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PRE-TRIAL CHAMBER II

Before: Judge Antoine Kesia-Mbe Mindua, Presiding Judge
Judge Tomoko Akane
Judge Rosario Salvatore Aitala

SITUATION IN DARFUR, SUDAN

IN THE CASE OF *THE PROSECUTOR v.*

***AHMAD MUHAMMAD HARUN ("AHMAD HARUN") AND
ALI MUHAMMAD ALI ABD-AL-RAHMAN ("ALI KUSHAYB")***

Public

**Public redacted version of 'Second warrant of arrest for Ali Muhammad Ali Abd-Al-Rahman ("Ali Kushayb")', 16 January 2018, ICC-02/05-01/07-74-
Secret-Exp**

To be notified, in accordance with regulation 31 of the Regulations of the Court, to:

The Office of the Prosecutor

Fatou Bensouda

James Stewart

Julian Nicholls

Counsel for the Defence

Legal Representatives of the Victims

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

**The Office of Public Counsel for
Victims**

**The Office of Public Counsel for the
Defence**

States Representatives

Amicus Curiae

REGISTRY

Registrar

Peter Lewis

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

Pre-Trial Chamber II (“Chamber”) of the International Criminal Court, on the application of the Prosecutor,¹ issues this warrant of arrest pursuant to article 58 of the Rome Statute (“Statute”) for

Ali Muhammad Ali Abd-Al-Rahman (“Ali Kushayb”)²

approximately 60 years of age, national of the Republic of Sudan (“Sudan”), whose father is from the Taisha (Taicha) tribe and whose mother is from the Dangaoui tribe from southern Sudan, who is believed to be a tribal leader and member of the Popular Defence Force (“PDF”), who was an “*aqid al-ogada*” (colonel of colonels) for the Wadi Salih area in Darfur, and who is believed to have been one of the top commanders of the Janjaweed/Militia.

I. Introduction

1. On 27 April 2007, Pre-Trial Chamber I, upon application of the Prosecutor,³ issued a warrant of arrest for Ali Kushayb with regard to 50 counts of war crimes and crimes against humanity.⁴

2. On 3 November 2017, the Prosecutor filed the “Prosecution’s application pursuant to article 58(6) of the Rome Statute to amend the warrant of arrest for Ali Muhammad Ali Abd-Al Rahman (‘Ali Kushayb’) by adding new crimes” (“Application”).⁵

3. In the Application, the Prosecutor submits that, in addition to the crimes for which the First Warrant of Arrest was issued, Ali Kushayb is also criminally responsible for the crimes of:

¹ ICC-02/05-01/07-73-Secret-Exp.

² Alternative spellings of the name include: Ali Kosheib, Ali Kouchib, Ali Mohamed, Ali Kosheb, Koshib and Ali Koship.

³ ICC-02/05-55-US-Exp; see also ICC-02/05-62-US-Exp; ICC-02/05-64-US-Exp.

⁴ ICC-02/05-01/07-3-Corr (“First Warrant of Arrest”); see also ICC-02/05-01/07-1-Corr (“First Warrant of Arrest Decision”).

⁵ ICC-02/05-01/07-73-Secret-Exp.

- (i) Murder as a crime against humanity, pursuant to articles 7(1)(a) and 25(3)(a), (b) or (d) or 28(a) of the Statute against at least 100 civilian Fur men and approximately [REDACTED] in Deleig and surrounding areas between on or about 5 to 7 March 2004;
- (ii) Murder as a war crime, pursuant to articles 8(2)(c)(i) and 25(3)(a), (b) or (d) or 28(a) of the Statute against at least 100 civilian Fur men and approximately [REDACTED] in Deleig and surrounding areas between on or about 5 to 7 March 2004;
- (iii) Other inhumane acts as a crime against humanity, pursuant to articles 7(1)(k) and 25(3)(a), (b) or (d) or 28(a) of the Statute against well over 100 civilian Fur men in Deleig and surrounding areas between on or about 5 to 7 March 2004.⁶

4. At the outset, the Chamber finds, pursuant to article 19(1) of the Statute, that the crimes referred to in the Application fall within the jurisdiction of the Court as they are crimes referred to in article 5 of the Statute, are alleged to have occurred after the entry into force of the Statute, and fall within the parameters of the situation referred to the Court by the United Nations Security Council pursuant to article 13(b) of the Statute.⁷ Further, in view of the Appeals Chamber's judgment of 13 July 2006,⁸ the Chamber does not deem it appropriate to determine on its own motion pursuant to article 19(1) of the Statute, and at this stage of the proceedings which are conducted *ex parte*, the admissibility of the case as concerns the crimes alleged in the Application.

⁶ Application, para. 13.

⁷ Security Council Resolution 1593 (2005).

⁸ *Situation in the Democratic Republic of the Congo*, "Judgment on the Prosecutor's appeal against the decision of Pre-Trial Chamber I entitled 'Decision on the Prosecutor's Application for Warrants of Arrest, Article 58'", ICC-01/04-169.

II. Reference to crimes within the jurisdiction of the Court for which the arrest of Ali Kushayb is sought and statement of facts alleged to constitute those crimes

5. Article 58(1)(a) of the Statute requires for the issuance of a warrant of arrest a finding by the Chamber that there are reasonable grounds to believe that the person committed a crime within the jurisdiction of the Court. Article 58(3) of the Statute in turn stipulates that a warrant of arrest shall contain, *inter alia*, “[a] specific reference to the crimes within the jurisdiction of the Court for which the person’s arrest is sought” and “[a] concise statement of the facts which are alleged to constitute those crimes”.

6. For the purpose of the issuance of the First Warrant of Arrest, Pre-Trial Chamber I found that an armed conflict not of an international character took place in Darfur between the Government of Sudan including combatants from the Sudanese Armed Forces (“SAF”) and Janjaweed/Militia, and organised armed rebel movements, including the Sudan Liberation Movement/Army and the Justice and Equality Movement, from about August 2002 until at least the time relevant for the Prosecutor’s application.⁹

7. Pre-Trial Chamber I also found that a widespread and systematic attack by the SAF together with the Janjaweed/Militia against the civilian population of Darfur, pursuant to a policy to attack the civilian population perceived as being associated with the rebels, namely civilians primarily from the Fur, Zaghawa and Masalit tribes took place in the towns of Kodoom, Bindisi, Mukjar and Awarala and surrounding areas in Darfur between August 2003 and March 2004.¹⁰

⁹ First Warrant of Arrest, p. 3; First Warrant of Arrest Decision, paras 36-46.

¹⁰ First Warrant of Arrest, pp. 3-4; First Warrant of Arrest Decision, paras 63-67.

8. Furthermore, Pre-Trial Chamber I previously found that at the time relevant to the crimes alleged in the Application, Ali Kushayb was one of the most senior tribal leaders in the Wadi Salih locality and a member of the PDF, that he commanded thousands of Janjaweed/Militia, and was a senior Janjaweed/Militia leader.¹¹

9. The Chamber sees no reason to depart from these findings, underlying the factual basis of the First Warrant of Arrest which remains in force, and which are equally applicable for the crimes described in the Application.

10. For findings in relation to the remaining facts underpinning the present warrant of arrest, the Chamber bases itself on an analysis of the evidence supporting the Application,¹² including (i) witness statements taken by the Prosecutor; (ii) statements taken by the United Nations Commission of Inquiry (“UNCOI”); (iii) statements taken by the Sudanese National Commission of Inquiry (“NCI”); (iv) reports by the NCI; (v) [REDACTED]; (vi) lists of victims; and (vii) open source materials. The Chamber notes that the evidence supporting the Application was made available to the Chamber electronically by way of E-court.

11. The Chamber considers that the evidence available sufficiently demonstrates that in the days and weeks before the events in Deleig in early March 2004, described in detail below, coordinated attacks on villages and settlements in the surrounding areas of the Wadi Salih locality,¹³ occurring in the context of the counter-insurgency campaign, involving SAF and Janjaweed/Militia, which formed part of the armed conflict,¹⁴ forced villagers to flee their homes and seek refuge in the mountains and other locations,

¹¹ First Warrant of Arrest, p. 5; First Warrant of Arrest Decision, paras 95-102.

¹² Application, para. 17.

¹³ See DAR-OTP-0194-2340 at 2347.

¹⁴ See First Warrant of Arrest Decision, paras 42, 47.

before eventually converging upon Deleig in an attempt to reach relative safety.¹⁵ It appears that due to the influx of numerous internally displaced persons, the total population of Deleig, which used to amount to around 5,000 inhabitants before the conflict, seems to have almost quadrupled.¹⁶

12. The evidence before the Chamber indicates that on or about Friday, 5 March 2004, SAF including army and police together with Janjaweed/Militia began to surround Deleig and blocked entry to and exit from Deleig.¹⁷

13. The evidence further indicates that in the morning of that day, the SAF and Janjaweed/Militia proceeded to search houses for Fur civilian men,¹⁸ seemingly in particular those not originating from Deleig itself,¹⁹ and brought the arrestees to a big open area next to the Deleig police station.²⁰ It appears

¹⁵ DAR-OTP-0094-0091 at 0099-0102, paras 32-44; DAR-OTP-0107-1474 at 1484, 1485-1486; DAR-OTP-0116-1005 at 1017-1019, paras 60-69; DAR-OTP-0153-1868 at 1887, para. 92; DAR-OTP-0200-1540 at 1555, para. 51, at 1560-1564, paras 80-88; DAR-OTP-0202-0026 at 0042, para. 59; DAR-OTP-0202-1496 at 1520-1523, paras 71-77; DAR-OTP-0203-0164 at 0174-0175, paras 36-39; DAR-OTP-0205-0015 at 0024-0025, paras 31-34.

¹⁶ DAR-OTP-0029-0014 at 0015; see also DAR-OTP-0116-1005 at 1019, para. 69; DAR-OTP-0203-0165 at 0175, para. 40; DAR-OTP-0205-0015 at 0025, para. 34; DAR-OTP-0206-0105 at 0110, para. 20.

¹⁷ DAR-OTP-0094-0091 at 0103, para. 48; DAR-OTP-0107-1474 at 1486-1487; DAR-OTP-0200-1540 at 1564-1565, paras 90-91; DAR-OTP-0202-1496 at 1523, para. 79; DAR-OTP-0203-0164 at 0176, para. 42; DAR-OTP-0205-0015 at 0027, para. 41; DAR-OTP-0206-0105 at 0111, para. 24.

¹⁸ DAR-OTP-0094-0091 at 0103, para. 49; DAR-OTP-0107-1474 at 1487; DAR-OTP-0128-0128 at 0151, para. 83; DAR-OTP-0200-1540 at 1565-1566, paras 93-95; DAR-OTP-0202-0026 at 0043, para. 62; DAR-OTP-0202-1496 at 1523, para. 80.

¹⁹ DAR-OTP-0094-0091 at 0103, para. 49; DAR-OTP-0107-1474 at 1487; DAR-OTP-0202-0026 at 0044, para. 64; DAR-OTP-0202-1496 at 1523, para. 80; DAR-OTP-0203-0164 at 0176, para. 43; DAR-OTP-0206-0105 at 0112-0113, paras 26-31.

²⁰ DAR-OTP-0094-0091 at 0103, para. 50, at 0104, para. 53; DAR-OTP-0097-0328 at 0341, para. 51; DAR-OTP-0107-1474 at 1487; DAR-OTP-0116-1005 at 1019, para. 70; DAR-OTP-0128-0128 at 0151, para. 83; DAR-OTP-0200-1540 at 1566, paras 96-97; DAR-OTP-0201-0037 at 0058, para. 86; DAR-OTP-0202-0026 at 0043, para. 62; DAR-OTP-0202-1496 at 1523, para. 80; DAR-OTP-0203-0164 at 0177, para. 46; DAR-OTP-0205-0015 at 0027, para. 42; DAR-OTP-0206-0105 at 0115, para. 40. See also DAR-OTP-0037-0327 at 0329.

that the men brought to and held at this location numbered well over one hundred.²¹

14. The Chamber further considers that the available evidence demonstrates that the arrested men were made to lie face down on the ground,²² that some had their hands tied behind their backs²³ and were blindfolded,²⁴ and that they were guarded by the SAF and Janjaweed/Militia.²⁵ Further, it appears that the men were denied food or access to hygiene facilities²⁶ while lying in the sun for several hours,²⁷ and that some of them were beaten.²⁸

15. The Chamber considers that the evidence sufficiently establishes, at this stage of the proceedings, that while the large group of men was being detained at the Deleig police station as described just above, Ali Kushayb arrived²⁹ and appeared to be the person in charge:³⁰ the forces present saluted him³¹ and referred to him as “*Jenabu Ali*” (“commander Ali”),³² he spoke with

²¹ DAR-OTP-0094-0091 at 0103, para. 50; DAR-OTP-0112-0175 at 0196, para. 88; DAR-OTP-0116-1005 at 1019, para. 71; DAR-OTP-0202-0026 at 0045, para. 68; DAR-OTP-0203-0164 at 0178, para. 48; DAR-OTP-0205-0015 at 0029, para. 49; DAR-OTP-0206-0105 at 0115, para. 40.

²² DAR-OTP-0112-0175 at 0196, para. 88; DAR-OTP-0128-0128 at 0151, para. 84; DAR-OTP-0200-1540 at 1566, para. 97; DAR-OTP-0201-0037 at 0058, para. 86; DAR-OTP-0202-0026 at 0044, para. 66; DAR-OTP-0203-0164 at 0178, para. 51; DAR-OTP-0205-0015 at 0027, para. 43, at 0028, para. 47; DAR-OTP-0206-0105 at 0115, para. 40.

²³ DAR-OTP-0112-0175 at 0196, para. 88; DAR-OTP-0116-1005 at 1019, paras 70-71; DAR-OTP-0202-0026 at 0044, para. 66.

²⁴ DAR-OTP-0112-0175 at 0196, para. 88.

²⁵ DAR-OTP-0094-0091 at 0103, para. 51; DAR-OTP-0097-0328 at 0342, para. 52; DAR-OTP-0202-0026 at 0045, para. 68; DAR-OTP-0205-0015 at 0027-0028, para. 43; DAR-OTP-0206-0105 at 0115, para. 40.

²⁶ DAR-OTP-0112-0175 at 0197, para. 90.

²⁷ DAR-OTP-0202-1496 at 1525, para. 84.

²⁸ DAR-OTP-0094-0091 at 0103, para. 50; DAR-OTP-0205-0015 at 0029, para. 49; DAR-OTP-0206-0105 at 0116, para. 43.

²⁹ DAR-OTP-0097-0328 at 0342, para. 53; DAR-OTP-0116-1005 at 1019, para. 70; DAR-OTP-0200-1540 at 1568, para. 105; DAR-OTP-0201-0037 at 0058, para. 85.

³⁰ DAR-OTP-0202-0026 at 0045, para. 69; DAR-OTP-0202-1496 at 1525, para. 83; DAR-OTP-0203-0164 at 0178, para. 49; DAR-OTP-0205-0015 at 0029, para. 48; DAR-OTP-0206-0105 at 0116, para. 44.

³¹ DAR-OTP-0200-1540 at 1568, para. 105.

³² DAR-OTP-0200-1540 at 1568, para. 105.

the forces present³³ and at times on a Thuraya satellite phone.³⁴ It appears that Ali Kushayb himself brought arrestees to Deleig,³⁵ inspected each new arrival of detainees,³⁶ that he decided which detainees should be allowed to let go,³⁷ that he hit some of the arrestees with a baton or axe-like object,³⁸ and that he stood or walked on the backs of some of the detainees lying on the ground.³⁹

16. Further, the evidence before the Chamber indicates that after at least several hours of being held at the ground near the Deleig police station, the detainees were told to get onto vehicles and driven off in different directions under guard of armed Janjaweed/Militia and PDF members.⁴⁰ It appears that Ali Kushayb was present at the police station throughout this process and until the end of the transport of the detainees⁴¹ which involved vehicles leaving and returning repeatedly as they could not hold all detainees at the same time.⁴² It is noted that it appears that not all detainees were taken away in vehicles, but that some were instead released.⁴³

³³ DAR-OTP-0202-0026 at 0045, para. 69.

³⁴ DAR-OTP-0202-0026 at 0045, para. 69; DAR-OTP-0202-1496 at 1525, para. 83; DAR-OTP-0206-0105 at 0116, para. 43.

³⁵ DAR-OTP-0112-0175 at 0196, para. 87; DAR-OTP-0206-0105 at 0113, para. 32.

³⁶ DAR-OTP-0203-0164 at 0178, para. 50.

³⁷ DAR-OTP-0202-1496 at 1524, para. 82.

³⁸ DAR-OTP-0128-0128 at 0151, para. 84; DAR-OTP-0200-1540 at 1568, para. 107; DAR-OTP-0206-0105 at 0116, para. 44.

³⁹ DAR-OTP-0203-0164 at 0178, para. 48.

⁴⁰ DAR-OTP-0094-0091 at 0105, para. 56; DAR-OTP-0097-0328 at 0342, para. 52; DAR-OTP-0116-1005 at 1020, para. 73; DAR-OTP-0153-1868 at 1887, para. 96; DAR-OTP-0200-1540 at 1569, para. 108, at 1570, para. 111; DAR-OTP-0202-0026 at 0050, para. 91; DAR-OTP-0202-1496 at 1525-1526, para. 84; DAR-OTP-0203-0164 at 0179, para. 53; DAR-OTP-0205-0015 at 0029, para. 50.

⁴¹ DAR-OTP-0202-0026 at 0051, para. 92, at 0052, para. 97; DAR-OTP-0205-0015 at 0030, para. 53.

⁴² DAR-OTP-0203-0164 at 0179-0180, paras 53-55; DAR-OTP-0205-0015 at 0029, para. 50, at 0030, para. 52.

⁴³ DAR-OTP-0094-0091 at 0105, para. 58; DAR-OTP-0201-0037 at 0059, para. 90; DAR-OTP-0202-1496 at 1525, para. 83; DAR-OTP-0203-0164 at 0180, para. 56.

17. According to the evidence before the Chamber, the vehicles went into different directions, including in the direction of Garsila,⁴⁴ and returned to the ground next to the Deleig police station each time without any prisoners.⁴⁵ The evidence indicates that the prisoners were brought in several groups to a number of locations not far from Deleig,⁴⁶ and then either made to line up and shot at,⁴⁷ or made to continue on foot and shot.⁴⁸ Some of the victims had their hands tied behind their backs at the time of being shot at.⁴⁹ According to the evidence available to the Chamber, this led to the deaths of most of the detained men.⁵⁰

18. Further, the Chamber considers that the available evidence demonstrates sufficiently that some days after the first arrests and executions of men detained at Deleig police station, probably on Sunday, 7 March 2004, approximately [REDACTED] were detained, brought to Deleig, then taken away and executed.⁵¹ Ali Kushayb was personally present and involved in this undertaking.⁵²

⁴⁴ DAR-OTP-0094-0091 at 0105, para. 56; DAR-OTP-0205-0015 at 0029, para. 50.

⁴⁵ DAR-OTP-0097-0328 at 0342, para. 55; DAR-OTP-0202-0026 at 0051, para. 93; DAR-OTP-0205-0015 at 0030, para. 52.

⁴⁶ See also DAR-OTP-0205-0015 at 0031, paras 56-57, at 0032, para. 60; DAR-OTP-0206-0105 at 0118, paras 51-52.

⁴⁷ DAR-OTP-0128-0128 at 0152, para. 89; DAR-OTP-0200-1540 at 1573, para. 123.

⁴⁸ DAR-OTP-0112-0175 at 0197, para. 91.

⁴⁹ DAR-OTP-0205-0015 at 0031, paras 57-58; DAR-OTP-0206-0105 at 0118, para. 53.

⁵⁰ DAR-OTP-0112-0175 at 0197, para. 92; DAR-OTP-0200-1540 at 1572-1573, paras 121-123. See also DAR-OTP-0002-0201; DAR-OTP-0053-0063 (English translation at DAR-OTP-0153-0211); DAR-OTP-0055-0009 (English translation at DAR-OTP-0153-0251 at 0256); DAR-OTP-0060-0222 (English translation at DAR-OTP-0153-0917); DAR-OTP-0107-1474 at 1487; DAR-OTP-0153-1868 at 1887, para. 96.

⁵¹ DAR-OTP-0128-0128 at 0151, para. 86; DAR-OTP-0202-1496 at 1527, para. 87, at 1528-1529, para. 90; DAR-OTP-0203-0164 at 0182, para. 63; DAR-OTP-0205-0015 at 0033, paras 63-64. See also DAR-OTP-0002-0201; DAR-OTP-0053-0063 (English translation at DAR-OTP-0153-0211); DAR-OTP-0060-0222 (English translation at DAR-OTP-0153-0917).

⁵² DAR-OTP-0097-0328 at 0343, para. 58; DAR-OTP-0201-0037 at 0059, para. 92; DAR-OTP-0202-1496 at 1529, para. 90.

19. The Chamber considers that the facts as described above constitute murder as a crime against humanity and murder as a war crime pursuant to articles 7(1)(a) and 8(2)(c)(i) of the Statute against at least 100 civilian Fur men and approximately [REDACTED] in Deleig and surrounding areas between on or about 5 to 7 March 2004.

20. Further, the Chamber considers that the facts also constitute the crime against humanity of other inhumane acts pursuant to article 7(1)(k) of the Statute against well over 100 civilian Fur men in Deleig and surrounding areas between on or about 5 to 7 March 2004. The Chamber's finding at this stage is without prejudice to further consideration, at the appropriate stage of the proceedings, as to the exact nature of acts that may amount to other inhumane acts as a crime against humanity pursuant to article 7(1)(k) of the Statute. Equally, the Chamber does not consider it necessary at this stage to entertain the question of possible concurrence of offences.

21. The Chamber also considers, on the basis of the above, that the conduct which constitutes the crimes against humanity of murder and other inhumane acts, and the war crime of murder, was committed as part of a widespread and systematic attack against the civilian population as described above, and took place in the context of an armed conflict not of an international character as also described above.

22. Further, in view of the evidence available at this stage of the proceedings indicating the role of Ali Kushayb in the crimes identified, the Chamber finds that it is sufficiently established, to the required standard of proof, that Ali Kushayb is criminally responsible for the crimes described above pursuant to articles 25(3)(a) – as a direct perpetrator, indirect perpetrator or indirect co-perpetrator –, (b) – for ordering the commission of the crimes – or (d) – for contributing to the commission of the crimes – or 28(a) – as a military

commander or a person effectively acting as a military commander – of the Statute. The Chamber does not consider it necessary, at this stage, to pronounce on the precise mode of individual criminal responsibility which may be applicable to Ali Kushayb for the crimes described above.

23. In conclusion, the Chamber finds that there are reasonable grounds to believe that Ali Kushayb is criminally responsible for murder as a crime against humanity under articles 7(1)(a) and 25(3)(a), (b) or (d) or 28(a) of the Statute, murder as a war crime under articles 8(2)(c)(i) and 25(3)(a), (b) or (d) or 28(a) of the Statute, and for other inhumane acts as a crime against humanity under articles 7(1)(k) and 25(3)(a), (b) or (d) or 28(a) of the Statute, in Deleig and surrounding areas between on or about 5 to 7 March 2004.

III. Whether the arrest of Ali Kushayb appears necessary

24. Pursuant to article 58(1)(b) of the Statute, a warrant of arrest can only be issued if the arrest of the person appears necessary: (i) to ensure the person's appearance at trial; (ii) to ensure that the person does not obstruct or endanger the investigation or the court proceedings, or (iii) to prevent the person from continuing with the commission of that crime or a related crime within the jurisdiction of the Court and arising out of the same circumstances.

25. The Chamber notes that the First Warrant of Arrest, which has been issued on 27 April 2007 and made public, remains unexecuted and the proceedings against Ali Kushayb are currently stagnant. In the view of the Chamber, the fact that the First Warrant of Arrest has remained unexecuted for more than ten years is a conclusive indication that there is no prospect of Ali Kushayb voluntarily appearing and submitting himself to the jurisdiction of the Court. For this reason, his arrest appears necessary, at least, to ensure his appearance before the Court, in accordance with article 58(1)(b)(i) of the Statute.

FOR THESE REASONS, THE CHAMBER

ORDERS THE ARREST OF

ALI MUHAMMAD ALI ABD-AL-RAHMAN (“ALI KUSHAYB”),

as further identified in this warrant of arrest, for his alleged criminal responsibility for:

- (i) Murder as a crime against humanity, pursuant to articles 7(1)(a) and 25(3)(a), (b) or (d) or 28(a) of the Statute against at least 100 civilian Fur men and approximately [REDACTED] in Deleig and surrounding areas between on or about 5 to 7 March 2004;
- (ii) Murder as a war crime, pursuant to articles 8(2)(c)(i) and 25(3)(a), (b) or (d) or 28(a) of the Statute against at least 100 civilian Fur men and approximately [REDACTED] in Deleig and surrounding areas between on or about 5 to 7 March 2004;
- (iii) Other inhumane acts as a crime against humanity, pursuant to articles 7(1)(k) and 25(3)(a), (b) or (d) or 28(a) of the Statute against well over 100 civilian Fur men in Deleig and surrounding areas between on or about 5 to 7 March 2004;

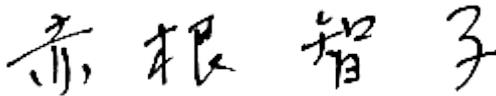
ORDERS the Registrar, in consultation and coordination with the Prosecutor, to prepare and transmit a request for the arrest and surrender of Ali Kushayb, in accordance with articles 89(1) and 91 of the Statute, to Sudan or any other State where Ali Kushayb may be found; and to prepare and transmit to any relevant State, as necessary, a request for provisional arrest in accordance with article 92 of the Statute and/or a request for transit in accordance with article 89(3) of the Statute; and

AUTHORISES the Registrar, in consultation and coordination with the Prosecutor, to disclose this warrant of arrest to any competent authority insofar necessary for its execution.

Done in both English and French, the English version being authoritative.



Judge Antoine Kesia-Mbe Mindua
Presiding Judge



Judge Tomoko Akane



Judge Rosario Salvatore Aitala

Dated this 11 June 2020

At The Hague, The Netherlands