 A. [12:40:02] Yes, that's correct. When we arrived, there was no school.
21 However, we, as women, volunteered. *Everyone would bring whatever they could,
22 any tools or straw, building materials, ropes -- ropes they would bring from the desert,
23 and then we were able to build these types of buildings, or *rakub*. Only then education
24 started for children, after we provided these things and we built out of straw, we built
25 these *rawakeeb*, only then the organisations came and took over and were responsible.

Trial Hearing
WITNESS: V-0001

(Open Session)

ICC-02/05-01/20

1 They started to build schools out of green blocks. They built two rooms.
2 Correction: out of mud as well. From that moment on, children were able to receive
3 education.

4 After the organisations took over the schools, they also used it for first aid. They
5 taught -- the first aid staff taught children. Later, there was rain and the rain -- the
6 structures or the buildings collapsed because they were built out of green blocks.

7 What could we do? If children remained without education until these buildings
8 were rebuilt, there was going to be gaps in their education, so what could we do?

9 They would receive education under trees, the trees that we had planted. So they
10 would receive education under the trees until the organisation rebuilt the buildings
11 for the second time. And currently, many, many children are receiving education at
12 schools.

13 Q. [12:43:12] I would like to show you a few pictures of children in the camp.

14 Can we please show the witness item 16 in its redacted version. It ends in 212-R01.

15 A. [12:43:44] Yes. These are the children of widowed women. Their mother had
16 left to look for work and this child was crying. His brother took him out to the street.
17 They didn't have any shelter. These are poor people, so even children were suffering
18 a great risk in the camp, because sometimes there is a lot of fire in the camp and this
19 poses risk to the children.

20 So what could they do in case of fire? There were many fire incidents that killed a
21 lot of children. So the children were unable to run away because everything is made
22 out of straw in the camp, even the toys. So everything was made out of straw.

23 That's why many children were killed in fires. We lost them in fires. So these are
24 the children of widowed women. So, as you see, they carry their little brother and
25 they look miserable. They are in the street, they have nothing to do. Allah is great.

Trial Hearing
WITNESS: V-0001

(Open Session)

ICC-02/05-01/20

1 This is deplorable. These are the children of widowed women.

2 MS VON WISTINGHAUSEN: [12:45:32] Can we please show item 17 in its redacted
3 version. It ends in 213-R01.

4 Q. [12:45:55] Can you, Madam Witness, please describe what you see on this
5 picture.

6 A. [12:46:02] These children come from the camp. This is one of the camps. So
7 they go to the field to play football. So they try to play as a means of treatment to
8 relieve their anxiety and pressure. One of the organisations, called HIAS, which is
9 concerned about the social aspects, they would show -- introduce different games to
10 the boys, the children, and gathers them and encourage them to play football. These
11 are children of refugees who are out in the field to play football.

12 It's an encouragement for the children, so that they do something useful and do some
13 sports gradually, so that they can have some fun. These are the children of refugees
14 in the camps.

15 Q. [12:47:52] Thank you.

16 Can we show the witness item 18 in its redacted version, please. It ends in 214-R01.
17 What do you see on this picture, Madam Witness, please?

18 A. [12:48:28] In this picture I can see children whose mothers are out. The
19 mothers have left and -- went out and left the children behind, and these are walking
20 in the street. They are just wandering around aimlessly. They remain in the camp
21 without an adult to take care of them or a mother, so they are just playing. They
22 don't know any better. But this is dangerous, and the danger in the camps is fires, a
23 lot of fires. These children go out in the street. There are some carts that move
24 around, and also some cars, so this is difficult for the children. These have been left
25 behind by the parents who went to earn some living. These are children in the

Trial Hearing
WITNESS: V-0001

(Open Session)

ICC-02/05-01/20

1 camps and this is the life in the camp.

2 Q. [12:49:49] Can you also explain to us these two different constructions on the
3 right and on the left of the picture. One is closed and one is opened. Can you
4 explain what that is.

5 A. [12:50:03] Yes. The closed one, this is built by green mud, or green blocks, with
6 a small roof which is covered by straw as well. So it's subject to danger, too. So,
7 even if there is fire, nothing remains unburnt inside, and it's also a risk for children.

8 The other one is also built by green blocks, but they were unable to close it, so it
9 remains to be completed. They were unable to close it by wood or straw.

10 As for this fence, which is called *durdur*, or this building, they put straw on top, and
11 this arrives prepared. And this is easily flammable in case of -- in case of fires. It
12 destroys -- it could destroy the camp.

13 Q. [12:51:27] Thank you.

14 And the last picture I would like to show the witness is item 22 on the list. It ends in
15 218-R01. The redacted version, of course.

16 So, what do you see here, Madam Witness?

17 A. [12:52:08] Yes, these are also children. Currently I think these -- these two
18 children should go to school but, unfortunately, they couldn't. These children were
19 very poor and they didn't have proper clothing. Their mothers have left them to
20 work, so they go out to just watch and see people going around. These are at a great
21 risk at this age. They didn't even have proper clothing. They didn't have clothes to
22 wear. This is our situation in the camp, the unfortunate status that we live. This is
23 the condition of our children, who have lost education, clothing, meals. This is our
24 condition in the camps. This is what we live in the camps.

25 Q. [12:53:29] You told us that about 50 per cent of the children can attend school, so

Trial Hearing
WITNESS: V-0001

(Open Session)

ICC-02/05-01/20

1 half of the children in the camp. Is that correct?

2 A. [12:53:41] The person who can afford to pay the fees and buy the uniform, they
3 send their children to school, and those who are -- who can't afford, like these
4 children, for example, these should be in grade 4 -- and the other one is in grade 4 and
5 5, and the other one in pre-school. But where are they now? They are outside.
6 These have been lost. These didn't receive any education and they never stepped
7 into a school.

8 When can they receive education? This is a destruction to the children of refugees.
9 This is mass destruction, because once you have a child who should go to school and
10 receive education and well upbringing -- because later, once they have received
11 education and graduate, they would go back to you and take care of you. But once
12 they are lost like this, they can't write, they can't read, they can't work. This is a loss
13 for the society. These children are lost.

14 Q. [12:55:13] Are there children who have to work in or outside of the camps to
15 help the families to have enough to eat and drink?

16 A. [12:55:32] Yes, yes. Some children who couldn't continue their education and
17 go to school, they go out and help. If they are old enough and they don't go to
18 school, then they go out and work. They collect firewood or do farming or they go
19 to another town to fill the different -- different holes, or they dig some troughs.
20 So, they work. They actually do heavy labour so that they can help their mothers.
21 These children who work, who have to work, there is an elderly person who remains
22 behind, and these children go out to work so that they can support with -- their
23 grandparents' medication or other needs. So there is -- everything is in need. There
24 is a need of everything, for example, education, shoes. There is nothing. The
25 condition is terrible in the camp. We can't live comfortably in the camp. We have

Trial Hearing
WITNESS: V-0001

(Open Session)

ICC-02/05-01/20

1 lost our homeland. We have lost our homeland.

2 Q. [12:57:05] There is one aspect that I want to ask you about is how children are
3 educated with regard to their place of origin. Is it difficult to transmit, for example,
4 the Fur language or also the Fur culture to the next generation, to these children?

5 And then what about their Sudanese identity, is this something you can speak about?

6 A. [12:57:33] Yes. As for the culture, and the Fur language, and the nature of our
7 country, we have this in the camp. We speak with them in this language. We call it
8 Rotana, which is the language, the local language. This is part of their identity that
9 links them to their homeland. So these children have to learn the Fur language and
10 the culture and all the social aspects.

11 We expose these children, the refugees in the -- we expose them to this culture so that
12 they don't change their identity or their traditions. We try to show them or
13 demonstrate to them the things that we can convey to the children about the
14 traditions and norms of Darfurian people so that they don't forget their homeland and
15 they grow up -- because they grow up in camps so they are -- they may forget their
16 traditions.

17 So we have people who provide this education to their children, especially the Fur
18 language.

19 Q. [12:59:20] Thank you.

20 MS VON WISTINGHAUSEN: [12:59:17] Madam President, I thought I would finish
21 before lunch.

22 PRESIDING JUDGE KORNER: [12:59:25] If you can finish in the next 10 minutes,
23 then we'll sit through.

24 MS VON WISTINGHAUSEN: [12:59:37] It's very difficult to tell, because I don't
25 want to stop the witness from speaking. So I think, if it's all right for you, it will be

Trial Hearing
WITNESS: V-0001

(Open Session)

ICC-02/05-01/20

1 on the safer side to take the lunch break now and I may take like 15 or 20 minutes
2 after lunch.

3 PRESIDING JUDGE KORNER: [12:59:55] Yes, all right. Well, we'll take ...

4 Again, Madam, there's going to be a break now, a longer break. It will be till half
5 past 2, and then you can conclude your -- in this case, your evidence at -- after that.

6 All right. Half past 2, please.

7 THE COURT USHER: All rise.

8 (Recess taken at 1.00 p.m.)

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

10 THE COURT USHER: [14:32:26] All rise. Please be seated.

11 MS VON WISTINGHAUSEN: [14:33:16]

12 Q. [14:33:18] Good afternoon, Madam Witness. I hope you are feeling all right
13 and you could enjoy some of your lunch and --

14 A. [14:33:30] Thankfully I had lunch.

15 Q. [14:33:33] Very good. I just have a couple more questions on the camps and
16 then a few follow-up questions of a more general nature.

17 You have mentioned this morning that the farming, of course, can't be done the whole
18 year long because there are seasons where you live. And I would like to know what
19 are the weather and circumstances like in the camp during the summer, but also
20 during the rainy season.

21 Are there any difficulties with flooding, heat, mosquitoes, for example?

22 A. [14:34:22] Yes. In the camp in autumn -- it rains a lot in autumn and the water
23 floods the streets and the mosquitoes come out. And mosquitoes cause diseases
24 such as malaria, and malaria causes diarrhoea and other symptoms. If a person is
25 affected by malaria, this person cannot eat any more and this causes other health

Trial Hearing
WITNESS: V-0001

(Open Session)

ICC-02/05-01/20

1 complications, such as diarrhoea; so this happens mainly in autumn.

2 In summer -- in summer, there are no mosquitoes, however, in autumn, there are a lot
3 of mosquitoes there. In winter, we suffer from the cold; it's extreme cold. In winter
4 it's very cold.

5 Q. [14:35:50] And the houses you're living in, how do they resist the rain, also the
6 heat?

7 A. [14:35:59] The houses were built of straw, so they provide some -- they protect
8 us from the heat. We do not have very protected houses, so we build our houses
9 from straw -- or huts from straw, so this protects the people who are inside the house
10 from the heat.

11 Concerning the cold, we do not have anything to protect us from the cold. If
12 a person was able to fortify somewhat the house to keep it warm, so they can build
13 houses from mud; however, most people have huts made of straw. And in winter,
14 people use fire in order to get some warmth. But to use fire, they need wood and
15 people have to go out to get wood. So this is how life was in winter.

16 Q. [14:37:43] And the rain, can you keep the rain out of your houses?

17 A. [14:37:50] Yes. When it rains and we are in the farm, for example, we have to
18 stay there; so if we are outside the house and it rains we have to stay outside. And
19 then when you stay out -- outside in the rain, you will be cold, start shivering, your
20 clothes would be wet and you will be exhausted before being able to reach the house.
21 So your only solution is to try to reach home as fast as possible, and when you reach
22 home, they would build a fire for you in order to keep you warm. So you change
23 your clothes -- your wet clothes and stay before the fire in order to keep yourself
24 warm. So this is in case you are outside and it starts raining.

25 Q. [14:38:57] And tell me, Madam Witness, as a displaced person, you are not

Trial Hearing
WITNESS: V-0001

(Open Session)

ICC-02/05-01/20

1 completely free of your movement, I suppose. Is it possible for you to travel outside
2 of the camps?

3 A. [14:39:23] Yes. We did not have a lot of needs outside the camps or something
4 that would make us go outside far from the camp. So sometimes when we need to
5 get some crops, for example, far from the camp, or we need to farm something
6 outside of the camp, so if we are going to farm, this would be our good reason to go
7 out of the camp in order to farm, and farms are a bit far. So what we do is that we go
8 to farm for 10 to 15 days and then we have to come back, because we have to go by
9 foot and come back by foot and it's a very long distance.

10 So what we do is that when we go to the farm or to the place where we go for farming,
11 we have to stay there for 10 to 15 days, and then return to the camp. So if we plant
12 something, we go there in order to -- to plant -- to get the crops. So some people
13 would stay there, for example, in order to plant and harvest their crops and they cut
14 also the -- some people go to cut the straw, for example, and cut the crops and bring
15 them back to get the... And then we bring the crops home, and later on we can go
16 back in order to plant again.

17 Q. [14:40:57] And if you had to go to Abeche or to Um Jameina, for example, for
18 medical treatment, you would need permission by the CNARR, which is the
19 *Commission Nationale pour l'Accueil et la Réinsertion des Réfugiés*; is that right?

20 A. [14:41:19] Yes. If I was sick or any refugee was sick, and if we can go to Abeche,
21 so we have to get a permission or a permit from CNARR and this would be an
22 order or -- and a permission to move from the camp to the health-care facility. So
23 there, they would take care of you and then they would bring you back to the camp.
24 So there is an organisation that's in charge of transporting patients from the camp to
25 the health-care facility and back.

Trial Hearing
WITNESS: V-0001

(Open Session)

ICC-02/05-01/20

1 Q. [14:42:07] Thank you, Madam Witness.

2 Now I would like to ask you about the situation in Darfur. You want to add
3 something?

4 A. [14:42:18] Yes, I would like to continue.

5 Q. [14:42:26] Yes, of course.

6 A. [14:42:33] Is this like the last question?

7 Q. [14:42:42] No, not yet.

8 A. [14:42:48] Okay, go ahead, I'll continue with you.

9 Q. [14:42:54] I would just briefly touch upon the situation in Darfur. You still
10 have family members living in Darfur, is that correct? And don't mention their
11 names, please.

12 A. [14:43:07] Yes. Up until today, some people still live in Darfur, and, in Darfur,
13 we always wish that we will be able to return to Darfur. This is really my wish -- my
14 heartfelt wish. All I want is to return to Darfur. However, after achieving justice, I
15 would like to go back to Darfur. After the prosecution of criminals, who perpetrated
16 war crimes and crimes against humanity and ethnic cleansing, genocide, looting and
17 rapes, so they displaced us. They exhausted us. They made us hungry. We live in
18 a very dire situation. They killed us and displaced us and made us go away far from
19 our relatives and families.

20 Q. [14:44:51] Can I continue, Madam Witness, or would you like to have a break?

21 PRESIDING JUDGE KORNER: [14:45:06] Madam, if you try and complete your
22 evidence, it's probably better.

23 THE WITNESS: [14:45:17](Interpretation) Okay, go ahead, please.

24 MS VON WISTINGHAUSEN: [14:45:22]

25 Q. [14:45:23] Due to the current situation in Darfur, are there many new refugees

Trial Hearing
WITNESS: V-0001

(Open Session)

ICC-02/05-01/20

1 coming to the camp where you are currently living?

2 A. [14:45:47] Yes. Currently, there are numerous refugees present in the camps,
3 and following the recent events, new refugees are arriving and they are still arriving
4 to the camp. So they are coming to the Chadian territories currently.

5 Q. [14:46:26] When we first spoke to you, it was on the phone, and I asked you if
6 you would accept to come here and speak to the Judges about your experience, you
7 immediately agreed, even though it's a very, very long way to come here and it's not
8 easy.

9 Can you explain to us what the motivation is for you to be here and to speak before
10 the Judges?

11 A. [14:47:08] Yes, I want to achieve my rights and justice. I came here because I
12 was oppressed and I came here in order to talk about what happened to me. I would
13 like to talk before this Court. I was subject to injustice, and the people of Darfur was
14 subject to injustice. The women of Darfur were subject to injustice. The children of
15 Darfur and the elderly of Darfur were subject to injustice. And in general, the
16 society and the community of Darfur is still suffering from the consequences of the
17 war. This had forced us to be displaced for 19 to 20 years. We've been refugees for
18 19 to 20 years.

19 We live a very difficult life. This is why I wanted to come to this Court and to talk
20 about my cause, about the injustice that I had suffered and the injustice that the
21 people of Darfur who are refugees are living. This is what made me move and to
22 travel a long way and to feel exhausted because of this, in order to come here and talk
23 here before this Court about the injustice that I have suffered from.

24 Q. [14:49:06] Can you say what are your hopes for the future? You have already
25 said that you would like to return to your land, and we heard that actually from all

Trial Hearing
WITNESS: V-0001

(Open Session)

ICC-02/05-01/20

1 the participating victims we spoke to, is that the biggest wish?

2 A. [14:49:28] Yes. Returning to my country, this is what I wish for tonight before
3 tomorrow. However, the security situation is important and the compensation is
4 important, because this would be important for my future. So the security situation
5 is important and compensations are important in order to be able to improve our
6 beloved country.

7 This is what I really feel deep down in my heart. It's also important to compensate
8 and give retribution to --

9 THE INTERPRETER: [14:50:11] Sorry --

10 THE WITNESS: [14:50:12](Interpretation) -- it's important to give compensation to
11 women who were raped. I also say that it's important to have some sort of a feeling
12 of security. We have suffered for a very long time outside our nation, and we do not
13 feel good outside of our nation. Lots of people left. What I mean by they "left", it
14 means that they died. This is why it's important that our security would be
15 guaranteed in Darfur and it's important for us to get reparations and compensation in
16 order to return to Darfur, in order to start a new life in our nation. So we would like
17 to go back to our homeland, live in justice and security.

18 Earlier, much earlier, before we had seen our -- the trees, the fruited trees that we had
19 planted, we had seen them being cut. And if one day we return to our homeland
20 and we see that our house is still standing, we will be the happiest. If we go back to
21 our homeland, this will be a very happy day for us.

22 This is what I desire, and this is what I truly desire and I really hope that this will be
23 a reality in the future.

24 MS VON WISTINGHAUSEN: [14:52:07]

25 Q. [14:52:08] Thank you, Madam Witness. These were my questions. And

Trial Hearing
WITNESS: V-0001

(Open Session)

ICC-02/05-01/20

1 unless there is any question I haven't asked or something else that you would like to
2 add to what you have already said to the Judges, I thank you very, very much for the
3 long way, indeed, you made to come here. Thank you.

4 PRESIDING JUDGE KORNER: [14:52:32] Yes, thank you, Ms von Wistinghausen.
5 I'm taking it that as yesterday, there are no questions from the parties.

6 Madam, thank very very much for coming to the Court. I echo
7 Ms von Wistinghausen's words that you have come a long way to tell us and
8 everyone else who has been listening about what has been happening to you and to
9 others, and those words will be remembered, if the appropriate time comes. So I
10 thank you once again.

11 THE WITNESS: [14:53:17](Interpretation) Thank you very much. I would also like
12 to thank you for the efforts you are exerting and the efforts that were exerted to bring
13 me here before the Judges to talk about my pain, because the wound -- our wound
14 is -- is great and, hopefully, this will be like the medicine that will help us heal our
15 wounds. Thank you.

16 PRESIDING JUDGE KORNER: [14:53:52] Thank you very much again. Yes, if you
17 would like to leave court with the court officer.

18 THE WITNESS: [14:54:02](Interpretation) Okay.

19 (The witness is excused)

20 MS VON WISTINGHAUSEN: [14:54:04] Madam President, there's just one thing I
21 would want to put on the record. The witness mentioned a payment in riyal and just
22 for you to know what that means, 1 riyal equals 5 franc CFA.

23 PRESIDING JUDGE KORNER: [14:54:21] I think you told us that before.

24 MS VON WISTINGHAUSEN: [14:54:24] No. I was saying how much 30,000 franc
25 CFA are in euros, and now I said that 1 riyal is 5 franc CFA and so I leave the

Trial Hearing
WITNESS: V-0001

(Open Session)

ICC-02/05-01/20

1 calculation to you. Thank you.

2 PRESIDING JUDGE KORNER: [14:54:39] Yes, thank you.

3 Yes, thank you very much, Madam, that's fine. You can leave.

4 (The witness exits the courtroom)

5 PRESIDING JUDGE KORNER: [14:55:03] All right, Ms von Wistinghausen, before
6 the next witness comes in, two things: I think you got a message we'd sit till 4.30, if
7 you could complete the witness, but if your present -- the next witness is anything
8 like the last, there's no chance, is there?

9 MS VON WISTINGHAUSEN: [14:55:27] As I say, it's always a bit difficult to tell.
10 The next witness who is a participating victim will be asked questions by Mr Shah.

11 PRESIDING JUDGE KORNER: [14:55:33] Yes.

12 MS VON WISTINGHAUSEN: [14:55:38] I think that when we get closer to 4 o'clock,
13 he will be able to say if we can conclude today. I hope there is no rush to absolutely
14 finish today. We will --

15 PRESIDING JUDGE KORNER: [14:55:46] No, there isn't.

16 MS VON WISTINGHAUSEN: [14:55:46] -- endeavour to do so, but...

17 PRESIDING JUDGE KORNER: [14:55:52] No, there's no rush. It's just that rather
18 than reassembling the whole court again tomorrow, if it was only going to be for 10
19 minutes.

20 Is the next witness ready to come in?

21 MS VON WISTINGHAUSEN: [14:56:07] Yes. There are just some rearrangements
22 that need to be done, because the assessment was that it would be helpful for him to
23 have --

24 PRESIDING JUDGE KORNER: [14:56:16] Oh, yes. Do we need --

Trial Hearing
WITNESS: V-0003

(Open Session)

ICC-02/05-01/20

- 1 MS VON WISTINGHAUSEN: [14:56:17] -- a screen.
- 2 PRESIDING JUDGE KORNER: [14:56:18] -- a screen.
- 3 Do we need to adjourn the court while that's done?
- 4 THE COURT OFFICER: [14:56:19] It will just need five minutes.
- 5 PRESIDING JUDGE KORNER: [14:56:20] It takes five minutes. Okay.
- 6 THE COURT OFFICER: [14:56:23](Inaudible)
- 7 PRESIDING JUDGE KORNER: [14:56:28] All right, yes, if you want us to rise
- 8 while that happens, I think, because otherwise, I was going to deal with the
- 9 administrative matters, but we'll see where we get to.
- 10 Mr Shah, if you can indicate, come about quarter to four, whether you think you're
- 11 going to complete by 4.30, that would help.
- 12 MR SHAH: [14:56:59] I will be sure to do that, Madam President.
- 13 PRESIDING JUDGE KORNER: [14:57:02] All right, thank you very much.
- 14 All right, we will adjourn while the court is reorganised.
- 15 THE COURT USHER: [14:57:11] All rise.
- 16 (Recess taken at 2.57 p.m.)
- 17 (Upon resuming in open session at 3.02 p.m.)
- 18 THE COURT USHER: [15:02:09] Please be seated.
- 19 PRESIDING JUDGE KORNER: [15:02:45] Yes, good afternoon, sir. Can you hear
- 20 and understand me?
- 21 WITNESS: V-0003
- 22 (The witness speaks Arabic)
- 23 THE WITNESS: [15:02:55](Interpretation) Yes, I can hear you and I understand what
- 24 you said.
- 25 PRESIDING JUDGE KORNER: [15:02:59] In a moment, you will be asked to -- oh, no,

Trial Hearing
WITNESS: V-0003

(Private Session)

ICC-02/05-01/20

- 1 hang on, yes, no. No. Don't worry. Forget that. Stop the translation, please.
- 2 Thank you very much for coming to Court, and you're going to be asked questions by
- 3 Mr Shah whom I imagine you know.
- 4 THE WITNESS: [15:03:27](Interpretation) Okay.
- 5 MR SHAH: [15:03:28] Thank you, Madam President.
- 6 QUESTIONED BY MR SHAH:
- 7 Q. [15:03:30] Good morning, sir.
- 8 Madam President, could we go into private session for just a minute?
- 9 PRESIDING JUDGE KORNER: [15:03:38] We can.
- 10 And it's good afternoon to you, too, Mr Shah. I think we are losing the plot slightly.
- 11 MR SHAH: [15:03:45] Yes, good afternoon indeed.
- 12 PRESIDING JUDGE KORNER: [15:03:50] Yes, private session, please.
- 13 (Private session at 3.03 p.m.)
- 14 THE COURT OFFICER: [15:03:56] We are in private session, Madam President.
- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 (Redacted)

Trial Hearing
WITNESS: V-0003

(Private Session)

ICC-02/05-01/20

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Open session at 3.05 p.m.)

8 THE COURT OFFICER: [15:05:48] We are back in open session, Madam President.

9 MR SHAH: [15:05:55]

10 Q. [15:05:56] Sir, we are now in open session. That means the public can hear
11 everything that you're saying. So please don't mention your name, the name of any
12 other individual or the name of the camp where you live. Okay?

13 A. [15:06:15] Very well.

14 Q. [15:06:18] Sir, can you please tell their Honours where were you born?

15 A. [15:06:31] I was born in the governorate of Wadi Salih, the locality of Bindisi. I
16 was born in 1984.

17 Q. [15:06:52] Thank you. And what village were you born in, I heard you say you
18 were born in the locality of Bindisi, and what village or town were you born in?

19 A. [15:07:07] I was born in the city of Bindisi itself.

20 Q. [15:07:17] I'd like to ask you now some questions about your life before the
21 outbreak of conflict in 2003 starting with your family. Can you tell us a little bit
22 about your family, your siblings and your parents?

23 A. [15:07:39] Okay. As I mentioned, I was born in 1984, in Bindisi city (Redacted)
24 (Redacted) that's concerning my family.

25 Q. [15:08:14] How many brothers and sisters do you have?

Trial Hearing
WITNESS: V-0003

(Open Session)

ICC-02/05-01/20

1 A. [15:08:32] Yes, my father married a few women, but from the same mother I
2 have four -- four sisters and three brothers.

3 Q. [15:08:56] And were there other family members that lived in Bindisi or the
4 surrounding area, like uncles, aunts, cousins, for example?

5 A. [15:09:12] Yes. My family lived inside Bindisi and also members of my family
6 lived in the surrounding villages of Bindisi, including Merly, Seder, and that's why I
7 considered myself as one of the people of these villages as well -- those villages
8 around Bindisi, because I had family in all of these villages. But in Bindisi, I had my
9 mother and my maternal uncles, yes, some of them at least live inside Bindisi itself,
10 and some others live in the neighbouring villages -- the neighbouring villages.

11 Q. [15:10:22] And could you describe to us your family house in Bindisi?

12 A. [15:10:35] Our house in Bindisi, it was a house built from local material, such as
13 bricks and straw. And we also had two buildings and these buildings were built of
14 red bricks and covered by some kind of material called zinc.

15 Q. [15:11:27] And what sort of work did your family do or your father do?

16 A. [15:11:39] The members of my family used to work in different professions.
17 Some of them worked in breeding livestock and some others worked in farming and
18 also some worked in merchandising. And that's why I say that my family members
19 worked in different professions.

20 Q. [15:12:48] Thank you so much.
21 And what sort of livestock did your family raise?

22 A. [15:13:05] My family used to raise cows, goats, sheep. And they also owned
23 horses, which they rode and also donkeys.

24 Q. [15:13:42] And what type of crops? You mentioned your family also did
25 farming, what type of crops did they grow?

Trial Hearing
WITNESS: V-0003

(Open Session)

ICC-02/05-01/20

1 A. [15:13:57] My family used to work in farming, growing different crops. Some
2 of them used to cultivate the summer crops, such as, onions, tomatoes, *ajoor*, and
3 some of them used to work in growing autumn crops, such as corn, beans and sesame
4 seeds.

5 Q. [15:14:55] And did you attend school in Bindisi at this time?

6 A. [15:15:03] Yes. I was a student until year 8, which meant that after that, I
7 would get my Sudanese national certificate. So yes, I was a student, I used to go to
8 school, and I had dreams and aspirations to graduate and to get a job and work in my
9 city.

10 Q. [15:16:11] And what sort of job did you imagine or what types of work did you
11 imagine doing in Bindisi?

12 A. [15:16:28] I was aspiring, after graduation from a law school, to go back to my
13 city and work in the legal field in my city or town, so that I can help reform my
14 community.

15 Q. [15:17:05] And sir, what did you do in your free time? Did you spend it with
16 your family, your friends? Did you play sports, maybe?

17 A. [15:17:32] We used to enjoy our time there. I used to spend my time with my
18 friends and my colleagues. We used to go to Wadi Salih and we used to play in the
19 sand. It had very clean sand. My friends and I used to go also to the farms located
20 in Wadi Salih, and we used to spend the afternoon period playing games and playing
21 football.

22 Q. [15:18:54] Thank you so much.

23 And your relationship with your family, did your family have a close relationship
24 with one another?

25 A. [15:19:12] (Redacted)

Trial Hearing
WITNESS: V-0003

(Open Session)

ICC-02/05-01/20

1 so I had very strong friendships. And I used to go to the houses of my uncles and
2 my aunties -- maternal uncles and paternal uncles and also the houses of my friends.
3 Life for me was beautiful, very beautiful because I was living with my family, with
4 my people.

5 Q. [15:20:18] And can you tell us a little bit more about Bindisi itself? What did
6 Bindisi and its surroundings look like?

7 A. [15:20:30] Bindisi was considered one of the very unique towns and that's
8 because of its location, its geographic location. It was located on the bank of
9 Wadi Salih from the south side. And also from the south -- the southern side, there
10 is another wadi called Wadi Baro.

11 And they had lots of trees, different types of trees: mango trees, guava trees, lemon.
12 These trees were along the wadi, Wadi Salih. There were other types of trees as well,
13 such as Haras, and Hajaleeje, Aradeeb and Ganbel.

14 Also in Bindisi, there are mountains. On the southern side as well, there was
15 a mountain called Bindisi -- Forgo, meaning the mountain of Bindisi, and from the
16 west, there is a mountain of Toumboul, and this mountain in Arabic means the
17 mountain of bees. There's also another mountain to the north of the town and it's
18 called the Fogo Deko or the black mountain.

19 And there are many villages surrounding the town of Bindisi. To the west, there
20 was -- or there is Jartaga Kalana-basina, Mono, and then Forbaranga. To the north,
21 there are the villages -- many villages actually, such as Suni, Suni Dagal, Suni Fur,
22 Suni Abdelgader, Rasowlee.

23 Q. [15:25:06] Sorry, Mr -- sorry, sir, thank you very much for that description and
24 you've painted a picture of Bindisi surrounded by many other smaller villages. And
25 I wanted to ask about the relationships between the people in Bindisi and also these

Trial Hearing
WITNESS: V-0003

(Open Session)

ICC-02/05-01/20

1 other villages, what sort of relationships did they have? Were there communal
2 celebrations, for example?

3 A. [15:25:36] The inhabitants of Bindisi had relationships with all of the
4 surrounding villages. So a person can have a mother from Bindisi and a grandfather
5 from Seder and an uncle who is living in Kodoom and another uncle in Dorgola. So
6 people were always cooperating, helping each other and supporting each other in
7 good times and in hard times; meaning that during celebrations in Bindisi, people
8 from the surrounding villages were invited.

9 So people used to come on camel and horse -- camelbacks and horsebacks and on
10 donkeys as well. And also the same, if there is any kind of a celebration in the
11 villages, people from Bindisi used to go there, used to go to the villages and share the
12 celebrations.

13 So the relationship between the villagers and Bindisi was very strong, because the
14 villagers considered Bindisi as their capital, their main town or city and that's why it
15 was very difficult to distinguish between the inhabitants of Bindisi itself and the
16 inhabitants of the surrounding villages.

17 As I mentioned before, I am from Bindisi, but my grandfather is from one of the
18 villages, which meant that the people of the villages were the same as the people of
19 Bindisi.

20 Q. [15:28:51] Thank you so much for that explanation.

21 And I'd now like to turn, sir, to the attack on Bindisi itself in August 2003. Could
22 you tell us what you saw and what you experienced on the day of the attack?

23 A. [15:29:18] In 2003, specifically the 15th of August, 2003, that was a Friday. We
24 call it *the day of tragedy. In the early morning, my mother and I wanted to go to
25 our farm, and, after walking a few kilometres away from the town, we saw military

Trial Hearing
WITNESS: V-0003

(Open Session)

ICC-02/05-01/20

1 vehicles. It stopped us, we were stopped and they asked us, "Where are you going
2 to?"
3 We told them that we were going to our farm. They said to us, "Now, no one is
4 allowed to go outside Bindisi." So we said, "Why? What's going on?" So they said
5 that there is a group of people from Arab tribes coming -- coming to Bindisi, because
6 they wanted to collect corn. They wanted to collect it from the *zakat* house, so they
7 are on their way.
8 They are celebrating because they are getting this corn. So they are shooting in the
9 air, so it is very important that the people stay inside their houses. We were
10 surprised and we were afraid. I was with my mother, and then we returned to
11 Bindisi, which means we returned to a place inside Bindisi.
12 When we arrived, we found out that there were news about Arab tribes were given
13 by the *zakat* house some corn and they were coming to our city, and they were
14 shooting in the air or using gunshots. So all the people were surprised. They found
15 that this was strange. They were wondering why these people were coming to take
16 corn and to -- to shoot, to use gunshots; so this was strange. And nobody could
17 believe it or deny it. So as a result, all the citizens were confused. So we decided to
18 wait and see.
19 We waited for a long time and they did not come. At 1.30, the attack started. In
20 fact, the attack on Bindisi started coming from the east and before the attack on
21 Bindisi, there were attacks on Tiro, Bergei, Kirbi, and, from these towns, the attack
22 expanded until it reached Kodoom, Kodoom Tineh and Kodoom Derliwa and then
23 Kodoom Ronga Tass. And then we started hearing the sound of gunshots, the sound
24 of weapons and ammunition -- small calibre and large-calibre ammunitions. We
25 started seeing smoke as well.

Trial Hearing
WITNESS: V-0003

(Open Session)

ICC-02/05-01/20

1 So people were afraid and were terrorised, and before we could think about what to
2 do, they arrived. So there was an attack on Merly and Seder and from these two
3 towns, they attacked Bindisi.

4 The attack on Bindisi happened and the people were not aware of anything because
5 they were deceived, because the people were told that these -- were only coming in
6 order to collect corn. However, in fact, they wanted the people to stay in their
7 homes, to stay in their place -- in the place where they were in order to be attacked
8 and to be exterminated, so nobody could exit alive.

9 The attack happened, and afterwards -- or at that moment, people started fleeing.
10 Some people were fleeing towards the north; some others were fleeing towards the
11 south; others were going east and others were looking for their children. Some
12 people were looking for their spouses. Some people were looking for their money.
13 So the entire situation was confusing. It was total confusion and we did not know
14 what to do.

15 I escaped with those who fled and I did not know where my father and my mother
16 were. I fled from the western side towards the direction of Jebel Toumboul, and I
17 disappeared in the forest. However, three hours later, it started raining; so rainfall
18 came. And when it started raining, the people had the opportunity to flee further
19 away because when it rains, horses, camels and cars wouldn't be able to move and if
20 they want to move, they can get stuck in the mud. So this was our opportunity to
21 flee further away.

22 Moreover, during that time, in Wadi Salih when it rained, there were water resources
23 in Wadi Salih. So lots of people went actually into the water and those who
24 were -- those who knew how to swim survived and those who did not know how to
25 swim were taken by the water.

Trial Hearing
WITNESS: V-0003

(Open Session)

ICC-02/05-01/20

1 And the rain continued pouring until sunset and then it was night-time, and then it
2 was dark and then everything stopped. And then at night, it would be very dark and
3 nobody could see you if you are a bit far. So at night, I returned looking for my
4 parents and for my family, including my brothers, my mother and my father.
5 However, I met my maternal uncle who told me that my father was dead or died as
6 a martyr. And he told me that my brothers, my maternal uncle and my other
7 paternal uncle were also killed. And he did not know where my mother was and
8 where the rest of my brothers and sisters were.
9 I kept looking for them in the forests and in the mountains. However, I did not find
10 any news about them. All the people who were in Bindisi and in the neighbouring
11 towns did not have any choice but -- so they did not have any choice but to go to
12 Mukjar.
13 I kept looking for my family in the forests and in the mountains and I did not find
14 anything about them. A few days later, I met some people and I asked them about
15 my family and they told me, "If you didn't find them in the forests, it's possible that
16 all these people went to Mukjar. Therefore, you have to go there, and this means
17 that you have to walk to Mukjar and maybe you can find them there."
18 I continued my journey towards Mukjar. However, the way there was difficult
19 because the Janjaweed were present on all roads and they were not allowing people
20 to enter Mukjar; so it was difficult to move during the day. So we used to go at night
21 and to move at night and hide during the day. And when I went close to the city of
22 Mukjar, I found that they had built gates and that this means that they had locked the
23 city and put guards at the gates.
24 Therefore, nobody could enter Mukjar. The only way was to enter secretly at night
25 in hiding. Otherwise, your family from the city would give you a *jallabiya*, because if

Trial Hearing
WITNESS: V-0003

(Open Session)

ICC-02/05-01/20

1 they find you wearing pants and shirt, then they would tell you that you are *tora bora*.
2 So if you are wearing trousers and a shirt, you would be told that you are *tora bora*.
3 And then you would be asked about your tribe. So you would be asked the
4 following question: From which tribe are you? And when you say, "I am from the
5 Fur tribe", they would arrest you and then they would take you to prison.
6 I tried to enter to Mukjar during the night and I found my parents and my family
7 there, including my mother. And she was outside; she was sitting under a tree.
8 They did not have any water. They did not have any food. And they did not have
9 anything to cover themselves with. This was the situation of everybody there. It
10 wasn't the situation of my family alone.
11 All the towns surrounding Bindisi and Mukjar -- all the people of these towns were
12 displaced and went to Mukjar. Life there became difficult. There was a large group
13 of people who did not have any food and, back then, we were in autumn, and the
14 people did not have anything to cover themselves with in order to protect themselves
15 from the rain.
16 So people remained outside under the rain for an entire season. Moreover, there
17 were mosquitoes. These mosquitoes were one of the reasons behind the death of
18 numerous people.
19 And after the attack on Bindisi, and after fleeing to Mukjar, I saw that there were
20 women and children and there were also pregnant women. So you could find
21 a pregnant woman who could not flee or could not run. And if a pregnant woman
22 ran for an hour, for example, or some hours, they would go into labor. And also
23 nutrition or the lack of nutrition was one of the main reasons behind the death of
24 numerous children and women.
25 I stayed with my family for a few days, but the situation was very difficult. We did

Trial Hearing
WITNESS: V-0003

(Open Session)

ICC-02/05-01/20

1 not have anything to eat. And this was not the situation of my family alone, but it
2 was the situation of everybody who came to Mukjar. So --

3 Q. [15:49:14] Sorry to interrupt you, sir. I just wanted to give you a break first,
4 and I thank you for all the information you've provided.

5 PRESIDING JUDGE KORNER: [15:49:20] So, yes, I'm going to tell you, Mr Shah,
6 we'll adjourn at 4 o'clock. This is definitely not going to finish. I think -- if I may
7 say, possibly a little more directed questions may, at least, break it up into bite-size
8 chunks. I mean, he's given an enormous amount of information.

9 MR SHAH: [15:49:41] I didn't want to --

10 PRESIDING JUDGE KORNER: [15:49:43] No, I know you didn't, but you asked
11 a very broad question --

12 MR SHAH: [15:49:44] I did, yes.

13 PRESIDING JUDGE KORNER: [15:49:45] -- and that's why we got this very, very
14 long answer.

15 MR SHAH: [15:49:48] That's well noted.

16 PRESIDING JUDGE KORNER: [15:49:49] Yes.

17 MR SHAH: [15:49:50]

18 Q. [15:49:50] Sir, we're going to continue for about 10 minutes and then after that,
19 we will all come back tomorrow in the morning and you'll continue your appearance
20 before the Judges then.

21 But before you continue your -- continue telling us about the situation in Mukjar, I
22 would just like to go back to Bindisi and ask a couple more questions.

23 A. [15:50:20] Okay.

24 Q. [15:50:23] So when you came back to Bindisi in the evening after the attack, can
25 you describe to us what the village looked like?

Trial Hearing
WITNESS: V-0003

(Open Session)

ICC-02/05-01/20

1 A. [15:50:39] After the attack, all the people had fled from the village. The village
2 was burnt down. I returned there at night and I only found there the people who
3 returned to look for some people, and they were asking about their families. So they
4 were asking us questions, such as, "Did you find my family? Did you find my
5 parents?" And it was night-time.

6 Some people found their families and some people did not. And back at the time, if
7 you do not find your parents, you had to exit the village immediately, because if
8 morning comes, you will be visible for the Janjaweed and you would be arrested or
9 chased.

10 As a result, people were moving only at night. In fact, the area was burnt down.

11 All its resources and money was looted. Because when people fled, they did not
12 even have the chance to take with themselves even their donkeys, for example, and
13 the situation was very difficult. And this is what happened during the attack.

14 Q. [15:52:38] Can you tell us what happened to your house and the property of
15 your family, including the livestock you mentioned?

16 A. [15:52:47] Our house was burnt down and this means that it was completely
17 destroyed. Our money was looted and we were left with nothing. We left Bindisi
18 taking our souls with us only. And we lost our father there. And this is what
19 happened.

20 Q. [15:53:34] It may be a strange question, sir, but what did it mean to you and
21 your family to lose your father?

22 A. [15:53:48] It was a great loss because we know that the father is the person who
23 was raising us. He was the person who was seeing to all our needs. And he was
24 our support, so we became orphans. We became fatherless. He was the provider of
25 our family; so this was the greatest loss. Losing your father in a moment like this is

Trial Hearing
WITNESS: V-0003

(Open Session)

ICC-02/05-01/20

1 a great loss.

2 Q. [15:54:50] And sir, did you have the opportunity to bury your father and the
3 other family members that you mentioned who were killed during the attack?

4 A. [15:55:08] We did not have the chance to bury my father. But my maternal
5 uncle, his son and my paternal cousins were buried.

6 Q. [15:55:33] And besides the members of your family, did you see any other
7 deceased persons in Bindisi when you returned that evening?

8 A. [15:55:45] Yes. When my uncle told me that there were dead bodies and that
9 we had to go and bury them, we found indeed a group of -- a number of dead bodies,
10 some of them were my colleagues and my friends. Some of them were my friends
11 from school. Some of them were my neighbours and my cousins. However,
12 burying people takes time and it requires several people to do it. So if you wanted
13 to bury the dead, then you would be assaulted or attacked.
14 Therefore, we were afraid. So we could only bury the first group of dead people and
15 these were the people that my uncle told me about.

16 Q. [15:57:21] Thank you so much, sir.

17 MR SHAH: [15:57:24] Madam President, that's probably a convenient place to stop.

18 PRESIDING JUDGE KORNER: [15:57:28] Yes, can I just ask for the purposes again
19 of planning, how long do you think tomorrow morning?

20 MR SHAH: [15:57:44] I think no more than one session.

21 PRESIDING JUDGE KORNER: [15:57:46] Right.

22 Sir, as Mr Shah told you, I'm afraid you will not be able to complete your evidence
23 this afternoon. So if you would be good enough to go with the court official now
24 and be ready to start your evidence again tomorrow at 9.30. Thank you.

25 THE WITNESS: [15:58:09](Interpretation) Thank you.

Trial Hearing
WITNESS: V-0003

(Private Session)

ICC-02/05-01/20

1 (The witness exits the courtroom)

2 PRESIDING JUDGE KORNER: [15:58:33] Right. Can we just go into private
3 session for a moment.

4 (Private session at 3.58 p.m.)

5 THE COURT OFFICER: [15:58:43] We are in private session, Madam President.

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Trial Hearing
WITNESS: V-0003

(Private Session)

ICC-02/05-01/20

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Page redacted – Private session

Trial Hearing
WITNESS: V-0003

(Private Session)

ICC-02/05-01/20

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- 22 (The hearing ends in private session at 4.03 p.m.)