

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

No.: ICC-02/05-01/12

Date: 1 March 2012

**PRE-TRIAL CHAMBER I**

**Before: Judge Sanji Mmasenono Monageng, Presiding Judge  
Judge Sylvia Steiner  
Judge Cuno Tarfusser**

**THE SITUATION IN DARFUR, THE SUDAN  
IN THE CASE OF THE PROSECUTOR V. ABDEL RAHEEM MUHAMMAD  
HUSSEIN**

**Public Document**

**Warrant of Arrest for Abdel Raheem Muhammad Hussein**

Decision to be notified, in accordance with Regulation 31 of the *Regulations of the Court*, to:

**The Office of the Prosecutor**

Mr Luis Moreno-Ocampo, Prosecutor  
Ms Fatou Bensouda, Deputy Prosecutor

**Counsel for the Defence**

**Legal Representatives of Victims**

**Legal Representatives of 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**

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**Registrar**

Ms Silvana Arbia

**Deputy Registrar**

Mr Didier Preira

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations  
Section**

**Others**

**PRE-TRIAL CHAMBER I** of the International Criminal Court (“Chamber” and “Court” respectively);

**HAVING EXAMINED** the “Prosecutor’s Application under Article 58” (“the Prosecutor’s Application”),<sup>1</sup> filed by the Prosecutor on 2 December 2011 in the record of the situation in Darfur, the Sudan (“the Darfur situation”) requesting the issuance of a warrant for the arrest of Abdel Raheem Muhammad Hussein (“Mr Hussein”) for crimes against humanity and war crimes;

**HAVING EXAMINED** the supporting material submitted by the Prosecutor;<sup>2</sup>

**NOTING** the “Decision on the Prosecutor’s Application under article 58 relating to Abdel Raheem Muhammad Hussein”<sup>3</sup> in which the Chamber held that it was satisfied that there are reasonable grounds to believe that Mr Hussein is criminally responsible under article 25(3)(a) of the Statute as an indirect co-perpetrator for war crimes and crimes against humanity and that his arrest appears to be necessary under article 58(1)(b) of the Statute;

**NOTING** articles 7, 8, 13(b), 19(1), 25(3)(a), 27, 58(1) and (2)(d) of the Rome Statute (the “Statute”);

**CONSIDERING** that, on the basis of the material provided by the Prosecutor in support of the Prosecutor’s Application and without prejudice to any subsequent determination that may be made under article 19 of the Statute, the case against Mr Hussein falls within the jurisdiction of the Court;

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<sup>1</sup> ICC-02/05-237-US-Exp with Annexes; ICC-02/05-237-Red.

<sup>2</sup> ICC-02/05-237-US-Exp, Annexes A & 1-3.46; ICC-02/05-240, Annexes A & B1-B28.

<sup>3</sup> ICC-02/05-01/12-1-Red.

**CONSIDERING** that, on the basis of the material provided by the Prosecutor in support of the Prosecutor's Application, there is no ostensible cause or self-evident factor to impel the Chamber to exercise its discretion under article 19(1) of the Statute to determine at this stage the admissibility of the case against Mr Hussein;

**CONSIDERING** that there are reasonable grounds to believe that from about August 2002 and at all times relevant to the Prosecutor's Application, a protracted armed conflict within the meaning of article 8(2)(f) of the Statute took place between the Sudanese armed forces along with the Militia/Janjaweed on the side of the Government of the Republic of the Sudan and organised rebel groups, including the Sudanese Liberation Movement/Army (SLM/A) and the Justice and Equality Movement (JEM) in Darfur, the Republic of the Sudan;

**CONSIDERING** that there are reasonable grounds to believe that the Sudanese armed forces and the Militia/Janjaweed, acting together as part of the counterinsurgency campaign, carried out several attacks on the towns of Kodoom, Bindisi, Mukjar, Arawala and surrounding areas over an extensive period of time running at least between 2003 and 2004;

**CONSIDERING** that there are reasonable grounds to believe that during these attacks, the war crimes of: murder contrary to article 8(2)(c)(i) of the Statute, rape contrary to article 8(2)(e)(vi) of the Statute, outrages upon personal dignity contrary to article 8(2)(c)(ii) of the Statute, attacks intentionally directed against the civilian population contrary to article 8(2)(e)(i) of the Statute, destruction of property contrary to article 8(2)(e)(xii) of the Statute and pillaging contrary to article 8(2)(e)(v) of the Statute were committed against

the primarily Fur populations of the towns of Kodoom, Bindisi, Mukjar, Arawala and surrounding areas by the Sudanese armed forces and the Militia/Janjaweed;

**CONSIDERING** that there are reasonable grounds to believe that the attacks perpetrated by the Sudanese armed forces and/or the Militia/Janjaweed were committed in the context of a systematic and widespread attack pursuant to a State or organizational policy to attack the civilian population, belonging largely to the Fur, Masalit and Zaghawa groups, perceived as being associated with the rebels;

**CONSIDERING** that there are reasonable grounds to believe that, during these attacks, the crimes against humanity of: persecution contrary to article 7(1)(h) of the Statute, murder contrary to article 7(1)(a) of the Statute, forcible transfer contrary to article 7(1)(d) of the Statute, imprisonment or severe deprivation of liberty contrary to article 7(1)(e) of the Statute, torture contrary to article 7(1)(f) of the Statute, rape contrary to article 7(1)(g) of the Statute, and other inhumane acts contrary to article 7(1)(k) of the Statute, were committed against the primarily Fur populations of the towns of Kodoom, Bindisi, Mukjar, Arawala and surrounding areas by the Sudanese armed forces and the Militia/Janjaweed;

**CONSIDERING** that there are reasonable grounds to believe that a common plan was formulated at the highest levels of the Government of the Republic of the Sudan to carry out a counter-insurgency campaign against the SLM/A, the JEM and other armed groups opposing the Government, that a core component of the common plan was an unlawful attack on that part of the civilian population perceived by the Government of the Republic of the Sudan as being close to the rebel groups – belonging largely to the Fur, Masalit and Zaghawa groups – and that the alleged crimes were committed pursuant to the common plan;

**CONSIDERING** that there are reasonable grounds to believe that, in his role as Minister of the Interior and Special Representative of the President in Darfur and as an influential member of the Government of the Republic of the Sudan, Mr Hussein made essential contributions to the formulation and implementation of the common plan, *inter alia*, through his overall coordination of national, state and local security entities and through the recruitment, arming and funding of the police forces and the Militia/Janjaweed in Darfur;

**CONSIDERING** that there are reasonable grounds to believe that Mr Hussein had knowledge of the crimes committed against the civilian population and that he intended that the alleged crimes be committed;

**CONSIDERING** that there are reasonable grounds to believe that Mr Hussein is criminally responsible under article 25(3)(a) of the Statute for the commission of the following crimes against humanity and war crimes, as presented in the Prosecutor's Application:

**(i) Persecution constituting a crime against humanity under article 7(l)(h) of the Statute,** namely (a) the persecution of the primarily Fur population of the Kodoom villages and surrounding areas in the Bundis Administrative Unit of Wadi Salih Locality in West Darfur by acts of murder, attacking the civilian population, destruction of property and forcible transfer, from on or about 15 August 2003 to on or about 31 August 2003, (b) persecution of the primarily Fur population of Bindisi town and surrounding areas in the Bundis Administrative Unit of Wadi Salih Locality in West Darfur, by acts of murder, rape, attacking the civilian population, inhumane acts, pillaging, destruction of property and forcible transfer of the population, on or about 15 August 2003, (c) persecution of the primarily Fur population of Mukjar town and surrounding areas in the Mukjar Locality in West Darfur by acts of murder, attacking the civilian population, imprisonment or severe deprivation of liberty, torture,

pillaging and destruction of property, between August 2003 and March 2004, and (d) persecution of the primarily Fur population of Arawala town and surrounding areas in the Wadi Salih Locality in West Darfur, by acts of murder, rape, attacking the civilian population, outrages upon personal dignity, inhumane acts, pillaging, destruction of property and forcible transfer of the population, in or around December 2003;

**(ii) Murder constituting a crime against humanity under article 7(I)(a) of the Statute,**

namely (a) murder of civilians from the primarily Fur population of the Kodoom villages and surrounding areas in the Bundis Administrative Unit of Wadi Salih Locality in West Darfur, on or about 15 August 2003 and on or about 31 August 2003, (b) murder of civilians from the primarily Fur population of Bindisi town and surrounding areas in the Bundis Administrative Unit of Wadi Salih Locality in West Darfur, on or about 15 August 2003, (c) murder of men from the primarily Fur population of Mukjar town and surrounding areas, in the Mukjar Locality in West Darfur, between September 2003 and October 2003, in or around December 2003, and in or around March 2004, and (d) murder of civilians from the primarily Fur population of Arawala town and surrounding areas in the Wadi Salih Locality in West Darfur, in or around December 2003;

**(iii) Murder constituting a war crime under article 8(2)(c)(i) of the Statute,**

namely (a) murder of civilians from the primarily Fur population of the Kodoom villages and surrounding areas, in the Bundis Administrative Unit of Wadi Salih Locality in West Darfur, on or about 15 August 2003 and on or about 31 August 2003, (b) murder of civilians from the primarily Fur population of Bindisi town and surrounding areas in the Bundis Administrative Unit of Wadi Salih Locality in West Darfur, on or about 15 August 2003, (c) murder of men from the primarily Fur population of Mukjar town and surrounding areas, in the Mukjar Locality in West Darfur, between September 2003 and October 2003, in or around December 2003, and in or around March 2004, and (d) murder of civilians from the primarily Fur population of Arawala town and surrounding areas in the Wadi Salih Locality in West Darfur, in or around December 2003, while those civilians were taking no active part in hostilities;

**(iv) Attacks against the civilian population constituting a war crime under article 8(2)(e)(i) of the Statute,**

namely (a) the intentional directing of attacks against civilians from the primarily Fur population of the Kodoom villages and surrounding areas, in the Bundis Administrative Unit

of Wadi Salih Locality in West Darfur, from on or about 15 August 2003 to on or about 31 August 2003, (b) the intentional directing of attacks against civilians from the primarily Fur population of Bindisi town and surrounding areas in the Bundis Administrative Unit of Wadi Salih Locality in West Darfur, on or about 15 August 2003, (c) the intentional directing of attacks against civilians from the primarily Fur population of Mukjar town and surrounding areas in the Mukjar Locality in West Darfur, between August 2003 and March 2004, and (d) the intentional directing of attacks against civilians from the primarily Fur population of Arawala town and surrounding areas in the Wadi Salih Locality in West Darfur, in or around December 2003;

**(v) Destruction of property constituting a war crime under article 8(2)(e)(xii) of the Statute,**

namely (a) from on or about 15 August 2003 to on or about 31 August 2003, the destruction of property belonging to the primarily Fur population of the Kodoom villages and surrounding areas in the Bundis Administrative Unit of Wadi Salih Locality in West Darfur, including the burning of houses in Kodoom Jureh, Kodoom Tineh, Kodoom Wosta and Kodoom Derliwa, (b) on or about 15 August 2003, the destruction of property belonging to the primarily Fur population of Bindisi town and surrounding areas in the Bundis Administrative Unit of Wadi Salih Locality in West Darfur, including the burning of food storages, the mosque and dwellings in the area, (c) between August 2003 and March 2004, the destruction of property belonging to the primarily Fur population of Mukjar town and surrounding areas in the Mukjar Locality in West Darfur, including the burning of dwellings and the destruction of crops and farms, and (d) in or around December 2003, the destruction of property belonging to the primarily Fur population of Arawala town and surrounding areas in the Wadi Salih Locality in West Darfur including the destruction of most of Arawala town;

**(vi) Forcible transfer constituting a crime against humanity under article 7(1)(d) of the Statute,**

namely (a) from on or about 15 August 2003 to on or about 31 August 2003, the forcible transfer of approximately 20,000 primarily Fur civilians from the Kodoom villages and surrounding areas in the Wadi Salih Locality in West Darfur to Bindisi town and other locations in the Wadi Salih Locality in West Darfur resulting in the desertion of the villages, (b) on and about 15 August 2003, the forcible transfer of approximately 34,000 primarily Fur civilians from Bindisi town and surrounding areas in the Wadi Salih Locality in West Darfur to Mukjar town and



other locations in the Wadi Salih Locality in West Darfur, resulting in the desertion of the town, (c) in or around December 2003, the forcible transfer of approximately 7,000 primarily Fur civilians from Arawala town and surrounding areas in the Wadi Salih Locality in West Darfur to the towns of Deleig, Garsila and other locations in the Wadi Salih Locality in West Darfur, resulting in the desertion of the town;

**(vii) Rape constituting a crime against humanity under article 7(l)(g) of the Statute,**

namely (a) on or about 15 August 2003, the rape of women and girls from the primarily Fur population of Bindisi town and surrounding areas, in the Bundis Administrative Unit of Wadi Salih Locality in West Darfur, and (b) in or around December 2003, the rape of women and girls from the primarily Fur population of Arawala town and surrounding areas in the Wadi Salih Locality in West Darfur;

**(viii) Rape constituting a war crime under article 8(2)(e)(vi) of the Statute,**

namely (a) on or about 15 August 2003, the rape of women and girls from the primarily Fur population of Bindisi town and surrounding areas in the Bundis Administrative Unit of Wadi Salih Locality in West Darfur, and (b) in or around December 2003, the rape of women and girls from the primarily Fur population of Arawala town and surrounding areas in the Wadi Salih Locality in West Darfur;

**(ix) Inhumane acts constituting a crime against humanity under article 7(l)(k) of the Statute,**

namely (a) on or about 15 August 2003, the inflicting of great suffering, serious injury to body or to mental or physical health by means of an inhumane act upon civilians from the primarily Fur population of Bindisi town and surrounding areas in the Bundis Administrative Unit of Wadi Salih Locality in West Darfur, and (b) in or around December 2003, the inflicting of great suffering, or serious injury to body or to mental or physical health by means of an inhumane act upon civilians from the primarily Fur population of Arawala town and surrounding areas in the Wadi Salih Locality in West Darfur;

**(x) Pillaging constituting a war crime under article 8(2)(e)(v) of the Statute,**

namely (a) on or about 15 August 2003, the pillaging of property belonging to the primarily Fur population of Bindisi town and surrounding areas in the Bundis Administrative Unit of Wadi Salih Locality in West Darfur, including the pillaging of household property, (b) between August 2003 and March 2004, the pillaging of property belonging to the primarily Fur

population of Mukjar town and surrounding areas in the Mukjar Locality in West Darfur, including the pillaging of shops, houses and livestock, (c) in or around December 2003, the pillaging of property belonging to the primarily Fur population of Arawala town and surrounding areas in the Wadi Salih Locality in West Darfur, including the pillaging of stores, houses and livestock;

**(xi) Imprisonment or severe deprivation of liberty constituting a crime against humanity under article 7(l)(e) of the Statute,**

namely the imprisonment or severe deprivation of physical liberty of at least 400 civilians from the primarily Fur population of Mukjar town and surrounding areas in the Mukjar Locality in West Darfur, beginning in or around August 2003;

**(xii) Torture constituting a crime against humanity under article 7(l)(f) of the Statute,**

namely the torture of at least 60 civilians from the primarily Fur population of Mukjar town and surrounding areas in the Mukjar Locality in West Darfur, beginning in or around August 2003; and

**(xiii) Outrage upon personal dignity constituting a war crime under article 8(2)(c)(ii) of the Statute,**

namely the violation of the dignity of women and girls from the primarily Fur population of Arawala town and surrounding areas in the Wadi Salih Locality in West Darfur, in or around December 2003.

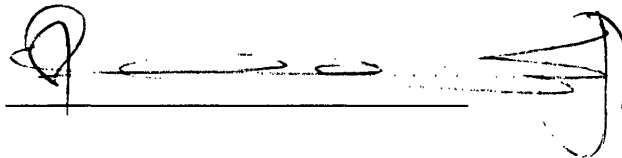
**CONSIDERING** that, at this stage, the arrest of Mr Hussein appears to be necessary, within the meaning of article 58(1)(b)(i) and (ii) of the Statute, to ensure his appearance at trial and to ensure that he will not obstruct or endanger the investigations;

**FOR THESE REASONS,**

**HEREBY ISSUES:**

**A WARRANT OF ARREST** for Abdel Raheem Muhammad Hussein, a Sudanese citizen over sixty years old, believed to have been born in or around Dankla in Karma city in North Khartoum, who at the time relevant to the alleged crimes, served as Minister of the Interior of the Government of the Republic of the Sudan and the President's Special Representative in Darfur, and who, was appointed as Minister of National Defence in 2005, a position which he continued to hold at the time of the Prosecutor's Application.

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



**Judge Sanji Mmasenono Monageng**

**Presiding Judge**



**Judge Sylvia Steiner**



**Judge Cuno Tarfusser**

Dated this Thursday, 1 March 2012

At The Hague, The Netherlands