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Sudan: UN Security Council must ensure Sudan arrests war crimes suspects

Amnesty International today urged the Security Council to act immediately to ensure that the government of Sudan arrest and surrender Ahmed Harun and Ali Kushayb to the International Criminal Court, which has issued arrest warrants for the two men.

The ICC Prosecutor told the Security Council this morning that the government of Sudan is not cooperating with the Court and that the Council must now send a strong message to the government to ensure Sudan's compliance with its obligation, under UNSC Resolution 1593(2005), to arrest and surrender the two men to the International Criminal Court.

Sudan has so far not only persistently refused to arrest and surrender the two men – it has even promoted Ahmed Harun to the post of Minister of State for Humanitarian Affairs.

Amnesty International said that any further stalling by the Council in calling for immediate compliance by Sudan with its legal obligations will only perpetuate impunity and encourage more grave crimes being committed in Darfur.

The organization welcomed and supported Costa Rica's timely initiative before the Council calling for Sudan's compliance with its obligations and called on all members of the Security Council to act immediately on the Costa Rican proposal without any further delay and without weakening it.

Amnesty International said that those Security Council members that are party to or have signed the Rome Statute of the ICC have a particular responsibility to do their utmost to further all states' cooperation with the ICC – including ensuring that the Security Council guarantees compliance with its own resolution that referred the situation in Darfur to the Prosecutor of the ICC.

Background

Security Council members Belgium, Burkina Faso, Costa Rica, Croatia, France, Italy, Panama, South Africa and the United Kingdom are parties to the Rome Statute of the ICC. The Russian Federation has signed the Rome Statute.

On 31 March 2005 the Security Council determined that the situation in Sudan constituted a threat to international peace and security. Acting under Chapter VII of the UN Charter, the Security Council adopted Resolution 1593, referring "the situation in Darfur since 1 July 2002" to the Prosecutor of the International Criminal Court (ICC).

The ICC Prosecutor opened an investigation into the situation in Darfur, Sudan, on 1 June 2005. On 27 April 2007 two warrants of arrest were issued for Ahmad Harun and Ali Kushayb. The arrest warrants refer to war crimes and crimes against humanity allegedly committed between August 2003 and March 2004.

At the same time as the arrest warrants, the ICC issued requests to the government of Sudan and to all states parties of the Rome Statute of the ICC for the arrest and surrender of Ahmad Harun and Ali Kushayb.

The government of Sudan has publicly refused to surrender either Ali Kushayb or Ahmad Harun to the ICC. Although Sudan has not ratified the Rome Statute, UN Security Council Resolution 1593 (2005) requires Sudan to cooperate fully with the Court and provide any necessary assistance to the ICC and its Prosecutor. See: *Arrest Now! Darfur, Sudan: Ahmad Harun and Ali Kushayb* (AI Index AFR 54/015/2008), 27 April 2008.

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