

FIDH  
3/04/2006  
Sudan / ICC  
Peace and Justice in Darfur : Victims' Rights hijacked

[Version | français](#)

**While the human rights situation in Darfur is more and more alarming, FIDH and its affiliated organisation SOAT (Sudan Organisation against Torture) condemn the opposition of Sudanese authorities to the takeover of the mandate of the AU by UN forces and call for the active cooperation of Sudan with the International Criminal Court (ICC), one year after the Security Council referral of the situation in Darfur to the ICC.**

The UN Security Council decided in its Resolution 1663 (2006) of 24 March 2006 to extend the mandate of the United Nations Mission in Sudan (UNMIS) alongside that of the African Union Mission in Sudan (AMIS), until 24 September 2006 and to give the UN Secretary General the mandate to negotiate with the concerned parties the transition from the AMIS to a UN operation.

If this resolution, adopted unanimously, shows the will of the UN to be actively seized of the situation in Darfur, FIDH and SOAT are concerned by the repeated opposition of the Sudanese government to the deployment of an international force under the mandate of the UN. During the Arab League Summit, held in Khartoum on 28-30 March 2006, Arab leaders expressed their support to Sudan, affirmed their opposition to a UN takeover of the AMIS mission, and committed themselves at the same time to finance the troops of the African Union for a period of six months, as of October 2006. The African Union, which has agreed in principle to such a transfer, now faces the hostility of Khartoum and the concern that its first peacekeeping mission could be a failure.

While noting the efforts undertaken by the AMIS to monitor the ceasefire agreement, FIDH and SOAT consider that the UN transfer is necessary considering the persistence of grave violations of human rights and international humanitarian law in Darfur.

Consequently, FIDH and SOAT call the government of Sudan to take into account the Security Council Resolution and to allow the transition from AU to UN forces. Moreover, FIDH and SOAT call the Security Council to clarify the wording of the mandate it wants to give to the international forces, to include - under Chapter VII of the UN Charter - the protection of the civil population and the cooperation with the different organs of the International Criminal Court.

The absence of will of Sudan to settle the conflict in Darfur can also be attested by the impunity of the authors of the most heinous crimes perpetrated in the region. FIDH and SOAT are publishing a [report « The International Criminal Court and Sudan: Access to Justice and Victims' Rights »](#), that presents the interventions of representatives of civil society and of national authorities during a seminar organised on 2-3 October 2005 in

Khartoum on the fight against impunity in Darfur and the consequences of the referral by the Security Council to the ICC. On this occasion, civil society representatives insisted on the importance of effective access to justice for victims of crimes against humanity, genocide and war crimes before national and international jurisdictions and recommended that Sudanese authorities not only cooperate closely with the Court, but also strongly commit to the fight against impunity on a national level, pursuant to the principle of complementarity [\[1\]](#).

However, the Special Court for Darfur, created in June 2005 to prosecute perpetrators of war crimes committed in this region, has neither the will nor the capacity to respond to the expectations of victims and civil society.

Moreover, noting the worsening of the situation in Darfur and the failure of Sudanese judicial system, FIDH and SOAT consider that the intervention of UN forces and international justice embodied by the ICC, is the only viable solution to contribute effectively to bring an end to grave violations of human rights and international humanitarian law that concern the entire international community.

---

[\[1\]](#) Article 17 of the ICC Statute.