

SUMMARY

THE MSF SPEAKING OUT CASE STUDIES

MSF AND DARFUR 2003-2009

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The summary lays out the context and the content of MSF's public statements and the key dilemmas they sought to address.

It is part of a more detailed case study that reconstructs the events using excerpts from documents taken from the MSF archives or from media coverage at the time, as well as interviews with MSF personnel.

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SUMMARY

In February 2003, violent hostilities broke out in Darfur, Sudan between government forces and the Sudan Liberation Movement (SLM), which was created in 2001 to bring together mainly local non-Arab groups: Furs, Zaghawas, and Massalits.

The Darfur population experienced heavy bombing from government forces and attacks from the Janjaweed, a recently reinforced government-supported militia. The Janjaweed conducted a scorched earth policy, burning villages and committing atrocities against civilians. This strategy led to significant population flight and displacement of tens thousands of Darfuris.

This Darfur crisis was ignored by the international community, as it was obscured by the start of a peace process between Sudan and South Sudan in July 2002.

ACCESSING DARFUR

In June 2003, the MSF France/OCP team in Khartoum was informed about heavy fighting in North Darfur but failed to get authorisation to access Darfur.

In July/August 2003, the MSF Belgium/OCB teams in Chad observed an influx of Darfuri refugees on the border. MSF Belgium/OCB immediately launched exploratory missions and opened programmes on the Chad/Sudan border, quickly joined by MSF Holland/OCA and MSF France/OCP teams.

In mid-September 2003, MSF Belgium/OCB issued a series of press releases announcing the start of these operations.

From mid-October 2003, after weeks of negotiations with the Sudanese Humanitarian Action Commission (HAC), MSF France/OCP and MSF Holland /OCA teams conducted exploratory missions in Darfur. They witnessed outcomes of Janjaweed scorched earth policy and the scope of the needs for the population left without any means of subsistence.

In November and December 2003, some UN officials raised the alarm on a “worsening situation in Darfur.”

PRESERVE ACCESS TO DARFUR AT ALL COSTS

In December 2003, the MSF directors of operations (Dirops) embargoed the release of an MSF Belgium/OCB report composed of a retrospective mortality survey and accounts of Darfuri refugees in Chad, who described violence and dire conditions experienced in Darfur. The Dirops feared that the report would endanger MSF's chances to access Darfur.

The content of this report and the timing of a possible release were further discussed, but the report was not publicly issued. A briefing paper, including information from this report, was circulated to INGOs and UN agencies in late January 2004.

This restraint was challenged as a missed opportunity to effectively raise awareness effectively about the fate of the Darfuris.

Over the same period, a cautious communication strategy was set up which excluded any public advocacy on the situation in Darfur. However, journalists could be briefed and supported by MSF teams in Chad. Several reporters published strong descriptions of the situation in Darfur, in the second fortnight of January 2004.

In late 2003, early 2004, MSF Programmes were opened to assist displaced populations in Nyala, North Darfur.

On 15 January 2004, MSF France/OCP publicly denounced the forced relocation of displaced from the Nyala camps to a remote place, as being dangerous for the displaced population's health. MSF France/OCP refused to push the displaced to move, as requested by the authorities and UN agencies, and refused to work in the new camp. After a while, MSF Holland/OCA began work. . .

On 29 January 2004, MSF Belgium/OCB publicly reported that for several weeks MSF teams in Tine, Chad, received patients who suffered severe bomb shrapnel injuries, following aerial bombardments by Sudanese planes.

Although officially authorised to set up programmes in Darfur, most MSF teams were prevented from starting due to drastic restrictions on visas and travel permits for staff.

MSF spent months settling the administrative disputes arising from its past presence in Sudan, before obtaining authorisation to launch operations in May 2004.

In February 2004, an MSF France/OCP team was blocked by heavy fighting in the town of Mornay which hosted 40,000 newly arrived displaced people. Due to delays in obtaining travel permits, there was no doctor in the team. The team had to deal with the daily influx of injured people and to improvise surgical and post-operative procedures.

All over Darfur, assistance to populations was hampered by the Government of Sudan's denial of access for relief organisations, which kept silent in order not to lose the few visas and travel permits the government granted.

On 17 February 2004, despite the Mornay team's reluctance, an MSF press release raised the alarm and called for aid to be urgently brought to the displaced people in Darfur.

This call was renewed in another press release on 26 February 2004, and supported by a round of bilateral advocacy meetings of MSF operational managers with Sudanese representatives in Sudan, and with UN and USA officials in New York.

On 10 March 2004, MSF again raised the alarm on high malnutrition, continued violence, and insufficient international aid in Darfur. Some in MSF regretted not denouncing the violence, which they saw as the root of the disaster, and thought it should play a more important role in MSF's public positioning.

INTERNATIONAL REALISATION ON MASS CRIMES IN DARFUR

In March and April 2004, the 10-year commemoration of the genocide of Rwandan Tutsis put the idea of a similar tragedy, unfolding in Darfur, on the international agenda.

On 19 March 2004, the UN Humanitarian Coordinator in Sudan, Mukash Kapila, was the first to pronounce the word "genocide" stating the conflict in Darfur was comparable in character, if not in scale, to the 1994 Rwandan genocide. On 3 April, based on reports from UN staff in Darfur, Kapila's replacement, Jan Egeland mentioned, "ethnic cleansing not genocide" while UN Secretary-General Kofi Annan urged, "not to repeat the same mistake as in Rwanda."

In April 2004, Amnesty International and Human Rights Watch published reports based on in-depth investigations highlighting the deliberate strategies against the population in Darfur. Amnesty International, referring to Rwanda warned, "not to make the mistake of not acting."

On 8 April 2004, the Sudanese Government and the non-state actors signed a third ceasefire, intended to guarantee safe passage for humanitarian aid to Darfur..

On 7 May 2004, the acting UN High Commissioner for Human Rights presented the report of a fact-finding mission in Darfur. He stated that, "the Government of Sudan and its Arab proxy militia have responded with a "reign of terror" of massive human rights violations, which "may constitute war crimes and/or crimes against humanity." He added, "what appears to have been an ethnically based rebellion has been met with an ethnically based response."

Over late May 2004, the Sudanese authorities started to lift some visa restrictions and allow more access for humanitarian workers to Darfur.

MSF DECISION TO KEEP SILENT ON GENOCIDE

On 8 April 2004, the MSF operational managers agreed that because MSF was the only NGO operational in Darfur, priority should be given to the expansion of operations. Communication should be limited, to focus essentially on calling for improved and increased assistance.

On 23 April 2004, despite being challenged by the communications directors about not denouncing, "the violence committed against civilians and the limited access for aid organisations compared to the urgency and immensity of the needs," the directors of operations confirmed their initial agreement. The MSF general directors of operational sections (ExCom) endorsed this restrained advocacy strategy.

MSF Holland/OCA however, highlighted several possible limits including: the risks of promoting a false perception of the crisis, implying that the Government of Sudan was responsible for security, and weakening speaking out messages and credibility.

In April 2004, MSF France/OCP commissioned a survey from Epicentre in two places in Darfur on “mortality, nutrition, and violence, past to today.” The objective was to show “a possible link between the violence inflicted and the mortality rates.”

In early May 2004, MSF declined to testify in an US House of Representatives’ hearing. MSF saw the context of the hearing as too political, after statements from US officials suggesting that the supply of aid should be conditional on signing a ceasefire.

On 24 May 2004, the former MSF emergency coordinator in Darfur presented at a UN meeting on the inadequate humanitarian response and the obstacles to humanitarian access. He insisted that any large-scale improvements in relief would “not be enough and might even be irrelevant if the violence perpetrated against civilians is not stopped.”

On 21 June 2004, the results of the Epicentre survey, associated with displaced accounts collected in Mornay, West Darfur were published in an MSF France/OCP report entitled, “Emergency in Darfur, Sudan: No Relief in Sight.” The report and the related press release highlighted that the ongoing attacks, food shortages, and threats of renewed displacement were perceived by many Darfuris as, “the continuation of a policy aimed at destroying them as a group and severely exploiting the survivors after resettlement.”

The Sudanese authorities reacted by invoking western propaganda, claiming that figures in the MSF report were fake and threatening to expel the MSF France/OCP coordinator, but did not.

QUALIFICATION OF VIOLENCE AS GENOCIDE

From late June 2004, the international pressure to stop the violence in Darfur increased, particularly from human rights organisations, influencing western public opinion.

In mid-July 2004, the Save Darfur Coalition was founded, which would become the activism core against what they labelled as “genocide in Darfur.”

The idea of an armed intervention to stop the violence was gaining ground. The supporters of this action based their arguments on an extrapolation of their understanding of the Convention on the Prevention of Genocide: an obligation on the part of the international community to intervene militarily to put an end to genocide. Supporters considered that this “obligation” failed to be applied ten years earlier in Rwanda. Therefore, they now pleaded for the creation of a “responsibility to protect” (R2P)¹ clause in international law, that would include this obligation, among others.

¹ The Responsibility to Protect (R2P) was elaborated in the late 1990s and was to be endorsed by the UN in 2005. However, the duty to use military intervention as last resort to stop mass atrocities was always a challenged clause of the R2P.

Until mid-July 2004, the UN and US leaders remained cautious in labelling the situation in Darfur, a genocide. They were focused on pressuring the government of Sudan to stop the violence and allow large-scale humanitarian assistance access, to avoid a catastrophe.

This situation started to change on 22 July 2004, when the US House of Representatives passed a resolution declaring the atrocities in Darfur as genocide and called on the US Government to label the violence with this “appropriate” term.

On 30 July 2004, the UN Security Council adopted a resolution, based on a US proposal, in which they strongly threatened the Sudanese government with sanctions within 30 days if they did not arrest Arab militiamen responsible for atrocities in Darfur.

The resolution endorsed the deployment of 120 international monitors in Darfur, as agreed in the 8 April 2004 cease-fire, and a force of 300 to protect them under the leadership of the African Union. The first contingent composed of 150 Rwandan soldiers arrived in mid-August 2004.

On 31 August 2004, the UN Secretary General, Kofi Annan, reporting on the situation in Darfur to the UNSC, recommended to increase international presence in Darfur, based on a UN plan proposed to the African Union.

On 8 September 2004, the USA proposed a resolution to the UN Security Council authorising the expansion of the African Union forces in Darfur.

On 9 September 2004, based on a US State Department survey conducted in refugee camps in Chad in July - August 2004, the US Secretary of State, Colin Powell, stated to the US Senate Foreign Affairs Committee that the violence in Darfur constituted acts of genocide.

On 18 September 2004, the UN Security Council adopted a resolution proposed by the USA, “determining that the situation in Sudan constitutes a threat to international peace and security and to stability in the region.” The Secretary-General was asked to “rapidly establish an international commission of inquiry to immediately investigate reports of violations of international humanitarian law and human rights law in Darfur by all parties, to determine also whether or not acts of genocide have occurred, and to identify the perpetrators of such violations with a view to ensuring that those responsible are held accountable.”

On 30 September 2004, in a report to the UN Security Council, the High Commissioner for Human Rights, Louise Arbour, and the UN Secretary-General's Special Advisor on the Prevention of Genocide, Juan Mendez, concluded, “crimes against humanity, war crimes, and violations of the laws of war are likely to have been committed systematically and on a massive scale.”

MSF INTERNAL CONTROVERSY ON GENOCIDE

MSF's silent stance on the genocide issue was broken on 25 June 2004, in a statement by MSF France President, Jean-Herve Bradol, to the French daily Le Monde, “The accu-

sations of genocide are misplaced. In no case was there a desire to exterminate entire villages or a particular ethnic group. There is no need to use this inaccurate term to describe the ferocious repression carried out by the government in the region.”

This unilateral declaration, without any prior consultation with the other operational centres, was seen as breaking the agreement on a low-profile communications strategy, drawn up in April 2004 by the operations directors.

MSF France’s president’s argument for such a position was that it was necessary for MSF to distance the organisation from the growing trend of labelling the situation in Darfur as a genocide. The fear was that the labelling may lead to an armed intervention, causing more harm, which would be a catastrophe for the population.

The statement gave rise to controversial debates within the movement regarding the reality or not of a genocide in Darfur, the use of a “legal” or of an “historical” definition of the term, mostly based on MSF experience from the past, and the relevance for MSF to speak out on this issue.

While a majority of the ExCom agreed there was no genocide, and that MSF was not in favour of a military intervention, there were doubts about the relevance for MSF to state there was no genocide.

In September 2004, the UNSG report and Colin Powell’s statement qualifying the situation in Darfur as genocide, rekindled the MSF internal debate on the issue. Articles were published in the media by MSF leaders and debates continued at various internal meetings.

Externally, MSF leaders’ statements gave rise to criticism and attempts at political exploitation by both allies of the Sudanese government and those accusing them of committing genocide in Darfur. MSF was accused of “burying crimes against humanity under humanitarian thinking” and of becoming “complicit” in the Government of Sudan’s policies. But MSF was also praised for its statement that “government troops and militias had committed massacres, but not genocide.”

ASSISTANCE VERSUS PROTECTION?

From August 2004, international humanitarian assistance was massively deployed in Darfur, sometimes with the support of military logistical means. This military logistics involvement forced MSF to be clear that despite support for humanitarian operations, MSF was not calling for a military intervention.

However, violence continued to impact people’s living conditions, due to the Government of Sudan’s plan to force the displaced to return to their villages.

Due to security and capacity constraints, MSF teams could not reach several areas of ongoing violence, which lacked assistance. This situation created different internal opinions about which MSF message should be employed.

MSF France/OCP continued to prioritise access for assistance and prevention of armed intervention.

MSF Holland/OCA regretted that the “no genocide” position did not include a stronger denunciation of the ongoing violence against the population.

In early November 2004, MSF Holland/OCA released a report entitled “Persecution, Intimidation, and Failure of Assistance in Darfur.” This report included accounts collected from displaced living in camps in Darfur and results of an Epicentre survey. It revealed that in all surveys conducted by MSF, the leading cause of death for those over the age of 5 years, was violence rather than disease or malnutrition.

On 19 November 2004, the UN Security Council issued a resolution endorsing the increase of the African Union forces in Darfur to 3,320 personnel and a mandate enhancement.

‘THE CRUSHING BURDEN OF RAPE’ REPORT

For months, MSF teams in Darfur and in Chad heard accounts about rape and treated women raped during attacks in villages and in the vicinity of displaced camps, particularly when collecting wood and water.

In early 2005, the MSF Holland/OCA team in Sudan put together a series of data and accounts on rapes, collected in their various programmes in Darfur. Initially the team wanted to use this report as a “lobbying document to draw the attention of all concerned parties and to the relevant actors to put an end to the pattern of violence.” However, MSF Holland/OCA decided to publish the report after realising that MSF’s complaints to authorities about women being raped in prisons led to repeat rapes of some of these women.

The strength of the medical evidence concerning the extent of the rapes was questioned by other OCs as well as the impossibility to discuss amendments and conditions of press release.

Despite opposition and warning from the Sudanese authorities, a four-page briefing paper entitled “The Crushing Burden of Rape, Sexual Violence in Darfur” was publicly released on International Women’s Rights Day, 8 May 2005. The graphic cover included the following quote: “After they abused us, they told us that now we would have Arab babies; and if they would find any Fur woman, they would rape them again to change the colour of their children.”

The media coverage was substantial, and the report was largely circulated to international actors involved in Darfur, including the UN Deputy General Secretary for Humanitarian Affairs.

On 31 March 2005, three weeks after the release of the MSF Holland/OCA briefing paper, the UN Security Council referred the situation in Darfur to the International Criminal Court.

On 28 May 2005, UN Secretary General Kofi Annan visited the Kalma camp in Darfur. He was confronted by displaced people who gave him accounts of rape and murder of civilians. This reactivated interest in the media and with international stakeholders regarding MSF Holland/OCA's briefing paper, 'The Crushing Burden of Rape.'

On 30 and 31 May 2005, the MSF Holland/OCA general coordinator in Sudan and the MSF Holland/OCA coordinator in Darfur were arrested and interrogated about the decision-making process regarding the release and contents of the briefing paper. They were put under house arrest and charged for "crimes against the State, publishing false reports, spying, and undermining Sudanese society."

MSF Holland/OCA, supported by the MSF Movement, led a strong press and advocacy campaign that once again highlighted the issue of rape in Darfur.

On 18 June 2005, the charges were dropped, and the MSF Holland/OCA coordinators were released. However, MSF questioned the negotiating role in the coordinators' release of the UN Special Representative to Sudan for the Secretary General, Jan Pronk, as too compromising.

MSF, ARMED INTERVENTION, AND ICC ON DARFUR

On 6 June 2005, the ICC announced the official opening of investigations on alleged war crimes in Darfur.

In 2004 and 2005, MSF legal advisors negotiated exemptions from testifying at the ICC for the organisation. The issue at stake was to preserve access to populations in need for MSF teams by preventing perceptions that MSF could potentially testify before the ICC about crimes observed in operations. MSF adopted a movement-wide agreement on the modalities of cooperation between MSF and the ICC.

However, some in MSF Holland/OCA continued to question the relevance of not sharing information with the ICC investigators, which fed suspicions about MSF Holland/OCA teams' compliance with these modalities.

On 31 July 2007, after years of procrastination, UN Resolution 1769 authorised the deployment of an international force to Darfur. The United Nations African Mission in Darfur (UNAMID) was a hybrid force composed of AU and UN soldiers and was to be deployed until 31 December 2007. It was accepted by the Government of Sudan, provided it was comprised of majority African nationalities.

On 16 June 2008, ICC Prosecutor, Luis Moreno Ocampo, asked judges to issue arrest warrants for two senior Sudanese officials responsible for crimes committed in Darfur. On 14 July 2008, Ocampo presented the ICC judges with alleged evidence of genocide in Darfur by the Sudanese President, Omar al-Bashir, requesting the issuance of an arrest warrant.

During this period, MSF's advocacy efforts focused on a 'no comment' position on the armed intervention. This position was balanced by a 'we describe what we see' commu-

nication approach, including reports on the dire life-conditions of the population and the perpetuation of violence witnessed by the MSF teams in Darfur.

However, MSF France/OCP leaders continued to point out that an armed intervention would be harmful to the ongoing relief operations in Darfur. They publicly criticised the Save Darfur campaign and its equivalents in Europe for their continuing pressure for 'military-humanitarian' interventions to protect populations in Darfur.

In 2006 and 2007, insecurity seriously increased for populations and humanitarians in Darfur. MSF teams endured violent attacks from armed groups when travelling on Darfur roads.

In the second half of 2008, this situation was exacerbated by the Sudanese Armed Forces offensives in North Darfur, which led to an extension of fighting areas. MSF Spain/OCBA, MSF Belgium/OCB and MSF Switzerland/OCG endured armed attacks on their compounds and had to evacuate staff and suspend programmes. Press releases were issued by the MSF movement to denounce this situation.

All MSF OCs in Darfur faced increasing administrative hurdles to obtaining visas, travel permits, and logistic authorisations.

MSF France/OCP distributions of Plumpy'Doz™, an essential nutritional supplement for malnourished children, were suspended under the false pretext of alleged abnormal levels of aflatoxins in the MSF supply.

The signature of the MSF Holland/OCA technical agreement with the Sudanese Ministry of Health was cancelled after several postponements. The mental health programme was eventually closed. MSF France/OCP home visitor programmes were also closed.

MSF denounced this harassment in several articles posted on MSF websites. The Sudanese authorities replied with statements in Sudanese media, labelling MSF mental health programmes as intelligence-gathering activities.

MSF leaders strived to organise a high-level delegation to Sudan to address the insecurity and administrative blockages with the Sudanese authorities. This meeting was regularly postponed and never happened.

EXPULSION OF TWO MSF OCS

On 15 October 2008, the ICC Pre-trial chamber requested additional supporting materials from the prosecution, for the arrest warrant of Omar al-Bashir, no later than 17 November.

MSF legal advisors worked to mitigate the risk of a possible implication of MSF by the prosecution, reviewing all the documents that could be used by either side in the ICC case.

The MSF directors of communications and fundraising drafted a position paper on MSF's relations with ICC.

On 25 February 2009, the ICC set Wednesday 4 March 2009 as the decision date for the issuance of a warrant for the arrest of President al-Bashir.

On 1 March 2009, the MSF France/OCP and MSF Holland/OCA coordinators, along with coordinators of six other NGOs were instructed by the HAC that they must leave 10 sites in West and South Darfur before 4 March, "due to credible security threats." MSF teams just started to organise treatment for an outbreak of meningitis.

An MSF press release was drafted but not issued, due to calls for caution from both MSF field teams and ICRC.

On 4 March 2009, a project update was finally posted on the international website. MSF informed about the Government of Sudan's demand to remove all MSF international staff from several projects in Darfur and expressed serious concern for the people of Darfur, left without healthcare.

The same day, the ICC issued an arrest warrant for Sudanese President al-Bashir.

In the immediate aftermath, the MSF Holland/OCA coordinator in Sudan was summoned by the Sudanese authorities and informed that MSF Holland/OCA was expelled from Sudan.

The day after, the MSF France/OCP director of operations received a letter from the Sudanese authorities, informing that MSF France/OCP was expelled. Eleven other NGOs were also expelled.

MSF immediately issued a press release, strongly protesting both expulsions and calling upon the government of Sudan to repeal the decision. The press release highlighted the consequences of the expulsion on the population of Sudan and reiterated that MSF was completely independent from the ICC.

In the following days, MSF hammered the same message in further press releases, web updates, and press briefings in Paris, Geneva, and Nairobi.

On 10 March 2009, the MSF ExCom agreed to focus advocacy and public communications on the population's needs and to distinguish MSF from the ICC, "rather than appealing to reverse the decision to expel sections."

On 11 March 2009, accounts of evacuated international staff were published on MSF websites.

On 12 March 2009, five members of the MSF Belgium/OCB team were abducted by armed men in Serif Umra, North Darfur. They were released on 14 March. Later information disclosed that the abductors were militiamen close to the Sudanese regime. During the abduction period, all MSF communications on Darfur were suspended.

After the release of the abducted staff, the MSF Executives decided to keep communications suspended as long a decision on negotiations were pending with the Government of Sudan on MSF's return and its operational future.

OP-ED ON MSF INDEPENDENCE FROM THE ICC

The wake of the expulsions, hostile comments about MSF and the ICC in Arabic-speaking media prompted MSF to draft a specific Op-Ed targeting this audience. The message mostly focused on MSF's independence from the ICC. The relevance of drafting a specific Op-ed for Arabic audiences was challenged internally, and the content of the message was intensively discussed. These discussions led to the idea that the key stakes to be addressed were MSF's positions toward military and judiciary international interventionism.

Eventually, on 27 March 2009, an op-Ed, drafted by Fabrice Weisman, Director of Studies at the MSF France Foundation/CRASH, was published in the *New York Times*, under the title "Punishment or Aid" and signed by the MSF International Council President, Christophe Fournier. The core message was, "humanitarian assistance is not compatible with punishing war criminals."

COMMUNICATION ON CLOSURE CONDITIONS

From mid-March to mid-April 2009, during the closure of the MSF Holland/OCA and MSF France/OCP programmes in Sudan, the teams endured administrative harassment, extortion of funds, looting, threats, and physical retention by refusal of exit visas. These tough conditions remained under wraps for weeks in hopes of preserving any possible chance for MSF to regain full operability in Sudan.

An interview of the MSF France/OCP Director of Operations, Thierry Durand, broadcasted on 17 April 2009 by Al Jazeera was criticised by members of his OC as too complacent with the Sudanese government, and by other OCs for no advance warning of the broadcast.

After several drafts, rejected either by the remaining MSF OCs in Sudan for being "too hard in the language," or by the expelled OCs for being not strong or explicit enough, a press release describing the conditions of MSF programme closures in Sudan, was finally issued on 22 April 2009. It was "tolerated" by MSF Belgium/OCB and MSF Spain/OCBA but seen by MSF Switzerland/OCG as putting field team security at risk.

EPILOGUE

On 16 March 2009, President al-Bashir announced that within one year, Sudan would no longer need active INGOs in Darfur.

On 23 April 2009, the MSF ICB endorsed the 17 April the MSF operational directors' platform (RIOD) decisions on operational and communications strategies for Sudan. The priorities were to "concentrate MSF action on acute emergencies, assist the population's needs in the areas where [the] MoH has no access if this can be done independently."

On 7 May 2009, the Government of Sudan announced they would welcome new aid groups in Darfur and allow non-expelled organisations to expand their activities.

On 14 May 2009, the MSF directors of communications reviewed the MSF communications on Darfur from the last few months. They found that decision-making processes were a mess. More specifically, MSF Holland/OCA and MSF France/OCP communications directors asked why the three sections remaining in Darfur had not publicly relayed their post-expulsion press releases.

DILEMMAS & QUESTIONS

During this crisis MSF's operational, advocacy, and speaking out choices were the subjects of controversies, dilemmas, and questions including:

- ▶ Should MSF abstain from raising the alarm about extreme violence committed in Darfur, as reported by Darfuri refugees in Chad, so as not to anger Sudanese authorities and to preserve access chances in Darfur?
- ▶ Should MSF take a public position on the existence or not of a genocide in Darfur? Is it MSF's role to do so?
- ▶ If MSF describes the violence in Darfur as genocide, would this risk justifying an armed intervention which would weaken, hinder, or destroy the impact of humanitarian operations?
- ▶ Would an MSF declaration of no genocide serve the Sudanese government's denial of extreme violence by allied militia? Should MSF take the risk of being perceived as serving the government's interests?
- ▶ Should MSF take the risk that, in publicly issuing information on violence committed against the population, this information could be used by international justice? Would this create the perception that MSF will act as informants for future indictments of war leaders? Could this put field teams at risk or block access to populations in need?
- ▶ How could MSF manage potentially being involved in the International Criminal Court's indictment process, which considers the refusal of humanitarian aid as evidence of intent to commit genocide?

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Thank you for reading.

If you would like to explore these events further, we invite you to consult the SOCS project website where you will find:

- the complete case study
- maps showing where MSF worked
- a detailed chronology
- MSF videos and extracts from the period

Some case studies have also been adapted into podcasts and online courses

Find all the MSF Speaking Out Case Studies materials here:

www.msf.org/speakingout/all-case-studies