

## **Annex 25**

**ICC-02/05-03/09-HNE-26**



## FEBRUARY 2012 SUDAN/DARFUR

  
  


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### Expected Council Action

The Council will likely renew the mandate of the Panel of Experts of the Sudan Sanctions Committee, which expires on 19 February.

The Council may also discuss the road map for peace in Darfur, although consideration of this document may be deferred to a later date depending on the timing of its release. Whether there will be an outcome after these discussions remains unclear. (While the Council had planned to discuss the road map in January, its release has been delayed and it had yet to be circulated at press time. The document is expected to focus on implementation of the Doha Document for Peace in Darfur [DDPD], engagement with rebel groups that have not signed the DDPD, dialogue with the people of Darfur on the peace process, and coordination among international partners assisting efforts toward peace.)

The mandate of the AU/UN Hybrid Mission in Darfur (UNAMID) expires on 31 July.

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### Key Recent Developments

Khalil Ibrahim, leader of the Justice and Equality Movement (JEM), was killed by Sudanese Armed Forces on 23 or 24 December 2011. In the days preceding his death, JEM forces had crossed from Darfur into Northern Kordofan, apparently on route to Khartoum, in an effort to overthrow the Sudanese government. On 31 December, Sudanese President Omar al-Bashir called on the JEM to join the peace process.

Gibril Ibrahim, the brother of Khalil Ibrahim, was elected the new leader of the JEM on 26 January. He said that the JEM would continue its rebellion against the Sudanese government and that the DDPD does not address the Darfur conflict's underlying causes.

On 29 December, Sudan sent a [letter](#) to the Security Council, in which it said that 350 JEM troops were in Tumsaha and Raja (South Sudan) and that these troops had access to 79 armoured vehicles and 28 stolen trucks filled with Libyan weapons and property stolen from Northern Kordofan in Sudan. The letter further claimed that the JEM had access to guns, machine guns and launchers acquired while fighting beside the forces of the former Libyan leader, Muammar Qaddafi. The Sudanese government further stated in the letter that the South Sudanese government "should...refrain from offering...(the JEM) any assistance" and "disarm those forces...(in South Sudan)...and extradite wanted individuals to face justice in the Sudan."

On 11 January, Under-Secretary-General for Peacekeeping Operations Hervé Ladsous briefed the Council on the Secretary-General's most recent report on UNAMID. During the briefing, Ladsous highlighted progress that had been achieved in implementing the DDPD. He said that on 18 December al-Bashir had appointed the Secretary-General of the Liberation and Justice Movement (LJM), Bahr Idriss Abu Garda, as Minister of Health in his cabinet. (The LJM is the Darfur-based rebel movement that has signed the DDPD with the government.) Ladsous added that Tijani El-Seise, the leader of the LJM, had been appointed chair of the Darfur Regional Authority (DRA), which was established to manage the implementation of the DDPD. Ladsous noted challenges to the peace process during the briefing. In particular, he noted that rebel groups that have not signed the DDPD have not been negotiating with the government of Sudan.

Ladsous added that restrictions placed by Sudanese authorities on UNAMID, including on flights and land patrols, had inhibited the mission's ability to fulfil its mandate. He further noted that 935 visa requests for mission personnel were still pending and that access to Western Jebel Marra had been repeatedly denied to humanitarian organisations.

Ladsous also emphasised the need for the government of Sudan to hold accountable those who commit violence against UNAMID peacekeepers and humanitarian workers. (On 21 January, unidentified individuals ambushed a UNAMID patrol in Saleah, killing a peacekeeper and wounding three others. The Council issued a press statement on 23 January condemning the attack. Thirty-five UNAMID peacekeepers have been killed since the mission's deployment on 31 December 2007.)

David Buom Chat, the acting Permanent Representative of South Sudan, and Daffa-Ali Elhag Ali Osman, the Permanent Representative of Sudan, addressed the Council after Ladsous. Buom Chat said that the violence in Darfur needed to be resolved through negotiation and political will, expressing concern that the instability in Darfur could have negative implications for security in South Sudan. He added that the security challenges facing Sudan needed to be viewed in a holistic manner and expressed the hope that progress on negotiations between Sudan and South Sudan could contribute to progress in stabilising turbulent regions of Sudan such as Darfur, Blue Nile and South Kordofan.

Ali Osman said that the peace process was making great strides in Darfur. He indicated that 25,000 copies of the DDPD had been distributed to members of civil society in Darfur and that LJM forces would be allowed to either integrate into the Sudanese Armed Forces or become civilians. While indicating that Sudan was open to pursuing peace with rebel groups that had not signed the DDPD, Ali Osman said that those that do not join the peace process should be punished. He suggested that the recent return of refugees and internally displaced persons (IDPs) to their homes in Darfur signified an improvement in the security situation in Darfur and that, as a consequence, the UN should consider reducing the size of UNAMID.

Ali Osman said that while Sudan was sincere in wanting to resolve its differences with South Sudan, it did not perceive a similar commitment from South Sudan, accusing the new country of arming rebel groups in South Kordofan and Blue Nile and hosting fighters from the JEM who had crossed into South Sudan.

### Human Rights-Related Developments

The Secretary-General's most recent report on UNAMID raised concerns about the humanitarian and human rights situation, including gender-based violence. The number of victims of arbitrary arrest and detention recorded by UNAMID had also increased significantly since the previous reporting period. In addition, the overall number of documented human rights violations increased from 77 cases involving 142 victims between 1 June and 30 September to 116 cases involving 273 victims between 1 October and 14 December. The Secretary-General called on the government of Sudan to ensure the protection of the people of Darfur and pledged that UNAMID itself would continue to focus on protection of civilians. While the government must take the lead in ensuring security, protection and access to all areas for civilians and humanitarian workers, he said that the UN humanitarian community would maintain its support for the peace process, facilitate the delivery of aid and assist voluntary returns of displaced people.

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**Key Issues**

A key issue is the extent to which the road map for peace in Darfur will offer a workable strategy for nurturing the peace process. The fact that the government of Sudan has not lifted the emergency laws in the region and that several key rebel groups have vowed to overthrow the regime in Khartoum present significant challenges to the peace process.

A related issue is how the Council decides to engage with the road map, including:

- how to develop a strategy that facilitates an improvement in the government's human rights policies;
- what instruments, including incentives and disincentives, are at its disposal to facilitate the engagement of non-compliant rebel groups in the peace process and how these instruments should be employed;
- how to support the implementation of the DDPF and facilitate enhanced understanding of, and support for, the DDPF among the inhabitants of Darfur;
- how to strengthen coordination and coherence among international actors in supporting the DDPF; and
- whether, and how, to incorporate its approach to Darfur into efforts to develop a more cohesive and integrated strategy toward Sudan and South Sudan.

A further important issue is the impact that ongoing delays in the Sudanese government's issuance of visas for UNAMID personnel and its restrictions on their movement has on the ability of the mission to perform its mandated responsibilities. A related key issue is how the Council decides to address ongoing restrictions to humanitarian access in Darfur.

A key issue with respect to the panel of experts is whether it has had time to produce a comprehensive report, considering that all of the experts were appointed only this fall and have therefore only had a couple of months to conduct their investigations in Darfur. (At press time, although not publicly available, the report had been circulated to Council members.)

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**Options**

With respect to the panel of experts, the most likely option is to adopt a resolution renewing the panel's mandate. The Council may also consider including language in the resolution that expresses support for the newly constituted panel and highlights key findings of its report.

Concerning the road map for peace in Darfur, the Council may opt to receive the document and take no action at this time. Another option would be adopting a statement that:

- welcomes the road map;
- encourages rebel groups to join the peace process;
- signals the possibility of imposing sanctions on the rebels in certain cases to compel their participation in the peace process;
- signals the need for the government to enhance its respect for human rights in Darfur in order to facilitate implementation of the road map; and
- recognises progress that has been made thus far with respect to the DDPF, including the establishment of the DRA and the appointment of Abu Garda as Minister of Health.

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**Council Dynamics**

Council members seem eager to review the road map for peace in Darfur. There is general agreement in the Council on the importance of the DDPF to the peace process. Some members think that greater pressure could be put on rebel groups that have not signed the DDPF to accede to the document. At the same time, some members believe that the government of Sudan could demonstrate greater flexibility in terms of negotiating certain aspects of the DDPF. (The Sudanese government has indicated that it is willing to negotiate only parts of the DDPF that focus on security arrangements and political appointments; these elements are part of two chapters out of seven in the DDPF.)

While some Council members are encouraged by the recently reported return of large numbers of IDPs and refugees, there is widespread concern on the Council about human rights violations in Darfur and how this affects the peace process. Several members also appear concerned about delays in the issuance of visas for UNAMID personnel and believe that it is important for the Sudanese government to demonstrate greater cooperation on this front.

The UK is the lead country on Darfur, while Colombia chairs the sanctions committee.

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**UN Documents**

<b>Security Council Resolutions</b>
<ul style="list-style-type: none"> <li>• <a href="#">S/RES/2003</a> (29 July 2011) extended UNAMID's mandate until 31 July 2012.</li> <li>• <a href="#">S/RES/1982</a> (17 May 2011) extended the mandate of the Sudan sanctions panel of experts until 19 February 2012.</li> <li>• <a href="#">S/RES/1591</a> (29 March 2005) and <a href="#">S/RES/1556</a> (30 July 2004) imposed sanctions.</li> </ul>
<b>Secretary-General's Reports</b>
<ul style="list-style-type: none"> <li>• <a href="#">S/2011/814</a> (30 December 2011) was the most recent quarterly report on UNAMID.</li> <li>• <a href="#">S/2011/252</a> (15 April 2011) was on implementation of the Darfur Political Process.</li> </ul>
<b>Meeting Records</b>
<ul style="list-style-type: none"> <li>• <a href="#">S/PV.6700</a> (11 January 2012) was the Council's discussion of the Secretary-General's latest report on UNAMID.</li> </ul>
<b>Other</b>
<ul style="list-style-type: none"> <li>• <a href="#">SC/10526</a> (23 January 2012) was a press statement condemning the attack on a UNAMID patrol on 21 January that caused the death of one peacekeeper and wounded three others.</li> <li>• <a href="#">S/2011/810</a> (29 December 2011) was a letter to the Council from Sudan claiming that JEM forces had entered South Sudan and requesting that the South Sudanese government disarm them and extradite them to Sudan.</li> </ul>

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**Other Relevant Facts**

<b>UNAMID: Joint AU-UN Special Representative for Darfur</b>
Ibrahim Gambari (Nigeria)
<b>UNAMID: Force Commander</b>

Lt. Gen. Patrick Nyamwumba (Rwanda)

**UNAMID: Size, Composition, Cost and Duration**

*Maximum authorised strength:* up to 19,555 military personnel, 3,772 police and 19 formed police units (total police 6,432)  
*Main troop contributors:* Nigeria, Rwanda, Egypt, Ethiopia and Senegal  
*Military strength as of 31 December 2011:* 17,778 troops and 262 military observers  
*Police Strength as of 31 December 2011:* 4,950 police personnel  
*Annual Budget:* \$1.69 billion  
*Duration:* 31 July 2007 to present; mandate expires 31 July 2012

**Sanctions Committee Chairman**

Néstor Osorio (Colombia)

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## **Footnote # 26**

Doctors Without Borders, 'Somobody help: The forgotten population of Jebel Si in North Darfur is left without healthcare as MSF struggles to continue its medical activities in the region', (Report) (February 2012),  
<<http://www.doctorswithoutborders.org/publications/reports/2012/Darfur%20Briefing%20Paper.pdf>>, last accessed 10 July 2012, p. 11.

**For document see tab 24**