



Fédération internationale des ligues des droits de l'Homme

ORGANISATION INTERNATIONALE NON GOUVERNEMENTALE AYANT STATUT CONSULTATIF AUPRES DES NATIONS UNIES, DE L'UNESCO,
DU CONSEIL DE L'EUROPE ET D'OBSERVATEUR AUPRES DE LA COMMISSION AFRICAINE DES DROITS DE L'HOMME ET DES PEUPLES

International Federation
for Human Rights

Federación Internacional
de los Derechos Humanos

الغدرالية الدولية لحقوق الانسان

**Prosecutor of the International Criminal Court endorses the
referral of the Security Council and opens an investigation on
the crimes committed in Darfur:
A step towards justice for thousands of victims in Darfur**

Paris, Khartoum, 6 June 2005

The International Federation for Human Rights (FIDH) and its member organisation, the Sudan Organisation against Torture (SOAT), welcome the opening of an investigation of the International Criminal Court on the Darfur situation, in Sudan.

In its 1593 Resolution of March 31, 2005, the UN Security Council referred to the prosecutor of the International Criminal Court (ICC) the Darfur situation since July 1, 2002, when the ICC Statute came into force.

On April 5, the Prosecutor received the report of the UN International Commission of Inquiry together with a list of alleged authors of "mass killings of innocent civilians, systematic rape of girls and women, and the burning of family homes" (1). These massive and systematic acts were qualified by the Commission as "war crimes and crimes against humanity".

The preliminary analysis of the Commission's documents and other sources of information allowed the prosecutor Luis Moreno Ocampo to "conclude that the statutory requirements for initiating an investigation were satisfied".

"The opening of this investigation is a first answer to the Darfur victims. As provided by the ICC Statute, victims will finally be able to testify before an independent tribunal and to participate in the proceedings for justice to be done", said Sidiki Kaba, President of the FIDH.

FIDH and SOAT recall that the Court must guarantee an effective protection for victims and witnesses and ensure that they are fully informed of their rights to participate at all stages of the proceedings.

If "traditional African mechanisms" are to complement the efforts of the ICC - as mentioned in today's ICC press release (2) - in order to achieve "local reconciliation", FIDH and SOAT urge that they fully respect the international Human Rights standards and do not end in a de facto impunity in Sudan.

FIDH and SOAT urge the Sudanese Government to accept the help of the international community in the fight against impunity for the crimes committed in Darfur, by fully cooperating with the organs of the Court, especially with the investigations teams of the ICC.

FIDH and SOAT denounce once more (3) the Security Council's decision not to support part of the financial cost of the ICC investigations. FIDH and SOAT urge the States to cooperate with the organs of the Court and to give them the means to carry out the investigations and proceedings. In that sense, the Assembly of States Parties will have to significantly increase the 2006 budget of the ICC.

"The intervention of the international justice mechanisms in Sudan is essential on the way towards peace and security in the region", stressed Osman Hummeida, president of SOAT.

*The FIDH and SOAT recommend: *

To the Sudanese Government

to fully cooperate with the Court in accordance with Security Council resolution 1593.

To the International Community, the Security Council and the African Union

to give financial support to the investigations and other activities of the ICC;

to cooperate fully with the investigations of the ICC's Prosecutor;

to support the setting up of institutions aiming to rebuild the country without allowing impunity.

To the States Parties to the Rome Statute

to increase significantly the budget of the ICC so that it can efficiently fulfil its mandate in Darfur, but also in other situations under analysis;

to cooperate with all the organs of the Court so that their mandates may be implemented effectively.

To the International Criminal Court

to the Registry: to inform the civilian population of the Court's mandate and activities, to inform the victims and witnesses of their specific rights according to the Statute of the Court, and especially the right of victims to participate in proceedings; to establish programmes for the protection of victims and witnesses;

to all the organs of the Court: not to use budgetary considerations limiting the number of situations which the Court can investigate annually, as a pretext for abandoning the current analyses of other situations which have been rightfully submitted to the Court.

A brief summary of the functioning of the ICC

The ICC has jurisdiction over war crimes, crimes against humanity and genocide committed by the citizens or on the territory of a State party to the Rome Statute and committed after the 1st July 2002.

The Prosecutor of the ICC, the Argentinian Luis Moreno Ocampo, can be triggered in three ways:

1. By any State party
2. By the Security Council
3. On his own initiative on the basis of information received from a third party.

When the Security Council refers a situation to the ICC, the Court's jurisdiction is truly universal, meaning that it is not necessary for the alleged perpetrator of the crime to be a citizen of a State Party or

for the crime to have been committed on the territory of a State Party.

This is the situation with Sudan which is not one of the 99 States Parties to the Rome Statute.

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1. Prosecutor receives list prepared by Commission of Inquiry on Darfur, The Hague, 5 April 2005, ICC-OTP-EN

2. See OTP/LSU/066-05.

3. Press release of 1 April 2005, www.fidh.org

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