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*African Commission on Human & Peoples' Rights*



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90, Kairaba Avenue, P. O. Box 673, Banjul, The Gambia Tel: (220) 4392 962; Fax: (220) 4390 764 E-mail: [achpr@achpr.org](mailto:achpr@achpr.org); Website: [www.achpr.org](http://www.achpr.org)

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Special Rapporteur on Refugees, Asylum Seekers, Internally Displaced Persons, and Migrants in Africa  
Rapporteur Spécial sur les Réfugiés et les Personnes Déplacées en Afrique

## PRESS RELEASE

The Special Rapporteur on Refugees, Asylum Seekers, Internally Displaced Persons and Migrants in Africa, expresses his grave concern at the decision of the Republic of Sudan to expel international and national humanitarian organisations and their personnel from Darfur, in the wake of the ICC indictment of President Omar El Bashir of the Republic of Sudan.

The Special Rapporteur is concerned that the expulsion of the humanitarian organisations and workers from Darfur, will deprive about 2 million internally displaced persons in Darfur, the protection and assistance they have been receiving following their forced displacement from villages, and other places of habitual residence in Darfur. The Darfurian civilian population has suffered grave violations of human rights and international humanitarian law, through war crimes and crimes against humanity, allegedly committed by government military forces, the Janjawid militia, and the various rebel forces operating in Darfur, during the last six years of conflict. These violations were subject of investigations by the ICC Prosecutor, which, inter alia, lead to the indictment of President El Basher by the ICC on 4<sup>th</sup> March 2009.

The African Commission on Human and Peoples' Rights has repeatedly condemned the violation of the human rights of the people of Darfur, and called on the parties to the conflict to respect their obligations under human rights and international humanitarian law, and to work towards a resolution of the conflict.

The Special Rapporteur is concerned that in spite of the foregoing, the Sudanese leadership is escalating the campaign against the ICC indictment, rather than address the important issue of fighting impunity in Darfur. The Special Rapporteur believes that the expulsion of the humanitarian agencies and their personnel is likely to cause more suffering to the internally displaced persons in Darfur. The decision is a further signal that Sudan is not adequately addressing the fight against impunity.

The Special Rapporteur condemns the abduction of the personnel of the MSF organisation, and calls for their immediate release, by whichever persons, group or forces that have abducted them.

The Special Rapporteur is similarly concerned that the position taken by the African Union on the ICC indictment is tantamount to equivocating in its commitment to fight impunity. The Constitutive Act of the African Union commits every member state and the African Union itself to fight impunity, bearing in mind the tragic history the continent has gone through.

In the recent past Africa has taken bold measures to fight impunity, with the support of the international community through the work of the International Criminal Tribunal for Rwanda, the Special Court of Sierra Leone, ICC investigations and prosecutions of alleged perpetrators of international crimes in DRC, Central Africa Republic and Uganda, as well as the adoption of legal instruments, such as the Declaration and protocols of the International Conference on the Great Lakes Region, of which Sudan is a party. Thirty African States have ratified the Rome Statute, and are therefore bound by the efforts of the international community to fight international crimes of concern.

Africa's concern for the protection and assistance of internally displaced persons in Africa, who constitute more than half the world IDP population, has lead the AU to draft a legal instrument on the prevention of internal displacement, and the protection and assistance of IDPs. The draft convention is likely to be adopted by the AU in the near future.

It is in the light of the above that I call on the Sudanese government to rescind its decision to expel the international humanitarian agencies, redouble its efforts to find a lasting solution to the Darfur conflict and to cooperate with the international community in resolving the ICC issue.

I also urge the United Nations and the African Union to continue working closely to strengthen UNAMID and ensure that the fight against impunity in Africa is not compromised.

(signed)

B.T.Nyanduga.

Special Rapporteur.

Dar es Salaam.

13 March 2009.