



The Honorable Samantha Power
United States Ambassador to the United Nations

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Dear Madam Ambassador:

US Security Council leadership on Darfur is desperately needed now. As we approach the 10th anniversary of UN Security Council Resolution 1593 referring the Darfur Situation to the International Criminal Court, the Security Council's support for the Court's prosecution of Omar al-Bashir for genocide and the other Darfur cases is essential. We, Ms. Wanda Akin Brown and Mr. Raymond M Brown, write to you with a sense of urgency as American lawyers who represent victims at the ICC in the Darfur Situation and in the Bashir Case. We are also the founders of a 501 (C) (3) organization, the *International Justice Project*, which has collaborated with Darfurian NGOs and their supporters throughout the diaspora for the past ten years.

We believe that Security Council action on Darfur that coincided with the upcoming March 31st anniversary will not only help restore a sense of hope to "victims", but will also serve as a crucial step in combating impunity since *"none of these [charged] individuals have been brought to justice, ...[but] some of them continue to be implicated in atrocities committed against innocent civilians."*

We receive reports of such attacks from our clients every day. However, the quoted words are not ours, but those of the Honorable Fatou Bensouda, ICC prosecutor, from her 20th briefing to the Council on the situation in Darfur on December 12, 2014. We listened from the gallery as Prosecutor Bensouda expressed the hope that at least the recent allegations of mass rape in Tabit would galvanize the Council into action. This observation was made in the context of her acknowledging the failure of the Council in ten years to provide support to the Court for the Darfur prosecutions. In that context, she pointed out that the Council:

- Had never made a strategic suggestion to her office about the challenges facing the Court in Darfur;
- Had failed to respond to eight prior communications from the Court on Darfur.

Accordingly, the Prosecutor urged the Council to:

- Respond to the recent allegations in Tabit by condemning the failure of the Sudanese Government to facilitate a fair and impartial investigation into the mass rapes, and "demand unimpeded full investigations of these crimes";

- Most importantly, from our perspective, undertake a “dramatic shift” in its approach to arresting Darfur subjects. This includes promoting cooperation amongst States and finding “creative ways” to support States most vulnerable to visits by al-Bashir and other indictees.

When charges are filed at the ICC and segments of the international community decline to assist in bringing the accused to Court, the very fabric of justice is rent asunder.

We were in East Africa, meeting with members of Darfurian civil society when the charges against al-Bashir were filed. We recall the outpouring of joy and the expressions of relief from Darfurians proclaiming that the international community did in fact care about Darfur, genocide and justice. Now, as the referral reaches its 10th anniversary, those expressions have been silenced. Not only have the accused perpetrators come to regard genocide and mass atrocities as part of their policy tool kit, but other heads of state and non-state actors throughout the world view the lack of legal recourse in Darfur as a sign that they too can act with impunity.

The United States was one of the first governments to characterize Khartoum’s acts as genocide. It facilitated the referral, despite its lack of accession to the Court, because it understood the magnitude of threat Bashir’s killing campaign posed to the peace, security, and lives of Darfurians. Following Prosecutor Bensouda’s recent briefing, Ambassador Pressman further responded to the Prosecutor’s remarks by observing that her speech “marked a truly sad milestone.” However, assertive leadership by the United States that catalyzes the Council into affirmative steps in support of the Darfur prosecutions has the capacity to bring about dramatic change and restore our commitment to justice. You have personally championed this issue for over a decade, and stated just last year that “despite the presence of one of the largest peacekeeping operations in the world, civilians in Darfur continue to be targeted, terrorized, displaced, and killed.” This reality is only worsening by the day.

Accordingly, we urge the United States to take a lead in urging the Security Council to:

- Adopt a Resolution, or at the very least, a Presidential Statement, urging states to cooperate with the Court in arresting accused persons;
- Pledge critical financial support for the continuation of the Darfur investigation in light of the marked strain on the Court’s already limited resources;
- Use the upcoming anniversary as an opportunity to issue press statements regarding the continually deteriorating situation in Darfur and necessity for States to cooperate in executing arrests.

Thank you for your time and consideration. Please advise us of anything we can do to aid in your efforts to bring peace and justice to Darfur.

Yours truly,



Raymond M. Brown, Esq. and Wanda M. Akin, Esq.
Co-Founders of the International Justice Project, Inc.