

## Situation in Darfur, Sudan

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

ICC-PIOS-CIS-SUD-006-010/23\_Eng

ICC-02/05-01/20

Updated: 11 May 2023

Suspected of crimes against humanity and war crimes allegedly committed in Darfur, Sudan. Confirmation of charges hearing took place on 24 – 26 May 2021. Charges confirmed on 9 July 2021. Trial opened on 5 April 2022 and is ongoing.

### **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:** 9 July 2021

**Opening of the trial:** 5 April 2022

### CHARGES

According to the [Prosecution's submission of the Document Containing the Charges](#), Mr Abd-Al-Rahman is suspected of 31 counts of war crimes and crimes against humanity allegedly committed between August 2003 and at least April 2004 in Darfur, Sudan.

### Alleged crimes (non-exhaustive list)

According to the [Prosecution's submission of the Document Containing the Charges](#), between at least August 2003 and at least April 2004, Mr Abd-Al-Rahman was a senior leader of the Militia/Janjaweed in the Wadi Salih and Mukjar Localities, West Darfur State, Sudan.

Mr Abd-Al-Rahman is suspected of 31 counts of war crimes and crimes against humanity allegedly committed between August 2003 and at least April 2004 in Darfur, Sudan, including: Intentionally directing attacks against the civilian population as such, as a war crime; murder as a crime against humanity and as a war crime; pillaging as a war crime; destruction of the property of an adversary as a war crime; other inhumane acts as a crime against humanity; outrages upon personal dignity as a war crime; rape as a crime against humanity and a war crime; forcible transfer as a crime against humanity; persecution as a crime against humanity; torture as a crime against humanity and a war crime; cruel treatment as a war crime; attempted murder as a crime against humanity and a war crime.

### 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

[The confirmation of charges](#) hearing took place on 24 -26 May 2021. On 9 July 2021, Pre-Trial Chamber II [confirmed](#) all the charges of war crimes and crimes against humanity brought by the Prosecutor against Mr Abd-Al-Rahman and committed him to trial before a Trial Chamber.

## TRIAL

On 21 July 2021, the Presidency constituted Trial Chamber I to be in charge of this case. Trial Chamber I is composed of Judges Reine Alapini Gansou, Joanna Korner and Althea Violet Alexis-Windsor. On 5 April 2022, the trial opened before Trial Chamber I and is currently ongoing. The Prosecution called 56 witnesses to appear in the courtroom and has [finished presenting its evidence](#).

On 19 April 2023, during a public hearing, the Trial Chamber rejected the Defence's request in the Abd-Al-Rahman case to acquit the accused from 4 out of the 31 counts against him.

The common legal representatives of the victims are scheduled to make their opening statements and call their witnesses on 5-7 June 2023. The Defence is scheduled to make opening statements and start presenting its case on 28 August 2023.

## PARTICIPATION OF VICTIMS

To date, the judges have authorised 600 victims to participate in the trial. They are represented by their Legal representative, Natalie von Wistinghausen and Associate Counsel Anand Shah.

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### Composition of Trial Chamber I

Judge Joanna Korner, Presiding Judge  
Judge Reine Alapini-Gansou  
Judge Althea Violet Alexis-Windsor

### Representation of the Office of the Prosecutor

Karim A.A. Khan KC, Prosecutor  
Nazhat Shameem Khan, Deputy Prosecutor  
Julian Nicholls, Senior trial lawyer

### Defence Counsel

Cyril Laucci, Lead Counsel  
Iain Edwards, Associate Counsel

### Legal Representatives of the Victims

Natalie von Wistinghausen  
Anand Shah