

DARFUR LEGAL TRAINING PROJECT

June 3 - 9, 2007

BACKGROUND INFORMATION

A Brief History of the Darfur Conflict in Western Sudan

The Sudan has been dominated by military regimes and embroiled in civil war since gaining its independence from the United Kingdom in 1956. There have been only eleven years of peace throughout that period. The civil war in southern Sudan is the longest uninterrupted civil war in world history. Since 1983, war and famine have caused more than two million deaths and the displacement of more than four million people.

Attempts to reach a peace agreement between the government and the rebels gained momentum with the signing of several accords. Both parties have declared their commitments to a comprehensive peace settlement. In May 2004, agreements were completed to end the conflict in the south. The peace process culminated in the “Memorandum of Understanding on Cessation of Hostilities.”

Sadly, these agreements largely have been undermined by the emergence of conflict in Darfur, in the west of the Sudan. The violence that began in 2003 remains unabated. The region is the scene of one of the worst humanitarian crises in the world. The conflict has devastated much of Western Sudan and threatens to spread to neighboring countries. Since it began, hundreds of thousands of civilians have been killed and millions have been raped, arrested, tortured and/or displaced. According to estimates, the Darfur crisis has increased the number of displaced person in Sudan by more than a million. (<http://www.soatsudan.org>)

In 2004, the US Congress passed a joint resolution designating the atrocities in Darfur as genocide. In March 2005, the UN Security Council adopted Resolution 1593 referring the Darfur situation to the Prosecutor of the International Criminal Court. The investigation by the ICC is ongoing, but it is hampered by the refusal of the Sudanese government to cooperate and by difficulties in collecting the evidence necessary to decide upon and file charges.

The Vision for the Darfur Legal Training Project

In August 2006, the American Bar Association Section of Litigation awarded Salih Mahmoud Osman, a Sudanese lawyer, legislator and human rights advocate, its 2006 International Human Rights Award in recognition of his efforts on behalf of victims of the Darfur genocide. In remarks to the Section, Mr. Osman spoke of the devastating effects of the crisis on the people of Darfur. When asked how the ABA could help, Mr. Osman said that he and his fellow lawyers needed to learn skills that could help them bring the perpetrators of the genocide to justice before the ICC. In response to this plea, the Section set about arranging funding for and planning the

Darfur Legal Training Project, to provide one week of training to thirteen Sudanese lawyers, from June 3 to June 9, 2007 in London, England.

Mr. Osman and the twelve other Sudanese lawyers who will participate in the training currently provide legal representation to those detained, tortured and otherwise subjected to human rights abuses in Darfur. They have attempted to initiate legal action against human rights perpetrators, but in Sudan, where there is no rule of law and where the government has been shown to be backing the genocidal militias, there is no way to bring the perpetrators to justice.

The ICC promises to provide the impartial forum they need. The Court has agreed to hear the case of two alleged perpetrators, Ahmad Muhammad Harun ("Ahmad Harun") and Ali Muhammad Ali Abd-Al-Rahman ("Ali Kushayb"). The Sudanese lawyers can offer to present evidence before the Court. However, they need to learn the skills necessary to carry out this work.

The Darfur Legal Training Program has been developed to prepare the Sudanese lawyers to identify, collect, preserve and present evidence of war crimes and crimes against humanity before the International Criminal Court in The Hague and/or any other tribunal established to address the Darfur conflict.

Further, the training will prepare participants to understand in legal terms the complex relationships among the Sudanese government and its national courts, the ICC, The African Commission on Human and People's Rights and the African Union more generally.

In addition to training participants to practice before the ICC, training also will target special tribunals established by the UN Security Council, as well as Security Council processes and procedures. The trainers will draw upon the Rwandan experience and the International Criminal Tribunal for Rwanda.