



FACT SHEET: THE INTERNATIONAL CRIMINAL COURT AND SUDAN

As the genocide in Darfur enters its sixth year, one of the most frequent demands of Darfuri survivors is that the individuals responsible for rape, murder and destruction of villages and livelihoods be held accountable. Ending the culture of impunity for perpetrators of these most serious crimes is an essential condition for the region's long-term recovery, and the International Criminal Court (ICC) is an important tool in the pursuit of justice and accountability.

The International Criminal Court and Sudan

- The International Criminal Court, established in 2002, is a permanent, independent court that investigates and prosecutes persons accused of war crimes, crimes against humanity, crimes of aggression and genocide. The court's founding Rome Statute has been ratified by 108 countries.
- Although Sudan has not ratified the Rome Statute, the U.N. Security Council has the authority to refer to the ICC crimes committed in any country.
- In 2005, the Security Council referred the Darfur situation to the ICC in Resolution 1593, charging the ICC prosecutor with investigating crimes in Darfur.

Accused of Crimes in Darfur

- **Omar Al Bashir:** On July 14, 2008, the ICC prosecutor Luis Moreno-Ocampo presented evidence of 10 counts of genocide, crimes against humanity and war crimes against General Omar al-Bashir, the Sudanese president.
 - A panel of ICC judges has reviewed the evidence and will announce on March 4, 2009 whether they have decided to issue a warrant for al-Bashir's arrest.
- **Ahmad Harun:** On April 27, 2007, the ICC issued a warrant for the arrest of Ahmad Harun for twenty counts of crimes against humanity and twenty-two counts of war crimes.
 - From 2003 to 2005, Harun served as Minister of State for the Interior of the Government of Sudan, where he was responsible for the Darfur Security Desk. Following the warrant for Harun's arrest, the Government of Sudan refused to arrest or turn over Harun, then appointed him Minister of State for Humanitarian Affairs.
- **Ali Mohamed Ali ("Ali Kushayb"):** Also on April 27, 2007, the ICC issued a warrant for the arrest of Ali Kushayb for twenty-two counts of crimes against humanity and twenty-eight counts of war crimes.
 - Since 2003, Kushayb served as a senior leader of the infamous *Janjaweed* militias. Kushayb has not been turned over to the Court.
- **Rebel leaders:** In November 2008, the prosecutor submitted to the ICC judges evidence against rebel leaders allegedly involved in the brutal attack on African Union peacekeeping forces based in Haskanita (South Darfur) in September 2007. The judges are examining the evidence in this case and may issue arrest warrants in 2009.

What Must Be Done?

- The United States and other Security Council members should fully support the ICC's Darfur cases and oppose any attempt to suspend the Court's work.
- The international community must press Sudanese authorities to comply with their obligation under international law to cooperate with the ICC. Sudan must enforce all outstanding arrest warrants.
- The Security Council, its member states and regional world leaders must employ severe consequences for any violence against civilians, humanitarian workers or peacekeepers by any party to the conflict. World leaders must also reject any attempt to abandon or suspend the Comprehensive Peace Agreement (CPA), which ended a decades long war between north and south Sudan.
- The ICC's work has put pressure on the Sudanese government and has opened a dramatic window of opportunity to end the conflict in Darfur, especially if combined with strong diplomatic leadership by the Obama administration. World leaders, led by the United States, must use this opportunity to pursue a comprehensive, negotiated peace for Darfur that builds on the framework of the CPA.