



Coalition for the International Criminal Court

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MEDIA ADVISORY

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**ONE STEP FORWARD IN DARFUR INVESTIGATION: TWO SUSPECTS APPEAR
VOLUNTARILY BEFORE ICC JUDGES**

War Crimes Suspects Banda and Jerbo to appear before Pre-Trial Judges in The Hague

WHAT: On 16 June 2010, the International Criminal Court (ICC) announced that two suspects in the situation in Darfur/ Sudan have arrived at the ICC and will appear before the Pre-Trial Judges on Thursday, 17 June at 10 am. Abdallah Banda Abakaer Nourain (Banda) and Saleh Mohamed Jerbo Jamus (Jerbo) are alleged to have been involved in an attack on peace keepers forming part of the African Union Mission in Sudan (AMIS) at the Military Group Site Haskanita in North Darfur, Sudan carried out on 29 September 2007.

WHO: Banda and Jerbo are rebel commanders. The Court had issued summons to appear for the two suspects for alleged war crimes against the peacekeeping forces at the Haskanita military base (Darfur, Sudan). The attack allegedly killed twelve and severely wounded eight AMIS personnel, originating from several countries including Senegal, Mali, Nigeria, and Botswana. Banda and Jerbo are the second and third suspects to appear voluntarily in Court in the Court's investigation in the Darfur situation. Both suspects will stay at a confidential location assigned to them by the Court.

HOW: The summons to appear for Banda and Jerbo were issued under seal on 27 August 2009 and unsealed today. Upon the request of the prosecutor, ICC judges issued summons to appear instead of arrest warrants for the rebel leaders as they believed

they were sufficient to ensure the appearance of the suspects before the Court. The Chamber attached several conditions to the summons to appear. In particular, it ordered Banda and Jerbo to refrain from discussing issues related to the charges or evidence outside the courtroom and from making any political statements.

COMMENT AND BACKGROUND:

“The Rome Statute does not permit proceedings in the absence of the suspect, thus appearance before the court is the only way for an ICC case to move forward” said Cecilia Nilsson, Head of the Legal Section of the Coalition for the ICC (CICC) – a civil society network in 150 countries advocating for a fair, effective and independent ICC and improved access to justice for victims of genocide, war crimes and crimes against humanity. “While we have moved one step further towards justice for the victims of the Haskanita tragedy, we need to ensure that other victims of serious crimes get that chance too. Eight outstanding ICC arrest warrants, including for Bashir and Kony, mean eight fugitives from justice, which as a result means stalled justice for many thousands of victims of the most heinous crimes”, she added. “Only last week at the Review Conference in Kampala, States promised to assist the Court in the swift enforcement of its pending arrest warrants. Let us not allow them to forget that promise.”

On 20 November 2008, the prosecution had requested summons to appear for three commanders allegedly connected to the Haskanita incident: Banda, Jerbo and Abu Garda. The judges examined the applications of the prosecutor and concluded that there are reasonable grounds to believe that Banda, Jerbo and Abu Garda are criminally responsible for three counts of war crimes: 1.) violence to life in the form of murder, whether committed or attempted; 2.) attacking personnel or objects involved in a peacekeeping mission; and 3) pillaging.

Darfur rebel leader Abu Garda already appeared voluntarily before the ICC on 18 May 2009 and a public ICC hearing was held in October 2009 to examine the available evidence against him. On 8 February 2010, Pre-Trial Chamber I of the International Criminal Court (ICC) unanimously declined to confirm charges of war crimes against Abu Garda, thereby refusing to move his case forward to trial.

The investigation into the situation in Darfur, Sudan was officially opened by the ICC prosecutor on 6 June 2005 after being referred to the Court by the United Nations Security Council through Resolution 1593 on 31 March 2005. Since the referral, and in addition to the cases against Banda and Jerbo, three public arrest warrants have been issued in the Darfur investigation against Ahmad Muhammad Harun, Ali Kushayb and Omar Hassan Ahmad al-Bashir, as well as a summons to appear for Bahr Idriss Abu Garda. None of the outstanding arrest warrants have been executed as the Sudanese government has openly defied and consistently refused to cooperate with the Court and the international community.

The ICC is the world's first permanent international court to prosecute war crimes, crimes against humanity and genocide. There are currently 111 ICC States Parties. Central to the Court's mandate is the principle of complementarity, which holds that the Court will only intervene if national legal systems are unable or unwilling to investigate and prosecute. To date, the ICC has opened investigations in five situations: the Central African Republic; Darfur, Sudan; Uganda; Democratic Republic of Congo and Kenya and it has publicly issued twelve arrest warrants and three summonses to appear. Two trials are ongoing and a third is expected to open in July 2010. The ICC Office of the Prosecutor has made public that it is examining at least eight situations on four continents, including Afghanistan, Colombia, Côte d'Ivoire, Georgia, Guinea and Palestine.

FOR ADDITIONAL INFORMATION: Please visit the Coalition's website at <http://www.coalitionfortheicc.org/?mod=darfur> and participate in our blog "*In Situ: See justice through the eyes of civil society*" at www.coalitionfortheicc.org/blog

Experts from international and Sudanese human rights organizations are listed on the following pages for comment and background on these developments.

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Important notice: *The Coalition for the International Criminal Court (CICC) is a civil society network in 150 countries advocating for a fair, effective and independent ICC and improved access to justice for victims of genocide, war crimes and crimes against humanity. The Coalition as a whole, and its secretariat, does not endorse or promote specific investigations or prosecutions or take a position on situations before the ICC.*

However, individual CICC members may endorse referrals, provide legal and other support on investigations, or develop partnerships with local and other organizations in the course of their efforts.

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