

Sovereign Council and Council of Ministers, Republic of the Sudan
His Excellency Prime Minister Abdallah Hamdok, Republic of the Sudan
Nasredeem Abdulbari, Minister of Justice, Republic of the Sudan

26 August 2021

Re: Transfer of ICC Suspects to The Hague

Your Excellency Prime Minister Abdallah Hamdok, Members of the Sovereign Council and Members of the Council of Ministers,

We were deeply encouraged to learn that the Council of Ministers approved in June the transfer of three individuals currently in Sudanese custody to the International Criminal Court (ICC). We are now writing to urge the Sovereign Council to follow suit and swiftly facilitate the handover of Omar al-Bashir, Ahmed Haroun, and Abdel Raheem Muhammad Hussein.

We commend the transitional government for the historic steps that it has already taken to cooperate with the ICC, including by facilitating the ICC Prosecutor's first visit to Darfur in connection with the ongoing case for alleged war crimes and crimes against humanity committed by Ali Kushayb. We particularly welcome the Council of Ministers' historic announcement that Sudan intends to ratify the Rome Statute of the ICC, joining 123 other States in standing against impunity.

Transferring al-Bashir, Haroun and Hussein to the ICC will further demonstrate the Sudanese transitional government's commitment to implementing the Juba Peace Agreement and ensuring accountability for those who commit the most severe violations of human rights and mass atrocities, and will be timely ahead of the opening of the UN General Assembly in September, when Sudan's leadership will make a speech on the international stage alongside other world leaders.

According to the UN Commission of Inquiry on Darfur, an estimated 400,000 people were killed, countless women and girls were systematically raped and subjected to other forms of sexual and gender-based violence, and more than 2.5 million people were forcibly displaced from their homes.¹ Former president Omar al-Bashir and the other individuals facing ICC arrest warrants should not be permitted to evade justice for their alleged crimes committed in Darfur, including genocide, war crimes, and crimes against humanity. All perpetrators of such serious crimes should be held accountable.

In Resolution 1593, the UN Security Council stated that "[t]he Government of Sudan and all other parties to the conflict in Darfur shall co-operate fully with and provide any necessary assistance to the Court." Transferring suspects wanted by the Court, as provided for under Resolution 1593, will help demonstrate Sudan's commitment to returning to the rules-based international order, as previously indicated by the government's approval of the ratification of key human rights treaties.

The 2019 Constitutional Document mandates transitional authorities to "[h]old members of the former regime accountable in accordance with law for all crimes committed against the Sudanese people since 30 June 1989." But two years after Sudan's revolution, no proceedings have been initiated to try al-Bashir, Haroun, or Hussein for their role in serious international crimes committed

¹ Report of the International Commission of Inquiry on Darfur to the United Nations Secretary-General, pursuant to Security Council Resolution 1564 of 18 September 2005, published Geneva, 25 January 2005, https://www.un.org/ruleoflaw/files/com_inq_darfur.pdf.

in Darfur. The complexity and high costs of prosecuting the highest-level suspects for atrocity crimes would be a significant challenge for the Sudanese judicial system.

We encourage the transitional government to now translate its recent commitment to ending decades of impunity into action by transferring the ICC's outstanding fugitives without delay. Victims should not be made to wait any longer for justice.

We would be pleased to engage further with any Members of the Sovereign Council and Council of Ministers on this matter or on any other issues that are within our field of expertise.

Yours sincerely,

1. Act for Sudan
2. Activists for Human Rights – Canada
3. African Centre for Justice and Peace Studies (ACJPS)
4. Al-Hadatha Newspaper
5. Ali Abdalla Ali Keitan, Sudanese Rural Association for Peace and Development (SRAPD)
6. Al-Khatim Adlan Center for Enlightenment (KACE)
7. Al-Nawa Organization for Environment, Peace and Sustainable Development (NEP)
8. Amnesty International
9. Arab Program for Human Rights Activists – Egypt
10. Centre for Accountability and Rule of Law – Sierra Leone
11. Cinema Darfur
12. Civil Society Human Rights Advocacy Platform of Liberia
13. Climate Counsel
14. CSW
15. Darfur Bar Association
16. Darfur Network for Monitoring and Documentation (DNMD)
17. Darfur Women Action Group (DWAG)
18. Darfur24 Newspaper
19. DefendDefenders (East and Horn of Africa Human Rights Defenders Project)
20. Dr. Hassan Hamza Esmail Ali, Assistant Professor
21. Dr. Mutaal Girshab, Human Rights Expert, MENA region
22. Elhag ali Warrag Sidahmed Warrag, Chairperson, The Democrat Newspaper
23. Environmental Activists (Demands Groups)
24. Freedom House

25. Global Diligence
26. Herak Midanik
27. Humanity for Development and Prosperity Organisation (HDPO)
28. Human Rights Advocacy Network for Democracy
29. Human Rights Concern – Eritrea
30. Human Rights Watch (HRW)
31. Independent Human Rights Investigators - Liberia
32. International Commission of Jurists (ICJ)
33. Investors against Genocide
34. Jewish World Watch
35. Journalists for Human Rights (JHR) – Sudan
36. Justice Africa Sudan
37. Justice Centre for Advocacy and Legal Consultations
38. Krinding IDP Camp al-Geneina
39. Madania News
40. Mahagoub Abdullah Doud, Lawyers for Justice Centre
41. Massachusetts Coalition to Save Darfur
42. MENA Rights Group
43. Mr. Osman Hassan Salih Ahmed, Lawyer
44. Najlaa Ahmed, Human Rights Advocate
45. Never Again Coalition
46. Nigerian Coalition for the International Criminal Court
47. Nubia for Prosperity (NFP)
48. Omdurman’s Women’s Initiative for Women and Child Protection
49. Parliamentarians for Global Action (PGA)
50. PAX
51. Project Expedite Justice (PEJ)
52. Rafat Abbas, Nonviolent Activist and Facilitator
53. REDRESS
54. Rights for Peace
55. Sheroog Cultural Forum
56. SOAS Centre for Human Rights Law

57. Southern Africa Litigation Centre (SALC)
58. Southern African Centre for the Constructive Resolution of Disputes (SACCORD)
59. Strategic Initiative for Women in the Horn of Africa (SIHA)
60. Sudan Development Organization (SDO)
61. Sudanese Archive
62. Sudanese Defenders Center for Legal Aid
63. Sudanese Human Rights Group (Huqooq)
64. Sudan Human Rights Violations Monitor – Huqooq
65. Sudan Social Development Organization (SUDO)
66. The Kenyan Section of the International Commission of Jurists (ICJ – Kenya)
67. The Sentry