

Situation in Darfur, Sudan

ICC-PIDS-CIS-SUD-05-004/18_Eng

The Prosecutor v. Abdel Raheem Muhammad Hussein

Updated: April 2018

ICC-02/05-01/12

Abdel Raheem Muhammad Hussein



Age: Over sixty

Place of birth: Born in or around Dankla in Karma city in North Khartoum

Nationality: Sudanese

Status: Current Minister of National Defence and former Minister of the Interior and former Sudanese President's Special Representative in Darfur

Warrant of arrest: 1 March 2012

Status of proceedings: The execution of the arrest warrant is pending

Charges

The warrant of arrest for Abdel Raheem Muhammad Hussein ("Hussein") lists 13 crimes on the basis of his individual criminal responsibility under article 25(3)(a) of the Rome Statute as an indirect (co)perpetrator including:

- **Seven crimes against humanity:** persecution (article 7(1)(h)); murder (article 7(1)(a)); forcible transfer (article 7(1)(d)); rape (article 7(1)(g)); inhumane acts (article 7(1)(k)); imprisonment or severe deprivation of liberty (article 7(1)(e)); and torture (article 7(1)(f)).
- **Six war crimes:** murder (article 8(2)(c)(i)); attacks against a civilian population (article 8(2)(e)(i)); destruction of property (article 8(2)(e)(xii)); rape (article 8(2)(e)(vi)); pillaging (article 8(2)(e)(v)); and outrage upon personal dignity (article 8(2)(c)(ii)).

Alleged crimes (non-exhaustive list)

Pre-Trial Chamber I considers that there are reasonable grounds to believe that:

- From about August 2002 and at all times relevant to the Prosecutor's Application, a protracted armed conflict not of an international character existed in Darfur between the Sudanese armed forces along with the Militia/*Janjaweed* on the side of the Government of the Republic of the Sudan) and several organised armed groups, in particular the Sudanese Liberation Movement/Army (SLM/A) and the Justice and Equality Movement (JEM);
- A common plan was formulated at the highest levels of the Government of the Republic of the Sudan to carry out a counter-insurgency campaign against the SLM/A, the JEM and other armed groups opposing the Government, that a core component of the common plan was an unlawful attack on that part of the civilian population perceived by the Government of the Republic of the Sudan as being close to the rebel groups – belonging largely to the Fur, Masalit and Zaghawa groups – and that the alleged crimes were committed pursuant to the common plan;
- The attacks perpetrated by the Sudanese armed forces and/or the Militia/*Janjaweed*, acting together as part of the counterinsurgency campaign, were committed in the context of a systematic and widespread attack pursuant to a State or organisational policy to attack the civilian population, belonging largely to the Fur, Masalit and Zaghawa groups, perceived as being associated with the rebels.
- During these attacks war crimes and crimes against humanity have been committed, against the primarily Fur populations of the towns of Kodoom, Bindisi, Mukjar, Arawala and surrounding areas by the Sudanese armed forces and the Militia/*Janjaweed*.

Pre-Trial Chamber I also found that there are reasonable grounds to believe that:

- In his role as Minister of the Interior and Special Representative of the President in Darfur and as an influential member of the Government of the Republic of the Sudan, Mr Hussein made essential contributions to the formulation and implementation of the common plan, *inter alia*, through his overall coordination of national, state and local security entities and through the recruitment, arming and funding of the police forces and the Militia/*Janjaweed* in Darfur;
- At this stage, his arrest appears to be necessary to ensure his appearance at trial and to ensure that he will not obstruct or endanger the investigations.

Key judicial developments

REFERRAL AND OPENING OF THE INVESTIGATION

The International Commission of Inquiry on Darfur was established by former United Nations (UN) Secretary-General Kofi Annan pursuant to the Security Council resolution 1564. The Commission reported to the UN in January 2005 that there was reason to believe that crimes against humanity and war crimes had been committed in Darfur and recommended that the situation be referred to the International Criminal Court.

Using its authority under the Rome Statute, the UN Security Council referred the situation in Darfur since 1 July 2002 to the Prosecutor of the International Criminal Court in resolution 1593 on 31 March 2005.

Following the referral from the UN Security Council, the Prosecutor received the conclusion of the International Commission of Inquiry on Darfur. In addition, the Office of the Prosecutor requested information from a variety of sources, leading to the collection of thousands of documents. The Prosecutor concluded that the statutory requirements for initiating an investigation were satisfied and decided to open the investigation on 6 June 2005.

WARRANT OF ARREST

On 2 December 2011, the Prosecutor submitted an application for the issuance of a warrant of arrest for Abdel Raheem Muhammad Hussein.

On 27 January 2012, Pre-Trial Chamber I requested additional supporting material in relation with the Prosecution Application.

On 1 February 2012, the Prosecutor submitted further material in compliance with the above-mentioned decision of the Pre-Trial Chamber.

On 1 March 2012, Pre-Trial Chamber I issued a warrant of arrest for Mr Hussein for charges of war crimes and crimes against humanity.

Composition of Pre-Trial Chamber II

Judge Antoine Kesia-Mbe Mindua, Presiding Judge

Judge Tomoko Akane

Judge Rosario Salvatore Aitala

Representation of the Office of the Prosecutor

Fatou Bensouda, Prosecutor

James Stewart, Deputy Prosecutor

Defence Counsel for Abdel Raheem Muhammad Hussein

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Legal Representatives of the Victims

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