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Criminal
Court

ICC-PIDS-CIS-SUD-01-02/09_Eng
Updated: 11 June 2009

Case Information Sheet

Situation in the Darfur, Sudan

The Prosecutor

v.

*Ahmad Muhammad Harun ("Ahmad Harun")
and Ali Muhammad Ali Abd-Al-Rahman
("Ali Kushayb")*

Case n° ICC-02/05-01/07



Ahmad Muhammad Harun ("Ahmad Harun")

Born in or about	1964
Place of birth	North Kordofan, Sudan
Nationality	National of the Republic of the Sudan
Tribe	Bargou
Current situation	Member of the Government of Sudan, Minister of State for Humanitarian Affairs since 2006
Warrant of arrest issued by Pre-Trial Chamber I	27 April 2007
Surrender to the court	pending

Counts The warrant of arrest against Ahmad Muhammad Harun lists 42 counts on the basis of his individual criminal responsibility (articles 25(3)(b) and 25(3)(d) of the Rome Statute) including:

- **twenty counts of crimes against humanity:** (murder - articles 7(1)(a) and 25(3)(d); persecution - articles 7(1)(h) and 25(3)(d); forcible transfer of population - articles 7(1)(d) and 25(3)(d); rape - articles 7(1)(g) and 25(3)(d); inhumane acts - articles 7(1)(k) and 25(3)(d); imprisonment or severe deprivation of liberty - articles 7(1)(e) and 25(3)(d); and torture - articles 7(1)(f) and 25(3)(d); and

- **twenty-two counts of war crimes:** (murder - articles 8(2)(c)(i) and 25(3)(d); attacks against the civilian population - articles 8(2)(e)(i) and 25(3)(d); destruction of property - articles 8(2)(e)(xii) and 25(3)(d); rape - articles 8(2)(e)(vi) and 25(3)(d); pillaging (articles 8(2)(e)(v) and 25(3)(d); and outrage upon personal dignity - articles 8(2)(c)(ii) and 25(3)(d)).

Ali Muhammad Ali Abd-Al-Rahman ("Ali Kushayb")

Born in or about	1957
Place of birth	Sudan
Nationality	National of the Republic of the Sudan

Current situation	believed to be in the custody of the Sudanese Police
Warrant of arrest issued by Pre-Trial Chamber I	27 April 2007
Surrender to the court	pending
Counts	The warrant of arrest against Ali Kushayb listed 50 counts on the basis of his individual criminal responsibility (article 25(3)(a) and 25 (3)(d) of the Rome Statute) 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); tortures - article 7(1)(f); persecution - article 7(1)(h); inhumane acts of inflicting serious bodily injury and suffering - article 7(1)(k), • 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).

Alleged crimes (non-exhaustive list)

An armed conflict took place allegedly between the Government of Sudan including combatants from the Sudan People's Armed Forces ('the Sudanese Armed Forces') and the Popular Defence Force (the 'PDF') along with the Militia/*Janjaweed* against organized rebel groups, including the Sudanese Liberation Movement/Army (SLM/A) and the Justice and Equality Movement (JEM) in Darfur, Sudan. It is alleged that the Sudanese Armed Forces and the Militia/*Janjaweed*, 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 2003 and 2004. 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.

Mr Ahmad Harun served from 2003 to 2005 as Minister of the State for the Interior of the Government of Sudan and allegedly in charge of the management of the "Darfur Security Desk" thereby co-ordinating the different bodies of the Government involved in the counter-insurgency, including the Police, the Armed Forces, the National Security and Intelligence Service and the Militia/*Janjaweed*. The Pre-Trial Chamber decided that there are reasonable grounds to believe that Ahmad Harun, by virtue of his above-mentioned position, had knowledge of the crimes committed against the civilian population and of the methods used by the Militia/*Janjaweed*; and that in his public speeches Ahmad Harun not only demonstrated that he knew that the Militia/*Janjaweed* were attacking civilians and pillaging towns and villages, but also personally encouraged the commission of such illegal acts; and that due to his position at the Darfur Security Desk and through his overall co-ordination and personal participation in key activities of the Security Committees, namely the recruiting, arming and funding of the Militia/*Janjaweed* in Darfur, Ahmad Harun intentionally contributed to the commission of the above-mentioned crimes.

Mr Ali Kushayb, one of the most senior leaders in the tribal hierarchy in the Wadi Salih locality and member of the Popular Defence Forces (PDF), allegedly commanded thousands of Militia/*Janjaweed* from on or about August 2003 until on or about March 2004. Ali Kushayb 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. Ali Kushayb is perceived to be the mediator between the leaders of the Militia/*Janjaweed* 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 Militia/*Janjaweed* under his command, thereby internationally contributing to the above-mentioned crimes. Ali Kushayb is alleged to have personally participated in some of the attacks against civilians namely in the towns of Kodoom, Bindist, 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 above-mentioned crimes.



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 March 31, 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 June 6, 2005.

Warrants of arrest

On 27 February 2007, Pre-Trial Chamber I issued two warrants of arrest, against Ali Kushayb and Ahmed Harun. Harun and Kushayb are still at large.

Composition of Pre-Trial Chamber I

Judge Sylvia Steiner (Brazil), Presiding Judge

Judge Sanji Mmasenono Monageng (Botswana)

Judge Cuno Tarfusser (Italy)

Representation of the Office of the Prosecutor:

Luis Moreno Ocampo, Prosecutor

Fatou Bensouda, Deputy Prosecutor

Essa Faal, Senior Trial Lawyer

Defence Counsel for Mr Kushayb:

N/A

Defence Counsel for Mr Harun:

N/A

Legal Representatives of Victims:

N/A

