



Darfur Women Action Group

H.E. Ms. Joanna Wronecka
Ambassador Extraordinary and Plenipotentiary
Permanent Mission of the Republic
of Poland to the United Nations
750 Third Avenue, 30th Floor
New York, NY 10017

August 7, 2019

STAND WITH DARFUR Letter to the Member States of the United Nations Security Council

Dear Ambassador Wronecka,

Darfur Women Action Group (DWAG) and the undersigned civil society groups write to express our grave concern about the continued impunity enjoyed by the former president of the Republic of Sudan, Omar al-Bashir, along with three other Sudanese officials indicted by the International Criminal Court (ICC). July marks 9 years since the ICC issued the second arrest warrant for Omar al-Bashir, and 2019 marks 10 years since the first arrest warrant was issued.

Bashir stands accused of the most heinous crimes – genocide, war crimes, and crimes against humanity – all of which he orchestrated against the people of Darfur. Although he has been removed from power after a thirty year rule, al-Bashir has yet to be arrested for these crimes. Long before the outbreak of violence in 2003, the people of Darfur have cried for justice, peace, and protection, only to see their plight ignored and their suffering prolonged because of the lack of enforcement of the ICC arrest warrants.

In the past, some governments refused to cooperate with the enforcement of the warrants, some even allowing Bashir to visit their respective countries, claiming that the ICC could not arrest a sitting head of state. Now that Bashir is no longer president, there has never been a better time to pursue the long-awaited justice for the genocide victims in Darfur. Ten years of evading justice is too long for Bashir, and 17 years is too long for the victims in Darfur.

THE CRIMES:

During his presidency, Bashir ordered the Sudanese Armed Forces and allied janjaweed militias to carry out genocide and a scorched-earth campaign against the indigenous African population of Darfur. Since then, more than 400,000 people have been killed, over 5,000 villages have been destroyed, and violence continues to escalate. In 2016, 171 villages in Jebel Marra region of Darfur were destroyed, and chemical weapons were used against innocent civilians. In 2018 alone, at least 45 villages were burned to the ground in Darfur. Rape has been systematically used as a weapon of war, subjecting men, women, boys, and girls to unprecedented amounts of sexual and gender-based violence. Human rights defenders – lawyers, journalists and students – are regularly arrested, tortured, and/or killed while in custody throughout Sudan for speaking out against these atrocities.

DETERIORATING HUMANITARIAN CONDITIONS:

In 2009, following the announcement of the ICC arrest warrant, Bashir retaliated by forcing 13 international NGOs out of Sudan and shutting down three national organizations that provided



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life-saving assistance for internally displaced persons (IDPs) in Darfur. As a result, humanitarian conditions severely deteriorated. IDPs were subjected to starvation, disease, water shortages, acute malnutrition, in addition to continued attacks, and thousands died as a result.

To this day, over 3 million Darfuris are living in protracted displacement. By the beginning of 2019, the UN reported that humanitarian aid is needed for 5.7 million Sudanese, the majority of whom are in Darfur. In the Jebel Marra region of Darfur, 19,000 people were newly displaced in 2018. Between December 2017 and January 2019, the joint United Nations-African Union Mission in Darfur, (UNAMID) reported 192 instances of sexual and gender-based violence.

THE COST OF IMPUNITY:

The recent dangerous developments in Sudan before and after Bashir's removal are devastating. Since December 2018, Sudanese citizens from all walks of life have come together to unite their voices in protest against 30 years of ruthless dictatorship under Bashir's regime. They peacefully demanded freedom, peace, justice, and a civilian government, and their demands were met with violence by the state's apparatus. Using live ammunition, tear gas and excessive force against peaceful protesters, at least 55 have been killed, nearly 7,000 have been arrested, and over 750 have been injured. On April 11, Bashir was finally removed from power.

Even though he has been removed, his totalitarian influence is still very much present in Sudan - two generals with close association to Bashir and the Darfur genocide now control the Transitional Military Council (TMC), which was established in the wake of his removal. The TMC promised to surrender power to civilians, but only after leading an interim period of 21 months. Regrettably, the TMC continues to delay the transfer of power, denying protester demands for a civilian government. On June 3rd, the TMC ordered Rapid Support Forces (RSF) to storm the area where protesters were conducting a peaceful sit-in. They killed at least 128 people, raped dozens of women – including inside hospitals – and burned people alive inside their tents. Civilians report excessive physical assault on thousands of people, resulting in an uncountable number of injuries. Many protesters went missing and their whereabouts are still unknown. During the same week, another massacre took place in Deleig, a camp for IDPs in Darfur. Over 100 homes were burned to the ground, 17 people were killed, and scores of women and children were raped.

The recent violence taking place under the TMC emphasizes the high cost of impunity paid for by the Sudanese. Because Bashir and the three other officials wanted by the ICC have not been arrested and surrender, the current military rulers of the TMC believe that if they can hold on to power, they can use the same tactics and violence used by Bashir to solidify their control of Sudan. If Bashir escapes justice, they are likely to escape justice as well. By continuously failing to impose tangible consequences for Bashir, the United Nations Security Council and the State Parties to the Rome Statute undermine their authority and ignore their legal obligation to uphold their mandate.

NINE YEARS OF IMPUNITY MUST END:

The UNSC and State Parties to the Rome Statute must take effective measures to arrest Bashir, Ahmed Haroun, Abdulrahim Hussein, and Ali Kushayb. They must go to The Hague to stand trial. Failing to hold the perpetrators of such serious crimes accountable not only has devastating effects within Sudan, but it sends the wrong message to those perpetrating violence throughout the world: governments can continue killing their citizens without facing any ramifications.



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Even though not all UNSC members are signatories to the Rome Statute, UNSC Resolution 1953, which referred the case of Darfur to the ICC, obligates UNSC members to support the ICC and implement its pending arrest warrants. Additionally, the Geneva Conventions are binding on all States. The Government of Sudan may not cooperate with the ICC, but the crimes committed by Bashir violate the Geneva Conventions and Additional Protocol II. This fact cannot be denied.

We strongly urge all members of the UNSC and the State Parties to the Rome Statute to stand for justice. We urge you to end Bashir's decade-long evasion of justice. We also wish to remind the African Union (AU) that the African Charter on Human and Peoples Rights clearly obligates all AU members to promote justice, the rule of law, and human dignity at home and internationally. We urge you, too, to pressure the TMC in Sudan to arrest and surrender all war criminals to The Hague to stand trial.

Today, Sudan is experiencing a defining moment in history that could result in further political and humanitarian crises. The people of Sudan are looking to you to support their quest for lasting peace and democracy in Sudan. The situation cannot be permanently resolved without prioritizing accountability for past and ongoing human rights violations. Genocide is a crime to which world leaders pledged "Never Again". There will not be peace in Sudan without accountability for the genocide, war crimes, and crimes against humanity committed in Darfur, nor is impunity an option for such crimes.

Allowing war criminals to remain at large only exacerbates the high risk of mass atrocities given historical trends in shifting from military to civilian rule. It is imperative that the UNSC members and the State Parties to the Rome Statute make it clear to all ICC indictees that impunity will no longer be tolerated.

Sincerely,

The undersigned:

Niemat Ahmadi
President, Darfur Women Action Group
Washington D.C., USA
niemat@darfurwomenaction.org
+1 (202) 804-6749 ext. 105

Sudan Human Rights Network
Washington D.C., USA

Jewish World Watch
Los Angeles, California, USA

Collectif Urgence Darfour
Paris, France



Darfur Women Action Group

Minnesota Peace Project
Minneapolis, Minnesota, USA

Maryknoll Office for Global Concerns
Washington, D.C., USA

Darfur Union in the UK
London, United Kingdom

Darfur Bar Association
Khartoum, Sudan

Darfur Interfaith Network
Washington, D.C., USA

African Freedom Coalition
New York, New York, USA

Brooklyn Coalition for Darfur & Marginalized Sudan
Brooklyn, New York, USA

Waging Peace
London, United Kingdom

Darfur Association of Canada
Toronto, Canada

Darfur Association of the USA
Baton Rouge, Louisiana, USA

Darfur People's Association,
New York, New York, USA

Robinson Law Office, LLC
Atlanta, Georgia, USA

Darfur Community Organization
Omaha, Nebraska, USA

Darfur Community Association of France
Paris, France