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**For Immediate Release:**

## **Darfur: ICC Prosecutor Briefs Security Council *Security Council Should Declare Support for Court's Investigation***

(New York, June 29, 2005) – The United Nations Security Council should strongly declare its full support for the International Criminal Court's investigation into the serious crimes committed in Darfur, Human Rights Watch said today before the first-ever briefing of the Council by an ICC prosecutor.

When the Security Council referred the situation in Darfur to the ICC on March 31, it invited the court's prosecutor, Luis Moreno Ocampo, to report on the progress of his investigation within three months.

The International Criminal Court, like the international criminal tribunals for Rwanda and the former Yugoslavia, lacks the ability to execute its own requests. Instead, the court must rely on state cooperation to further its investigations. The Security Council should encourage and facilitate this cooperation, which is crucial to the effective pursuit of justice, Human Rights Watch said today.

"After referring the crimes in Darfur to the ICC, the Security Council should now give its vigorous support to the court's investigations into those crimes," said Richard Dicker, director of the International Justice Program at Human Rights Watch. "Since the prosecutor has no police force to implement his orders, the Security Council needs to help him meet this challenge."

On June 6, Moreno Ocampo announced his decision to open an investigation in Darfur after he determined that Sudanese authorities are "unwilling or unable" to prosecute those most responsible for serious crimes committed there.

In the wake of the ICC referral, the Sudanese government in June established a special court to try perpetrators of serious crimes in Darfur. A tribunal that respects the fair trial rights of the accused could potentially serve as a useful complement to ICC prosecutions by prosecuting lower-level perpetrators, Human Rights Watch said. However, such measures cannot replace the ICC's prosecutions of those individuals most responsible for egregious crimes in Darfur.

"Local initiatives are needed for bringing low-ranking officials to justice," said Dicker. "But let's get real: the Sudanese authorities have shown no interest whatsoever in prosecuting those most responsible for the crimes in Darfur."



During the ICC's investigation, effective witness-protection will be critical, as will communication with Darfurians most affected by the violence.

"The ICC needs to explain to the people of Darfur what this court is all about, and assure the safety of those who come forward to testify," said Dicker. "These steps are essential to ensuring that justice is done."

The ICC investigation of crimes in Darfur will require adequate support and states should make voluntary financial contributions to support it, Human Rights Watch said. Canada has already provided a voluntary contribution of \$500,000 (Canadian) to assist the investigation, supplementing resources available through the court's existing budget.

### ***Background on Darfur and the ICC***

More than two million people, one-third of Darfur's entire population, have been forcefully displaced from their homes since February 2003 after the Khartoum government responded to a local insurgency by launching a massive campaign of "ethnic cleansing." Despite overwhelming evidence of the Sudanese government's role in committing grave abuses alongside allied ethnic militias known as "Janjaweed," Khartoum continues to deny its role in the atrocities.

Today nearly two million displaced Darfurians remain in camps and towns, entirely dependent on humanitarian aid. They cannot return to their homes and farms due to ongoing attacks, rape, looting and assault by the government-backed militias as well as other armed actors. Due to the lack of harvests over the past few years, there are fears of a potential food crisis. An additional 1.5 million people in Darfur require food and other assistance as a result of the collapsed economy and pervasive insecurity.

In the past few months, direct hostilities between government forces and rebel groups have lessened. However, attacks on civilians continue amid a proliferation of armed groups, the collapse of law and order, and an ongoing climate of impunity.

Since Sudan is not a party to the Rome Treaty which established the ICC, the court could only investigate and prosecute crimes in Darfur following a referral by the Security Council.

For Human Rights Watch reports on widespread abuses by the Sudanese military, allied militias and rebel forces in Darfur, see "Darfur Destroyed," <http://hrw.org/reports/2004/sudan0504/>; "If We Return, We Will Be Killed," <http://hrw.org/backgrounder/africa/darfur1104/>; and "Targeting the Fur: Mass Killings in Darfur," <http://hrw.org/backgrounder/africa/darfur0105/>.

For more information about Human Rights Watch's work on justice in Darfur, see <http://hrw.org/doc/?t=justice&c=sudan>, and on the International Criminal Court, <http://hrw.org/campaigns/icc/>.

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