



Coalition for the International Criminal Court

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PRESS RELEASE
24 September 2010

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UN FAILS TO AFFIRM SUPPORT FOR JUSTICE FOR DARFUR VICTIMS

UN High-level Meeting on Sudan Omits Relevance of Justice, Accountability and the International Criminal Court to stability in Sudan

New York - On 24 September 2010, the Secretary-General of the United Nations (UNSG) convened a high-level meeting on the situation in Sudan. The United Nations failed to affirm its support for justice and accountability as essential components of sustainable peace in Sudan, the Coalition for the International Criminal Court said today.

Today's high-level meeting on the situation in Sudan focused primarily on the implementation of the Comprehensive Peace Agreement and the upcoming referenda in Sudan, as well as the situation in Darfur and the overall situation in Sudan. The Coalition notes that the pursuit of justice and the fight against impunity in Darfur are inextricably linked to the achievement of sustainable peace in Sudan and deplores the lack of any reference in the meeting's outcome communiqué to the ongoing investigation by the International Criminal Court (ICC) into crimes committed in Darfur, and the need for justice for victims.

Instead, the communiqué welcomes commitments by the Government of Sudan to end impunity and bring the perpetrators of crimes to justice. This statement is all the more perverse in light of the recent ICC judicial decision, dated 25 May 2010, informing the UN Security Council of the continuing lack of cooperation by the Government of Sudan in its investigation into Darfur, including their failure to arrest those that have been implicated by the Court.

Moreover, the communiqué made no mention of resolution 1593 (2005) of the United Nations Security Council under Chapter VII of the United Nations Charter, requesting the ICC to examine the situation in Darfur in order to determine whether crimes had been committed, and deciding that the Government of Sudan and all other parties to the conflict in Darfur shall cooperate fully with and provide any necessary assistance to the ICC.

"The Coalition is shocked by the apparent failure of the high-level meeting –with the exception of a few participants- to reaffirm the importance of accountability for the alleged acts of genocide and crimes against humanity committed in Darfur, for which the International Criminal Court has issued arrest warrants against senior Members of the government in Khartoum, including the country's President", said Coalition Convenor William R. Pace. "By condoning the systematic efforts of the Government of Sudan to avoid justice and accountability, the international community has closed its eyes to the hundreds of thousands of women, children

and men victims of the gross violations committed in Darfur”, he added.

In this regard, when the Pre-Trial Chamber issued arrest warrants for President Bashir, it noted that there was no indication that national proceedings may be conducted, or may have been conducted, at the national level against Omar Al Bashir for any of the crimes contained in the Prosecution Application. That situation has not changed. In addition, the Coalition noted that even according to the report of the AU High Level Panel on Darfur, chaired by former South African President Mr. Tabo Mbeki and endorsed by the AU Peace and Security Council on 29 October 2009, “the perpetrators of the serious crimes in Darfur have overwhelmingly remained unpunished and the needs for healing and reconciliation have remained largely unmet.”

“Observers of the Comprehensive Peace Agreement who are also States Parties to the Rome Statute need also to be reminded that their membership to the ICC entails commitments that cannot be abrogated,” said Coalition Africa Outreach Liaison & Situations Adviser Stephen A Lamony. “By failing to reference all aspects of the pursuit of peace in Darfur, of which access to justice is an essential component, the high level meeting has proved to be a disservice to victims”, he went on to say.

On 17 September 2010, the Coalition [sent a letter to UNSG Ban Ki-moon and all meeting participants](#) urging them to affirm their support of justice as essential components of sustainable peace in Sudan.

Background: The investigation into the situation in Darfur, Sudan was officially opened by the ICC prosecutor on 6 June 2005 after being referred to the Court by the United Nations Security Council through Resolution 1593 on 31 March 2005. Since the referral, three public arrest warrants have been issued in the Darfur investigation against Ahmad Muhammad Harun, Ali Kushayb and Omar Hassan Ahmad al-Bashir. None of the outstanding arrest warrants have been executed as the Sudanese government has openly defied and consistently refused to cooperate with the Court and the international community.

The ICC is the world’s first permanent international court to prosecute war crimes, crimes against humanity and genocide. There are currently 113 ICC States Parties. Central to the Court’s mandate is the principle of complementarity, which holds that the Court will only intervene if national legal systems are unable or unwilling to investigate and prosecute. To date, the ICC has opened investigations in five situations: the Central African Republic; Darfur, Sudan; Uganda; Democratic Republic of Congo and Kenya. It has publicly issued twelve arrest warrants and three summonses to appear. Two trials are ongoing and a third is expected to open in 2010. The ICC Office of the Prosecutor has made public that it is examining at least eight situations on four continents, including Afghanistan, Colombia, Côte d’Ivoire, Georgia, Guinea and Palestine.

The Coalition for the International Criminal Court is a global network of civil society organizations in 150 countries advocating for a fair, effective and independent ICC and improved access to justice for victims of genocide, war crimes and crimes against humanity.

Coalition NGO experts are available for interviews and background. List available upon request to maillet@coalitionfortheicc.org and hahn@coalitionfortheicc.org

For additional information, please visit the [Coalition’s website](#)

Important notice: *The Coalition for the International Criminal Court (CICC), an independent NGO movement, is dedicated to the establishment of the International Criminal Court as a fair, effective, and independent international organization. The Coalition as a whole, and its secretariat, does not endorse or promote specific investigations or prosecutions or take a position on situations before the ICC. However, individual Coalition members may endorse referrals, provide legal and other support on investigations, or develop partnerships with local and other organizations in the course of their efforts*

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