



Coalition for the International Criminal Court

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***COALITION CALLS ON STATES TO REITERATE COMMITMENT  
TO JUSTICE FOR DARFUR***

*In Advance of the ICC prosecutor's Report on Darfur to the UNSC, Global Civil Society  
Recalls States' and UNSC Obligation to Cooperate with the Court*

**WHAT:** On 8 June 2011, the chief prosecutor of the International Criminal Court (ICC), Luis Moreno-Ocampo, will present his thirteenth report to the United Nations Security Council (UNSC) on the Court's investigation of the situation in Darfur, Sudan.

**WHY:** UNSC Resolution 1593, which referred the situation in Darfur to the ICC, requests the prosecutor to report to the Council every six months on the progress of his investigation in Darfur. Three arrest warrants have been issued and several calls for cooperation have been made by the Court and its prosecutor. The Sudanese Government has consistently refused to cooperate with the Court and the Security Council in this regard. On 25 May 2010, the ICC judges issued a decision informing the UN Security Council of the non-cooperation of Sudanese authorities regarding the arrest warrants against Ahmad Muhammad Harun and Ali Kushayb.

**HOW:** The prosecutor's thirteenth report is expected to provide an overview of the prosecutorial and investigative advances by the Court to date, in relation to the four cases in the Darfur situation, and to update on the developments since the prosecutor's previous report to the UNSC in December 2010. The report is also expected to focus on the promotion of cooperation in the enforcement of the arrest warrants issued in the context of this situation.

**COMMENT:** "The Coalition for the ICC calls on all states to ensure that Omar al-Bashir, Ahmad Harun and Ali Kushayb face justice," said Sunil Pal, Head of the Legal Section at the Coalition for the International Criminal Court. "The Coalition urges the government of Sudan to cooperate

with the Court in accordance with its UN Charter obligations and on all states parties to the ICC to robustly fulfill their obligations under the Rome Statute, the Court's founding treaty. We note that in violation of those obligations, al-Bashir has visited three states parties with relative impunity since an arrest warrant was issued against him," he added. "The Coalition also urges the Security Council to show its support for justice in Darfur by encouraging cooperation with the ICC. Any lack of cooperation threatens to undermine not only the authority of the Court, but also the Security Council, as well as victims' access to justice for the grave crimes allegedly committed in Darfur," he stated.

**BACKGROUND:** The investigation into the situation in Darfur, Sudan, was officially opened by the ICC prosecutor on 6 June 2005, after being referred to the Court by the United Nations Security Council through Resolution 1593 on 31 March 2005. The Security Council has referred two matters to the Court, the second being Libya, which was referred on 26 February 2011.

Since the referral, public arrest warrants have been issued against Ahmad Muhammad Harun, Ali Kushayb and Omar Hassan Ahmad Al-Bashir, as well as the summons to appear for Bahar Idriss Abu Garda, Abdallah Banda Abakaer Nourain and Saleh Mohamed Jerbo Jamus. None of the outstanding arrest warrants have been executed, and the Sudanese government has openly defied and consistently refused to cooperate with the Court and the international community, a finding of which was made by the Pre-trial Chamber by way of judicial decision and forwarded to the UNSC for their attention.

On 20 November 2008, the ICC Prosecutor also requested summonses to appear for three commanders allegedly connected to an attack on peacekeepers of the African Union Mission in Sudan at the Haskanita Military Group Site in North Darfur, Sudan, on 29 September 2007: Abdallah Banda Abakaer Nourain (Banda), Saleh Mohammed Jerbo Jamus (Jerbo), and Bahar Idriss Abu Garda. Judges of ICC Pre-Trial Chamber I declined to confirm charges of war crimes against Abu Garda on 8 February 2010, on the ground that it lacked evidence that he participated in the plan to attack the Haskanita base. The charges of war crimes against Banda and Jerbo were confirmed by PTCL on 7 March 2011, sending their case to trial.

The ICC is the world's first permanent international court to prosecute war crimes, crimes against humanity, and genocide. Central to the Court's mandate is the principle of complementarity, which holds that the Court will only intervene if national legal systems are unable or unwilling to investigate and prosecute perpetrators of genocide, crimes against humanity, and war crimes. There are currently six active investigations before the Court: the Central African Republic; the Democratic Republic of the Congo; Darfur, the Sudan; Kenya; Libya; and Uganda. The ICC has publicly issued 15 arrest warrants and nine summonses to appear. Three trials are ongoing. The Office of the Prosecutor has made public that it is examining at least ten situations on four continents, including Afghanistan, Chad, Colombia, Côte d'Ivoire, Georgia, Guinea, Honduras, Republic of Korea, Nigeria, and Palestine.

*The Coalition for the International Criminal Court is a global network of civil society organizations in 150 countries working in partnership to strengthen international cooperation with the ICC; ensure that the Court is fair, effective and independent; make justice both visible and universal; and advance stronger national laws that deliver justice to victims of war crimes, crimes against humanity and genocide. For more information, visit: [www.coalitionfortheicc.org](http://www.coalitionfortheicc.org).*

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