

## DARFUR SURVIVAL CAMPAIGN JUSTICE & ACCOUNTABILITY FACT SHEET

### Severity of the Conflict in Darfur

- The Sudanese Armed Forces and Janjaweed militias have intentionally targeted and killed non-Arab Darfurians, destroyed their homes, and driven them out into a 'desert death trap' so that survival was nearly impossible. In PHR's view, these crimes constitute genocide, which according to Article II(c) of the Convention on Genocide, states that genocide includes "deliberately inflicting on a group conditions of life calculated to bring about its physical destruction in whole or in part".
- The Geneva Convention, a set of international legal standards that protects civilians and dictates how wars may be fought, has been violated repeatedly in Darfur. Among these violations are deliberate targeting of civilians, rape, including mass rape, subjecting people to starvation, systematically expelling people from their homes, looting and pillaging and inflicting sustained brutality on a group of people.
- The Darfur Peace Agreement, signed in May 2006 by the Sudanese Government and only one rebel group, has been repeatedly violated, and no peace or security has resulted from it.
- Even after suffering initial attacks in their villages, thousands of Darfurian survivors have been subjected to subsequent attacks, brutality, and gender-based crimes in camps by the Janjaweed, rebel groups, or bandits.

### International Criminal Court Investigation

- Established in 2002, the International Criminal Court (ICC) is a permanent international institution based in The Hague (the Netherlands), which can try three specific international crimes: genocide, crimes against humanity, and war crimes.
- The ICC began investigating the situation in Darfur in March of 2005, after the Commission of Inquiry established by the United Nations Security Council (UNSC) found that the Government of Sudan and Janjaweed were responsible for serious crimes against Darfurian civilians. The UNSC referred the matter to the Court.
- The Office of the Prosecutor (OTP) at the ICC formally opened its investigation of Darfur in June of 2005, and in February 2007, named the first two suspects: Ali Kushayb, a member of the Janjaweed, and Ahmed Haroun, a former State Minister for Humanitarian Affairs of the government of Sudan. The OTP issued arrest warrants for these two men in May 2007.

### Holding the Government of Sudan Accountable

- Broad immunity provisions exist in Sudanese law that protect members of the armed forces, national security agencies, the police, and government officials from prosecution and punishment.
- The Government of Sudan established the "Special Criminal Court on the Events in Darfur" (SCCED) in order to demonstrate its ability to prosecute criminals who committed grave crimes in Darfur domestically. However, the cases that were brought before the SCCED only involved petty crimes or individual murders unrelated to any major attack on Darfur. This demonstrates the Sudanese government's refusal to take responsibility for the events that have taken place, as well as its unwillingness to afford justice to the people of Darfur.
- Despite the ICC investigation and potential trials, the ICC will only try a handful of the thousands of perpetrators in Darfur. Consequently, the Sudanese justice system will play a pivotal role in bringing justice to Darfur.

### Justice in Darfur

- In accordance with international law, Darfurians have a right to reparation for the harms inflicted upon them including: the return of their land and property/reestablishment (to the extent possible) of the *status quo ante* (Restitution); Compensation (financial) for their losses; Rehabilitation: the provision of medical, psychological, legal, and social services; Public apologies, Satisfaction of the outcome of the proceedings; and Guarantees that repetition of the conflict will not occur.