
AMNESTY INTERNATIONAL

Arrest Now!

Darfur, the Sudan: Ahmad Harun and Ali Kushayb

1. The armed conflict in Darfur, the Sudan

Since 2003 an armed conflict has been taking place in Darfur, the Sudan, between the government of Sudan and several armed opposition groups (including different factions from the Sudanese Liberation Army (SLA) and the Justice and Equality Movement (JEM)). To counter the insurgency in Darfur, the government of Sudan has also mobilised, armed and funded militia known as Janjawid. More than 200,000 people have died in the four-year conflict in Darfur and over 2.5 million have been displaced from their homes.

In 2007 murder, rape, pillage and mass forced displacement continue to be used as weapons of war by Janjawid militia, supported by the Sudanese government, along with the Sudanese Armed Forces. Armed opposition groups have also been responsible for grave violations of human rights and international humanitarian law.

Arms, ammunition and related equipment are being transferred to Darfur for military operations, in violation of a UN arms embargo on the region. The violence in Darfur has spilled into neighbouring Chad with the possibility of spreading to the Central African Republic (CAR).

2. Referral by the UN Security Council

On 31 March 2005 the United Nations Security Council determined that the situation in Sudan constituted a threat to international peace and security. Acting under Chapter VII of the UN Charter, the Security Council adopted Resolution 1593, referring "the situation in Darfur since 1 July 2002" to the Prosecutor of the International Criminal Court (ICC).

What is the ICC?

The International Criminal Court (ICC) is a permanent independent judicial body created by the international community to prosecute crimes such as genocide, other crimes against humanity and war crimes. Its Statute was adopted at an international conference in Rome on 17 July 1998.

3. Prosecution by the ICC

The ICC Prosecutor opened an investigation into the situation in Darfur, the Sudan, on 1 June 2005. Since then, his Office conducted 70 missions in 17 countries, including five missions to the Sudan. According to the Prosecutor, investigations were not conducted in Sudan because of the security risks linked to the ongoing armed conflict.

In May 2007, after a 20-month investigation, two warrants of arrest were issued for two people, **Ahmad Harun** and **Ali Kushayb**. The arrest warrants refer to crimes allegedly committed between August 2003 and March 2004, during several attacks allegedly carried out by the Sudanese Armed Forces and the Janjawid on four West Darfur towns (Kodoom, Bindisi, Mukjar, Arawala) and surrounding areas. According to the arrest warrants, crimes were allegedly committed against civilians primarily from the Fur, Zaghawa and Masalit populations, resulting in the death of about 1000 people.

4. The charges against Ahmad Harun

Ahmad Muhammad Harun (commonly known as Ahmad Harun) is currently Minister of State for Humanitarian Affairs of Sudan. From 2003 to 2005 he was Minister of State for the Interior. In

this capacity he was in charge of the management of the “Darfur Security desk” and coordinated the different bodies of the government involved in the counter-insurgency, including the police, the armed forces, the National Security and Intelligence Service.

According to the ICC arrest warrant, he allegedly recruited, mobilised, funded and armed the Janjawid, with full knowledge that they would commit crimes against humanity and war crimes against the civilian population in Darfur. He also allegedly personally incited the Janjawid to attack civilians.

The arrest warrant against him lists 42 counts of crimes against humanity and war crimes, including persecution, murder and forcible transfer.

5. The charges against Ali Kushayb

Ali Muhammad Al Abd-Al-Rahman (commonly known as Ali Kushayb) is one of the most senior leaders of the Janjawid and a member of the Popular Defence Force. He was the “colonel of colonels” in the Wadi Salih locality of West Darfur. By mid-2003 he allegedly commanded thousands of Janjawid militias.

According to the ICC arrest warrant, Ali Kushayb allegedly led the attacks on the villages of Kodoom, Bindisi, Mukjar and Ararwala. He also allegedly enlisted, armed, funded and provided supplies to the Janjawid under his command.

The arrest warrant against him lists 50 counts of crimes against humanity and war crimes, including persecution, murder, attacks against the civilian population and forcible transfer.

Ali Kushayb was arrested by Sudanese authorities in November 2006 in relation to incidents which occurred in South and West Darfur, aside from those prosecuted by the ICC. According to some reports, he is currently in the custody of the Sudanese Police. However, several witnesses in Darfur reportedly said that he was freely moving from one town to another under police protection.

7. Sudan’s obligation to arrest and surrender

At the same time as the arrest warrants, the ICC issued requests to the government of Sudan and to all states parties of the Rome Statute of the ICC for the arrest and surrender of Ahmad Harun and Ali Kushayb. The United Nations Security Council members that are not states parties to the Rome Statute and other countries such as Egypt, Eritrea, Ethiopia and Libya received the request as well.

The government of Sudan announced suspension of all cooperation with the ICC in March 2007 and has publicly refused to surrender either Ali Kushayb or Ahmad Harun to the International Criminal Court. Although Sudan has not ratified the Rome Statute, UN Security Council Resolution 1593 requires Sudan to cooperate fully with the Court and provide any necessary assistance to it and its Prosecutor.

All persons responsible for crimes under international law committed in Darfur, regardless of rank, must be brought to justice, either before the ICC or before national courts, in fair trials without the death penalty. **Ahmad Harun and Ali Kushayb are wanted for trial at the International Criminal Court to establish their guilt or innocence concerning multiple counts of crimes against humanity and war crimes.**

What can you do?

Please write to the Embassy of the government of the Sudan in your country (or in your region):

- Urging the Sudanese government to cooperate with the ICC;
- Urging the Sudanese government to arrest Ahmad Harun and Ali Kushayb and to immediately surrender them to the ICC;
- Stressing that their arrest and surrender to the ICC would be a first step towards ensuring justice, truth and reparations for the victims of the armed conflict in Darfur.