

ANNEX 3

Public

Chad to host Sudan defense minister for meeting on joint border forces

April 24, 2013 (KHARTOUM) – The Sudanese defense minister Abdel-Rahim Mohamed Hussein will head to Chad on Thursday for a two-day meeting despite an arrest warrant for him by the International Criminal Court (ICC).

Sudan's defence minister Abdel Rahim Hussein (Reuters)

Hussein will participate in the fourth conference on performance evaluation of the joint Sudanese-Chadian border which will be held N'Djamena from April 25-26.

Sudan and Chad deployed Border-Control Force (BCF) along their common borders with the aim of curbing cross-border infiltration into each others' territories.

The deployment followed a normalization agreement signed between the two sides in January 2010, ending their long history of mutual hostilities and backing of each others' insurgents.

The Sudanese-Chadian force is composed of 3,000 troops split evenly between the two sides.

This will be the first visit by Hussein to an ICC state party since he was charged by the Hague-based court in March 2012 on 13 counts of war crimes and crimes against humanity allegedly committed in Sudan's western region of Darfur.

Since then the Sudanese official has kept his travel plans secret despite flying to non-ICC countries such as Libya, Saudi Arabia and Ethiopia which has no obligation to arrest him.

Hussein is the second most senior Sudanese official wanted by the court after president Omer Hassan al-Bashir who has been indicted since 2009. Khartoum refuses to recognize the court's authority and vowed not to hand any suspect over which also includes a governor and a militia leader.

Chad is the only ICC nation that has repeatedly allowed Bashir to visit in defiance of its theoretical obligations under the Rome Statute. It asserts that African Union (AU) previous decisions bars it from arresting the Sudanese leader.

But the AU resolutions Chad refers to does not cover other Sudanese suspects wanted by the court, Human Rights Watch (HRW) said.

"The Sudanese defense minister is wanted for heinous crimes committed in Darfur, and he belongs in The Hague, not in Chad. Moreover, Chad's reliance on AU calls for non-cooperation with the ICC to allow fugitives to visit is particularly misplaced here – those calls apply only to the Sudanese president, not any other Sudanese suspects" said HRW senior international justice counsel Elise Keppler in an emailed statement to Sudan Tribune.

Rights group calls on Chad to arrest Sudan defence minister

April 25, 2013 (NEW YORK) – Human Rights Watch (HRW) has called on the Chad government to immediately detain Sudanese defence minister Abdel-Rahim Mohammed Hussein, who is attending a conference in the country despite an arrest warrant for him by the International Criminal Court (ICC).

Defense Minister Abdel-Rahim Mohamed Hussein (Reuters)

Hussein is wanted on 13 charges of war crimes and crimes against humanity allegedly committed in Sudan's western region Darfur.

This is believed to be his first visit to an ICC member state since being charged by the Hague-based court in March 2012.

The minister served as Sudanese president Omer Hassan al-Bashir's interior minister and representative for the region in 2004, during the height of the conflict.

"Chad should stand with Darfur's victims and arrest, not welcome, Hussein," Elise Keppler, senior international justice counsel at HRW, said in a statement on Wednesday. "He is a fugitive from justice who is sought with respect to heinous crimes committed in Darfur", she added.

Hussein is the second most senior Sudanese official wanted by the court after Bashir who has been indicted since 2009. Khartoum refuses to recognise the court's authority or handover any of the suspects, which also includes a governor and a militia leader.

In a filing to judges last year requesting the arrest warrant, ICC prosecutor Luis Moreno-Ocampo said Hussein is among those who "bear greatest criminal responsibility" for alleged atrocities in the war-torn region from August 2003 to March 2004.

At the time, Hussein was interior minister and the Sudan government's special representative in Darfur.

Hussein is currently attending a two-day conference to evaluate the performance of the joint Sudanese-Chadian border, which is being held in the capital N'Djamena and is due to conclude on Friday.

Sudan and Chad have deployed the Border-Control Force (BCF) along their common borders with the aim of curbing cross-border infiltration into each other's territories.

Chad is the only ICC nation that has repeatedly allowed Bashir to visit in defiance of its theoretical obligations under the Rome Statute to secure the surrender of those wanted by the court.

Chad maintains it is simply abiding by an African Union (AU) decision urging member states not to cooperate with the ICC in apprehending the Sudanese leader, though several countries did not abide by it.

However, HRW says that under international law, AU decisions cannot negate Chad's obligations as an ICC member and nor do they apply to Sudanese suspects other than Bashir.

"Chad does not have a leg to stand on if it tries to hide behind the African Union in not arresting the defence minister. The AU has never called for Hussein to be protected from arrest," said Keppler.

Chad recently postponed two anticipated visits by the Sudanese leader in March and April amid public outcry and diplomatic concerns related to Bashir's presence.

Bashir had been due to attend the Great Green Wall summit in Chad earlier this month when Chadian president Idriss Deby abruptly postponed the event until June, citing the conflicting schedules of participating leaders.

It was the second time Deby had pushed back the summit, which had originally been planned for March.

The AU's stance has also enabled Bashir to visit other African ICC signatories such as Kenya, Djibouti and Malawi without incident.

But at its January summit in Addis Ababa, the AU this time omitted the usual mention of its resolution urging its members to ignore the ICC's warrant against Bashir.

Chad, an ICC member, has already received Bashir three times, most recently in February when it hosted a summit for the community of Sahel-Saharan States (CEN-SAD).

The country was subsequently reported to the United Nations Security Council (UNSC) for non-cooperation, along with other ICC members who received Bashir.

The UNSC, however, chose to take no action against Chad or the other nations, while the AU issued a resolution backing the decision of the countries to allow Bashir to visit.

Close to 100 human rights groups and law societies across Africa signed a letter addressed to the Chadian president, urging him to honour his country's obligations to the ICC prior to Bashir's last visit in February.

The European Union also expressed its concerns following the visit, although it stopped short of condemning the Chadian government outright.

During Chad's thorny relations with Sudan, Deby at one point vowed to execute the arrest warrant against Bashir, in defiance of the AU's stance, but later reversed his position as relations improved.

(ST)

Chad Must Arrest Sudanese Minister Wanted by ICC

Defense Minister Hussein suspected of crimes against humanity and war crimes in Darfur travels to ICC member state Chad today

Benin/The Hague—Chad is legally obliged to execute an International Criminal Court (ICC) arrest warrant for Sudanese Defense Minister Abdel Raheem Muhammad Hussein upon his visit to the country for an intergovernmental meeting today, the Coalition for the ICC said.

Over the next two days Hussein is meeting with officials in the Chadian capital N'Djamena to discuss border issues. As an ICC member state, Chad has agreed to an international obligation to assist the Court in arresting fugitives.

"Following several visits to Chad by fellow ICC suspect Omar Al-Bashir, Hussein's visit is yet another slap in the face to victims in Darfur," said Francis Dako, Africa regional coordinator at the Coalition for the ICC. "A government cannot pick and choose which international legal obligations it wishes to abide by—Chadian authorities are obliged to arrest Hussein, or at the very least refuse to host him."

On 1 March last year, ICC judges issued an arrest warrant for Hussein, on the grounds that there are reasons to believe that he may bear criminal responsibility for crimes against humanity and war crimes, including rape and torture allegedly committed in Darfur, Sudan from August 2003 to March 2004.

Hussein is Sudan's current defense minister and was a special representative for Darfur at the time of the alleged crimes, which are the same as those in ICC arrest warrants for Ahmed Harun and Ali Kushayb issued in 2007. Sudanese President Omar Al-Bashir is also wanted by the ICC for allegedly committing genocide, crimes against humanity and war crimes during the same period.

The ICC investigation in Darfur began in June 2005 after being referred to the Court by the United Nations (UN) Security Council, which had determined the conflict there a threat to international peace and security. However, the Council has subsequently failed to ensure the cooperation necessary for ICC prosecutions to take place.

"Where is the UN Security Council in all of this?" Dako continued. "Having requested an ICC intervention in Darfur in the first place, the Security Council, along with ICC states parties, must demand that Chad fulfils its obligations. When the Council and other member states fail to take steps to enforce ICC obligations, it undermines the right of victims to redress as much as Chad's reprehensible actions."

BACKGROUND:

None of the four outstanding ICC arrest warrants against suspects in the Darfur investigation have been executed. The Sudanese government has openly defied and consistently refused to cooperate with the Court and the international community. On 26 March 2013 PTC II issued a decision of non-cooperation against Chad following a visit by President Omar Al-Bashir to the country. Similar judicial decisions were made by the Court in December 2011 and August 2010 and all were referred to the UN Security Council and Assembly of States Parties for them to take any action they deemed appropriate.

Summonses to appear have been issued for rebel leaders Abu Garda and for Abdallah Banda Abakaer Nourain and Saleh Mohammed Jerbo Jamus for war crimes against African Union peacekeepers in Darfur. The two have been cooperating voluntarily with the ICC and the start of their trial is set for 5 May 2014. However, on 23 April 2013, the defense for Jerbo notified the Court of his death in North Darfur allegedly during an attack by forces of the Justice and Equality Movement. The Court has not yet confirmed his death.

Human Rights Watch (Washington, DC)

Chad: Don't Welcome ICC Fugitive - Sudanese Defense Minister Should Be Arrested

25 APRIL 2013

New York — The government of Chad should arrest Abdelraheem Mohammed Hussein, the defense minister of Sudan, Human Rights Watch said today. He is expected to attend a conference in Chad on April 25 and 26, 2013, according to news reports.

Hussein is sought by the International Criminal Court (ICC) on charges of war crimes and crimes against humanity committed in Darfur, where he served as the Sudanese president's representative for the region in 2004, during the height of the conflict. The ICC issued an arrest warrant for Hussein on March 1, 2012, and this appears to be the first time he is traveling to the territory of an ICC member.

"Chad should stand with Darfur's victims and arrest, not welcome, Hussein," said Elise Keppler, senior international justice counsel at Human Rights Watch. "He is a fugitive from justice who is sought with respect to heinous crimes committed in Darfur."

As an ICC member, Chad is obligated to cooperate in securing the surrender of those wanted by the court. Chad has previously allowed Sudanese President Omar al-Bashir, who is also subject to an ICC arrest warrant for crimes in Darfur, to visit Chad two times.

The Chadian government has contended that in allowing al-Bashir to visit, it is abiding by a decision of the African Union (AU) calling for African governments not to cooperate in his arrest. As a matter of international law, however, AU decisions cannot negate Chad's obligations as an ICC member. Also, the AU decision does not apply to Sudanese suspects other than al-Bashir.

"Chad does not have a leg to stand on if it tries to hide behind the African Union in not arresting the defense minister," Keppler said. "The AU has never called for Hussein to be protected from arrest."

Other African ICC members - including South Africa, Malawi, Botswana, Central African Republic, and Zambia - have made clear that al-Bashir will be arrested on their territory, or have cancelled anticipated visits by al-Bashir to their countries.

Chad postponed two additional anticipated visits by al-Bashir in March and April amid public outcry and diplomatic concern over the expected travel.

African civil society has protested travel by ICC fugitives to the territory of ICC countries and called for suspects to be arrested for trial by the ICC.

"Civil society across Africa has repeatedly called for African governments to surrender suspects to the ICC," Keppler said. "Chad took a step in the right direction when it avoided anticipated visits by al-Bashir in March and April."

Chad should stand up for justice and not grant impunity to Sudan Defence Minister Hussein

Brussels-Rome, 25 April 2013

Sudanese Minister of National Defence Abdel-Rahim Mohammed Hussein is reportedly due to arrive today in the Republic of Chad to attend a two-day conference to evaluate the performance of the joint Sudanese-Chadian border, which is being held in the capital N'Djamena.

Minister Hussein is the subject of an arrest warrant by the International Criminal Court (ICC) for war crimes and crimes against humanity allegedly committed against the civilian population in Darfur. As a State Party to the Rome Statute of the International Criminal Court, Chad is obliged to arrest any person against whom the Court has issued an arrest warrant. Chad has previously allowed Sudanese President Omar al-Bashir, who is also subject to an ICC arrest warrant for crimes in Darfur, to visit Chad multiple times with total impunity, undermining so the credibility of the country's commitment to justice for victims of mass atrocities in Darfur and globally.

Statement by Niccolo' Figa-Talamanca, Secretary General of No Peace Without Justice:

"No Peace Without Justice and the Nonviolent Radical Party, Transnational and Transparty (NRPTT) call upon the Government of Chad to fulfil its obligations as a State Party of the ICC and arrest Sudanese Defence Minister Abdel-Rahim Mohammed Hussein if he enters the Chadian territory. In defiance of its international obligations Chad has already allowed Sudanese President Omar al-Bashir to visit multiple times with total impunity. Chad must stop knowingly and willingly harbouring fugitives from the Court and restore the credibility of its commitment to justice and accountability. Hosting Minister Hussein and sweeping once again under the carpet an arrest warrant issued by the ICC would be a further insult for the victims of the crimes for which, together with President al- Bashir, he allegedly bears the greatest responsibility.

"Sudan's own history demonstrates that granting impunity for serious crimes only encourages those crimes to continue. The prosecution of all persons against whom arrest warrants have been issued in the situation in Sudan is imperative, as it also responds to the essential interest of victims. All States and particularly ICC States Parties must send a strong and consistent signal to this end, including by refusing to host alleged war criminals on their territories.

"Darfur's civilian population continues to be targeted by government forces, with the ongoing widespread occurrence of sexual and gender based violence, crimes against human rights defenders, civil society members and community leaders. The people of Sudan and Darfur deserve a chance at lasting peace, which in return strongly requires impartial and effective justice. We urge Chad to clearly demonstrate that its stand on the side of victims of human rights violations, not their alleged perpetrators."

General News

EU Concerned Over Chad Not Implementing ICC Arrest Warrant Of Sudanese Minister

4/26/2013 12:35 PM ET

Human Rights Watch has urged the government of Chad to arrest Sudan's defense minister Abdelraheem Mohammed Hussein when he attends a conference in Chad on April 25 and 26.

Hussein is sought by the International Criminal Court (ICC) on charges of war crimes and crimes against humanity committed in Darfur, where he served as the Sudanese president's representative for the region in 2004, during the height of the conflict. The ICC issued an [arrest warrant](#) for Hussein on March 1, 2012, and this appears to be the first time he is traveling to the territory of an ICC member, HRW said in a press release on Thursday.

"Chad should stand with Darfur's victims and arrest, not welcome, Hussein," said Elise Keppler, senior international justice counsel at Human Rights Watch.

As an ICC member, Chad is obligated to cooperate in securing the surrender of those wanted by the court. Chad has previously allowed Sudanese President Omar al-Bashir, who is also subject to an ICC arrest warrant for crimes in Darfur, to visit Chad two times.

The Chadian government has contended that in allowing al-Bashir to visit, it is abiding by a decision of the African Union (AU) calling for African governments not to cooperate in his arrest. As a [matter](#) of international law, however, AU decisions cannot negate Chad's obligations as an ICC member. Also, the AU decision does not apply to Sudanese suspects other than al-Bashir.

"Chad does not have a leg to stand on if it tries to hide behind the African Union in not arresting the defense minister," Keppler said. "The AU has never called for Hussein to be protected from arrest," she added.

Other African ICC members - including South Africa, Malawi, Botswana, Central African Republic, and Zambia - have made clear that al-Bashir will be arrested on their territory, or have canceled anticipated visits by al-Bashir to their countries.

Chad postponed two additional anticipated visits by al-Bashir in March and April amid public outcry and diplomatic concern over the expected travel, which Keppler termed as "a step in the right direction."

African civil society has protested travel by ICC [fugitives](#) to the territory of ICC countries and called for suspects to be arrested for trial by the ICC.

"Civil society across Africa has repeatedly called for African governments to surrender suspects to the ICC," Keppler said.

by RTT Staff Writer