

M A S M U N

Urgency for Justice



International Criminal Court

Topic 1 Brief

Background

Ali Muhammad Ali Abd-Al-Rahman, also known as Ali Kushayb, is a prominent Janjaweed leader who fought alongside the Sudanese government against Darfur rebel groups under the administration of President Omar al-Bashir

Ali Muhammad Ali Abd-Al-Rahman was transferred to the ICC's custody on 9 June 2020, after surrendering himself voluntarily in the Central African Republic. The initial appearance of Mr Abd-Al-Rahman before the ICC took place on 15 June 2020. 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. The confirmation of charges hearing took place from 24 to 26 May 2021.

Crimes

The defendant, Abd-Al-Rahman was charged under a number of different modes of liability :

War crimes:

- (War Crime): [Article 8\(2\)\(e\)\(i\)](#)
- Murder (War Crime): [Article 8\(2\)\(c\)\(i\)](#)
- Pillaging (War Crime): [Article 8\(2\)\(e\)\(v\)](#)
- Destruction of the property of an adversary without military necessity (War Crime):
[Article 8\(2\)\(e\)\(xii\)](#)
- Torture (War Crime): [Article 8\(2\)\(c\)\(i\)](#)

Crime against Humanity

- Murder (Crime Against Humanity): [Article 7\(1\)\(a\)](#)
- Rape (Crime Against Humanity): [Article 7\(1\)\(g\)](#)
- Forcible transfer (Crime Against Humanity):
[Article 7\(1\)\(d\)](#)
- Torture (Crime Against Humanity): [Article 7\(1\)\(f\)](#)

Witnesses

- A survivor reported that 150 people were killed, including 30 children, in one of the attacks led by Ali Kushayb and his militia.
- A woman reported the incident where the Janjaweed militia, led by Ali Kushayb, arrived at her village, Galania, and killed many of the civilians. She was also forced to confess that she was a rebel under the command of Kushayb.

- In the town of Arawala, a witness reported Kushayb inspecting her and many other woman who have been raped by Janjaweed militia soldiers, led by Kushayb himself, in December 2003.
- A witness reported Kushayb directly participating in the murder of 32 men in a town named Mujkar.
- Another witness reported the exceptionally cruel and horrid treatment of the civilians in a town near Mujkar, for many of them were whipped, beaten, starved, and stoned to death.

Relevant sources:

<https://www.asymmetricalhaircuts.com/episodes/justice-update-darfur-at-the-icc-mr-tough-fibre-or-not/>

<https://www.aa.com.tr/en/africa/international-court-confirms-charges-against-sudanese-militia-leader/2300005>

<https://www.aba-icc.org/accused/ali-muhammad-ali-abd-al-rahman/>

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