



The Sixteenth Session of the Assembly of the States Parties to the Rome Statute.

An Open Letter to Member States of The International Criminal Court and the United Nations Security Council

In the concert with the Sixteenth Session of the Assembly of the State Parties to the Rome Statute, Darfur Women Action Group (DWAG) and the undersigned civil society leaders are writing to express our grave concern regarding the continued impunity that Sudanese President Omar al-Bashir enjoys and to call for rapid and strong accountability measures. While the genocide in Darfur has continued for the past fourteen years and it has been eight years since the International Criminal Court (ICC) issued two arrest warrants for President al-Bashir on ten counts of genocide, war crimes and crimes against humanity, President al-Bashir remains at large. He has continued to pursue his genocidal policy and has traveled freely to and from ICC party states and members of the United Nations Security Council. Sadly, many countries have failed to meet their obligation as a member of the Rome Statute to arrest him, and other Sudanese leaders wanted for these heinous crimes.

In addition, we are extremely disappointed that some leading states have started normalizing relations with Sudan instead of isolating and holding President al-Bashir accountable for his crimes. Many states have initiated collaboration that will further legitimize al-Bashir and make accountability more difficult if not impossible. For example, the United States has been improving relations with Sudan, even lifting the economic sanctions which had been in place since the 1990s. At the same time, the European Union recently started a collaboration with Sudan in an initiative to stop African refugees from entering Europe. Russia has even invited President al-Bashir to its territory with total impunity. By collaborating with Sudan, the United States and the European Union, not only undermine the ICC and the authority of the UNSC, but also undermine human rights norms and standards – such as the Geneva Convention, the Convention on the Prevention and Punishment of the Crime of Genocide, the Universal Declaration of Human Rights (UDHR) and the International Humanitarian Laws that President al-Bashir's government have consistently violated for years.

THE CURRENT SITUATION:

For more than thirteen years, the Sudanese government's military forces and their allied militias (the Janjaweed & the Rapid Support Forces) have carried out systematic attacks against the Darfuri people based on their ethnicity. They have bombed villages, abducted civilians, looted private property, and used rape as a weapon of war against women and girls. As a result, over four million Darfuris have been affected, with over three million being forced to leave their villages and settle in displacement camps. To date, millions of people remain in displacement camps and are still under attack with limited access to humanitarian assistance, education, and food. Throughout 2016, the government of Sudan intensified aerial bombing and ground attacks in Jebel Mara - including credible

allegations of the use of chemical weapons. In addition to this heinous crime, there have been reports of the government destroying villages and systematically raping women and girls, the fate of many of whom remains unknown to this day. To make matters even worse, throughout 2016, the Sudanese government restricted access to Jebel Marra in order to block information and ensure minimal evidence of their attacks.

In recent attempts to appease some international governments and to serve their political interests, the government of Sudan has created a new false narrative stating that there is no violence in Darfur anymore and that the situation is calm and peaceful. It is extremely dismaying that the narrative has been echoed, promoted and condoned by many international governments and institutions whereby ignoring justice for the hundreds of thousands who have lost their lives and the millions whose lives are still hanging in the balance in Darfur. We wish to remind the world that the crisis in Darfur has never been a war between parties; it is a systematic governmental genocide and has been committed with the deliberate intent to kill and inflict psychological harm on a targeted population. It is particularly important that the international community understands that the change of the narrative of the crises in Darfur will not only downplay the seriousness of the crimes will also make the process of obtaining justice and lasting peace unattainable.

We are shocked and deeply concerned by the United Nation's African Mission in Darfur's (UNAMID) recent announcement that it will be collaborating with the Sudanese government to collect "illegal" firearms from Internally Displaced Persons (IDP) camps. If implemented, it will be another attempt by UNAMID to provide a cover-up for the Sudanese government's crimes. This so-called arms collection propaganda is another strategy used by the government to legitimize its long-intended attempt to dismantle the camps. The main cause of violence in Darfur is not from the helpless displaced people but a destructive government which has already decimated the lives of millions in Darfur and across Sudan.

THE CRIMES

President al-Bashir stands accused of the world's most heinous crimes - genocide, war crimes and crimes against humanity. The President launched the genocide in Darfur more than thirteen years ago by ordering the Sudanese Armed Forces and allied Janjaweed militias to carry out a scorched-earth campaign against the civilian population. Since then, more than 300,000 people have been killed, and over 400,000 villages have been destroyed. Rape has been systematically used as a weapon of war, leaving countless women and girls fear for their lives as they face daily systematic attacks. Human rights defenders, such as lawyers, journalists, and students have been regularly arrested, tortured, and, at times, killed while in custody.

DEPRIVATION AND ABUSE AS WEAPONS OF WAR

President Bashir's government, in addition to using brute force to torment and slaughter civilians, restricted humanitarian assistance resulting in the deaths of people by starvation. In 2009, after the announcement of the ICC arrest warrant, President al-Bashir retaliated by forcing thirteen of the most effective international NGOs to leave Sudan and shut down three national organizations that provided lifesaving assistance for IDPs in Darfur. As a result, humanitarian conditions severely deteriorated and IDPs were subjected to starvation, diseases, water shortages, and acute malnutrition. Yet another act constituting other crimes for which al-Bashir must be held accountable.

To this day, conditions have not improved as evidenced by over three million Darfuris still displaced and unable to return home, in part because foreigners are occupying a large portion of Darfuri land. At the same time, the Arab Janjaweed militias, who were initially recruited to kill the indigenous Africans in Darfur, are now fully integrated into the Sudanese Armed Forces and are deployed all over Darfur, thus representing a major threat to any return, future peace or stability in the region.

Just two months ago, ahead of the anticipated US decision to lift sanctions on Sudan, Sudanese President al-Bashir made an unprompted and undesired visit to the Kalma Camp in South Darfur. His visit made the abuse of the government even more apparent as camps were forced to accept his unwanted presence. Many attempted to organize a peaceful protest, which only exacerbated violence. As a result, three people were killed, and ten were wounded during protests.

VIOLENCE AND KILLING THROUGHOUT SUDAN

President Bashir has continuously used tactics of mass violence, not only in Darfur but also in other regions of Sudan, including South Kordofan and the Blue Nile.

In 2011, as attacks continued in Darfur, the Former Minister of the Interior of Darfur, Ahmed Haroun, who is also wanted by the ICC, was named Governor of South Kordofan State. Under his command, the Sudanese Armed Forces launched a large-scale attack against the people of South Kordofan and the Blue Nile and forced humanitarian agencies out of the region. These attacks resulted in the displacement of almost one million innocent civilians, many of whom have been forced to live in caves and have been prevented from accessing humanitarian assistance.

Additionally, President al-Bashir has consistently used force to quell peaceful protests throughout Sudan. In 2013, when fuel subsidies were cut, many people took to the streets to demonstrate peacefully, but the Sudanese regime responded with violence, firing directly at demonstrators, arresting dissident voices, censoring newspapers and subjecting journalists and lawyers to severe torture and sometimes death.

In addition, the government has targeted Darfuri students and denied them their right to education. These students were targeted, some accused of murder without any grounds for such an accusation. In addition, they were constantly harassed while in school. Finally, the systematic abuse was so bad that in July of this year, over 1000 students were forced to abandon university.

EIGHT YEARS OF IMPUNITY MUST END

March 4, 2017, marked the 8th anniversary of the ICC arrest warrant against President al-Bashir. During this time, many countries failed to hold the President accountable. China and Russia, as United Nations Security Council members, welcomed President al-Bashir for state visits in 2011 and 2017. Other ICC members, including Chad, South Africa, the Democratic Republic of the Congo, Djibouti, Uganda, and Nigeria, have hosted the president. Among countries that are not ICC members but have welcomed Bashir are Egypt, Eritrea, Ethiopia, Iran, Iraq, Kuwait, Libya, Qatar, Saudi Arabia and South Sudan.

The failure to hold President al-Bashir accountable, not only has devastating effects inside Sudan but sends the wrong message to other leaders, resulting in the perpetration of extreme violence throughout the world. We are already seeing how many leaders think they can slaughter their people with total impunity.

Therefore, we urge all States Parties to the Rome Statute to make accountability for crimes committed in Darfur their priority agenda for the ASP 16 session. We strongly urge all members of the United Nations Security Council and the Rome Statute to stand for justice and make 2017 the last anniversary of President al-Bashir's impunity. We demand that member states of the United Nations, and especially members of the Security Council and the Rome Statute, abide by the obligations derived from UNSC-R 1593 and the ICC arrest warrants for President al-Bashir. They must fulfill their legal and moral obligations to support the ICC by effectively implementing the pending arrest warrants against the President, and other Sudanese officials wanted for crimes in Darfur. We further urge them to provide resources and empower the Court to continue to investigate newly reported crimes.

In addition, we urge the UN to seriously consider adopting new mechanisms to enforce ICC arrest warrants on any areas administered by the UN, including its headquarters, to end President al-Bashir's impunity.

The people of Darfur have cried for years for a simple and humble demand; to see justice served for internationally recognized crimes that have been perpetrated against them with impunity.

It is imperative that the international community makes it clear to President al-Bashir and all perpetrators of genocide, war crimes, and crimes against humanity, that impunity for these crimes will not and must never be an option.

Sincerely,
The undersigned

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