



**Coalition for the International Criminal Court**  
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**MEDIA ADVISORY**

16 October 2009

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**ICC TO OPEN FIRST CONFIRMATION HEARING IN DARFUR SITUATION**  
*Judges to Consider War Crimes Charges against Rebel Leader Abu Garda in Case citing Crimes against AU Peacekeepers*

**WHAT:** From 19 to 30 October 2009, Pre-Trial Judges of the International Criminal Court (ICC) will hold a public hearing to examine the available evidence of war crimes against Darfur rebel leader Bahr Idriss Abu Garda for alleged attacks against African Union peacekeepers. The three judges of Pre-Trial Chamber I will then have 60 days to decide whether or not there is sufficient evidence to move the case forward to trial.

**WHO:** Bahr Idriss Abu Garda is the chairman and general coordinator of military operations of the United Resistance Front. On 17 May 2009, the ICC summoned Abu Garda to appear before the court in connection with war crimes allegations brought by the Prosecutor in relation to acts committed against the African Union peacekeeping forces at the Haskanita military base (Darfur, Sudan). Abu Garda appeared voluntarily before the Court on 18 May 2009 in The Hague.

**WHY:** Abu Garda is suspected of having co-perpetrated three counts of war crimes: 1) violence to life in the form of murder, whether committed or attempted; 2) attacking personnel or objects involved in a peacekeeping mission; and 3) pillaging.

**HOW:** The ICC prosecutor will be required to support his charges with sufficient evidence. Abu Garda will be given the chance to object to the charges and challenge evidence through his counsel, lawyer Karim A.A.Khan. 78 victims will participate in the

hearing through 4 legal representatives - Ms H el ene Ciss e; Mr Akin Akinbote; Col. Adaka; Mr Brahim Kon e - who will represent their perspective and concerns.

The hearing will open on 19 October with discussions on jurisdiction and admissibility issues as well as any issues concerning the proper conduct of proceedings raised by the parties. Opening statements will be delivered on 20 October by the prosecution, victims' legal representative and the defence. Three prosecution witnesses and one defence witness will then be examined. The hearing is scheduled to close on 30 October 2009 after which the Judges will have 60 days to deliver a written decision.

#### **COMMENT AND BACKGROUND:**

"This hearing is a victory for victims, who see that little by little justice will be done in Darfur," stated Osman Hummada, human rights researcher and Co-Director of the African Centre for Justice and Peace Studies (ACJPS). "But Harun, Kushayb and al-Bashir are still fugitives of justice," he insisted. "Today, we once again urge the government of Sudan and the international community to cooperate with the Court and to end impunity for grave crimes in Darfur," he added.

"78 African victims will take part in this hearing through their lawyer; their participation is one of the important achievements of the ICC system," said William R. Pace, Convenor of the Coalition for the ICC, a civil society network in 150 countries advocating for a fair, effective and independent ICC. "The Abu Garda hearing also sends the important message that attacks on peacekeepers are unacceptable to the international community."

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. Since the referral, and in addition to the Abu Garda case, three public arrest warrants have been issued in the Darfur investigation for Ahmad Muhammad Harun, Ali Kushayb and Omar Hassan Ahmad al-Bashir. None of the three outstanding arrest warrants have been executed as the Sudanese government has openly defied and consistently refused to cooperate with the Court and the international community.

The ICC is the first permanent international court capable of trying individuals accused of war crimes, crimes against humanity and genocide. To date, it has publicly issued twelve arrest warrants and one summons to appear for investigations in four situations: the Central African Republic; Darfur, Sudan; Uganda; and the Democratic Republic of Congo. Four suspects are currently in custody. The ICC Office of the Prosecutor has allegedly analyzed or is analyzing at least nine other situations on four continents.

**FOR ADDITIONAL INFORMATION:** Please visit the Coalition's website at <http://www.iccnw.org/?mod=darfur> and participate in our blog "*In Situ: See justice through the eyes of civil society*" at [www.iccnw.org/blog](http://www.iccnw.org/blog)

Experts from international and Sudanese human rights organizations are listed on the following pages for comment and background on this hearing.

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***Important notice:** The Coalition for the International Criminal Court (CICC), an independent NGO movement, is dedicated to the establishment of the International Criminal Court as a fair, effective, and independent international organization. The Coalition as a whole, and its secretariat, does not endorse or promote specific investigations or prosecutions or take a position on situations before the ICC. However, individual CICC members may endorse referrals, provide legal and other support on investigations, or develop partnerships with local and other organizations in the course of their efforts.*

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