

March 31, 2015

H.E. Mr. François Delattre
The Ambassador of France to the United Nations
President of the United Nations Security Council, March 2015
Permanent Mission of France to the United Nations
245 East 47th Street, 44th Floor
New York, NY 10017

Your Excellency,

We, the undersigned, representing 78 Sudanese and international humanitarian and human rights organizations and experts, write to you on the 10th anniversary of the United Nations Security Council's referral of the crisis in Darfur to the International Criminal Court (ICC), as provided by the Rome Statute and acting under Chapter VII of the UN Charter. Ten years ago, the UN Security Council recognized the intolerable suffering of the people of Darfur and adopted UN Security Council Resolution 1593 on March 31, 2005. You took a decisive step to "promote the rule of law, protect human rights, and combat impunity" by addressing the violence in Sudan, which you characterized as "a threat to international peace and security." By the Council's actions, the people of Darfur and throughout Sudan caught a glimmer of hope that the regime responsible for destroying the people and stealing the resources of such a great land would be held accountable for its crimes. Ten years ago today, the people of Sudan dared to dream of a better future.

Since the adoption of UN Security Resolution 1593, the world has witnessed and the people of Sudan have experienced further conflict, displacement, humanitarian crises and widespread human rights violations; far from what was hoped for despite the ICC ultimately issuing arrest warrants for President Bashir and other high level officials and leaders:

- The Sudan government continues its onslaught of violence against the people of Darfur to this day. International humanitarian organizations have been banned from the region, bombs are dropped indiscriminately, violent attacks and rape are routine and refugees and internally displaced are without food, water and basic necessities, utterly abandoned by the international community. Over 400,000 are estimated to have died, and currently, 2.5 million are internally displaced and 373,000 are refugees in Chad and the Central African Republic. In 2014, violence has increased to a level not seen since the beginning of the crisis, with 457,000 newly displaced. Since January of this year, 102,500 have been further displaced due to violence. In just one incident late last year, investigations by independent human rights organizations confirmed that government troops went door to door and raped 221 women and girls in the village of Tabit.
- The Sudan government violated the Comprehensive Peace Agreement by failing to complete the popular consultations in South Kordofan and Blue Nile, and instead attempted to forcibly disarm military of the SPLM-North, sparking a war along its new southern border in the Nuba Mountains and Blue Nile, where it has dropped over 3,740 bombs, blocked access for international humanitarian aid and caused the death and displacement of hundreds of thousands Sudanese. Currently, 1.7 million

are internally displaced or severely affected and over 269,000 are refugees in South Sudan and Ethiopia.

- The Sudan government refused to comply with the requirements for a referendum for the region of Abyei and refused to accept a compromise set forth by the African Union High Level Implementation Panel. Instead, militias associated with the government attacked and destroyed the community twice and ultimately assassinated its Paramount Chief, Kuol Deng Kuol. Just this month, deadly violence has escalated in Abyei, displacing 1,700.
- The Sudan government killed over 200 peaceful protestors in Khartoum in September of 2013 and it routinely detains and tortures anyone that speaks out in opposition of its brutal policies - freedom of speech, assembly and the press are nonexistent, as evidenced by the recent seizure of 14 newspapers and the ongoing detention of political figures associated with the opposition.
- The Sudan government, according to the most recent report by OCHA, has created an environment where 5.4 million Sudanese are vulnerable and require humanitarian assistance, including over 300,000 in Eastern Sudan.
- The Sudan government failed to make unity attractive and the people of Southern Sudan voted to become a separate country after being subject to a regime that displaced over 4.5 million and cost the lives of 2.5 million. Today, the Sudan government continues to fuel the violence that has engulfed South Sudan for the past 15 months.
- The Sudan government facilitates the transfer of weapons within the region and throughout the continent, increasing threats to international peace and security. Continuing reports of helping to facilitate the transfer of weapons to terrorist groups is especially troubling.
- The Sudan government sought to enhance its legitimacy by rigging elections in 2010 in order to remain in power; a farce that was recognized by the international community and which it intends to repeat next month.
- President Bashir has traveled to multiple countries without facing justice despite warrants for his arrest for genocide, crimes against humanity and war crimes.

The failure of the UN Security Council to support the decision made 10 years ago today to combat impunity in Sudan has contributed to the loss of thousands of lives in Sudan, South Sudan, and around the world. This failure of the United Nations Member States to uphold justice in Sudan has created a climate of impunity that has emboldened powerful criminals worldwide and may, over the past 10 years, have contributed to the unrest and terrorism that we have seen sweeping through the region and beyond.

Due to the Sudan government's refusal to cooperate with the ICC, the ICC judges, in a decision dated March 9th, referred the case back to the UN Security Council. As noted by the judges, "if there is no follow up action on the part of the SC, any referral by the Council to the ICC under Chapter VII of the UN Charter would never achieve its ultimate goal, namely, to put an end to impunity. Accordingly, any such referral would become futile."

We have reached a critical moment in history and we urge you, for the sake of humanity, to uphold justice in Sudan and to establish a decisive precedent in order, as the UN Charter states, “to save succeeding generations from the scourge of war” and “to reaffirm faith in fundamental human rights [and] in the dignity and worth of the human person.” In particular, the Security Council should:

- Reaffirm your support of the ICC’s investigations in Darfur by actively pursuing the arrests of indicted war criminals and encouraging the Chief Prosecutor, Madame Bensouda, to reopen the court’s investigations.
- Hold a special session on Sudan and the continuing violence in Darfur, Abyei, South Kordofan and Blue Nile, and hold the Government of Sudan to account for non-cooperation with the ICC and the failure to bring justice to the people of Darfur.
- Clearly and specifically declare that the upcoming elections in April 2015 are not being held in an environment that would allow for free and fair elections and should not be considered as legitimate or as legitimizing the regime in Khartoum.
- Urge the African Union, the Arab League and other bodies not to send observer missions to Sudan for such elections per the March 27, 2015 letter to the African Union by 23 Sudanese civil society organizations.
- Consider other measures under Chapter VII of the UN Charter that would help end the suffering of the people of Sudan.

Sincerely,

Act for Sudan

African Freedom Coalition

African Soul, American Heart

Alustadh Mahmoud Mohamed Taha Cultural Center - MTCC

Arry Organization for Human Rights

Blue Nile Association for Peace and Development

Blue Nile Community Association

Brooklyn Coalition for Darfur & Marginalized Sudan

Christ Church, Jerusalem

Christian Solidarity International-USA

Collectif Urgence Darfour

Colorado Coalition for Genocide Awareness and Action

Community of South Sudanese and America Women/Men (CSSAW)

Darfur Action Group of South Carolina

Darfur and Beyond

Darfur Interfaith Network

Darfur People's Association of New York

Darfur Relief and Documentation Centre

Darfur Solidarity Group, South Africa

Darfur Union in the UK and N. Ireland

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Darfur Women Action Group
Darfur Women Network
Dear Sudan Love Marin
Doctors to the World
Genocide No More - Save Darfur
Genocide Watch
Georgia Coalition to Prevent Genocide
Humanity Is Us
Humanity United
Investors Against Genocide
Jerusalem Center for Genocide Prevention
Jews Against Genocide
Joining Our Voices
Kentuckiana Taskforce Against Genocide
Long Island Darfur Action Group
Massachusetts Coalition to Save Darfur
My Sister's Keeper
Never Again Coalition
New York Coalition for All Sudan
Nuba Christian Family Mission, Inc.
Nuba Mountains Advocacy Group
Nuba Mountains International Assoc./NY
Nuba Mountains Solidarity Abroad UK and Northern Ireland Branch
Nuba Peace Initiative
Operation Broken Silence
People4Sudan
Pittsburgh Darfur Emergency Coalition
San Antonio Coalition Against Genocide
San Francisco Bay Area Darfur Coalition
Save Darfur North Shore Boston
Society for Threatened Peoples
St. Clare's Episcopal Church, Pleasanton, CA
STAND: The Student-Led Movement to End Mass Atrocities
Stop Genocide Now
Sudan Advocacy Action Forum
Sudan Unlimited
The Elsa-Gopa Trust
The Institute on Religion and Democracy
The Sudanese Community Church, Denver, Colorado
Triangles of Truth
Unite for Darfur
United to End Genocide
Voices for Sudan
Waging Peace

❖ Ahmed H. Adam, Visiting Fellow, Institute for African Development, Cornell University

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- ❖ Hamid E. Ali, PhD, Associate Professor of Public Policy, The American University in Cairo
- ❖ Lord David Alton of Liverpool, House of Lords, UK Parliament
- ❖ The Baroness Cox, House of Lords and CEO HART (Humanitarian Aid Relief Trust)
- ❖ Ellen J. Kennedy, PhD, Executive Director, World Without Genocide at William Mitchell College of Law
- ❖ David King, Harvard University
- ❖ Gill Lusk, Journalist
- ❖ Dr. Greg Miller, Professor Emeritus, Millsaps College
- ❖ Eric Reeves
- ❖ Professor Elihu D Richter MD MPH, Associate Professor, Hebrew University - Hadassah School of Public Health and Community Medicine
- ❖ Victoria Sanford, PhD, Professor and Chair, Department of Anthropology, Lehman College; Director, Center for Human Rights & Peace Studies
- ❖ Henry C. Theriault, Professor of Philosophy, Worcester State University
- ❖ Dr. Samuel Totten, Professor Emeritus, University of Arkansas, Fayetteville
- ❖ John H. Weiss, Caceres-Neuffer Genocide Action Group, Cornell University

cc: United Nations Security Council Members

Office of the Permanent Observer of the African Union to the United Nations

Office of the Permanent Observer for the League of Arab States to the United Nations

Delegation of the European Union to the United Nations