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No.: ICC-02/05-01/07

Date: 27 April 2007

PRE-TRIAL CHAMBER I

Before: Judge Akua Kuenyehia, Presiding Judge
Judge Claude Jorda
Judge Sylvia Steiner

Registrar: Mr Bruno Cathala

**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 Document

WARRANT OF ARREST FOR AHMAD HARUN

The Office of the Prosecutor

Mr Luis Moreno Ocampo, Prosecutor
Ms Fatou Bensouda, Deputy Prosecutor
Mr Andrew Cayley, Senior Trial Lawyer
Mr Ade Omofade, Trial Lawyer

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

HAVING EXAMINED the “Prosecutor’s Application under article 58(7)” (“Prosecution Application”), regarding Ahmad Muhammad HARUN (“Ahmad Harun”) and Ali Muhammed Ali ABD-AL-RAHMAN (“Ali Kushayb”), filed on 27 February 2007, and the supporting material and other information submitted by the Prosecution;¹

NOTING the “Decision on the Prosecution Application under Article 58(7) of the Statute”² whereby the Chamber considered that it is not satisfied that a summons to appear is sufficient to ensure Ahmad Harun’s appearance before the Court and that his arrest appears to be necessary under article 58(1)(b) of the Rome Statute (“the Statute”);

NOTING articles 19 and 58 of the Statute;

CONSIDERING that, on the basis of the evidence and information provided by the Prosecution and without prejudice to any challenge to the admissibility of the case under article 19(2)(a) and (b) of the Statute and without prejudice to any subsequent determination, the case against Ahmad Harun and Ali Kushayb falls within the jurisdiction of the Court and is admissible;

¹ ICC-02/05-62-US-Exp; ICC-02/05-64-US-Exp; ICC-02/05-69-US-Exp; and ICC-02/05-72-US-Exp.

² ICC-02/05-01/07-1

CONSIDERING that there are reasonable grounds to believe that from about August 2002 until at least the time relevant to the Prosecution Application, a protracted armed conflict within the meaning of article 8(2)(f) of the Statute took place between the Government of the Sudan including combatants from the Sudan People's Armed Forces ("the Sudanese Armed Forces") and the Popular Defence Force (the "PDF") along with the Militia/Janjaweed against organised rebel groups, including the Sudanese Liberation Movement/Army (SLM/A) and the Justice and Equality Movement (JEM) in Darfur, Sudan;

CONSIDERING that there are reasonable grounds to believe that the Sudanese Armed Forces and the Militia/Janjaweed, acting together as part of the counter-insurgency 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, while these towns were devoid of any rebel activities and while the civilian population was not taking any active part in the hostilities;

CONSIDERING that there are reasonable grounds to believe that during these attacks, the Sudanese Armed Forces and the Milita/Janjaweed committed several criminal acts against civilians primarily from the Fur, Zaghawa and Masalit populations, between August 2003 and March 2004, namely murders of civilians, rapes and outrages upon the personal dignity of women and girls, attacks intentionally directed against the above-mentioned civilian populations and destruction of property belonging to the above-mentioned populations and pillaging of towns;

CONSIDERING that there are reasonable grounds to believe that, during the above-mentioned attacks, war crimes within the jurisdiction of the Court pursuant to article 8(2)(c)(i), 8(2)(c)(ii), 8(2)(e)(i), 8(2)(e)(v), 8(2)(e)(vi), and 8(2)(e)(xii) of the Statute, as described in the Prosecution Application, were committed;

CONSIDERING that there are reasonable grounds to believe that the attacks perpetrated by the Sudanese Armed Forces and/or the Militia/Janjaweed were of a systematic or widespread nature and were directed against civilians primarily from the Fur, Zaghawa and Masalit populations pursuant to or in furtherance of a State or organisational policy consisting in attacking the civilian population;

CONSIDERING that there are reasonable grounds to believe that, during these attacks, persecution, murders, forcible transfers, imprisonment or severe deprivation of liberty, acts of torture, rapes and other inhumane acts and upon civilians primarily from the Fur, Zaghawa and Masalit populations were committed by the Sudanese Armed Forces and the Militia/Janjaweed;

CONSIDERING that there are reasonable grounds to believe that, during the above-mentioned attacks, crimes against humanity within the jurisdiction of the Court pursuant to article 7(1)(a), 7(1)(d), 7(1)(e), 7(1)(f), 7(1)(g), 7(1)(h), and 7(1)(k) of the Statute as described in the Prosecution Application, were committed;

CONSIDERING that there are reasonable grounds to believe that, from in or about April 2003 until in or about September 2005, Ahmad Harun served as Minister of State for the Interior of the Government of Sudan; that, as such, he was in charge of the management of the "Darfur Security desk" thereby coordinating the different bodies of the Government involved in the counter-insurgency, including the Police, the Armed Forces, the National Security and Intelligence Service and the Militia/Janjaweed;

CONSIDERING that there are reasonable grounds to believe that, due to his position at the Darfur Security desk and through his overall coordination and personal participation in key activities of the Security Committees, namely the recruiting, arming and funding of the Militia/Janjaweed in Darfur, Ahmad Harun intentionally contributed to the commission of the above-mentioned crimes, knowing that his contribution would further the common plan carried out by the Sudanese Armed Forces and the Militia/Janjaweed, which consisted of attacking the civilian populations in Darfur;

CONSIDERING that there are reasonable grounds to believe that Ahmad Harun, by virtue of his above-mentioned position, had knowledge of the crimes committed against the civilian population and of the methods used by the Militia/Janjaweed; and that in his public speeches Ahmad Harun not only demonstrated that he knew that the Militia/Janjaweed were attacking civilians and pillaging towns and villages, but also personally encouraged the commission of such illegal acts;

CONSIDERING that, for all the above-mentioned reasons, there are reasonable grounds to believe that Ahmad Harun is criminally responsible under article 25(3)(b) and 25(3)(d) of the Statute for the commission of crimes against humanity and war crimes as specifically referred to in the following counts, as presented in the Prosecution Application:

Count 1

(Persecution in the Kodoom villages and surrounding areas constituting a crime against humanity)

From on or about 15 August 2003 to on or about 31 August 2003, **Ahmad Harun**, as part of a group of persons acting with a common purpose, contributed to the persecution of the primarily Fur population of the Kodoom villages and surrounding areas by acts of murder, attack of the civilian population, destruction of property and forcible transfer (articles 7(1)(h) and 25(3)(d) of the Statute);

Count 2

(Murder of civilians in the Kodoom villages and surrounding areas constituting a crime against humanity)

On or about 15 August 2003, **Ahmad Harun**, as part of a group of persons acting with a common purpose, contributed to the murder of civilians from the primarily Fur population of the Kodoom villages and surrounding areas (articles 7(1)(a) and 25(3)(d) of the Statute);

Count 3

(Murder of civilians in the Kodoom villages and surrounding areas constituting a war crime)

On or about 15 August 2003, **Ahmad Harun**, as part of a group of persons acting with a common purpose, contributed to the murder of civilians from the primarily Fur population of the Kodoom villages and surrounding areas, while those civilians were taking no active part in hostilities (articles 8(2)(c)(i) and 25(3)(d) of the Statute);

Count 4

(Murder of civilians in the Kodoom villages and surrounding areas constituting a crime against humanity)

On or about 31 August 2003 **Ahmad Harun**, as part of a group of persons acting with a common purpose, contributed to the murder of civilians from the primarily Fur population of the Kodoom villages and surrounding areas (articles 7(1)(a) and 25(3)(d) of the Statute);

Count 5

(Murder of civilians in the Kodoom villages and surrounding areas constituting a war crime)

On or about 31 August 2003, **Ahmad Harun**, as part of a group of persons acting with a common purpose, contributed to the murder of civilians from the primarily Fur population of the Kodoom villages and surrounding areas, while those civilians were taking no active part in hostilities (articles 8(2)(c)(i) and 25(3)(d) of the Statute);

Count 6

(Attacks against the civilian population in the Kodoom villages and surrounding areas constituting a war crime)

From on or about 15 August 2003 to on or about 31 August 2003, **Ahmad Harun**, as part of a group of persons acting with a common purpose, contributed to the commission of attacks against civilians from the primarily Fur population of the Kodoom villages and surrounding areas, and against civilians not taking direct part in hostilities (articles 8(2)(e)(i) and 25(3)(d) of the Statute);

Count 8

(Destruction of property in the Kodoom villages and surrounding areas constituting a war crime)

From on or about 15 August 2003 to on or about 31 August 2003, **Ahmad Harun**, as part of a group of persons acting with a common purpose, contributed to the destruction of property belonging to the primarily Fur population of the Kodoom villages and surrounding areas, including the burning of houses (articles 8(2)(e)(xii) and 25(3)(d) of the Statute);

Count 9

(Forcible transfer from the Kodoom villages and surrounding areas constituting a crime against humanity)

From on or about 15 August 2003 to on or about 31 August 2003, **Ahmad Harun**, as part of a group of persons acting with a common purpose, contributed to the forcible transfer of approximately 20,000 primarily Fur civilians from the Kodoom villages

and surrounding areas, resulting in the desertion of the villages (articles 7(1)(d) and 25(3)(d) of the Statute);

Count 10

(Persecution in Bindisi town and surrounding areas constituting a crime against humanity)

On or about 15 August 2003, **Ahmad Harun**, as part of a group of persons acting with a common purpose, contributed to the persecution of the primarily Fur population of Bindisi town and surrounding areas, by acts of murder, rape, attack of the civilian population, inhumane acts, pillaging, destruction of property and forcible transfer of the population (articles 7(1)(h) and 25 (3)(d) of the Statute);

Count 11

(Murder of civilians in Bindisi town and surrounding areas constituting a crime against humanity)

On or about 15 August 2003, **Ahmad Harun**, as part of a group of persons acting with a common purpose, contributed to the murder of over 100 civilians from the primarily Fur population of Bindisi town and surrounding areas (articles 7(1)(a) and 25(3)(d) of the Statute);

Count 12

(Murder of civilians in Bindisi town and surrounding areas constituting a war crime)

On or about 15 August 2003, **Ahmad Harun**, as part of a group of persons acting with a common purpose, contributed to the murder of over 100 civilians from the primarily Fur population of Bindisi town and surrounding areas while those civilians were taking no active part in hostilities (articles 8(2)(c)(i) and 25(3)(d) of the Statute);

Count 13

(Rape in Bindisi town and surrounding areas constituting a crime against humanity)

On or about 15 August 2003, **Ahmad Harun**, as part of a group of persons acting with a common purpose, contributed to the rape of women and girls from the primarily Fur population of Bindisi town and surrounding areas (articles 7(1)(g) and 25(3)(d) of the Statute);

Count 14

(Rape in Bindisi town and surrounding areas constituting a war crime)

On or about 15 August 2003, **Ahmad Harun**, as part of a group of persons acting with a common purpose, contributed to the rape of women and girls from the primarily Fur population of Bindisi town and surrounding areas (articles 8(2)(e)(vi) and 25(3)(d) of the Statute);

Count 15

(Attacks against the civilian population in Bindisi town and surrounding areas constituting a war crime)

On or about 15 August 2003, **Ahmad Harun**, as part of a group of persons acting with a common purpose, contributed to the commission of attacks against civilians from the primarily Fur population of Bindisi town and surrounding areas, while those civilians were not taking direct part in hostilities (articles 8(2)(e)(i) and 25(3)(d) of the Statute);

Count 17

(Inhumane acts in Bindisi town constituting a crime against humanity)

On or about 15 August 2003, **Ahmad Harun**, as part of a group of persons acting with a common purpose, contributed to the infliction 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 including the inhumane act of shooting, resulting in serious injury (articles 7(l)(k) and 25(3)(d) of the Statute);

Count 18

(Pillaging in Bindisi town and surrounding areas constituting a war crime)

On or about 15 August 2003, **Ahmad Harun**, as part of a group of persons acting with a common purpose, contributed to the pillaging of property belonging to the primarily Fur population of Bindisi town and surrounding areas, including the pillaging of household property (articles 8(2)(e)(v) and 25(3)(d) of the Statute);

Count 19

(Destruction of property in Bindisi town and surrounding areas constituting a war crime)

On or about 15 August 2003, **Ahmad Harun**, as part of a group of persons acting with a common purpose, contributed to the destruction of property belonging to the primarily Fur population of Bindisi town and surrounding areas, including the

burning of food storages, the mosque and dwellings in the area (articles 8(2)(e)(xii) and 25(3)(d) of the Statute);

Count 20

(Forcible transfer from Bindisi town and surrounding areas constituting a crime against humanity)

On and about 15 August 2003, **Ahmad Harun**, as part of a group of persons acting with a common purpose, contributed to the forcible transfer of approximately 34,000 primarily Fur civilians from Bindisi town and surrounding areas, resulting in the desertion of the town (articles 7(1)(d) and 25(3)(d) of the Statute);

Count 21

(Persecution in Mukjar town and surrounding areas constituting a crime against humanity)

Between August 2003 and March 2004, **Ahmad Harun**, as part of a group of persons acting with a common purpose, contributed to the persecution of the primarily Fur population of Mukjar town and surrounding areas by acts of murder, attack of the civilian population, imprisonment or severe deprivation of liberty, torture, pillaging and destruction of property (articles 7(1)(h) and 25(3)(d) of the Statute);

Count 22

(Murder of men in Mukjar town and surrounding areas constituting a crime against humanity)

Between September 2003 and October 2003, **Ahmad Harun**, as part of a group of persons acting with a common purpose, contributed to the murder of at least 20 men from the primarily Fur population of Mukjar town and surrounding areas (articles 7(1)(a) and 25(3)(d) of the Statute);

Count 23

(Murder of men in Mukjar town and surrounding areas constituting a war crime)

Between September 2003 and October 2003, **Ahmad Harun**, as part of a group of persons acting with a common purpose, contributed to the murder of at least 20 men from the primarily Fur population of Mukjar town and surrounding areas while those men were taking no active part in hostilities (articles 8(2)(c)(i) and 25(3)(d) of the Statute);

Count 24

(Murder of men in Mukjar town and surrounding areas constituting a crime against humanity)

In or around December 2003, **Ahmad Harun**, as part of a group of persons acting with a common purpose, contributed to the murder of at least 21 men from the primarily Fur population of Mukjar town and surrounding areas (articles 7(1)(a) and 25(3)(d) of the Statute);

Count 26

(Murder of men in Mukjar town and surrounding areas constituting a war crime)

In or around December 2003, **Ahmad Harun**, as part of a group of persons acting with a common purpose, contributed to the murder of at least 21 men from the primarily Fur population of Mukjar town and surrounding areas while those men were taking no active part in hostilities (articles 8(2)(c)(i) and 25(3)(d) of the Statute);

Count 28

(Murder of men in Mukjar town and surrounding areas constituting a crime against humanity)

In or around March 2004, **Ahmad Harun**, as part of a group of persons acting with a common purpose, contributed to the murder of at least 32 men from the primarily Fur population of Mukjar town and surrounding areas (articles 7(1)(a) and 25(3)(d) of the Statute);

Count 30

(Murder of men in Mukjar town and surrounding areas constituting a war crime)

In or around March 2004, **Ahmad Harun**, as part of a group of persons acting with a common purpose, contributed to the murder of at least 32 men from the primarily Fur population of Mukjar town and surrounding areas while those men were taking no active part in hostilities (articles 8(2)(c)(i) and 25(3)(d) of the Statute);

Count 32

(Attacks against the civilian population in Mukjar town and surrounding areas constituting a war crime)

Between August 2003 and March 2004, **Ahmad Harun**, as part of a group of persons acting with a common purpose, contributed to the commission of attacks against civilians from the primarily Fur population of Mukjar town and surrounding areas

and against civilians not taking direct part in hostilities (articles 8(2)(e)(i) and 25(3)(d) of the Statute);

Count 34

(Imprisonment or severe deprivation of liberty in Mukjar town and surrounding areas constituting a crime against humanity)

Beginning in or about August 2003, **Ahmad Harun**, as part of a group of persons acting with a common purpose, contributed to the imprisonment or severe deprivation of the physical liberty of at least 400 civilians from the primarily Fur population of Mukjar town and surrounding areas (articles 7(1)(e) and 25(3)(d) of the Statute);

Count 35

(Torture in Mukjar town and surrounding areas constituting a crime against humanity)

Beginning in or about August 2003, **Ahmad Harun**, as part of a group of persons acting with a common purpose, contributed to the torture of at least 60 civilians from the primarily Fur population of Mukjar town and surrounding areas (article 7(1)(f) and 25(3)(d) of the Statute);

Count 36

(Pillaging in Mukjar town and surrounding areas constituting a war crime)

Between August 2003 and March 2004, **Ahmad Harun**, as part of a group of persons acting with a common purpose, contributed to the pillaging of property belonging to the primarily Fur population of Mukjar town and surrounding areas including the pillaging of shops, houses and livestock (articles 8(2)(e)(v) and 25(3)(d) of the Statute);

Count 37

(Pillaging in Mukjar town and surrounding areas constituting a war crime)

Between on or about 3 August 2003 and 10 August 2003, **Ahmad Harun** induced the commission of the pillaging of property belonging to the primarily Fur population of Mukjar town and surrounding areas including the pillaging of shops, houses and livestock (articles 8(2)(c)(v) and 25(3)(b) of the Statute);

Count 38

(Destruction of property in Mukjar town and surrounding areas constituting a war crime)

Between August 2003 and March 2004, **Ahmad Harun**, as part of a group of persons acting with a common purpose, contributed to the destruction of property belonging to the primarily Fur population of Mukjar town and surrounding areas, including the burning of dwellings and the destruction of crops and farms (articles 8(2)(e)(xii) and 25(3)(d) of the Statute);

Count 39

(Persecution in Arawala town and surrounding areas constituting a crime against humanity)

In or around December 2003, **Ahmad Harun**, as part of a group of persons acting with a common purpose, contributed to the persecution of the primarily Fur population of Arawala town and surrounding areas, by acts of murder, rape, attack of the civilian population, outrages upon personal dignity, inhumane acts, pillaging, destruction of property and forcible transfer of the population (articles 7(1)(h) and 25(3)(d) of the Statute);

Count 40

(Murder of civilians in Arawala town and surrounding areas constituting a crime against humanity)

In or around December 2003, **Ahmad Harun**, as part of a group of persons acting with a common purpose, contributed to the murder of at least 26 civilians from the primarily Fur population of Arawala town and surrounding areas (articles 7(1)(a) and 25(3)(d) of the Statute);

Count 41

(Murder of civilians in Arawala town and surrounding areas constituting a war crime)

In or around December 2003, **Ahmad Harun**, as part of a group of persons acting with a common purpose, contributed to the murder of at least 26 civilians from the primarily Fur population of Arawala town and surrounding areas, while those civilians were taking no active part in hostilities (articles 8(2)(c)(i) and 25(3)(d) of the Statute);

Count 42

(Rape in Arawala town and surrounding areas constituting a crime against humanity)

In or around December 2003, **Ahmad Harun**, as part of a group of persons acting with a common purpose, contributed to the rape of at least 10 women and girls from the primarily Fur population of Arawala town and surrounding areas (articles 7(1)(g) and 25(3)(d) of the Statute);

Count 43

(Rape in Arawala town and surrounding areas constituting a war crime)

In or around December 2003, **Ahmad Harun**, as part of a group of persons acting with a common purpose, contributed to the rape of at least 10 women and girls from the primarily Fur population of Arawala town and surrounding areas (articles 8(2)(e)(vi) and 25(3)(d) of the Statute);

Count 44

(Attacks against the civilian population in Arawala town and surrounding areas constituting a war crime)

In or around December 2003, **Ahmad Harun**, as part of a group of persons acting with a common purpose, contributed to the commission of attacks against civilians from the primarily Fur population of Arawala town and surrounding areas and against civilians taking no active part in hostilities (articles 8(2)(e)(i) and 25(3)(d) of the Statute);

Count 46

(Outrage upon personal dignity in Arawala town and surrounding areas constituting a war crime)

In or around December 2003, **Ahmad Harun**, as part of a group of persons acting with a common purpose, contributed to outrage upon personal dignity of at least 10 women and girls from the primarily Fur population of Arawala town and surrounding areas (articles 8(2)(c)(ii) and 25(3)(d) of the Statute);

Count 48

(Inhumane acts in Arawala constituting a crime against humanity)

In or around December 2003, **Ahmad Harun**, as part of a group of persons acting with a common purpose, contributed to the infliction 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 (articles 7(1)(k) and 25(3)(d) of the Statute);

Count 49

(Pillaging in Arawala town and surrounding areas constituting a war crime)

In or around December 2003, **Ahmad Harun**, as part of a group of persons acting with a common purpose, contributed to the pillaging of property belonging to the primarily Fur population of Arawala town and surrounding areas, including the pillaging of stores, houses and livestock (articles 8(2)(e)(v) and 25(3)(d) of the Statute);

Count 50

(Destruction of property in Arawala town and surrounding areas constituting a war crime)

In or around December 2003, **Ahmad Harun**, as part of a group of persons acting with a common purpose, contributed to the destruction of property belonging to the primarily Fur population of Arawala town and surrounding areas, including the destruction of most of Arawala town (articles 8(2)(e)(xii) and 25(3)(d) of the Statute);

Count 51

(Forcible transfer from Arawala town and surrounding areas constituting a crime against humanity)

In or around December 2003, **Ahmad Harun**, as part of a group of persons acting with a common purpose, contributed to the forcible transfer of approximately 7,000 primarily Fur civilians from Arawala town and surrounding areas to the towns of Deleig, Garsila and other locations, resulting in the desertion of the town (articles 7(1)(d) and 25(3)(d) of the Statute).

CONSIDERING that, given Ahmad Harun's former and current official positions within the Government of the Sudan, his arrest appears to be necessary at this stage, within the meaning of article 58(1)(b)(i) and(ii) of the Statute, to ensure his appearance before the Court and to ensure that he will not obstruct or endanger the investigations;

FOR THESE REASONS**HEREBY ISSUES:**

A WARRANT OF ARREST for Ahmad Muhammad HARUN; a man who was born in or about 1964; who is believed to be a national of Sudan, from the State of North Kordofan, a member of a tribe called the Bargou; who is believed to have served as Minister of State for the Interior of the Government of Sudan, from in or about April 2003 until in or about September 2005, and, since 2006, as Minister of State for Humanitarian Affairs in the present Government of the Sudan, whose names are also spelled as Ahmed Haroun, Mohamed Ahmed Haroun and Ahmed Haroon.

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

Judge Akua Kuenyehia
Presiding Judge

Judge Claude Jorda

Judge Sylvia Steiner

Dated this Friday 27 April 2007
At The Hague, The Netherlands