

Excellency,

I am writing this letter in response to the Ministry's note Ref: MFA/PHD/23/3/3 dated 7 September 2010 concerning the situation of the five individuals who have sought refuge in the Community Policing Centre of the Kalma Camp for Internally Displaced Persons ("Kalma camp") as a result of the recent violence in that camp and who were subsequently accused by Sudanese authorities of having committed crimes.

We note that, with a view to turning over the five individuals to the appropriate authorities of Sudan as soon as possible, the Government has provided assurances that it would extend co-operation to the UNAMID with a view to resolving the matter; that upon being handed over to the relevant Sudanese authorities, these individuals would be afforded due process of law in a fair and transparent manner and would be treated in accordance with universally agreed human rights and humanitarian law standards; and that when the judicial process is over, the Government of Sudan will seek reconciliation through the intervention of Ajaweed traditional justice.

I would like to refer to recent discussions on the matter between UNAMID and representatives of the Government of Sudan, including the meeting held on 20 September 2010. During such discussions, UNAMID explained the established principle and longstanding practice which requires the United Nations to obtain guarantees that the death penalty will not be applied or carried out prior to handing over persons in its care. The Government had, in turn, explained its position of principle that Sudan has the sovereign right to apply the death penalty as such a penalty is not illegal under international law and is part of Sudan's criminal code. Without prejudice to its position of principle, the Government has undertaken to work in a co-operative manner with UNAMID and to have regard to the above-mentioned principles and practices with a view to bringing the issue to a mutually acceptable conclusion.

H.E. Ali Karti

Minister of Foreign Affairs

Government of Sudan

In view of the foregoing, we propose that the issue of the five individuals be brought to a conclusion on the basis of the assurances for their treatment provided in the Ministry's Note Verbale of 7 September 2010 as well as on the basis of the additional terms set forth in the attachment hereto. Upon receipt of the Ministry's written confirmation that this proposal and the terms thereof meet with the Government's approval, UNAMID and the Government would work together on the practical steps to ensure that the five individuals concerned are transferred to the relevant authorities of the Government.

Sincerely,

Ibrahim Gambari

AU-UN Joint Special Representative for UNAMID