



## **FACT SHEET: THE INTERNATIONAL CRIMINAL COURT**

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 is one important tool in the pursuit of justice and accountability in Darfur.

### ***What is the International Criminal Court?***

- The International Criminal Court (ICC) is a permanent and independent court that investigates and prosecutes persons accused of war crimes, crimes against humanity, wars of aggression, and genocide.
- The ICC was established in 2002. The court's founding Rome Statute is ratified by 106 countries, including 30 African states, 13 Asian states, 22 Latin American and Caribbean states, 16 Eastern European states and 25 Western European and other states.
- Crimes in Sudan are not automatically eligible for prosecution by the ICC because Sudan has not ratified the Rome Statute.
- However, the U.N. Security Council has the authority to refer crimes committed in Sudan - or in any other country that has not ratified the Rome Statute - to the ICC.

### ***The International Criminal Court in Sudan***

- The Security Council referred the Darfur situation to the ICC in Resolution 1593 in 2005.
- The Office of the Prosecutor of the ICC began its investigation with a particular focus on attacks on the villages of Kadoom, Bindisi, Mukjar and Arawala.
- In 2007, the ICC issued warrants of arrest for two individuals: Ahmad Muhammed Harun (Ahmed Haroun) and Ali Muhammed Ali Abd-Al-Rahman (a.k.a. Ali Kushayb).
- The Government of Sudan has refused to arrest or turn over either of these men. In fact, after the ICC issued Harun's arrest warrant, the Government of Sudan appointed him Minister of State for Humanitarian Affairs.
- In July 2008, the chief prosecutor of the ICC presented evidence of 10 counts of genocide, crimes against humanity and war crimes against Sudanese President Omar al Bashir.

## ***Wanted for Crimes***

- **Omar Al Bashir:** On July 14, 2008, the prosecutor presented evidence showing that Sudanese President Omar Al Bashir bears responsibility for 10 counts of crimes of genocide, crimes against humanity, and war crimes.
  - A panel of judges will now examine the evidence and determine if there are “reasonable grounds to believe” Al Bashir committed the alleged crimes.
  - If the judges find that there are “reasonable grounds,” they can issue a warrant for his arrest.
  - A decision is expected by September of 2008.
- **Ahmad Harun:** On April 27, 2007, the ICC issued a warrant for the arrest of Ahmad Harun claiming reasonable grounds to believe Harun was responsible for twenty counts of crimes against humanity and twenty-two counts of war crimes.
  - From April 2003 to roughly September 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 appointed Harun Minister of State for Humanitarian Affairs. In this capacity, Harun is responsible for providing relief for displaced civilians – the very civilians he is accused of persecuting and driving from their homes.
- **Ali Kushayb:** On the same day, 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 and was instrumental in planning and implementing systematic attacks on civilian populations throughout Darfur.
  - Following the summons for arrest, issued on February 27, 2007, the Sudanese Government detained Kushayb on unrelated charges, only to release him in September, 2007 on the grounds that there was insufficient evidence to hold him.

## ***What Must be Done?***

- The United Nations Security Council should demand that the Sudanese government comply with all arrest warrants and should impose targeted sanctions on individuals responsible for harboring any wanted individuals.
- The United Nations Security Council must pursue a comprehensive strategy to address the conflict in Darfur that includes full deployment of the UNAMID peacekeeping force and an inclusive peace process. The pursuit of justice and accountability, while imperative, will afford little benefit to Darfuris if not accompanied by immediate protection of civilians and genuine steps toward long long-term peace.

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**About the Save Darfur Coalition** – The Save Darfur Coalition – an alliance of more than 180 faith-based, advocacy and human rights organizations – raises public

awareness about the ongoing genocide in Darfur and mobilizes a unified response to the atrocities that threaten the lives of people throughout the Darfur region. The coalition's member organizations represent 130 million people of all ages, races, religions and political affiliations united together to help the people of Darfur. For more information on the coalition, please visit [www.SaveDarfur.org](http://www.SaveDarfur.org).