

Situation in Darfur, Sudan

ICC-PIOS-CIS-SUD-006-002/20_Eng

The Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman

Updated: November 2020

ICC-02/05-01/20

Suspected of crimes against humanity and war crimes allegedly committed in Darfur, Sudan. Transferred to the ICC on 9 June 2020. First appearance on 15 June 2020. Confirmation of charges hearing scheduled for 22 February 2021.

Ali Muhammad Ali Abd-Al-Rahman



Date of birth: 1949

Place of birth: Sudan

Nationality: Sudanese

First warrant of arrest: 27 April 2007

Second warrant of arrest: made public on 11 June 2020

Transfer: 9 June 2020

Initial appearance: 15 June 2020

Confirmation of charges hearing: scheduled for 22 February 2021

Charges

The [first arrest warrant against Mr Abd-Al-Rahman](#) lists 50 counts on the basis of his individual criminal responsibility under articles 25(3)(a) and 25(3)(d) of the Rome Statute, allegedly committed during attacks against civilians on the towns of Kodoom, Bindisi, Mukjar and Arawala between August 2003 and March 2004, including:

- **Twenty-two counts of crimes against humanity:** murder (article 7(1)(a)); deportation or forcible transfer of population (article 7(1)(d)); imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law (article 7(1)(e)); torture (article 7(1)(f)); persecution (article 7(1)(h)); inhumane acts of inflicting serious bodily injury and suffering (article 7(1)(k)); rape (articles 7(1)(g)); and
- **Twenty-eight counts of war crimes:** violence to life and person (article 8(2)(c)(i)); outrage upon personal dignity in particular humiliating and degrading treatment (article 8(2)(c)(ii)); intentionally directing an attack against a civilian population (article 8(2)(e)(i)); pillaging (article 8(2)(e)(v)); rape (article 8(2)(e)(vi)); destroying or seizing the property (article 8(2)(e)(xii)).

[The second warrant of arrest](#) adds three new charges of war crimes (murder) and crimes against humanity (murder and other inhumane acts) allegedly committed in Deleig and surrounding areas between on or about 5 to 7 March 2004.

Alleged crimes (non-exhaustive list)

Ali Muhammad Ali Abd-Al-Rahman was allegedly one of the most senior leaders in the tribal hierarchy in the Wadi Salih locality and member of the Popular Defence Forces (PDF) and allegedly commanded thousands of Janjaweed militia from on or about August 2003 until on or about March 2004. He is alleged to have implemented the counter-insurgency strategy of the Government of Sudan that also resulted in the commission of war crimes and crimes against humanity in Darfur, Sudan. Mr Abd-Al-Rahman is perceived to be the mediator between the leaders of the Janjaweed militia in Wadi Salih and the Government of Sudan. He is also alleged to have enlisted fighters, armed, funded and provided food and other supplies to the Janjaweed militia under his command, thereby intentionally contributing to the above-mentioned crimes. Mr Abd-Al-Rahman is alleged to have personally participated in some of the attacks against civilians namely in the towns of Kodoom, Bindisi, Mukjar and Arawala between August 2003 and March 2004, where the killing of civilians, rape, torture and other cruel treatments occurred, therefore he allegedly committed, jointly with others, the alleged crimes.

Pre-Trial Chamber I considered that there are reasonable grounds to believe that, (i) from about August 2002, an armed conflict took place between the Government of Sudan including combatants from the Sudan People's Armed Forces (the Sudanese Armed Forces) and the Popular Defence Force (PDF) along with the Janjaweed militia against organised rebel groups, including the Sudanese Liberation Movement/Army (SLM/A) and the Justice and Equality Movement (JEM) in Darfur, Sudan; (ii) in 2003 and 2004, that the Sudanese Armed Forces and the Janjaweed militia, acting together as part of the counter-insurgency campaign, carried out several attacks, of a systematic or widespread nature, on the towns of Kodoom, Bindisi, Mukjar, Arawala and surrounding areas. In the above mentioned towns criminal acts were allegedly committed against civilians primarily from the Fur, Zaghawa and Masalit populations,

such as murders of civilians, rapes and outrages upon the personal dignity of women and girls, persecution, forcible transfers, imprisonment or severe deprivation of liberty, and attacks intentionally directed against the above-mentioned populations.

The [first warrant of arrest](#) delivered on 27 April 2007 and the [second warrant](#) published on 11 June 2020 against Mr Abd–Al-Rahman list 53 counts on the basis of his individual criminal responsibility for war crimes and crimes against humanity allegedly committed in Darfur (Sudan).

Key judicial developments

REFERRAL AND OPENING OF THE INVESTIGATION

The International Commission of Inquiry on Darfur was established by UN Secretary-General Kofi Annan pursuant to 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 the referral of the situation to the ICC.

Using its authority under the Rome Statute, the United Nations 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 United Nations 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.

WARRANTS OF ARREST

On 27 April 2007, Pre-Trial Chamber I issued a [first arrest warrant against Mr Abd–Al-Rahman](#). On 11 June 2020, Pre-Trial Chamber II reclassified as public [a second warrant of arrest](#).

ARREST AND TRANSFER

On 9 June 2020, Mr Abd–Al-Rahman was transferred to the ICC's custody after surrendering himself voluntarily in the Central African Republic. On 15 June 2020, the case of Mr Abd–Al-Rahman was severed from the case of Mr Ahmad Muhammad Harun since Mr Harun has not yet been surrendered to the Court.

INITIAL APPEARANCE

On 15 June 2020, Mr Abd–Al-Rahman appeared before Pre-Trial Chamber II's Single Judge Rosario Salvatore Aitala. The hearing was held in the presence of the Prosecutor and the Defence. Mr Abd–Al-Rahman was represented by his Duty Counsel Mr Cyril Laucci and appeared via video-link from the ICC Detention Centre.

The Single Judge verified the identity of the suspect, and ensured that he was clearly informed of the crimes he is alleged to have committed and of his rights under the Rome Statute of the ICC in a language he fully understands and speaks. The judge also set the date for the confirmation of charges hearing.

CONFIRMATION OF CHARGES HEARING

On 2 November 2020, Pre-Trial Chamber II postponed the commencement of the confirmation hearing to 22 February 2021. The hearing was initially scheduled to take place on 7 December 2020. The purpose of this hearing is to determine whether there is sufficient evidence to establish substantial grounds to believe that the person committed each of the crimes charged. If the charges are confirmed, totally or partly, the case will be transferred to a Trial Chamber, which will conduct the subsequent phase of the proceedings: the trial.

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 Cyril Laucci

Legal Representatives of the Victims

N/A