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Africa Action Press Release
ICC Prosecution of Bashir a Bold Step for Justice and Peace in Sudan
Africa Action Calls on US, UN to Support
Accountability and Protection for Darfur
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Tuesday, July 15, 2008 (Washington, DC) – Yesterday, International Criminal Court (ICC) prosecutor Luis Moreno-Ocampo asked ICC judges to charge Sudanese President Omar al-Bashir with 10 counts of crimes against humanity, war crimes, and genocide for the violence against civilians he has helped orchestrate in Darfur. Many analysts have responded by shrilly condemning this tactic as obstructive to current peace, security, and humanitarian efforts, a perception that Khartoum has fueled through threats of reprisal. In contrast, Africa Action applauds the ICC's effort as a step the rest of the international community should seize as both a refreshing opportunity to impose consequences on those most responsible for genocide, and a pressure point to promote civilian protection and fresh peace negotiations.

The pending issuance of an ICC warrant for Bashir can provide the UN Security Council with vital leverage on Khartoum. The notion that, in this case, the pursuit of justice will scuttle a peace process for Darfur is misguided. At present, over five years after the government of Sudan began its ruthless strategy of counterinsurgency by genocide, there is no political peace process for the region, to speak of. A failure to address justice and accountability was among the key factors that doomed the 2006 Darfur Peace Agreement (DPA) from its inception.

"The people of Darfur are strongly supportive of holding those responsible for genocide and crimes against humanity accountable, and the ICC is the only mechanism capable of fulfilling that role at this time," said Gerald LeMelle, Executive Director of Africa Action. "That Khartoum may use this announcement as an excuse to clamp down on humanitarian operations or wreak new atrocities on its own people just underscores the importance of a strong, comprehensive and coordinated response by the different actors in the international community to Sudan's crises."

While Sudan is not a party to the Rome Statute, in March 2005, the UN Security Council adopted Resolution 1593, referring the situation in Darfur to the ICC. On June 16, 2008, the Security Council reiterated this commitment, urging "the government of Sudan and all other parties to the conflict in Darfur to fully cooperate with the court."

A panel of ICC judges must consider Moreno-Ocampo's request before any arrest warrant is actually issued. This provides a window of up to several months for the UN Security Council to decide whether it should support the indictment. An alternative possibility would be to invoke Article 16 of the Rome Statute, temporarily suspending prosecution, in exchange for compliance by the government of Sudan with the unobstructed deployment of the UNAMID peacekeeping force and full implementation of the Sudan's North-South Comprehensive Peace Agreement (CPA).


"While many actors, including rebels, have committed atrocities during the Darfur conflict and must be held accountable, it is the government of Sudan that continues to bear the largest responsibility for the current humanitarian crisis and the gravest human rights abuses," said Michael Swigert, Africa Action's Associate Director for Policy and Communications. "Last week's militia attack in government-controlled territory that killed seven UNAMID peacekeepers accentuates this point."


For further resources on how to end genocide in Darfur and promote sustainable peace for Sudan, please visit <http://www.africaaction.org>, or contact Michael Swigert at 202-546-7961.

For additional news and analysis concerning social justice in Africa visit [Pambazuka News \(www.pambazuka.org\)](http://www.pambazuka.org).

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