



Case Information Sheet

Situation in Darfur, Sudan

The Prosecutor

v.

*Abdallah Banda Abakaer Nourain and
Saleh Mohammed Jerbo Jamus*

Case n° ICC- 02/05-03/09



Abdallah Banda Abakaer Nourain (Banda)



Date of birth	In or around 1963
Place of birth	Wai, Dar Kobe, North Darfur
Tribe	Zaghawa
Situation	Commander-in-Chief of the Justice and Equality Movement, (JEM) Collective-Leadership, one of the components of the United Resistance Front

Saleh Mohammed Jerbo Jamus (Jerbo)



Date of birth	1 January, 1977
Place of birth	Shagag Karo, North Darfur
Tribe	Zaghawa
Situation	Former Chief-of-Staff of the SLA-Unity, currently integrated into the JEM

Summonses to appear	Issued under seal on 27 August, 2009 Unsealed on 15 June, 2010
First voluntarily appearance	17 June, 2010
Confirmation hearing	scheduled for 22 November, 2010
Charges	<p>Pre-Trial Chamber I considers that there are reasonable grounds to believe that Abdallah Banda Abakaer Nourain and Saleh Mohammed Jerbo Jamus are criminally responsible as co-perpetrators or as indirect co-perpetrators for three war crimes under article 25(3)(a) of the Rome Statute:</p> <ul style="list-style-type: none">• violence to life in the form of murder, whether committed or attempted, within the meaning of article 8(2)(c)(i) of the Statute;• intentionally directing attacks against personnel, installations, material, units or vehicles involved in a peacekeeping mission within the meaning of article 8(2)(e)(iii) of the Statute; and,• pillaging within the meaning of article 8(2)(e)(v) of the Statute.



Alleged crimes (non-exhaustive list)

Pre-Trial Chamber I found that there are reasonable grounds to believe that:

- A protracted armed conflict not of an international character existed in Darfur between the Government of Sudan and several organised armed groups, including the JEM and the Sudanese Liberation Movement/Army (SLM/A). In this context, an attack was carried out on 29 September, 2007, against African Union [peacekeeping] Mission in Sudan personnel, installations, material, units and vehicles that were stationed at the Haskanita Military Group Site (MGS Haskanita), in the Umm Kadada locality of North Darfur, Sudan.
- The attack on the MGS Haskanita was allegedly carried out by splinter forces of the JEM, under the command of Banda, jointly with the troops belonging to the Sudanese Liberation Army-Unity (SLA-Unity), which had broken away from the SLM/A.
- The attackers, approximately 1,000 persons armed with anti-aircraft guns, artillery guns and rocket-propelled grenade launchers, allegedly killed 12 and severely wounded eight AMIS soldiers. They allegedly destroyed communications, installations, dormitories, vehicles and other materials and appropriated property belonging to AMIS, including 17 vehicles, refrigerators, computers, cellular phones, military boots and uniforms, fuel, ammunition and money during and after the attack.
- It is alleged that Banda and Jerbo agreed on a common plan to attack the MGS Haskanita and that the common plan included the commission of the above-mentioned war crimes.
- The AMIS personnel, installations, material, units and vehicles stationed at the MGS Haskanita were the intended object of the attack.
- The contribution of Banda and Jerbo was essential and that they were respectively in command of the splinter forces of the JEM and of the troops of SLA-Unity during the attack on MGS Haskanita.

Key judicial developments

Referral and opening of the investigation

The International Commission of Inquiry on Darfur was established by former United Nations Secretary-General Kofi Annan pursuant to the Security Council resolution 1564. The Commission reported to the UN in January, 2005, that there was reason to believe that crimes against humanity and war crimes had been committed in Darfur and recommended the referral of the situation to the International Criminal Court (ICC).

Using its authority under the Rome Statute, the United Nations Security Council referred the situation in Darfur since 1 July, 2002, to the Prosecutor of the ICC in resolution 1593 on 31 March, 2005.

Following the referral from the United Nations Security Council, the Prosecutor received the conclusion of the International Commission of Inquiry on Darfur. In addition, the Office of the Prosecutor requested information from a variety of sources, leading to the collection of thousands of documents. The Prosecutor concluded that the statutory requirements for initiating an investigation were satisfied and decided to open the investigation on 6 June, 2005.

Summonses to appear

On 20 November, 2008, The Prosecutor submitted an application under article 58 of the Statute for the issuance of warrants of arrest or, alternatively, summonses to appear for Abdallah Banda Abakaer Nourain and Saleh Mohammed Jerbo Jamus who allegedly participated to the attack on MGS Haskanita.

On 23 February, 2009, the Prosecutor filed a “submission of information on the Prosecutor’s Application Pursuant to article 58 and request for summonses to appear”, partially modifying his original application and requesting the Chamber to issue a summonses to appear against Banda and Jerbo.

On 27 August, 2009, the Pre-Trial Chamber I issued under seal summonses to appear against Banda and Jerbo. The summonses to appear were unsealed on 15 June, 2010.



Initial appearance

The two suspects appeared voluntarily before Pre-Trial Chamber I on 17 June, 2010. The Chamber informed them of the crimes which they are alleged to have committed and of their rights under the Rome Statute.

Composition of Pre-Trial Chamber I

Judge Sylvia Steiner, Presiding Judge
Judge Sanji Mmasenono Monageng
Judge Cuno Tarfusser

Representation of the Office of the Prosecutor

Luis Moreno Ocampo, Prosecutor
Fatou Bensouda, Deputy Prosecutor
Essa Faal, Senior Trial Lawyer

Defence Counsel for Banda and Jerbo

Karim Asad Ahmad Khan
Andrew Burrow
Abeer Hasan

Legal Representatives of the Victims

N/A

