

Annex A

Public



The Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman (“Ali Kushayb”)
ICC-02/05-01/20

Agreed Facts Related to Contextual Elements of War Crimes and Crimes Against Humanity

	Agreed fact
1.	According to Article 5 of the Popular Defence Forces Act (1989), Popular Defence Forces aim at training citizens on civil defence and military works, boost security consciousness, and disseminate military spirit, traditions and discipline to enable them assisting the armed forces and other regular forces when required.
2.	According to the People’s Armed Forces Act (1986), the Sudanese Armed Forces were also known as the People’s Armed Forces.
3.	The Western Area Command of the SAF was located in Al Fasher, North Darfur.
4.	The Western Area Command of the SAF was responsible for West, North and South Darfur.
5.	The 6th Division of the SAF included the 96th Brigade.
6.	The 96th Brigade of the 6th Division of the SAF was based in Zalingei, West Darfur.
7.	According to Article 11(1) of the People’s Armed Forces Act (1986), the President of the Republic was the Supreme Commander of the People’s Armed Forces.

8.	From at least April 2003 until at least April 2004, the SAF headquarters were based in Khartoum, Sudan.
9.	On 3 September 2003, the GoS and the SLM/A signed a ceasefire agreement in Abeche, Chad.
10.	The African Union facilitated the signing of ceasefire and peace agreements aimed at finding a political solution to the armed conflict.
11.	Between at least August 2003 and at least April 2004, Bakri Hassan Salih was the Minister of Defence of Sudan.
12.	Between at least August 2003 and at least April 2004, there was a National Security Council.
13.	According to Article 35 of the National Security Forces Act (1999), the National Security Council had the following functions and powers: (a) plan for the progress of the security plan of the country; (b) generally supervise, over the progress of security work; (c) co-ordinate between security organs; (d) follow-up the implementation of the security policy programme, and receive reports with respect thereto; (e) approve the regulations organizing work; (f) constitute a technical committee, out of the organs forming the Council, in the states and commissariates, to assist in the progress of work.
14.	According to Article 34(1) of the National Security Forces Act (1999), the National Security Council was composed of: (a) the President of the Republic, Chairman; (b) the competent Minister, member and rapporteur;

	(c) the President of the Republic advisor on security affairs, member; (d) the Minister of Defence, member; (e) the Minister of Foreign Relations, member; (f) the Minister of Internal Affairs, member; (g) the Director, the Internal Security Organ, member; (h) the Director, the Sudanese Intelligence Organ, member.
15.	According to Article 34(2) of the National Security Forces Act (1999), the President of the Republic may, by an order thereof, add any such person, as he may deem fit, for membership of the Council.