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SUDAN: key actors must now act decisively to ensure justice is done in Darfur

As the Prosecutor of the International Criminal Court (ICC) reports to the Security Council, Amnesty International calls for concerted and decisive action by key actors to ensure effective prosecutions of past and present crimes under international law committed in Darfur, Sudan resulting in the unlawful killing of over 85,000 civilians, the raping of thousands of women, and the forcible displacement of more than two million people. These acts are war crimes and, as part of a widespread, as well as a systematic, attack on the civilian population also crimes against humanity.

Amnesty International welcomes the progress which the Prosecutor of the ICC today reports in his office's investigations into crimes committed in Darfur. However, his report makes clear that there is no full and effective cooperation by the government of Sudan.

There must be an immediate end to impunity in Sudan to halt the deepening human rights crisis.

Amnesty International urges the government of Sudan to increase its cooperation with the Prosecutor, and calls on the Security Council and the African Union to take additional steps.

The government of Sudan must provide the Prosecutor immediate, unrestricted and safe access to all parts of Sudan, provide access to all documents requested, facilitate, without delay, interviews with all persons requested -- including those arrested by the government -- and take effective measures to prevent any reprisals against anyone assisting the Prosecutor's investigations.

Information available to Amnesty International indicates there are outstanding problems in each of these areas.

Steps taken by the government to prosecute those responsible for war crimes and crimes against humanity are entirely insufficient and do not meet the standards required for such domestic prosecutions by the Rome Statute

A range of domestic legal provisions provide immunity from prosecution for members of armed forces and law enforcement officials, including the Presidential Provisional Order amendment to the People's Armed Forces Act of August 2005 and amnesty provisions in the Presidential Amnesty Decree of 11 June 2006 to those who accept the Darfur Peace agreement (DPA). Legal provisions providing for amnesties that prohibit investigations and prosecutions of crimes under international law must be abolished.

The government of Sudan must improve measures to ensure that crimes under international law

committed in Darfur are prosecuted in accordance with the standards required by the Rome Statute of the ICC. The normal courts and the Specialised Criminal Courts which operate in Darfur fail to meet those standards. The Special Courts on the Events in Darfur (SCCED) which the government established for the three Darfur states apparently to substitute for the International Criminal Court have mostly tried offenders on charges of ordinary offences unconnected with crimes under international law in Darfur. The SCCED is only known to have dealt with one case involving attacks on civilians: the killing of 28 civilians in Tama in Darfur. None of the accused was charged with the killings, but three men were sentenced to up to three years' imprisonment in May 2006 for no more than stealing goods.

Considering that the ICC Prosecutor will only be able to prosecute a small number of the most serious cases among many thousands of suspected perpetrators of war crimes and crimes against humanity committed in Darfur,

Amnesty International calls on the government of Sudan and on other governments to investigate and prosecute, in accordance with international standards, other war crimes and crimes against humanity not prosecuted by the ICC Prosecutor and to ensure that victims and their families are able to seek and obtain reparations.

Amnesty International is also concerned that there must be no impunity for war crimes and crimes against humanity that have spread from Darfur into eastern Chad, where attacks on villages by Janjawid from Sudan and local allies since September 2005 have led to the forced displacement of more than 90,000 from targeted ethnic groups, at least 1,000 unlawful killings of civilians and scores of rapes.

Amnesty International urges the Prosecutor of the ICC to extend investigations into crimes under international law that were started in Darfur, but that were completed across the border in eastern Chad as part of the Security Council's referral of the situation in Darfur.

Amnesty International urges the Prosecutor of the ICC to seek authorization under the Rome Statute to investigate other crimes under international law committed in eastern Chad and the Central African Republic if both countries, who are now parties to the Rome Statute, do not refer these situations to the Prosecutor promptly.

Amnesty International urges the Security Council to keep the human rights situation in Darfur, eastern Chad and the Central African Republic under close review to ensure that all necessary measures are taken, including of financial support, to ensure that there is no impunity for any crimes under international law.

Finally, Amnesty International is concerned about the lack of effective cooperation by the African Union, especially its continuing failure to enter into a Memorandum of Understanding with the ICC.

Amnesty International urges the African Union to provide prompt and effective assistance to the ICC in investigating and prosecuting crimes under international law committed in Darfur and to conclude a Memorandum of Understanding with the ICC.

Amnesty International appeals to the AU Mission in Sudan (AMIS) to provide comprehensive information about any matters related to crimes within the Court's jurisdiction and agree to search for, arrest and surrender anyone who is the subject of an ICC arrest warrant.