

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: **French**

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

Date: **4 June 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

**REQUEST TO UNITED NATIONS SECURITY COUNCIL MEMBERS THAT ARE
NOT STATES PARTIES TO THE STATUTE FOR
THE ARREST AND SURRENDER OF ALI KUSHAYB**

The Office of the Prosecutor

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

THE REGISTRAR of the International Criminal Court ("the Court");

NOTING the referral of the situation in Darfur to the Prosecutor of the Court by the United Nations Security Council in its resolution 1593 of 31 March 2005;

NOTING the decision taken on 27 April 2007 by Pre-Trial Chamber I ("the Chamber") to issue warrants of arrest for Ahmad Muhammad Harun ("Ahmad Harun") and Ali Muhammad Ali Abd-al-Rahman ("Ali Kushayb"), and assigning to the Registrar of the Court the task of preparing and transmitting, pursuant to rule 176 of the *Rules of Procedure and Evidence*, the requests for the arrest and surrender of Ahmad Harun and Ali Kushayb to United Nations Security Council members that are not States Parties to the *Rome Statute* ("the Statute");¹

NOTING the warrant of arrest for Ali Kushayb issued on 27 April 2007 by the Chamber under article 58 of the Statute;²

NOTING articles 19, 20, 57, 60, 67, 87(5)(a), 89 and 91 of the Statute, rules 21, 117 to 119, 176, 184 and 187 of the *Rules of Procedure and Evidence* and regulations 31, 76 and 111 of the *Regulations of the Court*;

NOTING paragraph 2 of Security Council resolution 1593 in which the Security Council "*urges all States [...] to cooperate fully*" with the Court ;

¹ ICC-02/05-01/07-1.

² ICC-02/05-01/07-3.

CONSIDERING that article 89(1) of the Statute provides that the Court may transmit a request for the arrest and surrender of a person to any State on the territory of which that person may be found;

REQUESTS that the following person be arrested and surrendered in accordance with the decision of 27 April 2007 and pursuant to the warrant of arrest:

- Name: Ali Muhammad Ali Abd-al-Rahman ("Ali Kushayb" also spelled: Ali Kosheib, Ali Kouchib, Ali Mohamed, Ali Kosheb, Koshib and Ali Koship);
- Age: He is believed to be approximately 50 years old;
- Nationality: He is believed to be a Sudanese national;
- Occupation: He is believed to be a tribal leader and member of the PDF (Popular Defence Forces). He is also believed to have been an "Aqid al Oqada" ("colonel of colonels") for the entire Wadi Salih sector in Darfur. He is believed to have been one of the commanders of the Militia/Janjaweed;
- Location: He is believed to be currently in detention in Sudan on the basis of a warrant of arrest issued by the Sudanese authorities in April 2005 and enforced on 28 November 2006;
- Charges: He is alleged to have committed war crimes under article 8 of the Statute, between August 2003 and March 2004, and crimes against humanity under article 7 of the Statute, between 2003 and 2006 in the Darfur region;

In the event of arrest and surrender:

REQUESTS that the safety of Ali Kushayb be ensured until his final surrender to the Registrar of the Court;

REQUESTS that the Court be notified of any application made by Ali Kushayb to a national court under articles 59(3) or 89(2) of the Statute;

REQUESTS that the Court be notified, pursuant to article 91(2)(c) of the Statute, of any documents, statements or information, other than the warrant of arrest and the photographs attached thereto, as may be necessary to meet the requirements for the surrender process;

REQUESTS that the Registrar of the Court be immediately informed, pursuant to rule 184 of the *Rules of Procedure and Evidence*, when Ali Kushayb is available for surrender;

REQUESTS that Ali Kushayb be delivered to the Court as soon as possible, once it is ordered that he be surrendered;

RECALLS the obligation to comply with the procedure provided for in article 59 of the Statute;

ATTACHES to this request, in accordance with article 91 of the Statute, rule 187 of the *Rules of Procedure and Evidence* and regulation 111 of the *Regulations of the Court*, the following documents in English and Arabic:

- i) a copy of the warrant of arrest for Ali Kushayb issued on 27 April 2007, to which his photographs are attached (Annex 1);
- ii) a copy of the relevant provisions of the Statute and the *Rules of Procedure and Evidence* in a language which Ali Kushayb fully understands and speaks (Annex 2).

**On behalf of the Registrar,
Marc Dubuisson,
Head of the Division of Court Services**

Dated this 4 June 2007

At The Hague, The Netherlands