

CR 2026/13

International Court  
of Justice

Cour internationale  
de Justice

THE HAGUE

LA HAYE

YEAR 2026

*Closed sitting*

*held on Wednesday 21 January 2026, at 10 a.m., at the Peace Palace,*

*President Iwasawa presiding,*

*in the case concerning* Application of the Convention on the Prevention and Punishment  
of the Crime of Genocide (The Gambia v. Myanmar: 11 States intervening)

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VERBATIM RECORD

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ANNÉE 2026

*Audience à huis clos*

*tenue le mercredi 21 janvier 2026, à 10 heures, au Palais de la Paix,*

*sous la présidence de M. Iwasawa, président,*

*en l'affaire relative à l'Application de la convention pour la prévention et la répression  
du crime de génocide (Gambie c. Myanmar ; 11 États intervenants)*

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COMPTE RENDU

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*Present:*      President Iwasawa  
                 Vice-President Sebutinde  
                 Judges Tomka  
                         Abraham  
                         Nolte  
                         Charlesworth  
                         Brant  
                         Gómez Robledo  
                         Cleveland  
                         Aurescu  
                         Tladi  
                         Hmoud  
Judges *ad hoc* Pillay  
                         Kress  
  
                 Registrar Gautier

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*Présents* : M. Iwasawa, président  
M<sup>me</sup> Sebutinde, vice-présidente  
MM. Tomka  
Abraham  
Nolte  
M<sup>me</sup> Charlesworth  
MM. Brant  
Gómez Robledo  
M<sup>me</sup> Cleveland  
MM. Aurescu  
Tladi  
Hmoud, juges  
M<sup>me</sup> Pillay  
M. Kress, juges *ad hoc*  
  
M. Gautier, greffier

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***The Government of the Republic of The Gambia is represented by:***

HE Mr Dawda Jallow, Attorney General and Minister of Justice, Republic of The Gambia,

*as Agent;*

Ms Yasmin Al Ameen, Attorney at Law, Foley Hoag LLP, member of the Bar of the State of New York,

Ms Alejandra Torres Camprubí, Partner at Torres Iuris, member of the Madrid and Paris Bars, Adjunct Professor of International Environmental Law, IE University,

Mr Pierre d'Argent, Full Professor, Université catholique de Louvain, member of the Institut de droit international, Foley Hoag LLP, member of the Bar of Brussels,

Ms Diem Huong Ho, Attorney at Law, Foley Hoag LLP, member of the Bars of England and Wales and the State of New York,

Ms Jessica Jones, Barrister at Law, Matrix Chambers, London, member of the Bar of England and Wales,

Mr Andrew Loewenstein, Attorney at Law, Foley Hoag LLP, member of the Bar of the Commonwealth of Massachusetts,

Mr Chalis Combeh Njai, Principal State Counsel, Attorney General's Chambers, Ministry of Justice, Republic of The Gambia,

Ms Mariama Ngum, State Counsel, Attorney General's Chambers, Ministry of Justice, Republic of The Gambia,

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*as Counsel and Advocates;*

Ms Sun Young Hwang, Attorney at Law, Foley Hoag LLP,

*as Counsel;*

HE Mr Habib T. Jarra, Chargé d'affaires, Embassy of the Republic of The Gambia in the Kingdom of Saudi Arabia and Acting Permanent Representative of the Republic of The Gambia to the Organisation of Islamic Cooperation,

*as Member of the Delegation;*

***Le Gouvernement de la République de Gambie est représenté par :***

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M<sup>me</sup> Alejandra Torres Camprubí, associée au cabinet Torres Iuris, membre des barreaux de Madrid et de Paris, professeure associée en droit international de l'environnement à l'IE University,

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M<sup>me</sup> Sun Young Hwang, avocate au cabinet Foley Hoag LLP,

*comme conseil ;*

S. Exc. M. Habib T. Jarra, chargé d'affaires de l'ambassade de la République de Gambie au Royaume d'Arabie saoudite et représentant permanent par intérim de la République de Gambie auprès de l'Organisation de la coopération islamique,

*comme membre de la délégation ;*

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Ms Amina Chaudary,

Ms Maisha Farzana, Interpreter,

Ms Rahima Khatun, Interpreter,

Ms Nancy Lopez, Foley Hoag LLP,

Mr Himel Biswas Manna, Interpreter,

Mr Jonathan Mercer,

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*as Assistants.*

***The Government of the Republic of the Union of Myanmar is represented by:***

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Mr Stefan Talmon, Professor of International Law, University of Bonn, Twenty Essex Chambers, member of the Bar of England and Wales,

Ms Alina Miron, Professor of International Law, member of the Paris Bar, Founding Partner of FAR Avocats,

Mr David Hooper, KC, 25 Bedford Row Chambers, member of the Bar of England and Wales,

Ms Chiara Cordone, 39 Essex Chambers, member of the Bar of England and Wales,

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M. Khairul Amin, interprète,

M<sup>me</sup> Amina Chaudary,

M<sup>me</sup> Maisha Farzana, interprète,

M<sup>me</sup> Rahima Khatun, interprète,

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***Le Gouvernement de la République de l'Union du Myanmar est représenté par :***

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S. Exc. M<sup>me</sup> Thi Da Oo, ministre des affaires juridiques et *Attorney General* de la République de l'Union du Myanmar,

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*comme conseils et avocats ;*

M<sup>me</sup> Khin Oo Hlaing, coordonnatrice juridique, membre du comité consultatif auprès du président par intérim, présidente de la commission d'État de sécurité et de paix de la République de l'Union du Myanmar,

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Mr Than Htwe, Director-General, Ministry of Foreign Affairs, Republic of the Union of Myanmar,

Mr Zaw Zaw Htwe, Deputy Director-General, Ministry of Legal Affairs, Republic of the Union of Myanmar,

Ms Saw Yu Nwe, Director, Ministry of Foreign Affairs, Republic of the Union of Myanmar,

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*as Members of the Delegation.*

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M. Myo Win Aung, juge-avocat général adjoint, ministère de la défense, République de l'Union du Myanmar,

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M<sup>me</sup> Mary Lobo, assistante juridique,

M<sup>me</sup> Capucine Hamon, avocate à la Cour, membre du barreau de Paris, collaboratrice, cabinet FAR Avocats,

*comme membres de la délégation.*

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The PRESIDENT: Please be seated. The sitting is open.

Today and tomorrow, the Court will hear witnesses and an expert called by The Gambia and, on Friday, it will hear the witness called by Myanmar. Pursuant to Article 46 of the Statute and Article 59 of the Rules of Court, the Court decided to hear the witnesses of the Parties in closed session.

The Court meets this morning *in camera* to hear the first witness called by The Gambia, Witness MN. This pseudonym should be used when addressing and referring to this witness. Only the judges, limited Registry staff, interpreters and members of the delegations on the official list provided to the Court are allowed in the courtroom during the closed session. Everyone present today is under an obligation not to reveal any details that might lead to the identification of the witnesses. I remind the Parties that all electronic devices, including mobile phones, computers and tablets, must remain outside the Great Hall of Justice, except where counsel or a member of the delegation requires a computer for the examination of the witness.

Before hearing from the first witness, I shall briefly explain the procedure to be followed for the examination of the witnesses called by the Parties.

At my invitation, the witnesses will enter the Great Hall of Justice and take their place. I will then ask the witnesses to make the appropriate declaration in accordance with Article 64, subparagraph (a), of the Rules of Court. The witnesses will be asked by the calling Party to confirm their written affidavit and statement and, if applicable, any prior written statements or accounts annexed to the written pleadings, subject to any correction the witness may wish to make. The Party calling a witness will then proceed to direct examination, which shall take the form of replies by the relevant witness to questions put to him or her by counsel. The other Party will then be given an opportunity to cross-examine the witness. The cross-examination shall be confined in scope to the witness' written affidavit and statement and to oral statements already made as part of the witness' evidence-in-chief. Once cross-examination has been completed, the Party calling the witness will have an opportunity to re-examine the witness. Re-examination will be shorter and limited to matters raised in cross-examination.

Following re-examination, questions may be put by the President on behalf of the Court or by individual judges. The witnesses should reply orally, without further delay.

I should like to point out that the witnesses will remain out of the Great Hall of Justice both before and after their testimony.

In the present case, when a witness is to give evidence in the Rohingya language or the Myanmar language, the testimony will be consecutively interpreted into English by interpreters provided by the Parties. These may be heard on the floor or English channels. These testimonies will be simultaneously interpreted into French by interpreters provided by the Registry, which may be heard on the French channel. Pursuant to Article 70, paragraph 2, of the Rules of Court, the interpretation made by interpreters provided by the Parties will be verified by interpreters provided by the Registry. These verifying interpreters, who are sitting in the interpretation booth at the back of the Great Hall of Justice, will immediately bring to my attention any problem with the interpretation between the Rohingya or Myanmar language and English. These verifying interpreters will be heard on the floor or English channels. I understand that the Parties' counsel will examine, cross-examine and re-examine the witnesses and the expert in English.

A verbatim record of these closed sessions will be prepared for the Court and the Parties' use, but any details therein which could lead to the identification of the witness must be kept confidential. According to the Court's practice, the verbatim records will be circulated to the Parties as soon as available after each sitting. The witnesses, with the assistance of the calling Party, will also be asked to insert into the verbatim record corrections of any mistakes that may have occurred — without affecting the sense and content of the testimony or statement given — and will be requested to return the verbatim record, corrected and signed, to the Registrar at the latest by 6 p.m. on the second day following the transmission of the uncorrected verbatim record, in order to facilitate any supervision that the Court may think it proper to exercise in respect of any corrections made. The Parties will be permitted to refer to the testimony given in closed session during their arguments, but they should do so in a manner that will ensure the protection of the identity of the witnesses.

A version of the verbatim record, redacted if necessary, will also be prepared and made available to the public. To ensure the integrity of the testimonies and statements, the Court has decided that the written testimonies of witnesses, as well as the redacted verbatim records of the sittings during which the witnesses are heard, will not be made available to the public or posted on the website of the Court until the end of the oral proceedings, on Thursday 29 January 2026. In this

connection, the witnesses and the Parties will be asked to suggest the redactions deemed necessary, but the final decision will remain with the Court. The Parties should ensure that their respective witnesses are not informed of each other's testimonies, nor of those of witnesses whose statements are annexed to the written pleadings but who have not been called to testify at the hearings. Similarly, it should be ensured that witnesses do not have access to the verbatim record of the testimonies and statements of the other witnesses, before the end of the oral proceedings. The Parties further must make sure that their respective witnesses do not have any contact which could compromise their independence or breach the terms of their solemn declaration.

I shall now invite the interpreters provided by The Gambia to make the solemn declaration prescribed by Article 70, paragraph 4, of the Rules of Court and I call on Mr [REDACTED], please. Would you be so kind as to read the solemn declaration?

The first INTERPRETER: I solemnly declare upon my honour and conscience that my interpretation will be faithful and complete.

The PRESIDENT: Thank you. Now I invite Ms [REDACTED] to make the solemn declaration.

The second INTERPRETER: Mr President, I solemnly declare upon my honour and conscience that my interpretation will be faithful and complete. Thank you.

The PRESIDENT: Thank you. When I speak to one of the witnesses, I will pause at appropriate intervals to allow you to interpret into the Rohingya language. The judges wishing to put questions to any of the witnesses will do the same. The Court will now hear the first witness, Witness MN. The witness may be brought into the courtroom.

Good morning, Witness MN. I call upon you to make the solemn declaration for witnesses as set down in Article 64, subparagraph (a), of the Rules of Court.

WITNESS MN: I solemnly declare upon my honour and conscience that I will speak the truth, the whole truth and nothing but the truth.

The PRESIDENT: Thank you. You will shortly be examined by counsel for The Gambia, then cross-examined by counsel for Myanmar, and then you may be re-examined by counsel for The Gambia.

Let me remind those present that the interpretation is consecutive and therefore speakers should pause their presentation at reasonable intervals to allow for such interpretation.

Before starting the examination, the usher will show you your testimony as provided by The Gambia. I would invite counsel for The Gambia to ask Witness MN to confirm the affidavit and the statement submitted in the case.

Ms Alejandra Torres Camprubí, you have the floor.

Ms TORRES CAMPRUBÍ: Thank you, Mr President. Good morning, Mr MN.

WITNESS MN: Good morning.

Ms CAMPRUBÍ: Thank you for coming a long way to be here today. Can you please confirm that the content of your written statement and affidavit, which are now on your table, is true?

WITNESS MN: It's true.

The PRESIDENT: Thank you, Ms Torres Camprubí. You may proceed with the examination-in-chief.

Ms TORRES CAMPRUBÍ: Thank you, Mr President. Mr MN, before we get into the contents of your testimony, I would like to ask you about how your statement and affidavit were prepared.

INTERPRETER: Should I say now?

Ms TORRES CAMPRUBÍ: No, I am just informing him about the content of my line of questions.

I understand that you gave this statement through an interview with the organization Legal Action Worldwide; is that right?

WITNESS MN: Yes.

Ms TORRES CAMPRUBÍ: Can you briefly describe the process of how your statement was taken by Legal Action Worldwide?

INTERPRETER: Can you repeat?

Ms TORRES CAMPRUBÍ: Can you please describe the process of how your statement was taken by Legal Action Worldwide?

WITNESS MN: I told them the incidents I have experienced.

Ms TORRES CAMPRUBÍ: And once you told them the incidents that you had experienced, did they put those incidents into writing?

WITNESS MN: Yes, they wrote them.

Ms TORRES CAMPRUBÍ: And was your statement, once it was in writing, read back to you so you could confirm its contents?

WITNESS MN: Yes, that is so.

Ms TORRES CAMPRUBÍ: And what was the process followed to take your affidavit?

WITNESS MN: I made these affidavit to tell to the Court today.

Ms TORRES CAMPRUBÍ: Okay. But did you meet with Legal Action Worldwide again to prepare this affidavit?

WITNESS MN: Yes.

Ms TORRES CAMPRUBÍ: And did they explain to you that you could be coming here to Court?

WITNESS MN: Yes, they told me.

Ms TORRES CAMPRUBÍ: And did they explain to you that if you accepted to come to Court, your name would be revealed to the Court and to Myanmar's Government?

WITNESS MN: Yes, they told me.

Ms TORRES CAMPRUBÍ: And you accepted this?

WITNESS MN: Yes.

Ms TORRES CAMPRUBÍ: Did you also give to Legal Action Worldwide clarifications on your previous statement?

WITNESS MN: Can you repeat?

Ms TORRES CAMPRUBÍ: When you met with LAW the second time, did you also review your statement and provide some clarifications?

WITNESS MN: Yes, I did so.

Ms TORRES CAMPRUBÍ: And when your affidavit was written down, was it read back to you?

WITNESS MN: Yes.

Ms TORRES CAMPRUBÍ: Okay, thank you very much. So now I would like to ask you about the safety situation in your camp where you now live, okay?

INTERPRETER: Safety situation?

Ms TORRES CAMPRUBÍ: In the camp where you now live. And here is my question. So, Mr MN, you arrived in [REDACTED] refugee camp on [REDACTED] 2017; is that right?

WITNESS MN: Yes.

Ms TORRES CAMPRUBÍ: Do you consider that your camp is today a safe place?

WITNESS MN: When I came to the camp, it was a safe place for me.

Ms TORRES CAMPRUBÍ: What about today?

WITNESS MN: I can hear different things there.

Ms TORRES CAMPRUBÍ: Have you heard of any incidents that have affected people in your camp?

WITNESS MN: I heard kidnapping incidences, yes.

Ms TORRES CAMPRUBÍ: And do you know who is responsible for those incidents against people?

WITNESS MN: I don't know, but I heard.

Ms TORRES CAMPRUBÍ: What did you hear?

WITNESS MN: I heard people are being kidnapped.

Ms TORRES CAMPRUBÍ: Have you heard of ARSA or al Yaqin operating in your camp these days, nowadays?

WITNESS MN: I heard.

Ms TORRES CAMPRUBÍ: Okay. Have you ever met any ARSA person in your camp?

WITNESS MN: I haven't met any ARSA members, but I heard about them.

Ms TORRES CAMPRUBÍ: Has ARSA or any ARSA members had any influence on the content of your statement or affidavit?

WITNESS MN: Everything stated in the affidavit and the statements related to me. Incidents I have experienced were put in the affidavit and statement.

Ms TORRES CAMPRUBÍ: Okay, but have you ever felt threatened by any ARSA members in your camp?

WITNESS MN: No.

Ms TORRES CAMPRUBÍ: Thank you, Mr MN. So now I would like to take you back to your life in Myanmar until 2017. Can you please tell the Court where you are from in Myanmar?

WITNESS MN: I belong to Monu Para, Buthidaung Township.

Ms TORRES CAMPRUBÍ: Were you . . .

WITNESS MN: *[Foreign language]*

Ms TORRES CAMPRUBÍ: Thank you, Mr MN. Were you born there in Monu Para?

WITNESS MN: Yes.

Ms TORRES CAMPRUBÍ: And what was your profession in Myanmar?

WITNESS MN: I was a teacher.

Ms TORRES CAMPRUBÍ: And I understand that since you were a teacher, you speak several languages; is that right?

INTERPRETER: Seven languages?

Ms TORRES CAMPRUBÍ: Several, not seven.

INTERPRETER: Several languages.

WITNESS MN: Yes, I can speak Burmese, English, Rohingya.

Ms TORRES CAMPRUBÍ: Thank you, Mr MN. So now I would like to take you specifically to one day in Monu Para, 27 August 2017. Where were you the morning of 27 August 2017?

WITNESS MN: I was at home with my father, with my children, with my wife.

Ms TORRES CAMPRUBÍ: And what were you doing with your family?

WITNESS MN: We had breakfast together, a happy breakfast. We made traditional foods, which we call Modhu Bhat. We all together ate that food.

Ms TORRES CAMPRUBÍ: And so while you were enjoying this breakfast with your family, what happened next?

WITNESS MN: After that, I got a call on my mobile. The caller said to me that some soldiers or military from military camp 552 come towards our village.

Ms TORRES CAMPRUBÍ: Do you mean that they were coming to your village? So this person that called you to tell you that the military were coming to your village, did that person explain why they were coming to your village?

WITNESS MN: Military comes through my village because the roads go through my village, yes.

Ms TORRES CAMPRUBÍ: So the person that called you, did the person explain what motivated their arrival to your village?

WITNESS MN: Yes, he called me just to give advice because my village — sorry, my home is beside the road, so if military is going through that road, also they may see us, they may see me. They could harm me. That's why this guy advised me to go away.

Ms TORRES CAMPRUBÍ: Okay. And so what did you do after you received this phone call?

WITNESS MN: Yes, after receiving this advice, me and my family, we went to our brother's house, who has a house on a little — on a little hill.

Ms TORRES CAMPRUBÍ: Was your brother's house very far away from yours?

WITNESS MN: Not very far. Just one minute.

Ms TORRES CAMPRUBÍ: Did you take your family with you to your brother's house?

WITNESS MN: Yes, I took my family.

Ms TORRES CAMPRUBÍ: And while you were in your brother's house, what happened?

WITNESS MN: After a few minutes, these soldiers come from the front side, on the front side also, they are coming towards our village by firing. When they are coming, also firing at the same time.

Ms TORRES CAMPRUBÍ: Did you see them with your eyes arriving to your village?

WITNESS MN: I saw [the] military, also I heard the firing sounds.

Ms TORRES CAMPRUBÍ: So when you saw the military arriving and you heard the gunshots, what did you do next?

INTERPRETER: What did you?

Ms TORRES CAMPRUBÍ: What did you do next?

WITNESS MN: Yes, when I heard gunshots, also I saw [the] military. We went to another person's house nearby, which is the house of Zahid Hussein or Bodo, which is one minute far away.

Ms TORRES CAMPRUBÍ: Why did you go to that house specifically — the house of Zahid Hussein? Why did you choose to go there?

WITNESS MN: The house of Zahid Hussein is a bit far from the road. Also, my brother's house, which is on a little hill, can be seen [by] people going on the road. That's why we went to Zahid Hussein's house.

Ms TORRES CAMPRUBÍ: Okay; and so, you got to Zahid Hussein's house with your family and what happened next?

WITNESS MN: When I was in Zahid Hussein's house, I saw there were a lot of women, children and men. A lot of them.

Ms TORRES CAMPRUBÍ: So, you entered the house, and where did you go with your family — once inside the house?

WITNESS MN: I left my family in the kitchen, but I went to another floor — I used the stairs and went to the upper floor.

Ms TORRES CAMPRUBÍ: What happened next when you were up on the upper floor?

WITNESS MN: When I was there, I saw through a window [that] the soldiers brought Mr [REDACTED], and Mullah [REDACTED] and some other people — they were brought to the house of Mullah [REDACTED]. My father was one of them also.

Ms TORRES CAMPRUBÍ: I see. So, once the military brought in these people, what did they do next? What did the military do next?

WITNESS MN: The soldiers tied them at the back, tied their hands at the back. Also, they were there.

Ms TORRES CAMPRUBÍ: Did the military stay outside the house?

WITNESS MN: Yes.

Ms TORRES CAMPRUBÍ: Did they not come into the house?

WITNESS MN: You mean in the house of Mullah [REDACTED]?

Ms TORRES CAMPRUBÍ: No, in the house of Zahid Hussein.

WITNESS MN: Okay. They left these people there, tied hands at the back, and [the] military moved to Zahid Hussein's house. Also, they kicked and opened the kitchen's door. They have broken the kitchen door. When [the] military broke in, all the women and children went to the two rooms this house has, but my wife and children could not do so.

Ms TORRES CAMPRUBÍ: What did you do when the military broke into the house with your wife on the ground floor?

WITNESS MN: Soldiers pointed a gun towards my wife and I was so afraid, and I came down. I asked them: "Just give me some time. I will go out with my wife and children."

Ms TORRES CAMPRUBÍ: Okay. Did the military let you go out with your wife and children?

WITNESS MN: Because [the] military ordered all of them to leave, [the] military said if she didn't leave, then they will shoot at her, so I asked my wife: "just leave" and I took my small daughter [by the] hand and went out with my wife.

Ms TORRES CAMPRUBÍ: How did they treat you when you were going out of the house?

WITNESS MN: Yes, I went out through the door, and I held my daughter on my shoulder.

Ms TORRES CAMPRUBÍ: But how —

WITNESS MN: When I left my daughter, they hold me on my back neck, also put me on the ground, down, my face down on the ground and they kicked me. They kicked me on my back neck very hard, also on my back very hard.

Ms TORRES CAMPRUBÍ: Were your hands free at this point?

WITNESS MN: No, no. My hands were not free. They tied my hands at the back and then they kicked me.

Ms TORRES CAMPRUBÍ: Okay. At this point, were your wife and children still close to you, near to you?

WITNESS MN: They were near to me: they were at my back. My wife was also there. When my wife and child saw I was treated in that way, they started crying. When they started crying, [the] soldiers pointed guns towards them.

Ms TORRES CAMPRUBÍ: You mention in your statement that the military called for Zahid Hussein to get out of the house; is that right?

WITNESS MN: The soldiers shouted: "Zahid Hussein, Zahid Hussein, come out now or we will burn down your house."

Ms TORRES CAMPRUBÍ: Did he —

WITNESS MN: Then he came out.

Ms TORRES CAMPRUBÍ: How did they treat Mr Zahid Hussein when he came out of the house?

WITNESS MN: When Zahid Hussein came out, [the] military had a sharp thing [in their] hands, so they — yes, they hit him in the belly with that thing. I could not see clearly; I just see on my side, in my eyesight.

Ms TORRES CAMPRUBÍ: Okay. You also say in your statement that you heard a phone call. Can you please explain who made the phone call and what did you hear?

WITNESS MN: All the people that were in Zahid Hussein's house came out and then [a] military — maybe Boji, Bomu? —, Bomu called, maybe his boss, on [the] telephone. Those people who came out of Zahid Hussein's house, the military has treated them like me. [The] military forced them to lie down — face down — and kicked them on the neck, also on the back, and then he called to his boss to tell how many people he has collected.

Ms TORRES CAMPRUBÍ: What happened right after the call?

WITNESS MN: He told his boss, "I have arrested 87 people, 87 of them. What can I do with them?"

Ms TORRES CAMPRUBÍ: What did the military do after he hung up? After he hung up the phone, what did the military do with the men that were there?

WITNESS MN: Okay. Some people were before in Mullah [REDACTED]'s house. He brought those people also here. Together with them, there were 87 people.

Ms TORRES CAMPRUBÍ: Yes.

WITNESS MN: Including me, there were 87 people.

Ms TORRES CAMPRUBÍ: Were the people outside taken by the military, moved by the military?

WITNESS MN: After that, [the] military taken some people, five, six, tied up, to another place. I didn't know exactly which place [the] military took them.

Ms TORRES CAMPRUBÍ: Okay. You mention in your statement that you saw your father being taken; is that right?

WITNESS MN: Yes, I saw my father, who was also taken. My father told me: "I was being taken. I am praying for you." I could not see towards my father properly. If they found out I saw him, they will hit me with thick stick.

Ms TORRES CAMPRUBÍ: Okay. So when your time came and you were taken, what did you see when you arrived at the place where they took you?

WITNESS MN: I was being taken after three, four hours. I was lying there on my face down on the ground for three and for four hours. I got scratches on my forehead, on my nose, also on my hands tied up at the back. I experienced breathing problem also because of long time lying down.

Ms TORRES CAMPRUBÍ: You mentioned in your statement that you were taken to a place, you were moved to a place, and that you saw finally the place where everyone else had been taken. Can you describe that?

WITNESS MN: When I was lying down, I could not stand up myself, I didn't have any energy. So two of them pulled me, pulled me, so my hand ties felt a bit loose. And another six persons — in the holes in my arm and his arm, they tied my arms and another person's arms, and they pushed me. I could not see clearly how many persons there, because I could not see — sorry — the sides. If I saw the sides, I would be hit. I heard when they count one, two, three, four, five, six, seven, that's why I could say seven persons together.

Ms TORRES CAMPRUBÍ: And so you walk with the military to a different place, right?

WITNESS MN: Yes, military push us. Also they laugh, they laugh [at] us, and . . .

Ms TORRES CAMPRUBÍ: And?

WITNESS MN: Also — yes, I reached to that place.

Ms TORRES CAMPRUBÍ: Can you please describe the place that you reached? Can you please . . .

INTERPRETER: Describe?

Ms TORRES CAMPRUBÍ: . . . the place that you reached? What did you see when you got to this place?

WITNESS MN: When I reached the place, they asked us to sit, but after some time, they asked me to stand up, and when I stand up, my tying with another person's became loose, so also my hand tied at the back is a bit loose, but I am standing as if it is tied up properly. There I saw piles of dead people, I can estimate 65 of them. I saw my father, Mullah [REDACTED] and many other people I know by face.

Ms TORRES CAMPRUBÍ: And so can you please tell us, how did you save your life at this moment?

INTERPRETER: How did you say?

Ms TORRES CAMPRUBÍ: How did you save your life?

INTERPRETER: Your life.

WITNESS MN: When my knot on my rope, which was tied to my back, became loose, also the arm tied with other people was loose, so I'm in a position to run. I have the opportunity to run. So I was thinking if I stayed there without doing anything, I would be killed anyway. So I took a chance to run from there. My intention was to run, whether they shoot or not. Until a bullet hit me and I fell down, I will continue to run. When I started to run, after five, six steps, there is a slope. I

jump [*inaudible*], but military start firing, so I fell. I fell on the slope and I stand up again and begun to run again. They were shooting rampantly, and one bullet hit my arm. I didn't realize at the time, while I was running, but later I found that a bullet has hit me [*shows his left arm*].

Ms TORRES CAMPRUBÍ: So what did you do when you realized you were hurt?

WITNESS MN: I continued to run. Also, between Master [REDACTED] and [REDACTED]'s house, there is a wall, so I have to jump over that wall also. I could jump. After that only I realized that a bullet hit on my arm. So I saw some mud or some dust that the bullet hit.

Ms TORRES CAMPRUBÍ: And you mentioned in your statement that after being in that place, you managed to escape and run towards [REDACTED]; is that right?

WITNESS MN: I run towards the paddy field, then I saw the bullet wound. The bullet went this side and also went out to the side. So considerable muscles took away by the bullet. Then I took out my shirt and tied properly this bullet wound. I missed some muscle.

Ms TORRES CAMPRUBÍ: Muscle?

WITNESS MN: Muscle. Yes, doctors in Bangladesh taking some muscle from other places and put in that place.

The PRESIDENT: Ms Torres Camprubí, I would like to remind you of the time allotted to you. I am not stopping you.

Ms TORRES CAMPRUBÍ: Thank you, Mr President.

The PRESIDENT: I am just reminding you.

Ms TORRES CAMPRUBÍ: Thank you very much, Mr President. I have two more questions, if the Court will allow me. Thank you.

So you explain in your statement that you first arrived to [REDACTED] and from [REDACTED], you went to [REDACTED] where your in-laws live; is that right?

WITNESS MN: I went to [REDACTED] overnight. There I stayed in the night, and I went to [REDACTED] together with my nephew.

Ms TORRES CAMPRUBÍ: What did you see once you were in [REDACTED]?

WITNESS MN: I saw in [REDACTED], there are a lot of people that came to [REDACTED]. Also, I saw other side of the main village, soldiers started burning the villages, burning the houses.

Ms TORRES CAMPRUBÍ: Thank you, Mr MN. One last question for you. What do you hope to achieve by coming to this Court today?

WITNESS MN: I told my incidents, I told my history, what happened to me. Also I told 87 persons from my village was killed by the soldiers unjustly, and I want justice for them, for me, and for my community, from this Court.

Ms TORRES CAMPRUBÍ: Thank you very much for being here today, Mr MN, and for giving your testimony. Mr President, I have no further questions.

The PRESIDENT: Thank you very much, Ms Torres Camprubí. I now give the floor to counsel for Myanmar, Mr David Hooper, for cross-examination.

Mr HOOPER: Thank you, Mr President. Good morning, sir.

INTERPRETER: Thank you. Good morning also.

Mr HOOPER: You still live in [REDACTED] camp; is that correct?

WITNESS MN: Yes.

Mr HOOPER: You have lived there now for eight years?

WITNESS MN: Yes, eight years.

Mr HOOPER: Now, when you first gave a statement in this case, back in, I think, 2020, five years ago, how did you come to be interviewed?

WITNESS MN: I have a brother whose name is [REDACTED]. He introduced me [to] a member of LAW.

Mr HOOPER: Have you given interviews to anybody else?

WITNESS MN: I've given interview to LAW.

Mr HOOPER: I see. All right. Thank you. Now, in your affidavit that we have from November 2025, you say in that affidavit: "I am concerned about . . . my family and I will be exposed as a result of our identities being disclosed to the other Party". And you go on to say, the reason being: "given the reach of the Myanmar government within the camps in Bangladesh through operatives or informers who may threaten or harm us".

WITNESS MN: I didn't understand clearly.

Mr HOOPER: What do you mean by "the reach of the Myanmar government"?

WITNESS MN: I didn't say like that.

Mr HOOPER: I'm sorry?

WITNESS MN: I didn't say that.

Mr HOOPER: You didn't say that? I see, all right. Well, I am looking at your affidavit at paragraph 4, but let me move on. You were a community teacher?

WITNESS MN: Yes.

Mr HOOPER: And you worked with other teachers who were Buddhists who were very close; you say "We were like brothers."

WITNESS MN: Yes.

Mr HOOPER: And you taught in various schools, some of them as far as two hours away?

WITNESS MN: Yes.

Mr HOOPER: Did you have an NVC card? Did you have an identity card?

WITNESS MN: I had the white card.

Mr HOOPER: You had the white card. All right, thank you very much. Let me come to the events, and I am looking here — you don't have it in front of you: paragraph 14 (for the assistance of the Court) of your statement, where you say this: "The military used to come to the village often and we welcomed them".

INTERPRETER: [The] military come?

Mr HOOPER: "The military used to come to the village often and we welcomed them."

WITNESS MN: Yes.

Mr HOOPER: "We respected them and gave them water and tea."

WITNESS MN: That is okay.

Mr HOOPER: And then you say this: "But on 27 August 2017, I don't know what information they had, but they came and started firing." Let me just repeat that for the interpreter. That is what you wrote in 2020: "I don't know what information they had". Have you any idea what brought the military to your village?

WITNESS MN: I have a simple idea. They were going through the road which is beside my home, in the village.

Mr HOOPER: Let me ask you this: Is it correct to say that there was a terrorist group called ARSA that was active in your village and in that area?

WITNESS MN: I've never seen it.

Mr HOOPER: Let me ask you this, because we have a statement from other people and I want to know if you can confirm what I am going to ask you or not. There were three people in Maung Nu who were in charge of ARSA?

INTERPRETER: Maung Nu?

Mr HOOPER: Maung Nu Sa Paw. May I make it clear that Maung Nu and Monu Para are the same. One of them was [REDACTED]. Did you know him?

WITNESS MN: I know [REDACTED], but I don't know whether he is connected with ARSA, the ARSA group.

Mr HOOPER: A second man called [REDACTED]: same name, but his father was [REDACTED]?

INTERPRETER: Son of [REDACTED]?

Mr HOOPER: [REDACTED].

INTERPRETER: The third person was [REDACTED]?

Mr HOOPER: Yes.

WITNESS MN: The name [REDACTED] is not known to me.

Mr HOOPER: All right. [REDACTED], not the same Hussein, another Hussein. Do you agree?

WITNESS MN: I know [REDACTED]. He is the [REDACTED].

Mr HOOPER: Did you know that four or five months before the Army came to the village, that the mosques in your village were used for meetings with that group? Did you know that?

INTERPRETER: For preaching with the group?

Mr HOOPER: In the mosques after Isha prayer, there were meetings.

WITNESS MN: I don't know.

Mr HOOPER: This group, who wore all black at night, patrolled the village. Did you see that?

WITNESS MN: I haven't seen.

Mr HOOPER: But you lived in this village; yes? You lived in the village?

WITNESS MN: Yes. Yes, I lived in the village.

Mr HOOPER: Two or three days before the attack on your village, is it right that two informants — or believed informants in your village — were taken and murdered?

INTERPRETER: Taken?

Mr HOOPER: And murdered, killed.

WITNESS MN: No, I don't know.

Mr HOOPER: It is not correct to say that people in the village came out and witnessed these two men being paraded through the village?

WITNESS MN: It can be possible. I didn't know anything about that.

Mr HOOPER: All right. On 25 August, that is just two days before the military came to your village, were you aware that there was an attack on the BGP camp at [REDACTED], very near your village. Shall I repeat that for you? Sorry.

INTERPRETER: [REDACTED]?

Mr HOOPER: On 25 August, there was an attack on a BGP camp.

WITNESS MN: In the morning, I heard there were some shootings but I didn't know that the BGP camp was attacked. Because I heard bullet firing sounds in the night.

Mr HOOPER: Did you know that two of the policemen there were killed?

WITNESS MN: I didn't know.

Mr HOOPER: They had their throats cut.

WITNESS MN: I haven't seen and I didn't know.

Mr HOOPER: Right. In the eight years since you have been in the camp, you have never heard anyone discuss this? In the eight years that you have been in the camp, have you ever heard anybody discuss these things?

WITNESS MN: No, I haven't heard.

Mr HOOPER: There were also attacks at the same time on the 552 military base at [REDACTED] village.

INTERPRETER: [REDACTED] village?

Mr HOOPER: [REDACTED].

INTERPRETER: [REDACTED] village.

WITNESS MN: I didn't know anything about that.

Mr HOOPER: That was a big attack — I'm sorry.

WITNESS MN: I only heard bullet firing sounds.

Mr HOOPER: So you did hear something?

WITNESS MN: I heard firing sounds.

Mr HOOPER: Yes. And that went on all night in various places just north of your village?

WITNESS MN: You mean [REDACTED] military camp, north of my village?

Mr HOOPER: Yes, not your village, just north of your village. There was an attack on the various army camps and security places just north of your village.

WITNESS MN: No, I didn't know. I didn't know that. I was at home.

Mr HOOPER: I understand you were at home, but over the next day or so, did you ask anyone what was going on?

WITNESS MN: I didn't ask anyone because I was so afraid. Everyone in the village was in trauma; everyone was afraid. I didn't dare to ask anyone what was happening. Everyone was saying the same things: they heard firing sounds.

Mr HOOPER: All right. Now, many people came from [REDACTED], that's where the security men had been killed on the 25th, and people also came from [REDACTED], they came into the village?

WITNESS MN: I didn't know anything about that.

Mr HOOPER: Well, there were people . . .

The PRESIDENT: Counsel, when you mention the name of villages which are not mentioned in our documents, can you spell the name of the village so that we know exactly what they are?

Mr HOOPER: Yes. All right. Let me spell that village that I have just spoken about, and that was [REDACTED], which is three words. This is the phonetic, of course: [REDACTED]  
[REDACTED], and [REDACTED].

The PRESIDENT: That is for our purposes, so you can continue.

Mr HOOPER: Thank you. The point I am making, Mr Witness, is merely this: after those attacks took place, the shooting you heard, people from those areas came to your village. They were fleeing the area; is that right?

WITNESS MN: Can you repeat?

Mr HOOPER: People fled from that area and came into the village; is that correct?

The INTERPRETER: Came to?

Mr HOOPER: The village I just spelled out.

WITNESS MN: From which village they come from?

The PRESIDENT: Can I interrupt? I give the floor to the verifying interpreter.

VERIFYING INTERPRETER: Thank you so much, Mr President. The people were not taken to their village, the people fled to our village. May I interpret in Rohingya as well?

WITNESS MN: Yes, people from [REDACTED] came to my village.

Mr HOOPER: Right. Thank you. Did they tell you what had been happening? Did they tell you and the other villagers what had been happening?

WITNESS MN: They didn't know themselves. They told me they came here because they heard firing; they heard firing sounds in their village.

Mr HOOPER: All right. Now, you say in your account, again, at paragraph 14 of the charges, that people were running through the village and many people ran to Zahid Hussein's house.

WITNESS MN: Yes.

Mr HOOPER: Zahid Hussein was rich? He had a big house; is that correct? And a good relationship with the military?

WITNESS MN: Yes.

Mr HOOPER: Is it correct that Zahid Hussein, whose house you went to, shared that house with his brother Bodo?

WITNESS MN: It is just one house. Both families live together in the same house. They are brothers.

Mr HOOPER: It's a big house, obviously.

WITNESS MN: Yes.

Mr HOOPER: Now, Bodo, he had a son-in-law, who is called [REDACTED]; is that correct?

WITNESS MN: Which name?

Mr HOOPER: Well, his full name was [REDACTED].

WITNESS MN: Yes, it is correct.

Mr HOOPER: He was known locally as [REDACTED]?

WITNESS MN: Yes.

Mr HOOPER: And [REDACTED] was the leader of ARSA in your village?

WITNESS MN: I can't say anything. I didn't see. I have to know to tell you, but I knew him as a leader.

Mr HOOPER: I'm sorry. Could you say that again?

WITNESS MN: I have to know first whether I knew him as a leader. I didn't know.

Mr HOOPER: All right. You've never heard of that over the past eight years?

WITNESS MN: No, I haven't heard.

Mr HOOPER: You didn't hear that [REDACTED] was making bombs the day before the army came to the village? Making bombs at that house?

WITNESS MN: I didn't know.

Mr HOOPER: All right. Now, you made no mention of any incidents, military incidents prior to the army coming to your village; is that correct? Well, we know that's correct. You were never asked by your interviewers about ARSA?

WITNESS MN: I heard the name ARSA many times, but I don't know who is leading ARSA, who participated in ARSA. I didn't know any one of them.

Mr HOOPER: Do you accept that ARSA was active, present in your village?

WITNESS MN: I didn't know.

Mr HOOPER: Now, you were asked earlier about ARSA in the camp where you live. And you said, you told us, that you had not been threatened by ARSA in the camp. It was asked this morning, you were asked this morning whether you had been threatened by ARSA in the camp and you said that you had not been threatened?

WITNESS MN: I didn't get any threat from ARSA. I haven't met any member of ARSA.

Mr HOOPER: Have you heard that other people living in the camps have been threatened by ARSA?

WITNESS MN: I haven't heard lately anything, any threat is given to any person directly, but I heard in the camps people have been killed. Also some people said they are killed by ARSA.

Mr HOOPER: Right. And you were going back to the camp; you were going back to live in this camp after you've left here; is that correct?

WITNESS MN: No, I won't be scared. I didn't do anything wrong. I'm an honest person.

Mr HOOPER: Well, now let me come to the events that you speak about and I'm not going to ask you many questions about it and about the trauma you suffered. You were told by a friend by phone that the army was coming?

WITNESS MN: Yes.

Mr HOOPER: And so you moved to your brother's house but as that was visible from the road, you went to Zahid Hussein's house?

WITNESS MN: Yes.

Mr HOOPER: Why did you think the army could make problems for you? You said "they could make problems for me". Why did you think that?

WITNESS MN: The day before that night, the military were shooting all night, they shot all night. That's why I was afraid.

Mr HOOPER: So who was shooting all night?

WITNESS MN: Military.

Mr HOOPER: And was that in fact because they were being confronted by ARSA?

WITNESS MN: They were shooting towards the village, towards the people. The military were shooting towards the village and towards the people.

Mr HOOPER: I may have misunderstood you. Just to be clear, I thought you said they were shooting all night?

WITNESS MN: The whole night there was firing in the village. We were lying on the ground.

Mr HOOPER: I suggest that in fact there was a confrontation between ARSA terrorists and the army as the army arrived in your village?

WITNESS MN: I didn't know what actually happened because I didn't see. I know that just bullets were fired all night towards the village, towards the people.

Mr HOOPER: All right. Now, when the soldiers came to Zahid Hussein's house, they specifically called Zahid Hussein to come out and Bodo; is that correct?

The INTERPRETER: And Bodo?

Mr HOOPER: And Bodo.

WITNESS MN: I just heard the name of Zahid Hussein. The military told him to come out. I was at that time outside the house.

Mr HOOPER: Was Bodo there?

WITNESS MN: I didn't know.

Mr HOOPER: All right. And after the men had been taken out, the men that were there, and their hands tied, you heard one of the officers on the phone?

WITNESS MN: Yes.

Mr HOOPER: You heard him say words to this effect: “We have caught 87 of them. What should we do now?”

WITNESS MN: Yes, 87 of them. I heard that.

Mr HOOPER: So this officer was asking, you think, someone else what they should do?

WITNESS MN: Yes. He said: “We have arrested 87 of them. What should we do with them?”

Mr HOOPER: Then you are tied up and left lying on the ground for a long time, three or four hours you told us, and then you are taken to the place where you see a lot of bodies. In your statement, you say that was 20 paces; is that correct?

INTERPRETER: Twenty?

Mr HOOPER: Twenty paces.

INTERPRETER: Paces?

Mr HOOPER: Yes. Steps. The exact words — let me put the exact words to you. I will read your statement to you. This is paragraph 24. “When my time came, I think it was around 3 o’clock”. You do have your statement, Sir? Good. You refresh your memory from that. “I think it was around 3 o’clock, they took me and five others and made us walk about 20 steps”; is that right? Twenty steps, that is the question I am asking you. Did you walk from where you were lying down to the place where you saw the bodies and it was 20 steps?

WITNESS MN: Yes. I didn’t count exactly how many steps there were, but I just estimated it could be 20 steps.

Mr HOOPER: I understand that. While you were lying on the ground, you didn’t hear anything?

WITNESS MN: I heard clearly when the officer on the telephone told they have arrested 87 of them, what should they do with them.

Mr HOOPER: I understand.

WITNESS MN: After that, they are taking some people in the group to another place.

Mr HOOPER: Anyway, you make your escape and you go to a neighbouring village?

INTERPRETER: Which village?

Mr HOOPER: I will put the question again. You make your escape, and you go to another village and you meet up with your wife and family?

WITNESS MN: Yes, they were in [REDACTED].

Mr HOOPER: We can see at paragraph 20 that the military had taken them to [REDACTED]'s house. [REDACTED]'s house; is that correct?

WITNESS MN: After I was tied behind my back and put me on the ground, they search my wife's body and taken every valuable from her. My wife and children were left in [REDACTED]'s house.

Mr HOOPER: Can I refer you to your paragraph 31. I will read it. You can read English, I take it, Sir? We will leave it. Don't worry about the statement. I can put the essence of it to you: your wife and children were taken to [REDACTED]'s house and you explain how they and at least 100 women and children were placed there and remained there all day, and eventually —

WITNESS MN: They were there. These women and children were there.

Mr HOOPER: Eventually they were able to be released?

WITNESS MN: No, they were not released by soldiers themselves. They were there in the middle of the night, until the middle of the night, when some other people who went from outside, unlocked the door and released them.

Mr HOOPER: Yes, but they were all safe?

WITNESS MN: Yes, but they were very thirsty. They didn't have any water there. They have to drink very unclean water.

Mr HOOPER: Now I am turning to your paragraph 32 and you say: "Since my village was burnt down, for how long could [we] stay in other people's houses?" In other words, you couldn't stay in other people's houses?

WITNESS MN: Yes.

Mr HOOPER: You say: "We knew that the military did this to force us out of the country."

WITNESS MN: Yes, this was the thinking which came to my mind since my house was burned down to ash. I didn't have any place. I have to stay in the open sky.

Mr HOOPER: Then, together with your mother, your own family, you make your way to Bangladesh, arriving on [REDACTED]?

WITNESS MN: [REDACTED] arrived in Bangladesh.

Mr HOOPER: Do you still have family living in Rakhine?

WITNESS MN: I have [REDACTED] whom I left in Rakhine.

Mr HOOPER: What does he do? What does [REDACTED] do?

WITNESS MN: He is [REDACTED].

Mr HOOPER: Those are all my questions. Thank you, Sir, for your patience in answering them.

WITNESS MN: Thank you very much.

Mr HOOPER: Mr President.

The PRESIDENT: I thank Mr Hooper. Before I give the floor to counsel for The Gambia for re-examination, the Court will observe a break of 15 minutes. The hearing is suspended.

*The Court adjourned from 11.45 a.m. to 12.10 p.m.*

The PRESIDENT: Please be seated. The sitting is resumed. Witness MN may be brought into the courtroom, thank you. I now give the floor to counsel for The Gambia, Ms Torres Camprubí, for re-examination.

Ms TORRES CAMPRUBÍ: Thank you. Thank you, Mr President. We have no need for re-examination questions.

The PRESIDENT: Okay. Thank you. Now, Witness MN, certain judges wish to put questions to you. Please respond to each judge's question after it is put to you. When you have finished, I will call on the next judge who wishes to put the question. I would like to remind the judges that your speech is interpreted consecutively, so please allow some time for interpretation. I start with the Vice-President. You have the floor, Madam.

The VICE-PRESIDENT: Good afternoon, Mr Witness. I have a few questions for you arising out of your statements and the testimony you've just given. First, I'd like to you clarify for us, according to the statement that we have received on the record, it shows that your interview was taken on [REDACTED], and that the statement was read back to you on [REDACTED]; is that correct?

WITNESS MN: That is correct.

The VICE-PRESIDENT: I am just wondering because 2013 is before 2020.

WITNESS MN: Can you repeat the question, please.

The VICE-PRESIDENT: You were interviewed on [REDACTED]; is that correct?

WITNESS MN: Yes, correct.

The VICE-PRESIDENT: Now, the question that I am wondering about is this: When this statement was read back to you, it is recorded that that happened on [REDACTED]; is that correct?

WITNESS MN: It's correct.

The VICE-PRESIDENT: I think I'll leave that to counsel responsible to correct it. Logically, it cannot be. But moving on.

WITNESS MN: I thought 2013 came before — after 2020.

The VICE-PRESIDENT: Mr Witness, don't worry too much about that. Yes, so now I go specifically to your statement, the witness statement. I am going to ask you a few questions arising out of that.

WITNESS MN: Yes.

The VICE-PRESIDENT: In your statement, you state at the opening that you were born at the village of Monu Para, which is Maung Nu; is that correct?

WITNESS MN: That's correct.

The VICE-PRESIDENT: So do you consider yourself a citizen of Myanmar because you were born there?

WITNESS MN: I am not a citizen of the country because the Government doesn't accept us as citizens of the country. We are living there temporarily.

The VICE-PRESIDENT: What category? You mentioned in cross-examination that you hold a white card. Could you explain what category of citizenship that is?

WITNESS MN: White card means a temporary card in Burmese, we call it [*foreign language*].

The VICE-PRESIDENT: Moving on, you state in paragraph 20 of your statement, you describe what happened when the military found you in the house of Zahid Hussein, and you say that “[t]he military then took both me and my wife outside. They searched my wife's body and took all

the money and gold that she had with her. Then they took her to a house where other women and children were being held. They took them to [REDACTED]'s house, they kicked me on the neck and back and tied my hands". Now, my question is what explanation, if any, did the soldiers give you for this treatment, for treating you this way?

WITNESS MN: Yes, they treated me this way because I am not a holder of a red card. They have a red card, also a white card. Red card holders have every rights, while white card holders do not have the right to go from one village to another village. Just to visit from village to village we have to fill out a form, which we call form four, from the immigration office. This form is issued by the immigration office, and we submit the form to them.

The VICE-PRESIDENT: So you are saying that they kicked you on the neck and back and tied your hands because you were found in a place where you're not supposed to be without permission. Is this your testimony?

WITNESS MN: Yes, I could see they did to me either to kill me or to persecute me so that I leave that country — they don't call us "Rohingya", they call us "Bengali" or "Kalar". According to them, we didn't have the right to stay in that land. That's why they were systematically persecuting us so that we flee from that country.

The VICE-PRESIDENT: Moving on, in paragraph 23, you speak about the 87 people that were arrested by the military, including yourself, and you say in the middle of that paragraph that after this particular soldier asked and spoke on the phone, what he should be doing with the 87, you say, "Later they began to take five to six people to another place that we could not see from where we were. They killed those people." Now, the question from me is, how do you know that they killed all the 87 people if you could not see from where you were?

WITNESS MN: I got to know they were killed when I was also brought to that place. Before, I didn't know they were killed or they were taken to another place.

The VICE-PRESIDENT: Are you saying you don't know that all 87 actually were killed?

WITNESS MN: When I was brought to that place, there were 60 — 65 people who were killed. At that time, I had the opportunity to run away.

The VICE-PRESIDENT: So before you ran away, you ascertained that at least 65 people had been killed. Is this your testimony?

WITNESS MN: Yes, I estimated that could be 65 people.

The VICE-PRESIDENT: Sixty-five estimated. Thank you. Moving on, you mention in paragraph 25, that amongst the people who died or who were killed was an eight-year-old boy, your nephew and also your father, who was 80 years old; is that correct?

WITNESS MN: My nephew, son of my brother, also my father. Yes, my father, 80 years old, also Mullah [REDACTED], 90 years old.

The VICE-PRESIDENT: Now, do you know what happened to the body of your father?

WITNESS MN: My father's body was on the pile, that's the piles of body.

The VICE-PRESIDENT: So did you ever bury your father's body?

WITNESS MN: No, no, I didn't have the opportunity to do so.

The VICE-PRESIDENT: Moving on to paragraph 30.

Ms TORRES CAMPRUBÍ: Mr President, I see that the witness is visibly distressed. May I request that you ask him if he is all right at this moment?

WITNESS MN: I can continue, because I become very sad when I hear about my father — when it reminds me of my father.

The VICE-PRESIDENT: Mr Witness, I personally would like to apologize for causing you stress, but we are a Court of law and difficult questions have to be asked, so please hold on for a little bit longer. The most important thing is you get to tell your truth today in Court.

WITNESS MN: Yes, I can continue.

The VICE-PRESIDENT: In paragraph 30, you say at [REDACTED], you stayed there for a few days with your in-laws and then the military started burning the villages: “they burned everything on the east side of the [REDACTED] River, everyone started running”. Now, my question is: how do you know who burned these villages?

WITNESS MN: When the military fire missile launchers, it makes noise, a hard explosion, very big explosions. Only the military could have these things. They just didn’t set on fire the house by match or little fire; they burned these houses by firings, launchers and missiles towards the house.

The VICE-PRESIDENT: Thank you. In your paragraph 34, you say, regarding the refugee camp and the conditions where you live, you say: “Living in the refugee camp here is like being in jail. We have to stay in the house, only eating what we get from donations. I only go to teach and come back. I cannot go out. We live like jungle people.” Is this correct?

WITNESS MN: It’s correct.

The VICE-PRESIDENT: Can you describe a little bit for us what the conditions in the camp where you live are like today?

WITNESS MN: The tent houses in the refugee camps are adjacent to one another, just attached one house to another house. Also, there is a lot of dirt, dirty things surrounding these houses. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED].

The VICE-PRESIDENT: So now where do you live?

WITNESS MN: I am here. The [REDACTED] incident occurred while I am here, so families just wandering here and there. Also, maybe they have a plastic tarp, a plastic roof, so living like a dog.

The VICE-PRESIDENT: I am sorry to hear that. I have just a couple more questions arising from what you have stated now today in court, either from when one lawyer asked you or the other lawyer asked you.

WITNESS MN: Yes, you can continue.

The VICE-PRESIDENT: When the lawyer for The Gambia was talking to you, she asked you about the security and safety situation in the camp and you said that when you first arrived at the camp, all was safe, but since then you have heard of kidnapping of people; is that correct?

WITNESS MN: Yes, it's correct.

The VICE-PRESIDENT: Who have you heard kidnaps people and for what reasons?

WITNESS MN: Just for money, people are being kidnapped.

The VICE-PRESIDENT: So the kidnapping is not related to any political reason?

WITNESS MN: I cannot say clearly anything about that. I can just say we live in very difficult situations.

The VICE-PRESIDENT: Lastly, I think when counsel for Myanmar was asking you questions, he asked you what you had heard about ARSA and you said that you were not aware of any ARSA member; is that correct?

WITNESS MN: I said I heard the name ARSA, but I didn't encounter, I didn't know any ARSA member personally.

The VICE-PRESIDENT: What do you know about ARSA?

WITNESS MN: Since I didn't meet any ARSAs, how could I know more about ARSA?

The VICE-PRESIDENT: From what you hear. Who are ARSA? We are trying to understand who ARSA is, so I am asking you, from what you have heard, what have you heard that ARSA is? What do they do? Who is ARSA?

WITNESS MN: I just heard from other people there is a group named ARSA, but I didn't know what they are doing, what was their ideology. If I say something from my own, it can be wrong also. That's why I don't want to make any assertions about them.

The VICE-PRESIDENT: I appreciate that, Mr Witness, and I thank you for the answers. Those are the only questions from myself. Mr President.

The PRESIDENT: I thank the Vice-President for the questions. I next call upon Judge Nolte to put his question.

Judge NOLTE: Thank you, Mr President, and thank you Mr Witness MN for being available today. It is greatly appreciated. I have one question and it relates to your witness statement of [REDACTED] 2020 at paragraph 32. Paragraph 32 reads: "After reuniting with my family, we stayed a few more days and we discussed what to do. Since my village was burned down, for how long could [we] stay in other people's houses? We knew that the military did this to force us out of the country. So we left, we came to Bangladesh." This is what you said in the 2022 statement.

My question is: what made you think that the military did this to force you and your group out of the country? And did other people, in addition to your family and yourself, have the same view that the military did this to "force us out of the country"? Did other people think the same thing?

WITNESS MN: I thought that because we didn't have any other places to go, any other roof to save ourselves under the roof, or any house. We had a 40-*kani* paddy field in the grounds. Also, when we plant paddy, we can have 3,000 *ari*, a unit of measurement, of paddies. Also, my family has livestock — cows — worth 20 to 22. We had to leave all those things because we didn't have a place to stay. That's why I thought just to force us to leave to another country, the military did that. At the same time, the military was killing people. I was also afraid of being killed if I didn't flee.

Judge NOLTE: If I may, part of my question was whether other people had the same view that the military was doing that to force, not just you personally and your family, but also the group, the Rohingya group, out of the country.

WITNESS MN: I think so, maybe, they also had the same view. There were people, many of them, without any education. They were even more afraid than me.

Judge NOLTE: Thank you, Mr President.

The PRESIDENT: I thank Judge Nolte for his question. I now give the floor to Judge Aurescu.

Judge AURESCU: Thank you, Mr President, and thank you Mr Witness for being with us today. My question relates to your statement of 2020, paragraphs 23 and 24. In paragraph 23, you said: "They killed those people. They had tied their hands and they fired at them."

Then in paragraph 24, you said that "around 3 o'clock, they took me and five others and made us walk about 20 steps and then ordered us to stop and sit. They took us where they had taken other people and killed them." And it was in that place where the other bodies were lying?

WITNESS MN: Yes, dead bodies were there.

Judge AURESCU: I have two questions for you. While you were waiting with your face down and your hands tied behind your back, did you hear anything like gunfire or people begging for their lives in your proximity?

WITNESS MN: Yes, I heard gunfire. There was rampant gunfire.

Judge AURESCU: Did you also hear people crying for help or begging for their lives?

WITNESS MN: People just called "God", "Allah". Not military, I heard people calling "God". They were being hit by the military also.

Judge AURESCU: Thank you. My second question is: did you hear the military saying anything about why they were treating you and the other villagers in the way described in your statement? Did they offer any explanation?

WITNESS MN: We didn't get any chance to ask the military why they were doing this. We had just to follow their order and they ordered us to sit, then we have to sit. When they asked to lie down, we had to lie down. No question from us.

Judge AURESCU: Thank you. Thank you, Mr President.

The PRESIDENT: I thank, Judge Aureescu for his question. I now give the floor to Judge Tladi.

Judge TLADI: Thank you very much, Mr President. And I also wish to express my gratitude to the witness. I have a question concerning your own personal fate. At paragraph 23, you mention that you were captured with these 87 other men. So maybe I can just ask the question and then. . . So, you mentioned that you were captured and you were under these conditions with these 87 other men, but you were able to escape and I want to know from you whether — of these other 87 men or the other men that you were with — if you know, subsequently, of any other who survived the attack and, if they survived, whether they survived because they were released or because they also like you escaped. That is my question.

WITNESS MN: No one had the opportunity to run away. When I r[a]n away, another person namely Mr [REDACTED] was added in that group. He worked with the [REDACTED] and NGO.

Judge TLADI: So, if I may just ask to clarify one more time. To the best of your knowledge, none of these men who you were with survived the attack apart from you, to the best of your knowledge?

WITNESS MN: None of them.

The PRESIDENT: Okay. I thank Judge Tladi. The final question comes from Judge Hmoud. You have the floor.

Ms TORRES CAMPRUBÍ: Mr President, I'm sorry, Judge [Hmoud], I am really. . . forgive me for the interruption. May he be given just one second? Thank you.

The PRESIDENT: Yes, yes, yes.

WITNESS MN: Yes, we can continue.

The PRESIDENT: Okay. I give the floor now to Judge Hmoud.

Judge HMOUD: Thank you, Mr President. And I thank the witness for coming here and presenting his account of what happened with him. My question is with regard to the affidavit, and I don't know if you have it in front of you of [REDACTED] 2025. In paragraph 4, you are saying: "I am concerned about the risks to which my family and I will be exposed as a result of our identities being disclosed to the other party," being Myanmar, "given the reach the government has within the camps in Bangladesh." And then you add, "this was the reason I did not consent to disclosing my identity to the other party in March 2023 upon request." I would like to ask the witness, in the cross examination, when the counsel for Myanmar asked you about this statement, you said: "I did not say this." So, can the witness say which statement is right? Did he say this in the affidavit, or he did not say this?

Ms TORRES CAMPRUBÍ: Mr President, I . . . please forgive me for interrupting the interpreter: I believe — and he may correct me if I'm wrong — that the actual paragraph 4 that Judge [Hmoud] just read is not being read out to him, that he is just reading . . . translating from his own notes. I just wish to confirm that he is not being read out the paragraph itself.

The INTERPRETER: No, it [was] not read out to him.

Ms TORRES CAMPRUBÍ: Thank you. No, I believe it's paragraph 4 of the affidavit.

Judge HMOUD: Yes, it's paragraph 4 of the affidavit.

WITNESS MN: I'm not sure whether [the] counsel for Myanmar asked me such [a] question. I [don't] remember.

Judge HMOUD: Yes, I believe the counsel did ask about this paragraph. And what I recorded here is that you said: "No, I did not say this." My question is: this statement with regard to you not wanting your identity to be disclosed to the other party, being Myanmar, is because you are worried about their reach in the camps, the camps in Bangladesh, which is a true statement? Thank you.

WITNESS MN: Yes, it is correct. There are operatives, military operatives, people working for them. I've heard some other people. That's why we have a fear always. That's why. . . that's why I didn't consent to disclose my full name, but I give my name to the Court.

Judge HMOUD: I'd like to thank the witness for his clarification, so what you have in paragraph 4 of the affidavit is correct.

WITNESS MN: Yes, it's correct.

Judge HMOUD: Thank you. I have no further questions.

WITNESS MN: I can continue with any other. . . some other questions.

The PRESIDENT: Thank you, Judge Hmoud. There is no other judge who would like to ask a question, so I'd like to thank Witness MN for having come to The Hague to appear before this Court. I'm really grateful to Witness MN for coming to the Court. I know. . . we know that some of the questions were hard to answer. So, we are grateful and you may now leave the room, the courtroom.

WITNESS MN: Can I have the opportunity to say something [as a last word]?

The PRESIDENT: Yes, you can.

WITNESS MN: I came here from very [far] away. Actually, I'm not eligible to come to this country, but with the help of LAW [Legal Action Worldwide], I could come to this country and today to this Court, I could tell what I have in my heart, what I have in my mind, and I feel very happy. Members of the Court, [*inaudible*] my statements, and for my village, for my community, for my people, I could say what is very important. And I will be waiting for justice. Our people deserve justice.

The PRESIDENT: Okay. I thank once again Witness MN for having come to The Hague to appear before this Court and giving his testimony. You may now leave the courtroom.

WITNESS MN: Shukriya: thank you. Thank you, everyone.

The PRESIDENT: The Court will meet again this afternoon at 3 p.m. in closed session to hear The Gambia's second witness, Witness NJ. The sitting is closed.

*The Court rose at 12.55 p.m.*

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