

Annex A

Public

The Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman (“Ali Kushayb”)
ICC-02/05-01/20

Agreed Facts Related to Contextual Elements of War Crimes

| | Agreed fact |
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| 1. | From at least April 2003 until at least April 2004, a protracted armed conflict not of an international character was ongoing in Sudan, including Darfur. |
| 2. | From at least April 2003 until at least April 2004, the parties to the armed conflict were the Government of Sudan (“GoS”) forces (“GoS Forces”) on one side and rebel armed groups on the other side. |
| 3. | The rebel armed groups included the Sudanese Liberation Movement/Army (“SLM/A”) and the Justice and Equality Movement (“JEM”). |
| 4. | From at least April 2003 until at least April 2004, the two main rebel groups opposing the GoS Forces in Darfur, Sudan were the SLM/A and the JEM. |
| 5. | The intensity of the armed conflict, referred to in Agreed Fact 1, exceeded internal disturbances and tensions such as riots, isolated and sporadic acts of violence or other acts of a similar nature. |
| 6. | On 25 April 2003, the SLM/A attacked the military section of the airport in El Fasher, North Darfur, Sudan. |
| 7. | On 8 April 2004, the GoS signed the Humanitarian Ceasefire Agreement on the Conflict in Darfur with JEM and SLM/A. |
| 8. | On 28 May 2004, the African Union signed the Agreement with the Sudanese Parties on the Modalities for the Establishment of the Ceasefire Commission and the Deployment of Observers in the Darfur. |
| 9. | From at least April 2003 until at least April 2004, the Sudanese Armed Forces (“SAF”) were the regular armed forces of Sudan. |
| 10. | From at least April 2003 until at least April 2004, Omar Hassan Ahmad Al Bashir was the President of Sudan. |
| 11. | From at least April 2003 until at least April 2004, the SLM/A and JEM carried out military operations against the GoS Forces in Darfur, Sudan. |

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| 12. | On 14 March 2003, the Darfur Liberation Front (“DLF”) announced its transformation into the SLM/A. |
| 13. | The SLM/A was divided into a political wing, the Movement, and a military wing, the Army. |
| 14. | From at least April 2003 until at least April 2004, Abdel Wahid Mohamad al Nur and Minnie Arkawi Minawi were the leaders of the SLM/A. |
| 15. | In or about August 2001, the JEM was founded as a political movement. |
| 16. | The JEM had a military wing. |
| 17. | From at least April 2003 until at least April 2004, the JEM Chairman was Dr Khalil Ibrahim. |