
AMNESTY INTERNATIONAL

Arrest Now!

Darfur, Sudan: Ahmad Harun and Ali Kushayb

1. The armed conflict in Darfur, Sudan

Since 2003 an armed conflict has been taking place in Darfur, 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 mobilised, armed and funded militia known as Janjawid. More than 200,000 people have died in the conflict in Darfur and over 2.3 million have been displaced from their homes.

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).

3. Prosecution by the ICC

The ICC Prosecutor opened an investigation into the situation in Darfur, Sudan, on 1 June 2005.

On 27 April 2007, after a 20-month investigation, two warrants of arrest were issued for two people, Ahmad Muhammad Harun (commonly known as **Ahmad Harun**) and Ali Muhammad Al Abd-Al-Rahman (commonly known as **Ali Kushayb**). The arrest warrants refer to war crimes and crimes against humanity 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 1,000 people.

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.

4. The charges against Ahmad Harun

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 is alleged to have 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 Kushayb was an important leader of the Janjawid militia and a member of the Popular Defence Force. He was the *aqid al-uqada* (“colonel of colonels”) in the Wadi Salih locality of West Darfur. By mid-2003 he allegedly commanded thousands of Janjawid militia.

According to the ICC arrest warrant, Ali Kushayb allegedly led the attacks on the villages of Kodoom, Bindisi, Mukjar and Arawala. 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 said to have been arrested by Sudanese authorities in November 2006 in relation to incidents in South and West Darfur, which are different from those referred to by the ICC. However, he was released and is now said to be in Khartoum.

6. Sudan’s obligation to arrest and surrender

The ICC has no police force with which to execute warrants. If suspects do not comply with warrants, the ICC needs to rely on cooperation by Sudan, other states and inter-governmental organizations.

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.

On 14 September 2007 the INTERPOL issued Red Notices for the two suspects.

The government of Sudan has publicly refused to surrender either Ali Kushayb or Ahmad Harun to the ICC. Although Sudan has not ratified the Rome Statute, UN Security Council Resolution 1593 (2005) requires Sudan to cooperate fully with the Court and provide any necessary assistance to the ICC and its Prosecutor.

What can you do?

Ahmad Harun and Ali Kushayb are wanted for trial at the ICC to establish their guilt or innocence concerning multiple counts of crimes against humanity and war crimes.

Please write to the United Nations Security Council, urging it to:

- condemn Sudan’s refusal to arrest and surrender Ahmad Harun and Ali Kushayb to the ICC;
- call on Sudan to enforce all ICC arrest warrants immediately;
- if the men travel outside Sudan, call on those states to arrest and surrender them to the ICC;
- take other effective measures to ensure that the two men are arrested and surrendered to the ICC.