

Justice for Darfur



Darfur: A Step Forward for Justice

First Darfur Suspect Appears at the ICC

(29 May 2009) -- The voluntary appearance before the International Criminal Court on 18 May, 2009 of a rebel leader allegedly responsible for the killing of African Union peacekeepers in Darfur is a welcome step toward justice for victims of crimes committed in the region, Justice for Darfur said today. Rebel commander Bahar Idriss Abu Garda is the first person to appear before the Court in relation to its Darfur investigation, which began in June 2005.

The ICC issued a summons to appear for Bahar Idriss Abu Garda after judges concluded that there are reasonable grounds to believe that he committed war crimes during an assault on African Union peacekeepers at their base in Haskanita, South Darfur, Sudan, on September 30, 2007. The ICC prosecutor has requested summonses for two other rebel leaders, whose names have not been publicly released, in relation to this attack.

Twelve peacekeepers and civilian police officers from the African Union Mission in Sudan were killed in the attack on the Haskanita base, while at least eight others were seriously wounded. The victims were from four African countries (Botswana, Mali, Nigeria, Senegal). In October 2007, the African Union stressed "the urgent need to bring the culprits to international justice".

This decision by the Court underscores the gravity of attacks against peacekeepers, who are deployed to carry out essential protection for both civilians and humanitarian operations in Darfur. Their efforts have been consistently hampered by insecurity and by repeated deliberate attacks on peacekeepers.

"The African Union peacekeepers who were killed were working in an incredibly difficult and dangerous environment trying to protect civilians in Darfur", said a representative of the Justice for Darfur campaign. *"We look forward to the AU's strong support for the ICC's efforts to bring those responsible for their deaths to justice."*

Several African and European states helped bring about Abu Garda's appearance in The Hague, the prosecution said. They included The Netherlands, Chad, Senegal, Nigeria, Mali and The Gambia. The cooperation of the international community, and especially members of the African Union, will be key to ending impunity for violations of international law committed in Darfur and bringing justice to the victims of these crimes, Justice for Darfur said.

Three arrest warrants are still pending in the Darfur situation – against President Al Bashir; former state Minister for Humanitarian Affairs Ahmad Harun (now governor of South Kordofan) and former Janjaweed leader Ali Kushayb, all accused of committing war crimes and crimes against humanity. The Sudanese government has repeatedly refused to cooperate with the Court by arresting and handing over the suspects.

Justice for Darfur urges all states to cooperate with the ICC in the enforcement of these arrest warrants, including pressing Sudanese authorities to comply with their obligation to cooperate with the Court and execute the arrest warrants.

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The following organizations support this statement:

Aegis Trust
Cairo Institute for Human Rights Studies
Coalition for the International Criminal Court
Damascus center for Human Rights Studies
Darfur Consortium
Darfur Rehabilitation Project, Inc.
Darfur Union in UK and Northern Ireland
Fédération Internationale de l'Action des Chrétiens pour l'Abolition de la Torture
Genocide Alert
Human Rights First
Human Rights Watch
International Crisis Group
International Federation for Human Rights
The League of Human Rights
Recherches et Documentation Juridiques Africaines
Parliamentarians for Global Actions
Prepared Society – Kenya
Society for Threatened Peoples
Urgence Darfour
Waging Peace

Background

- In March 2005, the Security Council adopted resolution 1593 referring the situation in Darfur since 1 July 2002 to the ICC Prosecutor and decided “that the Government of Sudan and all other parties to the conflict in Darfur, shall cooperate fully with and provide any necessary assistance to the Court and the Prosecutor.” Although Sudan has not ratified the Rome Statute, which created the ICC, it is obligated under Chapter VII of the UN Charter to implement the Security Council resolution.
- In April 2007, the Court issued arrest warrants for state Minister for Humanitarian Affairs Ahmad Harun and former Janjaweed leader Ali Kushayb, both suspected of having committed war crimes and crimes against humanity. The Sudanese government has repeatedly refused to cooperate with the Court and has refused to arrest and hand over the two suspects,
- In June 2008, the UN Security Council renewed its call to “the Government of Sudan and all other parties to the conflict in Darfur to cooperate fully with the Court, consistent with resolution 1593 (2005), in order to put an end to impunity for the crimes committed in Darfur”.
- In March 2009, the Court issued an arrest warrant for President Al Bashir of Sudan for crimes against humanity and war crimes.
- On 20 November 2008, the prosecutor sought arrest warrants against three Darfur-based rebel leaders, including Bahar Idriss Abu Garda, on allegations of war crimes committed against African Union peacekeepers in Haskanita in September 2007.
- On 7 May 2009, ICC judges issued under seal a summons to appear for Bahar Idriss Abu Garda for three counts of war crimes: violence to life in the form of murder, whether committed or attempted; attacking personnel or objects involved in a peacekeeping mission; and pillaging. The ICC unsealed the summons on May 17, 2009.