

Press release

Sudan / ICC / UNSC

Sudan Continues to Disrespectfully Disregard Victims of International Crimes in Darfur: The Security Council must face up to its responsibility and ensure that its resolutions are implemented

FIDH welcomes the report presented today by the Prosecutor of the International Criminal Court (ICC) to the United Nations (UN) Security Council, on the activities carried out by his Office since his previous report to the Council submitted in December 2008. FIDH calls upon the Security Council to follow up on the report by recalling UN Member States' obligation to cooperate with the Court on the Darfur situation.

In his report, the Prosecutor highlights the blatant refusal of the Government of Sudan to cooperate in any way with the Court and the Prosecutor, in violation of UNSC 1593 and Presidential Statement 21. The report also cites numerous quotes from Sudanese officials showing complete disrespect for the ICC, and thus the victims of the crimes it investigates, as well as UNSC Resolutions.

"It is absolutely unacceptable that the Sudan continues to disregard victims' suffering and to protect alleged criminals. The Government of Sudan cannot possibly get away with that. The Security Council is being mocked and it cannot remain silent in this context", said Souhayr Belhassen, FIDH President.

FIDH has expressed particular dismay at the reaction of the Sudanese government following the issuance of an arrest warrant for President Omar Al-Bashir on 4 March 2009. In a renewed attempt to defy the international community, the Government of Sudan closed down national human rights organisations and expelled international humanitarian organisations, leaving millions of victims without material, medical, or legal assistance. FIDH is also particularly concerned about the continued harassment faced by human rights defenders, and those helping the victims, under the excuse that they would support the ICC.

Our organisation stresses the fact that Sudanese rebels, the other party to the conflict, have taken a very different approach. In compliance with UNSC Resolution 1593, rebel leaders for which the Office of the Prosecutor has sought summons to appear, have pledged to fully cooperate with the ICC. In this regard, FIDH commends rebel commander Bahr Idriss Abu Garda's voluntary appearance before the Court on 18 May 2009.

FIDH is aware of the objections expressed by some African and Arab leaders in respect of the work of the ICC, which they accused of unfairly targeting African or Arab States. FIDH firmly believes that such comments indicate a misreading of the ICC's goals and operations. FIDH has noted with satisfaction that a number of African and Arab states

have firmly stood up for the ICC. FIDH encourages those states to continue to support the cause of victims of massive crimes, and to speak out so that their arguments are also given proper consideration in the debate.

FIDH calls upon the UN Security Council:

- To take immediate action following the ICC Prosecutor's report and set up a framework for the execution of UNSC Resolution 1593 and the judicial decisions which have followed. The Council must face up to its responsibility for its actions.
- To emphasize that all States Parties and UN Member States must cooperate with the ICC, by arresting the indictees and also by providing any other kind of cooperation that the Court might require in order to carry out its investigations and prosecutions.
- To uphold the Prosecutor's call for UN Member States not to support the indictees and cut all non-essential contacts with them.

Background

The deadly conflict pitting Sudan's Khartoum-based government against rebel movements seeking power-sharing has ravaged Darfur for the last six years. In March 2005, the UN Security Council referred the situation to the ICC by Resolution 1593. In April 2007, the ICC issued arrest warrants for Ahmad Harun, former State Minister for Humanitarian Affairs and current governor of South Kordofan, and Ali Kushayb, an alleged Janjaweed militia leader.

Sudan has repeatedly and adamantly refused to cooperate with the ICC, despite its obligation to do so under Resolution 1593. Following the Prosecutor's report to the Security Council in June 2008, the Council issued a Presidential Declaration recalling "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 ICC and the Prosecutor."

On 4 March 2009, the ICC issued an arrest warrant for President Omar Al-Bashir. The Government of Sudan has also refused to cooperate with the Court on this warrant of arrest. In addition, it reacted to the warrant by expelling 13 international humanitarian organisations, and by closing down 3 national human rights organisations.

To date, the Government of Sudan has not only failed to arrest the indictees, but it has also implemented concrete actions seeking to protect them.

On 17 May 2009, the ICC made public its decision to issue summons to appear for rebel commander Bahr Idriss Abu Garda, who voluntarily appeared before the Court the next day. A confirmation of charges hearing in his case is scheduled to begin on 12 October 2009.

For more information, see the FIDH website: <http://www.fidh.org/-Sudan->

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