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International
Criminal
Court

ICC-PIDS-CIS-SUD-04-001/11_Eng
Updated: 31 May 2011

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



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Abdallah Banda Abakaer Nourain (Abdallah 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 (Saleh 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	8 December 2010
Decision on the confirmation of charges	7 March 2011
Charges	Pre-Trial Chamber I considers that there are substantial grounds to believe that Abdallah Banda and Saleh Jerbo are criminally responsible as co-perpetrators for three war crimes under article 25(3)(a) of the Rome Statute: • violence to life within the meaning of article 8(2)(c)(i) of the Statute; • intentionally directing attacks against personnel, installations, material, units and 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 substantial grounds to believe that:

- An armed conflict not of an international character existed in Darfur. In this context, an attack was carried out on the evening of 29 September 2007, against African Union Mission in Sudan (AMIS) 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 forces of the Justice and Equality Movement (JEM) – Splinter Group, Sudan Liberation Army (SLA) – Unity and SLA-Abdul Shafie, lead by Abdallah Banda and Saleh Jerbo and other commanders.
- The attackers, armed with anti-aircraft guns, artillery guns and rocket-propelled grenade launchers, killed 12 and attempted to kill 8 additional AMIS personnel which were not taking active part in the hostilities. Various items of property belonging to AMIS, its personnel or individuals otherwise working at the compound, were appropriated by the attackers during the attack on the MGS Haskanita without the consent of the legitimate owner and were not returned.
- The attack was directed at personnel, installations, material, units and vehicles involved in a peacekeeping mission in accordance with the Charter of the United Nations. The Chamber also found that the AMIS personnel were entitled to the protection afforded to civilians and the AMIS installations, material, units and vehicles stationed at the MGS Haskanita were entitled to the protection afforded to civil objects.

The Chamber also found substantial grounds to believe that Abdallah Banda and Saleh Jerbo took part in a common plan to attack the MGS Haskanita and carried out essential contributions in a coordinated manner – namely designing and planning the attack, ordering and providing the necessary troops, equipment and materials and personally participating in leading the attack and looting property from the 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 and Saleh Jerbo 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 Abdallah Banda and Saleh Jerbo.

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

Initial appearance and confirmation of charges

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.

On 4 and 15 November 2010, the two suspects waived their rights to be present at the confirmation of charges hearing which took place on 8 December 2010.



On 7 March 2011, Pre-Trial Chamber I unanimously decided to confirm the charges of war crimes brought by the ICC's Prosecutor against Abdallah Banda and Saleh Jerbo and committed them to trial. On 16 March 2011, the ICC Presidency constituted Trial Chamber IV and referred the case to it.

Participation of victims

Pre-Trial Chamber I granted 89 persons the status of victim authorised to participate in this case.

Composition of Trial Chamber IV

Judge Joyce Aluoch, Presiding Judge
Judge Fatoumata Dembele Diarra
Judge Silvia Fernández de Gurmendi

Representation of the Office of the Prosecutor

Luis Moreno-Ocampo, Prosecutor
Fatou Bensouda, Deputy Prosecutor

Defence Counsel for Abdallah Banda and Saleh Jerbo

Karim Asad Ahmad Khan

Legal Representatives of the Victims

Brahima Koné
Hélène Cissé
Akin Akinbote
Colonel Frank Adaka
Sir Geoffrey Nice and Rodney Dixon

