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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 ALI KUSHAYB**

**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 Muhammad Ali ABD-AL-RAHMAN (“Ali Kushayb”), filed on 27 February 2007, and the supporting material and other information submitted by the Prosecution;<sup>1</sup>

**NOTING** the “Decision on the Prosecution Application under Article 58(7) of the Statute”<sup>2</sup> whereby the Chamber considered that it is not satisfied that a summons to appear is sufficient to ensure Ali Kushayb’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 Ali Kushayb and Ahmad Harun falls within the jurisdiction of the Court and is admissible;

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<sup>1</sup> 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.

<sup>2</sup> 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 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 Ali Kushayb was one of the most senior leaders in the tribal hierarchy in the Wadi Salih Locality and a member of the PDF and that he commanded thousands of Militia/Janjaweed from in or about August 2003 until in or about March 2004;

**CONSIDERING** that there are reasonable grounds to believe that as a PDF member and a senior Militia/Janjaweed leader, Ali Kushayb implemented the counter-insurgency strategy of the Government of the Sudan that also resulted in the commission of war crimes and crimes against humanity in Darfur, Sudan, as described above;

**CONSIDERING** that there are reasonable grounds to believe that Ali Kushayb, who was perceived as “the mediator” between the leaders of the Militia/Janjaweed in the Wadi Salih and the Government of the Sudan also enlisted fighters, armed, funded, and provided food and other supplies to the Militia/Janjaweed under his command thereby intentionally contributing to the commission of the above-mentioned crimes in furtherance of the common plan carried out by the Sudanese Armed Forces and the Militia/Janjaweed, which consisted of attacking the civilian populations in Darfur;

**CONSIDERING** also that there are reasonable grounds to believe that as one of the leaders of the Militia/Janjaweed, which acted together with the Sudanese Armed Forces, Ali Kushayb personally participated in some of the attacks against civilians, namely on the towns of Kodoom, Bindisi, Mukjar and Arawala between August 2003 and March 2004, where killings of civilians, rapes, torture and other cruel treatments,

pillaging of towns and destruction of properties of the civilian population occurred, and that therefore he committed, jointly with others, the alleged crimes;

**CONSIDERING** that for all the above-mentioned reasons there are reasonable grounds to believe that Ali Kushayb is criminally responsible under article 25(3)(a) 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, **Ali Kushayb**, 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, **Ali Kushayb**, 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, **Ali Kushayb**, 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 **Ali Kushayb**, 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, **Ali Kushayb**, 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, **Ali Kushayb**, 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 7**

(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, **Ali Kushayb** committed, jointly with others, 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)(a) 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, **Ali Kushayb**, 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, **Ali Kushayb**, 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, **Ali Kushayb**, 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, **Ali Kushayb**, 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, **Ali Kushayb**, 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, **Ali Kushayb**, 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, **Ali Kushayb**, 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, **Ali Kushayb**, 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 16**

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

On or about 15 August 2003, **Ali Kushayb** committed, jointly with others, 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)(a) of the Statute);

#### **Count 17**

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

On or about 15 August 2003, **Ali Kushayb**, 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(1)(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, **Ali Kushayb**, 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, **Ali Kushayb**, 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 or about 15 August 2003, **Ali Kushayb**, 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, **Ali Kushayb**, 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, and **Ali Kushayb**, 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, **Ali Kushayb**, 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, **Ali Kushayb**, 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 25**

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

In or around December 2003, **Ali Kushayb** committed, jointly with others, the murder of at least 21 men from the primarily Fur population of Mukjar town and surrounding areas by transporting them under armed guard to their place of execution (articles 7(1)(a) and 25(3)(a) of the Statute);

**Count 26**

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

In or around December 2003, **Ali Kushayb**, 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 27**

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

In or around December 2003, **Ali Kushayb** committed, jointly with others, 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, by transporting them under armed guard to their place of execution (articles 8(2)(c)(i) and 25(3)(a) of the Statute);

**Count 28**

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

In or around March 2004, **Ali Kushayb**, 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 29**

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

In or around March 2004, **Ali Kushayb** committed, jointly with others, the murder of at least 32 men from the primarily Fur population of Mukjar town and surrounding areas by transporting them under armed guard to their place of execution (articles 7(1)(a) and 25(3)(a) of the Statute);

**Count 30**

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

In or around March 2004, **Ali Kushayb**, 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 31**

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

In or around March 2004, **Ali Kushayb** committed, jointly with others, 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, by transporting them under armed guard to their place of execution (articles 8(2)(c)(i) and 25(3)(a) 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, **Ali Kushayb**, 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 33**

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

Between August 2003 and March 2004, **Ali Kushayb** committed, jointly with others, 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)(a) 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, **Ali Kushayb**, 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, **Ali Kushayb**, 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, **Ali Kushayb**, 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 38**

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

Between August 2003 and March 2004, **Ali Kushayb**, 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, **Ali Kushayb**, 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, **Ali Kushayb**, 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, **Ali Kushayb**, 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, **Ali Kushayb**, 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, **Ali Kushayb**, 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, **Ali Kushayb**, 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 45**

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

In or around December 2003, **Ali Kushayb** committed, jointly with others, attacks against civilians from the primarily Fur population of Arawala town and surrounding areas and against civilians not taking direct part in hostilities (articles 8(2)(e)(i) and 25(3)(a) of the Statute);

**Count 46**

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

In or around December 2003, **Ali Kushayb**, 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 47**

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

In or around December 2003, **Ali Kushayb** committed, jointly with others, outrage upon personal dignity of at least 10 women and girls from the primarily Fur population of Arawala town and surroundings areas (articles 8(2)(c)(ii) and 25(3)(a) of the Statute);

**Count 48**

(Inhumane acts in Arawala constituting a crime against humanity)

In or around December 2003, **Ali Kushayb**, 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, **Ali Kushayb**, 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, **Ali Kushayb**, 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, **Ali Kushayb**, 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 there are reasonable grounds to believe that Ali Kushayb's arrest appears to be necessary at this stage to ensure his appearance before the Court, within the meaning of article 58(1)(b)(i) of the Statute;

**FOR THESE REASONS**

**HEREBY ISSUES:**

**A WARRANT OF ARREST** for Ali Muhammad Ali ABD-AL-RAHMAN, also known as **ALI KUSHAYB**; a man who is believed to be approximately 50 years old; a national of the 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 a member of the PDF; who was an “aqid al-ogada” (colonel of colonels) for the whole Wadi Salih area in Darfur; who is believed to have been one of the top commanders of the Militia/Janjaweed; who is believed to be currently in the custody of the Sudanese Police pursuant to a warrant of arrest issued by the Sudanese authorities in April 2005 and executed on 28 November 2006; whose names are also spelled as Ali Kosheib, Ali Kouchib, Ali Mohamed, Ali Kosheb, Koshib and Ali Koship.

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

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**Judge Akua Kuenyehia**  
**Presiding Judge**

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**Judge Claude Jorda**

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**Judge Sylvia Steiner**

Dated this Friday 27 April 2007

At The Hague, The Netherlands