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Sudan: No end to impunity for human rights violations in Darfur

On 4 March 2009, the International Criminal Court (ICC) issued an arrest warrant against Sudanese President Omar al-Bashir. Two years later, he and countless others accused of crimes under international law in Darfur continue to evade justice. Unsurprisingly, the human rights situation in Darfur remains appalling.

For over two years the African Union has been calling unsuccessfully for the United Nations Security Council to suspend the proceedings against President Bashir. The African Union has twice adopted a decision that its members will refuse to arrest him. The daily reality of the situation in Darfur demonstrates the devastating impact of impunity that must not be allowed to continue.

The Security Council's renewed commitment to international justice demonstrated by the referral of the situation in Libya to the ICC Prosecutor in resolution 1970 (2011) must be mirrored by an equally strong commitment to implement outstanding ICC arrest warrants in the situation in Darfur, which it referred to the ICC in 2005. It should also seek to address the widespread impunity that exists for the thousands of crimes the ICC is not able to prosecute.

President al-Bashir was charged with committing crimes against humanity and war crimes in Darfur. Genocide was later added to the list of charges against him. Despite the severity of the charges a number of countries, including Chad and Kenya which are party to the Rome Statute of the ICC, have obstructed justice by refusing to arrest President al-Bashir during official visits to their countries.

Amnesty International has repeatedly called on all members of the international community to ensure full accountability for crimes under international law committed in Sudan.

Ahmad Harun, governor of South Kordofan and "Janjaweed" militia leader Ali Kushayb who are also being sought by the ICC for war crimes and crimes against humanity, are protected by the state and enjoy impunity.

In contrast, three leaders of armed opposition groups accused of crimes in Darfur have appeared voluntarily before the ICC. In one case, the judges decided that there was insufficient evidence to confirm charges against Bahar Idriss Abu Garda. Confirmation of charges proceedings are continuing in the two other cases.

Impunity extends far beyond the highest level of government and militia leaders. Victims have no hope of accessing justice, truth or reparations nationally. For example, on 2 September 2010, armed groups attacked Tabra village, in north Darfur reportedly killing more than 37 people. In response to the attack, on 17 September, north Darfur Governor Osman Mohamed Yousef Kibir stated there would be a commission of inquiry to investigate. Six months later, no information has been made public on the progress of the investigation and no one has been charged in relation to the attack.

The impunity re-enforces the cycle of violence in Darfur. Without justice, serious violations of international humanitarian and human rights law continue to be committed on an almost daily basis against the civilian population.

In the last three months, Sudanese government forces and armed opposition groups intensified attacks on civilians in north and south Darfur. Fighting began on 8 December 2010, after the Sudanese government severed ties with the Sudan Liberation Army/Minni Minawi faction (SLA/MM), who signed the Darfur Peace Agreement in 2006. Attacks were carried out by government forces in Internally Displaced Peoples (IDP) camps and in towns including Dar el Salam, Shangil Tobaya and Khor Abeche. According to the United Nations, the violence in December alone, led to over 40,000 people displaced. The fighting caused civilian deaths and injuries, and looting and destruction of civilian property.

On 23 January, government forces raided Zamzam IDP camp in north Darfur. The government forces arrested 37 people, entered civilian homes and looted property. No prior notice was given to the African Union-UN Mission in Darfur (UNAMID), in violation of the Status of Forces Agreement that requires consultation between the government and UNAMID on actions regarding IDP camps.

Two weeks ago, Sudanese government air and ground forces and armed opposition groups fought in and around Shangil Tobaya, north Darfur. Ten villages were reportedly destroyed and over 4,000 people fled from the region as a result.

Disturbingly, the government continues to restrict humanitarian aid in violation of international human rights and humanitarian law. Most recently, on 26 February 2011, the government suspended humanitarian relief organization Catholic Relief Services (CRS) from operating in west Darfur. The Humanitarian Aid Commission accused CRS of distributing bibles. Three weeks ago, on 14 February, a French humanitarian organization, Médecins du Monde, was expelled from south Darfur, reportedly accused of "spying".

Darfuris also continue to face arbitrary arrest and detention, often resulting in torture and ill-treatment. Following a UN Security Council delegates visit to Darfur on 7 October 2010, the National Intelligence and Security Services (NISS) arrested two Darfuri displaced who were speaking to the delegates in Abu Shouk IDP camp. The NISS reportedly searched for 16 people shortly after the delegates left Abu Shouk, Al Salaam and Abashed IDP camps in north Darfur.

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