

Annex A

**Public Redacted Version of “Addendum
to the ‘Corrected version of
“Prosecution’s Trial Brief”, 5 January
2022, ICC-02/05-01/20-550-Conf-Exp-
Corr’”**

ABD-AL-RAHMAN's individual criminal responsibility for ordering under article 25(3)(b) of the Rome Statute

1. As detailed in the following paragraphs, **ABD-AL-RAHMAN** issued multiple orders to members of the Militia/*Janjaweed* and/or Government of Sudan ("GoS") forces ("GoS Forces")¹ that were carried out and led to the commission of the crimes listed in Counts 1-5 and 10-11 in Kodoom, Bindisi and surrounding areas and in Counts 6-9 in Bindisi and surrounding areas on or about 15 and 16 August 2003. **ABD-AL-RAHMAN** gave these orders from a position of authority.

ABD-AL-RAHMAN issued orders to the Militia/Janjaweed and/or GoS Forces that were carried out

2. As detailed in paragraphs 315 to 331 of the Prosecution's Trial Brief ("Trial Brief"),² **ABD-AL-RAHMAN** led the attack on Kodoom, Bindisi and surrounding areas on or about 15 and 16 August 2003. **ABD-AL-RAHMAN** gave multiple orders to the Militia/*Janjaweed* and/or GoS Forces regarding the manner in which the attack was to unfold, including by deciding the route, timing and *modus operandi*.

3. In relation to the route of the attack, **ABD-AL-RAHMAN** instructed Popular Defence Forces Officer Abd-Al-Rahman Dawud Hammudah, also known as Hassaballah, to move from the village [REDACTED] to the village of Tiro and from there to Kodoom, [REDACTED].³ **ABD-AL-RAHMAN** was riding in the front of the attackers and distributing them in different directions.⁴ Specifically, in Kodoom on 15 August and in Bindisi on 16 August, he was gesturing at members of Militia/*Janjaweed*

¹ The GoS forces included the SAF, also known as the Sudanese People's Armed Forces, the Popular Defence Forces, the Central Reserve Forces, the Popular Police Forces and the Sudanese Police (together the "GoS Forces").

² [ICC-02/05-01/20-550-Conf-Exp-Corr](#) ("Trial Brief"), paras. 315-331.

³ [REDACTED]. See also [Trial Brief](#), at paras. 168, 329.

⁴ [REDACTED]. See also [Trial Brief](#), at para. 318.

and/or GoS Forces and occasionally blew a whistle to distribute them to different areas on the ground.⁵

4. **ABD-AL-RAHMAN** ordered his forces to destroy, loot and do whatever else they wished. P-0878 recalls that, throughout the attack, **ABD-AL-RAHMAN** was encouraging his troops by shouting “wipe out and sweep away.”⁶ In Nyerli,⁷ [REDACTED] was standing next to **ABD-AL-RAHMAN** when he heard him tell his forces: “[REDACTED]”⁸ [REDACTED].⁹ [REDACTED].¹⁰ When the Militia/*Janjaweed* and/or GoS Forces arrived in north Bindisi, near the market, P-0878 recalls that **ABD-AL-RAHMAN** ordered his men to loot the market by saying “*Amsah Aksah*” which the witness understood to mean “loot and destroy as you wish”¹¹

5. During the attack, **ABD-AL-RAHMAN** regularly relayed orders to other Militia/*Janjaweed* leaders, including to his deputies, in particular Al-Dayf Samih (“SAMIH”) and Muhammad Adam Bonjouse. [REDACTED].¹² [REDACTED]¹³ [REDACTED].¹⁴ However, the next morning, he ordered his troops to attack the South of Bindisi instead.¹⁵

6. **ABD-AL-RAHMAN**’s orders were immediately complied with and multiple crimes were committed as a result, including, in particular, the targeting of the predominantly Fur population of those villages, pillaging and burning of homes,

⁵ P-0085, [DAR-OTP-0110-0054-R02](#) at 0062, para. 30; P-0029, [DAR-OTP-0094-0119-R02](#) at 0133, para. 61. See also [Trial Brief](#), at para. 322.

⁶ [REDACTED]. See also [Trial Brief](#), at para. 316.

⁷ Although the attacks on the villages of Nyerli and Tiro (mentioned at para. 5) are not charged, the acts and conduct of Mr Abd-Al- Rahman in these locations are indicative of the acts and conduct he adopted later in Kodoom and Bindisi during the same attack. The only reasonable inference is that the orders and instructions given to the Militia/*Janjaweed* and/or GoS Forces at the beginning of the attack were followed throughout the attacks on other locations on the same day.

⁸ [REDACTED].

⁹ [REDACTED]. See also [Trial Brief](#), para. 319.

¹⁰ [REDACTED].

¹¹ [REDACTED]. See also [Trial Brief](#), para. 323.

¹² [REDACTED].

¹³ [REDACTED]. See also [Trial Brief](#), paras. 327-328.

¹⁴ [REDACTED]. See also [Trial Brief](#), para. 330.

¹⁵ [REDACTED]. See also [Trial Brief](#), para. 331.

pillaging and destruction of shops and the Zakat Office, murder and persecution of civilians.¹⁶

ABD-AL-RAHMAN was in a position of authority

7. As detailed in Section E(1) of the Trial Brief, **ABD-AL-RAHMAN** held a senior position of authority in the Militia/*Janjaweed*, as *agid al-ogada* in the Wadi Salih and Mukjar localities between at least August 2003 and at least March 2004.¹⁷

8. **ABD-AL-RAHMAN** was the highest commander on the ground and other members of the Militia/*Janjaweed* were seen escorting and protecting him.¹⁸ He orchestrated the attack on Kodoom and Bindisi and surrounding areas and the orders he gave were immediately complied with.¹⁹ In at least one instance, members of the Militia/*Janjaweed* sought **ABD-AL-RAHMAN**'s explicit prior approval to kill [REDACTED].²⁰

9. During the attack on Kodoom, Bindisi and surrounding areas, **ABD-AL-RAHMAN**'s absolute authority remained unchallenged. Others were afraid to challenge him because he received his orders from and reported directly to senior officials of the GoS.²¹ [REDACTED]²²

10. **ABD-AL-RAHMAN**'s authority during the attack is also evidenced by his refusal to heed objections from other members of the Militia/*Janjaweed* leaders and/or GoS Forces. He dismissed other Militia/*Janjaweed* leaders that questioned his tactics and decisions during the attack and told them to leave.²³

¹⁶ [REDACTED].

¹⁷ See Section E(1) of the [Trial Brief](#), paras. 90-111.

¹⁸ [REDACTED]. See also [Trial Brief](#), paras. 316, 324.

¹⁹ See paras. 2-6 above.

²⁰ [REDACTED]. See also [Trial Brief](#), paras. 232, 315.

²¹ [REDACTED]. See also [Trial Brief](#), paras. 189, 220.

²² [REDACTED]. See also [Trial Brief](#), paras. 126, 332.

²³ [REDACTED]. See also [Trial Brief](#), paras. 315, 332-333.

ABD-AL-RAHMAN was aware that crimes would be committed as a direct consequence of his orders

11. **ABD-AL-RAHMAN** meant to engage in the conduct described above and was aware that the Militia/*Janjaweed* and/or GoS Forces would, in the ordinary course of events, commit the crimes charged and that his actions contributed to their commission.

12. As detailed in paragraph 335 of the Trial Brief, **ABD-AL-RAHMAN**'s intent can be inferred from his own acts and conduct in Kodoom, Bindisi and surrounding areas, including his instructions to "wipe out and sweep away," leading the attack from the front of the convoy at certain times, and his verbal and physical cues. Moreover, **ABD-AL-RAHMAN**'s conspicuous presence and approval before, during and after the attack is indicative of the overall permissive environment in which he led the operation, including his failure to challenge or punish any members of the Militia/*Janjaweed* under his command for the crimes that they committed.

13. As is evident from the overall context and the facts and circumstances of his conduct, **ABD-AL-RAHMAN** was aware that, due to his position of authority, his orders would be carried out by members of the Militia/*Janjaweed* and/or GoS Forces, and that these orders would result in the commission of the crimes in the ordinary course of events during the attack on Kodoom, Bindisi and surrounding areas on or about 15 and 16 August 2003.