

Justice for Darfur

Sudan: Open letter to the United Nations Security Council

AI Index: AFR 54/016/2008 (Public)

Date: 25 April 2008

Your Excellency,

One year ago, the International Criminal Court (ICC) issued arrest warrants against Ahmad Harun and Ali Kushayb for their alleged role in war crimes and crimes against humanity in Darfur. On the anniversary of their issuance, we write to you to urge the Security Council to take immediate steps to ensure the prompt arrest and surrender to the ICC of these two suspects.

As you will know, three years ago, the UN Security Council moved towards ensuring justice for the victims of horrific crimes in Darfur when it decided to make its first ever referral to the ICC. However that step risks being completely undermined if the Security Council fails to respond to Khartoum's ongoing and flagrant defiance of the Court.

On March 31, 2005, when the Council referred the situation in Darfur to the ICC under resolution 1593, it imposed on Sudan a binding legal obligation to cooperate with the Court. On April 27, 2007, the ICC Pre-Trial Chamber issued arrest warrants for two men, Ahmad Harun and Ali Kushayb, charging them with 51 counts of war crimes and crimes against humanity for their leading roles in a series of attacks against civilians in West Darfur in 2003 and 2004. The charges include acts of murder, persecution, torture, rape and forcible displacement.

Since the referral, the government of Sudan has repeatedly refused to cooperate with the Court. In the year since the warrants were issued, Sudanese authorities have not only refused to arrest and hand over the two suspects, they have given one of them increasingly prominent public positions and released the other from prison. Ahmad Harun has been promoted to State Minister for Humanitarian Affairs, responsible for the well being of the very victims of his alleged crimes, and is now a key liaison to the United Nations - African Union peacekeeping force (UNAMID) in charge of their protection. In September 2007, he was reportedly appointed to a committee in charge of hearing complaints of victims of human rights abuses in Sudan. In October 2007, the Sudanese Minister for Foreign Affairs announced that Ali Kushayb – who was in Sudanese custody on other charges at the time the warrants were issued – had been released for alleged lack of evidence.

When the ICC prosecutor last briefed the UN Security Council in December 2007, he set out very clearly Khartoum's complete and persistent failure to cooperate with the Court. In response, each of the ten ICC state parties on the Security Council issued strong statements

of condemnation, but the Council as a whole failed to follow up with any real action to support the prosecutor's work. The prosecutor is due to report again in June 2008. At that time, the Security Council should ensure that the government of Sudan is no longer able to continue obstructing justice and flout the will of the Council without consequences.

The "Justice for Darfur campaign", a group of human rights organizations from around the world, has come together today to call on the Security Council and the international community as a whole to ensure the prompt arrest and surrender to the ICC of these two suspects.

We urge the Security Council to finally deliver on its promise to provide justice for the victims of human rights abuses in Darfur. To do so the Council should:

On the occasion of the ICC prosecutor's briefing to the Council in June, issue a resolution recalling that Sudan has a legal obligation to cooperate with the ICC under resolution 1593 and requiring that it immediately arrests Ahmad Harun and Ali Kushayb and surrenders them to the Court;

Ensure that when the Council undertakes its next visit to Sudan, cooperation with the ICC is a key point on its agenda, with clear and public calls on the Sudanese government to cooperate with the Court.

Three years ago the Security Council made a historic move by referring the Darfur situation to the ICC, a move that showed its commitment to pursuing peace in the region and justice for the victims of atrocities. The Council should now honor that commitment and finally put an end to Khartoum's flagrant disregard for the ICC, the UN Security Council, and the victims themselves.

Sincerely,

The "Justice for Darfur" campaign:

Anne-Cécile Antoni, President, **Action des chrétiens pour l'abolition de la torture - France**

Nasser Amin, Director General, **Arab Center for the Independence of the Judiciary and the Legal Profession**

Dr James Smith, Chief Executive, **Aegis Trust**

Widney Brown, Senior Director, International Law, Policy and Campaigns, **Amnesty International**

Nabeel Ahmed Rajab, Vice President, **Bahrain Centre for Human Rights**

Abdulla Alderazi, General Secretary, **Bahrain Human Rights Society**

Moataz El Fegiery, Executive Director, **Cairo Institute for Human Rights Studies**

Ljubomir Mikic, President, **Center for Peace, Legal Advice and Psychosocial Assistance – Vukovar**

Oby Nwankwo, Executive Director, **The Civil Resource Development and Documentation Centre**

William Pace, Convenor, **Coalition for the International Criminal Court**

Amnesty International

Jacky Mamou, President, **Collectif Urgence Darfour**

Public

Dismas Nkunda, Co-Chair, **Darfur Consortium**

Khatir M Kayabil, Secretary General, **Darfur Union UK**

Souhayr Belhassen, President, **Fédération Internationale des ligues des Droits de l'Homme**

Betsy Apple, Crimes against Humanity Program Director, **Human Rights First**

Richard Dicker, International Justice Program Director, **Human Rights Watch**

Caroline Wojtylak, Director, **International Criminal Court Student Network UK**

Farouk Bagambe, chairperson, **Kalangala District NGO Forum - Uganda**

Karam Saber, Executive Manager, **Land Center for Human Rights**

Jiri Kopal, Chair, **League of Human Rights, Czech Republic**

Hassan Greeve, Chairman, **Prepared society Kenya**

Chris Baruti, Board Member, **Recherches et Documentation Juridiques Africaines**

Tara Tavender, Executive Director, **Save Darfur Canada**

Tilman Zülch, President, **Society for Threatened Peoples International**

Adetokunbo Mumuni, Executive Director, **Socio-Economic Rights & Accountability Project**

Yoni Levitan, Executive Director, **Students Taking Action Now: Darfur - Canada**

Isobel Renzulli, Project Coordinator, **Sudan organization against Torture**

Hillel Neuer, Executive Director, **UN Watch**

Louise Roland-Gosselin, Director, **Waging Peace**

**AMNESTY
INTERNATIONAL**

> [Home](#) > [For Media](#) > [Press releases](#) > Sudan: UN Security Council must censure government

SUDAN: UN SECURITY COUNCIL MUST CENSURE GOVERNMENT

11 April 2008

"The Sudanese government cannot claim to be working to protect the people of Darfur, yet allow its proxy forces to attack civilians with impunity, as is happening," Amnesty International said today. The organization called on the UN Security Council to strongly censure the Sudanese government following a series of orchestrated attacks on civilians in Darfur by Janjawid militia.

"The Sudanese government bears primary responsibility for these Janjawid attacks, which have left many dead and injured and left inhabitants of the area paralysed with fear and unable to carry out their daily activities," said Amnesty International.

"The UN Security Council must insist that the Sudanese government immediately disarm these Janjawid militia, arrest them and prosecute them for the war crimes they are committing."

The Sudanese government, in its quest for a military solution to the crisis, continues to refuse to disarm and demobilize Janjawid militia, despite international outrage.

"The Sudanese government – instead of disarming the Janjawid – is actually nurturing their influence. It continues to arm Janjawid members, integrate them into paramilitary forces, and even facilitate immunity from prosecution," said Amnesty International.

Sunday, 6 April marked the beginning of a series of what appeared to be orchestrated attacks on the towns of El Fasher and Kabkabiya in North Darfur. Both were carried out by Janjawid militia dressed in civilian clothes and border guard uniforms who raided the towns in armed vehicles and on camel and horseback.

Threats of similar attacks were reported to have spread, and Janjawid militia were seen passing through the town of Tawila, also located in North Darfur.

The attacks followed a familiar Janjawid pattern. Janjawid members forcefully collected money and goods from inhabitants, banks and small businesses in the two towns. Markets were occupied by force and looted, while merchants were attacked and robbed. Four were reportedly killed and many injured.

"The fact that the attacks are happening right under the noses of the UNAMID forces stationed there increases the climate of fear, as it leads to people feeling that the UN cannot adequately protect them," said Amnesty International. "The UN Security Council must ensure that the UNAMID is fully deployed and resourced without further delay, and pro-actively fulfilling its mandate so that

these attacks can be prevented in future.”

UNAMID forces deployed to Kabkabiya when the Janjawid attack began, but retired when the Sudanese army arrived. Three civilians were killed in Kabkabiya.

UNAMID did not intervene to stop the Janjawid attack in El Fasher. The response to the attack was instead managed by the national police, tribal leaders and the governor, who intervened with the Janjawid's leadership to stop the attack. One person was killed, several injured, and the climate of fear and insecurity lasted for two days.

Amnesty International is very concerned that such attacks can take place notwithstanding the presence of UNAMID forces, whose mandate is to protect civilians in Darfur.

“The deployment of the full contingent of UNAMID troops and the provision of necessary helicopters and equipment would allow the forces to expand their protection to a larger territory,” said Amnesty International. “It would also allow them to increase their patrols and closely monitor the situation on the ground, which would in turn contribute to preventing attacks such as those recently witnessed.”
