

1 International Criminal Court
2 Trial Chamber I
3 Situation: Darfur, Sudan
4 In the case of The Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman
5 ("Ali Kushayb") - ICC-02/05-01/20
6 Presiding Judge Joanna Korner, Judge Reine Alapini-Gansou and
7 Judge Althea Violet Alexis-Windsor
8 Sentencing Judgment - Courtroom 1
9 Tuesday, 9 December 2025
10 (The hearing starts in open session at 9.31 a.m.)
11 THE COURT USHER: [9:31:24] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE KORNER: [9:31:53] Yes. Good morning, all.
15 Could we call the case, please.
16 THE COURT OFFICER: [9:31:59] Good morning, Madam President, your Honours.
17 Situation in Darfur, in the case of The Prosecutor versus Ali Muhammad Ali
18 Abd-Al-Rahman, case reference ICC-02/05-01/20.
19 And for the record, we are in open session.
20 PRESIDING JUDGE KORNER: [9:32:16] Yes. Thank you.
21 Appearances for the Prosecution, please.
22 MS KHAN: [9:32:21] Good morning, your Honours. I am Nazhat Shameem Khan,
23 Deputy Prosecutor. And I appear with Mr Julian Nicholls, senior trial lawyer;
24 Ms Alison Whitford, trial lawyer; Mr Edward Jeremy, trial lawyer; Ms Laura Morris,
25 trial lawyer; Ms Rachel Mazzarella, associate trial lawyer; Ms Diana Saba, associate

1 trial lawyer; and Ms Claire Sabatini, case manager.

2 PRESIDING JUDGE KORNER: [9:32:48] Thank you very much, Ms Khan. Thank
3 you.

4 The Defence, please.

5 MR LAUCCI: [9:32:54] Good morning, Madam President. Together with
6 Mr Abd-Al-Rahman this morning present in the courtroom, Mr Ahmad Issa, legal
7 assistant; Madam Audrey Mateo, assistant to counsel; Mr Iain Edwards and myself
8 Cyril Laucci, counsel.

9 PRESIDING JUDGE KORNER: [9:33:16] Yes, thank you very much, Mr Laucci.
10 And finally the representatives of the victims, please.

11 MS VON WISTINGHAUSEN: [9:33:21] Good morning, Madam President,
12 your Honours. The participating victims today are represented by my intern Ahmed
13 Al Ammar and myself Natalie von Wistinghausen. And I want to mention my two
14 case managers, Saif Kassis and Mohammed Bitar, who are following remotely with
15 many participating victims. Thank you.

16 PRESIDING JUDGE KORNER: [9:33:50] No, it's not working. Is there another one?
17 Okay. Don't worry, I don't need it.

18 Yes. No, it's not -- it's not -- it's the machine. Okay.

19 Yes, sorry for that. My earphones don't seem to be working, but I don't think it
20 matters much today.

21 The Chamber will now proceed to pass sentence upon Ali Muhammad Ali
22 Abd-Al-Rahman.

23 On 6 October of this year, after a trial lasting 134 days, spread over a period of
24 2.5 years, largely as a result of the renewed outbreak of violence in Sudan, which
25 began in April 2022 - three, I'm sorry - until the present, the Trial Chamber

1 unanimously found Ali Muhammad Ali Abd-Al-Rahman, from here on in I will refer
2 to him as Abd-Al-Rahman, guilty of a total of 27 counts of crimes against humanity
3 and war crimes. These counts arose from the conflict in Sudan, in Darfur in
4 particular, during the period August 2003 to March 2004.

5 Having received written sentencing submissions from the parties and participants,
6 the Chamber heard oral submissions between 17 and 19 of November of this year,
7 which included evidence from a witness called by the Defence, D-16. At the
8 conclusion of submissions from counsel, Abd-Al-Rahman himself made an unsworn
9 statement to the Chamber.

10 What follows now is a summary of the full written sentencing judgment pursuant to
11 Article 76 of the Rome Statute, which will be notified at the conclusion of this hearing.
12 That judgment sets out the applicable law and contains the Chamber's detailed
13 reasons for the sentences imposed. It is the only authoritative document.

14 I start with the applicable law.

15 The Court's legal provisions relating to sentence, namely Articles 76 to 78
16 of the Statute and Rules 145 to 147 of the Rules of Procedure and Evidence, and any
17 other relevant authorities, are set out in full in the written judgment.

18 The preamble to the Statute establishes retribution and deterrence as the primary
19 objectives of punishment at the Court. The Chamber emphasises that "retribution"
20 in this context does not mean "vengeance" or revenge, but is a recognition of the
21 international community's condemnation of the grave crimes found to have been
22 committed. Deterrence is particularly apposite in this case given the current state of
23 affairs in Sudan.

24 In respect of the principles to be applied, the penalties must be tailored to the gravity
25 of the crimes and take into account the individual circumstances of the convicted

1 person, including aggravating and mitigating factors.

2 The assessment of gravity is a two-stage process, namely: (i) the gravity of the crimes
3 themselves, in the abstract; and (ii) concretely as revealed by the actual circumstances
4 of the case.

5 Factors relating to the gravity of the crimes include:

6 The harm caused to victims and their families, the nature of the unlawful behaviour
7 and the means employed to execute the crimes. The degree of participation in
8 the crimes by, and the intent of, the convicted person. The convicted person's age,
9 education and social condition.

10 Aggravating factors, which are separate, as set out in the Rules, include, but are not
11 limited to, commission of the crimes where victims are particularly defenceless;
12 commission of the crimes with particular cruelty, or where there were multiple
13 victims; commission of the crimes for any motive involving discrimination; and
14 finally, other circumstances of a similar nature.

15 Mitigating factors are not extensively defined, but the Rules do specify, and I quote,
16 "circumstances falling short of constituting grounds for exclusion of criminal
17 responsibility", end quote, such as substantially diminished capacity or duress and
18 the convicted person's conduct after the act, including any efforts to compensate
19 the victims and any cooperation with the Court. The Chamber must be convinced of
20 mitigating circumstances on a balance of probabilities.

21 It is the balancing of these factors which is at the core of the Trial Chamber's exercise
22 of the sentencing discretion.

23 Before turning to the crimes and the submissions made by the parties and on behalf of
24 the participating victims, reference needs to be made to the overarching Defence
25 submission on the applicable sentencing regime.

1 The Defence put forward, in writing, and amplified in oral arguments, legal
2 submissions that the appropriate sentencing regime to be applied to Abd-Al-Rahman
3 is not that of this court, but that of Sudan, Sudan not at the time the crimes were
4 committed, at that stage the death penalty was available in respect of some of
5 the crimes of which Abd-Al-Rahman was convicted, but as it stands today. This
6 regime, argues the Defence, as a result of Abd-Al-Rahman's age now, which is 76,
7 would allow for no more than, at best, a sentence of 7 years imprisonment, or a fine.
8 The submissions were lengthy and complex and are summarised in the written
9 judgment. For the purposes of today's hearing, it is sufficient to say that
10 the Chamber, for the reasons given in the written judgment, rejects those submissions
11 as ill-advised and having no foundation in the law of this Court.
12 I turn now to the crimes committed.

13 The Chamber found that between August 2003 and March 2004, Abd-Al-Rahman had
14 command of an irregular force, known as the Janjaweed, which systematically
15 conducted operations against villages and towns in Darfur, inhabited primarily by
16 members of the Fur tribe, who it was perceived supported the rebellion against
17 the Government of Sudan, the GoS, as it will be referred to hereinafter.

18 The charges related to the crimes committed in Kodoom and Bindisi in August 2003
19 and Mukjar and Deleig in February/March 2004. Those crimes were carried out
20 mainly against the Fur population and included, murder, attempted murder, torture,
21 rape, pillaging, forcible transfer, persecution, and outrages upon personal dignity.
22 The full account of the crimes committed is set out in the trial judgment. For these
23 purposes it is sufficient to note that the crimes which took place in Mukjar and Deleig
24 over the course of one week, displayed a significant escalation in the level of gravity,
25 particularly in respect of the treatment of men and boys detained at the police stations

1 and the subsequent mass executions of many of these detainees.

2 Abd-Al-Rahman not only gave the orders which led directly to the crimes, but in

3 Mukjar and Deleig also personally perpetrated some of them, using the axe he carried

4 in order to beat prisoners. These beatings included, in particular, on two men,

5 considered as leaders by the Fur community, Adam Abd-Al-Rahman, nicknamed

6 Jenif, the PDF coordinator in Garsila and Adam Adam Abd-Al-Rahman, the *sheikh* of

7 Massa, also known as *Sheikh* Motor. The beatings resulted directly in their deaths.

8 Those who died as a result of the crimes in Mukjar and Deleig, not less than 167

9 persons, included some boys. One of the victims of the Deleig operation, as set out

10 in the written submissions from the representatives of the victims, described his

11 experience thus:

12 "the suffering we endured between 5 and 7 March 2004, days of torture that began at

13 sunrise and continued until forced displacement, brutal beatings, and rape, both

14 inside homes and in public, in full view of the police. That day, the sun was

15 scorching. Ali himself walked over the heads of people lying face down on the

16 ground, as men, women, and children cried out in pain. Some were wounded by

17 gunfire and others struck with axes. Blood ran freely in the streets, and there was no

18 medical help, no treatment, no mercy."

19 I turn now to the submissions made by the parties and participants.

20 The Prosecution seeks a joint sentence of life imprisonment. It submits that all

21 the crimes are, and I quote, "especially grave", having been carried out with

22 "unimaginable cruelty and for discriminatory motives", emphasising

23 Abd-Al-Rahman's high degree of participation and intent, the temporal and

24 geographical scope of the three operations, the means employed, and the massive and

25 lasting impact of the crimes on the Fur community. The Prosecution points out that

1 the Chamber found that Abd-Al-Rahman had *de facto* control over the Janjaweed,
2 whom he commanded, and on occasions over personnel of the regular GoS forces.
3 Whilst not at the top level of the GoS, Abd-Al-Rahman took direct instructions from
4 Minister Harun and was, and again I quote, "an enthusiastic, energetic, effective
5 perpetrator".

6 In respect of mitigating factors, the Prosecution allege that none exist that are of any
7 weight warranting a reduction in sentence. No other circumstance, whether
8 personal, behavioural, or contextual, they argue, reduces Abd-Al-Rahman's
9 culpability.

10 The Defence submits that neither a sentence of life imprisonment nor any custodial
11 term that would amount to a *de facto* life sentence is warranted. Instead, it requests
12 that the Chamber imposes a finite and proportionate term of imprisonment that
13 preserves the possibility of release in light of Abd-Al-Rahman's age, personal
14 circumstances, and degree of culpability or, if appropriate, the imposition of a fine.

15 The Defence asserts that a demonstration of remorse was contrary to
16 Abd-Al-Rahman's defence and remorse could not thus be expressed. The Defence
17 avers that this omission cannot be considered as an aggravating factor, given
18 Abd-Al-Rahman's right not to be compelled to confess guilt.

19 As to mitigation, the Defence advances several factors, which essentially fall into two
20 categories, namely, those relating to the offences and those relating to him personally.

21 The first category includes what is said to be Abd-Al-Rahman's subordinate rank,
22 limited authority, and lack of discretion; second, a mistake of law or duress type
23 circumstance falling short of a complete defence; third, specific instances in which he
24 acted to protect or preserve life and prevent sexual violence.

25 The second category of mitigation includes:

1 His personal circumstances including age, health and family; the absence of previous
2 convictions and absence of risk of recidivism; his good conduct in general and
3 particularly after the acts; his role as a mediator and promoter of peace; his medical
4 profession; his expression of sympathy and efforts to compensate victims; his
5 voluntary surrender to the Court and cooperation with the Court; his exemplary
6 behaviour in the Court's Detention Centre.

7 The representative of the victims submits observations on behalf of 1,592 participating
8 victims, who emphasise that while they seek justice, it is not vengeance. Their
9 central concern is that Abd-Al-Rahman must not be allowed to return to Darfur, as
10 this prospect causes immediate trauma and fear. The representatives of the victims
11 highlights that the victims consider that the sentence must adequately reflect
12 the gravity, scale, and impact of the crimes and their long-term consequences.

13 She indicates that the crimes had a deep and lasting impact on the Fur community,
14 and identifies the abuse of authority as raising the gravity and aggravating factors
15 from the victims' perspective, including: the particular vulnerability of victims;
16 the particular cruelty of the crimes; and the discriminatory motive and scale of
17 the attacks.

18 As to mitigation, the representative of the victims submits that while some factors
19 may be considered, they merit limited weight. The representative of the victims
20 does not propose a specific term of imprisonment, but submits that, in the light of
21 the victims' views, the gravity and enduring impact of the crimes, and
22 the aggravating circumstances identified, warrant a severe sentence that prevents
23 Abd-Al-Rahman's return to Darfur.

24 Turning next to the gravity of the crimes, the aggravating factors and other
25 crime-specific considerations, as is mandated by the cases heard in this Court.

1 In its written judgment, the Chamber addresses these factors in three categories.

2 First, factors/considerations which are common to all three operations. Second,
3 factors/considerations which are common to all crimes committed in each operation,
4 that is to say Kodoom and Bindisi, Mukjar and Deleig. Third, factors/considerations
5 specific to each crime. In deciding on the appropriate sentence for each crime
6 the Chamber has taken into account all relevant factors or considerations analysed in
7 all three categories.

8 Regarding the first category of analysis, that is to say factors common to all operations
9 in respect of the gravity of all crimes, these include:

10 Abd-Al-Rahman's role as leader of the Janjaweed in the Wadi Salih and Mukjar
11 localities.

12 His access to, and those relationship with, key figures of the government of Sudan at
13 the state and locality levels.

14 And the high degree of planning of the crimes.

15 Aggravating factors common to all three operations include:

16 The significant number of victims impacted by the crimes; and the underlying
17 discriminatory motive for the crimes, committed predominantly against the Fur
18 population. For reasons provided in its written judgment, the Chamber does not
19 consider the discriminatory motive as an aggravating factor for the crime against
20 humanity of persecution or torture as a war crime.

21 Regarding the second category of analysis, factors common to the gravity of all crimes
22 committed in each operation, these include:

23 Abd-Al-Rahman's degree of participation and intent;

24 The circumstances of the manner, time and location of the crimes.

25 And in relation to the aggravating features applicable to the crimes committed during

1 the Mukjar and Deleig operations, the Chamber highlights: the particular
2 vulnerability; and with the exception of the crime against humanity of torture,
3 the particular defencelessness of the victims.

4 I should say that is because that particular aggravating feature is contained within
5 the definition of the crime itself.

6 Finally, in the third category of analysis, namely the factors specific to the gravity of
7 each crime these include:

8 Circumstances of manner, time and location, nature of the unlawful behaviour; and
9 means employed to execute the crime.

10 And the aggravating factors specific to each crime include: commission with
11 particular cruelty; and commission against particularly vulnerable and defenceless
12 victims.

13 Next I turn to the mitigating circumstances as advanced by the Defence.

14 The arguments which were put forward are fully rehearsed in the written judgment
15 and what follows is a summary.

16 First, what is said to be Abd-Al-Rahman's subordinate rank, limited authority, and
17 lack of discretion, and also mistake of law or duress falling short of a complete
18 defence. The Chamber accepts the submissions made by the Prosecution and the
19 representatives of the victims, for, as I say, the reasons given in the written judgment,
20 that these matters were all dealt with in the trial judgment and are an attempt by
21 the Defence improperly to re-litigate the Chamber's findings at the sentencing stage
22 rather than on appeal. And accordingly, the Chamber rejects the Defence
23 submissions under this head.

24 Second, specific instances in which he acted to protect or preserve life and prevent
25 sexual violence. The Defence submit that two witnesses gave evidence of direct

1 intervention by Abd-Al-Rahman to preserve life: saving the life of a very ill soldier or
2 policeman, it wasn't clear from the evidence, in 1986 in a place called Soungo; and
3 that he gave orders to the Janjaweed to spare the women in Arawala from death and
4 that he had ordered them to protect women and girls at risk of rape, albeit at the same
5 time ordering the killing of men.

6 In relation to the direct intervention to save the life of an ill soldier or policeman in
7 Soungo, the Chamber finds that this was not extraordinary and could have been
8 expected considering Abd-Al-Rahman's role as a medical professional in the SAF. It
9 also occurred many years before the crimes of which he has been convicted -- before
10 the crimes of which he has been convicted were committed and in another
11 geographical area. As regards his orders to spare the women in Arawala,
12 the Chamber recalls the findings in its trial judgment that a witness explained that
13 that instruction meant that the Janjaweed "never killed women", I quote, instead he
14 said they would "torture" and "rape" them. Accordingly, the Chamber does not find
15 either of these two actions constitute a mitigating circumstance.

16 In respect of his state of health and his age now, which as I said was 76, the Chamber
17 finds that Abd-Al-Rahman's health, including any illness that may arise in the future,
18 is primarily a matter for the enforcement of the imposed sentence, rather than a factor
19 of -- a factor in the determination of its length at present. It is also as a result of
20 Abd-Al-Rahman's delayed surrender, that the Chamber must now consider his
21 advanced age. The Chamber notes the victims' views, which firmly oppose
22 a significant reduction of sentence as a result. Notwithstanding, the Chamber has
23 taken the age factor into consideration in its determination of the joint sentence, albeit
24 to a limited extent.

25 In respect of his family circumstances, the Chamber notes that Abd-Al-Rahman's

1 contact with his family members, all of whom appear to be in Sudan, is severely
2 limited. It further notes that although a convicted person's role as a parent may be
3 a factor to consider in the determination of the sentence, internationally recognised
4 human rights acknowledge that a lawful detention entails by its nature a limitation on
5 private and family life. Abd-Al-Rahman's family social and economic conditions,
6 including that he is a provider, are common to many convicted persons and are
7 therefore not exceptional. Accordingly, these are not factors which can outweigh
8 the harm caused to the victims of his crimes and thereby reduce the appropriate
9 sentence.

10 The Chamber finds that the facts that -- sorry, that the facts that Abd-Al-Rahman does
11 not have any prior criminal convictions or that he is unlikely to re-offend, are not
12 mitigating in light of the 27 counts of which he was convicted. As noted by the
13 Prosecution, it is not exceptional in international trials for convicted persons to have
14 no prior criminal record.

15 The Defence further submits that the Chamber should consider Abd-Al-Rahman's,
16 and I quote, "positive good character generally, his role as a mediator and promoter of
17 peace", and this should be considered in light of the evidence presented at trial from
18 several witnesses who knew Abd-Al-Rahman both professionally and personally.

19 However, as submitted by the representatives of the victims, the Chamber finds that
20 good behaviour and good character which is strongly contradicted by
21 the preponderance of the evidence, is insufficient to make a determination on
22 the reduction of sentence.

23 The Chamber does not find that Abd-Al-Rahman medical profession, per se, is
24 significant enough to reduce his sentence. If anything, as suggested by
25 the representatives of the victims, his medical profession and thus his medical

1 knowledge, is considered to be a factor increasing the gravity of the crimes of which
2 he was convicted. This is on the basis that his medical training was designed to save
3 lives and by his actions he was deliberately running counter to such training,
4 particularly in respect of the crimes he directly committed.

5 In respect of the victims, the Defence first points to Abd-Al-Rahman's instructions
6 given to them, his counsel, to seek reparations for victims from the pretrial stage
7 onwards through letters and meetings with the Trust Fund for Victims and more
8 recently through communications made to embassies. Second, it submits that
9 the Chamber should take into account the expressions of empathy made by him in
10 various unsworn statements to the court.

11 By its judgment, the Chamber found that Abd-Al-Rahman was responsible for
12 the suffering of the victims, a responsibility he denied, and continues to deny.

13 The Chamber finds that Abd-Al-Rahman has done no more than pay lip service to
14 the suffering of the victims and does not accept the Defence's submissions that he has,
15 and I quote, "pave[d] the way to reparations proceedings". End quote.

16 The Chamber also finds that it is misleading to argue that he, and again I quote, "will
17 insist that the victims be afforded reparations". End quote. As submitted by
18 the representatives for the victims, without a conviction, Trial Chambers cannot issue
19 reparations orders. Such an incongruous message to the victims cannot be
20 considered, in any manner, as part of the reparation process or as an effort to
21 compensate victims.

22 In his last address to the Court, Abd-Al-Rahman referred to, albeit very generally,
23 the victims of 2003 and 2004, their right to receive reparations, and stated that
24 witnesses' accounts of what happened in Kodoom, Bindisi, Mukjar and Deleig, and I
25 quote again, "was horrible". End quote. The Chamber finds his last unsworn

1 statement to be a calculated and insincere expression of empathy, the more so - as
2 again posited by the representatives of the victims - in that Abd-Al-Rahman's line of
3 defence, both implicitly and explicitly, suggested that the Prosecution witnesses,
4 including dual status witnesses and participating victims, "have either lied or at best
5 negligently failed to state the truth".

6 Accordingly, the Chamber does not find that either Abd-Al-Rahman's actions in
7 respect of reparations or his unsworn statements provide any mitigation warranting
8 a reduction of his sentence.

9 The Defence submits that voluntary surrender is expressly considered as a mitigating
10 factor under the Rules. According to the Defence, Abd-Al-Rahman not only took
11 the initiative of surrendering to the Court, but then had to wait for six months to meet
12 with representatives of the Prosecution. It further argues that notwithstanding
13 the overall delay in his surrender, and notwithstanding that his motives may have
14 been those of self-interest, given that there was never any realistic chance that Sudan
15 would ever have arrested and transferred Abd-Al-Rahman to the court, the only
16 reason that there has been a trial is because he decided to surrender to its jurisdiction.
17 And the Defence further submits that the Chamber's decision could, and I use
18 the word that was used, "inspire" ICC suspect to surrender if there is a reduction in
19 sentence.

20 Whilst acknowledging that the reasons for Abd-Al-Rahman's surrender were those of
21 self-interest rather than remorse, the Chamber accepts the Defence's submission that
22 voluntary surrender is the most decisive way a suspect can cooperate with the Court.
23 The Chamber also accepts the Defence's argument that, even if delayed, the presence
24 of a suspect is preferable to no presence at all. Accordingly, the Chamber considered
25 that Abd-Al-Rahman's voluntary surrender is one that reduces his overall sentence,

1 albeit giving it limited value, in light of the particular circumstances which have just
2 been described.

3 Finally, the Defence submits that Abd-Al-Rahman's exemplary behaviour in detention
4 should be considered as a mitigating factor. Good behaviour and cooperation with
5 the Court during a trial is expected of any accused person, and it cannot, in and of
6 itself, constitute a factor in mitigation of a sentence. However, such behaviour may
7 be considered to be a mitigating factor if it is found to be "exceptional" in nature.

8 The Chamber notes that, according to the Registry report, Abd-Al-Rahman has been,
9 and I quote, "a model detained person", it therefore accepts the Defence's submission
10 that good behaviour in detention, and I quote again, "plays an important role in
11 fostering orderly administration of an international detention centre". And,
12 accordingly, it finds that his behaviour, as described, may be considered to be
13 exceptional and will thus take this factor into account as mitigating, albeit of limited
14 weight.

15 I turn now to the principles regarding the sentences to be passed.

16 The sentencing regime of this court requires that individual sentences be passed for
17 each count of which Abd-Al-Rahman was convicted. Additionally, Article 78(3)
18 of the Statute states that a joint sentence must be passed which shall be no less than
19 the highest individual sentence pronounced.

20 In respect of the individual sentences for the crimes, the Chamber has carefully
21 considered the submissions made by the Prosecution, in the light of the evidence in
22 the case as regards the specific gravity of each crime.

23 And those considerations are fully set out in the written judgment. However, for
24 the purposes of this summary, the Chamber highlights:

25 First, it finds that the level of Abd-Al-Rahman's participation and intent was identical

1 for both the Mukjar and Deleig operations. And therefore, the sentences passed for
2 the crimes committed during those operations are the same; and second, it has not
3 made a distinction between the sentences for the counts alleging murder and those
4 alleging attempted murder, on the basis that the evidence shows that those who
5 survived the executions did so by good fortune. The intent of Abd-Al-Rahman was
6 that all should be killed.

7 In determining the joint sentence, as already stated, the Chamber is called to
8 pronounce a sentence in line with the Court's primary purposes of punishment,
9 retribution and deterrence, as defined.

10 Moreover, the Chamber acknowledges the victims' desire for accountability and
11 justice, as well as peace and restoration. In her oral submissions, oral submissions,
12 the representative of the victims conveyed the victims' views on sentence as follows:

13 "... they say justice for them is not an abstract concept. It's not just a line in
14 the judgment. It's the recognition of a truth that was long denied to them. Because
15 what happened to them, ... was not an accident of war, it was a campaign of
16 extermination, humiliation, and displacement conducted and ordered by no one else
17 than Mr Abd-Al-Rahman and nothing more, but also nothing less, it's what they
18 asked to be reflected in the sentence ..." Sorry, I'll read that again, "it's what they
19 asked to be reflected in the sentence that you would impose on him. [...]"

20 [Abd-Al-Rahman's conviction] is the first acknowledgment that the people of Darfur
21 were not victims of mere intertribal conflict or something [akin to that]. They were
22 victims of a deliberate campaign - the Chamber made it very clear - orchestrated by
23 those in power ... executed by the Janjaweed led by Mr Abd-Al-Rahman in
24 the Wadi Salih region, under the authority of the Government of Sudan, even if not
25 specifically ordered by anyone in particular".

1 I propose now to deal with the sentences for the individual offences.

2 Abd-Al-Rahman may stay seated while I go through those but must stand when I

3 turn to the joint sentence.

4 The sentences have been divided into the applicable groups.

5 First of all, crimes committed during the Kodoom and Bindisi operation:

6 Count 1, attack against a civilian population as a war crime: 12 years' imprisonment.

7 Counts 2 and 3, murder as a crime against humanity and as a war crime, respectively:

8 15 years' imprisonment for each count.

9 Count 4, pillaging as a war crime: 8 years' imprisonment.

10 Count 5, destroying the enemy's property as a war crime: 8 years' imprisonment.

11 Counts 6 and 7, other inhumane acts as a crime against humanity and outrages upon

12 personal dignity as a war crime, respectively: 12 years' imprisonment for each count.

13 Count 8 and 9, rape as a crime against humanity and as a war crime, respectively:

14 15 years' imprisonment for each count.

15 Count 10, forcible transfer as a crime against humanity: 15 years' imprisonment.

16 Count 11, persecution as a crime against humanity: 17 years' imprisonment.

17 The crimes committed during the Mukjar operation:

18 Counts 12 and 13, torture as a crime against humanity and as a war crime: 17 years'

19 imprisonment for each count.

20 Count 16, outrages upon personal dignity as a war crime: 14 years' imprisonment.

21 Counts 17 to 20, murder and attempted murder, as a crime against humanity and as

22 a war crime, respectively: 20 years' imprisonment for each count.

23 Count 21, persecution as a crime against humanity: 18 years' imprisonment.

24 Crimes committed during the Deleig operation:

25 Counts 22 to 23, torture as a crime against humanity and as a war crime: 17 years'

1 imprisonment for each count.

2 Count 26, outrages upon personal dignity as a war crime: 14 years' imprisonment.

3 Counts 27 to 30, murder and attempted murder, as a crime against humanity and as
4 a war crime, respectively: 20 years' imprisonment for each count.

5 Count 31, persecution as a crime against humanity: 18 years' imprisonment.

6 In determining the joint sentence, the Chamber further considered the Defence's
7 submissions regarding Abd-Al-Rahman's age, good conduct in detention and during
8 trial, as well as his voluntary surrender to the Court. The Chamber has already
9 acknowledged these circumstances constitute relevant consideration in determining
10 an appropriate sentence. However, it also recalls the Court's consistent
11 jurisprudence that they should not be given undue weight. In the light of
12 the specific circumstances of Abd-Al-Rahman's case, the Chamber affords these
13 factors only limited weight in determining the appropriate joint sentence.

14 Stand up, please, Abd-Al-Rahman.

15 The Chamber sentences you to a joint sentence of 20 years. The Chamber would
16 have pronounced a higher sentence, had it not been for the mitigating circumstances
17 discussed above.

18 That sentence is passed unanimously. The Chamber is of the view that this term is
19 proportionate to Abd-Al-Rahman's specific circumstances, conforms with
20 the purposes of punishment under the Court's legal framework, and adequately
21 acknowledges the victims' suffering and harm, while recognising your good conduct
22 in detention and during trial, as well as your surrender to the Court, and age.

23 It notes that you surrendered to the Court and arrived in its custody on 9 June 2020.

24 Accordingly, the Chamber orders that the time you have spent in detention from
25 the date of your surrender on 9 June 2020 until the date of this judgment shall be

- 1 deducted from your sentence.
- 2 You may sit down.
- 3 That concludes this hearing.
- 4 THE COURT USHER: [10:18:27] All rise.
- 5 (The hearing ends in open session at 10.18 a.m.)